Guidance on safeguarding in prisons and approved premises

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Introduction

Prisons and approved premises, like hospitals and care homes, should have their own internal safeguarding arrangements to respond to safeguarding concerns arising in prisons. Her Majesty's Inspectorate of Prisons (HMIP) has detailed these in *Expectations* published in 2012. This Framework outlines best practice in responding to the safeguarding needs of prisoners with needs of care support. It is not prescriptive but it is a tool to help inform and shape the development of safeguarding arrangements in local prisons and other settings. It seeks to establish a consistent approach and may also be used by local prisons and other settings as a tool to benchmark their practice against the locally agreed multi-agency safeguarding arrangements. The legal and policy framework underpinning this guidance is detailed in **Appendix A.**

Partnership and constructive dialogue

This Framework seeks to engage local prisons in local safeguarding arrangements at the strategic level and to this end, to gain representation on local Safeguarding Adults Boards (SAB). The intention is to encourage constructive dialogue and shared learning around safeguarding in prison and support to prisons not only keep up to date with safeguarding requirements and guidance but also to help ensure safeguarding arrangements in prisons are robust and benefit from constructive dialogue with the local expert body of professionals.

Principles underpinning the framework

- Partnership and constructive dialogue between the local SAB and prisons will help prison staff to determine when safeguarding concerns can be appropriately and safely managed through internal procedures and when they might benefit from the support of external agencies.
- The local safeguarding team will not necessarily intervene in the prison as it may be more appropriate for the prison to do this. This Framework will build on existing processes within the prison to safeguard and there will be the opportunity for dialogue on the best approach.
- The notion of equivalence of care applies to prisoners, and this extends to safeguarding and to how safeguarding concerns are dealt with.
- Safeguarding is everyone's business and prisons should operate a zero tolerance of abuse and/or or exploitation of all prisoners, particularly adults at risk.
- The prison should have robust safeguarding arrangements in place, integral to its 'duty of care', to ensure that 'prisoners, particularly adults at risk, are provided with a safe and secure environment which protects them from harm and neglect.'
- The prison has a general duty of care to safeguard and to promote the welfare of **all** prisoners. However, it has additional safeguarding duties to prisoners with needs of care and support.

The prison's safeguarding arrangements will address the following issues:

- Recognition that in a prison environment that a person may not present as a vulnerable adult (because of the structured environment) but could be considered a person at risk if living in the community
- Prevention and early identification of risk to reduce harm will form an integral part of the prison's safeguarding arrangements
- A concern for safeguarding will be built into all standard operational procedures with prompts at each stage of the prisoner's journey in prison from reception to release

- Recognition that grooming and mate crime to exploit adults at risk fall within the remit of the prison's safeguarding procedures
- Recognition that some prisoners when released from prison, pose a risk to adults at risk living in the community and that appropriate information sharing and joint working with relevant agencies must take place
- Ensuring clear links between its safeguarding adults procedures and other protective, risk management and review processes. These include the local multi agency adult safeguarding procedures, Violence Reduction, MAPPA, Serious Case Review, PREVENT, Persistent and Prolific Offenders and initiatives such as Safer Custody, Through the Gate.

Key components of the safeguarding framework

The following section identifies the five key components of this framework which are safeguarding policy and procedures, information and awareness, prevention, workforce development and quality assurance. Benchmark standards have been set out for each of these domains and these are detailed under each heading:

Prison safeguarding policy and procedures

- This is consistent with local Multi Agency Safeguarding Adults Procedures and HMIP Expectations.
- The prison has identified safeguarding lead who sits at senior management team level and who is directly accountable to the prison governor regarding their safeguarding role.
- Safeguarding is addressed at each stage of prisoner's journey in prison.
- The Safeguarding Policy and Procedures have been cross referenced with standard operating procedures and are referenced in other policies e.g. whistleblowing, complaints information sharing.
- Mechanisms to ensure prisoners' vulnerabilities are recognised and responded to appropriately and in a timely manner.
- The prison ensures prisoners can access advocacy support where appropriate.
- The prison ensures that victims of abuse are able to access victim support services such as the Samaritans.
- The prison ensures prisoners can access where appropriate, access to pastoral and/or therapeutic support to help in the recovery from abuse.
- There is an internal escalation protocol highlighting when safeguarding concerns should be shared with the senior management team and/or prison governor.
- Thresholds have been defined to help the prison to determine when safeguarding concerns can be appropriately and safely managed through internal procedures or when they might to be addressed with the support of external agencies for example in highly complex cases and/or where the person at risk is judged to lack capacity.
- Safeguarding Policy and Procedures define the links and interfaces with other internal and external risk management and protective processes.
- Safeguarding expectations and requirements built into contracts with external providers.

Awareness and information

- Accessible leaflets and other publicity material (prisoners, staff, visitors and outside professionals) are readily available.
- Awareness raising sessions are provided for prisoners and staff.
- There is clear information about how to report concerns.

- There is a dedicated telephone number for prisoners to report safeguarding concerns.
- A network of safeguarding champions (prisoners and staff) is in place.

Prevention

- Tools are used to identify prisoner vulnerabilities upon admission (such as *Through the Gate*).
- Abusive and exploitative behaviour is cross referenced in prisoner behaviour code and disciplinary procedure.
- Keeping safe activities and materials are provided for prisoners.
- The prison operates a 'buddy' system and/or existing approaches such as Listeners or Insiders are expanded to include adult safeguarding.
- Robust risk assessment and risk management processes are in place.
- A multi agency safeguarding panel is in place to facilitate partnership working to respond collaboratively to safeguarding needs.
- Information sharing and risk management occurs to address the risks posed by prisoners upon release.

Workforce development

- There is a safeguarding training strategy defining the knowledge and skills required per role type.
- The prison operates safe recruitment practice (staff, contractors, volunteers).
- The professional duty of care and duty to act is built into the code of conduct of all staff, contractors, volunteers, etc. and is reflected in all contracts.
- The prison makes making referrals to DBS vetting and barring, professional bodies, etc. as appropriate.
- There is management oversight of safeguarding case work (such as supervision agenda item).

Quality assurance

- The prison undertakes regular practice audits.
- The prison participates in peer review processes with other prisons.
- There is a robust 'Learning from Experience' framework for when things go wrong and partner agencies are invited by the Prison to participate in case reviews and safeguarding adult reviews.

Legal and policy context for safeguarding in prisons and approved premises

The Care Act 2014

Under the Care Act 2014, prisons and approved premises have responsibility for safeguarding prisoners with needs of care and support. Prison governors and the National Offender Management Service (NOMS) may ask for advice from the Local Authority when faced with a safeguarding issue that they are finding particularly challenging. Local Authorities should follow the safeguarding policies and procedures of custodial settings in their area and work with prison and approved premises staff to ensure that all people in custodial settings are safeguarded.

Local Authority and care provider staff must understand what to do where they have a concern about abuse and neglect of an adult in custody. The prison must ensure that it has clear safeguarding policies and procedures that are explained to all visiting staff. Prison and probation staff may approach the Local Authority for advice and assistance in individual cases although the Local Authority will not have the legal

duty to lead. Separate guidance for prisons and probation is being developed by the National Offender Management Service on safeguarding adults.

The Care Act statutory guidance (chapter 17) states that Local Authorities should consider inviting prison and probation staff to be members of Safeguarding Adult Boards. The inclusion of prison and probation staff on safeguarding adult boards should be agreed with all statutory board members and the SAB *"can act as a forum for members to exchange advice and expertise to assist prison and probation staff in ensuring that all people in custodial settings are safeguarded"*.

Her Majesty's Inspectorate of Prisons (HMIP)

HMIP has shown its commitment to address the complex area of safeguarding adults at risk in prison through the inclusion in 2012 of a safeguarding section in its methodology *Expectations*.   This outlines a prison's responsibilities to safeguard people at risk in the prison environment and also provides benchmark standards against which prisons will be judged in this respect. These are summarised below.

Safeguarding arrangements in prisons
- The prison promotes the welfare of all prisoners, particularly vulnerable adults at risk, and protects them from all kinds of harm and neglect.
- Prisoners, particularly adults at risk, are provided with a safe and secure environment which protects them from harm and neglect. They receive safe and effective care and support.

Indicators
- The risks to prisoners are recognised and there are guidance and procedures to help reduce and prevent harm or abuse from occurring.
- When abuse is alleged or suspected to have occurred, prompt and appropriate action is taken to protect the prisoner.
- An individual care plan is in place to address a prisoner's assessed needs. Care plans are thorough, reviewed regularly and involve staff from a range of disciplines.
- Up to date government and local guidance is accessible and safeguarding procedures are known and used by all staff, including how to raise a safeguarding concern.

Mental Capacity Act 2005

HMIP Expectations requires that the safeguarding policy and any prison codes of conduct are informed by the underlying five principles of the Mental Capacity Act 2005:

- A presumption of capacity
- The right for individuals to be supported to make their own decisions
- Individuals must retain the right to make what might be seen as unwise decisions
- Best interests
- Least restrictive intervention.

Where possible, access to advocates and/or appropriate adults is in place to aid prisoners' capacity to understand and consent.

Code of conduct and duty to report concerns

The prison has a code of conduct informing staff of their duty to raise legitimate concerns about the conduct of an individual in relation to the treatment and management of prisoners.

- Staff feel confident and safe to raise concerns.
- Staff awareness of their personal and professional responsibility to protect adults at risk.
- Staff undergo appropriate training.
- Safe recruitment practice and vetting procedures which comply with necessary legislation.