



National Offender
Management Service

**INVESTIGATIONS AND LEARNING FOLLOWING INCIDENTS OF SERIOUS
SELF-HARM OR SERIOUS ASSAULTS**

This instruction applies to:-		Reference:-
Prisons		PSI 15/2014
Issue Date	Effective Date	Expiry Date
13 July 2016 (Re-Issued)	14 April 2014	02 April 2018
Issued on the authority of	NOMS Agency Board	
For action by (Who is this Instruction for)	<p>All staff responsible for the development and publication of policy and instructions</p> <p><input type="checkbox"/> NOMS HQ</p> <p><input checked="" type="checkbox"/> Public Sector Prisons</p> <p><input checked="" type="checkbox"/> Contracted Prisons*</p> <p><input checked="" type="checkbox"/> Governors</p> <p><i>* If this box is marked, then in this document the term Governor also applies to Directors of Contracted Prisons</i></p>	
Instruction type	Service Specification Support, Service Improvement and Legal Compliance	
For information	All staff	
Provide a summary of the policy aim and the reason for its development / revision	<p>The aim of this policy is to ensure that all telephone reportable incidents of serious self-harm and serious assaults are correctly followed up so that learning is identified and disseminated. It is also to ensure that when required an independent investigation is commissioned for those incidents, which meet the required threshold, in order to satisfy the State's investigative obligations of Article 2 European Convention of Human Rights (ECHR).</p> <p>Update July 2016 – Instruction has been updated to rectify typographical errors of acronyms. No change has been made to the policy content.</p> <p>Update April 2016 - Annex C of this Prison Service Instruction (PSI) was reviewed and amended on the 8 April 2016. No changes were made to the policy within this document. Copies held of versions issued before the 8 April must be destroyed.</p> <p>Update July 2014 - Annexes A, B & C of this Prison Service Instruction (PSI) were reviewed and amended on the 11 July 2014. No changes were made to the policy within this document. Copies held of versions issued before the 11 July must be destroyed.</p>	
Contact	Nicola Waterman, nicola.waterman@noms.gsi.gov.uk , 0300 047 5683	

	or Chris Barnett-Page, christopher.barnett-page@noms.gsi.gov.uk , 0300 047 5263 Equality, Rights and Decency (ERD) Group
Associated documents	PSI 64/2011 Management of prisoners at risk of harm to self, to others and from others (Safer Custody) PSI 11/2012 Management and security of the incident reporting system PSI 09/2014 Incident management PSO 1300 Investigations NOMS Service Specifications for: Early days and discharge; Management of prisoners at risk of harm to self or others; Nights; Prisoner communication services; Prisoner discipline and segregation; and Residential services
Replaces the following documents which are hereby cancelled: None	
Audit/monitoring: Mandatory elements of instructions must be subject to management checks and may be subject to self or peer audit by operational line management/contract managers, as judged to be appropriate by the managers with responsibility for delivery. In addition, NOMS will have a corporate audit programme that will audit against mandatory requirements to an extent and at a frequency determined from time to time through the appropriate governance.	
Introduces amendments to the following documents: None	
<i>All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.</i>	

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Section	Subject	For reference by:
1	Executive Summary	All Operational Staff
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1. Executive Summary

Background

1. This instruction provides further details about the policy and processes underpinning the outputs at paragraphs 30 and 31 of PSI 64/2011.
2. The current policy set out in Prison Service Instruction 64/2011 Safer Custody gives guidance to prisons about investigations into incidents of serious self-harm and serious assaults and the need to learn from such incidents.
3. Article 2 of the European Convention on Human Rights (ECHR), where it is engaged, requires an independent investigation to be undertaken. The onus is on the government to initiate and start the investigation. The minimum requirements for an Article 2 ECHR compliant investigation are as follows:
 - *The investigation must be independent;*
 - *The investigation must be effective - it must be conducted in a manner that is capable of establishing the relevant facts;*
 - *The investigation must be reasonably prompt; there must not be unnecessary delays and the evidence must be preserved as soon as possible after the incident;*
 - *There must be a public element, which will vary from case to case;*
 - *The family of the prisoner must be allowed to effectively participate in the investigation.*
4. Such investigations generally arise after a death where the acts or omissions of the State may have caused or contributed to that death. However, in certain limited circumstances, an incident that has not resulted in a death can also require that an Article 2 ECHR compliant investigation be undertaken. In particular, the Courts have ruled that some 'near deaths' and some serious assaults in prisons are sufficiently serious as to engage Article 2 ECHR and necessitate an Article 2 ECHR compliant investigation.

Desired outcomes

5. Serious incidents of self-harm or assaults are investigated:
 - At an appropriate level internally; and
 - Independently in cases in which article 2 is engaged.
6. Learning from serious incidents of self-harm and assaults is identified, disseminated and acted upon.

Application

7. This instruction applies to all prison establishments.

Mandatory actions

8. *Governors must ensure that all the relevant staff are aware of the requirement to investigate the circumstances of incidents of serious assaults (on staff, prisoners and others) and serious self-harm.*
9. *Governors must ensure that all incidents of serious assaults (on staff, prisoners and others) and serious self-harm are telephone reported to the National Operations Unit (NOU) in line*

with PSI 11/2012 Incident Reporting System; and investigated at an appropriate level; and that any lessons are learned from the incident.

10. *Governors must ensure that when requested by Equality, Rights and Decency (ERD) Group the relevant questionnaire (see Annex A – Serious self-harm and Annex B – Serious assaults) is completed and returned to ERD Group within three working days of the incident being reported. Where ERD Group indicates that an independent investigation may be required, all documentation relating to the prisoner(s) involved in the incident (for example, core record, medical record, and Assessment, Care in Custody and Teamwork or Cell Sharing Risk Assessment forms) must be retained.*
11. *In all cases in which a questionnaire was completed and returned to ERD Group, Governors must ensure that a copy of the investigation report is submitted to ERD Group not later than one week after the investigation has been completed.*
12. *Where the serious incident involves a young person, Governors must ensure that local safeguarding and child protection procedures are followed as well as any other local investigation into the incident.*
13. *In cases in which an independent investigation has been commissioned on behalf of the Secretary of State, Governors must:*
 - *ensure that staff co-operate in the same way as with investigations into deaths in custody (see PSI64/2011); and*
 - *nominate a member of staff to act as the prison liaison point.*

Resource Impact

14. There are existing requirements for serious incidents of self-harm and assaults to be investigated, and prisons are already required to have in place procedures to learn from these incidents. There may be some additional resources required in respect of Article 2 investigations such as the prison liaison point for the investigation, although the costs of the investigations will be met through a NOMS central budget. Equality, Rights and Decency Group will monitor the impact of the instruction and review the policy after 18 months.

2. Operational instructions

Output 1: Serious incidents of self-harm or violence are investigated at an appropriate level.

Process for identifying the appropriate level of investigation

15. *Governors must ensure that all incidents of serious assaults (on staff, prisoners and others) and serious self-harm are telephone reported to the National Operations Unit (NOU) in line with PSI 11/2012 Incident Reporting System; and investigated at an appropriate level; and that any lessons are learned from the incident.*
16. On being informed of the incident, ERD Group will consider whether there is any indication that the incident could require an Article 2 ECHR compliant independent investigation. If this is a possibility, ERD Group will contact the prison requesting that a questionnaire (annex A or B according to type of incident) is completed. *Governors must ensure that the questionnaire is completed and returned to ERD Group within three working days of the incident being reported.*

Investigations

17. PSI 64/2011 and PSO 1300 set out the range of options available to investigate serious incidents of harm to self or others, and mandates that *consideration must be given to the circumstances in which the harm occurred, the lessons that can be learned from the incident and its management, and the need to support those harmed and sanction perpetrators of harm.*
18. *Where the serious incident involves a young person, Governors must ensure that local safeguarding and child protection procedures are followed as well as any other local investigation into the incident.*
19. *The Governor must ensure that an appropriate level of investigation is commissioned and ensure that any lessons are learned from the incident.* In circumstances where the harm to self or others may cause long-term serious injuries to the prisoner concerned, advice on the appropriate level of investigation should be sought from ERD Group. *In all cases in which a questionnaire was completed and returned to ERD Group, Governors must ensure that a copy of the investigation report is submitted to ERD Group not later than one week after the investigation has been completed. Where ERD Group indicates that an independent investigation may be required, all documentation relating to the prisoner(s) involved in the incident (for example the core record, medical record, and ACCT and CSRA forms) must be retained.* Where an incident has been referred to the police, Governors should liaise with their police liaison officer to ensure that any prison investigation does not compromise the ongoing police investigation.
20. Whatever form the investigation takes, the following issues should be considered. An example of an investigation template can be found at Annex C.
 - i. The background to the incident (Index offence, location, previous history of self harm and /or violence, recent custodial history, security intelligence).
 - ii. Details about the incident (What happened? Who discovered the incident? What action was taken? Was anti-ligature clothing used?)
 - iii. The post incident care / actions taken (New location? Contact with specialist staff? Change to ACCT plan /observations? Was constant supervision used? Were Listeners/Samaritans phone used? Was a family member / next of kin contacted?)

Staff Care? IEP Review? Adjudication? Referral to Police? Incident recorded on NOMIS case notes?)

- iv. Investigating the circumstances (Why did it happen? Any issues that contributed, i.e. drugs, debt, bullying, racial or religious discrimination, family issues, relationship breakdown or anniversaries of deaths?)
- v. The issues arising / lessons learned (What could/should have been done differently?) and how these will be disseminated within the establishment (Has any security intelligence been appropriately reported?)
- vi. The areas of good practice identified (How are these recorded and disseminated so that it can guide others when managing future incidents?)
- vii. Recommendations (If any? Please specify who is responsible for each recommendation and provide an approximate target date for any proposed action to take place)

Independent Article 2 compliant investigations

21. NOMS considers that serious incidents engaging Article 2 and requiring independent investigation are those in which:
 - a real and immediate threat was posed to the life of the individual involved, such as a suicide attempt that came close to success or a serious assault by another person; and
 - leave the individual involved with serious long-term injuries; and
 - as a consequence of the long-term injuries sustained, significantly affect the ability of the individual involved to know, investigate, assess and/or take action in relation to the circumstances of the incident.
22. In consultation with the Governor and Deputy Director of Custody, and any other relevant senior officials, ERD Group will consider whether or not these criteria apply in each case and make a recommendation to the Secretary of State who will determine whether or not an independent investigation is required.
23. In cases in which an Article 2 investigation is required, ERD Group will identify a suitable individual who is sufficiently independent from NOMS and, on behalf of the Secretary of State, will commission him/her to conduct an investigation. ERD Group will arrange administrative and other necessary support for the investigator. ERD Group will assist in arranging the participation of the prisoner and his/her family in the investigation, including the funding for legal representation where necessary.
24. ERD Group will consider the investigation report, including undertaking a check for factual accuracy and compile a response to any recommendations, liaising with the prison, Deputy Director of Custody and policy leads as required.
25. The State's investigative obligation under Article 2 ECHR includes an element of public scrutiny. In most cases publication of the investigator's final report will be sufficient to satisfy this obligation, but in exceptional circumstances a public hearing may be needed. At the conclusion of the investigation, the investigator will be asked for a view on this. ERD Group will consider whether or not a public hearing is required and make a recommendation to the Secretary of State. Where it is decided that a public hearing is necessary, this will be commissioned by ERD Group.

26. ERD Group will arrange publication of the investigation report(s) and the NOMS response on the Independent Advisory Panel's website, ensuring that appropriate steps are taken to maintain confidentiality where necessary.

Output 2: Learning from deaths in custody and incidents of self-harm or violence is identified, disseminated and acted upon.

Self-harm and deaths in custody

27. PSI 64/2011 mandates Governors to put in place local procedures to facilitate and disseminate learning from incidents of self-harm and violence to prevent future occurrences and improve delivery of safer custody. Consideration should also be given as to how the local learning identified can also contribute to the wider NOMS policies and learning strategy.
28. Learning from self-harm behaviour is vital in terms of understanding individual patterns of behaviour and trends across a prison. The monitoring of individuals behaviour may allow, among other things, an insight into patterns such as preferred method, timing, triggers, severity, and mood changes. This information may form part of the ACCT process and contribute to understanding such behaviour across the prison. For example, an analysis of local self-harm incidents may show trends in time, place, method and triggers influenced by local population moves.
29. Regular consultation with staff and prisoners on safer custody matters is also recommended as a complement to the data analysis.
30. NOMS will consider how the learning from deaths and serious incidents can inform policy and practice, and disseminate the learning which has implications across prisons.

Violence

31. Violence is unevenly distributed around the prison estate. It is therefore essential that there is a detailed understanding of violence in individual prisons and comparisons are only made with prisons of a similar function and operational capacity.
32. The Violence Management Report on The Hub provides prisons with detailed data on violent incidents and the management response to them. Analysis of this data will generate a detailed overview of violence management from which trends can be identified and action plans developed.
33. In prisons with a high volume of violent incidents, it may be helpful to undertake regular assessments of when and where violent incidents are occurring to inform action to prevent further violence.

Contacts

Nicola Waterman, nicola.waterman@noms.gsi.gov.uk, 03000475683, or
Chris Barnett-Page, christopher.barnett-page@noms.gsi.gov.uk, 03000475263
Equality, Rights and Decency (ERD) Group

(Signed)

Digby Griffith
Director of Commissioning and National Operational Services, NOMS

Serious Self-harm Incident Questionnaire

Please provide your email address here:	
Name of Prisoner:	
Prison number:	
Prison:	
<u>Date</u> and <u>Time</u> of incident:	
Date of birth:	
Ethnicity:	
Religion:	
Date of initial reception in prison custody:	
Date of reception at current prison:	
Location: (e.g. normal, segregation, healthcare, specialist wing)	
Shared cell? (please specify whether alone, or with cellmate)	
Was this a Safer cell?	
Details of the self-harm incident: (Hanging? Overdose? Cutting? Where were injuries made?) (Please specify what item was used to make cuts and/or ligature)	
Is it known what triggered the incident? (If 'yes' please specify)	
Describe injuries:	
Resuscitation required?	
Were they transferred to outside hospital? (If yes please specify dates out and returned to establishment)	
Was the prisoner on life support?	
Was an ACCT open prior to incident? If yes, what were the levels of <u>observations</u> and <u>conversations</u> per hour (as stated in support plan)? Please provide as much information as possible.	
ACCT opened since the incident? (If not open before)	
Have any serious long-term injuries been sustained? (If 'yes' please provide details)	
Next of Kin/family informed?	
Please list the documents that have been collated (e.g. Incident report form/F213)	
Incident recorded on prisoner's NOMIS case notes?	

PSI 15/2014 Investigations and Learning Following Incidents of Serious Self-Harm or Serious Assaults states that "The Governor must ensure that an appropriate level of investigation is commissioned and ensure that any lessons are learned from the incident. In circumstances where the harm to self or others may cause long-term serious injuries to the prisoner concerned, advice on the appropriate level of investigation should be sought from ERD Group. In all cases in which a questionnaire was completed and returned to ERD Group, Governors must ensure that a copy of the investigation report is submitted to ERD Group not later than one week after the investigation has been completed." Paragraph 20 of PSI 15/2014 sets out the issues that the investigation should consider. A copy of the template that can be found at Annex C of the PSI is attached with this questionnaire which you may wish to use.

Who will be completing the local fact finding report? (Please email to ERD once complete)	
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Thank you for completing this questionnaire – please email the completed questionnaire and any fact finding report to **Nicola Waterman** (nicola.waterman@noms.gsi.gov.uk) **and your Deputy Director of Custody.**
Please contact Nicola on **0300 047 5683** if you require any further information

This questionnaire will help Equality, Rights & Decency Group (ERD) monitor serious incidents which may lead to long-term injuries, and provide key information to inform our policy work.

Serious Assault Incident Questionnaire

Name of establishment:		
Date and Time of incident:		
Your contact email address:		
	Prisoner assaulted (Victim)	Perpetrator (if cell mate, please specify)
Prisoner's Name:		
Prison Number:		
Date of birth:		
Ethnicity:		
Religion:		
Initial reception date in custody:		
Reception date at current establishment:		
Location of incident: (If in a cell, was the cell door closed?)		
Does the prisoner share a cell?		
CSRA prior to incident (H / S)?		
Did the incident trigger a CSRA review? (If 'yes' please confirm outcome of review)		
Details of the assault incident:		
Is it known what triggered the incident? (If 'yes' please specify)		
Was there any prior knowledge that the victim was at risk of being assaulted (either by the perpetrator or another)? (if 'yes' please specify)		
Was resuscitation required?		
Transfer to outside hospital required? (Please specify dates out and returned)		
On life support?		
Describe injuries:		
Any serious long-term injuries sustained?		
ACCT open prior to incident?		
ACCT opened since incident?		

Next of Kin/family informed?		
Incident report on prisoner's NOMIS case notes?		
Was force used to end the incident?		
Please list the documents that have been collated (e.g. Incident report form/F213)		
Has incident been referred to the police?		

PSI 15/2014 Investigations and Learning Following Incidents of Serious Self-Harm or Serious Assaults states that "The Governor must ensure that an appropriate level of investigation is commissioned and ensure that any lessons are learned from the incident. In circumstances where the harm to self or others may cause long-term serious injuries to the prisoner concerned, advice on the appropriate level of investigation should be sought from ERD Group. In all cases in which a questionnaire was completed and returned to ERD Group, Governors must ensure that a copy of the investigation report is submitted to ERD Group not later than one week after the investigation has been completed." Paragraph 20 of PSI 15/2014 sets out the issues that the investigation should consider. A copy of the template that can be found at Annex C of the PSI is attached with this questionnaire which you may wish to use.

Where an incident has been referred to the police, Governors should liaise with their police liaison officer to ensure that any prison investigation does not compromise the ongoing police investigation

Who will be completing the local fact finding report? (Please email to ERD once complete)	
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Thank you for completing this questionnaire– please email the completed questionnaire and any fact finding report to **Nicola Waterman** (nicola.waterman@noms.gsi.gov.uk) **and your Deputy Director of Custody**. Please contact Nicola on **0300 047 5683** if you require any further information

This questionnaire will help Equality, Rights & Decency Group (ERD) monitor serious incidents which may lead to long-term injuries, and provide key information to inform our policy work.

Fact finding investigation template**HMP XXXXXXXXXXXX – FACT FINDING REPORT INTO A SERIOUS SELF-HARM AND/OR ASSAULT INCIDENT**

	Victim	Perpetrator (if assault)
Prisoner name:		
Prison number:		
DOB:		
Location:		
Incident Date & Time:		

BACKGROUND

(Index offence, location, previous history of self harm and /or violence, recent custodial history, security intelligence).

INCIDENT

(What happened? Who discovered the incident? What action was taken? Was anti-ligature clothing used?)

POST-INCIDENT CARE / ACTIONS

(New location? Contact with specialist staff? Change to ACCT plan /observations? Was constant supervision used? Were Listeners/Samaritans phone used? Was a family member /NoK contacted? Staff Care? IEP Review? Adjudication? Referral to Police? Incident recorded on NOMIS case notes?)

ENQUIRY

(Why did it happen? Any issues that contributed, i.e. drugs, debt, bullying, racial or religious discrimination, family issues, anniversaries of deaths etc.?)

ISSUES ARISING / LESSONS LEARNED <i>(What could/should have been done differently? Has any security intelligence been appropriately reported?)</i>
AREAS OF GOOD PRACTICE IDENTIFIED <i>(Has this been recorded so that it can guide others when managing future incidents?)</i>
RECOMMENDATIONS <i>(If any? Please specify who is responsible for each recommendation and provide an approximate target date for any proposed action to take place)</i>
Signed:
Print name:
Date:
Counter Signature of Head of Safer Custody:
Print name:
Date:

Please note that this report will be looked at by Equality, Rights & Decency Group (ERD) from an Article 2 and safer custody learning perspective and it is therefore the responsibility of the person completing the report to ensure that any recommendations are managed appropriately at a local level.

Please ensure that responses are clear and avoid the use of acronyms as the report may need to be referred to at a later point, or disclosed in any future proceedings.