



SCHOOL 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 School of Prison Law, allowing the Certificate holder to display the School'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 School 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

Accommodation
 Clothing
 Correspondence
 Work and Play
 Visits, Telephones
 IEP Scheme
 Medical Treatment
 Civil prisoners
 Foreign national prisoners
 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)
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.

SCHOOL OF PRISON LAW
CERTIFICATE OF COMPETENCY IN PRISON LAW:
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- 2 Modular Course materials, including DVDs, are copyright
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