



HM Prison &
Probation Service

**PRISONER ESCORT & CUSTODY SERVICE
NOTICE TO CONTRACTOR**

Subject

HMPPS Incentives Policy Framework and Prisoners Property

Approved by Head of PECS	Reference Number
Tim Coates	647/2023
Contact Point	Date of Issue
Roy Stevenson	01/09/2023
	Date of Expiry/Review
	31/08/2025

As a general principle prisoners appearing in court for trials or other hearings are entitled to wear clothing of their own choice subject to that clothing being available.

This notice is to remind Contractors that the HMPPS Incentives Policy Framework September 2022 provides Governor's with discretion to allow prisoners to have property handed in or sent into a prison. This provides the opportunity for prisoners remanded into custody to have clothing handed or sent in before the start of a trial in a Crown Court. Contractors must ensure that they consistently apply the policy and SOPs are updated to reflect the guidance.

Contractors do not have the resources or specialised equipment in custody suites to be able to search to HMPPS standards. The risk of an illicit item/contraband smuggled in which could be used to self-harm or aid an escape from a prison or court cannot be effectively managed. Contractors must not allow clothing or any other item of personal property to be handed in at court, except in the exceptional circumstances outlined below.

Exceptional Circumstances

Legal documents – subject to procedures set out in the Searching Policy Framework: -

Staff must not read legal papers; legal papers must only be examined/checked without being read to ensure they are in fact legal documentation and that they do not contain any unauthorised articles. The prisoner must be present when the legal documents are searched in all but exceptional circumstances.

Clothing for court – If a prisoner does not have with them suitable court clothing for a trial or other hearing and it is suggested that this has occurred through no fault of the prisoner, or their family, clothing consideration should be given to whether there are exceptional circumstances such that authority can be given for clothing to be received by the contractor at court.

This NTC is designed to provide further advice and guidance to the Contractor regarding the delivery of PECS. If there are any contradictions between the NTC and the PECS 4 Contract then the PECS 4 Contract shall take precedence. The NTC does not constitute part of the PECS Contract unless it has been formally incorporated into the PECS 4 Contract using Schedule 17 Change Control Procedure.

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It is suggested that if this applies and contractors should ensure that: -

1. The matter should be raised with the judge either by the prisoner, their advocate, or the contractor,
2. If the judge concludes that there are grounds to believe that there are exceptional circumstances the judge will request the contractor to take action to consider the request.
3. The contractor will then escalate the request to the on-call PECS contract Delivery Manager who will make enquiries with the reception prison and decide whether to approve or refuse the request.
4. If the request is approved the on-call PECS Senior Contract Delivery Manager will advise of any additional mitigating actions that may be required.
5. It will be a matter for the judge to decide if the hearing progresses pending any such decision.

For information of contractors and others affected, Prison Service Incentives Policy Framework September 2022 Section 5.55 allows unconvicted prisoners to have sufficient clean clothing sent into them from outside of prison, whether through visits or by post.

Prisons are responsible for managing this process and ensuring all security processes are followed and that the clothing is appropriately issued.

Tim Coates
Head of PECS

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