



4LSAB Guidance on safeguarding in prisons and approved premises

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1. Introduction

This 4LSAB guidance is intended to support the understanding of professionals in relation to safeguarding in prisons and approved premises. The four safeguarding adult's boards across Hampshire, Isle of Wight, Portsmouth and Southampton follow the Care Act Statutory Guidance 2014 in relation to its responsibilities as a board.

The Care Act Statutory Guidance states (14.134) that the SAB has a strategic role that is greater than the sum of the operational duties of the core partners. It oversees and leads adult safeguarding across the locality and will be interested in a range of matters that contribute to the prevention of abuse and neglect. These will include effectiveness of prisons and approved premises in safeguarding offenders.

Prisons and other approved premises should have their own internal arrangements to respond to internal safeguarding concerns. In 2023, His Majesty's Inspectorate of Prisons (HMIP) published its sixth edition of Expectations which can be found [here](#), providing the criteria against which prisons are inspected, and the actions to be taken where safeguarding concerns are raised. This allows for a consistent approach to be utilised by local prisons which covers the guiding principles from the Care Act 2014 in relation to supporting individuals with care and support needs.

Adult safeguarding in prisons revolves around keeping prisoners safe and protecting them from abuse and neglect. Prison officers have a duty to ensure the safety of all prisoners, particularly those who meet the criteria of being adults at risk within the prison environment.

Approved premises provide intensive supervision for those who present a high or very high risk of serious harm. They play a role in monitoring and managing risk of their residents whilst providing a programme of purposeful activity that is intended to help with reducing re-offending and reintegration into society ([Prison Reform Trust](#))

Prisons and approved premises within the 4LSAB area:

- Winchester Prison, a men's prison and young offender institution (YOI) in the centre of Winchester, Hampshire. [Winchester Prison - GOV.UK \(www.gov.uk\)](#)
- Isle of Wight Prison a high security men's prison, set across 2 sites (Albany and Parkhurst), just outside Newport, Isle of Wight. [Isle of Wight Prison - GOV.UK \(www.gov.uk\)](#)
- A list of approved premises within the 4LSAB area is available [here](#)

Prisons and approved premises have responsibilities in relation to both the adult's care and support needs as well as safeguarding duties. This guidance relates to adult safeguarding, however there are duties placed on the prison in relation to care and support.

2. Assessment of Care and Support Needs

The Care Act 2014 places a requirement on local authorities in England to conduct assessments and meet eligible care and support needs for prisoners located in their area, regardless of where the individual came from or where they will be released to. This means that duties apply to:

- prisoners
- those aged over 18 in Young Offender Institutions (YOI)
- residents of approved premises
- people who may have been required to move from their usual home as a condition of bail in criminal proceedings.

This is covered in [Section 76](#) of the Care Act 2014 and [Section 17](#) of the Care and Support Statutory Guidance, which states that all adults in custody should expect the same level of care and support as the rest of the population.

Adults in custody are entitled to the support of an independent advocate during the assessment process, if they would have significant difficulty in being involved in the process. It is the for Local Authority to arrange an independent advocate, just as they would for an individual in the community.

Delivery of support for those prisoners who have eligible care and support needs is the responsibility of the Local Authority who should ensure that contracts with providers cover staff supervision, and that staff are supported to deliver high quality services in custodial settings (Section 17.54, Care and Support Statutory Guidance)

2.1 Care Quality Commission (CQC)

The CQC will monitor, inspect and regulate health and social care providers within the criminal justice and immigration detention systems, to make sure people who use services in secure settings receive the same quality of care as the rest of the population. The CQC may conduct joint inspections with HMIP, but they remain separate bodies with separate powers and functions:

- HMIP's responsibilities are to inspect and report on conditions for, and treatment of, those detained in prisons and other places of custody.
- CQC's responsibilities are to monitor, regulate and inspect the providers of health and social care within secure settings.

3. Legal Context

Under the Care Act 2014, prisons and approved premises have responsibility for safeguarding prisoners with needs of care and support. Prison governors and the National Offender Management Service (NOMS) may ask for advice from the Local Authority when faced with a safeguarding issue that they are finding particularly challenging. Local Authorities should follow the safeguarding policies and procedures of

custodial settings in their area and work with prison and approved premises staff to ensure that all people in custodial settings are safeguarded.

The Care Act Statutory Guidance (17.61) states, Local authority and care provider staff must understand what to do where they have a concern about abuse and neglect of an adult in custody. The prison must ensure that it has clear safeguarding policies and procedures that are explained to all visiting staff. Prison and probation staff may approach the local authority for advice and assistance in individual cases although the local authority will not have the legal duty to lead enquiries in any custodial setting.

Whilst the Local Authority has no legal duty to make enquiries, it (and other agencies) can and should still support the safeguarding response when requested to do so. For example, by providing advice or being part of a multi-agency approach. However, the Local Authority (and the Safeguarding Adults Board more generally) has no jurisdiction over prisons or approved premises and how they carry out their safeguarding responsibilities.

In working hours, safeguarding concerns should be reported and shared directly with the local authority safeguarding team, who will provide advice and if appropriate can support with safeguarding investigations. If the concern arises out of hours, contact should be made with the local authorities Out of Hours Service if required.

Hampshire County Council

Office hours – 0300 555 1386

Out of office hours – 0300 555 1373

Isle of Wight Council

Office hours – 01983 814980

Out of office hours – 01983 821105

Southampton City Council

Office hours – 023 8083 3003

Out of normal office hours – 023 8023 3344

Portsmouth City Council

Office hours – 023 9268 0810

Out of normal office hours – 0300 555 1373

4. Local Safeguarding Adults Board

Whilst there is no requirement for Prisons to become members of their Local Safeguarding Adult Board (LSAB), it is recognised that LSAB's are forums for the exchange of advice and expertise and therefore Prison Governors are encouraged to become members. The intention is to encourage constructive dialogue and shared learning around safeguarding in prison and support to prisons not only keep up to date with safeguarding requirements and guidance but also to help ensure safeguarding arrangements in prisons are robust and benefit from constructive dialogue with the local expert body of professionals. This is particularly important

where an individual is about to be released and there is the potential for learning by those responsible for ensuring their safety in the community.

The Care Act statutory guidance (17.62) states that Local Authorities should consider inviting prison and probation staff to be members of Safeguarding Adult Boards. The inclusion of prison and probation staff on safeguarding adult boards should be agreed with all statutory board members and the SAB *“can act as a forum for members to exchange advice and expertise to assist prison and probation staff in ensuring that all people in custodial settings are safeguarded”*.

The prison service instruction (PSI) [Adult Safeguarding in Prisons \(16/2015\)](#) contains guidance for prison governors on engaging with local Adult Safeguarding Boards and advises that membership is likely to be helpful in ensuring that prisoners with care and support needs are safeguarded effectively.

5. Safeguarding within Prisons

Prisons should identify a safeguarding lead who sits within the senior management team and who is directly accountable to the prison governor regarding their safeguarding role.

The prison ensures prisoners can access where appropriate, access to pastoral and/or therapeutic support to help in the recovery from abuse and that ensures that victims of abuse are able to access victim support services such as internal ‘Listeners’

It is crucial that safeguarding is built into all standard operating procedures with prompts at each stage of a prisoner’s journey and that mechanisms to ensure prisoners’ vulnerabilities are recognised and responded to appropriately and in a timely manner.

Ensuring clear links between its safeguarding adult’s procedures and other protective, risk management and review processes. These include the local multi agency adult safeguarding procedures, Violence Reduction, MAPPA, Serious Case Review, PREVENT, Persistent and Prolific Offenders and other initiatives such as Safer Custody.

There should be accessible leaflets and other publicity material readily available for prisoners, staff, visitors and outside professionals, which details how to raise a concern about a prisoner. Awareness raising sessions are provided for prisoners and staff.

5.1 Responding to Safeguarding Concerns

There should be an internal escalation protocol highlighting when safeguarding concerns should be shared with the senior management team and/or prison governor. In addition, thresholds have been defined to help the prison to determine when

safeguarding concerns can be appropriately and safely managed through internal procedures or when they might to be addressed with the support of external agencies for example in highly complex cases and/or where the person at risk is judged to lack capacity.

There is clear information about how and when to report concerns with a dedicated telephone number for prisoners to report safeguarding concerns, as well as an online portal where concerns can be raised.

5.2 Safeguarding against Person in a Position of Trust

Prisons and their senior management team should take any concerns raised against staff seriously and respond sensitivity and promptly.

Prisons should identify a clear internal complaints process which allows prisoners to report a person in a position of trust, confidentially, whereby a specific recipient can be named. This is in addition to Discrimination Incident Report Forms (DIRF) which should be available in all areas of the prison with envelopes to ensure the complaint is kept confidential. Incidents relating to misconduct of staff, should be referred for investigation.

6. Safeguarding upon reception

Prevention and early identification of risk is crucial in order to reduce harm and forms an integral part of the prison's safeguarding arrangements. Upon arrival at the prison, sufficient tools should be utilised in order to identify a prisoner's vulnerabilities, such as the First Night in Custody process.

First Night in Custody, when family and community links are broken and the future is uncertain, is one of the most stressful times for prisoners. Many self-inflicted deaths and self-harm incidents occur within the first 24 hours, the first week, and the first month, particularly among younger prisoners. Extra emphasis placed on tackling safer custody issues during the first 24 hours and beyond is likely to produce most benefit in this early period. Listeners or other peer supporters may offer additional help to prisoners, particularly during the first night.

The National Offender Management Service has published guidance on [Early days in Custody](#) and have highlighted the need for prisoners to be received into lawful custody and treated with decency and with regard for their and other's safety and well-being. Prisoners should be kept safe and support during their first night in prison and their immediate needs are met and that prisoners know and understand their entitlements and responsibilities, and how to access support and facilities available to them. The well being of prisoners must be the primary concern of staff throughout the reception and first night process

The Person Escort Record and any other available documentation including Suicide & Self Harm Warning Forms, the Assessment, Care in Custody and Teamwork (ACCT) documents and CSRAs, must be examined, and the prisoner interviewed in Reception, to assess the risk of self-harm or harm to others by the prisoner, or harm from others. All available, relevant information must be considered, and staff should liaise with the OMU where necessary.

All newly arrived prisoners must be assessed as part of the reception health screen process to determine whether they are at risk of suicide or self-harm, and an ACCT Plan opened, or an existing ACCT continued, as appropriate. An ACCT alert must be updated on Prison-NOMIS when an ACCT is opened. Prisoners returning to custody are at increased risk of suicide/self-harm, and the risk occurs with transferred prisoners as well as those on initial reception into custody.

7. Safeguarding during time in custody

It is important to recognise that grooming and mate crime to exploit adults at risk, falls within the remit of the prison's safeguarding procedures

The prison should operate a 'buddy' system to ensure support is available for Prisoners and that a network of safeguarding champions such as Listeners or Insiders are in place.

Any staff member who receives information or observes behaviour which may indicate self-neglectful behaviours, must commence the ACCT process. Prison staff should complete an Immediate Action Plan within 1 hour of the concern being raised to ensure the prisoners is safe from immediate harm. A multidisciplinary case review meeting should then be undertaken within the first 24 hours. These meetings will continue to monitor and review progress actions and the ACCT can only be closed by the multidisciplinary team when the individual prisoner is no longer considered to be at risk.

Other policies and procedures should be in place such as an Isolation Policy for those prisoners who are not engaging with the regime or have limited family contact, as well as a process in place for prisoners refusing food and/or fluids.

8. Safeguarding responsibilities upon release

It is important to recognise that some prisoners, when released from prison, pose a risk to themselves and/or others living in the community and that appropriate information sharing and joint working with relevant agencies must take place prior to release.

It is true that within a prison environment, a person may not present as having care and support needs (because of the structured environment) but could be considered a person at risk if living in the community. This is particularly relevant to the Pre-Release and Offender Management Teams when assessing an adult's needs and potential risks on release.

The Prisons' Offender Management Unit, in partnership with the Senior Probation Officers within the establishment, will assess and identify any safeguarding concerns prior to an individual's release. This information should be shared with the Community Offender Manager within the Probation Service, who will in turn liaise with the relevant local authority where necessary.

9. Staffing Considerations

Prisons and approved premises should operate a safer recruitment process which includes a robust process for recruiting contractors and volunteers and makes use of vetting procedures which comply with necessary legislation.

The professional duty of care and duty to act is built into the code of conduct of all staff, contractors, volunteers, etc. and is reflected in all contracts.

The prison should have 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 should be aware of their personal and professional responsibility to protect adults at risk and be confident and feel safe to raise concerns as necessary. Staff should also undergo appropriate safeguarding training, understanding when and how to raise a safeguarding concern.

Staff must be aware of, and comply with, national and local instructions on preventing suicide and managing self-harm

10. His Majesty's Inspectorate of Prisons (HMIP)

HMIP has shown its commitment to address the complex area of safeguarding adults at risk in prison through the inclusion in 2023 of a safeguarding section in its inspection criteria identified through its [Expectations](#) document. This outlines a prison's responsibilities to safeguard people at risk in the prison environment and provides benchmark standards against which prisons will be judged in this respect:

- The prison provides a safe and secure environment which actively reduces the risk of self-harm and suicide.

- Prisoners at risk of self-harm or suicide receive individualised care from a multidisciplinary team and have unhindered access to help, including from their families.
- Prisoners, particularly vulnerable adults at risk, are provided with a safe and secure environment which protects them from harm and neglect.
- Adults at risk are appropriately located and supported by trained staff who are resources to meet their needs.

In addition, prisons have further responsibilities in relation to identifying and supporting prisoners with mental health conditions through the provision of community-equivalent services to optimise their mental wellbeing during their stay and subsequent transfer or release.

11. Further guidance

Adult Safeguarding in Prison

[Keeping adult prisoners safe: PSI 16/2015 - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/44444/Keeping_adult_prisoners_safe_PSI_16_2015.pdf)

Prison Discharge Policy

[Prison discharge policy: PSI 72/2011 - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/44444/Prison_discharge_policy_PSI_72_2011.pdf)

Pre-release and resettlement policy

[HMPPS Pre-Release and Resettlement Policy Framework - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/44444/HMPPS_Pre-Release_and_Resettlement_Policy_Framework.pdf)

Duty to refer guidance.

[A guide to the duty to refer - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/44444/A_guide_to_the_duty_to_refer.pdf)