

<b>National Security Framework NIGHTS FUNCTION Management and Security of Nights</b>		<b>Ref: NSF 8.1</b>
<b>This instruction applies to :-</b>		<b>Reference :-</b>
Prisons		<b>24/2011</b>
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<b>Issued on the authority of</b>	NOMS Agency Board	
<b>For action by</b>	<p>All staff responsible for the development and publication of policy and instructions.</p> <p>Deputy Directors of Custody, Governors/Directors of Contracted Prisons, Heads of Groups. In this document, the term Governor also applies to Directors of Contracted Prisons.</p>	
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<b>Associated documents</b>	Related Specification Related Operating Models Related Direct Service Costs and Assumptions Related Cost Spreadsheets See: <a href="http://www.justice.gov.uk/about/noms/noms-specification-benchmarking-and-costing-programme/noms-directory-of-services-and-specifications.htm">http://www.justice.gov.uk/about/noms/noms-specification-benchmarking-and-costing-programme/noms-directory-of-services-and-specifications.htm</a>	
<b>Audit/monitoring :</b>  Compliance with this instruction will be monitored by Audit and Corporate Assurance and through internal self-audit.		
<b>Introduces amendments to the following documents : -</b>  This PSI replaces existing policy contained within the National Security Framework at Function 2 (Accounting and Control), and within the Category A annex.		

## CONTENTS

Hold down "Ctrl" and click on section titles below to follow link.

Section	Title	Applicable to
1	<a href="#">Executive Summary</a>	Governors/Directors
2	<a href="#">Operational Instructions</a> <a href="#">Night Operating Procedures</a>	All Night staff and management.
3	<a href="#">Going into the Night State</a> <ul style="list-style-type: none"> <li>• <a href="#">Key and Radio check</a></li> </ul>	
4	<a href="#">Special Categories of Prisoner</a>	
5	<a href="#">During the Night State</a> <ul style="list-style-type: none"> <li>• <a href="#">Night Visit Arrangements</a></li> <li>• <a href="#">Statutory Right of Entry</a></li> <li>• <a href="#">Opening of Cells</a></li> <li>• <a href="#">The Emergency Services</a></li> </ul>	
6	<a href="#">Coming out of the Night State</a>	

## 1. Executive summary

### Background

- 1.1 This instruction is one of a number of Prison Service Instructions (PSIs) which forms part of the Nights function of the National Security Framework. All Nights instructions can be accessed via the National Security Framework website. This PSI introduces the Nights Specification – Management and Security of Nights.
- 1.2 *Governors/Directors must have procedures in place to ensure the safe and secure operation of the establishment during the night state.*
- 1.3 The Night State is defined as the period when prisoners will be locked in their cells overnight.

### Desired Outcomes

- 1.4 The establishment remains safe and secure during the night.
- 1.5 Prisoners feel safe.
- 1.6 Prisoners feel they have been treated decently.
- 1.7 Poor behaviour has consequences.

### Application

- 1.8 This PSI is applicable to all prison establishments.

### Mandatory Action

- 1.9 *All instructions included in the National Security Framework (NSF) are mandatory. The NSF incorporates mandatory requirements derived from specifications relevant to its specific policy areas. This PSI incorporates mandatory requirements derived from the Nights specification, which are highlighted in the shaded boxes.*
- 1.10 *Governors/Directors of contracted prisons must ensure they have local security strategies in place which are in accordance with the instructions set out in this PSI.*

### Resource Impact

- 1.11 There may be some resource implications for establishments in updating local security strategies to ensure that they are in line with the requirements set out in this PSI.

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## OPERATIONAL INSTRUCTIONS

Text contained within a shaded box indicates a requirement from the – *Nights* specification document.

### 2. NIGHT OPERATING PROCEDURES

Night Operating Procedures are in place.

- 2.1 *Night Operating Procedures must be agreed between the Governor/Director and the Deputy Director of Custody and be set out in the establishment's Local Security Strategy (LSS). They need to take into account periods where reception remains open to accommodate late arriving escort transport.*
- 2.2 *The Night Operating Procedures must cover fully what arrangements are in place for an effective handover of security and other information from shift to shift e.g. any expected problems, arrangements for observing particular prisoners (such as those on an open, post closure, or recently closed Assessment Care in Custody and Teamwork (ACCT), or other prisoners on a higher than normal observation level for other reasons such as E-List, high security risk, or medication purposes).*
- 2.3 *The local Night Operating Procedures must cover what security checks need to be carried out by night staff. These include roll checks and ensuring all doors, gates and cell doors are secure. They should also clearly set out the procedures for checking the perimeter where required.*
- 2.4 *During the night state the normal expectation is that all prisoners must be locked up unless authorised by Duty Governor/ Director, or Night Orderly Officer, on the instructions of the healthcare staff following a risk assessment or where reception remains open for late arrivals from court. The Night Operating Procedures must clearly state how many staff must normally be present before prisoner accommodation can be unlocked.*
- 2.5 *Local Night Operating Procedures must give clear instructions to staff about the issue, storage, and secure use of keys (including those in sealed pouches). Staff should be competent in how to carry their cells keys securely and know how and when to use them.*
- 2.6 *The Duty Governor/Director must be on call throughout the night. He / she must be informed immediately of any serious event at the prison e.g. death in custody, fire, escape, emergency discharge to hospital.*
- 2.7 *The Duty Governor/Director must be informed if a prisoner is relocated to the segregation unit during the night state and must give approval in accordance with **NSF 2.2 Segregation (To be published)***

2.8     *The LSS must contain clear guidance on the provision of First Aid during the night state.*

### 3. GOING INTO NIGHT STATE

Prisoners, areas and equipment are secure, monitored and accounted for.

3.1 *Governors/Directors must ensure that the Local Security Strategy contains clear guidance on the hand-over procedures that must take place before the prison can enter the night state. This should include:*

- *A full roll check;*
- *A verbal briefing to the night staff of any ongoing or potential issues; and*
- *A verbal briefing on prisoners considered “at risk” who may require additional support or a higher than normal level of observation during the night;*
- *The night lock up sheet should be completed.*

All Night Staff are aware of information necessary to maintain the safety and security of the establishment.

3.2 *All night staff must be made aware of the action to take in case of escape, attempted escape, death in custody, fire, or any other contingency such as a loss of common services (water, electricity etc). For further guidance see the local contingency plans as required by PSO1400 Contingency Planning Manual.*

#### Key and Radio check

3.3 *Once all the day staff have left the establishment a thorough check of the keys and radios must be carried out and recorded and signed for in the Gate Occurrence Book and the night lock up sheet where applicable.*

3.4 *Any keys or radios identified as missing must be managed under local contingency plans as required by the Contingency Planning Manual - PSO1400 and reported accordingly on the single incident line (0207 147 4021), NOMIS or IRS.*

3.5 *Once the key check is complete and all keys are accounted for the key safe should be locked. The management of the safe key should be laid out in the establishment LSS.*

3.6 *A radio net test must be undertaken and any non-responses followed up immediately. This should then be recorded in the communications log NSF 5.2 - Management and Security of Communication Rooms/Control Rooms and Internal Prisoner Movement (PSI 13/2011)*

#### 4. **SPECIAL CATEGORIES OF PRISONER**

4.1 *The Local Security Strategy must set out:*

- *Procedures for the observation of those in special security categories (e.g. Category A, E List, Restricted Status and protected witnesses), and those at risk of self-harm/suicide.*
- *All Exceptional and High Risk Category A prisoners, all potential and provisional Category A prisoners held temporarily outside the Category A Estate, and all E List prisoners must be checked at least hourly while locked up.*

4.2 *For Standard Risk Category A prisoners held in HSE, Governing Governors must agree with the Director of High Security the frequency of overnight checks.*

## 5. DURING THE NIGHT STATE

Prisoners who are 'at risk' are observed, managed, supported and information and actions are recorded.

- 5.1 *Night staff must receive a clear verbal briefing on any prisoner's who are identified to require a higher level of individual observations than normally required (such as those on an open, or, post closure Assessment Care in Custody and Teamwork (ACCT) plan (check and be directed by individual plans), or other prisoners on a higher than normal observation level for other reasons such as E-List, high security risk, or medication purposes). The briefing should also include information about any prisoner with medication in possession or where healthcare staff will have to administer medicines dose by dose throughout the "Night State". Staff must record their actions on the Night Occurrence Sheet and other relevant documentation such as an open ACCT plan.*

Prisoner conduct and behaviour is managed.

- 5.2 *Night staff must be fully aware of the procedures for managing inappropriate prisoner behaviour and conduct during the night state which must be recorded to aid any subsequent investigation and/or adjudication.* PSI 11/2011 Incentive and Earned Privileges

Prisoners have access to ablutions which meet personal hygiene needs.

- 5.3 *The procedures for managing this must be clearly set out within the establishment's Local Security Strategy.*

All Night Staff are aware of the action to take and respond safely and effectively to incidents at night.

- 5.4 Staff should be aware of the local contingency plans which set out how to manage various types of incidents and are competent to carry out such plans, if required.

Prisoners are able to summon assistance from within their living accommodation.

- 5.5 Cell call alarm systems should be provided and tested (during the day) in accordance with the technical PSOs 5900/5901. PSO1900 "Certified Prisoner Accommodation" also requires that where cell call systems are not provided an alternative means of raising the alarm must be provided.
- 5.6 Night managers should visit areas of the establishment where night staff are based. This should be recorded in the Night Occurrence Sheet. How many visits should be carried out should be set out in the establishment LSS.
- 5.7 *Night staff must be fully briefed and trained in the establishment's local incident contingency plans. This should cover the procedures for summoning assistance (from both internal and external sources), containment of the incident (where possible), and in extreme circumstances the evacuation of residential accommodation. The Duty Governor/Director must be informed immediately if an incident occurs to comply with the establishment's contingency plans.*



The establishment remains safe and secure in the event of the prison being unlocked at night.

- 5.8 *Night staff must be aware of the circumstances under which the night state may be justifiably broken and the secure perimeter of the establishment breached. These should be clearly set out in the LSS. Some of these circumstances are covered in the following paragraphs.*

#### Night Visit Arrangements

In HSE establishments a programme of night visits is agreed between the Governor and the Director of High Security Prisons.

In non-HSE establishments a risk assessment will inform a programme of night visits that is agreed between the Governor and the Deputy Director of Custody.

- 5.9 *There must be an agreed arrangement for the establishment to allow night visits by the Governor/Director. The LSS must set out how this will be managed. All night visits must be recorded on the Night Occurrence sheet. In the High Security Estate the programme and frequency of night visits will be agreed between the Governor and the Director of High Security Prisons.*

#### Statutory Right of Entry

Staff and Visitors with statutory and operational rights of entry can access and exit the establishment at night.

- 5.10 In accordance with the provisions of the S19(1) of the Prison Act 1952, Prison Rule 79(2), YOI Rule 77(2), S20 and S48 of the Health & Safety at Work Act 1974 and S54 of the Food Act 1990, the following people have a statutory right to enter a prison at any time:
- Justices of the Peace for the County or Borough of the prison or the prisoner in question;
  - Members of the prison's IMB;
  - Health & Safety Inspectors of the Health & Safety Executive (HSE) enforcing Health & Safety legislation;
  - Local Authority Environmental Health Officers enforcing the 1990 Food Act or Food Safety (General Food Hygiene) Regulations 1995; and
  - Members of the European Committee for the Prevention of Torture.
- 5.11 *The establishment's Local Security Strategy must set out how night visits will be accommodated for those officials with a statutory right of entry (listed above). This does not mean necessarily that these visitors will be allowed access or immediate access if they arrive unannounced. In most cases an escort will be required for security reasons and this might not be possible to arrange at short notice during the night state. NOMS will not as a matter of policy deny entry to any named individual who has a statutory right of entry to the*

*prison at night. However, individual prisons may not be able to allow entry if they cannot be satisfied that the visit can be conducted securely.*

- 5.12 *Night staff should be trained and competent in their establishment's contingency arrangements during the night state. This training must include scenarios that cover what to do when a visit is unscheduled, or the visitor appears to be under duress.*
- 5.13 *Local Security Strategies must take into account the potential risk that arises when the gate is unlocked and whether the person wishing to enter may be under coercion.*

#### Opening of Cells

The establishment remains safe and secure in the event of prisoners being unlocked at night.

- 5.14 *All prisoners must be locked up during the night state unless authorised by management or on the instructions of the Healthcare staff. The Night Operating Procedures must clearly state how many staff must normally be present before prisoner accommodation can be unlocked.*
- 5.15 *The LSS must state clearly the local procedures that staff should follow if faced with a potentially life-threatening situation when there are no other staff in the immediate vicinity. Staff must have access to the LSS and be made aware of the implications of this for their role in maintaining security during the night state.*
- 5.16 *There are many incidents that may occur at night and it is difficult to be prescriptive about what actions to take in each particular case. The following is a guide to the minimum mandatory actions that are required before opening cell doors at night.*
- 5.17 *Under normal circumstances, authority to unlock a cell at night must be given by the Night Orderly Officer (NOO) and no cell will be opened unless a minimum of two/three (subject to local risk assessment procedures) members of staff are present one of whom should be the NOO.*
- 5.18 *Staff have a duty of care to prisoners, to themselves and to other staff. The **preservation of life** must take precedence over the directions at 5.17 above. Where there is, or appears to be, immediate danger to life, then cells may be unlocked without the authority of the NOO (but subject to the conditions set out in 5.19 below) and an individual member of staff may enter the cell on their own. However, night staff should not take action that they feel would put themselves or others in unnecessary danger.*
- 5.19 **Before** entering a cell:
- a) *every effort should be made to gain a verbal response from the prisoner;*
  - b) *this, together with what the member of staff can observe through the panel and any knowledge of the occupant(s), should inform a rapid dynamic risk assessment of the situation and a decision on whether to enter immediately or wait for assistance; and*
  - c) *the Communications Room/Control Room must be informed before entering the cell stating the location of the cell and describing the circumstances that require intervention.*

- 5.20 *The Communication/Control Room must then contact the NOO and inform him/her of the situation.*
- 5.21 Staff will be deployed immediately to the cell.
- 5.22 Cells should only be entered using the sealed pouches. The NOO “doubles keys” should never be taken onto a wing. Before a cell door is opened, the doubles key should be secured to the key chain of another member of staff who remains outside of the immediate area of the establishment.
- 5.23 Where observation panels are covered, the NOO should be informed immediately and staff deployed to the cell. In these circumstances a decision by a member of staff to enter the cell immediately on their own will be more difficult as there is less evidence to inform an immediate risk assessment.

The establishment remains safe and secure in the event of prisoners being moved within the prison at night.

- 5.24 *All prisoner movements during the night state must be co-ordinated and approved by the NOO and staffed according to the known risks relating to the individual prisoner concerned.*

The establishment remains safe and secure in the event of prisoners being received or discharged at night.

- 5.25 *There must be local arrangements set out in the LSS for the discharge and reception of prisoners during the night. The reception and discharge specifications will also inform these arrangements.*

#### The Emergency Services

- 5.26 *There must be clear instructions about the unhindered admission of the emergency services during the night state and this may include the provision of a code word to gain access through the gate (NSF 5.1 - Management and Security of Gate Services (PSI 14/2011))*

## 6. COMING OUT OF NIGHT STATE

6.1 *Governors/Directors must ensure that the Local Security Strategy contains clear guidance on the hand-over procedures that must take place before the prison can come out of the night state. This should include:*

- *A full roll check;*
- *A verbal briefing to the on coming day staff of any ongoing or potential issues;*
- *A verbal briefing on prisoners considered “at risk” detailing their behaviour and any additional support that they received during the night; and*
- *A complete log of any incidents that may have occurred.*
- *Ensure that all hand-over paperwork is properly completed and signed for.*