



# **Guide for inspectors**

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# 1. Operating context

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

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

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

## Legislation

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

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

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

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

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

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

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

## OPCAT

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

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

- 1.11** These visiting bodies are known as the National Preventive Mechanism (NPM). Unusually, the UK has designated 21 bodies as its NPM. HM Inspectorate of Prisons coordinates the UK NPM.

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

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

and have the powers to:

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

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

## Values

**I.13** The established values of HM Inspectorate of Prisons are as follows.

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

**I.14** We have developed five broad strategic themes to inform our work and ensure we fulfil our mandate in way that is consistent with these values.

### **An independent inspectorate**

We will fulfil our statutory duty. Our primary task to report accurately, impartially and publicly concerning the treatment and conditions for detainees will continue. Our values-based approach, our independent *Expectations* and our methodology will support us in ensuring human rights standards are maintained and outcomes for detainees improve across the different custodial settings we inspect.

### **An influential inspectorate**

We will inspect and report in an open way, challenging constructively those responsible for the institutions we inspect. We will ensure that evidence from our inspections informs policy and practice and contributes to improving outcomes for those held in custody. Our communications strategy will ensure that findings from our inspections are made accessible to a wide range of stakeholders, including the public.

### **An accountable inspectorate**

We will manage our resources efficiently and undertake our work in a professional manner. We will account for our performance and continue to demonstrate value for money.

### **A capable inspectorate**

We will be a multidisciplinary, values-based organisation committed to equipping our staff with the skills they need to fulfil our purpose. We will strive to increase the diversity of our workforce. We will use our resources efficiently to maximise the quality of our inspections and improve treatment and conditions for detainees.

### **A collaborative inspectorate**

We will meet our statutory obligation to work collaboratively with our criminal justice partners, as well as other key stakeholder partners, to better promote conditions for detainees. As the coordinator of the National Preventive Mechanism (NPM), we will work with the NPM membership to increase OPCAT (UN Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment) compliance and coordinate joint working.

- I.15** Our corporate and business plans are available on our website: <http://www.justice.gov.uk/publications/corporate-reports/hmi-prisons>.
- I.16** The Inspectorate has an Equality and Diversity Advisory Group chaired by the Chief Inspector. There is also a Fire, Health and Safety Committee chaired by the Deputy Chief Inspector.

## Equality and diversity statement

- I.17** We are committed to creating and maintaining a working environment that is positive about and supportive of all equality and diversity issues. We believe that difference and diversity within our workforce strengthens the work we do and the influence we have.
- I.18** We are committed to becoming an employer of choice by creating an inclusive and supportive working environment where people are treated with dignity and respect and where discrimination and/or exclusion are not tolerated. Our goal is to ensure these commitments, reinforced by our values, are embedded in our day-to-day working practices.
- I.19** Our long-term vision is to:
- have a workforce with the necessary expertise and sufficient diversity to reflect the community in which it operates
  - develop a more flexible and supportive working environment which always seeks to include difference
  - continue to build a confident and competent workforce who feel valued and heard
  - deliver learning and development opportunities to our staff so they are equipped to understand, inspect and make valid and relevant recommendations relating to equality and diversity.
- I.20** We expect commitment and involvement from all our staff and partners in working towards the achievement of our vision and to that end we have developed an equality and diversity action plan.

## Staff

- I.21** We have a small number of inspection teams, each led by a team leader and working to the Deputy Chief Inspector. Each team retains a specialism in the inspection of a specific type of custodial establishment - for example, young offender institutions and secure training centres, immigration removal centres, adult women's prisons and police custody facilities - but all also inspect adult male prisons.
- I.22** Inspectors are drawn from a range of backgrounds, including seconded or former prison managers with operational experience working in custodial establishments, and social care, probation, police and legal backgrounds.

Our staff also include:

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

- I.23** We work jointly with other inspectorates such as HM Inspectorate of Constabulary, Ofsted, HM Inspectorate of Probation, Care Quality Commission and the General Pharmaceutical Council (GPhC). This joint work ensures expert knowledge is deployed on inspections and avoids multiple inspection visits.

## Protocols with partner organisations

- I.24** Our relationships with partner inspectorates, inspected bodies and other organisations are governed by a number of service level agreements (SLAs), memoranda of understanding (MOUs) and agreed protocols. These include:
- an SLA with the Youth Justice Board
  - a working agreement with NHS England
  - MOUs with the National Offender Management Service (now HM Prison and Probation Service), Health Inspectorate Wales, Care Quality Commission, HM Inspectorate of Prisons (Scotland), Home Office (UK Immigration and Borders), HM Inspectorate of Constabulary (now HM Inspectorate of Constabulary and Fire & Rescue Service), HM Inspectorate of Constabulary (Scotland), Border Force, Association of Chief Police Officers, Association of Police Authorities, Faculty of Forensic and Legal Medicine and the General Pharmaceutical Council
  - MOU with the Crown Premises Fire Inspection Group (CPFIG)
  - protocols with the Prisons and Probations Ombudsman, Criminal Justice Inspectorate Northern Ireland and Estyn.
- I.25** New agreements are formulated and/or revised as required and are available on our website.

## Expectations

- I.26** Our inspections are carried out against published inspection criteria known as *Expectations*. We set our own inspection criteria to ensure transparency and independence. The starting point of all inspections is the outcome for detainees and our *Expectations* are based on and referenced against international human rights standards.
- I.27** Expectations for adult male prisons are brigaded under the four tests of a healthy establishment:
- |  |  |
|--|--|
| <b>Safety</b>                              | Prisoners, particularly the most vulnerable, are held safely.  |
| <b>Respect</b>                             | Prisoners are treated with respect for their human dignity.  |
| <b>Purposeful activity</b>                 | Prisoners are able, and expected, to engage in activity that is likely to benefit them.  |
| <b>Rehabilitation and release planning</b> | Prisoners are supported to maintain and develop relationships with their family and friends. Prisoners are helped to reduce their likelihood of reoffending and their risk of harm is managed effectively. Prisoners are prepared for their release back into the community. |
- I.28** In other inspection sectors the principles that underpin the healthy establishment concept are applied, although the specific focus can vary depending on their relevance.<sup>1</sup>

<sup>1</sup> For female prisons and young offender institutions the four tests are safety, respect, purposeful activity and resettlement; for immigration removal centres, short-term holding facilities and family detention the four tests are safety, respect, activities and preparation for removal and release (or safety, respect and preparation for reintegration for overseas escorts). Police custody

**I.29** We publish inspection criteria for:

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

These are available on the Inspectorate's website:

<http://www.justiceinspectors.gov.uk/hmiprisons/our-expectations/>.

**I.30** Each expectation describes the standards of treatment and conditions an establishment is expected to achieve. These are underpinned by a series of 'indicators' which describe evidence that may show the expectation being met. The list of indicators is not exhaustive and does not exclude other ways of achieving the expectation.

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expectations are arranged under the headings of strategy, treatment and conditions, individual rights and health care, and court custody expectations fall under the headings of leadership, strategy and planning, individual rights and treatment and conditions.

## 2. The inspection process

### Programme of inspections

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

### Pre-inspection preparation

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

- 2.7 You should familiarise yourself with the *Preparatory inspection pack* available on the shared drive: G:\HMI\_Prisons\003-Prison Inspections\001-Inspection Methodology\002-Prior to inspection\01-Documents\. You should also familiarise yourself with the HMI Prisons health and safety policies and in particular the policies and assessment relating to working in the field, lone working and driving on duty, as well as the protocol for engaging with detainees in exceptional circumstances. The HMI Prisons health and safety policy and associated documents are on the shared drive: G:\HMI\_Prisons\912 Related Folders - See user request\912-CS - HM Insp of Prisons(Personnel)\008-Health and Safety.
- 2.8 The pre-inspection process can start as soon as the coordinating inspector has been allocated. However, the coordinating inspector should make contact with the inspection support team eight weeks prior to the inspection to arrange suitable accommodation.

- 2.9** The inspector allocation list identifies which inspectors, researchers, and partner inspectorates will be attending. (For more information on partner inspectorates, see the *Inspection framework: G:\HMI\_Prisons\008-Prison Inspn Pol-Planning\002-Inspection Manual\01 - Current Manuals 2017*). The coordinating inspector should compile an attendee list, including key requirements (see Appendix A) to help keep track of any changes and speed up entry procedures when you arrive at the establishment. If you need to contact Probation, Ofsted, Care Quality Commission or General Pharmaceutical Council inspectors before an unannounced inspection, do not disclose where the inspection is; just refer to the 'unannounced inspection' and its date. You can, however, identify announced inspections following publication of the Inspectorate's quarterly timetable.
- 2.10** The coordinating inspector should complete the accommodation list (see Appendix B) for all attendees throughout the inspection. You should submit it, with an indication of preferred accommodation (identified from the Redfern Trips site: [www.redfern-travel.com](http://www.redfern-travel.com) or [www.trips.uk.com](http://www.trips.uk.com)) to the inspection support team eight weeks prior to the first week of inspection.
- 2.11** Most inspection teams will be joined by an inspector from the Care Quality Commission who will usually require accommodation for the Monday night of the second week of inspection and an inspector from the General Pharmaceutical Council who will not require any booking. However, you should check this with the health care inspector.
- 2.12** The coordinating inspector should liaise with the lead researcher about requirements for the detainee survey. Researchers need to be in the establishment as early as possible on the Monday or Tuesday of week one. Travel arrangements and arrival time at the establishment should be confirmed before the first week of inspection to ensure there is no contact with establishment staff before the team leader/coordinator has notified the governor/director of the inspection.
- 2.13** Inspection teams are regularly joined by visitors or guests from other organisations. A separate agreement is set out in Appendix C for all visitors attending any inspection. The coordinating inspector must ensure the agreement is signed by the visitors and the Chief Inspector before the inspection begins and act as a point of contact for the visitor.

## Subject allocations

### Coordinating inspector

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

## The inspection pack

- 2.16** The coordinating inspector prepares information to be included in the inspection pack. The inspection support team holds an intelligence file on each establishment, which mainly comprises correspondence from detainees and members of the public and media reporting. You should review the file and circulate relevant information to the team leader and inspectors.
- 2.17** The Inspectorate will contact the Prisons and Probation Ombudsman (PPO) before the inspection to gather information about any deaths in custody since the last inspection. This information should be shared with the inspectors looking at suicide and self-harm, and health.
- 2.18** You should send all relevant information and intelligence to the inspection support team at least two weeks before the first week of the inspection. This should include:
- a table setting out which inspectors will be on site each day and whether they require keys, as well as the IT equipment they will be bringing and the corresponding asset number (Appendix A)
  - a table setting out hotel bookings (Appendix B)
  - fire evacuation procedures, risks and threats at the establishment
  - the allocation of subject areas, including partner inspectorates (Appendix D)
  - the previous report recommendations allocated to the appropriate inspectors.
- 2.19** The inspection support team will then add any additional information to the pack, including:
- the introduction and healthy establishment summary from the last inspection
  - the Independent Monitoring Board (IMB) report
  - the Measuring the Quality of Prison Life (MQPL) report
  - the action plan from the last report
  - the coordinating inspector's pre-inspection report and any briefing from the team leader
  - correspondence, press cuttings and incident reports from the last 12 months
  - accommodation and travel details for the inspection.
- 2.20** The Inspectorate has a memorandum of understanding with the Crown Premises Fire Inspection Group (CPFIG), which outlines an agreement to cooperate with each other in relation to our respective inspection programmes of relevant places of detention. Information is exchanged to support the roles of both inspectorates; this may include issues relevant to fire safety identified by HMI Prisons inspectors during their work, and notices of non-compliance and enforcement notices issued by CPFIG concerning premises to be inspected by HMI Prisons. Any information passed on by CPFIG will form part of the inspection pack.
- 2.21** The inspection support team will send the pack electronically to all inspectors before the first week of the inspection.

## Week one of the inspection

- 2.22** The purpose of the first inspection week is:
- To take an initial view on the environment (such as cleanliness, repairs and notices) and staff-detainee relationships, alongside any other areas of concern gathered from specific intelligence/inspection briefing material.

- To ensure all high-risk areas of the establishment are checked, for example, segregation. To check that prisoners have not been transferred to other establishments immediately before, during, or after the inspection. (This should also be checked at the start of week two.)
- To meet the governor/director of the establishment and the appointed liaison officer for the inspection and ensure they fully understand the inspection process.
- To ensure the team have easy access to the establishment throughout the inspection. Please refer to the memorandum of understanding (Appendix F), which deals with access to laptops, cameras and keys.
- To explain the role of the liaison officer. Be specific about when they should be in the team room – for example 9am, 12.30pm, 5pm – during the inspection.
- To ensure research and inspection staff are aware of any risks, threats, fire evacuation procedures and other health and safety matters at the establishment. This should include any health and safety issues in the base room, such as trip hazards.
- To make arrangements for the inspection, using the *Preparatory inspection pack* to determine what documentation the team will request and when it will be required.
- For researchers to distribute and collect the full detainee survey.
- For team members to access all areas of the establishment, speak to key members of staff and gather information for the pre-inspection briefing (Appendix E).<sup>2</sup>
- To consider whether it would be useful for an inspector to visit the establishment during the weekend.
- To identify the prison lead on offender management and learning and skills, as well as the prison health care manager, and pass on contact details to Ofsted inspectors and HMI Prisons health inspectors, as well as POMI inspectors (if relevant), at the earliest opportunity.
- To explain, in detail, the random selection of prisoners for the prisoner groups on the first day of the inspection (see *Preparatory inspection pack* for further information).

## The process

### The team leader

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

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

### The research team

- 2.27** The research team, and in particular the lead researcher, should liaise closely with the coordinating inspector about how the detainee survey will be conducted. Researchers should discuss with the coordinator any operational risk issues that may emerge and agree support requirements from the coordinator, including onsite support.
- 2.28** The research team will liaise with a member of prison staff to access, or help them produce, a population list from P-NOMIS or equivalent, to select a random and representative sample of prisoners/detainees who will be offered a survey.<sup>3</sup>
- 2.29** As soon as the population list is provided, the researchers will make their sample selection and begin distributing the prisoner/detainee surveys. Distribution and collection will continue throughout the two days. Researchers will return to the office on Wednesday or Thursday to conduct the survey analysis. All survey analyses will be emailed to the team by Thursday evening or Friday morning.
- 2.30** On receipt of completed surveys, the research team will review all questionnaires to see if there are any immediate safeguarding issues that should be addressed. In all circumstances, safeguarding concerns should be communicated to the inspected establishment by the research lead. The coordinating inspector should be consulted if required, but always informed once a referral is made. Any verbal referral should be followed up with an email, and the matter recorded. The coordinator should ensure all safeguarding referrals are followed up in week two of the inspection.
- 2.31** The research team will also supply posters, giving information about the inspection, for the liaison officer to put up around the establishment to help prisoners/detainees understand the inspection process.

### The coordinating inspector

- 2.32** The coordinating inspector is the generally the senior representative of HMI Prisons on site. They will usually lead the onsite announcement and early preparation of an inspection. The expectation is that you will be onsite or easily available (for example in a nearby hotel) until the conclusion of the first phase of the inspection (the detainee survey). This requirement may be varied in certain circumstances – for example, in very low-risk establishments – but this should only occur after consultation and agreement with the team leader and lead researcher.
- 2.33** The coordinating inspector should consider, in consultation with the research team, any emergent support needs, including direct support, that the research team may need.
- 2.34** The coordinating inspector should provide the liaison officer(s) with the *Preparatory inspection pack*. You will then become the point of contact for establishment staff throughout the inspection period.
- 2.35** You should go through the preparatory pack to ensure that every aspect is covered and identify tasks requiring completion. You should do this with the Head of Offender Management and Learning and Skills.
- 2.36** The liaison officer should complete the information on prison staff and contact numbers, the fact page, population profile and key statistics during the first week of the inspection (all templates are contained in the *Preparatory inspection pack*).

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<sup>3</sup> Please also refer to the protocol for engaging with detainees in exceptional circumstances.

- 2.37** You should ensure that the liaison officer is clear about what is required of them and that everything will be ready for the full team's arrival on the following Monday. The liaison officer should be provided with email and telephone contact details so that any difficulties or questions can be resolved before week two, but you should, as a matter of course, contact the liaison officer on the Friday of the first week to check progress.
- 2.38** You should forward the contact details for the prison health care manager to the HMI Prisons health inspector on the first day of week one of the inspection.
- 2.39** The coordinating inspector should liaise closely with the research team about how the detainee survey will be conducted. You should ensure that members of the research team are provided with a verbal briefing of the fire evacuation procedures, and any risks or threats at the establishment. This information should also be included in the preparatory inspection pack.
- 2.40** The coordinating inspector should discuss all safeguarding issues that may emerge from the detainee survey and agree follow up action with the research team. You should consider whether you need to take the lead in making such referrals. You should ensure, in consultation with researchers, that a written record of referrals is made and that such referrals are followed up during week two of the inspection.
- 2.41** You should forward any electronic evidence received in advance from establishment staff to relevant inspectors by email.
- 2.42** You should make arrangements for prisoner/detainee groups with the liaison officer during the first two days. Sometimes groups will be run on the second day of week one. You should complete and email the pre-inspection briefing to the full inspection team by the end of the first week.

### The inspection team

- 2.43** Prior to the second week inspectors will have received a copy of the prisoner/detainee survey, the initial inspection briefing, the governor/director's briefing and the information contained in the *Preparatory inspection pack*, distributed electronically by the inspection support team.
- 2.44** You should prepare for the inspection by reviewing this material to familiarise yourself with the establishment and to identify specific issues which apply to the areas you have been allocated to inspect. You should also refer to the *Preparatory inspection pack* for establishments, which contains the full list of documents requested for the inspection.
- 2.45** The prisoner/detainee survey is especially important because it indicates where responses differ significantly from comparable establishments, whether responses have changed since the last inspection and provides a breakdown between various subgroups.
- 2.46** Some team leaders may prepare a briefing from the prisoner/detainee survey and intelligence to guide you on issues they expect to be most thoroughly explored. You should refer to the survey findings throughout the inspection to:
- prompt areas that need a particular focus
  - make a distinction between those areas where the perception of prisoners/detainees is important in its own right, for example confidence in the complaints system, and responses which need to be validated by hard data, such as prisoners who are in employment.

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

## Week two of the inspection

### Arrival at the establishment

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

### Meeting with senior management team

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

### Detainee and staff groups

- 2.53** Detainee groups will have been arranged by the coordinating inspector and the establishment liaison officer during the first week of the inspection. Guidance on how to select groups and the information sheet for detainees is provided in section 3 of the *Preparatory inspection pack*.
- 2.54** Detainee groups should reflect the population of the establishment. Their purpose is to elicit detainees' views on all aspects of treatment and conditions in the establishment, to alert the

team to consistent themes, and to identify any differences in the experience of specific groups of detainees. They also provide an important and initial detainee perspective which can be compared with findings from other evidence sources as the inspection progresses.

- 2.55** Inspectors will be assigned to facilitate detainee groups, and will cover the issues in the detainee group template, which is based on *Expectations*. The coordinating inspector will distribute the group template; alternatively contact the research team for the relevant version. Where resources allow, groups should always be co-facilitated.
- 2.56** As part of the introduction to the group you should explain:
- the independent role of the Inspectorate and the purpose of an inspection
  - how the views of detainees influence the Inspectorate's judgements about outcomes for detainees
  - confidentiality and the implications of a group member disclosing sensitive information.
- 2.57** The team leader may also decide to hold a staff group in week two. The team leader will determine how the group should be selected. The staff group should be given the same statement about the purpose of the group as detainee groups, and should be told that the focus will be on outcomes for detainees, not staff terms and conditions, personnel issues or industrial relations.

### Detainee group debriefing

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

### Key statistics

- 2.60** Staff at each establishment are asked to provide a set of standardised key statistics for the first day of the second week of inspection. The key statistics template requests key figures

within each of the four healthy establishment areas. The template can be found in the *Preparatory inspection pack*.

- 2.61** On receiving the figures you should validate those which are relevant to the areas you are inspecting. Validation is crucial as data provided by staff at establishments does not always match what you find during the inspection week. Any discrepancies in figures should be queried and resolved with staff at the establishment by the end of the inspection.
- 2.62** Liaison officers will email the key statistics directly to the research team at the start of the week, so if the figures differ after validation, the coordinating inspector must send the validated version to the research team.
- 2.63** The research team maintains a rolling database of key statistics and calculates a per 100 population figure. The database can be interrogated across different functional types and timeframes and is a good source of intelligence to feed into the inspection process. The key statistics can be used comparatively as an indicator of whether figures or rates are high or low to aid judgements. For example, the number of assaults/use of force incidents in the last six months in the inspected establishment can be compared with figures or rates from other establishments of the same type.
- 2.64** The key statistics database does not include any testing for statistical significance. The data are not quality assured or verified by the research team and the database should not be treated in the same way as the survey comparators which the research team produce. The database is a tool for inspection and not a document for publication. No exact figures from the database should be used in inspection reports. This includes per 100 figures as well as overall average figures. This also includes using words that denote numerical relationships such as 'double' or 'three times higher than we usually see'.
- 2.65** Inspectors should triangulate key statistics with other evidence and their own assessment. Key statistics can form part of the picture but not the whole picture.
- 2.66** The database is regularly updated and will be emailed to inspection teams ready for week two of the inspection.

## The Hub

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

## Time out of cell snapshots

- 2.69** At two agreed times during the inspection week, inspectors should take a roll check of all wings to measure the extent of detainee activity. These should record the number of detainees:

- on the unit at unlock
- off the wing at activities
- working on the wing
- unlocked but not doing anything
- retired or sick
- locked in cell.

See Appendix H for template.

## Observation of association

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

## ‘Do no harm’ principle

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

## Sanctions

- 2.76** Detainees and staff must be able to talk freely to the Inspectorate without fear of adverse consequences or ‘sanction’. Please refer to the protocol between HM Inspectorate of Prisons, the Independent Monitoring Boards (IMB) National Council and the Prisons and Probation Ombudsman (PPO) (see Appendix G), who will work together to protect any prisoner/detainee from sanctions or other prejudice arising from their (or someone acting on their behalf) communication with either party, and to provide reassurance that they can

freely communicate with the Inspectorate, IMB and the PPO without fear of sanctions or any other prejudice. If an inspector becomes aware that someone may have been, or may in the future be, subject to sanctions because of their contact with the Inspectorate, the issue should be raised immediately with the team leader and the Chief or Deputy Chief Inspector informed.

## Night duty inspection

**2.77** Two inspectors will visit the establishment when night staff are on duty. In this role you should observe the handover from the day to the night orderly officer and check that all relevant information about the day has been communicated. You should look at the manual for night orders and discuss procedures, especially provision for medical emergencies, with the night orderly officer.

**2.78** You should visit residential units to meet with night staff and ideally observe the handover they have from evening duty staff. You should check the following with night staff.

- Have they been informed of any events on the unit during the day that they should be aware of? Check this against the unit diary.
- Do they know of any new arrivals, either to the prison or the residential unit, and what checks will they make on them?
- Are they aware of any assessment, care in custody and teamwork (ACCT) case management for prisoners at risk of suicide or self-harm, and what checks will they make? Are they aware that checks should not be carried out at predictable times? Look at any entries in the contact log.
- Do they know of any detainees requiring assistance in the event of an evacuation? Are there any personal emergency evacuation plans (PEEPs) available?
- In the event of a medical emergency what assistance is available (for example, defibrillators)? Are staff trained in providing first aid?
- Have they been trained in dealing with a fire? Do they know where fire fighting equipment (including inundation keys) is kept? Ask them to show you.
- How would they respond to an attempted suicide in terms of the balance between preserving life and personal safety? Do they carry ligature knives?

**2.79** During the night visit inspectors should also check the cleanliness of serveries and the kitchen.

## Death in custody arrangements

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

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

**2.81** In addition to the subject areas covered in *Expectations* there will be new and developing areas requiring attention during inspections. Any new and developing inspection practices will be circulated by the Management Board in a practice paper. Management Board practice papers will be disseminated electronically and stored alongside the manual, categorised by healthy establishment test for easy retrieval.

**2.82** As inspection practice develops and evolves this will be included formally in the relevant version of *Expectations* as it is updated and reprinted.

## Inspection methodology

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

**2.83** The methodology of the inspection is predicated on assessing to what extent and how well the establishment is meeting the Inspectorate's four healthy establishment tests as identified in the relevant *Expectations*.

**2.84** Our *Expectations* are concerned with outcomes for detainees. To make valid judgements about these outcomes, evidence should be 'triangulated', i.e. evidence from one source should be corroborated with at least two other sources.

**2.85** Having gathered evidence from a range of documentation, managers, staff and relevant third parties, you should, wherever possible, check your judgements with detainees. A strong evidence base will allow you to test the validity of what you have found and to assess whether it has an impact on the wider population, rather than being an isolated experience. You should:

- constantly test your assertions and be open to new evidence and what it may reveal – if the evidence is contradictory, it should be investigated further rather than ignored
- gather sufficient relevant evidence before making a judgement
- question whether the evidence will withstand scrutiny
- probe more deeply where there are concerns
- consider all relevant evidence before coming to a judgement – do not be persuaded by what appears to be one influential piece of evidence
- share your findings with other inspectors. Daily feedback and the Thursday deliberation meeting are essential in testing and validating judgements. Other inspectors may have further key evidence which is relevant to the area of inspection. The indicators section in *Expectations* will highlight where this is essential to create a fuller evidence source.

**2.86** As well as inspecting your own areas, individual inspectors have a responsibility to assist other team members. If detainees or staff raise issues not strictly within an inspector's remit, but that would form a useful line of enquiry for another inspector, a coherent account of the matter should be relayed to the relevant inspector or to the team leader.

**2.87** If an inspector sees something that seriously concerns them, they should collect all relevant information, including the names of staff and prisoners present, and discuss it with the team leader, who is the conduit to the governor/director. Inspectors should not relate their findings directly to the governor/director unless agreed with the team leader.

**2.88** If an inspector receives any inappropriate comments or behaviour from detainees or staff during inspections, they should follow the guidance on professional standards in Section 2.

## Feedback

### Daily debriefs

**2.89** Team debriefs are scheduled by the team leader daily. Debriefs are essential in formulating a coherent picture of the establishment.

**2.90** Daily debriefs require clear purpose and structure, and will be managed by the team leader. Each member of the team has an individual responsibility to feed back their findings in a confidential forum with colleagues and be open to challenge, as well as to challenge others. Testing, defending and validating evidence against others will ensure a robust validation process throughout the inspection.

### **Feedback to managers**

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

### **Team leader feedback**

**2.92** At the end of each day of inspection, the team leader will meet with the governor/director to feed back the evidence gathered at meetings of the inspection team. This meeting is an opportunity to check inspector's findings with the establishment management and the team leader will report back any challenges which require further checking.

**2.93** On Wednesday afternoon you should provide the key points of your findings in a written document to the team leader. These are usually in the form of bullet points under each of the headings as they appear in the inspection report.

**2.94** While it is important that key findings are included, bullet points should be limited to the most important issues and should contain not just a description but a judgement.

**2.95** The team leader will specify in what tense and format the bullet points should be written. The bullet points will be edited by the team leader who may discuss them further with you before drawing them together in a draft debrief document for discussion on Thursday.

**2.96** On Thursday morning the team will be joined by the Chief or Deputy Chief Inspector. The team leader will give him a verbal briefing of findings during the week. He will then meet the governor/director and undertake a tour of the establishment, meeting and talking with staff and prisoners/detainees.

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

**2.97** At the start of week two the Chief/Deputy Chief Inspector should have received:

- the introduction and healthy prison/establishment summary from the last inspection
- the IMB report
- the Measuring the Quality of Prison Life (MQPL) report
- the action plan from the last report
- the coordinating inspector's pre-inspection report and any briefing from the team leader
- correspondence, press cuttings and incident reports from the last 12 months
- issues shared by CPFIF
- accommodation and travel details for the inspection
- the initial inspection report
- a briefing from the governor/director
- the last three Deputy Director of custody reports (if applicable)
- survey findings
- notes of detainee groups and any staff group
- the completed population pro forma and key statistics

- PPO intelligence.

**2.98** At the establishment, the Chief/Deputy Chief Inspector will require:

- a full set of keys.
- a meeting with the team leader that starts as early as possible to go through the findings to date (a map of the prison and regime timetable should be available at this time to assist the Chief/Deputy Chief Inspector to maximise the time they have in the establishment when prisoners/detainees are not locked up)
- a 30-minute meeting with the governor/director
- an escort from a uniformed member of staff to assist the Chief/Deputy Chief Inspector to move around the establishment
- a meeting with the senior management team and any others, at the discretion of the governor/director (this should take place over the lunchtime lock up and should last approximately 45 minutes; it should be followed by a short meeting with the Independent Monitoring Board (IMB))
- a member of the inspection team should liaise directly with the Chief/Deputy Chief Inspector before the deliberation meeting begins to allow the Chief/Deputy Chief Inspector to raise anything further for investigation.

## Deliberation meeting

**2.99** When the Chief or Deputy Chief Inspector has completed his tour of the establishment and met the senior management team he will join the inspection team's deliberation meeting. The deliberation meeting is chaired by the team leader and used to agree the main findings that will be fed back to the governor/director and to assess the establishment's performance against the four healthy establishment areas.

**2.100** A draft debrief is constructed by the team leader from the written information provided by inspectors on Wednesday. Under each healthy establishment heading the team leader should write a summary. The final judgement should be left blank until the deliberation is complete. This summary is followed by detail for each area written by inspectors. You should be prepared to explain your judgements when challenged but also to consider other views. It is important that all inspectors contribute to the discussion and decision-making for the whole inspection, not just the areas you have been inspecting. A healthy process of constructive challenge should be encouraged and managed by the team leader.

**2.101** The assessments are discussed collectively as each healthy establishment area encompasses numerous subject areas. However, the final decision rests with the team leader and the Chief or Deputy Chief Inspector. For a full list of subject areas encompassed within the four healthy establishment areas please refer to the relevant *Expectations* for the type of detention being inspected.

**2.102** It is important that these assessments are supported by evidence, as not only will they be fed back during the debrief (see 'Formal feedback' section, below) and appear in the published inspection report, they will also be used to identify the 'risk' level of the establishment and consequently the timing of a subsequent inspection. The debrief should make clear that these are provisional assessments. Where the assessment is very finely balanced, and there is some disagreement or ongoing discussion, the team should usually opt for the lower assessment, as subsequent changes upwards are less contentious.

**2.103** When the debrief and judgements have been agreed the team leader will contact the governor/director to inform them of the decisions. The coordinating inspector should print a

copy of the debrief to give to staff at the establishment after the formal feedback and a copy for each team member to be used at the feedback.

## Formal feedback

**2.104** On Friday morning, usually at 9am, a formal presentation of the debrief is held. Each team member present is allocated a section to read out. The presentation begins with an introduction from the Chief or Deputy Chief Inspector.

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

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

**2.106** A written debrief note will be provided summarising the main findings and will be left with establishment staff on the last day of the inspection or emailed to the establishment the following week (see Appendix J). Inspectors should ensure this is watermarked with the word 'DRAFT' (go to 'Design' and the watermark option will appear on the right of the top menu).

## The inspection week

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

### Monday

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

### Tuesday

- Team feedback meeting – findings
- Team leader meeting with IMB Chair and staff associations

- Team leader feedback of findings so far to governor/director
- Evening association and night visit

### Wednesday

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

### Thursday

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

### Friday

- Formal presentation of judgements and evidence briefing to establishment staff

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

## Partner inspectorates

### Learning and skills

**2.109** Ofsted in England, Estyn in Wales and the Education and Training Inspectorate (ETI) in Northern Ireland cover the inspection of learning and skills and work activities in their respective countries. This partnership working minimises the burdens on the inspected bodies and presents a set of coherent inspection findings. HM Inspectorate of Prisons takes the lead for these inspections and publishes all the key inspection findings in a single report.

**2.110** *Expectations* have been developed jointly with Ofsted to reflect the Common Inspection Framework. The inspection of learning and skills and work activities forms most of the purposeful activity test.

**2.111** Each establishment is invited to nominate a senior member of staff with responsibility for learning and skills and work activities across the establishment to act as the main link with the inspection team. The learning and skills nominee will attend Ofsted daily feedback meetings to receive feedback and to ensure that all appropriate evidence is considered.

**2.112** Ofsted inspectors have their own base room which is organised in the first inspection week by the Inspectorate of Prisons coordinating inspector. The learning and skills nominee will not participate in the inspection judgements at the final moderation meeting.

**2.113** In addition to the Ofsted daily meetings, the Ofsted lead inspector will attend the Inspectorate of Prisons team debrief meetings at an agreed time and for approximately 30 minutes to feed back emerging learning and skills and work findings.

## Offender management

- 2.114** HM Inspectorate of Prisons is joined by HM Inspectorate of Probation inspectors (for an offender management inspection, OMI) on a designated number of full inspections of adult and young adult establishments. They will jointly inspect offender management arrangements and the work preparing for the resettlement of prisoners, and will gather evidence against the relevant parts of the OMI 2 criteria (HM Inspectorate of Probation's published criteria, in relation to assessment, interventions and outcomes) and HM Inspectorate of Prisons' *Expectations* (available on our respective websites).
- 2.115** The findings from the inspection of offender management will be incorporated into the published prison inspection report, primarily under offender management and planning. Key themes from the inspection of offender management will also be included in the feedback to lead managers and the formal feedback on the Friday of the inspection week, if appropriate.
- 2.116** In addition, HMI Probation will send a briefing of its findings to the head of the offender management unit (OMU) approximately two weeks after the inspection.
- 2.117** The coordinating inspector from HMI Prisons will discuss the OMI arrangements with the liaison officer during week one of the inspection.

## Health and social care

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

## Announced inspections

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

## Pre-inspection visit by the coordinating inspector

- 2.122** The coordinating inspector will contact the establishment and arrange a pre-inspection visit for a full day on an agreed date at least six weeks prior to the actual inspection. The appointed liaison officer from the establishment should spend the full day with you to act as a guide to help complete the pre-inspection report.
- 2.123** You should liaise with the allocated researchers to agree when they will visit to undertake the survey. This normally takes place around four weeks before the inspection week.
- 2.124** You should make arrangements for the inspection week, using the *Preparatory inspection pack* to establish the documentation which will be requested and when it will be required.
- 2.125** Key documents and policies should be requested electronically in advance of the inspection week and forwarded to individual inspectors, rather than all being available on the first day of the second week. All documentation provided should be copies, as inspectors may wish to take them away. Any originals should be clearly identified.
- 2.126** At this point it is useful to pass on the contact details of appropriate lead inspectors to:
- the head of health care
  - the head of offender management (also identified in the *Preparatory inspection pack*)
  - the head of learning and skills.

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

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

## 3. Professional standards

### Staff conduct

- 3.1** 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.
- 3.2** HMI Prisons has a code of conduct for staff, including associates<sup>4</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.
- 3.3** 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. You should ensure you understand the Inspectorate's expectations of you so please ask your line manager or a member of the Secretariat if you need any further guidance or have questions about how any aspect might apply to you. A full copy of the HMI Prisons code of conduct can be found at Appendix O.
- 3.4** A separate document, detailing the specific ethical principles for research activities conducted as part of announced, unannounced and thematic inspections and internal evaluation/review exercises, is available at [www.justiceinspectorates.gov.uk/hmiprisons/about-our-inspections/](http://www.justiceinspectorates.gov.uk/hmiprisons/about-our-inspections/). All staff conducting research activities are required to adhere to the ethical principles set out in the document.
- 3.5** 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 you 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).
- 3.6** 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.
- 3.7** You should complete all mandatory training.

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<sup>4</sup> Further details are outlined in the written arrangements for associates.

### 3.8 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).

### 3.9 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 bilateral meetings, 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.

### 3.10 As a manager at HMI Prisons you will:<sup>5</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 the behaviour of team members to make sure they keep to the policy and, where necessary, explain all parts of this policy to your team to improve understanding
- take complaints seriously and take appropriate action, as soon as possible, to deal with anyone who does not adhere to this code.

**3.11** 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.

### 3.12 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

<sup>5</sup> Reflects expectations laid out in the MoJ conduct policy: <https://intranet.justice.gov.uk/documents/2015/04/conduct-policy.pdf>

- ensure that HMI Prisons' resources are used in the most economical, efficient and effective manner as befits public money.

### During inspections

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

### Security

- 3.18** 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.
- 3.19** 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).
- 3.20** Do not let detainees enter restricted areas or through locked doors unless they are accompanied by a member of staff.
- 3.21** 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.
- 3.22** 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.
- 3.23** Do not carry any unnecessary items around a place of detention, such as house keys or money.
- 3.24** **Prisons only:** Do not take mobile phones or SIM cards or any other electronic equipment, unless specifically allowed, into a prison – it is illegal. Always check at the gate for lists of prohibited items.
- 3.25** Check with colleagues, particularly those who are new or from partner inspectorates and are unfamiliar with a custodial environment, that they do not have prohibited items with them.

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

*'The Chief Executive of HMPPS has asked the Ombudsman and Chief Inspector of Prisons to agree that they and their staff do not bring in mobile phones to closed prisons. They have also been asked to keep to the minimum that is essential for their work the bringing in of sound recording devices and cameras. Both the Ombudsman and HMCIP staff will of course wish to take away documents which may be considered "restricted documents" under this legislation. Subject to these voluntary restrictions both organisations have been granted authorisation outside of this PSO to convey in and out of the prison those items necessary for their work.'* (PSO 1100, paragraph 4.21)<sup>6</sup>

## Personal safety

- 3.27** 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.
- 3.28** Make sure you have a whistle. In the event of an emergency when you cannot reach an alarm, blow your whistle for three sharp blasts, or failing that, shout.
- 3.29** It is generally sensible to alert custodial staff to your presence on the wing, accommodation unit or custody suite unless you need to observe wing or unit routines unobserved. Inspectors are not required to sign in on arrival to wings/units.
- 3.30** 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.
- 3.31** If you are speaking to a detainee in a separate room or office make sure you are aware of the location of the alarm. Always seat yourself rather than the detainee closest to the door.
- 3.32** 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 time, you may wish to consider a different approach. If you go ahead with the interview, ensure you can be seen by staff and give them an idea of when the interview is likely to end.
- 3.33** If you are sent something from an identifiable detainee after a visit, report it to the team leader who will then refer this to the place of detention.
- 3.34** Team leaders must assess the personal protection needs of new HMI Prisons staff and decide if 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.
- 3.35** 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

<sup>6</sup> PSOs are subject to review and change.

therefore wish to contact the C&R (control and restraint) coordinators at those prisons or with the prisons local to new staff members.

## Dealing with detainees

- 3.36** You should address prisoners using their preferred name, pronoun or title and never use insulting nicknames or derogatory or impersonal terms.
- 3.37** Knock and ask permission before entering a detainee's cell, other than in an emergency.
- 3.38** Do not share any personal details with detainees, such as your address, and be aware that your conversations with staff in the inspected place of detention can often be overheard by detainees.
- 3.39** 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.
- 3.40** Do not accept gifts from detainees, their families or friends, or take things in or out of any place of detention on their behalf.
- 3.41** If a detainee asks you to do something for them, direct them to a member of staff at the place of detention.
- 3.42** If you recognise a detainee you know personally during a visit, try to leave without being seen and alert the team leader immediately. Declaring an association in front of others can put both you and the detainee at risk.
- 3.43** Do not directly challenge criticism or aggression from a detainee – always acknowledge their feelings and repeat what they've said to you to show understanding, but do not commit to sorting out problems for them.
- 3.44** Remember that a high proportion of detainees suffer from communication problems so keep your descriptions and questions short and simple.
- 3.45** 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

- 3.46** 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.
- 3.47** 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. Always keep them in your possession. Do not lend or borrow keys, regardless of who asks!
- 3.48** Always ensure you lock gates behind you. If you are the last one through a gate, it is your responsibility to lock it.<sup>7</sup>

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<sup>7</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.

- 3.49** If a key breaks off in a gate lock, stay with it and wait for help. Take broken keys to the security department.
- 3.50** If you are unable to lock a security gate, do not leave it; attract the attention of a member of staff, who will assist you.
- 3.51** If you lose your keys report this immediately to a custodial staff member or the security department. Let your team leader know.
- 3.52** Do not let detainees through gates unless they are with a member of staff.
- 3.53** 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)

- 3.54** 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

- 3.55** Any serious and confidential comments made by detainees in the survey will be extracted by the researcher from the overall responses and emailed separately to the inspection team leader, coordinating inspector and health care inspector. Information should include a summary of the allegation and any narrative text verbatim. If the researcher has immediate concerns, they will contact the team leader, before the survey analysis is distributed, who will then decide if the establishment should be informed immediately.
- 3.56** **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

- 3.57** 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.
- 3.58** A written account must be sent to the following people:
- Chief Inspector of Prisons
  - Deputy Chief Inspector of Prisons
  - inspection team leader

- coordinating inspector
- Head of Research, Development and Thematics (if actioned by a researcher)

**3.59** The report should detail the nature of the allegation and the action taken. This account must be archived in the establishment file.

### **Action by inspection team leader**

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

### **Action to be taken**

**3.61** 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.

**3.62** 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.

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

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

## Child protection protocol

- 3.65** Everyone working for HMI Prisons is expected to read, be trained in and follow the Child Protection policy and protocol: <https://www.justiceinspectors.gov.uk/hmiprison/about-our-inspections/>
- 3.66** 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.
- 3.67** Information may come from a variety of sources: written accounts (including surveys), observation of a specific incident, discussions with groups of staff, discussions with groups of young people and individual discussions with staff and young people.
- 3.68** It is important to state that any undertaking of confidentiality or anonymity during the inspection or preliminary visit cannot be maintained if it concerns information which suggests a child has been harmed or is at risk of being harmed in any way. Any written request for information must also state this clearly.
- 3.69** 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)*

- 3.70** Most referrals in young offender institutions (YOIs) and secure training centres (STCs) arise from allegations/comments made in surveys. A member of the research team will read all survey responses before leaving the establishment.
- 3.71** The researcher will immediately inform the team leader of the children and young people team (or a member of the team in his/her absence) by telephone or email. The email should include a summary of the allegation and the name, number, age and location of the respondent.
- 3.72** If the source of information is a survey, the researcher or an inspector should speak to the child concerned at the earliest possible opportunity. You should draw the child's attention to the front sheet of the survey which explains child protection and the need to follow child protection procedures to ensure that they and other children are protected.
- 3.73** If the source of information is a discussion with a member of staff or a child, you should explain that a child protection referral will be made and confidentiality and anonymity cannot be maintained in the face of overriding child protection concerns (this should have been agreed before the discussion – see information above).
- 3.74** In the event of the allegation being withdrawn at this point, you should explain to the child or member of staff that a referral will be made regardless, and that they will have an opportunity to explain that they wish to withdraw the allegation to the appointed investigator.
- 3.75** If a member of Inspectorate staff is alerted to a child protection issue in another way they should inform their team leader immediately.

- 3.76** You should write an initial, brief report of the incident promptly (no more than one hour after the information has come to light). You should forward a copy of the report to the team leader immediately.
- 3.77** If the issue has come to light through written information, copies of the documentation should be preserved and forwarded to the team leader.

### **Team leader's responsibility**

- 3.78** The team leader should inform the governor/director/child protection coordinator at the earliest opportunity that information received by the Inspectorate requires a child protection referral. The governor/director/child protection coordinator will be given full details to enable him/her to make the referral and to consider any immediate action that may be required to protect the child concerned and others who may be at risk.
- 3.79** The team leader will be responsible for ensuring that the referral is made and ask to be notified of the outcome.
- 3.80** The full record of the referral (i.e. referrer's initial report: the team leader's discussion with the governor/director/child protection coordinator and the outcome) will be retained on the establishment's file. The team leader is responsible for ensuring that the record on file is complete.

### **Safeguarding adults at risk**

- 3.81** This protocol sets out action to be taken if information comes to the attention of any member of Inspectorate staff which indicates that an adult at risk may have been, or is at risk of being, abused or injured while held in any place of detention.
- 3.82** Adults at risk are defined as people who (a) are or may be in need of community care services because of mental or other disability, age or illness, or (b) are unable to care for themselves or unable to protect themselves from significant harm or exploitation.
- 3.83** 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>8</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.
- 3.84** *It is important to state that any undertaking of confidentiality or anonymity during the inspection cannot be maintained if it concerns information which suggests an adult at risk may have been harmed or is at risk of being harmed. Any written request for information must also state this clearly.*

### **Making a safeguarding referral and subsequent action**

- 3.85** 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

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<sup>8</sup> Current directors can be found on the ADASS website at: <http://www.adass.org.uk>. Go to 'contacts' then 'members'.

information required at this stage.) You should explain to the adult at risk that a safeguarding referral will be made, at the same time as ensuring their immediate safety. If the situation is critical, staff should follow standard emergency procedures.

- 3.86** The inspection team leader should contact the governor/director to explain that a safeguarding referral is being made, advising them to contact the council's adult social care department. They should give the governor as much detail as possible so that immediate protection can be assured. If the allegation is against a member of staff, they must give the governor this information to allow them to take appropriate action. If a full investigation is likely, the adult at risk should not be interviewed in depth at this stage.
- 3.87** 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.
- 3.88** The inspection team should feel assured that appropriate and timely action has been taken to protect and support the adult at risk, both in the short-term and subsequently. If the adult at risk is moved to another establishment, they should have a transferable care plan to ensure they remain safeguarded. If the alleged perpetrator is also an adult at risk, you should ensure that they are receiving the appropriate support and guidance. If the alleged perpetrator is a member of staff, you should be confident that appropriate action is being taken by the prison. The full record of the referral will be retained on the establishment's file, held at the office. The inspection team leader will be responsible for ensuring this is complete.

### Visitors shadowing inspections

- 3.89** 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.

## 4. Security

- 4.1 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.
- 4.2 You must show your pass to reception when entering Victory House and it must always be on your person when at Victory House. You should take your pass off and put it somewhere safe when leaving the building.
- 4.3 You must always have your badge visible when on inspections.

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

- 4.4 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.
- 4.5 During 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.
- 4.6 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.
- 4.7 If you are not sure, ask your manager before releasing any information.
- 4.8 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 (see below for information on Freedom of Information requests).

### Protective marking

- 4.9 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

**4.10** 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.

**4.11** HM Inspectorate of Prisons-specific examples include:

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

### Measures

**4.12** 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 'gov' 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

**4.13** 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 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 'gov' 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

- 4.14** Unless authorised to do so, you should not print out or circulate the inspection programme outside the Inspectorate.
- 4.15** 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

- 4.16** Freedom of information requests are coordinated by the personal assistant to the Chief Inspector of Prisons.

- 4.17** 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.
- 4.18** 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.
- 4.19** Inspection evidence (inspectors' notes and documentation) should be retained in line with the Record Retention and Disposition Schedule (RRDS) (please refer to Appendix L). You are encouraged to keep notes of meetings and/or inspections in a notebook, which should be retained in line with the RRDS.