



# National Offender Management Service

## PRISONERS ASSISTING OTHER PRISONERS

<b>This instruction applies to</b>		<b>Reference: -</b>
Prisons		<b>PSI 17/2015</b>
<b>Re-Issue Date</b>	<b>Effective Date</b>	<b>Expiry Date</b>
27 January 2020 – Revision	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"/> Public Sector Prisons</p> <p><input checked="" type="checkbox"/> Contracted Prisons*</p> <p><input checked="" type="checkbox"/> NOMS Immigration Removal Centres</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 Heads of Group	
<b>Provide a summary of the policy aim and the reason for its development / revision</b>	<p><b>Updated January 2020</b> - This instruction has been revised to reflect the removal of the behavioural expectation contained in PSI 30/2013 Incentives and Earned Privileges that prisoners should assist other prisoners to achieve and remain on Enhanced status. PSI 30/2013 has been cancelled and replaced by <a href="#">the Incentives Policy Framework</a> (IPF) on 13 January 2020. The IPF allows Governors discretion to decide on the behavioural expectations they wish to include in their local incentives policy.</p> <p><b>Update November 2018</b> - This Instruction has been revised to reflect the development of a practical template-driven peer support toolkit. Revisions have been made to paragraph 1.2</p> <p><b>Update December 2016</b> - The only change to this document is the amendment made to the contact details on the front page. This policy describes the principles that apply to all formal arrangements for prisoners to provide assistance, including meeting certain needs for care and support, to other prisoners. It requires every prison to have the ability to mobilise assistance from other prisoners should it be needed for a prisoner who has a care and support plan or is awaiting a care and support needs assessment.</p>	
<b>Contact</b>	Equality, Interventions and Operational Practice Group	
<b>Associated documents</b>	<p>Service specifications for, which can be found at: <a href="https://www.gov.uk/government/collections/noms-directory-of-service-specifications">https://www.gov.uk/government/collections/noms-directory-of-service-specifications</a></p> <p>Management of prisoners at risk of harm to self and others</p> <p>Residential services</p> <p>Early days and discharge - reception in</p>	

[PSI 15/2015 Adult Social Care](#)  
[PSI 16/2015 Adult Safeguarding in Prison](#)  
[PSI 07/2015 – PI 06/2015 Early Days in Custody](#)  
[PSI 05/2014 Safeguarding of Children and Vulnerable Adults](#)  
[PSI 06/2012 Prisoner Employment, Training and Skills](#)  
[PSI 03/2012 Activity Allocation](#)  
[PSI 75/2011 Residential Services](#)  
[PSI 64/2011 Safer Custody](#)  
[PSI 32/2011 Ensuring Equality](#)

**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 There have always been numerous ways in which prisoners have assisted other prisoners. Over time formal peer support schemes designed to facilitate and support such activities have developed, for example the provision of emotional support by Listeners, assistance in developing literacy skills through Turning Pages, and information for new prisoners through prisoner involvement in induction programmes. Such schemes have also been used to meet a range of care and support needs presented by the growing population of older and/or disabled prisoners. Each of these schemes has developed in a specific context, and whilst their importance is often recognised in relevant policy documents and HMIP reports (for instance the central role of Listeners in promoting safer custody), there has been no articulation of the overarching principles that underpin them.
- 1.2 In May 2018 MoJ and HMPPS developed a practical template-driven peer support toolkit to help prison staff when creating, maintaining and improving prisoner-to-prisoner peer support schemes – no matter what the focus. The toolkit includes considerations for setting up and maintaining schemes, good practice examples, watch-outs and ready to use templates. The information included is not mandatory, but has been designed as a helpful resource for staff to consult to find the ideas and tips most useful to their prison. An electronic copy of the toolkit is available via the following link:
- [https://intranet.noms.gsi.gov.uk/\\_data/assets/pdf\\_file/0005/869234/6.4369\\_moj-hmpps\\_peer-support-schemes-web.pdf](https://intranet.noms.gsi.gov.uk/_data/assets/pdf_file/0005/869234/6.4369_moj-hmpps_peer-support-schemes-web.pdf)
- 1.3 For prisons in England, from 1 April 2015 the Care Act 2014 places responsibility on the local authority in which the prison is located to assess prisoners with care and support needs and where the prisoner is eligible for social care support, to put in place care and support plans setting out how the needs will be met<sup>1</sup>. Where the prisoner does not meet the eligibility criteria the local authority will provide written information about what can be done to meet or reduce needs and to prevent or delay the development of additional needs<sup>2</sup>.
- 1.4 Specific legislation is due to be implemented in Wales from April 2016, and further guidance about this will follow, but the approach set out in this PSI also applies in Wales.
- 1.5 In this context it is important to be clear about the circumstances in which it may be appropriate for assistance from other prisoners to form part of the arrangements to meet care and support needs that are not being met by the local authority, and to be clear that there are forms of assistance that are not appropriate for them to provide, including those that are concerned with meeting needs that are the responsibility of the local authority to meet.
- 1.6 Care and support needs will now be clearly defined in care and support plans or written information provided by local authorities. *This development, together with the necessity to work alongside local authorities as they discharge their duties to prevent need escalating to the point that it requires their intervention and to promote wellbeing more generally, means that all Governors **must** have the ability to mobilise prisoners to provide assistance to other prisoners, should it be needed.*
- 1.7 This policy therefore:

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<sup>1</sup> See PSI 15/2015 Adult Social Care

<sup>2</sup> See Care and Support Statutory Guidance, issued under the Care Act 2014, paragraphs 17.29 – 17.32

- describes the principles that apply to all formal arrangements for prisoners to provide assistance to other prisoners;
- sets out the contribution that prisoners may appropriately make to meeting the care and support needs of other prisoners, and what is not appropriate for them to do; and,
- requires Governors to have the ability to mobilise assistance from other prisoners for a prisoner who has a care and support plan or written information from the local authority, or is awaiting a care and support needs assessment, should it be needed.

### Desired Outcomes

- 1.8 All formal arrangements for prisoners to provide assistance to other prisoners are governed by a clear and consistent set of principles.
- 1.9 There are clear boundaries around the role that prisoners may play in providing assistance in meeting the care and support needs of other prisoners, and both those receiving and providing such care and support are safeguarded.
- 1.10 Governors have the ability to mobilise assistance from other prisoners for a prisoner with care and support needs who has a care and support plan or is awaiting a care and support needs assessment, should it be needed.

### Application

- 1.11 This instruction applies to all establishments holding prisoners and/or young adults (i.e. those aged 18 and over).
- 1.12 Chapter 2 applies to all formal arrangements for prisoners to provide assistance to other prisoners. Chapters 3 and 4 apply specifically to any formal arrangements for prisoners to provide assistance with meeting the care and support needs of other prisoners.

### Mandatory actions

- 1.13 *Governors and Directors of contracted prisons **must** ensure that all mandatory actions in this instruction are completed.* Chapter 2 includes mandatory actions that apply to all formal arrangements for prisoners to provide assistance to other prisoners.
- 1.14 *Chapter 3 mandates a number of actions designed to ensure that risks associated with arrangements for prisoners to provide assistance with meeting the care and support needs of other prisoners are appropriately managed.*
- 1.15 *Chapter 4 mandates that Governors put in place and maintain the ability to mobilise prisoners to provide assistance to a prisoner with care and support needs, should it be needed, and maintain the confidentiality of care and support plans provided by local authorities.*

### Resource Impact

- 1.16 In most establishments there will be minimal resource impact as arrangements are already in place for situations where prisoners may provide care and support for other prisoners. In other establishments compliance with this PSI will involve a small investment of resource. This will be outweighed by the benefits that will come from the increased involvement of local authorities in meeting the care and support needs of prisoners described in PSI [15/2015](#) Adult Social Care

(Signed)

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

## **2. Principles for all types of formal assistance arrangements**

- 2.1 Prisoners assist other prisoners in a range of contexts. *The benefits of engaging in such activities, both as a contribution to the prison community and in supporting rehabilitation, must be explained to prisoners.*
- 2.2 *Prisoners must not be relied upon to provide assistance that is the statutory responsibility of another service, for example health or social care services.*
- 2.3 There are limits to what it is appropriate for prisoners to do for other prisoners. *Governors must be confident that these are clearly explained to prisoners who provide assistance and, as far as possible, are understood by those receiving assistance. Where the assistance is related to social care the prison's local lead for social care<sup>3</sup> must ensure that the appropriate boundaries are identified and explained in the prisoner's care and support plan. Where a care and support plan is not in place, or is not yet in place, all contributions to a prisoner's social care must be recorded locally.*
- 2.4 *All prisoners providing assistance to other prisoners as part of a formal scheme must be appropriately selected, risk assessed, trained, supported and supervised.*
- 2.5 Formal arrangements for prisoners to provide assistance to other prisoners may utilise support from prisoners who are paid by the prison as a form of work or prisoners acting as unpaid volunteers. *Prisoners **must** be made aware of which arrangements apply, and in either case must choose to take on the role and be permitted to withdraw from it on reasonable grounds without adverse impact on other opportunities for work or rehabilitation.*
- 2.6 *Prisoners providing assistance to other prisoners and those who are receiving assistance **must** be made aware of policies which relate to safeguarding, and in particular how to raise concerns if they witness or experience instances of abuse or neglect.*
- 2.7 *Arrangements for prisoners to provide assistance to other prisoners may be supported by relevant partner organisations but must always remain primarily the responsibility of the prison.*

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<sup>3</sup> See PSI 15/2015 Adult Social Care

### 3. Parameters for activity to meet care and support needs

- 3.1 [PSI 15/2015](#) Adult Social Care sets out the process through which prisons work with local authorities to ensure that prisoners with care and support needs as defined by the Care Act 2014 are addressed appropriately. Through this process prisoners receive care and support plans setting out a range of actions necessary to meet their care and support needs and allocating responsibility for these actions. Where the prisoner has eligible needs, the local authority is responsible for meeting them. Where the prisoner does not meet the eligibility criteria the local authority will provide written information about what can be done to meet or reduce needs and to prevent or delay the development of additional needs. These actions will be the responsibility of the prison and/or relevant partner agencies, and other prisoners may be involved in delivering them.
- 3.2 This chapter applies where prisoners are providing assistance with the needs identified on another prisoner's care and support plan or written information from the local authority, and where prisoners are providing assistance in addressing the needs of another prisoner who is awaiting assessment by the local authority.
- 3.3 The Care and Support (Eligibility Requirement) Regulations 2015 specify outcomes that may be addressed in care and support plans and written information. In a prison setting these will include:
- managing and maintaining nutrition;
  - maintaining personal hygiene;
  - managing toilet needs;
  - being appropriately clothed;
  - being able to live in a cell safely;
  - maintaining the cell as a habitable environment;
  - developing and maintaining personal relationships;
  - accessing and engaging in work, training, education or volunteering; and
  - making use of necessary facilities or services in the prison, including recreational facilities or services.
- 3.4 The local authority will make arrangements to meet eligible needs. Prisons will need to make arrangements to meet any remaining needs and may identify circumstances in which prisoners can assist other prisoners to achieve these outcomes, within the appropriate boundaries.
- 3.5 *Prisoners **must not be permitted to provide other prisoners with intimate care.** They may, however, provide some personal care. Definitions and examples of these types of care are provided at [Annex A](#).*
- 3.6 *Prisoners **must not be permitted to handle, store or administer medication provided to other prisoners.** They may, however, (subject to the agreement of the healthcare provider, and in a way that is consistent with medical confidentiality) be involved in providing reminders at the times at which other prisoners are required to take their medication.*
- 3.7 *It is important to be aware of and have sensitivity to cultural differences when agreeing the tasks that a prisoner will perform in each case, and there **must be discussions with all parties before a particular task is allocated to a prisoner.** In the event that the prisoner for whom assistance is being provided lacks mental capacity, decisions about what is and is not appropriate should be taken on the basis of what would be in the best interests of the prisoner by the prison local lead for social care after consultation with all parties. [PSI 15/2015](#) Adult Social Care sets out the requirements for monitoring arrangements.*



- 3.8 *All prisoners providing and receiving assistance **must** be made aware of the types of activity that are and are not considered appropriate. [Annex B](#) contains a list of the types of activities which a prisoner assisting another prisoner may undertake.*

### Selection and Risk Assessment

- 3.9 *In accordance with [PSI 03/2012](#) Activity Allocation and [PSI 05/2014](#) Safeguarding of Children and Vulnerable Adults, prisoners providing assistance to other prisoners **must** have been assessed as suitable to do so and risk assessed to undertake the activities involved. Working to meet the care and support needs of other prisoners puts a prisoner in a responsible position and there are risks that this will be abused by the prisoner and/or that the prisoner will come under pressure from others to abuse their position. The selection and risk assessment processes **must** be designed to minimise these risks.*

### Training, Support and Supervision

- 3.10 *In accordance with [PSI 06/2012](#) Prisoner Employment, Training and Skills, prisoners providing assistance to other prisoners **must** be provided with appropriate training and support and **must** be supervised in accordance with the local security strategy.*
- 3.11 *Local authorities have a duty to prevent the escalation of need, and can be expected to contribute to the training of prisoners providing assistance to other prisoners and to provide support for them as they undertake their work. It may also be possible to work with the Skills Funding Agency to commission training to equip prisoners providing assistance to other prisoners from the established education provider. Where generic training for the role is not available, courses may be provided to equip prisoners for particular tasks within it, for example manual handling training for those involved in assisting a prisoner who is unable to move independently.*

### The Care Act 2014 and the Role of 'Carer'

- 3.12 *The Care Act 2014 outlines the role and entitlements of carers. The Care and Support Statutory Guidance<sup>4</sup> provides further details and states that "it is not the intention of the Care Act that any prisoner should take on the role of carer as defined by the Act." People providing care as workers, paid or voluntary, are excluded by the definition in the Act, and prisoners providing assistance as part of a formal arrangement should not therefore be entitled to a carer's assessment.*
- 3.13 *Only in exceptional circumstances will a request by a prisoner to be considered a 'carer' as defined by the Act need to be considered. This may be in circumstances in which a prisoner assisting another prisoner with care and support needs has done so voluntarily and is not attached to any formal prisoner assistance scheme (see 3.17 below). Any request that fulfils the relevant criteria **must** be considered on a case by case basis and passed to the local authority for consideration. (see [PSI 15/2015](#) Adult Social Care).*

### Formal Prisoner Assistance Schemes and Relationships Between Prisoners

- 3.14 *Prisoners providing assistance to other prisoners as part of a formal scheme will do so as a task that forms part of their work (either paid or voluntary). In order to ensure that appropriate boundaries are maintained formal schemes **must** not be organised in a way that permits a prisoner to provide assistance to another prisoner with whom they are believed to be in a close intimate relationship or known to be as such (e.g. a partner).*
- 3.15 *In the event that a relationship between a prisoner and another prisoner to whom he/she is providing assistance appears to have become a close intimate relationship, the*

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<sup>4</sup> See Care and Support Statutory Guidance, issued under the Care Act 2014, paragraph 17.36

*arrangement **must** cease and arrangements **must** be made for future assistance to be provided by a different prisoner.*

#### Informal Arrangements between Prisoners

- 3.16 It is normal and acceptable for prisoners to assist each other with various day-to-day tasks on an informal basis as one would expect to occur between friends or neighbours in the community. *As soon as it is identified that a prisoner is regularly undertaking activity that is necessary because another prisoner has care and support needs, this must be brought to the attention of the local lead for social care services (see [PSI 15/2015](#) Adult Social Care) who must ensure that a referral for assessment is made to the local authority.*

#### Exceptional Circumstances

- 3.17 *Where two prisoners are members of the same family and/or have previously been in a caring arrangement outside prison, and one has care and support needs, any request that the other be permitted to provide assistance with those needs **must** be considered on a case by case basis and may be permitted in exceptional circumstances. The risk of abuse or neglect **must** be carefully assessed (with input from the local authority) and the arrangement **must** be closely supervised to ensure that appropriate boundaries are maintained. If such an arrangement is permitted the limits to the tasks that a prisoner may undertake set out at paragraph 3.5 apply, regardless of any arrangement that was in place outside of prison (i.e. intimate care is always prohibited).*

#### Adult Safeguarding

- 3.18 *Prisoners providing and receiving assistance **must** be protected from abuse and neglect. The selection, risk assessment, training, support and supervision arrangements **must** be designed to ensure that prisoners are safeguarded in accordance with [PSI 05/2014](#) Safeguarding of Children and Vulnerable Adults and [PSI 16/2015](#) Adult Safeguarding in Prison.*
- 3.19 *All prisoners engaged in providing assistance to other prisoners, and all prisoners receiving such assistance, **must** be made aware of the definitions of abuse and neglect (and in particular the fact that this may include wilful failure of the prisoner providing assistance to perform his/her duties), and the various means by which they can be reported, as described in [PSI 16/2015](#) Adult Safeguarding in Prison.*

#### 4. **Mobilising prisoner assistance to meet care and support needs**

- 4.1 It can be anticipated that the population of every prison may, from time to time at least, include prisoners with care and support needs, either because they are received directly from court with such needs or because they develop such needs during their time in custody.
- 4.2 There is a requirement derived from the Equality Act 2010, and described in [PSI 32/2011](#) Ensuring Equality, for Governors to consider on an ongoing basis what prisoners with a range of disabilities might reasonably need and to ensure that reasonable adjustments are made for them.
- 4.3 *Governors must put in place and maintain the ability to mobilise prisoners to provide assistance to a prisoner who has a care and support plan or written information from the local authority or is awaiting a care and support needs assessment in a way that is compliant with Chapter 3 of this PSI.*
- 4.4 The prison local lead for social care (see [PSI 15/2015](#) Adult Social Care) is likely to be best placed to take responsibility for ensuring that prisoner assistance is available, and effectively deployed if needed.
- 4.5 *Where prisoner assistance forms part of discharging the local authority's care plan, the Governor **must** put in place arrangements for the tasks to be undertaken by a prisoner whilst maintaining the confidentiality of the care plan.*

### Definitions and Examples of Intimate and Personal Care

- A1 Definitions of these terms vary in different contexts, but for the purposes of the arrangements described in this PSI, they should be used in the sense described here.
- A2 *Prisoners **must not be permitted to provide other prisoners with intimate care.*** They may, however, provide some personal care. It is important to be aware of and sensitive to cultural differences when agreeing the tasks that a prisoner will perform in each case.
- A3 The term intimate care refers to tasks concerned with personal hygiene and bodily functions and products, particularly those that require contact with or the exposure of intimate parts of the body. *These **must not be allocated to prisoners to undertake.*** Some examples of intimate care include:
- Assisting with eating and drinking (in the sense of placing food or drink into the mouth, as distinct from other activities to manage and maintain nutrition such as cutting up food and transporting food)
  - Oral care, including teeth cleaning;
  - Washing body areas that are usually clothed for privacy and dignity;
  - Dressing and undressing body areas that are usually clothed for reasons of privacy and dignity;
  - Toileting support e.g. changing continence pads or sanitary towels;
  - Assisting an adult with cleaning himself or herself following a soiling or wetting episode.
- A4 The term personal care is a broader one that applies to tasks that do not require contact with or the exposure of intimate parts of the body. Some examples of personal care include:
- Dressing and undressing that does not involve body areas that are usually clothed for reasons of privacy and decency, for example helping to put on a pair of socks, or a jacket over a shirt;
  - Maintaining hygiene for bodily areas that are normally exposed;
  - Providing mental stimulus support for adults that have permanent or temporary mental impairment or diminished mental capacity;
  - Support with movement or transportation, including moving an appropriately dressed prisoner to the shower or bathroom;
  - Support with nutritional requirements which do not reach the level of regular assistance with eating and drinking;
  - Applying make up;
  - Maintaining personal appearance;
  - Skin care (of non-intimate areas);
  - Providing reminders for essential activities like taking medication/ going to the toilet.

**Appropriate Activities for Prisoners Providing Assistance**

B1 Some examples of the types of activities that are acceptable for prisoners to undertake when assisting other prisoners that may be contained in individual care plans are:

- Transportation – to help prisoners move from one area of a prison to another due to a physical impediment permanent or temporary;
- Transportation of food to and from the designated kitchen areas;
- Cutting up food where appropriate;
- Helping to keep a prisoners cell tidy and accessible;
- Providing reminders about the need for hygiene to be maintained;
- Helping to reorganise prisoners cells so that necessary items are accessible;
- Accessing work, training, education, volunteering or recreational activities that are available in the establishment;
- Helping prisoners to raise concerns regarding abuse and neglect where their impairment prevents them from doing so;
- Moving and handling, including manual lifting where appropriate;
- Helping prisoners to read and have an improved understanding of instructions that are labelled throughout the establishment.