**GOLD BRIEFING: HMPPS RESPONSE TO THE NATIONAL RESTRICTIONS IN ENGLAND FROM 05/11/20.**

As you are aware the UK Government has announced a month-long period of further national restrictions in England to slow the spread of COVID-19 in the community from Thursday 5th November. The HMPPS Leadership Team (HLT) have now agreed the prison operating model to be applied during this period. This is summarised in the briefing below. As Welsh prisons are already operating under an equivalent “fire-break”, measures outlined below apply to establishments in England only but there has been a focus on consistency across the two nations.

**Summary**:

The National Framework remains in place andall prisons in England **will remain largely at Stage 3 but with further progression to stage 2 temporarily suspended**. Individual establishments will revert to Stage 4 as required by local risk management such as during an outbreak or severe staffing constraints, but this will be determined on a site by site basis. This will be a joint decision between Governors / Directors with PGDs, with advice from Outbreak Control Teams (OCTs) where in place, and ratified by Gold. We will continue to monitor the national regime position via the weekly Heat Map Panel. The monitoring of data may result in prisons becoming Red sites during this period and the need to undertake further regime reviews to manage the risk.

We are not triggering a full national lock down as we did in March, which under the national framework would be Stage 4. There are different considerations in the prison estate than the community and we are largely exempt from the new regulations. Protracted heavy restrictions on regimes can have an adverse impact on the wider health and well being of prisoners, and is a risk. We have therefore sought Public Health advice to guide the most appropriate regime during this period of further national restrictions.

Establishments are required to carry out an **immediate regime review** to determine which live regime elements should continue to operate for the next four weeks. The subject-specific parameters listed below outline the key areas of focus when undertaking this review.

A small number of regime elements are subjected to **mandatory suspension** and must cease from Thursday 5 November. Others are subject to **advisory suspension** and can only continue under local risk assessment. These elements are closed in the community, have been closed in Welsh prisons and should only continue where there is a clear negative impact that will result from their suspension which is assessed and recorded as a defensible reason to maintain the activity. All other elements referenced can continue **without changes** during this period of heightened risk. Due to the heightened risk all establishments are required to implement additional measures as outlined below:

* Governors/Directors in red sites must mandate that **FRSMs** **are worn by staff** **in all areas** for the duration of the lockdown period including regime areas listed overleaf.
* Governors/Directors in red sites may choose to mandate that face coverings are worn by prisoners in all areas for the duration of the lockdown period including regime areas listed overleaf.
* Governors/Directors in Green or Amber sites should consider widening the use of FRSMs for staff and face coverings for prisoners for the duration of the lockdown period if they assess that the risk warrants this approach.
* All regime activities must be limited to one regime group at a time with a focus on reducing the mixing of different groups.
* Hand-hygiene, cleaning, social distancing, compartmentalisation controls and Safer Operating Procedures (SOP) specific to all activities must be communicated and enforced effectively.
* All contact and movements between wings/residential areas or within activities areas should be minimised. Establishments may need to review how essential services such as food, activities movements and medication collection take place during the next four weeks.
* Consideration should be given to minimising or removing the cross deployment of staff maintaining consistency in the deployment of staff to regular work areas.

**Subject specific guidance:**

The following requirements must be incorporated into regime reviews. The required position in all cases must be implemented and communicated at the earliest opportunity;

**Mandatory suspension:**

1. **Face-to-face social visits** must be suspended at all sites**.** The only face to face visits that will operate are those facilitated under exceptional, compassionate circumstances which a Governor can approve locally. Visits to children in the YCS will continue under an exemption to this rule. Video calls through Purple visits must be facilitated and prioritised.

**Advisory suspension:**

1. **Faith services** involving prisoners mixing from different areas must be suspended in line with the community and our approach in Wales, though pastoral services must continue. Establishments may still allow individuals or small numbers from the same regime group to attend an activity such as small prayer group where the suspension of this support would cause a significant detrimental impact or risk supports this activity. Such activities must be documented and approved by the PGD. This will be subject to further review.
2. **Access to attend prison libraries** must be suspended though access to materials/books can continue in line with community provision. Establishments may by exception allow individuals or small numbers to attend the library where the suspension of this support would cause a significant detrimental impact. Such activities must be documented and approved by the PGD. This service is run by external partners meaning that this position may change. Establishments will be informed of any updates.
3. **Access to barbering/hairdressing** services must be suspended in line with the community, inclusive of on-wing barbering. Establishments may by exception allow individuals to attend a Barbering/Hairdressing facility under exceptional circumstances where the suspension of this facility would cause a significant detrimental impact. Such activities must be documented and approved by the PGD.

**Continuation and prioritisation:**

1. **Face-to-face official visits** are not suspended and must be prioritised. Remote access via telephone or digital should be prioritised wherever possible but establishments must continue to offer the option of a face to face visit to those legal representatives who require or request it. Legal representatives and prisoners must wear face coverings at all times during face to face visits and social distancing must be maintained.
2. **Access to PE** can be maintained. Establishments cannot open new sporting activities without the express permission of Gold Command, but can maintain access to existing activities, already operating under an approved LOP and associated risk assessments and can be delivered to single regime groups. This can include outdoor or indoor activities but social distancing must be maintained at all times and no contact or team sports can therefore be included. Staff will not be permitted to use PE facilities at this time and will be considered further in the coming days.
3. **Key-work** must be prioritised at all sites. Key work enhances safety within establishments through improved staff prisoner relationships. Reductions in delivery of key work will likely have an adverse effect. The attached EDM sets out criteria and guidance on the adapted Key Work requirements. All Establishments must operate a local model that has been agreed with their PGD throughout lockdown.  Those establishments that are only starting their key-work provision now, must seek their PGD approval before doing so. Establishments should ensure that the OMU work is being prioritised where possible this includes maintaining Parole Board access either remotely or face to face where assessed as safe to do so.
4. **Access to opened workshops** can be maintained. Establishments cannot open new work areas or workshops without the explicit permission of GOLD command, but can maintain access to existing facilities. Social distancing must be maintained at all times and activities must be confined to existing regime groups.
5. **Access to education areas** can be maintained. Establishments cannot open new education areas but can maintain access to existing facilities. Social distancing must be maintained at all times and activities must be confined to existing regime groups. This service is run by external partners meaning that this position may change. Establishments will be informed of any updates.
6. **ROTL** can be maintained for purposes of work placements, education or hospital appointments though only provided that attendance does not breach community restrictions in the relevant area. Establishments must also continue to invite applications for ROTL on compassionate, exceptional and extenuating grounds subject to the same caveats.
7. **Offender Behaviour Programmes (OBP)** can be maintained where this has been already agreed under the EDM process. Sites without an agreed OBP EDM should not initiate programmes unless sessions can be delivered in a COVID safe way under a local risk assessment which must be agreed by GOLD.
8. **Health** – we must continue to support and enable the delivery of clinical health services in prisons.

**General guidance:**

* + - 1. The guidance on **shielding** in the community for clinically extremely vulnerable (CEV) individuals has been updated. A separate letter is being issued today to inform establishments and staff on the impact that this will have on **staff** who are classed as CEV.  Establishments should refer to this separate guidance but should be aware that staff in the CEV category should work from home or be on paid special leave if unable to do so for the duration of the national restrictions.

**Shielding** on a voluntary basis must continue to be offered to eligible prisoners. **Prisoners** who meet the clinically extremely vulnerable criteria should be strongly advised to shield until government advice changes (expected 2 December).  NHS colleagues will issue a letter to this effect to all shielding-eligible prisoners in the near future.

1. **Transfers** will continue to operate in the normal controlled manner. Any desire to suspend prisoner transfers in or out must still be approved by Gold and PMU.
2. **In-cell enhancements** will continue to offset the impact of regime restrictions. Free PIN credit, supplementary food packs, payments for those not able to access work and suspension of the removal of TV for breaches of discipline are unaffected at this time.
3. **Headquarters staff, Contractors and third sector agencies** should continue to have access to establishments to conduct their work, unless this can be done remotely or delayed. Third sector services to support rehabilitation can continue in line with agreed EDMs where covered by an existing LOP.
4. Governors/Directors in the Youth Estate are requested to maintain **education, including PE lessons, as well as on-site** advocacy for children in custody wherever it is safe to do so.
5. **Release -**HMPPS cannot keep an individual within custody beyond their scheduled release date inclusive of COVID-19 cases. When a prisoner has reached their appropriate custody release date, they must be released, albeit with additional safeguards in place.  Continued detention thereafter is unlawful. If a prisoner wants to stay beyond their release date voluntarily due to being symptomatic, they cannot and a suitable release location must be secured. HMPPS originally published guidance on this area in May following consultation with PHE. This guidance is currently under review and a v2.0 will be issued in the near future, in the meantime the May guidance remains live. Prison based OM staff must liaise closely with probation colleagues in the community to manage these discharges noting particularly the status of the individual as positive/negative, a contact or awaiting a test result.

May I take this opportunity to record my personal gratitude and appreciation for the commitment and resilience that all colleagues and partner agencies are displaying in safeguarding the wellbeing of prisoners, residents and staff during these unprecedented times. We will keep the position in regards to this bulletin under continuous review but welcome any questions. Please send these to the COVID-19 Prison Regime Team at COVID19.Regimes&OpsGuidance@justice.gov.uk

Kind Regards,

Ed Cornmell

Gold Commander