



HM Prison &
Probation Service



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

August 2020

Purpose

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

General principles

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

Adapted methodology for the COVID-19 crisis

5. HMI Prisons' adapted methodology aims to promote transparency about the response to COVID-19 in places of detention, and to ensure that any identified lessons can be learned quickly.

6. HMI Prisons' adapted methodology will consist of four strands of activity, to be undertaken simultaneously:
 - a. Policy analysis
 - b. Collection of information about the situation in prisons
 - c. Ongoing analysis and risk analysis based on both policy developments and information gathered
 - d. Visits to establishments
7. Between April and July 2020, HMI Prisons carried out Short Scrutiny Visits, lasting for one day and involving a small number of inspectors. From 27 July 2020, HMI Prisons will carry out Scrutiny Visits, which are longer, involve more inspectors and will offer a more detailed and in-depth assessment of treatment and conditions.
8. Full detail about HMI Prisons' COVID-19 methodology can be found on the HMI Prisons [website](#).

Scrutiny Visits

9. Scrutiny Visits are short inspections and will be carried out over a two-week period: a one-day visit in the first week for the research team to carry out the detainee survey, followed by a two-day visit from inspectors in the second week. The inspector team will normally comprise five inspectors, but an additional member of staff may attend for induction or other pre-determined purposes.
10. HMI Prisons staff will follow at all times the [Health and Safety Guidance](#) drawn up specifically for COVID-19 Scrutiny Visits. This sets out the key processes and steps staff must follow to ensure they minimise the risks to themselves, detainees and prison staff.
11. Scrutiny Visits will be announced. HMI Prisons will inform HMPPS of the establishments to be visited two weeks before the survey is due to take place. HMPPS will then inform Governors (or Directors), letting HMI Prisons know when they have done so. HMI Prisons will inform the Independent Monitoring Board (IMB) Secretariat one week ahead of the survey.
12. The HMI Prisons coordinating inspector will make contact with the establishment ahead of the visit to confirm all arrangements and information requirements.
13. HMI Prisons recognises that in the COVID-19 circumstances, it would not be appropriate to inspect against the full HMI Prisons *Expectations*. Scrutiny Visits will focus on a limited number of priority areas, taking account specifically of the impact of the COVID-19 measures taken by establishments and the pace at which establishments are able to re-establish constructive rehabilitative regimes.
14. The HMI Prisons Team Leader will meet with the Governor (or Director) at the end of the visit to share urgent and emerging findings.
15. HMI Prisons will send a written draft debrief note to HMPPS and the Governor (or Director) within three working days of the Scrutiny Visit. This will not be

published. HMI Prisons will share this note with the IMB Secretariat and Prisons and Probation Ombudsman (PPO) as part of agreed information sharing protocols.

16. HMI Prisons will write a full report on each establishment visited. A draft of this report will be shared with HMPPS for fact-check 12 working days after the visit. HMPPS will respond to HMI Prisons with any urgent comments within five working days. HMI Prisons will publish the report within four weeks of the visit.
17. Reports on Scrutiny Visits will include recommendations. There is no requirement for establishments to produce Action Plans after the visits.
18. Full detail about Scrutiny Visits can be found on the HMI Prisons [website](#).

Evolving COVID-19 context

19. The COVID-19 outbreak is fast-changing and unpredictable, and it is possible that HMI Prisons will need to adapt its methodology in light of changing national public health guidance or as the pandemic evolves. HMI Prisons will consult with HMPPS about any significant changes to its COVID-19 methodology or Scrutiny Visits, as well as on plans for recovery and return to normality.
20. Should significant public concerns come to light about the treatment and conditions of prisoners during the COVID-19 period, or should HM Chief Inspector of Prisons be asked to provide additional independent scrutiny by the Secretary of State, HMI Prisons will consider how best to respond in order to fulfil its statutory role.
21. This Addendum will be reviewed by the parties every quarter. In addition, in light of the unpredictable nature of the pandemic, ad hoc reviews may be requested by either party at any time.

Signed



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

Date: 17 August 2020

Signed



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

Date: 19 August 2020