



HM Prison &  
Probation Service

# **Reviewing and Authorising Continuing Segregation & Temporary Confinement in Special Accommodation**

**Amendment to Policy set out in PSO 1700**

Updated April 2022



Contents	<u>Page</u>
<b>What's New</b>	-
<b>Section 1: Introduction</b>	<b>1</b>
<b>Section 2: Reviewing and authorising continuing segregation within establishments</b>	<b>2</b>
Initial Decision to Segregate	
The Role of Segregation Review Boards	
Composition of Review Boards	
Timing of Review Boards	
IMB attendance at Segregation Review Boards	
Prisoner attendance at Segregation Review Boards	
Segregation Review Board Procedures	
Explaining reasons to continue segregation to the prisoner	
Caring for Prisoners Segregated	
Other actions establishments may consider	
Appeals	
IMB Formal Objection to Segregation	
Monitoring the Use of Segregation	
<b>Section 3: Authorisation of segregation beyond 42 days Adult Prisoners and Young Adults held in YOIs (AMENDED)</b>	<b>9</b>
Authority	
First Review	
Delegation of First Review Authority	
Quality Assurance of First Reviews	
Subsequent Review	
Quality Assurance of Subsequent Reviews	
Prison Group Director/Deputy Director Review Procedures	
<b>Section 4: Authorisation of placement in a Care &amp; Separation Unit beyond 21 days - Young People</b>	<b>14</b>
Authority and power of delegation	
DDC Review	
Delegation of DDC Authority	
Director Review Procedures	
<b>Section 5: Authorisation for Temporary Confinement in Special Accommodation</b>	<b>17</b>
Use of Temporary Confinement	
Authorisation Process for Temporary Confinement	
Procedure for location in Special Accommodation beyond 24 hours	
Annex A: Flow chart comparing old and new segregation systems	19
Annex B: Timing for Segregation Review Board decisions	21
Annex C: Further guidance for continuing segregation	24
Annex D: New or amended segregation forms	28
Annex E: The monitoring function	290
Annex F: Revised prison rules	323

## What's New – April 2022

### Authorisation of Segregation Beyond 42 days – Adult Prisoners and Young Adults held in YOIs (Section 3)

The minimum level of authority for Segregation Reviews has been revised as per the following:

- First Review prior to 42 days of continuous segregation – minimum of a Band 8 Senior Manager in the Prison Group Director's (PGD) office/ Headquarters (HQ)
- Subsequent Review if segregation is to continue beyond 84 days – minimum of a Band 9 Senior Manager in the PGD's office/HQ
- Review if segregation is to continue beyond 6 months – PGD or Deputy Director

These reviews must not be delegated to a grade below which is specified above but can continue to be undertaken at higher PGD and Executive Director grades if this is determined appropriate by the Executive Director for North or Executive Director for South.

The level of authority of Segregation Reviews for the Contracted Estate is:

- First Review prior to 42 days of continuous segregation – A minimum of Band 8 Senior Manager from the Controller Team in a privately managed prison, including a minimum of a Band 8 from the Controller Team at the same prison where the prisoner is segregated, or a minimum of a Band 8 Senior Manager in the Head of Privately Managed Prisons Office.
- Subsequent Review if segregation is to continue beyond 84 days – A minimum of Band 9 Senior Manager from the Controller Team in a privately managed prison, including a minimum of a Band 9 from the Controller Team at the same prison where the prisoner is segregated, or a minimum of a Band 9 Senior Manager in the Head of Privately Managed Prisons Office.
- Review if segregation is to continue beyond 6 months – minimum of a Band 11 Head of Privately Managed Prisons.

These reviews must not be delegated to a grade below which is specified above and can be undertaken by a more senior grade in the Head of Privately Managed Prisons Office or HQ if this is determined appropriate by the Head of Privately Managed Prisons.

In addition, a quality assurance process must be implemented by every PGD and Head of Privately Managed Prisons Office as per the following:

- First Reviews – 10% of reviews must be quality assured by an official more senior than a Band 8, and independent to the First Review
- Subsequent Review – 10% of reviews must be quality assured by an official more senior than a Band 9, and independent to the First Review

The amendments are only in relation to Adult Prisoners and Young Adults held in YOIs. **See Section 3 for further details.**

Prison and YOI Rules allow governors to authorise segregation beyond 72 hours and the Governor must obtain leave from the Secretary of State to continue segregation beyond 42 days.

## Section 1 – Introduction

- 1.1 This document sets out mandatory revised policy and procedures governing the way in which continuing segregation under Prison Rule 45 (YOI Rule 49) is reviewed and authorised. The document also introduces at Section 5 a new policy on reviewing and authorising Temporary Confinement in Special Accommodation beyond 24 hours under Prison Rule 48 (YOI Rule 51).
- 1.2 This document should be read in conjunction with [Prison Service Order 1700](#) which provides comprehensive policy guidance on all aspects of segregation.
- 1.3 This document applies where a prisoner is segregated, and is denied normal association with the mainstream prison population under either:
  - Prison Rule 45 (YOI Rule 49) – Good Order or Discipline or Own Protection (Sections 2 to 4); or,
  - Prison Rule 48 (YOI Rule 51) – Temporary Confinement (Section 5).
- 1.4 Policy on initial segregation is set out in PSO 1700.
- 1.5 For completeness, other reasons for segregation (not covered by these revised arrangements) are:
  - Prison Rule 53(4) (YOI Rule 58(4)) – Awaiting the start of an Adjudication (where the prisoner is segregated before an adjudication).
  - Prison Rule 55(e) (YOI Rule 60(f)) – Cellular Confinement
  - Prison Rule 55(h) YOI Rule 60(g) – Removal from wing / unit for a period of 28 days. (See PSI 47/2011 Prisoner Discipline Procedures: a prisoner would only be held in segregation unit under this rule if there was no other suitable alternative available)

## Section 2: Reviewing and Authorising Continuing Segregation Within Establishments

### Initial Decision to Segregate

- 2.1 The policy on initial segregation is set out in PSO 1700. The governor has the authority to arrange that a prisoner is to be segregated where it appears desirable for the maintenance of good order or discipline or in his or her own interest. The Secretary of State gives leave to the governor to delegate this authority to a person within the prison who meets the description of “competent operational manager”.

### The Role of Segregation Review Boards

- 2.2 A regular review of a prisoner’s segregation must be undertaken by a Segregation Review Board (SRB) within the prison. It is essential that such reviews consider carefully all the available evidence for and against continued segregation in an impartial manner. All relevant issues must be considered regarding the options of either extending segregation or removing the prisoner from segregation. Both options may have risks and benefits which must be weighed against one another carefully. Failure to carry out this function thoroughly may result in (a) harm to the prisoner should he or she be inappropriately retained in segregation, or, (b) harm to the prisoner or others in the prison, and/or a threat to control and order, if the prisoner is inappropriately returned to normal location.
- 2.3 The SRB is the proper place for these issues to be considered. The SRB will meet to consider a case within 72 hours of initial segregation and then at no more than 14 day intervals thereafter (see para 2.8 below). The SRB should be composed of an appropriate group of people in order to provide the necessary range of knowledge and experience and a degree of impartiality and independence from the original decision to segregate (see 2.4 below). This is particularly so for decisions to segregate beyond 14 days. Evidence suggests that 14 days is the point that some prisoners may start to suffer adverse effects of segregation. For this reason, the 14-day SRB is mandated as a multi-disciplinary board capable of reviewing a range of evidence and views on continuing segregation including, but not confined to, health and security issues. The SRB will need to be satisfied that any decisions made about segregation are objective and evidence based, and that they have not been influenced by bias.

### Composition of Review Boards

- 2.4 The following people **must** be present at both the 72-hour and subsequent SRBs:
- **Chairperson** – given the nature of the issues to be decided (see para 2.1 above) the chairperson must be a competent Operational Manager with powers delegated by the governor to carry out this role and meeting the requirements at 2.5 below.
  - **Healthcare** representative and/or member of the Mental Health In-Reach Team.
  - **ACCT** case manager (where prisoner is subject to ACCT processes) or other staff member who knows the prisoner and has an understanding of their ACCT circumstances.

- **Prisoner** (for at least part of the Board and where appropriate – see 2.14 below).
- 2.5 Independence of decision making: The Chairperson will take the final decision on whether to continue segregation but must consider fully the views of the other members of the SRB and references to decisions by the SRB in this policy should be read to mean decisions by the Chairperson acting in this way. Establishments must ensure that the role of Chairperson is rotated between operational managers in order to ensure independence of decision making. The Chairperson at the 72 hour Board and the first 14-day Review Board, must be a different person to the person who authorised initial segregation other than in exceptional circumstances. Exceptional circumstances might include where there is no other operational manager who is able to Chair the SRB within the timescales. Where, in exceptional circumstances, the person who authorises the segregation is the same person that made the initial decision to segregate, a further authorisation must be sought at the earliest opportunity from an operational manager who was not involved in the initial decision to segregate. This can be done outside of a SRB based on the last SRB papers which the second operational manager should countersign.
- 2.6 The following people **should**, where appropriate, also attend the SRB for adult prisoners:
- IMB member. The IMB **must** be invited to all SRBs and every effort **must** be made to facilitate their attendance, where possible. (See 2.13 below)
  - Segregation Officer;
  - Wing/Unit personal officer;
  - A member of the Chaplaincy Team;
  - Psychologist;
  - Offender Manager.
- 2.7 The following **must** also attend SRBs for Young People as appropriate:
- Personal Officer or Caseworker;
  - Youth Offending Team worker;
  - Local Authority Social Worker (or Leaving Care worker if appropriate);
  - Young person's family or carers (where appropriate);
  - Advocacy Services (if requested by the young person);
  - Safer Custody Team Representative (where appropriate).
  - Psychology Team input at 21 day review point (see 4.2 below).

### Timing of Review Boards

(See Annex A for an outline of the process)

- 2.8 For prisoners segregated under Prison Rule 45 (YOI Rule 49), an initial Segregation Review Board (SRB) must be held within the **first 72 hours** of a prisoner being placed in segregation.
- 2.9 The purpose of this initial SRB is to determine whether or not the prisoner needs to remain segregated. The SRB must examine the initial reasons for segregation and make an assessment of the prisoner's behaviour since then; the risks the

prisoner poses on normal location; the risks posed to the prisoner by others within the prison; his or her ability to cope with segregation and to set out a strategy for the future management of the prisoner with the aim of achieving his or her safe return to normal location as soon as is practicable.

- 2.10 If it is decided that segregation is to continue following the initial review, then a further SRB must be held within **14 days** of the initial review.
- 2.11 Subsequent SRBs for that prisoner must then be held **at least every 14 days** throughout the entire period during which the prisoner is segregated. The SRB Chairperson may decide to review segregation before any 14 day period expires. More frequent reviews may be necessary depending on the circumstances of the case and particular attention should be given as to whether a review needs to take place prior to the expiration of the 14 day period in the case of vulnerable prisoners.
- 2.12 SRBs may authorise segregation through this process for a maximum of **42 days** (6 weeks) for adults and for a maximum of 21 days for Young People from the point of initial segregation without the leave of the officials acting on behalf of the Secretary of State (see Sections 3 and 4 below). Timescales for further reviews must take place as set out below at paragraph 3.4 onwards for adult prisoners, and paragraph 4.5 onwards for Young People.

#### IMB attendance at Segregation Review Boards

- 2.13 IMB members play a vital role in SRBs and must be facilitated to attend wherever possible. This is particularly important for 14-day reviews which must be scheduled to allow an IMB member to attend. To assist in this, prisons should consider standardising days on which the SRBs are held. Where the attendance in person of an IMB member is not possible, consideration should be given to providing teleconference facilities. Where the IMB member cannot attend and cannot dial into teleconference facilities, then they must be afforded the facility to review the segregation paperwork and provide their views to the Chairperson who authorised the decision to segregate when they are next in the establishment.

#### Prisoner attendance at Segregation Review Boards

- 2.14 The prisoner must be told when an SRB will take place and must be given the opportunity to attend and make representations. Any communication difficulties which may be associated with learning disability or a specific learning difficulty or limited English should be taken into account throughout and appropriate support provided. The prisoner should be allowed to attend the whole SRB if they chose to do so, and should only be excluded from that part of the meeting where sensitive security information is being discussed.
- 2.15 Prisoners may only be completely excluded from attending an SRB where specific safety concerns exist (e.g. where there are concerns that the prisoner may be violent towards the Board). In such circumstances, the prisoner must be given the opportunity to make representations to the SRB in some other way such as through a member of staff or in writing using the form OT029 at Annex D3.
- 2.16 A prisoner on an open ACCT or who is in the ACCT post-closure phase, must be invited to attend all SRBs unless there are specific reasons why this would not be



possible or appropriate. The invitation should be made through the ACCT case-manager to ensure that they are aware of the possibility that the Board could potentially heighten the prisoner's risk of self-harm.

- 2.17 In all cases where a prisoner has declined to attend the SRB or has been excluded for all or part of the SRB, a record must be made of the reasons.

### Segregation Review Board Procedures

- 2.18 Detailed guidance about the process for continuing segregation under Rule 45 (YOI Rule 49) is provided at Annex C. The final decision on whether to authorise continuing segregation rests with the member of staff chairing the SRB. That decision and the reasons for it must be recorded on the form *Segregation Review Board and Governor's Authority for Continuing Segregation (OT025)* and be signed by the SRB Chair and IMB member (if attending). The OT025 has been updated with a note that the reasons for the continued segregation must also be recorded on this form (see Annex D below for the new form).
- 2.19 The role of the representative of the IMB is to monitor and oversee the decision making process and to be satisfied that the laid down procedures have been followed and that a reasonable decision has been reached by the Chairperson. Where the IMB attends the SRB, the Chairperson must ensure that they sign the relevant part of the form (OT025) to indicate that they were present at the SRB and whether or not they were satisfied that a reasonable decision had been reached by the Board and whether the correct procedures were followed. If the IMB member does not believe that a reasonable decision has been reached and is unable to resolve the matter with the Chairperson, then the procedures outlined at para 2.29 below should be followed. Where the IMB member cannot attend the SRB and cannot dial into teleconference facilities, then they must be afforded the facility to review the segregation paperwork and provide their views to the governor or Chairperson who authorised the decision to segregate when they are next in the establishment.

### Explaining Reasons to Continue Segregation to the Prisoner

- 2.20 Where the SRB decides in principle to continue segregation, the reasons must be explained to the prisoner at the Review Board. The prisoner must be given the opportunity to make meaningful representations before a final decision is made. Where a final decision is made to continue segregation, the chairperson must ensure that the prisoner is informed of the substance of the reasons on which the decision to continue segregation was based and ensure that the prisoner is informed, both orally and in writing, of meaningful reasons for the decision. This will not normally require the disclosure of the primary evidence on which the decision to continue segregation was based, but the reasons must:
- provide a clear justification for the prisoner's continuing segregation;
  - clearly reference the specific circumstances of the case;
  - avoid the use of generic phrases and jargon and
  - be understandable to the prisoner taking into account any learning disability or speech, language or communication impairment.
- 2.21 The reasons must be recorded on form *Notification to Prisoner of Outcome of Segregation Review Board and Segregation Privileges and Behavioural Targets*

(OT027). A revised copy of this form is provided at Annex D2. The reason(s) should reflect the discussions held during the SRB and noted on form OT025.

2.22 Information relevant to the decision to continue segregation may be withheld from the prisoner in certain circumstances:

- in the interests of national security;
- for the prevention of crime or disorder, including information relevant to prison security;
- for the protection of a third party who may be put at risk if the information is disclosed;
- if, on medical or psychiatric grounds, it is felt necessary to withhold information where the mental and or physical health of the prisoner could be impaired;
- where the source of the information is a victim, and disclosure without their consent would breach any duty of confidence owed to that victim, or would generally prejudice the future supply of such information.

2.23 In such cases as the above, a summary or an edited form of the information that protects the source must be provided – both orally and in writing. Where information that impacts on the segregation decision is withheld from the prisoner, the completed form (OT027) must nonetheless record a brief description of the information being withheld (i.e. Security Information Report) as far as is compatible with maintaining security/protecting other persons. Any gisted information must be consistent with the information available to the SRB and must be sufficient for the prisoner to make meaningful representations against segregation.

2.24 Form OT027 must also be completed to advise the prisoner of the regime/privileges to which they will have access whilst in segregation; the date of the next SRB and the targets that the Board have set for the intervening period.

#### Caring for Prisoners Segregated

2.25 An ACCT case review will be completed for all prisoners who are on an open ACCT (or in ACCT post-closure phase) at the time of the SRB. Prisons must be aware of the potential effects of segregation on a vulnerable person's state of mind and begin ACCT procedures if they observe any changes in a prisoner's behaviour or circumstances, which indicate an increase in the risk of suicide and self-harm. See Annex C, paragraph 1c for further information.

2.26 Prisoners segregated for a continuous period of more than 30 days must have a care plan completed detailing how their mental well being is to be supported. For prisoners on an open ACCT or during the post-closure phase, this must also trigger an enhanced ACCT case review if they are not already subject to enhanced case review procedures.

#### Other Actions Establishments may Consider

2.27 Prisoners held in segregation for long, continuous periods (i.e. 3 months or more) may be considered for assessment for a Dangerous & Severe Personality Disorder (DSPD) unit, VPU or Close Supervision Centre (CSC) where considered appropriate.

## Appeals

- 2.28 There is no direct right of appeal for the prisoner against the decision of a SRB. If the prisoner wishes to complain about the decision taken in his or her case then the prisoner may use the prisoner complaints process set out in [Prisoner Complaints Policy Framework](#).

## IMB Formal Objection to Segregation

- 2.29 Where the IMB member has a concern that the proper process has not been followed or that the decision is irrational in the light of information available to the SRB, they should try to resolve the matter informally through approaches to the Duty Governor/Director or authorising Governor/ Director or operational manager chairing the SRB.
- 2.30 Where an IMB member remains concerned with the decision of the SRB, they may submit their objections to continuing segregation in writing. This paper must be sent to the Governor/Director in charge of the establishment, who is required to respond within 24 hours. Both Governors/Directors in charge of the establishment and members of the IMB should make every effort to resolve the matter at local level.
- 2.31 If it has not been possible to resolve the issues raised in the formal objection, a copy of the IMBs objections, the paperwork from the last SRB and a letter setting out the governor's views must be sent to the PGD (or the Head of Privately Managed Prisons). The PGD (or the Head of Privately Managed Prisons) must arrange to discuss the case with the IMB member and Governor/Director within 5 working days.
- 2.32 If the IMB are still concerned about the segregation decision, they should bring it to the attention of the Executive Director Public Sector Prisons North, Executive Director Public Sector Prisons South or Head of Custodial Contracts for contracted prisons.
- 2.33 In the event of a disagreement at this stage, the matter should be brought to the attention of the Minister and the Chief Executive Officer, HMPPS.

## Monitoring the Use of Segregation

- 2.34 All establishments must have in place arrangements to monitor their use of segregation. This includes use of the segregation unit and the segregation of prisoners elsewhere within the establishment. Guidance on monitoring and of mandatory issues to be considered is attached at Annex E.
- 2.35 Monthly data on prisoners in segregation must be sent to the PGD (or the Head of Privately Managed Prisons) within 7 days of the end of each month setting out numbers of prisoners held in segregation during that month under Rule 45 (YOI Rule 49) by the following time period – numbers in continuous segregation for:
- up to 72 hrs; 72hrs to 1 week; 1-2 weeks; 2-3 weeks; 3-4 weeks; 4-5 weeks; 5-6 weeks; 6- 12 weeks; 12-16 weeks; 16-20 weeks; 20-24 weeks; 24-28 weeks and total prisoners segregated beyond 28 weeks.

Total numbers of prisoners in segregation under Rule 45 (YOI Rule 49) who are on an ACCT, or in ACCT post-closure phase, must also be recorded.

- 2.36 An interim form for this is shown at Annex D8 pending development of a national system. PGD offices must monitor levels of segregation and longer term segregation in particular and ensure that issues are flagged to PGDs prior to visits.
- 2.37 A quarterly report on the use of segregation must be submitted to the Governor and the PGD highlighting the key observations and summarising the use of segregation over the previous quarter. It is also recommended that the report is sent to the Safer Custody lead. As a minimum, the report should:
- monitor adherence to relevant instructions;
  - detail the use of segregation throughout the prison;
  - identify the training and any developmental needs of staff;
  - identify and investigate trends, for example, where the segregation of BAME prisoners is disproportionate to their representation in the general prison's population;
  - identify individual prisoners whose cases may need scrutiny. For example, prisoners who have spent more than 3 months in continuous segregation; prisoners who may have spent relatively short, but frequent periods in segregation; prisoners in the segregation unit on an open ACCT or in ACCT post-closure phase; prisoners segregated despite medical recommendations to the contrary.

## Section 3: Authorisation of Segregation Beyond 42 days – Adult Prisoners and Young Adults Held in YOIs

### Authority

- 3.1 To allow Segregation Review Boards (SRBs) to renew authorisation for continuous segregation beyond **42 days** (6 weeks) from the day the prisoner was first placed in segregation, the following reviews must be carried out by an experienced and competent senior official at the specified below grades, as a minimum. It is for the Prison Group Director (PGD) or Head of Privately Managed Prisons to determine the experience and competence of the senior official to ensure they are confident in their decision-making ability for these authorisations. Reviews can also continue to be undertaken at a higher grade if this is determined by the PGD or Head of Privately Managed Prisons.
- 3.2 The senior official may give such leave for the SRB to continue to renew authority every 14 days for a further period which in total amounts to up to 42 days. This new period of leave starts from the day on which leave is given. The senior official may decide to give leave for a period of less than 42 days where it is considered that continued segregation is appropriate but where the senior official feels that there is a need to review that case again sooner.
- 3.3 For prisoners who have transferred direct from one segregation unit to another, the 42 days in continuous segregation is calculated by including time spent in segregation in the previous establishment.

**First Review – Minimum of a Band 8 Senior Manager in PGD’s office/HQ or minimum of Band 8 Senior Manager from the Controller Team in a privately managed prison or minimum of a Band 8 Senior Manager in the Head of Privately Managed Prisons Office.**

- 3.4 Where the SRB consider that it may be necessary to continue to renew authority for segregation of a prisoner beyond 42 days then the form at Annex D4 (OT030) must be prepared by an operational manager and submitted to the B8 Senior Manager in the PGD’s office or HQ, or minimum of Band 8 in the Controller Team in a privately managed prison, including a Band 8 Senior Manager from the Controller Team at the same prison where the prisoner is segregated, or Band 8 Senior Manager in the Head of Privately Managed Prisons Office for privately managed prisons (the First Reviewer) in sufficient time for a First Review to be undertaken. This form must have attached any paperwork relevant to the segregation that the prisoner has not had sight of. Where the case involves a vulnerable prisoner, including a prisoner on an open or post closure phase ACCT, the prison must attach any relevant additional information, for example healthcare reports, to the form.
- 3.5 The purpose of the First Review is for the First Reviewer to consider whether segregation is appropriate and whether there are sufficient reasons for continuing segregation beyond the 42 day period. This First Review may be conducted by correspondence or may be undertaken during a visit to an establishment where the First Reviewer may wish to discuss the case and, if required, see the prisoner. The First Reviewer may request any further paperwork relating to the prisoner’s segregation prior to making a decision. If the review is conducted at a prison visit, the form at Annex D4 (OT030) must still be completed and signed by the First

Reviewer. It is the responsibility of the prison to ensure that the review is scheduled appropriately.

- 3.6 The prisoner must be allowed to make representations at this review stage if he or she chooses to do so. These representations may be in the form of written representations by the prisoner or made orally by the prisoner and recorded by the prison. The representations should be recorded on the form at Annex D3 (OT029).
- 3.7 Following the First Review, the First Reviewer may give leave for the SRB to continue to renew authorisation of segregation for a period of up to 42 days. If the First Reviewer gives leave for the SRB to continue to renew authority for segregation, the SRB must continue to meet within 14 days intervals to authorise any further periods of segregation. The SRB must meet within 14 days of the last SRB and not 14 days from the date of the First review.
- 3.8 If the First Reviewer does not give leave, the prison must make arrangements to ensure that the prisoner is removed from segregation at the earliest opportunity or by the date specified by the First Reviewer on the form at Annex D4.

#### Delegation of First Review Authority

- 3.9 Decision making must not be delegated below a Band 8 Senior Manager, or Band 8 Senior Manager in the Controller Team in a privately managed prison or Band 8 Senior Manager in the Head of Privately Managed Prisons Office. If the usual decision maker is unavailable, for public prisons another Band 8 Senior Manager (or more senior official) working to the PGD or in HQ who the PGD has deemed experienced and competent must make the decision. For privately managed prisons, another Band 8 Senior manager in the Head of Privately Manged Prisons Office who the Head of Privately Manged Prisons has deemed experienced and competent must make the decision. The person must not however, be working in or on secondment from the prison at which the prisoner is segregated except that this person can include a member of the Controller Team in a Privately Managed prison, at the same prison where the prisoner is segregated.

#### Quality Assurance of First Reviews

- 3.10 Quality assurance of 10% of First Reviews should be undertaken by an official more senior than a Band 8 who is working to the PGD or in HQ, or more senior than the Band 8 in the Controller Team in a privately managed prison or Band 8 Senior Manager in the Head of Privately Managed Prisons Office. Quality assurance should consider whether decisions are fair, consistent and taken without bias; whether segregation remains desirable under Prison Rule 45 (YOI Rule 49) and whether there are sufficient reasons for the segregation. Outcomes from the quality assurance must be recorded and decision re-taken if the quality assurer disagrees with the continued segregation.

**Subsequent Review – A minimum of Band 9 Senior Manager in the PGD’s office or from the Controller Team in a privately managed prison, including a minimum of a Band 9 from the Controller Team at the same prison where the prisoner is segregated, or a minimum of a Band 9 Senior Manager in the Head of Privately Managed Prisons Office.**

- 3.11 Where the SRB consider that it may be necessary to continue to renew authority for segregation of a prisoner for a further 42 days then the form at Annex D4 (OT030) must be prepared by an operational manager and submitted to the B9 Senior Manager in the PGD's office or HQ, or a minimum of Band 9 Senior Manager from the Controller Team in a privately managed prison, including a minimum of a Band 9 from the Controller Team at the same prison where the prisoner is segregated, or a minimum of a Band 9 Senior Manager in the Head of Privately Managed Prisons Office (the Subsequent Reviewer) in sufficient time for the Subsequent Review to be undertaken. This form must have attached any paperwork relevant to the segregation that the prisoner has not had sight of. Where the case involves a vulnerable prisoner, including a prisoner on an open or post closure phase ACCT, the prison must attach any relevant additional information, for example healthcare reports, to the form.
- 3.12 The purpose of the Subsequent Review is for the Subsequent Reviewer to consider whether segregation is appropriate and whether there are sufficient reasons for continuing segregation for a further 42 day period. This Subsequent Review may be conducted by correspondence or may be undertaken during a visit to an establishment where the Subsequent Reviewer may wish to discuss the case and, if required, see the prisoner. The Subsequent Reviewer may request any further paperwork relating to the prisoner's segregation prior to making a decision. If the review is conducted at a prison visit, the form at Annex D4 (OT030) must still be completed and signed by the Subsequent Reviewer. It is the responsibility of the prison to ensure that the review is scheduled appropriately.
- 3.13 The prisoner must be allowed to make representations at this review stage if he or she chooses to do so. These representations may be in the form of written representations by the prisoner or made orally by the prisoner and recorded by the prison. The representations should be recorded on the form at Annex D3 (OT029).
- 3.14 Following the Subsequent Review, the Subsequent Reviewer may give leave for the SRB to continue to renew authorisation of segregation for a further period of up to 42 days. If the Subsequent Reviewer gives leave for the SRB to continue to renew authority for segregation, the SRB must continue to meet within 14 days intervals to authorise any further periods of segregation. The SRB must meet within 14 days of the last SRB and not 14 days from the date of the First review.
- 3.15 If the Subsequent Reviewer does not give leave, the prison must make arrangements to ensure that the prisoner is removed from segregation at the earliest opportunity or by the date specified by the Subsequent Reviewer on the form at Annex D4 (OT030).
- 3.16 The Subsequent Reviewer must not give leave for the Governor/Director to continue to renew authorisation for more than 84 days from the prisoner's initial segregation without carrying out a Subsequent Review. This follows the same procedures as for First Review above with the exception that a fuller set of documentation is required (see 3.17 below).
- 3.17 An operational manager must prepare a report for the Subsequent Reviewer to consider at the Subsequent Review stage. In addition to the information submitted for a First Review, the operational manager must also enclose all previous SRB

reports including the OT026 in order to evidence the reasons why segregation is continuing; the initial segregation safety algorithm; any subsequent reports from healthcare; ACCT reports or any other reports relating to the prisoner's wellbeing; all prisoner representations to-date; any other documents which have been considered by the SRB as relevant to the decision to continue segregation.

- 3.18 The report must be sent to the Subsequent Reviewer to allow sufficient time for the review to be undertaken within the 84 days (12 week) minimum period.
- 3.19 The Subsequent Reviewer must carry out a Subsequent Review at or before each subsequent 42 day period and consider at each review whether to give leave to the SRB to continue to renew authority for segregation for a period of up to 42 days. Annex A shows a summary of the process and Annex B sets out an example of a typical timeline.

### Quality Assurance of Subsequent Reviews

- 3.20 Quality assurance of 10% of Subsequent Reviews should be undertaken by an official more senior than a Band 9 who is working to the PGD or in HQ, or someone more senior than the Band 9 Senior Manager from the Controller Team in a privately managed prison or Senior Manager in the Head of Privately Managed Prisons Office. Quality assurance should consider whether decisions are fair, consistent and taken without bias; whether segregation remains desirable under Prison Rule 45 (YOI Rule 49); and whether there are sufficient reasons for the segregation. The quality assurance must also consider the documents listed in 3.13. Outcomes from the quality assurance must be recorded and decision re-taken if the quality assurer disagrees with the continued segregation.

### Prison Group Director/Deputy Director Review Procedures

- 3.21 Where a prisoner has been in continuous segregation for a period of 6 months (182 days) a review must be carried out by the Prison Group Director (PGD) or Deputy Director (DD), or minimum of a Band 11 Head of Privately Managed Prisons for privately managed prisons.
- 3.22 The first stage is for a Subsequent Review report to be prepared by the prison for the Subsequent Reviewer to consider in line with para 3.16 above. If the Subsequent Reviewer agrees with continuing segregation then the report and OT032 will be sent to the relevant PDG/DD, or Band 11 Head of Privately Managed Prisons for privately managed prisons (6 Month Reviewer) to consider using the PGD/DD Review form (OT032) at Annex D6 and leaving at least 7 days for the 6 Month Reviewer to review the segregation.
- 3.23 The 6 Month Reviewer must undertake this review him or herself. This cannot be delegated other than where the 6 Month Reviewer is away from duties for an extended period of time such as annual leave when a deputy of the same or higher grade may be nominated to take on this role.
- 3.24 If the 6 Month Reviewer gives leave for the SRB to continue to authorise segregation, the 6 Month Reviewer will specify on the form at Annex D6 when the next 6 Month Reviewer review must take place within a maximum period of 6 months (182 days). The 6 Month Reviewer may decide to give leave for continued



segregation for a shorter period than 6 months. In this case the review must be referred back to the Subsequent Reviewer at the earlier stage specified and, if segregation is still required, onto the 6 Month Reviewer for further consideration. It is for the prison to ensure that these timescales are noted when the form is returned and are acted upon. The 6 Month Reviewer Review does not replace the need for a First Review at least every 42 days.

## Section 4: Authorisation of extended single separation arrangements beyond initial 21 days – Young People

- 4.1 This section applies to children and Young People aged 15-17 held in Young Offender Institutions (YOIs). It must be read in conjunction with the operational practice document, Separation and Segregation, issued in June 2015; the Policy Framework Managing and Minimising isolation and separation in the CYPSE and accompanying Operational Expectations for YOIs, which were both issued in April 2022.
- 4.2 Although the Young Offender Institution Rules as amended provide that the governor must obtain leave from the Secretary of State in writing to authorise continuing separation beyond 42 days, as a matter of policy, children and Young People cannot be separated beyond 21 days without this leave being obtained.
- 4.3 The deadlines which are set out here should also apply to instances of self-isolation, which should be managed with the same oversight as separation arrangements instigated to manage risk of serious harm to the child or others.

### Authority and powers of delegation

- 4.2 The Deputy Director (DD) of Operations for the Youth Custody Service must give leave in writing to allow SRBs to renew authorisation for separation arrangements to remain in place for a continuous period beyond **21 days** (3 weeks) from the date the child or Young Person was removed to the CSU. This power cannot be delegated.
- 4.3 The DD may give such leave for the SRB to renew authority for further periods of up to 21 days. This 21 day period starts from the day on which leave is given. The DD may decide to give leave for a period of less than 21 days where it is considered that continued placement in a CSU is appropriate but where it is felt that there is a need to review that case again sooner by the DD.
- 4.4 For children and Young People who have transferred direct from one establishment to another whilst subject to separation arrangements, the continuous period for separation is calculated by including time spent subject to separation in the previous establishment.

### DD Review

- 4.5 Where the SRB consider that it may be necessary to continue to renew authority for a child or Young Person to be subject to separation arrangements beyond 21 days from the day that they started, then the form at Annex D5 must be prepared by an operational manager and submitted with the accompanying paperwork to the DD in sufficient time for a **DD Review** to be undertaken.
- 4.6 Accompanying paperwork will include: all previous SRB reports, the initial separation healthcare algorithm; any subsequent reports from healthcare; ACCT reports or any other reports relating to the child or Young Person's wellbeing; all representations received to-date from the child or Young Person themselves; any other documents which have been considered by the SRB as relevant to the decision to continue placement in a CSU, or not.

- 4.7 The purpose of the DD Review is for the DD to consider whether an extension to the separation arrangement is appropriate and whether there are sufficient reasons for continuing this beyond the 21 day period. The DD Review may be conducted by correspondence or may be undertaken during the DD's routine visit to establishments where the DD may wish to discuss the case and, if required, see the child or Young Person. If the review is conducted during an establishment visit, the form at Annex D5 must still be completed and signed by the DD and the accompanying paperwork must still be available. It is the responsibility of the establishment to ensure that the review is scheduled appropriately.
- 4.8 The child or Young Person must be allowed to make representations at this review stage if he or she chooses to do so. These representations may be in the form of written or oral representations by the child or Young Person and recorded by the establishment. The representations should be recorded on the form at Annex D3.
- 4.9 Following a DD Review, the DD may give leave for the SRB to continue to renew authorisation of separation arrangements for a period of up to 21 days. If the DDC gives leave for the SRB to continue to renew authority, the SRB must continue to meet within 14 day intervals to authorise any further extension to separation arrangements. The SRB must meet within 14 days of the last SRB and not 14 days from the date of the DD review.
- 4.10 If the DD does not give leave, the establishment must make arrangements to ensure that the separation arrangements are suspended at the earliest opportunity or by the date specified by the DD on the form at Annex D5.

#### Delegation of DD Authority

- 4.11 The DD or equivalent (as listed in 4.2 above) must undertake these Reviews which cannot be routinely delegated. The authority of those taking the decision for prolonged segregation for young people has not been lowered. This is due to Youth Custody Service wishing to continue to have more senior oversight of the segregation of children.
- 4.12 In order to ensure that timescales for reviews can be adhered to, any DD or equivalent may nominate a deputy to act on his/her behalf for any CSU review whilst he/she is away from normal duties for an extended period of time such as for annual leave. The deputy must meet the criteria set out in the paragraph above.

#### Executive Director (ED) Review Procedures

- 4.13 Where a child or Young Person been subject to separation arrangements for a continuous period of **91 days** (3 months) a review must be carried out by the Executive Director (ED) of the Youth Custody Service.
- 4.14 The first stage in this is for a DD Review report to be prepared by the establishment for the DD to consider in line with para 4.5 above. If the DD agrees with continuing the separation arrangements, then the report will be sent to the ED to consider using the Director Review form at Annex D7 leaving at least 7 days for the ED to review the case. The relevant ED may carry out such a review

at any point but must review each separation once in each 3 month period. The ED Review does not replace the need for a DD Review at least every 21 days.

- 4.15 The ED must undertake this review him or herself. This cannot be delegated other than where the ED is away from duties for an extended period of time such as annual leave when a deputy may be nominated to take on this role provided that the deputy is not performing the DD role for that review.
- 4.16 If the ED gives leave for the SRB to continue with separation arrangements, the ED will specify on the form at Annex D7 when the next ED review must take place within a maximum period of 91 days. The ED may decide to give leave for the SRB to continue reviewing separation arrangements for a shorter period than 91 days. In this case the review must be referred back to the DD at the earlier stage specified and if placement in a CSU is still required, onto the ED for further consideration. It is for the establishment to ensure that these timescales are noted when the form is returned and are acted upon. The ED Review does not replace the need for a DD Review at least every 21 days.
- 4.17 The DD and ED must receive the form at Annex D5/D7 and paperwork for any reviews in sufficient time for the review to be processed before the expiry date.

## Section 5: Authorisation for Temporary Confinement in Special Accommodation

### Use of Temporary Confinement

- 5.1 Temporary Confinement in Special Accommodation is authorised under Prison Rule 48 (YOI Rule 51). Special Accommodation is a dedicated cell or improvised normal accommodation from which any one (or more than one) of the following items is removed in the interests of safety: - furniture, bedding, sanitation. Special Accommodation can be located anywhere in the prison<sup>1</sup>.
- 5.2 Special Accommodation is used for the shortest time necessary to prevent a violent or refractory prisoner injuring others (as a result of the violent or refractory behaviour), damaging property or creating a disturbance that hinders the maintenance of good order. Non-compliance is not, in itself, sufficient to justify Special Accommodation unless that non-compliance represents an immediate and serious risk of harm to the prisoner themselves, to others, to property or to the good order of the establishment.
- 5.3 Special Accommodation must only be used to manage prisoners who cannot be located safely in normal accommodation. If the prisoner can be held safely in normal accommodation (which includes “normal” cells in the segregation unit), the use of Special Accommodation is not appropriate.
- 5.4 Further details on the use and safeguards relating to Special Accommodation may be found in PSO 1700 which includes policy on who to notify when a prisoner is placed in Special Accommodation; procedures necessary to safeguard prisoners including health and ACCT issues; security and observation requirements; particular arrangements for Young People; monitoring requirements and removal from Special Accommodation.

### Authorisation Process for Temporary Confinement

- 5.5 A prisoner must not be placed in Temporary Confinement in Special Accommodation without the prior authority of the Duty Governor/Duty Director.
- 5.6 Special Accommodation is used for the shortest time necessary. As soon as Special Accommodation is no longer necessary, the prisoner must be removed. It is not necessary for a Review to be held in order for a prisoner to be removed from Special Accommodation.
- 5.7 The authority of the duty governor is valid for a **maximum of 24 hours** and must be recorded on Form OT013. If it is considered necessary that a prisoner remain in Special Accommodation beyond 24 hours, a direction must be **obtained from**

---

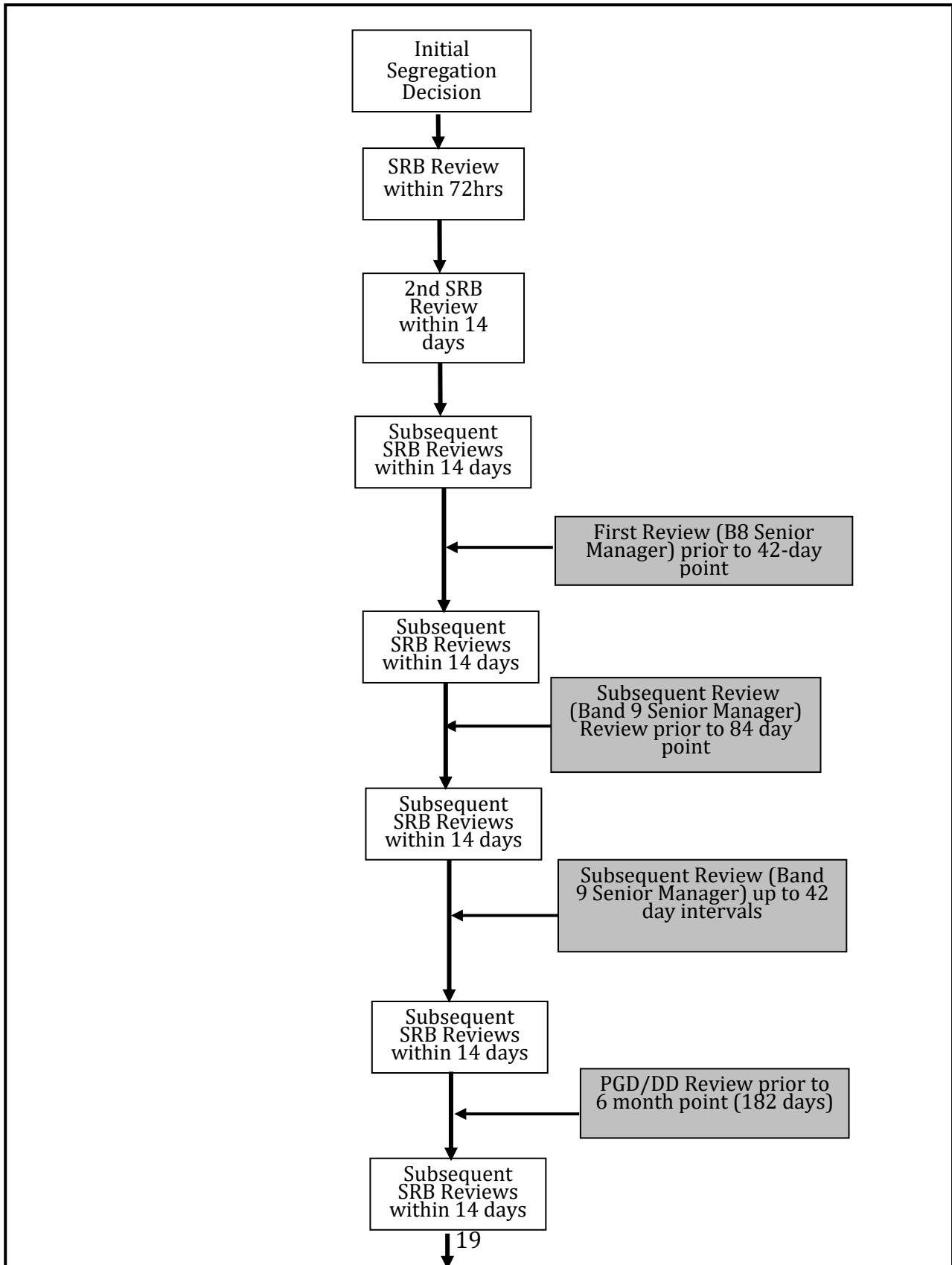
<sup>1</sup> A cell from which normal furniture has been removed and replaced with chairs for the purpose of holding several prisoners pending adjudication, is not regarded as Special Accommodation.

the relevant PGD/DD or Head of Privately Managed Prisons using the procedures set out in the following section.

#### Procedure for location in Special Accommodation beyond 24 hours

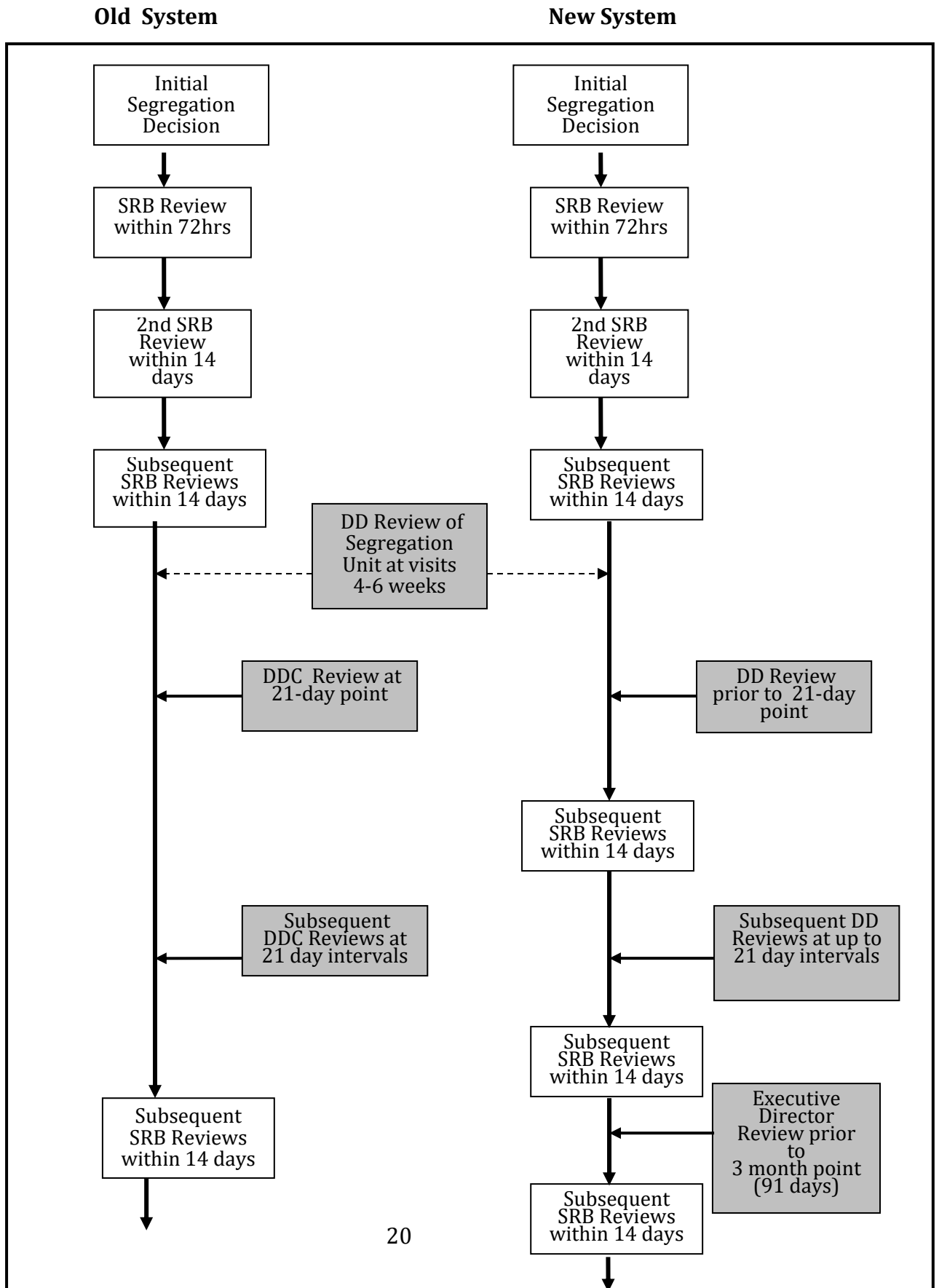
- 5.8 If it is anticipated that a prisoner will need to remain in Special Accommodation beyond 24 hours, then a direction must be obtained from the PGD. The form at Annex D1 must be submitted to the PGD/DD or Head of Privately Managed Prisons in sufficient time to enable a decision to be taken before the 24 hour point is reached.
- 5.9 The request to the PGD/DD or Head of Privately Managed Prisons to direct a prisoner remaining in Special Accommodation beyond 24 hours must be informed by a Case Review as set out in PSO 1700.
- 5.10 Any direction from the PGD/DD or Head of Privately Managed Prisons for continuing confinement in Special Accommodation will specify in writing the grounds for confinement and state the period authorised for continuing confinement. Other than in exceptional circumstances this will normally be 24 hours. The direction must be renewed prior to expiry of this period.

Flow Chart illustrating the process from April 2022



ANNEX A2

Flow chart comparing old and new segregation systems – Young People





## Timing for Segregation Review Board Decisions

### Quick Summary of Review Rules

- 1<sup>st</sup> SRB Review must be within the first 72 hours following initial segregation.
- 2<sup>nd</sup> SRB Review must be within 14 days of the 1<sup>st</sup> review.
- All subsequent SRB reviews must also be within 14 days of the last SRB review.
- In addition to the SRB cycle of reviews –
  - The B8 Senior Manager by way of a First Review must give leave for continuing segregation beyond 42 days of initial segregation (21 days for Young People)
  - The First review is not a replacement for the SRB review which must continue if the Band 8 Senior Manager gives leave for continuation of segregation.
  - If the Band 9 Senior Manager gives leave for continuing segregation beyond 42 days during the Subsequent Review (21 days for Young People) then this will be for a further maximum of 42 (21) days from the date of the First Review.

The level of authority of Segregation Reviews for the Contracted Estate is:

- First Review prior to 42 days of continuous segregation – Band 8 in the Controller Team in a privately managed prison, including a Band 8 at the same prison where the prisoner is segregated, or a Band 8 Senior Manager in the Head of Privately Managed Prisons Office.
- Subsequent Review if segregation is to continue beyond 84 days – a minimum of Band 9 Senior Manager from the Controller Team in a privately managed prison, including a minimum of a Band 9 from the Controller Team at the same prison where the prisoner is segregated, or a minimum of a Band 9 Senior Manager in the Head of Privately Managed Prisons Office.
- Review if segregation is to continue beyond 6 months – minimum of a Band 11 Head of Privately Managed Prisons.
- During that further 42 (21) day period SRBs must continue to meet on a maximum 14-day cycle from the date of the last SRB review (not from the date of the First Review which is a different type of review).
- Prior to continuous segregation of 182 days (6 months) or 91 Days (3 months) the Band 9 Senior Manager will refer the case to the appropriate Prison Group Director or Deputy Director to review.

Examples for adults and young people are shown overleaf:

**B1 Adult Prison example of review timing**

	<b>Time from Previous stage</b>	<b>Total time from initial segregation</b>
Initial Segregation	-	0 days
1 <sup>st</sup> SRB Review	72hrs	3 days (72hrs)
2 <sup>nd</sup> SRB Review	10 days	13 days
3 <sup>rd</sup> SRB Review	14 days	27 days
4 <sup>th</sup> SRB Review	12 days	39 days*
First Review by Band 8 Senior Manager signed at 40 days giving leave for continuing segregation for a further 42 days up to 82 days.		
5 <sup>th</sup> SRB Review	12 days	51 days
6 <sup>th</sup> SRB Review	11 days	62 days
7 <sup>th</sup> SRB Review	13 days	75 days*
Subsequent Review by Band 9 Senior Manager signed at 81 days giving leave for continuing segregation up to 123 days.		
8 <sup>th</sup> SRB Review	14 days	93 days
9 <sup>th</sup> SRB Review	10 days	103 days
10 <sup>th</sup> SRB Review	13 days	116 days*
Subsequent Review by Band 9 Senior Manager signed at 120 days giving leave for continuing segregation up to 162 days.		
11 <sup>th</sup> SRB Review	14 days	129 days
12 <sup>th</sup> SRB Review	14 days	143 days
13 <sup>th</sup> SRB Review	12 days	155 days*
Subsequent Review by Band 9 Senior Manager signed at 160 days giving leave for continuing segregation up to 182 days which is the maximum for a Band 9 Senior Manager Review before referral to the Prison Group Director/ Deputy Director or Head of Privately Managed Prisons.		
14 <sup>th</sup> SRB Review	10 days	165 days
15 <sup>th</sup> SRB Review	10 days	175 days*
First Prison Group Director or Deputy Director Review Head of Privately Managed Prisons **signed at 180 days giving leave for continuing segregation for a further 182 days (6 months) (Report to go via Band 9 Senior Manager)		

The cycles of SRB, Subsequent and Prison Group Director/Deputy Director reviews then repeat. The First Review is only done once.

\* Review reports to be sent to PDG/DD offices leaving sufficient time for the reviews to take place prior to expiry of any previous leave.

\*\* Reviews requiring Prison Group Director or Deputy Director authority must be sent via the Band 9 Senior Manager at least 7 days in advance of the previous leave for segregation expiring.

## **B2 Young People Establishment example of review timing**

	<b>Time from Previous stage</b>	<b>Total time from initial segregation</b>
Initial Segregation	-	0 days
1 <sup>st</sup> SRB Review	72hrs	3 days (72hrs)
2 <sup>nd</sup> SRB Review	14 days	17 days*

First DDC Review signed off at 21 days giving leave for continuing segregation for a further 21 days up to 42 days.

3 <sup>rd</sup> SRB Review	14 days	31 days
4 <sup>th</sup> SRB Review	8 days	39 days*

Second DDC Review signed off at 40 days giving leave for continuing segregation up to 61 days.

5 <sup>th</sup> SRB Review	7 days	46 days
9 <sup>th</sup> SRB Review	12 days	58 days*

Third DDC Review signed off at 60 days giving leave for continuing segregation up to 71 days.

Process continues as necessary up to 91 day point at which

The cycles of SRB, DDC reviews continue up until the 91 day (3 month) point is reached when the Director must review and give leave for continuing segregation.

First Director Review prior to 91 days giving leave for continuing segregation for a further 91 days (3 months)  
(Report to go via DDC)

The cycles of SRB, DDC and Director reviews then repeat.

\* Review reports to be sent to DDC/Director offices leaving sufficient time for the reviews to take place prior to expiry of any previous leave.

\*\* Reviews requiring Director authority must be sent via the DDC at least 7 days in advance of the previous leave for segregation expiring.

Further guidance for continuing segregation under Rule 45 (YOI Rule 49)

1. The Review Board must consider the areas set out below taking into consideration any representations the prisoner may wish to make (see 2.20 in main body above):

- a) The initial reason(s) for segregation

The initial reason for the prisoner being segregated is an important element of defining what behaviour/attitudes need to be addressed before the prisoner may return to normal accommodation.

- b) Behaviour and attitude of the prisoner since initial segregation/last review

Prisoners in segregation for periods of more than 72 hours should be set behaviour/attitude targets in order to start to work towards returning to normal accommodation. The extent to which the prisoner has met these targets should be discussed by the Board.

- c) Any concerns that may have come to light about how the prisoner is coping with segregation (mental health/self-harm concerns)

This section is to specifically highlight the fact that research indicates that a person's mental health is likely to decline when they are kept in segregation. The Board must consider any observations or concerns raised by a member of staff (including Healthcare) or the prisoner about their ability to cope in segregation. The Segregation Review Board must consider additional steps to safeguard the mental health of prisoners whilst in segregation or must fully consider advice from Healthcare.

Prisoners in segregation are likely to be at an increased risk of self-harm or suicide. The Review Board should consider whether an ACCT should be opened for those prisoners located in segregation who are not already subject to ACCT procedures. PSI 64/2011 sets out further information on Safer Custody issues.

Governors should ensure that staff are aware of the potential effects of segregation on a prisoner's state of mind and begin ACCT procedures if they observe any changes in a prisoner's behaviour or circumstances, which indicate an increase in the risk of suicide or self-harm.

A prisoner does not have to have harmed themselves, or even spoken of doing so, for it to be appropriate to open an ACCT. The full range of risk factors, as set out in PSI 64/2011, including significant changes to the prisoner's behaviour or mood should be considered.

- d) Behavioural targets

At the 72 hour review, the SRB must set targets so that the prisoner can demonstrate a willingness and ability to change the behaviour that led to segregation in the first instance. The targets should be:

- reasonable (not beyond the grasp or understanding of the 'average' prisoner)
- specific (clearly defined)
- relevant (to the reason for segregation in the first place)
- time-bound (be able to be completed before the next Review Board)

For example: If the prisoner is in segregation for repeatedly losing their temper and shouting / threatening staff and other prisoners, then behaviour targets may be:

- not raising voice at any person for the next 7 days
- not using aggressive/abusive language towards any person for the next 7 days

Intervention targets may be:

- seeing the psychologist once in the next 10 days to discuss anger management techniques
- listening to a relaxation recording provided by the library at least 3 times in the next 10 days

It is imperative that staff of all disciplines work with the prisoner during the period between reviews and provide interventions if necessary.

The Board may feel that targets set for a particular week/specified time period may need to be repeated several times before the Board will believe that a real change/willingness to change has been demonstrated by the prisoner so that it is no longer desirable to segregate them in accordance with Prison Rule 45 (YOI Rule 49). Willingness to comply with the targets set however, should lead to improved regime/ being offered to the prisoner.

e) Rewards or incentives to be awarded or removed

The Segregation Review Board must inform the prisoner of the regime that will be available to them. The SRB assesses the extent to which the prisoner has met or been willing to meet some/all of the targets set at the last Review Board. The Board decides whether to award any improvements to the regime & rewards/incentives that the prisoner is currently offered. These may be granted either as rewards or incentives to encourage better behaviour.

The Review Board may feel that the prisoner has failed to meet or make any effort to meet the targets set at the last review. In such cases, the Board may decide to remove privileges or elements of the segregation regime that the prisoner currently has. A decision to remove a radio should be given careful consideration and should not be taken lightly. Further consideration should be given to the period of time the radio is removed and any changes in the behaviour/mental health the removal may have on the prisoner.

f) Transfer to another establishment

The Segregation Review Board should consider whether they think that the prisoner needs to be transferred to another establishment. Prisoners should be informed if they are being considered for transfer to another establishment (except on security grounds for Category A and E list prisoners). If this news is likely to lead to significant disruption or violence then the prison may decide to move the prisoner without notice.

If a transfer is to take place, a copy of the Segregation Review Board notes and pre-transfer form must be sent in advance of transfer the receiving prison.

g) Prisoners who refuse to Leave Segregation

It is recognised that some prisoners refuse to leave segregation. The SRB must consider and make note of, the reasons for the prisoner's refusal to return to normal /other location. The actions to take in order to remove the prisoner from segregation will depend on the circumstances of the individual case, but might include giving a direct order to return to the wing with refusal leading to disciplinary action, or a review of the prisoner's IEP level. The prisoner must be made aware of the consequences of any refusal to leave segregation.

Where a prisoner is refusing to leave segregation due to a genuine fear of reprisals, then consideration must be given to his or her future allocation.

2. Prisoners segregated for more than 30 days should be subject to care plans that detail how their mental well-being is to be supported.
3. Particular care should be given to authorising continued segregation of a prisoner on an open ACCT or an ACCT in post-closure phase. Continued segregation should occur only in exceptional circumstances and an ACCT case review must take place at the same time as the Segregation Review Board. If a prisoner needs to be segregated from others, but is considered to be at a high risk of suicide, the Board should increase the frequency level of observations to a minimum of 5 times an hour at irregular intervals or otherwise as stated in the ACCT care plan. This applies to the first 72 hours of segregation as well as continuing segregation beyond 72 hours.

Paperwork the Segregation Review Board must complete

- a. The form Segregation Review Board – [Governor's Continued Authority for Segregation](#) will be completed by the Board and provides a record of the Board meeting and what was discussed and decided. This document must be signed by an operational manager or duty director in a contracted prison for continued segregation to be authorised.
- b. The member of the Independent Monitoring Board (where present) signs the Review Board form to demonstrate their attendance as an observer. The IMB member should also indicate their satisfaction or otherwise, that the correct procedures were followed by the SRB and that the decision was reasonable – [Governor's Continued Authority for Segregation](#)
- c. The form [Notification to Prisoners of Outcome of Segregation Review Board & Segregation Privileges and Behaviour Targets](#) is completed by the Board and a copy given to the prisoner. This form tells the prisoner

the basis for the decision to continue segregation and what regime / privileges they will have access to whilst in segregation, the date of the next Review Board and the targets that the Board have set for the intervening period.

[New or amended segregation forms \(available separately\)](#)

**Amended Forms**

**D1. OT019: Location in Special Accommodation-24hr Case Review**

**D1.2 OT025: Authority for Continued Segregation**

**D2. OT027: Notification to Prisoner of Outcome of Segregation Review Board and Segregation Privileges and Behavioural Targets**

**Forms**

**D3. OT029: Prisoner representations against segregation**

**D4. OT030: First and Subsequent Review of segregation-adults**

**D5. OT031: DD review of separation – Children or Young People**

**D6. OT032: PGD/DD review of segregation-adults**

**D7. OT033: Director review of separation – Children or Young People**

**D8. Interim Area Monitoring Form for Segregation – pending national system**



### The Monitoring function

Governors should ensure that a Segregation Monitoring & Review Group (SMARG) is set up in order to review and monitor segregation. The following people should be considered for membership of the monitoring group:

- Operational manager/Director with responsibility for the segregation unit;
- Segregation unit staff member(s);
- Chaplain;
- Member of the Healthcare team;
- Psychologist;
- Probation and or an offender supervisor (particularly when the prisoner is in scope of offender management);
- Safer Custody lead.
- IMB Member (in the role of observer/monitor)

### Mandatory Actions

Monthly data on prisoners in segregation must be sent to the PGD within 7 days of the end of each month setting out numbers of prisoners held in segregation during that month under Rule 45 (YOI Rule 49) by the following time period – numbers in continuous segregation for:

up to 72 hrs; 72hrs to 1 week; 1-2 weeks; 2-3 weeks; 3-4 weeks; 4-5 weeks; 5-6 weeks; 6- 12 weeks; 12-16 weeks; 16-20 weeks; 20-24 weeks; 24-28 weeks and total prisoners segregated beyond 28 weeks.

Total numbers of prisoners in segregation under Rule 45 (YOI Rule 49) who are on an ACCT, or in ACCT post-closure phase, must also be recorded.

An interim form for this is shown at Annex D8 pending development of a national system.

A quarterly report must be submitted to the Governor and to the PGD/DD highlighting the key observations and summarising the use of segregation over the previous quarter. A copy of the report should also be sent to the Safer Custody lead as much of the contents in SMARG crosses over with Safer Custody meetings. As a minimum, the report should:

- a. Identify and investigate general areas of concern, for example, where the segregation unit is not meeting the PSO / Review Board timetable / where ethnic statistics on BAME prisoners on segregation give cause for concern due to being disproportionate to the general population in the establishment.
- b. Identify individual prisoners that need scrutiny e.g. prisoners who have spent more than 3 months in continuous segregation; prisoners who have spent short but frequent periods in segregation; those on an open ACCT or in ACCT post-closure phase; prisoners who the healthcare team have indicated should no longer be segregated.

A member of the Independent Monitoring Board should be invited to attend the SMARG meetings (where held) as an observer and should be provided with a copy of the quarterly report. Members of the IMB must not take any management decisions.

The SMARG must address and record the following:

- Percentage of Initial Segregation Health Screens completed within the 2-hour time period;
- Percentage of Segregation Review Boards held within the specified time limit;
- Average number of prisoners segregated each week;
- Analysis of the reasons for segregation (GOoD/own protection/Cellular Confinement);
- Number and percentage of BME prisoners held in segregation as a proportion of their percentage in the prison as a whole and as a percentage of the total number held in segregation (investigate in cases where this appears to be disproportionate);
- Number of occasions that personal protective equipment is used;
- Number of segregated prisoners with registered disabilities;
- Equality considerations such as whether segregated prisoners' protected characteristics such as age, disability, gender reassignment, race, religion and sexual orientation (Equality Act 2010) have in some way affected the behaviour of the prisoner, or influenced the responses of staff to the prisoner.
- Any prisoner who is held in segregation for a continuous period of 42 days or more (adult) or 21 days or more (Young Person) including periods in segregation in a previous prison for prisoners transferred from another prison's segregation unit;
- Prisoners held in Special Accommodation;
- Prisoners held in segregation whilst on an open ACCT (consider separating the figures for those prisoners placed in segregation whilst on an open ACCT and those that have an ACCT opened whilst in segregation);
- The number of prisoners removed from segregation on grounds of safety;
- Prisoners who are located in segregation against medical recommendation.

### Recommended Actions

It is recommended that the SMARG addresses the following:

- Undertake quality control checks on a random sample of documents such as Initial Segregation Health Screen, Daily Occurrence Log, Review Board write-ups;
- Analysis of the length of stay of prisoners in the segregation unit/or otherwise segregated;
- Percentage of adjudications that result in Cellular Confinement;
- Number of Request & Complaints relating to segregation which are upheld;
- Number of occasions where use of force has been used (record separately where use of force has been used to prevent self-harm);
- Number and percentage of prisoners subject to a full search on initial segregation;
- Number of prisoners issued with cardboard furniture;
- Length of time each member of staff has spent working in the segregation unit;
- Monitoring that staff are up to date with their training e.g. equality matters, C&R, mental health training, suicide awareness;
- Consider other training that staff should undertake.



## **Amended Prison Rule 45. – Removal from association** (Revised 4 September 2015)

(1) Where it appears desirable, for the maintenance of good order or discipline or in his own interests, that a prisoner should not associate with other prisoners, either generally or for particular purposes, the governor may arrange for the prisoner's removal from association for up to 72 hours.

(2) Removal for more than 72 hours may be authorised by the governor in writing who may authorise a further period of removal of up to 14 days.

(2A) Such authority may be renewed for subsequent periods of up to 14 days.

(2B) But the governor must obtain leave from the Secretary of State in writing to authorise removal under paragraph (2A) where the period in total amounts to more than 42 days starting with the date the prisoner was removed under paragraph (1).

(2C) The Secretary of State may only grant leave for a maximum period of 42 days, but such leave may be renewed for subsequent periods of up to 42 days by the Secretary of State.

(3) The governor may arrange at his discretion for a prisoner removed under this rule to resume association with other prisoners at any time.

(3A) In giving authority under paragraphs (2) and (2A) and in exercising the discretion under paragraph (3), the governor must fully consider any recommendation that the prisoner resumes association on medical grounds made by a registered medical practitioner or registered nurse working within the prison..

(4) This rule shall not apply to a prisoner the subject of a direction given under rule 46(1).

### Notes:

- The Governor may delegate authority to segregate under 45(2) to any competent Operational Manager.
- The DDC will usually exercise the authority of the Secretary of State under 45(2B) and 45(2C).
- Under 45(4) - Prison Rule 46(1) refers to Close Supervision Centres
- Identical amendments have been made to YOI Rule 49