National Offender
Management Service

HM PRISON
SERVICE

Public Sector Prisons

Regime Management Planning Guidance

March 2017

Contents

1. Introduction

1.1   This guidance supports the arrangements for the creation and application of Regime Management Plans (RMP) in line with policy. It includes clarification on mandatory components of the RMP and suggested templates and process steps for the creation of RMP. The document aims to provide guidance and a best practice approach. It does not vary or override the content of policy.

1.2   There is a legal responsibility under the Health and Safety at Work Act 1974 to control risks within the work environment and RMP form a fundamental part of this process within prisons.

2. Background

2.1   Prisons will from time to time have to make difficult decisions on how they deploy limited staff resources to best facilitate activities and services.

2.2   It is recognised that most prisons will already have systems in place for the day to day management of staff resources; however it is essential that we continue to improve and shape systems, to ensure that regimes are Safe, Decent, Secure, Resilient and Sustainable.

2.3   Review of existing systems has identified weaknesses in the following areas:

- Communication of regime alterations to managers, staff, prisoners and service providers.
- System integration with Health and Safety (H&S) Risk Assessments (RAs) including alarm response requirements
- Constructive engagement with unions and adherence to agreed plans.
- Setting of Minimum Staffing Levels (MSLs)
- Application and content of RMP
- Use of RMP within the open estate

2.4   The revised guidance aims to support prisons in addressing each of the aforementioned weaknesses.

3. Mandatory Outcomes

3.1   All prisons must have a Regime Management Plan in place that is locally developed to meet required outcomes of RAs and is tailored to the function, design and population of the prison.

3.2   Local operating procedures for the supervision and unlocking of prisoners are developed using the template provided within the RMP Guidance (Section B).

3.3   A process for the review of RMPs must be in place; as a minimum this must be on an annual basis. Additional reviews will be required during the RMP implementation period and in response to changes to RAs / significant changes to activity and service delivery, for example re-profiling exercises and significant resourcing changes.
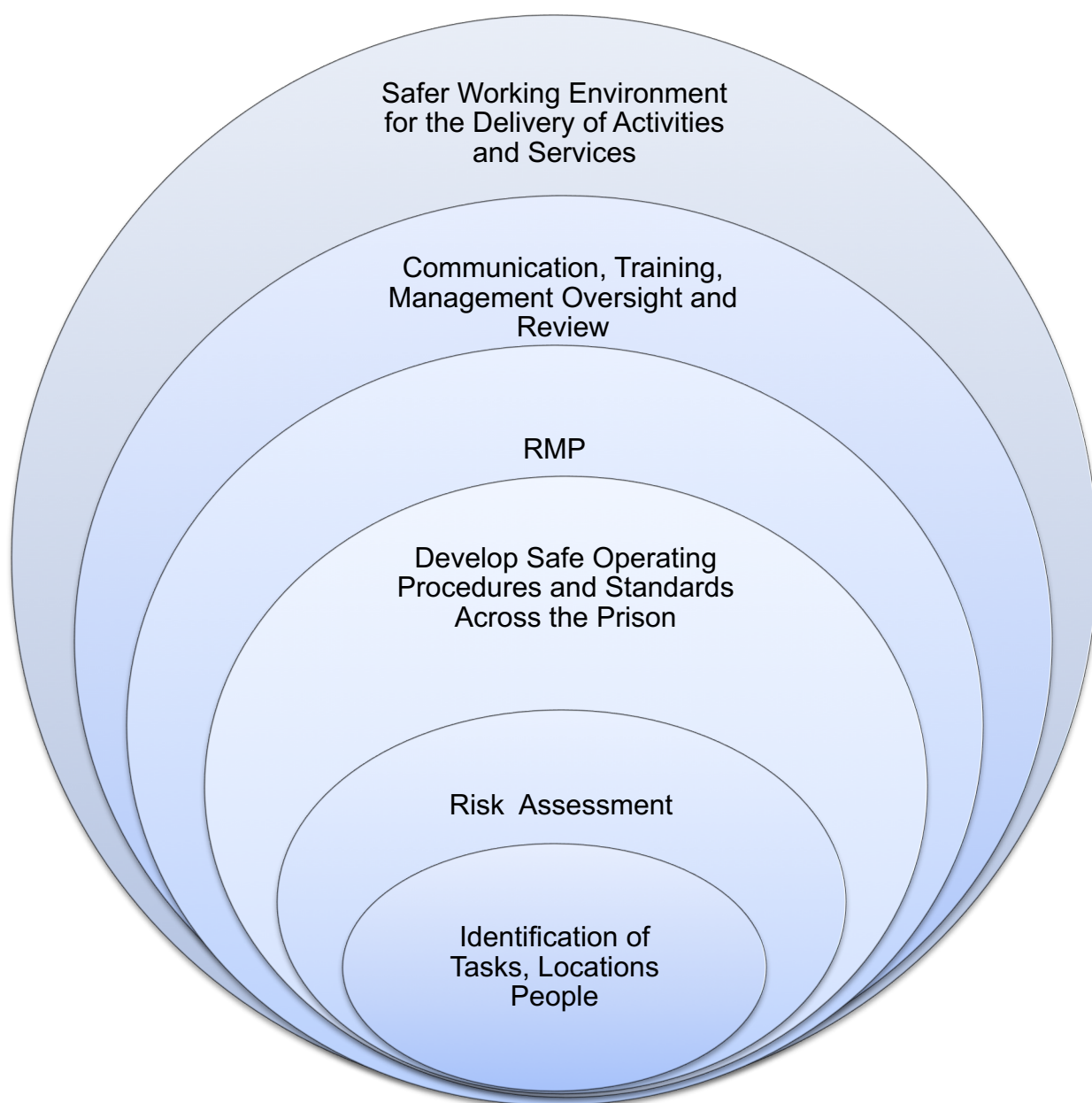
3.4   Evidence of constructive local engagement with trade unions must be provided for each outcome in the form of an engagement log signed by both parties.

3.5   Where disputes arise during the creation or application of the RMP guidance, the local disputes process must be followed.

4.   What is a RMP?

4.1   A RMP will clearly set out the full range of prisoner activities and services that will be delivered within the prison. It will identify and communicate required staffing levels, safe operating procedures and processes to manage short and long term regime planning.

4.2   Figure 1 below provides an overview of the development of the RMP. Additional detail of each stage is provided within the body of guidance document.

Safer Working Environment for the Delivery of Activities and Services

Communication, Training, Management Oversight and Review

RMP

Develop Safe Operating Procedures and Standards Across the Prison

Risk Assessment

Identification of Tasks, Locations People

4.3   All RMPs will be produced on the principle of matching planned delivery to the available resource; ranges of delivery and resource will be defined as 'regime operating states'.

4.4   Regime operating states will provide a framework for the stepped reduction or increase of both delivery and resources, through a clearly defined plan of activities and services. The operating states will allow flexible management of regimes for planning future delivery against forecasted resources and when responding to shorter term operational needs such as short term sickness, unplanned escorts and bed-watches and lock down searching.

4.5   The following regime operating states should be used to capture delivery of activities and services:

- Green (Full delivery)
- Green - Amber (Majority of activities and services delivered)
- Amber - Red (Reduced but sustainable delivery of activities and services)
- Red (Delivery of basic activities and services not sustainable beyond short term)
- Patrol / Night State

4.6   Figure 2 below outlines how delivery and resources should be stepped down to deliver the required outcomes for the regime operating states.
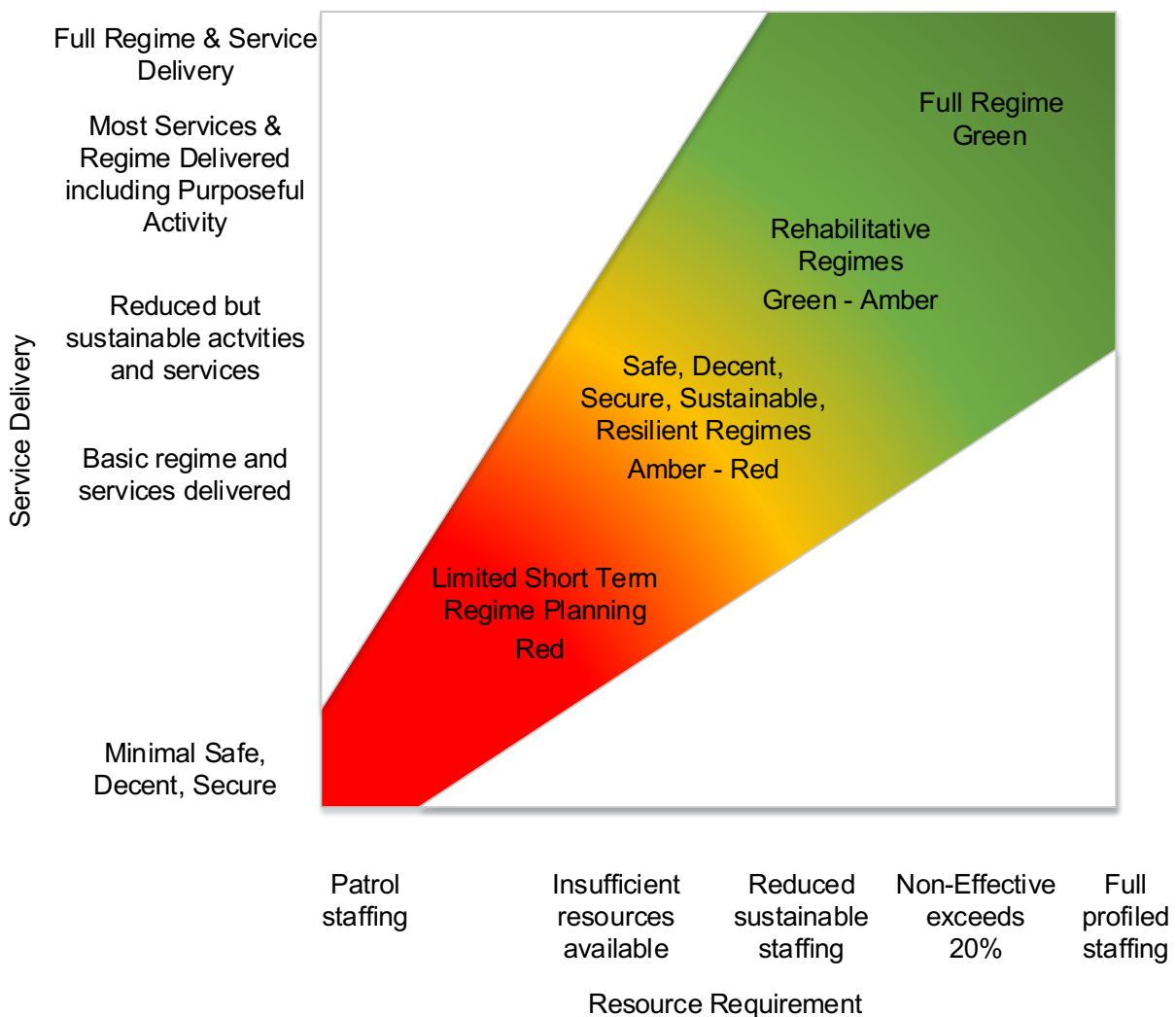
4.7   The most critical part of the RMP process will be the communication of the plan and the flexible application of its content. When planning communication, local process should consider the needs of operational staff, managers and stakeholders (including service providers and prisoners).

4.8   To deliver these outcomes it is best practice for RMPs to be split into three distinct sections:

A. Prison Activity and Services Information
B. Prisoner Supervision and Unlocking Operating Procedures
C. Prison Regime Operating Procedures

A. Prison Activity and Services Information

4.9   The Prison Activity and Services Information section will be used by all staff and stakeholders and should provide a clear overview of the activities and services on offer. This section will also provide assurance of planned regime delivery including as a minimum:

- An indicative prisoner regime offer for each operating state
- The core day (for each planned operating state if different)
- Summary of purposeful activity places (for each operating state if different)
- Overview of additional regime on offer such as visits, gymnasium and religious services.

4.10   Annex A provides a supporting template for the Prison Activity and Services Information section.

B. Prisoner Supervision and Unlocking Operating Procedure

4.11   The Prisoner Supervision and Unlocking Operating Procedure section has two purposes. Firstly, to determine the agreed regime and required staff resource. Secondly, to be a primary aid to all prisoner facing staff. The document should be used during staff inductions and be made easily available as a reference document to all prisoner facing staff.

4.12   Procedures will provide an overview of the controls required from local H&S RAs to reduce risk of harm including:

- Safe Operating Practices
- General Alarms
- Training
- Staff Support Services
- Personal Protective Equipment (PPE)
- An overview of the function of both prisoner activity and residential areas
- An overview of relevant controls within prisoner activity and residential areas
- A breakdown of staffing levels for each operating state for prisoner activity and residential areas

4.13   Where appropriate, it is expected that the Prisoner Supervision and Unlocking Procedure will be merged with current Safe Systems of Work. A template is provided at Annex B.

C. Prison Regime Operating Procedure

4.14   The Prison Regime Operating Procedure will be used primarily by operational managers and people hub staff. It will provide an overview of delivery within each operating state and descriptions of the underpinning process used to manage regimes; it will also provide specific instruction for the management and planning of daily regime delivery. As a minimum it will include the following elements:

- Process for daily compliance checks
- Orderly Officer guidance sheets
- Alarm response and fixed posts requirements
- Target Staffing Figures for each operating state and daily staffing ranges
- Overview of flexible tasks and non-flexible tasks
- Overview of regime curtailment options
- A process for communicating the daily operating states
- A process for communicating that the required alarm response is in place prior to unlock
- A process for communicating the curtailment of activities and services to staff, prisoners and service providers
- Local process for planning the delivery of activities and services
- Local process for recording regime curtailments and operating states
- Minimum Staffing Levels (MSLs)

4.15   Annex C provides a supporting template for the Prison Regime Operational Instruction.

5. Constructive Engagement

5.1   It is a mandatory outcome that the development and application of the RMP entails constructive engagement with local unions; this is inclusive of the initial design, required reviews and its day to day operation. It is best practice to achieve this through a joint working group during the design phase and the RMP should remain a live document post implementation. To enable all interested parties to initiate appropriate reviews of the RMP it should be a standing agenda item for management meetings with local trade unions.

5.2   It is important that adequate time is provided to local trade union officials and members to discuss proposals, and this will include time outside of management meetings, to digest information and share outcomes with both local trade union committees and branches.

5.3   An evidence log of constructive engagement must be kept by both management and the POA; this should include but not exclusively:

- Minutes from meetings
- Allocated time
- Correspondence including emails and draft versions of plans

6. Delivery of Activities and Services

6.1   All profiled activities and services will need to be mapped into the regime operating states. This process should be achieved in communication with service providers and prisoners, using a whole prison approach. As part of the planning process consideration should also be given to delivery of critical work delivered by non-operational staff such as prisoners' mail and prisoners' monies.

6.2   Service and regime prioritisation will depend on local needs but should take into account the characteristics of the operating states. Figure 3 below gives an indicative picture of how service delivery and resources would map into the regime operating states

- Remaining flexible work delivered

- Additional services delivered
- Most on wing activities delivered
- All activity Patrols in place

- Additional flexible work delivered (MDT, Essential Training, Facility Time)
- Additional officers for on wing activities
- Enabling services delivered
- All work delivered by the appropriate grades
- Activity patrols (for some regime / purposeful activities, including key workers, religious services and programme delivery)

- Safer Custody facility time
- Escorts (emergency or planned)
- Visits
- Sufficient staff for meals, domestics and exercise
- FNC
- Day state alarm response in place
- Alarm response officers in place to move prisoners to reception.
- Reception staff

- Response officers to manage controlled unlocks and medical emergencies
- Patrols

6.3   Whilst delivery and resource will be mapped into operating states based on local circumstances, the plan for the Amber - Red operating state should provide for a regime that can be delivered predictably and, although it does not include some key services, it is Safe, Decent, Secure, Resilient and Sustainable. This will normally entail as a minimum:

- Some purposeful activity including programme delivery, key workers and limited gymnasium.

- Some domestics including daily access to a shower; phone call; exercise; applications for all prisoners; and some level of wing association judged to be sustainable, albeit restricted.
- Essential services including planned hospital and emergency escorts, some offender management, health clinics, reception and induction.
- Essential regime including serving meals, visits, kit change, canteen, religious services, and medication issue.

6.4   To note it is accepted that the Amber – Red operating state will not maintain delivery of all performance targets.

6.5   Where resources cannot reliably facilitate delivery of the aforementioned activities and services, this could lead to operational stability issues and must be escalated through the operational line. The section on Operational Stability (see page 13) provides further clarity on how prisons will be supported.

6.6   To provide assurance and to communicate expectations for delivery, the prison activity and services information section of the RMP will outline a clear regime offer for the Green, Green – Amber and Amber – Red operating states, outlining the indicative time spent unlocked for both prisoners at work and those remaining on residential units. RMPs will need to include the planned core day and an overview of purposeful activity spaces, inclusive of unpaid purposeful activity such as recreational gymnasium and visits.

6.7   When planning delivery of activities and services, prisons should strive to maximise the purposeful activity and the prisoner association at the given staffing levels. For the purpose of this document, purposeful activity is defined as that which is generally accepted as having a positive impact on prisoner well-being and/ or rehabilitation. This will normally include all paid activity, prisoner interventions, Offender Management work, gymnasium and the minimum activity outlined within the Amber – Red operating state. For clarity in this context wing association / wing based recreational activity is not considered as purposeful activity, but some level of association is considered necessary for stable and sustainable regimes, albeit restricted ones.

6.8   When working within the Amber - Red operating state, some prisons may struggle to carry out normal free-flow movements. Purposeful activity may also conflict with other priorities such as the need to ensure daily access to showers, phone calls, exercise and applications. In such instances thought will need to be given to temporary curtailment of some purposeful activity. When planning the curtailment of purposeful activity consideration should be given to contract management, service providers, utilisation of instructor resources and alternative options, such as a reduction of the activity window and the use of controlled unlock and lock up procedures to facilitate movement to and from activities.

7. Red Operating State

7.1   At the red operating state, staff availability is insufficient to deliver the expectations of the Amber-Red state. Regime delivery is significantly compromised such that MSLs cannot be met (see section 14) and operational stability cannot be maintained (see section 19). This position is only sustainable in the short term, where exceptional pressures cause an establishment to be in the red state fleetingly. Action will be needed to improve stability if an establishment is frequently in the red state - see section 19.

8. Health and Safety Risk Assessments

8.1   Once regime activities and services have been identified they must be risk assessed to ensure that they are effectively controlled. Written H&S risk assessments will need to be completed for any tasks which give rise to significant risks to staff or third parties and where controls over the risk are not seen to be adequate to control the risk. In these cases, additional measures will need to be identified to control them.

8.2   Risk assessments will identify the controls required to undertake work safely and may influence the number of staff needed to carry out a task or the way in which a task is undertaken. It is recognised that most tasks should have already been risk assessed and may have agreed safe staffing levels associated with them. Where this is the case the current working practice can be maintained, but must be documented as part of the RMP. RMPs must ensure the controls across the whole prison will provide adequate alarm responses wherever incidents occur.

9. Staffing Ratios

9.1   It is important to note that staff to prisoner ratios alone must not be used as a basis to set staffing levels and that staffing numbers must only be established in consideration of the hazards and their risks, as identified within H&S RAs and the local controls available to reduce risk.

10. Controlled Unlocks / Lock Ups

10.1   Reducing the number of prisoners out of their cells using controlled unlocks / lock ups can be an effective way of enabling task delivery when operating with reduced staffing numbers. This process can be applied to tasks such as prisoner movements, domestics, serving of meals and delivery of activities. Procedures for the delivery of tasks using controlled unlocks, including the identification of staffing levels, must be established on the basis of the controls required to reduce the risk of hazards and not on staffing ratios.

11. Alarm Response

11.1   As part of H&S requirements the baseline staffing of the Red operating state will need to provide an agreed alarm response for cumulative delivery of activities and services across the prison, up to and including the Green regime. A system should be in place to inform staff prior to each period of unlock (i.e. AM, PM or ED), that the alarm response requirement has been met and that unlock can commence[1].

11.2   The alarm response must be maintained during all periods of unlock and will not be reduced by any factors either predictable or unpredictable. Staff detailed for alarm response must be in date with C&R; and have the correct personal protective equipment for example radios, shoes and batons.

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[1] It is recognised that this will not be achievable in open prisons where staff do not directly regulate the unlock of prisoners.

12. Establishing Alarm Response Requirements (Incident Response Mapping Exercise)

12.1   When setting alarm response levels, managers will consider a number of factors which would determine the effective response to areas from the identified alarm responders. Factors may include prisoner risk, numbers of prisoners, distance to travel, doors to unlock, levels in building and physical obstacles en route. These factors will vary from site to site and need careful examination in determining an effective response plan. Annex D provides further guidance on establishing alarm response requirements.

13. Operational Resilience

13.1   In addition to the alarm response, some contingency should be provided within the RMP to manage unplanned resourcing pressures such as emergency escorts and this should be provided through the redeployment of staff from tasks which can be curtailed without impacting on safe staffing levels. When considering resilience, need should be based on local trends and health and safety requirements.

14. Minimum Staffing Levels

14.1   Underpinned by the establishments agreed Risk Assessments and safe operating procedures, Minimum Staffing Levels (MSLs) are the agreed operational staff resource required to meet a prisons minimum expectations for regime delivery.

14.2   The following description of MSLs is provided by Bulletin 8:

 'In the interests of staff and inmate safety, security and control, minimum staffing levels should be set by Governors in consultation with Regional Directors after discussion with the local branch of the POA.'

14.3   The MSL should provide a risk assessed alarm response and for planning purposes, it is recommended that the MSL should sit at the bottom of the Amber – Red operating state.

14.4   The Amber – Red operating state itself should not be considered as the MSL. Characteristically the Amber – Red operating state should be sustainable, whereas the MSL may not be sustainable for longer periods of time. Additionally, the Amber – Red operating state will provide a staffing 'range' to deliver activities and services. The MSL however represents the minimum staffing requirement and reflects the level of activities and services that must be delivered at a fixed point in time.

14.5   With the exception of patrol periods where staffing is already set at the minimum level, Governors must ensure that there is 'clear blue water' between the MSL and Full Staff Profile (FSP). For clarity the FSP is the number of staff required to deliver the optimum level of activity and service delivery as set out by the prisons operational staff profiles. Where MSLs are repeatedly used and/ or there is a significant rise in staff TOIL, the MSL should be reviewed to ensure that it has been set at the right level and that there are sufficient staff available to meet requirements.

15. Operating State Staffing Levels

15.1   Each operating state must be underpinned by H&S risk assessments, local operating procedures and an identified staffing range to deliver a stepped reduction or increase to activities and services.

15.2   To assist with longer term work force planning it is essential that prisons understand the impact of running with higher than the planned non-effectives and or vacancies. To facilitate this requirement, the Green, Green - Amber and Amber - Red operating states should have a Target Staffing Figure (TSF).

15.3   The TSF for Green will be the profiled TSF. To establish a TSF for the Green - Amber and Amber - Red operating states, the profiled hours required for the respective activities and services should be calculated into full time equivalents. Additional guidance on establishing and testing staffing requirements is provided at Annex D.

16. Orderly Officer

16.1   The Orderly Officer is responsible for the daily management of resources and is expected to make decisions with regard to regime delivery. In order to be able to make informed judgments about any amendments to regime delivery that may be necessary during the course of the day, it is crucial that Orderly Officers have a full understanding of the different operating states within the RMP and must therefore be included throughout the regime management planning stages. During times of operational instability or other acute pressures, the Orderly Officer may need support from the Duty Governor, other managers and the People Hub in order to help with the effective management of resources.

17. People Hub

17.1   The People Hub is responsible for forecasting resourcing needs 2 weeks in advance, including long term sick, training and annual leave and will maintain responsibility for the detail until the day before the detail goes live. Forecasting allows for advance planning of resources and where shortfalls are identified local systems should be in place to revise and communicate plans for regime delivery. Under normal circumstances the People Hub will not be responsible for the daily management of the detail however in times of acute staff shortages the Orderly Officer may need the ongoing support of the People Hub to manage available resources effectively.

18. Management Checks and Compliance

18.1   A management check of available resources must take place prior to each period of unlock (i.e. AM, PM and ED), to ensure that the correct number of staff are available to safely deliver the planned level of activities and services.

18.2   Systems should be agreed locally to allow branch officials to undertake RMP compliance checks and as outlined on page 7 under Constructive Engagement, the RMP should be an agenda item during management meetings with local trade unions to allow both sides to discuss and review issues. If compliance to the RMP is questioned by local unions a system should be in place to review, agree outcomes (where possible) and implement required

actions. Where efforts to resolve perceived non-compliance through ongoing constructive engagement have been exhausted the disputes process may be followed.

19. Operational Stability

19.1   Curtailment of activities and services can lead to operational instability. To reduce this risk prisons will be expected to record and proactively monitor any curtailment of activities and services. In addition, the prisons daily regime operating state AM, PM and ED Monday to Friday and AM and PM at weekends must be recorded.

19.2   If prisons find themselves fluctuating daily between the Green – Amber and Amber – Red regime operating states and this is having a significant impact on the prison's ability to deliver a predictable regime, consideration should be given to the temporary introduction of a reduced but predictable regime that can be delivered consistently with the available resources.

19.3   Recording of daily operating states will not only inform local planning but will provide assurance to the Director of Public Sector Prisons (PSP) of the quality of regime being delivered. Where prisons repeatedly find themselves operating within the Red operating state, or when work force planning indicates that this could happen in the future, this will need to be escalated through the operational line to highlight the risks to stability and consider what assistance can be provided to the establishment.

19.4   Where concerns relating to operational stability are raised two options will be available to help alleviate resourcing issues:

1) The prison will locally remodel their core day and service delivery to provide more predictable access to regimes and services with the resources available to them. To note in this instance regimes must continue to meet the principles of Safety, Decency, Security, Sustainability and Resilience.

2) Central supportive intervention may also be offered in the form of detached duty staffing, by a reduction in operational capacity or temporary staff bonus schemes.

19.5   Prisons operating with either of these mechanisms in place will be reviewed regularly by the DDC to ensure that they are able to return to normal working practice at the earliest opportunity.