



Her Majesty's Inspectorate of Prisons

# EXPECTATIONS

Criteria for assessing the treatment of and conditions  
for close supervision centre (CSC) prisoners

Version 1, 2016

# Contents

## **Introduction**

### **Section 1: Close supervision centre (CSC) strategic management**

Strategy, selection and review  
Individual care and management

### **Section 2: Progression and reintegration**

Progression and purposeful activity  
Reintegration and resettlement planning  
Children, families and contact with the outside world

### **Section 3: Safety**

Escorts and early days  
Behaviour management  
Use of force  
Self-harm and suicide prevention  
Safeguarding (protection of adults at risk)  
Security  
Substance misuse

### **Section 4: Respect**

Daily living arrangements  
Staff-prisoner relationships  
Equality and diversity  
Faith and religious activity  
Complaints  
Legal rights  
Health services

Appendix 1: Human rights and close supervision centre expectations

Appendix 2: Advisory group

# Introduction

The close supervision centre (CSC) system holds some of the most dangerous men in the prison system who are held in very restrictive conditions, mostly in small units across the high security prison estate. Men who are held under the managing challenging behaviour strategy (MCBS) who do not quite meet the criteria to be held in the CSC system are held in conditions only slightly less severe. The CSC system or its equivalent has been the subject of thematic inspection in the past, with each unit usually inspected separately as part of the larger high security prison in which they are located. This meant that we were unable to gain a consistent overall picture of how the entire system was working.

We therefore decided to develop *Expectations*, or inspection criteria, for the CSC system as a whole and subject the entire system to regular inspection. The extreme nature of the custody conditions in the system and the risks inherent in managing the men it holds, make it right that the system should be subject to regular independent scrutiny, with as much transparency as possible about the way it is run.

In developing these *Expectations* we worked closely with a group of expert advisers<sup>1</sup> and we are grateful for their assistance. We consulted a wide range of stakeholders, including NOMS and relevant operational staff. In line with our obligations arising from the UK's status as a party to the UN Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) we began our work by looking at the international human rights standards and norms on which all our expectations are based and how they were applicable in this situation. These standards are most clearly set out by the European Committee for the Prevention of Torture which states that further restrictions on a prisoner's rights imposed through CSC-type management should be:

- proportionate
- lawful
- accountable
- necessary and
- non-discriminatory.<sup>2</sup>

A fuller explanation of the relevant human rights context is set out in Appendix 1.

We adapted the expectations we normally use for adult prisons in the light of the particular context for the CSC system and the relevant human rights standards.

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<sup>1</sup> See Appendix 2 for details.

<sup>2</sup> Council of Europe (2011) *21st General Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*.

## Introduction

Overall, we expect to find that prisoners are only held in dedicated close supervision centre (CSC) units or MCBS central units as a last resort. Governance structures should meet standards elaborated by official human rights bodies, and include independent scrutiny and regular reviews. Conditions must be safe and respectful and prisoners should have opportunities to engage in appropriate progression and reintegration activities, which meet their individual needs and risks. Prisoners should be supported to make progressive moves into more normalised mainstream secure settings.

We assess this against four tests, based on our usual healthy prison tests of safety, respect, purposeful activity and resettlement but adapted for the CSC context. In CSCs, the four tests are:

### **Strategic management**

Prisoners are appropriately selected for CSCs and receive individual support to reduce their risk of harm and work towards de-selection.

### **Progression and reintegration**

Prisoners benefit from a purposeful regime which supports efforts to address problematic behaviour, and clearly focuses on progression and reintegration.

### **Safety**

Prisoners, particularly the most vulnerable, are held safely.

### **Respect**

Prisoners are treated with respect for their human dignity.

Expectations brigaded under each of these four tests are the basis for our findings. Each expectation is underpinned by indicators which set out the evidence we would normally expect to find if the expectation is met – but if the establishment can show they have met the expectation in another way, that will be acceptable.

Once the draft *Expectations* had been completed we piloted them in the first inspection of the CSC system in March 2015. We have made some amendments to the original version in the light of that experience and feedback from the establishments concerned and other stakeholders.

## Section 1: **Close supervision centre (CSC) strategic management**

Prisoners are appropriately selected for CSCs and receive individual support to reduce their risk of harm and work towards de-selection.

**Strategy, selection and review**  
**Individual care and management**

# Strategy, selection and review

Prisoners are only held in dedicated close supervision centre (CSC) units as a last resort. Governance processes are strong and prisoners have clear rights of appeal. Prisoners are allocated to units which meet their individual needs.

## Expectations

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### 1. The purpose of the CSC system and each unit within it is clear and based on a needs assessment.

#### Indicators

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- A comprehensive national strategy shapes the role and purpose of each CSC with a clear focus on selection, progression and reintegration.
  - The strategy is reviewed regularly and kept up to date by regular analysis of the needs of the population.
  - The analysis of needs is based on an adequate range of sources, and sufficient attention is paid to all protected characteristics, as well as specific groups.
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### 2. CSC governance structures are strong and protect the rights of individuals.

#### Indicators

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- Governance processes incorporate the views of people who do not have an operational role or direct responsibility for the system, and provide regular and robust scrutiny based on reliable data and regular visits.
  - Decision making processes are clearly recorded.
  - Staff and prisoners, including those being considered for referral, understand the governance structures.
  - There is a clear rationale for the management of prisoners in the managing challenging behaviour strategy (MCBS) central units, and a process that matches that of the CSCs in terms of safeguards.
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**3. Prisoners are selected to be managed within the CSC system using clear, publicised criteria and only after all other relevant options have been considered.**

**Indicators**

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- Following a referral to the CSC system, and prior to full selection, prisoners undergo a period of pre-selection assessment in a purposeful and suitable environment to determine whether placement within the CSC system is required.
  - Prisoners are selected for management in the CSC system only after all other relevant options have been considered, and following a thorough risk assessment against clear publicised criteria.
  - An independent authority is involved in the selection process to provide meaningful scrutiny and with genuine power to challenge the decision making process.
  - Unless there are valid security reasons, prisoners are able to receive a copy of all reports produced.
  - Selection is for a specified period only, after which it is reviewed.
  - Allocation to the CSC system is made using the appropriate prison rule, is not a disciplinary or punitive measure and is properly authorised.
  - Prisoners are given written reasons for their allocation to the CSC system.
  - Prisoners are allocated to individual units using clear criteria.
  - Prisoners are able to submit representations or to appeal against allocation to the CSC system.
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**4. There is effective oversight of decisions to continue to hold prisoners in the CSC system.**

**Indicators**

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- Formal reviews of the need for continuing administrative segregation take place at least annually.
  - Decision making about the need for continuing administrative segregation should take place at the NOMS director level.
  - Prisoners have the opportunity to make representations and to express their views in person.
  - An independent authority is involved in the formal review process to provide meaningful scrutiny and has genuine power to challenge the decision-making process.
  - Prisoners have access to support to present their case.
  - Prisoners are able to submit representations or to appeal against the continued allocation to the CSC system.

See also Section 1 – individual care and management.

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**5. Prisoners are held in units which are designed to take account of their psychological needs and emotional wellbeing.**

**Indicators**

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- CSC units adhere to the principles of a psychologically informed environment.
  - The environment encourages safe and supportive relationships.
  - There is a focus on understanding the psychological and emotional needs of prisoners.
  - There are a range of interventions to support prisoners to mitigate the impact of prolonged isolation and or/psychological deterioration.
  - All staff are clear about the role of the CSC and their responsibilities to support progression and reintegration.
  - Staff are specifically selected, trained and equipped to work with CSC prisoners and have good interpersonal skills.
  - Staff receive regular supervision.

See also Section 4 – staff-prisoner relationships.

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# Individual care and management

All CSC prisoners have a robust individual assessment of risk and need, which is regularly reviewed and implemented. Prisoners, together with all relevant staff, are involved in drawing up and reviewing plans. Progression and reintegration are clearly promoted and processes are rigorously applied.

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## Expectations

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### 6. Each prisoner's risk of harm to others is kept to a minimum and risk reduction work is undertaken.

#### Indicators

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- All formally selected prisoners have a care and management plan, developed by a multidisciplinary team, which aims to reduce risk of harm to others and of reoffending.
- Prisoners are able to contribute to the development of this plan.
- The plan includes specific steps needed to achieve progression and reintegration rather than purely containment or compliance with the regime.
- Prisoners are actively encouraged to participate with progression planning and a constructive regime, including educational achievement.
- Daily and weekly logs are comprehensive and linked to the targets in the care and management plan.
- Reports are provided to support reviews and decisions regarding the location, placement and de-selection of each prisoner. Reports are based on good quality feedback from all relevant staff and daily/weekly logs.
- Reviews of the care and management plan are undertaken at appropriate intervals and following a significant change/event.
- There is a clear link to the OASys sentence plan with good and regular communication with the offender supervisor and offender manager.
- Prisoners are provided with prompt and detailed individual written feedback from the local CSC manager after each review.
- There is good quality, routine management oversight of the quality of the care and management plan, daily recording and monthly and annual reviews.
- A central case record holds up to date details of contact with the prisoner and work done to achieve objectives.

See also Section 3 – behaviour management.

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**7. Prisoners understand and are motivated to meet progression targets and are supported in their efforts to achieve them.**

**Indicators**

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- Contact with personal officers, psychologists, offender supervisors and other staff is regular and meaningful and supports the delivery of the care and management plan.
- Prisoners are encouraged to participate meaningfully in the care and management plan process as well as sentence planning boards. Prisoners understand what they need to achieve and are given opportunities to achieve their targets.
- Potentially discriminatory or disadvantaging factors and any other individual needs are fully assessed at an early stage. If identified, actions to minimise their impact are taken.
- When appropriate, prisoners are moved promptly to a more appropriate CSC, special hospital or mainstream prison location to drive forward the plan.

See also Section 4 – equality and diversity.

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**8. Any public protection restrictions or requirements placed on prisoners are proportionate to managing their risk of harm. Prisoners are appropriately assessed and decisions are clearly communicated.**

**Indicators**

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- Where relevant, MAPPA levels are confirmed well in advance of release into the community. CSC staff are aware of plans to manage risk of harm on release into the community and where relevant, participate in or contribute to MAPPA meetings.
  - Prisoners are informed of the arrangements for managing the risk of harm they pose to others, the implications for them personally and the avenues available to them for challenge.
  - The best interests of the child are paramount when assessing a prisoner's access to his/her children.
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## Section 2: **Progression and reintegration**

Prisoners benefit from a purposeful regime which supports efforts to address problematic behaviour, and clearly focuses on progression and reintegration.

**Progression and purposeful activity**  
**Reintegration and resettlement planning**  
**Children, families and contact with the outside world**

# Progression and purposeful activity

There are a range of interventions and purposeful activities to ensure the psychological and emotional wellbeing of prisoners. Prisoners are able, and expected, to engage in activity that is likely to benefit them and support their progression and reintegration.

## Expectations

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- 1. Prisoners have access to interventions that produce a positive and demonstrable change in attitudes, thinking and behaviour and which mitigate the effects of extreme custody.**

### Indicators

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- Prisoners can access an appropriate type and range of risk reduction and offending behaviour work and programmes, including individual work when appropriate.
  - Constructive interventions encourage and challenge prisoners to accept responsibility for their behaviour.
  - Prisoners have access to programmes/interventions for improving parenting skills and relationships.
  - The prisoners are encouraged and motivated to engage with interventions, and are prepared thoroughly. Preparation takes account of learning styles, motivation and capacity to change.
  - All staff positively reinforce prisoners' learning and progress. Prisoners are enabled to consolidate any learning and practise newly acquired skills.
  - Attention is given to individual wellbeing, psychological welfare, behavioural management and the impact of prolonged and deep custody.
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**2. Prisoners have regular and equitable access to a range of purposeful in cell and out of cell activities.****Indicators**

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- Prisoners have a daily opportunity to spend a reasonable amount of time out of cell, including association and a minimum of one hour in the open air.
- The daily regime is followed consistently, staffing levels are adequate and activities are not cancelled unnecessarily. Reasons for cancellation are explained to prisoners.
- Prisoners have the use of properly equipped areas for association and exercise.
- Prisoners are encouraged to engage safely with other prisoners for at least part of each day.
- Any restrictions placed upon a prisoner's access to an out of cell regime and interactions with others are proportionate, based on a thorough risk assessment and the reasons are communicated to the prisoner.

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**3. Purposeful activities should specifically encourage and facilitate personal and social interactions.****Indicators**

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- Prisoners are occupied in activities that benefit them, mitigate any psychological deterioration, improve their wellbeing, self-esteem and chances of successful progression, in line with their individual care and management plans.
  - Out of cell activities are supervised effectively and actively by staff, prisoners feel safe and there are opportunities for both staff and prisoners to interact positively.
  - A range of 'normalising' activities are offered in addition to general association, for example, watching TV, cooking, sports, music, arts and crafts.
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**4. Prisoners benefit from regular access to library materials and additional learning resources that meet their needs.****Indicators**

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- The quantity and quality of library materials is sufficient to meet the needs of CSC prisoners.
  - Prisoners have ready access to library materials and can influence the selection offered.
  - Library materials are reflective of the diverse needs of the CSC population.
  - Relevant, comprehensive and up to date legal textbooks and Prison Service Orders (PSOs) are readily available to prisoners.
  - Prisoners have appropriate access to a range of additional learning resources, such as information technology.
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**5. Prisoners benefit from physical education and fitness provision that meets their needs.****Indicators**

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- Prisoners engage safely in a range of physical education, fitness and associated activities, based on an effective assessment of their needs.
  - Physical education, fitness facilities, resources and activities meet the needs of individuals in the CSC.
  - Physical education and fitness staff engage with prisoners and have appropriate qualifications and expertise.
  - Opportunities are provided for physical education to happen in association with others, subject to risk assessment.
  - All prisoners are able to use the physical education facilities at least twice a week and are able to shower in safety after each session.
  - Health promotion information and material is provided to prisoners and this is incorporated into an individualised programme.
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# Reintegration and resettlement planning

Prisoners are supported when they are moved to other units within the CSC system, to mainstream prison locations or to secure NHS facilities. At the point of release, adequate support is provided.

## Expectation

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6. **Moves within the CSC system, progressive moves elsewhere or releases from custody are well planned; where needed, prisoners' views are considered and appropriate support is provided.**

### Indicators

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- Prisoners being transferred know where they are going and the purpose of their move.
  - Prisoners meet representatives of the receiving unit in advance of transfer.
  - Staff in the receiving unit are thoroughly briefed about prisoners' risks and needs.
  - Staff from both sites collaborate to agree transfer arrangements and the initial care and management plan for the new location.
  - Transfer arrangements are appropriate and all property travels with the prisoners.
  - At the point of release, suitable clothes and bags are available to discharged prisoners who do not have them.
  - Facilities are available before discharge to launder clothes that have been in storage for long periods.
  - Prisoners receive all their property, including their money, and any grants owed to them.
  - There is a comprehensive support plan to maximise the likelihood of successful reintegration into the community.
  - Prisoners have a comprehensive release plan which meets their resettlement needs and manages risks to the public. The plan is developed in partnership with MAPPA as appropriate.
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# Children, families and contact with the outside world

Prisoners are encouraged and supported to maintain contact with family and other supporters in the community, and to involve them in key decisions.

## Expectations

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### 7. Prisoners can maintain contact with children, families and the outside world through regular and easy access to visits.

#### Indicators

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- Prisoners are able to receive at least one visit a week for a minimum of one hour. The visits booking system is accessible, visits start and finish at the published time and entry procedures for visitors are respectful and efficient.
  - Visit areas are adequately private, furnished and comfortable and meet the needs of prisoners and their visitors, including children.
  - Where appropriate, prisoners receive support to maintain their role as a parent.
  - Prisoners can request a visit from a volunteer prison visitor who is trained and well supported.
  - Visitors are able to give the prison feedback about visits arrangements, and report concerns about prisoners.
  - At all points – when waiting for, during and after a visit – all prisoners and visitors have access to toilet facilities.
  - Closed or non-contact visits are only imposed as a result of an up to date individual risk assessment including, where possible, consultation with the visitor(s). Prisoners are given a written explanation for such decisions, which are reviewed monthly, including information on how to appeal.
  - Visitors and prisoners can access refreshments during visits.
  - Prisoners are not deprived of their entitlement to visits as a punishment.
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### 8. Prisoners are encouraged to re-establish or remain in contact with their family/supporters in the community.

#### Indicators

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- Care and management plans contain specific targets to encourage prisoners to re-establish or remain in contact with their family/supporters in the community.
  - With appropriate consent, staff should actively engage with prisoners' families about how they can support work to facilitate prisoners' management, progression and reintegration.
  - Efforts are made to assist prisoners who have family living far away, to maintain good family contact. Prisoners can receive accumulated visits, and can request additional visits in compassionate circumstances.
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**9. Prisoners can maintain contact with the outside world through regular and easy access to mail, telephones and other communications.**

**Indicators**

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- Prisoners can send and receive as many letters as they can afford, and mail is processed within one working day.
  - Prisoners' mail is only opened to check for unauthorised enclosures or to carry out legitimate censorship.
  - Arrangements for privileged mail and telephone calls are clearly understood by prisoners. Legally privileged correspondence is not opened by staff.
  - There are sufficient telephones and prisoners have daily access to them in private.
  - Unused visiting orders can be exchanged for phone credit.
  - Prisoners are provided with electronic mail, where applicable.
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## Section 3: **Safety**

Prisoners, particularly the most vulnerable, are held safely.

**Escorts and early days**

**Behaviour management**

**Use of force**

**Self-harm and suicide prevention**

**Safeguarding (protection of adults at risk)**

**Security**

**Substance misuse**

# Escorts and early days

CSC prisoners transferring to, between and from CSC units are treated safely, decently and efficiently.

## Expectations

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### 1. Prisoners travel in safe, decent conditions during escort and are treated with respect. Individual needs are recognised and given proper attention.

#### Indicators

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- Prisoners are escorted in vehicles that are safe, secure, clean and comfortable, with adequate storage for prisoners' property and with suitable emergency supplies.
  - Prisoners are given adequate comfort breaks and meals/drinks before and during transfer.
  - Prisoners are treated with respect by escort staff throughout the duration of their journey/transfer.
  - Prisoners travelling to or between CSC units, travel with staff known to them, who are familiar with the detail of their care and management plans.
  - All relevant information travels with prisoners.
  - Methods of restraint are justified by individual risk assessments.
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### 2. Prisoners are treated respectfully on arrival at the CSC unit.

#### Indicators

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- Prisoners are treated respectfully by staff at the receiving establishment.
  - Searching arrangements are proportionate.
  - Religious/cultural needs are taken into account.
  - Prisoners are offered drinks and hot food on their arrival at the unit.
  - Prisoners receive essential support, regardless of their arrival time.
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**3. Officers ensure that prisoners' needs or immediate anxieties are addressed before they are locked away for the night.**

**Indicators**

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- Individual needs are identified in a meeting with staff before first night lock up.
  - Prisoners have a confidential interview with health services staff on arrival, and their immediate physical, mental and substance misuse needs are met.
  - Information about prisoners' needs is communicated between staff with discretion.
  - On arrival, prisoners are provided with a free telephone call in private and this is documented.
  - Prisoners are able to shower prior to lock up on their first night.
  - Night staff speak to any new prisoners and are aware of any specific needs they might have.
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**4. Orientation to the CSC unit takes place promptly and on its completion all prisoners understand the unit's routines and how to access available services.**

**Indicators**

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- Orientation to the CSC unit is comprehensive, structured and delivered in a format to meet individual needs. Following orientation, prisoners understand:
    - CSC rules and individual care and management planning
    - how to submit representations or to appeal against allocation to the CSC system
    - expected regime
    - how to get information and deal with problems
    - how to make routine applications and formal complaints
    - the incentives and earned privileges scheme
    - health services/health and safety
    - health promotion and gym induction
    - their entitlements to visits, letters, private money and own clothes
    - equality and diversity arrangements
    - pay
    - safer custody arrangements, including available support.
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# Behaviour management

Prisoners feel safe from bullying and victimisation (which includes verbal and racial abuse, theft, threats of violence and assault). Prisoners at risk/ subject to victimisation are protected through active and fair systems known to staff, prisoners and visitors, and which inform all aspects of the regime. Appropriate and proportionate disciplinary processes and methods of managing refractory behaviour are in place. The use of designated and high control cells is proportionate.

## Expectations

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5. **There is an individualised approach to keeping prisoners and others safe, which is reviewed regularly.**

### Indicators

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- The individualised care and management plan outlines how prisoners and others will be kept safe. The behavioural management elements of this are reviewed at least monthly, or more frequently if noticeable changes of behaviour occur.
- The plan identifies factors and events that are known to trigger high risk behaviours.
- The plan identifies strategies to promote constructive behaviours and to reduce the likelihood of high risk behaviours.
- Staff are familiar with these individual behaviour management strategies.
- Staff monitor specific behavioural and risk concerns and feed these into the individual care and management planning review.

See also Section 1 – individual care and management.

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**6. Any additional restrictions beyond those set out in published guidelines are proportionate, properly authorised and reviewed regularly.**

**Indicators**

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- Any additional restrictions are proportionate and are authorised by a governor grade.
- Prisoners are not deterred or prevented from accessing a full regime through any unofficial punishments or restrictions.
- Unlock levels and use of personal protective equipment (PPE) are proportionate to the risk posed, and properly risk assessed on a daily basis.
- High control cells are only used in their full capacity for the shortest period possible and for appropriate reasons.
- Reviews of use of high control cells take place on a daily basis to ensure their continued use is proportionate.
- The use of CCTV for prisoners is properly authorised and only used subject to a rigorous risk assessment.
- Cardboard furniture is only be used as a last resort, subject to a risk assessment.

See also Section 2 – security, Section 4 – daily living arrangements and Section 3 – safeguarding (protection of adults at risk).

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- 7. Prisoners are only held in designated cells in segregation units under prison rule 46 for appropriate reasons and a for minimum time. They are kept safe and their individual needs are recognised and given proper attention.**

**Indicators**

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- Decisions to move prisoners to designated cells are based on a risk assessment and are for a specific purpose and timescale.
  - Prisoners moved to designated cells are given the reasons for this in writing.
  - Prisoners are held in appropriately designed, well maintained and clean cells.
  - Unlock protocols are based on individualised risk assessments and are reviewed every day.
  - Prisoners are held in designated cells for the minimum time possible and only exceptionally for longer than three months.
  - Prisoners held in designated cells have equivalent care planning to that available in main CSC units.
  - Prisoners held in designated cells have a predictable daily regime which mitigates the impact of isolation and psychological deterioration.
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**8. Prisoners are subject to reasonable disciplinary procedures and understand the charges and procedures, which are applied fairly and for good reason.**

**Indicators**

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- There are clear policies that are reasonable and fair and encourage staff to use disciplinary procedures only when necessary.
- Disciplinary procedures are used sparingly, are tailored to the population held and take account of the restrictive nature of the regime already applied.
- No unofficial or collective punishments are used, either individually or systematically.
- Prisoners are never punished twice for the same offence.
- Adjudication proceedings, whether conducted by the Prison Service or district court judges, are conducted in non-intimidating surroundings in a clear and fair manner.
- Adjudication hearings are always properly written out and recorded.
- Adjudication findings and punishments are made fairly and consistently, based on the evidence available. Mitigating circumstances are considered.
- Procedures have been impact-assessed and there are quality control measures in place.
- Adjudication data is monitored on a routine basis and covers all protected characteristics, in order to ensure emerging trends are identified and acted on if necessary. Adjudication data is also monitored by the Independent Monitoring Board.
- Where appropriate, charges of a serious nature are referred to an independent adjudicator and heard within 28 days of the referral.
- All prisoners facing disciplinary charges are given time to prepare their case and can receive legal advice.
- Information on the adjudication process is available to prisoners in a format and language they understand.
- During adjudication hearings prisoners are provided with materials to make notes.
- Prisoners play an active role during adjudication hearings.
- Findings and punishments are fully explained to the prisoner.
- Prisoners are made aware of the appeals procedure during their adjudication hearing.

See also Section 4 – equality and diversity.

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# Use of force

Disciplinary procedures are applied fairly and for good reason. Prisoners understand why they are being disciplined and can appeal against any sanctions imposed on them.

## Expectations

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9. **Prisoners will only be subject to force by trained staff using approved techniques, and which is proportionate, used as a last resort and subject to rigorous governance. Following restraint, prisoners are monitored and supported.**

### Indicators

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- All staff are trained in and promote de-escalation techniques.
  - Any incidents of force are properly authorised and correctly and comprehensively recorded.
  - Use of force is monitored and any emerging patterns are identified and acted on.
  - Monitoring includes all protected characteristics.
  - Handcuffs are only used when there is evidence to support their use and with the proper authority.
  - Video cameras are used to record planned interventions. Segregation staff are not routinely used for planned removals. Video recordings are promptly reviewed.
  - Any CCTV footage relating to use of force incidents is reviewed and retained.
  - An appropriately qualified health service professional attends all planned control and restraint (C and R) removals occurring within normal working hours.
  - Prisoners subject to spontaneous C and R procedures or those outside normal working hours are seen by an appropriately qualified health service professional as soon as possible after force is removed.
  - Use of force documentation is routinely scrutinised by a senior manager to ensure force is reasonable, necessary and lawful and only used as a last resort.
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**10. Prisoners are located in special or unfurnished accommodation, or placed in mechanical restraints or strip clothing, only as a last resort and are subject to measures which protect their human dignity.**

**Indicators**

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- The use of special accommodation and mechanical restraints is properly authorised, as a last resort, and only until the prisoner is no longer violent and refractory.
- Initial authorisation is for a period not exceeding two hours and then, if necessary, for subsequent two-hour periods.
- Prisoners are always released as soon as it is no longer justified and are seen by a health service professional.
- The use of any cell from which normal furniture, bedding or sanitation has been removed or in which a person is held in strip clothing, is authorised and recorded as use of special accommodation.
- Prisoners are not automatically strip searched or deprived of their normal clothing on placement into special or unfurnished accommodation. In circumstances where such actions prove necessary, reasons are recorded and normal clothing is returned at the earliest opportunity.
- Suicidal or self-harming prisoners are only held in special/unfurnished accommodation in exceptional circumstances with appropriate authorisation, and after all other methods, including continuous supervision, have failed.
- Monitoring of prisoners in special or unfurnished accommodation is carried out at frequent and regular intervals and at a minimum of five times per hour unless more frequent checks are authorised.
- Staff interact with prisoners to encourage their location into a normal cell at the earliest time.
- A full record of monitoring checks is maintained.

(See following section – self-harm and suicide prevention.)

# Self-harm and suicide prevention

The CSC unit provides a safe and secure environment which reduces the risk of self-harm and suicide. Prisoners are identified at an early stage and given the necessary support. All staff are aware of and alert to individual vulnerability issues, are appropriately trained and have access to proper equipment and support.

## Expectations

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### 11. An individualised approach is taken to reducing the risk of self-harm and suicide.

#### Indicators

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- A safer custody strategy is in place which recognises the specific risks to prisoners in the CSC/MCBS system and sets out procedures to help reduce the risks of self-harm.
  - The individualised care and support plan outlines how prisoners deemed vulnerable to self-harm and suicide will be kept safe.
  - The plan identifies factors and events which are known to trigger self-harming behaviours.
  - The plan identifies strategies and activities to promote constructive behaviours and to reduce the likelihood of self-harming behaviours.
  - Staff are familiar with the care and support strategies and activities within the plan and make regular entries that evidence interaction and engagement with the prisoner.
  - Staff monitor specific behavioural and risk concerns and feed these into the individual reviews.
  - Prisoners have access to appropriate and consistent support including: counselling, the chaplaincy team, the Samaritans, their named officer/key worker, mental health professionals and relevant psychiatric support.
  - The use of constant supervision, CCTV, unfurnished or special accommodation and strip clothing to manage self-harming behaviour is used only as a last resort, for the shortest time possible and its use is justified in writing and monitored.
  - Prisoners subject to constant supervision are only to be located in high control cells/special accommodation in exceptional circumstances. Strip searches and the removal of prisoners' own clothing are not routine.
  - Arrangements are in place for follow-up after a care and support plan has been closed.
  - All staff, including night staff, are appropriately trained in suicide prevention and are clear about what to do in an emergency and its aftermath. A programme of refresher training is in place.
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**12. An individualised approach is taken to reducing the risk of self-harm and suicide.**

**Indicators**

- Serious incidents are thoroughly investigated to establish what lessons can be learned to promote good practice.
- An action plan is devised and acted on promptly as a result of an apparent self-inflicted death. This is reviewed following the subsequent findings of an inquest jury and/or the Prisons and Probation Ombudsman investigation.

See also Section 3 – substance misuse; behaviour management and Section 4 – health care services.

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# Safeguarding (protection of adults at risk)

The CSC promotes the welfare of all prisoners, particularly adults at risk, and protects them from all kinds of harm and neglect.

## Expectation

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- 13. Prisoners, particularly adults at risk, are provided with a safe and secure environment which protects them from harm and neglect. They receive safe and effective care and support.**

### Indicators

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- The safeguarding policy and any prison codes of conduct are informed by the underlying five principles of the Mental Capacity Act 2005:
  - a presumption of capacity
  - the right for individuals to be supported to make their own decisions
  - that individuals must retain the right to make what might be seen as unwise decisions
  - best interests
  - least restrictive intervention.
- The risks to prisoners are recognised and there are procedures and guidance to help reduce and prevent harm or abuse from occurring.
- An individual care plan is in place to address a prisoner's assessed needs.
- Up to date government and local guidance about safeguarding adults is accessible.
- Safeguarding procedures are known and used by all staff, including how to make referrals.

See also Section 3 – escorts and early days; behaviour management; and Section 4 – equality and diversity; health care services.

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# Security

Security and good order are maintained through an attention to physical and procedural matters, including effective security intelligence as well as positive staff-prisoner relationships. Prisoners are safe from exposure to substance misuse while in prison.

## Expectations

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**14. Prisoners' wellbeing is safeguarded by effective security intelligence. Prisoners are subject to searching measures which are appropriately assessed and proportionate.**

### Indicators

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- Security arrangements are proportionate to the risks presented by the prisoners held.
  - Prisoners' access to regime activities is not impeded by an unnecessarily restrictive approach to security.
  - There are effective liaison arrangements in place with the local police.
  - The elements of 'dynamic security' are in place to maintain security and good order which include:
    - staff-prisoner relationships which are positive and professional
    - constructive activity to occupy prisoners
    - established and effective procedures in place for resolving complaints, grievances and conflicts.
  - Required outcomes from intelligence reports (IRs), such as targeted searches and reasonable suspicion mandatory drug testing (MDT), are routinely completed.
  - MDT is conducted consistently, in line with protocols which ensure the fairness and validity of procedures, and takes place in a suitable environment. Target testing is based on evidence and conducted within the required timeframe. Prisoners testing positive are referred to the substance misuse service.
  - Strip and squat searching of prisoners is intelligence-led and only carried out when deemed necessary. Authorisation is clearly recorded alongside sound reasoning.
  - Prisoners are strip or squat searched only when in the presence of more than one member of staff, of their own gender.
  - Prisoners are informed that their cells or personal property are being searched and cells/property are left in the same condition in which they were found.
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**15. Prisoners' wellbeing is safeguarded by effective security intelligence. Prisoners are subject to searching measures which are appropriately assessed and proportionate.**

**Indicators**

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- Prisoners are able to receive open visits in a comfortable environment that affords as much privacy as possible. Closed visits are only used where there is evidence of significant risk, and this decision is reviewed monthly.
- The criteria to ban or otherwise restrict visitors are linked only to activity relating to visiting procedures. The criteria are visible and unambiguous, with an appeal process available. Those visitors subject to bans or restrictions are reviewed every month.
- Effective processes are in place to protect prisoners from misconduct or illegal conduct by staff.

See also Section 2 – children, families and contact with the outside world and Section 3 – behaviour management; substance misuse.

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# Substance misuse

Prisoners with drug and/or alcohol problems have access to clinical and psycho-social services that are equitable to the services offered to non-CSC prisoners.

## Expectation

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### 16. Prisoners with drug and/or alcohol problems have unhindered access to clinical services, treatment and psycho-social support that meets individual needs.

#### Indicators

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- Prisoners with drug and/or alcohol problems have prompt access to clinical and psycho-social services that diagnose, treat and support patients based on assessments of individual needs.
  - Unless individual risk assessment indicates otherwise, clinical and psycho-social meetings are conducted in private in a manner that preserves confidentiality.
  - Pertinent information about the patient's individual treatment is shared with other departments within the CSC on a consensual or best interest basis as necessary.
  - Patients are able to commend/comment on/complain about their care using the same systems as non-CSC patients.
  - Treatment and support plans commenced prior to entering or leaving the CSC are not discontinued until re-assessment has occurred.
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## Section 4: **Respect**

Prisoners are treated with respect for their human dignity.

Daily living arrangements  
Staff-prisoner relationships  
Equality and diversity  
Faith and religious activity  
Complaints  
Legal rights  
Health services

# Daily living arrangements

Prisoners live in a safe, clean and decent environment within which they are encouraged to take personal responsibility for themselves and their possessions. Prisoners are offered varied meals to meet their individual requirements and food is prepared and served according to religious, cultural and prevailing food safety and hygiene regulations. Prisoners can purchase a suitable range of goods at reasonable prices to meet their diverse needs.

## Expectations

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### 1. Prisoners live in a safe, clean and decent environment which is in a good state of repair.

#### Indicators

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- Cells and communal areas are light, well decorated and are suitable for the purpose. Accommodation is properly certified and in accordance with CSC criteria. Prisoners have adequate furniture which reflects any risk assessment carried out. All in-cell toilets have lids and are screened.
  - Prisoners have access to drinking water, a toilet and washing facilities at all times.
  - Residential units are as calm and quiet as possible at night to enable rest and sleep.
  - Notices are displayed in accessible and suitable ways for the population.
  - All prisoners have access to an in-cell emergency call bell that works and is responded to within five minutes.
  - Observation panels in cell doors remain free from obstruction.
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**2. Prisoners are encouraged, enabled and expected to keep themselves, their cells and communal areas clean.****Indicators**

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- Prisoners have access to showers, communal and in-cell toilets in private.
  - Prisoners are able to shower daily, and immediately following physical exercise or work, before court appearances and before visits.
  - Freshly laundered bedding is provided for each new prisoner on arrival and then at least weekly. A system for the replacement of mattresses is in operation.
  - Prisoners have access to necessary supplies of their own personal hygiene items.
  - Prisoners have access to sufficient supplies of either their own or prison supplied clothing that is clean and in good repair.
  - Prisoners have access to adequate laundry facilities.
  - Prisoners have access to sufficient waterproof clothing to go outside in bad weather.
  - Prisoners' property held in storage is secure, and accessible on request.
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**3. Prisoners can easily apply for available services.****Indicators**

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- Staff and prisoners are encouraged to resolve requests informally, wherever possible, before making a formal, written application.
  - Prisoners can easily and confidentially access and submit an application form which is dealt with fairly and responded to promptly and appropriately.
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- 4. Prisoners have a varied, healthy and balanced diet which meets their individual needs, including religious, cultural or other special dietary requirements. Prisoners' food and meals are stored, prepared and served in line with religious, cultural and other special dietary requirements and prevailing safety and hygiene regulations.**

**Indicators**

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- Prisoners have a choice of meals including options for vegetarian, vegan, religious, cultural and medical diets. All menu choices are provided to the same standard. Religious, cultural or other special dietary requirements relating to all aspects of food preparation and storage are fully observed and conform to the relevant food and safety hygiene regulations. Menu options take account of:
    - specific religions
    - foreign nationals
    - prisoners with medical requirements.
  - Daily menu options are advertised and are available to meet the needs of minorities.
  - Prisoners' meals are healthy and nutritional and always include one substantial hot meal each day. Prisoners on transfer do not miss out on their main meal.
  - Prisoners have the means of making a hot drink after evening lock up.
  - Prisoners are consulted about the menu and can make comments about the food. The variety of options is broadly representative of the population.
  - Lunch and dinner are served at normal meal times and can be collected by the prisoner.
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**5. Prisoners can purchase a suitable range of goods at reasonable prices to meet their diverse needs, and can do so safely.**

**Indicators**

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- Prisoners have access to a wide range of advertised products.
  - Prisoners are able to buy items within 24 hours of arrival and prisoners arriving in the unit without private money are offered an advance to use for purchases, with repayment staged over a period of time.
  - If prisoners are away from the unit on any form of authorised absence on the day they would normally purchase goods, they are able to order purchases on the same day.
  - Prisoners can place orders at least once a week.
  - All prisoners are able to access accurate and up to date records of their finances, and to do so free of charge.
  - Staff consult with prisoners about what items they would like to see on the purchases list.
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# Staff-prisoner relationships

Prisoners are treated with respect by staff throughout the duration of their time in custody, and are encouraged to take responsibility for their own actions and decisions. Staff facilitate an environment which supports safe and supportive relationships.

## Expectations

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**6. Prisoners are treated with humanity and respect for their human dignity at all times. Relationships between prisoners and staff are positive and courteous.**

**Indicators**

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- Staff are fair and courteous. Senior managers lead by example and regularly engage with prisoners on the unit.
  - When staff need to relay sensitive or unwelcome news to prisoners, this is done in private and with compassion.
  - Staff address prisoners using their preferred name or title and never use insulting nicknames or derogatory or impersonal terms.
  - Staff actively engage with prisoners, including during association and exercise time, and contribute to the quality of prisoners' free time.
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**7. Prisoners are encouraged and supported to take responsibility for their actions and decisions.**

**Indicators**

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- Prisoners are enabled and encouraged to take responsibility for their own needs and activities.
- Prisoners are encouraged by staff to engage in all activities and routines, supporting punctuality, attendance and responsible behaviour.
- Prisoners are effectively consulted about the routines and facilities of the unit. Prisoners are informed of the outcome of any consultation and provided with justifiable reasons for any decision made.
- Inappropriate conduct by prisoners is challenged.
- Prisoners can challenge decisions appropriately and are confident that their views are taken seriously.

See also Section 3 – behaviour management.

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**8. Prisoners have a member of staff they can turn to on a day-to-day basis who is aware of their individual needs, and who provides support as needed.****Indicators**

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- Prisoners know the name of a designated member of staff and are able to access them as an initial point of reference.
  - Designated staff know the personal circumstances of their prisoners, are open to contact with their families/supporters and encourage effective links with them.
  - Designated staff provide input and advice on all matters relating to prisoners care planning and progression.
  - Staff can easily access information relating to individual prisoners which is based on comprehensive and up to date information about prisoners' needs.

See also Section 1 – individual care and management and Section 2 – children, families and contact with the outside world.

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# Equality and diversity

Staff demonstrate a clear and coordinated approach to eliminating discrimination, promoting equitable outcomes and fostering good relations, and ensure that no prisoner is unfairly disadvantaged. This is underpinned by effective processes to identify and resolve any inequality. The distinct needs of each protected characteristic are recognised and addressed.

## Expectations

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### 9. There is a coordinated approach to eliminating all forms of discrimination.

#### Indicators

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- Clear systems are in place to minimise all forms of discrimination or disadvantage.
  - Arrangements in place can identify and distinguish the different forms of discrimination, including unconscious and covert discrimination. Staff are appropriately trained to identify and respond to various forms of discrimination.
  - Effective monitoring is in place, covering all the protected characteristics, to ensure fair treatment and access to services.
  - Incident reporting systems are in place to facilitate the reporting of all types of diversity and equality incidents. Prisoners have access to, and are aware of how to use these systems.
  - Responses to complaints are based upon full consideration of the facts, are timely and deal directly with the concern raised.
  - There is independent scrutiny of equality and diversity processes.
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### 10. Prisoners of all racial groups, nationalities, religious groups, ages, genders, sexuality and those with disabilities, are treated equitably and according to their individual needs.

#### Indicators

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- There are arrangements to educate and raise staff awareness of all protected characteristics, to enable them to understand and respond appropriately to equality and diversity issues.
  - Action is taken to identify protected characteristics, and adverse outcomes and appropriate interventions and support are in place.
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# Faith and religious activity

## Expectation

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- 11. All prisoners are able to practise their religion fully and in safety. The chaplaincy plays a full part in unit life and contributes to prisoners' overall care, support and resettlement.**

### Indicators

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- All prisoners have access to worship/faith meetings each week, and subject to risk assessment, to chaplains in private. Prisoners are able to celebrate all major religious festivals.
  - Worship areas are equipped with facilities and resources for all faiths and are accessible for all prisoners.
  - Prisoners are able to obtain, keep and use artefacts that have religious significance, provided they do not pose a risk to safety or security.
  - Searches of prisoners and their property are conducted in a religiously and culturally sensitive manner.
  - Chaplains work closely with other staff in the unit for the benefit of prisoners, and maintain links with faith communities outside the prison and family members, according to prisoners' individual needs.
  - Chaplains are consulted about prisoners they are involved with, for example when reviewing individual care and management plans.
  - Staff and chaplains are aware of issues related to radicalisation, have appropriate training in how to manage this and take proactive steps to minimise its occurrence or impact.
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# Complaints

Effective complaints procedures are in place for prisoners, which are easy to access, easy to use and provide timely responses. Prisoners feel safe from repercussions when using these procedures and are aware of an appeal procedure.

## Expectation

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### **12. Prisoners have confidence in complaints procedures, which are effective, timely, well understood and they are aware of an appeal procedure.**

#### **Indicators**

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- Prisoners are encouraged, where appropriate, to solve areas of dispute informally, before making official complaints.
  - All complaints, whether formal or informal, are dealt with fairly and responded to promptly, with either a resolution or comprehensive explanation of future action.
  - Prisoners receive responses to their complaints that are respectful, easy to understand and address the issues raised. Complaints are signed and dated by the respondent.
  - Prisoners are not pressurised to withdraw any complaints.
  - Prisoners who make complaints against staff and/or other prisoners are protected from possible recrimination. Protection measures are in place and put into practice.
  - Complaints against staff are taken seriously and restrictions on involvement from staff who are the subject of a complaint are implemented where necessary.
  - Complaints are investigated by staff at an appropriate level.
  - Prisoners know how to appeal against decisions. Appeals are dealt with fairly and responded to within five days.
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# Legal rights

Prisoners held in CSCs have access to legal advice and receive visits and communications from their representatives without difficulty.

## Expectation

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### 13. Prisoners are supported by the prison staff to freely exercise their legal rights.

#### Indicators

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- All prisoners can readily access effective legal services advice.
  - Prisoners can freely and confidentially communicate with their lawyers by telephone, fax and letter.
  - Prisoners requiring help with reading/writing legal correspondence are offered help.
  - Prisoners who choose to represent themselves in court are given stamps and writing materials free of charge, as needed, to pursue their case. They have access to a computer and printer to type court correspondence and documents.
  - Private legal visits are permitted, and suitable facilities are provided to accommodate them.
  - Prisoners can complain about lawyers who provide an insufficient level of service. Notices, leaflets and complaints forms in relation to the Legal Ombudsman are available.
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# Health services

Prisoners have access to health services that are equitable to the services offered to non-CSC prisoners.

## Expectation

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### 14. Prisoners with health care problems have unhindered access to clinical services that meet individual needs.

#### Indicators

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- Prisoners with health care problems have prompt access to clinical services that diagnose, treat and support patients based on assessments of individual need.
  - Unless individual risk assessment indicates otherwise, clinical consultations are conducted in private in a manner that preserves dignity and medical confidentiality.
  - Clinicians and health service personnel attend/contribute to enhanced case review meetings as necessary.
  - Pertinent information about patients' individual treatments is shared with other departments within the CSC on a consensual or best interest basis as necessary.
  - Patients requiring it have access to health care outside of the CSC, as would non-CSC patients.
  - Patients are able to commend/comment on/complain about their care using the same systems for doing so as non-CSC patients.
  - The environment and regime of the CSC are used to encourage the physical and psychological wellbeing of the prisoners.
  - Patients requiring support for emotional, mental health or serious and enduring mental health problems have prompt access to caring, supportive or specialist mental health services as appropriate.
  - Mental health/psychiatric reports required for any purpose, for example de-selection, are delivered in a timely manner.
  - Treatment and care plans commenced prior to entering or on leaving the CSC are not discontinued until reassessment has occurred.
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# Appendix 1: Human rights and close supervision centre expectations

## Human rights context

As with other areas of inspection, inspectors needed a set of expectations which captured the key outcomes for prisoners held in the close supervision centre (CSC) system and the strategic considerations and safeguards required for this extreme form of custody. These needed to be based on relevant human rights standards.

As a starting point, we analysed the human rights standards that were relevant to the CSC system, in line with our obligations under OPCAT (optional protocol to the convention against torture), identifying those relating to cases and practice in countries with comparable systems. These standards, which recognise that the risk of inhumane treatment is higher when exceptional security management measures are imposed, underpin our expectations.

We identified that distinguishing between prisoners subject to exceptional security measures in bespoke units (such as CSCs), which can be described as administrative segregation,<sup>1</sup> and those subject to other forms of disciplinary or punitive segregation (such as 'ordinary' segregation under prison rules 45 or 55)<sup>2</sup> was crucial to our analysis of the human rights standards that should apply.

Existing judgements indicated that measures similar to those found in the CSC system could in themselves constitute inhuman or degrading treatment. So the more stringent the exceptional security measure, the harder it was for a state to justify their necessity.

We identified three main areas of human rights standards that were applicable to CSCs, and have called these basic principles, procedural standards and substantive aspects.

The UK is subject to the scrutiny of all of the bodies whose standards form the basis of our analysis, either through regular monitoring and reviews, or through litigation in relation to individual cases. As with other human rights standards, the standards relating to the CSC set out here may develop.

## Basic principles

The basic standards relating to how prisoners are treated should apply equally to those within the CSC system as to any other prisoners, although special measures for some could be warranted.

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<sup>1</sup> Administrative segregation is an internal process to take prisoners classified as dangerous out of the mainstream population. It is governed by administrative rules, with a rationale to reduce violence and maintain order and discipline.

<sup>2</sup> Rule 45 permits a prisoner's removal from association and rule 55 permits their segregation as a punishment for a disciplinary offence.

## Appendix 1: Human rights and close supervision centre expectations

Systems designed to categorise prisoners into groups to maintain good order can be justified in exceptional circumstances but must be flexible and regulated by competent authorities.<sup>3</sup>

Traditional human rights ‘tests’ arising from the European Convention on Human Rights should be applied to the CSC system and have been comprehensively set out by the European Committee for the Prevention of Torture. Further restrictions on a prisoner’s rights imposed through CSC-type management should be:

- proportionate – linked to the actual or potential harm the prisoner has caused or will cause in the prison setting; the longer the restrictions are imposed, the greater the requirement to ensure they are justified and proportionate
- lawful – set out precisely in law and open to challenge and review
- accountable – a record should be made of the factors influencing the decision, the process by which it is maintained and the prisoner’s engagement
- necessary – the only restrictions permitted are those that are necessary to ensure the prisoner is confined in a safe and orderly way and to meet the requirements of justice
- non-discriminatory – measures should not be applied against a particular prisoner or group of prisoners disproportionately without an objective or reasonable justification.<sup>4</sup>

When examining comparable systems in other countries, human rights bodies identified a number of concerns relating to the procedures that govern them. From these, the following standards relevant to CSCs can be identified.

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<sup>3</sup> United Nations, standard minimum rules for the treatment of prisoners (1955), 63(1); United Nations Commission on Crime Prevention and Criminal Justice (2015), ‘*The Mandela Rules*’ (E/CN.15/2015/L.6/Rev.1), Preliminary observation 3, Rules 37 (d), 89; Council of Europe, Committee of Ministers (1982), *Recommendation concerning custody and treatment of dangerous prisoners* (No. R (82) 17); Council of Europe, Committee of Ministers (2014), *Recommendation concerning dangerous offenders* (CM/Rec(2014)3); Council of Europe, Committee of Ministers (2006), *Recommendation on the European Prison Rules* (CM/Rec(2006)2).

<sup>4</sup> Council of Europe (2011) *21st General Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*.

## **Procedural standards**

### *Placement decisions and reviews<sup>5</sup>*

Classifying prisoners as dangerous and warranting exceptional security measures is acceptable but must be on an individual basis, adapted to individual requirements and made only in exceptional circumstances.

Regular reviews, which must be objective and meaningful, should be based on the continuous assessment of the individual prisoner by specially trained staff. Reviews should be fair and perceived to be fair, and form part of a process designed to address the prisoner's attitude and behaviour, allowing them to progress and move towards reintegration. After the initial decision to place a prisoner into the system, a review should take place after the first month and at least every three months thereafter. The longer the person remains in this situation, the more thorough the review should be and the more resources, including those outside the prison, should be made available to attempt to reintegrate the prisoner into the main prison community.

### *Length of placement and progression<sup>6</sup>*

Prisoners should not be subject to exceptional security measures for any longer than the risk they present makes necessary; measures should be approved for a specific period of time and should never be permanent. Prisoners should be aware of the conditions they have to fulfil to progress to an ordinary regime.

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<sup>5</sup> Council of Europe, Committee of Ministers (1982), op. cit.; Council of Europe (2008), *Report to the Croatian Government on the visit to Croatia carried out by the European CPT, 2007*, (CPT/Inf (2008) 29); Council of Europe (2012), *Rapport au Gouvernement de la République française relatif à la visite effectuée en France par le CPT, 2010* (CPT/Inf (2012)13); UN Committee against Torture, *Consideration of reports submitted by states parties under article 19 of the Convention, Concluding observations of the Committee against Torture, France, CAT/C/FRA/CO/4-6*, 20 May 2010; Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2001), *11th General Report on the CPT's activities*, (CPT/Inf (2001) 16); UN Committee against Torture (2009), *Consideration of reports submitted by States parties under article 19 of the Convention, Concluding observations of the Committee against Torture, Belgium, CAT/C/BEL/CO/2*; Council of Europe (2011), op. cit.

<sup>6</sup> Council of Europe, Committee of Ministers (1982), op. cit.; Council of Europe (2012), op. cit.; Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2001), op. cit.; Council of Europe (2009), *Report to the Swedish Government on the visit to Sweden carried out by the European CPT, (CPT/Inf (2009) 34*.

## Appendix 1: Human rights and close supervision centre expectations

### *Oversight and challenge*<sup>7</sup>

It should be possible to challenge prison authorities' decisions to impose exceptional security measures and prisoners should be aware of how to do this. An independent authority, such as a judge, should participate in the reviews. There should be a right of appeal to an independent authority and interpreters and lawyers should be present at appeal hearings. Independent authorities must have the power to challenge the substantive case for a prisoner's placement as well as its legality.

### *Involvement of prisoners*<sup>8</sup>

Prisoners must receive information about why they are being subjected to exceptional security measures. They should be present at the placement decision and review and have the opportunity to express their views during the proceedings. Prisoners must be kept fully informed in writing of the reasons for their placement, receive a copy of the decision to impose or renew such measures, and be requested to sign a form stating they have received the decision.

### **Substantive aspects**

Human rights standards relating to conditions of imprisonment are broadly applicable, but given the nature of exceptional security measures imposed under the CSC system, there are other specifics that should also apply. These include:

### *Mitigating the effects of separation, solitary confinement<sup>9</sup> or isolation<sup>10</sup>*

The conditions imposed as a result of exceptional security measures should be less strict than those for disciplinary punishment. The regime should be relatively relaxed to compensate for the severity of the custodial situation. The health problems that may result from reinforced security should be addressed and efforts made to counteract any possible adverse effects of reinforced security conditions on the prisoner and their community on release from prison.

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<sup>7</sup> European Court of Human Rights, *Csüllög v. Hungary (and Szél v. Hungary)*, Application No. 30042/08, 07-06-2011; Council of Europe (2011), op. cit.; UN Committee against Torture (2009), op. cit.; Council of Europe (2009), op. cit.

<sup>8</sup> European Court of Human Rights, *Csüllög v. Hungary and Szél v. Hungary*, Application No. 30042/08, 07-06-2011; Council of Europe (2009), op. cit.; Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2001), op. cit.; Council of Europe, *Report to the German Government on the visit to Germany carried out by the European CPT*, 2005, (CPT/Inf (2007) 18).

<sup>9</sup> The confinement of prisoners for 22 hours a day or more, without meaningful human contact. United Nations Commission on Crime Prevention and Criminal Justice (2015), op. cit. Rule 44.

<sup>10</sup> Council of Europe, Committee of Ministers (1982), op. cit.; Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2001), op. cit; United Nations Commission on Crime Prevention and Criminal Justice (2015), op. cit. Rule 38.

## Appendix 1: Human rights and close supervision centre expectations

### *Regime*<sup>11</sup>

Prisoners should have an individual regime plan geared to addressing the reasons for their being subject to exceptional security measures. The overall objective throughout their time in restricted conditions should be to persuade the prisoner to re-engage with the normal regime.

### *Staff-prisoner relationships*<sup>12</sup>

Special efforts should be made to develop a good internal atmosphere and positive staff-prisoner relationships. They should be based on the spirit of communication and assistance, without neglecting supervisory and staff safety measures.

### *Purposeful activity*<sup>13</sup>

Prisoners should have access to a constructive structured programme of preferably out-of-cell activities that offer diversity and choice. Appropriate stimulation should be provided regardless of the prisoner's offence and/or level of assessed risk (or presumed dangerousness). Although security considerations can preclude certain types of work, this should not mean only mundane work is offered.

Educators and psychologists should proactively encourage prisoners to participate in activities and to interact safely with other prisoners for at least a part of each day. Daily outdoor exercise of at least one hour, and longer when possible, must be available.

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<sup>11</sup> Council of Europe (2011), op. cit.

<sup>12</sup> Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2001), op. cit.; Council of Europe, *Report to the Spanish Government on the visit to Spain carried out by the European CPT*, 2003, (CPT/Inf (2007) 28).

<sup>13</sup> Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2001), op. cit.; Council of Europe (2005), op. cit.; Council of Europe, *Report to the Polish Government on the visit to Poland carried out by the European CPT*, 2009, (CPT/Inf (2011) 20); Council of Europe (2011), op. cit.; *Report to the Spanish Government on the visit to Spain carried out by the European CPT*, 2012, (CPT/Inf (2013) 8); Council of Europe, Committee of Ministers (2006), European Prison Rules, 27.1.

## Appendix 1: Human rights and close supervision centre expectations

### *Health care*<sup>14</sup>

Medical staff should pay particular attention to prisoners subject to exceptional security measures. If it amounts to solitary confinement, they should be informed of every placement and should visit the prisoner immediately after they arrive and thereafter on a regular basis, at least once a day, providing them with prompt medical assistance and treatment as required. They should report to the prison governor whenever a prisoner's health is seriously at risk by any condition of imprisonment including solitary confinement.

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<sup>14</sup> Council of Europe (2011), op. cit.; United Nations Commission on Crime Prevention and Criminal Justice (2015), op. cit. Rules 33, 46.

## Appendix 2: Advisory group

The advisory group was put together to provide expert advice and guidance to the HM Inspectorate of Prisons CSC inspection team about the management of challenging prisoners, the development of an inspection methodology and principles around holding people in highly secure conditions or solitary confinement.

### Composition

Sean Sullivan (chair)	HM Inspectorate of Prisons team leader
Michael Dunkley	Prison and Probation Ombudsman, Assistant Ombudsman
Dr Monica Lloyd	C Psychol (Forens), AFBPsS, Senior Lecturer, University of Birmingham
Sue McMillan	Care Quality Commission
Anisha Mehta	Head of Training and Interventions, Prison Advice and Care Trust
Dr Clive Meux	Medical Director and Director of Strategy, Oxford NHS Trust
Dr Sharon Shalev	Research Associate, Centre for Criminology, University of Oxford
Alex Sutherland	Independent Monitoring Board Chair, HMP Whitemoor
Dr Stuart Turner	MD MA FRCP (Lon) FRCPsych, Consultant Psychiatrist

Ad hoc members of the HM Inspectorate of Prisons inspection team and HM Chief Inspector of Prisons Nick Hardwick.