**Gold Brief 4th March 2021 – Update on Withdrawal of Regime Mitigations**

Purpose

To provide further details on the withdrawal of regime mitigations following our update in the [Gold Brief on Progression to Stage 1](https://pogp.hmppsintranet.org.uk/2020/10/23/gold-briefings/) last week.

Actions Required

Governors to review their use of regime mitigations and make plans, where relevant, to withdraw them by 31st March, sharing their plans to Trade Unions as part of their engagement on regime progression. Where extensions are required, they should review the process below and liaise with their Finance Business Partner (FBP). Governors should ensure they plan to communicate these changes to prisoners and staff, utilising the materials provided in Annex A and B.

Update on Planned Approach for Withdrawal

In line with prisons progressing to Stage 2 and the recent opening of the Stage 1 Gateway, we are expecting all establishments in the adult estate to start planning their withdrawal of regime mitigations, scaling back their use in line with progression through the National Framework. Provision of national regime mitigations in December 2021 was a temporary measure whilst greater levels of regime restrictions were in place. As the risk of Covid continues to reduce and we continue to see progression, **it has been agreed that all central funding of regime mitigations will come to an end on 31st March**. Where significant local regime restrictions are required beyond this point there will be a process, as before, for extending or re-introducing them (see below). Further details on the individual mitigations can be found in the table in Annex A.

Process for Individual Sites to Request Reintroduction of Mitigations

Previously, we utilised a process whereby establishments were able to reintroduce any regime mitigations where local circumstances required it. This will continue to remain the case. From March 31st, **governors will need to liaise with their Finance Business Partner (FBP) to fund the reintroduction of any mitigations through their local budget.** If this is not possible, this should be escalated to the PGD and Senior FBP for the group to determine how to provide financial cover. If after this escalation support is still required, then a case should be made to the Operational Resourcing and Stability Panel (ORSP) who will consider how funding can be provided.

These mitigations were introduced to support prisoner’s mental health and wellbeing in response to increased regime restrictions. Therefore, it is important that where sites are running reduced regimes in order to manage Covid risk (e.g. time out of cell significantly limited and/or social visits paused or significantly reduced) and where these may be needed for a prolonged period of time, that Governors plan to reintroduce appropriate mitigations.

Annex A provides an overview of how each mitigation can be withdrawn locally earlier than March 31st and, if necessary, the process to reinstate them. Note there are some mitigations that cannot be used after this deadline.

YCS and the Women’s Estate

This position differs in the YCS where the use of pin credit and video calls have been extended and are currently under review with a view to maintaining this past March. An update on this will go out specifically to the Youth Estate in due course.

The Women’s Estate is reviewing their approach and plans for pin credit and video calls and will update on their position in due course. Sites in the Women’s Estate will be able to use the reintroduction process outlined above where local circumstances require it.

**These changes will be effective from 1st April.**

Should you have any queries or concerns about this approach please contact COVID19.RegimesOpsGuidance1@justice.gov.uk

**Annex A: Information Grid of Regime Mitigations**

|  |  |  |  |
| --- | --- | --- | --- |
| **Mitigation** | **Details of Withdrawal**  | **Process for withdrawing pre-March 31 2022** | **Conditions for using past 31 March 2022**  |
| Supplementary food packs | Was not reintroduced in December as per agreement in August to remove. |  | * **N/A**
 |
| Secure Social Video Calling | All sites to revert to published guidance permitting access to one call per month by 31 March. | As establishments start to expand their regime and progress through the National Framework they should begin to transition back to the published guidance and framework.  | * Establishments will be expected to follow existing guidance from 31 March, as set out in the attached: Secure Social Video Calling (Interim) Policy Framework - GOV.UK (www.gov.uk).
 |
| Limiting Use of Basic | All sites to revert back to Incentives Policy Framework Guidance by 31 March.  | No formal process required – sites to revert back to [**The Incentives Policy Framework**](https://www.gov.uk/government/publications/incentives-policy-framework)at a local level as soon as appropriate to do so.  | * As guidance is to revert to original policy this mitigation **cannot be used past 31 March.**
 |
| Prisoner Pay (removal of payment)  | Central funding to be withdrawn by 31 March.  | Blanket payment should be withdrawn as prison regimes expand to prevent any debt-related issues. Can be withdrawn and revert to existing process as outlined within Prisoner’s Pay Policy prior to March 31st where appropriate. | * In order to extend the use or reintroduce this mitigation the Governor will need to seek PGD approval and identify local funding via the Finance Business Partner.
* Expectation is this should be used only where access to employed activity is severely limited due to outbreak/increased restrictions.
* The facility for Governors to pay prisoners the ‘unemployment’ minimum rate as set out in the Prisoners’ Pay Policy (PSO 4460) remains available for those prisoners who want to work but there is no suitable employment available or they are unable to work .
 |
| In cell TVs (removal of rental charge) | Rental charge to be reintroduced by 31 March and revert back to [**The Incentives Policy Framework**](https://www.gov.uk/government/publications/incentives-policy-framework)  | Can be reintroduced prior to March deadline where appropriate. This would be applied locally via NOMIS. | * As guidance is to revert to original policy this mitigation **cannot be used past 31 March.**
 |
| Additional Pin Credit | Central funding to be withdrawn by 31 March (final payment 31 March). | Inform your FBP if you wish to withdraw early. | * This can be extended or reintroduced at a local level as long as the Governor seeks the necessary approvals from PGD and identifies local funding with their Finance Business Partner.
 |
| Temporary Mobile Pin Phones for prisoners without in-cell telephony | Was only reintroduced on exception for those sites with infrastructure that warranted its need. | Expectation that establishments send back phones at end of March, unless an extension has been agreed. The central monitoring team will be in touch with direct instructions about the returns process.Can be withdrawn prior to 31 March where appropriate. | * As per current any sites that need to reintroduce (particularly those with infrastructure that warrants the need) can submit a request to Security Team who will assess eligibility and grant on a site-by-site basis: mobilepinmonitoring@justice.gov.uk
 |

To note some exceptions will apply for the YCS and Women’s Estate. Separate comms will be issued to clarify this.

**Annex B: Updated Comms Material**

Prisoner Support Mitigations FAQs

