



Health and safety guidance for court custody inspections during the COVID-19 pandemic

Updated 24 March 2021

Introduction and context

1. HM Inspectorate of Prisons (HMI Prisons) has re-introduced court custody inspections to report on the treatment of and conditions for detainees during the COVID-19 pandemic. Inspections will promote transparency about the treatment and conditions of detainees in court custody, including any adjustments made in response to COVID-19, and will ensure that any lessons identified can be shared and acted upon.
2. HMI Prisons will adhere to national public health advice, including any local restrictions in place in specific areas where we carry out court custody inspections, and to the 'do no harm' principle at all times. HMI Prisons will continue to follow all national and local announcements relating to COVID-19 alert levels and restrictions, and will amend this guidance as required. This guidance sets out key processes that staff must follow and actions they must take when carrying out inspections, to reduce risks to themselves, their household, court custody and escort staff and detainees.
3. The most recent World Health Organisation (WHO) guidance, published in March 2020, offers a comprehensive guide on the *Preparedness, prevention and control of COVID-19 in prisons and other places of detention*. The guidance is explicit about the importance of oversight and independent scrutiny during the pandemic:

'The COVID-19 outbreak must not be used as a justification for objecting to external inspection of prisons and other places of detention by independent international or national bodies whose mandate is to prevent torture and other cruel, inhuman or degrading treatment or punishment; such bodies include national preventive mechanisms under the Optional Protocol to the Convention against Torture.'

(Preparedness, prevention and control of COVID-19 in prisons and other places of detention, p.5)

4. Staff are advised to familiarise themselves with this document for their own safety and the safety of others. Additional guidance below is based on specific HMI Prisons working practices.

Who will be involved in inspections?

5. Four to five HMI Prisons staff members will be involved in the inspection of each court cluster.
6. All open court custody facilities in the cluster will be visited as part of the inspection. This means that HMI Prisons staff will visit different courts in the cluster on consecutive days.

Key workers

7. The Ministry of Justice (MoJ) has agreed that HMI Prisons staff carrying out inspections are designated as key workers, and will be issued with documentation to confirm this. This will also allow staff to register and arrange key worker childcare if required.
8. As key workers, HMI Prisons staff are able to travel across the UK to undertake court custody inspections, including between areas which may be under differing local COVID-19 alert levels or during a national lockdown.

Exclusions

9. NHS guidance identifies individuals who are at high risk (clinically extremely vulnerable) and individuals who are at moderate risk (clinically vulnerable) (available at: www.nhs.uk/conditions/coronavirus-covid-19/people-at-higher-risk-from-coronavirus/). All HMI Prisons staff who are classified as either high risk (clinically extremely vulnerable) or at moderate risk (clinically vulnerable) will complete a risk assessment with their line manager to identify if they are able to visit court custody facilities and whether any specific mitigating measures are required to support them to do so. While every individual will be assessed on a case-by-case basis, those in the clinically extremely vulnerable category will not be able to work in any environment where strict social distancing is not possible at all times, and are therefore very unlikely to take part in inspections.
10. In addition, recent research carried out by the Office for National Statistics and Public Health England (PHE) identifies a number of other disparities in the risks and outcomes of COVID-19, including for older people and people from black and minority ethnic communities (available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/890258/disparities_review.pdf). While the NHS and PHE are not currently advising any specific actions to manage and mitigate risks for people in these groups, HMI Prisons will offer a risk assessment to any member of staff who feels particularly concerned as a result of their personal circumstances.
11. Staff who may also have additional risk due to their caring responsibilities or family situations should discuss with their line manager to explore whether alternative working arrangements can be put in place.
12. The risk assessment process will be kept under regular review. All existing individual staff risk assessments will be reviewed in light of any new national announcements and/or restrictions. In addition, all staff will be asked to reflect on whether they are potentially more at risk as a result of new national announcements and/or restrictions. If that is the case, they will be required to complete a risk assessment with their line manager.

Staff deployment

13. Staff are expected to comply at all times with [national social distancing and hygiene guidance](#), as well as with any local restrictions in the area in which they live, to reduce the risk of contracting the virus.
14. To mitigate any risks as far as possible, HMI Prisons has arranged weekly at-home PCR testing for all staff to be deployed on inspections. The testing should be carried out on **Thursday** each week. This should mean that staff have the result shortly before attending an inspection the following week, although this cannot be guaranteed. Staff are not required to have received the result of their latest test before attending an inspection. Routine testing is designed to reduce risk and enable track and trace processes. If a member of staff receives a positive result from a PCR test after they have already travelled away from home, they should wear a PPE level face mask (not a face covering) and seek advice from NHS 111 on how to safely return home. The Secretariat should be alerted and will assist with any travel or accommodation arrangements. If staff are staying in a hotel or using a hire car, they should make sure they inform hotel management on site and the Enterprise branch which supplied and which will be collecting the hire car (if different).
15. We aim to also provide all staff undertaking inspection with lateral flow test (LFT) kits, which will be taken before they leave home. In line with government guidance, a positive result from an LFT requires an individual to arrange a PCR test.
16. Any staff member who tests positive for COVID-19 must inform their line manager and the Secretariat immediately and begin a period of self-isolation.
17. The measures outlined in detail below are also designed to reduce and mitigate this risk where possible while undertaking inspections.
18. In addition, HMI Prisons aims to reduce the likelihood of transferring the virus between court custody facilities where there is a heightened risk that we might do so. All deployment decisions will take account of previous deployments as part of the dynamic risk assessment process. This will happen especially when sites previously visited (usually within 14 days) are designated outbreak sites by Prisoner Escort Custody Services (PECS)/HM Courts and Tribunals Service (HMCTS) and/or PHE. HMI Prisons staff will continue to follow all the risk mitigation measures outlined within this guidance.

Staff with symptoms

19. All staff must report any clinical signs of infection to their line manager and the Secretariat immediately, and must get tested (and receive the results) and begin an appropriate length of self-isolation before returning to work. Symptoms may include a **high temperature** – this means you feel hot to touch on your chest or back (you do not need to measure your temperature); a **new, continuous cough** – this means coughing a lot for more than an hour, or three or more coughing episodes in 24 hours (if you usually have a cough, it may be worse than usual); and a **loss or change to your sense of smell or taste** – this means you have noticed you cannot smell or taste anything, or things smell and taste different to normal.
20. Staff who have been contacted by the NHS Track and Trace service and who have been instructed to self-isolate as a result must inform their line manager and the Secretariat immediately so that their deployments can be rearranged.

Risk assessment

21. After announcing the inspection, and before visiting a court custody cluster, the coordinating inspector will liaise with a single point of contact for the cluster to review whether there are any specific or developing COVID-19 risks in the area. The coordinating inspector and team leader will then consult with the Deputy Chief Inspector and Secretariat to undertake a dynamic risk assessment – based on information received from the court custody cluster and additional intelligence gathered, including from PHE about community transmission in the local area – on the Friday before the start of the inspection. This dynamic risk assessment will determine if the inspection should go ahead as planned.

Travelling to and from inspections

Driving

22. A current Driving on Duty Risk Assessment should be in place. Newly completed forms should be sent to Lesley Young (Head of Finance, HR and Inspection Support) and Umar Farooq (HR Manager).
23. Staff should use Enterprise hire cars in keeping with HMI Prisons' usual policy. Requests for cars should be made as normal by contacting Caroline Fitzgerald (Inspection Support Officer). Enterprise car hire are cleaning their hire vehicles between customers, but when first using the car, members of staff should check that the car is safe to use, including by cleaning the seat, steering wheel and controls.
24. If a member of staff uses their own vehicle, mileage claims should be made via SOP as usual: at the Public Transport Rate for the longer journey from home to the inspection and back, and at the Standard Rate for shorter journeys between the hotel and court custody facility during the inspection.
25. If it is agreed that a member of staff may use their own vehicle instead of a hire car specifically as a reasonable adjustment and mitigating measure on the basis of a personal risk assessment (see points 11-12 above), they may claim the Standard Rate mileage for all parts of the journey.
26. All staff using their own vehicle must have car insurance which includes business use. Members of staff who need to arrange an increase of the level of insurance will not be able to recover any charges levied by their insurers. A copy of the insurance policy showing the required level of cover should be lodged with Lesley Young (Head of Finance, HR and Inspection Support) and Umar Farooq (HR Manager).

Refuelling

27. Where possible, staff should use garages that offer a 'pay at pump' option and should wipe the handle of the petrol pump before use. While balancing the need to refuel on multiple occasions, staff should aim to keep the refuelling costs below the limits permitted for contactless payment (most banks have raised the limit on debit and credit cards to £45 to reduce the need to use keypads to make payments). Staff should sanitise their hands when they have finished refuelling.

Public transport

28. Staff who do not drive should take public transport, which will most likely be a train. When travelling on public transport, they should follow government advice on travelling safely (available at: <https://www.gov.uk/guidance/coronavirus-covid-19-safer-travel-guidance-for-passengers#public-transport>). This includes:

- Wearing a face covering (this is mandatory in England and Scotland, and Wales)
- Avoiding travel at peak hours
- Using an electronic ticket on their phone
- Practicing social distancing
- Washing hands as soon as possible upon arrival

Getting to and from the train station, courts and hotels

29. Staff travelling to a court custody cluster by train may arrange to travel from their home to a train station by taxi, in recognition that they will be carrying luggage and to minimise the use of buses and tubes (which are likely to be more crowded). Where possible, a taxi firm should be used which has a dividing screen between driver and passenger. It is mandatory that staff wear a face covering for the duration of the journey. Staff may also travel from the train station to their home by taxi.

30. Claims for fares should be made in the usual way via SOP and members of staff should ensure they include reference to the costs incurred in carrying out key work due to COVID-19 in a note against the claims.

31. Staff travelling between a train station, courts and hotels may choose either to book a taxi or to share a vehicle with a colleague who drives. If several colleagues are booking a taxi, they should seek to book separate taxis where possible so that only one passenger travels in each taxi. If sharing a vehicle with a colleague, this should be done with the consent of the driver and staff should follow government advice on vehicle sharing for essential journeys (available at: <https://www.gov.uk/guidance/coronavirus-covid-19-safer-travel-guidance-for-passengers#private-cars-and-other-vehicles>). This includes:

- Staff should 'buddy up' for the duration of the inspection so that they travel only with the same person each time
- Staff should open car windows for ventilation
- Both passenger and driver should wear face coverings
- The passenger should sit in the rear seat, behind the front passenger seat, giving the greatest separation distance between the two people in the vehicle.

32. The coordinating inspector should liaise with other team members ahead of the inspection to identify the transport requirements of each member of staff and agree a transport plan with all members of the team ahead of the inspection.

Hotels and meals

33. Staff will need to stay in hotels to enable multi-day visits to court custody facilities. Hotels will be chosen via usual MoJ booking systems. Staff will only stay in hotels which have COVID-19 systems in place, and the hotel's guidance will be shared with staff ahead of their stay.

34. When staying in hotels, staff should practise social distancing and wash their hands frequently, particularly after touching common surfaces and high use areas.

35. In addition to any national restrictions, all staff should familiarise themselves with the local COVID-19 alert level in the area in which they are staying and ensure they adhere at all times to local restrictions, including on mixing with people from another household (such as HMI Prisons colleagues) in restaurants.
36. Staff should maintain social distancing while eating meals and make use of 'grab-and-go' meal services, room services, hotel restaurants, nearby restaurants or supermarkets to buy food.
37. The Secretariat will provide advice on the hotel's meal arrangements and on nearby restaurants and supermarkets.

Reducing transmission of the COVID-19 virus during an inspection

38. The WHO identifies two main ways to transmit the infection (see section 7.3 of https://www.euro.who.int/_data/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf):
 - *infection can be spread to people who are nearby (within 1 metre) by breathing in droplets coughed out or exhaled by a person with the COVID-19 virus; or*
 - *people may become infected by touching contaminated surfaces or objects (fomites) and then touching their eyes, nose or mouth (e.g. a person may touch a doorknob or shake hands and then touch their own face).*

Washing hands

39. Staff should wash their hands frequently and for at least 20 seconds. They should do this on arrival at a court custody facility, immediately when arriving back at the hotel or at home, and frequently during the visit. Staff should be aware that gates, railings and door handles are high-risk contamination points. Staff should avoid touching their face after making contact with these surfaces. See below for a practical guide on hand washing.

Hand sanitiser

40. All staff should carry hand sanitiser, which should be used frequently in between hand washing opportunities. It is more efficient for staff to purchase this themselves and claim back the costs from HMI Prisons. Staff should check that the sanitiser is effective against viruses.

Bringing items into court facilities

41. Staff must limit the quantity of items they bring into a court custody facility as far as possible. Bags should not be carried unless attached to the person. Notepads should not be placed on surfaces, and pens should remain in the inspector's possession and not placed in the mouth.

Eating

42. Staff are encouraged to bring their own food and appropriate utensils, and to wash their hands thoroughly before eating all food, including fruit and sweets. All items taken back to the hotel or home should be thoroughly washed and packed away after use.

Social distancing

43. Staff are expected to maintain a two-metre distance from others during the visit. Staff should be aware that some areas within court custody facilities may be less than two metres in width and should consider this when moving around, making every effort to plan a route which enables them to maintain distance from others.

Face coverings

44. If visiting an area of the court custody facilities where staff judge it will be difficult to maintain a two-metre distance from others, staff should wear a face covering for others' protection. HMI Prisons has made arrangements with the MoJ to procure regular supply of reusable face coverings to provide to staff undertaking inspections.

Speaking to detainees

45. Staff should be careful when entering areas where air flow is limited, such as small offices and cells. Encourage people to talk in open spaces. Do not talk to detainees through the gaps in cell doors as air flows can be directed to either person's face. If you wish to speak to a detainee directly, the advice is to do this with the door open and standing at least two metres apart. Staff are reminded to undertake the usual security arrangements when asking court staff to open a cell.
46. Some detainees may be isolated because they are suspected or confirmed to have COVID-19. HMI Prisons staff should pay attention to any signage or briefing notes that identify areas where prisoners may be isolated due to COVID-19. If staff need to interview these detainees, they should use personal protective equipment (PPE).

Personal protective equipment (PPE)

47. If inspectors need to interview a detainee who is isolated, they must agree this with the team leader. HMI Prisons has secured a modest supply of PPE for this purpose. Should PPE not be available on a specific occasion, it will **not** be possible to interview the detainee in person.
48. The minimum level of PPE that staff should wear when interviewing detainees who are being isolated because they are symptomatic is:
 - disposable gloves
 - disposable medical mask
 - a disposable full gown or apron
 - disposable eye protection (e.g. face shield or goggles).
49. When engaging with detainees who are isolated due to suspected or confirmed COVID-19, staff should maintain social distancing as well as use PPE. Staff should keep contact to a minimum to reduce exposure. At the end of the conversation with the detainee, it is imperative that staff immediately and safely remove PPE as outlined in the guidance below.
50. Putting on and taking off your PPE correctly is important (see guidance below). The court custody facility will help with disposal of any PPE, but please ensure that you ask staff about any specific procedures for disposal and the location of the clinical waste bins. You must wash your hands immediately after removing PPE.
51. For all staff, PPE must be changed after each interaction with a suspected or confirmed case. In the unlikely event of PPE being required for a prolonged period, it must be renewed every four hours.

Emergency resuscitation

52. Staff must not attend any emergency resuscitation incidents as this will require an additional level of PPE due to the aerosol effect of the procedure.

Feeling unwell

53. If staff begin to feel unwell while on site or feel that they have developed symptoms of COVID-19 they should be vigilant in maintaining social distance and arrange to leave the court custody facility as soon as possible. They must inform a team member prior to leaving, and the team leader must inform the court delivery manager as soon as possible.

After a visit

54. When returning home, clothing worn during the visit should be laundered at the maximum approved temperature and with a bleach-based laundry product.
55. Should a member of HMI Prisons staff develop symptoms shortly after visiting a court custody facility, they must let their team leader and Lesley Young (Head of HR, Finance and Inspection Support) know immediately. HMI Prisons will HMCTS (Head of Contracted Services). Similarly, should an outbreak be identified in a court cluster shortly after inspectors have visited, HMCTS will alert HMI Prisons.
56. All staff who develop symptoms should arrange to be tested at their local testing centre.

Hand-washing technique with soap and water



1 Wet hands with water



2 Apply enough soap to cover all hand surfaces



3 Rub hands palm to palm



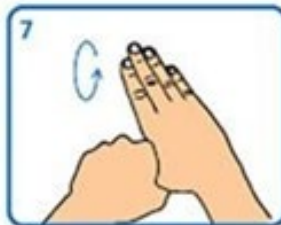
4 Rub back of each hand with palm of other hand with fingers interlaced



5 Rub palm to palm with fingers interlaced



6 Rub with back of fingers to opposing palms with fingers interlocked



7 Rub each thumb clasped in opposite hand using a rotational movement



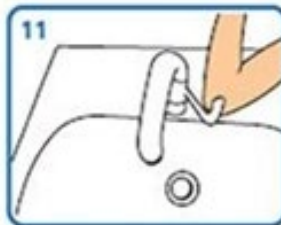
8 Rub tips of fingers in opposite palm in a circular motion



9 Rub each wrist with opposite hand



10 Rinse hands with water



11 Use elbow to turn off tap



12 Dry thoroughly with a single-use towel



13 Hand washing should take 15-30 seconds

Putting on personal protective equipment (PPE)

The order of putting on PPE is: apron, facemask, visor and gloves.



Apron

- Pull over head and fasten at back of waist



Facemask

- Secure ties or elastic bands at middle of head and neck
- Fit flexible band to bridge of the nose
- Fit snug to face and below chin



Visor

- Place over face and eyes and adjust to fit



Gloves

- Extend to cover wrist

Use safe work practices to protect yourself and limit the spread of infection.

- Keep hands away from face
- Change gloves between tasks and when torn or heavily contaminated
- Limit surfaces touched
- Regularly perform hand hygiene

Removing personal protective equipment (PPE)

PPE should be removed in an order that minimises the potential for cross-contamination.

The order of removing PPE is: gloves, apron, visor and facemask.



Gloves

- Grasp the outside of the glove with the opposite gloved hand; peel off
- Hold the removed glove in the gloved hand
- Slide the fingers of the ungloved hand under the remaining glove at the wrist
- Peel the second glove off over the first glove



Apron

- Unfasten or break ties
- Pull apron away from neck and shoulders lifting over head, touching inside only
- Fold or roll into a bundle



Visor

- Handle only by the headband or the sides



Facemask

- Unfasten the ties – first the bottom, then the top
- Pull away from the face without touching front of facemask

Perform hand hygiene immediately after removing all PPE.

All PPE should be removed before leaving the area and disposed of in a sealed plastic bag in a household wheelle bin.

Useful websites

World Health Organisation

Preparedness, prevention and control of COVID-19 in prisons and other places of detention

http://www.euro.who.int/_data/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf

GOV.UK

Coronavirus (COVID-19): what you need to do

<https://www.gov.uk/coronavirus>

Guidance on social distancing for everyone in the UK

<https://www.gov.uk/government/publications/staying-alert-and-safe-social-distancing>

Stay at home: guidance for households with possible coronavirus (COVID-19) infection

<https://www.gov.uk/government/publications/covid-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-covid-19-infection>

Safer travel guidance for passengers

<https://www.gov.uk/guidance/coronavirus-covid-19-safer-travel-guidance-for-passengers>

Wearing a face covering: guidance on how to wear and make a cloth face covering

<https://www.gov.uk/government/publications/how-to-wear-and-make-a-cloth-face-covering/how-to-wear-and-make-a-cloth-face-covering>

Taxis

London Black Taxis

<https://www.londonblacktaxis.net/>

Dialcab

<https://www.dialcab.co.uk>