



# Code of conduct for staff

# 1. Introduction

- I.1 The statutory purpose of the Chief Inspector of Prisons is to ensure independent inspection of places of detention, report on conditions and treatment, and promote positive outcomes for those detained and the public.
- I.2 The inspection framework governs HM Inspectorate of Prisons' (HMI Prisons') inspection process and is supplemented by detailed manuals for inspectors on the inspection process and report writing, which are available on our website: <https://www.justiceinspectorates.gov.uk/hmiprison/about-our-inspections/>
- I.3 Due to the nature of our business, the way in which we conduct ourselves and go about our business is as important as the outcomes we deliver.
- I.4 This document is the approved HMI Prisons code of conduct for HMI Prisons staff, including seconded staff and associates (further details are outlined in the written arrangements for associates). Seconded staff are also obliged to follow any code of conduct or professional conduct guidance issued by the organisations to which they are contracted. Statutory registrants are expected to comply with their professional codes of practice.
- I.5 Formerly entitled Professional Standards, the HMI Prisons code of conduct was revised in 2017 following work on the HMI Prisons people strategy and the establishment of the Equality and Diversity Advisory Group. Staff were consulted on the revised version, which must be read in conjunction with the Civil Service Code to which staff must also adhere: <https://www.gov.uk/government/publications/civil-service-code>.
- I.6 The core values of the civil service code are:
  - Integrity: putting public service above personal interests
  - Honesty: being truthful and open
  - Objectivity: basing decisions on analysis of evidence
  - Impartiality: serving governments of different political parties equally
- I.7 The HMI Prisons code of conduct sets out the standards of behaviour and practices that you are expected to follow in discharging your responsibilities. It is a requirement of your role that you familiarise yourself with this document and what it means for you personally in your role. You need to ensure you understand the Inspectorate's expectations of you so please discuss with your line manager or a member of the Secretariat if you need any further guidance or have queries as to how any aspect might apply to you.
- I.8 As our sponsor department is the Ministry of Justice (MoJ), we follow many MoJ policies and procedures. This can sometimes be confusing so please contact a member of the Secretariat for further information. Please also refer to the section in this document on breaches of the code and other useful information which provides details of where you can find various policies and procedures.

- I.9 A separate document detailing the specific [ethical principles for research activities](#) conducted as part of announced, unannounced and thematic inspections and internal evaluation/review exercises is available.
- I.10 All staff conducting research activities are required to adhere to the ethical principles set out in the above document.
- I.11 There is a section on breaches of the code. If you fail to meet the standards expected of you, your manager may decide to investigate your actions and/or follow disciplinary procedures.
- I.12 Information on the following can be found in section 9 of this document:
- Bullying and harassment at work
  - Making complaints
  - Whistle-blowing
  - Mediation
  - Support and well-being
  - HMI Prisons Equality and Diversity staff representatives
  - HMI Prisons First Contact Advisor
  - The employee assistance programme

## **HMI Prisons' values**

- I.13 The established values of HMI Prisons are as follows:
- Independence, impartiality and integrity are the foundations of our work.
  - The experience of the detainee is at the heart of our inspections.
  - Respect for human rights underpins our expectations.
  - We embrace diversity and are committed to pursuing equality of outcomes for all.
  - We believe in the capacity of both individuals and organisations to change and improve, and that we have a part to play in initiating and encouraging change.
- I.14 HMI Prisons has an Equality and Diversity Advisory Group chaired by the Deputy Chief Inspector. The group has staff representatives from across the organisation. Members include staff representatives who can offer advice and guidance to staff. For further information on the staff representatives, contact the Head of Secretariat.

## 2. Standards of behaviour, accountability and integrity

2.1 At all times you are expected to:

- Always act in a way that is professional and that inspires confidence in those you deal with.
- Treat everyone with respect and work to the values of HMI Prisons. Aggressive, intimidating or bullying behaviour will not be tolerated in any form.
- Seek to foster and support a culture where everyone feels confident to challenge or report inappropriate behaviour directed at yourself or others.
- Include and actively promote equality and diversity in all that you do.
- Be careful when discussing your work in public, especially when sharing details with other work colleagues. Do not talk about individuals or the details of a place of detention.
- Be aware of who may be listening to any conversation while you are staying in a hotel during an inspection or when you are travelling on public transport.
- Report any involvement in the justice system (including being arrested, cautioned, receiving a speeding conviction, involvement in a court case as a defendant or as a witness).

2.2 Read and make yourself familiar with the HMI Prisons Health and Safety policy and associated documents. If you regularly drive as part of your role at HMI Prisons, you will be expected to complete an annual driving assessment with your manager. If you work from home, you must read the working from home policy and will be expected to complete a working from home checklist.

2.3 You should complete all mandatory training.

2.4 While working for HMI Prisons you should not:

- Discriminate against any person or group for any unfair reason (including their race, ethnic or national origin, sex, sexual identity, sexual orientation, marital or civil partnership status, age, disability, religion or belief, caring responsibilities, working pattern or trade union membership).
- Harass, victimise or bully others through your actions, language or behaviour (whether deliberately or not).
- Misuse your position to further your private interests or those of others.
- Engage in any activity (in or outside of work) that could or be perceived as bringing HMI Prisons into disrepute. Membership of, or active participation in activities organised by, groups or organisations whose values are inconsistent with HMI Prisons' may create reasonable doubt in your ability to comply with HMI Prisons' values or this code.
- Accept gifts and hospitality or receive other benefits from anyone which might be perceived by others to compromise personal judgement or integrity (see the section below on gifts and hospitality).

2.5 While working for HMI Prisons you can expect:

- To be treated with courtesy, consideration, fairness and respect by colleagues at all grades/pay bands within the organisation.

- Allegations of unacceptable behaviour to be taken seriously and appropriate action to be taken.
- To receive appropriate support from your manager, including regular bilaterals and development plans.
- To be treated fairly in recruitment, training, career development opportunities, promotion and the allocation of work.

2.6 As a manager at HMI Prisons you will:

- Set a positive example for your staff in both your managerial and professional behaviour which is appropriate to your level of responsibility.
- Include and promote equality and diversity in all that you do.
- Put the standards of this code into practice and deal with any problems fairly (you have a responsibility to take appropriate action to make sure that you maintain standards within your immediate work area and outside of HMI Prisons).
- Make sure that the members of your team are properly inducted and are aware of and understand their personal responsibilities to meet the standards in this code of conduct.
- Monitor their behaviour to make sure they keep to the policy and, where necessary, explain all parts of this policy to your team to improve their understanding.
- Take complaints seriously and take appropriate action, as soon as possible, to deal with anyone who does not adhere to this code.

This reflects expectations laid out in the MoJ conduct policy.

2.7 The Chief Inspector is accountable to the Ministry of Justice as the sponsor department. The relationship between the Chief Inspector, Inspectorate and the Ministry of Justice is set out in a [Protocol](#) which can be found on the HMI Prisons website.

2.8 While working for HMI Prisons you are expected to:

- Conduct yourself without bias and with integrity, objectivity and honesty. You should not deceive or knowingly mislead others, including other staff, the sponsor department, ministers, Parliament or the public.
- Ensure that HMI Prisons' resources are used in the most economical, efficient and effective manner as befits public money.

### 3. Conflicts of interest

- 3.1 Given the role of HMI Prisons and the nature of our remit, we must be prepared to face scrutiny and demonstrate that our decisions, judgements and recommendations are free from any undue influence.
- 3.2 To manage the risk of a conflict of interest arising, staff are expected to identify and register specific personal interests by informing the Deputy Chief Inspector, the Head of Secretariat or Head of Finance, HR and Inspection Support. This minimises the likelihood that you will be asked to become involved in a matter where your judgement could be perceived as conflicted. This provides protection to both you and HMI Prisons.
- 3.3 Defining what a real or perceived conflict of interest is can be difficult and will sometimes be subjective. A good rule to follow is that a real or perceived conflict of interest occurs when a reasonable member of the public could perceive that your behaviour or decision-making might be subject to influence.
- 3.4 All staff are required to declare:
- Previous work in establishments that HMI Prisons inspects.
  - Any employment or remunerated activities outside of your HMI Prisons post (associates are only required to declare this where there is a real or perceived conflict of interest).
  - Close family members working in a place of custody that HMI Prisons inspects (for example, if partners, parents, brothers, sisters or children work in an establishment that the Inspectorate inspects, you must declare this).
  - Close family members or friends detained in a custodial setting.
- 3.5 The Chief Inspector and Deputy Chief Inspector must declare their interests to the Head of Secretariat and Head of Finance, HR and Inspection Support. This Chief Inspector's interests are published on the HMI Prisons website and updated on a yearly basis.

#### Other employment or activities outside of your HMI Prisons post

- 3.6 HMI Prisons supports and encourages staff to undertake voluntary work and staff may request up to five days' special leave a year for voluntary activity.
- 3.7 You may take on other work (including voluntary work) as long as you declare your plans to your manager before starting the work, it does not conflict with your duties, and you have been given permission to do so.
- 3.8 There are some types of paid and voluntary work which, while essential and supported by HMI Prisons more generally, would nonetheless raise a real or perceived conflict if undertaken by Inspectorate staff and call into question our independence and impartiality (please also refer to section 5 on political activity). Your manager will need to make sure that it does not:
- affect you negatively because it breaks the Working Time Regulations or health and safety regulations;

- have a negative effect on your official work;
- conflict with your official position, or with our interests;
- bring HMI Prisons into disrepute and/or damage public confidence in HMI Prisons (see 3.9 for further details).

3.9 When considering the above, the general principles to be followed are that HMI Prisons staff:

- Should not undertake paid or voluntary activities for organisations falling directly within HMI Prisons' remit and which are therefore subject to inspection. This normally includes paid or voluntary work with current detainees or in places of detention.
- Should not undertake paid or voluntary activities for organisations closely linked or related to HMI Prisons' remit, including with Independent Monitoring Boards, Independent Custody Visitors, Lay Observers, Appropriate Adults, and Magistrates.
- Should not undertake paid or voluntary work for another organisation which may affect their or the Inspectorate's judgements during inspection and which may be perceived as raising a conflict of interest.

3.10 When taking on additional work, you should take care that:

- involvement with an organisation or company is not seen to imply that the activity/organisation or company is endorsed by HMI Prisons
- your involvement does not result in an organisation or company gaining any benefit (or being perceived to gain benefit) through its links with the Inspectorate (for example, in bidding for a contract).

3.11 If you do another job while receiving Statutory Sick Pay or occupational sick pay from us and are not entitled to do so, we may take disciplinary action.

3.12 You will not do any other work while on special leave.

## **Writing chapter/blog/publications as a member of HMI Prisons**

3.13 If you have been approached to write a chapter or contribute to a book or academic publication as a result of your role at HMI Prisons, you should discuss this with your line manager before agreeing to do so. You should also discuss with your manager how this work will fit into your other work commitments and priorities. Final drafts should be shared with your line manager before publication. Secondees and MoJ contracted staff should not accept fees or payment of any kind for this work.

3.14 Book launches and press conferences relating to this work should be discussed with the Chief Communications Officer.

3.15 If you have been approached to write or contribute to a blog you should seek advice from the Chief Communications Officer before agreeing to do this. Again, secondees and MoJ contracted staff should not accept fees or payment of any kind for this work.

3.16 Associates should be clear about who will be paying for the time spent doing this work in advance.

## **Writing a chapter/blog/publications in a personal capacity**

- 3.17 If you want to write a chapter/blog or contribute to a publication in a personal capacity you must ensure that this is done in your own name, does not refer to where you work, does not bring HMI Prisons into disrepute, does not create a conflict of interest and does not use or refer to any HMI Prisons data that is not already in the public domain. However, if you intend to write something that references a significant amount of HMI Prisons data, please speak to your line manager and/or the Chief of Communications Officer in advance.
- 3.18 If you expect any publicity in regard to this, you should make your line manager and the Chief Communications Officer aware.

## **Making speeches/presentations and/or sitting on panels as a member of HMI Prisons**

- 3.19 If you have been invited to make a speech, presentation or sit on a panel as a result of your role at HMI Prisons, you should discuss this with your line manager before agreeing to do so. You should also discuss with your manager how this work will fit into your other work commitments and priorities.
- 3.20 Final drafts should be shared with your line manager. You should inform the Chief Communications Officer in advance if the event is being held in public and will have a media presence. Seconded and MoJ contracted staff should not accept fees or payment of any kind for this work.
- 3.21 Associates should be clear about who will be paying for the time spent doing this work in advance.

## **Making speeches/presentations and/or sitting on panels in a personal capacity**

- 3.22 If you have been invited to make a speech or sit on a panel in a personal capacity, you must ensure that this is done in your own name, does not refer to where you work, does not bring HMI Prisons into disrepute, does not create a conflict of interest and does not use or refer to any HMI Prisons data that is not already in the public domain. This should be done in your own time.
- 3.23 If you expect any publicity in regard to this, you should make your line manager and the Chief Communications Officer aware.
- 3.24 You must not publish or broadcast your personal experiences (or memoirs) in HMI Prisons, or enter into commitments to do so while you are employed by the MoJ. (For further information on this, please see the MoJ conduct policy.)

## **Previous work in detention establishments**

- 3.25 You must declare previous work in detention establishments. New staff members are generally not allowed to inspect their previous place of work within five years of joining the Inspectorate. However, it is inevitable that Inspectorate staff will know



staff in other establishments. Remember that undeclared relationships between the inspector and the inspected could be seen to compromise the impartiality of inspection.

### **Identifying a conflict of interest in your day-to-day work**

- 3.26 While the above will minimise the likelihood of this, it is possible that in the course of normal day-to-day business an actual or potential conflict of interest may occur. It is your responsibility to be vigilant to this and if, in the course of your duties, a matter arises that you have a personal interest in, you must declare it to your responsible manager immediately.
- 3.27 If you have any questions about this section or queries about what constitutes a conflict of interest, please contact the Head of Secretariat.

## 4. Gifts and hospitality

- 4.1 You should not use your official position to receive benefits of any kind from a third party which might reasonably be seen to compromise your personal judgement and integrity.

### Gifts

- 4.2 You must not accept or give any gifts in connection with your official duties. The only permissible exception is where refusal to accept a gift is judged to cause unnecessary offence.
- 4.3 You should declare gifts given to you to a member of the Secretariat who will add them to the gifts and hospitality register.
- 4.4 In the event that you suspect a gift has been offered with the expectation of influencing you, this must be immediately reported to your line manager (please refer to the Bribery Act, which defines bribery as giving financial or other advantage to encourage a person to perform their functions or activities improperly or to reward a person for already having done so).

### Hospitality

- 4.5 You may accept conventional hospitality, provided it is normal and reasonable in the circumstances, for example:
- tea, coffee, biscuits and sandwiches at meetings;
  - a working lunch in the course of normal business, provided this is not frequent, regular or lavish.
- 4.6 Apart from the conventional hospitality outlined above, all other invitations or hospitality should be declared to the Head of Secretariat prior to responding. All hospitality received must be in relation to delivering your official duties and you should apply the test as to whether a reasonable member of the public would consider it appropriate for you to accept. This may include invitations to an annual dinner or conference of an organisation with which HMI Prisons has regular contact. Offers made by stakeholders and service providers to attend purely social, artistic or sporting functions must be declined.
- 4.7 Staff should not expect HMI Prisons to pay for the meals/drinks of stakeholders and service providers unless they have permission for this from the Deputy Chief Inspector.

## 5. Political activity

- 5.1 Information in this section is taken from the [Civil Service Code](#) and from the MoJ conduct policy.
- 5.2 While this section applies to government department secondees and MoJ contracted staff, associates are asked to follow the principles of the following.
- 5.3 As a civil servant you must:
- serve the government, whatever its political persuasion, to the best of your ability in a way which maintains political impartiality and is in line with the requirements of the civil service code and this code, no matter what your own political beliefs are;
  - act in a way which deserves and retains the confidence of ministers, while at the same time ensuring that you will be able to establish the same relationship with those whom you may be required to serve in some future government;
  - comply with any restrictions that have been laid down on your political activities.
- 5.4 You must not:
- act in a way that is determined by party political considerations, or use official resources for party political purposes;
  - allow your personal political views to determine any advice you give or your actions.
- 5.5 Your senior manager will decide whether to give you permission to take part in political activities. This will depend on whether you are employed in an area where being seen as independent is at risk.
- 5.6 You will fall into one of the following three groups, depending on your job role:
- **Politically-free group** – industrial and non-office (which includes drivers, ushers and messengers) staff.
  - **Politically-restricted group** – members of the senior civil service (SCS) and civil servants at levels immediately below the SCS (band A/grade 7 and above), press office, legal and fast-stream employees.
  - **The intermediate group** – employees not covered in the politically-free or restricted groups (bands B to F).
- 5.7 These rules relate to activities where you might express your political views in public. They do not concern your private beliefs and opinions, prevent you from being a member of a political party or prevent you from being part of a campaign or protest group. If you want to get involved in any political activity, you may need to apply for permission.

## 6. Other work-related issues

- 6.1 This section covers contact with the media, personal relationships and use of alcohol or illegal drugs.

### Contact with the media

- 6.2 All media enquires should be directed to the Chief Communications Officer in the first instance. You should not make direct contact with the media or respond to media enquiries unless it has been agreed with the Chief Communications Officer. Associates who have public speaking engagements, are writing or contributing to a book or undertaking media interviews in regard to their other duties outside of HMI Prisons should inform the Chief Communications Officer. This ensures the Chief Communications Officer is prepared for any media coverage which can lead to calls from journalists.

### Social media

- 6.3 Expectations in relation to your conduct as a member of staff or associate apply equally to use of social media and online activity as they would do in any other social context. You must not refer to or debate any HMI Prisons-related matters in these forums unless you have been authorised to do so by the Chief Communications Officer, although re-tweeting HMI Prisons publications and other announcements on your personal account is permissible.
- 6.4 You are advised to exercise due care in sharing any personal details online, including your role at HMI Prisons.

### Personal relationships

- 6.5 All staff, both on inspection and in the office, should be mindful of personal relationships that could lead to embarrassment, offence or conflict of interests within the Inspectorate, and should maintain professional working relationships.
- 6.6 If you are unclear about the application of these principles, you must seek the advice of your line manager, the Head of HR or Head of Secretariat.

### Use of alcohol or illegal drugs

- 6.7 You cannot drink alcohol during your working hours (including meal breaks). This includes times at which you are representing HMI Prisons at external events. Some exceptions to this are:
- in the evenings after inspection and provided you have finished at the establishment for the day;
  - receptions/conferences where you are not expected to return to work afterwards.

- 6.8 If you are at work under the influence of alcohol or illegal drugs, it will be regarded as a serious disciplinary matter. If you are prescribed drugs which may affect your ability to do your job, you should seek advice from your line manager on the health and safety implications of this at the earliest opportunity.

## 7. Security

- 7.1 All full-time, associate and office-based staff are required to be security cleared. This involves going through a basic security check, Counter Terrorism Check (CTC – required for immigration detention and high security (dispersal) prisons) – and Disclosure and Barring Service (DBS) check. Staff must have received security clearance before they can move unaccompanied around most establishments.
- 7.2 You must show your pass when entering 10 South Colonnade and it must be on your person at all times when in the office. You should take your pass off and put it somewhere safe when leaving the building.
- 7.3 You must have your badge visible at all times when on inspections.

### Information security

- 7.4 We encourage openness and follow the principle that we should make official information available to the public unless it is clearly not in the public interest to do so. However, there are some restrictions on what you can release.
- 7.5 During the course of our work, some of the information we handle on a regular basis may be of a sensitive or confidential nature. As such, we are required to comply with certain measures to ensure this information is handled securely.
- 7.6 You will not release, to anyone who is not authorised to receive it, personal or sensitive information, or information you have gained through your official duties.
- 7.7 If you are not sure, ask your manager before releasing any information.
- 7.8 You will:
- take particular care with information which has a security marking (see below);
  - use any information containing personal, identifying or sensitive data in line with the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (please see below for information on Freedom of Information requests).
  - confirm the identity of anyone asking for information before deciding if it should be released outside HMI Prisons;
  - ask for permission before becoming involved in any activity which might lead to revealing official information, or before using your official experience, for example, taking part in discussions or seminars outside of HMI Prisons (see above information on conflicts of interest).
- 7.9 Published inspection reports must not contain any information – in written text or in photographs – which reveals the identity of individual detainees. When receiving personal, identifying or sensitive data from establishments as part of the inspection evidence, this must be used, stored and disposed of according to the guidance in section 7.14 below.

## Protective marking

- 7.10 It is unlikely that we will handle information that has a higher security marking than '**OFFICIAL SENSITIVE**'. However, descriptions of all the relevant markings and the corresponding requirements for practice are outlined below. For all other protective markings and their accompanying measures, please see the 'information security – classifying information' section on the MoJ intranet.

### OFFICIAL

#### Impact

- 7.11 The compromise of assets marked OFFICIAL would be likely to:
- cause distress to individuals;
  - breach proper undertakings to maintain the confidence of information provided by third parties;
  - breach statutory restrictions on the disclosure of information.
- 7.12 HM Inspectorate of Prisons-specific examples include:
- documentation owned by the inspected body;
  - detainee comments analysis.

#### Measures

- 7.13 In order to meet the OFFICIAL marking we must do the following:
- Mark each page of official information if it is electronic, or on the cover/first page if it is in hard copy. This should be done by the originator.
  - Make sure office-based, 'official' marked information is locked away in a cupboard and not left on desks for cleaners and visitors to see.
  - All 'official' marked information must be destroyed securely either through shredding or in confidential bins in the office.
  - Protected information should only be sent to secure and encrypted government email addresses and marked in the headers as OFFICIAL.
  - If information is to be stored at home it must be kept securely (you are encouraged to have a lockable cabinet which is the most preferable option).

### OFFICIAL SENSITIVE

- 7.14 A small amount of information may require an OFFICIAL SENSITIVE marking. This applies to any documentation that identifies any individuals by name or contains sensitive or confidential information.

#### Examples

- Documentation that identifies individual detainees, e.g. named surveys, confidential comments, confidential waste and P-NOMIS lists.
- Documentation that is owned by the inspected body and includes individual identifiers which we remove from the establishment, such as detainee records.

This also includes research tasks where written templates include detainees' personal details.

- Internal staff information such as completed performance management reviews.
- Passwords to encrypted memory sticks or laptops.

## Measures

- Do not print electronic documents marked OFFICIAL SENSITIVE unless absolutely necessary.
- The front page of each document should be marked OFFICIAL SENSITIVE.
- Do not remove documents or data in hard copy from any custodial setting or secure facility that lists the names or attributable personal information or medical information of detainees or other persons. This applies to all data that is sufficiently confidential to require the OFFICIAL SENSITIVE security marker.
- Where documentation and/or data is required for the purpose of the inspection, it must be kept securely in a protectively marked envelope and destroyed within a week of the inspection.
- Handwritten notes containing attributable personal information must be stored securely at all times or be redacted as soon as is practicable. Inspectors must comply with HMI Prisons' Record Retention and Disposition Schedule (RRDS).
- In exceptional circumstances hard-copy data may be removed but only after consultation with the team leader, Deputy Chief Inspector and appropriate authorities in the custodial facility. Data that is removed in such a way must be secured and carried in accordance with MoJ guidance on information security. It should not be read in public, or left in a car or on public transport.
- Where an inspector feels it necessary to remove original documents for evidential purposes, they must discuss this first with the team leader. Any removal of original documents must be done in compliance with the Data Protection Act and should not be read in public or left in a car or on public transport.
- Protected information in electronic form should be stored appropriately on MoJ IT systems, only sent to secure and encrypted government email addresses and marked accordingly.
- All confidential waste and P-NOMIS lists should be disposed of in confidential recycling boxes or paper shredders on return to the office, or at the appointed time, in line with destroy dates. Please refer to the Record Retention and Disposition Schedule (RRDS).
- Any passwords that have been written down should be sealed in envelopes as described above. Envelopes should be carried separately to the laptop/stealth stick they correspond to.
- If you misplace or lose confidential data or leave confidential data on public transport, you should report it immediately to the Head of Finance, HR and Inspection Support, who is HMI Prisons' Senior Information Risk Owner (SIRO).

## Inspection/thematic reports

- 7.15 Unless authorised to do so, you should not print out or circulate the inspection programme outside the Inspectorate.
- 7.16 You should not circulate draft inspection, thematic and annual reports outside the Inspectorate (other than to inspected and other bodies as set out in our MOUs with



them). Draft reports should only have a protective marking applied in exceptional circumstances and should be judged on a case-by-case basis.

## **Freedom of information protocol**

- 7.17 Freedom of information requests are coordinated by the Inspection Support team.
- 7.18 You should assume that all the documents you retain, including correspondence and emails (including attachments), are potentially subject to public disclosure. You should assume this when you write documents and when you retain them.
- 7.19 Requests for documents may be made by the Chief Inspector. You should be rigorous in ensuring that all relevant documents are returned. Any that are likely to be contentious or controversial should be highlighted. The Chief Inspector will determine whether a document is to be redacted, and this is usually only on legal advice.
- 7.20 Inspection evidence (inspectors' notes and documentation) should be retained in line with the Record Retention and Disposition Schedule (RRDS). You are encouraged to keep notes of meetings and/or inspections in a notebook, which should be retained in line with the RRDS.

## 8. During inspections

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

### Security

- 8.6 Inform the team leader if you think security is being compromised. Be mindful of the varying degrees of security compromise as, in some cases, this information is a finding of the inspection. The team leader will determine whether this should be passed immediately on to a member of staff at the place of detention.
- 8.7 Both in and outside places of detention, do not share personal information about detainees within the hearing of others (unless required to in a professional capacity).
- 8.8 Do not let detainees enter restricted areas or through locked doors unless they are accompanied by a member of staff.
- 8.9 If detainees declare that they wish to hurt themselves or others while speaking to you, tell them that you will be sharing this information with a member of staff (see Child Protection and Adult Safeguarding sections below). Please note that when handing out surveys, members of the research team will explain that if detainees make any comments about personal safety and put their name on the survey, these comments will be passed on to a member of staff and that it is not always possible for a researcher to speak to them prior to passing the information on. This information is also included on the front cover of the survey.
- 8.10 Unless you have prior permission from the establishment, do not take any unnecessary items into a place of detention, such as overnight bags. Leave these at your hotel or in your/a colleague's car if possible.
- 8.11 Do not carry any unnecessary items around a place of detention, such as house keys or money.
- 8.12 **Prisons only:** Do not take mobile phones or SIM cards or any other electronic equipment, unless specifically allowed, into a prison – it is illegal. Always check at the gate for lists of prohibited items.
- 8.13 Check with colleagues, particularly those who are new or from partner inspectorates and are unfamiliar with a custodial environment, that they do not have prohibited items with them.

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

## Keys

- 8.15 Do not take possession of keys at a place of detention unless you have had key training. Line managers are responsible for ensuring that new staff are key trained.
- 8.16 Keep keys on your key chain. In establishments it is expected that they are kept in a pouch or pocket when they are not in use so that detainees cannot see them. Keep them in your possession at all times. Do not lend or borrow keys, regardless of who asks!
- 8.17 Always ensure you lock gates behind you. If you are the last one through a gate, it is your responsibility to lock it. (Check what the practice is in the establishment, as some establishments operate a policy that the person who unlocks a gate is responsible for ensuring that it is locked again.)
- 8.18 If a key breaks off in a gate lock, stay with it and wait for help. Take broken keys to the security department.
- 8.19 If you are unable to lock a security gate, do not leave it; attract the attention of a member of staff, who will assist you.
- 8.20 If you lose your keys report this immediately to a custodial staff member or the security department. Let your team leader know.
- 8.21 Do not let detainees through gates unless they are with a member of staff.
- 8.22 Always hand keys in at the gate each time you leave the place of detention. If you leave with keys alert the place of detention, keep them with you at all times and return them, immediately and in person.

## Personal safety

- 8.23 All staff are required to read the HMI Prisons health and safety policy and associated documents. This includes policies and risk assessments for working in the field, for less experienced members of staff and for lone working.
- 8.24 Make sure you have a whistle. In the event of an emergency when you cannot reach an alarm, blow your whistle for three sharp blasts, or failing that, shout.
- 8.25 It is generally sensible to alert custodial staff to your presence on the wing, accommodation unit or custody suite unless you need to observe wing or unit routines unobserved. Inspectors are not required to sign in on arrival to wings/units.
- 8.26 Always make sure that the bolt is in the out position or 'shot' on a cell door before going into a cell to ensure you cannot get locked in. This may be achieved by either 'shooting the bolt' or using your cell key where there is no spring mechanism. If the bolt is not in the out position you are always at risk of being trapped in a cell. If you

do not know how to do this or do not have a cell key, ask a member of staff to do it for you or invite the detainee to talk to you in a different location.

- 8.27 If you are speaking to a detainee in a separate room or office make sure you are aware of the location of the alarm. Always seat yourself rather than the detainee closest to the door.
- 8.28 If interviewing a challenging detainee in private, take the advice of custodial staff. If staff believe the detainee presents a specific risk to you at that particular time, you may wish to consider a different approach. If you go ahead with the interview, ensure you can be seen by staff and give them an idea of when the interview is likely to end.
- 8.29 If you are sent something from an identifiable detainee after a visit, report it to the team leader who will then refer this to the place of detention.
- 8.30 Team leaders must assess the personal protection needs of new HMI Prisons staff and decide whether or not any risk assessments (such as a risk assessment for less experienced staff) should be carried out. All staff who visit or work in places of detention must receive personal protection training, unless there are medical or other relevant reasons for exemption. If you have medical concerns you may still attend such training as an observer. At the very least team leaders must ensure that new staff are aware of how to raise the alarm and how to minimise risk to themselves and others when attending places of detention. Personal protection training is arranged and facilitated by the HR Manager in the Secretariat.
- 8.31 All new staff without extensive experience in custodial experience should receive jail craft training, which can be arranged through the Secretariat.
- 8.32 If staff experience intimidating or harassing behaviour while on inspection, the HMI Prisons protocol on dealing with such incidents should be followed. This includes guidance on where staff can access further support. Such incidents should be reported to the Secretariat via Health and Safety reporting processes.

## **Dealing with detainees**

- 8.33 You should address prisoners using their preferred name, pronoun or title and never use insulting nicknames or derogatory or impersonal terms.
- 8.34 Knock and ask permission before entering a detainee's cell, other than in an emergency.
- 8.35 Do not share any personal details with detainees, such as your address, and be aware that your conversations with staff in the inspected place of detention can often be overheard by detainees.
- 8.36 Do not provide detainees with your contact details (even work details). You can give out the HMI Prisons office address, general enquiries phone number and email. There should not usually be a reason for detainees to contact you personally once the inspection is over. If they have an issue, take their details for possible follow-up.

- 8.37 Do not accept gifts from detainees, their families or friends, or take things in or out of any place of detention on their behalf.
- 8.38 If a detainee asks you to do something for them direct them to a member of staff at the place of detention.
- 8.39 If you recognise a detainee you know personally during a visit, try to leave without being seen and alert the team leader immediately. Declaring an association in front of others can put both you and the detainee at risk.
- 8.40 Do not directly challenge criticism or aggression from a detainee – always acknowledge their feelings and repeat what they've said to you to show understanding, but do not commit to sorting out problems for them.
- 8.41 Remember that a high proportion of detainees suffer from communication problems so keep your descriptions and questions short and simple.
- 8.42 If you are ever unhappy about the way a conversation is going, or feel threatened by a detainee, extricate yourself from the conversation; your personal safety is paramount.

## Child protection policy and protocol

- 8.43 Everyone working for HMI Prisons is expected to read, be trained in and follow the [Child Protection policy and protocol](#).
- 8.44 The protocol sets out procedures to be followed if information comes to the attention of any member of Inspectorate staff which indicates that a child is at risk of abuse or neglect.
- 8.45 Information may come from a variety of sources: written accounts (including surveys), observation of a specific incident, discussions with groups of staff, discussions with groups of young people and individual discussions with staff and young people.
- 8.46 It is important to state that any undertaking of confidentiality or anonymity during the inspection or preliminary visit cannot be maintained if it concerns information which suggests a child has been harmed or is at risk of being harmed in any way. Any written request for information must also state this clearly.
- 8.47 Surveys distributed to children are individually identified and make clear that confidentiality cannot be maintained if information given in a survey has child protection implications (see front sheet of children and young people survey). As far as possible this should be repeated verbally when the surveys are handed out.

## Responding to child protection concerns

- 8.48 As soon as a child protection concern comes to light, immediately ensure that listening to and responding to the matter takes precedence. Do not promise confidentiality. Do not agree to delay matters or to impose limits on your duties, for example whom to tell or not tell.
- 8.49 Report the incident immediately to the designated safeguarding lead and/or senior manager in the establishment verbally (face-to-face or by telephone). This must be done on the same day as the HMI Prisons staff member becomes aware of the incident: it is important to not delay any onward reporting. Share all known information required to safeguard the child and make further inquiries.
- 8.50 In the case of a concern about the behaviour of a member of staff/provider in an establishment, always consult with the HMI Prisons designated safeguarding lead to confirm:
- to whom the referral will be made to in the establishment (it should always be made to a more senior staff member than the person whom the allegation is about)
  - who will make the referral to the senior staff member in the establishment (whether it will be the HMI Prisons staff member who is currently in the establishment, the designated safeguarding lead in HMI Prisons or another senior HMI Prisons staff member).
- 8.51 Clarify with the designated safeguarding lead in the establishment that they are now responsible for managing the identified safeguarding concerns in accordance with their own Safeguarding Protocol. This includes the immediate and future safety of the child/children and any medical needs arising from the incident, as well as the management of the alleged perpetrator.
- 8.52 In addition, all child protection matters must be referred to the local authority Children's Services Department. The establishment should make these referrals in accordance with its own Safeguarding Protocol.
- 8.53 The HMI Prisons member of staff must be satisfied that the establishment is managing the safeguarding concern effectively using its Protocol and within appropriate timescales.
- 8.54 If, after discussions, it remains the view of the HMI Prisons member of staff that the identified safeguarding concern is not being properly managed by the establishment's designated safeguarding lead, the matter must be forwarded immediately to the HMI Prisons designated safeguarding lead.
- 8.55 As soon as possible afterwards, the HMI Prisons team member, team leader or coordinator should record the referral and response received from the establishment in the Safeguarding Referrals tab of the inspection's Evidence Gathering Template. The inspection team leader or coordinator must ensure that all information, referrals, discussions and outcomes are recorded as promptly as possible. The inspection team leader is responsible for ensuring this is complete and that the inspection is not concluded before a response has been received from the establishment outlining actions taken. On the final day of the inspection, they should

review the list of referrals recorded and ensure that all necessary responses have been received.

- 8.56 At the end of the inspection, the coordinator should send a copy of the Safeguarding Referrals tab to the HMI Prisons safeguarding inbox. The HMI Prisons designated safeguarding lead, assisted by the Policy and Secretariat Officer with responsibility for safeguarding support, will maintain a central log of all child protection and safeguarding referrals made to establishments and the responses received.
- 8.57 For further information and guidance please see the [HMI Prisons child protection policy and protocol](#).

### **Safeguarding adults at risk**

- 8.58 Everyone working for HMI Prisons is expected to read, be trained in and follow the [HMI Prisons protocol on safeguarding adults](#).
- 8.59 The protocol sets out procedures to be followed if information comes to the attention of any member of Inspectorate staff which indicates that an adult is at risk of abuse or neglect.
- 8.60 Information may come from a variety of sources: written accounts (including surveys), observation of a specific incident, discussions with groups of staff, discussions with groups of detainees and individual discussions with staff and detainees.
- 8.61 It is important to state that any undertaking of confidentiality or anonymity during the inspection or preliminary visit cannot be maintained if it concerns information which suggests an adult is at risk of abuse or neglect. Any written request for information must also state this clearly.
- 8.62 Surveys distributed to detainees are individually identified and make clear that confidentiality cannot be maintained if information given in a survey has adult safeguarding implications. As far as possible this should be repeated verbally when the surveys are handed out.

### **Responding to adult safeguarding concerns**

- 8.63 The HMIP staff member who finds a safeguarding concern should immediately contact the inspection team leader or coordinator, having recorded basic information. It is important that adults at risk are interviewed a minimum number of times; the HMIP staff member should only ascertain the minimum amount of information required at this stage. It should be explained to the adult at risk that a safeguarding referral will be made, at the same time as ensuring their immediate safety. If the situation is critical staff should follow standard emergency procedures.
- 8.64 The inspection team member, leader and coordinator will agree who will contact the relevant senior manager, Adult Safeguarding Team or Governor of the establishment to explain that we have a safeguarding concern and to ask them immediately to follow their own Safeguarding Policy and Protocol.

- 8.65 HMIP will give the Adult Safeguarding Team or the Governor as much detail as possible so that immediate protection can be assured. If the allegation is against a member of staff, the Governor must be given this information to allow them to take appropriate action. If a full investigation is likely, the adult at risk should not be interviewed in depth at this stage.
- 8.66 The establishment's Safeguarding Team or Governor will agree action to be taken and should be asked to inform HMIP of the outcome of any actions or investigations.
- 8.67 As soon as possible afterwards, the HMIP team member, team leader or coordinator should record the referral and response received from the establishment in the Safeguarding Referrals tab of the inspection's Evidence Gathering Template. The inspection team leader or coordinator must ensure that all information, referrals, discussions and outcomes are recorded as contemporaneously as possible.
- 8.68 HMIP staff members who raise concerns with the establishment must be satisfied that the establishment is managing the safeguarding concern effectively using its own protocols, within appropriate timescales. This should include appropriate and timely action has been taken to protect and support the adult at risk, both in the short-term and subsequently. If the adult at risk is moved to another establishment, they should have a transferable care plan which ensures they remain safeguarded. If the alleged perpetrator is themselves an adult at risk, the inspection team should ensure they are also receiving the appropriate support and guidance. If the alleged perpetrator is a member of staff, the staff member and team leader should satisfy themselves that appropriate action is being taken by the establishment.
- 8.69 If, after discussions, it remains the view of the inspection team leader or coordinator that safeguarding concern is not being properly followed up by the establishment and its Adult Safeguarding Team, the matter must be immediately referred to the HMI Prisons Designated Safeguarding Lead. They will discuss further with the establishment and, if they remain dissatisfied with the establishment's response, will make a referral to the Local Adult Social Care Department. Local Adult Social Care Departments are not responsible for adults in custody, but can provide advice to establishments on safeguarding in prisons.
- 8.70 HMIP must keep a full record of the referral and response from the establishment in the Safeguarding Referrals tab of the Evidence Gathering Template. The inspection team leader will be responsible for ensuring this is complete and that the inspection is not concluded before a response has been received from the establishment outlining actions taken. They should review the list of referrals recorded on the final day of the inspection and ensure that all necessary responses have been received.
- 8.71 At the end of the inspection, the inspection coordinator should send a copy of the Safeguarding Referrals tab to the HMIP Safeguarding inbox. The HMIP Designated Safeguarding Lead, assisted by the Policy and Secretariat Officer with responsibility for safeguarding support, will maintain a central log of all safeguarding referrals made to establishments and the responses received.
- 8.72 For further information and guidance please see the [HMI Prisons adult safeguarding protocol](#).



## Visitors shadowing inspections

- 8.73 All professional standards, as set out above, also extend to any visitor or guest accompanying us on an inspection. There is a separate agreement set out in Appendix H of the Guide for Inspectors for all visitors shadowing our inspections. The agreement must be signed by both the visitor and either the Chief Inspector or the responsible team leader before the designated inspection begins. Where it is not possible to get a signature from the visitor ahead of the inspection, they should be asked to send an email confirming that they agree to the provisions of the agreement.

## 9. Breaches of the code of conduct

- 9.1 The HMI Prisons code of conduct and other MoJ policies provide the standard against which all staff behaviour should be measured. Any breaches of the code could be subject to investigation and serious breaches may lead to MoJ disciplinary proceedings.
- 9.2 Staff who have contracts of employment with other organisations (such as HMPPS) may be disciplined in accordance with the policies of those organisations.
- 9.3 Associates will not be subjected to MoJ disciplinary proceedings.

### Bullying and harassment at work

- 9.4 Everyone is expected to treat others with respect and work to the values of HMI Prisons. Aggressive, intimidating or bullying behaviour will not be tolerated in any form.

#### What is unacceptable behaviour?

- 9.5 This information is taken from the MoJ conduct policy.
- 9.6 **Harassment** is unwanted behaviour which affects a person's dignity. It can relate to age, sex, race, disability, religion, nationality or any other personal characteristic of the individual and may be continuous or a one-off incident. Basically, the actions or comments are seen by the person receiving them as demeaning and unacceptable.
- 9.7 **Bullying** may include offensive, intimidating, malicious or insulting behaviour or an abuse or misuse of power which aims to undermine, humiliate or injure someone.
- 9.8 **Bullying** or **harassment** may be by an individual against an individual or involve groups of people.
- 9.9 **Victimisation** is when an individual is treated in a negative way because they make a complaint, plan to make a complaint, or have helped someone else to make a complaint.

#### Examples of unacceptable behaviour

- 9.10 This information is taken from the MoJ conduct policy.
- 9.11 Unacceptable behaviour may include:
- spreading malicious rumours, or insulting someone;
  - unwanted contact such as verbal abuse or offensive gestures;
  - unwanted physical contact (including unnecessary touching, and physical threats or assaults);

- misuse of power or position such as making impossible work demands or providing too much unnecessary supervision;
  - unfair treatment; isolating someone or encouraging them to do something illegal or unacceptable;
  - ridiculing or demeaning someone, teasing them or making them the target of pranks or practical jokes;
  - inappropriately commenting on a person's appearance, personal life or lifestyle; or displaying literature, pictures, films, videos or CDs or other items that could offend.
- 9.12 This is not a full list. You should remember that unacceptable behaviour related to harassment, bullying and victimisation could take place face-to-face, on the phone, by email or letter.
- 9.13 If you are not sure what is acceptable, you should get advice from your line manager, your manager's manager or Head of Secretariat.
- 9.14 If you see any conduct which does not meet the standards in this code, or believe you are being asked to act in a way which goes against this code or the Civil Service Code, you should normally report your concerns to your line manager, your manager's manager or Head of Secretariat.
- 9.15 If you feel you have been the victim of such behaviour, please speak to your manager, manager's manager, HR Manager, the Head of Finance, HR and Inspection Support or the Head of Secretariat. They will be able to advise those who need guidance on dealing with bullying and harassment at work.
- 9.16 If you feel you need to make a complaint, you may do so using the appropriate grievance policy (see below).
- 9.17 Further support and guidance can be sought from the HMI Prisons Staff Support Group, trade union representatives and the Employee Assistant Programme (EAP – see further information below). There are also MoJ bullying and harassment advisers and their details can be found on the MoJ intranet.

## Complaints

- 9.18 The Inspectorate takes all complaints seriously, whether from our staff or about our staff. The handling of complaints will reflect the best practice we expect from inspected establishments. It is also our responsibility to handle third-party complaints appropriately, for example complaints against custodial staff by detainees that are brought to our attention and, particularly, any complaints from children about their treatment in custody (see 'Child protection policy and protocol' section, above).
- 9.19 Complaints from our staff arising from an inspection may take various forms:
- If the complaint concerns inappropriate comments or behaviour from staff or detainees during an inspection, please speak with the relevant team leader and refer to the HMI Prisons protocol on dealing with intimidating or harassing incidents in establishments.
  - If the complaint or grievance concerns the inappropriate behaviour of one or more of your own colleagues, this should be raised with the line manager or, if

this is inappropriate (for example, because the line manager is the subject of the complaint), directly with the Deputy Chief Inspector. Grievance procedures are set out in the MoJ grievance policy and guidance document (see below).

- If the complaint concerns the inappropriate behaviour of one or more colleagues from a partner inspectorate, this can either be raised with the relevant team leader or referred to the Deputy Chief Inspector. Our protocols with partners require that they investigate complaints made against them or their staff.

9.20 Complaints against our staff may take various forms.

- Formal complaints may be received from staff or detainees (or partner inspectorates) in the place of detention and, depending on their nature, will be investigated by line managers and, if necessary, the Deputy Chief Inspector or Chief Inspector.
- Complaints may also be contained in exit surveys and, depending on their nature, will be investigated by line managers and, if necessary, the Deputy Chief Inspector.
- In principle, the Inspectorate will respond to a complaint, however minor or misfounded, and the staff concerned will be consulted on any response.
- Any misconduct investigation will be conducted in line with MoJ policy and guidance on disciplinary matters.

## Whistle-blowing

9.21 In the event that you have a significant concern about an HMI Prisons-related matter that you feel unable to raise with your line manager or anyone else within the Inspectorate, please refer to the MoJ whistle-blowing policy. Any concerns raised are treated sensitively. Confidentiality is preserved wherever possible. Nominated Officers are available to give impartial, confidential support and advice. The MoJ whistle-blowing policy is on the MoJ intranet.

## Mediation

9.22 In cases where you feel a decision is unfair or don't like the way someone behaves towards you, your manager may be able to help you resolve the issue. You could consider mediation, which is an informal way of resolving disputes between colleagues.

9.23 Mediation is voluntary and confidential. Everyone who takes part works towards an acceptable agreement. If you're asked to take part in mediation, you're expected to do so.

9.24 Further information on mediation can be found on the MoJ intranet.

9.25 Please speak to the Head of Secretariat or Head of HR, Finance and Inspection Support if you are considering this option.

## Grievance process

- 9.26 If you can't resolve the issue informally, you should follow the grievance process.
- 9.27 All employees have a right to raise a grievance with their employer and have it considered in a fair and consistent way.
- 9.28 The grievance policy provides a framework for employees to raise concerns, problems or complaints, and for managers to deal with them effectively and promptly.
- 9.29 HMI Prisons follows the MoJ grievance policy and for further information on this policy, please refer to the MoJ intranet.

## 10. Useful information

### Support and well-being

- 10.1 Work can be good for your physical and mental health. It plays an important part in your well-being. There may be times when you can't do your job properly or at all and require support. There is a range of support available to you which you can discuss with your line manager, with the Head of Finance, HR and Inspection Support or with the Head of Secretariat.
- 10.2 The MoJ intranet has detailed information about support and well-being.

### Staff Support Group

- 10.3 HMI Prisons has a Staff Support Group, made up of volunteers trained in empathetic listening who are able to provide a confidential listening service. They can be approached by email, phone or in person, and are also able to provide information on where to seek further or more specialist support.

### First Contact Advisor

- 10.4 The Head of Secretariat is HMI Prisons' first contact advisor who can offer guidance on where to get help, support or advice on work or personal matters.

### The employee assistance programme

- 10.5 The employee assistance programme (EAP) offers confidential support to employees with personal, social or work-related problems. It offers practical help and up to six counselling sessions a year.
- 10.6 The programme helpline gives help over the phone 24 hours a day, seven days a week. The number is **0800 019 8988**.

**Version control:**

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