

ZAHID MUBAREK INQUIRY

THE GOVERNMENT'S FULL RESPONSE TO THE REPORT

On 29 June 2006, the report of the Zahid Mubarek Inquiry, chaired by Mr Justice Keith, was published. It made 88 recommendations, all bearing on the prevention of any future deaths in circumstances similar to that of Mr Mubarek. The Government welcomed the report on its appearance and published an initial response on the same day, undertaking to provide a full response within two months.

Accordingly, the Government has now published its full response to each of the 88 recommendations, which are set out in the table below. The responses relate, unless stated otherwise, primarily to procedures enforced at HM Prison Service establishments, but the Government intends to ensure that the recommendations it has accepted will apply also in contracted-out establishments, except where specific circumstances at those establishments make this inappropriate, and it has made arrangements to ensure the necessary liaison between HM Prison Service and the contracted-out sector.

Recommendation	Full Response
Cell Sharing	
1 - The elimination of enforced cell sharing should remain the objective of the Prison Service, and the achievement of this goal should be regarded as a high priority. (Initial response: Accepted in principle).	Accepted in principle. As noted in the initial response, the elimination of forced cell sharing will continue to be the objective of the Prison Service, but it will continue to be necessary for some time yet, owing to population pressures.
2 - The Prison Service should review whether the resources currently available to it might be better deployed towards achieving this goal, without compromising standards in other areas, and should set a date for realising this objective. (Initial response: Requires further consideration)	Accepted. The proposed review was carried out as a matter of high priority and completed in August 2006. It concluded, however, that redirection of resources on the scale needed to achieve elimination of enforced cell sharing would have unacceptable consequences, particularly to standards of prisoner care and rehabilitation.
3 - If the resources currently available to the Prison Service are insufficient to produce a significant decrease in enforced cell-sharing, central government should allocate further funds to the Prison Service to enable more prisoners to be accommodated in cells on their own. (Initial response: Requires further consideration)	Requires further consideration. This will take place in the context of future Government spending reviews.

Recommendation	Full Response
<p>4 - The Prison Service should retain its practice of placing prisoners who are at risk of suicide or self-harm, but who are not so vulnerable as to require being on suicide watch at all times or accommodated in a safer cell, in a cell with another prisoner who they can talk to in times of crisis. The practice should be extended to women's prisons to the extent that it is not already happening. (Initial response: Accepted)</p>	<p>Accepted. As noted in the recommendation, sharing of cells where this would be to the benefit of prisoners at risk of suicide or self-harm is current practice. Some women's prisons have only single cells, or very few shared ones, but any single accommodation can be adapted to hold two if necessary. It is important that decisions are made on an individual basis by establishment staff best placed to assess the situation and the potential impact on the women, taking into account the women's own wishes.</p>
<p>5 – The Prison Service should retain the present practice of not asking new prisoners at reception or in the first night centre or during induction whether they would prefer to be in a cell on their own or to share a cell with another prisoner. (Initial response: Accepted)</p>	<p>Accepted: this practice will be retained.</p>
<p>6 - Subject to recommendation 7, the rule that an unconvicted prisoner should not be required to share a cell with a convicted prisoner should always be complied with. (Initial response: Requires further consideration)</p>	<p>Accepted. The Prison Service will give effect to an express request by an unconvicted prisoner not to be located in the same cell as a convicted prisoner.</p>
<p>7 - The sole exception to that rule-namely when the unconvicted prisoner consents to share a cell with a convicted prisoner-should be regarded as applying only when the unconvicted prisoner consents to share a cell with a particular convicted prisoner, not with convicted prisoners in general. (Initial response: Requires further consideration)</p>	<p>Not accepted, in that there is no exception to the Rule in question, which provides that unconvicted prisoners shall under no circumstances be required to share a cell with a convicted prisoner. If an unconvicted prisoner objects to sharing a cell with a given convicted prisoner, he or she will not be required to do so.</p>

Recommendation	Full Response
<p>8 - All establishments should have a system for ensuring that immediate effect is given to a prisoner's change of status, by making certain that they do not share a cell with a prisoner of a different status. (Initial response: Requires further consideration)</p>	<p>Accepted. Under Prison Service Order 500, prisons must already have arrangements to identify on reception prisoners returning from court whose status has changed and to notify those responsible for cell allocation. Under Prison Service Order 4600 all prisons must ensure that unconvicted prisoners are not required to share cells with convicted prisoners (including prisoners whose change of status is not the result of a court appearance) if they have requested not to do so (see recommendation 6). C-NOMIS will assist in the implementation of these requirements by displaying the prisoner's status, including changes, and warning if proposed cell sharing arrangements may lead to a conflict.</p>
<p>9 - The Prison Service should publish guidelines to assist officers in allocating cells to those prisoners who have to share a cell. (Initial response: Requires further consideration)</p>	<p>Requires further consideration. The existing instruction on cell-sharing risk assessment already provides guidelines, but there is a danger that over-elaboration of such guidance may lead to staff becoming less willing to use their own judgment and less sensitive to risk factors not explicitly covered. The recommendation implies that guidance should be based to a large extent on prisoners' implied preferences, and this could raise unrealistic expectations. It will nonetheless be further considered in the context of work to develop a revised violence reduction strategy which will include cell-sharing risk assessment and management. The new Violence Reduction Prison Service Order is currently due for publication in March 2007.</p>

Recommendation	Full Response
<p>10 - The guidelines should proceed on the assumption that the lack of privacy which cell-sharing entails is more likely to be ameliorated if prisoners with a common ethnic and religious background share cells. But that should only be the starting point for the process. All prisoners should be interviewed on their arrival, either in the first night centre or during their induction, to enable them to explain their preferences for the type of prisoner they would prefer to share a cell with. (Initial response: Requires further consideration)</p>	<p>Requires further consideration. A wide range of considerations is likely to affect the compatibility of prospective cellmates, and it is not clear that shared ethnicity will always be a dominant factor. These issues will be considered in the context of the work (see recommendation 9) to develop a revised violence reduction strategy.</p>
<p>11 - All decisions about who a prisoner should share a cell with should be made, if possible, by a senior officer at an early opportunity. The suitability of the two prisoners to continue to share with each other should be reviewed at regular intervals, with the prisoners' personal officers being consulted over the issue. (Initial response: Requires further consideration)</p>	<p>Requires further consideration. This proposal, which would have very significant additional resource implications, will be considered in the context of the work (see recommendation 9 above) to develop a revised violence reduction strategy.</p>
<p>12 - The Prison Service should publish guidelines to assist officers in handling requests by prisoners to share a cell with a particular prisoner. Practical problems should not be treated as an insuperable hurdle preventing an otherwise suitable move of a prisoner from one cell to another. (Initial response: Requires further consideration)</p>	<p>Requires further consideration. This proposal will be taken forward in the context of the work (see recommendation 9 above) to develop a revised violence reduction strategy, but this work will need to take account of any practical difficulties which might affect proposed cell transfers.</p>

Recommendation	Full Response
<p>13 - The guidelines should require officers to keep prisoners informed of the progress of their requests, and if the request is refused, to notify prisoners of the reason for the refusal, unless security considerations or issues of confidentiality make that inappropriate. (Initial response: Requires further consideration)</p>	<p>Requires further consideration. Appraisal of this recommendation will take place in the context of the work (see recommendation 9 above) to develop a revised violence reduction strategy.</p>
<p>14 - The guidelines should contain guidance on how such requests should be recorded, but there is no need for such requests to be treated as formal applications under the requests and complaints procedures. (Initial response: Requires further consideration)</p>	<p>Requires further consideration. Again, scrutiny of this recommendation will take place in the context of the work (see recommendation 9 above) to develop a revised violence reduction strategy.</p>
<p>15 - Wings holding convicted and unconvicted prisoners together should be kept to a minimum, and should only be used when there is no operational alternative. (Initial response: Requires further consideration)</p>	<p>Accepted in principle. There is likely to be little change to the current position of wings holding both convicted and unconvicted prisoners for some time to come, because there are no operationally feasible alternatives owing to population pressures. The position will be reviewed annually.</p>
<p>16 - The Prison Service should review whether the advantages of holding young offenders on the same wing as adult prisoners outweigh the disadvantages, and whether the practice should be extended to other establishments. (Initial response: Accepted)</p>	<p>Accepted. The National Offender Management Service has set up a project to review and make recommendations for the management of and standards relating to Young Offenders in both custody and the community. The review recommended here will be taken forward initially as a workstream within this project. It will identify current practice in HM Prisons and Young Offenders Institutions, and assess the benefits and drawbacks of mixing, taking account of the views of prisoners, staff, and other stakeholders. The report of the review will be completed within 12 months and will inform future policy on the management of young adults.</p>

Recommendation	Full Response
<p>17 - If the practice of holding young offenders on the same wing as adult prisoners is to continue, the law should be clarified to put its legality beyond doubt. (Initial response: Accepted)</p>	<p>Requires further consideration. The Young Adult Offender Project (see recommendation 16 above) when reporting back will include a review of existing legislation relating to 18 to 21 year old offenders and will clarify the legality of mixing them with adults.</p>
<p>Reducing risk in cells</p>	
<p>18 - As soon as is practicable, the Prison Service should assess the popularity of the bolted-down furniture made from white wood which is currently being trialled. It should then formulate a policy about the most appropriate form of furniture for use in cells, balancing the need to keep prisoners from their cellmates against the need for prisoners to live in cells which have a measure of homeliness, and taking into account prisoners' preferences and cost. (Initial response: Requires further consideration)</p>	<p>Accepted. The Prison Service has concluded that whitewood furniture should be adopted as the standard suite of cell furniture, except for cells holding prisoners at high risk of suicide or self-harm. Whitewood furniture, already installed in 2,100 cells, will be installed throughout the estate as the current furniture becomes due for replacement at the end of its normal life-cycle.</p>
<p>19 - The Prison Service should consider whether dedicated searches of cells for concealed weapons would be tantamount to a full cell search. (Initial response: Accepted)</p>	<p>Accepted. As the initial response made clear, such consideration has already taken place, and concluded that, since a full cell search will always include a search for weapons and other illicit items, there should be no need for a separate search for weapons.</p>

Recommendation	Full Response
<p>20 - In any event, the Prison Service should assess the resource and security implications of less frequent but random fabric checks against more frequent and more random full cell searches, bearing in mind that different strategies may be required for different establishments. (Initial response: Requires further consideration)</p>	<p>Accepted, as regards the need for an assessment. The National Security Framework, which was introduced in 2002, provides for a flexible security strategy which allows individual prisons to create their own local searching strategies. A review of the frequency of searches within the National Security Framework is under way and will be completed by November 2006, and a revised Function 2 of the National Security Framework setting out policy on searching will be published in December 2006.</p>
<p>21 - Senior officers should ensure that their staff know how to carry out fabric checks. They should ensure that officers realise that in order to check the walls of a cell, it will be necessary to look behind or under the furniture next to them. If that can only be done by moving the furniture, the furniture should be moved. If in the course of doing so they discover that the furniture is broken, they should check whether any parts of it could be used as a weapon. (Initial response: Accepted)</p>	<p>Accepted. As noted under recommendation 20, the National Security Framework is being reviewed in the light of this recommendation, and the review will specifically cover, in the light of this recommendation, the guidance to which prisons work. All prison officers receive training in searches as part of their initial training, and audit processes check procedures and performance. As also mentioned above, a revised Function 2 of the National Security Framework setting out policy on searching will be published in December 2006, and enhanced guidance on searching will be included.</p>

Recommendation	Full Response
<p>22 - An establishment's written cell-searching strategy should require each cell to be fully searched at least once in every three months. Senior officers should ensure that full cell searches are taking place as regularly as the strategy requires. Returns showing which cells have been fully searched, and when, should be submitted monthly. The department which is supposed to scrutinise the returns should do so speedily, and notify the senior officer of the unit and its principal officer if that is not happening. (Initial response: Requires further consideration).</p>	<p>Requires further consideration. As noted under recommendation 20 above, the National Security Framework provides for a flexible searching strategy which allows individual prisons to create their own local searching strategies, but a review of the frequency of searching is in progress and will be completed by November 2006. An enhanced procedure for the scrutiny of audit reports has been put in place centrally to identify any instances where correct security procedures are not being followed. These will be pursued with Area Managers to ensure that action is taken to address any shortcomings.</p>
<p>23 - The violence reduction strategy should be used as a vehicle to encourage prisoners to feel that they have a stake in making their prison safe-in particular, by encouraging prisoners to think that they have let other prisoners down if they resort to violence, and by letting prisoners have a say in the running of their prison through prisoner councils. Every prison should be required to have a functioning prisoner council make up of elected representatives which meet at regular intervals. (Initial response: Requires further consideration).</p>	<p>Accepted in part. The current Violence Reduction Strategy requires the involvement of prisoners, and the extent of their participation is audited: this will be re-emphasised, with models of good practice, in the revised Prison Service Order on Violence Reduction, to be published in March 2007. As to prisoner councils, current policy is that Governors of individual establishments decide whether to allow formal associations of prisoners, and if so what their constitution, terms of reference and the arrangements for consulting with them should be. The Government is not convinced that it is appropriate to remove this discretion from Governors. While in most circumstances the accountability, responsibility and choice provided to prisoners by councils is used wisely, in some circumstances they can be used to disrupt the delicate balance between prisoners and staff.</p>
<p>The flow and use of information</p>	

Recommendation	Full Response
<p>24 - Information about a prisoner's convictions and outstanding charges held on NOMIS should include a short statement of the facts of each offence or charge. (Initial response: Accepted)</p>	<p>Accepted in part. The first release of C-NOMIS, due in September 2006, will hold the full CJIT offence codes and descriptions for any <i>new</i> charges or convictions entered. C-NOMIS will also hold an indicator as to whether the full list of <i>previous</i> convictions on the Police National Computer is available, and the full Cell Sharing Risk Assessment, including data on the broad categories of any previous convictions. The Case Notes facility in C-NOMIS may be used to add further information relating to each court appearance, either by the NPS court worker completing the initial data at court or subsequently by prison staff.</p>
<p>25 - If a convicted prisoner is not due to be released when they complete their sentence because they were remanded in custody awaiting trial on other charges, NOMIS should flag up the date on which their change of status is due to occur. (Initial response: Accepted)</p>	<p>Accepted. C-NOMIS (Release 1.0) has a “not for release” alert, which warns the user by a screen flash if moves are made to release an offender while it is current. The reason for the alert (e.g. pending charges, immigration issues) is also given. The release date for each offender is shown, and where accompanied by a “not for release” alert this effectively functions as a notification of change of status.</p>
<p>26 - Although there are no plans for security information to be entered onto NOMIS in its first phase, Security Departments should enter any information which can be shared with the majority of staff when the first phase of NOMIS becomes operational (Initial response: Accepted)</p>	<p>Accepted. C-NOMIS has the capacity, in releases 1.0 and 1.1, for information to be entered into the Case Notes by any authorised user. Security Department users can enter information which may be shared with other staff through this functionality.</p>

Recommendation	Full Response
<p>27 - NOMIS should include a facility for an alert to appear if information is held by the Security Department on prisoners which could affect their management but which is too sensitive for wider dissemination. An officer at the grade of senior officer or above should be able to ask for that information, and the request should be considered by the governor with line management responsibility for the Security Department. The governor should be able to refuse the request, or grant it on condition that the senior officers do not reveal the information to anyone, or on condition that the senior officer can tell their wing staff about it on the understanding that it is not to go any further. (Initial response: Accepted in principle)</p>	<p>Accepted. C-NOMIS Release 1.0 holds an extensive set of coded alerts, organized as main and sub-categories, which appear in a prominent position on every offender-related screen. An alert is being added to Release 1.1 to indicate that the Security Department holds information which is too sensitive for wider dissemination, but which would alert a senior officer to request the information from Security, subject to the governor's decision.</p>
<p>28 - Information overload should be avoided by enabling officers to get to the information they need quickly and to bypass the information they do not need. The technology should be up to date, and sufficient terminals should be provided to ensure that staff have ready access to NOMIS at all times. (Initial response: Accepted in principle)</p>	<p>Accepted. C-NOMIS (releases 1.0 and 1.1) has a "hot page" function which shows key information in relation to each offender, and is designed to give users a summary of the most important data, including risk alerts. The "wing file"/history sheet is incorporated into the C-NOMIS Case Notes function, eliminating the paper "wing file". Improvements in display are being made in releases 1.1 and 1.2 in response to findings of the Inquiry and ergonomic assessments of C-NOMIS. The numbers of terminals to be made available on particular wings remain to be decided.</p>

Recommendation	Full Response
<p>29 - The training which staff receive on NOMIS should not merely address how to log on, enter information and retrieve it. It should reinforce the need for any information which is to be entered to be accurate, comprehensive and unambiguous. It should also reinforce the need for all staff to be aware of the background and offending history of the prisoners in their charge, as well as their previous behaviour in prison. Staff should learn that the system will be useless if they do not use it properly. (Initial response: Accepted)</p>	<p>Accepted. This recommendation has already been incorporated into the C-NOMIS training material for release 1.0. Permanent local learning suites are also being provided as part of the C-NOMIS roll-out, and these will be capable of being used to support both locally-based applications training and basic IT training for staff lacking these skills.</p>
<p>30 - To avoid prisoners leaving court without being accompanied by bail information reports or pre-sentence reports the probation officer should ensure that a copy of the report is available for the escort contractor, and there should be someone in court whose responsibility it is to ensure that the dock officer gets it. Escort contractors should have a list of the documents which should accompany prisoners when they leave court, but if a prisoner leaves court without all the documents, the court should ensure that they are sent out to the prison without delay. (Initial response: Requires further consideration)</p>	<p>Accepted. The Court Manager is responsible for ensuring that all reports before the court go with the prisoner and the committal warrant to the Prison Governor to assist in prisoner risk assessment on arrival. A reminder of this requirement was issued to Crown and magistrates' courts in January 2006. A follow-up letter, making specific reference to bail information reports, will be issued by the end of September 2006.</p>

Recommendation	Full Response
<p>31 - There should be someone in court whose responsibility it is to ensure that the dock officer gets copies of the warrant authorising the prisoner's detention, the list of previous convictions and the indictment charge sheet. (Initial response: Requires further consideration)</p>	<p>Accepted. Acting under the Court Manager, the Court Clerk is the appropriate officer of the court who should ensure that copies of these documents are handed to the dock officer. These documents were specifically referred to in the reminder issued to Crown and magistrates' courts in January 2006 (see response to recommendation 30).</p>
<p>32 - When a judge asks for any remarks which they make to be brought to the attention of the Prison Service, the court should assume responsibility for commissioning a transcript of what has been said and sending a copy to the prison. (Initial response: Requires further consideration)</p>	<p>Accepted. Court staff are aware of the need for such directions made by the Judge to be carried out, and HM Courts Service expects that where judges have requested that their remarks be brought to the attention of the Prison Service, transcripts will be ordered by the court and sent to the prison as a matter of course.</p>
<p>33 - In the light of such legal advice as the Courts Service receives, it should publish a policy on the disclosure to the prison of medical or psychiatric reports on a prisoner submitted to the court (Initial response: Requires further consideration)</p>	<p>Accepted. As stated in the Inquiry Report, HM Courts Service has previously commissioned legal advice on the issue of medical and psychiatric reports being disclosed to the prison. As a consequence, medical and psychiatric reports are included in the list of documents which should accompany the warrant when it is handed to the escort contractor, as provided in the reminder to courts of January 2006 (recommendation 30). A policy statement will be issued by the end of September 2006.</p>
<p>34 - The list of prisoners convictions sent to the prison should include a short statement of the facts of each offence and the charges the prisoner is facing. (Initial response: Requires further consideration).</p>	<p>Accepted in principle. The Prison Service is currently in discussion with the police on the provision of statements of facts and antecedents for offenders on their entry into the prison system. The Prison Service is negotiating access to the Police National Computer with the Association of Chief Police Officers to enable checks to be made on outstanding charges. A revised business requirement is scheduled to be agreed with the Association by November 2006.</p>

Recommendation	Full Response
<p>35 - The Police National Computer should be linked to the whole of the prison estate. In the meantime, any intelligence the police may have about prisoners which could affect their management in prison should be sent to the police liaison officers for the establishments at which the prisoners are being held. A decision can then be made whether the intelligence can be disseminated widely within the prison or given to a governor for their eyes only (Initial response: Requires further consideration)</p>	<p>Accepted in principle. As regards access to the Police National Computer, see the response to recommendation 34 above. A revised Memorandum of Understanding is being agreed with the police, which will include a protocol for effective and consistent intelligence information sharing. The Memorandum of Understanding should be agreed by November 2006.</p>
<p>36 - Whenever a prisoner is transferred to another establishment, the receiving establishment should be told what the reason for the transfer is. If the transferring prisoner is a particularly problematic one, the receiving establishment should be warned beforehand. (Initial response: Accepted)</p>	<p>Accepted. This is current practice where the transfer is initiated by the prison itself, although difficulties arise when remand prisoners are transferred from one establishment to another immediately after a court appearance. C-NOMIS will however provide information on all prisoners to all establishments, and additional alerts can readily be added to provide warnings to receiving establishments (see recommendation 27 above).</p>

Recommendation	Full Response
<p>37 - To ensure that all files accompany prisoners on their transfer to another establishment, they should be ticked off at the reception of the sending establishment against a checklist. Prisoners should not be allowed to leave unless all their files have been ticked as present, except with the permission of a governor. Staff on reception at the receiving establishment should notify the department responsible for chasing up files which do not arrive with a prisoner entering the action they have taken in a 'missing file book'. Consequential action and the eventual receipt of the files should also be entered in the book (Initial response: Accepted in principle)</p>	<p>Accepted in part. Key information must be transferred with the prisoner, as mandated by the Prison Service Orders on Reception (issued 2004) and Discharge (issued 2005). C-NOMIS will include a checklist to be completed when transferring a prisoner to another establishment. Paragraph 4.3 of the Reception Standing Order recognises that not all prisoners will arrive with all the necessary information, and advises that the appropriate Department should be notified so that the missing items can be obtained. While the additional procedure recommended here may be appropriate for some establishments, the Government is not persuaded that it is necessary to make it mandatory for all establishments.</p>
<p>38 - Prisoners should not be admitted to a wing without their current wing file save with the permission of a governor or the approval of the night orderly officer. Important entries should be made in red. (Initial response: Requires further consideration)</p>	<p>Accepted: this recommendation will be implemented through guidance, which will be issued by October 2006.</p>

Recommendation	Full Response
<p>39 - If prisoners arrive on a wing without a copy of the cell sharing risk assessment form they should be placed in a single cell until the form is found or a new one completed (Initial response: Accepted)</p>	<p>Accepted, in relation to closed prisons which are subject to the Cell Sharing Risk Assessment process. The procedure in this recommendation will be included in the revised Violence Reduction Prison Service Order, including Cell Sharing risk Assessment, currently scheduled for publication in March 2007. The full Cell Sharing Risk Assessment is included in C-NOMIS Release 1.0, which will warn the user if it is proposed to place the prisoner in a cell where a risk conflict may exist.</p>
<p>40 - All establishments should have a procedure for notifying wings in writing that a prisoner is currently charged with or has been convicted of an offence under the Protection from Harassment Act 1997 (Initial response: Accepted).</p>	<p>Accepted. This requirement is already in force, but a reminder of the relevant procedures will be included with the guidance issued in response to recommendations 38, 45, 47, and 48.</p>
<p>41 - Each security department should establish a proper system for vetting security files to ensure that they are read by the end of the working day following their arrival, that any relevant information is relayed in writing to the wings and that a record is kept of who vetted them with the date and time (Initial response: Accepted in principle)</p>	<p>Accepted. This is already normal practice, but a reminder to staff will be issued in the Monthly Security Bulletin to be issued in early September.</p>

Recommendation	Full Response
<p>42 - Since security information is not to be included in the first phase of NOMIS there remains a need for a national database for security information. Establishments should have the 4X4 system converted to the 5X5 system if that has not already been done and the systems should be networked across the prison estate (Initial response: Accepted in principle)</p>	<p>Accepted in principle. The funding implications of networking local security information systems are being assessed against the option of upgrading C-NOMIS to provide a networked system.</p>
<p>43 - Where prisoners have served a sentence before the security department should always obtain their security files from the establishment from which they were discharged. (Initial response: Accepted in principle)</p>	<p>Accepted. In the longer term this recommendation will be addressed by improved IT systems, but in the meantime a reminder will be issued to staff in the Monthly Security Bulletin to be issued in September.</p>
<p>44 - Documents held in an establishment's administrative section should be vetted by staff from the Security Department, and each establishment should have a protocol for that work along the lines of the system for vetting security files (Initial response: Requires further consideration)</p>	<p>Requires further consideration. In the longer term improved IT systems will meet this recommendation, but in the meantime a review will be undertaken of the links between information held in administrative files and security files. Guidance will be issued on completion of the review by November 2006.</p>

Recommendation	Full Response
<p>45 - The senior officer on a wing should ensure that information arriving on the wing about a prisoner is recorded in the wing observation book. Particularly important information should be in red. When coming on duty, staff should read any entries in the wing observation book made since they were last on duty. (Initial response: Requires further consideration)</p>	<p>Accepted: new guidance on this subject will be issued to prisons by October 2006.</p>
<p>46 - The discharge report which used to be prepared on prisoners on their discharge should be completed as a matter of course and a copy included in their main prison file. It should be accessible on NOMIS when NOMIS becomes operational (Initial response: Requires further consideration)</p>	<p>Accepted in part. Supervisory officers must be aware of any concerns about the behaviour of prisoners and any risk they present to others. The requirement to prepare a Discharge Report (form DFB1) in respect of certain categories of prisoners for this purpose, however, will cease with the reissue of Prison Service Order 2300, because information about risk relating to these prisoners is more readily obtained from the Prison and Probation Service shared Offender Assessment system (OASys). C-NOMIS will integrate information from both services on all prisoners, enabling staff to deliver end-to-end offender management and building a profile of the offender by recording all relevant data including alerts and risks.</p>
<p>47 - The Prison Service should publish a model procedure dealing with how establishments should bring Prison Service Orders and other instructions, whether local or national which affect the management of prisoners to the attention of staff. The model procedure should be regarded as having been adopted by any establishment which does not produce one of its own (Initial response: Accepted).</p>	<p>Accepted. Prisons will be consulted on best practice, and this will be incorporated in new instructions to be issued in October 2006.</p>

Recommendation	Full Response
<p>48 - Governors should ensure that any relevant comments or recommendations in external reports about their establishments which have implications for the safety of prisoners be brought to the attention of the workforce (Initial response: Accepted)</p>	<p>Accepted. Such procedures are already in place at a number of establishments, and, as with recommendation 47, prisons will be consulted on best practice with a view to the issue of instructions in October 2006.</p>
<p>49 - Every establishment should appoint an officer not below the grade of governor to be responsible for overseeing the flow of information. Such an officer should ensure that systems are in place for the transfer of information within an establishment and that the systems are being followed. They should take action when they find that they are not and should review the arrangements periodically to ensure best practice is being maintained (Initial response: Requires further consideration)</p>	<p>Accepted in principle. To derive full advantage from the functionality available through C-NOMIS, establishments will need to ensure that they have the necessary information management skills in place (such as already exist in the Information Management teams within National Probation Service areas). The person undertaking this role should have good operational knowledge and skills, together with a facility for analysis and information management. A scoping exercise will be undertaken to determine whether this function could be absorbed within existing structures or whether it would require additional resources.</p>
<p>The Prisoner Escort Record</p>	

Recommendation	Full Response
<p>50 - The handbook giving guidance on how to complete the prisoner escort record should be revised to make it clear that this is not merely of use while a prisoner is in transit, but it is also intended to inform the prisoners management in the receiving establishment. It should give clear guidance to staff as to when a box should be ticked. Staff who are tasked with completing the form should be instructed on how to complete it by senior officers in their department. They should each be provided with a copy of the handbook, and they should be reminded of the need to spell out the reasons for a particular box being ticked (Initial response: Accepted)</p>	<p>Accepted. Work is under way to revise the current procedures, handbook, and Prisoner Escort Record, and will be informed by the Report's findings and recommendations. The consultation process is due to be completed by the end of September 2006. Pilots will begin at the end of November, to be completed by the end of January 2007, and the new arrangements will be in place by April 2007.</p>
<p>Assessing Risk</p>	
<p>51 - Staff who are tasked with completing form XF001 should be instructed on how to complete it by a senior officer. In particular, they should be reminded that they are only assessing the risk prisoners pose to other inmates. They should not automatically assess prisoners as a high risk simply because they claim for example to be prone to lose their temper, but should ignore such claims if they believe them to be untrue, and they should guard against being over defensive (Initial response: Requires further consideration)</p>	<p>Accepted in part. The revised Cell Sharing Risk Assessment, scheduled for publication in March 2007 as part of the Violence reduction strategy, will emphasise that officers should assess the risk that some prisoners pose to others. It is accepted that a senior officer should be responsible for ensuring that staff are briefed on how to complete the process. But the latter part of the recommendation could lead to an underestimation of serious potential threats and put staff in an indefensible position if they have discounted apparent risks disclosed by inmates.</p>

Recommendation	Full Response
<p>52 - The instructions for completing the form should give duty governors guidance on how to exercise the options available to them when dealing with prisoners who are both at risk of self harm and a risk to their cellmate (Initial response: Accepted)</p>	<p>Accepted. The revised guidance on Cell Sharing Risk Assessments, due for publication in March 2007, will include a clear reference to the options available under the Suicide Prevention Strategy in Prison Service Order 2700.</p>
<p>53 - The first review of the initial assessment should take place within one week of the initial assessment, and should take place in every case. It should be a multi disciplinary review with representatives from the prisoners wing, healthcare and the team responsible for implementing the establishment's violence reduction strategy all contributing to it. The documents set out in paragraph 59.15 of the report should be considered and the participants should have been briefed on the contents of the prisoners security file if there is one (Initial response: Requires further consideration)</p>	<p>Requires further consideration. The Government is concerned that the proposed multi-disciplinary reviews would be very demanding of resources and might not be particularly effective in bringing new risks to light. The current Prison Service Instruction already requires a review in the light of significant new information or events. Establishments do not have formally constituted violence reduction strategy teams in place, but all staff have a role to play in the strategy. This recommendation will be further considered as part of the response to recommendation 61.</p>
<p>54 - The role of the duty manager or duty governor in the review process should be clarified (Initial response: Accepted)</p>	<p>Accepted: the necessary clarification will be included in the revised Violence Reduction Prison Service Order, due to be published in March 2007.</p>
<p>55 - Wing officers should be reminded of the need to call for a review of an assessment when the necessity for one is triggered by some occurrence which might affect the prisoners emotional well being (Initial response: Accepted)</p>	<p>Accepted: the reminder will be included in the revised Violence Reduction Prison Service Order (see above).</p>

Recommendation	Full Response
<p>56 - The officer responsible for monitoring the processes for implementing measures outlined in risk minimisation plans should also be responsible for monitoring their actual implementation (Initial response: Accepted in principle)</p>	<p>Accepted: these responsibilities will be set out in the revised Violence Reduction Prison Service Order (see above).</p>
<p>57 - The register of prisoners assessed as high or medium risk should identify what proportion of the establishment's population those prisoners represent (Initial response: Accepted)</p>	<p>Accepted: this proposal will be covered in the revised Violence Reduction Prison Service Order (see above).</p>
<p>58 - OASys should be used by all establishments to identify the risk posed by prisoners to staff and other inmates and the risks which are identified (Initial response: Accepted in principle)</p>	<p>Accepted. Such use of OASys is already good practice, but will require further development of clear staff instructions. The roll-out of C-NOMIS will assist with information exchange in the future.</p>
<p>59 - OASys assessors should have access to information relating to prisoners behaviour while serving previous sentences and to information held in security files (Initial response: Accepted in principle)</p>	<p>Accepted. As with recommendation 58, this represents current good practice, but will require further development of guidance and protocols with the Prison Service Security Group to maintain the integrity of the information held in the security file. Again, the roll-out of C-NOMIS will be of benefit in this respect.</p>

Recommendation	Full Response
<p>60 - All adult prisoners serving sentences of less than 12 months imprisonment who had an OASys assessment before being sentenced should have that assessment reviewed during the induction process. The review need only address the risk of harm which the prisoner poses to staff and other inmates. If resources permit adult prisoners serving sentences of less than 12 months imprisonment who did not have an OASys assessment before being sentenced should have one during the induction process (Initial response: Requires further consideration)</p>	<p>Requires further consideration. It would require a considerable increase in staff resources to implement this recommendation. As and when Custody Plus is implemented it will cover the group of prisoners identified in this recommendation.</p>
<p>61 - The risk management model for the management of prisoners to whom MAPPA applies and who have been identified as posing the greatest risk to the public should be adopted by all establishments. Prisoners who have been identified as being high risk to their cellmate on any review of cell sharing risk assessment or posing a very high or high risk to staff and other inmates on the OASys assessment should be referred to the inter departmental risk management team envisaged by the model (Initial response: Requires further consideration)</p>	<p>Requires further consideration. The risk management model recommended here has already been recognised by the Prison Service as best practice, but its adoption is not at present a mandatory requirement within prisons. The costs and benefits of requiring its implementation in all establishments need to be fully assessed, and over the next twelve months the National Offender Management Service will carry out an appraisal of all Prison Service Risk of Harm procedures in relation to risks to the public, staff, and prisoners. This review will report to the Prison Service Board, make recommendations if appropriate on how procedures can be improved, identify resource issues, and oversee and support the implementation of new systems and procedures by the end of 2007.</p>

Recommendation	Full Response
<p>62 - It is neither necessary or desirable to introduce a risk classification similar to the security classification which identifies the degree of risk which a prisoner poses to staff and other inmates (Initial response: Accepted)</p>	<p>Accepted: there are no plans to introduce such a risk classification.</p>
<p>Dealing with Prisoners</p>	
<p>63 - The part of the basic training course for new prison officers which focuses on the development of their interpersonal skills should be reviewed in the light of this report and the lessons to be learned from Zahid's murder. In particular two of the key attributes required of the prison officer should be stressed. They are the ability to pick up on what is happening on the wing, which prisoners pose a risk to other inmates, and what prisoners might be worried about, and the ability to earn the respect of the prisoners on the wing so that they are prepared to confide in them without fear of it getting out (Initial response: Accepted)</p>	<p>Accepted. The Prison Officer Entry Level Training programme will be refined to enhance the way in which these requirements are covered. The revised programme will be in place in April 2007.</p>
<p>64 - Ex offenders should be used to give trainees an insight into prison life from the perspective of prisoners (Initial response: Requires further consideration)</p>	<p>Requires further consideration. The Prison Officer Entry Level Training is modular and involves time on prison wings with offenders. A feasibility study, to be completed by December 2006, will be conducted to determine whether appropriate arrangements can be established for recruitment and training of ex-offenders and quality assurance and evaluation of their contribution. As part of the current development of the Offender Management curriculum, appropriate methods of</p>

Recommendation	Full Response
	<p>providing staff with an awareness of the prisoner's perspective will be identified and introduced.</p>
<p>65 - It should be mandatory for all establishments to have a personal officer scheme. That includes busy local prisons although if time for personal officer work is limited it should be used constructively (Initial response: Accepted in principle)</p>	<p>Requires further consideration. The Offender Management Model, which is the fundamental basis to the work of the National Offender Management Service and will be phased in over the next 18 months, will involve the assignment to each prisoner of an Offender Supervisor, who may be a Prison Officer, a seconded Probation Officer, a psychologist, or another member of staff. In view of the possibility of duplication of functions, the implications of this model for personal officer schemes need to be defined.</p>
<p>66 - Personal officers should be assigned to individual prisoners, not to a group of cells. They should be members of a small team so that when a prisoner's personal officer is not on duty the prisoner can approach another member of the team (Initial response: Accepted in principle)</p>	<p>Requires further consideration, as set out under Recommendation 65; it is relevant that a prisoner's Offender Supervisor will be part of a team within the prison, and a prisoner will be able to talk to any member of the Offender Management Unit if their own assigned Offender Supervisor is not available.</p>
<p>67 - The role of the personal officer should be clearly defined in each establishment's personal officer scheme. The Prison Service should publish a model scheme which should be regarded as having been adopted by every establishment which does not produce one of its own (Initial response: Accepted in principle)</p>	<p>Requires further consideration, as set out under Recommendation 65.</p>

Recommendation	Full Response
<p>68 - Before officers begin personal officer work they should receive training locally on what the work involves (Initial response: Accepted in principle)</p>	<p>Requires further consideration, as set out under Recommendation 65.</p>
<p>69 - The Prison Service policy on whistleblowing should identify the most appropriate way for staff in an exceptional case to get confidential advice from an independent outsider and to raise their concerns outside the Prison Service. It should also ensure that the members of staff of companies who contract with the Prison Service, such as escort contractors and those responsible for running the contracted out establishments, have access to the Prison Service's whistleblowing policy (Initial response: Accepted in principle)</p>	<p>Accepted. Procedures for whistleblowing were issued to HM Prison Service in June 2005, and include a hotline to a Prison Service non-executive director. The instructions will be re-issued early in 2007 to re-emphasise the independent role of the non-executive director. The application of these procedures to the contracted-out sector, where some establishments already have arrangements similar to those in the Prison Service, is being discussed with the contractors.</p>
<p>70 - Making a false and malicious allegation that wrongdoing has taken place should be expressly stated to be a disciplinary offence, for which dismissal from the Prison Service may be an appropriate sanction (Initial response: Accepted)</p>	<p>Accepted. This is already the case. Care must be taken not to put off staff from making valid allegations for fear of their being viewed as false or malicious. The existing instruction will be revised to include a statement on the consequences of wilfully making false and malicious accusations. The amended instruction will be issued in March 2007.</p>

Recommendation	Full Response
<p>71 - Research should be conducted on how effective the obligation to report wrongdoing - and the designation of a failure to do so as a disciplinary offence - has been. This should be done by comparing the number of instances of reported wrongdoing before and after these measures were implemented (Initial response: Accepted)</p>	<p>Accepted in principle. This proposal is to be taken forward in conjunction with the Prison Service's Professional Standards unit. The mechanism for delivery will be decided upon by the end of October 2006, and a proposals paper produced by the end of December. Subject to the availability of additional funding, the research will begin by April 2007.</p>
<p>Mentally disordered prisoners</p>	
<p>72 - A comprehensive review of the quality of care provided to prisoners with mental health problems and its effectiveness should be conducted once the changes introduced since Zahid's murder have had a chance to work (Initial response: Accepted)</p>	<p>Accepted. A comprehensive review of mental health services will take place at the end of 2007, after five years of continued investment in prison health in-reach services. The quality of mental health care for prisoners is continuously reviewed as part of existing performance management processes such as the Healthcare Commission's assessments of PCT commissioning arrangements, Prison Performance Standards, and HM Inspectorate of Prisons' "Expectations".</p>
<p>73 - The first reception health screen questionnaire should be revised so as to trigger a referral to a mental health professional on the healthcare team even if the prisoner has only self harmed in prison. A referral should also be triggered where the prisoners behaviour is such that the healthcare officer completing the questionnaire considers it desirable (Initial response: Requires further consideration)</p>	<p>Requires further consideration. Research evidence shows that people who harm themselves only in custody should not necessarily be regarded as having mental health problems, and the first reception health questionnaire therefore does not require a referral solely on the grounds that a prisoner has harmed him/herself in custody. But this recommendation will be considered further as part of an evaluation and review of the reception screening process which is due to begin in autumn 2006.</p>

Recommendation	Full Response
<p>74 - When prisoners are referred for a mental health assessment the assessment should address the risk which they pose to staff and other inmates (Initial response: Accepted)</p>	<p>Accepted. It is already expected that mental health assessments should, as a matter of course, consider issues of risk to the inmate and to others. Where particular concerns are identified in this way, a special assessment may be indicated.</p>
<p>75 - The responses of those members of staff who have attended the mental health awareness training course should be analysed to determine whether the course can be improved. The number of frontline staff attending the course should be increased, resources and staff deployment permitting (Initial response: Accepted)</p>	<p>Accepted. The number of front line staff attending the mental health training course will increase to a target delivery figure of 9,138 (20% of operational staff) by March 2007. The current two-day mental health awareness training is being reviewed, and an evaluation of the Mental Health Awareness self-directed workbook will take place in September 2006: both reviews will have learner involvement.</p>
<p>76 - Profiled time should be set aside for staff to read the booklet explaining the main components of the mental health awareness training course. The booklet should include advice given on the course about how prisoners with particular disorders should be managed on the wing. That advice should be published and made freely available (Initial response: Requires further consideration)</p>	<p>Accepted. The Mental Health Awareness self-directed workbook contains the requisite information under Module 4: Managing Behaviour, which aims to help officers on the wing to recognise and manage behaviour which is caused by mental health problems. All profiles already contain hours to enable training which can be used for this purpose.</p>

Recommendation	Full Response
<p>77 – [A long recommendation on ways of minimising risks potentially posed by mentally disordered offenders: please see page 664 of report for full text] (Initial response: Requires further consideration)</p>	<p>Accepted in part. The 1997 ONS survey into psychiatric morbidity in prisons in England and Wales found that 90% of all prisoners had a diagnosable mental health problem (including personality disorder), a substance misuse problem, or both. This is the definition of mental disorder which informs NOMS policy, and it would therefore be problematic applying all aspects of this recommendation in full. That said, the cell-sharing risk assessment process requires staff to identify any potential risk arising from a known mental disorder, and provides a tool for risk minimisation in terms of cell allocation The responses to recommendations 4, 9, 11, 51-56, and 65-68 will inevitably go far towards meeting this recommendation.</p>
<p>78 - The Prison Service should prepare a readable guide which explains the circumstances in which personal information about a prisoner should be disclosed by healthcare staff to officers on the wing. The guide should contain practical examples of situations where disclosure should or should not be made (Initial response: Accepted)</p>	<p>Accepted. The document <i>Safe and Secure</i> already meets this recommendation, and a simplified version is being prepared for distribution in autumn 2006.</p>
<p>Racism and religious intolerance</p>	
<p>79 - The Prison Service and CRE should address the key areas for development identified by the Inspectorate in 'Parallel Worlds' in managing the action plan, Implementing Race Equality: A shared agenda for change (Initial response: Accepted, subject to CRE agreement)</p>	<p>Accepted. The Inspectorate's recommendations are taken forward in the Prison Service's comprehensive and detailed Race Equality Action Plan, which was formulated with the Commission for Racial Equality.</p>

Recommendation	Full Response
<p>80 - The diversity training which prison officers receive as part of the basic training should stress the need for them to put themselves in the position of BME prisoners and see things from their point of view. They should be told about the techniques they can use to develop that skill (Initial response: Accepted)</p>	<p>Accepted. The Prison Officer Entry Level Training programme will be reviewed and refined in the light of this recommendation. Consultation with stakeholder groups about content and materials has begun. A revised programme will be piloted by December 2006 and fully implemented by April 2007.</p>
<p>81 - The training of any officer responsible for investigating complaints of racism should stress that corroborative evidence of a complaint, though desirable, is not essential. Officers should be reminded of the need to guard against falling into the trap of seeing as decisive the existence of a possible racially neutral reason for treatment which would otherwise be discriminatory (Initial response: Accepted)</p>	<p>Accepted. Provision for training on investigation of complaints of racism is being built into the current review of training in investigation procedures. The training will be re-launched in December 2006.</p>
<p>82 - Prisoners should not be used under any circumstances to assist in the investigation of complaints of racism, or to act as an intermediary between the complainant and the investigating officer. (Initial response: Requires further consideration)</p>	<p>Accepted. The Prison Service Race Equality Plan includes a mediation project, mentioned in the initial response, but this is designed to be an option to resolve conflict and is considered to be consistent with this recommendation.</p>
<p>83 - The definition of a racist incident adopted by the Stephen Lawrence Inquiry should be used to identify what constitutes a complaint of racism so that a complaint of racism is one where the action complained of is perceived to be racist by the victim or any other person (Initial response: Accepted)</p>	<p>Accepted: as noted in the initial response, the definition of a racist incident adopted by the Stephen Lawrence Inquiry is the one used by the Prison Service.</p>

Recommendation	Full Response
<p>84 - The Prison Service, the Inspectorate and the CRE should consider whether there is a need for the investigation of complaints of racism and other serious complaints to be carried out with a strong independent element built into the process (Initial response: Requires further consideration)</p>	<p>Accepted in part. The Prison Service is currently developing a new process to define situations which may be serious enough to require an investigation procedure differing from that in normal use. This is likely to involve external scrutiny of part of the investigation or management process.</p>
<p>85 -The Prison Service and the CRE should investigate the desirability and feasibility of race relations liaison officers being recruited from outside the Prison Service (Initial response: Accepted)</p>	<p>Accepted. The Prison Service fully supports the principle of recruiting Race Relations Liaison Officers from outside the Prison Service as well as from within the Service, and a number of establishments have already made such appointments.</p>
<p>86- Without suggesting in any way that the Prison Service should be regarded as institutionally infected with religious intolerance, thought should be given by the Home Office to recognising the concept of institutional religious intolerance, along the lines of the definition of institutional racism adopted by the Stephen Lawrence inquiry. (Initial response: Accepted)</p>	<p>Accepted, to the extent that the recommendation requires the Government to consider recognising the concept of institutional religious intolerance. Part II of the Equality Act 2006, to be brought into force later this year, will impose a new prohibition against discrimination by public authorities on grounds of religion or belief, and it will be for each body to decide whether the adoption of a concept such as institutional religious intolerance will help in complying with this legislation. With regard to the Prison Service, the fact that the Inquiry did not make a finding that it is institutionally religiously intolerant will inform its appraisal of this question.</p>

Recommendation	Full Response
<p>87 - The Muslim Adviser to the Prison Service should consider how the role of prison Imams can be expanded – without in any way compromising their religious role – so as to make them readier to assist with the non-religious needs of Muslim prisoners. (Initial response: Accepted)</p>	<p>Accepted. Chaplains of all faith traditions, in HM Prison Service and contracted out prisons, are expected and encouraged to assist offenders with “non-religious needs”. The Muslim adviser seeks to ensure that the 32 full-time and 24 part-time Muslim Chaplains understand this aspect of their work and ministry. The Chaplaincy Senior Management Team will seek to develop guidance for chaplaincy teams to help them ensure that the faith and non-faith needs of prisoners from all traditions can be met, particularly where there are only sessional chaplains from that tradition. The current Chaplain-General has actively encouraged chaplains from all traditions to work collaboratively to meet the needs of prisoners and to provide pastoral as well as religious care.</p>
<p>88 - The Home Office should promote legislation to add each prison to the list of bodies required to publish race equality policies or race equality schemes under the Race Relations Act 1976 (Initial response: Requires further consideration).</p>	<p>Not accepted. To create a legal obligation on prisons to publish individual race equality schemes, it would be necessary to legislate to confer legal personality on them, a step which would clearly have wider repercussions. Prisons will however be expected to formulate race equality policies under the aegis of the Home Office’s overarching Departmental scheme, and this is believed to be an equally effective means of ensuring compliance with their duties under the Act.</p>

