



# INSTITUTE OF PRISON LAW

FOUNDED IN 1998 AND ACCREDITED BY  
THE SOLICITORS REGULATION AUTHORITY OF ENGLAND & WALES

## CERTIFICATE OF COMPETENCY IN PRISON LAW: 2018

### DISTANCE LEARNING

This Distance Learning Course is designed for those whose work brings them into day to day contact with prisoners, as such it is ideal for Prison Governors, Prison Officers, Solicitors, Fee-Earners and Barristers, or indeed prisoners themselves. The course requires no prior prison law knowledge but a good general standard of education is required – the course is graded at Level 3.

The course consists of eight self-contained Modules and, once registered on the course, you will receive a user name and password allowing you to access the eight modular full texts and the eight video lectures – for prisoner candidates the course is delivered by secured .pdf files sent to the prison and the lectures are on DVDs.

The lectures are delivered by Julian Coningham, Solicitor, Higher Courts Advocate and managing partner with Coninghams Solicitors – Julian has practiced prison law, human rights and judicial review for 25 years and is considered an expert in his field.

Each Module consists of around six hours work, and each Module ends with a multiple choice examination which you must submit for marking.

The Course leads to the **Certificate of Competency in Prison Law** and brings with it membership of the Institute of Prison Law, allowing the Certificate holder to display the Institute's 'Prison Law Qualified' on stationary and advertising.

The Certificate is gained by successful completion of the eight examinations, with a minimum 80% pass mark in each; if you obtain less than 80% in a module you have the choice of resitting it (£24.99) or simply moving on to the next module – in which case you can complete the course but you will not be awarded the Certificate.

### COSTS:

Serving Prisoners: The Institute has received a bursary allowing serving prisoners to study the course at half price. For prisoners the total cost of the course is **£499.00+VAT (£598.80)**

General Public: The cost of the course is **£999+VAT (£1198.80)**

Course fees include all eight online modular texts, eight video lectures, registration fees, marking fees (except exam resits as detailed above), and a complimentary copy of **The Prisons Handbook (latest edition 2017)**, the definitive 1200-page annual guide to the penal system of England and Wales – it is not required reading for the course but provided as a complimentary copy.

The course must be purchased as a single entity, in advance of dispatch; regrettably we cannot offer a pay-as-you-go option as access to the course provides access to all the course material.

**LECTURER: Julian Coningham BA(Cambs), Solicitor & Higher Courts Advocate.**

# THE COURSE

## MODULE 1

**Unit 1: A short history of imprisonment** – from the middle ages to the current day

**Unit 2: The Statutory and Regulatory Framework** – Acts, Rules, Orders, Instructions...

- The Prison Act 1952.
- The Prison Rules - The Legal Status.
- Prison Service Instructions and Orders
- The Ministry of Justice and the Prison and Probation Service
- Contracted out prisons
- Private escorts
- The contract document

**Unit 3: The Prison Estate and Population** – What prisons we have, public and private, male, female, young offenders and who is detained in them.

- The Structure of the Prison System
- The adult prison system
- Men's prisons
- Local prisons
- High security prisons
- Special security units and high security units
- Close supervision centres
- Dangerous and Severe Personality Disorder Units
- PIPE units
- Category B training prisons
- Category C prisons
- Category D/open prisons
- Resettlement prisons
- Vulnerable Prisoners' Units
- Women's prisons
- Mother and Baby Units
- Protected Witness Units
- Prison Staff
- "The role"
- Eligibility Requirements
- Prison Management
- HMPPS
- HMPPS Key Performance targets:
- Independent Monitoring Boards
- The Prisons and Probation Ombudsman (PPO)
- The Probation Service

**Unit 4: Funding:** How to obtain funding for Prison Law work today – an expert view from a practicing prison lawyer on the how to obtain funding for prison law work – and what mistakes to avoid.

**Unit 5: Overview of Prisoners' Rights 2018;** Access to law; Right to life; Prevention and investigation of prison deaths; Liberty and Release Date calculations; Recall; Prison Offences and Discipline; Regime, Categorization and Allocation; Incentives and Privileges; Contact with the outside world, Letters, Visits and Phone Calls; Contact with Journalists; Health; Religion; Race and Equality.

**Unit 6: Requests & Complaints**

- Requests
- Complaints
- Non-Confidential Complaints
- Allocation of the complaint
- Response to the complaint
- Reserved Subjects
- Complaints about members of staff.
- Other Avenues of Complaint.
- Independent Monitoring Board
- The Prisons and Probation Ombudsman
- The Parliamentary Commissioner for Administration.

## **MODULE 2**

### **Unit 1 – Sentence Planning & OaSys**

Sentence Planning  
OASys: How does it work?  
Risk classification  
Targeting needs  
Responsivity  
Treatment method  
Programme integrity  
Community-based programmes  
An effective risk needs assessment  
What is OASys in a Nutshell?  
Benefits of OASys  
OASys: Scoring.  
How does OASys arrive at its scores?  
Section 1: Offending information  
Section 2: Analysis of offences  
Section 3: Accommodation  
Section 4: Education, training and employability  
Section 5: Financial management and income  
Section 6: Relationships  
Section 7: Lifestyle and associates  
Section 8: Drug misuse  
Section 9: Alcohol misuse  
Section 10: Emotional wellbeing  
Section 11: Thinking and behaviour  
Section 12: Attitudes  
Section 13: Health and other considerations  
Self-assessment  
Who has an OASys Assessment – and when?

### **Unit 2 – Categorisation & Allocation**

Allocation  
Categorisation  
What are the security categories and what do they represent?  
Category A  
Category B  
Category C  
Category D  
Restricted  
Open  
Closed  
Category A Prisoners  
Definition of Category A  
Definition of Restricted Status  
Criteria Justifying Suitability  
Escape Risk Classification  
Standard Escape Risk.  
High Escape Risk:  
Exceptional Escape Risk:  
Legal Background  
Identification & Reporting in of Potential Category A prisoners.  
Reviews of Provisional Category A and Restricted Status Prisoners  
Reviews Leading Up to Conviction and Sentence  
Escape Risk Classification  
First Formal Review  
First Formal Review Preparation  
Completion of the First Formal Review  
Reviews of Confirmed Category A and Restricted Status Prisoners  
Oral Hearings  
Timings of Annual Reviews  
Annual Review Procedures  
Preparing the Reports  
Disclosure of the Reports  
Local Advisory Panel Consideration  
Initial Category A Team Consideration  
Annual Review Decisions by the Category A Team  
Referral of Annual Reviews to the Director of High Security  
Downgrading from Category A or Restricted Status

### **Unit 3 – Incentives Earned Privileges**

General  
Basic Theory: Good behaviour v poor behaviour.  
Local incentive arrangements  
Four levels: basic, entry, standard and enhanced.  
Devising local IEP  
Schemes  
Key earnable privileges  
Privilege levels  
Basic Level  
Entry Level  
Standard Level  
Enhanced Level  
Further details of key earnable privileges  
Access to private cash  
Extra and improved visits  
Higher rates of pay  
In-cell television  
Wearing own clothes  
Time out of cell  
Additional Privileges  
Games Consoles and Games  
Management and operation of local IEP Schemes  
Criteria for good behaviour and performance  
Reviews  
Prisoners' in denial of their offence  
Double jeopardy  
Review Boards  
Retention of privilege level on transfer  
Special groups of prisoners  
Unconvicted prisoners  
Immigration detainees  
Foreign national prisoners  
Prisoners with disabilities/particular needs/older prisoners  
Prisoners in Segregation Units  
Safer Custody  
Prisoners who are at risk of suicide or self-harm  
Violent behaviour  
Monitoring

### **Unit 4 – Prison Work & Pay**

Prison work  
Prison Pay.  
Rates of Pay  
General  
Rate of pay for unemployed prisoners  
Minimum Employed Rate for All Prisoners  
Standard Rates of Pay  
Piecework  
Higher Rates of Pay  
Prisoners who are Released on Temporary Licence and those on 'Working Out' Schemes  
Tax and National Insurance Thresholds  
Other liabilities  
Deductions  
Prisoners who are Short-Term Sick  
Prisoners who are Long-Term Sick, or of Retirement Age  
Pregnant Women and Mothers caring for Babies  
Prisoners attending Outside Hospital  
Transfers  
In-Cell work  
Management of the Prisoners' Pay/Earnings Budget  
National Minimum Wage  
Unemployment pay  
Minimum employed rate  
Short-term sickness  
Long-term sickness and retirement  
Maternity leave or caring full-time for children  
Outside hospital allowance

## **MODULE 3.**

### **Unit 1: Child Prisoners & Young Offenders**

Basic Principles  
Prison Service Steps in its Young Person Policy  
Safeguarding and promoting welfare of children and young people  
Promoting and maintaining good behaviour  
Managing challenging behaviour  
Dealing with complaints and investigations  
Healthcare  
Substance misuse  
Staff selection, process and training  
Training  
Effective management and support of staff  
Reception into custody and initial assessment  
Induction and further assessment  
Sentence management  
The personal officer or caseworker  
Involvement of the family, supervising officer and outside agencies  
Communications  
Provision of a full, purposeful and active day  
Learning and skills  
Offending behaviour programmes  
Physical education  
Resettlement  
Providing for unsentenced young people  
The Howard League: Judicial Review. The Children Act 1989  
The Children Act 2004  
Sentences & Places of Detention

### **Unit 2: Women Prisoners**

Introduction

Some Statistical and Research Information about Women Prisoners

Development of the Gender Specific Standards

Role of HMPS Women and Young People's Group

Women's prisons

- Pre-custody
- Reception and First Night Procedures
  - Induction, Resolving Urgent Issues
- Health: Physical Health, Mental Health, Substance Misuse
- Offender Management, Offender Supervision, Personal Officer Schemes, Allocation Decisions and Through the Gate Support
- Supporting Women at Risk of Self-harm
- Day-to-Day living:
  - Incentives and Earned Privileges
  - PE
  - Property and Clothing
  - Hygiene
  - Environment
  - Diet
  - Association Activities
  - Religion and Faith
  - Prison Shop
  - Complaints
- Managing Order in Women's Prisons: Promoting Pro-Social Behaviour, Adjudications and Segregation
- The Pathways to Resettlement
  - Accommodation
  - Education, training and employment
  - Health and Detoxification
  - Drugs and alcohol
  - Finance, benefit and debt
  - Children and families
  - Attitudes, thinking and behaviour
  - Supporting women who have been abused, raped or who have experienced domestic violence
  - Supporting women who have been involved in prostitution
  - Young Women Prisoners
- Older Women Prisoners
- Women from Black and Minority Ethnic Groups

- Women Foreign Nationals
- Women Prisoners with Disabilities
- Indeterminate/ Life Sentence Women Prisoners
- Mother and Baby Units
- Management Issues
- Training of Staff and Volunteers Security in Women's Prisons
- Lifers
- Categorisation.
- Health Care.
- Pregnancy:

### **Unit 3: Mother and Baby Units**

What is a Mother & Baby Unit?

The Role of Mother and Baby Units

Age Limits for Children

The Culture and Ethos of Mother and Baby Units

The "Statement of Purpose for Mother and Baby Units"

Where Mother and Baby Units are Located

The National Management of Mother and Baby Units

Legal Obligations

Rule 12(2), Prison Service Rules 1999, as amended Rule 25, YOI Rules Consolidated 2002

Rule 4(1), Prison Rules 1999, as amended Rule 42(2), YOI Rules 2000

The Children Act 1989

Section 1

Section 3 (1)

Section 3(5)

Section 17(1)

The Children Act 2004

Section 11

International Conventions

The United Nations Convention on the Rights of the Child 1989, Article 3,

paragraph 1 The European Convention on Human Rights 1950, Article 8

The Human Rights Act 1998

Case Law

R (P) v Secretary of State for the Home Department, R (Q and another) v Secretary of State for the Home Department [2001]

R (D) v Secretary of State for the Home Department [2003]

R (F) v Secretary of State for the Home Department [2004]

Re L (A child) (interim Care Order: Mother's Imprisonment) [2013] Court of Appeal EWCA Civ 489

The Application Process

Identifying Mothers and Making an Application

- Identification
- MBU Liaison Officers
- Preparing an Application
- Admission Boards
- Composition of Boards
- Admission Criteria
- Conduct of Boards
- Advice for Admission Boards
- Types of Admissions and Refusals
- Temporary Admission
- Emergency Temporary Admission
- Full Admission
- Conditional Refusals
- Refusals
- Concluding Actions and Documentation
- Appeals
- Managing MBU's
- General principles and staffing

- Child Care Planning
- Discipline on MBUs
- Searching Babies on MBUs
- Drug Free Conditions and Guidance on Drugs and Detox
- Testing
- Positive Tests
- Supply and Possession
- Facilities, Activities and Services for Mothers and Babies
- Regimes
- Crèches/Nurseries
- Food Preparation
- Healthcare
- Baby Nutrition
- Parenting
- Nursery Facilities and Standards
- Contact with the Family and Community
- Handout Procedures for Babies
- Record Keeping
- Local and National Monitoring Information
- Health and Safety
- Separations
- Mothers with Children in the Community
- Pregnant Women who do not go to a MBU
- Types of Separation
- Emergency
- Planned Separations in MBUs
- Separation Plans
- When to Separate
- Separation Boards
- The Process of Separation
- Post Separation Measures
- Support for Mothers
- Support for Staff
- Travel Documents for Foreign National Children

#### **Unit 4: Mental Health and the Prison Service**

Hospital admission  
 Hospital Orders  
 Prison Transfers  
 Determinate Sentence Prisoners  
 Procedure for transfer from a prison to hospital  
 Effects of transfer to hospital

#### **Unit 5: Remand\Civil\FN prisoners\Immigration Detainees**

Introduction  
 Accommodation  
 Clothing  
 Correspondence  
 Work and Play  
 Visits  
 Telephones  
 IEP Scheme  
 Medical Treatment  
 Civil prisoners  
 Foreign national prisoners  
 Current policy  
 Immigration detainees

#### **Unit 6: Equality & Discrimination**

Prison Service Instruction 32/2011  
 Summary of Key Changes between PSI 32/2011 and PSOs 2800 & 2855  
 Staff witnessing an incident of discrimination, harassment or victimisation  
 Prisoners or visitors witnessing or being subject to an incident of discrimination,

harassment or victimisation  
Prisoners witnessing or being subject to an incident of discrimination or harassment

#### **MODULE 4.**

##### **Unit 1 Maintaining Order, Intelligence**

Introduction  
Intelligence  
CHIS – Covert Human Intelligence Source  
R v Secretary of State ex.p Bewry (2007).  
Matrix Intelligence Grading.  
Use of Force

##### **UNIT 2 Searching**

Searching of people and the prison  
Cell Searches

##### **UNIT 3 CSC UNITS**

What are CSC's  
Where are the CSC's  
The application process

##### **UNIT 4 Informal Discipline System / Rule 45**

Introduction  
Segregation  
R v Deputy Governor of Parkhurst Prison, ex parte Hague; Weldon v Home Office.  
Transfer

- Use of IEP and compacts and anti-bullying systems
- Sentence Planning targets
- Internal re-location
- Adjudication awards
- Segregation
- In-Area transfer on a permanent basis.
- Out of area transfers (requested by area to PMU) on a permanent basis.

##### **UNIT 5: Adjudications**

Offences against discipline  
Defences to rule 51(9)  
Ezeh and Connors -v- UK  
The Prison Discipline Manual  
Laying the charge  
Referring offences to the police  
Preparation for the hearing  
Legal Representation in cases heard by the governor  
The hearing itself  
Burden of proof  
Defences  
Punishments  
Requirement to pay for damage to prison property  
Challenging findings of guilt  
By a Governor adjudicator  
By an Independent Adjudicator  
Review of independent adjudications – Chief Magistrate's Office  
Governor's remission of punishments  
Ultra vires (excess of jurisdiction)  
Incorrect charging  
Incorrect punishment  
Failure to enquire in to the evidence  
Failure to keep prisoner informed of proceedings  
Full record of the adjudication not available  
Not de novo  
Double jeopardy  
Not charged within the time frame  
Witness issues  
Insufficient evidence  
Not in lawful custody  
Failure to consider properly any request for legal representation, legal advice or McKenzie friend  
Failure to follow MDT Manual procedure.



Failure to consider express defence  
Proportionality  
Punishment too harsh

## **UNIT 6: Mandatory Drug Testing**

A full explanation of the system of Mandatory drug testing

## **MODULE 5.**

### **Unit 1 Offending Behaviour Programmes**

What are Offending Behaviour Programmes?  
TSP (Thinking Skills Programme)  
Cognitive Skills Booster Programme  
Controlling Anger and Learning to Manage It (CALM)  
Programmes specifically targeting violent and sexual offenders:  
Self Change Programme (SCP)  
Resolve  
Sex Offender Treatment Programmes (SOTP)  
Healthy Relationships Programme (HRP)  
Chromis  
For  
Choices, Actions, Relationships and Emotions (CARE)  
Programmes specifically for juvenile offenders:  
JETS Living Skills  
OPB in more detail.  
General OBPs  
Thinking Skills Programme (TSP)  
Think First  
Belief in Change  
Cognitive Skills Booster Programme (CSB)  
The Women's Programme  
Violent offender programmes  
Controlling Anger and Learning to Manage it (CALM)  
Aggression Replacement Therapy (ART) NPS  
Cognitive Self Change Programme (CSCP)  
Healthy Relationships. (HRP)  
Integrated Domestic Abuser Programme (IDAP)  
Sex Offender Programmes  
Sex Offender Treatment (SOTP)  
- Rolling Programme  
Adapted Programme  
Extended Programme  
Healthy Sexual Functioning  
SOTP Becoming new me  
Substance Misuse  
Addressing Substance Related Offending (ASRO)  
Drink Impaired Drivers (DIDs)  
Low Intensity Alcohol Programme  
Offender Substance Abuse Programme (OSAP)  
Action on Drugs (AOD)  
Focus  
Ley Community  
Prison ASRO (PASRO)  
RAPT  
Short Duration Programme (SPD)  
Prison Therapeutic Communities  
The HARE PCL-r TEST

### **Unit 2 Therapeutic Communities**

Locations  
HMP Dovegate (near Uttoxeter)  
HMP Gartree  
HMP Aylesbury  
HMP Send (females)  
HMP Grendon  
The Purpose of DTC's.  
Applications to DTC's  
Failure

### **Unit 3 Communications (Letters, Visits, Phone Calls)**

#### **LETTERS**

- Definitions
- Allowances
- Special Letters
- Additional discretion
- Letters received
- Postage Costs
- Correspondents
- Correspondence with children (defined as someone under 18 years of age)
- Correspondence with young prisoners
- Inter-prison and ex-prisoner mail
- Victims and public protection issues
- Threats to security
- Penfriends
- PO Box numbers
- Prisoners on "dirty protest"
- Prisoners transferred or released from custody
- Legal and confidential mail

#### **VISITS.**

- Accumulated visits
- Inter- prison visits
- Children visiting
- Family visits/events
- Social visits by former prisoners
- Visits to unconvicted prisoners by witnesses

#### **TELEPHONE CALLS**

### **MODULE 6.**

#### **Unit 1: Parole System for Determinates**

- Determinate Sentences
- Summary of CJA 2003 Sentences Types and their Release Arrangements
- Licence Conditions
- Additional Licence Conditions
- Additional reporting requirements
- Psychiatric/Psychology contact
- Prohibitions on computer use
- Preventing activities /employment involving contact with children
- A residency requirement
- Requirements to attend particular offending behaviour programmes
- Not to contact victims or family members
- Exclusion areas
- Non-association with named persons
- In case of prolific or priority cases, drug or alcohol testing.
- In the case of a specified sexual offence (see CJA 2003, Sch15) a condition to submit to a polygraph.
- How can a prisoner challenge licence conditions?
- Preparation Stage
- The Core Dossier
- The Review Stage
- The Process: weeks 1-26
- Parole Board Decision
- Reasons
- Home Detention Curfew

#### **Unit 2: Recall Procedures and Hearings for Determinates**

- Who makes the Recall decision?
- Test for recall
- Fixed Term Recall - New information undermining the initial assessment of suitability
- Standard Recall
- Emergency Recall Process
- What happens next?
- Recall Dossier and 28 Day Parole Board Review
- Fixed Term Recall – Representations to the Parole Board and Re-release
- The Parole Board's powers on review
- Appealing the Parole decision.
- What if the Board refuses to release?

## **MODULE 7**

### **UNIT 1: The Life Sentence System**

Entry into the life sentence system  
Mandatory life sentence.  
Custody for life.  
Her Majesty's Pleasure  
Discretionary life sentences.  
Section 2 lifers, also known as automatic lifers (now abolished)  
Automatic life sentences: a part of the replacement for the IPP sentence.  
Indeterminate Sentence of Imprisonment (or Detention) for Public Protection.  
The IPP sentence has been replaced by a new Extended Determinate Sentence-  
The Tariff or relevant part.  
Hospital transfer.  
Progress within the prison system  
Stage 1  
Stage 2  
Stage 3  
Stage 4 - Category D. open conditions  
Prison transfers  
Sentence Management.  
Parole Board Reviews  
Oral Hearings  
Recalls  
First review at tariff expiry (lifers/indeterminate sentences of imprisonment for public protection)  
Extended sentence annual reviews after recall  
Further reviews after tariff expiry (lifers/indeterminate sentences of imprisonment for public protection)  
Advice cases (lifers/indeterminate sentences of imprisonment for public protection)  
Determinate or extended sentence prisoners applying for early release  
The important 2013 case of OSBORN and REILLY  
Compensation for Delay

## **MODULE 8**

### **Unit1 Deaths in Prison Custody**

Overview  
The ACCT Approach  
The Inquest system Coroners and Justice Act and Coroners' Inquests Rules 2013.  
The Inquest is for:  
Ascertaining;  
Who the deceased was,  
Where the deceased came by his/her death,  
When the deceased came by his/her death,  
How the deceased came by his/her death.  
R (Amin) v Secretary of State for the Home Dept [2003] 3 WLR 1169  
R(Middleton) v HM Coroner for West Somerset [2004] 2 AC 182  
The regulation of self-harm in prison  
Responsibilities of Residential Manager, Daily Operational Manager and Night Operational Manager  
The ACCT Assessment  
First Case Review  
Completing the CAREMAP  
The Investigation and Inquiry into Death in Custody.  
Reporting  
Immediate Actions  
Retention of documents  
Supporting Staff  
Support for Prisoners and Listeners  
Governor/Director's actions  
Funeral Arrangements  
Investigations following a death in custody.  
Police investigation  
Prisons and Probation Ombudsman (PPO) investigation  
Serious case review (deaths of young people under 18)  
Inquest  
Legal representation  
Conflict of interest  
Pre-inquest Review (PIR)  
Prison conference  
Staff witnesses

Prisoner witnesses  
Family inquest costs  
Actions following inquests

**Unit 2 Civil Actions for Compensation**

Fatal accidents act 1976  
Loss of property  
False imprisonment  
Assault and battery  
Negligence  
Misfeasance

**Unit 3 Judicial Review**

Introduction  
The Principles of Judicial Review  
The basic grounds for Judicial Review  
Applications outside the Judicial Review process  
Applications for Certificates of Funding  
Procedural steps to be taken during proceedings  
The value and purpose of Judicial Review proceedings

**Unit 4 Application to European Court of Human Rights**

How to make applications to the ECHR

**Course Booking Form is on the next page.**

**INSTITUTE OF PRISON LAW**  
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- 1 The Certificate is gained by passing all eight Module Examinations with a minimum 80%.
- 2 Modular Course materials, including DVDs, are copyright
3. All fees must be paid in advance and are non-refundable.
- 4 Candidates in Custody need permission from an appropriate authority (Governor / Head of Learning and Skills) confirming they can register for the course.

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