**GOLD BRIEFING – NATIONAL RESTRICTIONS 05/01/21**

As you are aware the Prime Minister announced on 4 January 2021 that England will enter a period of national restrictions to slow the spread of COVID-19 from Tuesday 5 January 2021. This latest announcement places all areas of the country into equivalent Tier 4 restrictions.

HMPPS is therefore **temporarily directing all adult prisons to move into regime Stage 4 with immediate effect.** This is an exceptional and temporary response, required due to the critically high infection levels identified at this time.  It is accepted that to safely transition to Stage 4 this may take a few days, but all prisons should aim to be in Stage 4 by the end of this week. This is an operational command decision that applies consistently to adult prisons across England and Wales, and across public and private sectors. All Welsh establishments are currently located in National Alert Level 4 and therefore, these restrictions are applicable in Wales too.

YCS sites will continue to operate at their current regime levels in recognition of the need to maintain the well-being, education and critical support services for children, where this can be safely provided.  Considering the impact on children of heavier regime restrictions and the lower risk of serious illness and death than the adult estate and with the controls in place presently to protect staff groups Stage 4 restrictions for children in custody cannot be justified at this time. This will be kept under continued review in conjunction with PHE with a close focus on maintaining the controls we have in place to operate safely.

Many establishments across the estate have been operating Stage 4 regimes from 2 January following the previous Government announcement on 30 December. The remaining adult prisons (27) in Stage 3 will now need to take the same action to move to Stage 4 enacting their Exceptional Regime Management Plans (ERMP) deployed in March 2020.  Governors must review these plans to ensure that that these are in accordance with the Stage 4 regime below based on learning and changes since March.

We know that heavier regime restrictions can have an impact on the mental and physical wellbeing of prisoners in our custody. Establishments entering Stage 4 should therefore focus particularly on providing enhanced **wellbeing support** to safeguard the mental and physical well-being of prisoners who will be confined to cells for longer periods.  We learnt from the March 2020 lockdown that the quality of contact and interaction matters greatly and more than quantity.  Every prisoner should therefore have a key worker allocated and staff should be directed to ensure quality interactions or make welfare checks to every prisoner daily. As per the Key work EDM we should focus on higher risk groups and always consider exceptional arrangements for those at most risk.  The risk to self-harm in the women’s estate is particularly known and may require some flexibility in delivery whilst staying aligned with our main controls, reducing physical contact.  Many establishments have developed both formal education led and informal in-cell activities to continue to engage and occupy prisoners.  Third sector partners and education providers can be engaged in supporting the provision of in cell materials. We have previously issued guidance that the use of Basic under the IEP scheme should be exceptional.  Under Stage 4 this is even more of the case and removal of TV would be very hard to justify and would need a very clear defensible decision recorded locally if undertaken.

We will utilise our heat mapping process to work with Governor and PGDs to determine when it is safe to return prisons to Stage 3 regimes. This will be kept under constant weekly review and the external restrictions in the community and infection rate will inform this alongside other internal considerations such as the vulnerability of the population, controls, infection rate, staffing and testing.

The measures described in this document are deemed necessary in light of the government announcement in response to the worsening epidemiological picture and the impact of the new variant of the virus. It is the aim of our implementation of Stage 4 to reduce transmission of COVID-19 in our establishments as much as possible. For this reason, it is essential that we focus our efforts on limiting the physical contact between people and following the safeguards in place where regime can continue.

**Establishments must deliver the following under a refreshed ERMP:**

|  |  |
| --- | --- |
| Priority regime element (as per ERMP) | December 2020 expectation |
| Enablement of **healthcare services** – access to medication and ongoing priority treatments | As per ERMP however establishments must also continue to deliver Health EDMs.Establishments must also continue to enable routine testing for staff and prisoners and must also enable vaccinations for identified and prioritised individuals.  |
| Enablement of **family contact** – access to telephones and in-cell technology for keeping in contact | As per ERMP however establishments must also prioritise access to Purple Visits and enhance delivery where technology and staffing resources allow.Social visits remain suspended but establishments can continue to offer exceptional social visits under compassionate grounds (all visits to children in YCS sites will continue to be provided).  |
| Enablement of **wellbeing services** – prioritisation of ACCT checks and support for complex cases, key worker contact | As per the ERMP however establishments must ensure an enhanced model of wellbeing support, ensuring daily recorded interactions with every prisoner, continuation of services that can be facilitated in cell including in-cell activities and prioritisation of key worker support, notably for the highest risk/complex cases. |
| Continuation of **core residential services** – meals, domestics and time in the open air | As per the ERMP however establishments can expand the fitness offer beyond their original ERMP where suitable outside space exists. Establishments must suspend indoor gym access (including for staff) but can provide structured socially distanced activities in exercise yards or other suitable spaces. Structured activities for prisoners to follow in-cell and via education provider delivery should continue, including access to library books.Establishments must continue to deliver essential work only such as prison kitchens, laundries, canteen warehouses and those workshops included on the PSPI prioritisation list. Establishments wanting to operate workshops or activities beyond this can only do so via Gold approval. Establishments must continue to provide access to legal visits, either face to face or remotely, throughout the period of restrictions.  |

**The following section of this briefing outlines regime requirements for adult prisons reverting to Stage 4.** (Guidance for YCS establishments can be found below).

**Compartmentalisation and Transfers**: All establishments are now RAG rated as red on the HMPPS Heatmap. The heat map panel will continue to meet weekly to support decisions regarding progressing prison regimes back to Stage 3. We are reviewing this process to ensure that it is effective and will ensure that there is efficient governance and that this is fully engaged with local judgement from Governors and PGDs.

Prison movements and inter-prison transferswill not automatically change. Movements between regions that are essential for capacity management will continue in a COVID safe way. We must though act to minimise these wherever possible and Gold will continue to oversee movements. All prisons will need to reverse cohort every prisoner arriving for a period of 14 days (or less with reception testing in place). This includes those prisoners received on inter prison transfers. In moving to Stage 4 it is expected that this will allow us to redouble our efforts to deliver effective reverse cohorting controls, as well as shielding protection, at this critical time, whilst maintaining spaces for the CJS. Establishments are asked to refer to the most recent version (Version 5) of the HMPPS Cohorting and Compartmentalisation Guidance for further direction.

**Cross Site Working**: Though travel to HMPPS workplaces as essential workers continues the latest restrictions state that all non-essential travel should cease. As such all non-essential cross-site working should cease in all establishments. We cannot eliminate all cross-deployment that is vital to operational delivery such as regional healthcare services or redeployments of staffing during live outbreaks however Governors are encouraged to minimise cross-site working where this can be achieved with no detriment to delivery.

**OSAG:** The position with regard to OSAG custodial assurance is that no on-site activity will be undertaken at Stage 4 sites. Where there is an exceptional and urgent need for on-site assurance, robust risk assessments of staff and the site will be undertaken to ensure that this is delivered in the safest manner.

**Official Business** – Executive Directors, PGDs and teams will need to continue to visit prisons providing support and assurance around essential work at this time.  However, all COVID secure controls must be followed when carrying out visits, and the frequency of visits should be reduced if this is able to be done safely or supported with remote access.

**Face Coverings and Face Masks:** The existing policy on the deployment of face masks and coverings remains, however Governors of all sites should consider temporarily widening the deployment of face masks and face coverings at their sites during this heightened risk period in conjunction with local health practitioners and other stakeholders.

**Education and Libraries**: Adult establishments should temporarily revert to their ERMP model of Education and Library provision. Establishments should work with their providers to ensure that remote learning material is provided to learners even if they are unable to enter the establishment. Providers are now equipped to provide course material remotely and there is a national process in place to quality assure such material. It is imperative that this continues during Stage 4 delivery. Providers are expected to demonstrate their ‘best endeavors’ to maintain education during this difficult time albeit in-cell. Establishments are asked to help facilitate providers in achieving that objective.

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. This service is run by external partners meaning that this position may change. Establishments will be informed of any updates.

**Gyms**: In line with guidance in the community, establishments must suspend indoor gym access (including for staff) but can provide structured socially distanced activities in exercise yards or other suitable external spaces. Establishments can expand their fitness offer beyond their original ERMP where suitable outside space exists.

**Healthcare**: Provision of healthcare services must continue in line with existing EDMs. Whilst these were created for stage 3 regimes, they provide clear guidance on what we must enable. Establishments are required to keep these under constant review with their relevant health provider.

**MDT**: Establishments will not be expected to run Mandatory Drug Testing whilst under Stage 4 regimes. However, Open Prisons who use them as an essential risk assessment tool may wish to continue delivery. This must be conducted in line with the EDM in a COVID secure manner.

**OBPs**: Establishments are able to facilitate the completion of programmes that have already been commenced, unless this is unable to be done safely. New programmes and interventions can only be introduced on a ‘by exception’ basis whereby risk justifies introduction (for example, prior to release of a high-risk offender). In such cases, the proposal must be approved by the PGD and submitted to the Gold Regime Panel who will decide on a case by case basis.

**Offender Management:** It is important that requirements for sentence management and sentence progression are prioritised during the lockdown period. Essential OMU activities such as BCST and Oasys interviews are able to continue, as long as they are conducted in a COVID secure manner.

**Open prisons** will revert to Stage 4 regimes however, we recognise that the risk profile and facilities are significantly different in open prisons, meaning that sites cannot impose restrictions in the same way. Therefore, Governors of open prisons can determine the local regime model they maintain at Stage 4 in order to limit close contact between residents indoors and between different staff groups. Essential work in the prison and the community should continue as must enablement of key services including health (as above). Fitness activity should take place in outdoor areas only where possible. Governors must similarly ensure that the wellbeing of residents is supported with regular welfare checks. Social visits remain suspended but arrangements for contact with families via telephone, video call and visits in exceptional compassionate circumstances must continue.

**Parole Board**: The Parole Board will continue to prioritise hearings by telephone or video. Where this is not possible, they will wish to provide a face to face hearing. This is an essential legal process which we must facilitate in a COVID secure manner to fulfil our role of part of the wider Criminal Justice System.

**Pastoral Care:** Communal worship must be suspended though pastoral services must be maintained. Full communal worship cannot continue though individuals may be provided access to faith spaces at in a controlled limited manner.

**ROTL:** (release on temporary licence) must be suspended in all prisons.  As per measures in place during the November national restrictions; “essential workers” in employment in the community can continue to attend work. Establishments must determine whether specific placements that are permissible under the “essential worker” definition should continue and may deem that individual placements create an additional risk and therefore suspend them temporarily.

**Compassionate ROTL** remains an option for the release of suitable prisoners where their vulnerability and risk supports this. Governors should continue to consider whether this is appropriate for eligible cases.

**Visits:** Face-to-face social visitsmust 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.

Face-to-face official visits are not suspended. 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.

**Workshops:** Establishments must continue to deliver essential work only such as prison kitchens, laundries, canteen warehouses and those workshops included on the PSPI prioritisation list. In order for PSPI to be able to continue to supply core decency items it is vital that as many critical workshops remain operational as possible.Establishments wanting to operate workshops or activities beyond this can only do so via Gold approval.

**Security:** Local risk and security concerns need to be balanced alongside COVID considerations, SOPs and the LSS. The LSS should be followed where possible to mitigate the local risks and deviations from such need to be considered and approved by the Governor or through SOP agreement. Please refer to previous guidance issued specific to searching and escorts and bedwatches to ensure PPE and safety considerations are followed as part of such key risk mitigations. For queries specific to security policy please contact SOCT.Procedures@justice.gov.uk

**Schools and Childcare for Staff:** HMPPS staff are advised that their children, as children of key workers, can attend schools for face-to-face teaching from the advertised first day of term. This means that staff should be able to continue working in majority of cases as the expectation is that children will take up childcare provision/school places where available.

Where parents have to take care of their children at home and cannot work as a consequence of a school being unable to stay open for children of key workers, options should be explored by manager and staff member, which could include offering to work from home, adjusting working patterns, taking annual leave or flexi leave, special leave or a career break.

Where staff need to discuss any personal circumstances that impact their ability to work due to childcare, managers should try to ensure there are appropriate arrangements put in place and an employee is supported to work where possible. It is important to balance the needs of employees and business critical activity whilst looking at each case sensitively and on its merits.

There is specific guidance available on the intranet for staff regarding access to schooling and childcare during this period. (<https://intranet.noms.gsi.gov.uk/news-and-updates/news/covid-19-update-on-school-contingency-plans>)

**Shielding of staff:** Establishments are asked to refer to existing shielding guidance for clinically vulnerable and clinically extremely vulnerable staff.

****

The latest guidance in England and Wales states that clinically extremely vulnerable staff should work from home; if they cannot work from home then they should not attend work and should be on paid special leave.

We are awaiting updated guidance from the Cabinet Office for those staff in the clinically vulnerable groups and those who live with people who are clinically extremely vulnerable. In both cases these staff should work from home wherever possible. If they are unable to work from home, their risk assessment should be updated to ensure that appropriate health and safety measures are in place. We will provide further updates on this in due course.

**Staff Training**: In line with the decisions made during previous periods of restrictions, non- essential training is being suspended in stage 4 prisons. Essential activity and training can continue where necessary to support business critical operational delivery. This means that POELT Training, including use of force elements, as well as specialist operational training and dog licencing that is necessary to maintain competence of staff in specialist roles should continue during lockdown where SOPs are in place and it is safe to do so. All other training, including locally delivered refreshers in Personal Safety, C&R and MMPR) and staff fitness tests (not including national resources) must be paused for the duration of Stage 4 regimes. In consultation with local trade union officials, Governors can by exception deliver refresher training sessions in adherence with published SOPs and risk assessments where resources allow and suspension will lead to significant numbers of staff being unable to safely perform operational duties.

The following essential Health and Safety training should be continued during the Lockdown period:

* COVID PPE and IPC Training
* BP-RPE Training/FFP fit testing within LTHSE Prisons (for COVID provision)
* Fire RPE Training

Recruitment and POELT activity remain essential and should continue in accordance with COVID secure methods of operation.

**The following section of this briefing outlines regime requirements for YCS establishments maintaining Stage 3 Regimes.**

YCS sites will continue to operate at their current regime levels in recognition of the need to maintain the well-being, education and critical support services for children, where this can be safely provided.  Considering the impact on children of heavier regime restrictions, the lower risk of serious illness and death than the adult estate, and with the controls in place presently to protect staff groups, Stage 4 restrictions for children in custody cannot be justified at this time. This will be kept under continued review in conjunction with PHE with a close focus on maintaining the controls we have in place to operate safely.

Whilst regimes will not be reverted to lockdown under Stage 4, these will be restricted regimes. Establishments must be aware of the key baselines for delivery below:

**Visits:** YCS establishments must revert to a compassionate model for social visits with increased promotion of purple visits. Face-to-face visits can be facilitated in the cases of compassionate circumstances.

**Education and Regime Access**: Establishments should revert to a blended learning model of education delivery whereby education is delivered in both face to face settings and supported by remote learning. Class sizes must be kept small (around 6-8) for face to face education and physical distancing and hand washing should continue to be in place.  Physical education is able to continue and use of gym facilities is therefore able to continue in a COVID secure manner for the purposes of education, however recreational gym use must cease during this period.

**Pastoral Care:** Communal worship must be suspended though pastoral services must be maintained. Full communal worship cannot continue though individuals may be provided access to faith spaces at times of crisis or heightened risk and family bubbles will be able to access faith spaces as in previous periods of restrictions.

----------------------------

For further information on our COVID-19 response please see the operational guidance platform (accessible via: <https://hmppsintranet.org.uk/except/> ) and direct any queries to: COVID19.Regimes&OpsGuidance@justice.gov.uk.

Many thanks,

**COVID-19 Gold Command**