



Response

of the United Kingdom Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to the United Kingdom

from 13 to 23 May 2019

The Government of the United Kingdom has requested the publication of this response. The CPT's report on the May 2019 visit to the United Kingdom is set out in document CPT/Inf (2020) 18.

Strasbourg, 30 April 2020

RESPONSE OF THE UNITED KINGDOM
GOVERNMENT TO THE REPORT OF THE
EUROPEAN COMMITTEE FOR THE
PREVENTION OF TORTURE AND INHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT,
FOLLOWING ITS VISIT TO THE UNITED
KINGDOM FROM 13 TO 23 MAY 2019

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National Preventive Mechanism

Paragraph 8

The CPT continues to pay close attention to wider discussions currently underway in the United Kingdom about the NPM's statutory basis, guarantees of independence and the need for sufficient resourcing of the NPM to ensure adequate compliance with the OPCAT. It recommends that the authorities of the United Kingdom take such steps as may be necessary to ensure that the NPM is fully in compliance with OPCAT requirements, notably the requirement for statutory recognition of the NPM¹.

The CPT strongly encourages the United Kingdom authorities to make arrangements to ensure that the SPT, the CPT and the NPM are able to consult each other's visit reports, including reports to the State, even before their publication.

NPM

The UK Government continues to comply fully with its obligations under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It is supportive of the work done by the NPM.

The UK Government will continue to explore the NPM, its members and the Subcommittee on Prevention of Torture concerns around the lack of a legislative basis for the NPM. This will include discussion of possible legislative options.

The Government is working with the NPM to agree a Protocol which will clarify each party's specific roles and responsibilities, the independence of the NPM, and how we work together.

Visit reports

The UK welcomes the external inspection of places of detention by the CPT, the SPT and the UK's NPM. The insights and reports these bodies produce play an important role in highlighting issues and support change and improvements in the prevention of torture and ill treatment in places of detention in the UK. We agree with the need to avoid duplication and ensure coherence between the work of the various bodies in this space. We note the specific recommendation that reports should be shared prior to publication and will consider the practicalities of doing so.

Adult prison establishments

Preliminary remarks

Paragraph 12

The CPT would like to request information from the United Kingdom authorities specifically pertaining to their proposals to reform sentencing policies and work towards the abolition of short-term sentencing in England and Wales.

There are no plans to end short term prison sentences. Sentencing must match the severity of the crime and sentencers should continue to have the option of imposing short sentences, where appropriate.

¹ In line with the SPT's Guidelines on national preventive mechanisms, CAT/OP/12/5, 9 December 2010.

But custody is always a last resort. If we are to break the cycle of reoffending, solutions will often lie in robust and effective community sentences, which both punish and address offenders' needs. That is why in the Queen's Speech² in December 2019 we announced our plans for new sentencing legislation, including tougher community sentences which offer the right level of punishment, while tackling the underlying drivers of offending including alcohol or drug misuse, or mental health issues.

Paragraph 17

The CPT recommends that the United Kingdom authorities establish more targeted, effective and adequately financed measures to reverse the recent trends of escalating violence, self-harm and self-inflicted deaths. It also recommends that concrete steps to significantly reduce the prison population (see below) be taken, without which the reform programme will not be as effective as it could and should be.

Violence, self-harm and self-inflicted deaths

The UK Government is taking urgent action to reduce the current levels of violence, self-harm and self-inflicted deaths in prisons in England and Wales. We are implementing a wide-ranging programme of work to address the drivers of safety and help prisons to better identify and support those individuals at risk of harming others so that this can be managed and mitigated.

The national Prison Safety Framework (5 Ps) is based around the 5 Principles (5Ps) of People, Physical, Population, Partnerships and Procedural to address the drivers and risks of violence, self-harm and self-inflicted deaths at a national, prison group and local level. The framework focuses on five areas where actions and activities can be brigaded to make the most improvements on prison safety.

As announced in August 2019, we are investing £100 million to improve prison security to tackle the supply of contraband, such as drugs, which drive prison violence and undermine safety. Our investment in X-ray baggage scanners and metal detection equipment will enhance the searching of visitors and staff and X-ray body scanners will detect prisoners internally concealing contraband. We will also be expanding our intelligence and counter corruption capabilities which target those who attempt to smuggle drugs into our prisons.

The causes of rising violence are complicated. We recognise that the loss of frontline and experienced staff is a critical factor in the rising level of violence, which has limited our ability to run consistent regimes and develop effective relationships with the people in our care. In order to address this, we have taken immediate action to strengthen our frontline staff, and passed our target to recruit 2,500 prison officers by the end of 2018. This has given us the capacity to implement the key worker role which is part of the new Offender Management in Custody (OMiC) arrangements, which gives officers dedicated time to support individual prisoners, which will help us to improve safety.

We have introduced the Challenge, Support and Intervention Plan (CSIP) which is the national case management model for managing those who pose a raised risk of being violent and was mandated for use across the adult prison estate from November 2018. This case management process is now being used in all prisons.

To protect staff and prisoners from very serious assaults, PAVA, a synthetic pepper spray, is being introduced to all adult male closed establishments who have fully implemented the key worker scheme – which is vital in building relationships between prisoners and staff. PAVA is being rolled out alongside a new Personal Safety Package – S.P.E.A.R. (Spontaneous Protection Enabling Accelerated Response). This is to ensure that PAVA is introduced as

² <https://www.gov.uk/government/speeches/queens-speech-december-2019>

part of a wider package of skills for staff to resolve and deescalate incidents. Staff will only be able to use PAVA where there is serious violence or an imminent or perceived risk of it and there is an immediate necessity to create a safe and protective environment. We are also rolling out Rigid Bar Handcuffs to prison officers as part of our continued focus on improving safety.

We have also invested in nearly 6,000 Body Worn Video Cameras alongside staff training in rehabilitative conversations, which will provide staff with skills and equipment to deal with challenging situations in a fair and just way. The cameras will also provide high-quality evidence to support prosecutions.

We have rolled out revised and improved 'Introduction to Suicide and Self-Harm Prevention' training for new and existing staff. The training has reached over 25,000 staff and 14,000 staff members have completed all six modules. More recently improved mental health awareness training has been developed and this is being rolled out as part of the Prison Officer Entry Level Training, and will be included in refresher training for existing staff. We have also refreshed our partnership with the Samaritans by awarding a grant of £500,000 each year from 2018-21. This supports the Listeners scheme, through which selected prisoners are trained to provide emotional support to their fellow prisoners.

We have also sought to revise and update the Assessment, Care in Custody and Teamwork (ACCT) care planning process designed to manage prisoners at risk of suicide and self-harm. Changes to ACCT were piloted between February and June 2019, and, following a full evaluation of the pilot, a revised version will be rolled out across the estate later in the year.

Prison population

The UK Government does not propose to set arbitrary targets for reducing the prison population.

Paragraph 22

The CPT reiterates its recommendation that the United Kingdom reconsider plans to build very large prisons and consider investing in smaller community-facing prisons.

We regularly explore options for future prison builds utilising the expertise from existing build teams responsible for the delivery of Wellingborough and Glen Parva and estates professionals across the organisation.

However, HMPPS remains committed to ensuring, where practicable, that prisoners are accommodated as close as possible to their resettlement communities and families. Whilst this is a priority, it is not always possible due to a variety of factors including wider population pressures, risk-related restrictions or where individuals have specific sentence planning needs which can only be met at certain establishments.

Closeness to home is particularly important for those on short sentences or nearing release, where they need to (re)build family ties, secure housing and health services and look for work. These prisoners are prioritised for local (to home) prisons.

To support this, HMPPS will ensure that most offenders are returned to their home community rehabilitation company or probation area for release, where they are managed by either a contracted-out provider or the national probation service.

To support the transformation of the adult male prison estate, including the reconfiguration of resettlement prisons, we have developed evidence-based Models for Operational Delivery (MODs), which recognise the need to consider the varying requirements of prisoners.

Nonetheless, it needs to be acknowledged that we have several larger prisons that are recognised as being high-performing and which offer the taxpayer good value for money.

Paragraph 23

The CPT would also like to be informed about the new prison building programme and the anticipated closure of the Victorian-era prisons, along with details for the new prison establishments of the design, layout, cell sizes, communal spaces and the budgetary resources agreed and allocated, as well as their envisaged time-frames to completion.

Protecting the public is our top priority and modern, efficient prisons are the best environments to rehabilitate offenders and reduce reoffending.

Whilst the average number of prisoners held in crowded conditions across the prison estate in England and Wales has fallen slightly (in the year ending March 2019, 22.5% of prisoners were held in crowded conditions, lower than in the previous year. During the last ten years, crowding levels have fluctuated between 22.5% in the latest year and 25.5% in 2015), HMPPS recognises the ongoing concerns raised in relation to the use of crowded cells. While these places meet HMPPS standards for crowded accommodation, holding two men in a cell designed for one prisoner in order to accommodate national population pressures is not desirable.

The wider problem of crowding in prisons is a longstanding issue that will not be easily addressed. The Prime Minister has recently announced up to £2.5 billion investment in new prison construction to create up to 10,000 additional prison places and the opportunity this creates to take steps towards reducing crowding. The new investment will provide decent, safe, secure and uncrowded spaces by the mid-2020s. This will be delivered through a programme that offers the taxpayer better value for money and support to suppliers and builders across the country.

We will set out further details on this, and our broader prison estate strategy later this year but the first steps in this direction have already been taken with the opening of 2,100 uncrowded prison places at HMP/YOI Berwyn and the opening of a new 206 place houseblock at HMP Stocken.

We are already delivering additional prison places through the new prisons at Wellingborough and Glen Parva, which brings the total additional places to 13,500. Building work progresses at pace for the new prison at Wellingborough, which is on schedule to open at the end of 2021. Construction of the new prison at Glen Parva is due to start this year and is scheduled to open in 2023. We have also secured outline planning permission for a 1,440-place prison to be built at Full Sutton where we have available space next to the existing well-performing HMP Full Sutton. Work on this project is at an advanced stage meaning this site can be quickly mobilised for the first of the new prison builds. Site searches and feasibility work are also underway to secure sites for the further places.

We continually monitor our demands on prison places to ensure that our future estate can effectively respond to any changes.

In 2013 we announced that we would close HMP Dartmoor by 2023 and this remains the case, although we are currently exploring options with our landlord, the Duchy of Cornwall, around the potential for future use. However, there are currently no further planned closures as part of our recent announcements. We keep the prison population and capacity under careful review to ensure that there is always sufficient capacity and any future closure decisions will be taken in this context.

In terms of prison design and layout, prison accommodation can only legally be used for the confinement of prisoners if it has been certified in accordance with the Prison Act 1952 and the Prison Rules and Young Offender Institution Rules. I've attached the relevant regulatory requirements.

In terms of the policy, PSI 17/2012 titled 'Certified Prisoner Accommodation' sets out arrangements for the certification and management control of prisoner accommodation. It introduces measurable standards for the certification of cells that can be applied consistently across the estate and will contribute to achieving the Prison Service aim of providing decent living conditions for all prisoners. It is mandatory for all establishments.

Prison Group Directors are responsible for certifying prisoner accommodation - this task cannot be delegated. Prison Group Directors must ensure that cell certificates are kept up to date. Governors/Directors/Controllers of prisons and Immigration Removal Centre Managers must ensure that accommodation is used in accordance with the current cell certificate and in particular that:

- No cell is used for the confinement of prisoners unless it is certified.
- No cell is occupied above the maximum number stated on the cell certificate.

Governors/Directors/Controllers of prisons and IRC Centre Managers must ensure that the condition of prisoner accommodation is checked on a regular basis. Accommodation that is failing to meet the required standard must be reported to the DDC without delay. Accommodation that is considered to present a serious risk to health must be taken out of use immediately.

We do not have a stated standard minimum size of cell and do not maintain a record of the floorspace of each cell in use. Instead, our minimum space requirements are based on the principle that each prisoner place must provide sufficient space for furniture and for normal in-cell activities. Furniture normally provided for each prisoner includes a bed, a storage locker and wardrobe, a chair, use of a table, pinboard, mirror and waste bin. Normal in-cell activities are defined as sleep, dress and undress, storage, personal pursuits (such as reading, writing, TV/sound and music system, etc...), take meals (unless dining in association is available), use WC, use washbasin, circulation, movement and seating. Space, dimension and layout illustrations demonstrating how HMPPS applies these requirements in practice are set out at the end of this document. All new prison accommodation will be designed to meet the requirements of international standards set out in:

- 70/175 United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules) – [2015], supported by the UNOPS-Technical Guidance for Prison Planning, Technical and Operational Considerations Based on the Nelson Mandela Rules [2016]
- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) – [2015].

Violence, ill-treatment and the use of force

Paragraph 32

The CPT recommends that the United Kingdom authorities ensure that far greater investment in preventing violence – both prisoner-on-prisoner and prisoner-on-staff – is undertaken at Doncaster, Liverpool and Wormwood Scrubs Prisons and across the wider prison estate, including specifically the measures set out below (*inter alia*, sections 2(b), 3 and 4) to bring prisons back under effective control of the staff, in order to halt and reverse the high levels of violence.

HMP/YOI Doncaster

HMP Doncaster will conduct a re-launch of the Challenge, Support and Intervention Plan (CSIP) to all staff across the prison to create a better understanding of what CSIP does and

how it works. This will raise awareness of the principles to enable staff to contribute to the process to gain better understanding and monitoring of the root causes of violence. The re-launch will be done at Director's Hour/Notice to Staff (NTS) and information published on the internal IT system.

On a monthly-basis the Safer Custody Team will analyse the available data from a range of sources in order to understand the underlying causes of violence and set appropriate actions to mitigate these. Data sources will include the Violence Diagnostic Tool, Safety Diagnostic Tool, Mercury Information reports, Key worker reports and CSIP data. A set of monthly "violence reduction objectives" will be drawn up and published based on the analysis of data.

The actions (violence reduction objectives) taken from the monthly review will only be signed off by the Senior Management Team (SMT) when they have been completed and embedded, as evidenced by audit activity completed by Business Services on a bi-monthly basis.

Custodial Operational Managers (COM) will be retrained in the process of investigating and carrying out CSIP reviews, with support from the National and Regional Safety Teams. This training will also incorporate awareness on how to complete a comprehensive referral, which will then improve the quality of data in order to provide the SMT with the appropriate information so it can make informed decisions about how to deal with acts of violence more effectively based upon the data gathered above.

The Custodial Operations Managers roster has been changed to cover the wings at key times on their areas of responsibility. By introducing the new roster each wing has a dedicated manager, who will give improved and enhanced guidance and support to the staff to enable them to challenge prisoners' behaviour throughout the core day.

Custodial Operations Managers will be given a set of standards with expected requirements to follow across the residential wings to operate a wing safely and in a controlled manner. Failure to meet the standards will be dealt with through managing performance and the Personal Development Record (PDR) process.

The Regime Reset Programme will be re-introduced to address the standards and expectations of staff and prisoner's behaviours. The re-launch will include a memo to all managers and staff and the reintroduction of the "reset" rules, which will be communicated to all prisoners on the affected wings.

A new dedicated post will be introduced for the mentoring of newly trained staff to support, build confidence and give advice. The post holder will work with staff on the Residential Wings when the Initial Training Course (ITC) participants have completed their training. The post holder will provide a monthly report to the SMT, drawing on both qualitative and quantitative data.

HMP Liverpool

Levels of violence, both prisoner on prisoner and prisoner on staff, are monitored and reported at the weekly local performance meeting. All acts of violence are investigated and discussed at both the performance meeting and the monthly Safer Living meeting which aim to inform our strategic approach to reduce violence in Liverpool prison.

Prisoner on prisoner and prisoner on staff assaults have reduced over the last 3 months. In relation to safety, the volume of all violence incidents (November 2019 to January 2020) is down 34% and down 29% on the same period last year. Similarly, there is a 48% reduction in against staff assault incidents over this period and on the same period last year.

The violence picture at Liverpool demonstrates a trend of mental health issues, bullying, feuds, repercussions, drug / debt related or gang related issues. HMP Liverpool have introduced a violence tracker that provides an improved analysis of violence/issues and

subsequent actions. In addition, HMP Liverpool have developed an improved Safer Custody meeting structure that delivers an increased focus on violence analysis, investing in actions and outcomes. To further support our processes and staff, HMP Liverpool have invested in our relationship with the local police force, improving police referrals, monitoring process and communicating outcomes to both staff and prisoners.

Violence reduction forums have been introduced and are held monthly.

CSIP is not yet fully embedded into the culture of violence reduction within the prison and CSIP training to first line managers will therefore be prioritised over the next 6 months to ensure bullying and violent behaviour is thoroughly investigated and dealt with consistently. This will further improve levels of responsibility and understanding of the importance of the process to reduce violence related incidents. To further support the culture of violence reduction, we are working to better align CSIP processes and key-work to assist in addressing the behaviour of individuals and enabling staff to form positive professional relationships, so that mechanisms of rehabilitation are meaningful and feel empowered to assist in reducing and halting violence.

HMP Liverpool have revised Incentives and Earned Privileges in line with National Policy, Thinking Skills programme and A-Z Awareness. Further interventions have been introduced, along with Gang Awareness courses and more recently Incentivised Substance Free Living.

HMP Wormwood Scrubs

HMIP, who visited HMP Wormwood Scrubs (16 September to 4 October 2019), found that 'much work was now being done to make the prison safer' and that the prison's safety strategy was 'good'. New funding has been allocated to address violence and in particular gang related issues. This includes a mediation and conciliation service for men involved in conflict; the screening of all men on reception to understand potential conflicts in the prison with a focus on gangs; and a group intervention programme for younger BAME men involved or at risk of being involved in violence. There is also now a full-time detective constable police officer based in the prison to improve the investigation of violent crime in prison.

Paragraph 37

The CPT requests that the authorities of the United Kingdom send it an update of the further steps that have been taken in relation to this matter [incident at Wormwood Scrubs].

Report on this issue is provided to the CPT separately, due to the personal data this report contains it does not form part of the main response to the report.

Paragraph 38

The CPT requests further information about any additional steps taken in the light of the findings of this internal investigation [Prisoner Dd].

The response to this point is provided to the CPT separately, due to the personal data this report contains it does not form part of the main response to the report.

Paragraph 39

The CPT recommends that the United Kingdom authorities must not only undertake a proper investigation into allegations of ill-treatment, but also institute measures (such as those set out in the following chapter) to ensure that all prison officers and managers understand why ill-treatment is unacceptable and unprofessional and that, furthermore, it will result in severe disciplinary sanctions and/or criminal prosecution.

Initial training for all new prison officers covers their responsibility to ensure and maintain the safety of prisoners whilst they are in custody. This training includes their responsibility to uphold the human rights of everyone they come in to contact with and specifically draws on article three of the Human Rights Act related to torture, making sure that all officers understand their responsibility to adhere to the Act and report any wrongdoing. In addition to this all officers are also required to carry out annual refresher training on corruption prevention, safer custody and use of force to ensure that their knowledge and skills in these areas are continually assessed and that they are educated on their personal responsibility as a member of staff within HMPPS.

Paragraph 43

Managing a large adult male prison in an effective way is a complex task, requiring of a Director / Governor a high level of operational performance in a very challenging environment, as well as a capacity for strategic and reflective leadership. Consequently, the CPT welcomes the steps that have been taken recently to develop a senior leadership programme to support and enhance the leadership capacity of senior prison managers. The CPT would like to be informed of the numbers of Directors/Governors who have undertaken this programme and of the future targets in this regard.

Since 2017 HMPPS has been rolling out the Empowered Senior Leaders Programme (ESLP) to Prison Governors and NPS Heads of Service. This was in response to Minister Truss' White Paper (November 2016). To date 91 Prison Leaders have attended and feedback has been very positive. In future this programme will be absorbed into the Senior Leadership Programme – part three (see below).

In 2018 HMPPS completed a leadership capability analysis and identified a number of key development areas for leaders at all levels. One of the outcomes has been the creation of the Senior Leadership Programme (SLP). This is a three-tier programme that develops people both towards a senior position, as well as providing support once promoted. In prisons this means development for Deputy Governors, those who aspire to Governor posts and newly promoted Governors. This is shown on the table below. These programmes differ from previous offers in that learning focusses on practical application, is delivered in intense residential blocks and includes opportunities for the leaders to complete a strategic placement outside of the organisation to develop their skills.

Programme	Target Audience
SLP1 – Performance Leadership	Deputy Governors
SLP2 – Strategic Leadership	High potential Deputy Governors / future Governors
SLP3 – Reflective Leadership	Newly promoted Governors.

A pilot for SLP2 is currently in progress with 15 high potential leaders from HMPPS. SLP1 and SLP3 are planned to launch in 2020. We are forecasting approximately 15-20 places (with half going to Public Sector Prisons), on each programme, each year although organisational demand may alter this.

Paragraph 45

In addition, the delegation was concerned that some basic security measures were not being taken at all three prisons visited; for example, even though it was clear that significant quantities of drugs were entering the establishments (see Section ‘*substance use*’) and were contributing to the violence levels – not everyone entering the prisons was being routinely searched. The delegation noted that staff were not being routinely searched for drugs, despite, in some cases, intelligence showing that occasionally, staff had facilitated or actually brought drugs into prisons. The CPT would like to receive the comments of the United Kingdom authorities on this issue.

We recognise the importance of physical and procedural security in keeping drugs out of prison and clearly searching has a role to play, dependent on the nature and the level of the threat. Prisoners, visitors and staff are searched for illicit goods, including drugs, on both a random and intelligence led basis. There are a number of ways that we do this, including through physical searches, technology and the use of trained dogs. HMPPS fosters a supportive environment so that if staff feel they are at risk of being coerced to participate in the illicit economy they can come forward and discuss this with their senior managers. Options to support that individual are then put in place to protect them. Where we find staff corruption we push for the harshest penalties.

Paragraph 46

The CPT would like to receive further information about the implementation in practice of the OMiC key worker scheme.

HMPPS are making transformational improvements in the way we support and case manage prisoners through their sentences and we are delivering this through the Offender Management in Custody (OMiC) model. Additional resources were provided as part of the Secretary of State’s Prison Reform Strategy for the introduction of key work as a core part of the role of all prison officers and for the changes to case management. OMiC aims to deliver improvements in safety and rehabilitation, making it a vital component of our overall reforms. OMiC is being introduced in two separate but interconnected and complimentary phases of key work and changes to case management.

Key work is being delivered in all 92 prisons in the closed male estate across England and Wales. The aim of the key worker role is to develop constructive staff-prisoner relationships, foster positive behaviours, build prisoner trust and confidence, hope and commitment to change. Our focus is on providing the right management and assurance at every level of HMPPS to ensure that key worker sessions are routinely provided and become a standard, consistent part of the prison regime. This in turn will ensure that Prisoners feel safe, respected and are treated decently and fairly, it will create a state of mind which enables rehabilitation. Research has associated decency and stability with lower rates of assaults through the development of positive and collaborative relationships between staff and prisoners

Key work is the foundation of our new case management system and as the changes embed we expect to see key workers and Prison Offender Managers working closely together to support the rehabilitation and manage the risks of all sentenced prisoners. The model has been designed around an average caseload of six, although this may fluctuate slightly based on the availability of staff as people move through the system. Every prisoner is assigned a key worker. They will have time to carry out key work, which includes 45 minutes per prisoner per week. New Prison Officers will receive two days of key work training in Prison Officer Entry Level Training. Existing staff will receive one day skills training and an information briefing about the new Offender Management model. Prison Officers undertaking key work will have the support of the Custodial Manager, as their direct line manager.

Paragraph 48

Nevertheless, the fact remained that structured interventions to challenge violent behaviour remained few and far between and were reaching comparatively few of even those prisoners identified as most prone to violence. For example, at the SRU in *Doncaster Prison*, over the preceding 9 months, 162 prisoners had been referred to offending behaviour programmes as a result of their contact with the SRU. However, of these, 91 had been transferred out of the prison before they could complete a programme, 54 were currently on a waiting list and only 12 prisoners had completed their programme (with, at the time of the visit, 5 inmates who were actively engaging). The tangible outcomes of the CSIP programme also remained unclear, although the CPT would appreciate receiving further information in this regard.

The Challenge, Support and Intervention Plan (CSIP) is the national case management model for managing those who are violent or pose a raised risk of being violent, and was mandated for use across the adult prison estate from November 2018. CSIP provides a framework for managing violence that is centred around the individual and their specific needs to help them manage and move away from violent behaviours. More than a year on, the case management process is now being used in all prisons.

It is still too early to offer specific evidence on the success of CSIP, as it will take time to fully embed effectively. However, the National Prison Safety Team recently conducted an assessment of CSIP implementation across England and Wales. From this, success stories as a result of the CSIP process were identified and have been shared with other establishments to promote good practice.

Paragraph 49

The CPT recommends that greater investment be made in anti-violence interventions targeting prisoners who have been implicated in violent incidents. The effectiveness of existing intervention programmes should also be independently monitored and evaluated.

HMPPS Interventions Services (IS) have been developing rehabilitative resources including programmes, toolkits and assessments for over 25 years, and are committed to reducing reoffending, addressing the needs of those individuals in our care and protecting the public. They continue to work closely with service users and with custody, community and external providers to ensure that the resources we offer can be delivered to the highest quality.

Interventions Services offer a range of resources informed by the latest research about what works to reduce reoffending. Programmes they offer address a broad range of offending, covering Intimate Partner Violence (IPV), General Offending, Sexual Offending, Substance Misuse, General Violence (GV), Gang Affiliated offending and Extremism. There are also programmes specially designed for those with learning disabilities and learning challenges (LDC).

Interventions Services have also developed and offer the '**Timewise Toolkit**' which is a product designed to work alongside other initiatives in making prisons safer for those who live and work in them. It promotes rehabilitative conversations about ideas and skills that can help individuals to better utilise their time in custody.

Each resource offered by HMPPS Interventions Service is designed in a way that recognises the difficulties individuals face in trying to maintain an offence free life, and are intended to be delivered as part of a wider package of rehabilitative activity. No programme or toolkit on its own can reduce reoffending, a programme teaches individuals skills and techniques that can help individuals to desist from reoffending, if they choose to use them.

The majority of IS' programmes have been assessed and awarded accreditation by the Correctional Services Accreditation and Advisory Panel (CSAAP), an independent committee of international experts who attest to the fact that the programmes are in line with the latest evidence and thinking about what works. We are committed to ongoing support and monitoring of all our programmes. All programmes are evaluated by the Ministry of Justice.

NOTE: There are currently 33 accredited programmes³, of which 23 are overseen by Interventions Services in HMPPS and 10 are provided by external providers. Please refer to <https://www.gov.uk/guidance/offending-behaviour-programmes-and-interventions> for a list of available programmes in custody and community.

Paragraph 53

The CPT recommends that the United Kingdom authorities review the confidential access “COMP 1” system for serious allegations against staff to render the system effective and transparent in practice; as well as ensuring that an effective interface be established between prison complaints procedures and the recording of incidents of violence, including alleged staff assaults. The aim should be to ensure that whenever a prisoner’s complaint includes allegations of violence that information is also formally recorded as an allegedly violent incident. Prison Governors should always retain direct oversight and control over these sorts of complaints and should systematically ensure an internal investigation and/or to referral to the police (see also sub-section (iii) below).

In compliance with a new general Prisoner Complaints policy framework which was issued on 1st August 2019, the ordinary and confidential access complaint forms include a box for the prisoner to tick if the complaint is about violence, including threats or intimidation. This is to enable violence reduction procedures to be implemented where necessary, in accordance with the arrangements set out in Prison Service Instruction 64/2011: Management of prisoners at risk of harm to self, to others and from others (Safer Custody).

Furthermore, the policy is clear that when dealing with complaints about alleged misconduct by staff, the procedures set out in PSI 06/2010: Conduct and Discipline must be followed. Within the Youth Secure Estate, all complaints relating to allegations against staff are dealt with through the child protection procedures as described in Annex C of PSI 08/2012: Care and Management of Young People.

Paragraph 57

Turning to the legitimacy (or lack thereof) of the use of “preventive strikes”, it is recalled that the CPT’s delegation encountered this reprehensible practice (i.e., “preventively” punching compliant prisoners whom they perceived might, at some unspecified point in the future, become a threat), in particular at *Liverpool Prison*.

The use of force documentation at that establishment relating to such cases included reference to guidance issued in 2015⁴ amending the previous national guidance on the use of force (Prison Service Order No. 1600, initially issued on 31/8/2005). The 2015 guidance states: “Pre-emptive Strikes: *“There is no rule in law to say that a person must wait to be attacked before they can defend themselves”.* *There must however, be an honest belief by the member of staff that he or she was about to be*

³ Some programmes are modified for delivery in different settings (e.g. custody and community) and/or to different groups (e.g. to male or female offenders, or offenders with learning disabilities). Where modifications result in substantive differences between the programme; separate accreditation exercises and awards are undertaken for the different versions of the programme.

⁴ National Security Framework, Control and Order Function, Amendments to Use of Force Policy (NSF 2.1) of 4 November 2015.

attacked and, as with other uses of force, the pre-emptive force used in self-defence must be reasonable and necessary in the circumstances”.

This guidance is, in turn, based on Crown Prosecution Service general guidance on the law of self-defence⁵, which itself leans upon a case decided in 1909⁶ which, while upholding an appeal on the grounds of judicial misdirection, actually found that “the appellant is a man very likely to have committed an unprovoked assault”.

The CPT notes that the 2015 guidance is due to expire in early November 2019 and recommends that it be replaced with new guidance that makes clear to prison officers that engaging in so-called “preventive strikes” on prisoners is unlawful and that any officer who is found to have engaged in this practice will be subject to appropriate disciplinary and/or criminal sanctions.

HMPPS conduct and discipline policy is clear that “staff are expected to meet high standards of professional and personal conduct. All staff are personally responsible for their conduct. Failure to maintain the required standards can lead to action, which may result in dismissal from the Service”. The policy is also explicit that it is a breach of professional standards to: “Provoke, use unnecessary or unlawful force or assault a prisoner”. Prison officers are trained in the appropriate use of force, subject to regular refresher training, and there is a process of scrutiny and governance in each prison. Prison staff are also trained in a range of skills to prevent conflict from occurring and to de-escalate potentially violent situations wherever possible using alternatives to physical force.

There are a few incidents where a member of staff may find themselves in a position of imminent danger, and the use of force may be required as a protective measure. In those circumstances, and as explained in law, it is for the individual to determine whether the pre-emptive use of force is justified. We would expect this to be the case in very few situations.

The use of self-defence in such circumstances is governed by law and policy. The legal position is set out in section 3(1) of the Criminal Law Act 1967 and section 76 of the Criminal Justice and Immigration Act 2008. The expected standard of prison officers is in fact higher as their judgement and conduct would be expected to meet a reasonable professional standard.

Any individual or member of staff will be legally entitled to use force as a last resort to prevent a crime from occurring in custody (including crimes against the person), or to prevent escape of a person lawfully detained, provided all use of force is lawful and reasonable, and staff clearly outline this in their use of force report after the incident. Prisons must have in place effective governance to have oversight of all use of force incidents, and where wrong doing is found, will take the appropriate actions.

Paragraph 58

In order to enhance the potential of BWVCs to contribute to the prevention of ill-treatment, and better to protect prison staff from unfounded allegations of ill-treatment, the CPT recommends that the terms of the Prison Service Instruction 04/2017 should be amended to make it mandatory for BWVCs to be issued, worn and turned on by all prison staff who may have to use force against prisoners and non-compliance with this obligation (in the absence of an explanation of exceptional circumstances) should be treated as a disciplinary offence (see also paragraphs 62 and 84).

Policy guidance and communication has been issued to promote better use of BWVC. HMPPS is currently carrying out a review of BWVC, this programme of work includes looking

⁵ http://www.cps.gov.uk/legal/s_to_u/self_defence/index.html

⁶ R v Oarman Deana, 2 Cr App R 75.

at the options for the future procurement of BWVC and will consider potential new technology. The policy for the use of BWVC will be updated as part of this programme of work and will take into account the research literature available on the use of BWVC and address lessons learned from our initial roll out in prisons. Through this work we will be exploring options including mandatory continuous use of BWVC.

Paragraph 61

The CPT recommends that referral to the police should be mandatory in every case of alleged assault irrespective of whether the purported assailant is a prisoner, or a prison officer and the Crime in Prison Referral Agreement should be amended to reflect this, as well as specific guidance provided on referrals to the police of alleged assaults by prison officers.

The [Crime in Prison Referral Agreement](#) was published on 7 May 2019 and sets out for the criteria for prison establishments on what crimes should be reported to the police. The Agreement identifies which crimes must be reported to the Police which does encompass staff assaults (except where little or no injury is caused). In the circumstances where it is deemed more appropriate to deal with the assault by the adjudication process, the adjudicating governor may still refer a sufficiently serious incident to the Independent Adjudicator, who will consider whether additional days should be added to the custodial element of the prisoner's sentence. The Agreement provides that if the prison determines that an offence does not meet the threshold but the victim wishes to report the crime to the police themselves, the prison must allow the victim to do so. This applies to both assaults on staff and assaults on prisoners.

HMPPS is currently producing some guidance to assist prisons in implementing the revised Crime in Prison Referral Agreement. The guidance is being produced with contributions from the police and Crown Prosecution Service and we will take into consideration the recommendation whilst producing this guidance.

The recommendation of the CPT is noted, but we are satisfied that the Crime in Prisons Referral Agreement provides an appropriate basis for joint working. We will focus on ensuring that it operates effectively in practice.

Paragraph 62

Overall, the CPT recommends that a thorough review be undertaken by HMPPS into the efficacy of current systems designed to hold prison staff to account when their conduct is called into question. The review, and further measures, should ensure *inter alia*:

- **The procedural effectiveness of current prison complaints procedures;**
- **Improvements be made to the quality of use of force recording, including ensuring that mandatory F213 medical forms are completed in every case involving the use of force. In this regard, consideration might be given to digitising the F213 form;**
- **Steps be taken to explicitly prohibit the practice of so-called “preventive strikes” by prison officers on inmates;**
- **Enhance the current instructions on the use of BWVCs in order to render the use of this technology mandatory during every interaction involving the use of force by prison staff on inmates, and non-compliance (in the absence of an explanation of exceptional circumstances) should be treated as a disciplinary offence; and**
- **Improvements be made to the quality of fact-finding / internal investigations by prisons.**

HMPPS implemented a new general Prisoner Complaints policy framework on 1st August 2019. This was shaped by feedback received from staff, prisoners and stakeholders during extensive consultation. The revised process embeds a problem-solving approach into both the submission and response stages of complaints as well as reinforcing to staff that 'balance of probabilities' is the standard of proof for investigating prisoner complaints. The principles of procedural justice run throughout the new guidance and revised complaint forms to increase prisoners' understanding and confidence in the fairness of the process.

HMPPS recognise that there are improvements and modernisation needed in the recording of use of force incidents. HMPPS is currently piloting and developing a digital use of force reporting tool. This will create a more reliable and transparent system for recording the reasons for the use of force and ensuring that all aspects of the documentation is completed. The data collected through this tool will also enable better analysis and scrutiny. HMPPS has developed and shared a good governance tool kit for use by Governors and others providing leadership to staff in custodial environments. The toolkit contains good practice guides, tools and standardised templates for use within an effective oversight and governance process.

As described earlier, HMPPS does not agree that there should be a blanket prohibition on prison officers using force pre-emptively in order to prevent a crime or exercise self-defence. This does, as with all use of force have to be within the law and policy, and subject to rigorous governance.

Please refer to the response to paragraph 58 regarding the use of BWVCs.

[Prison staff](#)

Paragraph 67

The CPT requests an update on the current training and any developments planned.

HMPPS is introducing a 12–18 month apprenticeship programme for all new entrant prison officers in England which will replace the current entry level training. The Level 3 Custody and Detention Officer Apprenticeship will include a new induction package and a workbook where apprentices can evidence their learning during their induction. They are then invited to a two-day welcome event where they are introduced to the offender journey through case studies and guest speakers who encourage them to think about their role as officers in supporting rehabilitative change. They will also learn about leadership and resilience and reflect on the kind of officer they want to be.

A new 8-week programme of learning has been developed to follow the welcome event which focuses on the core knowledge, skills and behaviours needed to be a confident prison officer and introduces a practice perfect and reflective practice delivery methodology. Job specific curriculum covering Personal Security, Wing Duties, Everyday Tasks, Off Wing Duties, Report Writing, Dealing with Incidents and Interactions with Prisoners provide apprentices opportunity to build on their knowledge week on week to ensure they are retaining their learning and practical assessments have been introduced to monitor apprentice's application and understanding of the skills they are developing.

Apprentices will then continue their training while they work in the establishment where they will be supported by their line manager and apprenticeship coach. They need to access off the job training to further develop their skills and track their progress by gathering evidence for their work books and portfolio. During this time, two checkpoints have been included in the programme. The first checkpoint lasts for two weeks, one of which is spent in the establishment for off the job training and workbook completion, the second is at an L&D centre where they will reflect on what they have learned so far and develop their knowledge and skills. The second checkpoint will see them spending a week with L&D in preparation for their end point assessment which consists of a project and a professional discussion.

The apprenticeship is designed to ensure new entrant officers have all of the knowledge and skills they need to carry out their role safely and confidently and enhance their understanding whilst they work with the support of their colleagues. Not only will they achieve a level 3 professional qualification, they will also gain a level 3 vocational diploma and a level 2 in functional skills in Maths and English.

HMPPS recognises the importance of ongoing prison officer training and we currently have over 70 courses in our Continuing Professional Development catalogue – many of which are specifically for prison officers. We are now in the process of reviewing all of these courses and whilst some will remain unchanged, many will be updated and new courses will be added to the catalogue. We are working very closely with our colleagues in Security, Order and Counter Terrorism to ensure that any new courses are fit for purpose and meet the needs of the business in these areas.

Paragraph 69

The CPT recommends that the United Kingdom authorities urgently put in place measures to bolster the retention of newly-recruited and freshly-trained front-line custodial staff, through extending the initial training and providing regular refresher courses and adequate psychological support and remuneration to reflect the challenging nature of the role of a prison officer.

The CPT also recommends that for all three prisons visited, prison management should ensure that staffing levels are regularly reviewed in each wing, that there is an adequate allocation of experienced staff numbers to ensure safety on the wings, and that all rostered staff are actually present on each wing. Management in the three prisons should ensure that staff have the requisite skills, confidence and competence to challenge unlawful behaviour and help prisoners in crisis.

New recruits

Increasing competence and confidence in all of our Prison Officers is an important part of the HMPPS strategy to enable our people to be their best and improve retention rates.

In October 2019 we began the roll out of the new Level 3 Custody & Detention Apprenticeship which will become the default learning pathway for all new officers as of May 2020. The 18 month programmes increases experiential and practical learning, giving officers a clear understanding of the expectation of them once they begin their new role in an establishment. Dedicated support will be offered throughout the apprenticeship period via Apprenticeship Coaches in establishments, aiming to help embed classroom learning and increase time spent with prisoners. Throughout training learners will be invited back for numerous check points for classroom refresh and further up skilling.

Various psychological support packages are available to all officers via PAM assist, including group supervision. In addition to this, following the 10 Prison Project, we progress with the roll out of TRiM (Trauma Risk in Management) – a risk assessment carried out by trained practitioners to provide support post incident. The purpose is to assess the effect of a traumatic event on an individual (or a group in some cases) and signpost them to help if they continue to be affected by it. The person is met by the Practitioner after 72 hours and again a month after the incident. If required further support will be identified such as Occupational Health, Care Team or from their GP.

Remuneration for Prison Officers is addressed by an independent Pay Review Body who provide recommendations to the Government.

HMP Wormwood Scrubs

HMP Wormwood Scrubs is currently re-profiling (ie:- reviewing resource allocation) with a view to putting more prison officers onto the wings. An annual staff rotation seeks to balance the allocation of experienced staff across all work areas. New prison officer trainees are now undertaking an apprenticeship and being supported by an operational apprenticeship coach.

HMP Liverpool

HMP Liverpool have introduced a weekly regime management meeting that has developed into identifying risks, and needs for each day based on staff availability and prioritises deployment to increase safety.

HMP Liverpool have invested in new ways of delivering staff training as part of the weekly regime management meeting, the delivery of training in this fashion allows HMP Liverpool to invest in prioritising training which improves, up-skills and refreshes staff in safe systems of work, risk management and safety.

Unlawful behaviour is challenged by staff, both operational and non-operational (workshop Instructors and Partner agencies who will place prisoners on report). This is supported by men being placed on IEP or report. HMP Liverpool will raise the awareness of the importance of staff challenging unlawful behaviour and inform staff of the process by which they challenge behaviour and also the support they can offer or referral process which will support those men in need.

Prisoners in crisis are supported by their keyworker giving a multi-disciplinary approach.

HMP/YOI Doncaster

A monthly work force planning meeting (WFPM) has been introduced which is chaired by the Director, this meeting robustly reviews and acts to ensure adequate staffing levels are maintained on all residential wings. The meeting further ensures that sufficient notice is given to recruit Prison Custody Officers to maintain authorised staffing levels (ASL).

A review of staffing experience will be undertaken to ensure that there is the correct balance between experienced and lesser experienced staff, a staff rotation exercise will then take place.

The Custodial Operations Managers roster has been changed to cover the wings at key times on their areas of responsibility. By introducing the new roster each wing has a dedicated manger, who will give improved and enhanced guidance and support to the staff to enable them to challenge prisoners' behaviour throughout the core day.

Custodial Operations Managers will be given a set of standards with expected requirements to follow across the residential wings to operate a wing safely and in a controlled manner. Failure to meet the standards will be dealt with through managing performance and the Personal Development Record (PDR) process.

[Conditions of detention and regime](#)**Paragraph 73**

The CPT recommends that Liverpool and Wormwood Scrubs Prisons be deep-cleaned and refurbished on an ongoing basis; all cells should be regularly checked for broken window hatches, blocked ventilation holes or obstacles to access natural light and each cell should be clean, free of vermin and insects and in a decent state of repair, and exercise yards should be cleaned on a daily basis from debris and litter.

HMP Wormwood Scrubs

HMP Wormwood Scrubs has an ongoing refurbishment programme and is part of the National Clean and Decent project. Over £6 million was invested in 2019 to improve living conditions and facilities within the prison. HMP Wormwood Scrubs is now receiving additional support and investment under the Prison Performance Support Programme. The Senior Management Team undertake daily cell checks of cleanliness and decency and the conditions of cells are also monitored by Prison Officers when carrying out their daily Accommodation and Fabric Checks. HMIP, who visited HMP Wormwood Scrubs on September 16 to October 4 2019, described the prison environment and the quality and cleanliness of cells as 'much improved'.

HMP Liverpool

HMP Liverpool have in place a deep-cleaning programme for wing serveries which provides twice yearly deep-clean.

HMP Liverpool has a robust system of regular checks in place to monitor clean and decent living conditions which identifies issues such as broken windows and obstacles to natural light. Further, the local weekly performance meeting monitors the clean and decent aspect of cleanliness and living conditions. HMP Liverpool also conduct a full annual Clean and Decent Prison self-assessment and the Prison Group Director's office will conduct a further assessment mid-year.

There is a prisoner refresh team in place which ensures minor repairs are completed quickly including provision of a temporary fix to cell windows prior to full window replacement and repainting areas where graffiti has been identified.

HMP Liverpool has invested and are committed to a plan of full eradication of vermin and pests. A change in contractor and improved training and communications is assisting this process. There are now fewer sightings and it is relatively rare to receive reports from prisoners or staff on sightings.

Exercise yards are cleaned daily and kept free of litter and debris and all cells now have a waste bin which men are encouraged to use. New windows which have been fitted on B wing, F wing and parts of G wing prevent litter and debris from being thrown onto exercise yards and into gullies whilst also providing a more controlled ventilation into the cell. A programme of replacing cell windows throughout the prison is in place subject to ongoing funding.

All wings remove waste daily, placing it in external lockable waste bins to prevent further infestation and these are emptied daily by the waste management team.

The waste management team have a daily programme of waste removal from all areas across the establishment.

Paragraph 74

The CPT recommends that the United Kingdom authorities take steps to cease the doubling-up of prisoners in cells designed for single use at Doncaster and Wormwood Scrubs Prisons, and to ensure that sanitary annexes in double-occupancy cells be fully partitioned.

As concerns Liverpool Prison, the CPT recommends that its CNA and operational capacity remain at their current levels (halved), to ensure that cells designed for single use are generally not doubled-up.

Prison capacity

We agree that we need prisons that are decent, with clean wings and humane living conditions. A new national standard has been produced to assist with providing assurance through the management line and drive improvements.

We invested an additional £31m in the last financial year to improve conditions in some of the prisons with the most pressing issues. This saw us refurbish nearly 1,000 cells, over 100 shower blocks and 14 food serveries, and in addition carry out essential fire safety work.

Please see our response to paragraph 23 for our response to general crowding issues in the prison estate.

HMP Wormwood Scrubs

Work has progressed on proposals to manage the use of single cells to reduce overcrowding.

HMP Liverpool

Although crowding data shows a reduction in doubling up, this will further reduce once H wing and K wing are refurbished becoming single cell occupancy

Our current Certified Normal Accommodation (CNA) is 700 and this will be maintained during refurbishment.

Paragraph 75

The CPT reiterates its views regarding very large prisons (see paragraphs 22 and 23). It also trusts that the authorities of the United Kingdom will ensure that the prison reform strategy will incorporate the House of Commons Justice Committee's report recommendations, and notable ensure the development of a realistic, properly costed, long-term prison estate strategy.

The new investment of £2.5 billion will provide 10,000 additional places that are decent, safe and secure. We have developed our strategic plan to deliver 10,000 more prison places by the mid-2020s, which will be delivered through a programme that offers the taxpayer better value for money and support to suppliers and builders across the country. We will set out further details on this, and our broader prison estate strategy later this year.

We will build new prisons to ensure that we have enough capacity to account for any projected rise in the number of offenders being sentenced to custody, but we are clear that this is not just about new builds, with maintenance featuring as a key component of the strategy.

Our success will be measured by improved conditions and safety for staff and offenders and adequate capacity in the coming decades. HMIP inspections will continue to play a vital role in ensuring that we uphold our commitment to a prison estate that is decent, safe and secure.

We have committed an additional £156m on top of baseline funding of maintenance funding in 2020/21 to undertake maintenance across the prison estate and to ensure we have the prison places we need to manage incoming demand. However, this level of capital allocation is not sufficient to manage down the existing backlog of priority works and will not restore all spaces taken out of use back to a useable state.

We share the concerns raised by the CPT in relation to large prisons and have taken a different approach in the design of our new prisons and house blocks. New constructions, such as Wellingborough, will include the following design features which have been conceived as ways to provide humane conditions that support rehabilitation and a return to the community:

- Smaller house blocks in non-galleried landings accommodating 60 men between three spurs. This is to allow men to benefit from a greater sense of community and less intimidating barriers between prison staff and each other. It will also allow operators to think creatively about how accommodation is used
- Majority single cells with a shower, digital technology and bar-less windows give prisoners the ability to take more responsibility for personal care in a cell suitable for a category C prisoner.
- Four disabled-access cells per house block and three low-mobility cells per floor means prisoners unable to use stairs are not bound to the ground floor and can integrate easily with other prisoners.
- Functional rooms on each floor including interview and group rooms, association spaces, and cardio facilities ensure house blocks remain functional places of activity and can play a part in the overall regime – becoming places of doing.
- A central services hub which brings together education, healthcare, reception, the library and multi-faith space. Some of these spaces could be used by staff and prisoners, to practice and celebrate faith or to host larger meetings, activities and charity or community events.
- A visitors' hall that encourages families to visit capable of accommodating 50 visits which can remain personal in a light, open environment.
- Heavy and light industry workshops which give operators and prisoners the option to choose between industries which give prisoners practical skills for work outside of prison.
- Access to outside spaces capable of hosting allotments as well as multi-use games areas, which broaden the activities available to prisoners.

Paragraph 78

The CPT recommends that at Doncaster, Liverpool and Wormwood Scrubs Prisons, inmates who are unemployed or do not participate in activities for various reasons should be provided with much more out-of-cell time than currently provided and, as far as possible, be offered meaningful activities during association time.

The CPT would also like to be updated on the actions taken under the recent Education and Employment Strategy by the United Kingdom authorities and its initial impact.

HMP Wormwood Scrubs

HMP Wormwood has sufficient activity places for all men to engage at least part-time. They are encouraged to do so and thereby spend much more time out of cell.

HMP Liverpool

HMP Liverpool does not provide association to those who are unemployed or do not participate in activities for various reasons within the existing core day and staff profile. Men can access at least one hour a day to carry out domestic tasks and access the open air. We are however planning to provide more time out of cell for men who are unemployed and do not participate in activities by opening an additional workshop at the end of March 2020, which will employ men on a rota basis in an attempt to increase time out of cell and provide gateways to rehabilitation and encourage men to fully participate in the full regime.

HMP/YOI Doncaster

HMP & YOI Doncaster agrees with the principle of increasing time out of cell, however there is no minimum number of hours out of cell that must be provided. The priority is to deliver a safe and secure environment to all prisoners, achieved by balancing the delivery of time out of cell with purposeful activity spaces. There is concern that additional meaningful activities during association as a means of increasing time out of cell could lead to increased violence. HMP & YOI Doncaster was placed into rectification in 2015 due to increased levels of violence and the risk of increased violence is therefore at the forefront when making operational decisions. We will need to consider this recommendation further including the financial implications.

Education and Employment Strategy

The Education and Employment Strategy (published May 2018) made commitments to reform how prisoner education and employment are delivered in prisons in England. The strategy set out a series of approaches as to how delivery will be transformed to enable prisoners to develop and enhance their skills whilst in custody and in helping them secure employment on release.

Significant progress has been made in delivering the commitments articulated in the strategy. Key areas of progress are:

Education & training in prison

- New education contracts, which have fundamentally changed education delivery in prisons, have been procured and introduced in England in succession to the Offenders' Learning & Skills Service (OLASS) arrangements that expired at the end of March 2019. From 1 April 2019, prison governors assumed responsibility for the education provision delivered in their individual prisons. They have control of their education budgets, decide the curriculum to be delivered and have played a key role in choosing the provider(s) of their education delivery to best meet the needs of their prisoners.
- Core and bespoke education provision is delivered through two new routes: the Prison Education Framework (PEF) which delivers the principal elements of their curriculum (such as maths, English, ICT and ESOL) and the prison education Dynamic Purchasing System (DPS). Launched in November 2018, the DPS enables Governors to commission innovative, specialist or one-off education provision for their establishment. Information, Advice and Guidance (IAG) services are also commissioned through the DPS & to date, some 80 prisons have done so.
- The DPS has enabled governors to provide a rich and diverse mix of provision that is best suited to their individual prison populations. Since the launch of the DPS, 288 suppliers have been successfully engaged, 176 DPS contracts awarded with a total committed value of £12.56m. Additionally 303 DPS Invitations to Tender (ITTs) have been launched with a forecast value of £16.06m. A high proportion of contracts, over 60%, have been awarded to Small and Medium Sized Enterprises (SME's).
- A new core common curriculum has been introduced which is underpinned by four common Awarding Organisations (City & Guilds; OCR; WAMITAB and Gateway Qualifications) whose qualifications are used exclusively in seven subjects which include: maths, English, ICT and ESOL as well as catering and hospitality, construction, planning and the built environment, and cleaning and facilities management. This means that, a prisoner who starts a qualification in one prison is able to complete it at another rather than starting again as they move across the prison estate.
- To ensure consistency in delivery across all prisons, 12 education mandations have been introduced. These cover a number of delivery areas including the need to ensure each prisoner has a learning plan.

- Training opportunities have been, and continue to be available to governors and their staff to assist them to effectively manage, embed and deliver the reforms. This includes providing central contract management support and training - both at a national and local level - along with direct support from the MoJ's Commercial and Contract Management Directorate (CCMD) via a dedicated professional team.
- Governors will also continue to be supported through the newly established HMPPS central National Education Contract Management Team which provides on-going contract management support & training along with central advice from the MoJ's Commercial and Contract Management Directorate. Prison Group Directors (PGDs) also provide support to governors and provide relevant advice, training and resources at local level to assist in enhancing delivery.
- In December 2018, a new Women's Policy Framework and accompanying 'Guidance on Working with Women in Custody and the Community' was published. The framework sets out the duties, rules and guidance for prison and probation staff who work with women. This includes a specific requirement for women to be given support to find somewhere safe to live, learn how to manage their money, access education and training and improve their employability.
- A new training package for National Probation Service (NPS) staff was rolled out in April 2019 to help develop the skills and knowledge of staff working with women in a custodial and community setting. It ensures that staff have the skills they need to assess and manage women given their specific risks and needs, enabling them to respond in a gender and trauma informed way.
- These arrangements ensure a tailored and consistent approach to delivery across the prison estate in England as well as attracting and enabling smaller local suppliers and third sector organisations to participate in delivering a varied and responsive mix of provision to prisoners.

Accountability

Holding prison governors to account for education delivery

- New performance measures are being developed on attainment in education in prisons, utilising a data share between the Education & Skills Funding Agency and MoJ/HMPPS. Attainment in education will be assessed by comparing mathematics and English skills on entry into prison against qualifications achieved whilst in prison. The achievement of a qualification at a higher level than a prisoner tested on entry will result in a positive performance outcome.
- The move away from the previous Offenders' Learning and Skills Service (OLASS) arrangements, to the new PEF has offered an opportunity to specify our data requirements and begin developing more suitably robust measures on the quality of education provision in prisons and outcomes for offenders.

Holding the Prison Education Framework (PEF) providers to account

- Prison Governors now have the tools to hold their Prison Education Framework (PEF) suppliers to account through three new service levels and four Key Performance Indicators (KPIs).

National Governance Arrangements

- A new national Learning and Skills Board was launched in Oct 2019. Chaired by HMPPS, membership also comprises MoJ policy, finance commercial and legal teams. The board's approach is being developed to ensure that it has the breadth of oversight needed to evaluate the extent of success of new education and library commissioning arrangements and make any changes that are needed to ensure ongoing improvement. For example, the board has recently commissioned a review of IAG services which will be completed by 31 March 2020.

- The Conservative Party's election manifesto contained a commitment to establishing a new "Prison Education Service". Details of the new service are not yet available.

Prison Work

Increasing work placements via Release on Temporary Licence (RoTL)

A new "Release on Temporary Licence (ROTL)" Policy Framework was implemented in May 2019 to further enhance and increase the opportunities available to prisoners to help them prepare for resettlement in the community once they are released. This includes finding work, rebuilding family ties and gaining essential work-related experiences in preparation for employment.

We have committed to increasing paid workplace ROTL by 20%. We have set a target for this based on published figures and have been assessing and measuring progress from April 2019, in line with the rollout of the New Futures Network (NFN). Like-for-like figures (based on levy payment data) currently show that:

- In the 2018/19 financial year – 572 releases per month on average
- In the 2019/20 financial year to date – 796 releases per month on average

This shows a current overall increase for paid workplace releases on ROTL of 39%.

Employment on Release

New Futures Network (NFN)

- The New Futures Network (NFN) was established in three pilot areas in October 2018 and roll out of the service is now complete.
- NFN is the specialist part of the prison service that brokers partnerships between prisons and employers. These partnerships help businesses fill skills gaps and prisoners to find employment on release. NFN brokers three types of partnership:
 - Prison Industries: when businesses set up commercial workspaces in prisons, staffed by serving prisoners. These range from crops to carpentry, coding to call centres.
 - Release on Temporary Licence (ROTL): when risk-assessed prisoners leave prison each day to work for employers in the community. This can be for a full working week, over an extended period.
 - Employment on Release: when employers offer opportunities to ex-offenders, following their release from prison. This can be after seeing a prisoner work in a prison industry or in a workplace in ROTL.
 - To prepare prisoners for release we are committed to ensuring equality of access to the benefits system between those in custody and those in the community. Offenders are able to access a DWP Work Coach prior to release who can make an appointment as early as the day of release to complete their claim, and can receive an advance of a full month's benefit within hours. We are also working closely with colleagues in DWP to explore ways to deliver enhancements to the current benefit claim service with the aim of ensuring prison leavers have easier access to financial support on the day of release.
 - To foster greater join up between prisons, National Probation Service (NPS) & Community Rehabilitation Companies (CRCs) a new six-week employment outcome measure was introduced in April 2019 showing the percentage of released prisoners in employment 6 weeks after release. The first statistical assessment of this measure is expected in the HMPPS Prison Performance Framework in Summer 2020.

Inspection

- The Office for Standards in Education, Children's Services and Skills (Ofsted) inspects education, skills and work in prisons on behalf of Her Majesty's Inspectorate of Prisons (HMIP) as part of joined-up inspection teams.
- Having prison education inspected by Ofsted to the same standards as mainstream further education provision remains hugely important. Prison education needs to match the standards in the community because that's the way we will make prisoners employable on release.

Paragraph 79

The CPT calls upon the United Kingdom authorities to ensure that all prisoners are offered one hour of outdoor exercise every day. The current Prison Rule 30 and the relevant Prison Service Instruction should be amended accordingly.

Moreover, it recommends that all exercise yards at Liverpool, Wormwood Scrubs and Doncaster Prisons provide some shelter from inclement weather and that the exercise yard of Unit E at Wormwood Scrubs Prison be reopened as soon as possible.

Prison Rule 30

It is important that prisoners are given time outdoors as part of purposeful activities, exercise and to have a positive impact on their health and wellbeing. The national policy is set out in the Prison Service Instruction 75/2011 - Residential Services - which states that prisoners are afforded a minimum of 30 minutes in the open air daily, as defined in the service level agreement / contract. This provision is mandatory subject to weather conditions and the need to maintain good order and discipline. This is also governed by domestic legislation, in rule 30 of the Prison Rules 1999. It is open to Governors to provide more than the minimum requirement set out in national policy where operationally possible.

HMP Wormwood Scrubs

The exercise yard for E wing at HMP Wormwood Scrubs has reopened following improvement works. All yards now have exercise equipment and benches are currently being installed. There are no plans at present to install shelters as men can come and go as they wish between the wing and exercise yard during exercise periods.

HMP Liverpool

There are no plans to provide sheltered areas on the large exercise yards. There would be associated security concerns in doing so.

HMP/YOI Doncaster

There is shelter from inclement weather in the Segregation Unit exercise yard at HMP / YOI Doncaster. Shelter from inclement weather for all exercise yards is something which will continue to be considered."

We agree that there should be shelter from inclement weather on all exercise yards, currently only the Segregation Unit exercise yard at HMP/YOI Doncaster provides this. We are considering how to address this issue.

Discipline and segregation

Paragraph 80

The CPT notes that a wider review of the current system of prison discipline is currently underway and it would like to be informed on the progress of the review on discipline (including an updated on the proposed new policy framework on this area).

We are undertaking an evidence-informed, whole system review of the prisoner discipline system which will involve consultation with external and internal stakeholders and consideration of the recommendations from independent scrutiny bodies and the legislative framework within which adjudications take place. We anticipate the review to span across 2020/2021, which will deliver a new policy framework.

Paragraph 83

The CPT considers that it is good practice to require prisoners to sign a receipt when receiving a “Notice of Report” form and invites the United Kingdom authorities to introduce such a practice in all prison establishments.

We will consider this recommendation from the CPT as part of the whole system review of adjudications, alongside the recommendations made by other independent scrutiny bodies which will be used, along with a range of other data, to inform future policy design.

Paragraph 84

The CPT recommends that the procedural process of adjudications in Doncaster, Liverpool and Wormwood Scrubs Prisons be further strengthened by addressing the above issues, notably:

- **That the viewing of CCTV or of BWVC footage be mandatory part of the adjudication process (and also the wearing of turned-on BWVCs to be established as a mandatory part of standard prison officer equipment); and**
- **That the prison authorities make further efforts to reduce the number of adjournments of proceedings due to operational mistakes and to the refusal of prisoners to attend.**

We published a revised adjudication policy in December 2018.⁷ This clarifies the process through which breaches of the rules are tackled in prison, enabling parties to navigate the quasi-judicial disciplinary process and reduce procedural errors which damage both staff and prisoners' confidence in the disciplinary system. In addition, following successful piloting, we expect to introduce revised paperwork for adjudicators during 2020, which will contribute to minimising margins of procedural error. The revised paperwork will also require adjudicators to confirm if the prisoner has been informed of the hearing and that the hearing may proceed in their absence if they choose not to attend, and any subsequent justification from the adjudicator if they decide to proceed without the prisoner present.

HMPPS agrees with the CPT finding that the introduction of body worn video cameras (BWVC) is potentially beneficial, but they are not currently being used consistently. Policy guidance and communication has been issued to promote better use of BWVC. HMPPS is currently carrying out a review of BWVC, this programme of work includes looking at the options for the future procurement of BWVC and will consider potential new technology. The policy for the use of BWVC will be updated as part of this programme of work and will take into account the research literature available on the use of BWVC and address lessons

⁷ <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2018/psi-05-2018-prisoner-discipline-procedures-adjudications.pdf>

learned from our initial roll out in prisons. Through this work we will be exploring options including mandatory continuous use of BWVC.

Paragraph 85

The CPT recommends that the Prison Rules be amended to address the above-mentioned norm, and, pending the amendment, prison governors should in practice not impose a disciplinary punishment of cellular confinement of more than 14 days.

The Prison Rules allow an adjudicator to impose a punishment of cellular confinement (CC) following a finding of guilt under the prisoner discipline procedures. Before deciding on this punishment, the adjudicator will arrange for a doctor or registered nurse to complete an Initial Segregation Health Screen (ISHS) to take account of any medical advice which might mean that CC would not be a suitable punishment for the prisoner. There is no universally agreed upon definition of 'solitary confinement', but Rule 44 of the UN Standard Minimum Rules for the Treatment of Prisoners ("the Mandela Rules") state that 'solitary confinement' shall refer to the "confinement of prisoners for 22 hours or more a day without meaningful human contact".

We do not consider CC to be the same as solitary confinement. Prisoners serving CC will be allowed all normal privileges other than those incompatible with the punishment (unless a separate, concurrent punishment of forfeiture of privileges has also been imposed). Prisoners will continue to be able to correspond, exercise, attend religious services, make applications to the Governor, probation officer, chaplain and Independent Monitoring Board, and have access to a phone, unless their attitude or behaviour makes it impractical or undesirable to remove them from the cell. Prisoners' access to visits should also continue, but separately from other prisoners. A member of the Chaplaincy Team must visit prisoners in the Segregation Unit daily, it is a statutory duty to visit all prisoners undergoing cellular confinement. The whole system review of the prison discipline system will consider the spectrum of punishments available to prison adjudicators.

Paragraph 87

The CPT recommends that the above deficiencies be remedied, most notably that the cells of the Segregation Unit at Wormwood Scrubs Prison, including the safer custody cells, be refurbished and that shelters, and a means of rest be installed at Doncaster, Liverpool and Wormwood Scrubs Prison Segregation Units' exercise yards.

HMP Wormwood Scrubs

HMP Wormwood Scrubs has secured funding to refurbish cells in the Segregation Unit. Benches are being installed on the exercise yard to provide a means of rest.

HMP Liverpool

There are no plans to provide sheltered areas on the exercise yards. HMP Liverpool will review a means of rest as part of ongoing refurbishment work which is taking place across the establishment. This will be subject to priority and funding.

HMP/YOI Doncaster

HMP/YOI Doncaster currently has shelter provided in the Segregation Unit exercise yard, this was in place at the time of the ECPT visit.

Paragraph 88

In line with the practice seen at Liverpool and Wormwood Scrubs Prisons, the CPT recommends that the management of Doncaster Prison ensure that all prisoners, including those in segregation, are able to access showers on a daily basis.

The core day for the Segregation Unit will specify when all prisoners will be allowed access to a daily shower, this will then be enforced by the Custodial Operations Manager on duty, or in his/her absence the Duty Director.

Paragraph 93

The CPT recommends that the United Kingdom authorities put in place a psycho-social support system for Rule 45 prisoners held in segregation units for longer than two weeks and provide them with greater opportunities for association and engagement in activities. Such prisoners should benefit from a structured programme of purposeful and preferably out-of-cell activities and be provided with meaningful human contact for at least two hours every day and preferably more, with staff and/or with one or more other prisoners. Each of these prisoners should have an individual regime plan to assist them to return to a normal regime, in light of the above remarks.

Further, it wishes to receive the comments of the authorities about the feasibility of establishing a step-down facility from the segregation unit for persons who have been held for long periods in segregation in each of the three prisons visited.

The CPT also recommends that procedural safeguards concerning prolonged periods of segregation be strengthened and in particular an independent review and oversight mechanism be put in place in such situations and, more generally, the appeals procedure for segregation decisions be made more transparent to prisoners and effective.

Moreover, the CPT would like to be provided with an update on the measures taken to ensure that all data pertaining to the use of the segregation units are properly recorded and stored.

- A prisoner located in segregation will remain on the same Local Incentive Level unless such time a Local Incentive Level review board takes place and states otherwise. The regime for prisoners located on the segregation unit is tailored to meet the individual needs and risks and this could include access to workshops, periods of association as well as in cell work and relevant education work to ongoing study. In practice, such facilities may be made more widely available. Mental health services are commissioned by NHS England & Improvement (NHS E&I) and should be based upon a needs assessment of those in the prison, including in segregation. The findings of the CPT will be drawn to the attention of Governors and they will be asked to ensure that access to regime activities in segregation units is reviewed.
- Establishments implement a phased return to normal location for prisoners who have spent an extended period of time in segregation. These activities could include: attending education classes, attending workshops, going on exercise with prisoners from the wing etc. Such activities will help to ease the transition from segregation to normal location. In practice, such transitions should be made more consistently available. The findings of the CPT will be drawn to the attention of Governors and they will be asked to ensure that transition processes are reviewed. With such a process in place, there is, in our judgement, currently no requirement for a “step down” facility to be implemented although individual prisoner plans should incorporate a gradual return to normal location. For those that require more structured support following prolonged periods of segregation, there are some places available in psychologically informed planned environments (PIPE) and individual

support for violent behaviour can be offered through the Challenge Support Intervention Plan (CSIP). The recommendations of the CPT will be considered in the upcoming segregation policy review.

- Although there is no direct right of appeal for the prisoner against the decision of a Segregation Review Board (SRB), the prisoner has a right to complain about the decision taken in his or her case via the prisoner complaints process. The complaints process includes internal appeals and also an avenue to the external Prison and Probation Ombudsman. The Independent Monitoring Boards (IMBs) are an invited member of the SRB who are not involved in the management process but should they have concerns regarding the decisions made by the SRB, they can raise these with the Governor and ultimately they can also bring the matter to the attention of the Minister and the Chief Executive.
- Governors should ensure that a Segregation Monitoring & Review Group (SMARG) is set up in order to review and monitor segregation. A quarterly report is submitted to the Governor and to the Prison Group Director highlighting the key observations and summarising the use of segregation over the previous quarter. We will draw the CPT findings to the attention of Governors and PGDs and ask them to ensure that appropriate monitoring is in place.

Health care services

Paragraph 95

The CPT recommends that the provision of GPs be increased at Doncaster Prison to a total of at least two, and preferably three, FTE GPs and that serious efforts be undertaken to fill all of the remaining vacancies within the health-care team at Wormwood Scrubs Prison.

HMP/YOI Doncaster

A Health Needs Assessment (HNA) was completed in HMPYOI Doncaster in July 2019. This highlighted the need for additional prescribers, and staff with advanced qualifications to assess and treat. The healthcare team are working towards meeting these needs appropriately which will include recruiting and training skilled healthcare professionals including Advanced Nurse Practitioners and Non-Medical Prescribers who will complement the GP's. The use of appropriately qualified and skilled healthcare professionals replicates the model in the community.

HMP Wormwood Scrubs

Every effort has and is being made to fill all vacancies within Wormwood scrubs, wherever possible vacancies are covered with the use of regular agency and SEMP (self-employed GP's) who have a long-standing working relationship with the prison healthcare department and patients. To further improve the healthcare within the prison Nurse practitioners and Advanced Nurse Practitioners have been recruited. Recruitment is continuous, and rolling adverts are on the healthcare recruitment websites.

Paragraph 99

The CPT calls on the United Kingdom authorities to ensure that an independent investigation be undertaken into this case with a view to analysing the reasons for Mr X not receiving prompt medical care and appropriate support in prison for his condition. The CPT would like to receive a copy of the investigation report and to be informed of any “lessons learned” to improve existing procedures and practices to avoid similar such situations arising.

Further, the CPT recommends that Mr X’s serious complaints about alleged ill-treatment during the episode of control and restraint on 7 December 2018 to be effectively investigated and the procedure of complaints involving staff ill-treatment be reviewed across the estate and, notably at Wormwood Scrubs Prison, be redesigned to ensure the primacy of the safety of the complainant at all times (see *Violence and Investigation* Section 2 above).

Mr X was assessed post incident and was referred to hospital to be reviewed further. He had multiple input from GP/Mental health/counselling/nurses and was supported for appointments, however there was a delay from requesting an MRI to receiving an appointment from the hospital.

The delay was not picked up, therefore this was not investigated and entered onto our healthcare internal reporting system ‘DATIX’.

Entering onto DATIX would have involved an investigation overseen by the governance team.

However, since the incident with Mr X, changes have been made and appointments are logged via a separate system and chased if an appointment has not been received from the hospital within the expected timeframes.

HMP Wormwood Scrubs

HMP Wormwood Scrubs has reviewed and improved the procedure involving complaints against staff to ensure the primacy of the safety of the complainant at all times. All staff related complaints are reviewed by the Governor/Deputy Governor.

Paragraph 100

The CPT recommends that steps be taken by the United Kingdom authorities to ensure that the prison medical services at the establishments visited fully play their role in the system for preventing ill-treatment, ensuring that:

- **At *Wormwood Scrubs Prison*, when recording injuries, health-care professionals systematically and fully complete the body maps and Form 213 reporting procedures;**
- **At *Doncaster, Liverpool and Wormwood Scrubs Prisons*, health-care professionals indicate at the end of their traumatic injury reports, whenever they are able to do so, any causal link between one or more objective medical findings and the statements of the person concerned;**
- **At all prisons, traumatic injury reports relating to injuries likely to have been caused by ill-treatment (even in the absence of statements) be automatically forwarded to an independent body empowered to conduct investigations, including criminal investigations, into the matter; and**
- **At all prisons, the health-care professionals advise the prisoners concerned that the writing of such a report falls within the framework of a system for preventing ill-treatment, that this report automatically has to be forwarded to a**

clearly specified independent investigating body and that such forwarding does not replace the need for the prisoner to lodge a complaint in proper form.

- Staff use SystemOne to record all injuries sustained by people in prison, this includes the facility to use body maps to log the site of the injury. Prison staff will begin to complete a Form 213 with the identifying information and summary of incident before healthcare staff complete the appropriate section. This form is then recorded and stored by the prison. All information from the Form 213 will be completed by the healthcare clinician on SystemOne (electronic medical record).
- When clinical staff carry out assessment of injuries, they document all details of the injury into the electronic medical record, including a body map if appropriate, and the Form 213 which is returned to prison staff. Entries will include the account and any narrative by the injured person regarding the circumstances and nature of the injury.
- All incidents, including injuries that are suspected or likely caused by ill-treatment are reported via DATIX (healthcare incident reporting system). There is a robust governance process in place which provides oversight of all incidents and will commission local investigations if indicated. Incidents can be referred to NHS E&I and independent clinical investigation can be commissioned. Serious incidents are subject to internal learning reviews.
- A safeguarding referral can be made to the local authority, notwithstanding the custodial provider's statutory responsibility for safeguarding matters within the prison.
- HMPPS will refer the matter to the police where appropriate.
- All staff (including healthcare staff) that have access to the prison intranet can submit an IR (intelligence report). Where it is thought that an incident has been caused by staff, a CP IR (corruption prevention intelligence report) can be submitted that is reviewed by a small group of security staff. If staff do not have access to the prison intranet, details of who the local corruption prevention Governor is, is displayed on posters across the prisons.
- Prisoners have many ways in which to raise concerns including through the providers complaint process which is displayed within each prison, the Health Ombudsman, Care Quality Commission, and also through the prison complaint system.

Paragraph 101

The CPT recommends that the United Kingdom authorities take steps to ensure that medical confidentiality is respected in all prisons. In particular, at Doncaster, Liverpool and Wormwood Scrubs Prisons, steps should be taken to ensure that medication is not given to inmates in an open corridor nor dispensed through a barred window, and clinics should not take place in the presence of custody staff.

The location and method of dispensing medication in prisons is limited by the environment and security considerations. Healthcare providers work with NHS E&I and CQC to ensure that medicines are managed safely and adhere to legal frameworks. Medications should not be administered in an open corridor. The safety of staff administering medication must be assessed and maintained and medicines are administered from a medication hatch which may have bars. Confidentiality is maintained during medicine administration with prison staff support ensuring that only one patient approaches the medicines hatch at any one time and this is being managed locally with prison staff to improve the dignity, respect and confidentiality of people in prison.

There will be a custodial presence during clinics where a specific security or safety risk has been identified and this will be explained to the patient. Risk assessments and safe systems of work are implemented and applied in these situations.

HMP/YOI Doncaster

Discreet medication dispensing points will be constructed at HMP/YOI Doncaster on all residential wings, moving away from the current location (open corridor) at the time of the ECPT visit. In order to ensure the safe and secure storage of controlled medication, these dispensing points will have in place an appropriate level of physical security. Additional nursing staff will be recruited to operate within these new dispensing points, however NHS E&I/Care UK (Healthcare provider) will require additional time to fund and resource the additional staffing. This construction work is being completed in line with the reconfiguration of the prison to a reception prison.

No clinics take place in the presence of custody staff.

Paragraph 102

Based on the size of the prison population, as well as the inmates' mental health needs, the CPT recommends that the presence of a psychiatrist at Doncaster Prison be increased to at least one FTE psychiatrist.

Care UK have been the healthcare provider at HMP/YOI Doncaster since September 2018. HMP/YOI Doncaster does not have an inpatient facility, there is a prison led social care unit (The Loft), with some interventions provided by health and social care staff. Strategic discussions are currently underway to plan how the needs of complex patients can be met with intermediate care and reablement services across the region (South Yorkshire) which includes Doncaster.

Recruitment and retention in all prisons is monitored on a quarterly basis as part of the contract management schedule.

It is accepted that there are ongoing challenges with recruitment and retention of healthcare staff at HMP/YOI Doncaster, this is particularly noticeable within the Mental Health team. The Health Needs Assessment (July 2019) found the mental health team significantly depleted (44% vacancy rate) and is struggling to recruit and retain staff.

Paragraph 103

The CPT reiterates its recommendation that a high priority be given to increasing the number of beds available in psychiatric hospitals to ensure that the in-patient health-care units at Doncaster, Liverpool and Wormwood Scrubs Prisons do not become a substitute for the transfer of patients to a dedicated hospital facility. To this end, the CPT would like to be informed about the outcome of the NHS review of the 2011 Department of Health Prison Transfer and Remission Guidance which they were undertaking in 2017, as well as the service review across all adult high, medium and low secure mental health services which commenced in June 2016.⁸

The nationally coordinated review of adult medium and low secure services described regional intentions in terms of configuration of beds by service type, level of security and location through a demand and analysis exercise. This was specifically in relation to mental illness and personality disorder services, aligning with other national work focussing on secure learning disability and autism services. National and regional teams in NHS E&I are working closely with NHS led Provider Collaboratives as the vehicle for the delivery of these changes. The Provider Collaboratives for adult medium and low secure care give local ownership to providers for the whole pathway, including the interface with the criminal justice

⁸ See paragraph 114, p. 31 of the response by the United Kingdom ([CPT/Inf \(2018\)1](#)), to the report on the visit to the United Kingdom carried out by the CPT, 30 March to 12 April 2016, [CPT/Inf \(2017\)9](#).

system, and resource for their own populations, enabling them to make commissioning decisions to improve and integrate services.

In respect of high secure, a strategic commissioning plan will be developed by April 2021. This will describe the clinical model, pathways and capacity required for implementation during 2021/26.

The current Prison Transfer and Remission Guidance published in 2011 has been reviewed in line with the Independent Review of the Mental Health Act that was undertaken in 2018. Following a 60-day public consultation the new guidance, two separate documents for Prisons and Immigration Removal Centres, was produced. This is currently going through the NHS E&I Gateway for publication and a publication date is still awaited. Following publication, NHS E&I will hold implementation workshops within regions to ensure that there is a comprehensive understanding of the new guidance and that it is implemented coherently.

Paragraph 104

The CPT recommends that prisoners with severe mental health conditions be immediately transferred for treatment in a closed hospital environment, suitably equipped and with sufficient qualified staff to provide them with the necessary assistance. Pending such transfer, they should be accommodated in the prison health-care in-patient unit and not held in segregation.

It is not always possible to transfer individuals to a secure mental health facility immediately due to bed availability and the need for assessment and placement processes to occur. It is anticipated that the Transfer and Remission Guidance will improve this and provide a process to better monitor and escalate.

Whenever possible, people in prison waiting for a hospital referral will be transferred to an enhanced care unit, if available. It is recognised that there are times that the person in prison refuses an internal prison move. The risks associated with the use of segregation are recognised, there are sometimes sound security reasons for determining that the segregation unit is the safest place to hold an individual.

Paragraph 107

The CPT recommends that the United Kingdom authorities urgently revise the self-harm prevention measures, and most notably the ACCT procedure, currently in place, and develop more effective operational strategies in prison to address the escalating numbers of prisoners at risk of self-harm and self-inflicted deaths in Doncaster, Liverpool and Wormwood Scrubs prison, as well as nation-wide.

In particular the CPT recommends that in light of the significant increase in prisons of self-harming and suicides, the United Kingdom authorities should revise the ACCT procedure to:

- **Ensure the proper identification of individuals at risk upon arrival (history of self-harming, mental health disorders, etc.);**
- **Ensure that every time a prisoner is placed on an ACCT, the attendance of the meeting is made mandatory for health care staff (general and mental health care);**
- **Organise regular training for prison staff and health care staff on the prevention of self-harming and suicide;**
- **Take measures to combat the possible formation of “clusters” of prisoners who might wish to emulate others who self-harm;**

- **Require prison management to ensure that the ACCT meetings are conducted sufficiently expeditiously, most notable for the particularly serious risk and repetitive cases; and**
- **Ensure that prison staff are sensitised through regular training to the needs of people in crisis and prisoners who self-harm.**

We are taking action to bring down the current levels of self-harm and self-inflicted deaths in prisons in England and Wales. Priority 1 of the National Partnership Agreement for Prison Healthcare in England explains our commitment to work collaboratively with the Department of Health and Social Care, NHS E&I and Public Health England to improve practice to reduce incidents of self-harm and self-inflicted deaths in the adult secure estate, by strengthening multi-agency approaches to managing prisoners at serious risk of harm and further embedding shared learning.

Early and effective screening plays an essential role in this, informing decision-making around what support someone needs. NHS E&I made an explicit commitment in their Long Term Plan that adults, children and young people will receive a health screen on entry to prison and a follow up appointment within 7 days or sooner as required. This includes mental health. To ensure greater quality and consistency across the estate, the National Prison Healthcare Board has committed to assess the needs and requirements of developing a more robust approach to health screening in custody. This is being clinically led through the NHS England Health and Justice Clinical Reference Group and developed with engagement with all stakeholders, including those with lived experience.

The National Safety Team is also developing guidance aimed at supporting all operational staff with identification of a prisoner's risk to self and others. This guidance provides a clear description of what risk is, what operational staff should look for and where to report concerns should they believe there to be a heightened level of risk. The National Safety Team recognises the increased level of risk present within the early days in custody, and so the guidance offers focused advice to staff on Reception and Induction.

Action has already been taken to revise the ACCT procedure. Throughout 2018 there was a wide-scale consultation on the ACCT document and user guidance. From this, a revised version of ACCT and user guidance was developed, intended to improve the focus on individual needs and effective multi-disciplinary working. Along with a series of changes designed to simplify the ACCT document and clarify roles, responsibilities and timeframes, the revisions also include mandating attendance (or if this is not possible, input) of healthcare at the first ACCT case review, encouraging greater family involvement, a standardised quality assurance tool, and a "Safety Support Plan" for the individual at risk to complete enabling greater input in their own care. These changes were piloted in 10 establishments from February to June 2019.

Following an evaluation and further consultation with stakeholders, the revised ACCT is due to be rolled out across the prison estate throughout 2020. Communications packages are being developed to raise awareness of the changes to ACCT, how to better support people who self-harm and mental health more generally. Messaging will be tailored for residents, families and staff.

The existing Safer Custody PSI mandates the timeframes for the ACCT process, including the requirement for an ACCT assessment and first case review to be held within 24 hours of an ACCT being opened. Further case reviews should be carried out according to the needs of the individual, with urgent reviews held when an ACCT trigger is activated or other concerns are raised. The existing Safer Custody PSI will soon be replaced by the new Safety Policy Framework, and these same timeframes will be restated. It will also clarify the

need to schedule case reviews in accordance with the needs of the individual, for example increasing the frequency for those at serious risk.

In parallel with the changes to ACCT, there has also been a wider package of work to reduce self-harm and prevent self-inflicted deaths. All staff with prisoner contact now receive revised training in suicide and self-harm prevention and mental health. As part of the roll out of ACCT, this training will be further updated, as will the ACCT training package. We are planning to develop an enhanced mental health training package to help staff better support the most complex individuals. We have also recently published new guidance for staff on understanding and supporting someone who is self-harming.

Improved training for staff is an important step in addressing the risk of desensitisation, and this will be coupled with improved support for staff. We are developing a group supervision model intended to proactively support staff who have experienced demanding situations in a safe, non-judgemental environment. Research has demonstrated its effectiveness at alleviating strain and reducing the likelihood of burnout. This has been initially piloted in one prison, and is about to expand into further pilot sites over the coming months. Following a successful pilot in six prisons in Yorkshire in 2019, we are also rolling out Trauma Risk Management (TRiM), a peer to peer support programme for staff designed to assist people to deal effectively with the effects of a traumatic event.

Further to this, we are working with the Samaritans to research, develop and pilot a support package for prisons following a suicide, designed to reduce the risk of a further death by supporting those who may have been affected. This intervention provides guidance for governors, including an on-site Samaritans advisor, information for staff and prisoners and additional training for prisoner Listeners. A pilot is currently underway in fifteen prisons. Following this, a formal evaluation will be conducted and, provided the results are as positive as we expect, we plan to roll out the intervention across the male estate during 2020-21 and to develop a parallel intervention for the female estate.

We are aware of the possible occurrence of “clusters” of prisoners who may emulate others who self-harm. We are planning further work to better understand the factors behind clustering and to establish mechanisms to prevent such behaviour, ensuring individuals receive appropriate care and interventions tailored to them.

Paragraph 111

The CPT trusts that the necessary resources will be allocated to ensuring that the 2019 Drugs Strategy can be effectively implemented in all prisons. To this end, it recommends that there be a better co-ordination between the drug use teams working in individual prisons and the HMPPS headquarters.

It also recommends that the proper implementation of the Drugs Strategy be complemented by other measures including ensuring adequate ratios of properly trained staff, the use of dynamic security,⁹ and the application of a daily regime which sees prisoners engaged in purposeful activities outside of their cells for at least eight hours a day (see Sections 3 and 4).

More specifically, the CPT recommends that, notably at Doncaster Prison, staff be trained and empowered to systematically identify and challenge drug use by prisoners. Further, steps must be taken to clamp down on the omnipresent drug taking.

⁹ See also paragraph 44.

In addition, drug-free units should be established at Doncaster, Liverpool and Wormwood Scrubs Prisons, as a concrete measure designed to help implement the principles enshrined in the new Prisons Drug Strategy.

Prisons Drug Strategy

All prisons have now updated their local drug strategies and are supported by regional and national resources in ensuring that their strategies reflect the national approach of restricting supply, reducing demand and building recovery, whilst being tailored to their local needs. The national Drug Strategy and Delivery Team holds regular face to face meetings with the regional drugs leads to share best practice, surface and discuss emerging trends, and come up with solutions to problems that prisons face individually or collectively. The Drug Strategy and Delivery Team carry out diagnostic visits to prisons, 30 of which have taken place to date, and provide a report back to the Prison Governor and Prison Group Director with a series of observations and recommendations for how the Drugs Strategy can be further embedded in that establishment. Additionally, individual team members or small groups of the team do ad hoc visits to prisons upon request to support with specific areas of concern. There is a bi-monthly newsletter that goes to all regional drugs leads for cascade as a further tool to share and consolidate best practice. We are building a body of evidence, based on diagnostic visits and the learning of this network which we are sharing with operational leaders and will use to inform further iterations of the strategy and guidance.

HMP Wormwood Scrubs

HMP Wormwood Scrubs has introduced an Incentivised Substance Free Living Unit (known as the Clean Living Landing). The men on the unit receive additional support from the psychosocial drug service, voluntary drug testing and access an incentivised regime. This successful model is now being replicated on other wings in the prison.

HMP Liverpool

HMP Liverpool has implemented Incentivised Substance Free Living on B Landing 5 and I wing Landing 5 and there is a designated wellbeing unit (J Wing).

The Change, Grow, Live substance misuse team support our drug strategy through our partnership working. We currently have a temporary Drug Strategy lead at senior level to implement and drive the new Prison Drug Strategy.

HMP/YOI Doncaster

Additional funding has been secured to employ a dedicated Drug Strategy Coordinator, this person reports directly to the Deputy Director and is responsible for the overall implementation of the local Drug Strategy. This person is also responsible for actively liaising with key stakeholders external to the prison ensuring our strategy is aligned with national strategic aims.

In order to achieve purposeful activity outside of the cells for at least 8 hours a day, additional resources will be required to maintain adequate ratios of properly trained staff and a new core day be created. Please see the response to paragraph 78 on how this will be achieved.

We will introduce a strategy to raise staff awareness that will see Prison Custody Officers identify and effectively challenge prisoners who are illegally using drugs. This strategy will align itself with Custodial Operations Managers given a set of standards with expected requirements to follow across the residential wings to operate a wing safely and in a controlled manner. Failure to meet the standards will be dealt with through managing performance and the Personal Development Record (PDR) process.

Preliminary planning is already in place to establish a drug free unit at HMP/YOI Doncaster. These plans will now be progressed to determine the feasibility and practical arrangements for introducing this measure, in conjunction with the planning to reconfigure the prison to a Reception Prison.

Detention centres for juveniles

Preliminary remarks

Paragraph 112

Given the high numbers of juveniles remanded in custody who are subsequently discharged without being sentenced, the CPT would like to be informed about the measures being taken to ensure that young persons are only ever placed in detention as a last resort.

We are clear that custody should be used only as a last resort for children. That is why we have a separate remand framework for children that ensures all the alternative options are considered first. Custodial remand is used for children who have either committed a violent, sexual or terrorism offence or children with a recent history of absconding or committing further offences while on bail or remand.

There is a general right to bail for accused persons. If bail is refused, the court must remand a child into local authority accommodation unless the conditions are met allowing remand to youth detention accommodation. The court's decision on whether to remand a child to custody will take into account a range of factors, including the child's welfare, the need to mitigate the risk of further harm to the public and the need to prevent further offending.

There are a number of reasons why a child might not receive a custodial sentence following a custodial remand. For example, there might have been mitigating circumstances or a guilty plea that impact the sentencing decision. These can result in the court giving a community sentence.

In July 2019, in response to recommendations made by the Independent Inquiry into Child Sexual Abuse, we committed to consider the use of custodial remand for children in greater detail. We aim to develop options by summer 2020 to reduce the number of children remanded to custody where it is appropriate to do so and while ensuring victims and the public are protected.

Paragraph 114

The CPT welcomes the rethinking by the UK authorities of its approach towards juvenile detention, as the CPT considers that smaller institutions with a socio-educative welfare approach are better suited to respond to the complex needs of juveniles in custody. Nevertheless, a number of questions remain unanswered to date regarding: the staffing ratio to young persons; the profile of the staff (care workers as opposed to custody officers); regime; size of living units; the mix and profile of the young persons; the timetable for the rolling out of secure schools once Medway is opened. Other pending questions relate to how the approach will compare to the existing STC and SCH models and to what extent it will be oriented towards small community living units (cooking, eating and living together). In the light of the above, the CPT would like to receive information regarding the timetable, scope and operation of the proposed secure schools.

The CPT would like to be informed about the system-level measures being introduced immediately to address the current crisis in the youth secure estate.

Secure schools

In our response to the Taylor Review 2016, we committed to delivering two secure schools - one in the south east of England (Medway) and one in the north. Our vision for secure schools is built on care and quality and aligns with the Taylor Review's principles: child-focused providers, strong leaders with freedom and autonomy and a specialised workforce

offering a bespoke provision for each child that has education, health, care and physical activity at its heart.

It is our intention that boys and girls aged 12 to 17 who are remanded or sentenced to youth detention accommodation can be placed into a secure school.

To bring about the cultural change envisaged in the Taylor review, we aim to “dual establish” secure schools using both 16 to 19 academy and secure children’s homes legislation, combining the best ethos and practice from each sector with the necessary ability to detain the children. During the “pre-opening” stage (the period between an application for a secure school being approved and the school opening), secure school providers will be responsible for developing an operating model for their school that is in line with the vision of a therapeutic environment in a secure setting. The secure school project at Medway is the first of its kind and we want to make sure that we get it right. The former site of Medway STC will begin to be repurposed in the coming months to create a therapeutic environment in a secure setting that will have education, healthcare and physical activity at the forefront of what they do. We are working closely with Oasis and other partners – Department for Education and NHS E&I – to enable the secure school to open as soon as possible.

Youth secure estate

There are a number of system-level measures being taken to improve the services to Children and Young People (CYP) and staff within the YCS via the YCS Reform Programme. Through our Behaviour Management Strategy, a joint approach with NHS E&I, we are progressing a number of key initiatives. We have also commenced our workforce reform to expand frontline staff capacity in our public-sector establishments, with the increase in additional staff ongoing work is taking place within our sites to train staff so they can meet the needs of the children in their care and help to implement the multi-faceted behaviour management strategy. Our educational reform will provide governors with greater flexibility over the structure and composition of education in youth custody and is still under review.

We are also undertaking an accommodation review to determine sites that have appropriate space and facilities to deliver service provisions.

[Young Offenders’ Institutions \(YOIs\)](#)

Paragraph 116

The CPT recommends that the authorities of the United Kingdom regularly deliver the clear message to custodial staff in the YOIs that all forms of ill-treatment, including verbal abuse, are not acceptable and will be punished accordingly.

The staff conduct and discipline guidance details the behavioural standard staff must uphold as employees of HM Prison and Probation. This covers behaviour in relation to other members of staff and the young people in their care, including unacceptable behaviour such as ill treatment and verbal abuse. There is also a range of supporting documents which underpin the guidance and provides further information which staff can refer to. We believe it is reasonable to expect that staff manage their time in order to keep themselves up-to-date with guidance and support this by providing five days a year of learning and development.

Paragraph 117

The CPT would like to be informed of the number of cases at Cookham Wood and Feltham A for 2018 and 2019 concerning allegations of excessive use of force, of a sexual nature, and other allegations against staff, and of the disciplinary, criminal or other outcomes where relevant.

Please see the table annexed for this data, at the end of the document.

Paragraph 119

For any strategy to be effective in tackling the high levels of violence in the current environment it is necessary to reduce radically the number of young persons on a unit. This will enable the current efforts outlined above to have a greater impact.

The YCS have committed to trialling the first Secure School at the former site of Medway STC. It is intended that Secure Schools will be established as both 16-19 academies and secure children's homes, to help tackle violence and improve outcomes for CYP in custody, by placing education and health at the heart of the secure estate. As mentioned above, Secure Schools will offer a reformed child-focussed approach to custody to include smaller units with a focus on education and health.

Paragraph 123

The CPT invites the UK authorities to consider promoting alternative arrangements to incident responses which would allow for more proportionate support which would be less disruptive and not result in the lock down of an entire wing.

We always attempt to keep disruption to a minimum when staff are responding to an incident. The Incident manager and Duty Governor fully consider the incident type and severity to determine deployment, with the aim of maintaining the normal running of the establishment and when not possible, return to normal activity as soon as possible. The expectation will always be to maintain the normal running of the establishment using a regime driven process that is stipulated according to the Regime Management Plan and Local Security Strategy.

Paragraph 124

The CPT recommends that the authorities of the United Kingdom review the guidelines and training for staff regarding management of passive non-compliance with rules where there is no threat of violence or harm to self or others.

Minimising and Managing Physical Restraint (MMPR) is a behavioural management technique used to de-escalate a situation. In the first instance a range of behaviour management techniques are used to avoid restraint and the use of force. This is set out clearly in the published MMPR - Safeguarding Processes, Governance Arrangements, and Roles and Responsibilities guidance and the subsequent face to face training received by staff. This training is reviewed frequently through refresher training. There are some instances when the use of MMPR falls below expected standard. In these situations, the paperwork is reviewed and feeds directly into YCS HQ. If necessary, staff identified as falling below standard will receive supportive training.

Paragraph 125

The CPT reiterates its recommendation that the application of pain-inducing techniques on juveniles should be abolished in law and practice.

The CPT welcomes the fact that, as a first step, a review of pain-inducing techniques had been commissioned and was on-going at the time of the visit. The CPT would like to be informed of the conclusions of the review.

Charlie Taylor was commissioned to undertake an independent review of the department's current policy in relation to the use of pain-inducing techniques for children in Young Offender Institutions (YOIs) and Secure Training Centres (STCs), and when children from STCs and Secure Children's Homes (SCHs) are under escort.

Staff in these settings are trained in a child-specific restraint syllabus called Minimising and Managing Physical Restraint (MMPR). MMPR is necessary to manage behaviour effectively in all scenarios, which may include situations of imminent serious harm to a child or another member of staff where, for reasons of safety, it may be reasonable, necessary and proportionate to intervene with force. The training permits the use of medically-mandated pain-inducing techniques but is clear that they should never be used where a non-painful alternative could achieve the same objective, and with an emphasis on the use of de-escalation techniques.

During the course of this review, Charlie Taylor has taken evidence from a wide range of sources at establishments and from escorts and teams at HMPPS who are responsible for development and oversight of the MMPR syllabus. He has also met with and heard the views of Parliamentarians, academics and other experts in this field as well as organisations who campaign for the rights of children in the secure estate.

We received Charlie Taylor's report before publication and at the time of writing are carefully considering his findings and recommendations to ensure that they are reconciled with our existing legal obligations, policy framework and rules. We will also need to ensure that any resources that would be needed to fulfil any recommendations are identified and accounted for from the outset. We will be happy to provide the CPT with a further update when the report and our response is published.

Paragraph 127

The CPT would like to be informed of the measures taken by the management of Feltham A after it was made aware of this incident [on B.M.].

In light of the observations above, **the CPT recommends that measures be taken to ensure that:**

- **Staff strictly adhere to the MMPR policy at all times, in particular:**
- **Restraint techniques are limited to those approved by the policy and all precautionary measures (including handling plans) are taken into account;**
- **Reporting and review procedures regarding any resort to the use of force are scrupulously applied, as per the policy, including the systematic debriefing of the young persons concerned;**
- **MMPR guidance, training and review procedures focus not only on the technical application of use of force techniques but also on the appreciation of the necessity and proportionality of such a resort;**
- **The use of body-worn cameras is made mandatory during all response interventions requiring the resort to the use of force;**
- **Failure to comply with the above should constitute a disciplinary offence.**

A referral was made to the local authority whereby they found the allegation non-substantiated. In addition, Feltham B staff no longer work on the residential units on Feltham

A and management ensure that there is sufficient MMRP trained staff supervising all activities in case the need arise for a child to be subject to restraint. On occasions where a full staff assistance is needed and Feltham B staff attend Feltham A and may be involved in restraint they are relieved at the earliest opportunity. This is a very rare occasion and only where this is significant risk to children and/or staff.

Any use of force, if necessary, is only applied in consideration of the safest possible outcome for the young person and staff. Risks associated with the introduction of MMRP at HMYOI Feltham have been considered continuously since implementation. Additional, quality assurance approaches and Governance have been reviewed since the incident mentioned. In addition, we are also reviewing the whole use of force programme, in particular, responding to Charlie Taylor's Pain Inducing Technique review.

Paragraph 133

The CPT would like to be informed of the reason for such measures [lack of outdoor access] particularly regarding the incident described at Feltham YOI.

Cookham Wood YOI maintains regime curtailments which includes records of any occurrences when regime is cancelled. Records for April 2019 have been checked and there were no periods where access to the open air was denied as alleged.

Feltham YOI: In July 2019, a new core day was implemented onto Feltham YOI which clearly stipulates that exercise is offered every day for a 30-minute period (minimum) to all CYP. Previously non-association issues would impact the amount of time that CYP had access to exercise. However, this has now been removed by utilising conflict resolution. All units now take part in communal dining and exercise periods. Those subject to rule 49 or specific enhanced support plans have bespoke regimes which ensure time in fresh air. These plans are subject to weekly governance review meetings.

Paragraph 134

The CPT would like to receive clarification regarding the inter-relation between the IEP scheme and the formal disciplinary procedure. Further, it considers that the removal of in-cell TVs should only occur as a sanction.

The incentives scheme aims to incentivise positive behaviour, whilst allowing earned privileges to be lost for poor behaviour. In January IEP was replaced by the Incentives Policy Framework which aims to better incentivise good behaviour in establishments and provides consistency in key areas, whilst giving governors greater flexibility to tailor incentives to the local needs and challenges in their establishments. It is informed by research on positive reinforcement and procedural justice.

The scheme operates on a minimum of three incentive levels; Basic, Standard and Enhanced, Governors can create additional levels above Enhanced. Young people join the scheme at a minimum of Standard level and move between levels based on patterns of behaviour, earning privileges when they progress up a level or losing them if they move down a level. Young people receive their statutory entitlements at all levels, including Basic.

In contrast the purpose of the adjudication system is to hear, consider and make decisions about punishments where an offence listed in Prison Rule 51/YOI Rule 55 has allegedly occurred, helping to maintain safety, order and decency. Under the discipline system, a young person can be charged for breaching Rules and be required to attend an adjudication hearing where the adjudicator will inquire impartially into the individual available facts of the case. Adjudication charges must be proved beyond reasonable doubt based on all the relevant evidence presented and if found guilty, Governors may impose any punishment provided for under YOI Rules other than added days, which can be imposed by Independent Adjudicators. Incidents which are serious criminal offences will be referred to the police.

There may be occasions when behaviour results in both a disciplinary punishment for a specific act and a review and moving down an incentive level because the young person's behaviour falls significantly below expected standards. For example, an individual who commits an assault may be adjudicated against for the offence and, also, have their incentive level reviewed. Governors have the authority to determine at a local level when the thresholds for both processes are met.

Young people on Basic are not provided a TV. We do not believe that in-cell TVs should be removed only as a sanction. TVs do not form part of the usual 'expected provision' provided to young people in custody, but are a valuable incentive for promoting positive behaviour and as such are available for young people who earn higher incentive levels.

Paragraph 135

The CPT reiterates its recommendation that the authorities of the United Kingdom take immediate measures to introduce a daily regime in YOIs of at least eight hours out-of-cell time engaged in purposeful activities, including on weekends and public holidays, for all juveniles, regardless of their IEP status. This should include daily opportunities to practise sports and at least two hours of outdoor exercise.

The CPT recommends that, should the authorities of the United Kingdom wish to maintain a differentiated incentive-based regime within the YOIs, the IEP scheme should be re-designed in order to ensure that conditions of detention under the lowest levels do not infringe minimum entitlements.

Daily regime

We maintain our previous response that all young people in HMPPS run establishments are offered a regime of at least eight hours out of their room unless there are exceptional reasons which prevents otherwise. Education (including physical education) is currently undergoing review in the hope that we can provide young people with a tailored approach to learning and it is expected that young people will spend more time out of their cell engaging in these activities.

IEP scheme

We reiterate that all children and young people in custody will have equal or similar (where appropriate), access to time out in fresh air and purposeful activity irrespective of their IEP level that meets the minimum requirements set out in policy and guidance. Those individuals on a higher level will have an increased access to different provisions in the establishment such as the gym. As such, we deem it unnecessary to re-design the current system.

Paragraph 139

The CPT considers that in principle juveniles in detention ought to be able to wear their own clothes.

Rule 19 of YOI Rules 2000 states that CYP in YOIs are provided with clothing from the establishment upon admission. This is to ensure that all CYP have warm and suitable clothing for their duration in custody, in order to remain healthy. This also includes protective clothing for any work/ vocational activities.

These rules are in place to ensure it is mandatory for children to have the correct clothing when they enter custody, as not all CYP in the community will possess warm and/or suitable clothing.

Paragraph 141

The CPT recommends that, in both YOIs visited, all cells be fitted with a chair and that, at Feltham A, steps be taken in order to ensure that the communal shower areas are renovated and, the state of repair in the cells improved, including the ventilation. Further, steps should be taken to upgrade the outdoor exercise yards and equip them with a shelter against inclement weather and a means of rest.

The CPT also recommends that the dietary requirements of the young persons at both YOIs be reviewed to ensure that the meals provided are suitable for their specific needs. Further, steps should be taken to initiate the eating of the evening meal communally. Consideration should also be given to serving the tea-time meal later or to providing an additional snack later in the evening. Further, the CPT recommends that a nutritionist regularly examine the menus and the meals.

The CPT would also like to receive the reaction of the United Kingdom authorities regarding the remarks above in relation to clothing for young persons in detention.

More generally, the CPT considers that the small size of the rooms at Feltham A in particular should be compensated for by increased out-of-cell time.

Cookham Wood

At Cookham Wood YOI, all rooms have a chair which CYP are able to move around to their preferred seating position. All exercise yards have seating to allow CYP to rest, should they wish to during exercise periods.

Feltham YOI

At Feltham YOI, since July 2019, there has been a painting programme lead by staff and CYP. All rooms have been fully equipped prior to occupation. In addition to the refurbishment work in the showers on each unit, all rooms and communal areas have been re-decorated. The project is due to be completed by July 2020.

Meals

In 2015, the menus for CYP were analysed, revised and nutritionally balanced to provide them with the correct daily dietary requirements.

A National standard menu cycle of four weeks was produced, which could be adapted locally by the catering manager depending on the cohort at the establishment. This menu cycle offers five choices per meal which reflect cultural and religious requirements of the population, plus additional items to provide nutrition during the day. There is currently a national review of prison meals being conducted by Public Health England and HMPPS which will recommend and provide a nutritionally balanced menu cycle to all prisoners. It is intended that this will be reviewed to ensure it is kept up to date.

Communal dining

In regard to communal dining, at present this is not available at all establishments due to design space and the regimes currently in place. Serving times for meals are determined locally, but must be in line with recommended timings in the Catering PSI 44/2010.

Clothing

Please refer to our response to Paragraph 139.

Purposeful activity

We reiterate that all children and young people in custody remain in single occupancy rooms and will have equal or similar (where appropriate), access to time out in fresh air and purposeful activity irrespective of their IEP level that meets the minimum requirements set out in policy and guidance.

Paragraph 144

The CPT recommends that the United Kingdom authorities put in place measures to extend the initial and on-going training of custodial staff working in YOIs, as well as adequate psychological support and remuneration to reflect the challenging nature of the role as a custodial officer.

The CPT recommends that the remaining vacancies at Cookham Wood and Feltham A YOIs be filled and that staffing requirements and deployment be reviewed in order to ensure that a full regime can be implemented at all times. A structural “absence rate” needs to be considered when setting staffing needs.

Youth Justice Worker

We have introduced the Youth Justice Worker Role (YJW) role into YCS. Once completed, the UNITAS foundation degree then has a progression into the higher grade. The new foundation course for all new YJWs is 11 weeks and they continue that learning once back at their establishments with support from development practice manager and mentors.

The Behaviour Management Strategy includes the Framework for Integrated Care (SECURE STAIRS) in custody. SECURE STAIRS is a trauma-informed care and formulation-driven, evidence-based, whole system approach to meeting the needs of children and young people in custody. Whilst SECURE elements focus on establishing and maintaining effective foundations within the estate, with the day-to-day staff members at the centre of the intervention, as such, the environment and the relationships within it, rather than specialist “in-reach” services, are proposed as the primary agents of change for young people within secure settings. STAIRS outlines the key elements of a child or young person’s pathway whilst in custody and the multiagency, co-ordinated care to create change. As such, with implementation ongoing across all youth custody sites, the principles of SECURE STAIRS are fully integrated into the aims of YCS & NHSE & I Positive Behaviour Framework.

Cookham Wood YOI

Following a period in which Cookham Wood YOI operated under a recruitment freeze, staffing has improved significantly following the closure of Medway STC and the redeployment of its staff into vacancies within Cookham Wood YOI. This will take the establishment to its full staffing compliment. In anticipation of there being a certain level of attrition among staff in the future, further recruitment campaigns are already planned. All staff planning already assumes a “non-effective” or absence rate of 20% (to allow for sickness, training and annual leave) of staff time when setting staffing numbers. There is a national HMPPS absence rate of nine days per person per year and this also applies to the YCS.

Feltham YOI

Feltham YOI have operated a payment plus scheme since July 2019, which has enabled a continued and uninterrupted regime delivery. This increases CYP’s time out of their rooms and engagement within the regime for CYP. Feltham YOI staffing has been temporarily reduced to reflect the reduction in operational capacity to facilitate the refurbishment work. Prison Officer Entry Level Training courses are planned for April 2020, which will coincide directly with the additional staffing needed for the refurbishment work being completed.

There is now a fully operation regime management plan in place solely for Feltham YOI. We have not had to curtail the regime since July 2019.

Paragraph 151

The CPT would like to receive information regarding the development of Falcon unit.

Feltham YOI

The Falcon Unit is a reintegration unit that now allows CYP, to be residents on the unit. A Falcon Unit policy has been written by the central forensic psychology lead and forms part of the overall YCS strategy for the management of specialist units. The focus of Falcon Unit is to support CYP in the short medium or long-term, through individual planning. Since this change we have seen significant reductions in the use of special accommodation, prolonged Rule 49 and the separation of Young People.

Paragraph 154

The CPT commends the gradual shift away from placing juveniles in segregation units for the purposes of GOOD to investing in small staff-intensive units. However, it recommends that:

- **These units be properly resourced (both in terms of equipment and staff), and greater efforts be made to avoid them becoming *de facto* segregation units;**
- **Juveniles who are removed from association continue to be granted access to education, physical exercise and possibilities of association**

The CPT invites the authorities of the United Kingdom to share their views on the functioning of the special units and on any reforms foreseen in order to improve outcomes for juveniles and to ensure that the units better meet their intended purpose.

More generally, and until such time as the above two recommendations are fully implemented, it recommends that the authorities ensure that the separation, removal from association, cellular confinement or segregation of juveniles – in whatever form it takes – be applied only as a means of last resort, and that the juveniles concerned continue to be granted access to education, physical exercise and possibilities of association.

The Youth Custody Service has launched an internal review into the use of separation in YOIs with a dedicated taskforce. The review will have input from psychology, health and education staff and as part of this review there have been a number of immediate recommendations made, including providing separated young people similar access to those on a normal regime. This will include access to education, physical exercise and association with other separated young people where appropriate. Also, as part of the ongoing workforce reform the YCS is increasing the number of frontline staff in establishments ensuring that there is an appropriate staff to young people ratio.

We acknowledge that there are instances where young people need to be separated to protect themselves or other young people in custody. However, we accept that significant improvement is needed in the process of separation to include reform in this area. In addition to the internal review, we have ensured that all YOI establishments have local managers responsible for overseeing local separation arrangements. We have also introduced a national single point of contact to review these local arrangements to provide greater accountability and scrutiny and ensure that these units meet their intended purpose.

The YCS and its officials are clear that separation including the use of Rule 49 should only be used as a last resort and in a way which focuses on helping young people manage their behaviour. With the support from staff, it is a priority that young people subject to separation

return back to a normal regime when appropriate and where their behaviour can be managed safely and effectively.

Paragraph 155

Arrangements were made so that one custodial officer trained in first aid was present on each shift (including at night when no health care staff were present). It would be preferable if such a person had a nursing qualification.

Overnight cover is currently available via healthcare at HMP Rochester (immediate neighbour). The cover is provided by a person with a nursing qualification. The recent Health and Wellbeing Needs Assessment for Cookham Wood (completed November 2019) did not evidence a need for 24 hour healthcare. However, this will be reappraised for new service procurement, with a new contract start date of 1 April 2021.

Paragraph 157

The CPT invites the authorities of the United Kingdom to include a systematic screening for any history of abuse, including sexual abuse, in the initial assessments.

The Comprehensive Health Assessment Tool (CHAT), the evidence based tool validated for use with under 18s held in custody or detention on youth justice and welfare grounds, is in use across the children and young people secure estate, and includes the following questions:

P20

Is the young person at risk to themselves e.g. risk of self-harm, vulnerable to bullying or poor self-care?

If **yes** please explain and incorporate into the care plan

Have any child sexual exploitation concerns been raised? e.g. homelessness, frequent sexually transmitted infections, risky sexual behaviour, substance misuse, frequently missing from home etc.

Have any other safeguarding concerns been raised?

If **yes** explain below and incorporate into the care plan

P73

Has anything very frightening or awful ever happened to you or have you seen anything awful happen to your family or friends? (car accidents; violence; been physically or sexually hurt by others e.g. being hit or touched in a way that makes them feel uncomfortable or a sexual attack; saw someone die)

There are no direct questions on this issue in the CHAT, although sometimes this information is provided via the Asset tool. If children and young people do disclose, they are supported to discuss any issues. It would not generally be appropriate to ask this question directly to a child in this way. Often children and young people are not ready to disclose at an early stage and healthcare staff ensure that there are opportunities to discuss these issues throughout their stay. This information is usually disclosed during "my story" work with psychologists, and appropriate support is provided.

Paragraph 158

The CPT recommends that dedicated health care centres be established at both Cookham Wood and Feltham A in order to facilitate access of patients to services and to support the multi-disciplinary work of the primary care and health and wellbeing teams. To this end, the CPT fully supports the plan to open a health care facility within Feltham A (in the education building). In the meantime, urgent measures must be taken to review escort arrangements in order to prioritise the access of young patients to health care appointments.

From an operational perspective both establishments have additional staff resources. This resource allows for an identified officer to facilitate the movements of CYP to and from Healthcare appointments.

HMYOI Cookham Wood

There is ongoing work at Cookham Wood to ensure that access to healthcare is more widely dispersed across the YOI, enabling increase in attendance and engagement with the range of healthcare available. The Governor has invested in increased availability of space to deliver mental and emotional well-being interventions.

HMYOI Feltham (A)

At Feltham a scoping project and architectural plans have begun to be developed to establish a healthcare suite (including primary care and wellbeing teams) on Feltham A. This will be located close to Education to reduce disruption. In the meantime, CYP can access healthcare services via Bittern Unit and via the primary care healthcare centre where there are dedicated officers who can escort them, and where there is a dedicated waiting area.

Paragraph 160

The CPT recommends that the role of the health care staff in respect of checking boys on Rule 49 or in segregation and incidents of use of force be reviewed in light of the above.

NHSE&I are part of a Separation Taskforce led by the Youth Custody Service and chaired by Sir Alan Wood. This will produce a set of recommendations in the early spring of 2020.

NHSE&I are also partners to the Use of Force sub-committee led by the Youth Custody Service. The Use of Force sub-committee has been formed to look specifically at the Use of Force/Restraint and associated training within sites that hold children and young people across the Youth Custody Service (YCS). The purpose of the committee is to identify areas of practice in need of development, review latest research and to identify any risks and issues regarding the application of force/restraint. Where it is identified, the sub-committee will also share good practice.

Paragraph 161

Mental health care. At Cookham Wood, an additional psychiatrist position (for an additional three full days per week) was vacant. **This vacancy should be filled.**

At Cookham Wood, one boy diagnosed with complex trauma had been waiting for over two months for an external psychiatric assessment... **The CPT would like to receive an update of the situation of this person.**

The CPT would like to receive information about the number of referrals to psychiatric establishments requested from YOIs in the last three years and the number of transfers accepted.

HMYOI Cookham Wood

We have reconsidered staffing levels for psychiatrist posts at Cookham Wood. The recent Health and Wellbeing Needs Assessment for Cookham Wood (completed November 2019) did not evidence the need for additional psychiatrist capacity at the YOI. We therefore consider that current staffing levels are sufficient and that there is currently no longer a vacancy. The clinical need for psychiatrist provision will be re-evaluated during 2020 to inform procurement of the integrated healthcare service in 2021.

An update, and the data on referrals and transfers is provided to the CPT separately. As there is personal data in this document, and given the status of the statistics, these do not form part of the main response to the report.

Paragraph 163

The CPT recommends that steps be taken to ensure that dedicated health care facilities such as the Wren unit at Feltham are used solely for treating patients in need and not used to accommodate inmates for other, including security-related, non-health related reasons.

Since the Falcon unit was opened, HMYOI Feltham have not used the Wren unit for anything other than primary health care / nursing for young people. Recently, those Young People residing on Wren have been there due to serious injuries / open wounds and it was considered in their best health interests to be on Wren allowing for clinical care.

Paragraph 164

The CPT would like to receive confirmation that the peer mentoring scheme is now operating in Feltham A.

However, the regime afforded to newcomers offered little more than taking part in short assessment interviews over the course of a week. While a programme could not be established immediately, new arrivals should not be locked in their cells for 22 hours a day but be offered a regime which allows them to leave their cells for at least a few hours in both the mornings and afternoons. **The CPT recommends that the regime of juveniles on the induction unit be reviewed accordingly.**

The CPT recommends that measures be taken to avoid late admissions.

Peer mentoring scheme

The implementation of a peer mentoring scheme on Feltham YOI needs to be further developed as it is not operating fully. Kinetic Youth will be running training for CYP who are deemed suitable to become peer mentors. In addition to this, our external partners, Roadlight are planning to implement a peer mentor scheme. Finally, the Shannon Trust have begun delivery work on Feltham YOI and have the first peer mentor in the CYPSE under this scheme. The induction programme is currently under review as part of the Urgent Notification process but will include the use of peer mentors in the near future.

Regimes

The separate regime of children and young people who are new to a custodial establishment is provided to allow a familiarity with their new custodial environment and alleviate their worries amongst other things, it also allows for the arrangement of bespoke care plans and treatment. We are clear that all children and young people regardless of their regime should be able to access reasonable time out of their cells to interact with staff and other children

and young people on their wing. We are content that we are making positive changes for those newly inducted as has been reported in recent reviews, for example, the Children in Custody report makes reference to general positive arrival and inductions.

Late admissions

The YCS acknowledges that a contributing factor to late admissions is late drop offs for children and young people escorted from Court and works with escort suppliers to reduce these delays where possible given the dispersed nature of the youth secure estate. The new generation of Prisoner Escort and Custody Service (PECS) contracts are currently being mobilised and will introduce a new escorting service for all CYP in Aug 2020.

PECS Generation 4 will be flexible and responsive to the complex and distinct needs of children and young people by transporting them to their destination within a timely, decent manner and as a priority. This will be achieved by reducing the maximum time between the conclusion of their Court appearance and commencement of the journey from 3 to 2 hours (for CYP and women) and the requirement that CYP will always be transported separately to adults.

The flexible use of vehicles that is determined by the needs and risk profile of the CYP, with specialist staff equipped with the knowledge, skills and expertise to work effectively with children and improved information and infotainment access, will enable us to better prepare CYP for their time in custody.

Paragraph 166

The CPT recommends that all juvenile prisoners, regardless of legal or IEP status, should benefit from a visiting entitlement of more than one hour every week.

The YCS considers the current visiting legislation and guidance as sufficient for the young people in custody. The current legislation allows establishments to make operational arrangements to ensure these visits can be conducted in a safe and secure setting and doesn't adversely impact those young people who may not receive visitors.

[Rainsbrook Secure Training Centre \(STC\)](#)

Paragraph 169

The CPT recommends that the management of Rainsbrook STC pursue their efforts to minimise the levels of violence between young persons including through promoting alternative conflict resolution measures. Further, the CPT would like to be informed of the number of inter-young person assaults and their recorded level for the three last quarters of 2019.

The centre has introduced a new Earned Incentive Scheme which is based upon the HMPPS Youth Custody Service and the NHS E&I's Building Bridges Policy Framework document, which attempts to address levels of violence through incentivising positive behaviour.

The number of inter-young person assaults and their recorded level for Rainsbrook STC

	Apr '19	May '19	Jun '19	Q2 '19	Jul '19	Aug '19	Sep '19	Q3 '19	Oct '19	Nov '19	Dec '19	Q4 '19	Total
Number of CYP on CYP Assaults	28	17	23	68	23	19	38	80	44	19	19	82	230
- of which serious	0	1	2	3	1	2	0	3	2	0	1	3	9
CYP on CYP Assaults per 100 CYP Per Month	52.3	33.2	43.4	43.1	41.5	33.8	64.2	46.8	67.9	32.0	37.0	46.7	45.6
(Average Population)	53.5	51.2	53.0	52.6	55.4	56.3	59.2	57.0	64.8	59.3	51.4	58.5	56.0

Internal management information, which does not constitute official statistics, gives the number assaults between young people at Rainsbrook STC and specifies which of those is designated serious according to HMPPS criteria.

Source: Assaults, Self-Harm and Behaviour Management Reporting Pack, December 2019.

Paragraph 170

The CPT would like to receive the comments of the authorities of the United Kingdom regarding the frequency and intensity of the resort to the use of force by staff as recorded at the STC.

Further, it reiterates its recommendation, formulated in paragraph 127, for measures to be taken to ensure that:

- **Staff strictly adhere to the MMPR policy at all times, in particular:**
- **Restraint techniques are limited to those approved by the policy and all precautionary measures (including handling plans) are taken into account;**
- **Reporting and review procedures regarding any resort to the use of force are scrupulously applied, as per the policy, including the systematic debriefing of the young persons concerned;**
- **MMPR guidance, training and review procedures focus not only on the technical application of use of force techniques but also on the appreciation of the necessity and proportionality of such a resort;**
- **The use of body-worn cameras is made mandatory during all response interventions requiring the resort to the use of force.**
- **Failure to comply with the above should constitute a disciplinary offence.**

Likewise, the CPT recommends that the application of pain-inducing techniques on juveniles in STCs should be abolished, in law and practice.

It is recognised that the occasions whereby the criteria for force is met and thus force is used as a means of control, is too great within the STC and also across the youth secure estate.

YCS has engaged all providers in Positive Peace, an alternative approach to violence reduction, closely aligned with the positive direction of YCS core approaches such as Conflict Resolution and Building Bridges – A Positive Behaviour Framework.

There is a governance process for the Use of Force that conducts a review of all incidents and quality assures the reports to ensure that it is fully complete at Rainsbrook STC.

The YCS also conducts an Annual Focussed Review of the centre's Restraint Minimising Strategy and shares its findings. This can highlight any gaps or issues that might require attention.

The Independent Review of Restraint (Smallridge & Williamson, 2008), is used as reference document and is available here.

We deploy Body Worn Video Cameras into key areas that accommodate children and hold children for activities. Staff are advised that they should wear cameras and operate them at the appropriate times, this is re-iterated into local refresher training to all staff that attend and staff are reminded to activate their cameras when a general alarm is sounded across the radio network.

Paragraph 171

The CPT recommends that all rooms at Rainsbrook STC be equipped with a chair and that steps be taken to review the general state of repair of all bathrooms as well as to improve the ventilation in the rooms and to repair electric blinds. Further, outdoor exercise yards should be equipped with a shelter against inclement weather.

Rainsbrook STC has reviewed the current room design and made some alterations to the accommodation and fixed furniture. In the meantime, they have introduced temporary seats so that there is seating in each bedroom. The bathrooms have been reviewed as part of their annual site condition survey to inform their forward maintenance plan. Rainsbrook STC have trialled introducing ventilation in bedrooms and have costed up proposals, but due to the design of the building, this is prohibitively expensive, so other arrangements are being reviewed.

Paragraph 173

The CPT recommends that the dietary requirements of the young persons at the STC be regularly reviewed by the dietician, so as to ensure that the meals provided are suitable for their specific needs. Consideration should also be given to serving the tea-time meal later or providing a snack. Moreover, consideration should be given to promoting a more communal approach to the preparation and cooking of meals.

We will explore the degree to which the catering provider at Rainsbrook STC can demonstrate the nutritional balance of the meals provided. We note the concerns that CYP are having their evening meal relatively early. Whilst food is available on CYP's living units for snacking later in the evening we will review the options to ensure CYP's can have a healthy supper option if they wish. We note the point regarding CYP preparing their own meals. There is some complexity to ensuring food is appropriate for CYP. We expect Rainsbrook STC to provide at least three options at each meal to allow CYP a choice over their food. We expect that one meal from lunch or dinner will be hot. We expect that CYP are consulted through their forum on the menu options available. We expect the meals to be nutritious and plentiful as well as appealing. To deliver these expectations and have the meals prepared by the CYP for themselves may not be possible. However, we will explore the aspiration of greater communal involvement in meal preparation.

Paragraph 175

The CPT encourages recent developments to ensure greater participation of CCOs, who demonstrated a good knowledge of the young persons, in the formulation of care plans and their reviews.

The custody support officer is responsible for supporting the development of positive social behaviour and although in its infancy, its continued roll-out will develop and help to create officers who have a good working understanding of the young person in their care with the aim of growing in accordance with Maslow's Hierarchy of Needs, beginning with meeting their psychological needs followed by safety, belonging, esteem and peaking at self-actualisation. Subsequently, this consistent interaction will feed into the officers taking an active role in the young person's reviews and care plans with their specialised knowledge.

Paragraph 178

The CPT recommends that measures be taken to ensure that the weekly planning is managed in such a way that young persons are offered at least two hours in the open air each day, whether in an organised sports activity or enjoying some free time outside. In addition, the weekend schedule should be revised in order to ensure that each day, juveniles are offered some structured activities.

It is encouraging that the CPT committee have positively commented on the purposeful regime at Rainsbrook STC and we are aware that we can go further to give the children and young people a regime better suited to their needs that allows access to fresh air and purposeful activity. This is why we are trialling flexibility of the core regime in establishments at Wetherby and Werrington YOI which, if successfully implemented, will allow a more tailored child centred approach that meets their needs.

Paragraph 180

The CPT recommends that the United Kingdom authorities put in place measures to extend the initial and on-going training of custodial staff working at Rainsbrook STC, and possibly other STCs, as well as adequate psychological support and remuneration to reflect the challenging nature of the role of a custodial officer.

Further, efforts should be made to ensure that the pool of custody and care officers comprise a variety of profiles, including a proportion of individuals with significant life and work experience. CCOs should also be supported in their efforts to engage the young persons in meaningful activities outside the core programme, with a view to fostering a sense of community living on the units.

The Operator (MTC) has a recruitment campaign which takes into consideration protected characteristics as well as both life and work experiences of potential candidates. The recruitment process also entails a 7-week training course that enables CCO's to develop a theoretical understanding of the issues that children and young people may experience in their lives prior to custody. The staffing profile is monitored and there are dedicated training days for reflective practice and a well-being team that the staff can approach at the centre.

Paragraph 181

The CPT recommends that the management of Rainsbrook STC take the necessary measures to ensure that the incentives-based regime scheme is applied in a consistent manner in all units. Further, the CPT would like to be informed how many boys were transferred from Rainsbrook STC to a YOI in 2019 due to their behaviour and to be informed of the procedures and safeguards surrounding such a measure.

The delegation also noted that the number of sanctions had considerably increased over the last couple of years,¹⁰ despite the management of Rainsbrook declaring a will to steer away from a sanction-based towards a reward-based behaviour management system. The CPT would like to receive comments on this point.

Incentives

Rainsbrook STC has introduced a new Earned Incentive Scheme which is based upon the HMPPS Building Bridges Policy Framework document, with appropriate governance and oversight to ensure consistency.

¹⁰ 650 sanctions in 2017, 1095 in 2018 and 440 between January and April 2019.

Procedures/Safeguards: This data would also be available from placements when requests for transfers are made based on incidents where the individual is deemed to be a 'high risk' to others. The provider has also considered further analysis regarding the risk factor of BAME disproportionality for the transfer requests.

Transfers to a YOI: There were 12 boys transferred from Rainsbrook STC to a YOI in 2019 where their behaviour was a factor.

Sanctions

The aim is to improve on behaviour management by officers conducting their daily reviews of incidents and communicating the outcome to young people with justifiable consequences that motivates young people to promote positive behaviours. The Building Bridges Framework is adopted by the provider.

Paragraph 182

The CPT recommends that all episodes of single separation, whatever the reason and whatever the duration, be fully and accurately recorded.

As a priority we have been progressing work to improve consistency and transparency within YOIs in relation to separation data collection. As part of this work, local administrative processes at each YOI have been reviewed for capturing and understanding core data around YOI rules 49 and 58. The standard log for capturing separation data launched on 1 December 2019. This log included reporting for all children separated from daily regime activity and has been designed to manage and safeguard separated children, and facilitate improved accuracy and greater central understanding and assurances to governors and the central Youth Custody Service. With the new data we will be able to assess data alongside feedback from establishments with regard to how the data processes can be further improved. We will also consider the benefits of publishing this data in the future.

Paragraph 184

The CPT recommends that measures be taken in order to ensure the presence at night of a person qualified in first aid, preferably a person with a nursing qualification.

Further, in the view of the CPT, increasing the number of registered nurses within the "regular" pool would provide more stability and benefit the maintenance of trust between juveniles and health care staff.

Night staff

At Rainsbrook every member of staff is first aid trained. A fully qualified nurse is always on call through the night. It has not proved necessary to have a nurse on site throughout the night as there are very few incidents. Nurses have attended late admissions.

Registered nurses

Two further permanent nursing staff have been appointed and there are currently adverts out for a further learning disability nurse and an additional mental health nurse. The increase in staffing numbers is part of the change to deliver the new contract at Rainsbrook. Staff that were previously on fixed term or agency contracts are now all on permanent contracts to provide greater stability. It is felt that the staffing situation at Rainsbrook is now both stable and well resourced. Consultation is currently ongoing looking at changes in shift patterns. These changes are aimed at improvements in cover and in improved working conditions for staff (reductions in shift length).

Paragraph 185

The CPT would like to receive confirmation that the position of occupational therapist has now been filled.

The occupational therapist position is currently out to advert, and it is hoped this position will be filled very soon.

Paragraph 186

The screening process was of a very high standard and provided the basis for comprehensive care plans which were regularly updated. However, screening for previous forms of abuse, including sexual abuse, should be included (see paragraph 157).

Please see response to Paragraph 157.

Paragraph 188

The CPT recommends that the necessary measures are taken to ensure that the medical information which is shared with non-medical staff respects this principle.

After investigation the lists on the wall were lists providing essential information in regard to the allergies of young people. The list provided ensures all staff are appraised of which young people may require an epipen or inhaler in an emergency situation. This information is available to staff in all young people's settings e.g. schools to ensure safety and appropriate emergency responses

Healthcare does not share lists with non- medical staff other than a list of each young person's named nurse.

Paragraph 189

To the extent that there was no sign of custodial staff shortage, the CPT trusts that measures will be taken promptly to remedy this situation.

The YCS are aware of the recent staffing shortages at Rainsbrook and have been tracking any impact on services to young people. We are working with the provider to resolve those issues as soon as possible.

Paragraph 190

As was the case in the YOIs, health care staff were expected to attend use of force interventions and to meet with the young person afterwards. **The recommendation and comments formulated in paragraph 160, equally apply to Rainsbrook and other STCs.**

Please see response to Paragraph 160.

Paragraph 191

The CPT recommends that measures be taken in order to ensure that juveniles are only placed in handcuffs when deemed strictly necessary, based on an individual risk assessment.

The Youth Custody Service is clear that children and young people should only be placed in handcuffs when they pose a risk to themselves and/or others. Measures taken to ensure this is implemented is through staff refreshers and training.

Paragraph 192

The admission and induction process did not call for any comment other than the fact that late arrivals of young persons were frequent. As expressed at paragraph 164, the CPT recommends that measures be taken to avoid late admissions.

Please see the response to recommendation 164 – late admissions.

COOKHAM WOOD

2018

Total no. of referrals of all allegations against staff:	64
<u>Breakdown</u>	
No. of related allegations of excessive/ inappropriate Use of Force:	55
• No. of allegations resulting in criminal action; and	0
• No. of allegations resulting in internal disciplinary action/ dismissal	0
No. of related allegations of a Sexual Nature:	0
• No. of allegations substantiated by the LADO;	0
• No. of allegations that were substantiated;	0
• No. of allegations that were unsubstantiated	0
• No. of allegations that were unfounded;	0
• No. of allegations with No Further Action;	0
• No. of allegations that were malicious; and	0
• No. of allegations that were subject to an internal investigation	0
No. of related allegations for Other reasons:	9
• No. of allegations resulting in criminal action; and	0
• No. of allegations resulting in internal disciplinary action/ dismissal	1

2019

Total no. of referrals of all allegations against staff:	135
<u>Breakdown</u>	
No. of related allegations of excessive/ inappropriate Use of Force:	109
• No. of allegations resulting in criminal action; and	0
• No. of allegations resulting in internal disciplinary action/ dismissal	0
No. of related allegations of a Sexual Nature:	2
• No. of allegations substantiated by the LADO;	0
• No. of allegations that were unsubstantiated;	0
• No. of allegations that were unfounded;	0
• No. of allegations with No Further Action;	2
• No. of allegations that were malicious; and	0
• No. of allegations that were subject to an internal investigation	0
No. of related allegations for Other reasons:	24
• No. of allegations resulting in criminal action; and	0
• No. of allegations resulting in internal disciplinary action/ dismissal	0

FELTHAM**2018**

Total no. of referrals of all allegations against staff:	87
<u>Breakdown</u>	
No. of related allegations of excessive/ inappropriate Use of Force:	65
• No. of allegations resulting in criminal action; and	0
• No. of allegations resulting in internal disciplinary action/ dismissal	0
No. of related allegations of a Sexual Nature:	18
• No. of allegations substantiated by the LADO;	0
• No. of allegations that were substantiated;	1
• No. of allegations that were unsubstantiated	8
• No. of allegations that were unfounded;	2
• No. of allegations with No Further Action;	2
• No. of allegations that were malicious; and	1
• No. of allegations that were subject to an internal investigation	1
No. of related allegations for Other reasons:	3
• No. of allegations resulting in criminal action; and	0
• No. of allegations resulting in internal disciplinary action/ dismissal	0

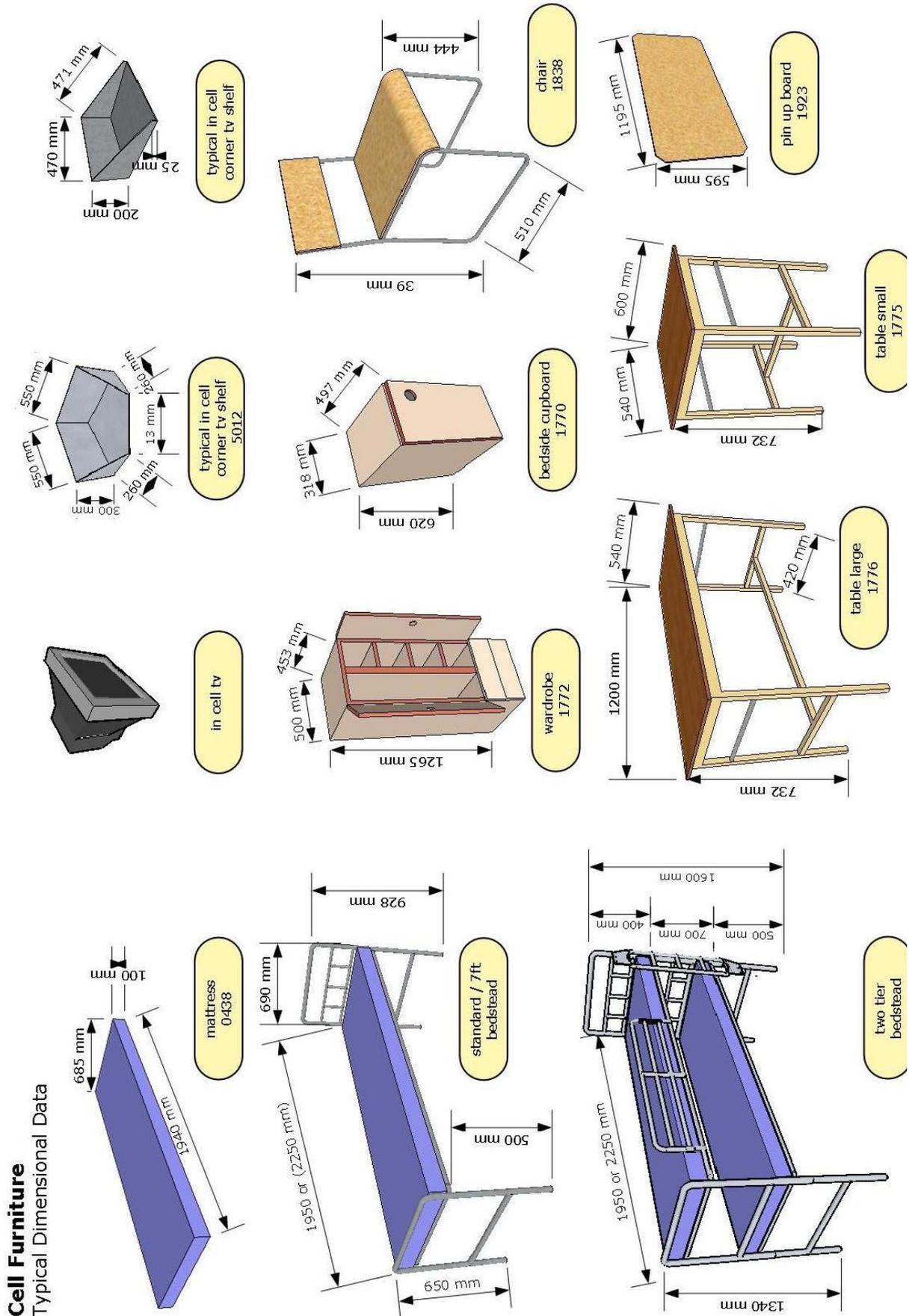
2019

Total no. of referrals of all allegations against staff:	98
<u>Breakdown</u>	
No. of related allegations of excessive/ inappropriate Use of Force:	90
• No. of allegations resulting in criminal action; and	0
• No. of allegations resulting in internal disciplinary action/ dismissal	1
No. of related allegations of a Sexual Nature:	14
• No. of allegations substantiated by the LADO;	1
• No. of allegations that were substantiated;	0
• No. of allegations that were unsubstantiated	2
• No. of allegations that were unfounded;	2
• No. of allegations with No Further Action;	6
• No. of allegations that were malicious; and	3
• No. of allegations that were subject to an internal investigation	0
No. of related allegations for Other reasons:	4
• No. of allegations resulting in criminal action; and	0
• No. of allegations resulting in internal disciplinary action/ dismissal	0

Space, dimension and layout illustrations

Cell furniture – typical dimensional data

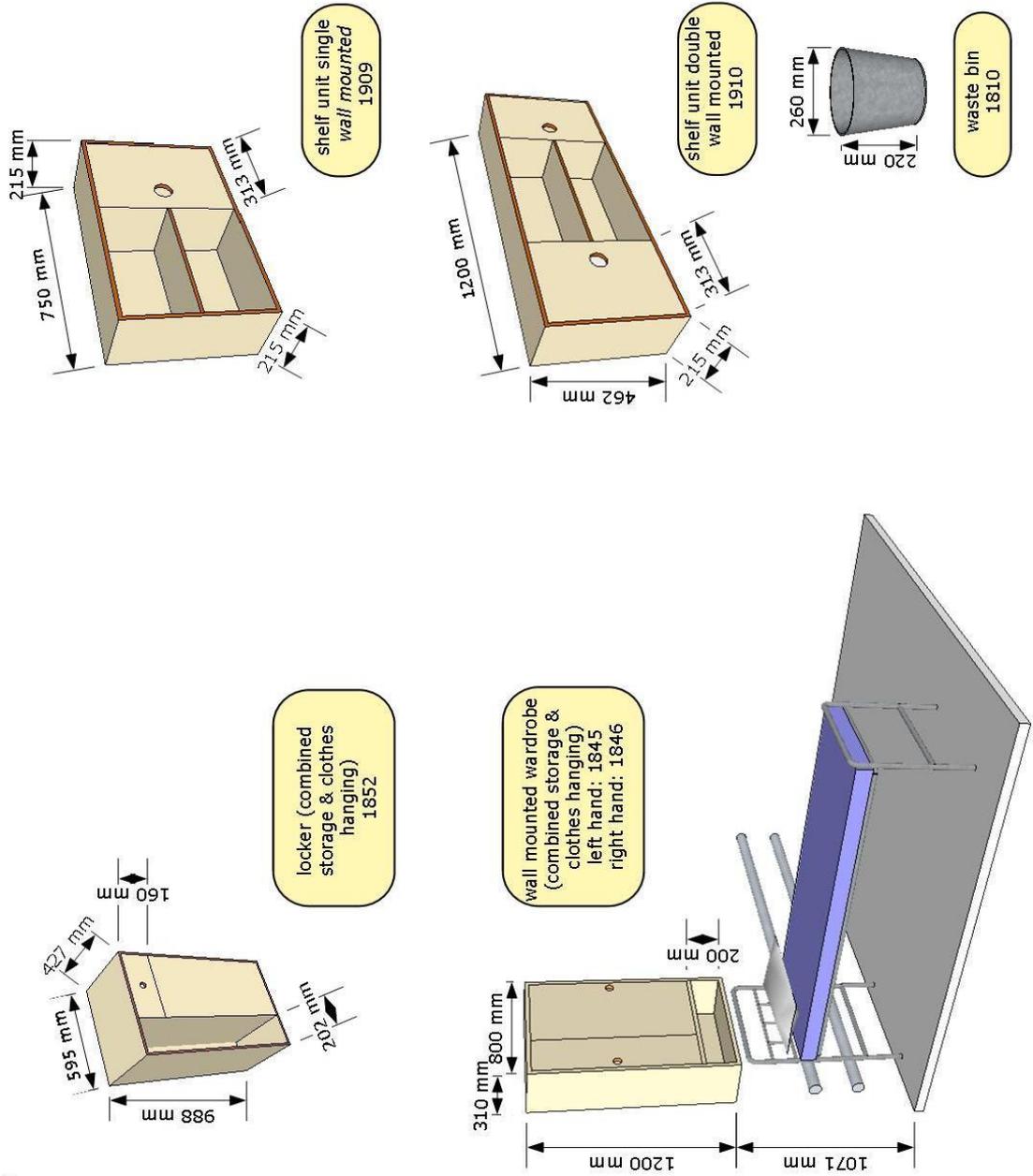
Figure 1 (i)



Cell furniture – typical dimensional data

Figure 1 (ii)

Cell Furniture
Dimension Data



OESS White Wood Furniture
Typical Furniture
Single Occupancy/Double Occupancy
New Build/Refurbishment

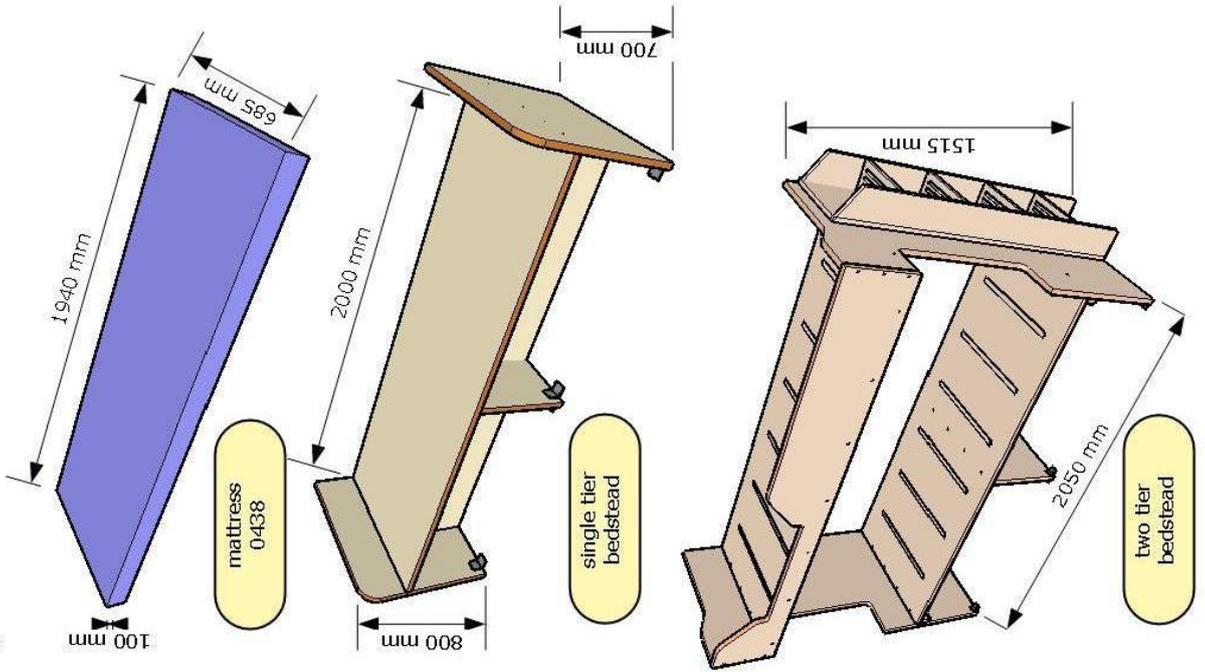
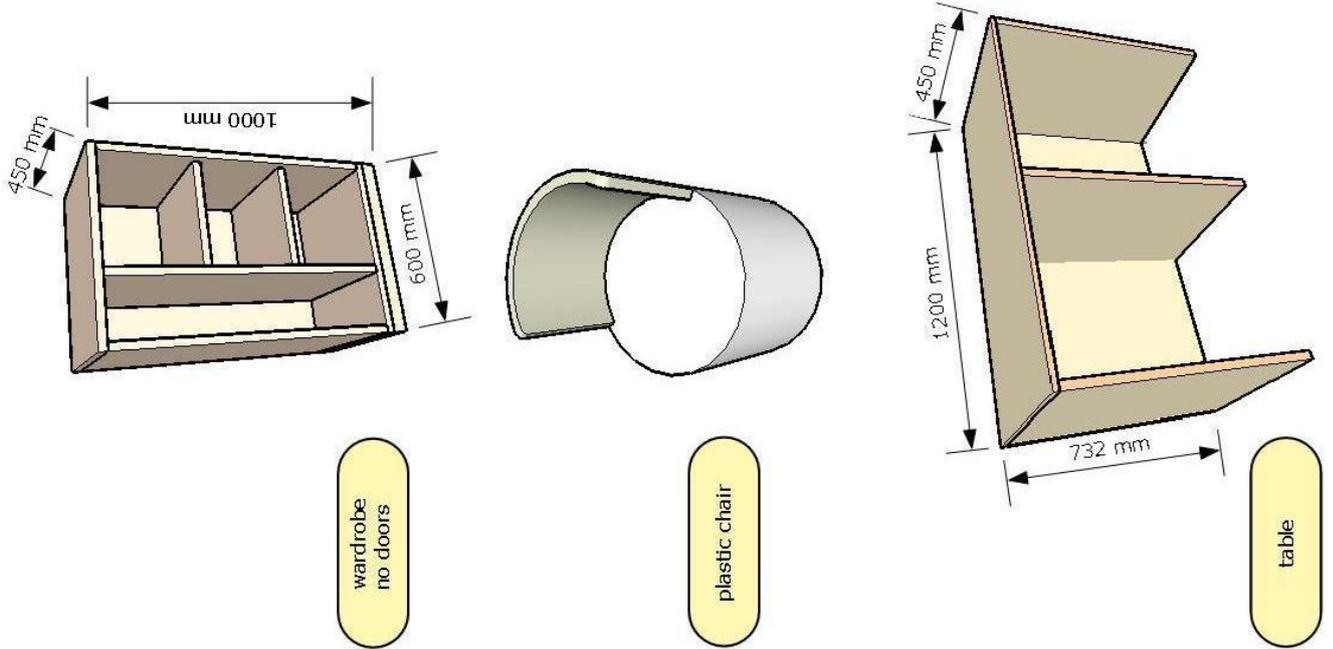
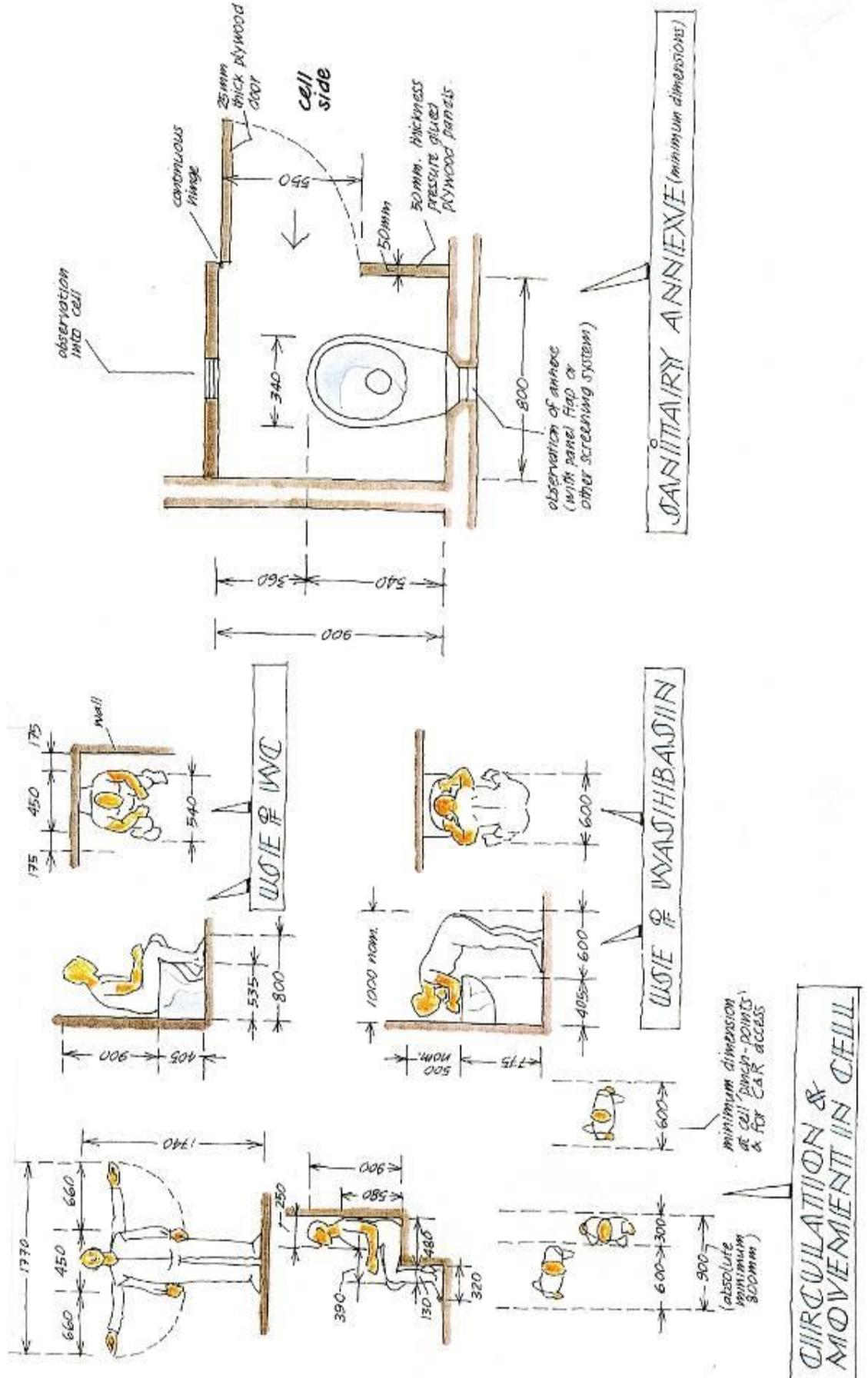
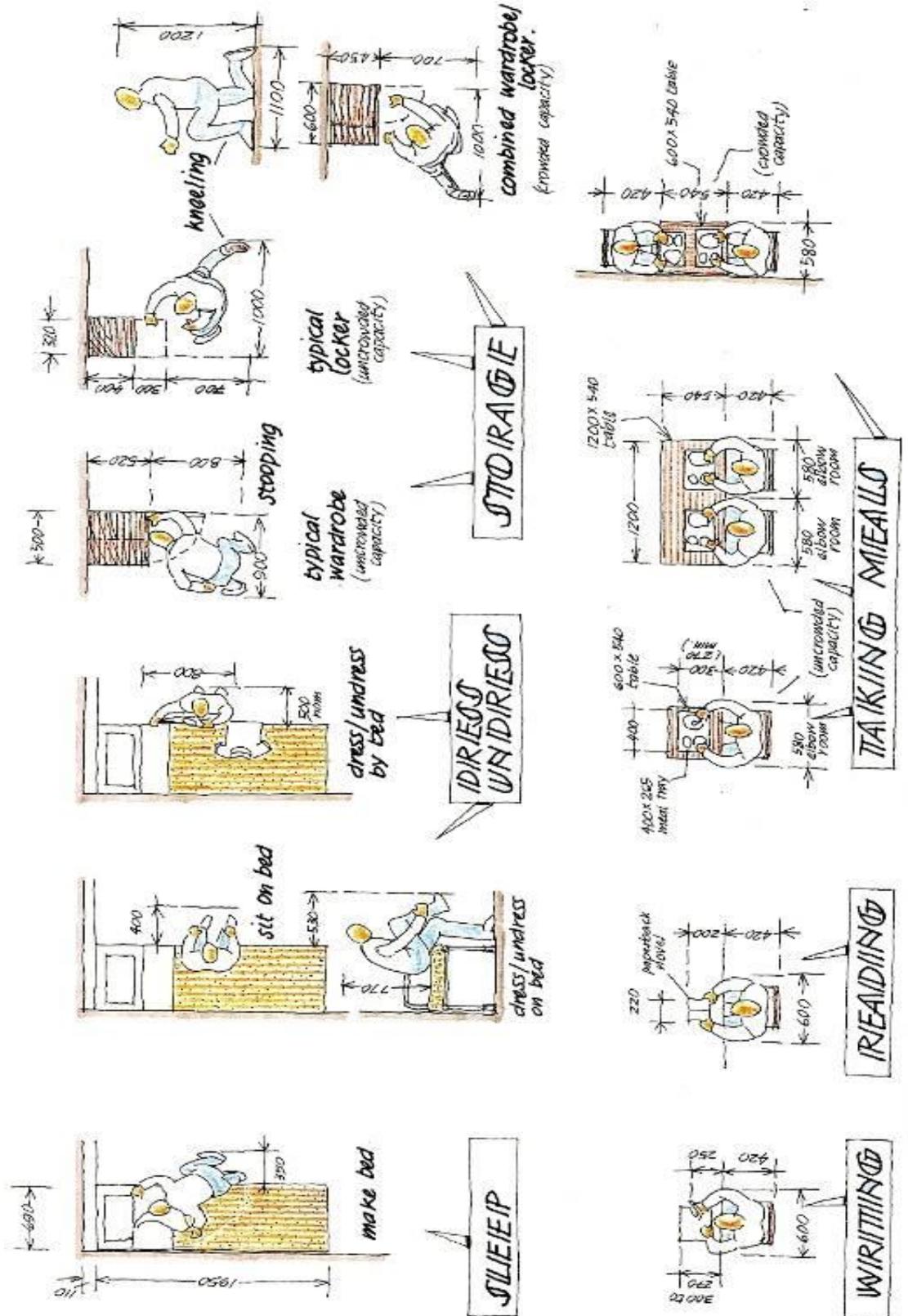


Figure 2 (i)



Cell activity – space requirements

Figure 2 (ii)

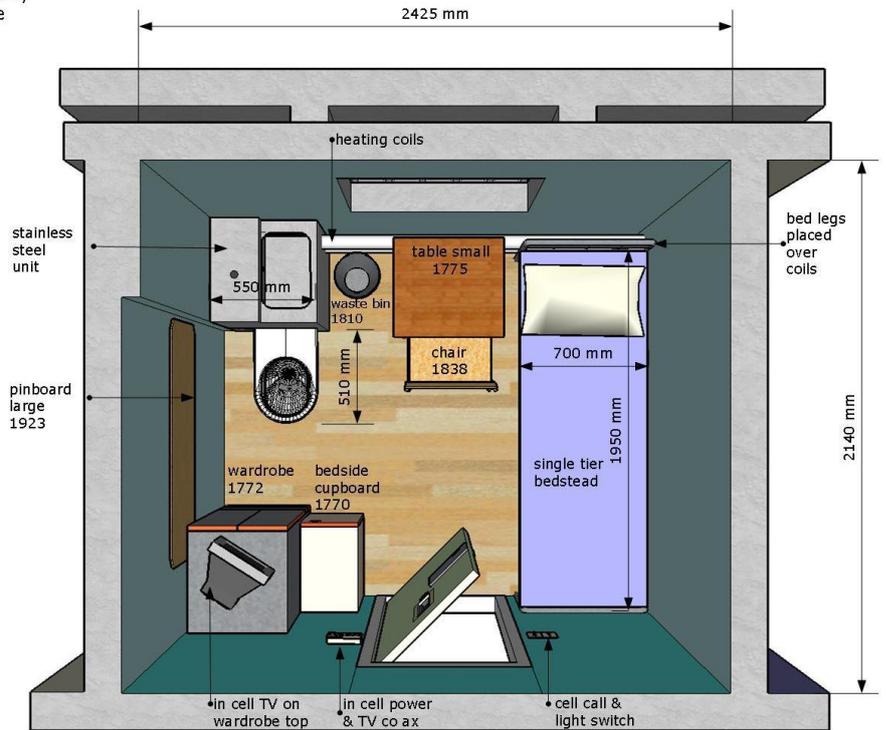


Examples of Typical Cell Layouts

Figure 3 (i)

Single Occupancy Wet Cell

Without Crowding Capability
 Uncrowded/Crowded One
 Approx. Flr Area
5.5 msq



Single Occupancy Wet Cell

Without Crowding Capability
 Uncrowded/Crowded: one
 Existing Build
 Approx. Flr. Area
5.5msq

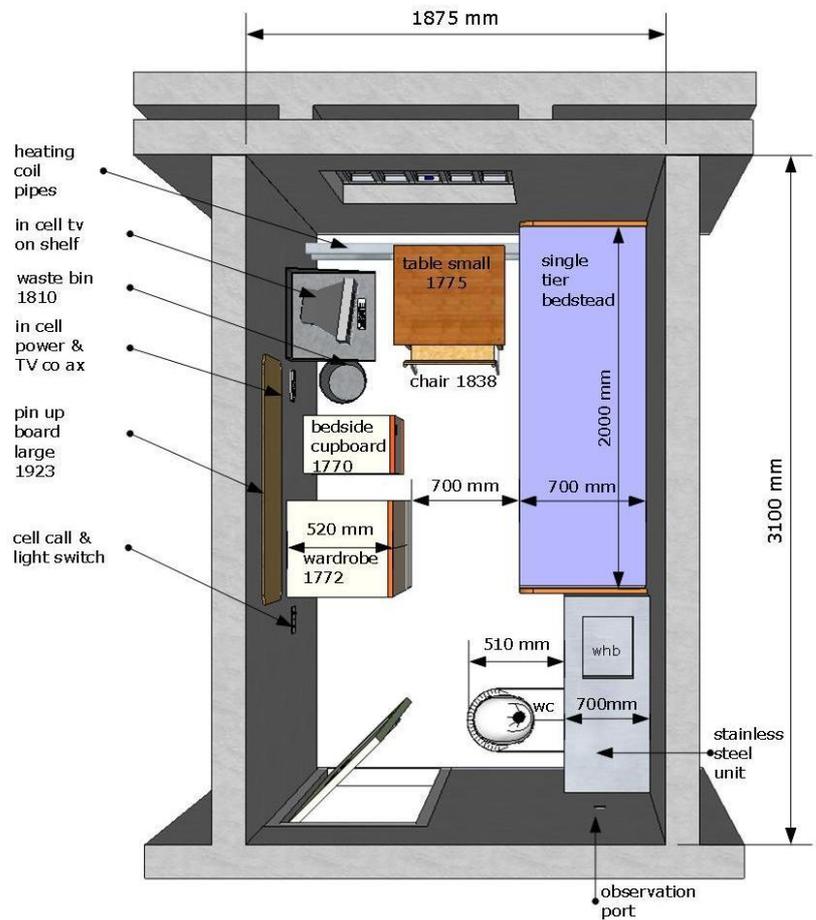
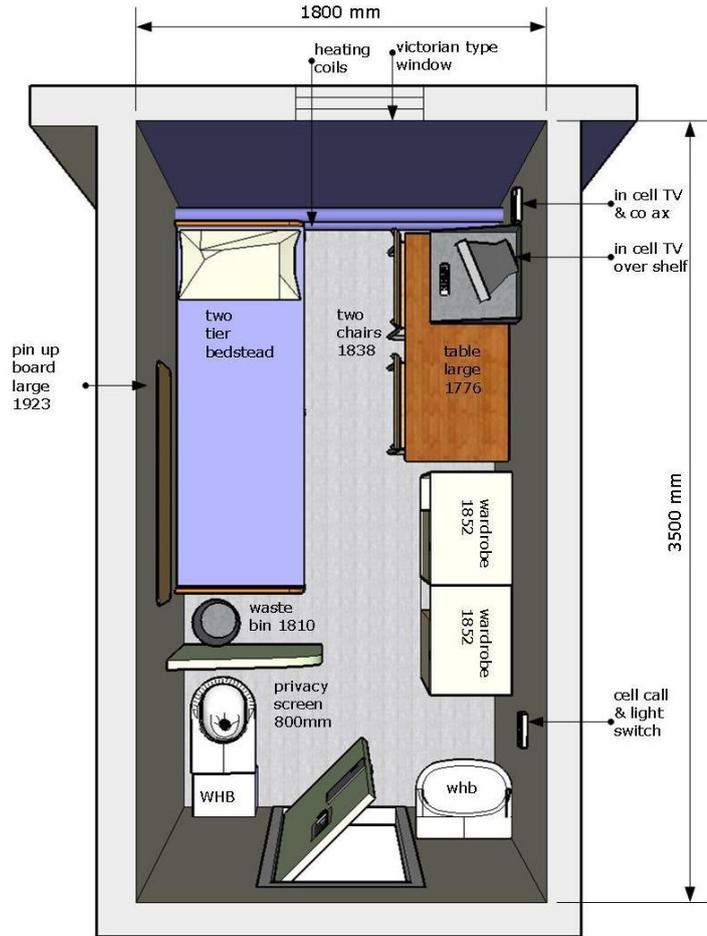


Figure 3 (ii) Single Occupancy Wet Cell With Crowding Capability
 Victorian Type : Existing Build
 Max. Capability : Two
 Approx. Flr. Area
6.5 msq



Single Occupancy Wet Cell With Crowding Capability
 Max Capacity : Two
 Approx. Flr. Area
7.4m2

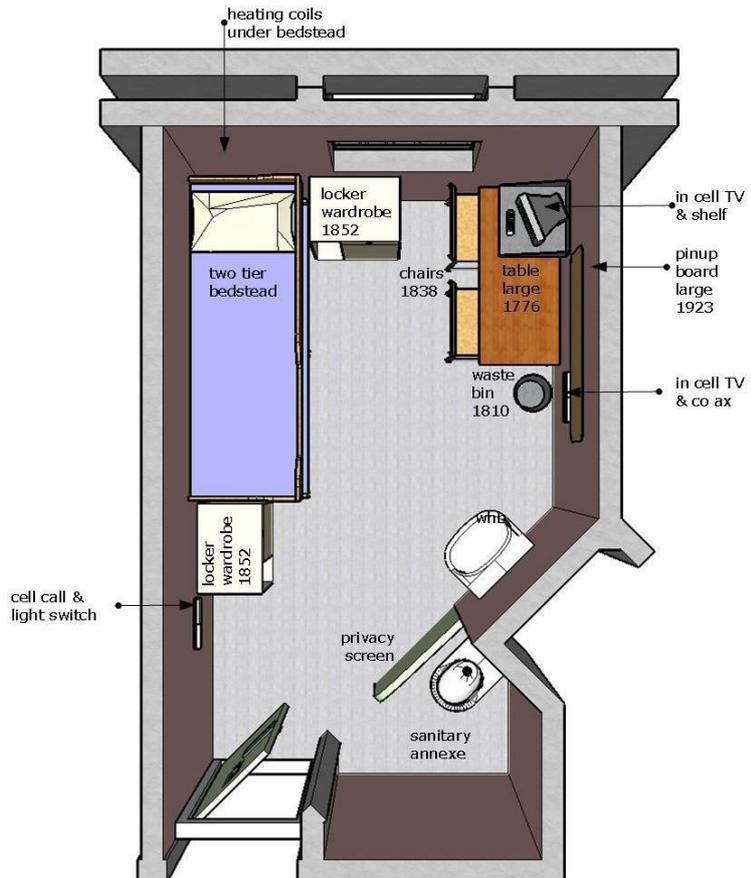
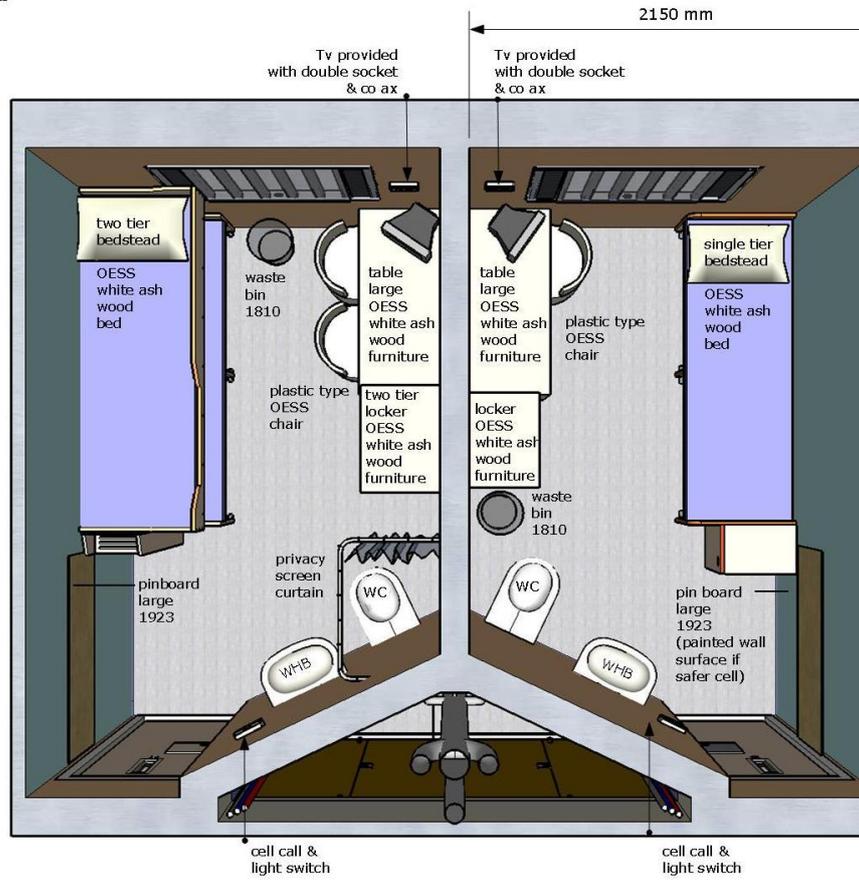


Figure 3 (iii) Typical Example of Existing & New Build Type –
Single Cell (Crowded) & Single Cell Only

Single Occupancy Crowded

With Crowding Capability
Approx. flr. area
Typical Existing Build

6.8msq



Single Cell – Crowded
(CNA 1 Max. Capacity 2)

Single Cell – Uncrowded
(CNA 1 Max. Capacity 1)