

Her Majesty's Inspectorate of Prisons (HMIP)

Basics	Web site	https://www.justiceinspectorates.gov.uk/hmiprisons/
	Geographical coverage	England and Wales (by an invitation, Northern Ireland, Channel Islands and Isle of Man). Also cover immigration detention facilities in the whole of the UK.
Constitutional Aspects	Legal Framework/Basis	§ 5A Prison Act 1952 (as amended by 1982 Criminal Justice Act, Immigration and Asylum Act 1999, Immigration, Asylum and Nationality Act 2006, Police and Justice Act 2006): Appointment and functions of Her Majesty's Chief Inspector of Prisons. Public Bodies Act 2011 – enabled Ministers to abolish HM Inspectorate of Court Administration. Powers to inspect court custody given to HMI Prisons.
	Independence	According to s5A of the Prison Act 1952, the Chief Inspector reports to Secretary of State, and may even receive instructions from him/her: "(1)Her Majesty may appoint a person to be Chief Inspector of Prisons. (2)It shall be the duty of the Chief Inspector to inspect or arrange for the inspection of prisons in England and Wales and to report to the Secretary of State on them. (3)The Chief Inspector shall in particular report to the Secretary of State on the treatment of prisoners and conditions in prisons. (4)The Secretary of State may refer specific matters connected with prisons in England and Wales and prisoners in them to the Chief Inspector and direct him to report on them." The inspectorate is not an agent or officer of the Crown.
	Financial Independence	See Criminal Justice Act 1982 (c. 48) amending § 5 of Prisons Act 1952: §5A:(6) The Chief Inspector shall be paid such salary and allowances as the Secretary of State may with the consent of the Treasury determine.
Membership	Composition of body	The Chief Inspector has six inspection teams working to a Deputy Chief Inspector. Each team specialises in the inspection of a specific type of custody, for example, children and young people's establishments, young offender institutions, immigration detention, adult women's or men's prisons and police custody. Inspection staff (numbering around 70 in total) also include: * healthcare inspectors * drugs inspectors * researchers * editorial and administrative staff

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Appointment	<p>Chief Inspector is appointed by the Crown on the recommendation of the Minister of Justice for a term of five years. The current Chief Inspector is Peter Clarke CVO OBE QPM, appointed in 2016.</p> <p>Reports to the Justice Secretary on the treatment of prisoners, and to the Home Secretary on immigration facilities. See Criminal Justice Act 1982 (c. 48) amending § 5 of Prisons Act 1952:§ 5A Appointment and functions of Her Majesty's Chief Inspector of Prisons (1)Her Majesty may appoint a person to be Chief Inspector of Prisons.</p>
Expertise	<p>Half the complement of inspectors are drawn from within the prison system to ensure familiarity and experience, while the other half are drawn from specialist medical, legal, probation, social work, drug treatment and diversity policy backgrounds. Specialist women, young</p>

	<p>adult, juvenile, immigration detention and police teams have been established.</p> <p>To avoid burdening establishments with multiple visits and to maximise available expertise, inspections are conducted jointly with Ofsted, the General Pharmaceutical Council, the Care Quality Commission, Her Majesty's Inspectorate of Constabulary, Her Majesty's Inspectorate of Probation and territorial equivalents, such as Estyn (Wales), Healthcare Inspectorate Wales, Employment and Training Inspectorate (Northern Ireland) and HM Inspectorate of Education (Scotland).</p>
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Visiting Mandate	Places of deprivation of liberty to be visited	<ul style="list-style-type: none"> • Visits to public and private sector prisons and young offender institutions in England and Wales. • Remit extended by Immigration and Asylum Act 1999 to include responsibility for inspecting immigration removal centres across the United Kingdom. Extended again by Immigration, Asylum and Nationality Act 2006 to also include immigration short-term holding facilities and immigration escorts. In 2011 HMIP carried out its first two inspections of overseas escorts, which will form a regular part of the inspection programme. • Under the Police and Justice Act 2006, the Inspectorate has begun to inspect offender management arrangements in custody with HM Inspectorate of Probation and police custody jointly with HM Inspectorate of Constabulary. • Visits are also carried out to the Military Corrective Training Centre, Colchester and the Sovereign Base Areas prison, Cyprus, by invitation only. In 2013/14 HMIP will begin to inspect service custody facilities. These are facilities where army soldiers are detained for short periods of time. • In Schedule 8 of the Justice (Northern Ireland) Act, it is listed as an organisation to which the inspection powers of the Chief Inspector of Criminal Justice (NI) can be delegated, and as such carries out inspections of prisons and young offender institutions in Northern Ireland. • By invitation, it also inspects prisons in the Channel Islands and the Isle of Man (correct at March 2013). • HMIP's mandate has been expanded to include the inspection of court custody in England and Wales since the Public Bodies Act 2011. This is done in partnership with HMIP. • In 2012 arrangements were agreed in order to inspect both secure training centres, in collaboration with Ofsted.
	Frequency of visits	<ul style="list-style-type: none"> • The Inspectorate's programme of inspection is based on a mixture of chronology and risk assessment. Prisons holding adults are inspected at least once every five years, with riskier establishments inspected more frequently. It is expected most establishments will be inspected every two to three years. • Young Offender establishments for juveniles (all under 18 years of age) are inspected annually. • Secure Training Centres that hold offenders up to the age of 17 are inspected every year. • Immigration removal centres holding adults only have a full inspection at least once every four years. Riskier establishments are inspected more frequently. Border force facilities are inspected approximately every two years whilst Escort inspections (usually chartered flights removing immigration detainees from the UK) are inspected two or three times a year. • Non-residential short-term holding facilities (STHFs) are inspected at least once every four years and residential STHFs are inspected more frequently.

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		<ul style="list-style-type: none"> • The inspection programme for police custody devised by HMIP and HM Inspectorate of Constabulary seeks to ensure that every designated police custody suite in England and Wales is inspected at least once in a six-year period. During the six-year cycle, some police custody suites will be subject to follow-up inspections based on an assessment of risk. • Military detention facilities are inspected by agreement and invitation from the military every two or three years. • The inspection programme for court custody will involve completing and reviewing a first round of announced inspections of 51 court custody facilities.
	<p>Types of visits</p>	<p>From April 2013 virtually all inspections of prisons and YOIs will be unannounced. Only a small number of announced inspections will be scheduled into the programme, these will be on the basis of risk. All inspections of immigration removal centres, short-term holding facilities, secure training centres, police custody suites, are unannounced.</p> <p>Thematic inspections are also carried out.</p>
	<p>Private interviews</p>	<p>No information on private interviews in legislation. However unfettered access to prisoners and detainees has been held to be a necessary prerequisite to the statutory inspection duty. Sources of evidence include confidential surveys of a randomly selected number of prisoners or detainees, focus groups of prisoners or detainees, individual interviews of prisoners or detainees and others (such as staff), documentary analysis and observation by inspectors. Prisoners and detainees can speak to inspectors in confidence.</p>
	<p>Access to information</p>	<p>Access to all documentation in a prison has been held to be a necessary prerequisite to the statutory inspection duty. No inspector can be refused entry to an establishment within in their powers to inspect.</p>
	<p>Publication of findings after visits</p>	<p>Section 5A(2) of the Prison Act 1952 does place a duty on HMCIP to report to the Secretary of State, but it does not specify that this should be after each and every visit to a prison or place of detention. In practice however, this is what is done. Thus there is an implicit duty to report. Under a Protocol agreed with the Secretary of State, inspection reports are published at a time of the Chief Inspector's choosing and in a form determined by him/her. In practice, reports should be finalised within 18 weeks of inspection and published shortly after, on the Inspectorate's website. The inspected establishment is then expected to produce an action plan, based on the recommendations made within the report, within six months of publication.</p> <p>As of November 2017, the Inspectorate has been given new powers under an urgent notification protocol whereby the chief inspector can notify the minister of any severe and urgent problems he identifies in a prison inspection. This then requires the minister to publish an action plan within 28 days to tackle the issues raised.</p>

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	<p>Coordination of visits</p>	<p>Under the Police and Justice Act 2006 (c. 48), the Inspectorate has a duty to consult other specified inspecting bodies before preparing an inspection programme. This implies potential for coordination of inspecting activities between different bodies. It can also delegate its powers of inspection to other public authorities. This was introduced by § 28(1) and (2) introducing Schedule A1 to Section 5A of the Prison Act 1952. Schedule A1 also allows for the Chief inspector to give a notice to a limited number of inspecting bodies not to carry out a proposed inspection, or not to carry it out in that manner if the Chief Inspector considers that the proposed inspection would impose an unreasonable burden on a visited institution or would do so if carried out in a particular manner. Schedule A1 also allows for cooperation</p>
		<p>Between the chief inspector other public bodies including HMI of Constabulary, HMCI of the Crown Prosecution Service or merely any public body specified by an order made by the Secretary of State, for the 'efficient and effective discharge of his functions'.</p> <p>The Prisons Inspectorate works jointly with other inspectorates such as Ofsted, the Care Quality Commission and the General Pharmaceutical Council. From Business Plan 2011-12: All inspections are conducted jointly with other relevant inspectorates including Ofsted, the Care Quality Commission and the General Pharmaceutical Council, and territorial equivalents such as Estyn (Wales) and Healthcare Inspectorate Wales, the Regulation and Quality Improvement Authority (Northern Ireland) and HM Inspectorate of Education (Scotland). In addition, offender management in prisons and young offender institutions is inspected jointly with HM Inspectorate of Probation.</p>
	<p>Recommendations and suggestions for amendments to legislation</p>	<p>3rd Annual Report NPM 2011-2012: Published inspection reports include recommendations for improvements (p49).</p> <p>See also HMIP website for further information on recommendations to individual institutions.</p>

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Other Aspects of Mandate	Preventive activities	<ul style="list-style-type: none">• See Criminal Justice Act 1982 (c. 48) amending § 5 of Prisons Act 1952: § 5A Appointment and functions of Her Majesty's Chief Inspector of Prisons (2) It shall be the duty of the Chief Inspector to inspect or arrange for the inspection of prisons in England and Wales and to report to the Secretary of State on them.• This is a preventive role, and the Expectations are designed to ensure that safeguards are in place to prevent torture or inhuman and degrading treatment.• HMIP Website: The Inspectorate collects information from many sources, including the people who work in an establishment, the people who are imprisoned or detained there, and visitors or others with an interest in the establishment. Inspection findings are reported back to the establishment's managers and ultimately to those in charge of the Service. (1st Annual Report NPM p24) An action plan is then produced by them in response to the recommendations made by HMIP.
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Standards	Legal standards applied	<p>The standards applied in visits are encapsulated in public documents called <i>Expectations</i> (available at: http://www.justice.gov.uk/about/hmi-prisons/inspection-andappraisal-criteria). There are six such documents: one for adult prisoners, one for juveniles, one for immigration detainees, one for police custody, one for the military corrective training centre and one for court custody. These documents contain a list of criteria against which visited institutions will be measured. The documents also mention HMIP's role under the Optional Protocol to the Convention against Torture (OPCAT) which the UK is party to. According to the documents, "Expectations draw on, and are referenced against, international human rights standards." Expectations extensively refer to these standards including all the UN human rights treaties, over 31 soft law/normative standard setting instruments (including Standard Minimum Rules, Istanbul Protocol, etc.), as well as regional human rights treaties and soft law instruments (including the European Prison Rules), and case law of ECtHR.</p> <p>Expectations are based on the concept of a healthy prison, one that was first set out by the World Health Organisation, but which has been developed by HMIP, and is now widely accepted as a definition of what ought to be provided in any custodial environment. Findings from prison inspections are brigaded under four tests of a healthy prison:</p> <ul style="list-style-type: none"> • safety: prisoners, particularly the most vulnerable, are held safely; • respect: prisoners are treated with respect for their human dignity; • purposeful activity: prisoners are able, and expected, to engage in activity that is likely to benefit them; and • resettlement: prisoners are prepared for release into the community, and helped to reduce the likelihood of reoffending. <p>For immigration detention, findings are brigaded under the slightly different tests of a healthy custodial environment: safety; respect; purposeful activity; and preparation for release.</p> <p>For police custody, the expectations cover four key areas: strategy; treatment and conditions; individual rights; and health care.</p> <p>For court custody, the expectations cover four key areas: respect; safety; physical conditions; and health.</p>
Reports	Annual reports	<p>Under the Criminal Justice Act 1982 (c. 48) amending § 5 of Prisons Act 1952: §5A: (5) The Chief Inspector shall in each year submit to the Secretary of State a report in such form as the Secretary of State may direct, and the Secretary of State shall lay a copy of that report before Parliament. Annual reports can be found at https://www.justiceinspectorates.gov.uk/hmiprison/inspections/?s&prison-inspection-type=annual-reports</p>
Other		<p>HMIP has the NPM coordination role for the 21 bodies. See Ministerial written statement (30 March 2009, Ministry of Justice) for NPM designation.</p>