



# Prison Service Order

ORDER NUMBER

4480

<b>Date of Issue / Amendment</b>	
03/07/2002	
Amendments can be tracked in the Numerical Index.	
PSI Amendments should be read before and in conjunction with PSO	

## PRISONERS' REPRESENTATIVE ASSOCIATIONS

### Introduction by the Director of Resettlement

1. This Prison Service Order (PSO) gives advice to Governors and Controllers on how to respond to prisoners who wish to set up, participate in, or become members of prisoner representative associations.

### Output

2. The PSO applies to prisoners held in both publicly managed and contracted-out prisons, and provides both mandatory instructions and guidance on prisoners' representative associations.

3. The operation of prisoners' representative associations will be a matter for local discretion. In deciding how far to allow such associations to operate within their establishments, Governors and Controllers must take account of local conditions and the potential implications for good order or discipline (GOOD). The nature of imprisonment cannot allow for representative structures wider than establishment level. Associations can therefore have no standing at either national or area level.

### **Impact and Resource Assessment**

4. This PSO brings together and clarifies existing ad-hoc arrangements with regard to prisoners' representative associations, based on Article 11 of the European Convention on Human Rights. The concept of prisoner representative bodies is not new. Many establishments have found such committees to be an effective channel for communicating with, and getting feedback from, prisoners on issues ranging from race relations to video clubs. There are therefore no additional resources for establishment interaction with prisoner representative associations.

### **Audit and monitoring**

5. Area Managers are asked to monitor the implementation of this PSO in their prisons and Prisoner Administration Group will seek information from them in due course.

### **Contact Point**

6. For security or intelligence issues contact National Operations Unit Tel: 020 7217 6500. For general advice about this PSO contact either Steve Porch or Geoff Underwood, Prisoner Administration Group Tel: 020 7217 6567 or 020 7217 6383.

**NOTE FOR ESTABLISHMENT LIAISON OFFICERS**  
*ELOs must record the receipt of the Prison Service Order - 8840 in their registers as issue 155 as set out below. The PSO must be placed with those sets of orders mandatorily required in Chapter 4 of PSO 0001.*

<b>Issue no.</b>	<b>Date</b>	<b>Order no.</b>	<b>Title and / or description</b>	<b>Date entered in set</b>	<b>ELO signature</b>
155	03/07/02	4480	PRISONERS' REPRESENTATIVE ASSOCIATIONS		

**Colin Harnett**  
**Acting Director of Resettlement**

## Summary of policy

1. Article 11 of the European Convention on Human Rights guarantees the freedom of peaceful assembly and association with others. In this context “association” means the right to form or join a group with others sharing a common interest and so applies to prisoners wishing to form or join representative bodies of other prisoners. But, it is a qualified right. It can be interfered with to prevent disorder or crime, provided any interference is proportionate. In deciding how far to allow prisoners’ associations to operate in their establishments, *Governors and Controllers must take account of local conditions and the implications for good order or discipline (GOOD). The arrangement must be kept under review.*
2. Any permitted associations and their members have no rights or privileges beyond those enjoyed by an individual prisoner. They have no standing at area or national level. There is no obligation to provide facilities, e.g. photocopying, at public expense. The normal rules apply with regard to access to the media by members of associations.

## Current situation

3. The Prison Service encourages prisoners to take responsibility for their actions and to help both themselves and fellow prisoners. Prisoner representative bodies are not new. Representative committees already exist in a number of guises in many establishments and are involved in a range of activities from race relations committees to video clubs. Establishments have found such committees to be an effective channel for communicating with, and getting feedback from, prisoners.

## Good order or discipline

4. *Any associations allowed to operate in prisons must not compromise GOOD considerations.* The European Convention on Human Rights allows interferences to be made on the freedom of association in the interests of national security, the prevention of disorder or crime, or for the protection of the rights and freedoms of others. *Any interference must be proportionate and necessary in a democratic society.* Governors can restrict the activities of associations if they act in a way which is incompatible with the maintenance of GOOD. Examples of potentially inappropriate activities for associations to become involved in include; security issues, offending behaviour programmes, searching strategy, sentence planning, drug strategy, categorisation, transfers etc. This list is not exhaustive.
5. GOOD considerations will vary between types of establishments. For instance, there are likely to be different considerations between resettlement or open prisons and establishments in the High Security estate. GOOD considerations may also vary from time to time within the same establishment. Stricter controls on activities across an

establishment may be an appropriate temporary measure in a variety of circumstances, for instance during a period of partial decanting, or in the aftermath of a serious disturbance.

6. Where security intelligence indicates that activities contrary to GOOD are being planned, an establishment does not need to wait until an act of indiscipline has actually taken place before appropriate preventative action can be implemented.
7. Even the most well intentioned association may attract individual members wishing to subvert its activities for their own purposes, such as bullying or paedophilia. Monitoring is therefore essential.
8. Further advice can be sought from National Operations Unit. Tel. 020 7217 6500.

### **Recognition of associations**

9. The Prison Service is under no obligation to recognise or enter into dialogue with any prisoner association. By the nature of imprisonment, the views expressed by officers of associations are unlikely to be fully representative of their membership, and their membership may not be representative of the views of all prisoners in an establishment. *This must be recognised in considering views expressed by associations.* The nature of imprisonment cannot allow for representative structures wider than establishment level. Associations can therefore have no standing at either national or area level. *Communications from members of prisoner associations to Prison Service staff must be treated in the same way as correspondence from any serving prisoner or member of the public, as appropriate.*

## **Local discretion**

10. It will be a matter for local discretion, within the provisions of the Human Rights Act, how far an establishment permits the operation of individual associations and consults with them. This guidance recognises that concerns about, and opportunities to engage with, prisoner associations may vary widely from establishment to establishment.

## **Facilities and privileges**

11. There is no obligation on the Prison Service to provide any prisoner association with special facilities. Nor is there any obligation to provide facilities to associations at public expense.
12. Governors may wish to impose other local restrictions, such as:
  - the prohibition of meetings during workshop or education hours;
  - not excusing prisoners from work commitments to attend meetings;
  - withholding any right to group consultation or negotiation with management or staff;
  - withholding any right of access to existing committees with prisoner representation.
13. Associations and their members have no entitlement to rights or privileges beyond those enjoyed by individual prisoners. For instance, in matters such as corresponding or associating with fellow members of an organisation, or in being given access to the media, they will be subject to the same restrictions that are in force for other prisoners in a comparable situation.