



HM Prison &
Probation Service



**Addendum to the Memorandum of Understanding
between HM Inspectorate of Prisons and HM Prison and Probation Service**

April 2020

Purpose

1. This Addendum sets out working arrangements between HMI Prisons and HMPPS during the COVID-19 emergency. It outlines an adapted way of working, which takes into account the unique circumstances of the COVID-19 outbreak.
2. The [Memorandum of Understanding](#) (revised October 2019) continues to govern the general relationship between the parties (including arrangements on access, data retention, operational managers loan agreements, conduct and complaints, and correspondence and safeguarding). This Addendum provides detail on HMI Prisons' methodology and report production timeline for the COVID-19 context.

General principles

3. HM Chief Inspector of Prisons has a statutory duty to report on the treatment and conditions for prisoners in England and Wales, and immigration detainees in the United Kingdom. During the COVID-19 epidemic, HMI Prisons will adapt its methodology to take into account the unique circumstances of the outbreak, while continuing to provide an independent assessment of conditions in detention. This is aligned with guidance from the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), and from the World Health Organisation, which notes that prisons are high-risk environments during the current outbreak for prisoners, staff and the wider community.
4. HMPPS unequivocally supports authoritative, independent and transparent scrutiny as a general principle, and regards it as vitally important in the COVID-19 crisis. HMPPS welcomes the sensible adaptations and safeguards that HMI Prisons will put in place during this period.
5. HMI Prisons recognises that the prison service is currently dealing with unprecedented challenges and is mindful of the need to minimise wherever possible the burden to staff. Its adapted methodology for the COVID-19 period seeks to be constructive and supportive to HMPPS.

Adapted methodology for the COVID-19 crisis

6. HMI Prisons' adapted methodology aims to promote transparency about the response to COVID-19 in places of detention, and to ensure that any identified lessons can be learned quickly.
7. HMI Prisons' adapted methodology will consist of four strands of activity, to be undertaken simultaneously:
 - a. Policy analysis
 - b. Collection of information about the situation in prisons
 - c. Ongoing analysis and risk analysis based on both policy developments and information gathered
 - d. Short Scrutiny Visits to establishments
8. Full detail about HMI Prisons' COVID-19 methodology can be found on the HMI Prisons [website](#).

Short Scrutiny Visits

9. Short Scrutiny Visits will be undertaken by approximately three inspectors and will last for one day only.
10. HMI Prisons staff will follow at all times the [Health and Safety Guidance](#) drawn up specifically for COVID-19 Short Scrutiny Visits. This sets out the key processes and steps staff must follow to ensure they minimise the risks to themselves, detainees and prison staff.
11. Short Scrutiny Visits will be announced. HMI Prisons will inform HMPPS of the establishments to be visited two weeks in advance. HMPPS will then inform Governors, letting HMI Prisons know when they have done so. HMI Prisons will inform the IMB Secretariat in the days ahead of the visit.
12. Neither HMI Prisons nor HMPPS will ask for preparatory work by Governors or their teams, beyond providing a short, initial briefing to inspectors over the phone ahead of arrival and again upon arrival, facilitating their access around the establishment, and ensuring they have opportunities to talk to staff and prisoners.
13. HMI Prisons recognises that in the COVID-19 circumstances, it would not be appropriate to inspect against the full HMI Prisons *Expectations*. Short Scrutiny Visits will focus on a smaller number of priority areas, taking account specifically of the impact of the COVID-19 measures taken by establishments.
14. The HMI Prisons Team Leader will meet with the Governor at the end of the one day visit to share urgent and emerging findings.
15. HMI Prisons will send a written draft debrief note to HMPPS and the Governor within four days of the Short Scrutiny Visit. This will not be published. HMI Prisons will share this note with the IMB Secretariat.
16. HMI Prisons will visit a number of establishments in the same week (usually three) and will write a summary report outlining findings from all establishments.

A draft of this report will be shared with HMPPS for sense-check within two weeks of the visits. HMPPS will respond to HMI Prisons with any urgent comments within three working days. HMI Prisons will publish the report within three weeks of the visits. The reports will be thematic, covering findings from all establishments, but they will name the establishments visited.

17. Reports on Short Scrutiny Visits will not include recommendations and there is no requirement for establishments to produce Action Plans after the visits.

18. Full detail about the Short Scrutiny Visits can be found on the HMI Prisons [website](#).

Evolving COVID-19 context

19. The COVID-19 outbreak is fast-changing and unpredictable, and it is possible that HMI Prisons will need to adapt its methodology in light of changing national public health guidance or as the epidemic evolves. In due course, this will include work towards a methodology which reflects recovery and return to normality. HMI Prisons will consult with HMPPS about any significant changes to its COVID-19 methodology or Short Scrutiny Visits, as well as on plans for recovery and return to normality.

20. Should significant public concerns come to light about the treatment and conditions of prisoners during the COVID-19 crisis, or should HM Chief Inspector of Prisons be asked to provide additional independent scrutiny by the Secretary of State, HMI Prisons will consider how best to respond in order to fulfil its statutory role.

21. This Addendum will be reviewed by the parties every three weeks, with the first review on w/c 11 May. In addition, in light of the unpredictable nature of this crisis, ad hoc reviews may be requested by either party at any time.

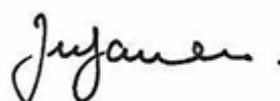
Signed



**Peter Clarke CVO OBE QPM
HM Chief Inspector of Prisons**

Date: 22 April 2020

Signed



**Dr Jo Farrar
Chief Executive Officer, HMPPS**

Date: 23 April 2020