



Policy name: Certified Prisoner Accommodation Framework

Reference:

Re-issue Date: 27 February 2023

Implementation Date: 22 April 2022

Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled: PSI 17/2012 Certified Prisoner Accommodation

Introduces amendments to the following documents: This Policy Framework is now listed as a reference in the following service elements in the following Custodial Service Specs:

- *Secure & Decent Custody: Early Days in Discharge (FNC) – Service Element 3*
- *Secure & Decent Custody: Residential Services – Service Elements 2, 7, 8, 13, 24, 25*
- *Secure & Decent Custody: Specialist Accommodation – Service Elements 11,12, 15, 17, 27*

Action required by:

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

Mandatory Actions:

- Certification is a legal requirement under Section 14 of the Prison Act 1952 that must be completed for all prison and young offender institution accommodation before it can be used to confine prisoners overnight.
- Certification is the responsibility of the Prison Group Director (for Public Sector Prisons), Executive Directors (for Wales and YCS), Deputy Director (for Long Term High Security) or Head of Custodial Contracts (for contracted prisons) and cannot be delegated. In this document the term Authorising Director will be used to represent these roles.
- This Policy Framework sets out the minimum requirements for certification and the mandatory actions for Authorising Directors to ensure that all accommodation they are responsible for is properly certified.

For Information: By the implementation date Governors¹ of Public Sector Prisons and Contracted Prisons must ensure that their local procedures do not contain the following:

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

² In this document, the term Prison Officer also applies to Prison Custody Officers in Contracted Prisons

³ In this document, the term Prisoner also applies to Young Adults and Children in HMPPS Custody

- References to PSI 2012/17.

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).

Section 4 of the Policy Framework contains guidance to implement the mandatory requirements set out in section 3 of this Policy Framework. Any questions concerning departure from the guidance can be sent to the contact details below.

How will this Policy Framework be audited or monitored: HMPPS records compliance with the Accommodation Standard through the Certification Process (Annex B).

Resource Impact: This Framework is Resource Neutral

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Approved by OPS for publication: 21/03/2022

Revisions

27 February 2023	Addition of para 9 in Annex A

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1. Purpose

- 1.1 Certification is a legal requirement under Section 14 of the Prison Act 1952. It must be completed for all prison and young offender institution accommodation before it can be used to confine prisoners overnight. This Policy Framework sets out the minimum requirements for certification and mandatory actions to ensure that all accommodation is properly certified.
- 1.2 This document provides the minimum requirements and mandatory actions for the certification of all existing accommodation. The higher technical specifications to which all modern accommodation will be built can be accessed by emailing moj_ed_technicalstandards@justice.gov.uk

2. Outcomes

- 2.1 HMPPS aspires to provide all prisoners with a good quality, decent standard of accommodation. This is delivered when:
- All rooms or cells used to accommodate prisoners overnight meet the Accommodation Standard (Annex A).
 - Accommodation is maintained in line with the National Standard for the Cleanliness and Physical Decency of Prisons.
 - All rooms or cells used to accommodate prisoners overnight meet the safety requirements set out in relevant laws and regulations, as well as with relevant HMPPS mandatory requirements.
 - A system is in place to ensure that any prisoner identified with relevant protected characteristics can be accommodated at no detriment. Further guidance on these matters can be found in PSI 2011/32 Ensuring Equality.

3. Requirements

- 3.1 Certification is the responsibility of the Prison Group Director (for Public Sector Prisons), Executive Directors (for Wales and YCS), Deputy Director (for Long Term High Security) or Head of Custodial Contracts (for contracted prisons) and cannot be delegated. In this document the term Authorising Director will be used to represent these roles.
- 3.2 The Accommodation Standard (**Annex A**) sets out minimum requirements for certification. HMPPS records compliance with the Accommodation Standard through the Certification Process (**Annex B**). Authorising Directors must follow the mandatory actions set out in the Certification Process to ensure that all accommodation they are responsible for is properly certified.
- 3.3 Governors must ensure that the condition of prisoner accommodation, its compliance with the National Standard for Cleanliness and Decency, and the provision of reasonable adjustments, are all checked on a regular basis. Accommodation that fails to meet the required standard must be reported to the Authorising Director without delay.
- 3.4 Governors must manage the availability of places on a daily basis, ensuring that the establishment can accommodate the number of prisoners certified as its Operational Capacity by the Authorising Director. This includes Cell Sharing Risk Assessment management; holding high risk prisoners in single cells so that standard risk prisoners can

share double cells. Provided that Operational Capacity is not affected, taking individual cells out of use for reactive maintenance or furniture replacement is at the discretion of Governors.

4. Guidance

Policy Framework Guidance Section

4.1 The Accommodation Standard (**Annex A**) sets out minimum requirements for certification. In summary, all accommodation must:

- Be of adequate size for the maximum number of prisoners it will hold.
- Have adequate lighting, heating, ventilation and fittings.
- Have 24-hour access to water and sanitation.
- Allow prisoners to communicate at any time with a prison officer.

4.2 The certification process (**Annex B**) sets out mandatory actions for Authorising Directors to ensure that all accommodation they are responsible for is properly certified. This includes:

- Identifying each room or cell with a unique cell mark, which must also be placed in a conspicuous position on the room or cell itself and must not be changed without the Authorising Director's consent.
- Receiving information from facilities management experts (see paragraphs 4.7 below), surveyors and other external inspectors, and using that information in deciding whether accommodation meets minimum requirements for certification.
- Approving the number of prisoners that can normally occupy the room or cell (CNA - Certified Normal Accommodation) and its maximum capacity if crowded. Certified Normal Accommodation, or uncrowded capacity, is the Prison Service's own measure of accommodation. CNA represents the good, decent standard of accommodation that the Service aspires to provide all prisoners.
- Setting the Operational Capacity for each establishment at the total number of prisoners that it can hold, taking into account control, security and the proper operation of the planned regime. Operational Capacity must not exceed the maximum capacity of all accommodation within the establishment. Operational Capacity may be less than maximum capacity; this difference provides flexibility to manage cell sharing risks, reactive maintenance and other issues affecting availability of individual places.

Maintaining accommodation in use

4.3 Once accommodation has been certified for prisoner use, it is the responsibility of Governors to maintain it in a clean and decent state. The National Standard for the Cleanliness and Physical Decency of Prisons sets out necessary actions to ensure that this is achieved.

4.4 It is the responsibility of Governors to ensure that a system is in place to provide assurance that any prisoner identifying with relevant protected characteristics can be accommodated at no detriment. This includes reasonable adjustments for disability, a legal duty under the Equality Act 2010, but should also ensure consideration of all other protected characteristics. Further guidance on reasonable adjustments can be found in PSI 2011/32 Ensuring Equality.

4.5 It is the responsibility of Governors to ensure that the condition of prisoner accommodation, its compliance with the National Standard for Cleanliness and Decency, and the provision of reasonable adjustments, are all checked on a regular basis. Accommodation

that fails to meet the required standard must be reported to the Authorising Director without delay.

Ensuring the regulatory compliance of prison buildings

4.6 Prisons are subject to the same regulations as other residential accommodation, and all rooms or cells used to accommodate prisoners overnight must comply with mandatory standards in areas including:

- Structural integrity of buildings
- Fire safety
- Water and hygiene
- Heating

4.7 Ensuring compliance in these areas through preventative and reactive maintenance is the responsibility of the Ministry of Justice Property Directorate and the facilities management companies that they contract. The Intelligent Client Function, as a part of the HMPPS Prison Supply Directorate, holds responsibility for assuring this process. Site Delivery Managers and Regional Estates Managers in Prisons Maintenance Group are responsible for contract management of these services. Privately managed prisons have their own arrangements.

Withdrawing accommodation from use

4.8 It is the responsibility of Governors to manage the availability of places on a daily basis, ensuring that the establishment can accommodate the number of prisoners certified as its Operational Capacity by the Authorising Director. This includes Cell Sharing Risk Assessment management; holding high risk prisoners in single cells so that standard risk prisoners can share double cells. Provided that Operational Capacity is not affected, taking individual cells out of use for reactive maintenance or furniture replacement is at the discretion of Governors.

4.9 Planned reductions in Operational Capacity must be agreed through the appropriate pathway, as identified in **Annex C**.

4.10 Where it is identified that a cell is not adequate for health, fails to meet the other requirements in this Policy Framework or the conditions of the cell are no longer as stated in the certificate, the Authorising Director must ensure that remedial action is taken immediately, or withdraw the accommodation from use on an unplanned basis until such work can be completed.

4.11 Changes to Operational Capacity must be recorded through revisions to cell certificates, and the new cell certificates must be submitted using the process at **Annex B**.

THE ACCOMMODATION STANDARD

Introduction

1. It is a legal requirement under the Prison Act 1952 (section 14), the Prison Rules (Rule 26) and the Young Offender Institution Rules (Rule 22), that no cell shall be used for the confinement of a prisoner or young offender unless it is certified by an inspector that its size, lighting, heating, ventilation and fittings are adequate for health and that it allows the prisoner to communicate at any time with a prison officer. References to an inspector to be construed as references to an officer (not being an officer of the prison) acting on behalf of the Secretary of State, by virtue of the Prison Commissioners Dissolution Order 1963, SI 1963 No 597, art 3(2), Sch.1.
2. This document sets minimum standards for the certification of prison and YOI accommodation. Accommodation must not be certified or used as sleeping accommodation unless the Authorising Director is satisfied that it meets these standards.
3. The table below sets out the required attributes for uncrowded and crowded accommodation. Uncrowded accommodation is defined as accommodation where its occupancy matches the CNA figure provided upon certification. Crowded accommodation is defined as accommodation where its occupancy is required to exceed the CNA (i.e. 2 prisoners sharing a cell with a CNA of 1 or, more rarely, 3 prisoners sharing a cell with a CNA of 2).

Requirement	Uncrowded accommodation	Crowded accommodation
Space to Sleep	Y	Y
Space to dress and undress	Y	Y
Washbasin	Y	Y
Space for circulation, movement and seating	Y	Y
Space to eat Meals	Y	Y
Storage space	Y	Amount subject to space available – fittings may be compacted or combined
Personal pursuits	Y	Subject to space
Use of WC	In private with full body screening and ventilation	Partial privacy screening is acceptable. Separate ventilation is not required.

Sanitation

4. Prisoners must have 24 hour a day access to sanitation and, where in-cell sanitation is provided, be able to use it with at least some privacy from other prisoners. Where there is no integral sanitation in the cell or room, there must be a process in place to allow the prisoner to

access communal facilities 24 hours a day, and this process must be identified on the cell certificate.

Lighting

5. Electric lighting must be installed and functional, and there must be natural light. For the purposes of certification, the Authorising Director can assume that lighting and windows were designed to the standards which prevailed at the time of the original build and/or any subsequent major refurbishment. The standard is met if:
 - a. The diffuser is not damaged or defaced such that it would significantly reduce light output.
 - b. All lighting including the night-light can be switched on and off.
 - c. There is an external window in the cell or room.

Heating

6. A heating system must be installed and fully functional. It should not lead to the overheating of individual cells during warm weather. For the purposes of certification, the Authorising Director can assume that this was designed to the standards which prevailed at the time of the original build and/or any subsequent major refurbishment. The standard is met if:
 - a. The heat emitter (pipe coil [with or without shroud], radiator, radiant panel or under-floor heating) is clear from obstructions (but note that beds and lockers that have been fitted adjacent to radiator pipes can be disregarded)

And:
 - b. The heating system operates when required. Where this can only be physically checked during the 'heating season', records that the building's heating system operated during the previous heating season are sufficient for certification outside of this period.

Ventilation

7. The accommodation must be adequately ventilated and must not be certified if inadequate ventilation is likely to put health at risk (i.e. the risk of transmission of airborne disease). If visual inspection shows signs of mould growth and dampness on walls and other surfaces, before certifying the accommodation the Authorising Director should seek advice from Prison Maintenance Group (or equivalent in privately managed prisons), taking into account whether the previous occupant had blocked air vents or whether the cell has been recently subjected to flooding. Otherwise, the standard is met if:
 - a. For accommodation with openable windows: the windows open and close.
 - b. For accommodation with fixed window ventilators: the perforated grilles operate correctly between open and closed positions.
 - c. For accommodation with a separate ventilator through the wall: the perforated grille is clear and, where fitted with an integral fan, the fan operates.
 - d. For accommodation with mechanical extract ventilation: the extract system is operating (this can be checked by holding a sheet of A4 paper close to the grille - it should remain stuck to the grille by the suction of the extract).

Fittings

8. Requirements for cell furniture are set out at Annex A of the National Standard for the Cleanliness and Physical Decency of Prisons, alongside other resources for Clean and Decent Prisons. Authorising Directors must have systems in place to fulfil these requirements before certifying the accommodation for use.
9. In-cell furniture must be HMPPS/MOJ approved and meet necessary health, safety and fire regulations. Prison Industries' furniture and fittings have been designed for the custodial market and should be the default supply route. Utilising the internal market also provides national assurance and standardisation as well as benefits to the service through activity places and value for money.
10. Other services which may be found in some cells, such as in-cell power, IT, telephony, TV or radio aerial outlets, showers, and in-cell fire detection, do not form part of the cell certification process but may be subject to other requirements. For further information on these or any other accommodation standard issues, please contact MoJ Property Directorate Technical Standards at moj_ed_technicalstandards@justice.gov.uk.

Communication with an officer

11. There must be a functional mechanism for attracting the attention of staff, and this must provide both a visual and audible means of alert. The standard is met if either:
 - a. The prisoner is not confined to their cell or room, for example in open prison accommodation, or
 - b. A cell call system is installed and operating sufficiently well to be capable of attracting the attention of staff.

THE CERTIFICATION PROCESS

Roles and Responsibilities

1. Cell certificates may be prepared by any member of staff, however they must be authorised by the Authorising Director. Authorisation of certificates should be made in the form of signature, which may be physical or electronic.
2. Signed certificates must be submitted to the Capacity Management Team so they can be used for regular publication, reporting and validation of accommodation information.
3. Assistance and guidance on the cell certification process can be obtained by emailing the Capacity Management Team using the following Functional Mailbox: cell.certification@justice.gov.uk

When updated cell certificates are required

4. Up to date certificates should be submitted to the Capacity Management Team whenever the conditions of the cell are no longer as stated on the certificate, or if there is a change which will impact the number of places made available to hold prisoners, the way the capacity is used, and/or if the change to capacity is expected to last longer than 7 days. This would include, but is not limited to:
 - Any increase to available capacity – including new builds, cell reclaims, conversions, any other increases.
 - Any decrease to available capacity – including planned and unplanned maintenance, unsuitable or indecent accommodation being taken out of use or any other reduction.
 - Any change which will impact the way the accommodation is utilised – including change of function, reconfiguration or any other change of use.

The process for completing cell certificates

5. Before updating Cell Certificates, please contact the Capacity Management Team (cell.certification@justice.gov.uk) for the most up to date Cell Certificate for the establishment. Changes should then be recorded on this version.
6. The Governing Governor or an appointed Prison Manager (Band 8 or above) must complete the Cell Schedule sheet
 - 6.1 Each cell used for the confinement of prisoners **must** be recorded on a separate row in the Cell Schedule sheet with:
 - i. *The Wing / Unit designation*
 - ii. *The unique cell reference as used on NOMIS*
 - iii. *The Cell Mark as it physically appears outside the cell*
 - iv. *“Baseline CNA” recorded as a whole number*
 - v. *“Maximum Number of prisoners” recorded as a whole number*
 - vi. *“Used for” recorded as free text*

6.2 "Number of places allocated" is an optional measure, which can be used to assist in planning for the overall Operational Capacity figure in the Operational Availability sheet, or left blank. Where this is completed it should be recorded as a whole number.

7. Prison accommodation includes a range of specialist cells, for example segregation or healthcare units. Regardless of whether specialist accommodation places are included as Certified Normal Accommodation, they must be certified and have the "maximum number of prisoners" recorded appropriately. Recording places in specialist accommodation depends on whether the place vacated by the prisoner on normal location is subsequently filled, as follows:

- i. If, while the prisoner is located in the specialist accommodation, and the normal operating process of the prison is that their previous place on normal location is normally kept available for their return: the accommodation must be certified with a Maximum number of prisoners, but **should not** be included as Certified Normal accommodation.
- ii. If a place is not normally held on normal location for prisoners accommodated in the specialist accommodation: the accommodation **should** be included as Certified Normal Accommodation.

8. Places in specialist accommodation **may or may not** be included in the total Operational Capacity for the establishment depending on local operational requirements.

9. Any ligature-resistant cell on normal location should be recorded as a 'standard' cell on the cell certificate, and managed operationally in line with Safer Custody policy when holding prisoners in it who are at risk of self-harm. Further information about this policy can be found [here](#). Technical specifications for ligature-resistant cells can be accessed by emailing moj_ed_technicalstandards@justice.gov.uk.

10. Regarding Gated cells

10.1 When the cell is used for Constant Supervision only, the cell does not need to be to ligature-resistant specification (as safety is provided by the dedicated member of staff supervising the at-risk prisoner), and would not normally be expected to be on the CNA. However, it must still be certified.

10.2 When the standard cell door and gate operate separately, the cell door is affixed as normal, but an anti-ligature lock back door shroud is constructed within the cell. When the cell door is locked back an externally mounted gate can be used and locked into position to enable Constant Supervision. In this case, where the prison wish to operate a "step down" approach of care, i.e. from constant supervision to a lower, but still higher level of safety than normal accommodation, the cell would need to be to safer cell specification and be certified. In this case, the decision on whether cells should be on the CNA or not are, as above, subject to local operational requirements.

11. Completing the Operational Availability sheet

a. *Unit Designation* and *Baseline CNA* will be autocompleted from Cell Schedule sheet

- b. *In use CNA* and *Op Cap* should be recorded at a wing level, these totals are indicative and may be used flexibly as long as the total number of individuals held in any one cell does not exceed the “Maximum Number of prisoners” as recorded on the Cell Schedule sheet.
- c. *Normal Use* should reflect the type of prisoners that are normally held in the accommodation.
- d. *Reason Code if not in use* should identify the reason for places which are shown in the Baseline CNA column not being made available for use.
- e. Complete records of Specialist Accommodation
- f. Arrange for inspection and signature by the Authorising Director and submit completed cell certificate to the Capacity Management Team (cell.certification@justice.gov.uk). This version will then be held by Capacity Management and treated as the current cell certificate for the establishment until replaced.

APPROVALS REQUIRED FOR CHANGES TO CAPACITY AND REPORTING

Planned capacity changes must be approved by the appropriate level of governance as detailed in the table below:

Situation	Governance Required			
	Discussion with Custodial Capacity	Approval from Authorising Director	Approval from Executive Director	Approval/Ratification by Capacity Taskforce
Reductions in Capacity				
Reduction of Baseline CNA only	Y	Y	Y	
Reduction of in-use CNA only	Y	Y		
Reduction of Operational Capacity – with or without change in CNA	Y	Y	Y	Y via business case*
Increases in capacity				
Increase in Baseline CNA only	Y	Y		
Increase in in-use CNA only	Y	Y		
Increase in Operational Capacity – with or without change in CNA	Y	Y		
No change to capacity				
Changes to Cell Attributes - Including but not limited to: Location IDs on NOMIS, Cell Sanitation Arrangements	Y	Y		

* **Business Case** - This is a formal record of any request to reduce capacity. Blank templates and guidance on completion of this form can be provided by the Capacity Management Team.

Next steps after approval:

1. Any decant requirement to meet the new Operational Capacity must be agreed with Capacity Management and Population Management: (Cell.certification@justice.gov.uk / PMS@justice.gov.uk)
2. Send certificates to authorising director for signature
3. Send a copy of authorised certificates to cell.certification@justice.gov.uk

Where it is identified that a cell is not adequate for health, fails to meet the other requirements in this Policy Framework or the conditions of the cell are no longer as stated in the certificate, the Authorising Director must ensure that remedial action is taken. The Authorising Director will withdraw the accommodation from use on an unplanned basis until such work can be completed