

# Prison conditions in the United Kingdom

*Arianna Silvestri*

European Prison Observatory. Detention conditions in the European Union



With financial support from the  
Criminal Justice Programme of  
the European Union







# Prison conditions in the United Kingdom

*Arianna Silvestri*

**European Prison Observatory. Detention conditions in the European Union**



With financial support from the  
Criminal Justice Programme of  
the European Union



ANTIGONE  
EDIZIONI

**PRISON CONDITIONS THE UNITED KINGDOM**

Arianna Silvestri  
Antigone Edizioni  
Rome, September 2013

ISBN 978-88-98688-04-3



Prison conditions in the United Kingdom, by Arianna Silvestri, is licensed under a [Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Unported License](https://creativecommons.org/licenses/by-nc-nd/3.0/).

**Associazione Antigone Onlus**

Legal residence: Via della Dogana Vecchia, 5 – 00186 Roma  
Tel. +39 064511304, Fax +39 06233215489  
segreteria@associazioneantigone.it  
[www.associazioneantigone.it](http://www.associazioneantigone.it)

**European Prison Observatory**

Project Director: Mauro Palma  
Project Manager: Alessio Scandurra  
Scientific Coordinator: Francesca Vianello  
Unit coordinators: Susanna Marietti, Alessandro Maculan, Barbara Liaras, Sophie Vidali, Anhelita Kamenska, Maria Ejchart, Antonio Pedro Dores, José Ignacio Rivera Beiras, Will McMahon  
Workgroup: Roberta Bartolozzi, Patrizio Gonnella, Luigi Menna, Emiliano Nieri, Michele Miravalle, Daniela Ronco, Giovanni Torrente, Giuseppe Mosconi, Marie Crétenot, Sarah Dindo, Jean-Luc Untereiner, William Aloskofis, Nikolaos Koulouris, Athanassia Mavromati, Olga Themeli, Ilvija Pūce, Kristine Laganovska, Katarzyna Wiśniewska, Marcin Wolny, Ricardo Loureiro, Nuno Pontes, Monica ArandaOcaña, Josep Maria Garcia Borés, Tammy MCGloughlin, Arianna Silvestri  
[www.prisonobservatory.org](http://www.prisonobservatory.org)



With financial support from the  
Criminal Justice Programme of  
the European Union

This publication reflects the views only of the author, and the European Commission cannot be held responsible for any use which may be made of the information contained therein.

## INDEX

The European Prison Observatory.....	p. 8
Prison conditions in Europe.....	p. 8
General data.....	p. 10
General description of the penitentiary system of the United Kingdom.....	p. 18
Conditions of imprisonment.....	p. 20
Admission.....	p. 20
Allocation and accommodation.....	p. 23
Hygiene.....	p. 25
Clothing and bedding.....	p. 26
Nutrition.....	p. 27
Legal advice.....	p. 28
Contacts with the outside world.....	p. 29
Prison regime.....	p. 30
Work.....	p. 32
Exercise and recreation.....	p. 33
Education.....	p. 34
Freedom of thought, conscience and religion.....	p. 35
Information.....	p. 36
Prisoners' property.....	p. 36
Release of prisoners.....	p. 37
Women.....	p. 38
Juvenile penitentiary system.....	p. 38
Infants.....	p. 40
Foreign nationals.....	p. 41
Ethnic minorities.....	p. 42
Health.....	p. 42
Order.....	p. 45
Security.....	p. 45
Searching and controls.....	p. 46
Discipline and punishment.....	p. 46
Instruments of restraint.....	p. 47
Weapons.....	p. 48
Use of force.....	p. 48
Requests and complaints.....	p. 49
Management and staff.....	p. 50
Sentenced prisoners.....	p. 50
Life sentence.....	p. 52
Alternative measures.....	p. 54
Inspection and monitoring.....	p. 55
Ill-treatment.....	p. 56
Effects of the economic crisis.....	p. 57
Arianna Silvestri.....	p. 59
Centre for Crime and Justice Studies.....	p. 59



## THE EUROPEAN PRISON OBSERVATORY

The European Prison Observatory is a project coordinated by the Italian Ngo Antigone, and developed with financial support from the Criminal Justice Programme of the European Union. The partner organizations are:

Università degli Studi di Padova - Italy

Observatoire international des prisons - section française - France

Special Account of Democritus University of Thrace Department of Social Administration (EL DUTH) - Greece

Latvian Centre for Human Rights - Latvia

Helsinki Foundation for Human Rights - Poland

ISCTE - Instituto Universitário de Lisboa - Portugal

Observatory of the Penal System and Human Rights - Universidad de Barcelona - Spain

Centre for Crime and Justice Studies – United Kingdom

The European Prison Observatory studies, through quantitative and qualitative analysis, the condition of the national prison systems and the related systems of alternatives to detention, comparing these conditions to the international norms and standards relevant for the protections of detainees' fundamental rights.

The European Prison Observatory highlights to European experts and practitioners 'good practices' existing in the different countries, both for prison management and for the protection of prisoners' fundamental rights.

Finally it promotes the adoption of the CPT standards and of the other international legal instruments on detention as a fundamental reference for the activities of the available national monitoring bodies.

[www.prisonobservatory.org](http://www.prisonobservatory.org)

## PRISON CONDITIONS IN EUROPE

The collection and organization of available data on the penitentiary systems of each country has been coordinated by the Università degli Studi di Padova, that developed and tested a comprehensive data collection grid to collect the information required to describe the different national penitentiary systems. The data collection grid has been developed having in mind as main reference the European Prison Rules (Council of Europe. Recommendation Rec(2006)2. Adopted on 11 January 2006), and the informations collected in every country monitored by the Observatory, and presented in these Reports on prison conditions, describe every national penitentiary system, focusing in particular on its compliance with the European Prison Rules.

The research activities have been carried out by the project partners, that drafted a report on prison conditions in their country. Further information and all the national reports can be found on the project website.



## GENERAL DATA\*

\*updated to December 2012 for daily data and to the entire 2012 for flow data

- 1. Total population of the country:** 63.2 million (UK) (2011 Census), of which:
  - England and Wales: 56.1 million
  - Scotland: 5.3 million
  - NI: 1.8 million
  - Source: 2011 Census (Office of National Statistics)
  
- 2. Total prison population rate per 100,000 inhabitants:**
  - England and Wales (EW): 149
  - Scotland (S): 144
  - Northern Ireland (NI): 93
  - (Based on 2011 Census population and prison population as of Dec 12; Scotland figures are provisional)

### Adult prisons<sup>1</sup>

- 3. Number of prisoners (including pre-trial detainees):**
  - EW: 76.085
  - S: 6.998 (provisional data)
  - NI: 1.531
  
- 4. Number (and % of the total number of inmates) of detainees serving a final sentence (i.e. excluding pre-trial detainees):**
  - EW: 71.855
  - S: 5.898 (excluding lifer recalls and civil prisoners) (provisional data)
  - NI: 975

---

<sup>1</sup> The data, unless otherwise stated, have been obtained from the Ministry of Justice (in England and Wales), the Northern Ireland Prison Service and the Scottish Prison Service, in the form of published information or responses to freedom of information requests.

Please note: Scottish data for the required period, where indicated, were not available in their final state at the time of writing because of technical problems. The provisional figures given here come from provisional management information from the Scottish Prison Service PR2 system.

In this paper the following abbreviations are used in relation to the different UK jurisdictions:

EW = England and Wales

S = Scotland

NI = Northern Ireland.

**5. Total capacity of penal institutions (with reference to legal criteria. If legal criteria are not available explain the reasons for this lack of information):**

EW: Useable Operational Capacity: 90.442. Useable Operational Capacity is the sum of all establishments' operational capacity (the total number of prisoners that can be held taking into account control, security and the 'proper operation of the planned regime') less 2.000 places. This is known as the operating margin and reflects the 'constraints imposed by the need to provide separate accommodation for different classes of prisoner i.e. by sex, age, security category, conviction status, single cell risk assessment and also due to geographical distribution'.

S: design capacity 7.820 (provisional data). The Scottish Prison Service calculates the design capacity of its prisons using the number and size of cells. While there is no statutory size for a prison cell, in the Scottish estate the minimum area of a standard single cell is seven square metres (excluding the toilet cubicle).

NI: 2.176. Accommodation is certified in accordance with the Prison and Young Offenders Centre Rules (NI) 1995.

**6. M<sup>2</sup> provided per prisoner (legal criteria):** There are no legally set criteria. In England and Wales, Section 14 the Prison Act 1952 sets out the arrangements for the certification and management of prisoner accommodation. It does not provide for a specific space for each prisoner in cellular accommodation. Rather, it refers to what is adequate for health (see reply under 'Accommodation' in next section of this document).

**7. Actual surface for prisoner (m<sup>2</sup>) (i.e. m<sup>2</sup> available divided per total number of prisoners):** The Ministry of Justice (MoJ) has confirmed that they do not hold this kind of information. While they have information on the gross external area of the prison estate, prisoners would not have access to much of this area. They have stated to us that 'it is not possible to calculate the surface area per prisoner' and 'there is no legal or business requirement for MoJ' to hold such information for England and Wales.

In Scotland, the minimum area of a standard 'single' cell is seven square metres (excluding the toilet cubicle). The minimum area for cell sharing (other than for temporary overcrowding/doubling up) should be 4.5 square metres per prisoner (excluding the toilet cubicle).

In NI the Prison Service provide individual cell living space varying from 6.8m<sup>2</sup> to 7m<sup>2</sup>. The actual surface area per prisoner in the adult male estate (total accommodation floor area) divided by the number of prisoners, at 7th December 2012, was 55.26m<sup>2</sup> per prisoner in Northern Ireland.

**8. Prison density – total number of prisoners in relation to capacity (%):**

EW: 93%

S: 97%

NI: 93%

**9. Number of foreign prisoners (and % of the total number of inmates):**

EW: 9.771 (13%)

S: 282 (3,8%)

NI: 113 (6,7%)

**10. Number of foreign pre-trial detainees (and % of the total number of inmates):**

EW: 1.480 (24%)

S: Statistics not collected in this way and therefore no information is available on pre-trial status.

NI: Information not available – request was rejected because of ‘disproportionate resource requirements’ to satisfy it. (NIPS, FoI reply to AS 3/4/13, Ref 13:80)

**11. Number (and % of the total number of inmates) of female detainees:**

EW: 3.671 (5%)

S: 400 (20 year olds and over; excluding lifer recalls, women awaiting deportation or convicted and awaiting sentence) - (5,7%) (provisional data)

NI: 49 (6,7%)

**12. Number of female foreign inmates:**

EW: 590

S: 11 (provisional data)

NI: Official statistics not collected in this way. Information request was rejected because of ‘disproportionate resource requirements’ to satisfy it. (NIPS, FoI reply to AS 3/4/13, Ref 13:80)

**13. % of female foreign prisoners of the total number of female prisoners:**

EW: 16%

S: 3,8%

NI: 11,8%

**14. % of female foreign prisoners of the total number of foreign prisoners:**

EW: 6%

S: 3,9%

NI: 5,31%

**15. Number of prisoners (including pre-trial detainees) between 18 and 20 (inclusive) years of age (and % of total prison population):**

Note: these are totals of all 18-20 year old inmates, irrespective of where they are held. Statistics are not disaggregated according to type of institution (adult or juvenile).

EW: 6.683 (8%)

S: 559 (figures exclude lifer recalls, convicted awaiting sentence, people awaiting deportation) (7,3%) (provisional data)

NI: 152 (9%)

**16. Total number of entries to prison facilities:**

EW: 86.494 (first receptions, Jan-Sept 2012)

S: information not available at the time of writing

NI: 4.718 (adult males); 5.987 total (including females and young offenders: these stats are not disaggregated).

**17. Total number of deaths in penal institutions (specify if this datum includes only the detainees who died inside the prisons or if it also includes those who died outside the prisons – for example, in ambulances, in hospitals etc.):**

EW: 183 (The figures relate to deaths of serving prisoners whether within prison walls or in an outside hospital)

S: 21

NI: 9

**18. Total number of suicides in penal institutions (specify if this datum includes only the detainees who died – from suicide – inside the prisons or if it also includes those who died outside the prisons – for example in ambulances, in hospitals etc.):**

EW: 58 (suicides within prison walls and in outside hospitals)

S: 2012 figures were not yet available at the time of writing, as they were subject to the outcome of fatal accident inquiries

NI: 2012 figures were not available at the time of writing, as all the deaths in custody were still subject to Coroner's inquests to ascertain the cause of death.

**19. Budget for the Justice System and % of Gross Domestic Product:**

The Ministry of Justice in England and Wales is one of the largest government departments, employing around 76.000 people, with a budget of approximately £9 billion, administered from a small central core. In 2010–11, nearly half the MoJ's expenditure and 74% of its work force was accounted for by the National Offender Management Service (NOMS), with 43.000 posts being held by the Prison Service.

The Ministry of Justice budget for 2010-2011 was just over £9 billion, of which the NOMS budget, which meets the cost of prisons, was around £4 billion (House of Commons, 2012).

For more information about expenditure in the criminal justice systems see CCJS UK Justice Policy Review, Volumes 1 and 2 at: <http://www.ukjusticepolicyreview.org.uk>

**20. Specific budget aimed at penal institutions and % of the previous: NA**

**21. Specific budget for staff and % of budget for penal institutions: NA**

**22. Specific budget for prison facilities and % of budget for penal institutions: NA**

**23. Specific budget for inmates (support, activities, etc.) and % of budget for penal institutions: NA**

**Juvenile prisons**

**24. Number of juvenile prisoners (including pre-trial detainees):**

EW: 1.282 15-17 year olds (as of 30/6/12)

S: 80 (provisional data)

NI: 29 (Average daily April-Dec 2012, NI Youth Justice Agency, provisional data).

**25. Number (and % of all juvenile inmates) of juvenile detainees serving a final sentence (i.e. excluding pre-trial detainees):**

EW: 99515-17 year olds (77,6%)(as of 30/6/12)

S: Statistics not collected in this way and therefore no information is available on pre-trial status

NI: 12(41%)(provisional data Apr-Dec 2012).

**26. Total capacity of juvenile penal institutions (with reference to legal criteria):**

EW: Information not publicly available

S: Information not available as the women's prison houses both adults and under 21s and disaggregated data are not produced.

NI: Certified Normal Accommodation for young offenders (this term includes juveniles but is not limited to them) (on December 2012): 256.

**27. M<sup>2</sup> provided per juvenile prisoner (legal criteria):** See answer to question 6 above.

**28. Actual surface available per juvenile prisoner (m<sup>2</sup>) (i.e. m<sup>2</sup> available divided per total number of prisoners):**

The Ministry of Justice (MoJ) has confirmed that they do not hold this kind of information. While they have information on gross external area of the prison estate, prisoners would not have access to much of this area. They have stated to us that 'it is not possible to calculate the surface area per prisoner' and 'there is no legal or business requirement for MoJ' to hold such information for England and Wales.

In Scotland, the minimum area of a standard 'single' cell is seven square metres (excluding the toilet cubicle). The minimum area for cell sharing (other than for temporary overcrowding/doubling up) should be 4,5 square metres per prisoner (excluding the toilet cubicle).

In Northern Ireland, the actual surface area per prisoner in the Young Offender and Women's Estate (total accommodation floor area) divided by the number of prisoners, at 7 December 2012, is 133,78m<sup>2</sup> per prisoner. There is no disaggregation available between women and young offenders' data.

**29. Prison density – total number of juvenile prisoners in relation to capacity (%):**

EW: The adult capacity (used for 21 year old and over prisoners) and young offender capacity (used for 18-20 year old prisoners) are not recorded separately. As at 28 December 2012 the percentage occupancy of the Adult and Young Offender estates together (based on the 90.693 places in Q9) is 91%.

S: information not available at the time of writing

NI: 59,3%

**30. Number of foreign juvenile prisoners (and % of the total number of juvenile inmates):**

EW: 821 (11%) (15-20 year olds)

S: 4 (5%)

NI: info not publicly available

**31. Number of foreign juvenile pre-trial detainees (and % of the total number of juvenile inmates):**

EW: 174 (17%) (15-20 year olds)

S: Statistics not collected in this way and therefore no information is available on pre-trial status

NI: info not publicly available

**32. Number (and % of the total number of juvenile inmates) of female juvenile detainees:**

EW: 249 (3%)(15-20 year olds)

S: 7 (9%) female detainees under 18, 80 detainees under 18

NI: 4(13.8%)(provisional data Apr-Dec 2012, NI Youth Justice Agency)

**33. Number of female juvenile foreign inmates:**

EW: 27(15-20 year olds)

S: 0

NI: info not publicly available

**34. % of female juvenile foreign prisoners of the number of all female juvenile prisoners:**

EW: 11% (15-20 year olds)

S: information not available at the time of writing

NI: info not publicly available

**35. % of female juvenile foreign prisoners of the total number of juvenile foreign prisoners:**

EW: 3% (15-20 year olds)

S: information not available at the time of writing

NI: info not publicly available

**36. Number of prisoners (including pre-trial detainees) between 18 and 20 (inclusive) years of age (and % of total juvenile prison population):** See answer to question 15

**37. Total number of entries to juvenile prison facilities:**

EW: 5.256 (15-17 year olds, first receptions2012)

S: information not available at the time of writing

NI: 779 young males 17-21 years old; 490 adult and young females (data not disaggregated); 400 under 17 year olds (males and females) in 2011/12 (NI Youth Justice Agency)

**38. Total number of deaths in juvenile penal institutions (specify if this datum includes only the detainees who died inside the prisons or if it also includes those who died outside the prisons – for example, in ambulances, in hospitals, etc.):**

EW: 5 (The figures relate to deaths of serving prisoners whether within prison walls or in outside hospitals)

S: 0

NI: 0

**39. Total number of suicides in juvenile penal institutions (specify if this datum includes only the detainees who died inside the prisons or if it also includes those who died outside the prisons – for example in ambulances, in hospitals, etc.):**

EW: 5 (including suicides that occurred within prison walls or in outside hospitals)

S: 0

NI: 0



## GENERAL DESCRIPTION OF THE PENITENTIARY SYSTEM OF THE UNITED KINGDOM

Separate prison systems operate in the three jurisdictions making up the United Kingdom (UK): England and Wales, Scotland and Northern Ireland. Each jurisdiction has its own prison service, inspectorate and Ombudsman. At the time of writing there are 130 prisons in England and Wales, 16 in Scotland and 3 in Northern Ireland. Each prison is run by a governor, with a number of staff, ranging from guards, medical and resettlement workers. Many prisons have a visitors' centre just outside their perimeter. Prisons can be either publicly owned and run, publicly owned but privately run or, in a few instances (but policy is going this way and numbers are likely to increase), both privately built and managed. Much of the older stock dates from the Victorian era and can be quite dilapidated and inadequate in facilities. Prison officers are civilians and are unionised.

In England and Wales, male adult prisoners are given a security category based on a combination of the type of offence committed, the length of sentence, the likelihood of escape and the danger to the public if they were to escape. Prisons are classified 'closed' or 'open', depending on the prisoners they are designed to hold. The categories of prisoners are:

- Category A: those whose escape is deemed to be highly dangerous to the public or national security.
- Category B: those who do not require maximum security, but for whom escape needs to be made very difficult.
- Category C: those who cannot be trusted in open conditions but who are unlikely to try to escape.
- Category D: those who can be reasonably trusted not to try to escape and are given the privilege of an open prison, where they are allowed limited interaction with the public, such as home leave or a nominal employment.

Those holding categories A-C prisoners are considered 'closed' prisons. Category A prisoners are further divided into risk levels, based on their likelihood of escaping. Men on remand are usually held in Category B conditions. The term 'local prison' is used to indicate a type of prison where a person is detained before trial or directly after conviction.

Female adult prisoners are classified into four categories and held accordingly:

- Restricted status (similar to Category A for men)
- Closed: women who are not trusted to not attempt escape
- Semi-open: those who are unlikely to try to escape
- Open: those who can be trusted to stay within the prison.

Offenders under the age of 21 of either sex may be sent to different types of establishment (see section on Juveniles).

In Scotland prisoners are assigned to one of three categories:

- High supervision: people for whom all activities and movements require to be authorised, supervised and monitored by prison staff.

- Medium supervision: where activities and movements are subject to (locally specified) limited supervision and restrictions.
- Low supervision: activities and movements, specified locally, are subject to minimum supervision and restrictions. Low supervision prisoners may be entitled to release on temporary licence and unsupervised activities in the community.

The prison service in Northern Ireland has been heavily shaped by 'The Troubles', which lasted for 30 years from 1969 onwards. More recently it has sought to move from a system mainly designed to deal with political prisoners to a more 'mainstream' one. Reviews are ongoing.

Recent trends in the UK have been characterised by a rising prison population, coupled with decreasing resources to deal with it. These trends have a number of effects, e.g. in the services that prisons are able to deliver (resettlement, drugs treatment, mental health care etc.) as well as in the conditions that prisoners are enduring (overcrowding, churn, slopping out, reduced time outside cells, increase in violence and self harm, etc.).

Increasing contracting out is bringing new issues to the fore, e.g. inconsistency in commissioning arrangements and problems with privatised services (like prisoner escorting in England and Wales) and with accountability structures.

Those whose needs are different from the prison population as a whole (like minorities, women and children) are least likely to have their needs met. Black and Minority Ethnic (BME), Muslims and foreign prisoners in particular have poor perceptions of their conditions.

The prison population is characterised by high levels of people with drugs or alcohol related problems and with mental health care needs. Over 60 year olds are the fastest growing group and the system is not well equipped to deal with an ageing population. The number of women in prison has also been increasing dramatically (since the mid-1990s). Although they are only 5% of the total prison population in England and Wales, female inmates' constitute one third of all instances of self harm. Women's prisons have been deemed over and over again to be too big and too far from homes and unable to provide the levels of care needed.

Although the number of children in prison has been falling, those who remain in detention are the most troubled and vulnerable: a high proportion come from institutional care, experience a high incidence of self harm and poor relations with staff. Feeling unsafe is very common among children in detention and incidents of restraint malpractice have been regularly exposed.

# CONDITIONS OF IMPRISONMENT

## ADMISSION

**a. At admission many details concerning the prisoner shall be immediately recorded (for example, the identity of the prisoner, the reason for commitment, etc.). What kinds of data are recorded? Among the information collected are any visible injuries and complaints about prior ill-treatment also recorded?**

In England and Wales staff must ask prisoners for the name, address and telephone number of their next of kin and accurately record the information. Staff must also request and record the details of any other person to be notified in an emergency. Prisoners must be fingerprinted within 24 hours of arrival in accordance with the National Security Framework (NSF). Prisoners must also be photographed in accordance with the NSF. Reception staff must record any outstanding court appearances. Staff are also expected to identify and accurately record a prisoner's religion and/or denomination, including 'nil religion'. Staff should use a 'Religion Card' to aid identification of a prisoner's religion, particularly for those who do not understand English.

In Scotland the rules also specify the prisoner's detailed description, including any distinctive marks on his or her body, and her/his biometric data. Any photograph or biometric data must be destroyed in the case of an untried prisoner if released or acquitted; or in the case of prisoners subject to extradition or deportation, if they successfully defend proceedings and are released from custody.

In Northern Ireland the rules specify the recording of the name, age, height, weight, distinctive marks and any other measurements or particulars, on reception and subsequently as necessary. A convicted prisoner may be photographed, palm-printed and fingerprinted.

**b. At admission all prisoners shall be informed in writing and orally, and in a language they understand, of the regulations governing prison discipline as well as of their rights and duties within prison. Do the institutions in the United Kingdom follow this rule?**

Yes, as far as practicable. Prisons translate local documents into common foreign languages, particularly on regime and induction policy.

Surveys of 15-18 year olds carried out in EW institutions in 2011-12 asked if the respondents had been asked on arrival whether they required help or support with a range of issues. Overall, young men most commonly reported being asked if they needed help with letting family know where they were, with not being able to smoke and health problems. Young women reported that on arrival into custody, staff most commonly asked if they needed any help with health problems, if they were feeling low or upset or needing someone to talk to, getting phone numbers and letting family know where they were.

**c. Upon admission to prison, in the event of a prisoner's death, serious illness, serious injury, or the transfer to a hospital, the authorities shall, unless that prisoner expressly requested them not to do so, immediately inform the spouse or partner of the prisoner, or, if the prisoner is single, the nearest relative or any other person previously designated by the prisoner. Do the institutions in the United Kingdom follow this rule?**

Yes, on the whole, although delays can happen.

**d. As soon as possible after admission, the information about the health of the prisoner on admission shall be supplemented by a medical examination (in accordance with rule 42 of EPR). Does this examination really happen in the United Kingdom? How long does it take for the medical examination to be accomplished?**

In England and Wales the rules state that first receptions into custody should have an initial health assessment to determine any immediate needs before people are locked up for their first night. As a follow up, prisoners must be given a general health assessment, in the week after reception, by an appropriately trained member of the healthcare team, in order to identify any existing health problems and to plan care or treatment. The needs of drug and/or alcohol misusers may be acute at this time, and the rules recognise that effective prescribing is necessary to prevent or mitigate withdrawal symptoms.

In Scotland the rules specify that governors should, without delay, bring to the attention of a healthcare professional any prisoner whose physical or mental condition appears to require their attention.

In Northern Ireland a registered nurse or a health care officer is expected to examine every prisoner as early as practicable on the day of reception and record the result. The rules state that, where possible, an appropriate health care professional should conduct a detailed health assessment within 72 hours of the first examination.

**e. In UK prison are there measures in place aimed at the prevention of prisoner self-injury and suicide?**

There are many orders and instructions with regards to this area. All new prisoners entering an establishment are identified and risk assessed for potential harm to themselves and others. Prisoners at risk should be identified at an early stage and a care and support plan drawn up, implemented and monitored. Someone thought to be a suicide risk or at risk of self-harm may be placed on a special wing or receive increased support/attention from staff. In some institutions a Buddy or Listener scheme is available.

The Inspectorate for England and Wales found in their 2011-12 annual report that first night and induction policies were generally implemented effectively and that officers were supported in identifying prisoners' needs as they entered prison. However, 'too many prisoners are still able to take their own lives' and many prisoners self harm. In many prisons the inspectors found that day-to-day care was inadequate, there was insufficient training for staff and inconsistencies in individual case management.

In Northern Ireland the Prison Review Team found a 'significant over-prescribing' of medication; prescribing policies had been 'neither consistent nor safe', with delays in obtaining prescriptions and swift reductions in supply, resulting in 'significant levels of anxiety and increased vulnerability'.

**f. In UK detention facilities are there some sections used for solitary confinement of the prisoners? What is it used for (for example, punishment, protection etc.)? Are there different kinds of solitary confinement?**

This appears to be used fairly sparingly in the UK. Not every prison has segregation facilities.

In England and Wales the term 'segregation' is used instead of 'solitary confinement'. Segregation is used for either keeping or re-establishing order/discipline or to protect inmates at risk of self-harm or harm from others.

Segregation is used for adult prisoners who have been found guilty of, or are awaiting adjudication about, an offence against discipline. This is not permitted in the case of young people, for whom isolation is not supposed to be used as punishment. However, a recent (March 2013) High Court judgment revealed that Ashfield prison, a privately-run children's prison in England, had unlawfully punished seven boys by keeping them in isolation after they were involved in a protest over conditions on their wing.

The government has responded to repeated criticism of the use of segregation in children's prisons by getting rid of the units – in name. As commented by the Inspectorate in 2010, 'all segregation units in the male estate had been rebadged as "care and separation", "reorientation" or "supervision units"'. However, they continue to operate as traditional segregation units, with the emphasis on separation rather than care'.

Cellular confinement can be used for up to 21 days for adults and 10 days for children and young adults. In practice, it is usually used for a few hours at a time only.

Prisoners on dirty protests are usually moved to special accommodation in the segregation unit, if the prison has one.

Inspections show that many prisons in England and Wales do not provide basic facilities for segregated prisoners, such as daily access to showers. It is rarely acknowledged that such regimes are inappropriate in terms of safety for the prisoners and that they have limited impact on changing behaviour.

There have also been reports that segregation units are inappropriately used (e.g. the Inspectorate of Prisons in EW noted that the segregation unit at HMP Foston Hall was being inappropriately used for women with mental health issues or women at risk of self-harm).

In Scotland and Northern Ireland solitary confinement is referred to as 'temporary confinement'. Scottish rules provide that temporary confinement in a special cell may be ordered for any prisoner who is 'behaving in a threatening, abusive or violent manner'. Prison Governors in Scotland may authorize segregation for a maximum of 72 hours. The period can be extended for a month at a time by Scottish Ministers or by officials to whom ministers delegate responsibility. A prisoner can be ordered to be under temporary confinement in a cell or room for no more than one hour if the prisoner is acting a 'disobedient or disorderly manner' and confinement is appropriate for the purpose of controlling such behaviour and if it is deemed to be in the prisoner's or others' best interests. Northern Ireland rules specify that temporary confinement is to be used for the purpose of preventing disturbance, damage or injury. A 'refractory or violent' prisoner may be temporarily confined in a special or observation cell but should not as a punishment or after s/he has ceased to be refractory or violent.

## ALLOCATION AND ACCOMMODATION

**a. Prisoners shall be allocated, as far as possible, to prisons close to their homes or places of social rehabilitation. Allocation shall also take into account the requirements of continuing criminal investigations, safety and security and the need to provide appropriate regimes for all prisoners.**

**Does this happen in the United Kingdom?**

Prison services have committed, in principle, to help prisoners maintain family ties. However, they temper this by acknowledging that there may be many reasons - including the prisoner's security categorisation, the availability of prison places, remoteness of the prisoner's home or the prison and the need to move prisoners around the prison estate to ease population pressures - why people can be held in prisons which are not the closest to their homes. In fact, there is no requirement that prisoners should be held within a fixed distance of their home and nothing to prevent them being transferred to another prison; in fact, the Secretary of State in England and Wales has discretion to hold prisoners 'in any prison'. Where family members are finding it difficult to visit a relative in prison, the prisoner may apply for accumulated visits, a temporary transfer to a prison closer to home to receive visits there or a transfer to another prison.

In practice, it is very difficult to keep prisoners close to their family and social links. Issues of 'churn' and frequent transfers of prisoners, especially a long way away from their families, have been and continue to be raised by families and non-governmental organisations.

In 2009 half of prisoners in England and Wales were more than 50 miles (80 km) from their home.

**b. As far as possible, prisoners shall be consulted about their initial allocation and any subsequent transfers from one prison to another. Does this happen in the United Kingdom?**

No, and prisoners have no legal right to be transferred to a prison of their choice.

**c. Do the accommodations of penitentiary institutions respect human dignity and, as far as possible, privacy, as well as meet the requirements of health and hygiene, with due regard being given to climatic conditions and especially to floor space, cubic air space, lighting, heating and ventilation?**

In practice, it depends on the state of the individual institutions. Many prisons are old and do not provide satisfactory living conditions and arrangements. Moreover, overcrowding makes privacy often difficult, with the doubling up or sometimes tripling up of single occupancy cells.

The practice of slopping out, although officially not sanctioned, continues. In January 2011 a serving prisoner lost a high court challenge to this practice. If successful the case could have forced the government to upgrade old jails in England and Wales.

In England and Wales, the Prison Act 1952 provides that no cell should be used for the confinement of a prisoner unless it is certified by an inspector that its size, lighting, heating, ventilation and fittings are adequate for health and that it allows the prisoner to communicate at any time with a prison officer. This is determined by PSI 17/2012 – Certified Prisoner Accommodation of the Prison Service Instructions 2012. On space in cells, the PSI says that the underlying principle is that each prisoner place must provide sufficient space for furniture and normal in-cell activities. In-cell activities are classified according to whether a cell is 'uncrowded' or 'crowded'. For uncrowded conditions, the activities are:

- Sleep
- Dress and undress
- Storage (volumetric measurement)
- Personal pursuits such as reading, writing, TV/sound and music system, etc.
- Take meals (unless dining in association is available)
- Use WC (in private)
- Use washbasin
- Circulation, movement and seating.

For crowded conditions the activities are the same, except for:

- Use WC (with some privacy from modesty screening)
- Storage (subject to space)
- Personal pursuits (subject to space).

**d. In all buildings where prisoners are required to live, work or congregate, are there alarm systems that enable prisoners to contact the staff without delay?**

This varies considerably between prison establishments both within and between jurisdictions. There are not alarm bells in every room in all buildings, but an effort is made to patrol areas where these are absent, though this does not always happen.

According to the rules prisoners have to be able to summon assistance from within their living accommodation and staff must respond promptly to calls for assistance. Governors must ensure that prisoner accommodation has a means whereby the occupant can summon assistance when locked inside. In closed establishments this will normally take the form of an in cell call system, which must be regularly tested. Where cell call systems are not provided an alternative means of raising the alarm must be provided. In semi open and open prisons it is not uncommon for prisoners to have room keys to let themselves out should they need to contact staff. Alternative procedures may exist according to local circumstances. Staff must acknowledge all requests for assistance by personal contact with the prisoner and appropriate action must be taken in response to abuse of the call system.

In Wallace House in Scotland (opened in 2005, it houses convicted prisoners who have been assessed as requiring medium supervision) prisoners have keys to their own rooms, but during the night the alarm system is linked to the central control room via an intercom panel in each room. In the event of an emergency the unit has a 'self evacuating' facility.

**e. Prisoners shall normally be accommodated in individual cells during the night, except where it is preferable for them to share sleeping accommodations. Does this happen in the United Kingdom?**

Doubling up or tripling up often occurs and is sanctioned, e.g.: 'each prisoner shall have a separate room or cell, but where necessary the governor, in accordance with any directions approved by the Department of Justice, may accommodate two or more prisoners in a room or cell' (Northern Ireland rules).

Overcrowding means that thousands of prisoners are being held two to a cell designed for one. Many of these cells have unscreened toilets, which fail to provide even the most basic of human dignity.

Research shows that during the financial year 2012-13, about 19,140 prisoners on average were forced to share a cell designed for one person in England and Wales. A further 777 prisoners were made to sleep three to a cell, when the cells were designed to accommodate only two.

**f. Are untried prisoners separated from sentenced prisoners?**

In England and Wales remand prisoners sharing residential accommodation and cells with sentenced prisoners is the norm. There appears to be what the Inspectorate of Prisons has called an ‘unresolved disjuncture between the Prison Rules and Prison Service policy’: while according to the former remand and sentenced prisoners should under no circumstances be required to share a cell, the latter allows it, as long as consent has been obtained. Even so, few among the remand prisoners surveyed the Inspectorate recalled being asked for their consent.

The prison rules in Scotland and Northern Ireland state that civil and untried prisoners should be kept apart from other categories - as far as that is reasonably practicable.

**g. Are male prisoners separated from females prisoners?**

The law for all jurisdictions states this should be the case, and this happens in England, Wales and Scotland. However, women prisoners in Northern Ireland are still held on the same site as young male prisoners, which has been condemned as unsuitable.

**h. Are young adults prisoners separated from older prisoners?**

EW: Young male offenders are supposedly held apart from adult offenders, in separate wings or different establishments (see section on juveniles re. Young Offenders Institutions (YOIs)). Young female offenders are often held in separate wings within prisons for women.

The Criminal Justice and Court Services Act 2000 provided for the abolition of the sentence of detention for young adults (18-20) in a young offender institution, but this had not been enacted at the time of writing.

People under 18 who are sentenced to custody should not be sent to adult prisons, but to secure centres for young people. However, the government has been accused of breaking an international treaty on children’s rights after it emerged in January 2013 that some young offenders under 18 had been transferred from youth custody to adult prisons.

NI: Woodlands Juvenile Justice Centre has places for up to 48 boys and girls between the ages of 10 and 17 who are placed in custody.

Scotland currently has 106 secure care places for young people. They are spread across seven dedicated secure care units.

## HYGIENE

**a. When prisoners are admitted to prison, the cells or other accommodation to which they are allocated shall be clean. Does this happen in the United Kingdom?**

It varies. Although the rules commit to this, in practice, because of the overcrowding and frequent ‘churn’, this may not happen. See also question b. below.

**b. Prisoners shall have ready access to sanitary facilities that are hygienic and respect privacy. Does this happen in the United Kingdom?**

It is governors’ responsibility to ensure that the arrangements for heating, lighting and ventilation in the prison are satisfactory.

For example, in Northern Ireland the rules stipulate that governors should take all practical steps to ensure the cleanliness and hygiene of all parts of their prison in which prisoners, officers and other staff use. Governors should consult when applicable with registered nurses, health care officials and with the authorities responsible for environmental health and for health and safety at work.

Privacy is not always possible, e.g. when doubling or tripling up cells meant for single occupancy, which have their toilet and/or washing facilities. This sharing often happens, because of prison overcrowding.

**c. Do prisoners have access to a bath or shower, at a temperature suitable to the climate, daily, if possible, but at least twice a week (or more frequently if necessary) in the interest of general hygiene?**

In England the rules provide that every prisoner shall be required to wash at proper times, have a hot bath or shower on reception and thereafter at least once a week.

In Scotland, the Governor must provide every prisoner with the opportunity to keep clean by providing access at reasonable times to washing, bathing and showering on a daily basis where adequate arrangements can be made; or where they cannot be made, at least every other day.

These rules are not always kept to, e.g. on first night or for prisoners kept in segregation.

**d. Do prison authorities provide inmates with the necessary means to maintain personal hygiene and sanitation, including toiletries and general cleaning implements and materials?**

Every prisoner is supposed to be provided with toilet articles necessary for their health and cleanliness, to be replaced as necessary. In practice, prisoners may be expected to buy their own toiletries, although staff may be able to give prisoners toiletries (things like toothpaste, a toothbrush and deodorant) if they do not have enough money to buy their own.

There is a laundry in every prison. Prisoners should be able to have clothes and bedding washed there once a week.

## CLOTHING AND BEDDING

**a. Prisoners who do not have adequate clothing of their own shall be provided with clothing suitable for the climate. Does this happen in the United Kingdom?**

Yes. Convicted prisoners have to wear clothes that the prison gives out (although in Scotland they can wear their own clothing, subject to governor's permission). These clothes include underwear, socks and shirts. Prison staff must make sure these clothes are clean, in good enough condition and keep prisoners warm and healthy. Prison staff must make sure they provide clean clothes often.

**b. Is this clothing degrading and humiliating?**

No. In some prisons in England and Wales convicted prisoners may sometimes be able to wear their own clothes as a reward for good behaviour (in Scotland if the governor allows it). However, in England and Wales plans were announced in April 2013 to require all convicted male prisoners to wear prison uniform for the first two weeks of their sentence.

Unconvicted prisoners in all jurisdictions can wear their own clothes, as long as they are acceptable to wear in prison and are clean and tidy.

In the following cases more highly visible clothing may be worn: security category A prisoners; if the governor thinks certain prisoners may try to escape; prisoners on their way to court. In the case of going to court, staff is supposed to do everything they can to stop other people seeing prisoners in these clothes.

## NUTRITION

### **a. Prisoners shall be provided with a nutritious diet that takes into account their age, health, physical condition, religion, culture and the nature of their work. Does this happen in the United Kingdom?**

According to the regulations the food and drink provided is to be 'wholesome, nutritious, well prepared and served, reasonably varied and sufficient in quantity.' However, only 14% of those in high security prisons surveyed by inspectors in EW in 2011/12 thought their food was good, against an average of 27% in all other prisons.

Governors are also responsible for ensuring that every prisoner is provided with food which takes into account, so far as practicable, the prisoner's age, health, religious, cultural, dietary and other requirements.

Research carried out in 2006 on the nutritional content of food found that although prisoners were offered meals that contained recommended quantities of most vitamins and minerals, there were some notable exceptions which could affect prisoners' health. Average levels of salt, for example, were far above the government's recommended levels – up to 93 per cent more in the case of the adult male standard meals, mainly due to the use of processed and pre-prepared dishes. Dietary fibre, which could be provided by fresh fruit and vegetables and wholegrain products, such as wholemeal bread and cereals was low. The amount of energy (calories) provided by some meals over the day exceeded the government's recommendations and, although the recommendation for average energy consumption for women is lower than for men, most meals offered to women provided similar energy levels.

The research also found that prisoners were provided with meals that relied heavily on convenience foods, such as pies and burgers and tinned food and frozen vegetables, with little use made of seasonal produce. There were also problems with meals being served too early, with prisoners going without food for long periods between a very early dinner and breakfast.

### **b. How many meals a day are prisoners served? How many of those are warm meals?**

Three meals a day; two warm meals generally. Pre-prepared breakfast packs have taken the place of a cooked or morning breakfast service in many prisons and are distributed the previous evening, which is poor practice. Other meals are also often served too early (e.g. lunch before noon or dinner before 5pm). Warm meals take a long time to arrive to the prisoners and have often cooled down by the time they get to be consumed.

### **c. How are the requirements of a nutritious diet decided?**

Prison governors bear the ultimate responsibility for prisoners' diet. They are in charge of food budgets and are required to approve food as fit for service to prisoners.

A person deemed by governors to be competent should from time to time inspect the food both before and after it is cooked and report back any deficiency. The way the food is kept and stored is also open to inspection. Any deficiencies that come to light as a result of sampling or inspection must be remedied 'as soon as reasonably practicable'.

In most prisons, one member of the governor's senior management has day-to-day oversight of catering. Prison kitchens are run by catering managers, who are responsible for implementation of standards, training of staff and control over the food budget.

In England and Wales, the Prison Service Catering and Physical Education Service monitors the provision of food through six area catering advisors, who also provide technical advice to prison catering managers.

## LEGAL ADVICE

**a. Is there a recognized scheme of free legal aid?**

Yes: criminal legal aid, although cuts to the scheme planned by the coalition government have been raising concerns about access to justice. The plans include banning convicted inmates from claiming legal aid when bringing complaints against the prison system. Challenges around separation of mothers and babies, prisoners being held in solitary confinement and resettlement issues would also no longer receive legal aid according to these proposals.

**b. Where there is a recognized scheme of free legal aid, do the authorities bring it to the attention of all prisoners?**

Prisons in England and Wales are required to have a 'Legal Service Officer' (LSO). Each prison has a to have a designated officer, whose duty it is to ensure that no prisoner who is likely to need a legal service fails to apply for it due to ignorance or general inadequacy. Whether and how consistently this happens in practice is a moot point. For example, research carried out in 2010 by the Howard League for Penal Reform shows that out 25 young offender institutions only 13 were able to confirm that they had an LSO. Only one-quarter of these officers were trained.

**c. Are the consultations and other communications (including correspondence about legal matters) between prisoners and their legal advisers confidential?**

Yes.

**d. Do prisoners have access to, or are allowed to keep in their possession, documents relating to their legal proceedings?**

Yes.

## CONTACTS WITH THE OUTSIDE WORLD

### **a. How many phone calls can a prisoner make per week? Is there a limit to the number of letters that can be sent out? Are there other forms of communication that prisoners can use?**

The only way to phone people from prison is by going to one of the public phones in the corridor or wing, which are operated using a special PIN number. This system has several hurdles, including that prisoners have to be authorised to call any number: the system only works on the basis of cleared numbers. Prisoners have been known to wait for weeks before being authorised to make a call.

Calling time is limited to a couple of hours a day and fewer at weekends. It is often the same couple of hours for a lot of people, so there are queues, crowding and not a lot of privacy. Additionally many people will want to make a call at the same time (off peak and out of office hours).

A prisoner can be allowed more calls or telephone time under the 'incentives and earned privileges scheme'. Those with close family abroad are usually allowed to make a five minute call from an official phone once a month.

Following a campaign by NGOs in 2009, backed by regulator Ofcom who highlighted that prisoners' calls cost seven times as much as the market rate, British Telecom reduced the price of telephone calls made from prison payphones.

Prisoners are allowed to send one free letter each week, or two if they are on remand. If they want to write more often they can, but have to pay for the postage themselves.

### **b. How many visits can a prisoner receive per week? Do the arrangements for visits allow prisoners to maintain and develop family relationships?**

Generally, if unconvicted (on remand), prisoners in England and Wales are allowed up to 3 visits a week, but no more than one on the same day; however, some prisons may allow more. Convicted prisoners are allowed one visit every two weeks. Young offenders may be allowed three visits a month. In Scotland there is no standard procedure for visiting and each prison can operate differently. Remand prisoners can usually have visits up to six times per week; convicted prisoners are more likely to have weekly visits.

The arrangements for visits are intended to help prisoners maintain family relationships, but arrangements and facilities vary. E.g. not every prison has a visitors' centre, but at those that do, they are a useful contact for families. Visitors' centres are outside the prisons themselves and are staffed by volunteers.

Partners or close relatives who are on certain welfare benefits can claim financial help with the travelling costs of up to two visits per month from the Assisted Prison Visits Unit.

### **c. Whenever circumstances allow, can prisoners be authorized to leave prison, either under escort or alone, in order to visit a sick relative, attend a funeral or for other humanitarian reasons?**

Yes.

### **d. Can prisoners keep themselves regularly informed of public affairs by subscribing to and reading newspapers, periodicals and other publications, and by listening to radio or television transmissions?**

Yes, but there are plans afoot (announced in April 2013) to limit the use of TVs in England and Wales.

**e. Can prisoners communicate with the media (unless there are compelling reasons to forbid this for the maintenance of safety and security, in the public interest or in order to protect the integrity of victims, other prisoners or staff)?**

In Scotland these communications are at the discretion of each governor. Visits are only allowed in 'exceptional' circumstances, within strict guidelines set by the governor and can only take place with a prison officer present.

In England and Wales prisoners can communicate with the media in three ways:

Written correspondence – most prisoners will be able to contact the media through letters only. Prisoners do not need permission from the Governor to send or receive letters from the media but there are restrictions on what can be sent out;

Telephone – if a prisoner wishes to contact the media by telephone and the call is intended or likely to be published or broadcast by radio or television or posted on the Internet the prisoner must first apply in writing to the Governor for permission. This will only be allowed in exceptional circumstances where the prisoner intends to make serious representations about matters of legitimate public interest affecting prisoners;

Visits – prisoners must apply in writing to the Governor. Decisions on such requests will, once the Governor has given his or her view, be made centrally on behalf of the Secretary of State. Visits by the media will only be allowed in exceptional circumstances.

**f. Can prisoners participate in elections and referenda?**

No. The UK is in breach of ECHR rulings.

## PRISON REGIME

**a. Does the prison regime offer a programme of activities?**

Yes. Prisoners are meant to engage in a range of activities during their time in custody, in order to facilitate 'order and control, rehabilitation and resettlement'. This includes but is not restricted to the following activities:

- Learning and skills
- Gymnasium (however, in England and Wales plans were announced in April 2013 to curtail the automatic access to gym equipment)
- Offending behavior programmes
- Rehabilitation services
- Prison industries and other areas of employment.

In Scotland, the rules state that a prison must provide a range of purposeful activities that, so far as is reasonably practicable, takes into account the interests and need of prisoners. The Scottish rules specify that the prison must compile a report about a prisoner's particular needs and wishes concerning work and education as soon as practicable after the prisoner is received into prison. Following receipt of this, the Governor must determine a programme of work, educational activities and counselling for each prisoner with the 'objectives of improving the prospects for the prisoner's successful resettlement in the community, and the prisoner's morale, attitude and self respect'. Unless

excused for health or other grounds, prisoners in Scotland are required to undertake work, education or counselling for up to 40 hours a week. No minimum number of hours is set.

However, the movement of prisoners between prisons and the overcrowded conditions often affects the provision of purposeful activities in the UK generally. Also, there are real problems with lockdowns impeding such activities.

The instances of large numbers of prisoners locked in their cells for long periods and a lack of purposeful activity are numerous. In 2012 HM Inspectorate of Prisons found high rates of both unconvicted (40%) and convicted unsentenced prisoners (37%) not involved in any activities in local prisons. A recent inspection of Thameside prison published in May 2013 shows that this privately run flagship prison is experiencing high levels of lockdown, mainly as an attempt to establish order. Inmates are being locked up for up to 23 hours a day, with little to do and hardly any vocational training being available. Other published examples of these problems in England and Wales include HMP Hewell, Leeds and Lewes. All the three prisons in Northern Ireland were also found to have 'unacceptably poor regimes, which waste resources and do not allow prisoners access to the activities and interventions they need to support change and reduce reoffending' (Prison Review Team, 2011).

**b. How many hours a day do prisoners spend outside their cells to improve human and social interaction?**

The amount of time prisoners are allowed to spend outside their cells to engage in activities (other than work, education, treatment programmes or religious services) or to associate together will vary from one establishment to another, depending on the availability of constructive activities and supervisory staff. The rules allow scope to increase the allowance in addition to the establishment's basic minimum, depending on good behaviour and other standards.

The Prisons Inspectorate expect prisoners to spend at least 10 hours out of their cells on weekdays but over the course of 2011-12 this was rarely achieved in England and Wales, particularly among young adults (only 5% of whom were unlocked for the expected period of time). In local prisons, time out of cell had dramatically decreased since the previous year, mostly due to a reduction of evening association from four to just two or three nights a week or an earlier lock up time in an effort to reduce costs. In high security, Category B and open prisons, however, time out of cell had improved. In spot checks, inspectors repeatedly found at least 25% of a prison's population locked up during the day with nothing to do.

In 2012 nearly a third of remand prisoners in local prisons in England and Wales said they had spent less than two hours out of their cells each day, and only 42% had spent more than four hours out of their cell. Fewer than half said they had association more than five times a week.

In 2010-11 the only women's prison in Scotland, Cornton Vale, had around 65% of inmates locked in their cells, with only 35% at education or employability training or work during the working day. Staff sick leave was found to have caused rolling lock-downs in prison in Northern Ireland in 2011.

**c. Is there any particular attention given to the needs of prisoners who have experienced physical, mental or sexual abuses?**

In most prisons, there are special units which can give specialist treatment in relation to mental health and all prisons have access to these units where necessary. Support plans should be drawn up for prisoners who are deemed to be a suicide risk or at risk of self-harm. Vulnerable prisoners may be placed on special wings or have more dedicated staff attention or support.

The Prison Service has stated that discrimination, harassment and bullying will not be tolerated ‘in any form, and swift and appropriate action will be taken to address any reports of victimisation.’ In practice, however, there is a significant gap between policy and practice. Moves in recent years have been taken towards tackling discrimination against prisoners on the grounds of race or religion. However, homophobia is also widespread and especially the problems of gay men in prison have still not been coherently addressed.

## WORK

### **a. Do prison authorities provide work opportunities (either on their own or in co-operation with private contractors, inside or outside prison)?**

Yes, and with third sector organisations as well. A growing number of private companies are doing business in prisons. Some of them have been criticised for reducing their workforce while increasing the size of their prison contract. They pay prisoners very low wages and overtime can occur, with reports of some prisoners working up to 60 hours a week.

### **b. Are work opportunities encompassing vocational training provided for prisoners able to benefit from them (especially for young prisoners)?**

Many prisoners get the chance to do some work while carrying out their sentence, e.g. making clothes and furniture or electrical engineering. This is done in prison workshops and is normally paid work. Prisoners can also work around the prison itself – e.g. in kitchens and laundries. Prisoners classed as being low risk can be allowed to work in the community.

In Scotland vocational training can include bricklaying, painting and decorating, hairdressing/barbering and cleaning. As with the work opportunities, these are provided by individual prisons and, therefore, can differ across the prison estate.

### **c. The organization and methods of work in the institutions shall resemble as closely as possible those of similar work in the community in order to prepare prisoners for the conditions of normal occupational life. Does this happen in the United Kingdom?**

In theory (see re. purposeful activity above). In practice the work is often mundane, repetitive and unskilled.

Prisons that provide work placements ‘facilitate the gradual re-introduction of those who have been in custody for a significant period of time, including life sentence prisoners, back into society in a measured and structured basis. This allows for any issues that arise prior to parole or liberation to be dealt with and resolved’ (Scottish Prison Service).

However, a key theme arising from the evidence taken by the Scottish Parliament Committee was the lack of strategic direction from the prison service management in relation to the provision of purposeful activities, with much left to the discretion of individual governors and prisons. As a consequence, the Committee argued, provision in Scotland was patchy and inconsistent and effectiveness reduced.

An example of good practice in England and Wales was the ‘Barbed’ social enterprise pilot, which was closed down in 2008. ‘Barbed’ was a graphic design studio inside a prison, run as a business. It

established an excellent reputation and was busy, producing a variety of work, e.g. annual reports, posters and exhibition banners. The prisoners/employees paid tax and NI contributions until the Prison Service decided that they could not count as employees and the studio was therefore forced to close down.

**d. Are prisoners remunerated fairly in relation to the outside world? Are there some restrictions in the use of remuneration?**

Prisoners are not paid the minimum wage and labour contracts (seen by the investigative website Exaro News) show companies are typically paying prisons the equivalent of around £2 an hour for prisoners' labour. Most prisoners are paid much less, with the prisons taking a variable amount of their salary. (See also section c above.)

In Scotland prisoners undertaking work, an educational class or counselling are entitled to be paid earnings but no prisoner is allowed to carry on a trade, profession or vocation from the prison or retain any monies generated from the sale of any items. The Scottish Prison Service has a national earnings policy which sets the parameters for prisoners' weekly pay: prisoners are paid a basic cell wage of £4.80 with additional earnings from participation on purposeful activities, provision of peer support to other prisoners and other additional roles. Earnings for purposeful activities range from £4.80 for participation on education courses to £12 for some work parties. Bonuses are also paid in relation to some production work.

**e. Are there any health and safety precautions for prisoner workers in order to protect them adequately? Are these the same precautions that are applied to workers outside?**

Prison Rules give the maximum working day as ten hours, but do not give a minimum working day. Prison workshops are exempt from the provisions of the Factories Act: if injured at work, prisoners have to rely on a civil claim in negligence in order to claim damages for any injuries. In practice, governors are required to observe the requirements of both the Factories Act and the Health and Safety at Work Act 1974; they are also instructed to give Health and Safety Executive inspectors access to all areas of the prisons.

**f. Are prisoners who work included in the national social security system?**

No. In the case of work carried out outside the prison, for outside employers, under the Prisoners' Earnings Act prisoners who are earning in excess of £20 a week may be subject to the imposition of a levy, amounting to up to (and including) 40% of their remaining earnings. The levy is paid to Victim Support, a national charity.

## EXERCISE AND RECREATION

**a. Does every prisoner have opportunity for at least one hour of exercise every day in the open air, weather permitting?**

The rules state that if the weather permits and subject to the need to maintain good order and discipline, a prisoner shall be given the opportunity to spend time in the open air at least once every day, for such period as may be 'reasonable in the circumstances'. There is a right to one hour's physical

exercise a week and the aim is to allow one hour's exercise in the open air a day, if circumstances permit. Health care advice is that this period should not normally be reduced to less than half an hour a day. However, the Inspectorate (Annual Report 2011/12) found that, contrary to its expectations, many prisoners in England and Wales did not have the opportunity to spend one hour in the open air every day.

A registered nurse or a health care officer can decide upon the fitness of every prisoner for exercise, sport and physical training and may excuse a prisoner from, or modify, any such activity on health care grounds. Where a governor receives advice from a healthcare professional that a prisoner or young offender is not fit to participate, s/he may make arrangements for remedial physical education or therapy.

**b. Are there appropriate installations and equipment, in order to facilitate such activities?**

In young adult facilities, high security and most Category B prisons between 60% and 70% of prisoners are able to attend a gym three times a week. In local and Category C prisons, the figures are much lower, at 38% and 54% respectively (2011/12, EW Inspections).

## EDUCATION

**a. What kind of educational programmes are there in UK institutions?**

Courses are normally available to help prisoners get new skills, e.g. learning to read and write, use computers and do basic maths and a variety of subjects like woodwork, engineering or gardening. Most prisoners get an Individual Learning Plan, listing courses and training.

Most courses lead to recognised qualifications, e.g. GCSEs or NVQs. Prisoners may be able to do distance learning courses, e.g. with The Open University. No funding is provided for prison higher education; inmates are expected to apply for loans, although funding may be provided by outside agencies, for example the Prisoners Education Trust.

In England and Wales, the National Offender Management Service (NOMS) is under a general duty to provide evening classes at every prison and to encourage prisoners to profit from the educational facilities provided. This does not mean that there is a right to the educational course of choice, and the prison authorities have a wide discretion as to what educational facilities they provide and who is to benefit from them.

In Scotland, classes range from basic literacy and numeracy needs to more advanced levels, as well as covering a range of additional areas. Art, music and drama classes can be provided, in addition to the more academic subjects. Skills training is routinely offered in youth justice establishments, as are additional services which can support motivation to engage in education among young people in custody.

**b. How many prisoners are attending an educational programme (for each kind of educational program)?**

In the 2008/09 academic year there were 98.324 prisoners engaged in learning and skills in custody.

**c. Do these educational programmes take place under the auspices of external educational institutions?**

Local education authorities provide a programme of evening classes in all prisons, but classroom space is often limited. Facilities for daytime study and remedial teaching vary. The governor is responsible for assessing a prisoner's needs and suitability for further study. He or she can release individuals from work duty for study. Permission from the prison authorities can be obtained to take a correspondence course and long-term prisoners often study Open University courses leading to a degree.

In Scotland the educational courses in the public sector prisons are provided by two national learning providers (Carnegie and Motherwell colleges).

**d. Does every institution have a library? Is it adequately stocked with a wide range of both recreational and educational resources, books and other media? Are books available in different languages? Is it connected with public libraries in the outside community?**

All prisons have at least one library. Prisons are required by statute to have a library and permit all prisoners to access it. They are required to staff a professional librarian and there are minimum staffing requirements. The aim of the prison libraries is to provide services similar to those of public libraries. Prison libraries must meet required standards and are subject to inspection. The Prison Library Group actively supports prison libraries in England and Wales.

Edinburgh prison's library, designed and built by prisoners, won the UK Libraries 'Change Lives Award' in 2010.

## FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

**a. Is the prison regime organized so far as is practicable to allow prisoners to practice their religions and follow their beliefs, to attend services or meetings led by approved representatives of such religions or beliefs, to receive visits in private from such representatives of their religions or beliefs and to have in their possession books or literature relating to their religions or beliefs?**

Yes, in all jurisdictions. All prisoners are allowed to practice their religion to an extent that is compatible with 'good order and discipline'. In line with the rules a prison minister can visit the prisoners of his/her denomination as regularly as s/he reasonably can. Where a prisoner belongs to a denomination for which no prison minister has been appointed, the governor should do what s/he 'reasonably can', if so requested by the prisoner, to arrange for her/him to be visited regularly by a minister of that denomination. Prison ministers can conduct services for prisoners of their denominations at such times 'as may be arranged'.

Prisons make arrangements so as not to require prisoners of the Christian religion to do any unnecessary work on Sunday, Christmas day or Good Friday, or prisoners of other religions to do any such work on their recognised days of religious observance.

As far as 'reasonably practicable', religious books, items and materials are available for the personal use of every prisoner, as long as they are recognised by the denomination and are approved for use in prisons.

## INFORMATION

### **a. Are all prisoners informed about any legal proceedings in which they are involved and, if they are sentenced, the time to be served and the possibilities of early release?**

Prison Rules provide that every prisoner shall be provided with information in writing about those provisions of the rules and any other matters which 'it is necessary that they should know', as soon as possible after reception into prison, and in any case within 24 hours.

According to the rules prisoners should also be provided with information about arrangements for release (including temporary release) and, if relevant, deportation; adjudications procedures; making applications for bail and obtaining advice on legal services; details of active civil and criminal advice/legal assistance providers. As far as possible, induction staff should confirm that prisoners understand the information they have been given and know where to seek further guidance.

Scottish rules moreover specify that prisoners whose date of release can be calculated at the time of reception should be informed of that date as soon as may be 'reasonably practicable'. A person who is in prison because of a payment default must be informed by the governor at the time of reception of the facilities available to arrange the making of such payment as will entitle her/him to be released from prison.

The expected outcome is that prisoners are fully aware of and understand their sentence or remand, both on arrival and release, and that they are supported by the prison staff to exercise their legal rights. This doesn't necessarily happen.

For example, an inspection of Maghaberry Prison in Northern Ireland in March 2012 found that prisoners were provided with limited information about legal services in general, and bail information was inconsistent; whilst access to legal visits was adequate, there were no trained legal services officers and bail information services were inconsistent and usually poor; only a minority of prisoners said that they could get bail information. The inspection also found that there was limited published information for prisoners, and staff were generally unable to offer any advice or signposting to services. There was little information in the induction programme about access to legal services, but good legal reference materials were available in the library.

The High Court found in March 2013 that Ashfield Prison, near Bristol, had violated the right to a fair trial of boys aged 17 in failing to provide essential documents to legal representatives in advance of hearings. The judge condemned the prison for its 'wholly inadequate system' for disclosing case papers and found that senior staff had a 'woeful absence of knowledge' of their legal duties.

## PRISONERS' PROPERTY

### **a. Are prisoners entitled to purchase or obtain goods, including food and drink for personal use? Are the prices of these goods similar to those charged for comparable goods in free society? Is the quality of these goods the same as that of comparable goods in free society?**

Prisoners are entitled to buy goods from the prison shop/canteen and they must be told when and how they will be able to make purchases. They receive a form on the same day each week which tells

them how much they are allowed to spend and has a list of items they can buy (this includes phone credit, stamps, writing paper, chocolate bars, biscuits, cereal, some tinned stuff, some fruit, toiletries). If items routinely provided by the prison shop/canteen are needed urgently before prisoners are able to obtain them from the shop/canteen, these can be provided in advance and paid for later.

What prisoners order arrives on a set day each week (usually about four or five days after the day they hand in the form). Prison canteens are run by private company DHL; it is not infallible and sometimes they can forget prisoners' whole orders.

Prisoners are allowed to spend initially about £15 per week plus their wages (they get paid about £1 a day for being in prison). The prices are similar to that of a supermarket economy brand. They are set quarterly, in line with the National Product List and are generally set at the manufacturers' recommended retail price (rrp). If circumstances allow prices may be set lower, but they will not be set higher than the rrp. Statutory price increases, for example due to duty or tax changes, are usually made effective at the same time as they impact the general public. Revisions to the contents of the National Product List take into account sales volumes and prisoners' and staff requests. Prisoners are notified two weeks in advance of price changes.

The Prison Inspectorates expect prisoners to be able to purchase a 'suitable range of goods at reasonable prices to meet their diverse needs'. An inspection to Leeds prison carried out in January 2013 showed that the canteen list was available in six languages and was reviewed quarterly. Prisoners could order from five catalogues and paid a 50p delivery charge per order. However, some prisoners had to wait up to 16 days before receiving their first canteen order, although emergency packs could be purchased. Newspapers could be ordered through the library. 47% of prisoners said the prison shop sold a wide enough range to meet their needs, which was similar to comparator prisons. However, black and minority ethnic and Muslim prisoners were less positive about the range of products available in the prison shop. The same was the case for foreign nationals at Maghaberry in Northern Ireland, when the prison was inspected in March 2012.

## RELEASE OF PRISONERS

**a. Are released prisoners provided with immediate means of subsistence; are they suitably and adequately clothed with regard to the climate and season, and are they afforded sufficient means to reach their destination?**

Prisoners usually get:

- a travel warrant. This is to pay for their travel back home or anywhere else in the British Isles or Republic of Ireland where they are going to settle down

- a discharge grant. This is money to help with living expenses for the first week after leaving prison. Most prisoners under 18 and those waiting to be deported are not entitled to a discharge grant.

When leaving, prisoners should get back all the clothes they came in with. If their own clothes don't fit anymore or aren't right for the time of the year, they can ask the prison for suitable clothing. If they don't get suitable clothing from the prison, they can apply for a budgeting loan or help from a welfare assistance scheme.

**b. Are released prisoners assisted in finding suitable accommodations and work?**

Resettlement teams within prisons can provide advice but their proactivity varies. They might also run courses to help prisoners get ready for release.

Advice and support are also provided by charities/third sector organisations, but the coverage can be patchy. Services are locally and/or regionally commissioned and can be provided in-house, by contracted voluntary sector partner and by local authorities.

There are serious issues with regards to meeting the resettlement needs of prisoners with mental health problems, of women and young people, both in terms of pre-release preparation and of help, support and facilities available on release.

In 2013 the government announced plans (in the context of its drive to privatise service provision) to put in place in England and Wales a ‘through the prison gate’ resettlement service, with a network of 70 resettlement prisons aiming to hold around 50,000 short sentenced inmates each year in, or close to, the area in which they will live after release. Trials are due to begin in the North West of England in autumn 2013, with full roll-out by 2014.

In Scotland’s only female prison, Cornton Vale, needs are identified early in a prisoner’s sentence, during the core screen assessments. These are recorded and community agencies can then conduct their own assessments and provide interventions if required. All prisoners serving four months or more are required to attend a pre-release course lasting one day. This takes place four weeks before liberation. An information booklet is given out at the end of the course. The Independent Living Units offer support for a return to the community for prisoners serving longer sentences. Women in the ILUs have access to community work placements each week day.

## WOMEN

### **a. Are special provisions made for the sanitary needs of female prisoners?**

Yes. Provisions are made in the legislation and prison orders. However, in practice, women’s sanitary needs are not always remembered or respected, particularly during long transports to and from prison. It can be a humiliating experience for a woman having to ask male prison guards for sanitary products. It is clear from various Inspectorate reports that many women have to endure long transports without opportunity to use the toilet.

### **b. Are prisoners allowed to give birth outside prison?**

Yes. Provisions are made in the legislation and prison orders. However, information on the number of women prisoners who have given birth in or outside prison is now no longer collected centrally.

## JUVENILE PENITENTIARY SYSTEM

### **a. Are minors (aged less than 18) detained in establishments specially designed for the purpose?**

In England and Wales:

- Secure children’s homes (SCHs) are run by local authority social services departments and overseen by the Department of Health and the Department for Education. SCHs generally accommodate girls

aged 12-16, boys aged 12-14, and boys assessed as 'vulnerable' aged 15-16, who have been sentenced to custody or remanded to secure accommodation. They can also be used as secure accommodation for children solely on welfare grounds. They have a high ratio of staff to children and tend to be small facilities, ranging in size from six to 40 places.

- Secure training centres (STCs) are provided by private contractors commissioned by the Ministry of Justice and are for vulnerable children up to 17 years who have been sentenced to custody or remanded to secure accommodation. They differ from YOIs in that they have a higher staff-to-young offender ratio (three staff to eight children) and are smaller in size, ranging from 50 to 80 places.

- Young offender institutions (YOIs) are run by the Prison Service and the private sector and accommodate 15 to 17 year olds who have received custodial sentences or have been remanded to custody. Separate YOIs accommodate young people who are 18 to up to 21. YOIs tend to house from around 200 to over 800 children and young people and have a lower ratio of staff to children than either STCs or SCHs. YOIs are considered to be inappropriate accommodation for more vulnerable children.

There is a long standing debate about the low age of criminal responsibility (10) in England and Wales and Northern Ireland. The issue of keeping children in custody is hotly contended. Restraint occurrences, where physical restraint has caused children serious injury and death (see also restraint section), exacerbate the issue. For example, a report on Ashfield, a privately run YOI (operated by company Serco), published in June 2013, defined it as a 'hotbed of violence and abuse' where bones were broken, levels of self-harm soared and children were routinely subjected to invasive strip-searches. And yet, when asked by the inspection team if they felt unsafe, the children said no. So embedded was this culture of control by physical force that dangerous practices had become normal to them. The prison is to be decommissioned but the problems in Ashfield are not isolated incidents.

The latest (at the time of writing) inspection of Feltham YOI (published July 2013) is a case in point. The report shows high and endemic levels of violence, with on average two fights or assaults every day. Some of these were classed by the Inspectorate as 'very serious' and involved groups of young people in 'very violent, pre-meditated attacks on a single individual with a risk of very serious injury'. Children live in fear of gang violence with little confidence that staff can keep them safe. This atmosphere of violence and chaos is exacerbated, the Inspectorate reported, by staff using batons to hit or threaten the young inmates, against the prison's own rules, and using solitary confinement to punish children unlawfully.

The system for dealing with grievances of children in custody has also been criticised. Non-governmental organizations have been considering taking this matter to judicial review. Moreover, representations are being made to the UN CAT (in the context of their fifth periodic review) that the failures to safeguard children in prison, in addition to the overuse of restraint, segregation and strip searching, all amount to cruel, inhuman and degrading treatment.

In 2008, Scotland decided to end the use of detention for children under 16. In January 2013 the Scottish children's commissioner called for those aged 16 and 17 to be kept out of prison also, and the introduction of specialist youth courts to help prevent the creation of 'career criminals'. The Criminal Justice and Licensing (Scotland) Act 2010 (which came into force in March 2011), introduced a new rule to prevent any child under 12 being prosecuted in the criminal courts in the first place.

Young people in Scotland who are placed either on remand or on a custodial sentence may go to a secure unit or to a young offenders' institution. This depends on a number of factors relating to their age, and whether or not they are subject to a supervision requirement.

Youth justice in Northern Ireland follows a ‘justice’ model as opposed to the ‘welfare’ model that operates in Scotland for those under 16. The age of criminal responsibility is 10 and young people aged between 10 and 18 who offend are dealt with through the courts or are diverted from the courts by way of cautions, warnings or a restorative conference. Custodial provision for both remand and sentenced prisoners comprises one Juvenile Justice Centre (Woodlands) and one Youth Offender Centre. The Juvenile Justice Centre caters for all young women under 18, all young men under 17 and a number of the more vulnerable 17 year olds (about 25 per cent) and the Youth Offender Centre caters for the remainder of young people under 21.

**b. Does every prisoner young enough to yet be subject to compulsory education have access to such education?**

Governors are instructed that prisoners of compulsory school age should have educational and vocational training for at least 15 hours a week and should be denied education only as a last resort. (If there were inadequate educational facilities offered to young offenders of statutory school age, this would potentially be in breach of Article 2 of the second protocol of the Human Rights Convention.)

Governors may suspend or end attendance at educational classes if they believe it necessary to prevent disruption, for security reasons or if a disciplinary punishment prevents it. However, removal from education should not in itself be ordered as a punishment.

In surveys of prisoners aged 15-18 in EW carried out in 2011-12 most of the males and females (80% and 92% respectively) who were questioned said that they were involved in education.

## INFANTS

**a. How many infants are there in UK detention facilities?**

At any one time there is space for a maximum of 84 infants in Mother and Baby Units (MBUs). There are seven MBUs in the women’s institutions of England (Styal, New Hall, Eastwood Park, Holloway, Askham Grange, Peterborough and Bronzefield). There are no women’s institutions in Wales.

At any one time there is space for a maximum of seven infants inside the only women’s institution in Scotland (Cornton Vale).

There are currently three mother and baby-type units, with space for three infants, in Northern Ireland’s only women prison (Ash House).

**b. How many years after birth can the infants stay in the institution?**

MBUs cater for mothers with babies up to either 9 or 18 months. Mothers and their children may stay within a MBU up to 18 months where it is in the best interests of the child.

**c. Are there nurseries, staffed by qualified personnel, where the infants may be placed when the parents are involved in activities which do not permit for the infants to be present?**

All MBUs are currently staffed by suitably trained nursery nurses, normally in combination with selected and trained prison officer grade staff.

**d. Are there special accommodations in the prison to protect the welfare of the infants?**

A Mother and Baby Unit is designated separate living accommodation within a women's prison. It is a 'drug free unit' where, in order to promote healthy child development, a calm and peaceful environment is required at all times. The Unit aims to safeguard the child's welfare and allows the mother and child relationship to develop for the time they are there.

## FOREIGN NATIONALS

**a. Can prisoners who are foreign nationals request contact, and be granted reasonable means to communicate with the diplomatic or consular representatives of their state?**

Yes.

**b. Are prisoners who are foreign nationals informed of the possibility of requesting that the execution of their sentence be transferred to another country?**

The Repatriation of Prisoners Act 1984 enables prisoners to be transferred back to the country of which they are a national and serve their sentence there. Sentenced prisoners from countries which are signatories to the various transfer conventions or have bilateral agreements with the UK can apply for repatriation if they have at least six months left to serve and have no outstanding appeals. Prisoners who want to apply for repatriation should submit a Repatriation Application Form.

Also in existence is the Early Removal Scheme, which allows foreign national prisoners to leave the UK before their sentence is finished. Inmates will serve a minimum period in prison in the UK before being allowed to return to their country.

**c. Are prisoners who are foreign nationals divided by country of origin within the sections of each institution?**

No.

**d. Are interpreting services available to foreign nationals?**

Across the UK a company called Applied Language Solutions has been appointed to run a national service. Despite a significant number of parliamentary questions and media coverage, there is currently no reliable information available in the public domain on the experience that prisoners, either sentenced or remand, have had in receiving the service.

The system has been criticised by the Inspectorate of Prisons, who highlighted that the service is consistently underused, and that there is an 'over-reliance on using other prisoners to translate, sometimes in situations where professional interpreting services would have been more appropriate'. Access to interpreters for particular languages was also cited as an issue.

Other research has found that there has been a large rise in the number of women in prison from Eastern Europe, China and Vietnam. These were found to be the least likely to speak English or have basic literacy. An over reliance on other prisoners as interpreters was fraught with difficulties in terms of trust and confidentiality.

## ETHNIC MINORITIES

**a. Are there any particular ethnic minorities among the prison population? What is their percentage of the total prison population?**

England and Wales (December 2012):

Ethnicity	Number	Percentage
<b>All</b>	<b>83.757</b>	
White	60.752	72,53%
Mixed	3.144	3,75%
Asian or Asian British	6.255	7,47%
Black or Black British	10.784	12,88%
Chinese or Other ethnic group	1.020	1,22%
Not Stated	151	0,18%
Unrecorded	1.651	1,97%

Scotland (30 June 2011):

Ethnicity	Male	Female	All	Percentage
White	7.334	456	7.790	90,48%
Black	102	6	108	1,26%
Indian	11	2	13	0,14%
Pakistani	75	-	75	0,93%
Bangladeshi	7	-	7	0,09%
Chinese	42	2	44	0,52%
Other Asian	33	3	36	0,41%
Mixed	21	2	23	0,26%
Other	10	-	10	0,12%

According to information dating from 2011 the majority of foreign nationals in Northern Ireland are from Eastern Europe, primarily Lithuania and Poland, or from China. Around 1% of the prison population is Black or South Asian. Irish Travellers also account for about 1% of the population.

## HEALTH

**a. Are medical services in prison organized in close relation with the general health services of the community or nation?**

Prisoners are entitled to the same NHS (National Health Service) provision, including mental health services. Qualified doctors, dentists, pharmacists and nurses provide health care in prison. In case of medical problems that cannot be dealt with by medical staff inside the prison, an outside specialist

may be brought in, the prisoner may be moved to another prison where different facilities are available or moved to a local NHS hospital. Prisoners in an NHS hospital are still under the control of the Prison Service.

**b. Are all necessary medical, surgical and psychiatric services (including those available in the community) provided to the prisoners?**

See (a) above. Some prisons have good provision: e.g. a 2011 report of HMP Barlinnie in Scotland found the services to be efficient, structures clean and well equipped, with a variety of clinics made available: Well Persons, Sexual Health, BBV, Asthma, Diabetes, Tissue Viability, Chronic Disease Management and Smoking Cessation. These clinics were well attended and staff fully trained to deliver them.

However, the high prevalence of mental health issues and self harm among prisoners make it difficult for services to reach effectively those in need. In England and Wales prisoners with more complex mental health problems have been found to have good access to mental health staff (although sometimes they should be diverted to more appropriate provision, e.g. admitted to NHS hospitals and are not), but services for patients with common mental health problems are less developed. In some prisons daytime therapeutic support services and access to counselling is limited.

The needs of prisoners with alcohol problems are less likely to be either assessed or met than those with illicit drugs problems.

Surveys in 2011-12 of prisoners aged 15-18 in EW show that around two-thirds of the young women questioned said that they had a member of staff they could turn to with a problem, but only half said that most staff members treated them with respect. Thirty-nine per cent reported having emotional or mental health problems: the majority of them said that they were receiving help.

The Ombudsman in Northern Ireland (2012/13 annual report) highlighted the slow progress in actioning mental health referrals as one of the factors behind deaths in custody.

**c. Is there at least one qualified general medical practitioner in every institution?**

Yes (see also (a) above). However, many inspection reports speak of long waits to see a doctor or dentist. Most women can see a female GP, but access can be restricted in terms of times or availability.

**d. Are the services of qualified dentists and opticians available to every prisoner?**

Yes. However, many inspection reports speak of long waits to see a doctor or dentist.

**e. Are prisoners suspected of infectious or contagious diseases isolated for the period of infection and provided with proper treatment?**

Yes. If any prisoner is found to have an infectious disease or to be in a condition which may threaten the health or wellbeing of others, a registered nurse or a health care officer is to report the matter to the governor and steps should at once be taken to treat the disease or condition.

Instances of poor infection control are not rare. For example, Magahberry Prison in NI has been recently (2012) criticised by the National Preventive Mechanism (NPM) for this reason.

**f. Are sick prisoners who require specialised treatment transferred to specialty institutions or to civil hospitals, when such treatment is not available in prison?**

They can be (see above). For example, the Scottish rules stipulate that, where the Governor receives a recommendation from a healthcare professional that the condition of a prisoner's health requires the prisoner to be either referred to a medical practitioner or a specialist outside the prison; or treated at a medical facility outside the prison, s/he must make such arrangements as to give effect to that recommendation. However, in practice there are problems: see for example the answer to question b. above re. prisoners with mental health issues.

**g. Are persons who are suffering from mental illness and whose state of mental health is incompatible with detention in a prison detained in an establishment specially designed for the purpose?**

In theory, yes. However, the country is and has been facing endemic and structural problems with regards to unmet mental health needs in prison (see above sections).

In most prisons there are units that can give specialist treatment: all prisons have access to these units where necessary, e.g. if someone is thought to be a suicide risk or at risk of self-harm. Whether they function well and they are enough to address the number of prisoners with mental health problems is however the issue.

For example, the Inspectorate of Prisons in EW (annual report 2011/12) wondered whether the Keller unit in Styal prison is a behavioural management unit or a unit for women with mental health problems. The inspectors noted that the unit is "insufficiently resourced to provide a suitable therapeutic regime" and that staff are very stretched given the high level of risk involved. They argued that "despite the best efforts of the staff at Styal, the Keller unit remains a wholly unsuitable place to safely hold and manage very seriously damaged and mentally ill women".

In some cases prisoners can be sectioned, i.e. sent to a psychiatric hospital without their agreement. Time spent inside a psychiatric hospital counts towards the length of the sentence. In practice, however, prisoners with severe mental health problems are often not diverted from prison health care centres.

Prisoners are not released at the end of their sentence if they are still mentally ill.

**h. What is the treatment available for drug users and for drug addicts in prison? Are there harm reduction programmes?**

Although all prisons have special workers whose job is to give support to prisoners with drug problems, the level of prisoners with drug addictions remains very high and meeting their needs can be problematic with finite resources available. Moreover, use of illegal substances amongst prisoners in custody is high. The use of diverted prescription drugs is also on the increase.

Methadone may be prescribed as detox for heroin addicts. Longer-term treatment for addiction is not generally available in prisons but there are some prisons that have special programmes. If there is no special programme at the prison, doctors may be able to arrange support and treatment from an outside agency, such as Narcotics Anonymous or Alcoholics Anonymous.

In some prisons there are drug-free wings but prisoners have to agree to regular urine tests if they want to be on one of these wings.

Transfers between prisons due to overcrowding often disrupt drug treatment.

## ORDER

### **a. Are there any special commissions composed of prisoners with the aim of discussing issues related to detention conditions? How are they constituted?**

Not as a rule. Grendon prison in England is run as a democratic therapeutic community. Inmates have to apply to join the prison and participate in its running. (Grendon is the only prison in Europe to operate solely as a therapeutic community. It is also the only prison in the UK that has been proven to reduce reoffending rates.)

## SECURITY

### **a. What are the main security measures applied to individual prisoners? How are they applied?**

Prisoners can be removed from association; confined temporarily in a special cell or room; have restraints used on them. They can also be searched and compulsorily tested (at reception and henceforth on suspicion or as part of a mandatory frequent testing for Class A drug users) for controlled drugs and alcohol. Prisoners' property is subject to controls too: there are searches for prohibited items and this will be seized and removed. Visitors can also be searched and if thought appropriate removed from the prison.

'Reasonable force' can be used to ensure prisoners comply with searches.

Specific arrangements must be in place for the searching of transsexual prisoners.

The procedure for searching women prisoners is different to that used to search men and consists of two levels. Level 1 involves the removal of the woman's clothing apart from her underwear; level 2 involves the removal of all of the woman's clothing including her underwear. Level 2 of the search must only be applied if there is intelligence or suspicion that the woman has concealed an item in her underwear or if illicit items have been discovered about the woman's person during level 1 of the search.

Babies may be given a basic or detailed search on entry to mother and baby units, in accordance with local security strategies.

Strip searching is mandatory for all boys on reception to prison.

An inspection of Ashfield YOI in February 2013 showed that out of 3,773 strip-searches that had been carried out in reception over the previous 12 months, one had resulted in a find of 'contraband'. 453 intelligence-led strip searches had been conducted in the same period and had resulted in 73 finds, including improvised weapons, money, tobacco and lighters.

### **b. According to the training course of the prison staff, how should security measures be applied?**

Guidance highlights that prisons have a duty of care to ensure that all prisoners are treated equally and fairly and that security measures are applied proportionately. These considerations are within the overall remit of keeping establishments secure. Prisoners should feel safe and that they have been treated decently, but also understand that 'poor behaviour has consequences'. But see also the answer to question a. under 'Discipline and Punishment' below.

## SEARCHING AND CONTROLS

### **a. How are visitors (such as legal representatives, social workers, volunteers, etc.) controlled by the prison staff? Is special equipment, such as metal detectors, used?**

Anyone, including prisoners, visitors and staff, may be searched on entry to or within prisons. As a condition of entry to the prison, visitors must consent to be searched and, where applicable, to deposit property. Staff and visitors must be informed of items that are not allowed into prisons. Information about searching techniques and procedures must be summarised and be sent to visitors prior to each visit taking place.

The following types of searches of the person may be applied: rub-down searches, levels A and B; full searches; searching of other body areas. Social/domestic visitors are subject to level A rub-down searches and official and professional visitors can be subject to level B rub-down searches as routine. Prison instructions state that visitors must not be full-searched routinely.

Technical aids, including X-ray machines, hand-held metal detectors and BOSS chairs, can be used to search prisoners, visitors and staff. Religious and cultural arrangements and procedures for searching people must be followed. Procedures must also be in place for the searching of people with injuries and/or disabilities and for the use of dogs in searching people.

Babies who are brought into a prison by a visitor may be given a basic or detailed search. Babies will not usually be searched unless the mother or carer is searched but the baby need not be searched every time the adult is searched.

Children under 16 are not allowed to visit a prison unaccompanied, under any circumstances. Other than searching without consent under the Firearms Act, Misuse of Drugs Act 1971 and drugs legislation and the Police and Criminal Evidence Act, visitors under the age of 16 must only be searched with the consent of the accompanying adult. Governors have the discretion to allow an unaccompanied visit from any person aged 16 or over, who may give their own consent.

## DISCIPLINE AND PUNISHMENT

### **a. Are disciplinary procedures used as a mechanism of last resort?**

A stated key outcome for the Prison Service in England and Wales is that the use of authority should be proportionate, lawful and fair. In practice the picture is not straightforward, with some extreme cases being reported.

An inspection of privately run Thameside prison, carried out in January 2013, revealed alarming conditions. Staff were inexperienced and often resorted to physical force. The prisoners had no confidence in them. Despite enforcing one of the most restricted regimes ever seen by inspectors, they found that this large prison was 'out of control'. Violence was so common that the Serco management had put the prison in a state of lockdown, and yet this extreme measure had done little to bring down the number of attacks.

### **b. What are the main types of punishment of prisoners? How are they applied?**

A prisoner who breaks prison rules is normally punished. As a punishment adult prisoners can be kept in their cell for up to 21 days; given up to 42 extra days in prison on top of their original sentence; deprived of privileges (e.g. removal of a TV from a cell).

If a prisoner tests positive for drugs, this could be treated as a disciplinary offence. Anyone found with hard drugs or thought to be supplying drugs to other prisoners is likely to be charged with a criminal offence and prosecuted.

All convicted prisoners may be required to work unless the medical officer has certified the prisoner unfit for all or a specific type of work. It is a disciplinary offence to refuse to work or intentionally to fail to work properly. If found guilty of a disciplinary offence, prisoners can be excluded from working with other prisoners as part of the punishment, for a maximum of 21 days, and/or have their earnings stopped or reduced. Wages can only be stopped to their full value for a period of 42 days, but the length of this punishment can be spread out over 84 days if the punishment is a loss of half of one's earnings over this period of time.

**c. Can a prisoner who is found guilty of a disciplinary offence appeal to a competent and independent higher authority?**

Adjudicators are charged with investigating alleged disciplinary offences by prisoners. The adjudicator must reach a fair decision based on all relevant evidence presented at the hearing and decide whether or not the charge has been proved beyond reasonable doubt. A governor can act as an adjudicator, or there can be independent adjudicators, but, in any case, the adjudicator must be 'de novo'. S/he must not have had any direct role in the incident that led to the current charge, and must, as far as possible, disregard any prior knowledge of the prisoner or the prisoner's previous disciplinary record.

If a prisoner or member of staff believes an adjudication was flawed because it was illegal, unfair, or incorrect procedures were followed, they can draw this to the attention of the governor or director. If the governor agrees the punishment may be remitted or the finding set aside, where the adjudication was conducted by a governor. If it was conducted by an independent adjudicator the prisoner can request a review by a senior district judge.

A prisoner who is not satisfied with the outcome of the review may ask the relevant Ombudsman service (Probation and Prison Ombudsman in England and Wales, Prisoner Ombudsman of Northern Ireland and the Scottish Public Services Ombudsman) to look into the case. The Ombudsman can make recommendations which, although not binding, are usually accepted.

Any prisoner still not satisfied may apply for a judicial review in certain circumstances.

## INSTRUMENTS OF RESTRAINT

**a. What are the main instruments of restraint used in prison? How are they used?**

Restraints are allowed where it is deemed necessary to prevent a prisoner from injuring him/herself or others, damaging property, or creating a disturbance. They can take a variety of forms. In some types of situation, the use of a 'guiding hand' may be considered force (for example, where a member of staff places a hand on the detainee's elbow to guide them to, or remove them from, a particular location). At the other end of the spectrum, it may be the use of incapacitant spray or an electroshock weapon. The following categories illustrate the broad range of actions allowed under the rules:

- Physical – using physical force without equipment
- Mechanical – using equipment such as handcuffs or leg restraints, staves and batons (see also Use of Force section below)
- Chemical – using medication
- Environmental – for example, seclusion
- Technological – for example, electronic tagging, pressure pads or alarms
- Psychological – for example, repeatedly telling someone that they are not allowed to do something or that it is dangerous, or depriving a detainee of something that is necessary for what they want to do, such as a walking aid.

The use of ratchet handcuffs must be in accordance with policy and be authorised by a supervising officer. Staves and batons are carried and used only by designated staff. The drawing or use of a staff/baton must be recorded. Staff who carry a baton are made aware that it can only be drawn or used as a defensive implement, as a last resort and where there is no other option available to protect themselves or a third party from an attack threatening serious injury.

Following two restraint-related deaths in 2004, the physical restraint of children in secure accommodation remains a particularly problematic issue. The use of force and restraint has been identified as a key area of concern by many, including the UK NPM.

In July 2012 the Ministry of Justice published details of a new system of physical restraint for use in Secure Training Centres and Youth Offending Institutions in England and Wales. Although it does not prohibit pain-compliance techniques, the Office of the Children's Commissioner has welcomed the focus of the new system on de-escalation and on using restraint only as a last resort. NPM is to monitor implementation.

In Scotland the governor must consult with and take into consideration the views of a registered medical practitioner. A registered medical practitioner may also recommend that a prisoner should be placed under a restraint to prevent self-harm.

In Northern Ireland, notice of a restraint order should be given without delay to the Assistant Director of Prison Health Care and to the Department of Justice. No prisoner should be put under restraint as a punishment, nor kept under restraint 'longer than is necessary'.

## WEAPONS

### a. Can prison staff hold and use lethal weapons within the prison perimeter?

No.

## USE OF FORCE

### a. Under which conditions can prison staff use force against prisoners?

In England and Wales force should only be used when it is: a. reasonable in the circumstances; b. necessary; c. no more force than is necessary; d. proportionate to the seriousness of the circumstances. Staff are personally responsible for deciding to use force and must be able to justify

both why force was used and the level of force that they used. Staff are aware of de-escalation techniques. They are to use only those approved techniques described in the Training Manual and that they are authorised to use.

Whilst use of force is supposed to be subject to rigorous scrutiny, this is actually absent in many cases – in fact, in most of the prisons inspected in 2011/12 in England and Wales.

The prisons inspectorate expects force to be used only as a last resort and, if applied, to be used ‘legitimately and safely by trained staff’. The use of force should be ‘minimised through preventive strategies and alternative approaches’, which should be monitored ‘through robust governance arrangements’.

When inspecting Ashfield YOI in early 2013 inspectors found that use of force had been high. It had been recorded 453 times in the six months prior to the inspection, mostly relating to fights and assaults: 25% of such incidents had involved full control and restraint. During 2012, two young people had sustained broken bones following incidents where force had been used. In another case, one officer had been dismissed in 2012 for inappropriate use of force.

Scottish and Northern Irish regulations also specify that in the control of prisoners, an officer must seek to enlist the willing co-operation of prisoners and may only use force against a prisoner when it is necessary taking into account all of the circumstances of the situation. The force used must be proportionate to the risk posed by the prisoner in that situation and no more than necessary for the purposes of that situation. Where an officer uses force against a prisoner that officer must keep a written record of that use of force. An officer must not deliberately provoke a prisoner.

**b. Can other law enforcement agencies be involved in dealing with prisoners inside prison? If so, under which circumstances?**

The police can enter prisons to help settle riots/situations of extreme violence. The police will conduct investigations into allegations of crimes within prisons.

## REQUESTS AND COMPLAINTS

**a. Do prisoners (and their families) have the opportunity to make requests or complaints to the director of the prison or to any other competent authority?**

Yes. Complaints are investigated by the Prison Service through their internal complaints procedure. Prisoners who are not happy with the response from the Prison Service can take their complaint to the Prison Ombudsman in each jurisdiction. The Prisons and Probation Ombudsman receives around 5.000 complaints a year from prisoners in England and Wales alone.

However, the Government announced in April 2013 plans to prevent prisoners in England and Wales from claiming legal aid to pursue complaints.

## MANAGEMENT AND STAFF

**a. Give number of administrative staff, prison officers, and educational staff (per prisoner) that work inside prison facilities.**

As of 2012, there were 77.595 people working in custodial care, 84% of the workforce being located in England. Public sector prisons make up the majority of custodial care employers (73% of custodial care establishments are in the public sector), employing over 86% of the workforce.

**b. Give percentage of staff gender per function (i.e. administrative, officers, educational).**

Prison staff is predominantly male (in Northern Ireland predominantly male and Protestant). Women across the justice sector as a whole tend to be concentrated in support roles. There is an expectation that shortfalls in the number of staff of a particular gender should be addressed. As at 31 March 2013 there were 4.350 staff in post in the Scottish Prison Service.

**c. Are there some special units among prison officers?**

Prison officers' work varies according to the type of prison, its level of security and the age of the prisoners. Some officers may be specially trained, e.g. to deal with riots situations in prisons; to use force; to work in segregation units; to deal with adjudications. Staff may also be trained as: Control and Restraint Advanced staff; physical education instructors; patrol dog handlers; dedicated search teams (for high-security prisons only).

## SENTENCED PRISONERS

**a. Are there individual sentence plans for sentenced prisoners (including work, education, other activities, and preparation for release)?**

Yes.

**b. Are sentenced prisoners encouraged to participate in drawing up their individual sentence plans (that should include work, education, other activities, and preparation for release)?**

Yes, across all UK jurisdictions. Prison instructions state that prisoners should be encouraged to engage with the sentence plan and be involved in setting targets. In practice, these are often not effective (see issues around prison regimes).

**c. Is there a system of prison leave as an integral part of the overall regime for sentenced prisoners?**

A system of short term prison leave is in place. Prisoners may be granted this e.g. if somebody close to them is ill or as a way to help them resettle in the community after the end of their sentence. In England and Wales this is called Release on Temporary Licence (ROTL). Not everyone is allowed this type of leave. Prisoners who cannot leave on a temporary licence include (in EW) people who are: category A or on the escape list; unconvicted; convicted but with no sentence yet; subject to extradition proceedings.

In Northern Ireland there is a system of temporary release whereby prisoners can have health care, engage in employment or training or have time to assist them in the transition from prison to outside life. A prisoner released under this rule may be recalled to prison at any time, whether the conditions of the release have been broken or not. Temporary release is not granted to: people on remand, awaiting trial or sentence by the Crown Court. 'Pre-Release Home and Resettlement Leave' exists to help the prisoner's self-confidence by placing trust in them under conditions of complete freedom and help them re-adjust to life outside by giving them an opportunity, before final release, to renew home ties and get in touch with prospective employers. Pre-release leave is treated as a privilege to be earned. There are different rules for its granting for determinate and life-sentenced prisoners.

In Scotland, 'Temporary Leave' can be either escorted or unescorted. In most cases, prisoners progress from periods of escorted leave to unescorted leave.

The Home Detention Curfew (HDC), or release on tag, is the UK wide system by which prisoners are released early and fitted with an electronic tag around their ankles to monitor their adherence to a specified curfew. Prisoners are required to stay at a chosen address, normally for 12 hours each day (overnight); a machine is installed which can verify whether the tag, (and the prisoner), are within range. In EW a release on tag is available to prisoners with sentences between three months and four years. In Scotland HDC allows prisoners, mainly on shorter sentences, to serve up to a quarter of their sentence, for a maximum of six months and a minimum of two weeks, on licence in the community.

#### **d. Can prisoners be involved in programmes of restorative justice and in making reparations for their offences?**

Yes. In England and Wales, the Ministry of Justice has stated that 'the government is committed to increasing the use of restorative justice both as part of and an alternative to the traditional model of criminal justice'. In what is heralded as a significant development for restorative justice in England and Wales, the Crime and Courts Act 2013 (coming into force in December 2013) allows the courts to defer the passing of a sentence so that a 'restorative activity' can take place. This Act places pre-sentence restorative justice on a statutory footing for the first time. Both victim and offender must be willing to participate in all cases.

At HMP Gloucester, which was one of the first prisons to bring victims and offenders together in face to face meetings, a team of volunteers carry out case assessments and facilitate meetings. Many prisons have since been involved in victim awareness programmes (e.g. the Sycamore Tree Project, The Forgiveness Project's Restore and Victim's Support's Supporting Offenders Restoratively Inside).

Restorative justice is not only used between victims and offenders but can also be used to resolve disputes among prisoners and between prisoners and staff. The process does not necessarily result in a face-to-face meeting, as 'shuttle mediation' can take place, with the facilitator sharing information between the participants.

Another avenue of reparation is by deductions being made from the prisoners' wages into a victims' fund.

In Scotland, restorative justice can be used by prison staff as an alternative, non-punitive way of dealing with the harm caused by misconduct, bullying or a breach of prison rules and violence. It can be facilitated by prison officers or senior management. The process is voluntary for all participants. HMP Polmont YOI and HMP & YOI Cornton Vale have received training in restorative justice and are in the early stages of implementation.

Restorative justice can also be used in Scotland at the end of a period of deferment and before sentence: the court receives a report on the restorative justice process and its outcomes and takes this into consideration, along with other factors, in determining the sentence. Restorative justice can also be implemented post sentence.

Restorative Justice Services in a youth justice context are currently operating in almost every local authority in Scotland. National protocols for referrals to restorative justice services by Reporters and Children's Hearings operate in the country.

Restorative justice is at the heart of the youth justice system in Northern Ireland and most young people who offend are made subject to a Youth Conference Plan, either as a diversionary measure or as a court ordered sanction. There is an established Youth Conference Service, with victims taking part in conferences and expressing a high degree of satisfaction with the outcomes.

**e. How many prisoners are serving sentences of more than 10 years of imprisonment?**

Statistics are not available for this time span in all jurisdictions. In England and Wales there were 4,256 people serving a sentence for more than 10 years as of 30 June 2012. (At the same time there were 13,754 people serving an indeterminate sentence.) In Scotland 2,438 are serving a sentence over 4 years. In Northern Ireland there are 834 prisoners serving over 2 years.

## LIFE SENTENCE

**a. Is the sentence of "life in prison" available the penal code?**

Yes, in all jurisdictions. The courts must impose a life sentence on any individual convicted of murder. The maximum sentence that can be awarded by the courts for a number of other types of offences, for example rape, manslaughter and arson is life imprisonment. It is for a court to decide whether the circumstances of the offence and the risk presented by the individual warrant the maximum sentence of life imprisonment.

The term 'life sentence prisoner' (Lifer) refers to those sentenced to imprisonment for life and those sentenced to Imprisonment for Public Protection (IPP). The main types of life sentence are Mandatory Life Sentence, Discretionary Life Sentence, and Automatic Life Sentence.

The creation of Indeterminate Prison Sentences (IPPs) has meant a substantial increase in the life sentenced population. At the beginning of 2013 there were around 13,500 people in England and Wales who did not know how long they would be in prison. Just under half of these were IPP prisoners, of whom 3,500 were over tariff. Although the Legal Aid Sentencing and Punishment of Offenders Act has abolished the IPP sentence for people convicted from 3 December 2012, this does not affect people who had already been sentenced.

**b. Are there any alternative measures for prisoners serving life sentence provided in the criminal justice system?**

Lifers can be released on licence, dependent on a number of conditions, and that licence can be revoked upon breach. The licence remains in force for the rest of their lives and the licensee is liable to recall to prison at any time.

The average tariff length has increased, as has the time spent in prison by life sentenced prisoners, while the number of releases through parole has decreased.

IPPs and lifers who are post-tariff (around three years before the tariff expires in cases where the tariff is set for six years or over) and pre-tariff can be approved by the Secretary of State to move to open conditions. However, there has been a large waiting list for IPPs and lifers to go to open conditions. An inspection report published in September 2013 found that despite the time taking to reach the point of transfer to open prison, life sentence prisoners were not well prepared for this significant transition. Such transfers are now (2013) being managed centrally and this appears to have speeded up the process.

The release on temporary licence (ROTL) policy has also recently been changed so that it is applicable to both IPPs and lifers. This means that (subject to suitability) governors can now allow ROTL for IPP prisoners and lifers who have been approved for transfer to open conditions but are still in closed conditions.

These new policies aim to help these prisoners make progress through the system and demonstrate to the parole board that they have reduced the risk they are deemed to pose.

**c. Are there prisoners serving *actual life sentence* (i.e. a life sentence without any possibility of reduction or admission to leaves or any measure alternative to life imprisonment)?**

Release is determined by the Parole Board on the basis of the risk of harm posed to members of the public. In very exceptional cases, the judge may decide that the requirements of retribution and deterrence can be satisfied only by a prisoner remaining in prison for the rest of their lives. In this case, the judge will not set a minimum term of imprisonment. These are known as 'whole life tariffs'. Prisoners in these situations are not eligible for a Parole Board review or release, which means that they can never have an opportunity to be released. However, they can appeal.

As per July 2013 the number of people serving whole life tariffs in England and Wales was 49.

In July 2013 the UK lost a case in the ECHR, with the court finding whole life tariffs to be in breach of Article 3 of the European Convention on Human Rights.

**d. How many inmates with life sentence are there (and their percentage of the total prison population)?**

In England and Wales the number of life sentenced prisoners was 7.674 (8,9% of all prisoner population) as of 30 June 2012.

The average daily population of prisoners with life sentences in 2011/12 in Scotland was 838 (12,74%). 189 people were serving life sentences in Northern Ireland out of 1.205 people (15,6%).

**e. Are special sentence plans (regarding work, education and other activities) provided for prisoners serving life sentence? Are these sentence plans drawn up individually, taking into account the needs of each inmate serving such a sentence?**

Yes. However, the Parole Board report that too many life sentenced prisoners in England and Wales have been unable to do the required offending behaviour courses or complete other aspects of the sentence plan. Findings suggest prisons have insufficient resources to deliver IPP sentences effectively. The test for release is whether the IPP prisoner can demonstrate that they no longer pose a risk. The difficulty in enrolling for appropriate courses that will help to demonstrate risk diminution, due to lack

of resources to provide such courses in the context of overcrowding, makes release all the harder to achieve.

Those who deny the offence for which they were imprisoned find it much more difficult to show that they no longer pose a risk to the public.

Changes to the offender management process should mean that resources are being now targeted at risk, rather than how long before someone's tariff expires. People who are deemed a higher risk are due to receive more interventions, but it is not yet certain how this is working in practice.

Arrangements to prepare lifers for release are also often proving inadequate in Northern Ireland.

**f. Do prisoners serving life sentence stay in a single cell or share it with other inmates?**

This is dependent on which establishment a prisoner is in and the capacity/prisoner numbers at any given time. All high-security, dispersal prisons afford prisoners single cells. However, most other prisons holding life-sentenced prisoners (both male and female) may house them in shared accommodation.

## ALTERNATIVE MEASURES

**a. How is the notion of “alternative” to detention defined?**

A range of measures, including out of court summary penalties (fines, conditional cautions, reprimands and final warnings, fixed penalty notices); community sentences; restorative justice (e.g. youth restorative disposals, technically an out of court summary penalty); electronic tagging (HDC). The range of out-of-court disposals available in each jurisdiction varies.

Home Detention Curfew (HDC) is the means by which some prisoners may spend a proportion of their sentence confined to their home during a specified period of the day, usually for 12 night time hours. The prisoner on HDC has to wear an electronic tag, normally around an ankle.

In England and Wales, for the first time, Restorative Justice is to be included in the statutory Code of Practice for Victims of Crime (Victims' Code). A draft revised 'Victims' Code' was launched in March 2013 and in April 2013 went out for consultation.

In Scotland, alternatives to secure care and custody should always be considered and assessed: this is required by law under the Children's Hearing (Scotland) Act 2011. Local authorities should have in place 'credible alternatives' which include 'stable and sustainable' accommodation, a range of structured programmes and interventions which challenge offending behaviour and provide therapeutic support, full time education and training facilities, around the clock access to crisis support (National Youth Justice Practice Guidance).

**b. What are the main alternative measures to detention being used (give absolute numbers)?**

Fines: 941.616 in 2011 (UK)

Community sentences: 149.231 in 2011 (UK)

**c. Are they imposed before (as alternative to punishment) or during conviction (as alternative to prison)?**

Both.

## INSPECTION AND MONITORING

**a. Has the United Kingdom signed/ratified/acceded the OPCAT? If yes - when?**

Yes, the UK ratified OPCAT in 2003.

**b. Is the National Preventive Mechanism (NPM) set up, designated or maintained? If yes - when?**

The UK designated its National Preventative Mechanism (NPM) in March 2009.

**c. If the NPM exist, which type of the NPM is it (a separate body; a separate department within the National Human Rights Institution (NHRI)/Ombudsman's Office; NHRI or Ombudsman's Office itself; NHRI or Ombudsman's Office together with non-governmental organisations/experts; several separate bodies etc.)?**

The UK NPM is made up of several constituent parts. At the time of designation the government considered which bodies already existing in the UK performed functions analogous to those of an NPM and explicitly required that, to be designated as part of the UK's NPM, the bodies have a statutory basis and be able to make unannounced visits to places of detention. It concluded that 18 bodies operating in England, Wales, Scotland and Northern Ireland met these requirements and, in a statement to Parliament on 31 March 2009, formally designated them as the UK's NPM. They are as follows.

England and Wales

- Her Majesty's Inspectorate of Prisons (HMIP)
- Independent Monitoring Boards (IMB)
- Independent Custody Visiting Association<sup>1</sup> (ICVA)
- Her Majesty's Inspectorate of Constabulary (HMIC)
- Care Quality Commission (CQC)
- Healthcare Inspectorate Wales (HIW)
- Office of the Children's Commissioner for England (OCC)
- Care and Social Services Inspectorate Wales (CSSIW)
- Office for Standards in Education, Children's Services and Skills (Ofsted)

Scotland

- Her Majesty's Inspectorate of Prisons for Scotland (HMIPS)
- Her Majesty's Inspectorate of Constabulary for Scotland (HMICS)
- Scottish Human Rights Commission (SHRC)
- Mental Welfare Commission for Scotland (MWCS)
- Scottish Commission for the Regulation of Care (CC)

Northern Ireland

- Independent Monitoring Boards (Northern Ireland) (IMBNI)
- Criminal Justice Inspection Northern Ireland (CJINI)
- Regulation and Quality Improvement Authority (RQIA)
- Northern Ireland Policing Board Independent Custody Visiting Scheme (NIPBICVS)

**d. Are the mandate and powers of the NPM clearly set out in a constitutional or legislative text?**

In a written ministerial statement made to Parliament in 2009, the government formally designated the 18 bodies which would make up the UK's NPM (see First annual report of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (February 2007 to March 2008), CAT/C/40/2).

**e. Is the visiting mandate of the NPM extended to all places of deprivation of liberty?**

Yes, although inspections of military detention facilities are by invitation only; there is not a statutory right of access. Not all military detention facilities are inspected as yet (February 2013).

**f. Does the NPM have its own budget? If yes - please, indicate its annual amount. If not - please, specify how the NPM is financed.**

Not available

**g. Does the NPM have its own staff? If yes, how many people are employed there, and what is their professional background? If not, please, specify who fulfils the duties of the NPM?**

Not available

**h. Are there any other inspection and monitoring bodies dedicated to prisons, and if so what are they?**

Regular monitoring of conditions in prison and the treatment of prisoners is currently undertaken in Scotland by Visiting Committees appointed for each prison. These arrangements do not meet the standards required by the Optional Protocol to the UN Convention Against Torture (OPCAT). Members of Visiting Committees carry out their work on a voluntary basis but are felt not to have the necessary level of independence.

A review, published in January 2013, recommended that Visiting Committees be replaced by a new system of voluntary independent prison monitors to be publicly appointed for specified periods and to be provided with training, resources and support from sources other than the Scottish Prison Service. The monitors for each prison should submit an annual report to Scottish Ministers that should be published. Prison governors should ensure that prisoners are aware of the existence of independent prison monitors and that staff are supportive of their activities. The review also recommended that there should be a Council of Independent Prison Monitors composed of a monitor from each prison.

The Scottish Government has signalled its intention to improve such arrangements for independent monitoring of prisons and to ensure they will meet the obligations under OPCAT.

## ILL-TREATMENT

**a. Who investigates prisoners' complaints of ill-treatment by prison staff or by other prisoners (inter-prisoner violence) in the United Kingdom (internal investigative body of the prison; external investigative body; prosecutor's office, etc.)?**

Complaints are initially investigated by the Prison Service through their internal complaints procedure.

**b. Is it possible for a prisoner to appeal the decision of the investigative body? If yes - to whom?**

Prisoners who are not happy with how their complaint has been responded to by the Prison Service can take their complaint to the Prison Ombudsman in each jurisdiction (Probation and Prison Ombudsman in England and Wales, Prisoner Ombudsman of Northern Ireland and the Scottish Public Services Ombudsman). The grounds on which an Ombudsman's decision can be challenged are limited but include taking the matter to a judicial review (in cases where the issue was around the way the decision was taken, rather than about the decision itself).

'Safety in custody statistics' are published that cover deaths, self-harm and assaults in prison: see e.g. [www.gov.uk/government/publications/safety-in-custody](http://www.gov.uk/government/publications/safety-in-custody)

**c. Are statistics available on the number of prisoner complaints of ill-treatment by the prison staff and by other prisoners (inter-prisoner violence)? If yes, please provide the numbers.**

Not available

**d. Are statistics available on disciplinary/criminal proceedings initiated with regard to ill-treatment by the prison staff and by prisoners (inter-prisoner violence)? If yes, please provide the numbers.**

Not available

**e. Are statistics available on the outcome of disciplinary/criminal proceedings with regard to ill-treatment by the prison staff and by prisoners (inter-prisoner violence)? If yes, please provide how many proceedings have resulted in disciplinary/criminal sanctions. If possible, please specify which kinds of sanctions (fines, suspended sentence, imprisonment, etc.) are most applied.**

Not available

## EFFECTS OF THE ECONOMIC CRISIS

The financial strictures imposed by the fiscal crisis experienced across many Western countries since 2008 have expressed themselves in political decisions to cut public spending and service provision. Specifically, public order expenditure has been cut by 15% in the UK over the last five years.

Recent trends have been characterised by a rising prison population, with decreasing resources to deal with it. Overcrowding and churn make consistent provision and attempts at rehabilitation and treatment more difficult and often unrealistic. These trends have a number of effects, e.g. in the services that prisons are able to deliver (resettlement, drugs treatment, mental health care etc.) as well as in the conditions that prisoners are enduring (e.g. slopping out, reduced time outside cells, violence and self harm incidents).

The cost saving drive has had an impact on the number of staff in criminal justice, most notably in England, Wales and Northern Ireland. Prison staffing in the UK fell overall by 11,4% between 2010/11 and 2012/13. In England and Wales staff numbers declined from 49.348 to 43.160 in this period; in Northern Ireland from 2.348 to 1.992. Typically against the UK trend, numbers in Scotland rose stably, from 4.178 in 2010/11 to 4.350 in 2012/13, an increase of 4,1%.

Outsourcing and privatising service provision has been another principal strategy used by the Westminster coalition government to ostensibly cut costs. The increase in contracting out is bringing

new issues to the fore, e.g. inconsistency in commissioning arrangements and problems with privatised services (like prisoner escorting in England and Wales) and with accountability structures.

Findings savings in the prison estate has also involved closing down some prisons and building new, bigger, supposedly more cost efficient ones, or creating additional but lower cost places in the existing estate.

For more information see the publication series by the Centre for Crime and Justice Studies, UK Justice Policy Review, at: <http://www.ukjusticepolicyreview.org.uk/>

## ARIANNA SILVESTRI

Arianna Silvestri is Research and Policy Associate at the Centre for Crime and Justice Studies (CCJS) in London, United Kingdom. She is Visiting Research Fellow at the Open University and Managing Editor of *Criminal Justice Matters*, a quarterly magazine that provides a space for critical analysis and the sharing of ideas in relation to contemporary social justice issues nationally and internationally. Her interests include corporate, state and environmental harms and human rights. She has a social policy, legal research and information provision background in a range of fields, including homelessness and immigration and asylum issues. While at CCJS she has written and edited a number of publications, including: *UK Justice Policy Review*; *Critical reflections: social and criminal justice in the first year of Coalition government*; *Young people, knives and guns*; *Partners or Prisoners? Voluntary sector independence in the world of commissioning and contestability*; *Public Spending: Police, prison and probation 1999-2009*; *Community Sentences Digest*; *End of term report on New Labour and Criminal Justice*.

### Acknowledgments

The author wishes to thank Olga Dias and Thomas Kemp for their valuable research input when drafting this report; Deborah Drake from The Open University and Helen Shaw from Inquest for their prompt replies to our queries and Elizabeth Fraser at the Scottish Government Justice Analytical Services for her kind help in providing us with provisional data.

## THE CENTRE FOR CRIME AND JUSTICE STUDIES (CCJS)

The Centre for Crime and Justice Studies is an independent public interest charity that engages with the worlds of research and policy, practice and campaigning. It aims to advance public understanding of crime, criminal justice and social harm. The organisation was founded in 1931 and adopted its current name in 1999. CCJS operates through the production of publications and events, interventions into the media, political, practice and policy worlds, through our online and social media presence and through an extended network of members, academics, researchers and practitioners. The Centre publishes the *British Journal of Criminology* in partnership with Oxford University Press.

**CENTRE FOR CRIME  
AND JUSTICE STUDIES**

**Centre for Crime and Justice Studies**  
2 Langley Lane, Vauxhall, London SW8 1GB  
Tel. +4402078406110  
info@crimeandjustice.org.uk  
[www.crimeandjustice.org.uk](http://www.crimeandjustice.org.uk)



With financial support from the  
Criminal Justice Programme of  
the European Union