Background on the English and Welsh prison system

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The prison system

The prison system in England and Wales was for many years run as part of the Home Office. On 9 May 2007 responsibility transferred to the newly created Ministry of Justice. Within the Ministry of Justice the National Offender Management Service (NOMS) is responsible for managing both the Prison and Probation Service, in order to discharge these responsibilities from April 2008, NOMS will be an Executive Agency and the Chief Executive of NOMS (Phil Wheatley) will be accountable for delivery of services in public sector prisons; private (contracted sector prisons); Probation Areas and Probation Trusts.

Prison estate

The prison estate consists of 141 prisons, ranging from high security prisons to open establishments. There are 130 public sector prisons and eleven which are privately managed by the contracted sector. Of these, fourteen establishments are for women and eighteen for young offenders.

Young People's estate

The Youth Justice Board (YJB) are the commissioning authority for all secure accommodation for young people who are under eighteen years of age and have been sentenced to a Detention and Training Order. Since April 2000 HM Prison Service (HMPS) has had a distinct Young People’s (YP) estate and is by far the YJB’s largest provider. HM Prison Service’s relationship with the YJB is that of a strategic partnership reflecting their parallel accountability to the Secretary of State for Justice. A five year Partnership Agreement has been signed for the period 1 April 2005 to 31 March 2010, which sets out the overarching statement of how the two organisations work together. The Agreement is underpinned by an an-
nual service level agreement. The YJB is responsible for establishing the overarching principles governing the YP regimes and for setting standards. The Women & Young People’s Group (W&YPG) in HMPS headquarters is responsible for operationalising those standards and supporting establishments in their implementation.

**Reception**

Every prisoner entering a prison or young offender institution passes through the establishment’s reception area, where a number of procedures must be carried out before they are admitted. The aims of the reception process are:
- confirming the prisoner’s identity;
- checking the validity of the warrant to hold the prisoner in custody;
- recording essential personal details;
- searching the prisoner and his/her property;
- medically examining the prisoner and assessing the risk of suicide and/or self-harm, and harm to others, including an initial cell sharing risk assessment;
- meeting immediate personal needs (e.g., clothing, toiletries, food, shower, urgent contact with outside child carers, et cetera);
- identifying prisoners requiring particular security precautions;
- identifying prisoners subject to measures to safeguard children, or under the Protection from Harassment Act 1997.

These procedures are carried out by prison staff and healthcare specialists, who are experienced in dealing with prisoners who may be new to custody and anxious about what to expect. Prisoners are provided with initial information about the prison and more detailed guidance on these and other issues is provided later, during the induction stage. It is essential that all prisoners are treated with decency and understanding, without discrimination, and with regard for their immediate well being. The reception area will have reading material in a variety of languages to inform and occupy waiting prisoners and will also include TVs/videos where possible. Governors make provision for prisoners with special needs, including physical or mental disabilities, and language difficulties. In order to allay any anxiety prisoners, move through reception as quickly as possible.

**Induction**

Induction is the process by which prisoners start their integration into the prison, and it begins as soon as reception is complete. Some prisoners, espe-
cially those new to custody, may be accommodated in a dedicated first night centre, while others may move directly onto a wing. In some establishments induction is provided on a rolling basis which new entrants join on arrival, in others the induction course begins at regular intervals and new prisoners join at set times as a course becomes available.

All prisoners should undergo induction, but the process will be adapted to the needs of the prisoner. Those who are new to custody spend longer on a general introduction to prison life, while those with previous experience may only need updating on recent changes and details of the local regime in whatever prison they may be in. The pace and style of learning will be flexible enough to cope with the different abilities of prisoners and any special needs they may have, for example, language difficulties, drug and alcohol addiction, disability or self-harm issues.

A range of information is provided to prisoners and induction also provides an opportunity to address some of prisoners’ needs in relation to life outside, e.g., family contact and childcare, financial issues, immigration status, future employment, and ongoing health needs.

**Prisoners’ rights**

**Visits**

Unconvicted and civil prisoners may receive a social visit three times a week, with each visit lasting at least one hour. Under Prison Rules convicted prisoners are allowed one visit every two weeks each of which should last at least one hour.

There is variation in visiting facilities from one prison to another. Generally social visits take place in a hall environment and the level of supervision is as unobtrusive as security considerations allow. Where there are grounds to believe that illicit items may be passed between visitors and a prisoner, the visit will be held in closed facilities, with a barrier between them.

All prisoners who are assessed as posing a risk to children and who want contact – by letter, telephone or visits – with any children (a person under the age of eighteen years) must make a special application for permission. Contact will normally be restricted to the prisoner’s immediate family or children, and/or the children of their partner.

An Official Prison Visitors (OPV) Scheme is in place at each establishment, offering friendship to those prisoners who wish to make use of the service. The work is co-ordinated via the OPV liaison officer in each prison. These
visitors are independent of the Prison Service, and are not associated with any religion.
Legal visits take place with the minimum of supervision, and may be arranged at short notice. Other official visitors, including probation staff and other public services, use the same procedures to see prisoners.
Unsupervised social visits, including conjugal visits are not permitted.

Correspondence

The Prison Service encourages prisoners and their families and friends to correspond in order to maintain family ties and links with the community.
Prisoners are allowed to send, at public expense, one letter a week if they are convicted, or two if unconvicted. Additional letters are allowed at the prisoner’s own expense or special letters at public expense in exceptional circumstances.

There are no limits on the number of letters prisoners are allowed to receive, but both incoming and outgoing letters may be opened and examined for illicit enclosures. Around 5% of incoming and outgoing letters per establishment are randomly read, but letters are routinely read if the prisoner:
– is in Category A (high security) establishments or any unit which holds Category A prisoners;
– is on the Escape (E) list;
– is identified as posing a risk to children, (subject to review at least every six months);
– is on remand for, or convicted of, an offence under the Protection from Harassment Act 1997, or subject to a restraining order or injunction and this must continue while any order/injunction is in force (subject to at least six-monthly reviews if considered necessary); or
– exceptionally, if there are grounds for believing that the letter’s contents might pose a threat to security or Good Order or Discipline (GOOD), national security, if it is believed to be in the interests of public safety, or of the prisoner, or for the prevention/detection of crime.

Under Prison Rules, letters between prisoners and their legal advisers or the Courts are afforded legal privilege status. This means they cannot be stopped, opened or read unless there are exceptional reasons to do so. The same confidential handling arrangements are also applicable to a number of statutory organisations and individuals, known as confidential access mail. Exceptional grounds are required for stopping and opening this type of mail.
Telephones

All prisons provide telephone facilities for prisoners. This is operated by a pinphone system which is designed to encourage prisoners to maintain contact with family and friends, whilst preventing contact with victims and/or witnesses. Prisoners are given a PIN number that must be entered into the phone each time a number is dialled. The system runs on two different levels known as barring or enabling. Barring works by allowing access to any number except to those specifically barred either individually or to a whole establishment. Enabling works by restricting contact to a controlled list of phone numbers. On an enabling system prisoners will be allowed a list of up to twenty personal numbers including family and friends. Prisoners may change their numbers. Prisoners may have an additional allowance of legal contact numbers, and such calls are not monitored.

A prisoner may receive credits on their pinphone telephone account at public expense to make a short call on first reception or be permitted to make a short call using an official telephone to deal with urgent family problems. Prisoners with close family abroad who have not received a social visit during the preceding month should be allowed credit at public expense to make a five minute telephone call to replace the visit.

Access to the media

There is no blanket ban on prisoners communicating with the media. They are allowed to correspond, subject to restrictions on content and payment. In certain circumstances they are allowed to telephone or receive visits from journalists, but must first apply to the governor for permission to do so. The policy is intended to prevent gratuitous details of a prisoner’s crime entering the public domain, to protect victims and their families from offence and distress, and to maintain public confidence in prison as a punishment. These objectives have been endorsed by the courts.

Marriage of prisoners

Under the terms of the Marriage Act 1983, all prisoners can exercise their right to marry under civil law whilst in custody. This is normally initiated by way of a formal application to the governor/director who will determine whether the wedding ceremony should take place inside or outside the establishment. If the ceremony is held within the prison, the governor/director will decide on the appropriate location, in consultation with the prison chaplain if there is a religious element to the ceremony.
Prisoners registering a civil partnership

The Civil Partnership Act 2004 contains a provision for the registration of a civil partnership where at least one of the proposed civil partners is a detained person (sect. 19). The governor or director will decide on the location for the registration ceremony and must provide a supporting statement to the registrar.

Religious care

Prison service policy is to enable prisoners to practise their religion, and to this end will provide pastoral and spiritual care to those in custody. All prisons have multi faith chaplaincy teams who provide this service or otherwise enable and facilitate it.

The Prison Service works closely with faith advisers from the main world faiths who meet together regularly as the chaplaincy council under the chair of the chaplain general. This includes representation from the Buddhist, Christian, Hindu, Jewish, Muslim and Sikh faiths. As part of the chaplaincy HQ team, the Prison Service has a full time Muslim adviser.

With certain specified exceptions, prisoners are enabled to come together for weekly corporate worship. They have access to a chaplain/minister of their religion where possible and practical. In addition, religious diets (including halal and kosher) are facilitated, and prisoners have access to religious texts and artefacts, as agreed with the relevant faith advisers.

Chaplaincy teams in prisons run a range of programmes and courses, from life skills to religious education; from bereavement counselling to parenting to victim awareness. Chaplaincy teams are supported by volunteers who carry out a wide range of roles including befriending and helping with religious services.

Health care

The prison population has many health problems including mental illness, substance abuse, tobacco use, HIV positive status; and past injection drug use (hepatitis B and hepatitis C).

There has been radical change in the provision of primary care and all of the health services within HM Prison Service, which are now purchased and provided for prisoners in the same way services are provided for other citizens, by the National Health Service (NHS).

To understand the reforms to prison health care, one must first understand health services in England and Wales. The NHS is funded through taxation
and provides most of the health services for citizens. Services are provided free at the point of delivery, apart from some relatively small charges for prescription drugs, for example. The NHS provides health services at the local level through 300 primary care trusts, each of which serves a population of about 250,000. Some 85 of these primary care trusts are responsible for the provision of healthcare in one or more prisons.

**Key aspects of the reforms to prison health care**

In 2000 the responsibility for policy development and standards moved from Her Majesty’s Prison Service to the Department of Health. The underlying objective was to provide services on the basis of assessed need and at least broadly equivalent to those provided to citizens in the community.

At the time of the reorganisation, the Department of Health instructed the NHS to recognise prisoners as part of the local community for health needs assessment and planning. Locally, a partnership developed between each prison governor and staff from the Primary Care Trust, from which joint planning of services took place. Nationally, the Director of Prison Health was relocated from Her Majesty’s Prison Service to the Department of Health but remained a member of the Prison Service Management Board. This position reports to government ministers in both the Department of Health and the Ministry of Justice.

In 2003 the budget for prison health services transferred from Her Majesty’s Prison Service to the Department of Health. The partnership approach was maintained, although the role of the NHS grew steadily larger.

The partnership entered a new phase; as of April 2006, the NHS commissioned all health services for prisoners in publicly funded prisons in England and Wales in much the same way that it provides services for all British citizens.

All doctors who work in prison regularly are qualified as general practitioners; the vast majority of doctors who work in prisons do so on a part-time basis, and work in the community the rest of the time. Because prisons have become just another part of an NHS provision within the community, the risk of professional isolation for those who work there has diminished, and many NHS nurses have been attracted to work in prisons.

Some 300 NHS mental health nurses have been recruited to form mental health in-reach teams, coming into prison to provide mental health services to prisoners in much the same way as they might visit a patient in the community, at home. The level of need is typically high; surveys indicate that nine out of every ten prisoners have at least one of the following disorders: neurosis, psychosis, personality disorder, alcohol abuse, or drug dependence.
In other areas, such as dentistry, it has proved a challenge to recruit enough staff to meet the need.

The government recognises that imprisonment offers an opportunity to improve the community’s health, prisons for example are the principal provider of hepatitis B immunisations. There are primary prevention initiatives to combat hepatitis C and sexually transmitted diseases among juvenile and young offenders. Prison also offers an opportunity for prisoners to quit smoking (quit rates are sometimes better in prison than in the community) and reduce transmission of sexually transmitted diseases and tuberculosis.

The government is currently developing a strategy that will aim to apply some of the benefits that have been realised in prison health care to other areas of the Criminal Justice System. This is currently intended for launch in summer 2008.

*Mother and Baby Units*

There are currently Mother and Baby Units (MBUs) at seven prisons providing a total of 75 places. Two of the Mother and Baby Units are at the privately managed prisons of Bronzefield and Peterborough. The overall age limit for the babies in MBUs is about eighteen months, although this may vary depending on circumstances.

Prison Service Order 4801 on the Management of Mother and Baby Units provides instruction and guidance to managers and staff who work in the Prison Service Mother and Baby Units (MBUs) and is also available to prisoners.

Women in prison have to be provided the same medical provision as women in the community and do not give birth in prison as a matter of course.

The Prison Service provides places in MBUs when it is considered in the child’s best interests to do so. The Units provide a calm environment in which the proper early development of the child can be fostered and in which bonding of mother and child can take place. The Units also provide crèche/nursery facilities so that mothers have the time to address their offending behaviour and educational needs like other prisoners. Admission to the MBUs is by application from the mother. A MBU Liaison Officer is available at every woman’s prison and can offer advice and help applicants apply for a place. A multi-disciplinary board including representatives from Social and the Probation Services considers the application and Independent Chairs from outside the Prison Service chair the Boards. To obtain admission the mother must be illicit drug free, of non-violent behaviour and be able to look after her child without close supervision. Women refused a place have a right of appeal to the Head of Womens & Young Peoples Group.
Prison discipline

The Prison Rules and the Young Offender Institution Rules list a number of offences against discipline which a prisoner may be charged with, including assault, fighting, disobeying an order, and drugs offences. The rules also outline the procedure for dealing with such violations, and list the punishments that may be imposed on prisoners found guilty. These range from a caution, loss of privileges for up to 42 days, exclusion from associated work for up to 21 days, loss or deduction from earnings for up to 84 days, cellular confinement for up to 21 days, and up to 42 additional days in custody (awarded by an independent adjudicator).

Disciplinary charges are dealt with initially by the governor or junior governor, usually on the day following the issue of the charge. If the governor considers the charge is serious enough to be dealt with as a criminal offence he will refer it to the police for investigation. If it is not referred to the police, but still serious enough to merit a punishment of additional days (for example, assaults, escapes, possession of a weapon, the more serious drug offences) if the prisoner is found guilty, the governor will refer it to an “independent adjudicator” (district judge), and adjourn the hearing for up to 28 days while arrangements are made for the adjudicator to attend the prison.

The independent adjudication system was introduced in October 2002, following the judgment of the European Court of Human Rights in the case of Ezeh and Connors. The previous system, under which governors were able to impose additional days, was found to breach of article 6 of the European Convention on Human Rights. To fall within article 6, this punishment should only be imposed by an independent tribunal, with legal representation for the prisoner.

If the charge is not serious enough to deserve additional days, the governor will proceed with the hearing. The officer making the charge will give evidence of the offence alleged against the prisoner, and may call witnesses in support. The prisoner is entitled to question the officer and witnesses, and may call witnesses of his own. When all evidence has been heard the governor must decide whether the charge has been proved beyond reasonable doubt. If the prisoner is found guilty the punishment is also announced. The governor may impose any of the punishments listed in the Prison or Young Offender Rules, other than additional days. Any punishment other than a caution may be suspended for up to six months. The prisoner is given written notification of the outcome, and is told how to request a review of the decision, if he wishes.
If the case is heard by an independent adjudicator the prisoner is entitled to be legally represented; otherwise, the procedure is similar to hearings before a governor. Independent adjudicators may impose any of the punishments listed in the Prison or Young Offender Rules, including additional days. Disciplinary cases against prisoners serving life imprisonment and other indeterminate sentences are not normally referred to an independent adjudicator as they are not eligible to be punished with additional days.

Offending behaviour programmes and drug treatment

The Prison Service has been running offending behaviour programmes since the early 1990’s. Offending behaviour programmes contribute significantly to the assessment, reduction and management of risk. They provide a wealth of important information about what motivates and drives offenders and how they might be enabled to live a successful and offence-free life. They contribute to the successful management of an offender through their sentence and provide valuable information for decision makers contemplating their release. Programmes also have an impact on the skills and understanding of staff, with hundreds of staff from a range of grades and disciplines receiving training and support annually. Training has not only covered risk and effective treatment but a broad range of skills for understanding, managing and motivating offenders. This training supports security and safety within establishments, and provides a positive influence to prison culture and attitudes towards offenders.

There are fourteen accredited offending behaviour programmes:
- two cognitive skills programmes: Enhanced Thinking Skills (ETS), and the Cognitive Skills Booster (CSB);
- seven Sex Offender Treatment Programmes (SOTPs): Core SOTP, Extended SOTP, Rolling SOTP, Adapted SOTP, Better Lives Booster Programme, Adapted Better Lives Booster Programme and Healthy Sexual Functioning Programme;
- three programmes for violent offenders: the Healthy Relationships Programme for domestic violence offenders; the Cognitive Self Change Programme for persistently violent individuals; and the Chromis Programme, for violent offenders with high levels of psychopathy;
- an emotion management programme: Controlling Anger and Learning to Manage it (CALM);
- a resettlement programme: Focus on Resettlement (FOR).
An offender may be referred to one or more programmes depending on his/her particular needs and the amount of intervention the level of risk requires. Several of these programmes are run by the Probation Service in the community. This supports the sequencing of intervention for offenders and their risk management.

*Juvenile Awareness Staff Programme (JASP)*

JASP was introduced to the young people’s estate in 2004 to provide child focused training for staff working with young people. JASP is the single biggest training event delivered to staff in the children and young people’s secure estate. The programme now includes modules on Child Protection, TSA Understanding and Working with Children and Young People in Custody, Mental Health, Substance Misuse, Vulnerability Assessment, Training Planning and Resettlement, Managing Difficult Behaviour and Safeguarding.

*Offending behaviour programmes for young people*

The Youth Justice Board (YJB) funds the Lucy Faithfull Foundation to work directly with young male sex offenders at two young offender institutions (YOIs) as well as the provision of the Juvenile Enhanced Thinking Skills (JETS) programme in five YOIs. The YJB does not accredit offending behaviour programmes per se, but instead looks to custodial establishments to provide interventions using the philosophy that encompasses its *Key Elements of Effective Practice* (KEEP). The Board funds individual bed prices around the Prison Service young people’s estate within the limits of the funding available to the Board; and, in turn, individual establishments must then identify their regime priorities against Prison Service Order 4950 on the *Care and Management of Young People* (this may include the decision to provide, or provide training for, specific offending behaviour programmes). A number of establishments are using their resources, despite competing pressures, to deliver non-accredited offending behaviour interventions (such as anger management) in line with the KEEP principles.

*Interventions for women in prison*

A number of accredited programmes have been developed for women (or are in an advanced stage of development):
– Enhanced Thinking Skills: aims to improve a range of cognitive skills that are needed to identify and solve problems.

– Choices, Actions, Relationships and Emotions (CARE): in consultation with non-statutory agencies, CARE has been developed specifically for women in custody convicted of violent and/or substance-related offences. It addresses a number of personal and circumstantial difficulties known to be linked to self-harm, substance misuse, mental ill-health, violence and re-offending.

– Democratic Therapeutic Community at HMP Send: provides a group therapy community environment where the women live and work together to explore and change their problem behaviours that underpin their offending behaviour.

– Prison-based drug interventions including RAPt (Rehabilitation for Addicted Prisoners Trust): a 12 Step programme which offers a medium/high intensity abstinence based approach; the Short Duration Programme, a low intensity programme based on cognitive behaviour therapy and offering twenty sessions run over four weeks; and P-ASRO (Prison Addressing Substance Related Offending), a low/medium intensity cognitive behavioural programme offering twenty sessions over six weeks.

– Focus on Resettlement (FOR): a motivational programme which helps women in the months before their release to take stock of key problems facing them on their release and identify goals and make plans for change.

The Women & Young People’s Group (W&YPG) in HM Prison Service headquarters is currently developing accredited interventions for female sex offenders.

Accreditation

In order for the programmes to be accredited, they are rigorously evaluated by an independent group of international experts (the Correctional Services Accreditation Panel) to ensure they are likely to reduce re-offending if delivered well.

Young People’s Substance Misuse Service (YPSMS)

The Young People’s Substance Misuse Service (YPSMS) is delivered in all establishments holding young people under the age of eighteen. The specification for the service is contained within the ‘Youth Justice Board’ National Specification for Substance Misuse for Juveniles in Custody, which forms part of the Service Level Agreement between HM Prison Service and the YJB.
YPSMS engages all young people in custody through the provision of:
- educational awareness;
- assessment and care planning;
- one to one and group work interventions;
- clinical management;
- co working with Youth Offending Teams for continuity of service on release.

*Drug treatment programmes*

The Prison Service also provides a range of accredited drugs treatment programmes for offenders who use drugs or whose offending is related to drugs. The implementation of these programmes is managed by the National Drug Programme Delivery Unit. Available drug treatment programmes are:
- P-ASRO (Prisoners Addressing Substance Related Offending);
- SDP (Short Duration Programme);
- STOP (Substance Treatment and Offending Programme);
- FOCUS;
- 12 Step programmes;
- TC (Therapeutic Communities).

The aim of the intensive drug treatment programme is for participants to achieve abstinence, which can be measured by drug testing. Programme participants sign a compact agreeing to be drug tested at random intervals during the programme, in addition to normal mandatory drug testing. The Short Duration Programme’s objective is to minimise the harm caused by drug use. Harm reduction can be measured in terms of the reduction in harm to self (the drug user) or to others. In 1998 the Advisory Council on the Misuse of Drugs formally recognised that some drug misusers might not be sufficiently motivated to consider abstinence and accepted that for some substance users reducing the harm associated with their substance use might be the area where change was initially most likely to occur.