



**Policy name:** Separation Centre Policy Framework

**Reference:** N/A

**Re-Issue Date:** 1 November 2022

**Implementation Date:** 1 November 2022

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

- PSI 05/2017 Separation Centre Referral Manual
- Separation Centre Operating Manual June 2017

**Introduces amendments to the following documents:**

- Intelligence Collection, Analysis and Dissemination Policy Framework, page 15

**Action required by:**

X	HMPPS HQ	X	Governors
X	Public Sector Prisons	X	Heads of Group
X	Contracted Prisons		The Probation Service
	Under 18 Young Offender Institutions		Other providers of Probation and Community Services
	HMPPS Rehabilitation Contract Services Team		

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

**For Information:** The Separation Centre Policy Framework sets out the basis for placement into a separation centre and outlines the operational process from identification to deselection. This policy framework is supported by a restricted Separation Centre Operating Manual, which provides further detail to staff on how to refer, assess, select, manage and deselect prisoners in and out of separation centres. The Separation Centre Operating Manual has been restricted in order to protect HMPPS tactics from exposure.

This policy will be implemented in full, from the 1st of November 2022. A transitional period will commence on the 1st of September 2022, during which staff should start using the updated referral, assessment and review forms in preparation for the implementation date. This is to ensure that after the 1st of November 2022, the Separation Centre Management Committee (SCMC) will be able to take into account all material considerations as set out in the referral, assessment and review forms in order to comply with the requirements outlined in this policy framework. Old forms can still be used at the September and October SCMC meetings. All new processes as directed in this policy framework must be adopted in full, from the 1st of November.

By implementation date, 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?** Mandatory elements of this policy framework will be subject to local management checks. The Operations and Systems Assurance Group (OSAG) shall conduct external audits of establishments on safety and security, including separation centre sites. HM Inspectorate of Prisons (HMIP) will conduct reviews and monitoring of separation centre sites to ensure sites are meeting expectations. The Long-Term High Security Estate (LTHSE) Operational Lead for Separation Centres will also ensure that the running of separation centres meets the requirements set out in this policy framework.

**Resource Impact:** This Separation Centre Policy Framework replaces PSI 05/2017 Separation Centre Referral Manual and the Separation Centre Operating Manual 2017. The processes outlined in this policy framework may increase administrative requirements of some existing members of staff while the policy is implemented. Operational staff have been consulted throughout the drafting of this policy and have been actively involved in designing many of these additional processes. The new responsibilities will fall in line with the existing scope of their roles. Therefore, this policy framework should not cause disruption to establishments and no changes to separation centre establishment staff benchmarked figures are expected.

The policy framework also outlines the creation and implementation of a Central Management Group (CMG), for which we have received additional funding in order to meet the desired outcomes of the new policy. Part of the role of the Central Management Group (CMG) is to review the quality of a referral as a whole to ensure that it provides relevant, accurate and comprehensive information before it progresses to SCMC, which is the forum where decisions on the separation centre system are taken.

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**Approved by OPS for publication:** Sarah Coccia, OPS Chair, June 2022

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## **1. Purpose**

- 1.1 A common approach in managing terrorist or terrorist risk prisoners in England and Wales is to disperse them throughout the mainstream prison estate and hold them under normal regimes. This method ensures parity of treatment between terrorist or terrorist risk prisoners and others and may reduce the risk of them acquiring an elevated status or stigma. Nevertheless, it has been suggested that this method could increase the risk of influential prisoners exerting their influence over their peers, thereby increasing the potential of radicalisation<sup>1</sup>.
- 1.2 In 2017, HMPPS set up separation centres within the Long-Term High Security Estate (LTHSE) to allow for greater separation and specialised management of terrorist or terrorist risk prisoners, who, irrespective of the type of ideology, present a level of risk that cannot be managed on a mainstream or alternative location. There are currently three separation centres in England and Wales that hold a collective capacity of 28 spaces.
- 1.3 The Ministry of Justice has previously outlined the rationale for separation centres in its 2019 report *Separating Extremist Prisoners: A process study of separation centres in England and Wales from a staff perspective*<sup>2</sup>, which referred to a review in 2016 by Ian Acheson<sup>3</sup>. This review was commissioned to assess the threat that Islamist extremism and radicalisation posed to prisons and probation services and assessed the capability of the National Offender Management Service (NOMS) to manage that threat. The review recommended that some individuals who present a risk to national security are removed from the general prison population and placed in specialist units, where they can be offered tailored de-radicalisation interventions.
- 1.4 The purpose of this policy framework is to support the onward stability of separation centres by outlining the expected outcomes of separation — from assessment to deselection from the separation centres — including entry criteria and management outcomes. It will also provide further guidance to decision makers in respect of the legal basis for placement into a separation centre.
- 1.5 The separation centre system operates under the authority of the Secretary of State, delegated to the Prison Group Director of LTHSE, who reports to the Executive Director (ED) of the Directorate of Security (DoS). The DoS ED has responsibility for providing the system, which is overseen and managed on a daily basis by the LTHSE Operational Manager for Separation Centres, working as part of the Long Term and High Security Prisons Group (LTHSPG).
- 1.6 The purpose of separation centres is to safely manage those prisoners who meet the criteria expressed in Prison Rule 46A. The smaller centre size and higher levels of staffing jointly provide a highly supervised protective environment to prevent some of the risks that exist in a less restricted environment. This enables the provision of individually tailored regimes that

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<sup>1</sup> Williams R 'Approaches to violent extremist offenders and countering radicalisation in prisons and probation' RAN P&P Practitioners' working paper, 2nd edition, RAN Centre of Excellence (2016) (Retrieved from [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/whatwe-do/networks/radicalisation\\_awareness\\_network/about-ran/ran-p-andp/docs/ran\\_pp\\_approaches\\_to\\_violent\\_extremist\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/whatwe-do/networks/radicalisation_awareness_network/about-ran/ran-p-andp/docs/ran_pp_approaches_to_violent_extremist_en.pdf))

<sup>2</sup> Powis B, Wilkinson K, Bloomfield S and Randhawa-Horne K, 'Separating Extremist Prisoners: A process study of separation centres in England and Wales from a staff perspective' Ministry of Justice Analytical Series (2019) Retrieved from [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/818624/separating-extremist-prisoners.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/818624/separating-extremist-prisoners.pdf)

<sup>3</sup> Acheson I, 'Summary of the main findings of the review of Islamist extremism in prisons, probation and youth justice' (August 2016) Retrieved from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/547032/acheson-review-summary-aug-2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/547032/acheson-review-summary-aug-2016.pdf)

support the management of prisoners towards reducing the risks that led to their selection into the separation centre.

1.7 Prisoners may be held in a separation centre in accordance with Prison Rule 46A, which states:

(1) Where it appears desirable, on one or more of the grounds specified in paragraph (2) the Secretary of State may direct that a prisoner be placed in a separation centre within a prison.

(2) The grounds referred to in paragraph (1) are -

- (a) the interests of national security;
- (b) to prevent the commission, preparation or instigation of an act of terrorism, a terrorism offence, or an offence with a terrorist connection, whether in a prison or otherwise;
- (c) to prevent the dissemination of views or beliefs that might encourage or induce others to commit any such act or offence, whether in a prison or otherwise, or to protect or safeguard others from such views or beliefs, or
- (d) to prevent any political, religious, racial or other views or beliefs being used to undermine good order and discipline in a prison.”

(3) A direction given under paragraph (1) must be reviewed every three months.

(4) The Secretary of State may, at any time, revoke a direction given under paragraph (1) and direct that the prisoner be removed from the separation centre.

(5) In exercising any discretion under this rule, the Secretary of State must take account of any known relevant medical considerations.

(6) In this rule—

“act of terrorism” includes anything constituting an action taken for the purposes of terrorism within the meaning of section 1 of the Terrorism Act 2000<sup>4</sup>;

“offence with a terrorist connection” means an offence listed in Schedule 2 of the Counter-Terrorism Act 2008<sup>5</sup>, which also satisfies the definition in section 93 of that Act;

“separation centre” means any part of a prison for the time being used for holding prisoners who are subject to a direction under paragraph (1);

“terrorism offence” means an offence listed in section 41(1) of the Counter-Terrorism Act 2008.”

## 2. **Outcomes**

2.1. Successful use of this policy framework and supporting documents is expected to ensure that:

- a) Prison staff understand and comply with the process on how to separate prisoners where desirable on the grounds described in Prison Rule 46A.
- b) Referral, assessment and deselection processes, forms and guidance are completed in full, and reports provide an accurate reflection of the current risk that a prisoner presents so as to allow appropriate referral, selection and management of them.
- c) The referral process effectively draws information from relevant sources, including case management records; psychological assessments and formulation; healthcare and mental health; and intelligence reporting, where appropriate.

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<sup>4</sup> 2000 c. 11. Section 1(1) was amended by section 34 of the Terrorism Act 2006 (c. 11) and section 75(1) of the Counter-Terrorism Act 2008 (c. 28).

<sup>5</sup> 2008 c. 28.

- d) Regime documents which set out what the prisoner does on a daily basis, are completed by staff, and prisoners are provided with written information on local regimes and entitlements as part of their induction into a separation centre.
- e) The impact which the prisoner's removal has had on the mainstream population is reported to the Separation Centre Management Committee (SCMC) where appropriate.
- f) An appropriate process for approving deselection from separation centres is followed.

2.2. This Policy Framework replaces PSI 05/2017 Separation Centre Referral Manual and Separation Centre Operating Manual 2017. In addition to this policy framework, a restricted version of the policy alongside an Operating Manual and relevant forms will be provided to relevant staff by JEXU and LTHSE. These additional documents offer further guidance on processes for operational staff working in areas affected by this policy framework. The documents have been restricted in order to protect HMPPS tactics from exposure.

### 3. **Requirements**

#### Overview

- 3.1. This policy framework applies to all prisoners referred to a separation centre, accepted for assessment in a separation centre and selected for a placement in a separation centre, as well as those who may be or have been deselected from a separation centre.
- 3.2. National and local policies apply to all prisoners in a separation centre except where specified in this policy framework.
- 3.3. Governors are responsible for ensuring that the Outcomes set out in Section 2 are delivered.
- 3.4. All decisions made under this policy framework will be non-discriminatory, proportionate, transparent and defensible.
- 3.5. Operational staff must have regard to equality considerations and ensure that all services are provided without discrimination, having regard to the protected characteristics defined in the Equality Act 2010. The Equality Act 2010 lists age; disability; gender reassignment; marriage and civil partnerships; pregnancy and maternity; race; religion or belief; sex and sexual orientation as protected characteristics, protected under the Act. Governors and their staff should therefore never discriminate based on protected characteristics.
- 3.6. All staff must act in accordance with PSI 32/2011 Advancing Equalities and PSI 2016-20 - Implementation of Equality Analysis.

#### Referrals

- 3.7. The process of referring a prisoner into a separation centre can occur from the mainstream prison population, the point of reception into custody or the point of arrest based on known risks. A referral could also occur in the case of a recall to custody whilst on license or a further conviction. Although this policy framework frequently refers to referrals from the mainstream prison population, these processes can also be used in the circumstances outlined above.
- 3.8. Suitability for referral to the separation centre system will either be identified by partners, or through the existing management arrangements for terrorist or terrorist risk prisoners. The referring party will complete a referral form, which will outline clear reasons for how and why a prisoner may initially be identified as being a potential candidate for referral to the

separation centre. Referrals of prisoners to a separation centre will be reviewed through the Pathfinder meeting process<sup>6</sup> to ensure that forms are completed to the appropriate standard.

- 3.9. The referral form will effectively draw information from a range of relevant multi-disciplinary sources, including case management records, psychological assessments and formulation, intelligence reporting, healthcare, mental health, and other relevant sources, including from partners. Each relevant agency and team will be responsible for the completion of their own contributions to the referral form. Contributions from the multi-disciplinary teams to the referral form must be accurate, ensuring they include both information that supports a referral to a separation centre and information that undermines or does not support a referral.
- 3.10. The referral documentation will need to record that consideration has been given to whether a prisoner's mental health could be adversely affected by placement within the separation centre system. This will be taken into account during consideration of any subsequent referral before selection. Consideration will also be given throughout the referral documentation to whether there are equally effective but less intrusive alternatives to the separation centre to manage the risk posed by the prisoner and whether it is desirable to pursue them.
- 3.11. Before referrals are escalated for a decision, they will be reviewed by the Central Management Group (CMG). The CMG is a multi-disciplinary specialist team that will be responsible for reviewing the referral as a whole to ensure that it provides relevant, accurate and comprehensive information before it progresses to the Separation Centre Management Committee (SCMC). The CMG will escalate referrals to the SCMC for a decision on whether it is desirable on the grounds of Prison Rule 46A to place a prisoner in a separation centre.
- 3.12. There are two different referral routes into a separation centre: referral and urgent referral.
  - a. **Referral:** Prisoners considered to be suitable for referral to the separation centre system will usually be identified through existing management arrangements for terrorist or terrorist risk prisoners, in accordance with Prison Rule 46A. The referral will usually be escalated through Pathfinder meetings and will be reviewed by the Central Management Group (CMG). Once the CMG is satisfied that the referral is complete and it appears desirable on the grounds of Prison Rule 46A to place the prisoner in a separation centre, the referral will be escalated to the Separation Centre Management Committee (SCMC) for a decision on whether to accept the prisoner for assessment.
  - b. **Urgent Referral:** In the event that it is desirable under Prison Rule 46A for a prisoner to be separated immediately, Pathfinder or partner agencies will identify the need for an urgent referral. When an urgent referral is needed for an individual at the point of reception into custody, it may be raised outside of Pathfinder meetings. The urgent referral will be submitted to the Urgent Referral Approver (URA), who will assess whether there is sufficient justification for the urgent route being required before the referral is taken to Extraordinary SCMC. The URA will then commission the CMG to consider whether the referral is complete, and it appears desirable on the grounds of Prison Rule 46A to place the prisoner in a separation centre. The CMG will quality assure the contents of the referral to confirm whether: all sections are complete and no information is missing; the information appears accurate and relevant; that that

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<sup>6</sup>Pathfinder meetings refers to the multi-agency meeting structure used to inform, direct and oversee the effective management of an offender's *terrorist risk* whilst in prison or on probation, ensuring all agencies (namely HMPPS, CT Policing and MI5) are engaging their collective capabilities to achieve this.

there is no relevant information which was not considered or irrelevant information which was considered during decision making; and whether justification has been provided for using the urgent referral process. The urgent referral is then escalated to an Extraordinary SCMC meeting for a decision on whether to accept the referral and accept the prisoner for assessment.

- 3.13. The SCMC is the committee responsible for decisions and making directions on separation centre placements, including decisions on referrals. The LTHSE Operational Manager for Separation Centres will arrange for the SCMC meetings to be held on a monthly basis, where practical. The SCMC will be chaired by a suitable official with appropriate seniority (no lower than HMPPS Band 9) appointed by the Executive Director of DoS. At least two of the following attendees (Core Decision Makers) or their appointed representatives must attend for a decision to be made: the LTHSE Operational Lead for Pathways to Progression (HMPPS Band 9); LTHSE Operational Manager for Separation Centres (HMPPS Band 8), Joint Extremism Unit (JEXU) Head of Counter Terrorism Operational Delivery (HMPPS Band 10); and LTHSE Counter Terrorism Operational Lead (HMPPS Band 8). There will be 4 Core Decision Makers, plus a chair if the chair is not already one of the 4 Core Decision Makers. The SCMC is also comprised of a wider list of attendees from a multi-disciplinary and multi-agency background, who are encouraged to provide further context and specific expertise to inform decisions made at the SCMC. However, SCMC decisions as to separation centre placement directions and reviews are made by the attending Core Decision Makers.
- 3.14. After receiving the referral, the Core Decision Makers must decide on whether it is desirable under Rule 46A to direct that the prisoner be placed in the separation centre for assessment, considering all relevant material that supports and does not support the referral. This should also include operational considerations, which should be detailed in the recording of the decision. During the decision-making process, the Core Decision Makers will record the rationale for their decision within the minutes and complete the referral form.
- 3.15. The SCMC should consider whether there are equally effective but less intrusive options to manage the prisoner, other than referring the prisoner to a separation centre, and whether it is desirable to pursue them. The SCMC Core Decision Makers must ensure that all decisions are non-discriminatory. Further guidance will be made available to staff on how equality considerations will be taken into account during decisions.
- 3.16. The referral process will endeavour to provide a multi-disciplinary approach to all referrals so that SCMC can take into account all material considerations. However, there may be circumstances where a referral may need to rely on sensitive material to fully demonstrate the risk the prisoner poses in accordance with Prison Rule 46A. In such cases, the CMG will work closely with information owners to facilitate access to such sensitive material for SCMC Core Decision Makers. CMG can facilitate such access for Core Decision Makers to inform other decisions relating to separation centre placement where appropriate, including during quarterly reviews and decisions to deselect.
- 3.17. If the SCMC Core Decision Makers decide not to direct that the prisoner be accepted for assessment, the SCMC will refer the case back to Pathfinder, providing feedback on an appropriate location and management plan if appropriate.
- 3.18. In the event that prisoners who are not accepted for assessment or who are not selected by the SCMC continue to display behaviours which indicate placement in a separation centre may still be desirable in accordance with Rule 46A, a new referral may be raised at Pathfinder meetings and put to the SCMC. The new referral form must clearly reflect any new evidence or information that outlines why a referral to a separation centre is desirable according to



Rule 46A but may still include information contained in previous referrals where this information is relevant to the current risk that the prisoner poses.

- 3.19. If the SCMC Core Decision Makers decide to direct that the prisoner be accepted for assessment, the prisoner will be informed of the referral and assessment on the day of entry into the separation centre system.
- 3.20. Where the prisoner has been moved to a separation centre from another part of the prison estate, the impact which the prisoner's removal has had on the mainstream population is reported to the Separation Centre Management Committee (SCMC) where appropriate.

#### Assessment

- 3.21. For requirements and timeframes in which to disclose information to the prisoner, please see 3.47 – 3.58 of this Policy Framework.
- 3.22. After a referral is accepted and a prisoner is transferred to a separation centre, the SCMC will commission a series of reports to assess whether continued separation centre placement for the prisoner remains desirable in accordance with Prison Rule 46A. These reports will also allow the SCMC to better understand the management of the prisoner's risk. Reports may include, but are not limited to, psychology, physical health, mental health and chaplaincy. This list is not exhaustive.
- 3.23. An initial Care and Management Plan (CMP) will be created upon entry into the separation centre system by a multi-disciplinary staff group. This will inform the care and management of the prisoner during the period of assessment. It will not detail specific targets or interventions, but should be supportive of the prisoner's individual needs, as well as define a regime based on risk and set basic expectations. Initial CMPs must take into account any protected characteristics, reasonable adjustments and any care needs as assessed by a local authority under the framework within the Care Act 2014.
- 3.24. The assessment stage will last no longer than three months from the prisoner's entry to separation centre. The relevant multi-disciplinary teams, agencies and establishments will have this period to assess and create their respective reports, which will be reviewed by the SCMC at the selection stage.

#### Selection

- 3.25. Once all commissioned reports have been received by the SCMC, and in any event within three months of the prisoner's entry into the separation centre, the SCMC must meet for the Core Decision Makers to decide whether it remains desirable and on the grounds of Prison Rule 46A for the prisoner to be selected to remain in the separation centre.
- 3.26. For requirements and timeframes to disclose information to the prisoner, please see 3.47 – 3.58 of this Policy Framework.
- 3.27. During the meeting, the SCMC Core Decision Makers must decide whether it is desirable under Rule 46A to direct that the prisoner is to be selected and retained in the separation centre, considering all relevant material that supports and does not support the referral. This includes initial reasons for referral, consideration of the reports commissioned during the assessment stage, any prisoner's representations and other insights from multi-disciplinary teams as needed.

- 3.28. The SCMC Core Decision Makers must ensure that all decisions are non-discriminatory. The SCMC should also consider whether there are suitable and equally effective but less intrusive alternatives to retaining the prisoner in the separation centre and whether it is desirable to pursue them. Further guidance will be made available to staff on how equality considerations will be taken into account during decisions.
- 3.29. During the decision-making process, the SCMC Core Decision Makers will record the rationale for their decision within the minutes. This should also include operational considerations, which should be clearly detailed.
- 3.30. If the decision is made to direct that the prisoner is to be retained in the separation centre and selected into the separation centre, the prisoner must be informed of the direction orally and in writing within 5 working days of the SCMC Core Decision Makers making their decision.
- 3.31. After the SCMC Core Decision Makers approve placement of a prisoner in a separation centre, the LTHSE Operational Manager for Separation Centres must carry out their direction by determining and allocating an appropriate location for the prisoner in the separation centre system and will arrange transfer if required from the current separation centre location.
- 3.32. If the prisoner is selected into a separation centre after assessment, multi-disciplinary teams will update the initial CMP to record specific targets, risks, concerns and needs with the purpose of effectively managing prisoners while they are in the separation centre. All CMPs must take account of individual circumstances (such as the prisoner's physical and mental health needs), protected characteristics under the Equality Act 2010, and any individual needs for care and support assessed by the local authority under the framework within the Care Act 2014. Should a prisoner choose not to participate in the actions set out in their CMP, the multi-disciplinary team should consider motivational intervention, facilitating meaningful work with staff.
- 3.33. If the final decision is made not to select the prisoner into the separation centre system, the SCMC will refer the case back to Pathfinder for their action, providing feedback on a location and management plan if appropriate. The prisoner must be removed from the separation centre as soon as can be accommodated operationally.

#### Quarterly Reviews

- 3.34. Quarterly reviews will be carried out by SCMC every three months in accordance with Rule 46A, to establish if a prisoner should remain in a separation centre or be deselected.
- 3.35. During the quarterly reviews, the SCMC will consider the initial reasons for referral, quarterly review reports, CMP, prisoner's representations and other insights from multi-disciplinary teams as needed to assess whether it remains desirable to keep the prisoner in a separation centre on one or more of the grounds under Prison Rule 46A.
- 3.36. As separation centres provide separated prisoners with the opportunity to understand and reduce their risk through participating with the regime and working meaningfully with professionals, demonstrating reduction of risk will be highly relevant to showing whether or not it remains desirable to separate the prisoner on these grounds.
- 3.37. The SCMC should also ensure that individual circumstances, such as the prisoner's physical and mental health needs are taken into consideration during this review.

3.38. The SCMC will take into account all material considerations. Contributions from the multi-disciplinary teams to the quarterly review form must be accurate, ensuring they include both information that supports the case for retaining the prisoner in a separation centre and the material that supports the case for returning the prisoner to a mainstream location. CMPs should be used to inform the quarterly review process. Contributions may include (but are not limited to):

- Residential
- Psychology
- Offender Management/POM including keyworker
- Security
- Chaplaincy
- Gymnasium
- Education
- Healthcare- Mental and Physical Health
- Any other relevant information such as safer custody
- Overall recommendation

3.39. The SCMC shall consider whether the prisoner's risk can be managed in alternative or mainstream locations. The SCMC will have operational discretion for deciding whether to direct that a prisoner should be moved from a separation centre.

3.40. For requirements and timeframes to disclose information to the prisoner, please see 3.47 – 3.58 of this Policy Framework.

3.41. Should a prisoner remain in a separation centre for two years, a review of their placement will take place by a senior official who was not directly involved in the initial referral and subsequent quarterly reviews.

#### Deselection

3.42. The SCMC will conduct quarterly reviews to determine whether it is desirable to keep the prisoner in a separation centre under Prison Rule 46A. If the quarterly review directs that it is no longer desirable to retain the prisoner in a separation centre on one or more grounds in Prison Rule 46A, the LTHSE Operational Manager for Separation Centres must arrange for the prisoner to be removed from the separation centre as soon as can be accommodated operationally and deselection arrangements relating to ongoing management and monitoring will be put into place.

3.43. The SCMC should ensure that individual circumstances, such as the prisoner's physical and mental health needs which may affect their Care Management Plan, will be taken into consideration during their management in separation centres and decision to deselect.

3.44. Achievement of Care Management Plan targets does not automatically qualify a prisoner for removal from the separation centre. Prisoners being deselected from a separation centre are not risk-free, and careful planning is advisable to support their transfer from the separation centre. Prior to a quarterly review, operational staff should consider preparing an exit plan to manage the prisoner, and their remaining risks, outside of the separation centre system, in order to support deselection and exit arrangements.

3.45. Arrangements should be put in place to manage any operational issues such as parole or resettlement needs of prisoners leaving separation centres in line with processes such as Multi-Agency Public Protection Arrangements (MAPPA) and release from custody.

3.46. If a prisoner is deselected from a separation centre but there is intelligence or other information which identifies that separation may be desirable on the grounds of Prison Rule 46A, they may be referred again to the separation centre. A referral could also occur in the case of a recall to custody whilst on license or a further conviction. Staff must follow the referral or urgent referral route as stated in 3.12 of this Policy Framework.

**[REDACTED]**

#### Informing the Prisoner and Representations

3.47. The prisoner will have recurring opportunities to make legal representations throughout their placement in a separation centre.

3.48. If the prisoner is accepted for assessment, they will be notified of this on the day of their arrival into the separation centre at the direction of the LTHSE Operational Manager for Separation Centres, orally and in writing. If the prisoner is not accepted for assessment, they will not be notified of the referral, nor will they receive feedback from the SCMC meeting. For all referrals to separation centres, the presumption is to not give the prisoner prior notice of the referral. This is because giving prior notice may increase the risk of a prisoner escalating their behaviour in advance of the referral.

3.49. The referral form must be disclosed to the prisoner within 5 working days of entry to the separation centre. The disclosable material will outline the reasons for referral and assessment, and why separation is considered to be desirable on the grounds of Prison Rule 46A.

3.50. Sufficient information must be disclosed to the prisoner to explain the rationale of the decision and to permit the prisoner to make meaningful representations. However, sensitive material may be withheld from disclosure to the prisoner for one of the following reasons:

- in the interests of national security;
- for the prevention of crime and 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; and
- where disclosure is prohibited by law.

3.51. If necessary to explain the rationale of the decision and to permit the prisoner to make meaningful representations, a gist of withheld material will be provided. No material, or gist or summary of material, or other information, may be provided to a prisoner and/or their representative where such a disclosure would damage the interests of national security or the prevention or detection of serious crime.

3.52. The prisoner must be given a minimum of 10-working days from receipt of the referral form to make initial written representations to the SCMC. The SCMC will review the initial representations at the next scheduled SCMC and consider whether it is appropriate to continue to proceed with the assessment. If it is no longer desirable to continue placement in a separation centre following the assessment stage, the SCMC must direct that the prisoner is returned to normal location. The prisoner must be informed of the option to seek an extension to make representations within this 10-working day period. However, the prisoner

must also be informed that if representations are received less than 5 working days before the SCMC, they may not be considered until the next SCMC meeting, and, as Prison Rule 46A requires the placement of prisoners to be reviewed every three months, any extension cannot take the review beyond this period. If no representations are submitted, the assessment stage will continue as normal.

- 3.53. The prisoner must receive the commissioned reports completed during the assessment stage and contained in the assessment reports form 20 working days before the SCMC meets to decide whether to select the prisoner for the separation centre system. This allows the prisoner to make meaningful representations to be considered at the selection stage by SCMC. The prisoner must be given a minimum of 10 working days following their receipt of the commissioned reports to make representations. The prisoner must be informed of the option to seek an extension to make representations within this 10 working days period. The prisoner must be informed that if representations are received less than 5 working days before the SCMC meeting, they may not be considered until the next quarterly meeting, and that, as Prison Rule 46A requires the placement of prisoners to be reviewed every three months, any extension must not take the review beyond this period.
- 3.54. If the final decision is made to direct that the prisoner be selected into the separation centre, the prisoner must be informed of the decision orally and in writing within 5 working days of the SCMC Core Decision Makers making their decision.
- 3.55. The prisoner must receive the quarterly review form 20 working days before the SCMC quarterly review meeting. This allows the prisoner to make meaningful representations to be considered at quarterly review by the SCMC. The prisoner must be given a minimum of 10 working days following their receipt of the commissioned reports to make representations. The prisoner must be informed of the option to seek an extension to make representations within this 10 working days period. Any representations from the prisoner or their legal representative must be received 5 working days prior to the SCMC taking place to enable the SCMC to consider them. The prisoner must be informed that if representations are received less than 5 working days before any SCMC, they may not be considered until the next quarterly meeting.
- 3.56. Any feedback from quarterly review meetings must be delivered in writing to the prisoner.
- 3.57. Throughout the prisoner's placement in the separation centre, where particular needs have been identified such as, for example, a learning disability, mental health needs, a requirement for translation facilities or any protected characteristic, and a reasonable adjustment has been approved to assist them to understand the feedback from any SCMC meetings or any of the documentation; this must be provided by the relevant separation centre.
- 3.58. For all prisoner representations, assistance must be made available to prisoners acting on their own behalf for whom making representations causes difficulties; for example, those who cannot read or write, those with impaired understanding, learning difficulties, those for whom English is not a first language. Representations can be made directly by the prisoner or through a legal representative.

#### Regime

- 3.59. The regime of the separation centre must meet the requirements of the Prison Rules 1999 and the Residential Services PSI (PSI 75/2011).

- 3.60. The regime for the separation centres is set out in the Separation Centre Operating Standards, which the LTHSE Operational Manager for Separation Centres is responsible for implementing.
- 3.61. The regime within the separation centre system is based on multi-disciplinary input and all disciplines of staff provide a significant contribution to the regime.
- 3.62. Regimes, activities and interventions, and the management of prisoners, will incorporate psychological approaches to work towards developing the rehabilitative culture and to assist prisoners in taking responsibility for their lives.
- 3.63. The LTHSE Operational Manager for Separation Centres and Clinical Lead will assess the rehabilitative offers across all separation centre sites and with their mainstream locations.
- 3.64. Regimes will be produced and published locally by each separation centre site, clearly showing the regime activities available at that site. Prisoners will be encouraged to attend and carry out activities according to their risk level to ensure they use their time within the separation centre as constructively as possible. Activities and pay must be in line with the individual risk assessment and the prisoner's incentives and earned privileges level.

#### Movement of Prisoners

- 3.65. All prisoner movements will be carried out in line with the Local Security Strategy (LSS).
- 3.66. The LTHSE Operational Manager for Separation Centres is responsible for population management within the separation centre system. Potential moves will, when practicable, be discussed at the SCMC to ensure relevant operational context is taken into consideration. Establishments should ensure that representatives attending the SCMC are able to advise on any operational issues regarding or affecting the movement of prisoners, subject to Prison Rule 46A. Any moves will form part of the agenda for the SCMC meeting. In the event of a move, the prisoner will be informed at the point of the move.
- 3.67. The LTHSE Operational Manager for Separation Centres has the authority to move prisoners between separation centres and may proceed with a transfer without previous authorisation from the SCMC. Should this be the case, the SCMC will be informed at the next scheduled meeting. Moves will take place for the following reasons, including but not limited to operational, clinical, procedural or care planning needs, as well as accumulated visits.

#### Managing Prisoners

National and local policies apply to all prisoners in a separation centre except where specified below.

##### *Offender management*

- 3.68. Prisoners' offender management will be dealt with in line with PSO 2205 on Offender Assessment and Sentence Management - OASys. On entering a separation centre, the offender manager should be provided with relevant information in order to ensure that the OASys assessment, risk and sentence plans are up to date, and that risk assessment and sentence planning remain up to date during their time in the separation centre. OASys should be reviewed annually for prisoners in separation centres, or following a significant event as per PSO 2205.
- 3.69. Where prisoners are likely to be released from custody directly from a separation centre, arrangements will be discussed at the earliest opportunity at the SCMC. This will include any

need for local release, information sharing and involvement with the national MAPPA processes (National MAPPA Guidance, November 2021) and National Security Division (NSD) processes as set out in PSI 2016/18 on Public Protection Manual.

#### *Segregation*

- 3.70. If a prisoner is removed from association within a separation centre, the placement within the separation centre remains in force and Prison Rule 46A will continue to apply in parallel, as will the requirement for the SCMC to conduct a quarterly review. Once the prisoner is no longer removed from association, the prisoner will continue to be managed under Prison Rule 46A.

#### *Safer Custody- Management of Those at Risk*

- 3.71. Prisoners held within the separation centre system identified as being at risk of suicide or self-harm must be managed under the Assessment, Care in Custody and Teamwork (ACCT) process, which is outlined in the PSI 64/2011 on Managing Prisoner Safety in Custody and annex. Special care must be taken to monitor their welfare, and the impact of the transfer should be monitored, in case the transfer to the separation centre triggers a deterioration in their mental health condition.

#### *Adjudication*

- 3.72. All adjudications will take place within the separation centre. Local arrangements will be made in the case of a visiting Independent Adjudicator.

#### *Remand*

- 3.73. Prisoners held on remand in a separation centre must be held and managed in accordance with Prison Rule 7(2) and PSO 4600 on Unconvicted, Unsented and Civil Prisoners. Remanded prisoners must be kept out of contact with convicted prisoners, as far as the governor considers it can reasonably be done, unless they consent. Remanded prisoners may wear their own clothes and have access to as many visits as can be facilitated by the separation centre.

#### *Visiting arrangements*

- 3.74. Prisoners within the separation centre will have their visits within a designated visits area and should not have their visits alongside non-separation centre prisoners.
- 3.75. Prisoners are entitled to apply for accumulated visits to be held in other separation centre locations in line with non-separation centre prisoners, and these applications will be sent to the LTHSE Operational Manager for Separation Centres following consultation with the governor of the holding prison and proposed location as per PSI 16/2011.

#### *Contacts*

- 3.76. All prisoners within separation centres will be subject to the Management of Security at Visits Policy Framework and the Authorised Communications Controls and Interception Policy Framework. Prior to implementation of the Approved Contacts Scheme under the Authorised Communications Controls and Interception Policy Framework, Category A prisoners within separation centres will be subject to vetting of their visitors, following the process set out in PSI 43/2014 Management and Security of Category A Prisoners. In addition, where necessary and proportionate in accordance with Prison Rule 34, the visitors of non-Category A prisoners will be vetted following the process set out in PSI 43/2014 Management and Security of Category A Prisoners.

### Governance, Independent Scrutiny and Assurance

- 3.77. The Duty Governor, Orderly Officer and Night Orderly Officer must visit the centre in accordance with their normal frequency of visits to all other areas of the prison. These visits are to ensure external observations of the Centre's operation take place on at least a weekly basis and to provide staff support. These visits will be recorded in the centre observation book or on the orderly officer/duty governor log.
- 3.78. Members of Independent Monitoring Board, who can provide independent oversight and monitor the welfare of prisoners, will have unrestricted access to all parts of the prison, including the separation centre, in accordance with Prison Rule 79(2). The IMB deliver responsibilities on observation and reporting in prisons as set out in the Prison Act 1952 and Prison Rules 1999.

**[REDACTED]**