

LICENCES FOR DVD / VIDEO FILMS, MUSIC AND TELEVISION IN PRISONS		
This instruction applies to :		Reference :
NOMS Agency staff (Headquarters) Prisons		AI 06/2011 PSI 23/2011
Issue Date	Effective Date	Expiry Date
24 March 2011	28 March 2011	27 March 2015
Issued on the authority of	NOMS Agency Board	
For action by	Governing Governors, Heads of Groups	
For information	All staff, Directors of Contracted Prisons.	
Contact	Robyn Malan de Merindol, Offender Safety, Rights and Responsibilities Group, Post Point 4.16, Clive House, London, SW1H 9EX, robyn.malandemerindol@noms.gsi.gov.uk	
Associated documents	PSO 4000	
Replaces the following documents which are hereby cancelled: - PSI 01/2010		
Audit/monitoring :- OSRRG - Management Unit		

CONTENTS

Section	Subject	Applies to
1	Executive Summary	All Staff
2	Operational Instruction - DVD and Video Film Licensing	Staff involved in the use of DVD and video films in prison establishments and NOMS sites. Finance staff
3	Operational Instruction – TV Licensing	Finance staff
4	Music Licensing	All Staff

1. Executive summary**Background**

- 1.1 This Instruction cancels PSI 1/2010. It amends the arrangements for showing motion pictures (films) on DVD or video to groups of prisoners (section 2). There are no changes to the arrangements for TV and music licensing set out in sections 3 and 4.

Following consultation with Regional Custodial Managers, NOMS will not continue to buy the licences from MPLC and Filmbank that allowed for the 'public performance' of films in communal areas or via in cell television systems.

The practice of showing films for entertainment on association or via the in-cell network must end on 27 March 2011 where there is no licence.

Copyright licences for MPLC and Filmbank must not be bought by establishments where the digital changeover has been completed.

- 1.2 Digital roll out allows establishments to select 9 free to air channels with the option to include a free-to-view film channel.
- 1.3 Those prisons that have not yet been converted to the digital signal may purchase the licences from their own budget.
- 1.4 This Instruction does not apply to Contracted Prisons. *Contracted Prisons that show films must make their own licensing arrangements.*

Desired outcomes

- 1.5 This Instruction aims to ensure that:-

- Prisons that have received digital television no longer give 'public performances' of films to prisoners via in-cell television or in communal areas.
- Prisons that have not yet been included in the digital TV roll-out are aware that they may purchase licences for the showing of films in communal areas until they receive the digital signal.

- Staff are aware of copyright restrictions and licensing requirements for music, film and broadcast media.

Application

- 1.6 [Chapter 2](#) of this Instruction explains the circumstances in which films may be shown for prisons who have been converted to the digital signal and the procedures for those prisons to continue to purchase the MPLC and Filmbank licences.
- 1.7 [Chapter 3](#) of this Instruction explains the circumstances in which a TV licence is required and how to claim Crown exemption if required.
- 1.8 [Chapter 4](#) of the Instruction explains the requirements for a licence for the playing of music in prison establishments and NOMS offices.

Mandatory actions

- 1.9 *Governing Governors and Heads of Groups must ensure that the mandatory procedures and practices are brought to the attention of relevant staff.*
- 1.10 *Particular attention must be paid to the restrictions on the showing of films in [section 2](#) of this instruction*
- 1.11 *Particular attention must be paid to the restrictions on playing of music in [section 4](#) of this Instruction.*

Resource Impact

- 1.12 The resource impacts can be found under the individual headings.

2. Operational instructions - DVD and Video Films

LICENCES FOR SHOWING DVDS AND VIDEO FILMS IN PRISONS

Purpose and output

- 2.1 Showing films on DVD or video to groups of prisoners or staff, either in communal areas or via in cell television systems, is considered to be a public performance for which a licence is required.
- 2.2 Following consultation with Regional Custodial Managers, NOMS has decided not to renew beyond 27 March 2011 the licences that allowed the public performance of DVD/video films in prisons and other Prison Service premises, e.g. headquarters buildings and training units.
- 2.3 Where prisons have not had the digital roll out and choose to continue to show films on association or via the in-cell network two licences may be purchased covering the studios listed in [Annex A](#). Together these licences should cover all popular films available from

High Street rental/sales outlets, however establishments may chose to buy one licence only and limit their showings accordingly..

- 2.4 For films covered by the Filmbank licence, a quarterly return [Annex B](#) is required to be made to Filmbank in accordance with this PSI. This is to enable Filmbank to apportion revenue between studios.
- 2.5 No returns are required for films covered by the MPLC licence.

Mandatory actions

- 2.6 *Governors and Heads of Groups must ensure that films are not shown without the necessary licence.*
- 2.7 *Governors and Heads of Groups must ensure that arrangements are in place to keep records of films shown under the Filmbank licence and to submit a quarterly return to Filmbank. Nil returns are not required.*
- 2.8 *Governors must bear in mind the needs of prisoners from minority groups and those who do not speak English.*

Resource and impact assessment

- 2.9 Prisons may wish to show films for specific minority groups, this may include films produced overseas which were not covered by the licences previously bought, this practice may continue as before.

Topical events and / or anniversaries whether secular and / or religious are often marked by television providers. Staff and prisoners can chose to make the most of these for their minority groups by paying attention to television schedules or by recording broadcasts locally. (The legal position on recordings is untested but the general view is that recording for "time-switching" is permissible provided that recordings are not kept long-term for repeated use)

Staff may allow small groups of prisoners who share a minority diversity need to watch a film together.

- 2.10 Films on DVD or Video may be shown for education purposes outside of education, for example as an aid to deliver training or instruction.
- 2.11 Where prisoners have in possession DVD players, they may continue to watch films in cell.
- 2.12 Your education provider will have their own licensing arrangements that will cover all copyrighted materials used in education.
- 2.13 There is no case law to define exactly what constitutes "public performance", and a commonsense approach should be taken. A guide would be to consider whether a proposed showing is to a larger number than would be found in a domestic context and is purely to entertain a non specified minority group. In these circumstances it would be better not to show the film.

- 2.14 Prisons requiring licences will need to raise non catalogue requisitions (NCR) for Filmbank and MPLC as follows:

The description line should read as follows: Media Licence for Public Performances - 28th March 2011 - 27th March 2012

The Unit of Measure field should be: Each

The Quantity Field should be: The maximum audience number the license is required to cover

The Price Field should be: The price per prisoner (£9 for MPLC, £3 for Filmbank).

- 2.15 There is an administrative task for establishments in collating returns to Filmbank. This is not new. Establishments will note, however, that a far larger number of production studios are covered by the MPLC licence for which no records or returns required.

3. Operational instructions – TV Licensing

TV LICENSING: CROWN EXEMPTION FOR NOMS SITES AND PRISON ESTABLISHMENTS

Purpose and output

- 3.1 *Under the Communications Act 2003, all television receiving equipment must be covered by a television licence unless subject to exemption.*
- 3.2 A Government department or organisation that is part of the Crown can claim exemption, but only where all television receiving equipment on the site is used for “official purposes”.
- 3.3 This exemption applies to NOMS headquarters, DOMS offices, prisons and other Prison Service properties as they are either covered by statute or Crown premises. The exemption also applies to Contracted Prisons as for the purposes of the legislation they are covered by the Prisons Act 1952. *It is not an exemption “as of right”, and sites must apply for the exemption before it can be granted.* Once granted, renewal is not an annual requirement. There will be periodic checks carried out to ensure that the site is still eligible for exemption.
- 3.4 Television sets which are not used for the purpose of watching or recording programmes as they are being broadcast do not require a licence. For example, TV sets used for playing pre-recorded material do not need to be licensed; this will include, for example, training units using TV sets to play training films or sets in visitor centres which are used solely to show recorded films or for information channels. However a recording device that records live broadcasts will require a licence, unless it is only for recording programmes that would qualify under “official purposes”
- 3.5 The playing of pre-recorded DVD’s does not require a TV licence; however, “public performance” does require a licence as described in section 2 of this instruction.
- 3.6 As with domestic use, a single licence covers multiple sets on the same site.
- 3.7 Additional guidance regarding TV licensing can be found in [Annex C](#).

Mandatory actions

- 3.8 *NOMS HQ, DOM's offices, Prisons and Prison Service properties that are satisfied that they qualify for an exemption should complete the exemption form ([Annex D](#) attached), and fax to 0844 800 5837 or send to Policy Group, TV Licensing, Bristol, BS98 1TL.*
- 3.9 *If you have TV sets that are used solely for playing pre-recorded material or displaying local information channels, you do not have to apply for Crown Exemption as this usage does not require licensing in any event. However, since this usage would also qualify as "official purposes", sites may choose to apply for exemption as you may otherwise be required to demonstrate to TV Licensing that television sets are not used for live broadcasts.*
- 3.10 *Where TV equipment exists that is not used solely for official purposes, sites must purchase a TV licence.*

Resource and impact assessment

- 3.11 There will be an additional administrative task for establishments if an application for Crown exemption has to be completed. **However, the completion of the form at [Annex D](#) is only required if you do not have any sets for which a licence is required and are therefore applying for Crown exemption. If you are buying a licence, it is not necessary to compile details of all sets on site.**

4. Operational instructions – Music Licensing

MUSIC LICENSING: RADIO, TV, CD & ONLINE

Purpose and output

- 4.1 *Under the Copyright, Designs and Patents Act 1988, if copyright music is used in public (i.e. outside of the home) permission must be sought first from every copyright owner whose music it is intended to play.*
- 4.2 PRS for Music is a not-for-profit membership organisation which collects licence fees from music users, and distributes these as royalties to writers and publishers of music from the UK and around the world. PPL is a music service company working on behalf of its performer and record company members.
- 4.3 As it is a legal requirement to gain permission from the music creator to play their music outside of the home, if copyright music continues to be played without a licence NOMS would be liable to pay costs or damages if PRS for Music and PPL have to take legal action.
- 4.4 The playing of music includes radios, CD players, all live television, live performances and "music on hold" on telephone switchboards (however, music on switchboards provided under the central telephony contract is licence exempt and prisons do not have to take any action locally).

- 4.5 The playing of music in multiple occupancy staff offices, rest rooms and canteens, prisoner workplaces - kitchens and workshops – prisoner recreational areas (other than designated association areas) and visitor centres requires a licence. Listening to music on personal audio devices such as iPods does not require a licence.
- 4.6 The playing of music in prisoner residential areas, the gymnasium, and for religious worship is exempt. Playing of music in education classrooms is permissible where the music is specifically relevant to the course being studied (e.g. a training video). Background music is not permissible without a licence.
- 4.7 In view of the high cost, the financial constraints on the Service and the likely perception of spending large amounts of money on music for prisoners, the decision has been taken not to purchase a licence.
- 4.8 We are aware that a few sites have purchased local licences – for example, the Prison Service Training College at Newbold Revel. Nothing in this PSI precludes the purchase of local licences at such locations where this is considered to be an appropriate and justifiable use of funds.

Mandatory actions

- 4.9 *Governors and Heads of Groups must ensure that the playing of music in staff offices, rest rooms and canteens, prisoner workplaces - kitchens and workshops – prisoner recreational areas (other than designated association areas) and visitor centres is withdrawn from 25th January 2010.*
- 4.10 *Governors must ensure that any formal performances for or by prisoners, including theatrical performances or formal film showings in communal areas must be licensed separately with PRS.*
- 4.11 *If any sites wish to apply for a permit for specific events, they can do so online at www.prsformusic.com by completing the necessary form. Alternatively, they can also call the Licensing Team at PRS on 0800 068 48 28 to discuss their requirements. For PPL, applicants may visit www.ppluk.com, or call 020 7534 1070.*
- 4.12 *Governors must ensure that they inform third sector organisations who run the visitors centre at their prison of the need to purchase a separate licence with PRS for Music and PPL if they are using any form of music. The same process above applies.*

Resource and impact assessment

- 4.13 There will be additional administrative tasks and costs for establishments when purchasing separate licences with PRS for Music and PPL. Please note that these costs will need to be met locally.

Contacts

See front cover for contact name.

(signed)

Ian Poree
Director of Service Development

Annex A

FILM STUDIOS COVERED BY PRISON SERVICE LICENCES**Filmbank**

Warner Bros (including New Line)
Sony Pictures (aka Columbia TriStar)
Buena Vista (including Pixar, Disney etc)
MGM
Pathe
Entertainment
Granada Rank catalogue
Verve Pictures
Optimum Releasing
Eros Entertainment
Delanic Films
United Artists
New Line
Trinity Entertainment

Establishments will note that Buena Vista are covered by both licences; Buena Vista films should be included in the returns to Filmbank.

MPLC PRODUCTION & DISTRIBUTORS DIRECTORY**NUMBER PREFIX**1st Miracle Productions

3DD

A

A Flash of Green
 Breakthrough Entertainment
 A&E Television Network
 Bridgestone Multimedia Group/
 Ardman Animations
 Omega Publishing
 Actaeon Films
 Alder Media
 and Foreign Bible Society
 Adventure Pictures
 Broadcast Media
 Ager Film
 Lapping Productions
 Alameda Films
 Releasing, Inc.
 Alchemy
 Vista Pictures
 All 3 Media
 Pictures
 Alley Cat Films
 Animation
 Amazing Movies

American Portrait Films
 Animal Planet Video
 Artemis Films
 Australian Children's Television Foundation
 AV Pictures

B

Bamboo Film and TV

Bankside Films

Bardel Distribution Alpha

BBC Worldwide

Bel Ombre Film British

Bend it Like Beckham Productions

Best Film and Video Brook

Best Picture Show Bruder

Better Than PTY Buena

Big Idea, Inc. Buffalo

Big Island Pictures Burbank

Billy Graham Evangelistic Association/
 World Wide Pictures

BJ Films
 Blakeway Productions
 Bohbot Entertainment

Annex A

DC

Cable Ready Films	Codeblack	Dan
Café Productions Hannay Productions	Collingwood O'Hare Entertainment	David
Cake Entertainment Thomson	Contender Entertainment	DC
Cambium Catalyst International Ent. December Films	Content Film	
Candlelight Media Entertainment	Crackerjack Productions	Decode
Capitol Films Donegan	Crescent Entertainment	Devillier
Carey Film Ltd Enterprises	Cross Wind Productions	DIC
Carnival Films and Theatre Dimension Films	Crown Video	
Carsey-Werner Channel Video	CTVC	Discovery
Cartoon One Entertainment	Cube International	DIT
Castle Hill Productions Productions		Diverse
	Dorling Kindersley Vision	
CDR Communications LLC		Dream,
Celador Dreamworks Animation SKG		
Central Park Media Dreamworks Pictures		
Channel 5 International Channel Four		
Chatsworth Television Chorion		
Christian Cinema.com Christian Television Association		
Cineflix Cinematheque Collection		
Cinequanon Cinnamon Freefonix		
Classic Media/Golden Book Entertainment		

E

Eagle Rock Entertainment	ERF Christian Radio & Television
Ealing Studios International	Eric Velu Productions
Eastwest	Eros International
Electric Pictures	Euro London Films
Electric Sky	Evergreen Entertainment
EO International	

E

Family Entertainment Library	Folimage
Films	Grizzly Adam Productions
Field	Foothill Entertainment
Products/ Evangelical Films	Gruber Films
Films Transit International	Fox-Walden
Media	Grundy Television
Final Draft Films	Fox 2000 Films
Grasshopper Enterprises	
Fireworks International	Fox Searchlight Pictures
Entertainment	
First Hand Films	Freemantle Enterprises
Western Entertainment	
Fit Production	Friday Productions
Greenpoint Films	
Focus Features	Frontier Films
Greenstone	

H

Haenssler	Highpoint Films
Music Europe Ltd	
Handmade	High Stakes
InterComm, Inc.	
Hanway Distribution	Hilary Linstead
International Christian Communications (ICC)	
Harvest Productions	Hilltop
International Film Forum	
Harvey Entertainment	HIT Entertainment
International Films	
Hasbro	Hollywood Pictures
International News Productions	
Hatchling	Hotbed Media
Intertropic Films	
Hearst Entertainment	

G

Gateway Films/Vision Video	Gospel
Giants Entertainment	Grace
Gibson Group	Granada
Goal Post Film	
Goldcrest Films	GRB
Gold Habeeb Entertainment	Great
Goodtimes Home Video	
Gordon Films	

I

Icon Entertainment	Integrity
ID Films	
Illuminated Films	
Impossible Pictures	
Independent Film Company	
Indigo Film & Television	
Inspired Studio	
Inspired Wellness Video	

Heather Pedley Productions

Instinct

Annex A**J**J & M Entertainment
De L'arequinJan Chapman Films
Du TriangleJane Balfour Films
EntertainmentJeremiah Films
EntertainmentJim Henson Productions
Productions

Jim Mcelroy

JNP Films

KKalon Media, Inc.
Lohse MovieKeller Entertainment
London FilmKestrel
Los Angeles Without a Map
Kingsway Communications Ltd
LudorumKnight Enterprises
LunaKushner Locke
Lyons**L**

La Fabrique

Lakeshore Entertainment

Lantern Film and Video

Last Wave

Lazytown

Leopard Films

Les Films

Les Films

Lifesize

Lightyear

Linn

Lionsgate

M

Mahoney Media Group, Inc.

Maralee Dawn Ministries

Mark Forstater Productions

Martin Gates Productions

Marvista

Maze

McDougal Films

McGraw-Hill

Media World

Mediaserf Germany

Melsa

Mentorn

Merchant Ivory

Mercier

Messenger Films

Michael Jaffe Productions

Microtainment

Military Channel Video

Millimages

Minds Eye Pictures

Minotaur International

Miramax Films

Mobius Group

Modern Entertainment

Monarch

Monster Care

Mosaic Films

Moviehouse Entertainment

MTV Films

Multi Media Group of Canada

N

National Film Trustee Company

National Geographic Television
Broadcast

Natural History New Zealand

Nickelodeon Movies

Nunez- Gowan Productions

O

Octapixx Worldwide

October Films

Odyssey Video

Off the Fence

Open Door International

Optomen Television

Oregon Public

Outright

Annex A

P

Pacific Family Entertainment
Films
Palace
Television
Palan
Entertainment
Palm Beach Pictures
Entertainment
Parade Video
and Television
Parallax
Paramount Classics
Millenium
Paramount Vantage
Video
Park Entertainment

Pulse

Parthenon Entertainment

Passion

Paul Scott Films

Pavillion International

Peace Arch Entertainment Group, Inc

Peakviewing Transatlantic
Peter Pan Video

Phaedra

Picnic Production

Picture Palace

Pilot Film and

Polygram Filmed

Portfolio

Portman Film

Powercorp
Powersports

Praise Home

Prophecy

Q

Quantum

Television

R

Ragdoll Entertainment

RTV Family Entertainment

RDF Media

Rubber Duck Entertainment

Recorded Picture Company

Russ Doughten Films

Red Entertainment

Regent Entertainment

Republic Pictures

Rigel Entertainment

Robert Bruning

Roco Films

Rosenbaum Whitbread Film &

S

S4/C Corporation	Sesame Workshop	South Australia Film
Sage Entertainment	Seven Arts Pictures	Spark Productions Ltd
Salt Pan Films Entertainment	Side By Side Films	Spellbound
Sandy Frank Entertainment	Signal Hill Pictures	Spiegel TV
Scholastic Entertainment Productions	Silverline Pictures	Stephen J Cannell
Screen Australia Productions	Sixteen Films	Steve Walsh
Screen Media Ventures	Skreba Films	Story Films
Screentime	SMG TV – Ginger Television Productions	Studio 18
September Films	Solid Entertainment	
Sequence Films	Sony Pictures Classics	

T

Talent Television	The Distribution and Licensing Company	Total Living
Video Curriculum	Twentieth Century Fox Film Corp	
Tandem Films Pictures	The Works TSC	Touchstone
Tapestry International	Two Sides TV	
International	Tiger Aspect	Trans World
Target Entertainment	Tyrone Productions	
Team Communications Group	Titan Media Group	Tremendous
Millenium	TLC Video	Tribute Third
Teenrgey Productions	Tommy Nelson	TV Ontario
Television Associates	Top Shelf	TVA/Quigley's
Village		
The Canning Factory	Total Living Productions	TVF International

U

Unapix Entertainment
Wildstrawberries
United International Pictures
Winchester Film
Universal Pictures
Wisenquest
USA Films
Worldview Pictures

X

Xenon Home Video
Zenith Productions

Zia Film Distribution

Zig Zag Productions

V

Velvet Octopus

VGI Entertainment

Vida Entertainment

Videal TV and Film

Volcano Films

Y

York Films of England

W

Wall to Wall

Walt Disney Pictures

Waterfront Pictures

Westside Film & TV

WGBH

Z

Zarwot

Zeal Entertainment

Zed Films

PRISON LICENCE FILM REPORTING FORM – 2009/10**NB : This return is only for films covered by the Filmbank licence****PLEASE FAX TO FILMBANK 0207 984 5951**

A copy of this form should be completed and returned **every three months**, indicating which films have been screened under the Filmbank Prison Licence within the reporting periods below. Reports are due within one month of the end of the reporting period.

Prisons	1 Apr-30 Jun	1 Jul – 30 Sep	1 Oct – 31 Dec	1 Jan – 31 Mar
---------	--------------	----------------	----------------	----------------

Reporting period - (please circle as appropriate)

Name of Licensed Premises _____

Address _____

Phone _____

E-mail _____

PLEASE LIST FILMS IN BLOCK CAPITALS

If you have further films to report please complete another reporting form

1.	11.
2.	12.
3.	13.
4.	14.
5.	15.
6.	16.
7.	17.
8.	18.
9.	19.
10.	20.

I hereby declare that to the best of my knowledge and belief, that this is a true, accurate and complete list of the films which have been screened under the Prison licence at the premises indicated for this reporting period.

Signed _____

Print Name _____

Date _____

Annex C

Guidance - TV Licensing: Additional Information

The scope of Crown Exemption

- Crown exemption applies only where TV receiving equipment is used for official purposes.
- The term 'official purposes' is used where TV receiving equipment is used on crown premises and the equipment being used is pursuant to the functions of the prison or property and the Minister.
- If television equipment is being used by NOMS or Prison Service staff as part of their duty, i.e. to view programmes that are relevant to their daily duties, Crown Exemption would be appropriate. Examples include watching parliamentary proceedings in headquarters and relevant documentaries where applicable. General entertainment or sports coverage is not appropriate.

What Crown Exemption will not cover

- All TV receivers used on the prison premises for purposes other than "official purposes". This may include, for example, prison staff living on the prison grounds and using a television in their own accommodation. This would not be considered as being used for an "official purpose" and hence such staff will need their own separate licence cover.
- Visitors Centres which show live broadcasts of general or children's entertainment, even where solely for the use of visitors.
- TV receivers used in social clubs, staff recreational rooms, rest areas, restaurants and canteen areas.
- TV receivers used in the premises of local probation boards or trusts, including 'approved premises' within their areas. Paragraph 19 of schedule 1 of the Criminal Justice and Court Services Act 2000 states; "A local probation board is not to be regarded as the servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown." As such, TV Licensing is unable to grant an exemption to any property that is within the day-to-day control of a probation board or trust.
- The playing of pre-recorded DVD's does not require a TV licence; however it does require a licence from the distributors, this has been acquired centrally for public sector prisons and NOMS HQ :

Other Prison Service Facilities

- Some prisons may incorporate the following units upon their premises, or they may be located on “stand alone” sites:
 - Other Administrative Units
 - Training Facilities
 - Tactical Units
 - Stores Facilities
 - Maintenance Units
- The above units may have TV equipment for various purposes. In each case, it would need to be established whether the television equipment was being used for “official purposes”.

Units may have more than one TV receiver, possibly one being used for “official purposes” and one for another purpose, e.g. in a staff restaurant. In this case, Crown Exemption may be appropriate to cover the first receiver but not to cover the second, and a licence will therefore be required.

Application Form

1	Name of prison or property	
2	Does the Prison Act 1952 define your organisation's status? If not can you confirm which Act of parliament does.	
3	How many television sets are in use in the building?	
4	Explain the different uses of each of these television sets.	
5	Please give the full postal address of the property that is subject of this application. (If more than one property, please attach an additional sheet.)	
6	Your name and business address and position held in organisation.	

Guidance Notes.

Q1) Enter the name of the prison, or the functional name of the site, e.g. HMP Lowmoor or DOM's office for Wales, NDS Branston etc.

Q2) Prisons, including Contracted Prisons should enter Prisons Act 1952. Other sites, if covered by other legislation, should state which Act. Those not covered should enter "Crown Premises".

Q3) Enter the number of TV sets located on the site. For prisons it may be useful to split the figure to show the number of TV's for prisoners and those in staff areas.

Q4) Enter the general location rather than the specific location, e.g. In cell TV's for prisoners, TV used as a monitor in the Training Dept, TV in Parliamentary Briefing and Casework Unit for observing Parliamentary affairs. If more space is required please attach a second sheet.

When completed the form should be: - faxed to 0844 800 5837 or sent to Policy Group, TV Licensing, Bristol, BS98 1TL.

Equality Impact Assessment

Stage 1 – initial screening

The first stage of conducting an EIA is to screen the policy to determine its relevance to the various equalities issues. This will indicate whether or not a full impact assessment is required and which issues should be considered in it. The equalities issues that you should consider in completing this screening are:

- Race
- Gender
- Gender identity
- Disability
- Religion or belief
- Sexual orientation
- Age (including younger and older offenders).

Aims

What are the aims of the policy?

To advise prisons that the licences from MPLC and Filmbank that allowed the public performance of motion pictures in establishments are not being renewed.

From 1 April 2011 the public performance of motion pictures would breach copyright law and must not take place at establishments that have been converted to the digital signal.

Where prisons have not yet been converted to digital they may consider buying the licences locally to cover the period until conversion.

Effects

What effects will the policy have on staff, offenders or other stakeholders?

Establishments that have been converted to a digital signal will no longer be able to show motion pictures either via the in-cell DVD channel and / or on association.

Evidence

Is there any existing evidence of this policy area being relevant to any equalities issue?

Identify existing sources of information about the operation and outcomes of the policy, such as operational feedback (including local monitoring and impact assessments)/Inspectorate and other relevant reports/complaints and litigation/relevant research publications etc. Does any of this evidence point towards relevance to any of the equalities issues?

The options for continuing or ending the licences were put to the Regional Custody Managers and the policy we are now implementing reflects their decision to end the practice nationally.

Stakeholders and feedback

Describe the target group for the policy and list any other interested parties. What contact have you had with these groups?

The policy applies to all public sector prisons.

Regional Custodial Managers were consulted about the withdrawal of the licences and they were in agreement.

Governors have been alerted to the forthcoming change via the Senior Leaders Briefing in September 2010 and February 2011.

Do you have any feedback from stakeholders, particularly from groups representative of the various issues, that this policy is relevant to them?

There has been some feedback from establishments wanting clarification on how to meet the needs of minority groups and that educational films will not be affected.

Impact

Could the policy have a differential impact on staff, prisoners, visitors or other stakeholders on the basis of any of the equalities issues?

In the PSI we are advising prisons how they can continue to meet the needs of minority groups to avoid any differential impact on these groups.

Local discretion

Does the policy allow local discretion in the way in which it is implemented? If so, what safeguards are there to prevent inconsistent outcomes and/or differential treatment of different groups of people?

The policy allows for prisons that have not yet been converted to the digital signal to buy the same licences that had been provided in previous years.

Summary of relevance to equalities issues

Strand	Yes/No	Rationale
Race	NO	This restriction will also apply to films in a Foreign language but this will not stop prisoners whose first language is not English from viewing those films privately or in small groups.
Gender (including gender identity)	NO	
Disability	NO	
Religion or belief	NO	
Sexual orientation	NO	

Age (younger offenders)	NO
Age (older offenders)	NO

If you have answered 'Yes' to any of the equalities issues, a full impact assessment must be completed. Please proceed to STAGE 2 of the document.

If you have answered 'No' to all of the equalities issues, a full impact assessment will not be required, and this assessment can be signed off at this stage. You will, however, need to put in place monitoring arrangements to ensure that any future impact on any of the equalities issues is identified.

Monitoring and review arrangements

Describe the systems that you are putting in place to manage the policy and to monitor its operation and outcomes in terms of the various equalities issues.

The contact given on the PSI will respond to queries and monitor the issues raised to see if there appears to be a disproportionate affect on any minority.

State when a review will take place and how it will be conducted.

Responses will be continually monitored and a review will be conducted in March 2012.

	Name and signature	Date
Policy lead	Robin Malan de Merindol	
Head of group	Pat Baskerville	