



Policy name: Assessment and Control of Radon in HMPPS Prisons, Probation Sites and Contracted Prisons.

Reference: N/A

Re-issue Date: 17 August 2023 **Implementation Date:** 17 April 2023

Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled: PSI 19/2015 NOMS Health and Safety Arrangements - Assessment and Control of Radon Exposure in NOMS' Custodial Premises

Action required by:

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

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

For Information: The aim of this Policy Framework is to produce clear guidance for HMPPS sites on managing radon across all prison and probation sites in England and Wales.

By the implementation date Governors¹ of public sector prisons, Directors of contracted prisons and Regional Probation Directors² (RPD) of probation sites must ensure that any local guidance and procedures that they develop because of this Policy Framework are compliant with relevant legislation, including the public sector equality duty (Equality Act, 2010).

In this document any reference to 'Prison Group Director' (PGD) means the Deputy Director of contracted custodial services in the case of any contract managed prison. Any reference to (RPD) means Probation Director for Community Accommodation Services in the case of Approved Premises.

The HMPPS Radon Assessment and Control of Radon Manual provides guidance to implement the mandatory requirements set out in section [4] of this Policy Framework. Whilst it will not be mandatory to follow what is otherwise set out in this guidance, clear reasons to depart from the guidance should be documented locally. Any questions concerning departure from the guidance can be sent to the contact details below.

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

² In this document the term Regional Probation Director also applies to Probation Director for Community Accommodation Services

How will this Policy Framework be audited or monitored: Mandatory elements of this Policy Framework will be subject to audit and monitoring via;

- Ministry of Justice Property Services (MoJ PS) audit of statutory, legal and mandatory compliance using Property Compliance Audits (PCA's)
- The National Health Safety and Fire Governance Strategy (HSFGS) defines the national, regional and local audit and assurance processes. A copy can be requested via the contact details below.
- Local management checks, which may be subject to audit by operational line management, as judged to be appropriate by the managers with responsibility for delivery.
- MoJ PS must provide assurance to HMPPS at executive, group and site level via reports presented at Estates Tripartite Meetings.
- Health, safety and fire leads (HSFL) must monitor policy compliance and management arrangements and report to duty holders.
- PGDs/RPDs and Governors will monitor compliance with requirements set out within this Policy Framework at their sites.
- In contracted custodial settings, policy monitoring, audit and assurance will be via standard custodial contract management arrangements.

Resource Impact: No permanent staffing issues arise. An ad-hoc RPS may be required where local rules are implemented as a temporary control measure on RPA advice. This will be managed by the health and safety lead. Many of the technical and procedural measures for control are likely to be in place and / or accommodated in existing budgets or programmes. The transition to standardising requirements across all HMPPS sites, may mean that some locations may revisit their assessments and improve their compliance leading to some local demands, but it is likely that these will be accommodated in existing programmes or put through capital or local bid prioritisation processes.

Contact: For enquiries related to this policy, please contact: Health-Safety.national@justice.gov.uk

Deputy/Group Director sign-off: Yaser El-Borgi, Deputy Director

Approved by OPS for publication: Sarah Coccia (Executive Director Prisons) and Ian Barrow(Executive Director Probation), Chairs of Operational Policy Sub-board.

Revisions

17 August 2023	Minor changes to provide further clarify on: FM RPA and site responsibility for completing the Radon Risk assessment where above and below action levels are present; and HMPPS responsibility to inform above action level exposure of third party employees to their employer. Amendments are to: para 4.22 of the PF; para 5.3 of the Manual Annex A and Annex 1.
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1. Purpose

- 1.1 The Health and Safety at Work Act 1974, the Management and Safety at Work Regulations 1999 and the Ionising Radiation Regulations 2017 (IRR17) set the legal framework on which this policy is based. As an employer and controller of premises, HMPPS must ensure that an assessment of the exposure to radon gas is made and controls, where necessary, are put in place, to ensure it minimises the risk of adverse health affects to those in its premises. This policy lays out the minimum requirements for the control of exposure to radon in all HMPPS sites and contracted prisons. It identifies the action necessary to evaluate and measure radon exposure and subsequently assess, control and monitor the risk to staff, prisoners, people on probation and third parties.
- 1.2 It is important to note that prisoners residing in cell accommodation and people on probation residing in approved premises may potentially be exposed for long periods equivalent to domestic exposure so both domestic and workplace exposure thresholds are used.

2. Evidence

- 2.1 Radon is a naturally occurring radioactive gas and the UK's single largest contributor to background exposure levels. Radon is harmful by inhalation and may cause damage to lung tissue, contributing to lung disease including lung cancer. The risk of harm from radon is influenced by the concentration of the gas and the duration of exposure. Adverse health effects are significantly worse in smokers.

3. Outcomes

- 3.1 Implementation of this policy framework, including that of control measures identified by the risk assessment approach it outlines, should;
- Reduce risks to health from radon exposure to prisoners, people on probation, staff, visitors and third parties to the lowest reasonably practicable level and below specified legal threshold levels defined within IRR17.
 - Ensure compliance with relevant legislative and common law duty of care requirements thereby protecting HMPPS from enforcement and or legal action.

4. Requirements

- 4.1 All senior managers with overall responsibility for an establishment, approved premises or other HMPPS site must be aware of the need to provide oversight of these arrangements and of the scope and intention of the policy, and the need to put it into effect and monitor its implementation.
- 4.2 HMPPS staff with responsibility for health and safety e.g. Governors, RPD, Sponsors, HSFA's, HSA, MoJ PS staff with responsibility for delivery of services to the HMPPS estate, MoJ contractors including FM providers and HMPPS staff with responsibility for accommodation must be familiar with its detail.
- 4.3 Those staff with responsibility for health within contracted prisons e.g., Directors, Controllers, HSA's, HMPPS Custodial Contracts Directorate and staff with responsibility for accommodation must be familiar with its detail.

- 4.4 Local health and safety committees, union health and safety officials and other relevant staff representatives must be made aware of this policy and consulted on its implementation and monitoring locally.
- 4.5 All staff have a statutory right to be informed of the risks to which their work exposes them and the methods HMPPS or contracted prisons uses to control these risks. All staff are legally required to co-operate with their employers on matters of health and safety.
- 4.6 It is the responsibility of MoJ PS and FM Contractors to collaborate and provide HMPPS Chief Operations Officer, Deputy Directors, Executive Directors, PGD's, RPD's and Governors with the information needed to ensure that:
- A suitable and sufficient radon survey and assessment is in place and its controls are being monitored in line with this guidance or:
 - Existing surveys and assessments are reviewed and revised in the light of this policy and appropriate action plans are developed, where required.
- 4.7 In HMPPS sites Governors/RPDs must ensure that the following arrangements are in place:
- MoJ PS staff with responsibility for the site must work with the local and regional HSFA's, MoJ appointed Facilities Management (FM) provider and the FM provider's appointed Radiation Protection Advisor (RPA) to ensure effective radon surveying and risk assessment is in place.
 - Prison and regional probation Estates Tripartite Meetings must include radon management actions and mitigations where appropriate.
 - Implementation of engineering controls will be agreed by MoJ PS using the appropriate funding mechanism based upon financial thresholds and project size.
 - Ensuring implementation, ongoing maintenance, test and inspection of engineering controls will be via MoJ PS with responsibility for the site through planned preventative maintenance programme recorded on computer aided facilities management system (CAFM) with assurance given to the Governor/RPD and local HSFA.
 - Ensuring implementation and ongoing oversight of local management arrangements as defined in the risk assessment will be via the Governor/RPD and relevant functional managers.
 - Radon risk assessment for the site must be made available by the FM provider to the local prison or probation regional 1st-Health and Safety committee ~~after the 31st of March~~ on an annual basis following review (or earlier where there is a change).
 - Changes to local controls or conditions and monitoring reports must be communicated to the Governor/RPD and local HSFA and made available to the relevant Health and Safety committee.
- 4.8 Within contracted prisons our advice is to follow steps 4.6 and 4.7 however given the contractual differences within the contracted estate must be compliant with legislation.
- 4.9 The Building Regulations include requirements for design consideration in terms of radon management. Newer HMPPS premises should therefore have intrinsic control where radon is a risk, but these must be tested and maintained. Local risk assessments will reflect these differences.
- 4.10 All project work, planning permission etc, must include radon design considerations where appropriate.

4.11 Operational Procedures

The HMPPS Radon Gas Management - Outcomes and Responsibilities document (Annex A) and The HMPPS Radon Assessment and Control of Radon Manual should be read in conjunction with the below. Contracted prisons must put in place appropriate measures to meet policy requirements and compliance.

4.12 Register of Subterranean Rooms

Whether in a Radon Affected Area (RAA) or not, a register of all subterranean work rooms and living accommodation identified on site must be maintained by the FM provider. It must;

- Include an evaluation of the duration of occupancy for each area.
- Identify responsibility owners.
- Be reviewed when a change of use occurs or at least annually.

4.13 Within probation premises, the register of subterranean rooms must be held by the FM contractor electronically in a central depository accessible to MOJ PS and in the site logbook. Reviewed by FM Contractor with the responsible person for the building when a change of use occurs or at least annually.

The responsible person for the building must;

- Include an evaluation of the duration of occupancy for each area.
- Identify responsibility owners.

4.14 Radon Survey

MoJ PS must complete;

- An indicative survey for all HMPPS sites using the UK Radon website to assess if a radon survey is required. Surveys must be repeated every 3 years.
- A geological survey where it is identified the site is in a RAA. Surveys must be repeated every 10 years or more frequently on the advice of the FM RPA.

4.15 Survey Monitoring and Report

- Site in a **non** RAA;

Where below-surface work rooms are present and used above the 50-hour threshold, or if there is occupied subterranean living accommodation in officially **non** RAAs, monitoring of radon levels under the advice of FM RPA must be carried out to quantify the risk of radon exposure. Where it is not possible to determine exposure time, monitoring must be undertaken.

- Site **within** a RAA

Where a site or any part of it lies within a RAA, sample monitoring must be carried by a radon specialist contractor and report provided to inform a subsequent risk assessment.

4.16 Radon inspection and testing for radon levels is to be repeated at least every 10 years or more frequently on the advice of the FM RPA if required.

4.17 In all instances where monitoring is required, a written monitoring strategy and the need for temporary mitigation pending survey results from the radon specialist contractor must be discussed with the FM RPA.

4.18 **Notification of above action levels**

The outcomes of the monitoring survey report must be communicated by the FM provider without delay to the local and regional HSFA's, MoJ PS staff with responsibility for the site and Governor/RPD.

In addition, where it is identified readings are in excess of statutory action levels the local HMPPS HSFA must notify the HMPPS Headquarters Health and Safety (HS) function, who will at the earliest opportunity notify;

- The Health and Safety Executive (HSE)
- The HMPPS RPA
- HMPPS Health & Care Partnerships Team, to jointly agree the appropriate level of escalation to United Kingdom Health Security Agency (UKHSA) or Regional Health Protection Teams.

Appropriate arrangements within contracted prisons must be put in place to ensure notification to the HSE and escalation to the UKHSA where appropriate.

4.19 **Planning and Mitigation Controls**

Where readings from the monitoring survey report are above action levels following a three month monitoring programme;

- Temporary mitigations and suitable controls must be put in place on the advice of the FM RPA.
- Should local rules be required on advice of the FM RPA, an RPS must be appointed by the regional HSF responsible for the site.
- Where individuals on site are exposed to radon in excess of the statutory action levels, an exposure assessment must be carried out by the HMPPS RPA and shared with affected individuals via the HS headquarters function.
- Advice must be obtained from the FM RPA to inform a mitigation survey which must be carried out by a radon specialist contractor and should include radon testing and formal recommendations for any remedial works.
- The FM RPA must liaise with the HMPPS RPA to keep them informed of site related radon issues, radon levels, the proposed mitigations and the ongoing monitoring.

4.20 The outcomes of the mitigation survey must be shared by the FM provider at the earliest opportunity with;

- MoJ PS with responsibility for the site, local and regional HSFA's and the Governor/RPD.

4.21 Mitigation controls must be considered, selected and implemented subject to the advice of FM RPA and radon specialist contractor.

4.22 **Radon Risk Assessment**

A radon risk assessment must be in place for the affected site and outline the controls and monitoring in place to maintain levels below the statutory action levels to a safe level.

Where above action levels are identified the radon risk assessment must be completed by the FM RPA for the site and be;

- Formally accepted and agreed by the Governor/RPD, FM site manager and MoJ PS staff responsible for site using Radon Acceptance letter.
- The Radon Acceptance letter will be provided to the FM provider by the regional HSFL and retained locally for audit (Annex B)
- Shared with the local HS committee annually or more frequently where there is a change in the assessment.

4.23 **Planned Maintenance Regime**

A planned maintenance regime must be in place within the CAFM system with;

- Visual inspections carried out 12 monthly as a minimum or otherwise directed by the risk assessment in high-risk areas.
- Any equipment to mitigate and control radon inspected and maintained in accordance with PPM schedules applied in CAFM.
- Any re-assessment of radon levels requirements set out in the report planned into the CAFM system.
- Records maintained and available as evidence, to reflect both visual inspection and associated equipment maintenance.

4.24 **Communications & Training**

Within the induction process, staff, prisoners, people on probation and third parties must be provided with information related to radon where a site is located in a radon affected area and/or there are subterranean rooms /accommodation.

4.25 Should there be any instances where over exposure may have occurred, site must;

- Take advice from the HMPPS RPA to provide the necessary exposure assessment information for individuals affected.
- Liaise with the local HSF team to deliver the approved Radon Awareness package to individuals affected which is contained in the Radon Manual (Annex 3).
- Provide information to those on site of any mitigations which may directly affect them.
- Communicate the potential risk of over exposure to third party employers where there has been risk identified to their employees

4.26 On receipt of the HMPPS RPA exposure assessment, HQ HS must communicate;

- Individual exposure information to those who have been overexposed via the Governor/RPD.
- With third party employers where third party employee's have been over exposed.

4.27 **Record Retention**

The following records created are to be maintained by MoJ PS for a period of fifty years from the date of creation;

- Postcode surveys

- Lists of below ground workrooms and their occupancy levels
- Lists of below ground accommodation
- Specialist contractor survey reports detailing all relevant radon levels
- Risk assessments and significant findings
- Remedial actions taken to reduce risk
- Any dose estimates relating to accidental exposure

In the case of custodial contracts directorate appropriate arrangements to maintain records must be put in place.

5. Annexes

Annex 1 – Procedural Actions Flowchart

Annex 2 – Radon Implementation Summary Record

Annex 3 – Radon Awareness Information Package

Annex A – HMPPS Radon Gas Management - Outcomes and Responsibilities document

Annex B – Radon Acceptance letter

Glossary

APOM	Area Property Operations Manager
CAFM	Computer Aided Facilities Management system
CEMAR	Contract Event Management and Reporting (software)
FM Provider	Facilities Management Provider
HS	Health and Safety
HSA	Health and Safety Advisor
HSF	Health Safety and Fire
HSFA	Health, Safety and Fire Advisor
HSFL	Health Safety Fire Lead
HSFGS	National Health Safety and Fire Governance Strategy
IRR17	Ionising Radiation Regulations 2017
MoJ PS	Ministry of Justice Property Services
PCA	Property Compliance Audits
PCT	(MOJ) Property Compliance Team
PGD	Prison Group Director
PPM	Planned Preventative Maintenance
RAA	Radon Affected Area
RPA	Radiation Protection Advisor
RPD	Regional Probation Director
RPOM	Regional Property Operations Manager
RPS	Radiation Protection Supervisor
SHSFA	Senior Health Safety and Fire Advisor
SPG	Senior Practitioner Group
UKHSA	United Kingdom Health Security Agency
YOI	Youth Offender Institute