

COVID-19 Pandemic Emergency

Framework for Recovery from Lockdown for HMIPS Services

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Document Author/ Owner	Chris Johnston

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DO NO HARM - STAY SAFE - TAKE PERSONAL RESPONSIBILITY

Framework for Recovery from Lockdown for HMIPS Services

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SECTION 1

Purpose of this Framework

It is 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.

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 Framework is in line with:

- The Scottish Government Route Map to recovery - <https://www.gov.scot/publications/coronavirus-covid-19-framework-decision-making-scotlands-route-map-through-out-crisis/pages/4/>
- The Scottish Government commitment to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (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" <https://rm.coe.int/16809cfa4b>
- The 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 Inspecting and Monitoring Prisons in Scotland](#).

The lockdown restrictions currently in place in Scotland are legally required to be lifted as soon as it is considered that they are no longer necessary to control the spread of the virus. HMIPS' Recovery Framework aligns with the Scottish Government's phased route map for lifting their lockdown restrictions, and indicates how we will move through the phases towards what may be termed 'business as usual'.

The Recovery Framework is intended to inform HMIPS staff, SPS staff, prisoners, our key partners and stakeholders, and the Scottish Government.

This Recovery Framework will be used by individuals involved in the monitoring and inspection of Scottish prisons and Court Custody Units (CCUs) throughout the duration of the COVID-19 pandemic.

HMIPS will consider and recognise:

- That places of detention have specific concerns requiring oversight related to COVID-19.
- The impact of our decisions at each phase, including the risks and benefits.
- Whether the approaches will continue to meet our statutory obligations, while also meeting our guiding principles of "Do no harm - Stay safe – Take personal responsibility".
- Evidence about the impacts of the current measures and any relevant wider evidence from jurisdictions.

SECTION 2

HMIPS' scrutiny role during lockdown

HMIPS developed an adapted scrutiny methodology to repurpose our scrutiny role during the COVID-19 lockdown period, whilst recognising the challenges the SPS, GEOAmev and other key partners and stakeholders are facing.

HM Chief Inspector of Prisons for Scotland (HMCIPS) has made it clear that “protective measures must never result in inhuman or degrading treatment of persons deprived of their liberty”, and that she will report to the Cabinet Secretary for Justice on the treatment and conditions in which prisoners live, in line with HMIPS' [Standards for Inspecting and Monitoring Prisons in Scotland](#).

The three outcomes of scrutiny that are widely recognised are:

1. Safeguarding.
2. Assurance.
3. Improvement.

Targeting aspects of these outcomes helps repurpose our scrutiny response specifically to develop a response that:

- Safeguards prisoners and staff.
- Assures the public that we are continuing in our role of monitoring and inspecting the treatment and conditions that prisoners are held in; and improve aspects of service delivery.
- Continues to report publicly on our findings.

Two frameworks for scrutiny have been developed as interim solutions by HMIPS, to ensure that our scrutiny role can continue to be undertaken during the recovery phases, with minimal risk to HMIPS and SPS staff, and prisoners. These are:

1. The Independent Prison Monitoring [Remote Monitoring Framework \(RMF\)](#) which provides an interim solution to replace the weekly visits by IPMs and was initiated in May 2020.
2. [The Liaison Visits Framework \(LVF\)](#) which replaces the full inspection process that was undertaken by HMIPS and commenced in April 2020.

SECTION 3

How HMIPS will respond to each recovery phase

This section shows what work will be undertaken during each phase of the Scottish Government's route map, as and when the easing of restrictions is announced.

It demonstrates a cautious and phased approach towards the return of full on-site monitoring and inspection services, and follows the same format as the Scottish Government's route map, in order to provide supporting context to the decisions taken by HMIPS for each phase.

For each phase, the following information is provided:

- Epidemic Status.
- Protections advised in that phase.
- HMIPS monitoring and inspection development actions.
- Action in other areas of society (summarised), to provide context to HMIPS decisions.

TABLE - HMIPS Route map out of Lockdown – How we will deliver monitoring and inspection services during each 'Phase' summarises the following pages.

Annex B

HMIPS Route map out of Lockdown – How we will deliver monitoring and inspection services during each ‘Phase’

	Lockdown	Phase 1	Phase 2	Phase 3	Phase 4
Epidemic Status	<ul style="list-style-type: none"> • High transmission of the virus. • Risk of overwhelming NHS capacity without significant restrictions in place. 	<ul style="list-style-type: none"> • High risk the virus is not yet contained. • Continued risk of overwhelming NHS capacity without some restrictions in place. 	<ul style="list-style-type: none"> • Virus is controlled but risk of spreading remains. • Focus is on containing outbreaks. 	<ul style="list-style-type: none"> • Virus has been suppressed. • Continued focus on containing sporadic outbreaks. 	<ul style="list-style-type: none"> • Virus remains suppressed to very low levels and is no longer considered a significant threat to public health.
Protections advised in each phase	<ul style="list-style-type: none"> • Physical distancing requirements in place. Frequent handwashing and hygiene measures for all. • Cough etiquette is maintained. • Face coverings in enclosed public spaces, including public transport. • Adherence to HMIPS Health and safety policy. • Adherence to SPS and CCU Health and safety guidance physical distancing requirements in place. 	<ul style="list-style-type: none"> • Physical distancing requirements in place. Frequent handwashing and hygiene measures for all. • Cough etiquette is maintained. • Face coverings in enclosed public spaces, including public transport. • Adherence to HMIPS Health and safety policy. • Adherence to SPS and CCU Health and safety guidance Physical distancing requirements in place. 	<ul style="list-style-type: none"> • Physical distancing requirements in place. Frequent handwashing and hygiene measures for all. • Cough etiquette is maintained. • Face coverings in enclosed public spaces, including public transport. • Adherence to HMIPS Health and safety policy. • Adherence to SPS and CCU Health and safety guidance Physical distancing requirements in place. 	<ul style="list-style-type: none"> • Physical distancing requirements in place. Frequent handwashing and hygiene measures for all. • Cough etiquette is maintained. • Face coverings in enclosed public spaces, including public transport. • Adherence to HMIPS Health and safety policy. • Adherence to SPS and CCU Health and safety guidance Physical distancing requirements in place. 	<ul style="list-style-type: none"> • Physical distancing requirements to be updated on scientific advice. • Frequent handwashing and hygiene measures for all. • Cough etiquette is maintained. • Face coverings may be advised in enclosed public spaces, including public transport. • Adherence to HMIPS Health and safety policy. • Adherence to SPS and CCU Health and safety guidance Physical distancing requirements in place.

	Lockdown	Phase 1	Phase 2	Phase 3	Phase 4
HMIPS monitoring and inspection development actions	<ul style="list-style-type: none"> • Remote working was the default position for HMIPS staff and equipment was provided to allow for home working effectively. • On-site monitoring was suspended. • IPMs began conducting weekly monitoring calls with senior management in Scotland's 15 prisons. • Full prison inspections were suspended. • One-day prison liaison visits began at prisons showing greatest risk (according to the HMIPS risk framework). • Full CCU inspections were suspended. • Emergency Court Custody Liaison Visits began, at CCUs showing the greatest risk (according to the HMIPS CCU algorithm, based on weekly phone calls to CCUs) • Prisoner transport vehicle inspections were suspended 	<ul style="list-style-type: none"> • Remote working is the default position for HMIPS staff. • On-site monitoring still suspended. • IPMs continue to conduct weekly monitoring calls with senior management <u>and</u> prisoners in Scotland's prisons. • Full inspections, CCU inspections and Prisoner Transport Inspections still suspended as with previous phase. • One-day prison liaison visits continue as with previous phase. Some partner agencies also joining these visits. • Inspection Partners contacted to determine availability for liaison visits (phase 3) and full inspections (phase 4). • CCU liaison visits continue as with previous phase. 	<ul style="list-style-type: none"> • Remote working is the default position for HMIPS staff. • Risk assessment and implementation plan for HMIPS Staff to return to 'new normal' is drafted. • On-site monitoring still suspended. • IPMs continue to conduct weekly monitoring calls as per previous phase. • PMCs conducting on-site liaison visits in their respective regions' prisons to: (1) check validity of IPM call details, and; (2) determine required measures for IPMs to return to on-site monitoring. • PMCs survey their respective IPM cohorts to determine those willing to return to on-site monitoring in phase 3 (subject to physical distancing, hygiene measures etc.) • Full inspections, CCU Inspections and Prisoner Transport Inspections still suspended • Limited 1-day liaison visits as with previous phase. • CCU visits continue as with previous phase. 	<ul style="list-style-type: none"> • Remote working is the default position for HMIPS staff, but with face-to-face meetings starting to be phased in. • Risk assessment and implementation plan for HMIPS Staff to return to 'new normal' completed. • On-site monitoring resumed on a limited basis. • IPMs observing recommended social distancing and hygiene requirements. • PMCs conduct further survey work to determine available IPM compliment for commencement of phase 4 (full return of monitoring). • Full inspections, CCU Inspections and Prisoner Transport Inspections still suspended • Full inspections planned and waiting to be scheduled, including guest inspectors, and relevant stakeholders informed for Phase 4 • Limited 1-day liaison visits as with previous phase. • Introduction of 3 day liaison visits with partners • Full Thematic Reviews planned and scheduled. • CCU visits continue as with previous phase. CCU inspection service planned and scheduled. 	<ul style="list-style-type: none"> • Limited return of HMIPS staff to HQ Offices on a phased rota basis (according to Risk assessment and implementation plan). • On-site monitoring resumed fully. IPMs observing recommended social distancing and hygiene requirements. • IPM Recruitment and training recommences subject to recommended safety requirements, SPS capacity, etc. • Full inspections and Full Thematic Reviews commenced subject to recommended social distancing and hygiene requirements (as advised by both Government and local prison management). • Full CCU Inspection service resumed, subject to recommended social distancing and hygiene requirements. • Prisoner Transport Inspections planned. • Prisoner Transport Inspections implemented later in Phase 4. • Lessons learned session conducted and review published to Cabinet Secretary for Justice

	Lockdown	Phase 1	Phase 2	Phase 3	Phase 4
Action in other areas of society (summarised), to provide context to HMIPS decisions	<ul style="list-style-type: none"> • Remote working remains the default position for those who can. • Contact within own household only. • No public gatherings. • Limited public transport. • Schools, non-essential businesses closed. • Limited number of courts open. 	<ul style="list-style-type: none"> • Remote working remains the default position for those who can. • Limited outdoor contact with one other household. • Some outdoor activity permitted. • More courts opening. 	<ul style="list-style-type: none"> • Remote working remains the default position for those who can. • Larger outdoor group meetings permitted. • Further scaling up of public services from Phase 1 where it is safe to do so. • Previously closed small retail units can reopen. • Increased but limited public transport. 	<ul style="list-style-type: none"> • Remote working remains the default position for those who can. • Further resumption of justice system processes and services. • Indoor social meetings permitted. • Children return to school. • Increased public transport. • Non-essential indoor office workplaces can open, with physical distancing. 	<ul style="list-style-type: none"> • Further relaxation on restrictions on social gatherings. • Continued importance of hygiene and public health emphasised. • Public transport operating full service. • Remote and flexible working remains encouraged. • All workplaces open with improved hygiene and in line with public health advice. • Public services operating fully, in line with public health advice, with modifications and changes to service design, including increasing use of digital services where appropriate.

Specific concerns requiring oversight related to COVID-19

HMIPS own experience and recent guidance issued by bodies such as the United Nations Subcommittee on Prevention of Torture (SPT) and World Health Organization (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.*
- *concern by staff and detainees that HMIPS may carry an unnecessary the risk of transmission from the community*
- *impact assessments on vulnerable groups not completed*

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.

Protections advised during Lockdown

- Adherence to HMIPS Health and Safety policy
- Adherence to SPS and CCU Health and Safety guidance and use of PPE when visiting establishments
- Physical distancing requirements understood and in place
- Frequent handwashing and hygiene measures for all
- Cough etiquette is maintained.
- Face coverings in enclosed public spaces
- Remote working is the default position for HMIPS staff and equipment provided to allow for home working effectively.
- Checking of Scottish Government guidelines on use of public transport.

Detailed HMIPS Phases

Recovery Phase 1

Epidemic Status

- High risk the virus is not yet contained. Continued risk of overwhelming NHS capacity, many restrictions still in place.

Protections advised in each phase

- Adherence to HMIPS Health and Safety policy
- Adherence to SPS and CCU Health and Safety guidance and use of PPE
- Physical distancing requirements understood and in place
- Frequent handwashing and hygiene measures for all
- Cough etiquette is maintained.
- Face coverings in enclosed public spaces
- Remote working is the default position for HMIPS staff
- On site monitoring is suspended
- HMIPS staff undertaking liaison visits are symptomatic free for the previous seven days and nominated as essential workers

Actions during this phase :

- Healthcare Improvement Scotland (HIS) invited and agreed to join HMIPS on liaison visits to Prisons.
- HMIPS Remote Monitoring Framework and the HMIPS Liaison Visits Framework initiated in May 2020 continue with the same H&S principles and process as in Lockdown.
- Frequency of liaison visits reduced to incorporate HIS
- C Grade member of staff seconded to support the COVID-19 response to Scottish Governments (SG) Health and Social Care. Work shared to PMC team.
- Review of RMF commenced.
- Ad hoc visits planned to prison establishments

- Advisory Group meetings increase in frequency and are managed through remote digital platforms
- Thematic cross region intelligence gathering tasking allocated to IPMs

Recovery Phase 2

Epidemic Status

- Virus is controlled but risk of spreading remains. Focus is on containing outbreaks.

Scotland Criteria/ Conditions

- R is consistently below 1 and the number of infectious cases is showing a sustained decline.
- WHO six criteria for easing restrictions are met
- <https://www.npr.org/sections/goatsandsoda/2020/04/15/834021103/who-sets-6-conditions-for-ending-a-coronavirus-lockdown>:
 1. Disease transmission is under control
 2. Health systems are able to "detect, test, isolate and treat every case and trace every contact"
 3. Hot spot risks are minimized in vulnerable places, such as nursing homes
 4. Schools, workplaces and other essential places have established preventive measures
 5. The risk of importing new cases "can be managed"
 6. Communities are fully educated, engaged and empowered to live under a new normal

HMIPS Criteria and Conditions

- SPS establishment and CCUs have established preventative measures to allow HMIPS attendance
- R rate is low across the prison estate
- Establishment where HMIPS know COVID-19 is still prevalent will be considered high risk for a liaison visit and attract greater protections

- Risk algorithm identifies high risk sites and locations to visit
- Intelligence suggest regime has expanded and requires monitoring
- HMIPS staff undertaking visits are symptomatic free for the previous seven days
- Route maps from key stakeholders indicates easing of restrictions and potential for joint working

Protections advised in each phase

- Adherence to HMIPS Health and safety policy
- Adherence to SPS and CCU Health and safety guidance Physical distancing requirements in place
- Physical distancing requirements in place
- Frequent handwashing and hygiene measures for all
- Cough etiquette is maintained.
- Face coverings in enclosed public spaces, including public transport
- Remote working remains the default position for the team
- Consideration is given to a monthly on site meeting between key COVID staff (HMCIP, Deputy Chief inspector, Business manager, PMC, Operations Manager and Inspection Lead) to discuss Phase 3 preparation

Actions during this phase :

- PMC invited to enter prisons if they feel transmission risk is mitigated sufficiently to meet with GIC and tour establishment
- Risk assessment by PMCs of IPM workspace per establishment to identify IPM requirements for phase 4
- Inspection partners contacted by HMIPS to suggest return possibility in Phase 3 and 4 and understand their criteria for return to full service in Phase 4

- Wellbeing check with IPMs
- Review of LVF commenced
- Planning for Phase 3 that includes:
 - Development of expanded LVF to invite all partner agencies
 - Comprehensive risk assessment for HMIPS, IPMs and partner agencies
 - Survey of IPM wellbeing and commitment
 - Survey of HMIPS staff wellbeing
 - Office management (staggered attendance scheduling, flexible work patterns, space awareness etc.) developed.
- Planning for Phase 3 on thematic reviews commenced

Recovery Phase 3

Epidemic Status

- Virus has been suppressed. Continued focus on containing sporadic outbreaks.

Criteria/ Conditions

- R is consistently low and there is a further sustained decline in infectious cases.
- WHO six criteria for easing restrictions continues to be met

HMIPS Criteria/ Conditions

- Any signs of resurgence in site visits are closely monitored and sites considered high risk that have a resurgence

Protections advised in each phase

- Adherence to HMIPS Health and safety policy
- Adherence to SPS and CCU Health and safety guidance Physical distancing requirements in place
- Physical distancing requirements in place
- Frequent handwashing and hygiene measures for all
- Cough etiquette is maintained.
- Face coverings in enclosed public spaces, including public transport
- Remote working remains the default position for staff
- On site visits are only undertaken for staff who have been symptom free for seven days

Actions during this phase :

- Office management SSOW canvassed with HMIPS team (staggered attendance scheduling, flexible work patterns, space awareness, social distancing, PPE etc.)
- Monthly meeting between key COVID staff (HMCIP, Deputy Chief inspector, Business manager, PMC, Operations Manager and Inspection Lead) to discuss Phase 4 preparation
- Invitations extended to all partners and review of expanded LVF completed in light of partner response
- Seconded invited to return for planning or alternative support considered
 - Expanded LVF provides at least 50% of a full inspection with partners
 - Thematic reviews preparation for stage 4 commences
 - Preparation for stage 4 IPM engagement commenced
 - IPM gearing up for return to full duties includes:

- PMCs meet with GIC on site
- Survey of IPMs to confirm commitment
- Training - needs analysis conducted, new ways of COVID related PPT training agreed with the SPS instructors and essential training booked for Phase 4
- New IPMs undergo core training and allocation of prison and mentors
- Office space risk assessed for IPMs in establishments by PMCs and reviewed with SPS for COVID-19 guidance adherence
- PPE requirements for IPMs established
- H&S Policy and guidance published to IPMs
- Remote monitoring continues with :
 - A reduced frequency of management calls
 - Weekly calls to prisoners continues where appropriate
 - On site visits by IPMs are considered supplementary to remote monitoring
- Partner agencies Care Inspectorate (CI), Education Scotland and SHRC invited to join liaison visits later in in Phase 3 when the SPS indicate Education and 3rd sector commencing
- Onsite meeting space identified and SSOW drawn up

Recovery Phase 4

Epidemic Status

- Virus remains suppressed to very low levels and is no longer considered a significant threat to public health.

Criteria/ Conditions

Virus is no longer considered a significant threat to public health.

HMIPS Criteria / conditions

- HMIPS is ready to operate fully, in line with public health advice, with modifications and changes to service design, including increased use of digital services and remote working.

Actions during this phase :

- HMIPS operating fully, in line with public health advice, with modifications and changes to service design, including increasing use of digital services where appropriate
- Lessons learned session conducted and review published to Cabinet Secretary for Justice
- Staggered office attendance with remote working encouraged for non-public facing staff
- Thematic user voice research commences
- Thematic reviews recommenced in full.