**Gold briefing: Prison regime delivery in December, Christmas and into 2021.**

**Introduction**

We wrote to Governors and Directors on 4 November at the commencement of national restrictions in England to announce a temporary regime model for prisons. National restrictions cease on 2December and equivalent “firebreak” restrictions in Wales ended on 9 November. This briefing outlines prison regime requirements following the removal of national restrictions. This briefing is split into three sections:

1. The period immediately post national restrictions up to Christmas.
2. The Christmas period.
3. Conclusions from the Winter Regime Review, including some small amendments to the Stage 3 EDMs for the new year onwards. (Full details are attached in Annex A).

We recognise that establishments face an extremely challenging winter and Christmas period and that Governors and Directors will focus on immediate risks and delivering a decent regime before considering any further EDM changes. The minor EDM changes we have made are primarily focused on correcting inconsistencies and updating existing practice but we recognise many establishments (particularly those in higher tiers) are unlikely to be able to expand their regime in the short term. Nevertheless we are publishing them at the earliest opportunity to allow establishments time to plan.

Please note this applies to all establishments, including YCS.

1. **Regime model for post national restrictions and following the Christmas period**

From 2 December England will revert to a refreshed tiered system in the community based on the model that preceded national restrictions. Establishments in England will therefore revert to their pre-lockdown pre-approved Local Operating Procedures (LOP) that they are now able to deliver with existing resources and have access to the pre-approved regime. A number of prisons will remain at Stage 4 due to outbreak risk or resourcing, but the majority remain at Stage 3 with one at Stage 2.

As a default, establishments will continue at their current regime stage. This includes a resumption of prison libraries, social visits (in tiers 1 and 2) and access to Gymnasium/other PE facilities where this remains COVID safe. Governors and Directors can determine locally which of their previous LOPs remain deliverable at this time in liaison with their PGD, local Trade Union officials; and Outbreak Control Teams (in the case of live outbreaks). We recognise the staffing position and outbreak status has changed in some sites, making an automatic return to their pre-restriction position unattainable for some at this stage.

Further guidance on specific areas is provided below:

**Extraordinary Heat map panel**: This will convene on 1December to determine the RAG status of establishments in England at the point that national restrictions end based on the refreshed national tiers and local prevalence/outbreak status at that time. The existing heat map process will continue thereafter. This will determine reverse cohorting requirements (Red and Amber) and guide establishments on levels of regime and required responses where there is an identified heightened risk (Red status). The extraordinary panel will also consider the RAG rating of all prisons in Wales.

**Progression**: The weekly Gold regime panel will continue to consider readiness assessments for Stage 3 EDMs and progression to Stage 2. Prisons will not be prevented from moving to Stage 2 however we recognise that progression during this period will be highly unlikely and only viable for a very small number of establishments (e.g. possibly an open prison where resource efficiency can be achieved by moving to Stage 2). We expect some local variation and regression at individual establishments as required, informed by local risk assessment or recommendation for OCT, subject to Gold approval.

**Social visits:** Establishments in tier 1 and 2 areas and Wales can reintroduce social visits but sites in tier 3 cannot do so at this stage. Individual visits to stage 3 prisons may be permitted for compassionate reasons (including visits to children in custody). Social visitors living in tier 3 areas should not be allowed to attend a visit to any location unless it’s for a compassionate reason. Establishments outside tier 3 locations can only suspend social visits by prior agreement with Gold. Establishments in Wales are able to deliver social visits for visitors from Wales subject to any outbreak control measures but current travel restrictions in Wales mean that visitors from England cannot visit Welsh establishments except on compassionate grounds. Those resident in Wales are similarly not able to visit prisons in England, except on compassionate grounds. All establishments should prioritise social visits video calling and offer access for official/legal visits throughout.

**Fluid Resistant Surgical Masks (FRSM)**: It was temporarily mandated that all red sites for the duration of the national restrictions would require staff to wear FRSMs in all areas. This requirement has been rescinded and the pre-existing strategy and the three-tiered model governing the deployment of face masks has been refreshed and reintroduced. Governors and Directors in red sites should though consider the continued use of FRSM (and face coverings) in all high risk areas and have flexibility to do so within the updated strategy which is available at <https://hmppsintranet.org.uk/except/2020/10/12/face-masks/>

**Women’s Estate Safety Measures:** We are developing measures specifically to support the women’s estate and to address the concerning recent rise in self-harm. This includes measures to temporarily bolster the availability of staff to deliver a more consistent regime, wellbeing checks and increased opportunities for family contact through video calls and enhanced pin credit. As an extension to this programme, four establishments in the male estate are also piloting a scheme to temporarily increase social visits video calling over the festive period to evaluate the feasibility of increasing access more widely across the estate.

**Workshop:** Essential workshops should be maintained in the period immediately after the relaxation of national restrictions and over the Christmas period. PSPI will work alongside the local management team at sites that are operating essential workshops during this period. Gold will approve any expansion to new essential workshops.

**Shielding:** During the national restrictions in England, staff in the clinically extremely vulnerable group were required to work from home or be at home on special leave.  From 2 December staff in the clinically extremely vulnerable group should work from home wherever possible, particularly where prisons are in tier 3.  If this is not possible, the member of staff’s risk assessment must be reviewed before any return to the workplace, and appropriate controls be put in place.   Line managers should follow the published COVID risk assessment guidance.

**Staff Training and C&R/MMPR** – All essential training can be continued however non-essential training should not be reintroduced. Locally delivered refresher training for MMPR and C&R should now resume on a ‘best effort’ basis. Priority should be given to refreshing C&R advanced trained staff who are relied upon for TORNADO commitment.  Where an establishment is unable meet this requirement, they must submit an explanation and case for exemption to the Prison Group Director. In exceptional circumstances the PGD may give authority for delivery of an alternative half day classroom based refresher, based on theory elements of the training. The curriculum for this is being centrally developed and will be provided. In very few cases, consideration may be given to suspending refresher training in individual establishments. Any suspension should be reviewed at least every 28 days and sent to the Use of Force team at [UoFQueries@justice.gov.uk](mailto:UoFQueries@justice.gov.uk).  The COVID Operational Guidance has been updated to reflect these changes, and can be viewed at <https://hmppsintranet.org.uk/except/2020/04/15/control-restraint/>

**Wales**: Welsh prisons will continue to operate their existing regime model which has been in place since 9 November when firebreak restrictions formally ended. Establishments reverted at this point to pre-lockdown regime levels, subject to any regime restrictions and live outbreak controls.

1. **Regime model for the Christmas period**

Governors and Directors have autonomy to determine their local regime over the Christmas period as normal. In light of the recent communications enhancing family contact in the community over the festive period, it is vital that establishments develop and communicate regime plans as early as possible to structure prisoner expectations. Governors and Directors are encouraged to proactively engage with their population and families using all available means. This includes sharing regime plans with the Prison Families Helpline team so they can answer queries from families.

Establishments may maintain any regime element that is operating under a pre-existing Local Operating Procedure (LOP), and in accordance with published SOPs, but are encouraged to incorporate the following regime enhancements where COVID safe to do so:

**Faith services:** Establishments are encouraged to operate a programme of faith services akin to the community over the Christmas period. HM Government announced on 23 November that “communal worship will be possible for all faiths in all three tiers” over the festive period. Current Welsh Government regulations also permit communal worship. Establishments are encouraged to provide opportunities for religious leaders to come to the site and to deliver COVID-safe services. Establishments may deliver any pre-existing religious service or activity set by Local Operating Procedures (LOP) but may also introduce specific festive services. Attendees must not exceed the number set by LOPs and social distancing and other COVID controls must be maintained.

**Social Visits:** HM Government announced on 23 November that Christmas will involve a “time-limited change to social restrictions over the Christmas period”. The provision of social visits will continue to be managed under community tiers. Establishments in tiers 1 and 2 should maintain social visits. Establishments in tier 3 should suspend social visits but offer compassionate visits where appropriate. During the Christmas period compassionate circumstances could be widened considering the self-harm risk and heightened compassionate considerations for family contact over the festive period (see Annex B); subject to local risk assessment (and OCT support if subject to a live outbreak). Generally, due to travel restrictions in and out of Wales, visitors from England are not permitted to visit Welsh establishments, unless under urgent compassionate grounds. Similarly, residents in Wales are not able to visit prisons in England, except under urgent compassionate grounds.

However, based on the agreed UK wide rules for the festive period, cross-border social visits for the period 23rd to 27th of December will be allowed.

**Family Support Services:** To further enhance family support during the festive period, establishments may engage their Family Support Service providers to deliver additional services over the festive period without an expansion to their Local Operating Procedures. Establishments can build a model for enhanced family support with their local provider, which may incorporate adding family support services to prisoner/resident PIN numbers and enabling Family Support Staff to assist establishments with the delivery of social visits video calling

**ROTL** will continue to operate over Christmas under existing procedures, with no special dispensation for the Christmas period. For establishments at Stage 3 this is primarily ROTL for work or education. ROTL to support family contact is permitted, but ROTL to domestic addresses or overnight stays is only allowed from establishments in Tier 1 and to home addresses in Tier 1, or the equivalent in Wales. We do not intend to relax this for the period of relaxed restrictions in England over the Christmas period, given the heightened risk of infection that this would pose to establishments.

**Extension to regime mitigations:** The regime mitigations which weintroduced across the estate in March 2020 to offset the impact of restricted regimes and maintain stability have been further extended until January 2021 to provide additional support during Christmas. These measures comprise the following:

* **Measures to offset reduced family contact:** £5 additional PIN credit, mobile PIN Phones where in-cell telephony is unavailable, iPads for compassionate use, free video calling
* **Measures to offset reduction in paid activities:** All prisoners including those normally unemployed will continue to receive at least their basic rate of pay.
* **Measures to reduce the impact of protracted time in cells:** provision of free TV and free supplementary food packs.
* **In cell materials -** As normal education delivery is currently reduced the expectation is that providers will deliver enough in-cell learning packs to meet demand.  Depending on whether sites are allowing education staff access to the wings (which is nationally supported) there will be a need to ensure distribution is supported during the festive period.

1. **Winter Regime Review**

The Winter Regime Review set out to assess the guidance and implementation of Stage 3 across the custodial estate to ensure that it was proportionate and sustainable for an extended period of time – particularly in the light of the new mitigations we have in place such as staff PPE, prisoner face-coverings and testing.

We have made several small amendments to EDMs in light of the review, summarised below. These are small changes to clarify issues and improve consistency between EDMs. Implementation of them is subject to the same processes as current adjustments to LOPs, including local trade union consultation. Refreshed EDMs are available at: <https://hmppsintranet.org.uk/except/exceptional-delivery-models/>.

Additionally, during the review we identified several areas where establishments had questions about the scope of their current ability to adjust regimes. A Frequently Asked Questions section is included in Annex A.

**EDM changes agreed under the winter regime review:**

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| **EDM** | **Summary of proposed change** |
| Social Visits | This has been amended to include direct reference to the restarting of limited family support services. This should be in line with current external visitors guidance, fully risk assessed and consulted with recognised Trade Unions and local Health and Justice colleagues as well as the service provider.  Covered within a Gold briefing issued, and therefore the EDM has not been re-published. |
| OBP | Remove the block on transfers for the purposes of OBPs. Transfers should go through PMU in line with current guidance. |
| OMU | In line with external visitors’ guidance and 1:1 interviewing guidance, an explicit note that Through the Gate Services can be restarted. These must be fully risk assessed and consulted with recognised Trade Unions and local Health and Justice colleagues as well as the service provider.  All changes have been encompassed in the newly published keywork EDM. |
| Education | Reflecting the precedent set within the OBP EDM, amend to include provision for 1-1 interview and heavily caveated small group work to facilitate limited classroom-based activity. Small group working as an option needs to be risk assessed locally and should only be done with the same residents from the same cohort and the same staff (i.e. they must be from the same unit/wing and not from different areas of the establishment). Risk assessed access to library could also be considered so that it is consistent with what is allowed in the community. |
| Safety | In line with external visitors’ guidance and safe 1:1 interviewing guidance, to note that establishments can restart Samaritans support for Listeners. This must be fully risk assessed and consulted on with recognised Trade Unions, Health and Justice colleagues and the service provider.  Covered within updated Cross Site Working Guidance. |
| Physical Education | Reflecting the precedent set within the OBP EDM, amend to include provision for 1-1 interview and heavily caveated small group work to facilitate classroom-based PE. Small group working as an option needs to be risk assessed locally and should only be done with the same residents from the same cohort and the same staff (i.e. they must be from the same unit/wing and not from different areas of the establishment. |
| Industries | Updated PSPI / NFN list of priority workshops. |
| ROTL | Resettlement Day Release and Resettlement Overnight Release ROTL to domestic addresses may now be considered by establishments. Any approved RDR or ROR ROTL from a domestic address must be from a site in a Tier 1 area and must be to an address in a Tier 1 area. RDR and ROR ROTL to a domestic address cannot be approved from an establishment with a declared Outbreak. |
| YCS Education, PE and Libraries | * [PE & education] Flexibility on family group mixing and expansions – allow for Children and Young People (CYP) with similar needs to mix, rather than restricted to one family group where this is safe and on the basis of a risk assessment * [PE] Reintroduction of classroom-based PE activity (first aid, D of E, healthy living courses, etc.) * [PE] External partner projects recommencing (Leeds Rhinos, for example) with adherence to local guidance / tier level. |
| YCS CuSP | * Review of CoSP / CuSP delivery table – enabling increased delivery of face-to-face CuSP but maintain flexibility to deliver CoSP where necessary. |
| YCS Approved Interventions | * Flexibility on family groups mixing and expansions – allow for CYP with similar intervention needs to mix, rather than restricted to 1:1 or family groups who may not have the same needs. This must be fully risk assessed and relevant Trade Unions consulted. * Removal of psycho-educational worksheets as an intervention delivery |

1. **Addendum**

**Annex A – Winter Regime Review**

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**Annex B – Safety Considerations over Winter/Christmas**

