



**Policy name: Management of Security at Visits Policy Framework- Closed Estate**

**Reference:** N/A

**Re-Issue Date:** 30 May 2023

**Implementation Date:** Upon publication, this Policy Framework will immediately replace PSI 15/2011 with the exception of the revised visitor ID requirements (Annex A). An 8 week transitional period will be allowed for social visitors, from the recommencement of such visits in 2021. A transitional period of one calendar month will be allowed for official visitors, from the publication of this Policy Framework. During this time the acceptable forms of ID set out in PSI 15/2011 will be sufficient. This is to allow visitors time to make the necessary arrangements to obtain suitable ID under the new requirements, where necessary.

**Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled:** PSI 15/2011 Management of Security at Visits

**Introduces amendments to the following documents (e.g. PSIs, PSOs, Custodial Service Specs):** N/A

**Action required by:**

<input checked="" type="checkbox"/>	HMPPS HQ	<input checked="" type="checkbox"/>	Governors
<input checked="" type="checkbox"/>	Public Sector Prisons	<input type="checkbox"/>	Heads of Group
<input checked="" type="checkbox"/>	Contracted Prisons	<input type="checkbox"/>	HMPPS-run Immigration Removal Centres (IRCs)
<input type="checkbox"/>	National Probation Service	<input checked="" type="checkbox"/>	Youth Custody Estate
<input type="checkbox"/>	HMPPS Rehabilitation Contract Services Team	<input checked="" type="checkbox"/>	Women's Estate
<input type="checkbox"/>	Other providers of Probation and Community Services		

**Mandatory Actions:** All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions.

**For Information:** The aim of this Policy Framework is to detail the minimum mandatory requirements which are needed for prisons to operate a legal and effective visits regime.

Governors must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010).

Section 5 of the Policy Framework contains guidance to implement the mandatory requirements set out in section 4 of this Policy Framework. Whilst it will not be mandatory to follow what is set out in this guidance, clear reasons to depart from the guidance should be documented locally. Any questions concerning departure from the guidance can be sent to the contact details below.

HMPPS recognises that those detained in the under 18s YOI estate are children. The term 'prisoner' is used throughout the policy framework for ease. The requirements set out in this policy

framework, and the supporting guidance, will apply to the under 18s YOI estate, unless specifically stated otherwise.

In this document the term Governor also applies to Directors of Contracted Prisons

When facilitating visits for Category A and Restricted Status prisoners, establishments should refer to and follow PSI 2014-43 Management and Security of Category A Prisoners- Internal.

**How will this Policy Framework be audited or monitored?:** Mandatory elements of this Policy Framework must be subject to local management checks. There is an existing process of regular HMPPS audits of compliance with regards to security at visits policy, which will continue to apply under this framework.

**Resource Impact:** Given that this policy framework is documenting and clarifying existing work that is already taking place and being carried out by existing members of staff, there is likely to be negligible impact on resourcing, if any, and no changes to benchmark staffing figures are expected.

**Contact:** SOCT.Procedures@justice.gov.uk

**Deputy/Group Director sign-off:** Jamie Bennett, Head of Operational Security Group, Security, Order and Counter Terrorism Directorate, HMPPS

**Approved by OPS for publication:** Sarah Coccia, Joint Chair, Operational Policy Sub-board, April 2021.

**Revisions:** This Policy Framework has been amended to align with the introduction of the Authorised Communications Controls and Interception (ACCI) Policy Framework.

Specific updates are contained in the table below:

<u>Date</u>	<u>Changes</u>
September 2022	<u>4.28 to signpost</u> the Authorised Communications Controls and Interception (ACCI) Policy Framework in relation to closed visit bans.
September 2022	<u>Para 4.41 to signpost</u> the Authorised Communications Controls and Interception (ACCI) Policy Framework in relation to visit restrictions
September 2022	<u>Para 5.66 to signpost</u> the Authorised Communications Controls and Interception (ACCI) Policy Framework in relation to banning visitors where there is a terrorism concern..
September 2022	<u>Para 5.85 to signpost</u> the introduction of the Authorised Communications Controls and Interception (ACCI) Policy Framework in relation to the National Counter Terrorism Communication Controls Centre's role in banning visits where there is a terrorism concern.
May 2023	Para 5.41 and 5.42 amended to align with the new Prison Dogs Policy Framework. Annex A has also been amended with an additional paragraph under "Exceptional Circumstances" relating to recognised prison visitors' organisations

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## **1. Purpose**

- 1.1 The purpose of social visits is to actively encourage prisoners to maintain outside contacts and meaningful family ties. This is integral to the prisoner's rehabilitation. Visits are crucial to sustaining relationships with close relatives, partners and friends, and help prisoners maintain links with the community. HMPPS aims to encourage and assist the maintenance of relationships between prisoners and their families to support their social rehabilitation.
- 1.2 As such, HMPPS have a responsibility to appropriately balance effective, dynamic security and support for family contact. This balance should be maintained by efficient management of security processes to minimise delays, disruption and difficulty accessing visits, and the ability of staff involved in security processes to conduct these in a way that reflects procedural justice and engages good interpersonal interactions with prisoners and visitors. In order to support these interactions, and to promote procedural justice, Governors should ensure that prisoners and visitors are consulted about the impact and conduct of security procedures. For more information, please see the useful resources in section 7.
- 1.3 This policy framework sets out the minimum measures that must be taken to maintain security at visits.

## **2. Evidence**

- 2.1 The Control Strategy identifies and prioritises security risks across HMPPS using a methodology that incorporates intelligence, incident reports and professional judgement. The Control Strategy uses intelligence from the National Intelligence Assessment Centre (NIAC) to score security risks.
- 2.2 The Control Strategy identified that the following, national, security risks surrounding visits are:
- **Conveyance of illicit items:** Visits can be used as a method to convey unauthorised items into prisons, including, for example, drugs and mobile phones. Intelligence has found that visits are a much-relied upon method of conveying drugs into prisons. This contributes to the prison's illicit economy, as it increases supply into prisons and generates income.
  - **Intimidation of other prisoners to convey:** Some prisoners may find themselves in debt and may be receiving threats from other prisoners. This might make prisoners feel pressured to partake in a visit where items are conveyed in order to satisfy their debts.
  - **Intimidation or coercion of visitors to convey:** Some prisoners may intimidate or coerce their family/ friends to help convey items through visits. Tactics may include making family/ friends feel guilty for their circumstances or manipulating a vulnerable person into conveying via visits.
  - **Passing of illicit information:** Visits are a known route of conveying illicit information and can facilitate the use of sexual/CSAE (Child Sexual Abuse and Exploitation) and extremist content and can incite acts of violence and a wide range of criminal activities.
  - **Escape attempts:** Despite being a less prevalent risk, there have been instances where prisoners have attempted to escape using the visits process.
- 2.3 The Control Strategy has evidenced that visits present opportunities for a range of security risks, including; conveyance of illicit items, communicating illicit information, facilitating escapes, and contributing to the intimidation or victimisation of vulnerable people to further exploit the visits process.

### **3. Outcomes**

The successful use of this policy framework and supporting documents will ensure:

- Successful maintenance of security, order and public protection during visits, including preventing prisoners from escaping and prevention of the conveyance of unauthorised items.
- The health and safety of staff, prisoner's and their visitors.
- Support of the governor's statutory responsibility to discharge their functions having regard to the need to safeguard and promote the welfare of children.
- Understanding of personal property that visitors are not permitted to bring into the prison, how it can be securely stored, and unauthorised items disposed of.
- The identity and authority of a visitor to enter or leave the prison is established before movement takes place and this information is recorded and retained.
- All visitors are made aware of those items not permitted to be brought into the prison.
- Prisoners are identified and accounted for prior to the commencement of and at the conclusion of a visit.

3.1 Social visits are conducted in a manner which ensures:

- Maintenance of security
- The safeguarding of children
- Public protection
- The promotion of family ties
- Health and Safety
- Visits are conducted within the hearing of staff (Prison Rule 34 (YOI Rule 9)).

3.2 A strategy for the supervision of visits areas that remains proportionate to the risk assessed, is agreed, documented, and followed.

3.3 Staff remain alive to the fact that the assessed risks may change and are able to respond accordingly.

3.4 Official visits are conducted in a manner which ensures:

- Maintenance of security
- Prisoners right to access legal advice
- Visits are conducted out of hearing from staff but within their sight (Prison Rule 38/YOI Rule 16) (IMB visits to prisoners must be out of the sight and hearing of staff – Prison Rule 79/YOI Rule 83).
- Health and Safety

### **4. Requirements**

#### **Health & Safety**

4.1 All areas and tasks connected with the visits process and environment will be subject to a Health & Safety risk assessment. Prisons will develop necessary safe systems of work to provide any required working practices to prevent foreseeable harm in the area. Governors must ensure:

- Risk Assessments are in place and are reviewed at least annually, where any significant changes have been made in the area or following an accident or incident.
- Safe Systems of work are available describing how tasks will be safely undertaken.
- X-Ray equipment will be managed locally with the appointment of a trained RPS (Radiation Protection Supervisor). The appointed RPA ( Radiation Protection Advisor) will have inspected all equipment within the agreed schedule and any remedial actions from this inspection are rectified. Local Rules are displayed next to the equipment and all local checks by the RPS are made.

4.2 Any damaged equipment or furniture that may pose a risk to health, safety or security must be reported and removed as soon as possible.

#### Local procedures

4.3 The Local Security Strategy is agreed, documented and implemented and manages local risk. Amendments to the LSS which require agreement outside of the prison are agreed by Prison Group Directors (public sector prisons) or the Deputy Director of Contracted Custodial Services (private sector prisons).

4.4 Visits must be made available in accordance with the establishment's Regime Management Plan.

4.5 Governors must ensure that local procedures for managing the security of all social and official visits are in place. Procedures must be:

- Accessible to all staff, clearly set out and easy to understand,
- Required to be followed by all staff, and
- Accessible to visitors and other members of the public, other than any procedures or parts of procedures that are restricted access.

4.6 Local procedures must include the requirements set out in this policy and contain guidance for staff involved in the management and supervision of visits on the following:

- Health and Safety arrangements
- The establishment's visitor recognition systems
- Official visits
- Searching of visitors and handling of any items seized
- Closed visits
- Banning of visitors
- Powers of search and searching procedures
- Procedures to preserve evidence
- Local contingency plans
- Visitor exit arrangements
- Child safeguarding arrangements
- Arrest procedures
- ID Verification

Please see the guidance in section 5 for further information on these areas.

4.7 Governors must ensure that visits are conducted in compliance with the Strengthening Prisoner's Family Ties Policy Framework and PSI 2011-16 – Providing Visits and Services to Visitors, and that staff working in visits understand the requirements set out in these policies.

## Visitor verification

- 4.8 Governors must ensure entry procedures applying to visitors are clearly set out in the establishments Local Security Strategy (LSS) and that only authorised visitors are permitted to visit prisoners. Please see the guidance on page 14 for definitions of social and official visitors.
- 4.9 Staff must ensure that for convicted prisoners, only visitors with valid visiting orders (VO's) are permitted to enter the prison for a social visit with a prisoner. Staff must refer to PSI 2011-16 – Providing Visits and Services to Visitors for further information on VO's and prisoner visits entitlement.
- 4.10 All visitors to prisons, other than accompanied children under the age of 16, whether visiting for social, or official purposes, must be required to prove their identity at the gate. Establishments must ensure that a process is in place to ensure approved visitors are checked against photographic ID before entry to the establishment. Details of acceptable forms of identification for social and official visitors are given at Annex A. Please see the guidance for further information.
- 4.11 Official visits, including those from legal advisers and consular officials, must take place within sight but out of hearing range of staff, other prisoners and their official visitors. Prison Rule 79 requires that IMB members may interview prisoners out of the sight and hearing of staff. Please see the guidance section and PSI 2011-16 Providing Visits and Services to Visitors for more information on social and official visits.
- 4.12 Governors must ensure the establishment has an accurate, up to date, process of identifying individuals banned from visiting and ensure this is checked prior to any visit. Establishments must keep this information locally, as well as updating banned visitor information on NOMIS to provide a national resilience. In the under 18s YOI estate Governors must consider any risks to children in custody.
- 4.13 Any electronic system holding visitor's personal information, including photographs or biometrics must be operated and managed in compliance with the Data Protection Act 2018 and the UK General Data Protection Regulation. Visitor data is collected, stored and reviewed by HMPPS for the prevention, investigation and detection of crime, the execution of criminal penalties and to assist in informing decisions about the type of visit that should take place.
- 4.14 An interactive PDF Training Package will be available in March 2021 via MyLearning. The purpose will be to ensure staff adhere to the revised list of acceptable IDs and what to do if the correct form of ID is not available. Also included will be how to detect and respond to fraudulent ID. All staff (operational and non-operational) who are responsible for checking visitor identification documents must complete this mandatory training.
- 4.15 If it is identified that a visitor has attempted to gain entry to a prison using a fraudulent ID, they must be refused entry, in accordance with Annex A and the MyLearning training package, the details must be recorded on NOMIS, and an IR submitted. Please see the guidance for further information.
- 4.16 All decisions, and justifications, on whether or not to permit a visit, in the absence of suitable ID, must be recorded using the dedicated decision log form at Annex O to give assurance that those decisions are made without bias or discrimination. Where relevant, the decision must also be noted in the prisoner's NOMIS record.

## Searching/ Property

- 4.17 When making arrangements for visits, prison management and staff must seek to monitor visit areas closely, searching them before and after the visit. Please see PSI 2016/07 Searching of the Person and PSI 2016/09 Cell, Area and Vehicle Searching for searching instructions and guidance. Arrangements must also be in place to search prisoners and visitors entering and leaving visits rooms, in accordance with the establishment's Local Security Strategy, to:
- reduce the risk of escape or other security breach in the visits area by controlling who visits the prisoner, and by conducting visits in a secure manner; and
  - prevent as far as possible the passing of unauthorised articles by maintaining good order and supervision wherever visits take place.
- 4.18 Searches and finds must be documented in accordance with PSI 2016/07 Searching of the Person and PSI 2016/09 Cell, Area and Vehicle Searching and PSI 08/2016 Dealing with Evidence. If finds are used as evidence to impose closed visits or visit bans, this must be documented on the decision log at Annex K.
- 4.19 Governors must ensure that:
- Secure facilities are provided for visitors to store any items not permitted to enter the establishment for the duration of the visit.
  - All visitors to the establishment are notified of those items that are prohibited (please see Annex N for the prohibited items list)
  - Visitors are aware that they may be required to submit to being photographed, searched and to provide biometric data as required by Prison Rule 71 (YOI Rule 75(1)).
  - Visitors are aware that refusal to comply may result in the cancellation of the visit or a closed visit at the Governor's discretion. Please see guidance on page 21 for more information on closed visits.
  - Visitors are aware that any attempt to convey unauthorised items to prisoners may result in a physical intervention involving the use of force by prison staff and may result in the visitor's detention and police arrest followed by the subsequent searching of vehicles and home addresses. Please see Annexes B and C for notices to visitors and PSO 1600 Use of Force for further information on physical interventions.
- 4.20 When searching visitors, consideration must always be made to preserve their decency and dignity. Staff must search visitors respectfully, with due consideration to any cultural and religious diversity or disability.
- 4.21 In accordance with PSI 10/2012 (Conveyance and Possession of Prohibited Items and Other Related Offences) Legal advisers are permitted to bring certain IT equipment into prisons. Please see Annex G for more information. Only if there is a reasonable belief that this equipment is not for legitimate legal use, should further restrictions be put in place. Should there be reasonable belief, and/or restrictions put in place, an IR must be submitted to record this. Please see guidance on page 15 for information on the procedures for legal advisers.

## Visit Management

- 4.22 Local Security Strategies must include arrangements to manage, supervise, and review any visits to prisoners, whilst also setting out security procedures to prevent passing of



unauthorised articles, escape of prisoners and safeguarding of children. Please see guidance on pages 18, 29 and 31 and Annex F for more information.

- 4.23 Visitors to Category A or prisoners or those prisoners deemed to pose a high security risk must be registered on the Approved Visitors scheme (AVS) and comply with its security requirements. For more information on Category A visits and the procedures to follow, see PSI 43/2014 Management and Security of Category A Prisoners- Internal.
- 4.24 Staff must ensure that prisoners and visitors are informed of the penalties that may be put into place in the event of any suspected or proven inappropriate behaviour during visits. Powers to impose restrictions on visits and visitors are set out in Prison Rules 34 and 73 (YOI Rules 9 and 77). Please see guidance on page 17 on acceptable behaviour and Annexes B and C for model notices to visitors and prisoners on the consequences of conveyance.

#### Closed Visits and Visit Banning

- 4.25 If it is identified that unauthorised items are being passed to a prisoner during a visit, the governor must decide whether closed visits or banning are the appropriate measures to control the conveyance of such items from that visitor in the future. Please see the guidance sections on closed visits and banning for more information.
- 4.26 Visitors must usually be banned for the conveyance of list A items and mobile phones (other List B items discretionary), but **only** where there is clear evidence that they are engaging in this activity. For example, if the visitor is:
- caught in possession of drugs during a search;
  - caught in possession of a mobile phone during a search and the prison have reason to believe that the visitor was deliberately trying to smuggle the item to the prisoner;
  - seen passing an item believed to be unauthorised to the prisoner who is subsequently either found in possession of the item on leaving visits or unable to give a satisfactory account of what was passed;
  - shown on CCTV to swallow an article or conceal an article within a body orifice due to a pending staff intervention to recover unauthorised items, and staff have reason to believe that the item was unauthorised and intended to be conveyed to a prisoner.
  - or a prisoner is found in possession of an unauthorised item and either the prisoner or the visitor admits this visitor supplied it (and there is no reason to believe otherwise).
- 4.27 Unauthorised items brought into prisons could also include inappropriate material (for example literature containing extremist content). If the material is thought to be inappropriate in a counter terrorism context, this must be reported to the Joint Extremism Unit (JEXU) via the Regional CT Lead (LTHSE CTU for long term and high security prisons). Given the nature of this work, the Managing Extremism and Terrorism Amongst Offenders in Custody Policy Framework is regularly reviewed, therefore please contact JEXU for any further information using [NOAT.Operations@justice.gov.uk](mailto:NOAT.Operations@justice.gov.uk)
- 4.28 However, Prison Rule 34 (YOI Rule 9) and Prison Rule 73 (YOI Rule 77) provide that visitors may also be banned, and closed visits imposed for other reasons unrelated to conveyance, where it is necessary and proportionate using the following grounds.(Please refer to the Authorised Communications Controls and Interception Policy Framework for further information on applying restrictions to visitors linked to terrorism.) Please note the final two points are only reasonable grounds to impose a closed visit, not a ban:

- In the interests of national security;
- For the prevention, detection, investigation or prosecution of crime;
- In the interests of public safety;
- In order to secure or maintain prison security or good order and discipline;
- For the protection of health or morals;
- For the protection of the rights and freedoms of any person.
- For the protection of the reputation of others (closed visits only); or
- Maintaining the authority and impartiality of the judiciary (closed visits only)

- 4.29 However, members of the IMB and justices of the peace cannot be banned under this rule. Neither can visitor bans be used to prevent any visit by a legal adviser for the purposes of Prison Rule 38 (YOI Rule 16) or a visit allowed by the IMB under Prison Rule 35(6) (YOI Rule 10(5)).
- 4.30 Closed visits and visitor bans both engage Article 8 ECHR (right to private and family life) and therefore Governors must ensure that establishments are able to demonstrate that in deciding to apply a ban or period of closed visits, they: (a) have taken into account all the individual circumstances of the case; (b) any decision is necessary and proportionate to the risk they are meant to be reducing; and, (c) have kept the requirement for the ban/ closed visits under review. In order to do this staff must record all decisions and their circumstances pertaining to ban/closed visits on a decision log. Please see Annex K for further information and a decision log template.
- 4.31 Restrictions on legal visits may engage Article 6 ECHR (right to a fair trial).
- 4.32 There must be clear evidence and justification for each ban or imposition of closed visits, irrespective of which grounds are used. This must be recorded in the decision log. Please see Annex K for a decision log template.
- 4.33 Governor's must decide an appropriate frequency in which to review the decision logs, to provide scrutiny and assurance that restrictions are not being imposed due to bias, opinion or prejudice, and that decisions made are just and consistent.
- 4.34 Where a ban is imposed, Governors must use their discretion to determine whether a longer or shorter than the normal three month ban is appropriate on a case by case basis. Bans cannot be permanent.
- 4.35 Governors must ensure that prisoners and/or visitors are informed of any closed visit or visit ban sanctions that may be put into place in the event of any suspected or proven inappropriate behaviour (as listed at 4.26 and 4.28) during visits. This must be done using the model letters at Annex J and N. Notices to ban must also be copied to Family Services-Help with Prison Visits (HWPV). Please see the Strengthening Prisoner's Family Ties Policy Framework for more information on HWPV.
- 4.36 Staff must also record instances of banning or closed visits on NOMIS, and by submitting an Intelligence Report, to ensure that risk information is shared appropriately.
- 4.37 Governors must ensure all prisoners on closed visits are reviewed monthly to assess whether there is a continuing need for closed visits. The level of risk must be reassessed using criteria such as those mentioned in the guidance. Please see Annex I for the closed visit review form.
- 4.38 Governors must ensure that all visit bans are reviewed monthly to assess whether there is a continuing need for the ban and whether the ban should be downgraded to the use of closed visits. The level of risk must be reassessed using criteria such as those mentioned in the guidance. Please see Annex L for the visit ban review form.

- 4.39 There is a risk that prisoners who want unauthorised items brought in (and their visitors) will pressurise other prisoners and their visitors to carry items for them and therefore to carry the risk of suffering penalties. Governors must consider whether there are any concerns regarding coercion when considering closed or banned visits. In these circumstances, governors must investigate what support and/or protection can be offered to the prisoner to prevent further pressure and coercion, utilising intelligence from Mercury and Safer Custody.
- 4.40 Establishments must have effective procedures in place to ensure that banned visitors and visitors who have been placed on closed visits are not permitted to visit the prisoner in which they have been banned from visiting, and are not permitted to have an open visit where a period of closed visits has been imposed. For more information please see the guidance.
- 4.41 Where visits restrictions are being considered or subject to review in a counter terrorism context, staff must refer to the Authorised Communications Controls and Interception (ACCI) Policy Framework. Governors must consult the National Counter Terrorism Communications Control Centre (NCTCCC) Joint Extremism Unit via the Regional CT Team (LTHSE CTU for long term and high security prisons) before taking any action. Further guidance can be found in the Authorised Communications Controls and Interception Policy Framework and Detailed Guidance. Any comments from Regional CT teams must be included on the review forms and decision logs (please see Annexes, I, M and K).
- 4.42 Where visits restrictions are being considered or subject to review in a serious organised crime context, Governors must consult the Serious Organised Crime Unit (SOCU). Any comments from SOCU must be included on the review forms and decision logs (please see Annexes I, M and K).
- 4.43 When a prisoner transfers within the period for which he or she is subject to closed visits or a visitor ban, the Governor of the sending establishment must ensure that relevant information is passed on with the prisoner.
- 4.44 The receiving prison must ensure that any restrictions on the prisoner are maintained for the remainder of the period for which they were due to apply at the originating prison. The duration of the closed visits or ban may not be increased for any reason arising out of the original incident. That is, the new Governor may not give a longer duration of closed visits just because he or she thinks the previous Governor gave too short a period.

#### Safeguarding children

- 4.45 Governors must have regard to the need to safeguard and promote the welfare of the children in their custody and other children with whom staff and prisoners have contact. (Chapter 5a Public Protection Manual PSI 18/2016.)
- 4.46 Persons identified as posing a risk to children (PPRC's), whether potential or continuing, must have full restrictions placed on social visits (including prison family days), until a risk assessment has taken place to determine what, if any, contact the prisoner is allowed. (Chapter 5b Public Protection Manual PSI 18/2016) Please see the guidance section on safeguarding children for further information on this assessment.
- 4.47 PPRC's or potential PPRC's attending visits must be flagged on the visits list before visits commence, along with any other relevant information. This is to ensure that staff working in visits can manage this accordingly.

- 4.48 Visits by children to convicted prisoners and prisoners on remand, identified as a person posing a risk to children (PPRC) or potential PPRC, must be closely supervised, and staff must intervene when any child is actively considered to be at risk. For details on the risk assessment of PPRC's, please see Chapter 5b Public Protection Manual PSI 18/2016.
- 4.49 Any signs of neglect, abuse or distress must be reported using the security incident reporting process. An immediate referral must be made to Children's Services by the safeguarding lead, duty governor, or head of offender management delivery if there is concern for the safety or welfare of a child.
- 4.50 Gate staff, or other staff receiving visitors, must have full details of all named children approved to visit PPRC (or potential) and be able to verify the child's identity against a photograph held by the establishment. All staff should be alert to the possibility that an "approved" child could be substituted with another, possibly more vulnerable child.
- 4.51 Within the under 18s YOI estate, local policies must also include processes to ensure appropriate information flows between establishments and community services supporting children in custody (for example Youth Offending Teams and Children's Services) to keep an accurate record of any known individuals who should not have visitor access to a child in custody.

Please see The Public Protection Manual for further information on managing prisoners who pose a risk to children.

#### Escape Prevention

- 4.52 The LSS must set out the security procedures to ensure prisoners are prevented from escaping during a visit.
- 4.53 Category A prisoners must be assessed and classed as either standard escape risk, high escape risk, or exceptional escape risk in accordance with PSI 2015-09 The Identification, Initial Categorisation and Management of Potential and Provisional Category A/Restricted Status Prisoners and managed at visits in line with PSI 2014-43 Management and Security of Category A Prisoners - Internal.
- 4.54 Arrangements must be in place to identify and account for prisoners both before and after visits. Where appropriate, Governors have the discretion to require prisoners to wear distinctive clothing to aid staff.

Please see the guidance on page 29 for further information on escape prevention.

#### Category A and Restricted Status Prisoners

- 4.55 Visits for Cat A and RS prisoners must be conducted in accordance with PSI 2014-43 Management and Security of Category A Prisoners – Internal and PSI 2015-09 The Identification, Initial Categorisation and Management of Potential and Provisional Category A / Restricted Status Prisoners.

## **5. Guidance**

### **Social and Official Visitors and Procedures for Legal Advisers**

- 5.1 Visits to prisoners can be defined by two categories, **social** and **official**.

- 5.2 Social and official visits are required to be booked in accordance with PSI 2011-16 – Providing Visits and Services to Visitors.
- 5.3 Legal visitors are classed as official visitors, but they are not the only type of official visitor.
- 5.4 Visitors can leave the establishment at any time, subject to security checks.

#### Social Visits

- 5.5 Social visits are visits from friends, family members or Official Prison Visitors (OPVs). OPVs are independent volunteers appointed by governors to visit and offer friendship to prisoners. For more information on OPVs and other types of visitors please see PSI 2011-16 – Providing Visits and Services to Visitors.

#### Official Visits

- 5.6 An official visit is one where a professional visitor meets with a prisoner to discuss any legal proceedings to which the prisoner is party or other professional matters. Legal visits are subject to Prison Rule 38 (YOI Rule 16).
- 5.7 A comprehensive list of Official Visitors is provided in PSI 2011-16 – Providing Visits and Services to Visitors.
- 5.8 'Legal adviser' means in relation to a prisoner, their counsel or solicitor, and includes a clerk acting on behalf of his solicitor. (Prison Rule 2(1) (YOI Rule 2) Interpretation). A 'clerk' may also include a paralegal, trainee or legal executive acting on behalf of the prisoner's counsel or solicitor.

#### Procedures for legal advisers

- 5.9 Legal advisers should provide acceptable ID in accordance with that set out in Annex A. If staff have concerns about the legitimacy of the required document stating that they are representing the prisoner they are requesting to visit, they should phone the firm/chambers to check that the person works there and check that the firm/barrister is registered with the Law Society/Solicitors Regulatory Authority/Bar Council/Chartered Institute of Legal Executives. Phone numbers should be found online by staff rather than using the number on the letter in case the documents are fraudulent.
- 5.10 PSI 16/2011 does not stipulate the acceptable number of legal advisers who may attend a legal visit. This should be decided by each prison Governor, but numbers should be reasonable in order to facilitate the visit in a safe and secure environment which does not jeopardise the good order or discipline/security of the establishment.
- 5.11 Where a legal adviser has a visit with a prisoner which is not to discuss any legal proceedings, (civil or criminal) to which the prisoner is currently party to, the visit should be booked as a social visit.
- 5.12 If staff believe that official visits with a legal adviser are not being used to discuss legal proceedings that the prisoner is party to, they may ask the legal adviser to confirm that they are acting for the prisoner in connection with legal proceedings (civil or criminal). The prison are also entitled to confirm this with the adviser's legal firm by asking the relevant firm to confirm they act for that prisoner, if they are not satisfied with the response from the legal adviser.
- 5.13 If these provisions are not met, the prison may stop the person using legal visits on the grounds that they are not a genuine legal adviser to the prisoner. The prison may also

consider, banning them under Prison Rule 73. However, this would need to be determined on a case by case basis to ensure the ban is necessary and proportionate.

- 5.14 Solicitors / legal advisers have central authorisation for use of IT equipment on an official visit – See Annex G and PSI 10/2012 (Conveyance and Possession of Prohibited Items and Other Related Offences) for further information.

### **Visitor Verification**

- 5.15 Visitors to prisons, whether social or official, need to produce ID upon arrival in accordance with Prison Rule 34 (YOI Rule 9). Staff should refer to Annex A, and the relevant training, for information on acceptable forms of ID and under what exceptional circumstances Governors may choose to exercise their discretion to allow a visit in the absence of acceptable ID. Governors should balance their local security concerns with considerations such as:
- Whether the visitor is known to staff as a legitimate visitor,
  - Whether the visitor has other supporting documents which may assist in verifying their identity, or
  - Other information which the Governor judges to be relevant.
- 5.16 All decisions, and justifications, on whether or not to permit a visit, in the absence of suitable ID, must be recorded using the dedicated decision log form at Annex O to give assurance that those decisions are made without bias or discrimination. Where relevant, the decision should also be noted in the prisoner's NOMIS record.
- 5.17 A Governor's decision to allow a visit in the absence of appropriate ID only applies on that one occasion. Visitors should be advised that in future, they should bring suitable ID. If the same individual arrives on a subsequent occasion without approved ID the same process and consideration should be followed. Visitors should also be advised which forms of ID are accepted, and that the Citizen ID Card is the most inexpensive option.

### **Refusal of entry**

- 5.18 In accordance with the requirements of this policy framework and Prison Rule 34 (YOI Rule 9), any person attempting to enter the prison with ID which does not meet the criteria stipulated in Annex A (unless Governor's discretion is applied – please refer to Annex A) or an ID that is fraudulent, must be refused entry.
- 5.19 Establishments should outline in their LSS how to manage a refusal of entry where a visitor may refuse to comply. Under Prison Rule 71 (YOI Rule 75) the governor may direct the removal from a prison or YOI of any person who does not leave on being required to do so.
- 5.20 Any member of staff who has undertaken the Visitor Identification and Verification training has the authority to refuse entry if the ID requirements are not met. Only a Governor may apply discretion to permit a visit in the absence of approved ID; for more details please refer to Annex A.
- 5.21 Refusals of entry should be recorded on the dedicated decision log at Annex O and where relevant, on an IR, and on NOMIS.

### **Acceptable Behaviour at Visits**

- 5.22 All prisons should clearly display up-to-date information on local policies and procedures regarding acceptable behaviour during visits in visit areas. This should include;

- Accurate information about Family Services (please see Strengthening Prisoner's Family Ties Policy Framework 2020)
- Guidance for prisoners and visitors on the level of physical contact permitted during the visit (see below)
- Guidance on what constitutes unacceptable behaviour (see below)
- Dress code for visitors (please see Annex H)
- A statement regarding local protocols for the passing of documents during visits
- Searching procedures
- Notice of prohibited items (please see Annex N)
- Penalties for the passing of prohibited items, unacceptable behaviour and failure to comply with the above notices (please see Annex B for model notices)
- Confirmation that the conveyance of some prohibited items will constitute an offence under the Prison Act 1952(Please see Annex C)

5.23 Behaviour that is not acceptable during a visit, from prisoners or visitors, may include but is not limited to the following;

- Prolonged or excessive physical contact (see below)
- Moving of furniture to obscure view
- Contact with children where a prisoner is restricted from doing so
- Passing of prohibited items
- Swapping clothing
- Drinking from an unlidded cup
- Drinking from the same cup as your visitor (sharing cups).
- Use of abusive/foul language or behaviour to staff, visitors or prisoners
- Aggressive/ violent behaviour
- Any behaviour which may result in an attempt to facilitate an escape
- Refusal to comply with searching and other local policy and procedures.
- Any behaviour which facilitates or engages in criminal activity
- Prisoners having visits with other prisoner's visitors during the visit session, unless agreed in advance by the Governor.

5.24 A display of unacceptable behaviour (as listed above) may result in the termination of the visit. (Please also see the guidance sections on closed visits and visit banning.)

5.25 If it is necessary to terminate a visit early, the following action will take place:

- Tell the visitor(s) and prisoner that the visit is being terminated and the reasons for the termination.
- Remove the prisoner from the visits room to be searched, taken to the Segregation Unit, to healthcare or to their normal location, whichever is appropriate (at the direction of the Custodial Manager / Orderly Officer in accordance with the relevant policies).
- Escort the visitor(s) out of the visit room to be searched, arrested or escorted out of the establishment, whichever is appropriate.

### Physical Contact

5.26 Reasonable physical contact between a prisoner and their visitors should be permitted, subject to security considerations and any public protection measures that may be in place. A notice should be clearly displayed advising prisoners and visitors of any local policy regarding physical contact and the consequences of non-compliance.

5.27 Reasonable physical contact should be accepted as;

Prisoners are allowed to stand (where they are able) to embrace their visitor at least at the beginning and at the end of the visit, unless they are on closed visits or subject to other restrictions. Prisoners should be allowed a greater level of contact with their children or a young family member during the visit, subject to any concerns about risk to the child. Please see the guidance for further information on safeguarding children.

5.28 When it is justified under Prison Rule 34 (YOI Rule 9), visits may take place in a special or closed visiting room or a similar closed environment in order to restrict physical contact. Please see guidance for further information on closed visits and when these may be necessary.

5.29 In certain circumstances, for example where a visitor has been found to convey previously, or they are returning from a period of closed visits or banning, it may be necessary to impose restrictions on the level of physical contact between the prisoner and their visitor(s). The reason for any variation from local policy should be explained to both prisoner and visitor unless to do so would compromise the gathering of intelligence.

For more information on acceptable behaviour and conduct at visits, please see PSI 2011-16 – Providing Visits and Services to Visitors.

### **Supervision and Surveillance**

5.30 Please note that the term ‘unauthorised behaviour’ refers to any behaviour during visits that may involve, but is not limited to; any criminal activity, conveyance, facilitation of escape, posing a risk to children and violence and disorder.

5.31 Governors should ensure that the following measures are in place in all visiting areas;

- ✓ Social visits should take place in full view of staff. The designated visits manager or supervisor’s workstation (where available) should be positioned so that staff can easily oversee the whole visits room at all times when seated.
- ✓ Prison management should decide the ratio of fixed to mobile posts within the visits room according to local circumstances and staff requirements, and between these staff should have constant, unobstructed supervision of the entire visits area.
- ✓ The visits area should be set out in a way that is conducive to staff being able to monitor all prisoners and visitors at all times. Furniture that may be moved to obstruct view should be fixed and therefore immovable.
- ✓ Staff are assigned by the member of staff in charge of visits to supervise any crèche/play areas and to supervise prisoners or visitors entering the toilets, searching the toilet facilities after use, before the visit can recommence.
- ✓ Staff should patrol visits using a zonal system where each officer has a designated area of patrol. The visits manager or member of staff in charge should rotate the staffing to ensure vigilance.
- ✓ Staff identify tables for those who are identified as requiring closer supervision, such as prisoners who pose a risk to children (PPRC’s).
- ✓ Staff in the relevant functions should understand the policy PSI 16/2011 ‘Providing Visits and Services to Visitors’.
- ✓ Where a visit is identified as potentially requiring the use of surveillance against visitors, or other parties as part of a pre-planned operation, regardless of the type of equipment being used, then it is likely this would meet the definition of directed surveillance as per-RIPA 2000. Advice can be sought from the relevant Proactive Intelligence Team or the Central Authorities Bureau.



## Supervising Officers/ Staff in Charge of Visits

5.32 The visits supervising officer or designated member of staff is responsible for the staff and procedural applications at visits. This means at each visit they are responsible for ensuring the following areas are covered:

- Visits area searching
- Visitor reception
- Visitor searching
- Correct dog patrols (see below for further information)
- Prisoner searching
- Supervision of official and social visits (see below for further information)
- Compliance with safeguarding arrangements (including PPRC arrangements)
- Ensuring all staff working in visits are fully briefed on all the above

5.33 The member of staff in charge of visits should also brief all staff working in visits on any potential threats or persons of interest, before visits commence. Staff can then ensure that any persons of interest are seated appropriately and in clear view of CCTV.

5.34 Where possible, staff working in visits should start 30 minutes before visitors arrive to ensure all pre-visit checks and briefings are carried out.

## CCTV

5.35 Trained and briefed CCTV operatives should use CCTV to observe the movement of prisoners to and within the visits area. This surveillance should be coordinated and controlled to ensure there is no unauthorised behaviour taking place between prisoners and visitors, and that visits are conducted safely and securely.

5.36 Therefore, the CCTV cameras need to:

- Have signage in place to make visitors and prisoners aware that surveillance is taking place.
- Be positioned in angles that allow the effective monitoring of activities within the visits area and its outside areas.
- Provide a clear and unobstructed image of the interaction between visitors and prisoners to capture any inappropriate behaviour such as passing of prohibited items.

## Body Worn Video Cameras (BWVC)

5.37 Staff working in visits should wear Body Worn Video Cameras to ensure that if unauthorised behaviour occurs between visitors and prisoners, any evidence can be captured and recorded for evidential purposes.

5.38 When deploying the BWVC staff should:

- Ensure that they make an audible announcement that BWVC is in use and manage any objections to being filmed as soon as it is possible to do so.
- Make sure the camera is pointing in the right direction to ensure that the best evidence is captured.
- Ensure that the devices are securely attached to avoid accidental loss and malicious removal.
- Ensure that the BWVC is recording by checking the recording indicator, when reasonably possible.

For further information on BWVC, please see PSI 2017/04 Body Worn Video Cameras.

### Radios

5.39 Radios provide a way for instant and flexible communication throughout a prison. They are also used to improve security and ensure a safe running regime in the establishment by allowing visits staff and control room officers to communicate easily should any unauthorised behaviour occur during a visit.

5.40 Visit Supervising Officers or the designated member of staff should ensure that:

- ✓ All staff working in visits have the radios attached at all times.
- ✓ All staff working in visits should use the visits net and wear ear pieces to communicate throughout the duration of visits.

### Dog Patrols

5.41 Prison Dogs may be used to search visitors for certain illicit substances and unauthorised items. Certain Prison Dogs can detect illicit substances, such as tobacco, heroin, cocaine, cannabis, amphetamine and some even mobile phones and accessories. Therefore, prison dogs can play an important role in detecting prohibited items before the start of visits. Staff may consider the following actions where a dog indicates:

- Any person with a positive indication will be removed from the line and asked to provide an explanation as to why the dog would indicate in their case.
- The visitor will be given the chance to hand over any illicit items in accordance with The Management and Handling of Evidence Policy Framework.
- The visitor will be searched in accordance with the local searching strategy.
- If the visitor is identified as possessing unauthorised items, staff should refer to local procedures, the guidance on closed visits and visit banning, Annexes D and E of this framework, the Crime in Prison Referral Agreement and The Management and Handling of Evidence Policy Framework.

5.42 HMPPS dogs may only be deployed to operate in the disciplines for which they hold a current licence issued by NDTSG. For example, general purpose dogs may not be deployed to function as passive search dogs as they do not possess the required skills to fulfil the role. The different disciplines are:

#### Passive Search Dogs

Passive search dogs must only be used to search for items on the person and must not be used to search operational areas. When deployed on search duties, they must work only on a collar and lead or harness, under the direct control of the handler.

#### Active Search Dogs

Active Search Dogs must only be used to search for items in operational areas, staff areas and vehicles and must not be used to search a person. When deployed on search duties, handlers may work the dog off the lead.

#### General Purpose Dogs

General purpose dogs may be used flexibly and can provide valuable support to staff working under difficult conditions and during incidents. Their primary role is that of deterrence and when working as such judgement should be exercised about how they can be deployed safely and effectively.

For more information please see the Prison Dogs Policy Framework

## **Closed Visits**

### What is a closed visit?

- 5.43 The term “closed visits” applies to any form of visit where the prisoner and visitor are prevented from having any form of physical contact and prevented from passing any item or engaging in any other unauthorised behaviour. This is most often achieved with a physical screen or barrier but may also be achieved through strict supervision in a “non-contact” visit.

### What should staff consider when deciding to impose closed visits?

- 5.44 Closed visits are an administrative measure, not a punishment. As such, they can be applied regardless of whether or not a prisoner has been charged at adjudication. Care should be taken to ensure the notification of closed visits is separate from any adjudication procedures. Administrative measures, such as this, may be applied using evidence which equates to a “balance of probabilities” rather than the “beyond reasonable doubt” test for adjudications.
- 5.45 Whilst conveyance of items such as weapons, drugs and mobile phones present clear threats to the prison, isolated examples of conveyance of list C items such as food and books, are unlikely, without other aggravating factors, to be of sufficient threat to warrant the imposition of closed visits.
- 5.46 Establishments must be able to demonstrate that in deciding to apply closed visits they: (a) have taken into account all the individual circumstances of the case; (b) have acted proportionately; and, (c) have kept the requirement for the closed visit under review. In order to do this staff must record all decisions and their circumstances pertaining to closed visits on a decision log. Please see Annex K for further information and a decision log template.
- 5.47 In applying closed visits establishments should consider the following:
- type of prohibited item suspected of being conveyed (if this is the reason) and the threat it poses to the establishment;
  - any previous history of involvement with that item, i.e. pattern of drug use as demonstrated by MDT, evidence from prisoner’s security file, etc;
  - whether this is an isolated example or a repeat offence;
  - analysis/use of intelligence or incidents indicating patterns of misuse of drugs or use/trafficking of mobile phones, or other unauthorised items, derived either from visits or from behaviour in the prison;
  - CCTV evidence or actual possession of prohibited items on a post-visit search;
  - correspondence/telephone monitoring evidence of attempted or actual unauthorised behaviour during visits;
  - finds from cell searches;
  - the prisoner’s index offence and criminal record;
  - any risk posed to staff
  - If they have grounds under any of the reasons listed at 4.28
- 5.48 Closed visits should not be used as a sanction for single or multiple MDT failures, but as a security measure where there is evidence of conveyance. MDT failures alone should not constitute evidence of conveyance, but may be considered along with other factors, as outlined above, to build an evidence picture.

### For how long can closed visits be used?

- 5.49 Closed visits may, in the first instance, be imposed for up to three months duration. Governors/Directors may impose closed visits for shorter or longer periods, if they judge the circumstances to warrant this. Governors should use their discretion to consider the conditions on a case by case basis.
- 5.50 Closed visits should be applied for a specific period of time for which a prisoner is considered to be at risk and not for a specific period's entitlement or a set number of visits.
- 5.51 This is the case whether the prisoner is convicted or remand. Some prisoners may choose to take no visits or fewer visits whilst under closed visiting conditions. Their statutory visits order entitlement should not be affected.

### Can you impose further closed visits on a prisoner who is already on a closed visits regime?

- 5.52 If a prisoner is already on a period of closed visits, and a further incident occurs, indicating they still pose a risk (and are likely to when those closed visits end), the prison may wish to impose a further period of closed visits. This is acceptable, given that the prisoner poses a renewed risk.
- 5.53 However, the prisoner cannot be expected to complete the initial period of closed visits before starting the second period. For example, if a prisoner is placed on three months closed visits in January (to end in April), and then in February there is a further incident indicating continued risk and a further three months of closed visits are imposed, this second closed visits period should commence immediately and run concurrent with the remaining period of the first. The prisoner would therefore end their closed visits in May, and not in July.

### How should closed visits be reviewed?

- 5.54 The model letter and closed visits review forms at Annexes J and I should be completed for each imposition of closed visits and each review of those closed visits.
- 5.55 The decision to place a prisoner on closed visits should not be the end of the process. Prisons should be alive to the possibility that circumstances can alter, rendering the closed visits no longer necessary or proportionate. Examples may include:
- Prisoner completes a Drug Treatment Intervention and there are clear indications that they no longer pose a risk of conveying drugs; or
  - Prisoner has had negative MDTs and there are no indications of drug abuse or drug dealing activity.
  - There is notable improvement in the prisoner's behaviour and/ or evidence to suggest that the prisoner is attempting to make positive changes.
  - The imposition of closed visits is proving significantly detrimental to the prisoner's health and wellbeing in a manner which is disproportionate to the need for the use of closed visits.
  - Compassionate grounds, e.g. death in the family or the birth of a child of the prisoner (staff may decide that this warrants a one off standard visit, with the prisoner returning to complete the period of closed visits where necessary).
  - Information comes to light that was not known previously, that mitigates the circumstances.

- 5.56 Each decision should be reviewed on a case by case basis, taking into account the individual circumstances of each prisoner.
- 5.57 All prisoners on closed visits must be reviewed monthly to assess whether there is a continuing need for closed visits. The level of risk should be reassessed using criteria above at 5.55. If the prisoner receives an additional period of closed visits whilst already on a closed visits regime (as described above), those closed visits should also be reviewed in the same way. Please see Annex I for closed visit review forms.
- 5.58 During this review the prison should consider whether the use of closed visits remains necessary and proportionate under the grounds at 4.28.

#### How can prisoners and visitors appeal against closed visits?

- 5.59 For prisoners, appeals against the decision to impose closed visits or to apply any other restrictions should be dealt with through the normal complaints arrangements, and Governors should comply with the procedures set out in the Prisoner Complaints Policy Framework. In the case of closed visits, Governors should expedite appeals to ensure that they are resolved within a month of the original imposition of the closed visits.
- 5.60 For visitors, the model letter at Annex J invites the visitor to write to or telephone the Governor if they consider that the decision to impose closed visits is unacceptable. Governors should review the decision and the duration imposed and should give the visitor a reply in writing. If the Governor does not wish to rescind or amend the initial decision the matter should be referred to the PGD (Prison Group Director) for a final decision.

#### Enforcing closed visits

- 5.61 Visitor data is collected, stored and reviewed by HMPPS for risk management purposes and to assist in informing decisions about the type of visit that should take place.
- 5.62 Governors should ensure that there are arrangements in place for the effective enforcement of closed visits. It is important that the policy is seen by prisoners and visitors to be applied effectively and fairly. If visitors who should be having closed visits are able to circumvent this, problems will result. Governors should therefore satisfy themselves that they have effective arrangements for;
- recording decisions to impose closed visits (on NOMIS and the dedicated decision log);
  - identifying visitors who are currently having closed visits;
  - preventing them from returning to regular visits before the period of closed visits is agreed as over;
  - ensuring that visitors who have been having closed visits are not prevented from, resuming regular visits after completion of the agreed closed visits period.

#### **Banning**

- 5.63 Upon each ban, a notice letter should be given to the banned visitor and prisoner (See Annex M for model letters). These letters must be copied to the Family Services- Help With Prison Visits (HWPV) who will ensure that assistance to visitors who have been banned is terminated for the period of the ban. Please see the Strengthening Prisoner's Family Ties Policy Framework for more information on HWPV.

#### When can visitors be banned?

- 5.64 If visitors are found to be attempting to convey the following items, a ban should be the normal response:

- Controlled drugs or substances believed to be controlled drugs.
- Any other List A prohibited item
- Mobile phones or component parts

5.65 If visitors are found attempting to convey any other List B prohibited item (other than a mobile phone or component parts) or extremist material, the Governor should use their discretion to decide whether a ban is the appropriate response in that specific case. Please see Annex N for prohibited items lists and the Managing Extremism and Terrorism Amongst Offenders in Custody and in the Community Policy Framework for information on extremist material.

5.66 Visitors may also be banned for reasons unrelated to conveyance, where they meet the grounds set out at 4.26 and 4.28. This could include violent or inappropriate behaviour towards staff, prisoners, or other visitors. See the Authorised Communications Controls and Interception (ACCI) Policy Framework for reasons relating to counter terrorism.

#### How long should bans be?

5.67 The ban should normally be of at least **three months**. It is for the Governor to decide whether a longer or shorter ban is appropriate, having considered all of the individual circumstances. **Bans cannot be permanent.**

5.68 A **shorter** ban may be considered in relation to the length of the prisoner's sentence. A shorter ban should be imposed where a three month ban would encompass the whole period of imprisonment.

5.69 Bans **longer** than 3 months may be appropriate where, for example:

- a visitor has been caught twice or is caught again following the end of one banned period;
- the visitor has tried to visit whilst banned (in which case a further ban of one month should be added);
- the visitor poses a risk to staff, prisoners or other visitors;
- the visitor is known to be seriously involved in drugs trafficking, or
- the drug passed is a Class A drug or is in large quantity.

5.70 After the expiry of any visiting ban: a period of closed visits may be appropriate. Governors should use their discretion to judge what is necessary and proportionate in each case. Please see the guidance for further information on closed visits.

#### When should visitors not be banned?

5.71 It is not generally appropriate to impose bans on visitors for List C prohibited items unless there are other serious aggravating factors.

5.72 Visitors must not be banned purely on the basis of an indication by a drug dog or on the basis of intelligence alone, unless that intelligence contains clear and persuasive evidence of trafficking or racketeering.

5.73 In exceptional circumstances, the Governor has discretion not to impose a ban. It will be appropriate to exercise this discretion in the following circumstances:

- If a ban would cause disproportionate harm to the prisoner's or visitor's right to a family life (protected by the European Convention on Human Rights (ECHR) Article 8)
- If a ban would cause disproportionate harm to the rights of the prisoner's child or children to access to a parent (UN Convention on the Rights of the Child, Article 9 (3))
- If the prisoner is a young person and a ban would cause disproportionate harm to his or her right of access to a parent.
- For exceptional compassionate or other grounds.

5.74 Examples of where a ban might cause disproportionate harm to a prisoner's right to a family life might be if the visitor concerned was the only family member who visited the prisoner. If a three month ban is not appropriate, the Governor should consider a shorter ban. If this too would cause disproportionate harm to the prisoner's right to a family life, the Governor should consider closed visits instead of a ban.

5.75 Examples of a ban that might cause disproportionate harm to a child's right of access to a parent might be if the banned visitor were the person who normally brought the prisoner's children to visit, and there seemed little prospect of anyone else doing so. The Governor may find it useful in these circumstances to talk to Social Services, and to consider what other arrangements might be made to allow the children to visit without the offending person; if this is not possible and is not appropriate, the Governor should consider closed visits as an alternative.

5.76 To help maintain contact between prisoners and their children, a banned visitor who would otherwise qualify for assisted prison visits may nominate an escort for their child/children, subject to notifying the prison's family services function in writing. Only in the most exceptional circumstances should a visit between children and their parents be restricted.

#### In what other circumstances should a closed visit be considered instead of a ban?

5.77 Where visitors have been indicated by a drug dog, this may be reasonable grounds for a search without consent or a closed visit for that particular visit.

5.78 For a young person whose parent is caught smuggling in drugs, Governors must again weigh up all the circumstances before deciding whether a ban (of any length) is appropriate. If a ban is not appropriate, the Governor must consider closed visits.

5.79 The prospect of losing visits for a period may, for some prisoners, increase the risk of self-harm or suicide. Governors should take such concerns into account in deciding whether to apply a ban and in deciding the duration of the ban. If either the prospect of a ban or its likely effect when in place would increase the risk of self-harm or suicide of a prisoner, Governors should consider imposing closed visits rather than a ban.

5.80 Where a prisoner is already on open ACCT, serious consideration should be given as to whether a ban will have a detrimental effect on the prisoner. Governors should also take account of any known previous history of self-harm and the significance of the visitor(s) in reducing the risk of self-harm.

#### How should visit bans be reviewed?

5.81 The model letter and visit ban review forms at Annexes N and M should be completed for ban and each review of those bans.

- 5.82 The decision to impose a visitor ban should not be the end of the process. Prisons should be alive to the possibility that circumstances can alter, rendering the ban no longer necessary or proportionate. Examples may include:
- Prisoner completes a Drug Treatment Intervention and there are clear indications that they no longer pose a risk of conveying drugs; or
  - Prisoner has had negative MDTs and there are no indications of drug abuse or drug dealing activity.
  - There is notable improvement in the prisoner's behaviour and/ or evidence to suggest that the prisoner is attempting to make positive changes.
  - The ban is proving significantly detrimental to the prisoner's health and wellbeing in a manner which is disproportionate to the need for the use of the ban.
  - Information not known previously comes to light that mitigates the circumstances.
  - Compassionate grounds, e.g. death in the family or the birth of a child of the prisoner (staff may decide that this warrants a one off visit, with the visitor returning to complete the rest of the ban where necessary).
- 5.83 Each decision should be reviewed on a case by case basis, taking into account the individual circumstances of each prisoner and their visitor.
- 5.84 All visit bans must be reviewed monthly to assess whether there is a continuing need for the ban. The level of risk should be reassessed using criteria above at 5.82 and the review forms at Annex L should be used. Prisons should consider at this review whether the ban remains necessary and proportionate under the grounds set out at 4.28, and whether the use of closed visits should instead be used. If it is decided that the ban will be downgraded to closed visits, the period of closed visits should be imposed and reviewed in accordance with guidance section on closed visits and Annex I.
- 5.85 It is important that where bans have been advised by the National Counter Terrorism Communication Controls Centre, (please refer to the Authorised Communications Controls and Interception (ACCI) Policy Framework) or the Serious Organised Crime Unit (SOCU), these teams are consulted with when it comes to reviewing the bans, and their comments entered onto the review form.

#### Prisoners with multiple visitors.

- 5.86 It should be considered that in most instances a prisoner who has a banned visitor will continue to receive visits from other visitors and may receive more frequent visits from those other visitors during this time. This may be the case unless the prisoner's visits entitlement is affected by a change in their incentives level. (Please see the Incentives Policy Framework for further information on statuses, review and how unauthorised behaviour during visits may affect this).
- 5.87 If staff are concerned about a certain prisoner's additional visitors at this time, they should supervise those visits as appropriate (please see the guidance section on supervision and surveillance and Annex F for further information on how to prevent conveyance through visits) and impose the appropriate measures if necessary. If prisoners are continuing to engage in unauthorised behaviour (e.g. conveyance of prohibited items) with their additional visitors, staff may wish to impose further visitor banning, the use of closed visits, or a review of a prisoner's incentive status. Any directed surveillance should be done in accordance with RIPA 2000.

#### Prisoners minimum visits entitlement

- 5.88 Instructions for minimum visits entitlements are set out in PSI 16/2011 Providing Visits and Services to Prisoners.



- 5.89 Visitor banning will not affect a prisoner's minimum visits entitlement as any statutory visits that are missed during the time of the ban will be accumulated. This means that the prisoner will be entitled to accrue these visits once the period of banning is over.
- 5.90 If these accumulated visits are not used, the prison may allow a prisoner entitled to a visit, to send and to receive a letter instead, in line with Prison Rule 35 (4) and YOI Rule 10 (3). They may also exchange an unused statutory visit for a free five minute phone call, which applies only to prisoners who are either foreign nationals or those with close family abroad, in line with PSI 49/2011 Prisoner Communication Services.

#### How can prisoners and visitors appeal against visit bans?

- 5.91 For prisoners, appeals against the decision to ban a visitor or to apply any other restriction should be dealt with through the normal complaints arrangements, and Governors should comply with the procedures set out in the Prisoner Complaints Policy Framework. In the case of bans, Governors should expedite appeals to ensure that they are resolved within a month of the original imposition of the ban. If, in the light of an appeal, it is considered that the ban should not have been applied, the number of visits lost (if any) should be reinstated.
- 5.92 For visitors, the model letter at Annex M invites the visitor to write to or telephone the Governor if they consider that the decision to ban is unacceptable. Governors must review the decision to ban and the duration of any ban imposed monthly and should give the visitor a reply in writing. If the Governor does not wish to rescind or amend the initial decision the matter should be referred to the Prison Group Director (or Director of High Security Prisons) for a final decision.

#### Enforcing Visit Bans

- 5.93 Visitor data is collected, stored and reviewed by HMPPS for risk management purposes and to assist in informing decisions about the type of visit that should take place.
- 5.94 Governors should ensure that there are arrangements in place for the effective enforcement of the ban. It is important that the policy is seen by prisoners and visitors to be applied effectively and fairly. If banned visitors are able to circumvent the bans imposed problems will result. Governors should therefore satisfy themselves that they have effective arrangements in place for;
- recording decisions to ban (on NOMIS and the dedicated decision log);
  - identifying visitors who are banned;
  - preventing them from visiting during the period of the ban, and
  - ensuring that visitors who have been banned are not prevented from resuming visits after completion of the ban.

#### Preventing Escape

- 5.95 Prisoners may use visits as a means to facilitate an escape. This may be done in two ways;
- Attempting to leave with visitors or instead of visitors
  - Visitors conveying items during the visit that may assist in an escape attempt.

#### Attempting to leave with visitors or instead of visitors

- 5.96 In order to prevent this, staff working in visits should;
- Identify each prisoner against the visits list before they enter the visits area

- Ensure that there is no swapping of clothing or provision of additional clothing during the visit
- When the visits are over, ensure that visitors leave the visits area first, while prisoners remain seated
- As prisoners leave the visits area, confirm their identity once more against the visits list and ensure that all those who entered the visits area are present upon leaving
- As prisoners leave the visits area, check their clothing against what has been noted upon their entrance
- Not allow visitors to leave the premises until all prisoners are accounted for. They should have already exited the visits area but should remain in a waiting area into the prisoner roll is confirmed as correct.
- Conduct a visual search of the visits area to ensure that no items have been left behind, for example in bins, under furniture or in bathrooms.
- Utilise biometric systems for both prisoners and visitors, where possible.
- Where biometrics are not available, a visible role should be maintained and checked by patrol staff irregularly but frequently throughout the visit session.

5.97 Governors have the discretion to require prisoners to wear distinctive clothing to aid staff. This may include bibs, sashes, armbands, or e-list clothing where appropriate. However, it should be recognised that this may have a detrimental impact upon the quality and atmosphere of visits, and such should only be used where necessary to maintain effective security.

5.98 Staff should also record a description of each prisoners clothing and footwear before they enter the visits room, and check against this list to make sure the prisoner is wearing the same clothing when they exit the visits room.

#### Conveyance of items

5.99 Visitors may attempt to convey items during visits that are intended to assist in the facilitation of an escape or facilitate crime. This may include:

- Tools
- Keys
- Imprinting material/ key copying equipment
- Mobile phones and/ or accessories
- Additional clothing
- Weapons
- SMART technology such as watches
- Swapping of shoes that contain concealed items
- Plans in relation to escape or other crimes
- Extremist material

5.100 This list is not exhaustive, and staff should remain vigilant to all conveyance.

5.101 In order to prevent this, staff working in visits should;

- Search all visitors before entering the visits area. Please see the Searching Manual for searching instructions and use of technical aids.
- Search prisoners upon leaving the visits area. Establishment's LSS should set out the requirements for frequency of searching following visits.
- Search visits areas before and after visits take place.
- Check the bins for the disposal of items that may later be brought into the prison
- Ensure that shared toilet facilities are not used by prisoners and visitors at the same time and;

- That following the use of shared facilities, those facilities are searched before the visit is allowed to continue
- Ensure that where refreshments are purchased during visits, they are served without packaging, for example on plates or in transparent cups.
- Ensure that prisoners and visitors are not swapping clothing or footwear and that prisoners are wearing the same clothing when leaving the visits area (see 5.111).
- Ensure that staff are able to supervise all visitors and prisoners at all times with correct positioning of staff, furniture, use of CCTV and Body Worn Video Cameras (BWVC).
- Submit Intelligence Reports where there has been suspected/proven conveyance of such items.

For more information on the above methods, please see Annex F.

5.102 In the event that a prisoner is found in an attempt to facilitate an escape please see:

- PSI 2015-10 Management and Security of Escape (E-List) Prisoners
- Section of this policy relating to closed visits and visit banning
- PSI 2016-08 Dealing with Evidence
- Crime in Prison Referral Agreement
- PSI 2018-05 Prisoner Discipline Procedures (Adjudications)

### **Safeguarding Children**

5.103 Staff should be aware that during visits, there may be a risk to visiting children, whether it is from the prisoner that they are visiting, or other prisoners in the visits area who pose a risk to children. All staff managing visits should be made aware of prisoners who present a risk to children, via the visits list. Staff should follow this policy and guidance in order to ensure the safeguarding of visiting children. Prisoners may also pose a risk to vulnerable adults during visits. In particular, vulnerable adults may be used to convey items to prisoners.

5.104 In the under 18s YOI estate, visits may also pose a risk to those children in custody. Potential safeguarding and child protection risks to a child in custody through visits/visitors should be managed as part of the wider safeguarding approach, local policies, and should be based on an understanding of the individualised circumstances of the specific child.

5.105 Where a child attends a prison visit, staff should observe:

- the child's appearance, including the appropriateness of their dress;
- the interaction between the child and the prisoner, including the child's body language; and
- any change in behaviour of the child and/or interaction with the prisoner should the accompanying adult absent themselves from the visiting table.

### **Prisoners subject to child contact restrictions**

5.106 Persons Posing a Risk to Children (PPRC) or those identified as 'Potential' are only allowed to receive visits from named children with whom Level 4 contact arrangements have been agreed. The passport-style photograph provided at primary carer support stage should be used by visits staff to check the identity of the named child attending a visit. Staff should be alert to possibility that an "approved" child could be substituted with another, possibly more vulnerable child. Chapter 5b-c of the PPM provides further guidance on the assessment and approval process relating to child contact arrangements.

5.107 Where PPRC's (or potential) in such cases have been granted level 4 child contact, staff should pay particular attention to the following and feedback any concerns:

- the child's appearance, including the appropriateness of their dress;
- the interaction between the child and the prisoner, including the child's body language; and
- any change in behaviour of the child and/or interaction with the prisoner should the accompanying adult absent themselves from the visiting table.

Prisoners who are not permitted contact with children, when there are children present.

5.108 There may be prisoners in the visits area that are not permitted contact with children on occasions where there will be children visiting other prisoners. In order to safeguard those children staff must consider:

- **Seating arrangements-** staff will be aware of any children visiting and any prisoners that will be present that may pose a risk. Therefore, staff should ensure that those prisoners are seated nearest to the workstation for supervision, with visitors with children in the farthest seating from them. Prisoners that pose a risk to children should not be seated near to crèche/ play areas or refreshment areas. Prisoners that pose a risk to children and visitors with children should not be seated in close proximity to each other.
- **Supervision-** with these seating arrangements, staff should be able to observe prisoners that pose a risk at all times, ensuring there is no interaction with children in the visits area. Crèche and play areas should also be supervised at all times. The responsibility of a child lies with the parent/carer that accompanied the child, unless the child is in a crèche that is separate to the visits area. However, staff should remain vigilant and observant of crèches and play areas.

5.109 Visits staff should also be aware of the potential use of children and vulnerable adults to convey items into prisons. Please see PSI 2016/07 Searching of the Person for instruction on searching babies, nappies, prams/buggies and wheelchairs and Annex E Conveyance through visits risk areas for further information.

5.110 Legislation to safeguard children and vulnerable adults is set out in The Children Act 1989, the Children Act 2004 and the Safeguarding Vulnerable Groups Act 2006.

For further information on safeguarding children, vulnerable adults and procedures for managing prisoners who may pose a risk to children, please see PSI 16/2011 Providing Visits and Services to Prisoners and chapter 5 of the Public Protection Manual annex 18-2016.

## **6. Supporting Documents**

- Annex A- Acceptable Forms of Identification
- Annex B- Model notices to prisoners – consequences of conveyance.
- Annex C- Notice to visitors- criminal proceedings following conveyance.
- Annex D- Quick Reference Guide- What to do having identified conveyance.
- Annex E- 'Conveyance'. What it is and what to look for.
- Annex F- Conveyance- Risk areas.
- Annex G- Solicitors and legal adviser's use of IT equipment.
- Annex H- Dress code
- Annex I- Closed visits review forms.

- Annex J- Closed visits- model letters to prisoners and visitors.
- Annex K- Closed visits and visit banning decision log.
- Annex L- Visit ban review forms.
- Annex M- Visit ban- model letters to prisoners and visitors.
- Annex N- Prohibited items list.
- Annex O- Decision log for visitors without approved ID

## **7. Useful Resources**

- National Prison Drug Strategy guidance document.
- Security and Rehabilitative Culture Sourcebook
- HMPPS Evidence Based Practice Summary-Procedural Justice
- Procedural Justice Infographic
- Strengthening Prisoner's Family Ties Policy Framework 2020
- HMPPS Family and Significant Other Operational Guidance document
- Visits Booking Specification