



HM INSPECTORATE OF
PRISONS FOR SCOTLAND

INSPECTING AND MONITORING



COVID-19 PANDEMIC EMERGENCY

PANDEMIC POLICY AND HEALTH & SAFETY GUIDANCE

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DO NO HARM - STAY SAFE - TAKE PERSONAL RESPONSIBILITY

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1. INTRODUCTION

HMIPS is committed to ensuring that the human rights of those deprived of their liberty are upheld in these extraordinarily challenging times. HMIPS is also committed to ensuring the human rights of staff, Independent Prison Monitors (IPMs) and partner agencies including the NHS and the Scottish Prison Service (SPS) are upheld.

This policy is in line with:

- Scottish Government policy to reduce social contact, protect the most vulnerable, and to reduce the spread of the virus.
- Scottish Government commitment to OPCAT.
- The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) "Statement of Principles Relating to the Treatment of Persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic".
- SPS COVID-19 Pandemic Plan.
- Guidance from the World Health Organisation (WHO) – Europe – "Preparedness, prevention and control of COVID-19 in prisons and other places of detention".
- Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015.
- HMIPS Standards for Inspection and Monitoring.

This policy is for use in the event of a pandemic. It is for HMIPS staff, key stakeholders and partners and for the information of the Scottish Government.

This document should be used by individuals involved in monitoring and inspection of Scottish prisons throughout the duration of the pandemic and should be read and adhered to in conjunction with HMIPS' Remote Monitoring Framework, HMIPS' Liaison Visits Framework, and the SPS COVID-19 Pandemic Plan.

The guidance contained in this document will enable HMIPS to fulfil our statutory duty to monitor treatment and conditions, independently and safely, in places of detention in Scotland, including all 15 prisons, and court custody units (CCUs).

Adapted methodologies were developed that saw two frameworks developed to ensure continued scrutiny.

The Remote Monitoring Framework commenced on 4 May 2020, allowing for independent monitoring of all Scotland's prisons via weekly telephone calls to prison management, with regular calls with prisoners to confirm understanding.

From 27 July 2020 a Blended Remote Monitoring Framework (BRMF) is being piloted in one region, ahead of a wider roll-out, that sees on-site visits by IPMs recommencing.

The complementary Liaison Visit Framework of on-site liaison visits to individual establishments also commenced in May and a blended fuller level of liaison visit is planned for Autumn.

2. ALTERNATIVE APPROACH TO MONITORING AND INSPECTING DURING A PANDEMIC

Though the scale and style of liaison visits differ markedly from full inspections, they nonetheless focus on essential, irreducible rights for prisoners and detainees drawn from the wider Standards that HMIPS use during normal inspections. These include the right to be held safely and with respect, and to receive acceptable standards of healthcare.

This means we will look at: healthcare, nutrition and hygiene; contact with families, friends and the outside world; legal rights; use of time and the need for meaningful human contact; support for those at risk of self-harm and suicide; and support and risk management for those being released.

We acknowledge that these are extremely challenging times for prisons and other establishments. We will therefore place an emphasis on identifying and sharing good practice and learning in our reports. Urgent issues we identify will immediately be shared with operational managers.

This policy includes health and safety guidance for inspectors involved in one day liaison visits. It is vital that we 'do no harm' in visiting establishments and we will take steps to minimise risks to everyone while carrying out these visits.

We have, therefore, developed this guidance which sets out for HMIPS' staff the key processes they must follow and actions they must take. We have drawn on guidance from Public Health Scotland and the WHO.

It covers a range of issues, including:

- Ensuring that visiting inspectors have no symptoms of COVID-19 or are not self-isolating for other reasons.
- Safe travel for inspectors to and from establishments.
- Social distancing protocols for inspectors within establishments.
- The use of personal protective equipment (PPE).
- Safe processes to enable inspectors to capture the experiences of particularly vulnerable groups of detainees.
- Timing to ensure we do not transmit risk between prisons

HMIPS liaison visits are based on a number of factors including information arising from weekly remote monitoring calls and core data supplied by the SPS. These are reviewed daily, with algorithms applied, enabling decisions on establishment visits to be made in accordance with up-to-date evidence. This allows HMIPS to:

- Fulfil our statutory duty to report on treatment and conditions effectively, without adding unreasonable burdens to a system currently dealing with unprecedented challenges.
- Promote transparency about the response to COVID-19 in places of detention and ensure that lessons can be learned quickly.

- Provides effective independent scrutiny and assurance while adhering at all times to the ‘do no harm’ principle. This means that HMIPS will not put prison staff or its own staff at unreasonable risk and will work in line with national guidance issued from the Scottish Government.

2.1 Specific concerns requiring oversight related to COVID-19

HMIPS’ own experience and recent guidance issued by bodies such as the United Nations Sub-committee on Prevention of Torture (SPT) and the WHO indicates that prisons are unusually high-risk environments during the current outbreak for prisoners, staff, and the wider community. Specific concerns include:

- Overcrowding, sharing of confined spaces and difficulties in maintaining personal hygiene, which all heighten risk of person-to-person transmission.
- A higher likelihood of existing poor physical health with immune systems and respiratory health affected by poor nutrition, smoking and use of drugs and alcohol.
- In some prisons, a high percentage of elderly prisoners and of prisoners with disabilities.
- A higher likelihood of poor mental health, which can be further affected by isolation, withdrawal of visits and lack of activity.
- The risk of stigmatisation and victimisation of prisoners showing symptoms.
- Staff shortages and deteriorating morale which may affect the prison’s ability to care for prisoners.
- The release of asymptomatic prisoners who carry the infection, some of whom will be homeless and unable to effectively self-isolate.

It is also well-established that without external scrutiny, closed institutions can develop their own unique norms and standards, leading in some cases to a deterioration in the treatment of prisoners.

2.2 Approach to on-site liaison visits

This section elaborates on guidance for on-site liaison visits methodology, which is tailored to the current circumstances. It is a specific methodology developed as a response to the COVID-19 crisis. Such visits will have the following main characteristics:

- A one or two-day visit initially, although we hope to extend that to multi-day visits in due course as restrictions in ease.
- SPS will be notified of the visit(s) as soon as possible, usually within seven days of the visit.
- Close communication with a nominated member of staff in each establishment, in the week preceding each visit.

- Continuous assessment before the HMIPS team enters the establishment, with particular account taken of factors such as sudden critical staff shortages, increase in virus cases, PPE usage and activity levels...
- Concerns will be described as part of a constructive commentary that takes account of context.
- Account will be taken of any health risks and national guidance, and there will be adherence to the 'do no harm' principle.
- Two or three inspectors, Prison Monitoring Co-ordinators and/or HMIPS partners will attend.

2.3 What will HMIPS look at?

We will focus on a limited number of key areas, all of which are based on our existing Standards. However, there will be additional focus on areas impacted most severely by COVID-19 including but not limited to:

- Regime restrictions or easing progress as a result of COVID-19.
- Access to showers and telephones.
- Personal safety of prisoners, officers and all other non-operational staff who maintain a presence in the establishment.
- Availability of PPE.
- Adherence to social distancing within each establishment for both prisoners and SPS staff, availability and utilisation of PPE.
- Staffing levels - including arrangements for those who are isolating, shielding or who have tested positive for COVID-19.

When appropriate we will extend the scope of these liaison visits to monitor progress by the SPS with their route map to return to a more normal prison regime, for example with the reintroduction of physical visits, education, other forms of purposeful activity and opportunities for progression.

3. HEALTH AND SAFETY GUIDANCE FOR ON-SITE LIAISON VISITS AND INDEPENDENT PRISON MONITORING

HMIPS staff, partners and IPMs will follow the guidance outlined in the SPS COVID-19 Pandemic Plan when present in establishments and conducting on-site liaison visits, especially the sections relating to hand hygiene, social distancing and use of PPE.

Additionally, HMIPS staff, IPMs and partners engaged in on-site liaison visits or any other on-site visits should adhere to the following guidance in advance of each visit:

- **Key workers**

Inspectors carrying out liaison visits are designated as key workers, and will be issued with documentation to confirm this to any authorities seeking to understand the reason for travel whilst full lockdown is in progress. This should also allow staff to register and arrange key worker child care if required.

- **Exclusions**

Staff who are classified as more vulnerable to severe illness as a result of COVID-19 and/or who have recognised medical conditions are not required to attend the short liaison visits. In addition, national guidance indicates that some staff may also be at additional risk due to their caring responsibilities or family situations. These staff are required to discuss this with their line manager so that alternative working arrangements can be put in place.

- **Staff with symptoms**

Staff may also contract the virus in the community. All staff must report any clinical signs of infection to their line manager immediately, and must begin an appropriate length of self-isolation before returning to work. Symptoms may include a high temperature - this means you feel hot to touch on your chest or back (you do not need to measure your temperature); and a new, continuous cough - this means coughing a lot for more than one hour, or three or more coughing episodes in 24 hours (if you usually have a cough, it may be worse than usual). Symptoms may also include fever or loss of, or change in sense of smell or taste. IPMs with symptoms must not attend the prison under any circumstances.

- **Travelling to and from establishments**

Using public transport presents additional risk of infection. HMIPS staff and IPMs should reduce this risk by minimising use of public transport. HMIPS staff and IPMs are encouraged to use their own cars where possible.

- **Intervals between visits**

IPMs, HMIPS staff and partners are asked to ensure that 7 days occur between sites to ensure transmission risk is minimised

- **Complying with the HSE guidance and use of PPE at each site**

IPMs, HMIPS staff and partners are advised to make themselves aware of the HSE and PPE expectations at each site and to comply with their guidance. .

- **Using your own car**

Due to the current circumstances, members of staff should not carry passengers. If sharing cars is unavoidable, a single passenger can be carried for a short journey. The passenger should sit in the rear seat, behind the front passenger seat - giving the greatest separation distance between the two people in the vehicle. Mileage claims should be made at the standard Scottish Government rate.

4. REDUCING TRANSMISSION OF THE COVID-19 VIRUS

- **Washing hands**

Staff should wash their hands frequently and for at least 20 seconds. They should do this on arrival at an establishment, immediately when arriving back at home, and frequently during the visit. Staff should be aware that keys, locks, gates, railings and door handles are a high-risk contamination point. Staff should avoid touching their face after making contact with these surfaces.



- **Clothing**

HMIPS aims to prevent carrying the virus into an establishment by initiating specific precautions on arrival. Staff should wear clean clothing in the establishment. When returning home, clothing worn during the visit should be laundered at the maximum approved temperature.

- **Bringing items into an establishment**

Staff must limit the quantity of items they bring into an establishment. Where laptops are required they should be wiped down before and after use. Bags

should not be carried around wings unless attached to the person. Notepads should not be placed on surfaces, and pens should remain in the inspector's possession and not placed in the mouth.

- **Keys**

HMIPS staff and IPMs should familiarise themselves with, and then comply with, the local guidance on hygiene requirements for key handling (for example, wiping down keys before and after use).

- **Eating**

Staff and IPMs are encouraged to bring their own food and to wash their hands thoroughly before eating all food, including fruit and sweets. All items taken home from the prison should be thoroughly washed and packed away after use.

- **Social distancing**

HMIPS staff and IPMS are expected to maintain a two metre distance from others while on the short scrutiny visit. Staff should be aware that some landings are less than two metres in width and should consider this when moving around the prison, making every effort to plan a route which enables them to maintain distance from others. Where social distancing is not physically possible, HMIPS staff and IPMs should ensure they wear a face mask. The SPS have issued guidance on their website around social distancing. HMIPS staff and IPMs should read the guidance.

- **Visiting residential areas**

Staff should be careful when entering areas where air flow is limited, such as small offices and cells. Encourage people to talk in open spaces. Do not talk to prisoners through the gaps in cell doors as air flows can be directed to either person's face. If you wish to speak to a prisoner directly, the advice is to do this with the door open and standing at least two metres apart. Staff are reminded to undertake the usual security arrangements engaging with prisoners particularly around cells. When walking down narrow corridors and through gates, staff should be courteous, give way to others, and avoid these areas during any specified movements such as meals and exercise.

- **Personal Protective Equipment (PPE)**

HMIPS staff should make arrangements in advance of a liaison visit to ensure there are adequate provision of PPE for them to use on arrival at the prison. In most instances, however, it is expected that relevant PPE will be readily available from the SPS. IPMs and HMIPS staff will be expected to wear the face masks provided by the SPS at all times when in the prison and follow SPS protocols on where and when use of other forms of PPE is needed.

- **Interviewing prisoners in isolation**

HMIPS staff should not interview, in person, prisoners in isolation due to COVID-19 unless in exceptional circumstances and with agreement of the Unit Manager. Where possible, alternative methods to speak to prisoners should be used, such as speaking on the telephone. Where this is not possible, and where you need to interview an isolated prisoner in person, staff should use the SPS provision of

personal protective equipment (PPE). IPMs should not interview prisoners in COVID isolation, and should escalate any requirements to do so to the PMC.

5. GUIDANCE FOR HMIPS STAFF ON HOME WORKING AND RETURN TO OFFICE WORKING

- **Working from home**

It is anticipated that home working will continue to be the default position for some time to come and therefore HMIPS staff will continue to follow Scottish Government guidance on working from home during Coronavirus. In accordance with this, staff will adhere to security responsibilities in order to safeguard Scottish Government systems, devices and information. HMIPS staff will make arrangements to ensure a safe and comfortable home working environment, and HMIPS will give due consideration to any additional equipment and ICT requirements in line with Scottish Government guidelines.

- **Return to office working**

Whilst working from home is our default position for now, HMIPS will take a planned and co-ordinated approach for a return to working within Saughton House and other Scottish Government buildings. HMIPS will take account of Scottish Government guidance on timelines for the reintroduction of office working and on ensuring a safe distance between desks, safe use of office space and other office facilities, etc. Appropriate risk assessment exercises will be carried out prior to return.

HMIPS staff will be consulted on their preferences regarding a return to office working, continuation of home working, or combination of both, and as far as possible HMIPS will endeavour to take account of such preferences.

When a return to office working is judged suitable, arrangements will be put in place to ensure that staff numbers are manageable and compliant with Scottish Government guidance on health and safety requirements. HMIPS staff will be expected to continue to follow all relevant Scottish Government guidelines on safe working practices whether working in the office or at home.

Wendy Sinclair-Gieben
Her Majesty's Chief Inspector of Prisons, Scotland

27 July 2020