**Gold Briefing – 01.03 21 - Opening of Stage 3 Gateway: Process and Delivery**

**Purpose**

On 22 February the Prime Minister set out the Government’s plans for the easing of community restrictions following equivalent announcements by the First Minister in Wales on 19 February. HMPPS have been carefully considering the arrangements for future progression of establishment regimes and are now in a position to set out these plans and provide guidance to establishments on the mechanisms and system of governance.

Ensuring the safety and wellbeing of all staff and those in custody remains our central priority. The lifting of some restrictions within our establishments will be done carefully and gradually, and only when it is judged to be appropriate for each individual site, noting the risks that the prison estate continues to manage.

The briefing is split into 3 key sections and supporting annexes:

1. **The Opening of the regime Stage 3 gateway**
2. **The process for progression to Stage 3**
3. **The delivery of Stage 3 during the continuing national restrictions**
4. **Annexes**
5. **Stage 3 Regime Gateway**

We will continue to operate under the agreed National Framework, with an approach to easing restrictions which will be cautious and evidence informed. Any easing of restrictions will continue to be informed by both national and local COVID-19 data and will harness learning from the first wave to ensure that bureaucracy is reduced as much as possible, striving for effective and efficient governance throughout. We will also continue to acknowledge differences in community approaches between England and Wales and recognise that it is likely that the restrictions in place may differ, which may affect what prisons are able to do in coming weeks and months.

Following the recent Government announcements, **we have now received Ministerial permission to re-open the Stage 3 gateway for adult sites currently delivering Stage 4 regimes**. However, this does not mean that any establishments can automatically progress to Stage 3 - establishments must continue to deliver Stage 4 regimes (in line with Gold Briefing on 05/02/21) until they are given approval to progress to Stage 3.

Open establishments can continue facilitating currently agreed regimes at Stage 4. In order to expand additional regime elements at stage 3, they must follow the process as described within this briefing.

Whilst establishment applications for Stage 3 may be processed prior to 8 March and establishments will be able to plan for Stage 3, implementation will be held until the community roadmap begins on 8 March. Given the current infection levels in the estate, we anticipate very few establishments being in a position to progress to Stage 3 in early March. YCS sites are able to continue to deliver their current Stage 3 regimes in line with the specific regime considerations as listed below (Section 3).

1. **Process for Progression to Stage 3**

We have developed a system of governance to manage this progression and to ensure that sites only progress when they are safe and able to do so. We will utilise existing governance structures to ensure that this can be done in a timely and efficient manner, with the amount of additional work for establishments kept to a minimum. It is expected that progression will be gradual, and that it will be some time before large numbers of establishments are in a position to progress due to ongoing COVID-19 risks and staffing pressures. Establishments will be able to progress when the time is right, and the COVID-19 risk is locally controlled.

The HMPPS Heatmap panel will continue to meet each Friday to assign establishment RAG ratings based on their COVID-19 risk levels. The Heatmap panel will also now produce a ‘**Progression List’** which will outline which establishments are deemed able to progress, based on their local COVID-19 risk. The determination of which establishments are included in the progression list will be driven by the data and evidence. For example, a consistent steady decline in case rates and prevalence estimates, any live outbreak being evidenced as being under control, and the absence of new cases being identified which are indicative of establishment transmission. In those circumstances we would have confidence that the risk had been reduced. The panel will continue to be attended by a diverse group of HMPPS and public health representatives and will make decisions based on a holistic view of all available health and operational data.

Once an individual establishment has been added to the progression list, this will be clearly marked on the published Heatmap, and the establishment will be informed via their PGD office that they have been invited to progress their regimes. If evidence suggests that risk levels have increased, or the situation at a local site changes following addition to the progression list, they may be removed. This will be clearly communicated.

The establishment will then be asked to provide assurance that they are ready and able to progress. This assurance process consists of a single checklist document (Annex A) which establishments will complete, demonstrating that assurance work has been undertaken and that health partners, relevant stakeholders and local Trade Unions are satisfied that delivery of Stage 3 regimes is appropriate at that time or have been fully consulted. We have built on learning from the first wave and have simplified this process as much as possible. Establishments will therefore not be required to re-submit any EDMs and will be able to revert to the Local Operating Procedures for Stage 3 they had in place prior to the January national restrictions, mindful of the additional restrictions set out below. Establishments can start preparing immediately but are reminded that any progression decisions will not come into effect until at least 8 March, subject to sign off.

This checklist form will then be submitted to the Gold Regime Panel and will be presented by a representative from the ED’s office at the next panel meeting. Provided that assurance requirements are met, establishments will be signed off to progress to Stage 3, in line with the Stage 3 considerations listed below. A simple flowchart to demonstrate this process is provided at Annex B.

Where an establishment has not been placed on the Progression List, but the Governor/Director perceives that they are in a local position to proceed their regimes to Stage 3 or the local circumstances or risk picture may necessitate swifter progression (for example in the women’s estate to mediate increased risk of self-harm), there will be an exception process in place. This will mean that the establishment will be able to submit the checklist form to the regime panel. We will then retrospectively review the data for that site to establish whether the application can be approved. Applications will need to be supported at both the Governor and PGD level, and establishments will also need support from local health and public health colleagues and must consult with local Trade Unions. Where there are no on-site local representatives on site, regional representatives must be consulted (an updated list is attached in Annex D). Establishments applying on exceptional circumstances will not be able to progress until 08 March at the earliest.

Whilst we will utilise forecast data to minimise this scenario as much as possible, it may be possible that the risk picture at a site may worsen following addition to the progression list. We will continue to monitor the risk level at sites on the list and may need to remove sites where the data makes this decision necessary. This will be clearly communicated to the site.

Following progression to Stage 3, it is possible that the risk level at a site may change, or that a staffing shortage or outbreak may be declared. Existing mechanisms for regime regression will continue to be operated where required and will be fully controlled by the Governor with PGD oversight and Gold approval. HMPPS will also continue to operate system wide surveillance of all reported communicable diseases in establishments. This may lead again to further national intervention if the risk picture nationally requires an estate-wide approach. Communications with both staff and those in custody should be open about this possibility and continue to structure expectations with reference to infection levels.

1. **Regime delivery at Stage 3**

As stated, once an establishment has been given approval from the Gold Regime panel to progress to Stage 3, the default position is that sites will revert to their Local Operating Procedures for Stage 3 EDM delivery of regime following a review of the Recovery RMP. Establishments will not be required to ‘switch on’ all Local Operating Procedures simultaneously and can manage the re-introduction of regime elements locally. Given the continuing restrictions in the community however, and the need to ensure that the easing of restrictions is cautious, there will be some additional short-term restrictions to individual Stage 3 elements. These restrictions are listed below; any areas not covered are subject to existing Local Operating Procedure.

Establishments are also reminded that certain EDMs were revised as part of the Winter Regime Review (outcomes published in Gold Brief of 27/12/20). Where establishments have not yet revised relevant EDMs in line with the review, they should do this via their PGD and in consultation with Local Trade Unions. A table setting out the amendments made to EDMs following that review is at Annex C.

Additional short-term restrictions:

* **Visits:** Face to face **social visits** will initially remain suspended at Stage 3 in adult establishments, given the community restriction on travel. The only face-to-face visits that will operate are those facilitated under exceptional compassionate circumstances which a Governor can approve locally. The position in the YCS will continue as per the Gold Brief of 05/02/21 and Addendum of 15/01/21 which states that face-to-face social visits are able to be facilitated in YCS establishments in cases of compassionate circumstances. Compassionate circumstances should be understood as circumstances where a remote visit would not be appropriate. Governors can make localised risk decisions on this basis. Video calls through Purple visits must be facilitated and prioritised.
* Face-to-face **official visits** continue to be available. However, remote access via telephone or digital channels 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. Official Visitors, such as legal representatives, and the person they are visiting must wear face coverings at all times during face-to-face visits (unless exempt from government face covering requirements e.g. for health reasons, if so they must be allowed to undertake the visit without wearing a face covering) and social distancing must be maintained. Establishments are reminded that the Purple Visits solution must not be used for official visits. Provision of official visits includes probation visits to facilitate pre-sentence reports. These may need to be tech-enabled.
* **Group Activities:** As per relevant Stage 3 EDMs, in adult establishments group face-to-face activities (including education, communal worship and small group activities delivered in the women’s estate) can be reintroduced at Stage 3. There should be a continued focus on preventing the mixing of those from different parts of the establishment, and existing risk assessments must be abided by and shared with affected unions. The Education EDM was revised as part of the winter regime review to include provision for 1-1 interview and small group work on wings and to facilitate limited classroom-based activity, considering the continued restriction on learning centres. 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). Re-opening of prison hairdressers/barber-shops and nail salons will be under the existing provision of the stage 3 model, once the equivalent access is granted in the community after April 12th.

In YCS establishments, face-to-face education and interventions can continue to be delivered to small groups, with the additional option of mixing groups together in order to maximise delivery, and to tailor it to best meet the specific needs of all children. The mixing of groups will only occur if an establishment’s Governor/Director and key stakeholders are satisfied that local circumstances and risks can be effectively managed.

* **Workshops and Industries:** At Stage 3, essential workshops, and others already approved by Gold can be reintroduced. Any new applications for workshops which have commercial imperative to the operation of the prison ; warrant consideration around retaining critical work going forwards or are from the list at Annex’s A & B in EDM 2 (Industries and NFN) that is not covered by an existing LOP require a risk assessment and consultation with Trade Unions locally (recorded via an engagement log). These can then be signed off at PGD level.
* **ROTL:** Establishments can reintroduce the forms of ROTL permitted at Stage 3 (e.g. for work, for education, for resettlement etc) but must comply with community restrictions on travel and household mixing. We will review this approach in line with expected relaxations on restrictions in the community and more detailed guidance will be published in due course. From 8th March 1:1 meeting in the outdoors can take place and may therefore be in scope for ROTL. Open prisons operating Stage 4 regimes will be able to treat those prisoners enrolled in full time education as essential workers.
* **Keywork** – Aware of the negative impacts that prolonged lock down regimes can have on mental wellbeing, establishments are encouraged to maintain focus on wellbeing as they transition to Stage 3. The elements of keywork currently being delivered at Stage 4 can be expanded in line with the EDM for Stage 3, increasing the requirement for sessions. In the Women’s estate where the Keywork model is not yet rolled out, the existing model of wellbeing checks must be prioritised and continue at Stage 3.
* **Physical Education:** At Stage 3 establishments cannot yet allow free access to the gym. In both England and Wales, indoor structured physical activity will be permitted for both staff and prisoners, as was operated during the period of national restrictions in November. A revised version of the guidance provided in November is provided below, which expands provision of indoor structured physical activity to establishment staff.



* **Mandatory Drug Testing:** Following the Winter Regime Review, and at the request of Governors and the operational frontline, we have now made changes to MDT EDM to exceptional testing to take place (even in Stage 4) where intelligence suggests there is suspicion.



**Other Considerations**

**Testing and Vaccinations –** The roll-out of testing and vaccinations remains crucial in the safe easing of establishment restrictions. Whilst no single factor will be determinative in decision making for progression, testing uptake at sites will be taken into account, along with progression of vaccination programmes. Governors are encouraged to do all they can to encourage testing uptake from both staff and those in custody and to reinforce messaging that, as restrictions lift, testing and vaccinations will be crucial to maintaining safety and ensuring that we do not need to reverse regimes. Guidance on testing has been circulated separately and is available via: <https://hmppsintranet.org.uk/ersd-guidance/2020/04/28/staff-testing-in-england>**.**

1. **Annexes**

**Annex A – Checklist Document**



**Annex B – Flow Chart**



**Annex C – Winter Regime Review Table:**

The table summarises changes made to EDMs following the Winter Regime Review (Oct 20):

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| **EDM** | **Summary of changes** |
| 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 | Removes 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, subject to community restrictions. 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 |

**Annex D – Regional Union Representatives**

