Prisoners and safeguarding

Context

Her Majesty’s Inspectorate of Prisons (HMIP) is moving to address the area of safeguarding within prisons. This is a largely unexplored area although a few councils are working with prisons in their area. Safeguarding responses to adults at risk within prison can be different to those in the community and action is rarely linked to local safeguarding processes.

HMIP has recently included a section on safeguarding in their methodology (Expectations) which is attached to this note. HMIP is committed to addressing the complex area of safeguarding in prisons and it is hoped that they can be supported in this.

The underlying principle is that No Secrets does not exclude prisoners. The recent Law Commission consultation suggests that the omission of explicit reference to prisoners should not prevent them from being safeguarded under the same principles as adults at risk in the community.

The reason for this briefing is to ensure that Directors of Adult Social Services (DASSs) are aware that local safeguarding teams may be contacted by inspectors if they identify possible abuse of adults at risk within prisons.

HMIP action

HMIP inspectors are being briefed that if they come across suspected abuse of adults at risk they contact the local safeguarding team, while informing the governor and the local DASS. (DASS contact would happen in the early phases of this work but does not need to continue once practice is established). This does not mean that the local safeguarding team will necessarily intervene as it may be more appropriate for the prison to do this. It does though give the opportunity for local dialogue on the best approach.

This is seen as being an incremental approach in an area where there has been little or no joint activity in the past. HMIP is keen to support prisons in developing a confident approach to safeguarding and will assist in this.

DASS action

In order to build a base for this work it is suggested that councils with prisons in their area invite Governors to be part of the LSAB process as well as informing local safeguarding teams of potential contact and to agree possible outcomes.

The contact point at HMIP is Elizabeth Tysoe: elizabeth.tysoe@hmiprisons.gsi.gov.uk

If you need contextual information about the background to this work contact Robin Cowen: rcc@robincowen.com
Extract from Expectations – HMIP methodology.

The prison promotes the welfare of all prisoners, particularly vulnerable adults at risk, and protects them from all kinds of harm and neglect.

Prisoners, particularly adults at risk, are provided with a safe and secure environment which protects them from harm and neglect. They receive safe and effective care and support.

Indicators

- The risks to prisoners are recognised and there are guidance and procedures to help reduce and prevent harm or abuse from occurring.
- When abuse is alleged or suspected to have occurred, prompt and appropriate action is taken to protect the prisoner.
- An individual care plan is in place to address a prisoner’s assessed needs.
- Care plans are thorough and reviewed regularly, involving staff from a range of disciplines.
- Up to date government and local guidance about safeguarding adults is accessible and safeguarding procedures are known and used by all staff, including how to make referrals.
- The safeguarding policy and any prison codes of conduct are informed by the underlying five principles of the Mental Capacity Act 2005:
  - a presumption of capacity
  - the right for individuals to be supported to make their own decisions
  - that individuals must retain the right to make what might be seen as unwise decisions
  - best interests
  - least restrictive intervention.
- Where possible, access to advocates and/or appropriate adults is in place to aid prisoners’ capacity to understand and consent.
- The prison has a code of conduct informing staff of their duty to raise legitimate concerns about the conduct of an individual in relation to the treatment and management of prisoners.
- Staff feel confident and safe to raise concerns.
- Staff are aware of their personal and professional responsibility to protect adults at risk and undergo appropriate training.
- Staff are subject to recruitment and vetting procedures which comply with necessary legislation.

We define an adult at risk as a vulnerable person aged 18 years or over, ‘who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation’. ‘No secrets’ definition (Department of Health 2000).