**Gold Brief – Return to Stage 3 due to increasing Omicron Risk**

**20 December 2021**

**Purpose**

To direct further restrictions to respond to the risk from Omicron and increased transmission in England and Wales.

**Immediate actions**

* *The new national baseline is* ***Stage 3,*** *prisons must adjust their regimes in accordance with this as soon as safe to do so.*
* *There is an exceptions process for prisons who can safely remain at Stage 2 (and those already given Stage 1 exception can continue).*
* *The Stage 3 regime expectations have been updated in light of new controls.*
* *Prisons continue to be able to increase controls as required to respond to local risk.*

**Latest Position**

In the [Gold Briefing](https://pogp.hmppsintranet.org.uk/plan-b-and-winter-guidance/) issued on 14 December we set out the additional controls and regime restrictions required to counter the risk of the Omicron variant of COVID-19 notably following the Government’s decision to implement Plan B. This saw us direct all prisons to move back to a new baseline of Stage 2 with an exceptions process with social distancing reintroduced. Action was taken by colleagues to safely transition to these changes, many having only just recently taken place. We approved four sites for exception to remain at Stage 1 but one of these has already been rescinded due to increased risk leaving three prisons nationally at Stage 1, others are at Stage 3, with one at Stage 4. Many prisons are operating regimes with wings or houseblocks at a lower regime level than the rest of the prison which remains a proportionate response.

Sadly, the risk of Omicron has further accelerated in the last week. In light of further UK Health Security Agency (UKHSA) advice and our assessment of the risk presented we have determined that we must quickly go further by moving our baseline expectation to Stage 3 nationally. Through the exceptions process outlined below and through an adjustment to the Stage 3 regime expectations we can remain proportionate and considerate of local risk factors also whilst making this change.

**Objective**

Our clear objective is to preserve life and to safely maintain prison services to protect the public. The movement of the baseline supports this. We must continue to protect the most vulnerable and to reduce the speed of transmission in prisons. Our aim by reducing to Stage 3 is to significantly reduce off wing regime activity that brings different cohorts/wings together improving our compartmentalisation.

The aim to reduce the speed of transmission is also to create more time to deploy as many booster vaccines as possible in prisons to protect against the most serious health risks of the virus.

We also wish to increase our focus on driving up the staff testing rates. The transition to more restricted regimes is to ensure that time can be provided in the regime to assist staff to take frequent tests. UKHSA advice still remains that the risk of incursion remains highest from our staff group and regular testing is the one central control to mitigate transmission. This remains a key priority.

**Stage 3 Regime Expectations**

Unless formally given exception by Gold or operating at a lower regime stage prisons must transition to the new baseline line as soon as practical and safe. The Stage 3 regime is described as:

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| 3 | Social distancing in place and other [SOP](https://pogp.hmppsintranet.org.uk/2020/04/15/safe-operating-procedures-sop-using-ppe/) controls (v8). Regime delivered under more restricted local operating procedure adhering to Exceptional Delivery Models (EDM). Predominantly essential work for prisoners only. Social visits with contact controls but no refreshments, creche or property exchange.  |

Stage 3 was previously informed by [Exceptional Delivery Models (EDMs)](https://pogp.hmppsintranet.org.uk/exceptional-delivery-models/) and these still provide the base for Stage 3 regimes. However, with new COVID controls since EDMs were created such as increased testing and our further experience there are a range of outline expectations for what is permitted at Stage 3 now. For this reason, as we did at Stage 2 it may be most appropriate to reduce activity and layer in additional controls to your current Stage 2 RMP rather than regress to historic regime plans when previously at Stage 3. Stage 3 regimes may indeed be very similar to Stage 2 in some prisons but the key differences that must inform the regimes operated locally are:

* A **wing outward approach** should be considered ensuring that wings remain compartmentalised from each other as much as possible. Thus, activity should be mainly dedicated to the wing group/cohort. Staff should be deployed to avoid cross contamination between wings/cohorts to support this.
* **Essential work and small group risk** assessed activity is permitted but this should be from each cohort and not mixed and any essential mixing should be subject to controls such as social distancing, face mask/face coverings and possibly testing. Those OBP groups in operation should continue. Classroom based education for smaller non-mixed groups may operate but should be limited with a blended learning model expected with more in cell activity.
* We have several **critical workshops**/**workplaces** that are classed as essential work (these will be further redefined shortly and employment in kitchen, canteen, laundry, waste management and cleaning roles remain essential, again subject to clear controls and wherever possible compartmentalisation.
* It is expected that off wing activity such as **corporate worship and team sports / mixed gymnasium sessions** are not operated if different cohorts come together. Dedicated cohort activity with appropriate ventilation and cleaning in between groups is still appropriate.
* **Social visits** should remain in operation and contact may be maintained as at present, but all visitors must now be required to provide evidence of a negative test to enter as per the [briefing](https://pogp.hmppsintranet.org.uk/plan-b-and-winter-guidance/) issued on Friday 17/12. Wherever possible prisoners should be tested also before visits, especially where social distancing from other cohorts is at risk. The operation of refreshments and creches must now cease due to the increased transmission risk and impact on face mask wearing. **Legal visits** must continue to be delivered; currently test for entry is not mandatory. Virtual access to legal advisors should be prioritised wherever possible.
* **Release on Temporary Licence** for all purposes may continue, as this is now subject to required testing by prisoners from 20/12 as per the [briefing](https://pogp.hmppsintranet.org.uk/plan-b-and-winter-guidance/) issued on 17/12.
* As previously permitted, **open prison** governors due to the unique open environment and risks from retaining prisoners in shared accommodation may operate a more open regime but again this should aim to reduce mixing and transmission points, with social distancing and controls in operation at all times.
* Both at this time of the year and with the potential further impact on prisoner well-being with regime restrictions, and possibly more to come, it is imperative that there is a focus on **safety**. Keywork must be delivered for all in priority groups and keywork for others should be prioritised supplemented by welfare checks to ensure regular contact with prisoners at this time. A clear focus on ACCT management must be maintained.

**Exceptions**

There is an exceptions process to the national direction to restrict regimes to Stage 3. If a Governor (supported by their PGD) believes they should be permitted to continue to operate at a higher level they should submit a short summary of their case to the Covid Gold Heatmap panel who will review it. The submission should be brief and include:

1. Vulnerability of the establishment’s population (including booster vaccine deployment)
2. Evidence of good adherence to Covid controls (e.g. testing uptake) at the establishment
3. Any other controls brought in to mitigate the risk (e.g. reduction of mixing)
4. Any other unique local circumstances they would like the panel to consider

Those already given exception for Stage 1 may remain at that level. The Heatmap panel will consider any other requests for an exception at its next meeting on Thursday 23rd December. Submissions for consideration **must be received by 12noon on Wednesday 22nd****December** to christopher.huckle1@justice.gov.uk. It is accepted that prisons applying for this will remain at their current stage until that decision is made. The Heatmap panel will consider the RAG rating of each prison in informing their decisions and continue to meet on a weekly basis and any submissions for exceptional consideration should be received the Thursday before each Heatmap panel. Establishments must continue to consult the [heatmap](https://pogp.hmppsintranet.org.uk/2020/09/28/heat-map-for-reverse-cohorting-requirements-to-review-regime/) when locally assessing risk and any decisions around regime activities or regression.

**Regime Mitigations:**

As previously [communicated](https://justiceuk-my.sharepoint.com/%3Aw%3A/g/personal/ed_cornmell3_justice_gov_uk/EcHmqYRtZMVHvFUrjk33BB4BYC8Vc6txVYkyac8llK8FJg), we determined that regime mitigations would be introduced nationally if we had to move to Stage 3 or 4. Consequently we will now nationally reinitiate the free £5 weekly PIN credit for all prisoners up to the credit cap. Governors should introduce the other mitigations as appropriate.

**Other actions:**

Previously issued guidance to support the latest position and details of controls that should be utilised are available via : [Plan B and Winter Guidance](https://pogp.hmppsintranet.org.uk/plan-b-and-winter-guidance/)

**Please submit any queries regarding this guidance to:**

COVID19.RegimesOpsGuidance1@justice.gov.uk

**COVID -19 GOLD COMMAND**

**20/12/21**