



**Policy name:** Prevention of Escape – External Escorts

**Reference:** N/A

**Re-Issue Date:** 15 July 2024

**Implementation Date:** 22 September 2022

**Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled on 22 September:**

- PSI 33/2015 External prisoner movement
- PSI 26/2015 Security of prisoners at court
- Prisoner external movements: NOMS service specification

**Introduces amendments to the following documents:** N/A

## **LONG TERM HIGH SECURITY ESTATE AND RESTRICTED STATUS PRISONERS**

### **POLICY REQUIREMENTS**

Directions about the security and management of these prisoners must be in line with the following;

- The Identification, Initial Categorisation and Management of Potential and Provisional Category A/Restricted Status Prisoners
- The Review of Security Category - Category A/Restricted Status Prisoners
- Management and Security of Category A Prisoners - Internal
- Management and Security of Category A Prisoners - External Movements
- Management of Restricted Status Prisoners (awaiting publication)

**Action required by:**

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

**For Information:** By the implementation date, Governors<sup>1</sup> of Public Sector Prisons and Contracted Prisons must ensure that their local procedures do not contain references to the following Prison Service Instructions (PSIs) /Policy Frameworks or service specifications:

PSI 33/2015 External prisoner movement

PSI 26/2015 Security of prisoners at court

Prisoner external movements: NOMS service specification.

<sup>1</sup> In this document the term Governor also applies to Directors of Contracted Prisons.

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 6 of the Policy Framework contains 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 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.

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

Unless specific reference is made to Prisoner Escort and Custody Services (PECS), normal contractual agreements must be carried out in relation to PECS escorts.

**How this Policy Framework will be audited/monitored:** In public sector prisons, Prison Group Directors (PGDs) will monitor compliance with requirements set out within the Policy Framework in their prisons using the auditing and monitoring tools described in this framework.

In contracted prisons monitoring of compliance will be through the standard contract management processes.

Health and Safety (H&S) assurance and monitoring for public sector prisons is undertaken through H&S monitoring and assurance within the H&S function, using the H&S audit and reporting tool compliance checklist. The H&S processes may be different for contracted prisons and therefore, contracted prisons must have their own H&S arrangements which ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees.

Quality assurance for public sector prisons and contracted prisons is provided by HMPPS Operational and Systems Assurance Group (OSAG) through the security audit. Mandatory elements of instructions should be subject to management checks (and may be subject to self or peer audit by operational line management), as judged to be appropriate by the managers with responsibility for delivery.

**Resource Impact:** This Policy Framework has been assessed as having no significant resource impact as it is the amalgamation and formalisation of existing PSI's and current practice. Security Departments will be required to update their LSS upon publication of this Policy Framework.

**Contact:** [security.procedures@justice.gov.uk](mailto:security.procedures@justice.gov.uk)

**Deputy/Group Director sign-off:** Andy Rogers

**Approved by OPS for publication:** Sarah Coccia and Ian Barrow, Joint Chairs, Operational Policy Sub-board, 2022

## **Revisions**

<b>Date</b>	<b>Changes</b>
October 2022	Paras 4.1 to 4.5 which had details on NSF Risk Assessments have been removed and will be added back into the PF following the rollout of the new National Security Framework
March 2023	Minor additions to 4.49 and 4.50 relating to religious beliefs or considerations
July 2023	<ul style="list-style-type: none"><li>• Additions throughout to include D Cuff Escort Chain usage.</li><li>• Amendments for permissible usage of Body Worn Video Cameras (BWVC) &amp; Rigid Bar Hand Cuffs (RBHC).</li><li>• Amendments to include single sheet emergency escort form.</li></ul>
15 July 2024	Section 6 – Guidance – and Annexes have been marked Official Sensitive and removed from the Policy Framework. They are available internally from HMPPS's Intranet

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## Annexes

Annex A	LSS annual assurance statement (OFF SEN)
Annex B	HMPPS CMDF (OFF SEN)
Annex C	CMDF email (OFF SEN)
Annex D	PECS CMDF (OFF SEN)
Annex E	NSF risk assessment process (OFF SEN)
Annex F	Security induction talk template (OFF SEN)
Annex G	Key security outputs (OFF SEN)
Annex H	Escort risk assessment example (OFF SEN)
Annex I	Bedwatch log example (OFF SEN)
Annex J	Hospital risk assessment example (OFF SEN)
Annex K	Escape from escort poster/guideline (OFF SEN)
Annex L	How to apply restraints pictorial (OFF SEN)
Annex M	Using the toilet process pictorial (OFF SEN)
Annex N	Security Information Hub application (OFF SEN)

Annex O	Security Information Briefing - Serviceability and replacement of standard handcuffs (OFF SEN)
Annex P	Physical security self audit template (OFF SEN)
Annex Q	'Policy into Practice' PPO learning document (OFF SEN)
Annex R	External Escorts Videos (ST 1, St 4, ST 6, ST 7.1 & ST 8) (OFF SEN)

## Supporting Tools

ST1	Plastic restraints instructional video: <u>The use of plastic restraints (See Annex R) (OFF SEN)</u>
ST 2.1 and 2.2	Plastic restraints learning bulletin and infographic (OFF SEN)
ST3	Discreet restraints learning bulletin (OFF SEN)
ST4	Applying single and double cuffs instructional video: <u>Application of single and double restraints.</u> (See Annex R) (OFF SEN)
ST5	Use of inserts instructional video: <u>The use of inserts (OFF SEN)</u>
ST6	Using the escort chain instructional video: <u>Application of the escort chain.</u> (See Annex R) (OFF SEN)
ST 7.1 and 7.2	Changeover of restraints instructional video: <u>Change-over of restraints (See Annex R)</u> and infographic (OFF SEN)
ST8	Using the D Cuff Escort Chain instructional video: Application of the D cuff escort chain (See Annex R) (OFF SEN)

## **1. Purpose**

- 1.1 HM Prison and Probation Service (HMPPS) is committed to preventing victims by changing lives, working together to protect the public and help people lead law abiding lives.
- 1.2 Public protection is core to the successful and effective delivery of offender management. In managing prisoners in custody and upon release in the community, HMPPS has the protection of the public, including victims, children and vulnerable adults, as an overriding aim in all its activity.
- 1.3 This Policy Framework provides necessary information in a clear, concise manner, ensuring that we robustly manage security, specifically around escape and abscond from our establishments. The document provides establishments, with the information and guidance needed to maintain high levels of security, seek to prevent escape or abscond, and maintain a secure and stable environment for all. It applies to all public and contracted establishments.

## **2. Evidence**

- 2.1 HMPPS Annual Digest available via [www.gov.uk](http://www.gov.uk) provides year on year data regarding escapes and absconds.

## **3. Outcomes**

- 3.1 The use of this Policy Framework and supporting documents will ensure:
- Successful maintenance of security and order during all aspects of prison life, minimising all assessed risks of prisoners escaping, whilst ensuring protection of the public and implementation of the sentences and orders imposed by the courts.
- 3.2 All procedures are conducted in a manner which ensures:
- Public protection
  - Maintenance of security
  - Health and Safety
  - Equality - all decisions in relation to prevention of escape must not be influenced by any matters irrelevant to the process. Processes must not discriminate against people with the personal protected characteristics protected under the 2010 Equality Act: age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 3.3 Process and procedures are in place to ensure that staff are fully aware that assessed risks may change and are able to respond accordingly.
- 3.4 The Policy Framework, guidance and supporting tools sets expectations for the prevention of escape from prison custody. This will be measured against the following standards.
- Incidents which challenge the security, safety, order and control of a prison are resolved through approved practice.
  - Security decision making is defensible and takes account of the risk assessment process to identify and manage local risks.
  - Security management systems and practice are characterised by strong leadership, robust governance (reporting and scrutiny), and a learning culture.
  - Security management systems, practice and governance meets equalities responsibilities, duty of care and human rights obligations and priorities.



3.5 All staff within HMPPS to understand and report correctly as per the following definition:

- A prisoner escapes from prison if they unlawfully gain their liberty by breaching the secure perimeter of a closed prison. An incident is deemed to be an escape and included in the reported annual total if the prisoner is at liberty for at least 15 minutes before recapture or an offence is committed during an escape lasting less than 15 minutes. A 'Category A escape' means the escape of a Category A prisoner. Category A prisoners are those whose escape would be highly dangerous to the public, the police or the security of the State. A prisoner escapes from an escort if they are able to pass beyond the control of escorting staff and leave the escort, the vehicle or the premises (such as a court or hospital).

3.6 The following Policy Frameworks and PSIs will remain overarching throughout this document:

- Women's Policy Framework
- Searching Policy Framework
- Incident Management Manual

#### **4. Requirements (see guidance for further information)**

##### **General**

- 4.1 Governors must ensure that all staff are aware of their role in managing security and that they are familiar with, and where, to find the establishment's LSS including the guidance and associated supporting tools.
- 4.2 Governors must provide annual assurance to their Prison Group Director (PGD) that the LSS is fit for purpose. Evidence of this annual assurance statement (Annex A) must be available and signed by both the PGD and Governor.
- 4.3 In signing this statement, it is for PGD to satisfy themselves on the level of assurance they wish to apply to the LSS for prisons in their area. This level of assurance may vary between prisons in any area. The level of assurance should also be stated on the form (Annex A).
- 4.4 The minimum level of assurance is that PGD must satisfy themselves on adequacy of the key security outputs.
- 4.5 PGDs may also specify additional levels of assurance checks including examining some or all locally agreed LSS amendments; drawing on results from national security audits which may identify strengths and weaknesses in security procedures; results from local audits/assurance processes involving security systems; other records such as searching records; more detailed inspection of some or all of the LSS.
- 4.6 Establishments must ensure that a nominated person and deputy are responsible for updating the LSS. This will normally be the Head of Security and Security Custodial Manager.
- 4.7 Heads of Security must complete a physical security "self-audit", appropriate to the security level of the establishment. This must be completed annually for the High Security Estate, and every two years outside of the High Security Estate for closed establishments. The audit should also include the fabric of the building, perimeter and the equipment that supports the security task. From the audit findings, an action plan should be compiled to detail improvements needed to be undertaken. The physical security audit attached at Annex Q must be undertaken by the Area Property Operations Manager (or their delegate) supported by the security department. All security systems must be properly maintained

and supported by the CAFM system this includes (for High Security Estate only) the requirements within the Security Systems Operations Testing Manual (SSOTM).

4.8 PGDs should also consider the information obtained from physical security self-audits to satisfy themselves that the physical security measures at each establishment provides a degree of security appropriate for the role of the establishment. Reports should be used to determine priorities in expenditure. In most cases where current standards of physical security cannot be met in full, an adequate standard will still be provided if procedures are adapted to compensate, for example by permitting a higher level of vigilance or supervision.

4.9 When completing the physical security self-audit, Heads of Security must consider;

- Overgrown trees and foliage around the perimeter
- Addition of razor wires in areas that have been identified as vulnerable to incident at height
- Use of anti-climb paint in vulnerable areas
- Removal of any equipment adjacent to the perimeter
- Ensuring waste recycling areas remain secure

### **Rehabilitative Culture and Procedural Justice**

4.10 Whilst it is important to ensure that all security procedures are conducted appropriately and take into consideration the safety of all in our establishments and of the public, this is best achieved alongside a rehabilitative culture and with procedural justice considered throughout.

4.11 A Rehabilitative Culture is... ..all aspects of our culture being safe, decent, hopeful and optimistic about stopping offending.

4.12 How people feel others treat them matters. When people subject to authority perceive the processes and decisions affecting them to be conducted fairly, it positively influences their views and behaviour. This is called 'procedural justice'. When people feel treated in this way, it garners trust in authority figures, respect for decisions and rules, and greater cooperation and compliance with them.

4.13 There are four fundamental principles of PJ – Voice, Respect, Trustworthy Motives and Neutrality. There is good evidence that PJ perceptions matter for most people's cooperation and compliance, and that PJ can influence important outcomes for both staff and people in prison.

4.14 PJ is one of the foundational features of a rehabilitative prison. Evidence shows that when people feel treated in procedurally just ways, it contributes to a range of better outcomes, including well-being, rehabilitation/reduced recidivism, safety and stability. Communicating in a PJ way should be the foundation of any establishment's security culture helping to improve safety for all, by significantly reducing violence and misconduct.

- [Procedural Justice - HMPPS Intranet \(gsi.gov.uk\)](#)
- [Security & Rehabilitative Culture - YouTube](#)
- [Debias Decision Making](#)

### **State of Security**

4.15 Assessing and understanding what makes our sites safe and secure provides us with the opportunity to enhance the 'now' and build resilience for the 'future' – nothing has demonstrated this better than the global pandemic of COVID-19. The State of Security framework allows prisons to reflect and take stock of their current state, and plan for a new

response by understanding the story behind their data. It enables prison staff, as experts, to have a meaningful self-reflection on their individual prison culture with the emphasis on bringing existing information together in order to use it and think about it in a different way.

4.16 All establishments are advised to use the State of Security Framework alongside the risk assessment guidance/process.

- Security & Rehabilitative Culture - HMPPS Intranet (gsi.gov.uk) (security information hub access required (Annex O)

### **General Prevention of Escapes**

4.17 The LSS must outline procedures for the following:

- Management of internal security procedures to prevent escape.
- External (escorts) procedures in order to prevent escape.
- Prevention of escape by management of escape list prisoners.

4.18 Governors must ensure they have local contingency plans as per PSI 2014-09 Incident Management Manual detailing the actions to take in the event of any (attempted or actual) escape.

4.19 Governors must ensure that all security documentation including assurance records are retained in line with Records, Information Management and Retention Policy

4.20 All staff must know what action to take in case of escape, suspected escape or attempted escape and must be briefed on all requirements within this policy framework prior to undertaking any escort.

4.21 Staff must raise an alarm if an immediate response is needed. There are several ways to raise the alarm, these include:

- General Alarm
- Whistle
- 'Urgent Message' on the radio net
- Dial 222 from a landline
- Personal alarm on the radio
- Dial 999 if external to the establishment
- Shouting for assistance.

### **Prevention of Escapes from Hospital Escorts and Bedwatches**

#### **Necessity of the escort**

4.22 Before an outside escort takes place, it must be established that it is a) necessary and b) that the purpose of the escort cannot be met within the prison.

4.23 Considerations can include, but are not limited to:

- Whether the healthcare service could be provided within the prison.
- Whether the prisoner could be released on temporary licence to attend hospital.
- Whether it is essential to have the hospital appointment immediately, or could it be postponed until after the prisoner's release without compromising the prisoner's health.

- 4.24 Only when no alternative is available should an outside hospital appointment take place under escort. An external security escort must have a minimum of two escorting officers.

### **The escort**

- 4.25 All HMPPS external escorts must consist of at least two prison officers, with at least one of them being the same legal gender as the prisoner, unless there are exceptional circumstances.
- 4.26 When escorting transgender prisoners, it is recommended that, where possible, the second member of staff is the same gender as the prisoner's identified gender if this differs from their legal gender.
- 4.27 Except for in an operational emergency, at least one escorting member of staff must have passed their probation period.
- 4.28 All staff involved in the preparation of, and the external escort of a prisoner must be aware of the following actions:

### **Personnel**

- Staff welfare must be checked prior to allocating escort duties where possible, especially when it is known that the escort may be emotionally draining (for example, funeral escorts), it is also the responsibility of escort staff to raise any concerns prior to escort.
- HMPPS has a duty of care to their staff. As such, consideration must be made to ensure that where reasonably possible, staff do not work excessively long hours. Systems must be in place to ensure that the allocation of staff to the escort or bedwatch takes account of their shift patterns before and after the escort or bedwatch. This ensures staff allocated can be reasonably expected to be rested and recuperated between shifts and alert for the duration of the watch and any subsequent duty. The expectation is that such systems should meet any objective test of reasonableness that might be applied when reviewed by any party required to do so.
- Where possible, staff should be given advance notice prior to undertaking a bedwatch or longer escort duty, so they are able to bring refreshments to last them through the day.
- Escort staff must have access to all relevant information regarding the prisoner, the escort risks and what to do in the event of an escape/attempted escape.
- Escort staff must be fully briefed on the physical layout of their destination, and any associated security considerations.
- Escort staff must monitor the prisoner's behaviour and interaction – look for warning signs of agitation, challenging behaviour and distraction tactics, which may be indicators that the prisoner is attempting to breach the handcuffs.
- Escort staff must remain professional and vigilant, not allowing themselves to be unnecessarily distracted from their primary role of closely supervising the prisoner.
- Staff must be challenged when procedures are not being followed.

### **Procedural**

- Before a prisoner is escorted outside an establishment, it must be established that the escort is necessary.
- Other alternatives to an escort must be considered prior to authorisation of an external escort, such as telemeds or videolink.
- External prisoner movement (including the destination) must be risk assessed and authorised.

- All relevant documents must be completed prior to any escorted external movement (unless exceptional circumstances, for example a medical emergency).
- Prior to the escort, staff must engage with partners who may have information regarding a prisoner's risk which would impact on the escort risk assessment.
- Risk assessments must be completed correctly by designated staff and reviewed by a manager in charge. A comprehensive log of events should be maintained in the PER (person escort record) or occurrence log (once confirmed as a bedwatch) for the duration of the escort/bedwatch.
- Staff must check security arrangements at the destination and report any deficiencies to the prison/police.
- At handover, staff must check that the bedwatch pack including equipment and handover information is complete and up to date.
- When handing over between staff, the establishment must ensure in advance that the outgoing staff are given the name(s) and home establishment(s) of every member of relieving staff. The outgoing staff must verify the identification of the relieving staff by checking a photographic HMPPS ID and recording this as part of the handover.
- Staff must submit any intelligence regarding potential escort breaches.

### Physical

- Prisoner and escort vehicle must be properly searched prior to leaving the establishment in line with the Searching Policy Framework.
- The driver must be clear of the route to the final destination and have enough fuel for the journey (unless the length of the journey is such that refuelling is required).
- Handcuffs must be correctly applied and only removed if acting within the risk assessment or through appropriate authority as set out in this policy.
- Escort strength must be appropriate and effectively deployed throughout, following the assessments set out in this policy.
- Staff must have the appropriate escort equipment, properly equipped escort bag and escape pack (where applicable).
- Staff must carry bedwatch packs that include emergency contact numbers, instructions on how and when to apply restraints, the Person Escort Record (PER) (see further information Person Escort Record Policy Framework), with a supply of continuation forms, the bedwatch log and any relevant information about the hospital (e.g., security information pack)
- Escort staff during the escort must remain aware of any equipment the prisoner could access and use to aid escape.
- Escort staff must regularly (at least hourly) physically check that the prisoner's restraints are properly applied, remain intact and are not tampered with and record details on PER or occurrence log.
- Escort staff must ensure that in instances in which restraints are not applied, staff are positioned between the prisoner and any exit(s) and as close to the prisoner as is practical/seemly.
- Escort staff must ensure that the prisoner is always within sight or sound of at least one officer, unless otherwise directed by the risk assessment. For example, to stand outside the operating theatre if the prisoner is undergoing an operation.
- Escort staff must ensure that during a bedwatch, the prisoner wears night-clothes and that all-day clothes and footwear are returned to the prison.
- Escort staff must maintain a consistent method of communication with and provide regular reports to the sending establishment. The frequency of reporting-in should be pre-agreed with prison managers. Every four hours is a recommended time for a bedwatch and hourly for an escort if no other concerns are highlighted. Escort staff must report any time a significant event takes place.

- Escort staff must ensure that prison management are kept informed of any significant changes in the prisoner's clinical condition and that the risk assessment is reviewed to ensure that security measures remain appropriate and proportionate.
- Escort staff must exercise close control and observation of any permitted social visitors to the prisoner.

### **Equipment/Documentation for escorts or bedwatches**

- 4.29 By ensuring the following equipment and documentation is in place it will support the prevention of escape, assurance procedures, and also provides authority for the escort to take place.
- 4.30 Establishments must have suitable escort bags in place which will allow for staff to securely carry the following equipment and documentation. Escort bags must include:
- Standard handcuffs (including a spare set, in case of breakage)
  - Three sizes of inserts each set of standard handcuffs
  - Ratchet handcuffs
  - D Cuff Escort Chain **(to be used as the default restraint in the male estate only)** or escort chain
  - Plastic handcuffs and safety scissors where one-use plastic handcuffs are used
  - Handcuff keys (to be placed immediately on key chain)
  - Property seals
  - Mobile telephone and charger (in car and 240v)
  - First Aid kit.
- 4.31 Documentation (to be prepared by relevant department in advance where possible), must include:
- A completed escort risk assessment form
  - PER
  - Gate Pass
  - An escape pack for all E-List prisoners and for any other prisoners for whom security intelligence suggests it is appropriate
  - Bedwatch log (if applicable)
  - Hospital Risk Assessment (if applicable)
  - The prisoner's medical record where necessary, (the medical record can often be transferred electronically between establishments, this should be confirmed in advance) for disclosure to medical professionals only
  - A completed application for handcuffs to be worn in court (if applicable)
  - A warrant or court summons. (if applicable)
  - Prisoners core record (if applicable – transfer only)
  - A security information pack
  - Emergency contact numbers list
  - A blank (or open) Assessment Care in Custody Teamwork (ACCT) document.
- 4.39 In line with the "Body Worn Video Cameras (BWVC) Policy Framework" and "The Use of Rigid Bar Handcuffs (RBH) in Adult Public Sector Prison Establishments Policy Framework", staff are permitted to carry, whilst on external prisoner escort, hospital escort, bed watch or establishment perimeter patrols; Body Worn Video Camera (BWVC) and Rigid Bar Handcuff (RBH), however, the use and rationale must be documented within the establishment LSS.

## **Escort Risk Assessment**

- 4.32 The legal framework relating to hospital escorts is underpinned by the Graham Judgment (2007) which found that the unnecessary use of handcuffing on prisoners during hospital appointments was capable of infringing Article 3 of the European Convention on Human Rights (prohibition of torture, inhuman or degrading treatment or punishment).
- 4.33 When generating escort risk assessments, the following must be taken into consideration.
- ✓ Graham Judgment (2007)
  - ✓ Makes the distinction between the risk of escape (and the risk to the public) when fit, and those risks posed by the same prisoner when suffering from a serious medical condition.
  - ✓ States medical opinion regarding the prisoner's ability to escape must be sought and included in the risk assessment.
  - ✓ States the use of restraints on a prisoner receiving chemotherapy (or other lifesaving treatment) is degrading and inhumane unless justified by other relevant considerations.
  - ✓ Requires that each decision is properly considered, according to the all the information relevant to each individual case.
  - ✓ Requires that a fresh risk assessment be conducted each time the prisoner needs to attend outside hospital in order to establish the level of restraints to be used during transportation to/from the hospital, and during the prisoner's appointment or stay in hospital.
- 4.34 An escort risk assessment must be completed for all prisoner movement outside of the establishment with exception of those being escorted by escort contractor services. An escort risk assessment must also be in place for those prisoners who are admitted into hospital (bedwatch).
- 4.35 When completing the escort risk assessment, staff must use the template provided at Annex H.

## **Multi-Disciplinary Approach to Risk Assessments**

- 4.36 A multi-disciplinary approach to completing escort risk assessments must be used to ensure that all relevant information is gathered and used to inform the decision-making process.
- 4.37 Healthcare staff must always be included in the escort risk assessment process and authorising managers should evidence on the risk assessment that medical information has been taken into consideration.
- 4.38 Security departments must work collaboratively with healthcare colleagues to ensure that medical staff involved in these decisions know what restraints look like, and so can make better informed contributions to the escort risk assessments.
- 4.39 The Head of Security or nominated manager in their absence (Duty Governor out of hours) must authorise the escort risk assessment, documenting:
- Staffing levels
  - Whether restraints are to be used
  - Cuffing arrangements to be used on the escort and during transit
  - Details of the journey, including the security of the route, method of transport to be used and the need for journey breaks
  - The security of the destination.

4.40 It is also important to try and anticipate any such requirements to remove the restraints, in order to allow any required enhanced security arrangements to be put in place in advance.

4.41 If more than one prisoner is being escorted, then an escort risk assessment must be completed for each prisoner.

4.42 The escort risk assessment must take into consideration:

- Necessity of external escort
- The prisoner's current medical condition and the impact this has on the prisoner's mobility (see also paragraphs 4.122 – 4.127 serious/terminal illness)
- The prisoner's security category
- The nature of the offence for which the prisoner is held and their previous offending history
- The nature of the risk posed to the public and hospital staff (including the risk of hostage-taking) taking account of how these risks are impacted by the prisoner's current medical condition
- Any relevant available intelligence
- The prisoner's motivation to escape, likelihood of outside assistance and conduct whilst in custody
- The physical security of the hospital including the consulting room and where possible, other areas where tests or treatment may take place
- Previous compliance on escort
- Notoriety
- Custodial behaviour
- The need for the prisoner to be accompanied during consultation
- The need for privacy during treatment, particularly where the prisoner is to undergo an intimate examination or procedure
- The level of restraints to be used in transit to and from the hospital; and the level of restraints to be used during the prisoner's stay in hospital if/when admitted
- The circumstances that may require the removal of restraints while at hospital and any contingency arrangements (this may include certain Xray and MRI procedures)
- Procedures specific to pregnant prisoners, where relevant.
- Any relevant religious beliefs or considerations.

4.43 Sources of information to inform the risk assessment and decision making include (this list is not exhaustive).

- P-NOMIS - Incentive level (basic, standard, or enhanced) adjudications, staff entries, behavioural warnings, risk flags, visitors, movements, Assessment Care in Custody Teamwork (ACCT) history;
- Security reports – Intelligence Reporting system;
- OASys – Risk of Serious Harm, OGRS3 (general reoffending risk assessment), OVP (violence risk predictor), offence history, compliance history, outstanding sentence plan targets and emotional well-being;
- Psychological risk assessments – formulations, patterns of offending, offence paralleling behaviours, personality assessments, custodial behaviour, motivations, mental health/emotional well-being, risk of abscond and non-compliance;
- Key workers – relationships, rapport, current state of mind, levels of engagement;
- Offender Supervisors – relationships, rapport and risk assessment; and
- Healthcare providers/assigned nursing staff
- Chaplaincy Team



- 4.44 Consideration must also be given to the potential use of life saving treatment, such as the use of Automated External Defibrillators (AED/De-fib) and the risks to staff and prisoners if the prisoner had restraints applied.
- 4.45 Decisions made in the risk assessment must, in all cases, be reviewed regularly and be responsive to changes for better or worse in a prisoner's condition; in the physical surroundings; or in relation to any other factor deemed relevant.
- 4.46 Escorting staff must bring any changes to the prisoner's demeanour or medical condition to the attention of prison management as soon as possible for consideration of whether to direct an increase or decrease in the level of escort. Such consideration must consider any emerging intelligence.
- 4.47 If an emergency escort is dispatched without a full escort risk assessment due to a life-threatening situation, then an Emergency Escort Risk Assessment must be completed (See Annex H) and the PER must be annotated with 'no restraints to be used' if that is the decision made at time of dispatch by the Duty Governor/Orderly Officer (night state). The full risk assessment must be taken to the escorting staff at the earliest opportunity (no longer than 18 hours).
- 4.48 The prisoner always remains the responsibility of the despatching prison.

### **Restraints**

- 4.49 Evidence shows that 77% of escapes from escort and all escapes from custody are the result of prisoners profiting from poor practice.
- 4.50 62% of prisoners escaping from escort breached restraints with prisoners citing that realising an escape from custody was possible, whether that was loose restraints, inadequate supervision or absent searching practices, motivated their desire and willingness to do so.
- 4.51 All escorting and discharging members of staff must be confident and competent in the application of mechanical restraints, raising any concerns in advance of the escort.
- 4.52 Security departments must have assurance processes in place to ensure that staff conducting escorts or bedwatches are confident and competent in the application, changeover and removal of restraints. Ensuring any skill gaps are identified and appropriate support and training provided where needed.
- 4.53 The decision whether to apply restraints to a prisoner, and the level of restraint to be used, must be assessed on an individual basis.
- 4.54 Each establishment's LSS must clearly set out the procedures involved in planning the secure escort of all prisoners outside of the prison, including the escort strength and use of restraints.
- 4.55 The following are the only approved restraints to be used on external escorts, and only when deemed necessary by the escort risk assessment:
- Standard handcuffs - for use on male prisoners, both adult and those aged under 21. (Three sizes of insert are available to ensure a close fit)
  - Ratchet handcuffs - for use on thin wristed male prisoners, in situations where standard handcuffs and inserts do not provide a sufficiently secure fit
  - Ratchet handcuffs - for female prisoners
  - D Cuff Escort Chain
  - Escort Chain (with ratchet or standard handcuffs or D cuffs where approved);
  - Hiatt handcuffs - for escort contractors

- Discreet handcuffs - for use in court where approved
- Plastic handcuffs - for use in specific circumstances (such as MRI scans) where approved
- Rigid bar handcuffs - only be used as part of a control and restraint incident
- Body belt - may be used in exceptional circumstances after all other routine methods of mechanical restraint have been considered and discounted in line with PSO 1700 Segregation.

4.56 The D Cuff Escort Chain and escort chains are not to be used as a less secure form of restraint and must only be used in the circumstances approved on the escort risk assessment. If no restraints are to be used, then this includes the use of both the D Cuff escort chain or an escort chain.

4.57 If following an individual escort risk assessment, no medical concerns are raised in regard to the use and level of restraints, and the security assessment deems the use of restraints appropriate then:

- Male Category B (and Category A - Management and Security of Category A Prisoners - External Movements) and E list prisoners must be double cuffed on escort
- All other prisoners will be single cuffed unless the individual escort risk assessment indicates that double cuffing is required and proportionate or that no restraints are appropriate
- Remand prisoners will be assessed on a case-by-case basis to determine the appropriate level of both restraint and escort strength.

4.58 At all times when restraints are in use, they must be attached to both the prisoner and the member of staff, spare handcuffs must be used to facilitate the changeover of staff or application of the D Cuff escort or escort chain.

4.59 Restraint handcuff keys must not be routinely held by the Officer cuffed to the prisoner; this is to prevent the risk of escape by the prisoner gaining control of the keys.

4.60 Restraint handcuff keys must be held by the Officer cuffed to the prisoner at times when alone with the prisoner (e.g., toilet breaks), this is to allow immediate removal of handcuffs if required to provide emergency medical treatment. When completing the escort risk assessment this must be taken into consideration and staffing levels increased if deemed too higher of a risk.

4.61 Restraints will not be routinely used in the following circumstances, although restraints should always be carried on an escort in case of a change of demeanour from the prisoner resulting in violent, refractory behaviours or an attempt to escape.

- A tetraplegic or paraplegic prisoner must not be handcuffed under any circumstances without the personal approval of the HMPPS Chief Executive Officer (PGD in LTHSE). This approval must be sought for each time the prisoner is to undergo an external escort unless the HMPPS Chief Executive Officer (PGD in LTHSE) states otherwise for an individual prisoner
- When prisoners are being moved to open conditions
- On a mentally disordered prisoner who is subject to an order or direction for compulsory detention under the mental health act, unless the Governor, with agreement of a healthcare professional, directs that restraints must be used because the prisoner poses a security risk
- If the prisoner's medical condition or advanced age or physical impairment renders restraints inappropriate. Restraints will not normally be necessary for example,

when mobility is severely limited, e.g., due to advanced age or disability unless there is intelligence to suggest that an escape attempt may be made

- Further guidance for seriously/terminally ill prisoners, pregnant prisoners and mother and baby escorts can be found in the chapters below.

4.62 In circumstances where restraints are not to be used, the circumstances must be fully documented on the escort risk assessment. The Officer in charge of the escort must inform the Duty Governor/Orderly Officer at the earliest opportunity and submit a security intelligence report on return to the prison if it was necessary to apply restraints.

### **Removal of restraints**

4.63 Restraints must only be removed in the specific circumstances as detailed on the escort risk assessment. This may include:

- When a prisoner (whatever their security category) is inside the cubicle of a cellular vehicle, the cell door restraining chain is in place, and the outer door is locked. At the end of the journey, restraints must be reapplied and checked before the outer doors are unlocked. If, however, there are reasonable grounds to suspect that a prisoner has secreted a weapon, the prisoner may be required to wear restraints while locked in the vehicle
- On arrival in the courtroom, unless the judge has agreed that the prisoner may be handcuffed in court
- In a court custody suite, but only after the area has been thoroughly checked. Restraints must be used in any part of the custody suite, which is insecure, including toilets
- When a pregnant prisoner arrives at hospital (if cuffed during transit) for any reason including ante-natal checks, in labour and to give birth
- In certain circumstances at funeral services or during a visit to a dying relative.
- In certain circumstances during marriage and civil partnership ceremonies.
- On board an aircraft. (local repatriation teams receive specific training)

4.64 During the escort, escorting staff should inform the duty governor or other appropriate manager of certain circumstances which require for a decision to be made and the escort risk assessment be updated in relation to the removal of restraints (this list is not exhaustive):

- If there is any change in the medical condition of the prisoner, which should immediately be reported back to the prison and the risk assessment reviewed.
- If clinical staff at the hospital advise that the medical condition of their patient has deteriorated or is likely to deteriorate further, this information should immediately be reported back to the prison so that a decision can be taken as to whether it is proportionate to continue to apply restraints
- Restraints may need to be removed immediately in a medical emergency, for example if a prisoner has a cardiac arrest and needs to be resuscitated. In such emergencies, escorting staff must comply with requests to remove restraints and report back to the prison as soon as the emergency situation allows
- In any non-emergency situation, if clinical staff advise that the restraints are impeding medical treatment, a decision to remove restraints will only be taken by the duty manager or other manager responsible at the prison. Restraints should only continue to be applied to a prisoner in hospital if necessary and proportionate, given any changes in medical condition.

4.65 Should the need to remove restraints arise during routine procedures, such as non-emergency medical treatment, the final decision to remove the restraints must be taken by

the duty governor after discussion with escorting and if necessary, the clinical staff at the prison and/or hospital.

- 4.66 The escorting staff must conduct a dynamic risk assessment of the room, identifying doors, windows, false ceilings and any other risk areas, enabling them to provide the duty governor with a full brief, so that an informed decision can be made prior to the relaxation of restraints.
- 4.67 Consideration should also be given to providing additional escorting staff to aid with maintaining security.
- 4.68 The final decision must be documented on the PER/bedwatch log with the name of the person authorising and when restraints are reapplied.
- 4.69 Where restraints are removed under such circumstances, they must be re-applied as soon as it is clinically safe and reasonable to do so.
- 4.70 The D Cuff escort chain or escort chain is critical in preventing escape during escorts at times such as using the toilet or when more movement is required to allow examination or similar. In these circumstances the escorting staff must never remove handcuffs from a prisoner without first applying the D Cuff escort chain or escort chain correctly.
- 4.71 Prior to application of the D Cuff escort chain or escort chain and a prisoner using the toilet, the following checks/actions must be completed by escorting staff:
- Searching the toilet area, including bins and toilet cisterns etc
  - Pay attention to any windows/false ceilings in the toilet area
  - Ensure the D Cuff escort chain or escort chain is positioned to prevent the prisoner from locking the door (not under or over the top of the door).

#### **Actions to take prior to and during escort**

- 4.72 To enable staff to have a full understanding of the risks posed by a prisoner during escort, escort staff must receive a full verbal brief including all relevant information regarding the prisoner (these details should also be included on the PER, and the escort risk assessment).
- 4.73 The escorting officers have several responsibilities prior to escort, these include ensuring that all escort equipment and documentation is in place and carryout all necessary pre-escort checks.
- 4.74 Prior to a prisoner leaving the establishment on an escort, a dispatching officer (Band 4 Supervising Officer or above (equivalent in private estate)) must check:
- The prisoner has been searched - [Searching Policy Framework](#)
  - Restraints have been applied correctly and in line with the escort risk assessment
  - The identity of the prisoner under escort is confirmed using a five point ID check, with one of these being a photo
  - The escorting staff have been properly briefed and advised of any relevant security intelligence in advance
  - The escorting staff have been fully briefed on the physical layout of their destination, and any associate security considerations
  - A PER and escort risk assessment and other appropriate documentation which must accompany the escort has been completed for each prisoner on the escort
  - All necessary equipment is in place to take on the escort (mobile phone, spare handcuffs etc)

- Where needed a bedwatch log must accompany the escort
- For E-list prisoners, the E list book accompanies the escort
- Any open ACCT document must accompany the escort.

4.75 During and prior to leaving the prison the escorting staff must:

- Ensure all documentation is in place, completed and understood by all of the escorting staff
- Check prisoners' property (where applicable) against the inventory on the PER form
- Ensure that all prisoners' property or personal prison records (including security records) are transported in a locked compartment, boot space, or spare cell to which the prisoners do not have access (prisoners should not load their own property/records on to a vehicle)
- Ensure that all prisoners have been searched in accordance with the local searching strategy and that they have no opportunity to receive/conceal contraband following the search or whilst on escort – Searching Policy Framework
- Inform prisoners where they must sit for the journey so that they are always visible to escorting staff. Prisoners must not be allowed to select their own seats. (in a normal car, the prisoner must be sat in the middle of the back seat with an officer on either side, with seatbelts applied)
- Ensure that escorting staff are seated to protect the exits and deter escape attempts
- Understand any contingency arrangements set out in the escort risk assessment.
- Completion of PER document prior to and during escort
- Regular checking of restraints (at least once per hour) to ensure they are still secure, and no tampering has taken place
- All necessary equipment is in place to take on the escort (mobile phone, spare handcuffs etc)
- If the prisoner is on an open ACCT this must be maintained in line with the ACCT requirements as per last review, caremap and front cover, taking note of triggers. It may be necessary for a case manager to attend the hospital to conduct a review/s
- In the unfortunate event of the prisoner dying when on escort, escort staff must inform the establishment immediately and only leave the hospital once a confirmation of death letter/certificate has been provided by the relevant Doctor.

## **Vehicles**

4.76 Prison Management and Escort Contractors respectively are obliged to ensure that their transport for escorts are risk assessed, secure, properly searched and fit for use (especially if the vehicle has been hired).

4.77 Escorts must not use public transport.

4.78 Several different vehicle types are available across the service which can be used for external escorts. The escort risk assessments should identify the type of vehicle to be used, along with liaison with the escort contractors, taking into consideration:

- The prisoner's security category. (for Cat A and E List heightened escorts refer to Management and Security of Category A Prisoners - External Movements)
- Any disabilities
- Prisoner's height/weight
- Medical considerations
- E list/Young Offender/mother and baby/violent and refractory prisoner.

4.79 Establishments may also set up local contracts for the provision of taxis and other vehicles. The Police Act 1997 Criminal Records regulation was amended in 2012 to mandate that taxi and private hire vehicle drivers must get an Enhanced DBS Check. Establishments

must ensure that taxi firms used adhere to this, and that only drivers with a completed Enhanced DBS will be sent. If using a firm with a large fleet of drivers, establishments may wish to keep a list of approved only drivers, to be maintained and a copy kept in the gate for staff to use when allowing taxis and drivers entry.

- 4.80 Establishments must hold a list of approved, directly employed staff drivers, for different classes of vehicle, taking into consideration any changes to driving laws and licence conditions.
- 4.81 Where a prison does not have a suitable vehicle of its own and a taxi is deemed unsuitable for the escort then arrangements must be made to borrow an appropriate vehicle from a nearby establishment.
- 4.82 If it is considered that there is a significant risk of a prisoner assaulting staff on escort or being disruptive then consideration must be given to requesting a cellular vehicle for transporting the prisoner.

### **Seatbelts**

- 4.83 All staff and prisoners must wear seatbelts where these are fitted to the escort vehicle unless a certificate of exemption has been issued by a registered medical practitioner.
- 4.84 Lap only belts must not be used by pregnant females as they can cause grave injuries to unborn children in the event of a sudden deceleration. An alternative vehicle should be sourced with standard seatbelts.
- 4.85 If a certificate of exemption has been issued the use of a cellular vehicle must be considered to prevent injury caused by collision to both the prisoner and escorting staff who are cuffed to the prisoner.
- 4.86 All vehicles (especially taxis) will have different fitted seatbelt types, and this must be taken into consideration when completing escort risk assessments, as for example a standard 3-point belt will not be able to be applied correctly to a double cuffed prisoner.
- 4.87 If the escort risk assessment states the prisoner must be double cuffed and the vehicle does not allow for a seatbelt to be fitted correctly to the prisoner, then a further vehicle must be requested.
- 4.88 Good practice is for establishments to have good relationships with the relevant taxi provider(s) to ensure correct vehicles are provided in the first instance.
- 4.89 If the prisoner movement is immediate and no suitable vehicle can be sourced, then the prisoner's individual risk assessment must be reviewed and consideration given to reducing the level of restraint used and, if necessary, increasing the level of the escorting staff.
- 4.90 On balance, the requirement to consider the increased risk to the life and/or personal safety of the prisoner and escorting staff resulting from not wearing a seatbelt outweighs the requirement to double cuff.
- 4.91 It may be necessary therefore for the escorted prisoner to be single cuffed with an Officer sat on either side in transit with double handcuffs applied prior to exit of the vehicle on arrival at destination. This will allow all members of the escort (staff and prisoners) to safely wear a seat belt in the rear of the car.

## **Searching during escorts**

- 4.92 Section 89 of the CJA 1991 defines a 'prisoner custody officer' (PCO) as someone certified as approved by the Secretary of State for the purpose of performing (and accordingly authorised to perform) escort functions or custodial duties or both.
- 4.93 As to searching powers, Section 82(1) grants PCOs the power 'to search in accordance with rules made by the Secretary of State any prisoner for whose delivery or custody he is responsible' whilst acting in pursuance of prisoner escort arrangements.
- 4.94 The Prisoner Escorts Rules 1993 permit searching by the PCO 'when it appears necessary to do so in the interests of security, good order or discipline', 'in as seemly a manner as is consistent with discovering anything concealed', but a prisoner shall not 'be searched when he is exposed to public observation unless it appears to an officer that that is necessary', or 'be stripped and searched in the sight of any person other than the officers who are present during the search'.
- 4.95 As to restricting access to unauthorised items, Section 83(2) sets out that for the purposes of disciplinary offences, the prisoner shall be deemed to have been in the custody of the governor/director of the prison at all times during the period for which the prisoner custody officer was responsible for them. Section 83(3) sets out that in the case of any breach by the prisoner at any time during that period of the disciplinary offences, a disciplinary charge may be laid against him by the PCO.

## **Terminating escorts**

- 4.96 There are some scenarios where escorts need to be terminated early, and the prisoner returned to the sending establishment. Such circumstances may include (but not limited to):
- An attempted escape
  - Violent behaviour that is unmanageable in the environment and poses risk to the public
  - Security compromise
- 4.97 Escorting staff must be confident in their authority to end an escort, the circumstances in which they can do this, and the procedure to follow.
- 4.98 Ending an escort early must only be done as a last resort, where there is no other way to safely and securely manage the situation.
- 4.99 If staff believe an escort needs to be terminated early, they must ensure that the prisoner is in a secure area and contact the sending establishment to seek advice from the Duty Governor.

## **Maintaining records (bedwatch)**

- 4.100 Bedwatch staff must maintain a comprehensive record of all events, this will aid with not only handovers between staff of key events and security issues, but also with the ongoing review of escort risk assessments and ultimately therefore towards the prevention of escape.
- 4.101 A hospital escort can become a bedwatch if it is decided by hospital staff that the prisoner must be admitted, i.e. they will stay at the hospital rather than returning to the prison. As soon as this decision is made, escorting staff must follow bedwatch procedures as set out in the sections below. This will include:
- Contacting the establishment

- Requesting a bedwatch pack to be brought to the hospital (if they do not already have one)
- Updating the risk assessment
- Moving to a D Cuff escort chain or escort chain where required

4.102 The record of events must be recorded on the PER prior to confirmation of the bedwatch (admission to hospital), once a bedwatch is confirmed a bedwatch log should be used, the PER should be reverted to, for return to the prison upon the prisoner's discharge from hospital.

4.103 All entries should be at least hourly, informative, timed, signed and printed.

4.104 Information that must be recorded includes:

- Names of staff on duty and time of handovers
- Details of visitors to the prisoner
- Details of the prisoner's behaviour (mood, eating habits, requests)
- Details of the removal and/or re-application of restraints, including the time the restraints were removed/re-applied and the reason for this
- Checks that restraints are applied properly and have not been tampered with - at least once every 60 minutes
- Visits by prison management
- The times that the escort provides a report to the prison
- Meals/medication/treatment received; and
- Any other information deemed to be significant in support of the safety and security of the bedwatch.

4.105 Where restraints have been removed on the advice or instruction of a healthcare professional that person's name and position must be recorded along with the name of the prison manager authorising removal of the restraints and the time authorisation was given (even if retrospective)

### **Bedwatch pack**

4.106 A bedwatch pack/bag should be taken on every bedwatch or taken to the hospital upon confirmation of a bedwatch, it is recommended that bedwatch packs are made up and ready in the establishment at all times, in case an escort unexpectedly turns into a bedwatch.

4.107 The bedwatch pack/bag must always contain:

- Emergency contact numbers (these must include the local police, discharging prison and hospital security)
- Instructions on how to apply restraints
- Instructions on when to use and remove restraints
- The PER, the bedwatch log, a supply of continuation sheets
- Relevant information about the hospital (physical security, standing arrangements etc, hospital risk assessment)
- Quantity of plastic cutlery - note any item, including plastic cutlery, capable of prising open a D Cuff escort chain or escort chain must be accounted for and not left in the possession of the prisoner. (the prisoner should never be given access to metal cutlery provided by the hospital)
- Night clothes (PJ's)/slippers
- Check list for management checks.



## Management Checks

- 4.108 Bedwatch management checks must take place to ensure that the security of the escort remains appropriate and allows for feedback to the establishment of any developments etc in relation to the escort. It is important to remember however for those managers conducting checks that the welfare of the escorting staff should also be checked.
- 4.109 Bedwatch/escort staffing levels must also take into account the need for staff breaks (toilet/food) and therefore staffing levels may need to be increased to allow for this. These instances should be taken into consideration as part of the management check as well as part of the initial escort risk assessment.
- 4.110 Management checks must be carried out by a Band 5 or above, initially within the first 24 hours of the bedwatch, and at least every 72 hours thereafter.
- 4.111 Each bedwatch will be different and should take into account individual factors of that prisoner and bedwatch, including ongoing staff support when deciding the frequency of management checks.
- 4.112 Management checks must also take place following any significant change in circumstances of the bedwatch, examples of this may include:
- Reports of tampering with equipment (restraints);
  - Refractory behaviour;
  - Change in hospital ward; and
  - Sudden deterioration or improvement in health requiring a review of restraints.
- 4.113 This management check should include looking at the prisoners' medical conditions and whether restraints are inappropriate.
- 4.114 Managers should liaise with hospital staff to ensure that any potential security issues or general concerns are identified and managed.
- 4.115 Management checks should take place at varied times, including evenings and nights and the visit should be documented within the bedwatch log, legible, informative, signed and timed.
- 4.116 Mutual support can be requested from other establishments to conduct these checks if the prisoner is not at a local hospital and another prison establishment is closer.

## Hospitals

- 4.117 See also - Security of prisoners at hospital – Concordat between NOMS and the NHS.
- 4.118 The most common type of escort for HMPPS staff to conduct are hospital escorts and therefore we are at our highest risk of escape during these times. Therefore, it is important for establishments to have good relationships with hospital staff, a knowledge of the physical surroundings and key security issues of where prisoners are attending for consultation/treatment. This also aids with the completing of escort risk assessments and staff understanding of their destination prior to escort.
- 4.119 Establishments (via Heads of Security) must develop good working relationships with the main hospitals to which they send prisoners, ensuring an up-to-date record of contact details for the hospitals is maintained.
- 4.120 The physical layout of the main hospitals used must be assessed (to include in-patient and out-patient waiting and treatment areas, toilet and bathroom areas). Where an out of area

hospital is used, contact should be made with a prison local to that area to obtain any information about key security issues.

- 4.121 In order to maintain decency, prisons are required to consider appropriate staffing in respect of gender for all hospital appointments, but particularly those that are related to gender specific services such as gynaecology.

### **Technology**

- 4.122 A large number of hospitals now provide technology to their patients with access to telephones and the internet by the bedside. Access to such technology provides several risks and no prisoner should be given access to the internet under any circumstances.
- 4.123 Phone calls need to be approved prior to being made, escorting staff must dial the number of any calls to be made once the number has been authorised by the establishment. Approval should be in line with the prisoners current authorised numbers on their prisoner PIN phone account.
- 4.124 Approved numbers must be recorded on the escort risk assessment, if more than 2 numbers are approved it is good practice to print out the prisoners' authorised numbers from the BT PIN account and attach them to the escort risk assessment.
- 4.125 In terms of legally privileged/confidential calls, hospital wards are not private spaces and there is therefore a lesser expectation of privacy should such a call need to be made. Staff should try to minimise intrusion (for instance, staff may dial and confirm the legal/confidential number is bona fide, and then ensure they have sight if not sound of the prisoner during the call), but it should be accepted that a given level of intrusion will be necessary given the bedwatch requirements.

### **Staff Use of Personal Electronic Devices (PEDs)**

- 4.126 Vigilant supervision from staff is a crucial part of preventing escapes whilst out on escorts and bedwatches. As such, the below restrictions must be followed regarding PEDs, and must be Governor assured through management checks.
- 4.127 External Escorts - No personal devices are to be taken on external escorts. Personal items must only be those which are permitted inside the prison.
- 4.128 Day bedwatch - Escorting staff are permitted the following items whilst on a daytime bedwatch:
- Books/ magazines
  - Kindle
  - Puzzle games (e.g. Sudoku books etc)

Escorting staff are not permitted the following items whilst on a daytime bedwatch:

- Personal electronic devices (e.g tablets, laptops, smart watches)
  - Personal mobile phones
- 4.129 Night bedwatch - Escorting staff are permitted the following items whilst on an overnight bedwatch:
- Books/ magazines
  - Kindle
  - Puzzle games (e.g. Sudoku books etc)

- Electronic devices such as tablets/ laptops with appropriate pre downloaded content only

4.130 The following is not permitted during an external escort or bedwatch under any circumstances:

- Internet access via personal devices such as tablets, laptops and smart watches (includes live streaming of media)
- Use of social media (Facebook, Whatsapp, Snapchat etc) on any device
- Use of cameras or recording capability on any device
- Headphones
- Personal mobile phones (except in exceptional circumstances outlined below)

4.131 If a Governor deems that there are exceptional circumstances which warrant a member of staff taking their personal mobile phone on a bedwatch, they may grant this based on individual circumstances for that bedwatch only.

### **Privacy**

4.132 The need for the prisoner's privacy must be considered as part of the escort risk assessment, with the decision clearly documented, particularly where the prisoner is to undergo an intimate examination or procedure.

4.133 The healthcare department should raise this with the security department if known prior to any escort/bedwatch. This will allow an informed prior decision to be made, preventing hostility on the escort between the escorting staff and prisoner.

4.134 For any unplanned requirement for this type of examination/procedure to take place, the escorting staff must carry out an assessment of the room, identifying doors, windows, false ceilings and any other risk areas, enabling them to provide the duty governor (via telephone) with a full brief, so that informed decisions can be made prior to the examination/procedure taking place.

4.135 Privacy should be accommodated in so far as it does not compromise the security of the escort, the assessment must consider:

- the need for escorting staff to remain in the consulting room
- appropriateness for the escorting staff to be out of sight but in earshot
- appropriateness for the escorting staff to be out of sight and earshot.

4.136 If the decision is made that it is safe for staff to be out of sight and/or earshot, the risk assessment must further consider:

- directions for the removal of restraints
- positioning of staff in relation to entrances and exits
- accessibility of windows
- the use of a privacy screen and D Cuff escort chain or escort chain as an alternative.

4.137 Officers who become aware of medical information about the prisoner during their stay in the hospital must treat it in confidence. Such information must not be recorded on the PER/bedwatch log. Sometimes however this requires a judgement call to be made by escort staff, as for example if a prisoner's treatment/condition results in mood swings, it would be appropriate to document this as it may affect the security of the escort/bedwatch, however there would be no need to detail the specific condition/treatment.

### **Medical Emergency/Operating whilst on escort**

- 4.138 It is vital that escorting staff are briefed on the below before undertaking an escort.
- 4.139 In non-routine procedures, for example, an emergency requiring the application of defibrillation paddles, escorting staff must comply immediately with the medical professional's request that restraints are removed and consult with the duty governor as soon as is practicable.
- 4.140 Under normal circumstances restraints must be removed for the duration of an operation once the prisoner is placed under anaesthesia, this will require close consultation with the hospital staff to ensure all involved parties are aware of the requirement. Escorting staff are not expected to accompany prisoners into the operating theatre during operative procedures.
- 4.141 Whilst the prisoner is in the operating theatre staff must stay in close vicinity of the theatre and restraints must be re-applied as soon as they exit the theatre and are in recovery, again close consultation with hospital staff will be needed to facilitate this.
- 4.142 Should a situation arise where there is an assessed need to accompany the prisoner during an operative procedure, there should first be a case conference between the sending prison and local health body, and if appropriate in cases that may generate public and media interest, the local police.
- 4.143 Escorting staff must be selected carefully in these circumstances taking into consideration their own needs and concerns about being in an operating theatre.

### **Serious/terminal illness**

- 4.144 There will be occasions when the prisoner to be escorted to hospital for outpatient or in-patient treatment will have been diagnosed as seriously or terminally ill. Such circumstances require sensitive handling to ensure that the needs of security are balanced against the clinical needs of the prisoner.
- 4.145 In respect of the requirement for restraints under such circumstances, individual risk assessments will need to make a distinction between the risk of escape and the risk of harm to the public posed by a prisoner when fit, and those risks posed by the same prisoner when suffering from a serious medical condition.
- 4.146 Medical opinion regarding the prisoner's ability to escape must therefore be considered as part of the risk assessment process and it should reflect input from those medical professionals involved in the prisoner's treatment.
- 4.147 Staff undertaking the risk assessment must be aware that:
- The restraint by handcuffs of a prisoner receiving chemotherapy, or any other lifesaving treatment, must be justified by documented security considerations which are specific to the prisoner.
  - Each decision must be properly considered, taking account of all relevant information, and be proportionate to the risks involved.
- 4.148 A fresh risk assessment must be conducted for each escort and when/if the prisoner's condition changes in order to establish:
- the level of restraints to be used during transportation to and from the hospital

- the level of restraints to be used during the prisoner's stay in hospital including consideration of the withdrawal of restraints altogether where lifesaving treatment is being administered, considering information supplied by healthcare professionals
- the circumstances under which close family and relatives may be allowed to visit the prisoner.

4.149 Escorting Officers must stay alert and in consultation with hospital staff regarding any changes in the prisoner's medical condition and consult with the Duty Governor if the need arises for the review of security arrangements including both raising and lowering restraint levels.

### **Visits (Hospital)**

4.150 The circumstances under which visits take place must, as far as possible, seek to replicate those of the prison environment, and be agreed with hospital management with restrictions and booking processes being clearly shared, with visitors.

4.151 Visits to prisoners at hospital must be approved on an individual basis and establishments must not have a set timescale in place prior to allowing visits.

4.152 Visitors should book visits in advance via the prison, generally via the Duty Governor or Orderly Officer who will inform the bedwatch staff of who and when has been approved for the visit, or this should be done via the standard Visits Booking procedures, dependant on local arrangements.

4.153 There may be occasions when visitors arrive at the hospital unannounced. Hospital visits (announced or unannounced) may be a very emotionally charged situation and staff should take this into consideration when talking to the visitors, maintaining the upmost respect and decency when dealing with such a difficult situation.

4.154 Staff should ensure they also provide any unannounced visitors with all the information required to book a visit whilst also maintaining contact with the establishment regarding the visitors unannounced arrival.

4.155 Visitors must also produce appropriate identification in line with the Management of Security at Visits Policy Framework

4.156 If identification can be confirmed, authority may be given by the establishment to allow the visit to go ahead without them having to leave the hospital and return at a later time/date. This will be assessed on an individual basis dependant on factors including the prisoner's health and any identified security risks.

4.157 Visitors will remain under the same restrictions as when visiting the prison, with any items on the prison prohibited items list being handed to prison staff for secure keeping prior to the visit commencing, visitors should be informed of this requirement when booking the visit to save any animosity between staff and visitors at the hospital.

4.158 Visitors must not hand anything to the prisoner during the visit. This includes food, drink, flowers and clothing. No items should be passed between the visitor/s and prisoner.

4.159 There may be times where non-compliance of visitors compromises security and staff must understand what actions to take in these circumstances. This initially will include politely asking the visitor to leave; however, it may result in the use of hospital security and/or police if deemed necessary. Any non-compliance of this sought must be reinforced by the submission of a security information report on return to the establishment.

**Woman's estate only (pregnancy and mother and baby)**

**Pregnancy** (to be read in conjunction with: Pregnancy, Mother and Baby Units (MBUs), and Maternal Separation from Children up to the Age of Two in Women's Prisons Policy Framework)

- 4.160 Establishments must set out the arrangements for pregnant prisoners attending hospital for antenatal checks, or for any other reason, to ensure that any restraints (if used) are removed on arrival at the hospital, in the waiting room or on going into the consultation room.
- 4.161 Pregnant prisoners who are to be escorted to hospital to give birth will be escorted by two female officers wherever possible. Where, exceptionally, this is not operationally possible, at least one member of the escort must be a woman. However, discretion can be exercised to accommodate the prisoner's comfortability on the gender of escorting staff, as long as this does not compromise safety or security.
- 4.162 The escort must be risk assessed to determine whether restraints need to be applied to the prisoner during transport to the hospital.
- 4.163 If restraints have been used in transport these should be removed on arrival at the hospital, in the waiting room or on going into the consulting room (whichever is deemed appropriate to the local assessment of risk of prisoner/environment) and not reapplied until leaving the consultation/waiting room/hospital.
- 4.164 Restraints may, however, be applied in exceptional circumstances throughout all or part of the consultation where there is a particularly high risk of escape or a threat to anyone's personal safety which requires the use of restraints as supported by the risk assessment.
- 4.165 Where a prisoner admitted to hospital to give birth is thought to present a high risk of escape, alternative steps must be taken to ensure the security of the escort, e.g., by increasing the number of escort staff.
- 4.166 If restraints are to be used in those exceptional circumstances, the hospital authorities must be informed in advance of the escort taking place.
- 4.167 As part of the birth plan for the prisoner, the option of a birthing partner must be discussed between the prisoner and staff at the earliest stage of the pregnancy as possible, this will allow appropriate security checks to be made.
- 4.168 When approving a birthing partner, security departments must liaise with the Police Liaison Officer and social services to ensure there is no unmanageable risks to security, or to the safety of prison staff, the prisoner (and baby), hospital staff, or to the public.
- 4.169 The hospital authorities must always be consulted before allowing a birthing partner into the delivery room.
- 4.170 Escorting staff will not be present in the delivery room, or in a room where an intimate examination is taking place, unless the prisoner requests it or exceptionally the escort risk assessment requires it. Staff must maintain a close watch of all exits from such rooms.

**Mother & Baby** (to be read in conjunction with: Pregnancy, Mother and Baby Units (MBUs), and Maternal Separation from Children up to the Age of Two in Women's Prisons Policy Framework)

- 4.171 Maintaining security during a mother and baby escort remains a priority, although the welfare and safety of the mother and baby must also play a large part in the risk assessment process.

- 4.172 The security arrangements for a mother and baby escort must take account of the mother's need to look after the baby during the journey.
- 4.173 In most cases restraints will not be necessary, if restraints are to be used this should be exceptional and the risk assessment should clearly evidence the reasons for this decision. In these exceptional circumstances an escort chain must be used as the form of restraint both in transit and at the destination, with discretion being observed throughout.
- 4.174 The risk assessment must also consider:
- The security arrangements for the escort, considering the mothers need to care for the baby
  - Suitability of the vehicle to be used, allowing mother, baby and one of the escorting officers to sit together
  - The requirement for a certified baby/child seat to be used and fitted correctly
  - The need for regular comfort breaks, and to allow feeding of the baby utilising local prisons/police stations.
- 4.175 When escorting mothers with babies, the needs of the baby must reasonably be balanced against the security required to keep the mother in safe custody.
- 4.176 If the mother is breast feeding, comfort breaks must be facilitated at a convenient prison or police station to allow for this, breast feeding must not take place in transit.

### **Funerals and Marriage**

- 4.177 Although escorts for funerals and marriages/civil partnerships are less frequent than hospital escorts the risk of escape is the same.

### **Funerals and Visiting Dying Relatives**

- 4.178 Prisoners may be given Release on Temporary Licence (ROTL) to attend a funeral or to visit a dying relative. If they are not suitable for ROTL then they must be escorted if meeting all other requirements to attend.
- 4.179 Prisoners of all security categories should be considered for attending a funeral or to visit a dying relative, the Governor must be satisfied that the relationship meets the requirements of a 'close relative' as defined in Chapter 5.14 Providing Visits and Services to Visitors PSI 16/2011.
- 4.180 All applications should be considered on an individual basis, these applications must be considered as a matter of urgency to ensure sufficient time is allowed for arrangements to be made and for the prisoner to attend if approved. Care must be taken as part of the decision-making balancing security considerations with decency. Authorisation to attend should only be refused on security grounds where it would pose risks to other attendees, risks to the escorting staff, or where intelligence suggests a risk of escape, which need to be clearly evidenced on the escort risk assessment. Potential contact with victims and wishes of other family members should also be considered, where appropriate.

### **Funerals**

- 4.181 Factors such as distance to the funeral and associated costs can be taken into consideration but on their own (in the absence of any security objections) are not grounds for refusing and other options such as temporary inter prison transfer/overnight lodging should be considered.

- 4.182 Funeral locations and any associated security risks will often be unknown to the prison, the escort risk assessment must not only take into consideration the escort strength and application of handcuffs, but it should also include input from the police, it may also be necessary for a pre-visit of the location to assess the area.
- 4.183 The risk assessment must give clear instruction about whether to remove/not apply restraints during the escort, having given full consideration to all the facts, including religious sensitivities, which might require that a prisoner remains hands-free in order to prepare the body of the deceased person for burial/cremation. This must be authorised by the most senior operational manager present in the establishment at the time the escort risk assessment is completed or reviewed.
- 4.184 It is advised that the local chaplaincy team are liaised with if available to gain a full understanding of any religious sensitivities.
- 4.185 Escorting officers should be individually selected, and their own well-being checked prior to allocating them these duties and pre-escort, once allocated, they should receive a full briefing to include:
- Information about the layout of the venue and communication arrangements with the prison
  - Elements of the funeral authorised to attend (service, burial/cremation, after funeral reception)
  - Security information about the prisoner
  - Clear instructions about the arrangements for handcuffing/restraints
  - Correct protocol in the event of an incident, such as fights, being placed under duress to remove restraints etc.
  - Information about dress – prisoner and officers
  - Any special religious considerations (PSI 51/2011 Faith & Pastoral Care for Prisoners).

**Marriage/Civil Partnerships (to be read in conjunction with PSI 14/2016)**

- 4.186 Prisoners granted permission by the governing governor to marry outside of the prison may be eligible for Release on Temporary Licence – Consult Release on Temporary Licence Policy Framework
- 4.187 Prisoners on the Escape List must not be allowed to marry outside of the prison.
- 4.188 Any decision by a Governor to allow a ceremony or registration to take place outside of the prison must be based on a risk assessment of the prisoner and proposed venue and the decisions made in line with PSI 14/2016 Chapter 6.
- 4.189 The ceremony must be held at the nearest church/chapel of the appropriate denomination, registry office or other place where it may lawfully be performed. Consult PSI 51/2011 Faith & Pastoral Care for Prisoners.
- 4.190 Prison management must assess whether a pre-visit to the venue by an experienced officer is required to assess the potential security risks and to consult the police including details of the venue, times and any other details they may require, even if a police presence is not required on the day
- 4.191 Application of restraints must be in line with the escort risk assessment subject to instruction contained in the escort risk assessment.
- 4.192 Photographs may be taken in compliance with clear permissions set out in the escort risk assessment and to the extent allowed by PSI 14/2016.



4.193 The prisoner must be returned to the prison as soon as the ceremony has been concluded and photographs taken.

**Prisoners attendance at court (to be read in conjunction with HMPPS and HMCTS protocol for security of prisoners at court).**

4.194 The rate of escapes from court shows a stable downward trend, however, attempted escapes also increased by 40%.

4.195 Those aged 25-34 and 35-44 are the two most likely demographics to attempt or successfully escape from custody or escort, however 25-34 year old prisoners are five times more likely to flee from court than their older counterparts. Over 60% of escapes from court for the previous five years are by scaling the court dock, for which those aged 35 and over accounted for 6.5% of these cases

4.196 Over a five-year period, 60.8% of escapes from escorts and all escape incidents from courts showed no signs of premeditation or planning. 61% of court escape incidents occur by perpetrators scaling the court dock, of which more than one in three successfully escape.

4.197 In an internal review of court escort escapes, Prisoner Escort and Custody Services (PECS) found that an escape is more likely to occur at the point of sentencing and towards the end of the court session, when staff are tired, hungry or losing concentration following a prolonged court session.

4.198 Analysis of incident reports over the last five years found almost 68% of attempted escapes from court occur in the afternoon, between 12:00 and 17:00, with respective success rates of 40.6% from court. Escape incidents from court and escorts are primarily non-violent, however the use of violence and force to facilitate an escape has increased. Violence in court incidents saw an increase of 57%. Overall, 28% of 102 court incidents from the last five years have involved violence and/or force, in which 50% of court attempts were successful when involving violence or force.

4.199 Current and updated figures can be found in the HMPPS annual digest on the gov.uk website.

4.200 For most prisoners produced at court, HMPPS standard escort security measures will be enough to ensure the safety and security of the proceedings. However, in a small minority of cases, the risks presented by an individual prisoner will be so great that heightened security measures must be considered.

4.201 Exceptionally, there are a very small number of prisoners who are not Category A, E-List or Restricted Status (RS), but may still be identified as presenting a high risk of significant harm prejudicial to the safety of the escort.

4.202 High risk prisoners identified to the court as presenting a significant risk of escape, violence or danger have priority for the use of Prison Video Link/Video Conference Centres or have their case allocated to a secure court building and court room with a secure dock.

4.203 Prisoners must be assessed on reception into custody to identify those who may present a heightened risk of escape or of causing significant harm when attending court, a Custody Management Direction Form (CMDf) (Annex B), must be submitted to the court/s where the prisoner's case/s are being heard before the prisoners next appearance.

4.204 The sending prison must maintain records denoting as a minimum the prisoner's name/number, Court and outcome for all Custody Management Direction Forms submitted.

If the prisoner transfers throughout or prior to his hearing these forms must be forwarded to the new prison.

- 4.205 The Court List Officer will be advised by the establishment of those prisoners who have been identified as Cat A, E List, RS or as presenting significant risk of harm. (annex C)
- 4.206 The notification must be sent via designated functional email box, to the court, copied to the Prisoner Escort Contractor Services (PECS), within 4 days of the prisoner's reception into custody or at any subsequent stage at which information or intelligence becomes available.
- 4.207 The court List Officer will provide the establishment and PECS Contractors with a response within 1 week outlining the arrangements for listing the case.
- 4.208 Where a secure listing cannot be provided, the court List Officer will provide the reasons to the establishment so that alternative security measures can be considered.
- 4.209 The CMDF must set out evidence of the prisoner's identified risk of escape or violence and request the court's approval for security measures to mitigate the risks.
- 4.210 The CMDF must be supported by current, specific and credible evidence that the security measures being requested are both necessary and proportionate to the identified risk and that the risk cannot effectively be managed in any other way.
- 4.211 The CMDF must be passed via the Court List Officer to the Judge hearing the case. The Judge will decide on what if any further security implications will be imposed, after consulting with the relevant parties, including the defence and the Crown Prosecution Service (CPS).
- 4.212 There will be occasions when it is not possible to submit a CMDF one week prior to the commencement of the hearing.
- 4.213 The CMDF must only be submitted less than a week prior to the court appearance if:
- the initial assessment for E-list occurs within one week of the production
  - new intelligence is identified, or an incident occurs within one week of the production
  - a short notice appearance is listed by the courts
  - the prisoner has been placed on E list on initial reception with a court appearance the following day.
- 4.214 In any of the circumstances above the CMDF should still be completed and any requests for video link, secure dock, extra security provisions should be followed up via direct contact with the courts and clearly marked on the PER.
- 4.215 It is accepted that limited information may be available in these instances, but it remains the establishment's responsibility to provide the court with a completed CMDF giving as full a picture as possible of identified and potential risks.
- 4.216 These instructions apply equally to the production of high-risk prisoners to civil, family, Immigration and coroner's courts.
- 4.217 For prisoner productions outside of the Criminal Courts Prison staff must identify the need and requirement for the prisoner to attend court.
- 4.218 Prisons must make early contact with Court managers to discuss security measures.

- 4.219 In all circumstances where prisoners identified as a heightened risk are required to appear in civil courts, family courts, immigration courts or coroner's courts – early contact and consultation with the relevant Court staff is required.
- 4.220 Higher risk prisoners required to give evidence from an insecure witness box pose a significant security risk. Where a prisoner is required to transfer from a secure dock to an insecure witness box to give evidence a CMDF must be submitted.
- 4.221 In the event that the court refuses an application for heightened security measures, the court will provide reasons for the refusal to enable the Governor of the dispatching prison to resubmit the CMDF. Additionally, with the approval of the relevant PGD, the Governor may also make further representations to engage in direct dialogue with the court regarding the application. This will enable joint decision making between the court and the prison.
- 4.222 If it is still deemed unsafe to send the prisoner to court by the prison, then this must be escalated to the relevant PGD.
- 4.223 There may be circumstances where risk is only identified on the way to the court or at court when the prisoner is produced by the police. Where this is the case, PECS Contractor will make a request for additional security via a CMDF (annex D).
- 4.224 PECS Contractors must ensure that there are procedures in place to produce Custody Direction Management Forms when a risk is identified whilst the prisoner is in the custody of the escort contractor.
- 4.225 In the event that the Court refuses an application made by PECS Contractors for heightened security measures the PECS Contractors must ensure that there are procedures in place for re-submission of the Custody Direction Management Form.
- 4.226 Contractors must ensure that all prisoner custody officers, and their managers are competent in the use of technical aids and searching procedures.
- 4.227 The courts escort contractor must ensure that:
- There are regular visual and physical inspections of security devices
  - There are daily accommodation checks of the custody suite, dock, and where possible the external parts of the building which give access to the custody suite
  - Secure procedures are agreed for the loading and unloading of prisoners
  - Accommodation is thoroughly checked before use with note being taken of potential ligature points, roof spaces, false ceilings, doors and windows
  - All restraints are accounted for at the beginning and end of each working day.
  - Security alarm systems are tested every working day
  - Custody suite keys (where they exist) are checked at the beginning and end of each working day and reconciled
  - Any physical security issues or matters of mutual concern are brought to the attention of the Chief Clerk or the Clerk to the Justices or other appropriate authority including listing arrangements, security issues (especially relating to appearances by E-List prisoners), and contingency planning
  - The procedure for applying for prisoners to be subject to enhanced security in court is followed.
- 4.228 The designated manager (escort contract manager for that court) must have agreed procedures to ensure that:
- Approved contingency plans are available and accessible to staff
  - Individual contingency plans are tested at least annually

- All staff working at, or, attending court, are familiar with the layout of the building in case of emergency
- Physical and procedural security measures are audited by an independent auditor at least annually and the PECS contract delivery manager monitor in accordance with the PECS business plan. All court locations will be subjected to an annual Security Audit in accordance with the contractual arrangements
- A designated manager visits each court and checks and signs the occurrence book in accordance with agreed operating procedures
- Secure behaviour is practised throughout the court which prevents prisoners from gaining access to restricted areas.

4.229 Prisoners must not engage in social visits at court unless specifically permitted to do so by the Magistrate or Judge.

4.230 Legal visits must be conducted in sight, but out of hearing of staff. Legal visitors must have their ID checked and may be searched by PECS Contractors and HMPPS staff upon entering the custody suite and may also undergo checks upon entering the court building via the professional visitor entry scheme.

4.231 There must be clear procedures for receiving prisoners answering bail and who are remanded in custody. These must cover:

- Searching procedures for the prisoner and their property
- Storage procedures for bagging and tagging any prisoners property
- Completion of a Person Escort Form (PER).

4.232 Prisons must hold regular (at least quarterly) meetings with their designated court/s, including representatives from the judiciary, court (court operations manager), establishment (custody and security departments) and escort contractor.

4.233 It is important to maintain a dialogue with the Court Service, its managers, Clerks, Magistrates and Judges in respect of all aspects of the escorting, detention and production process.

4.234 Common issues that must be frequently discussed include:

- Provision of secure dock facilities
- Security and safety in Custody Suites
- Timely delivery of prisoners to court
- Scheduling of cases
- Accommodating people with disabilities
- The use of mechanical restraints in the dock.

4.235 Reception staff should check the PER when a prisoner is returned or received into custody to check if a handcuff application has been made whilst the prisoner was at court. See the [PER Policy Framework](#) for further information.

#### **Principles for the Management of Prisoners Refusing to Attend Criminal Proceedings**

4.236 Only the court can decide if a prisoner is required to attend court for criminal proceedings in which they are the defendant.

4.237 If a prisoner refuses to attend court, the following actions must be taken:

- Advise the court of the refusal as quickly as possible that the prisoner is refusing to attend; and

- Ask whether the attendance of prisoner is necessary.

4.238 If the court advises that the prisoner must attend then:

- Advise the court that the prisoner may need to be brought to court by force if deemed necessary
- Make all attempts to persuade the prisoner to attend court
- Ensure the prisoner is given a direct order to attend court, and give consideration to using sanctions for disobeying a direct order.

4.239 A court has no legal right to direct a prison officer or a governor to use force to compel a prisoner to attend court.

4.240 Force may be used to get a prisoner to court providing:

- The court has confirmed the prisoner must attend court
- All reasonable options to persuade a prisoner to attend court have been exhausted and the use of force is a last resort
- Using force will only be justified, and therefore lawful, if it is necessary, reasonable, and proportionate to the seriousness of the circumstances, in line with PSO 1600
- The decision about whether to use force must be taken by the officers in place at the time, following a direction by a senior manager to ensure compliance with the lawful order of prison staff to move to the escort vehicle/reception
- The decision to use force must be recorded.

4.241 Consideration will need to be given to the following:

- Using force will not be justifiable in all circumstances, even if the court has directed the prisoner's attendance. Some examples of these situations might be if the prisoner were assessed as actively suicidal and under constant supervision; if there were mental health issues; or if they were medically unfit to travel. There may be other circumstances when force is not justifiable, but this must be determined on a case-by-case basis.
- Governors must start a decision log, recording communication with both the prisoner and the court, attempts to persuade the prisoner, and information regarding any compelling reasons why the prisoner cannot attend or, if necessary, the decision to use force. If the decision is taken for the prisoner not to attend, the decision log will form part of the explanation to the court of why the prisoner did not attend. Equally, if force is used, then it will demonstrate that it was the last resort.
- If it is deemed unsafe or otherwise unreasonable to use force, the prison must inform the court as soon as possible, setting out the reasons for this.
- If a prisoner remains or becomes non-compliant whilst at court, including refusing to go from the court cells to the courtroom, it will be for the judge to determine whether they want a non-compliant prisoner under restraint in court.

4.242 It is important to explain to the court:

- The risk to both the prisoner and staff escorting a prisoner under restraint
- The potential increased escape risk of a prisoner being escorted under restraint
- That the prisoner may still be non-compliant following arrival at court

#### **Production of Prisoners at the request of Warranted Law Enforcement Agencies (Official Sensitive)**

4.243 For mandatory requirements and guidance in relation to production of prisoners, refer to:

### **Covert testing**

- 4.244 Covert tests are a planned, managed, realistic but unannounced test of security processes, procedures and equipment. A covert test is conducted when a tester takes an adversarial position to a procedural security measure, without the knowledge of those whose response the test seeks to measure.
- 4.245 Covert tests offer establishments the opportunity to realistically assess the effectiveness of physical and procedural security control measures and offers a process to identify weaknesses in the security process by simulating potential incidents. For a test to be covert, the simulation must be completed without any participant other than the identified tester being aware that the scenario is not real. Staff or physical security measures must be tested with the expectation that they will react as they should if the incident being tested were to occur in a live situation.
- 4.246 Establishments outside of high security estate must conduct a local risk assessment to determine whether any programme of covert testing of escort procedures (including application of restraints) is necessary or would be beneficial. Covert testing provides assurance that all measures to prevent escape are being carried out. See guidance for further information on assurance processes.
- 4.247 It is important that covert testing is conducted using the proper procedures and in line with the Covert Testing Policy Framework (awaiting publication).

### **5. Constraints**

- 5.1 There are dependencies between this Policy Framework and the following policy documents:
- Searching Policy Framework - this Policy Framework sets out the measures to prevent and deter escape
  - Evidence Policy Framework – this Policy Framework sets out the requirements for all evidence
  - Management of Internal Security Procedures to Prevent Escape
  - Management of E List Prisoners to Prevent Escape.

### **Data Protection**

- 5.2 Any information relating to an identified or identifiable living individual recorded as a consequence of this framework will be processed in accordance with the Data Protection Act 2018, UK General Data Protection Regulation and PSI 04/2018 Records Information Management Policy. A full data protection impact assessment has been completed in support of this Policy Framework.

### **Freedom of Information Act**

- 5.3 This document has been assessed as OFFICIAL and therefore suitable for public release. A small percentage of supporting tools have been marked as OFFICIAL SENSITIVE and will not be available for public release.

### **Diversity & Inclusion**

- 5.4 When communicating to staff, prisoners or visitors, establishments are expected to ensure that briefing documents and information is available in a variety of formats including easy read, braille, voice, and other languages.
- 5.5 A full equality impact assessment has been completed in support of this Policy Framework.

**6. Guidance**

Only available internally from HMPPS's Intranet.

**7. Annexes**

These are only available internally from HMPPS's Intranet.

Annex A (Official Sensitive)	LSS Annual assurance statement
Annex B (Official Sensitive)	HMPPS CMDF
Annex C (Official Sensitive)	CMDF email
Annex D (Official Sensitive)	PECS CMDF
Annex E (Official Sensitive)	NSF Risk assessment process
Annex F (Official Sensitive)	Security induction talk template
Annex G (Official Sensitive)	Key security outputs
Annex H (Official Sensitive)	Escort risk assessment
Annex I (Official Sensitive)	Bedwatch log example
Annex J (Official Sensitive)	Hospital risk assessment example
Annex K (Official Sensitive)	Escape from escort poster/guideline
Annex L (Official Sensitive)	How to apply restraints pictorial
Annex M	Using the toilet process pictorial

(Official Sensitive)	
Annex N (Official Sensitive)	Security information hub application
Annex O (Official Sensitive)	Security Information Briefing - Serviceability and replacement of standard handcuffs
Annex P (Official Sensitive)	Physical security self-audit template
Annex Q (Official Sensitive)	PPO policy into practice learning bulletin
Annex R (Official Sensitive)	External Escorts Videos (ST 1, St 4, ST 6, ST 7.1 & ST 8)

Annexes **A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R** -

<https://justiceuk.sharepoint.com/sites/HMPPSIntranet/SitePages/Prevention-of-Escape--External-Escorts-Policy-Framework.aspx>