HMIPS
HM INSPECTORATE OF
PRISONS FOR SCOTLAND

INSPECTING AND MONITORING

STANDARD 3

PERSONAL SAFETY

3

INTRODUCTION TO STANDARD 3: PERSONAL SAFETY

Questions which may be helpful in monitoring and inspecting the PANEL principles:

P

PARTICIPATION:

- Are prisoners able to share needs and concerns with prison staff?
- Are prisoners who are at risk able to participate in any discussions about their management plan?
- If a prisoner has been the victim of an incident with another prisoner, do they participate in the discussion of how to resolve or remedy the situation?
- Is prisoner participation a routine aspect of ensuring Personal Safety?

A

ACCOUNTABILITY:

- Are instances of violence, self-harm, suicide or bullying and responses to these regularly monitored to ensure processes and procedures conform with human rights?
- Is the approach to Personal Safety individualised and person-centred, are vulnerable or at risk prisoners supported in their management plan?
- Are the outcomes and processes of Personal Safety approaches monitored and evaluated?
- Are remedies provided in the event that rights are infringed upon?

N

NON-DISCRIMINATION AND EQUALITY:

- Are those prisoners who are most vulnerable, marginalised or who have a protected characteristic identified and appropriately supported?
- Do prisoners who are vulnerable or those with protected characteristics feel safe in the prison?
- Are reasonable adjustments made for the most vulnerable and marginalised prisoners to ensure Personal Safety?
- Are inappropriate attitudes challenged, is the environment understanding of diversity?

E

EMPOWERMENT:

- Does the prison provide support for prisoners who require extra assistance to participate in the processes and procedures which exist to keep them safe?
- Are staff proactive in identifying prisoners who face barriers and providing support to ensure Personal Safety?
- How is information shared with prisoners about their entitlements and rights in terms of Personal Safety?
- Are prisoners placed at the centre of any decisions made regarding Personal Safety issues?

L

LEGALITY:

HMIPS expect that all approaches to Personal Safety are grounded in human rights law and in conformity with the Scottish Prison Rules. Personal Safety is essentially concerned with the Prohibition of Torture, Inhuman or Degrading Treatment or Punishment (Article 3 ECHR) and in some more serious cases, protecting their Right to Life (Article 2 ECHR).

PROTECTED CHARACTERISTICS MUST BE CONSIDERED AND REFERENCED THROUGHOUT

The prison takes all reasonable steps to ensure the safety of all prisoners.

All appropriate steps are taken to minimise the levels of harm to which prisoners are exposed. Appropriate steps are taken to protect prisoners from harm from others or themselves. Where violence or accidents do occur, the circumstances are thoroughly investigated and appropriate management action taken.

QUALITY INDICATORS (QI)

3.1 The prison implements thorough and compassionate practices to identify and care for those at risk of suicide or self-harm.

3.2 The prison takes particular care of prisoners whose appearance, behaviour, background or circumstances leave them at a heightened risk of harm or abuse from others.

3.3 Potential risk factors are analysed, understood and acted upon to minimise situations that are known to increase the risk of subversive, aggressive or violent behaviour. Additionally, staff are proactive in lowering such risks through their behaviours, attitudes and actions.

3.4 Any allegation or incident of bullying, intimidation or harassment is taken seriously and investigated. Any person found to be responsible for an incident of bullying, intimidation or harassment is appropriately reprimanded and supported in changing their behaviour.

3.5 The victims of bullying or harassment are offered support and assistance.

3.6 Systems are in place throughout the prison to ensure that a proportionate and rapid response can be made to any emergency threat to safety or life. This includes emergency means of communication and alarms, which are regularly tested, and a set of plans for managing emergencies and unpredictable events. Staff are adequately trained in the roles they must adopt according to these plans and protocols.

3.7 The requirements of Health and Safety legislation are observed throughout the prison.

3.1

THE PRISON IMPLEMENTS THOROUGH AND COMPASSIONATE PRACTICES TO IDENTIFY AND CARE FOR THOSE AT RISK OF SUICIDE OR SELF-HARM.

FEATURES

- **Staff proactivity and awareness**
- **Record keeping and processes**
- **Co-operation between NHS staff and prison staff**
- **Ongoing training and review**

SPECIFICATION

This QI relates to roles and responsibilities of the prison and prison staff. Healthcare staff and processes are inspected under the healthcare standard.

Prisoners on the Talk to Me Strategy are treated with care, compassion and understanding by staff and are encouraged to maintain engagement with their families, friends and the prison regime as far as this is possible. This includes time out of cells in particular in an attempt to avoid isolation, whether formal or informal.

Staff are proactive in recognising and responding to signs which indicate a prisoner may be at risk of suicide or self-harm and are aware of all prisoners who are on the Talk to Me Strategy. Staff deal with each prisoner on an individual basis.

The prisoner meaningfully participates in discussions about their care plan and when it is agreed, the staff followed the required protocols. Paperwork is kept up-to-date, regularly reviewed and appropriately signed off by management. Staff approach this sensitively and confidentially. Lead individuals are appointed and the escalation process is understood.

Information is shared between the NHS staff and the prison staff to ensure that the best care is provided for those who are in this risk category.

A robust system of review and training is in place to ensure that the prison monitors the effectiveness of the programme and the care of prisoners.

Legal Standards	Section
CPT Standards 2015	Page 44(57-50); 88(116)
European Prison Rules 2006	Rule 47.2
Bangkok Rules 2010	Rule 16; 35
Scottish Prison Rules 2011	Rule 38

3.2

THE PRISON TAKES PARTICULAR CARE OF PRISONERS WHOSE APPEARANCE, BEHAVIOUR, BACKGROUND OR CIRCUMSTANCES LEAVE THEM AT A HEIGHTENED RISK OF HARM OR ABUSE FROM OTHERS.

FEATURES

- **Staff awareness**
- **Individualised approach**
- **Integration and inclusion**

SPECIFICATION

Risks are identified and vulnerable prisoners are engaged with and supported.

Staff take an individualised, considered and compassionate approach with the aim to integrate and include the prisoner in the prison regime wherever possible and avoid isolation, whether informal or formal.

Measures to protect and promote the rights of vulnerable prisoners and prisoners with special needs are in place.

Additional needs are identified, for example foreign language translation and other speech and language communication deficits, and prisoners are provided with assistance.

Where necessary, Equality and Diversity staff are involved in providing support and understanding for the staff and the prisoner.

Prisoners feel supported and included.

Legal Standards	Section
CPT Standards 2015	Page 23(27)
Mandela Rules 2015	Rule 2(2)
European Prison Rules 2006	Rule 47.2
Bangkok Rules 2010	Rule 41(b); 54

3.3

POTENTIAL RISK FACTORS ARE ANALYSED, UNDERSTOOD AND ACTED UPON TO MINIMISE SITUATIONS THAT ARE KNOWN TO INCREASE THE RISK OF SUBVERSIVE, AGGRESSIVE OR VIOLENT BEHAVIOUR. ADDITIONALLY, STAFF ARE PROACTIVE IN LOWERING SUCH RISKS THROUGH THEIR BEHAVIOURS ATTITUDES AND ACTIONS.

FEATURES

- **Appropriate intelligence analysis, interpretation and management processes are in place**
- **Knowledge and understanding of staff**
- **Interpersonal relationships between staff and prisoners**
- **Staff leading by example**

SPECIFICATION

The establishment has a clear and recorded strategy to deal with subversive and violent behaviour.

Staff and management understand the strategies employed to deal with risk situations and there is a clear link between overarching processes and the approach taken by staff in residential areas. Staff understand the role they are to play in implementing the approach.

Responses to subversive, aggressive or violent behaviour are strategic and well-thought through to ensure the safety of all involved.

Prison staff know and understand the prisoners who they are regularly engaging with. There is an underlying atmosphere of mutual respect between staff and prisoners and the staff understand the dynamics in their area.

Staff are encouraged to use, wherever possible, conflict prevention, mediation or any other alternative to prevent disciplinary offences or to resolve conflicts. Staff lead by example and recognise the influence they have on situations; they are fair and authoritative.

When situations of violence or aggression do occur, staff take calculated, controlled and professional action to de-escalate the incident and deal with those involved. The regime in the area is returned to normal as soon as possible so as to maintain control and calm for any other prisoners who are in the area.

Legal Standards	Section
CPT Standards 2015	17(45); 23(27); 27(32); 58(37); 89(120)
Mandela Rules 2015	Rule 38(1)
European Prison Rules 2006	Rule 51.3; 52.1; 52.2
Bangkok Rules 2010	Rule 13; 41
Havana Rules 1990	Section 28
Scottish Prison Rules 2011	Rule 91(1);

3.4

ANY ALLEGATION OR INCIDENT OF BULLYING, INTIMIDATION, OR HARASSMENT IS TAKEN SERIOUSLY AND INVESTIGATED. ANY PERSON FOUND TO BE RESPONSIBLE FOR AN INCIDENT OF BULLYING, INTIMIDATION OR HARASSMENT IS APPROPRIATELY REPRIMANDED AND SUPPORTED IN CHANGING THEIR BEHAVIOUR.

FEATURES

- **Effective policy in place**
- **Unacceptable behaviour is not tolerated**
- **Investigations are fair and comprehensive**

SPECIFICATION

There is an anti-bullying policy in place which is implemented effectively. Review of the policy takes place to ensure that it is being used properly and that all staff are willing to act according to it. All staff present in the prison receive regular training, including healthcare staff.

Both staff and prisoners are aware of the policy in place. There is an understanding of what constitutes unacceptable behaviour, that it will be challenged and that those found responsible will be reprimanded.

The prison is proactive in promoting an environment where bullying is unacceptable, with a strong victim-centred approach in tackling incidences. Prisoners are encouraged and supported to report incidents and have confidence in the approach taken.

Investigations are independent, fair and comprehensive with all associated documentation appropriately recorded.

Those responsible for incidents are reprimanded and are supported in changing their behaviour.

Legal Standards	Section
CPT Standards 2015	Page 89(121); 94(24)
Bangkok Rules 2010	Rule 31; 32

3.5

THE VICTIMS OF BULLYING OR HARASSMENT ARE OFFERED SUPPORT AND ASSISTANCE.

FEATURES

- **Victim-centred approach**
- **Support**
- **Engagement**
- **Communication**

SPECIFICATION

Victims of bullying or harassment are supported in their location and receive whatever assistance they may need following an incident.

Any restriction of access to regime is only taken with regard to minimising isolation of any kind, whether formal or informal, and the use of protection status as the default is discouraged.

The approach taken by the prison is individualised for that particular prisoner.

Victims are able to participate in, and are kept informed of, any investigation being carried out regarding their allegation and the outcome of the investigation is timeously and appropriately communicated.

Legal Standards	Section
Bangkok Rules	Rule 25(1)
Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985	Section 4; 14-17

3.6

SYSTEMS ARE IN PLACE THROUGHOUT THE PRISON TO ENSURE THAT A PROPORTIONATE AND RAPID RESPONSE CAN BE MADE TO ANY EMERGENCY THREAT TO SAFETY OR LIFE. THIS INCLUDES EMERGENCY MEANS OF COMMUNICATION AND ALARMS, WHICH ARE REGULARLY TESTED, AND A SET OF PLANS FOR MANAGING EMERGENCIES AND UNPREDICTABLE EVENTS. STAFF ARE ADEQUATELY TRAINED IN THE ROLES THEY MUST ADOPT ACCORDING TO THESE PLANS AND PROTOCOLS.

FEATURES

- **Response protocols**
- **Staff understanding of role**
- **Regular testing of alarms and communication**
- **Contingency plans in place**

SPECIFICATION

Staff are aware of the response protocol to an incident and how it is allocated to them.
Staff feel like there are enough responding members arriving in a timely manner to ensure safety.

The response mechanisms work well and staff feel safely supported when they need assistance.

Alarms are tested regularly and documentation to this effect is accessible.

Contingency plans exist and are kept in secure places either in paper form or electronically in the event that they need to be accessed.

Staff are trained in key roles which are engaged as soon as a serious incident occurs and training is on-going.

Legal Standards	Section
European Prison Rules 2006	Rule 18.2(c)
Havana Rules 1990	Section 32

3.7

THE REQUIREMENTS OF HEALTH AND SAFETY LEGISLATION ARE OBSERVED THROUGHOUT THE PRISON.

FEATURES

- **Roles allocated for Health and Safety**
- **Appropriate record keeping**
- **Statutory duty fulfilled**

SPECIFICATION

Health and Safety roles are allocated in the prison and staff are aware of what these roles entail.

A full Health and Safety structure exists with appropriate checks in place to ensure statutory compliance.

Documentation is kept up-to-date and staff meet together regularly to discuss Health and Safety matters.

Regular inspections are carried out with actions clearly identified and allocated.

Legal Standards	Section
Mandela Rules 2015	Rule 101(1)
European Prison Rules 2006	Rule 26.13; 52.5

QI	ADDITIONAL LEGAL STANDARDS	SECTION
3.1	CoE Recommendation on Juvenile Offenders Subject to Sanctions or Measures 2008	Section 70.2
	CoE Recommendation Concerning Foreign Prisoners 2012	Section 31.7
	CoE Recommendation on the Management by Prison Administrations of Life Sentence and other Long-Term Prisoners 2003	Section 24
3.2	CoE Recommendation on the Code of Ethics for Prison Staff 2012	Section 19
	CoE Recommendation Concerning Foreign Prisoners 2012	Section 32.2; 32.3
	CoE Recommendation on the Management by Prison Administrations of Life Sentence and other Long-Term Prisoners 2003	Section 26; 30(b-c)
3.3	CoE Guidelines Regarding Radicalisation and Violent Extremism 2016	Section 17; 20; 29
	CoE Recommendation on the Code of Ethics for Prison Staff 2012	Section 13
	CoE Recommendation Concerning Dangerous Offenders 2014	Section 10; 11; 26-33
	CoE Recommendation on the Management by Prison Administrations of Life Sentence and other Long-Term Prisoners 2003	Section 6; 12-17; 19(b); 20(b)
3.4	No additional rules	
3.5	CoE Recommendation on the Code of Ethics for Prison Staff 2012	Section 24
3.6	CoE Recommendation on Juvenile Offenders Subject to Sanctions or Measures 2008	Section 64
3.7	CoE Recommendation on Juvenile Offenders Subject to Sanctions or Measures 2008	Section 36.1

HM Inspectorate of Prisons for Scotland is a member of the UK's National Preventive Mechanism, a group of organisations which independently monitor all places of detention to meet the requirements of international human rights law.

© Crown copyright 2018

You may re-use this information (excluding logos and images) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit http://www.nationalarchives.gov.uk/doc/open-government-licence/ or e-mail: psi@nationalarchives.gsi.gov.uk

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

First published by HMIPS, April 2018
ISBN: 978-1-78851-727-0

HM Inspectorate of Prisons for Scotland
Room Y1.4
Saughton House
Edinburgh
EH11 3XD

Tel: 0131 244 8482

Produced for HMIPS by APS Group Scotland
PPDAS344046

Published by HMIPS, April 2018