



UK Mission
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Note Verbale No. 133

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to submit the response to communication JAL GBR 4/2021, further to the letter dated 10 March 2021 from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and the Working Group on Arbitrary Detention.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 21 May 2021

Special Procedures Branch
Office of the United Nations High Commissioner for Human Rights

Response of the Government of the United Kingdom of Great Britain and Northern Ireland to AL GBR 4/2021 from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and the Working Group on Arbitrary Detention regarding Kevan Thakrar.

1. Please provide any additional information and any comment(s) you may have on the above-mentioned allegations.

Mr Kevan Thakrar was sentenced to Life Imprisonment¹ on 2 October 2008 for three counts of Murder, with a minimum custodial term of 35 years, less time spent on remand. Mr Thakrar also received additional determinate sentences² of fifteen years for two counts of Attempted Murder, and seven years for one count of Having a Firearm with Intent to Commit an Indictable Offence, to run concurrently. The court rejected arguments that the defence had insufficient time to prepare for trial. Mr Thakrar exercised his right to challenge his conviction in 2010; that appeal was dismissed by the England and Wales Court of Appeal (Criminal Division).

On 9 November 2011, Mr Thakrar was found not guilty at Newcastle Crown Court of two counts of Attempted Murder and three counts of Wounding with Intent, perpetrated against three members of staff at HMP Frankland. It is important to highlight, however, that Mr Thakrar did not deny committing the attack, which constituted an extremely serious assault.

Prison Officers play a vital role to society, going above and beyond the call of duty to keep the public, their colleagues and those in our care safe. They undertake a valuable role working with people that often have complex needs and the ability to present challenging behaviour including recourse to extreme violence. They should be able to do their work without fear of being attacked or assaulted, which is why laws were introduced to protect them further.

The UK Government is bound to comply with the Data Protection Act 2018³ and UK General Data Protection Regulations (GDPR⁴) to protect the personal information of all those who live, work in and visit any of the UK's prisons. It would therefore not be appropriate to comment on individual prisoners.

The UK Government does not agree with the characterisation of the location of prisoners in Close Supervision Centres (CSCs) as comparable to solitary confinement and rejects the suggestion that a prisoner would be located within a CSC unit in an act of retribution by the Prison Service. All prisoners located in CSC units are provided with a safe, decent and healthy regime, appropriate to their assessed risk, which includes meaningful human contact and access to rehabilitative and risk reduction work.

¹ In the UK, when a judge passes a life sentence, they will specify the minimum term or "tariff period" that the offender must spend in prison before they will become eligible for consideration for release by the Parole Board. If released by the Parole Board, the offender will remain on licence for the rest of their life and can be recalled to prison if it is considered that they pose a risk to the public.

² A determinate sentence is fixed in length and states the maximum time an offender will be held in custody for their offence. The offender will not necessarily serve the entire determinate sentence in custody; dependent on the nature of their offence and length of sentence, they can be released at the half way or two thirds point to serve the remainder of the sentence on licence in the community.

³ <https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted/data.htm>

⁴ <https://www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation>

The aim of the CSC system is to remove the most significantly disruptive, challenging and dangerous prisoners from standard prison environment so that they may be managed within smaller, highly supervised units. Though violent or disruptive behaviour may prompt the referral of an offender to the CSC system, the selection of an offender into a CSC unit is not a punitive action. The aim of the system is not to punish disruptive prisoners but rather to enable a thorough assessment of their individual risks to be carried out and to then engage them in individual and/or group work in order to reduce their risk of harm to others, ultimately enabling their return to normal location.

2. Please explain the factual and legal grounds that justify the alleged prolonged or indefinite and prolonged detention of Mr. Thakrar in conditions amounting to solitary confinement, and how these measures are consistent with the international human rights obligations of the United Kingdom, most notably under ICCPR and CAT.

The UK Government rejects the claim that the detainment of a prisoner within a CSC unit is equivalent to conditions of solitary confinement. Prisoners held within the custody of Her Majesty's Prison and Probation Service (HMPPS) are not detained in solitary confinement, nor in contravention of international law. Prisoners are not located within a CSC unit as a form of punishment, nor are they subject to any form of torture or to cruel, inhuman or degrading treatment or punishment. Location of a prisoner within a CSC is in line with the UK's human rights obligations under Article 7 of The International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT).

The aim of the CSC system is to work with the most dangerous and disruptive prisoners through individual or group work in order to assess their particular risks and work with them to reduce those risks, so that they may be safely returned to normal location; the CSC system provides a rehabilitative environment, consistent with Article 10 (3) of the ICCPR.

Furthermore, in accordance with CAT, the CSC system is subject to independent scrutiny from Her Majesty's Inspectorate of Prisons (HMIP), whose role is to report on the conditions and treatment of prisoners and other detainees, promoting the concept of "healthy establishments" in which staff work effectively to support prisoners to reduce re-offending and achieve positive outcomes for both those detained and the public. HM Chief Inspector of Prisons is appointed by the Justice Secretary from outside of the Prison Service and, as part of the UK's National Preventive Mechanism⁵ (NPM), the Inspectorate's work constitutes an important part of the United Kingdom's obligations under the UN Optional Protocol to the Convention against Torture (OPCAT).

Between 4 and 8 December 2017, HMIP conducted a thematic follow-up inspection to their March 2015 inspection⁶ of the CSC system, which included visits to each site hosting a CSC unit. In his report, HM Chief Inspector acknowledged and commended the tangible progress

⁵ <https://www.nationalpreventivemechanism.org.uk/>

⁶ <https://www.justiceinspectors.gov.uk/hmiprisons/inspections/close-supervision-centre-system/>

that had been made since their last inspection⁷. Whilst there were also actions to address following the publication of the report, HMPPS remains committed to ensuring the challenging prisoners held within the CSC system are given a sense of hope to help them reduce their risks to others and to lead more purposeful and productive lives.

The legal authority to justify a prisoner's location within a CSC unit is provided within Prison Rule 46 of the Prison Rules 1999⁸. The CSC system operates under the authority of the Secretary of State for Justice, delegated to the Executive Director of the Long Term and High Security Estate (LTHSE), a directorate within HMPPS.

In accordance with Prison Rule 46 paragraph (2), a prisoner's location within the CSC system must be reviewed at monthly intervals. The CSC Management Committee (CSCMC) reviews and determines the appropriateness of the location of CSC prisoners each month. A report is completed for each prisoner for submission to the CSCMC meeting, evidencing to the committee why continued placement within the CSC is necessary, or otherwise, by highlighting areas of risk, progress, concerns regarding continued placement, and any other relevant factor on which a decision could be based. These monthly reports are disclosed to the prisoner prior to the CSCMC to ensure them opportunity to submit representations regarding the report content. Following the meeting, the report is updated with relevant extracts from the meeting minutes to reflect any feedback from the committee and an updated copy of the report is provided to the prisoner within seven working days. The CSCMC is also observed by a member of the Independent Monitoring Board (IMB)⁹ to provide independent scrutiny over their decisions and processes. IMBs perform a crucial role in the independent oversight of prisons; appointed by Ministers, IMB members are a regular presence in establishments, reporting on the conditions of detention and the treatment of prisoners. They are part of the UK's NPM¹⁰, set up under the OPCAT, to prevent torture, cruel, inhumane or degrading treatment or punishment in places of detention.

A prisoner will leave a CSC unit once the CSCMC assesses that the highly supervised and controlled environment and the provision of multi-disciplinary support that the CSC system offers is no longer necessary to ensure the safety of others and the maintenance of good order or discipline. The CSC system provides all prisoners the opportunity to engage in care and management planning, in progressive interventions and therapy to reduce their risk and progress them back onto normal location. Since 2014, the number of successful progressions from CSC has significantly increased when compared to the prior history of CSC (1998-2014), and continues to do so. In the period 1998 to 2014, 26 prisoners were progressed from CSC units, whilst in the period July 2014 to present, 47 prisoners have progressed from the CSC system, and a further de-selection is currently in progress.

3. Please clarify the factual and legal basis for the alleged categorization of Mr. Thakrar as a high risk prisoner, and for continuing such categorization for a period of ten years after his arrest and imprisonment.

⁷ www.justiceinspectorates.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2018/04/CSC-follow-up-web-2017.pdf

⁸ <https://www.legislation.gov.uk/uksi/1999/728/article/46/made>

⁹ <https://www.imb.org.uk/>

¹⁰ <https://www.nationalpreventivemechanism.org.uk/>

The level of risk associated with prisoners located within the CSC system is subject to regular, ongoing and multidisciplinary assessment. A Dynamic Risk Assessment Meeting (DRAM) is held within all CSC units on a weekly basis to assess the regime and security arrangements for all prisoners, and is attended, as a minimum, by the CSC Operational or Custodial Manager, CSC Psychology Team, CSC Mental Health Team, Security Team and a Unit Officer representative. This assessment considers current, recent and historical behaviour with decisions made for the safety and security of all staff, visitors and prisoners, taking into consideration attitudes and incidents. The purpose of the meeting is to ensure that key changes in a prisoner's risk and/or behaviour are discussed collectively and decisions can be made regarding their suitability for activities and association with other prisoners.

A behavioural monitoring system is also in place to guide staff in monitoring specific behavioural and risk concerns, as well as evidence of progress and risk reduction, and to ensure that observations made each day on the wing and within sessions are fed back into the targets that CSC prisoners are working towards.

All CSC prisoners are additionally subject to regular security categorisation reviews, in accordance with the Security Categorisation Policy Framework¹¹ or Prison Service Instruction (PSI) 08/2013 The Review of Security Category – Category A and Restricted Status Prisoners¹², if appropriate. HMPPS aims to ensure that all prisoners have assigned to them the lowest security category while managing their needs in terms of security and control at all stages of their sentence.

The individual cases of all CSC prisoners are discussed on a monthly basis by the CSCMC, to ensure that prisoners are appropriately located to their assessed risk and that their needs are being met. The length of time that a prisoner has been located in custody or within the CSC system does not, in itself, evidence a reduction in their level of risk to others.

4. Please clarify whether Mr. Thakrar was informed of the factual and legal grounds for his continued detention in such conditions of isolation, and about the precise modalities that would allow a return to normal detention conditions.

All prisoners located within a CSC, including Mr Thakrar, are provided with a clear explanation as to the reasons that require that location. Ongoing and transparent communication with prisoners is embedded within CSC operational policies and procedures, from the point of initial referral onwards.

All prisoners who are being referred to the CSC system are informed of the matter of and reasons for their referral and the referral documentation must also be disclosed to the prisoner, in accordance with PSI 42/2012 Close Supervision Centre Referral Manual¹³. The establishment holding the prisoner must also inform the prisoner that they or their legal advisor may make representations to the CSCMC in respect of their referral.

¹¹ <https://www.gov.uk/government/publications/security-categorisation-policy-framework>.

¹² <https://www.gov.uk/government/publications/reviewing-the-categorisation-of-high-security-prisoners-psi-082013>.

¹³ <https://www.gov.uk/guidance/prison-service-instructions-psis#instructions-6>

All referrals to the CSC system are considered by the Central Management Group (CMG) that consists of the CSC Operational Manager, a Senior Mental Health Nurse and a Registered Forensic Psychologist and a member of the national IMB.

The CMG will make a recommendation to the CSCMC based on the referral, and the holding establishment will inform the prisoner of this recommendation verbally, within three working days of the CMG meeting taking place. The prisoner will also receive a copy of the subsequent CMG report. The timescales for these processes are carefully planned to ensure that prisoners are provided with sufficient time to make personal representations regarding decision making, and to involve their legal representative, if they wish to do so. Following the CSCMC meeting, at which the decision will be made on whether to select the referred prisoner for an assessment period on a CSC unit, the prisoner will be informed verbally and in writing as to the outcome of the referral.

If the CSCMC deem it appropriate, the prisoner will then be allocated an assessment place on a CSC unit. The assessment phase lasts four months and requires a number of multi-disciplinary staff, including mental health specialists and Registered Forensic Psychologists, to write comprehensive formal reports regarding the risk, needs and suitability of an individual to be located within the CSC system. The prisoner is invited to fully take part in this process. At the conclusion of the assessment period, the CSCMC will make a decision regarding selection into the CSC system and the prisoner will be informed in writing of that decision, including the reasoning of the CSCMC.

Following formal selection into the CSC system, each prisoner will have a Care and Management Plan (CMP) devised, which clearly identifies the work required of them to reduce and manage their risk of harm to others and address any other needs identified during the assessment process. The CMP is reviewed quarterly in collaboration with the prisoner in order to monitor progress and update targets appropriately. Prisoners are actively encouraged to collaborate with their local multi-disciplinary team in their care and management planning. In cases where the prisoner does not want to participate in target setting and reviews, they are still given the opportunity to comment formally on the completed CMP document each quarter, and their comments are added to the plan. Furthermore, prisoners' family members or partners are also invited to be involved in the CMP quarterly review meetings, where appropriate and with the prisoner's consent. Legal representatives are also permitted to attend the CMP review meetings, provided that there are no security or operational reasons to preclude this.

The reports submitted to the CSCMC ahead of their monthly meetings, at which authority for the further detainment of a prisoner under Prison Rule 46 is considered, are disclosed to the prisoner prior to each meeting to enable them to make comment and an updated copy of those reports following the decision of the CSCMC is provided to the prisoner within seven working days of the meeting.

These processes ensure that prisoners located within the CSC system are not only aware of the reasons behind their location and the work required to aid their progression, but are actively involved in target setting and discussions around their behaviour and risk.

5. Please describe in detail the full range of different detention regimes that can be applied in Close Supervision Centres, the purpose of each of these regimes, and how they are consistent with the United Kingdom's human rights obligations, most notably under ICCPR and CAT.

Prisoners located within CSC units are able to access a full and enriched regime, dependent upon the level of risk that they present and their engagement with the services on offer. The regime under which CSC prisoners are managed is carefully designed and proportionate to the high level of risk presented by the prisoners held but is also progressively structured to support prisoners in achieving a return to mainstream prisoner accommodation.

The regime that a prisoner will have access to will be based upon their individual needs and risks, which are dynamically assessed by a multi-disciplinary team each week, in addition to their current level of engagement, their Incentives and Earned Privileges (IEP) status, under the national Incentives Policy Framework,¹⁴ and operational provision. The complex needs of some individuals within the CSC system can mean that regime provision will look different for each prisoner, however, every effort is made to provide a full and meaningful regime to all individuals within the CSC system. Subject to an individual risk assessment, a prisoner may be able to associate with other prisoners, access employment, the gymnasium, cooking facilities and psychological input amongst other activities, as well as spending the majority of the core day out of their cell. Any restrictions to time out of cell on a CSC unit are based on an individual's level of engagement and risk assessment; there may be restrictions to an individual's out of cell activity if it is not considered safe for them to have full association with others, based on the assessed risk of harm they pose to other prisoners and staff. Prisoners who disengage could have reduced access to the full regime on offer but typically still have access to the gymnasium, showering facilities, phone calls, exercise, the kitchen and laundry, again dependent on the assessment of their risk. Local CSC unit regimes must also make provision for prisoners to enjoy social and legal visits in accordance with PSI 16-2011 Providing Visits and Services to Visitors¹⁵.

The broad range of activities available to prisoners within the CSC system is designed to enable all prisoners to engage in a meaningful regime in order to constructively occupy their time, improve their quality of life and instil hope for their progression. The purpose of all regimes offered to CSC prisoners is to provide opportunities for them to engage positively with staff and to allow staff to monitor and manage an offender's individual and group risks. Regime activities also assist offenders to develop their self-awareness and consider alternative ways of behaving and coping strategies. All CSC prisoners have an allocated Registered Forensic Psychologist who is able to have at-least weekly sessions with them if the prisoner consents to engage with this. The purpose of psychology input is to provide interventions to reduce risk and improve wellbeing and quality of life. The activities and resources made available to CSC prisoners are consistent with the principle that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person, as set out under the ICCPR. Prisoners held within CSC units are not subjected to any intentional infliction of pain or physical or mental suffering, in line with UK's human rights obligations under CAT, and the conditions of their detention are subject to significant independent scrutiny.

¹⁴ <https://www.gov.uk/government/publications/incentives-policy-framework>

¹⁵ <https://www.gov.uk/government/publications/managing-prison-visits-psi-162011>

However, it should be noted that the usual regime, including the facilitation of social visits, in all adult prisons in England is currently suspended in order to implement social distancing and protect all those who live and work in prisons from the threat of coronavirus. HMPPS' response to the pandemic, including strategies to protect vulnerable prisoners, has been set out in the National Framework for Prison Regimes and Services¹⁶. The plan for easing restrictions in prisons will be guided by public health advice, alongside an operational assessment of what can be safely implemented.

6. Please describe in detail the safeguards and other effective measures taken by your Excellency's Government to ensure that prisoners in Close Supervision Centres are not subjected to prolonged or unnecessary solitary confinement or similar conditions of isolation, which may amount to cruel, inhuman or degrading treatment or punishment, or even torture.

The UK Government stands firmly against torture and does not participate in, solicit, encourage or condone the use of torture or cruel, inhumane or degrading treatment or punishment for any purpose. The conditions and management of prisoners within the CSC system are subject to a high level of independent and external scrutiny. As advised, in addition to the inspections carried out by HMIP, every prison within the UK is also subject to scrutiny by an Independent Monitoring Board (IMB), comprised of members of the public, with a purpose to provide independent oversight and to monitor the welfare of staff and prisoners living and working within prisons. IMB members have unrestricted access to all parts of the prison during their visits, including CSC units, and are able to speak to any prisoner they choose. A member of the local IMB is also routinely invited to attend CMP meetings and, in the event of a serious incident within a CSC unit, a Board member must be invited to observe the management of the incident. In order to offer independent oversight nationally, the IMB have appointed a national lead for the CSC system, who attends the national CSCMC. The purpose of IMB attendance at the CSCMC is to provide independent oversight of the process, ensure correct procedures are adhered to, witness the basis of decisions made at the meeting, and to raise any concerns generally or specifically regarding policies, processes or individual prisoner management.

Furthermore, the European Committee for the Prevention of Torture (CPT) and the UN Sub Committee on Torture (SPT) have unfettered access to all establishments within HM Prison Service and, upon arrival at an establishment, must be permitted access to CSC prisoners if they request to speak to them. An expert independent advisory panel is also in place to provide independent, qualified, and professional advice on the management of the high risk group of prisoners managed within the CSC system. The panel meets at least twice per year and considers the current processes, and strategic management of the CSC systems. They can also review specific issues with particular cases where appropriate and advise the LTHSE on service developments. Membership of this meeting includes the IMB and independent mental health specialists.

¹⁶ <https://www.gov.uk/government/publications/covid-19-national-framework-for-prison-regimes-and-services>

Additionally, if prisoners are unhappy with any aspect of their custodial care, they are able to raise a complaint in accordance with HMPPS Prisoner Complaints Policy Framework¹⁷. This process provides a fair and effective system for dealing with prisoner complaints, is designed to promote procedural justice, and helps to ensure that the Prison Service meets its obligation of dealing fairly, openly and humanely with prisoners. Using this process will not only ensure that a prisoner will receive a reply within a set timeframe but also offers them an internal avenue of appeal if they are unhappy with the initial response. More importantly, once internal avenues have been exhausted and if they remain unhappy with responses received, it also offers them recourse to write to the Prisons and Probation Ombudsman (PPO)¹⁸ to seek an independent review of their complaint. The Ombudsman is appointed by the Secretary of State for Justice and is wholly independent, which enables them to execute fair and impartial investigations, making recommendations for change where necessary, without fear or favour. They also have unfettered access to all relevant material held in both hard copy or electronically in connection with investigations that they are pursuing.

The Prisoner Complaints Policy Framework¹⁹ also mandates that prisoners who have disabilities, literacy and learning difficulties, or for whom English is not their first language, are given the necessary support needed to submit a complaint. For example, prisoners who are not proficient in the English language must be allowed to submit a complaint in their own language if they wish to do so. All prisons must also have arrangements in place that will allow a prisoner to make a formal complaint orally to a member of staff where the prisoner has difficulty doing so in writing. In such circumstances the complaint must be recorded and the written answer must be explained to the prisoner in the same timeframes as for typical written responses.

7. Please provide detailed information on the individual risk assessments carried out before referral to Close Supervision Centres is recommended. Please also provide information on whether an assessment can be legally challenged and/or whether any other recourse or remedy, such as an independent and external review of the assessment, is available to the prisoner.

The referral and assessment process to determine an individual's suitability for location within the CSC system is highly robust and follows four stages: Referral for Assessment, Assessment, Case Conference and Decision.

The initial referral requires the submission of reports from the prisoner's wing staff or key worker, a psychology report, a mental health/psychiatric report, a security report, a report from their Offender Manager, and any additional input, which might be appropriate from chaplaincy, primary care or safety teams. These reports are disclosed to the prisoner prior to their submission. In the event that a prisoner is involved in an incident so serious that their establishment considers an urgent referral to the CSC system is necessary, the referral form may be submitted initially with only the security report, with the remaining reports to be

¹⁷ <https://www.gov.uk/government/publications/prisoner-complaints-policy-framework>.

¹⁸ <https://www.ppo.gov.uk/>

¹⁹ <https://www.gov.uk/government/publications/prisoner-complaints-policy-framework>

completed as soon as possible. If the implications of the prisoner's continued stay within the main prison environment are considered to be unsafe or unmanageably disruptive, they will be transferred to a CSC unit or Designated Cell at the earliest opportunity, subject to the approval of the Executive Director of the LTHSE (formerly Deputy Director of Custody). Designated Cells are cells located within an establishment's segregation unit which are specifically reserved for prisoners being held under Rule 46, primarily used as a resource available to the CSCMC when it becomes necessary to temporarily remove a prisoner from a main CSC unit. In the case of an urgent referral, copies of reports submitted to the CMG must still be disclosed to the prisoner, as with routine referrals.

The referral is then reviewed by the CMG at their monthly meeting, who will seek further clarification or information from the referring establishment if necessary and draft a recommendation report for the CSCMC to consider. The referring establishment will be informed of the recommendation that will be made to the CSCMC and will relay this to the prisoner, in addition to the date on which the CSCMC will consider the prisoner's case. The prisoner will also be given a copy of the CMG report and the opportunity to make representations to the CSCMC in respect of their referral; representations are also accepted from the prisoner's legal advisor.

The case will then be discussed at the next scheduled CSCMC meeting and a decision made as to whether the prisoner should be accepted into the CSC system for a period of assessment. The prisoner will be notified of the CSCMC decision in writing.

If selected for assessment, the prisoner will be held under Prison Rule 46 to undergo a period of assessment, typically four months in length, during which a variety of specialist reports are completed in order to fully identify and assess the risk the prisoner presents. The first twelve weeks are used to hold interviews with the prisoner, engage with and observe them, analyse their history and liaise with relevant partner agencies. The final four weeks are used to complete and disclose all reports to the prisoner, ahead of the Local Assessment Case Conference (LACC), which will take place at the end of the formal assessment period, in order to afford them an opportunity to understand and comment on the reports, as well as to provide legal or personal representations for their next CSCMC meeting.

The LACC will be attended by members of the CMG and the report authors, so that an informed and detailed evaluation of the prisoner's risk can be discussed and a recommendation regarding their suitability for selection into the CSC system formed for the CSCMC. Prisoners will be informed of the CMG recommendation as soon as possible and prior to the CSCMC meeting.

The CSCMC will then decide whether to proceed with a decision or defer pending further assessment or information, which may be required if the CMG has highlighted additional clinical assessments which are identified as necessary but were not completed during the assessment period.

If the CSCMC decides that a prisoner should be selected into the CSC system, he will be informed of the decision verbally within three working days of the meeting, and also in writing. This letter will include the reasoning behind the decision, which will be authorised by the Executive Director of the LTHSE. The prisoner will receive this letter as soon as is practicable following the decision and normally within seven working days. Prisoners selected for location within the CSC system are able to submit a complaint through the Prisoner Complaints Policy

Framework if they disagree with the decision of the CSCMC or legally challenge their selection by judicial review.

8. Please provide detailed information on measures taken to ensure that the assignment to or continued accommodation in Close Supervision Centres is not based on or influenced by factors unrelated to the behaviour of prisoners, such as most notably financial incentives.

The UK government firmly rejects any suggestion that prisoners are selected for location in the CSC system, or that their location within a CSC unit is deliberately extended, based on any financial incentive. Decision-making is based entirely on a prisoner's assessed risk, past and present custodial behaviour and attitudes, and their individual suitability to the CSC environment.

Each of the five prisons that host a CSC unit receives funding to facilitate a provision of service up to their maximum capacity each year. This funding does not increase or decrease according to fluctuations in the actual occupancy of the CSC unit. Six prisons with the LTHSE also have Designated Cells within their segregation units; these prisons receive specific funding for the purpose of staffing two additional prison officer posts to ensure they can manage the higher risks that a CSC prisoner can present, along with the associated report writing and documentation required. This funding is not dependent on the actual occupancy of the Designated Cells. There is no basis to the claim that financial incentives drive decision making within the CSC system.

9. Please provide detailed information on measures taken to end solitary confinement and isolation of persons with mental conditions and psychosocial disabilities experiencing a mental health crisis.

The UK Government rejects the claim that the CSC environment is equivalent to solitary confinement. We recognise that many individuals referred to and subsequently located within the CSC system may have complex care and mental health needs. PSI 42/2012²⁰ mandates that where prison staff are contemplating the referral of a prisoner to the CSC system, they must provide documented consideration of whether the prisoner's mental health could be adversely affected by placement within a CSC unit, a factor which will be taken into account during consideration of any subsequent referral. Every referral to the CSC must also include a report from the referring establishment's mental health team, or consultant forensic psychiatrist, to inform the decision making of the CSCMC.

Mental health teams writing reports for prisoners who are under the care of mental health in-reach services will consider the appropriateness or otherwise of an alternative referral to a high security hospital or personality disorder services when deciding whether a referral to the CSC is appropriate. Where a referral to hospital mental health services or to either hospital or prison based personality disorder services is underway, or recommended at the point of a

²⁰ <https://www.gov.uk/guidance/prison-service-instructions-psis#instructions-6>

prisoner's referral to the CSC system, the CMG will liaise with the referring establishment and the services involved to ensure collaborative decision making in respect of the referral, and the subsequent care and management of offenders within the CSC system.

All prisoners selected into the CSC have access to mental health services, including a dedicated CSC Mental Health Team for prisoners located at the HMP Woodhill CSC unit. The multi-disciplinary approach through which all CSC prisoners are managed ensures that forensic psychologists and mental health professionals actively participate in the ongoing assessment and care of all CSC prisoners.

If a CSC prisoner is at any point diagnosed with a mental illness or disorder of personality requiring treatment within tertiary mental health services²¹, such as a high security hospital, the local consultant forensic psychiatrist will make any necessary referrals to the appropriate hospital, liaising with the local multi-disciplinary team for any supporting information. The CSC system has established links with high and medium security hospital services to ensure effective communication and management of cases is facilitated in such instances.

²¹ Tertiary mental health services refer to highly specialised treatments such as secure forensic mental health services.