



Ministry of JUSTICE

National Offender
Management Service

PHYSICAL EDUCATION (PE) FOR PRISONERS		
This instruction applies to		Reference
Prison Establishments		PSI 58/2011
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26 September 2011	1 October 2011	1 October 2015
Issued on the authority of	NOMS Agency Board	
For action by	All Prisons	
For information	Deputy Directors of Custody	
Contact	Operational Services & Interventions Group ☐ 0116 228 2046 (VPN 7287 2046)	
Associated documents	<i>Service Specification document for Physical Education</i>	
Replaces the following documents which are hereby cancelled - PSO 4250 (Physical Education)		
<p>Audit/monitoring :</p> <p>Those responsible for contract management will monitor compliance with the mandatory actions set out in this PSI.</p> <p><i>Governors and PE Managers must demonstrate compliance with these actions when required to do so.</i></p>		
<p>Notes:</p> <p>Reference to Governor also refers to Directors of Contracted Prisons</p> <p>Reference to PE Managers also refers to their equivalent in the contracted out sector</p>		

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Executive Summary

Background

- 1.1 This Instruction, including the PE Operating Manual at **Annex A** supports the implementation of the Service Specification for Physical Education (PE) in prisons and sets out the mandatory instructions in order to provide effective PE for prisoners.
- 1.2 There are no major changes in the requirement to deliver a safe, decent and legal PE programme that helps ensure that prisoners are physically fit to engage with prison work and activity opportunities whilst maintaining physical health and mental fitness in custody and also on release.
- 1.3 The Prisons Act 1952 sets out the legal minimum provision of one hour per week for adults and two hours per week for young offenders.

Prison Rules 1999 (Rule 29)
Young Offender Rules 2000 (Rule 41)
- 1.4 The Chief Medical Officers recommendations¹ for activity were considered by the NEMC in determining a safe and decent level of PE activity. It is essential that establishments consider their local needs when agreeing an appropriate level of PE provision.

Key Outcomes for Service

The PE specification defines the following key service outcomes;

- The physical health and wellbeing needs of prisoners are met, in part, through Physical Education (PE)
 - PE contributes to the safety, order and control within prisons
 - The life skills of prisoners are developed, in part, through PE
- 1.5 PE confines itself to activities supervised and organised by PE staff for prisoners that take place as part of an establishments agreed PE programme.
 - 1.6 PE plays an important part in a prison regime by providing purposeful activity and engagement with prisoners. PE makes a major contribution to the physical, mental and social well being of prisoners and positively impacts on the good order and discipline within establishments.
 - 1.7 The PE Service specification is mandatory and all PE programmes and PE provision must comply with the specification while meeting the diverse needs of the prison population to promote increased participation levels, rehabilitative PE programmes and PE Induction programmes.
 - 1.8 The Operating Manual also provides guidance relating to activities identified in other service specifications and out of scope activities that may be supported by PE staff.

¹ The Chief Medical Officer recommends that at least 2.5 hours of moderate intensity activity per week is required to maintain general health.

Application

1.9 All staff involved in PE in prisons.

Mandatory Actions

1.10 *Governors must ensure that all PE provided for prisoners is undertaken in accordance with the PE Service Specification, this PSI and with current legislation for PE, Sporting Lead Body guidelines.*

Resource Impact

This PSI does not introduce any new processes and does not require any additional resources.

Service Specifications provide a mechanism to increase consistency of delivery, with the specifications clearly setting the level of service required to meet our responsibilities to deliver lawful, safe and decent prisons and to achieve our objectives to protect the public and reduce reoffending.

Contacts

For further information about this PSI please see contact on the front cover.

(signed)

Digby Griffith,
Director of National Operational Services, NOMS

PHYSICAL EDUCATION (PE) OPERATING MANUAL**INTRODUCTION**

- 1.1 PE provision must incorporate the agreed PE Service Specification output features:
- Prisoners have access to an approved and published minimum number of PE hours per week as defined in the SLA/contract (adults and young offenders).
 - Prisoners have access to remedial PE activity, where identified.
 - The PE programme promotes participation and complements the prison regime and takes into account the diverse needs of the population.
 - Local safe Systems of Work on PE activities, facilities and equipment are enforced and good practice in sport safety is followed.
 - Prisoners complete a physical assessment prior to undertaking any PE activity.
 - PE Induction arrangements are in place.
- 1.2 Guidance is also within this annex relating to activities identified in other service specifications and out of scope activities that may be supported by PE staff.
- 1.3 PE plays an important part in a prison regime by providing high quality purposeful activity and engagement with prisoners; in addition PE can make a major contribution to the physical, mental and social well-being of prisoners. In order to maximise their contribution to the regime, PE departments will:
- Provide quality, cost-effective structured PE that provides physical activity for prisoners that meets the needs of both the establishment's regime as well as prisoners, in an environment that is safe and decent for all;
 - Promote healthy lifestyle opportunities for prisoners whilst in custody and on release; and
 - Deliver PE programmes which contribute to safety, order and control.

2. **SERVICE ELEMENT 1, 2 and 3: Core Physical Education Delivery (including Remedial PE activity).**

Prisoners have access to an approved and published minimum number of PE hours per week as defined in the SLA/contract. (Adult Prisoners & Young Offenders)

Establishments will publish and maintain an approved SLA/contract for safe, legal and decent PE activity.

Prisoners have access to remedial PE activity, where identified.

There is a written prisoner referral procedure agreed between Healthcare and PE that includes rehabilitative and healthy lifestyle referrals.

STATUTORY REQUIREMENTS

Prison Rules

Prison Rules 1999 makes provision for PE for prisoners' aged 21 and over.

2.1 RULE 29

- (1) If circumstances reasonably permit, a prisoner aged 21 years or over shall be given the opportunity to participate in PE for at least one hour a week.
- (2) The following provisions shall apply to the extent circumstances reasonably permit to a prisoner who is under 21 years of age -
 - Provision shall be made for the physical education of such a prisoner within the normal working week, as well as evening and weekend physical recreation; the PE activities will be such as will foster personal responsibility and the prisoner's interests and skills and encourage him/her to make good use of his/her leisure on release; and
 - Arrangements shall be made for each such prisoner who is a convicted prisoner to participate in PE for two hours a week on average.
- (3) In the case of a prisoner with a need for remedial physical activity, appropriate facilities will be provided.

Young Offender Institution Rules 2000 provide for physical education under Rule 41.

2.2 RULE 41

- (1) Provision shall be made at a Young Offender Institution for the physical education of prisoners within the normal working week, as well as evening and weekend physical recreation. The PE activities shall be such as will foster personal responsibility and a prisoner's interest and skills and encourage them to make good use of their leisure on release.

- (2) Arrangements shall be made for each prisoner, other than one to whom paragraph (3) and (5) applies, to participate in PE for at least two hours a week on average or, in the case of prisoners detained in such institutions or parts of institutions as the Secretary of State may direct, for at least one hour each weekday on average, but outside the hours allotted to education under rule 38(2) in the case of a prisoner of compulsory school age.
- (3) If circumstances reasonably permit, a female prisoner aged 21 years or over shall be given the opportunity to participate in PE for at least one hour a week.
- (4) In the case of a prisoner with a need for remedial physical activity, appropriate facilities shall be provided.
- (5) If the weather permits and subject to the need to maintain good order and discipline, a female prisoner aged 21 years or over shall be given the opportunity to spend time in the open air at least once every day, for such period as may be reasonable in the circumstances.

Safe and Decent PE Provision

2.3 In determining a safe and decent PE provision providers need to consider Prison Rules (2.1 and 2.2), the Chief Medical Officers recommendations and the requirements of other stakeholders.

2.4 The Commissioner will require the provider to meet a minimum delivery of PE hours specified in the SLA and any associated PPL stretch targets

2.5 It is essential that establishments also consider their local needs when agreeing an appropriate safe and decent level of PE provision.

EQUAL OPPORTUNITIES

2.6 All prisoners may participate in PE activities; prisoners will not be restricted unless otherwise authorised by the Governor² and/or a Healthcare professional.

2.7 There must be equality of access to PE programmes and resources to meet the requirements of all prisoners, through identifying and giving full considerations to meet specific needs of their gender, religion, age, disability, race and sexual orientation. All those involved in delivering PE will recognise the diverse needs and abilities of those who use its services and give everyone an equal chance to develop and fulfil their potential. PE departments will promote equality of opportunity for prisoners from all minority groups and provide outcomes to reflect the diverse requirements of the local prisoner population.

2.8 PE departments will, at all times, respect and treat fairly those who use its services, maintaining an environment free from harassment or any form of unfair discrimination, and will actively challenge discriminatory behaviour. PE departments will actively challenge any unfair indirect or direct discriminatory behaviour or practice.

2.9 PE departments will monitor equality of access to programmes, resources and outcomes by maintaining written evidence. Prisoner population data and other relevant information and

² Including Directors of contracted prisons.

feedback (including responses from prisoner surveys – see paragraph 5.4) must be used to influence the future delivery and content of the PE programme to ensure that it reflects the needs of all prisoners. Good practices will demonstrate how individuals and different groups of prisoners have been encouraged, at their establishment, to partake in PE programmes.

2.10 PE activities will be delivered in a safe, clean and decent environment free from discrimination, harassment and any form of bullying to promote equality of outcomes for all prisoners. It is the responsibility of all staff to actively challenge behaviour which is contrary to this objective.

2.11 Remedial/modified activities are available for prisoners who wish to take part in PE activity that have been referred by Health Care professionals and comprehensive records are maintained.

3. **SERVICE ELEMENT 4: Physical Education Programme.**

The PE Programme promotes participation and complements the prison regime and takes into account the diverse needs of the population.

The balance and content of the PE programme will depend on a number of factors including local needs and resources but must include a varied range of physical education activity to meet the diverse needs of the prisoner population and increase/maintain the Prisoner Participation Levels.

This section outlines the key elements that can be included.

Mental and Physical Health

3.1 PE activities can support healthy lifestyle initiatives and reduce institutional stress by:

- Providing opportunities for participation encouraging personal development and social inclusion.
- Introduce individuals to new activities and promote a healthy lifestyle through participation.
- Enable individuals to increase self esteem by achieving personal performance and achievement awards.
- Supporting healthy living ie exercise and diet and nutrition.
- Include exercise referrals programmes and rehabilitative treatments.
- Ensure access for all and encourage participation in sport when released from custody.

Education, Training and Employment ³

³ Accredited PE Delivery activity is out of scope in the PE Service Specification. See Prisoner Employment, Training & Skills, Service Specification (still to be agreed and published).

3.2 PE departments can provide opportunities for educational and vocational learning through accredited programmes linked to employment and further training on release by:

- Including accredited, educational, sports skills and vocational PE courses.
- By using PE as a way for prisoners to access basic and key skill support.
- Contributing to individual learning plans linked to offender management systems.

Drugs and Alcohol

3.3 The PE programme can take a structured approach to support prisoners in tackling their offending behaviour with regard to drugs and alcohol. PE has a significant role to play in improving prisoners' self-esteem and increasing their motivation towards reducing further offending.

3.4 As part of the establishment's drug strategy, all PE departments should be aware of "*Tackling Drugs Through Physical Education*" – a framework for interventions with substance misuse through PE. In addition PE can:

- Include structured activities to support the establishments' drug and alcohol intervention programmes.
- Offer opportunities for prisoners to help change their behaviour to drug and alcohol misuse.
- Link with the establishment's drug strategy (including detoxification or rehabilitation programmes).

Attitude, Thinking and Behaviour.

3.5 PE staff can work with teams supporting a range of planned and structured interventions that address offending behaviour through pre-treatment intervention or alongside the programme to support 'group working' and /or improve an offenders engagement with the regime.

Children and Families of Offenders

3.6 PE departments can support the maintenance and help develop prisoners' relationships with their families and children by:

- Structuring PE activities to support establishment programmes that improve parenting skills for both mothers and fathers in custody.
- Supporting and facilitating children and family events in line with establishment delivery.

COMMUNITY PARTNERSHIPS

3.7 PE departments can promote external links in line with the establishment's resettlement outcomes by providing:

- A clear link into the establishments' resettlement policy.
- A Community Liaison PE Officer to promote resettlement initiatives and links with external agencies.

- _____ PE courses, programmes and special events linked to community provision.
- _____ Monitoring systems to evaluate offenders on release for those who have gained specific vocational accreditation.
- _____ Information to encourage participation in sport when released from custody providing details of local sports, leisure clubs and activity sites.

4. SERVICE ELEMENT 5, 6 and 7: Health, Safety & Risk Management.

Local Safe Systems of Work on PE Activities, Facilities and Equipment are enforced and good practice in sports safety is followed.

Prisoners complete an assessment prior to undertaking any PE activity.

PE Induction arrangements are in place.

RISK MANAGEMENT

- 4.1 There is significant legislation relating to Health & Safety and safe practice in PE including Regulations and Statutory Instruments, Guidance and Codes of Practice; these include:
- The Health & Safety at Work Act 1974
 - Corporate Manslaughter & Corporate Homicide Act 2007
 - Management of Health & Safety at Work Regulations 1999 & 2002
 - Sporting Lead Body Guidelines
 - Occupiers' Liability Act 1957 & 1984
 - Children Act 1989 & 2004
 - Protection of Children Act 1999
 - Special Educational Needs, Disability Act 2001, Disability Discrimination Act 2005
 - Safeguarding Vulnerable Groups Act 2006
 - The Law reform Contributory Negligence Act 1945
 - Regulatory Reform (Fire Safety) Order 2005
 - Provision of Work Equipment Regulations 1998
 - The Education Regulations 1999
 - Education (specified Work and Registration) Regulations 2003
 - Approved Code of Practice for First Aid 1997
 - afPE Safe Practice in PE
- 4.2 The principles and requirements of law apply to all areas including all facilities and activities delivered in prisons. The Governor/Director has the responsibility under Health and Safety

law for the overall day-to-day management of Health and Safety and to ensure that staff supervising prisoners are suitably qualified and/or competent to deliver PE in a custodial setting.

- 4.3 Competence to teach PE may be defined as having the skills, knowledge, understanding and expertise to plan, deliver and evaluate a PE programme. The Health & Safety Executive (HSE) highlights four means of demonstrating competence:
- To hold a relevant qualification
 - To hold an equivalent qualification
 - To have received appropriate in-house training
 - To be competent through experience
- 4.4 These are not totally discrete alternatives; qualifications, experience and training overlap to produce competence and expertise in a particular field or aspect of PE and sport.

The Health and Safety at Work Act 1974

- 4.5 The Health and Safety at Work Act 1974 outlines the general duties of employers and the duty of employers to prepare and as often as may be appropriate, revise a written statement of the general policy with respect to Health and Safety at Work of employees and the organisation. A local notice to staff must be published that confirms that PE activities can only take place in accordance with a local Health & Safety policy checklist, regular management checks must be incorporated to ensure compliance.
- 4.6 Injuries must be reported to the duty supervisor and an investigation must take place that identifies ways in which to reduce accidents/injuries as part of the establishment's accident/injury reduction strategy.
- 4.7 A certified inspection of all PE equipment/areas must be carried out annually to BSI Standards by an accredited and qualified specialist contractor approved by the National Procurement Unit. (Regulation 6(2) of the Provision and use of Equipment Regulations 1998 applies).
- 4.8 Those responsible for PE and recreational activities must ensure that relevant Health and Safety legislation is complied with at all times for everyone using PE facilities by:
- Implementing all safety requirements required by legislation; those recommended by the National Sporting Lead Bodies controlling each sport or activity and the Association for Physical Education, afPE 'Safe Practice in PE' publication;
 - Ensuring that all Health and Safety requirements are met by completing a Risk Assessment and Safe System of Work for each PE activity, area, participants and all equipment. Guidance and requirements can be found in The Workplace (Health, Safety and Welfare) Regulations 1992 (SI No3004);
 - Providing supervision and control appropriate to the activity and competence of the participants. Supervision of the weights room must be covered by a suitably qualified/ competent member of staff ⁴, who must be detailed as being on duty and must remain in the area during the activity time;

⁴ PE Officers have dispensation via national PE course training from the British Weightlifting Association; the lead governing body for Weightlifting/Power lifting activities delivered in the custodial setting i.e. the relevant BWLA qualification via national PE course training.

- Conducting and recording - in the 'daily diary' - a safe systems check of all equipment and facilities on a daily basis prior to use;
- Ensuring that all participants in every PE class are suitably dressed and progressively warmed-up prior to starting all PE activities and cooled-down at the cessation of all such activity;
- Providing a local Health & Safety policy checklist identifying the specific requirements for H&S related to specific areas of PE provision.

4.9 All PE departments must deliver an induction programme, which should include as a minimum requirement:

- Appropriate documentation (for example F2055D or Prison-NOMIS equivalent) raised for all prisoners on PE Induction;
- Relevant information is shared with the Offender Management Unit in order to inform sentence management;
- Explanation of PE rules and regulations, good practice is to have a PE compact signed by both PE staff and prisoners;
- An explanation of the PE programme and how to access PE;
- Instruction on basic weight training, safe use of PE equipment and machinery;
- 'Physical Activity Readiness Questionnaires' (PAR-Q's) must be completed for all prisoners on PE induction prior to participating in PE activity and signed by both the prisoner and a member of PE staff;
- Elements of first aid; and
- Elements of safe handling and lifting.

4.10 Establishments must not deliver any supervision, training or instruction to prisoners in combat sports such as boxing, boxercise, martial arts or any similar activity.

Documentation

4.11 Accidents involving injury or near misses must be reported in accordance with establishment standard accident investigating and reporting procedures

4.12 To ensure legal compliance including conformance to the Data Protection Act 1998 it is necessary to retain the following documents for a minimum period of 6 years:

- PE daily diary (form PE001 as amended from time to time);
- Staff detailing pro-formas;
- Annual equipment inspection certificates;
- Class lists;
- Referral forms from Healthcare;
- Treatments provided for exercise referrals;
- Accident and near miss records; and
- Induction compacts.

4.13 All documents must be stored in a safe place.

Staff Supervising PE

4.14 All staff supervising activities must be suitably qualified and/or competent to deliver PE in a custodial setting focusing on the following elements:

- the importance of experience in managing prisoners
- the content of the PE programme and the competencies and skills required to deliver activities efficiently and safely

4.15 Please also refer to paragraphs 4.3 and 4.4 above.

The Purpose & Role of Prisoners Supporting PE Activities

4.16 Under no circumstances must prisoners who are supervising PE activities be put in a position of controlling or supervising the discipline of other prisoners. Prisoners supervising PE activities must not be used to cover shortfalls in the PE staffing provision. Prisoners supervising PE activities must not take full responsibility for any aspect of physical activity where there are identifiable elements of assessed hazard or attendant risk.

4.17 Prisoners supervising PE activities must only be used to supervise PE activities as part of their sentence plan/OASys targets or to form part of an educational or vocational qualification.

4.18 Qualified prisoners may support the delivery of an activity only if they are under the direct or indirect supervision of a member of the PE staff and a risk assessment and safe system of work assessment has been completed. Indirect supervision requires PE staff to remain in the general proximity of the activity to visually verify that qualified prisoners are properly supervising activities.

4.19 Following appropriate training and individual assessment by the PE Manager (or delegated staff) prisoners supervising PE activities must be 'certified' for a determined period. Such certification shall include:

- The type(s) of recreational activity that can be supervised;
- An agreed and published level of PEO supervision; and
- Defined supervision/participant ratios.

4.20 Establishments will provide prisoners supervising PE activities with a 'candidate maintained' log book containing the following information for each PE session:

- Aims;
- Objectives;
- Evaluation (by PE staff); and
- PE operational procedure (pertinent to the establishment).

4.21 Where qualified prisoners are supervising specific PE activities without the direct supervision of PE staff; the following processes must be completed and documented, evidenced and defined by the PE Manager and approved by the Governor or delegate:

- Risk assessment;
- Safe system of operation;
- Evidential background knowledge of the prisoner (accredited prior learning and competence);
- Relevant experience of the prisoner;
- Sporting competency of the prisoner;
- Any lead body qualifications achieved by the prisoner; and
- Security clearance status of the prisoner.

Fitness Suites on Residential Units

- 4.22 Residential based fitness rooms can support an establishment with increased access to out of cell recreational activity ⁵ and support the wider health initiatives for individual prisoners. Health and Safety of both staff and prisoners must be prioritised and a full risk assessment must be carried out prior to use.
- 4.23 Fitness suites are dedicated rooms or spaces outside of the main PE department and may often be former prisoner accommodation that have been converted for use as a facility for prisoners to take part in physical activity on the residential unit. Where these facilities are not directly supervised by PE staff additional systems and risk assessments are required to ensure appropriate use and maintenance.
- 4.24 To ensure full compliance with these requirements a named member of staff must be assigned responsibility for each Fitness Suite. Those responsible for PE and out of cell recreational activities must ensure that relevant Health and Safety legislation is complied with at all times for everyone using fitness suites on residential units. The following requirements are appropriate due to the remoteness of the facilities from the PE department.
- Equipment must be purchased using the approved sources and items must meet minimum standards – please consult the PE department if in doubt;
 - All equipment must be inspected by a specialist contractor on an annual basis to check suitability for use;
 - Only cardio vascular and similar resistance type machinery must be used;
 - A full risk assessment must be undertaken to determine the type of equipment that is suitable for use with limited supervision;
 - Regular checks (at least daily) must be made by a competent member of staff to ensure the facility is clean, tidy, free from any Health & Safety hazards and is fit for purpose;
 - Equipment must be checked on a daily basis (prior to use) by a qualified member of the PE department and recorded as suitable for use;
 - Wherever possible posters illustrating safe systems of work and equipment user instructions should be visible at all times;
 - Risk assessments and safe systems of work should be completed for all equipment and activities including local attendance procedures and access controls;
 - Cleaning and maintenance schedules should be in operation for both the room and equipment; and
 - Prisoners undergoing medical restriction must not have access to the activity areas.
- 4.25 The level of control and supervision of prisoners will be determined locally following a thorough risk assessment and safe system of work. Suitably qualified prisoners can offer advice and guidance to other prisoners under the 'indirect' supervision of the PE staff.

Staff and visitors using PE facilities⁶

⁵ Out of cell recreational activity must not be recorded and promoted as PE activity.

⁶ Staff PE activities are out of scope in the PE Service Specification.

- 4.26 Staff members are encouraged to utilise local PE facilities when not being used by prisoners with the authority of the Governor/Director and the establishment's PE facilities should be made available to staff whenever possible. All staff should be proactively encouraged to use these facilities to ensure they maintain personal fitness and well-being. PE facilities should not be used at any other time than those stipulated by the Governor/Director.
- 4.27 A quality staff PE programme should include:
- A staff induction process with arrangements to ensure that an assessment is completed by all staff prior to participating in PE activities;
 - A structured and published meal time activity programme;
 - PE staff available for supervision, guidance, information and advice;
 - Links with local catering and healthcare departments to promote well person clinics; and
 - Availability of lifestyle screening.
- 4.28 Staff should not use free weights, or participate in any contact sport (including football) unless under the direct supervision of a competent person. Health and Safety requirements should be a key consideration at all times and Health and Safety legislation applies equally to staff when using the PE facilities.

5. DELIVERY, OUTCOME TARGETS AND MONITORING

- 5.1 A competent Manager in each establishment will be responsible for ensuring that the PE provision complies with the PE Service Specification Document and this Prison Service Instruction.
- 5.2 PE departments must have an Annual PE Delivery Plan. This must include activity targets, PPL and access targets, planned national accreditation delivery⁷ and projected budget expenditure agreed by the Governor. The plan must contain written evidence of an ongoing system of review that informs changes in delivery and performance.
- 5.3 All PE departments must carry out an annual Self Assessment Report and produce an agreed action plan to aid the continuous improvement process in line with the Common Inspection Framework (CIF) as directed by the establishment's Quality Improvement Group.
- 5.4 PE departments must survey the views of prisoners regarding PE provision every 6 months, publish an analysis of the findings and include an agreed local action plan.

6. PROCUREMENT OF PE GOODS AND SERVICES

- 6.1 For public sector prisons, the Prison Service national procurement model must be followed when acquiring goods or services in accordance with [PSO 7700](#).
- 6.2 When considering installing any type of artificial surface as part of a new build construction or other project, local PE departments must consult with their Regional PE Adviser who will liaise with appropriate specialists. This will help ensure that the most appropriate solution is specified to match the particular needs of the establishment.
- 6.3 When considering installing any type of outdoor fitness equipment local PE departments must consult with their Regional PE Adviser who can advise on the Health & Safety requirements, the suitability and cost effectiveness of investing in this type of equipment.
- 6.4 PE departments must not supply any form of dietary supplement or alleged "sport enhancing" additives to prisoners. Individual applications (from prisoners) for these items must be referred to the Healthcare department in the prison.

⁷ Subject to commissioning through the PETS Specification.

Stage 1 – initial screening- Physical Education (PE)

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?

In accordance with Prison Rules, to provide clear instruction to Governors and PE staff on the legal, safe and decent delivery of Physical Education to prisoners including the steps needed to ensure the provision of a quality PE programme whilst taking into account the differing and special needs of prisoners.

Effects

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

The PSI including the Physical Education (PE) Operating Manual supports the implementation of the Service Specification for PE in prisons and sets out the mandatory instructions in order to provide effective PE for prisoners. There are no major changes in the requirement to deliver a safe, decent and legal PE programme that helps ensure that prisoners are physically fit to engage with the prison regime and maintain physical health and mental fitness whilst in custody and also on release.

The PE Service Specification states that prisoners have access to an approved and published minimum number of PE hours per week as defined in the SLA/contract (adults and young offenders).

It is recognised that the legal minimum requirement may not always provide a safe and decent level of PE provision. There must be a consideration of local needs when agreeing an appropriate level of PE provision for individual establishments. The Chief Medical Officers (CMO) recommendations for activity may also be a consideration in determining a decent level of PE activity; these differ for young and older people. This includes the quantity and type of activity that should be provided for these different groups to maintain health.

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 PE Service Specification has recently been issued and this may impact on the service's ability to support equality and diversity practice. In setting a minimum number of hours there is the potential that establishments may support activities which produce the greatest outcome whilst ignoring the need for a balanced PE programme which supports the diverse needs of the prisoner

population. Comprehensive monitoring of the balance of PE programmes would need to be established to ensure equality of access and not just numbers driven attendance outcomes. The PE Service Specification has the potential to impact on Prisoner Participation Levels (PPL). The current range and variety of activity delivered through PE establishments may be restricted should establishments choose to prioritise only those activities with high attendance figures; an effective balance of PE delivery would need to be achieved which supports diversity and fairness of opportunity for all.

The average attendance from PE Monthly returns indicates that prisoners currently get an average of 4.10 hours PE per week and the PE Service Specification costing spreadsheet recommends 2.50 hours PE per week per prisoner and 4.00 hours in the High Security Estate. This may potentially impact on the diversity of PE sessions provided for prisoners and provision may fall short of the CMO's recommendations in some cases.

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 target group is Governors, PE Managers, PE staff and other prison staff who support them in the delivery of Physical Education.

This policy will also impact on other stakeholders such as: prisoners, the Chief Medical Officer, HMIP and Ofsted.

The Specification, Benchmarking and Costing team have been responsible for producing the PE Services Specification; formal consultation has been undertaken through the Specification, Benchmarking and Costing programme.

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

Feedback obtained through operational establishment visits undertaken by PE Advisors and the delivery of regional PE Workshops that take place annually.

HMIP and Ofsted reports on PE provision.

Formal consultation on the development of the PE Service Specification is available from the SBC team.

Impact

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

Elements of current PE delivery that are out of scope in the PE Service Specification will need to be considered by Governors; these include Learning and Skills, staff training and staff PE activity.

Low attendance classes which often support diversity and variety of delivery in PE may be at risk should high attendance classes take preference to achieve cost outcomes.

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?

Local discretion on the balance of PE provision is allowed and Physical Education for Prisons PSI supports this approach.
 PE Services and establishment PE teams monitor implementation and HMIP and OFSTED assess PE provision as part of their inspection process.
 Other establishment systems are in place to monitor delivery including; local Regime Monitoring, PE Monthly Returns, PPL, SMART II monitoring, MQPL, IMB, Prisoner Request and Complaints and local monitoring systems.
 Governors will hold Service Level Agreements with Deputy Directors of Custody and will monitor application of the policy within service delivery.

Summary of relevance to equalities issues

Strand	Yes/No	Rationale
Race	Yes	
Gender (including gender identity)	Yes	
Disability	Yes	
Religion or belief	Yes	
Sexual orientation	Yes	
Age (younger offenders)	Yes	
Age (older offenders)	Yes	

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.

Regular operational visits to establishments by PE Advisors in line with the Service Delivery Agreement.
 Regular meetings with stakeholders and the production of reports on findings and recommendations to aid continuous improvement.
 Include SMART monitoring results on national PE monthly monitoring returns.
 Include the monitoring of type and number of complaints on national PE monthly monitoring returns.

Inspect the use of PE restrictions and ensure that if a formal process is implemented locally it is agreed by the Governor.

Inspection of PE programmes to ensure balance of delivery including variety of activity, provision of Exercise Referral/Remedial classes and specific age related classes when required.

Impact is discussed at area PE Advisory meetings on a monthly basis.

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

Regular reviews and consultation are used, these include the following:

- Regular operational visits to establishments in line with the Service Delivery Agreement.
- Regular meetings with the stakeholders and producing reports on the findings and offering recommendations to aid continuous improvement.
- A full evaluation of PE provision is included through the PE Review process.
- PE departments are completing impact assessments locally on the delivery of PE.
- Action is ongoing locally within each establishment on identified areas of improvement these include: -
 - The collection and use of establishment demographic data when revising PE programmes.
 - Analysing the results of local user surveys and publishing findings.
 - Challenging the fairness of systems for allocation to PE classes.
 - Monitoring of the restricting of prisoners access to PE under the approved guidelines.

	Name and signature	Date
Policy lead	Owen Sidaway	
Head of group	Mark Read	

Stage 2 – full Equality Impact Assessment

Where relevance to one or more equalities issues has been identified during the Initial Screening, a full equality impact assessment must be carried out.

This involves the collection of monitoring data and other relevant information and consultation with stakeholders with a view to producing a full account of the relevant equalities issues and an action plan to address them.

Summary of issues identified during initial screening

Briefly identify which equalities issues you will be considering and the results of the initial screening.

There is an impact of Physical Education provision in all equality strands.

Management and monitoring

Describe the systems in place to manage the policy and to monitor its operation and outcomes.

Comment on the adequacy of the systems and note any improvements that you will make to them. Include a description of and/or extracts from recent monitoring results and provide analysis of them.

PE Services work closely with prison Line Managers and Heads of Function through PE Services operational visits. The PE Review process gathers feedback on the general implementation of the policy; this includes equality issues and where good practice exists in this area, we disseminate it. PE Services are consulted on any legal matters, inspection reports or parliamentary questions and correspondence where any concerns or issues are raised in relation to Physical Education delivery. Local data is collected in order to analyse Physical Education provision, equality of access and user need. National PE Senior Officer workshops take place to disseminate good practice in PE provision.

Data is collated and analysed nationally through PE Monthly Returns this includes information submitted by PE Managers; this is collated and stored on databases at PE HQ. The data includes PE staffing levels, prisoner purposeful activity hours, PE activity hours, Learning & Skills hours, Work Skills targets, access figures, number of awards, number of complaints, lost hours and number of accidents.

Operational visits are carried out by Regional PE Advisors these include observations and improvement recommendations on PE provision, meetings with Governors, Functional Heads, PE Managers, prisoners and staff.

Local monitoring in various forms including Regime monitoring; ethnic monitoring systems in conjunction with Systematic Monitoring and Analysis of Race Equality Template (SMART monitoring), Learning & Skills monitoring of classroom efficiency and recruitment retention/achievement, student/prisoner feedback and local surveys undertaken by PE staff on prisoners' preferences.

Evidence

If you have not already done so in Stage 1, identify other 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.

Summarise and discuss recent relevant evidence from these sources.

OS&IG are consulted on any legal matters, inspection reports or parliamentary questions and correspondence where any concerns or issues are raised in relation to Physical Education provision. PE monthly monitoring returns confirm that currently there is sufficient allocated resource time for every individual to participate in the required level of Physical Activity in accordance with Prison and YOI Rules.

The National Audit Office Report 2006. Serving Time: Prisoner Diet and Exercise: states that equality of opportunity is generally good in terms of compliance with PS Standard 38 (PE) audit baseline requirements⁸, although the audit for PE is currently suspended.

⁸ National Standards Audit results demonstrated an average score of 4 (Risk is managed, objectives are met, no further action is required) in year 2006/07 on baseline 38.18 Systems are in place to ensure all prisoners have equality of access to PE activities and programmes and baseline 38.19 Records of application and use of PE Services must be maintained and monitored to ensure equality of opportunity.

Establishments carry out local Impact Assessments on PE Delivery.

PE monthly monitoring returns confirm that the percentage uptake of Physical Activity in prisons is above the national average identified by the Active People Survey 2006⁹ currently this is a national average of 56% Prisoner Participation Level.

A large percentage of PE departments reported a higher proportion of PE attendance of ethnic minority prisoners participating in PE activities although some national statistics and data on SMART monitoring in PE are no longer available for analysis.

Consultation

If you have not already done so in Stage 1, identify the target group and other interested parties.

Explain how you have involved stakeholders, both generally in the development of the policy and specifically how groups representative of the relevant equalities issues (including 'hard-to-reach groups') have been engaged as part of the EIA process.

Capture main points of feedback from them.

Regular operational visits from the PE Advisors' will enable PE Services to gather feedback on PE provision and examine examples of good practice.

Regular meetings between PE Services and the PE College to review and identify suitable training for PE Officers to encourage diversity and variety in PE delivery at establishments.

PE Advisors have met on a number of occasions with SBC to discuss the level of safe, decent and legal PE which would also meet the requirements of key stakeholders. Any reduction in current PE delivery which is set as a result of a published agreed minimum number of PE hours per week as defined in the SLA/contract for adults and young offenders has the potential to impact on hard to reach groups.

Feedback obtained through formal consultation is available from the SBC team.

Discussion

Consider and compare results from previous sections.

Consider in particular issues of stakeholder confidence and local discretion.

None identified

⁹ The Active People Survey provides the most detailed, comprehensive research on sport, physical activity and active recreation ever provided across each local authority in England

Conclusion

Summarise and make an overall assessment of the impact of the policy or function on the relevant equalities issues. Identify any adverse impact on any group.

Highlight examples of success and good practice.

Describe the key issues that remain to be addressed.

The current range and variety of activity delivered through PE departments in establishments has seen a significant increase in PPL which is now an average of 56% across HMPS and delivery supports the Reducing Re-Offending Pathways.

Any reduction in PE delivery has the potential to impact on provision for a number of hard to reach groups and any impact would need to be monitored; an effective balance of PE delivery would need to be achieved which supports diversity and fairness of opportunity for all.

The Specifications for other elements currently delivered by PE staff have not yet been published, this includes out of scope PE delivery such as staff activity supervision, staff training and any Learning & Skills delivery through PE.

Action plan

Issue to be addressed	Action to be taken	Manager responsible	Target date
PE Advisory visits to assess level of PE provision for all prisoners who wish to use the PE facilities in line with minimum number of PE hours per week as defined in the SLA/contract (adults and young offenders).	Regular PE Advisor Operational Visits.	Head of PE Services PE Advisor Team	July 2012
Continue to develop the PE Monthly Returns IT programme to assist with PE strategic decision making.	Consultation with PE Advisors and PE staff by December 2011.	Head of PE Services PE Advisor Team	Dec 2011
PE Advisory service to monitor the balance of PE programmes on PE Advisor Operational Visits.	Regular PE Advisor Operational Visits.	Head of PE Services PE Advisor Team	Ongoing
PE Advisors to ensure that PE staff do not use their discretion when restricting prisoner's access to PE facilities.	Regular PE Advisor Operational Visits.	PE Advisor Team	Ongoing
PE Advisory Service to organise national PE Senior Officer workshops to disseminate good practice and develop the skills of PE Managers.	PESO Workshops to be arranged annually.	PE Advisor Team	Jan 2012

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Publication

Describe the arrangements for making the document available to the various stakeholders.

Formally issued via Prison Service Intranet and circulated to key stakeholders via OS&IG.

Review

Indicate method for reviewing progress on the action plan and proposed date for formal review of the EIA.

October 2012

	Name and signature	Date
Policy lead	Owen Sidaway	
Head of group	Mark Read	