



National Offender  
Management Service

**ADULT SAFEGUARDING IN PRISON**

<b>This instruction applies to:-</b>		<b>Reference:-</b>
<b>Prisons</b>		<b>PSI 16/2015</b>
<b>Issue Date</b>	<b>Effective Date</b>	<b>Expiry Date</b>
16 December 2016 <b>(Re-issued)</b>	1 April 2015	31 March 2019
<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><input type="checkbox"/> NOMS HQ</p> <p><input checked="" type="checkbox"/> NOMS Immigration Removal Centres</p> <p><input checked="" type="checkbox"/> Public Sector Prisons</p> <p><input checked="" type="checkbox"/> Contracted Prisons*</p> <p><input checked="" type="checkbox"/> Governors</p> <p><i>* If this box is marked, then in this document the term Governor also applies to Directors of Contracted Prisons</i></p>	
<b>Instruction type</b>	<b>Service improvement</b>	
<b>For information</b>	All staff in prison establishments and Heads of Groups, Prison Visitors, Non-Directly Employed staff.	
<b>Provide a summary of the policy aim and the reason for its development / revision</b>	<p><b>Update December 2016</b> – The only change to this document is the amendment made to the contact details on the front page.</p> <p>The aim of this policy is to ensure that all adult prisoners (aged 18 or over) are protected from abuse and neglect. It describes the processes that prisons must put in place to ensure that prisoners receive a level of protection that is equivalent to that provided to adults in the community with care and support needs who are at risk of abuse or neglect. It encourages Governors to engage with local authority Safeguarding Adults Boards.</p>	
<b>Contact</b>	<p>Equality, Rights and Decency Group</p> <p><a href="mailto:ERDGPolicyAndRegulation@noms.qsi.gov.uk">ERDGPolicyAndRegulation@noms.qsi.gov.uk</a></p>	
<b>Associated documents</b>	<p>Service specifications for, which can be found at:</p> <p><a href="https://www.gov.uk/government/collections/noms-directory-of-services-specifications">https://www.gov.uk/government/collections/noms-directory-of-services-specifications</a></p> <p>Management of prisoners at risk of harm to self and others Residential services Early days and discharge - reception in</p> <p>PSI 15/2015 Adult Social Care</p>	

PSI 17/2015 Prisoners Assisting Other Prisoners  
 PSI 07/2015 - PI 06/2015 Early Days in Custody  
 PSI 42/2014 – PI 60/2014 Exclusion of Personnel on Grounds of Misconduct  
 PSI 15/2014 Investigations and Learning Following Incidents of Serious Self-Harm or Serious Assaults  
 PSI 07/2014 - AI 05/2014 - PI 03/2014 Security Vetting  
 PSI 05/2014 Safeguarding of Children and Vulnerable Adults  
 PSI 30/2013 Incentives and Earned Privileges  
 PSI 21/2013 – AI 08/2013 Reporting Wrongdoing  
 PSI 08/2012 Care and Management of Young People  
 PSI 04/2012 Enablers of Services Health, Library, Education and Jobcentre Plus Services in Prisons in Prisons  
 PSI 02/2012 Prisoner Complaints  
 PSI 75/2011 Residential Services  
 PSI 64/2011 Safer Custody  
 PSI 49/2011 Prisoner Communication Services  
 PSI 47/2011 Prison Discipline Procedures  
 PSI 32/2011 Ensuring Equality  
 PSI 16/2011 Providing Visits and Services to Visitors  
 PSI 15/2011 Management and Security of Visits  
 PSI 09/2011 Cell Sharing Risk Assessment  
 PSI 58/2010 AI 26/2010 The Prisons & Probation Ombudsman  
 PSI 08/2010 – AI 06/2010 Post Incident Care  
 PSI 06/2010 – AI 05/2010 Conduct and Discipline  
 PSO 1300 Investigations  
 PSO 1600 Use of Force  
 PSO 1700 Segregation  
 PSO 4800 Women Prisoners  
 Care Act 2014  
 Care and Support Statutory Guidance

**Replaces the following documents which are hereby cancelled:** None

**Audit/monitoring:** Deputy Directors of Custody, Commissioners and Controllers will monitor compliance with the mandatory actions set out in this instruction.

**Introduces amendments to the following documents:** None

**Notes:** *All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.*

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## 1. Executive Summary

### Strategic Context

- 1.1 This policy describes the ways in which the existing processes that operate in prisons and YOIs combine to ensure that establishments comply with their duty of care to all adult prisoners and young offenders aged 18 and over. Safeguarding responsibilities for those aged under 18 are set out in PSI 08/2012 Care and Management of Young People.
- 1.2 It does so using the terms 'Safeguarding', 'Abuse' and 'Neglect'. These have not often been used in prisons, where 'Safer Custody' and 'Risk of Harm' have tended to be the language used when discussing issues of safety. This PSI defines what is meant by 'abuse' and 'neglect' and confirms that prisons have a responsibility to safeguard adult prisoners.
- 1.3 In England, the Care Act 2014 places Safeguarding Adult Boards (SABs) on a statutory footing. It does not require prisons to be members, and many of the safeguarding responsibilities do not apply to prisoners. However it is important to demonstrate that, as well as ensuring compliance with our duty of care, our systems also provide a level of protection for prisoners who are unable to protect themselves as a result of having care and support needs that is equivalent to that provided in the community. This instruction therefore encourages Governors to engage with SABs, both at a strategic level and as a source of advice and assistance in safeguarding prisoners who are unable to protect themselves from abuse or neglect as a result of having care and support needs.
- 1.4 The Social Services and Well-being (Wales) 2014 Act will introduce a new structure for Safeguarding Boards covering both adult and child safeguarding from April 2016 and further guidance for Welsh prisons will be issued to supplement this instruction. Whilst references to SABs are not relevant in Wales, all the processes described in this instruction also apply in prisons in Wales.

### Desired Outcomes

- 1.5 All adult prisoners are protected from abuse and neglect, and prisons effectively discharge their duty of care towards them. Reported incidents of abuse and neglect are managed appropriately.
- 1.6 This instruction does not introduce new methods of achieving these outcomes, but describes the way in which existing instructions and systems combine to do so.

### Application

- 1.7 This instruction applies to all prison establishments in England and Wales with adult prisoners and / or young offenders (over 18 years old).

### Mandatory actions

- 1.8 *Governors and Directors of contracted prisons **must** ensure that all mandatory actions in this instruction are completed.*
- 1.9 *Governors must appoint a functional head with lead responsibility for adult safeguarding issues (see paragraph 2.5).*
- 1.10 *Governors must have systems in place to protect adult prisoners from abuse and neglect (see paragraph 2.6).*

- 1.11 *Governors must have systems in place for staff, prisoners and others to report suspected instances of abuse or neglect and make them aware of their responsibility to do so (see paragraph 2.7).*
- 1.12 *Governors must have systems in place to record and respond to reports of suspected instances of abuse or neglect, including protecting complainants / reporters from victimisation (see paragraph 2.8).*
- 1.13 *Governors must ensure that data is collected on all recorded suspected instances of abuse or neglect (as defined in paragraphs 2.2 and 2.3) and that analysis of this data informs actions to improve relevant practices and procedures (see paragraph 10.1).*

#### Resource Impact

- 1.14 This instruction describes the existing policies and systems for protecting prisoners from abuse and neglect. It will not therefore have a significant direct resource impact. It mandates the appointment of an adult safeguarding lead and recommends that establishments engage with local SABs. In prisons in which there has not previously been an identified individual with this role and / or such engagement has not been in place in the past, this will require the investment of some limited additional resource. It is believed that this will bring benefits in terms of drawing together work on adult safeguarding and learning from partner organisations to improve adult safeguarding practice.

(Signed)

**Digby Griffith**  
**Director of National Operational Services, NOMS**

## 2. Definition and Responsibilities

- 2.1 Adult safeguarding in prisons means keeping prisoners safe and protecting them from abuse and neglect. This is underpinned by six key principles set out at [Annex A](#). Prison staff have a common law duty of care to prisoners that includes taking appropriate action to protect them. Prisons have a range of processes in place to ensure that this duty is met. These also ensure that prisoners who are unable to protect themselves as a result of care and support needs are provided with a level of protection that is equivalent to that provided in the community. Definitions of abuse and neglect are based on those used in the Care and Support Statutory Guidance issued by the Department of Health in October 2014.
- 2.2 Abuse is any act, or failure to act, which results in a significant breach of a prisoner's human rights, civil liberties, bodily integrity, dignity or general wellbeing, whether intended or inadvertent; including sexual relationships or financial transactions to which a person has not or cannot validly consent, or which are deliberately exploitative. This may include:
- **physical abuse** – including any form of assault; misuse of restraint or inappropriate physical sanctions; withholding food or drink; force-feeding; wrongly administering medicine; failing to provide physical care and aids to living;
  - **emotional or psychological abuse** - including verbal abuse; threatening abandonment or harm; isolating; taking away privacy or other rights; harassment or intimidation; blaming; controlling or humiliation;
  - **financial or material abuse** - including withholding money or possessions; theft of money or property; fraud; intentionally mismanaging finances; borrowing money and not repaying; discriminatory abuse - including verbal harassment or other maltreatment due to a prisoner's protected characteristics (as defined in the Equality Act 2010 and explained in PSI 32/2011 Ensuring Equality);
  - **institutional abuse** - including the use of systems and routines which lead to neglect of a prisoner.
  - **sexual abuse** - including sexual assault, rape, inappropriate touching, molesting; pressurising a prisoner into sexual acts and non-contact sexual abuse such as indecent exposure, inappropriate looking, harassment, teasing, innuendo and simulation.
- 2.3 Neglect is a failure to identify and meet the needs of a prisoner, for example by ignoring medical, emotional or physical care needs, failing to provide access to appropriate health, care and support or educational services or withholding of the necessities of life, such as medication, adequate nutrition and heating. In the prison context neglect by others is principally relevant to the behaviour of staff, because of their duty of care for prisoners. There is a limited range of circumstances in which it is also relevant to the behaviour of prisoners, for example where an arrangement is in place for a prisoner to assist another prisoner in meeting his/her care and support needs (in accordance with PSI 17/2015 Prisoners Assisting Other Prisoners) and wilfully fails to perform his/her duties (as opposed to simply asking to withdraw from them, for which there should be no adverse consequences – see paragraph 2.5 of PSI 17/2015 Prisoners Assisting Other Prisoners).
- 2.4 Neglect also includes self-neglect, which covers a wide range of behaviour such as neglecting to care for one's personal hygiene, health or surroundings and behaviour such as hoarding.
- 2.5 *Governors must appoint a functional head with lead responsibility for safeguarding issues.* This person will need to work closely with the person who leads on safer custody issues (as described in PSI 64/2011 Safer Custody) and the local lead for adult social care (as described in PSI 15/2015 Adult Social Care). Where appropriate, these roles may be combined.
- 2.6 *Governors must have systems in place to protect prisoners from abuse and neglect.*

Sections 3-7 of this instruction describe how elements of a number of existing PSIs combine to achieve this outcome.

- 2.7 *Governors must have systems in place for staff, prisoners and others to report suspected instances of abuse or neglect and make them aware of their responsibility to do so.* Section 8 of this instruction describes how elements of a number of other PSIs combine to achieve this outcome.
  
- 2.8 *Governors must have systems in place to record and respond to reports of suspected instances of abuse or neglect, including protecting complainants / reporters from victimisation.* Section 9 of this instruction describes how elements of a number of other PSIs combine to achieve this outcome.

### **3. Systems for identifying and meeting need**

- 3.1 In order to prevent abuse and neglect, prisons are required to ensure that a prisoner's needs are comprehensively assessed and that those needs are met. This process begins on reception and continues throughout the time in prison. This section provides a reference to, and brief description of, the key policies designed to ensure that this takes place.
- 3.2 Interviews and conversations with prisoners are central to identifying and meeting need. Where a prisoner does not speak English, appropriate arrangements will need to be made to facilitate discussion. Informal interactions can often be facilitated by other prisoners acting as translators, but in formal interviews and any situation in which sensitive or confidential information is being discussed an interpreter should be used.

#### **On Reception**

- 3.3 PSI 07/2015 Early Days in Custody states the mandatory requirement for all prisoners to be "assessed for potential harm to themselves, to others and from others" on reception into custody, and explains that this must be done using all available information, as well as by interviewing the prisoner. It gives guidance on healthcare screening and mandates a detailed medical examination that must include an assessment of safer custody concerns, and the completion of a resettlement needs screening using the Basic Custody Screening Tool. PSI 15/2015 Adult Social Care explains the process for the assessment of care and support needs.
- 3.4 PSI 64/2011 Safer Custody mandates training for all staff who have contact with prisoners, and requires any member of staff who receives information or observes behaviour that indicates a risk of suicide or self-harm to open an ACCT (Assessment, Care in Custody and Teamwork) plan by completing the Concern and Keep Safe form.

#### **Throughout time in custody**

- 3.5 PSI 75/2011 Residential Services requires staff to ensure that prisoners are supported and their daily needs are met. It describes the key role that they play in spotting any signs of distress, anxiety or anger which might lead to prisoners harming themselves.
- 3.6 PSI 32/2011 Ensuring Equality sets out the framework for the management of equalities issues in prison establishments. It explains the policy approach and lists some key mandatory actions designed to ensure legal compliance. It is accompanied by guidance that sets out the characteristics of prisoners that are protected by the Equality Act 2010 and the conduct that is prohibited in relation to these characteristics, and explains the duties which the Act imposes on staff. This includes the duty to make reasonable adjustments for disabled prisoners.
- 3.7 PSI 15/2015 Adult Social Care sets out the process through which prisons work with local authorities to ensure that prisoners who have any care and support needs are addressed appropriately.



#### 4. Systems for preventing abuse or neglect by staff

- 4.1 Prison staff are in a position of authority over prisoners, and in order to prevent abuse and neglect it is necessary to ensure that standards of behaviour are set and maintained. This section describes the key ways in which this is achieved.

##### Recruitment checks and security vetting

- 4.2 PSI 07/2014 Security Vetting describes the process for ensuring that all staff and non-directly employed staff undergo consistent security checks. This ensures that all NOMS staff, workers and applicants are consistently and rigorously screened prior to appointment.

##### Professional standards

- 4.3 The Civil Service Code explains the standards of professional behaviour expected from all civil servants. PSI 06/2010 Conduct and Discipline includes a professional standards statement that sets out the standards of professional and personal conduct expected of staff. These include being courteous, reasonable and fair in their dealings with prisoners and treating them with decency and respect. These standards are explained during the induction of staff and prison officer entry level training. The PSI explains that it is the responsibility of managers to ensure that standards of behaviour and conduct are maintained, and that misconduct will not be tolerated. Failure to comply with the standards can lead to action which may result in dismissal from the Service and referral to the Disclosure and Barring Service (DBS), if relevant. Serious cases of abuse or neglect will be referred to the police.
- 4.4 PSI 42/2014 Exclusion of Personnel on Grounds of Misconduct explains that the same expectations apply to the behaviour of non-directly employed staff, and describes the system that is used to ensure that those who are found to have contravened those standards, including by abusing or neglecting prisoners, are excluded from prisons.

##### Relationships with Prisoners

- 4.5 NOMS values (described in PSI 06/2010 Conduct and Discipline) include being open, honest and transparent, and treating offenders with respect and dignity, and establishing positive relationships with prisoners is an important part of the work that staff undertake to support rehabilitation and help offenders to reform their lives.
- 4.6 The professional standards statement (included in PSI 06/2010 Conduct and Discipline) makes clear that staff relationships with prisoners must be professional. *In particular staff must not have any sexual involvement with a prisoner and must ensure that their dealings with prisoners, former prisoners and their friends and relations are not open to abuse, misrepresentation or exploitation on either side.*

##### Use of Force

- 4.7 The professional standards statement makes clear that staff must not use unnecessary or unlawful force or assault a prisoner. PSO 1600 describes the circumstances, in which force may be used, explaining that it will be justified, and therefore lawful, only where it is reasonable in the circumstances and necessary and if no more force than is necessary is used and it is proportionate to the seriousness of the circumstances.

Working together with Providers of Services

- 4.8 PSI 04/2012 Enablers of Services in Prisons explains how positive relationships between prison and provider staff are maintained and information is exchanged in order to ensure that risks, including the risk of abuse or neglect, are effectively managed.

## **5. Systems for preventing abuse or neglect by other prisoners**

- 5.1 *For abuse and neglect to be prevented, standards of behaviour must also be set and maintained for prisoners.* The Prison Rules provide the framework for this, and these are enforced through the adjudications process described in PSI 47/2011 Prison Discipline Procedures. NOMS has a range of other policies in place that ensure that good order and discipline are maintained and prison staff enforce these and ensure that appropriate standards of behaviour are maintained.
- 5.2 Serious cases of abuse or neglect will be referred to the police in accordance with the protocol on the appropriate handling of crimes in prisons, and where appropriate to the Disclosure and Barring Service.
- 5.3 PSI 30/2013 Incentives and Earned Privileges (IEP) describes how positive behaviour, including helping other prisoners, is encouraged.
- 5.4 PSI 64/2011 Safer Custody sets out how prisons are required to address issues of violence in prison in all its forms, including physical and sexual assaults.
- 5.5 PSO 1700 Segregation sets out the procedures for segregating prisoners for the purposes of maintaining good order or discipline and/or for their own protection.
- 5.6 PSI 17/2015 Prisoners Assisting Other Prisoners describes the parameters for this form of peer support, including the measures that must be in place to ensure that it does not result in abuse or neglect.
- 5.7 PSI 05/2014 Safeguarding of Children and Vulnerable Adults describes how information from the Disclosure and Barring Service is shared with prisons for the purposes of the protection of children and vulnerable adults.

**6. Systems for preventing abuse or neglect by others**

- 6.1 It is also possible for prisoners to be the subject of abuse by others, either during visits or through remote communications.
- 6.2 PSI 15/2011 Management and Security of Visits and PSI 16/2011 Providing Visits and Services to Visitors describe the systems that are in place to ensure that visits are conducted in a way that prevents abuse.
- 6.3 PSI 49/2011 Prisoner Communication Services describes the way in which written and telephone communications between prisoners and others are regulated and monitored. Whilst the systems are primarily in place for other reasons, they are also used for preventing abuse of prisoners by others.

## **7. Protecting particular groups**

### Young Adults

- 7.1 NOMS has issued guidance on managing the transition from youth to adult status in custody, describing the procedures that ensure that the specific needs of young people who will transition to adult custody are met, and in particular that assessments and information sharing are effective and there is collaborative working between the youth and adult estates.

### Women

- 7.2 PSO 4800 Women Prisoners describes how the gender specific needs of women prisoners are met. It includes the measures that are taken to identify and address the needs of those women who may be particularly at risk of abuse or neglect, including pregnant women, women who have experienced domestic violence and women who have been involved in sex work.

### Disabled Prisoners

- 7.3 PSI 32/2011 Ensuring Equality describes the requirement to make reasonable adjustments for disabled prisoners. Where a prisoner's disability increases the risk of them being subject to abuse or neglect, reasonable adjustments may include additional action to prevent this.

## 8. Systems for reporting suspected abuse or neglect

### Prisoners

- 8.1 There is a range of options for prisoners who wish to raise concerns about abuse or neglect by others. The prisoners who are most at risk of abuse or neglect by others include those least equipped to report it, and it is important that all prisoners are made aware of the support that is available to them in taking any of the following actions. This can include assistance from other prisoners or staff, or from the Independent Monitoring Board.
- 8.2 At the lowest level, prisoners are able to raise issues by talking to a member of staff. PSI 75/2011 Residential Services describes the applications process that prisons must have in place to allow prisoners to raise issues with staff. This is the appropriate means for prisoners to raise relatively low level issues that can be resolved quickly by frontline staff.
- 8.3 PSI 02/2012 Prisoner Complaints describes the process in place for prisoners to make formal complaints. This is likely to be the main way in which prisoners raise concerns about abuse or neglect. It includes an avenue of appeal, and a confidential access system that allows particularly serious or sensitive complaints to be routed directly to the Governor, the Deputy Director of Custody or the Chair of the Independent Monitoring Board. Annex A of PSI 02/2012 sets out a range of other avenues of complaint that are open to prisoners, and PSI 49/2011 Prisoner Communication Services describes the way in which the confidentiality of legally privileged or confidential access communications is maintained. Where the abuse or neglect is attributable to an organisation other than NOMS (e.g. a health or social care provider) prisoners may raise concerns using that organisation's complaints system as well as the prison complaints system.
- 8.4 PSI 32/2011 Ensuring Equality describes the Discrimination Incident Reporting Form system, and this may also be an appropriate route to raise a concern about abuse or neglect related to a protected characteristic.
- 8.5 PSI 58/2010 The Prisons and Probation Ombudsman describes the circumstances in which complaints from prisoners can be subject to independent investigation by the PPO.

### NOMS Staff

- 8.6 There is a range of ways in which NOMS staff can challenge and report suspected abuse of a prisoner by another prisoner. These include issuing a warning under PSI 30/2013 Incentives and Earned Privileges and the use of the adjudications process set out in PSI 47/2011 Prison Discipline Procedures. Similar action will be appropriate in instances where an arrangement is in place for a prisoner to assist another prisoner in meeting his/her care and support needs and is found to be wilfully neglecting his / her responsibilities.
- 8.7 Staff are also responsible for taking action to ensure that the needs of the prisoner who has been subject to abuse or neglect by others are met and that he / she is protected from further abuse or neglect using relevant processes described in sections 3-7 above.
- 8.8 When a prisoner is found to be neglecting his / her own welfare it is the responsibility of staff to ensure that appropriate action is taken to ensure that his / her needs are met using relevant processes described in section 3 and 7 above.
- 8.9 PSI 06/2010 Conduct and Discipline explains that staff are required to challenge and report misconduct by another member of NOMS staff to their manager. This includes reporting any suspected abuse or neglect of a prisoner by a member of NOMS staff.
- 8.10 This is also the case where the suspected abuse or neglect is by a non-directly employed member of staff. *In these cases the concerns must be reported to the employer as well as*

*to an appropriate NOMS manager, such as the manager responsible for the area in which they occur or the Duty Manager / Governor.*

- 8.11 PSI 21/2013 Reporting Wrongdoing sets out the processes through which staff may raise concerns about possible wrongdoing or malpractice at work. It encourages staff to take action in an appropriate way and provides assurance that they will be protected from any form of discrimination or victimisation arising from the allegation.

#### Non-directly employed staff

- 8.12 Non-directly employed staff are able to challenge and report suspected abuse or neglect of a prisoner by another prisoner in the same way as NOMS staff – see above and PSI 04/2012 Enablers of Services in Prisons.
- 8.13 Non-directly employed staff are required to challenge suspected abuse of a prisoner by other members of staff (NOMS or non-directly employed). Any incident of abuse should be reported directly to an appropriate NOMS manager, such as the manager responsible for the area in which they occur or the Duty Manager / Governor, and, if a non-directly employed member of staff is involved, to their employer.

#### Others

- 8.14 Visitors, families and others individuals or organisations who are in contact with prisoners should report concerns about abuse or neglect to a member of staff (in person or by phone), or write to the Governor. In event that the suspected abuse or neglect is believed to be of a systemic nature, and/or contacting the Governor is considered not to be appropriate, concerns can be raised with the nominated officials listed in PSI 21/2013 Reporting Wrongdoing.

## **9. Responding to reports of suspected abuse or neglect**

- 9.1 It is important that all reports of suspected abuse or neglect are treated seriously. There are various processes that it may be appropriate to follow with the aims of:
- Preventing further abuse or neglect;
  - Supporting and protecting victims, witnesses and reporters;
  - Investigating whether or not the suspected abuse or neglect took place; and
  - Ensuring that appropriate sanctions are applied to the perpetrator(s).

### **Support and protection for victims, witnesses and reporters**

- 9.2 *Sections 3-7 of this instruction have described the various processes that are relevant for preventing abuse or neglect and these must be used to ensure that there is no further abuse or neglect and that victims, witnesses and reporters are appropriately protected and supported.*
- 9.3 PSI 08/2010 Post Incident Care describes the process for providing support to NOMS staff who have experienced a traumatic event at work. PSI 21/2013 Reporting Wrongdoing describes the protection that is offered to staff raising concerns. Responsibility for supporting and protecting non-directly employed staff who witness incidents of abuse or neglect rests with their employer.

### **Investigations and sanctions**

- 9.4 Reports of suspected abuse by prisoners can be handled in a number of ways, including issuing a warning under PSI 30/2013 Incentives and Earned Privileges and through the adjudications process described in PSI 47/2011 Prison Discipline Procedures.
- 9.5 More serious, persistent or widespread abuse or neglect may result in the need for a formal investigation. Where this is the case this can be done in accordance with PSO1300 Investigations. PSI 15/2014 Investigations and Learning Following Incidents of Serious Self-Harm or Serious Assaults describes the circumstances in which such an investigation is mandatory.
- 9.6 Where misconduct by NOMS staff is alleged or suspected, PSI 06/2010 Conduct and Discipline sets out the process that should be followed.
- 9.7 PSI 42/2014 Exclusion of Personnel on Grounds of Misconduct describes the system that should be used to ensure that those who are found to have abused or neglected prisoners are excluded from prisons.

### **Information Sharing**

- 9.8 Where relevant, information regarding incidents of abuse and neglect by others and actions taken in response to them should be shared with:
- other organisations with safeguarding responsibilities for the offender concerned, such as health and social care providers;
  - those with responsibility for safeguarding the offender in the community on release, including approved premises staff and the relevant local authority.



**10. Monitoring and analysis of safeguarding information**

- 10.1 *Governors must ensure that information is collected on all recorded suspected instances of abuse or neglect and that analysis of this informs actions to improve relevant practices and procedures.*
- 10.2 *Information of relevance to safeguarding is collected through the various processes described in this instruction and in order to ensure effective protection from abuse or neglect this must be brought together in one place so that analysis of it can drive action to ensure that prisoners are effectively safeguarded.*
- 10.3 This may be achieved by holding a regular safeguarding meeting chaired by the functional head responsible and with representation from all relevant areas of the establishment.

## **11. Engagement with Safeguarding Adult Boards**

- 11.1 The Care Act 2014 includes a statutory duty for local authorities in England to establish Safeguarding Adults Boards (SABs). These are multi-agency partnership arrangements between the local authority, NHS and police, and such other members as these core members consider appropriate. There is no requirement for prisons to become members, but SABs with prisons in their area are encouraged to invite Prison Governors to become members. The main objective of SABs is to help and protect adults in its area who have care and support needs and face risks of abuse or neglect as a result of those needs. SABs are required to publish strategic plans and annual reports for each financial year setting out what each member has done and how they work together to achieve this objective. Accordingly, SABs will be a forum for the exchange of advice and expertise. In relation to prisons, SABs can provide advice and assistance in relation to safeguarding adults with care and support needs, and membership is likely to be helpful to Governors in ensuring that prisoners with care and support needs are safeguarded effectively. Governors are therefore encouraged to be proactive in engaging with the local SAB and to become a member (or to send a representative) if invited to do so.
- 11.2 Local authorities and SABs are not empowered to conduct safeguarding enquiries or reviews relating to prisoners
- 11.3 Local authorities and SABs may, however, take a strategic interest in the safeguarding work of the prison, and/or provide advice and assistance on how prisoners with care and support needs for whom there are safeguarding concerns are managed. For instance they may wish to be involved where an individual is about to be released and there is the potential for learning by those responsible for ensuring their safety in the community from the arrangements that have been put in place in prison. They may also wish to offer opportunities for prisoners with care and support needs to contribute to their work, for example by running prisoner consultation groups. Governors are encouraged to share relevant information and to facilitate access to prisoners as appropriate.
- 11.4 Likewise in Wales, Governors are encouraged to participate in Safeguarding Board arrangements as the Social Services and Well-being (Wales) Act 2014 is implemented.

**Annex A Key adult safeguarding principles**

A1 The following principles are outlined in the Care and Support Statutory Guidance paragraph 14.17:

- **Empowerment** – Presumption of person led decisions and informed consent.
- **Prevention** – It is better to take action before harm occurs.
- **Proportionality** – Proportionate and least intrusive response appropriate to the risk presented.
- **Protection** – Support and representation for those in greatest need.
- **Partnership** – Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.
- **Accountability** – Accountability and transparency in delivering adult safeguarding

**Annex B      Safeguarding Examples**

B1      Examples of circumstances in which safeguarding interventions of the type described in this instruction may be required include prisoners:

- with care and support needs;
- with learning disabilities;
- with diminished mental capacity, as defined in the Mental Capacity Act 2005;
- who habitually remain within their cells and/or have few possessions;
- who are being purchasing items for others and/or swapping property;
- who repeatedly break prison rules (this can be due to a lack of cognitive capacity and/or an inability to read notices rather than disobedience – safeguarding issues may easily be confused with a discipline problem).

B2      Inappropriate segregation of prisoners and excessive use of force, which are not in accordance with the relevant policy, may also be regarded as incidents of abuse or neglect that require a safeguarding intervention of the type described in this instruction.