Use of

Basic Incentive Level

* Covid 19 -

Keeping people safe from the pandemic has meant that people are spending a significant amount of their time without access to the usual regime. This can have a serious impact on people’s mental health and wellbeing, and the longer this goes on for, the more frustrating and difficult it becomes for our prisoner population as well as for our staff managing this and supporting prisoners.

As a result, we need to continue doing everything we can to minimise any negative impact of prolonged restricted regime.

Position on Basic

There remains an expectation that Basic should continue to be used **only in exceptional circumstances** and for the shortest time possible. When considering what constitutes exceptional circumstances Governors should take into account their own local risk factors and needs of their establishment which will differ across the estate, and communicate this clearly to staff.

**This is a continuation of the current policy and as a result it is not expected that the use of Basic will increase**. The below provides guidance to support prisons in their decision making and monitoring process.

**Only to be used as a last resort** where other ways of managing and supporting an individual have been considered and tried. Decisions of Custodial Managers (CMs) should take into account each prisoner’s individual circumstances, vulnerabilities, risks and needs and the completion of the attached Defensible Decision Consideration for Use of Basic form is mandatory. In making decisions, CMs should seek and consider the input of all staff including wing staff but also others who can inform the decision especially regarding the risks and vulnerabilities of the prisoner. This could include wing staff, keyworkers, mental health, physical health, chaplaincy, substance misuse workers for example.

If using Basic, **removal of a television should not be automatic**. Any decision to remove a television must be fully considered and documented, and clearly communicated to the prisoner. Other support and activities to provide distraction and protect wellbeing must be offered and evidenced.

If a television is to be removed, **this must only be for the shortest period possible** and all improvements in behaviour taken into account when deciding to return it. Staff should also consider frequency of television removal – multiple short periods of removal should not be used instead of a long period of removal.

**Informal sanctions outside policy are not permitted** as these undermine legitimacy and impact on procedural justice. It is critical to prisoner wellbeing, compliance and good behaviour that prisoners feel they are being dealt with fairly

Establishments should refer to the Incentives Policy Framework and local operating procedures for progression or regression of other incentive levels.

Process for decision-making and recording

If faced with challenging behaviour which might warrant use of Basic level, staff should use the following process. A wing poster has been produced as a memory prompt when on wing – managers should ensure copies of this are available.

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| **Action** | **Owner** | **Detail** |
| Decide whether to place someone on Basic | Custodial Manager | The Defensible Decision Consideration for Use of Basic form will help Custodial Managers to consider all alternatives and choose the most appropriate course of action, as well as being a record of this decision-making. This form must be completed as fully as possible, ensuring that all decisions are evidenced and therefore defensible.Consider:* Is this really an exceptional circumstance?  Explain why you consider this to be exceptional.
* Is the behaviour so persistent and/or severe that this is deemed to be necessary?
* Have **all** other options to manage/support the individual been exhausted?  For example, has CSIP been considered if there is violent behaviour?
* What are the needs of and risks of the individual?  Have other teams been, or do they need to be, involved in the decision?  How might this decision impact on an individual’s risk factors?
* Is the prisoner on an open ACCT? If so, speak to the Case Manager, read the Care Map and consider whether using basic will increase the risk of suicide and/or self-harm.
* Have you given the individual the opportunity to input to the consideration, and taken their contribution into account?
* What other support are you going to offer the individual to improve their behaviour while on Basic to ensure they remain at this level for as short a time as possible?
* How will you recognise improvements made?
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| Initial decision check  | Designated Manager | An operational manager/governor grade must ensure they are satisfied with the downgrade of incentive level to Basic, within 72 hours of the CM’s initial decision. This check should involve a review of the reasons for the decision and defensibility. If the TV has been removed, confirm that this is proportionate.Where concerns about the decision are identified, the senior manager should: 1. consult with the CM to fully understand the decision-making process and any wider context.
2. Where necessary, the Defensible Decision Consideration for Use of Basic form should be updated with additional information.
3. If the designated manager still has concerns about the safety of the prisoner or the defensibility of the decision to downgrade, they may return the prisoner to the standard incentive level ensuring this is discussed with those originally involved in the decision.
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| Set the incentive level review period  | Custodial Manager | The maximum review times that are detailed in the Incentives Policy Framework are to be temporarily reduced. Until further notice, all reviews of Basic level must take place within 72 hours as a maximum. These reviews must be undertaken as early as appropriate, for example if you see an improvement in behaviour, to minimise the time prisoners spend under additional restrictions.  |
| Record and communicate the decision  | Custodial Manager | If the decision is taken to place a prisoner on Basic this must be recorded:* + In the Defensible Decision Consideration for Use of Basic form
	+ In a local assurance log (varies locally but example provided below)
	+ In the establishment’s Silver Defensible Decision Log
	+ On NOMIS and
	+ In an individual’s ACCT document, if applicable

The decision must be communicated clearly to the individual and expectations set. The individual’s understanding of the decision must be checked. |
| Review incentive level | Designated Manager | Reviews should use the review form annexed to the Defensible Decision Consideration for Use of Basic form.At a review point the decision to remove a television for a short period of time might be taken. Again, this should be fully reasoned and documented. Such decisions should be taken only as a last resort and should be reviewed and TVs returned as soon as possible.  |
| Assure use of Basic  | Governor | Prisons must ensure they have local governance and assurance in place for all use of Basic. This might include:* Appointing one governor grade to ‘own’ assurance of Basic – possibly Head of Residential Services
* Regular discussions at Safety Intervention Meeting (SIM)
* Regular reporting to PGD/Group Safety Lead
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Other documents available [here](https://hmppsintranet.org.uk/except/2020/04/15/iep-status/):

Defensible Decision Consideration for Use of Basic form

Local monitoring log

Wing poster