

HMPPS Guidance Framework for Co-Operation and Co-Ordination in Shared Custodial Workplaces

1. Introduction

1.1 HMPPS Health and Safety Policy implements the legal requirements, in prisons, for local co-operation and co-ordination between employers working in the same premises. It mandates, agreement on how this will be undertaken in each prison.

1.2 It is a legal requirement for those sharing a workplace to cooperate with each other to ensure compliance with health and safety regulations and the fire safety order. They are also required to coordinate their arrangements to ensure that all risks in the workplace are adequately controlled.

1.3 Education (and other) 3rd party service providers manage a significant proportion of non-HMPPS workers based in prisons. They may be exposed to a wide range of potential risks arising from, and working within, a prison operational environment. This requires the joint working of their respective employers with prison managements and that of other employers on site to ensure prevention and protection of health and safety as far as is reasonably practicable.

2. Objectives

2.1 This document:

- Effectively communicates responsibilities, summarising to all parties their duties and obligations for Health and Safety;
- Ensures contractual obligations are met and compliance with the following is achieved:
 - **PSI 06/2005** - Organisation and Summary Arrangements for the Management of Health and Safety;
 - **PSI 38/2015** - Health and Safety Arrangements for the Monitoring and Measurement of Health and Safety Performance;
 - 3rd party service providers' Health and Safety Management Systems and arrangements.
- Encourages engagement of colleagues, learners, partners, and visitors;
- Allows Health and Safety matters to be considered in collaborative decision-making;
- Clarifies the approach to the training and development of HMPPS/Operator and education 3rd party service provider employees.

3. HMPPS Policy on Health and Safety for 3rd Party Service Partners

3.1 HMPPS Health and Safety policy implements the legal requirements, in prisons, for local co-operation and co-ordination between employers working in the same premises. It mandates, written agreement between all parties outlining mutual arrangements, relevant duties and for co-operation and communication on HSF matters in every prison and must cover the following:

- Access and security;
- Induction and HSF Training;
- Incident reporting and recording;
- Emergency Procedures;
- Risk assessment of each party's activities and its effects on other users of the premises;
- Nominated lead for Health and Safety;

- Communication channels;
- Sharing information re vulnerable staff e.g., pregnant employees;
- Attendance at Health & Safety Committee;
- Notification processes for introduction of new plant, equipment and or processes;
- Cleaning and welfare;
- Inspection and audit.

4. Health & Safety Oversight

4.1 The Commissioner retains responsibility for the oversight of the health and safety performance of contracted services particularly in respect of:

- The impact of supplier activities on the health and safety of prisoners and other employees in the premises and
- The impact of prison operations on the health and safety of the supplier's employees.

4.2 It is the responsibility of all managers in prison establishments and all employees, irrespective of which employer they work for, to ensure that activities or operations are managed in line with this framework in any area(s) under their control.

4.3 Stakeholders in these arrangements are the employers of a substantial number of workers in prison establishments and the unions that represent them. Currently, these are:

- Ministry of Justice (MoJ);
- Her Majesty's Prison and Probation Service (HMPPS);
- Private Prison Operators (Operator);
- Education provider/s and their unions and staff.

5. Access and Security

5.1 The provider shall ensure that all provider employees comply with all security measures implemented by HMPPS/Operator in respect of staff and others within the establishment.

5.2 HMPPS/Operator will provide copies of written security procedures to the provider and employees on request.

6. Induction and Training

6.1 An induction package for all new staff in all prisons must be provided to comply with the statutory obligation to provide information, instruction, and training to staff in the workplace. This induction training will be provided within the first week and will cover:

- All the key risks relating to working in the prison environment and how these are managed.
- All Emergency procedures and any other health and safety training that is mandatory for the Shared Workplace.

6.2 The HMPPS/Operator and the provider will work collaboratively to provide all aspects of training which relate to the capacity of the employee to work safely and without risk to their health and safety and that of others. It is the responsibility of the provider to ensure the attendance of their staff and students at such training.

6.3 The provider will ensure that adequate and competent staff are provided to safely deliver the service.

6.4 The provider will also provide prison introductory induction training to its employees prior to them working within the prison. This will be supplemented by local induction training provided by both the host prison employer and the local contracted service manager. Individual establishments will ensure that those recruited to operate in prison education services are given the appropriate information to ensure awareness of the general risk and operation circumstances of prison undertakings prior to taking up the work there.

6.5 In addition, relevant personal safety training and prisoner interpersonal skills training for all front-line education staff will be provided by HMPPS/Operator.

6.6 The provider will ensure continued assessment, arrangement and recording of all other training required by their employees to ensure:

- They can operate safely in prisons;
- Appropriate use ACCT and NOMIS assessment.
- Understand the importance of intelligence reporting.
- Consistently set appropriate behaviour standards and are confident in the resolution of conflict and de-escalation of confrontational situations;
- Where appropriate, in the event of non-resolution, the Incentives and Earned Privileges process is used to apply appropriate sanctions.

6.7 The provider is responsible for managing its contractors and any of its visitors on HMPPS/Operator premises and must inform such contractors and/or visitors of the HMPPS/Operator local arrangements.

7. Incident reporting and recording

7.1 All incidents (accidents, violence, threats, dangerous occurrences and near misses) which occur in a Shared Workplace must be reported. Local arrangements must be agreed, documented, and put in place to ensure that there is an exchange of information between the HMPPS/Operator and the provider about any incident involving an offender or provider employee whilst participating in educational activities or involving a provider employee whilst in the wider establishment.

7.2 Provider employees must report any incident or injury arising via normal education activities to their own line management in the first instance. It is for the provider manager to ensure that suitable records, investigations, and reports to the establishment are made by the provider.

7.3 Where injury has arisen to provider employees from prison undertakings, the establishment will investigate jointly with the provider manager. Injuries to provider employees arising from provider operations can be notified to the establishment but routine and minor incidents will be recorded summarily and will not be investigated by HMPPS.

7.4 The HMPPS/Operator will contribute to post incident learning where incidents of violence could have, or did, directly impact on provider staff.

7.5 The provider manager will report to the Health and Safety committee the numbers and trends in incidents occurring to provider staff.

7.6 For employee injuries, reporting to the enforcing authority under RIDDOR is the responsibility of the employer of the injured employee. For prisoner injuries, the responsibility for statutory reporting is HMPPS/Operator responsibility.

8. Emergency Procedures

8.1 The HMPPS/Operator are responsible for ensuring emergency arrangements are in place for all hazards associated with their work activities. Appropriate information must be shared to enable effective co-operation between the HMPPS/Operator and the provider.

8.2 Equally, the provider is responsible for managing the risk of foreseeable emergencies arising from its own activities and for liaison with the HMPPS/Operator on its control provisions and how these links with wider establishment procedures.

8.3 The HMPPS/Operator is responsible for emergency fire evacuation procedures for all parts of the prison, including assistance with the development of personal emergency evacuation plans for the provider staff as required.

8.4 The HMPPS/Operator is required to test emergency contingencies annually. Employees of the provider - and all other occupiers - must be aware that when an evacuation or other emergency procedure is implemented, all individuals in/on the premises must co-operate with any instructions provided.

9. First Aid Arrangements

9.1 The HMPPS/Operator is responsible for ensuring that arrangements are in place with regard to the provision of first aid to those within the establishment, including checking and re-stocking first aid kits and equipment.

9.2 The HMPPS/Operator is responsible for ensuring the provider employees are aware of local arrangements for obtaining emergency and first aid response. This includes arrangements for prisoners and visitors.

9.3 The HMPPS/Operator will consider the numbers of non-employees on site and the nature of the risks to them in determining the level of first and emergency aid provision to be provided in the establishment as a whole but this does not negate the obligation of the provider to assess the first aid needs of its employees.

9.4 If there are additional first aid requirements that are specific to the work the provider, in cooperation with the HMPPS/Operator, must ensure that appropriate emergency arrangements / items are available.

9.5 The provider will inform the host and local first aiders of any specialist knowledge required because of particular risks arising from work undertaken in the Shared Workplace.

10. Risk assessment

10.1 The HMPPS/Operator will provide risk assessments for common areas and common risks in the premises which are up to date, suitable and sufficient and communicate their findings and control processes to education provider managements.

10.2 Provider managements are responsible for ensuring that their staff are aware of the risks, the findings of the assessments and the relevant control procedures.

10.3 Prevention and control systems defined and operated by HMPPS in those risk assessments shall be communicated to education employees to enable:

- Joint agreement on what is needed to ensure that providers can access and use such controls as are necessary;
- Disseminate health and safety risks and controls to users of the building;
- Provider participation in security assessment processes with risk criteria clearly defined.

10.4 The HMPPS/Operator and the provider management shall work collaboratively to ensure suitable and sufficient risk assessments, undertaken by the relevant competent people cover all work activity which presents significant risk and ensure that adequate controls are identified, applied with monitoring of risk control processes monitored by the relevant party/or parties. Including:

- No work activity shall commence in any shared workplace until a risk assessment of the work has been undertaken with adequate control measures identified and applied by the relevant party/parties;
- This includes any assessments required under the Control of Substances Hazardous to Health Regulation 1994; Manual Handling Regulation 1992; Display screen equipment Regulation 1992;
- Where there is potential for others to be affected by the work the HMPPS/Operator and provider must discuss, agree and record (significant risks) with appropriate controls put in place with the responsibility for doing so agreed between the HMPPS/Operator and the provider;
- The provider will make the HMPPS/Operator aware of any risks requiring action and ensure that risk assessments are communicated to all staff within the shared workplace;
- The HMPPS/Operator and provider must always discuss, agree, and record arrangements in relation to the storage and use of hazardous substances;
- Where identified through a risk assessment process the provider employer is responsible for the provision of safety spectacles, VDU spectacles or personal protective equipment necessary for a task undertaken by the provider employees unless otherwise specified within the contract.

10.5 The HMPPS/Operator will support the provider:

- In the consideration of design and layout of classrooms regarding prisoner behaviour and numbers;
- Ensure that processes to allocate prisoners to education actively engage providers to participate in processes to determine escort, supervision, and patrol arrangements accordingly.

10.6 The HMPPS/Operator to provide Fire Risk Assessment for all buildings within the prison which are up to date, suitable and sufficient and all associated remedial actions which will be communicated to the provider management and accessible to all staff working in the shared workplace.

11. Nominated lead for Health and Safety

11.1 The provider will identify and nominate a Health and Safety lead to the HMPPS/Operator to attend the Health and Safety committee (this does not replace the provider's statutory consultation duties with its own employees).

12. Communication channels

12.1 Providers and the unions who represent the providers' workforce will have their own consultative and representation structure in place in line with statutory requirements, however, prison managements will remain responsive to health and safety concerns and issues raised via the providers' consultation processes.

12.2 The HMPPS/Operator must communicate to provider managers the processes by which offender risk and security control are delivered. The violence reduction strategy and local security arrangements must be provided to and clearly explained to provider managers and staff. A process for engaging provider managers in prisoner allocation and offender management must be in place. Changes in patrol levels and discipline staff presence in education areas should be communicated in advance to provider managers. Security Intelligence and Incident Reporting procedures should be clear and accessible to providers but equally a dynamic process for expressing any significant concerns the provider has should be clearly understood and accessible to provider managers.

12.3 The HMPPS/Operator and provider management must work collaboratively, encouraging employees and their representatives (unionised and non-unionised) to participate in risk assessments, audits & inspections, and incident investigations.

13. Reporting of defects and deficiencies

13.1 Provider management and staff must report, via the HMPPS/Operator arrangements, any defects or deficiencies in the Shared Workplace including, but not limited to, the premises, equipment, or staff activity.

14. Escalation

14.1 Day to day issues and immediate concerns about a risk should be addressed initially by those affected to those in charge of the location or operation and in most cases, will be resolved as such. However, in all cases the relevant line management of those involved should be informed.

14.2 An individual with an ongoing concern about health and safety should raise the matter with their line manager within their respective employing organisation.

14.3 Where representations are made by provider union staff to respective provider employers, via their Health & Safety committees or otherwise, provider unions may wish to inform the local chair of the Prison Health and Safety Committee where these concerns relate to issues over which the prison has some control.

14.4 If it is considered that there is serious and imminent danger arising from the work, the relevant provider or operator may require that the work be stopped immediately, and the Shared Workplace made safe. Whether work is stopped or not, arrangements must immediately be made to enable representatives of the HMPPS/Operator and provider, including local management and health and safety professionals, to discuss the issue, agree any necessary action and record the issue and the subsequent discussions. Where necessary, the views of senior members of staff at each organisation will be sought. **See Annex 1.**

14.5 Provider issues unresolved at a local level can be raised with their contract management who, in turn, will escalate to the HMPPS Contract Management Team where appropriate.

15. Sharing information re vulnerable staff e.g., pregnant employees

15.1 The provider must have in place their own processes for assessing, managing, and controlling the risk to their staff associated with health issues, particularly the management of stress and maternity risks. On being notified, the employer should liaise with the local HMPPS/Operator management to decide on and implement suitable joint controls. A monitoring plan must be set up. Which will be owned by the providers line manager.

16. Attendance at Health and Safety Committee

16.1 It is a legal requirement for those sharing a workplace to cooperate with each other to ensure compliance with health and safety regulations and the fire safety order. They are also required to coordinate their arrangements to ensure that all risks in the workplace are adequately controlled.

16.2 To meet these requirements the HMPPS/Operator provides a Health and Safety Committee where representatives of providers who share the workplace are invited to attend. The purpose of these committees is laid out in HMPPS Health and Safety arrangements for consultation on matters of Occupational Health & Safety policy and each will have a local constitution and terms of reference. In the context of this framework, they can:

- Ensure risks of operating in a shared workplace are being adequately managed;
- Allow the provider and the HMPPS/Operator to plan and participate in joint audits, safety tours and workplace inspections and assurance reviews;
- Enable the provider and the HMPPS/Operator to agree objectives and targets for health and safety performance within education facilities;
- Review compliance arrangements to identify individual and shared responsibilities and increased monitoring to confirm tasks are completed;
- Allow discussion and agreement of roles, responsibilities, and boundaries;
- Consider all issues concerning health and safety management in Shared Workplaces;
- Review local arrangements on an annual basis or in the event of a significant change and making the necessary revisions;
- Put forward recommendations made for approval by the SMT and or other decision-making machinery as appropriate;
- Monitor health and safety performance in relevant areas of operation.

16.3 Those identified to attend the Health and Safety Committee must make all reasonable attempts to attend meetings and support the work of the committee. Members of the Health and Safety committee have responsibility for communicating the work of the committee to their own organisation/workforce.

17. Notification processes for introduction of new plant, equipment and or processes

17.1 The provider must undertake discussion and agreement with the establishment before undertaking any new activity or introducing new equipment without written consent of the HMPPS/Operator with appropriate risk assessments carried out before any such undertaking.

17.2 Consultation and co-operation between HMPPS/Operator and the provider must be undertaken before any changes of use, modifications to buildings or plant, and/or any changes that may impact on the supply service or the operational safety of the other party. Appropriate risk assessment must be carried out and agreed with appropriate control measure put in place and responsibilities agreed prior to such change as stated above.

17.3 The HMPPS/Operator estates/facilities management must be contacted, and its approval must be obtained prior to any work being undertaken by external contractors commissioned by the any party which may affect the fabric or services of the premises.

17.4 Before any maintenance or emergency repair work commences, the HMPPS/Operator and the provider must discuss, agree, and record whether any precautions need to be taken by the maintenance personnel and/or those working in the area before and/or during the work. Written Permit to Work systems may be required for some types of work and some higher risk areas.

17.5 The providers Education Manager is responsible for making appropriate arrangements for decommissioning and vacating any area within his/her control and must comply with the requirements of the HMPPS/Operator in this regard.

17.6 Where no agreement currently exists and upgrades to existing facilities are required, e.g., for compliance with legislation changes, the HMPPS/Operator and the provider must discuss, agree, and record actions and resourcing considerations.

18. Cleaning and welfare

18.1 The HMPPS/Operator will provide suitable and sufficient welfare facilities for provider employees to satisfy requirements set out in The Workplace (Health, Safety and Welfare) Regulation 1992 such as washing, toilet and changing facilities and somewhere to eat and drink during breaks.

19. Inspection and audit

19.1 The HMPPS/Operator and provider will document responsibility for completing equipment checks and maintenance. All parties must satisfy themselves that appropriate and adequate arrangements are in place.

19.2 The HMPPS/Operator are responsible for the maintenance, inspection and audit of the built environment, plant and equipment which cover:

- Maintenance of boilers, heating & ventilation systems in common areas;
- Maintenance & statutory inspections for all equipment in common areas, e.g., lifts;
- Provision of a full range of Facility Management (FM) risk assessment and control measures which include; Asbestos, Legionella, Pressure systems and gas management etc.
- Fire safety systems (alarms, emergency lighting, fire extinguishers, evacuation equipment, etc.).

19.3 All employees in the Shared workplace must co-operate and coordinate with colleagues and HMPPS/Operator employees to ensure access to any necessary maintenance or other checks.

19.4 When equipment and services are incorporated within the fabric of the building the HMPPS/Operator and provider must discuss, decide, and record which organisation is responsible for arranging and funding the appropriate inspection and maintenance. Work utilising such equipment must not proceed until adequate arrangements and appropriate control measures are instituted.

20. Workplace inspections & Safety Audits

20.1 All managers are responsible for ensuring there is a system for routine inspections within their work areas. This includes; routine visual inspections of equipment; housekeeping and cleaning.

20.2 The HMPPS/Operator in consultation with the provider and local HSF Advisor must agree a local schedule of workplace inspections based on the risk of each work area with agreed responsibilities.

20.3 Records of inspections must be sufficient to show all areas of the workplace are covered in line with the relevant frequencies:

- Any shortcomings or deficiencies observed must be escalated via the agreed escalation channel between the HMPPS/Operator and the provider;
- The manager of the area is responsible for ensuring any necessary remedial actions identified as a result of the workplace inspection are implemented and monitored.

20.4 The HMPPS/Operator and the provider shall cooperate when safety audits are carried out.

20.5 The provider shall provide sufficient notice of intentions for the provider's health and safety specialist in carrying out safety audit and risk assessment in relation to the provider employees Health and Safety within the establishment, every effort must be made by HMPPS/Operator to accommodate.

21. Visits by Enforcing Authorities.

21.1 Information regarding ad hoc or arranged visits by any enforcement authority and any subsequent reports must be communicated by the HMPPS/Operator to the provider, or vice versa, where both organisations' activities in the Shared Workplace may be affected.

22. Review

22.1 Local arrangements made under this framework will be reviewed by the local Health and Safety Committee annually, unless significant events dictate otherwise, and revised arrangements must be authorised via the prison SMT and governor and the provider's regional contract management. The Health and Safety Committee will agree minor changes to these arrangements for and on behalf of the HMPPS/Operator, provider, and host organisation.

Annex 1 - Escalation Routes

1. Provider employee has concern re prison managed HS risk.
2. Raises it with the immediate local prison management.
3. If resolved: matter closed but both parties inform their management.

If not resolved:

4. Provider employee raises with provider service manager and or provider union representative.
5. Provider service manager raises it with relevant prison SMT opposite number either directly or via any local joint HS forum.
6. If resolved: matter closed but relevant managers informed.

If not resolved:

7. Provider service manager and or union representative raise it formally with chair of prison HS committee.
8. Committee agenda issue, minute discussion and resolution actions and monitor implementation via minutes or agreed action plan.

If not resolved:

9. Unresolved local issues can be raised with their contract management who, in turn, will escalate to the HMPPS Contract Management Team where appropriate.

Annex 2 - Definitions

Definitions

Education Provider: Employer, provider of education and vocational training to offenders under a contract. Places employees in premises owned and/or controlled by HMPPS or a Private Prison Operator.

MoJ, HMPPS or Private Prison Operator: Controller of premises in which custodial operations take place and in which other employers will provide services and locate their employees and sub-contractors.

Education Manager: Person given responsibility by the provider, and recognised by the HMPPS/Operator, to direct and manage the staff, operations and equipment of the providers undertaking within a given establishment.

Shared Workplace: A workplace where the HMPPS/Operator and provider employees, are present, in many cases alongside prisoners, visitors and contractors.

Control: Effective management of activity within the whole, or part, of a Shared Workplace, as agreed between the provider and the HMPPS/Operator and the Host Organisation.

Health and Safety Committee: A joint working group which comprises of personnel from 3rd party providers and Host Organisation.