**Exiting the National Framework: Frequently Asked Questions**

Please note that all references to *‘prisoners’* within this document refers all those in custody, including children and young people and all references in ‘*prisons*’ include YCS YOIs and STCs. The YCS will ensure that all language and principles are child focused when applied at a local level.

**General**

1. **What does this mean for EDMs and pre-Covid-19 policies?**

EDMs are no longer in operation and unless stated otherwise we revert to underlying policy frameworks and PSIs located on the intranet. A number of these can be found on the National Security Framework, [National Security Framework - HMPPS Intranet (gsi.gov.uk)](https://intranet.noms.gsi.gov.uk/national-security-framework-table-of-functions)  Any changes made locally to an establishment’s Local Security Strategies to reflect changes as a result of Covid-19 operating procedures, will need to be updated to reflect National Policy requirements.

1. **Should I be following previous Covid-19 guidance issued in the pandemic?**

Sites should now return to delivering against underlying policy and PSIs. Establishments should ensure that staff are given opportunity to familiarise themselves with underlying policy and PSIs and support rapid learning. Facilitating this can be done locally, however Governors and Directors could make use of colleague mentors, POELT mentoring sessions, one to one line manager sessions, local comms such as bulletins and training slots on lock down days. Exceptions to this, where Covid-19 policies are still ‘live,’ will be collated on to a headlines page on the [Exceptional Delivery platform](https://pogp.hmppsintranet.org.uk/2022/05/06/post-national-framework/). Where questions remain, these should be directed to COVID19.Regimes&OpsGuidance1@justice.gov.uk

**3. What if there is currently an outbreak at my establishment?**

Outbreaks will continue to occur, declared by public health officials. Sites currently in outbreak should continue to both engage with and seek advice from the Outbreak Control Team meetings and engage with the testing team (HMPPSTesting@justice.gov.uk) for support/guidance on considering and actioning any recommendations made.

1. **What if I am currently at Stage 3 or Stage 2?**

Formal stages cease. There is no immediate change mandated locally, but Governors and Directors are expected to progress their regime and to apply the controls provided in the attached briefing.Separate arrangements are in place in Privately Managed Prisons to ensure that any commercial implications are considered. Prison Group Directors will have a key role in ensuring that prisons within their command are progressing and delivering regimes effectively.

1. **Does this guidance apply to Wales?**

Yes, this guidance covers England and Wales. Any national Covid-19 guidance changes in Wales that could impact future regime delivery will be communicated directly to Welsh prisons.

**Health**

1. **Will there be any healthcare alterations or updates?**

All prisoners will continue to be offered their first, second and additional booster vaccines by healthcare teams. This programme will run in the same process as a flu vaccine campaign. Staff should continue to encourage prisoners to get vaccinated and to help address concerns they may have.

The testing model will be communicated separately. Prisoners will still be asked to take part in testing in some circumstances and staff will continue to be encouraged to test to return to work following a positive test and will also be asked to test if they are a contact of a positive case, additionally they will be asked to test, if they are symptomatic, and may also be asked to undertake asymptomatic testing which may be determined locally. However, it must be clearly explained that this testing remains voluntary, that staff will not be required to disclose whether they are taking part in testing. All staff and prisoners will continue to be encouraged to get vaccinated.

Governors and Directors will need to have regular discussions with Healthcare leads and commissioners regarding the impact of waiting lists, and the backlog of health appointments, in order to make sure that these are enabled wherever possible. Difficulties in resourcing healthcare activity and in particular escorts and bed-watches should be escalated to PGDs or the Head of Privately Managed Prisons. It is likely that anti-viral treatments will continue to evolve and be made available to eligible prisoners who are symptomatic and have tested positive on a clinically led basis – again the enablement of this is crucial.

Personal Management Plans should be created by clinical professionals, in consultation with Healthcare, Keyworkers and the individual for the most vulnerable prisoners. Reasonable adjustments within Personal Management Plans should be facilitated by landing staff. Personal Management Plans will be offered to any prisoner who would previously have been identified as CEV, and will replace shielding, which has now ceased.

Governors and Directors also need to be aware of ongoing issues related to Post-Covid syndrome and the impact this may have on prisoners’ ability to engage in regime activity, and their mental health.

**Visits**

1. **What does this mean for visits and test for contact at visits?**

Visitors will be asked to exercise personal responsibility at all times; to not attend if they feel unwell or if they have tested positive. Visitors should not attempt to reorganise their visit until they are either feeling better or, if they are choosing to test at home, have returned a negative test. Affected Visiting Orders can be reissued. Prisons should use controls such as enhanced cleaning, mask wearing and social distancing if appropriate to mitigate any remaining risk of infection spread. OCTs will be able to recommend a reintroduction of visits testing if the risk is considered to be increased. Further guidance on standing up testing will be provided.

1. **What if my establishment cannot deliver the statutory visits entitlement?**

Prisons are obligated and expected to meet the statutory entitlement and prioritise facilitation of face-to-face social visits. If there are operational justifications for not meeting the entitlement, and for providing visits as a priority. Any entitlements not met must be well-evidenced as there may be risk of legal challenge.

1. **Have Statutory Visiting Orders been accruing over this period?**

Temporary changes to both the Prison and Young Offender Institution Rules were made allowing for social visits to be suspended where necessary and proportionate in response to Covid-19. This power has now been removed. There is no express statutory right to ‘accrue’ visits although convicted prisoners can apply in advance to accumulate their visits as detailed in thevisits policy**Providing Visits and Services to Visitors-**[**PSI 16/2011**](https://www.gov.uk/government/publications/managing-prison-visits-psi-162011). A prisoner isolating either under protective isolation or for reverse cohorting purposes may continue to defer their visit but this is very much a deferral rather than a suspension.

1. **What if a prisoner makes a request to have expired statutory visiting orders reissued?**

Governors and Directors have discretion to decide whether to approve such requests in specific circumstances. Further detail is contained in this [Note for Governors - Social Visits Accrual](https://pogp.hmppsintranet.org.uk/wp-content/uploads/2021/04/Comms-for-governors-visits-accrual-30.04.21.docx).

**Secure Social Video Calling**

1. **What is the policy on secure social video calling?**

Prisons should continue to offer secure social video calls as set out in the interim secure social video calling [policy](https://www.gov.uk/government/publications/secure-social-video-calling-interim-policy-framework); now updated to reflect the reduced restrictions in prisons and to be treated as new standard policy rather than an exception to pre-existing. This policy will remain in place until a long-term policy position on secure social video calling has been established.

1. **How many video calls can we offer prisoners?**

Policy for video calls allows the offer of one free call per prisoner/ young person per month, paid for centrally.

In recognition of heightened pressures in the coming weeks and recent requests to support additional video calls, flexibility to provide additional video calls will be more widely available on a temporary basis over the transitionary period of exiting the National Framework. Delivery of additional video calls should be referenced in an establishment’s RMP, and note made of the impact of staffing on delivering additional calls.

When able to provide additional calls with their available staffing resource, this can be financed locally (within establishment and group budgets) and work should be completed with PGDs to achieve this. When this is not possible at PGD/ED level, the process for making business case via the ORSP for additional calls also remains in place. Directors of PMPs may offer additional calls at their own expense.

**Regime Management Plans (RMP)**

1. **Does an agreed RMP need to be in place to run regimes?**

Prisons need to have systems in place for the day-to-day management of staff resources and regime delivery, to ensure that regimes are Safe, Decent, Secure, Resilient and Sustainable. As per PSI 17/ 2017, all sites should have an RMP in place. The plan must be produced in consultation with stakeholders including service providers and unions. Local management and POA officials must engage meaningfully with the aim that the RMPs will be signed off by Governor and local POA.

1. **If I attempt to expand the regime without an agreed RMP in place and plans are locally disputed, what happens next?**

All public sector prisons should be operating to a PSI complaint RMP. There should be a constructive engagement with Trade Unions.

We should always aim to resolve any disagreements at the earliest opportunity, promoting constructive engagement with TUs colleagues. Where no agreement and sign off with TUs can be reached locally, standard resolution processes should be followed.

Where disputes arise, they should be dealt with as swiftly as possible with the support available from the Employee Relations team. Please note that RMP supports the application of risk assessments and SSoW which are required by law, and it does not replace them. In this respect the Governor is the legal risk owner and therefore ultimate decision maker.  The RMP does provide a framework for engagement in which best decision should be reached with the involvement of TUs but lack of agreement cannot stop the delivery of regimes.

**Regime Group Sizes**

1. **What does this mean for regime group sizes, education and industries?**

Governors and Directors will review the safety of their regime in balance with ensuring sufficient delivery. Relevant Risk Assessments will need to take local levels of violence into account. We have COVID learning that consideration of group sizes, mixing and movements is a key area for focus as we introduce new regimes into prisons.

Corporate worship, meditation and weekly Bible study, etc. should return to the requirements within the relevant PSI. Prisoners from across an establishment need to be able to meet together in an appropriate faith space. Moreover, offending behaviour management group sessions, exercise classes, treatment and therapeutic sessions should similarly return to provision in line with the regime and appropriate spaces should be reopened or utilised in order to deliver group related activity. Clearly there will be instances where this is not possible, for example, where prisoners are particularly vulnerable or where there a specific security concerns about a particular individual – in these cases individual provision can be made by the local Chaplaincy team.

**Regime Mitigations**

**16. Will regime mitigations still be available for use after we leave the framework?**

As per our update on 4 March, sites can reintroduce some regime mitigations (e.g. PIN credit and additional video calls) where local circumstances require it however this will need to be funded through local budget. 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. Directors of Privately Managed Prisons should escalate to the Head of Privately Managed Prison if they have any need to consider ongoing regime mitigations.

1. **What is the process for reintroducing regime mitigations?**

As per the communications issued on regime mitigations on 4th March, 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. Directors of PMPs should escalate to the Head of Privately Managed Prison if they have any need to consider ongoing regime mitigations. It is expected that regime mitigations will be funded locally.

**Pay**

1. **If the regime isn’t fully operational and there is less work available, how can this be managed?**

A basic pay rate was introduced as part of the COVID mitigation measures to reflect the lack of work opportunities, but this is now being phased out. Governors and Directors can use their discretion around pay, particularly unemployment pay, but should be aware of producing adverse effects such as making part-term work less attractive or as a consequence of regime changes imposing significant financial hardship on their prisoner population.

1. **How should prisoners manage their money?**

In line with existing national and local policy frameworks, unemployment pay of at least £2.50 per week is available and prisoners may also have the option to receive private cash from family and friends. From April In-cell TV charges were reintroduced at a cost of £1 per week per cell and a 30-minute phone call to a landline between Mon-Fri costs 93p in most prisons. Prisoners may be eligible for paid work or paid opportunities that were not available during Covid-19 restrictions.

**Incentives**

1. **Should we routinely be using Basic if a prisoner is failing to meet expected standards in their behaviour, if engagement with the regime is not as required?**

Yes, prisons should be operating in line with the policy set out in the [Incentives Policy Framework](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/898621/incentives-policy-framework.pdf)

However, prisoners may need more support through a basic regime as they begin to adjust to a different way of living when compared to recent months.

Sites now have the option to apply Basic regime if it is in line with their local policies. Local decisions on the enforcement and repercussions of regressing to Basic IEP level, for example the removal of in-cell TVs, will revert to in line with existing policy frameworks.

**Prisoner Communications**

1. **Can we give free phone calls?**

Existing policy concerning prisoner communications [Prisoner communication Services policy: PSI 49/2011](https://www.gov.uk/government/publications/prisoner-communications-policy-psi-492011) sets out in which circumstances prisoners may be able to access free phone calls – such as foreign nationals and those with close family abroad may have a free call in lieu of unused visits or other exceptional circumstances as per the national policy. Staff should also refer to existing policy frameworks in their establishments.

1. **Will prisoners receive any phone credit?**

As per our communication on regime mitigations, the additional pin credit was formally withdrawn for the male adult estate at the end of March, unless local circumstances require an extension/reintroduction.

The YCS will continue to provide additional PIN credit until the exit from the National Framework. The Women’s Estate are reviewing the approach to additional pin credit and will issue specific comms to this part of the estate.

Surplus credits cannot be moved to spends or issued at discharge. Separate finance instructions have been issued on this.

**Physical Education**

1. **Will gym sessions be available for prisoners?**

An RMP will be required to support delivery of gym sessions and other PE programmes in public sector prisons. Gym sessions and other PE programmes (including accredited courses) should, where possible, return to a level of provision in line with the relevant PSI. Prisoners from across an establishment need to be able to meet to participate in sporting activities supervised by PEI’s or PE Support Officers. Clearly there will be instances where this is not possible, for example, where prisoners are particularly vulnerable or where there a specific security concerns about a particular individual – in these cases individual provision can be discussed with the PE team. Where PE staff have been re-deployed to support the regime, they should be returned to normal duties wherever possible.

**Adjudications**

1. **Where can I find the guidance on virtual Independent Adjudications?**

Please refer to the [SLB virtual IA](https://pogp.hmppsintranet.org.uk/2020/04/15/adjudications/) note with a link to all guidance on the platform, published on 11 November 2021 which clearly sets out the process for virtual adjudications. This replaces all the documentation that was previously on the intranet. In addition, the Adjudications policy (PSI 05/2018) and forms can be found here: [Prison adjudications policy: PSI 05/2018 - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/prison-adjudications-policy-psi-052018#:~:text=Rules%20and%20guidance%20for%20prison,to%20have%20broken%20prison%20rules.)

**Youth Custody Service only**

1. **Is the YCS Child First Transformational Delivery Model relevant to the future development of the youth estate?**

Yes, the 5 operational priority statements should continue to inform practice, reform activity (including the embedding of SECURE STAIRS) will continue and revised outcomes and measures are being developed to help focus and monitor delivery in line with lessons learned. Please see [The YCS Transformational Delivery Model](https://pogp.hmppsintranet.org.uk/2022/05/06/post-national-framework/) for full details.

**HR Guidance for staff (Public Sector Prisons)**

1. **What happens to staffing issues related to Covid?**

The usual timelines for managing sick absences and attendance have been disrupted both by issues related to staff health, and the impact of delayed access to healthcare appointments. HMPPS continues to manage staff issues:

1. On a case-by-case basis, ensuring that the unique circumstances for each staff member is understood.
2. That the appropriate guidance and support is thoroughly researched by line managers in dialogue with our staff, including expert advice e.g. medical, OH and HR colleagues.
3. That HMPPS will continue to apply government advice in partnership with our existing policies, to support our staff, and in consultation with Trade Union colleagues.

1. **Where is the most up to date advice available on the HMPPS approach to managing Covid related staff issues at this time?**

The HMPPS intranet continues to store all the available advice to inform Staff and Mangers about the current guidance surrounding Covid and policy. HR advice is currently under review and will be updated shortly. Here is the link to the page which continues to be updated regularly. [Staff and managers - HMPPS Intranet (gsi.gov.uk)](https://intranet.noms.gsi.gov.uk/covid-19-coronavirus/staff-and-managers2)

**NOTES**

* Queries on this Operational Guidance should be sent to:

COVID19.Regimes&OpsGuidance1@justice.gov.uk

* Queries relating to the extant policies should be sent to:

 operational\_policy1@justice.gov.uk