

Segregation

What is segregation?

Segregation is when you are kept apart from other prisoners.

You may be kept in another part of the prison called the segregation unit or segregation wing. You may be kept with other prisoners who are also on segregation.

You may not be able to attend work or other activities such as education and may have to stay in your cell for longer than other prisoners.

Why would I be put on segregation?

Prison Rule 45 (YOI Rule 49) says there are two reasons why you may be put on segregation.

1. Good Order or Discipline (GOOD)

This is if you behave in a way that prison staff think would put other people in danger or cause problems for the rest of the prison.

2. For your own interests/own protection

If you or prison staff think you are in danger. For example, you may want to be kept apart from other prisoners if you think they will hurt you because of the type of offence you committed. Your lawyer or the police may have given you advice about this.

You should be told why you have been put on segregation in writing.

Are there other reasons I could be put on segregation?

You can be put on segregation whilst waiting for an initial adjudication hearing if there is a need to stop you from talking to others involved. This is covered under *Prison Rule 53(4)*

You can also be put on segregation as a result of an adjudication – this is called cellular confinement. You cannot spend more than 21 days in cellular confinement. This is covered under *Prison Rule 55(e)* and *55 (h)*.

There is also more information in PSI 05/2018 *Prisoner Discipline Procedures*.

Who can authorise segregation and for how long?

Initial segregation – 72 hours

The governor can decide you should be put you in segregation for up to 72 hours at first.

In practice this can be decided by any operational manager who the governor has allowed to make these decisions.

Continuing segregation beyond 72 hours

After 72 hours a Segregation Review Board (SRB) decides if you should be segregated for longer.

You can be put on segregation for up to 14 days before they must review it again. Then at least every 14 days after that.

There is more information below about Segregation Review Boards.

Continuing segregation beyond 42 days

If the Segregation Review Board think you should be kept on segregation for more than 42 days the secretary of state must approve the decision.

In practice, this usually means a senior manager in the Prison Group Director's office will approve the decision (or equivalent in Head of Privately Managed Prisons Office).

If segregation continues, the decisions must be approved again at least every 42 days.

There is no limit on how long you can be on segregation as long as the prison service has followed the correct way of doing it.

Segregation Review Boards

Segregation Review Boards (SRBs) consider whether to authorise continued segregation under Prison Rule 45 (YOI Rule 49).

The SRB will meet to consider a case within 72 hours of initial segregation and then at no more than 14 day intervals thereafter.

PSO 1700 says the Board should consider:

- The initial reason(s) for segregation
- Behaviour and attitude of the prisoner since the last review
- Any concerns that may have come to light about how the prisoner is coping with segregation (mental health / self harm concerns)
- What the prisoner needs to demonstrate in order to be considered for a return to normal location or alternative accommodation
- Privileges or incentives to be awarded or removed.
- Transfer to another establishment

The SRB should be made up of people with a range of knowledge and experience, particularly for decisions to segregate beyond 14 days.

The following people must be present at both the 72-hour and subsequent SRBs:

- Chairperson –must be a competent Operational Manager with powers delegated by the governor to carry out this role. The Chairperson at the 72 hour Board and the first 14-day Review Board, must be a different person to the person who authorised initial segregation other than in exceptional circumstances
- Healthcare representative and/or member of the Mental Health In-Reach Team.
- ACCT case manager (where prisoner is subject to ACCT processes) or other staff member who knows the prisoner and has an understanding of their ACCT circumstances.
- Prisoner (for at least part of the Board and where appropriate)

The following people should, where appropriate, also attend the SRB for adult prisoners:

- IMB member. The IMB must be invited to all SRBs and every effort must be made to facilitate their attendance, where possible.
- Segregation Officer;
- Wing/Unit personal officer;
- A member of the Chaplaincy Team;
- Psychologist;
- Offender Manager

Can I attend the SRB?

You must be told when an SRB will take place and must be given the opportunity to attend and make representations. You should be allowed to attend the whole SRB, and should only be excluded from that part of the meeting where sensitive security information is being discussed.

You may only be excluded from attending an SRB where specific safety concerns exist. If this is the case, you must be allowed to make representations another way, such as through a member of staff or in writing.

If you have any communication difficulties, for example because of a learning disability, learning difficulty or limited English language, this should be taken into account and support provided.

The decision

If the board is thinking they will decide to continue segregation, they should explain the reasons to you. You must be allowed to make meaningful representations before a final decision is made.

If a final decision is made to continue segregation you must be told the reasons for the decision, both orally and in writing. The reasons you are given must:

- provide a clear justification for your continued segregation;
- clearly reference the specific circumstances of your case;
- avoid the use of generic phrases and jargon and
- be understandable to you, taking into account any communication needs

There are some instances when information relevant to the decision may be withheld from you, for example in the interests of national security or for the prevention of crime or disorder. In such cases as the above, a summary or an edited form of the information that protects the source must be provided – both orally and in writing.

Help you can get while on segregation

These people visit the segregation unit **every day**

- a prison officer
- a doctor or nurse
- a chaplain

These people also visit the segregation unit – but not every day

- the governor
- someone from the Independent Monitoring Board (IMB)
- Listeners

If you are worried about anything while on segregation, speak to a prison officer or the governor.

What does the Independent Monitoring Board (IMB) do?

The Independent Monitoring Board (IMB) check prisons to make sure they are run in a good and fair way.

The IMB should be told you have been segregated within 24 hours. A member from the IMB should visit and check the segregation paperwork.

If a member of the IMB thinks there is a serious reason you should not be on segregation they should speak to a governor. They can also attend the Segregation Review Board.

What about my health when I am in segregation?

A doctor or nurse should complete a health screening within 2 hours of you being segregated. This is to check if there are any reasons why you should be removed from segregation because of physical or mental health needs. This should also happen if you are on segregation for more than four hours whilst waiting for an adjudication.

A doctor or nurse should visit you every day to check how you are. If they think there are health reasons which means you should be removed from segregation, they should advise the prison of this.

The governor/director should fully consider and act on advice from the healthcare team if they advise that you should leave segregation on health grounds.

Staff should be aware of the potential effects of segregation on a person's state of mind and begin ACCT procedures if there is any change in your behaviour or circumstances which might increase your risk.

What happens if I am on an ACCT in segregation?

If you are on an open ACCT a member of the Safer Custody team should also be informed that you are on segregation and be involved in further decisions.

If you are on an open ACCT or in the post closure phase, an ACCT case review should be completed at the time of the SRB.

If you are in segregation for more than 30 days a care plan must be completed detailing how your mental wellbeing will be supported. If you are on an open ACCT or in the post closure phase, an enhanced ACCT case review should also take place if you are not already subject to these.

If you are on an open ACCT you should also have a case review prior to discharge from the segregation unit. The timing of this case review must not delay your return to normal location but it must be held as soon as possible following that decision, and no longer than two hours after it.

If you feel upset or worried or would like to talk to someone, you can speak to:

- Prison staff from a team called Safer Custody, who check to make sure people feel safe in the prison.
- A chaplain or someone else to do with religion.
- The Samaritans. The Samaritans helpline is available 24 hours a day. When you call the Samaritans, a volunteer will listen to you and help you talk through your worries, whatever they may be.

You can call the Samaritans for free, on 0845 450 7797 from prisons in England and Wales, or 08457 90 90 90 from prisons in Scotland and Northern Ireland. Some prisons can give you Samaritans phones which are specially for calling Samaritans.

You can also write to the Samaritans and you will receive a written reply:

Freepost RRYU-CBCR-TRSX
Samaritans
PO Box 9090
STIRLING FK8 2SA

Regime on segregation

Visits, phone calls and showers

You should still have access to visits, phones and showers whilst on segregation.

Education/employment

There may be education or employment that you can do whilst on segregation.

Time in open air/exercise

As on normal location, you should get a minimum of 30 minutes in the open air daily, though this is subject to weather conditions and need to maintain good order and discipline.

Library

If you are in segregation you should still be able to at least borrow and exchange materials from the library.

Faith

A member of the Chaplaincy Team must visit prisoners in the Segregation Unit and the Health Care Centre daily.

If you are in segregation you should still be allowed to attend the main religious worship or meditation of your registered faith for one hour per week.

However, you can be stopped from attending worship or meditation in 'exceptional individual cases'. There is more information in PSI 05/2016 *Faith and Pastoral care for Prisoners* and in our information sheet 'Faith in Prison'.

Leaving segregation

The Segregation Review Board decide when it is safe for you to leave segregation and where you will return to.

Return to normal location

The Segregation Review Board can decide you should return to normal location as soon as they think it is appropriate and safe to do so.

The Segregation Review Board can decide whether to:

1. return you directly back to normal location
2. adopt a phased return to normal location – this is considered if you have been in segregation for a long period of time (over 1 month)
3. return to normal location via a High Supervision Unit.

Move to Vulnerable Prisoner Unit

The Segregation Review Board can decide you are allocated to a Vulnerable Prisoner Unit (VPU) if they think it would be in your best interests and safety.

You should be given the opportunity to say what you think about this. You will normally only be allocated to a VPU if you agree to do so.

In some cases it may be necessary for you to be transferred to a different prison for a place on a VPU.

Transfer to another prison

The Segregation Review Board can decide to transfer you to another prison.

PSO 1700 says that transfers from segregation to another prison 'should be the exception rather than the norm'. Where a change of location is necessary it should normally be within the same prison wherever possible.

If you have been transferred direct from one segregation unit to another, the 42 days before secretary of state approval is required must include time spent in segregation in the previous prison

There is more information in PSO 1700 *Segregation*.

Refusal to leave segregation

If you refuse to leave segregation, SRB's should consider and make note of the reasons for your refusal.

If you are refusing to leave due to fears for your safety it is important to tell staff this. They should consider whether they think there is a genuine risk and how this affects where you are allocated.

If staff do not think you have a good reason for refusing to leave segregation they can consider taking other actions. For example, you could be placed on report for refusing to follow a direct order, leading to an adjudication. You could also have your Incentive level reviewed.

Staff should make sure you are aware of what will happen if you refuse to leave segregation.

Further information

The following may be of interest to you. If you are unable to access them elsewhere feel free to contact our Advice and Information Service and we will be happy to send you a copy.

Useful PSIs and PSOs (these should be available in the library):

PSO 1700 Segregation, Special Accommodation and Body Belts

Reviewing and Authorising Continuing Segregation & Temporary Confinement in Special Accommodation - Amendment to Policy set out in PSO 1700 (April 2022)

PSI 05/2016 Faith and Pastoral

PSI 05/2018 Prisoner Discipline Procedures

Prison Reform Trust Information sheets

Faith in Prison

Prison Rules and Adjudications

Use of force

Other

Prisoners' Advice Service Information Sheet – Segregation

Contact our Advice and Information Service

We are a small service which provides information and advice for people in prison. We are independent of the prison service.

Our freephone information line is **0808 802 0060**.

This number is **free** and you do not need to put it on your PIN.

This number is open:

Monday	3pm – 5pm
Wednesday	10:30am – 12:30pm
Thursday	10:30am – 12:30pm

When we are not taking calls you can still leave a short voicemail. Please give your name, prison number, the prison you are in and what information you are looking for. Voicemails will be checked during working hours Monday to Friday and we will respond as soon as possible by post or email a prisoner.

You can write to us at:

**Prison Reform Trust
FREEPOST ND 6125
London
EC1B 1PN**

You do not need to use a stamp.