



Policy name: Sustainable Operations

Reference: N/A

Issue Date: 15 March 2019

Implementation Date: 15 March 2019

Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled:

- PSI 2003/41 Sustainable Development – Prison Service Policy and Governance,
- PSI 2010/07 Packaging Material Usage Legal Requirements,
- PSI 2013/15 Waste Management Data Recording

Introduces amendments to the following documents: N/A

Action required by: Governor/Directors must ensure that any new local policies that they develop as a result of this Policy Framework are compliant with relevant legislation, including the Public Sector Equality Duty (Equality Act 2010). Governor/Directors should refer to the Guidance for production of new local policies under Deregulation (<https://intranet.noms.gsi.gov.uk/corporate/prison-reform/empowered-and-accountable-governors/deregulation>) for further information on key considerations.

<input type="checkbox"/>	HMPPS HQ	<input type="checkbox"/>	Governors
<input checked="" type="checkbox"/>	Public Sector Prisons	<input type="checkbox"/>	Heads of Group
<input checked="" type="checkbox"/>	Contracted Prisons	<input type="checkbox"/>	Contract Managers in Probation Trusts
<input type="checkbox"/>	National Probation Service	<input type="checkbox"/>	Community Rehabilitation Companies (CRCs)
<input type="checkbox"/>	HMPPS Rehabilitation Contract Services Team	<input type="checkbox"/>	HMPPS-run Immigration Removal Centres (IRCs)
<input type="checkbox"/>	Other providers of Probation and Community Services	<input type="checkbox"/>	Under 18 Young Offender Institutions

Mandatory Actions: All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions.

For Information: By the implementation date Governors¹ of Public Sector Prisons and Contracted Prisons must ensure that their local procedures do not contain the following:
Governors must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010).

How will this Policy Framework be audited or monitored: N/A

Resource Impact: This section must be used to give an overview of the results of the Resource Impact Assessment carried out by, or with support from, Prison & Probation Analytical Services Group during the development of this Policy Framework.

Contact: Sustainable Operations Team sdenquiries@justice.gov.uk

¹ In this document the term Governor also applies to Directors of Contracted Prisons.

Deputy/Group Director sign-off: Andy Mills

Approved by OPS for publication: Michelle Jarman-Howe, Chair, Operational Policy Sub-board,
February 2019

CONTENTS

Section	Title	Page
1	Purpose	4
2	Outcomes	4
3	Requirements	4 - 5
4	Guidance	5 - 9
	Greening Government Commitments	6
	Waste	6 - 7
	Waste Management Reporting	7
	Reporting of Packaging Material Usage	7 - 8
	Statutory Compliance and the Natural Environment	8 - 9
Annex A	Waste Management Monitoring System Template	10
Annex B	Calculating the weight of packaging associated with commercial work	11- 12
Annex C	Packaging Waste: Calculating your obligation	13 - 14

1. Purpose

- 1.1 This Policy outlines aims and approach of the Ministry of Justice (MoJ) and Her Majesty's Prisons and Probation Service (HMPPS) to sustainable operations. It makes clear that these organisations are committed to running their estates as sustainably as possible and that they have committed to achieving challenging sustainability targets. It goes on to outline how Governor/Directors and individual members of staff can contribute to this.

2. Outcomes

- 2.1 As a result of this policy, prisons will deliver sustainability targets and comply with all relevant environmental legislation.

3. Requirements

Governing Governors/Directors are required to:

3.1 Greening Government Commitments

- Support MoJ achieve its sustainability targets by seeking opportunities to reduce energy, water and paper use; reduce waste arising through prevention and re-use; increase recycling rates and reducing waste to landfill. The current targets are The Greening Government Commitments (GGC). They detail the Government's approach and aims in relation to sustainable operations and sets out what is required of MoJ and other Central Government departments.
- Ensure systems are in place to monitor performance of the prison through data provided by the FM companies and held on the Performance Hub. Governing Governor/Directors will want to ensure Service Delivery Managers (SDMs) identify to the Governor/Director performance risks and opportunities.
- Comply with the Government Buying Standards, including the Defra balanced scorecard for food procurement, which set out mandatory and best practice environmental standards for the procurement of a range of goods and services.

3.2 Data Reporting

- Ensure systems are in place to report sustainability data.
- Provide data for Defra and Sustainable Operations Team on catering provision and food provenance, including use of the Balanced Scorecard.

3.3 Waste and Waste Management Data

- Ensure Waste Management Unit supervisors undergo suitable training.
- Waste data relating to Waste Management Units and data on other waste not directly managed by the facilities management company, should be provided through completion of the Waste Management Monitoring System (WMMS) – see Annex A. The completed WMMS is to be emailed to Waste.rh7m47v5xa8t3feq@u.box.com within 15 days of the end of each quarter of the financial year. The WMMS is to be kept at the prison for continued use up to the end of the financial year.

- Identify, record and report, using the proforma at Annex C, on:
 - the total amount of turnover generated from the prison's commercial sales activities;
 - the total amounts of packaging purchased by the prison and used in association with those commercial sales.
 - if the prison undertakes 'Contract Service' work, the turnover generated and, if applicable, the amount of packaging purchased by the prison for use with this work must be reported.
 - if the prison is not involved in commercial sales, a return is to be submitted stating this to be the case with 'NIL' entered in the appropriate boxes under 'Consolidated Information' on Annex C.
 - Ensure Annex C is fully completed and emailed at the end of each calendar year to: PSPI@noms.gsi.gov.uk

3.4 Statutory Compliance

- Ensure the facility meets all statutory environmental obligations relating to their prisons. This includes but is not limited to, the duty of care in relation to controlled waste under section 34 of Environmental Protection Act 1990; the reporting of packaging material usage relating to the Producer Responsibility Obligations (Packaging Waste) Regulations 2007; the duty on public authorities to conserve biodiversity under section 40 of the Natural Environment and Communities Act 2006 and safeguarding protected priority species under section 41 of NERC Act.

4. Guidance

- 4.1 Sustainability is about achieving environmental, social and economic objectives at the same time by taking a wider, longer term look at the impacts of our actions.
- 4.2 The MoJ (including HMPPS) is committed to sustainability and strives to ensure that activity within the MoJ takes full consideration of the environmental, social, and economic impacts of its business. In addition to meeting statutory environmental obligations, the Department is also required to meet Government- wide sustainability targets.
- 4.3 In support of the Department's Sustainable Operations Strategy, HMPPS is required to run its estate and operations as sustainably as possible, working to reduce its environmental impact and use its resources more efficiently. In doing so it aims to enhance the natural environment and safeguard protected species. Prisons must comply with all relevant environmental legislation. They are also required to support the Department's achievement of the GGC targets and any successor arrangements, actively seeking to reduce energy and water use; reduce waste arising through prevention and re-use; increase recycling rates and reducing waste to landfill. The HMPPS is required to submit management information on its environmental compliance and sustainability performance as laid down in this policy framework.
- 4.4 The Sustainable Operations Team will record, monitor and report on sustainability performance of the HMPSS, including on individual prisons. Governor/Directors will receive regular reports on the sustainability performance of their prison.

Greening Government Commitments

Greenhouse Gasses

- 4.5 MoJ has a target to reduce greenhouse gas emissions from its estate and operations. Systems should be in place to identify and reduce energy use on site including turning off unnecessary lighting and heating and ensure equipment is turned off when not in use, selecting the most energy efficient options when buying/replacing equipment. Where possible, identify cost effective investment opportunities to improve energy and carbon performance and bring these to the attention of the SDMs, Regional Estate Managers (REMs) and Sustainable Operations Team.
- 4.6 Business related travel also contributes to the Department's carbon footprint and staff are encouraged to consider the need for travel in the first instance – could tele or video conferencing be a suitable alternative? And, if it is necessary, and feasible, choose the most carbon efficient form of transport. Car travel is carbon intensive so consider public transport where possible, if not what about car sharing or the use of electric vehicles?

Water

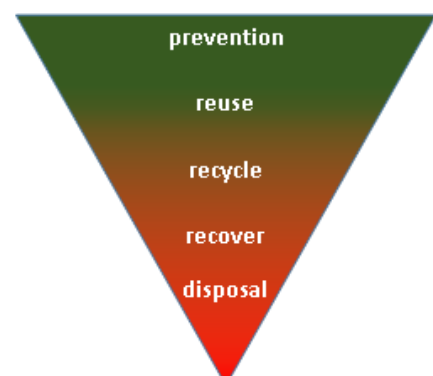
- 4.7 Under the Greening Government Commitments, MoJ is also required to reduce its water use. Governing Governor/Directors are required to ensure systems are in place to seek opportunities to reduce water consumption at their prison, particularly those sites with high water using infrastructure or industries such as laundries and reduce leaks

Sustainable Procurement

- 4.8 Much of the Department's environmental impact is through the environmental impacts of the goods and services it purchases. Governor/Directors are therefore required to consider issues such as energy and water efficiency, embedded carbon and water when procuring goods. Where applicable, they must comply with the Government Buying Standards (GBS) and Cabinet Office guidance.
- 4.9 Food and Catering Services to Prisons are required to comply with the mandatory requirements of the GBS for Food and Catering Services; UK Food Plan (A plan for public procurement) including the Balanced Scorecard for Public Food Procurement; and other Governmental requirements (i.e. hospitality and food service agreement); and are encouraged to meet the best practice criteria of the GBS for Food and Catering Services. They may be required to report back to the Sustainable Operations Team on compliance and the provenance of food and food ingredients used in prisons.

Waste

- 4.10 MoJ is committed to reducing overall levels of waste, increasing recycling, reducing the amount of waste that goes to landfill and reducing the amount of paper consumed. Waste will be treated in accordance with legislation. The 'waste hierarchy' should be applied when considering options and interventions to ensure that waste materials are minimised, reused, recycled and, where possible, realise their full economic value. The priority is to try and prevent waste in the first place, for example, through procurement specifications and also digitalisation programmes. The second level is



'reuse' and this is followed by 'recycling' and other methods of value recovery (e.g. energy recovery). The final consideration is disposal.

- 4.11 Prevention, reuse and recycling are to be given priority when considering options for waste and are to be embedded in waste management plans and interventions. Recovery operations, such as energy-from-waste incineration, are important in preventing waste disposal to landfill and benefit is realised through heat and energy production. Reliance on landfill as a disposal option is discouraged. The establishment of prison waste management units is a means to realise these environmental objectives whilst also giving offenders the opportunity to learn useful employment skills and providing the prison with an income stream. Waste Management Unit supervisors should undergo suitable training.

Waste Management Data Reporting

- 4.12 To conform to current legislative requirements, the data required for reporting on waste types, quantities, disposal specifications and contractors used should be available at each site.
- 4.13 To comply with reporting requirements under the Greening Government Commitments and the HM Treasury Financial Reporting Manual (FReM), waste management data must be reported. Most waste management data will be provided by the Facilities Management Company directly to the Sustainable Operations Team. However, in some cases, for example where there are Waste Management Units, waste data by should be provided by individual prisons through completion of the Waste Management Monitoring System (WMMS) – see Annex A.

Reporting of Packaging Material Usage

- 4.14 The Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (as amended) are designed to increase the recovery and recycling of packaging waste and also to reduce the amount of packaging used and increase the reuse of packaging. The Regulations apply to businesses that exceed thresholds of a £2 million turnover, handle more than 50 tonnes of packaging per annum and are involved in one or more of the following activities:

Raw material manufacture	Produce raw materials for packaging manufacture
Packing/ filling	Put goods into packaging or put packaging around goods
Selling	Supply packaging to the end user
Importing	Import packaged goods or packing materials from outside the UK (includes raw materials that will become packaging, for example, plastic pellet used to make bottles)
Service provider	A business that suppliers packaging by hiring it out or lending it

- 4.15 These businesses should register either with the Environment Agency or via a compliance scheme, to recover and recycle specified tonnages of packaging waste each year and to certify that this recovery and recycling has been achieved.
- 4.16 To identify if the thresholds have been exceeded, the aggregate total of packaging handled and total turnover of all subsidiaries must be considered. Under the legislation, HMPPS is considered as the 'business' and therefore prisons are the 'subsidiaries'. An example on calculating the amount of packaging used can be found at Annex C.

Statutory Compliance and the Natural Environment

Designated and Biodiversity Significant Sites

- 4.17 Where a site has been identified as a ¹designated site (SSSI, NNR, SAC or SPA), nationally or internationally and a Stage 1 site within the HMPPS Biodiversity Action Plan (BAP), the Governing Governor/Director shall ensure that a Preliminary Ecological Appraisal (PEA) or Phase 1 Habitat survey or similar has been carried out with specific regards to any damaging operations, which may be carried out on a daily, weekly, monthly or annual basis, and that this is noted within the ².Site Management Agreement (SMA).
- 4.18 Where a site has been identified as a ¹designated site (SSSI, NNR, SAC or SPA), nationally or internationally and a Stage 1 site within the HMPPS Biodiversity Action Plan, the Governing Governor/Director shall ensure that a ³Local Biodiversity Action Plan (LBAP) is implemented, covering the whole site, its flora and fauna and linking it through to the HMPPS BAP.
- 4.19 Where a site has been identified as a local biodiversity significant site (SINC, LNR or Other), the Governing Governor/Director shall ensure that a Preliminary Ecological Appraisal (PEA) or Phase 1 Habitat survey or similar has been carried out with specific regards to protected species and priority habitats; and those identified registered with the MoJ ⁴National Ecological Database.

Protected Priority Species

- 4.20 The Governing Governor/Director shall report any sightings, records or anecdotal evidence on any site relating to ⁵Protected Priority Species, as referenced to in the ⁶NERC Act 2006 Section 41. All records and sightings shall be reported to the MoJ Ecology Lead, at the MoJ Sustainable Operations Team.

¹**Designated Sites** - <http://jncc.defra.gov.uk/page-1527>

²**Site Management Agreement** - Under the Wildlife and Countryside Act 1981 Section 28, it is an offence to carry out any activity that may likely damage a SSSI without consent from the relevant statutory authority. Under the Wildlife and Countryside Act the owner or occupier may enter into a site management agreement for the purposes of securing the SSSI special interest.

An SMA is MoJ's formal compliance agreement with the Statutory Authority (Natural England (NE) Natural Resources Wales (NRW) Scottish Natural Heritage (SNH) in providing compliance whilst managing Sites of Special Scientific Interest (SSSIs).

³**Local Biodiversity Action Plan** - An LBAP is a strategy and set of objectives, produced in consultation with a wide range of conservation experts, local wildlife organisations/partners, and individuals, and linked to the National Biodiversity Network (NBN) and the County Biodiversity Partnership. The LBAP primarily protects and enhances the designated sites biodiversity resource; by improving the quality of the local environment through practical management, habitat creation and protection of important ecosystem services.

⁴**National Ecological Database** – A national MoJ database which records both flora and fauna, including UK BAP species and priority species.

⁵**Protected Priority Species** – The legislation in the United Kingdom provides for the protection of certain species of wild plants, birds and animals at all times; some species of bird are protected at certain times of the year only, while certain methods of taking or killing wild animals and birds are prohibited.

<http://jncc.defra.gov.uk/page-1747>

⁶**NERC Act 2006 Section 41** - The Natural Environment and Rural Communities (**NERC**) Act came into force on 1st Oct 2006. **Section 41** (S41) of the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England.

<http://www.legislation.gov.uk/ukpga/2006/16/section/41>

Waste Management Monitoring System (WMMS)

The Annex A waste template can be found via the following link:
<https://www.gov.uk/government/publications/sustainable-operations>

Calculating the weight of packaging associated with commercial work

1. Identify all products qualifying as 'commercial sales' and the quantity of each of those products sold for the calendar year (January 1st to December 31st). Do not include products for HMP internal consumption. Do not include the weight of the packaging supplied by customers.
2. Account for all packaging the prison has purchased and used in conjunction with the products identified at 1 above. You must consider each packaging material type separately.
3. Calculate "as accurate as reasonably possible", weights for each of the packaging materials associated with each of the commercially sold products. You will now have established the weight of each packaging material per sales unit of product.
4. Multiply the weight of each packaging material per unit of product by the number of sales of that product for the calendar year.
5. For example, the prison manufactures and sells chairs to a wholesaler at £10 per chair. Each chair is wrapped in plastic bubble wrap, packed into a cardboard box and the boxes are sealed with plastic tape. For each chair, the amount of bubble wrap used weighs 200 grams, the empty cardboard box weighs 300grams and the average weight of the tape used per box is 6 grams. The boxed chairs are then placed on a wooden pallet weighing 10 kgs, 4 boxes per pallet, and held in place using 500 grams of plastic wrap. Your sales for the period January to December are 1,200 chairs.
6. The packaging you must account for on the sale of 1,200 chairs is:
 - 1,200 x 150 grams of bubble wrap = 180 kgs of plastic packaging materials used (to be entered into table 1 under packer/filler)
 - 1,200 x 6grams of plastic tape = 7.2 kgs of plastic packaging materials (to be entered into table 1 under packer/filler)
 - 1,200 x 300grams cardboard box = 360 kg of paper packaging materials used (to be entered into table 1 under packer/filler)
 - 300 x 30kgs wooden pallet = 9,000kgs of wood transit packaging materials used (to be entered into table 2 under packer/filler)
 - 300 x 500 grams of plastic wrap = 150 kgs of plastic transit packaging materials used (to be entered into table 2 under packer/filler)
7. Totals entered in the 'Consolidated Information':
 - Total £'s value of sales = £12,000
 - Total weight packaging materials (kg's) = 547 kgs.
 - Total weight transit packaging (kg's) = 9,150 kgs.
8. Repeat this calculation for all applicable products and for each activity you perform e.g. 'packing/filling' and/or 'selling'. You will now be in a position to complete Tables 1 and 2 on Appendix B.
9. If the product is sold to the end user, the applicable activities are 'packer/filler' and 'seller' and the weights of packaging and transit packaging are to be entered under these activities in

Tables 1 and 2. If the product is sold to a wholesaler (e.g. not the end user of the product) then the applicable activity is 'packer/filler' and the weights of packaging and transit packaging are to be entered under this activity in Tables 1 and 2.

10. The regulations define packaging as: "all products made of any materials of any nature to be used for the containment, protection, handling, delivery and presentation of goods..."
11. Examples of packaging materials include: bubble film, packaging tape, cling film, tree bags, cardboard boxes, wooden crates, aluminium foil, reinforced tape, potato bags, plant sleeves, plastic shrink-wrap, all pots (except jiffy & planters), all trays & carry trays, document envelopes, strapping, plastic bags/sacks, wire bag ties, plastic twists.

PACKAGING WASTE: CALCULATING YOUR OBLIGATION**ESTABLISHMENT****CALENDAR YEAR:**

You are required to provide information in kilograms per annum (to the nearest whole kilogram), that is “*as accurate as reasonably possible*” in terms of activities and materials.

TABLE 1 **PACKAGING MATERIALS USED**

This includes all packaging materials except transit packaging. Enter the weight of packaging you supplied under the appropriate activity (ies) you undertook. Do not include packaging used for the HMP internal market or for which you have evidence that it has already been used and was therefore being re-used.

	Manufacturer	Converter	Packer/Filler	Seller
Paper				
Glass				
Aluminium				
Steel				
Plastic				
Wood				
Other				

TABLE 2 **TRANSIT PACKAGING MATERIALS USED**

This includes all transit packaging only. Where transit packaging is used to wrap and transport goods to the final consumer, the person is described as a ‘secondary provider’ and the weights of the packaging should be entered under ‘seller’. If the transit packaging is passed on to a wholesaler, (i.e. not the final consumer) then the weight of the transit packaging is to be entered under ‘packer/filler’. Do not include any transit packaging used for the HMP internal market or for which you have evidence that it has already been used and was therefore being re-used.

	Packer/Filler	Seller
Paper		
Glass		
Aluminium		
Steel		
Plastic		
Wood		
Other		

BASIS OF ASSESSMENT

How did you arrive at this assessment? [Tick the relevant boxes]

Data from own system **Other**

E.g. purchase orders

Provide

Details

.....

.....

.....

.....

Data from your suppliers

On completion of tables 1 and 2, complete the boxes below with your contact details and the consolidated totals from tables 1 and 2.

The information used to complete the data tables is based upon the weight of packaging materials handled and the turnover for the period:

1 January to 31 December

Establishment:	
Data compiled by:	[print name]
Position:	
Contact details:	Email: Telephone:

CONSOLIDATED INFORMATION

Calendar Year	Total £'s value - sales	Total weight packaging (kg's)	Total weight transit packaging (kg's)	Confirmation - <i>these figures are as accurate as reasonably possible</i>
				Signed: [print name]:

Email Appendix D only, fully completed and signed to: PSPI@noms.gsi.gov.uk