**** **HMP XXXXXXX**

**COMMUNICATIONS COMPACT**

**Note to Staff:** This compact *must* be explained to all prisoners within seven days of reception at each establishment. Prisoners must sign a copy of this compact confirming that they understand it and must be offered a copy for their own records. The original signed copy must be stored consistently in the prisoners’ records.

**OVERVIEW**

1. HMPPS has a duty to ensure that prisoners are able to maintain contact with friends and family where this is in the best interests of both parties.
2. All social telecommunication calls and (where installed) messages are recorded but only monitored if necessary and proportionate. This is governed by Prison Rules 34 and 35A.
3. A maximum of up to 5% of all social communications including telephone, video call, messages, mail or email may subject to monitoring on a daily basis.
4. Legal/confidential calls will not be monitored unless in exceptional circumstances. Further information can be sought from the Authorised Communications Policy Framework.
5. All recipients of PIN phone calls will be made aware that the call is coming from a prison, will be recorded and may be monitored via an automated message played before the call connects.
6. Communications via PIN phones, social video call, messages (where installed), mail or email can only be made by prisoners who have signed this compact.
7. This Communications Compact may be used as evidence in any adjudication where a breach of the Compact is identified
8. The Communications Compact may be used as evidence in any relevant criminal or litigation cases where a breach of the Compact is identified

**TERMS AND CONDITIONS:**

**TELECOMMUNICATIONS: PIN TELEPHONE CALLS , SOCIAL VIDEO CALLS AND IN-CELL MESSAGING**

You are being allowed to use the PIN phone system, social video call system and (where installed) In-cell Messaging Service, on the following conditions:

1. The Personal Identity Number (PIN) allows only you to use the telephone using this PIN. pin numbers are not to be shared with other prisoners and you must only use your own PIN.
2. You will only use the video calling system to contact named persons already approved for contact through your PIN Phone account or social visits.
3. Where an In-cell Messaging Service has been installed, the In-cell IT Log-in and PIN allows only you to use the service. The In-cell Messaging Service details are not to be shared with other prisoners, and you must only use your own when accessing the service.
4. You must pay for PIN Phone calls using your prison personal cash account.
5. You must ensure that you clearly identify your social from your legal/confidential telephone numbers when you complete the PIN phone application form. It is your responsibility to ensure that legal/confidential telephone numbers are clearly defined on the form.
6. Calling or attempting to call or message (where installed) unauthorised telephone numbers, using PIN numbers or In-cell IT Log-in details which are not yours, or handing the phone to another prisoner to continue a conversation you have initiated using your PIN number, may result in disciplinary action against you or in certain cases, a criminal investigation.
7. The telephone numbers you have on your social and legal/confidential list and the names and personal details of people you are contacting will be held on your individual account on the electronic database which runs the PIN phone system and stored in accordance with the provisions of the Data Protection Act 2018. For the following cohorts, social telephone numbers are checked to identify the recipient:
8. Category A (including potential/provisional);
9. Remanded or convicted of terrorism or terrorism-connected offences;
10. Identified as posing a risk or a potential risk to children;
11. Convicted or remanded for a harassment offence (including stalking) or subject to a court-imposed restriction or order, such as those as set out in the Public Protection Manual (PPM);
12. Identified as a domestic abuse perpetrator, or where there is a domestic abuse protection notice issued or domestic abuse protection order imposed;
13. Cautioned, convicted, or otherwise dealt with in respect of a sexual offence listed in Schedule 3 of the Sex Offences Act 2003;
14. A risk involving the intimidation of victims/witnesses;
15. An E-list prisoner.
16. Social conversations made on prison PIN phones, secure social video calling services and (where installed) In-cell messaging services will be recorded and may be monitored by prison staff, including regional/HQ teams if deemed necessary and proportionate upon assessment of risk. Monitoring will commence upon initial reception for the following prisoners and be monitored live:
17. Category A prisoners and restricted status (Potential, Provisional, High Risk and Exceptional Risk);
18. E-List heightened

Monitoring will be considered (upon assessment of risk) upon initial reception or when they gain the relevant status for the following prisoners:

1. Identified as posing a risk or a potential risk to children
2. Convicted or remanded for a harassment offence (including stalking) or court order as set out in *the Public Protection Manual (PPM);*
3. Identified as a domestic abuse perpetrator or potential perpetrator.
4. Convicted currently, or in the past, of stalking
5. Cautioned, convicted, or otherwise dealt with in respect of a sexual offence listed in Schedule 3 of the Sex Offences Act 2003
6. A risk involving the intimidation of victims/witnesses
7. Category A standard
8. E-List Standard or E-List Escort
9. TACT or TACT-connected;

Monitoring will only be continued after review if deemed necessary and proportionate.

9) You must not make a telephone call if you know it is to be diverted and/or is a call in which more than one person is involved (a conference call). You must not use freephone numbers, platform numbers, or call forwarding services.

10) You must not make a social video call if you know any aspect of the call may be diverted, or an individual other than the verified user(s) with whom the call is booked will be conducting the conversation (for example, speaking from off the screen whilst the booked caller maintains their position on camera).

11) You must not conduct a conversation on a PIN phone, social video call or (where installed) messaging service that contains any of the following:

* 1. Material which is intended to cause distress or anxiety to the recipient or any other person, such as messages which are indecent or grossly offensive; or a threat; or information which is known or believed to be false;
  2. Plans or material which could assist or encourage any disciplinary or criminal offence (including attempts to defeat the ends of justice by suggesting the fabrication or suppression of evidence);
  3. Escape plans, or material which if allowed may jeopardise the security of a prison establishment;
  4. Material which may jeopardise national security;
  5. Descriptions of the making or use of any weapon, explosive, poison or other destructive device;
  6. Obscure or coded messages;
  7. Material which, if sent to, or received from, a child might place his or her welfare at risk;
  8. Material which would create a clear threat or present danger of violence or physical harm to any person, including incitement to racial hatred or which might place a child’s welfare at risk;
  9. Material which is intended for publication or use by radio or television or for posting on the internet (or which, if communicated, would be likely to be published or broadcast) if it contravenes the guidance in PSI 49/2011 and PSI 01/2012.

12)Failure to abide by these conditions may result in withdrawal of access to the telephone and disciplinary action under Prison Rule 51/ YOI Rule 50.

13) HMPPS staff may terminate the call where monitoring indicates that a breach of the Communications Compact may be taking place and doing so is necessary and proportionate.

14) Use of the In-cell messaging service will be terminated upon transfer to a prison that has not installed it.

15) Any unused In-cell messaging system messages on release or transfer will not be exchanged for any monetary value.

**WRITTEN CORRESPONDENCE: MAIL AND EMAIL**

1) You must include your name, prison number and establishment address on any outgoing correspondence. Any legally privileged mail must be marked accordingly (See Legal/Confidential Communications)

2) You may write letters or receive letters in the language of your choice, but letters not written in English and which are subject to monitoring may be subject to delay whilst they are translated.

3) Any social mail may be opened to check for illicit enclosures and may be subject to monitoring.Legal/confidential mail may be opened if there is a reasonable cause to believe that it contains an illicit enclosure or its contents endanger prison security or the safety of others or are otherwise of a criminal nature. If legal/confidential mail is to be opened, you will be given the opportunity to be present.

1. Social mail may be monitored by prison staff when necessary and proportionate. This will be initially monitored for the following prisoners:
2. Category A prisoners and restricted status (Potential, Provisional, High Risk and Exceptional Risk);
3. E-List heightened

Monitoring will be considered (upon assessment of risk) upon initial reception or when they gain the relevant status for the following prisoners:

1. Identified as posing a risk or a potential risk to children
2. Convicted or remanded for a harassment offence (including stalking) or court order as set out in *the Public Protection Manual (PPM);*
3. Identified as a domestic abuse perpetrator or potential perpetrator.
4. Convicted currently, or in the past, of stalking
5. Cautioned, convicted, or otherwise dealt with in respect of a sexual offence listed in Schedule 3 of the Sex Offences Act 2003
6. A risk involving the intimidation of victims/witnesses
7. Category A standard
8. E-List Standard or E-List Escort
9. TACT or TACT-connected;

Monitoring will only be continued after review, if deemed necessary and proportionate.

5) Correspondence via mail or email must not contain the following:

1. Material which is intended to cause distress or anxiety to the recipient or any other person, such as messages which are indecent or grossly offensive; or a threat; or information which is known or believed to be false;
2. Plans or material which could assist or encourage any disciplinary or criminal offence (including attempts to defeat the ends of justice by suggesting the fabrication or suppression of evidence);
3. Escape plans, or material which if allowed may jeopardise the security of a prison establishment;
4. Material which may jeopardise national security;
5. Descriptions of the making or use of any weapon, explosive, poison or other destructive device;
6. Obscure or coded messages;
7. Material which, if sent to, or received from, a child might place his or her welfare at risk;
8. Material which would create a clear threat or present danger of violence or physical harm to any person, including incitement to racial hatred or which might place a child’s welfare at risk;
9. Material which is intended for publication or use by radio or television (or which, if sent, would be likely to be published or broadcast) if it contravenes the guidance in PSI 49/2011 – Prisoner Communication Services, PSI 01/2012 – Manage Prisoner Finance, and PSI 37/2010 – Prisoners’ Access to the Media.
10. Material which is indecent and obscene under Section 85(3) of the Postal Services Act 2000;

6) HMPPS staff may stop or restrict correspondence where monitoring indicates that a breach of the Communications Compact may be taking place and doing so is necessary and proportionate.

**LEGAL / CONFIDENTIAL COMMUNICATIONS**

1. It is your responsibility to clearly identify legal numbers on the form that goes to the PIN Clerk. Failure to do so is likely to result in legal/confidential calls being recorded and potentially monitored.
2. It is your responsibility to clearly identify legal/confidential letters when sending mail.
3. Communications to legal advisers, courts, MPs, or Confidential Access organisations are confidential and will not be recorded or monitored except where there is reasonable cause to believe that the communications are intended to further a criminal purpose.
4. Confidential Access organisations are explained in the Authorised Communications Policy Framework and apply to both telephone, video call and mail communications. The current list is contained within the policy framework and a copy can be supplied by the establishment.

The decision to monitor these calls will be taken only on the authority of the Chief Executive Officer of HM Prison and Probation Service (HMPPS), the Director of National Operational Services or Duty Director.

1. If staff suspect that a letter marked ‘Rule 39’ or ‘confidential access’ may contain an illicit enclosure, they may, on authority of the Governor, decide to open it in your presence. The Governor may also authorise staff to read it in your presence if there is a reasonable cause to believe that its contents may endanger the security of the prison, or someone’s safety, or that the letter is intended to further a criminal purpose.
2. Mail to or from a legal or confidential access organisation, would not normally be opened or read. However, it should be recognised that it may be opened accidentally or in error if it is not clearly marked as either ‘Rule 39’, ‘YOI Rule 17’ or ‘Confidential Access’.
3. Prisoner emailservices must not to be used for legal or confidential communications.

**SOCIAL MEDIA**

Prisoners will be committing a criminal offence if they directly access and/or update social media content – including the updating of accounts and publishing of videos or other information on the internet.

In addition, prisoners must not use these systems of communication to knowingly contribute/update social media content via third party (i.e., supplying information to a third party to update your social media content on your behalf).

**COMMUNICATIONS COMPACT: AGREEMENT TO TERMS AND CONDITIONS**

**I confirm that I understand the terms and conditions of use of the PIN telephone system, social video call , written correspondence and email and agree to them. I understand that this compact will be retained in my personal record and could be used as evidence in adjudication or prosecution or other litigation:**

|  |  |
| --- | --- |
| **Prisoner Name:** |  |
| **Prisoner Number:** |  |
| **Signature:** |  |
| **Date Signed:** |  |
| **Name of member of staff:** |  |
| **Job Title:** |  |
| **Signature:** |  |