

ANNUAL REPORT
OF
THE INDEPENDENT MONITORING BOARD
AT
HM YOUNG OFFENDERS INSTITUTION AYLESBURY

1 JULY 2009 TO 30 JUNE 2010

STATUTORY ROLE OF THE IMB

The Prisons Act 1952 and the Immigration and Asylum Act 1999 require every prison and IRC to be monitored by an independent Board appointed by the Justice Secretary from members of the community in which the prison or centre is situated.

The Board is specifically charged to:

- (1) satisfy itself as to the humane and just treatment of those held in custody within its prison and the range and adequacy of the programmes preparing them for release.
- (2) inform promptly the Secretary of State, or any official to whom he has delegated authority as it judges appropriate, any concern it has.
- (3) report annually to the Secretary of State on how well the prison has met the standards and requirements placed on it and what impact these have on those in its custody.

To enable the Board to carry out these duties effectively its members have right of access to every prisoner and every part of the prison and also to the prison's records.

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Aylesbury Young Offenders Institution

1 Aylesbury Young Offenders Institution is housed in a mixture of buildings, whose ages range from Victorian to early twenty-first century! It holds the longest sentenced young adult males, aged between 18 and 21, in the English prison system and has an operational capacity of 444 when full, which it has been in recent years. 54% of prisoners were of minority ethnic origin at the end of our reporting period, a reduction of 4% compared with last year. Prisoner intake covers most of England and Wales. Prisoners do not come direct from court, having begun their sentences at other Young Offender Institutions or the Juvenile estate. The prisoners are some of the most disruptive and challenging young men in the prison system. Not surprisingly many of these young men have been classified as Persistent and Prolific Offenders by the courts and have received indeterminate sentences. On average in 2009/10, around 40% of the prisoners had received an indeterminate or life sentence, with most being indeterminate.

2 Unfortunately, the age of some of the buildings impacts the work of the prison. Some refurbishment has taken place, but more still needs to be done. We have commented before on the state of the entrance gate, which we understand is a listed building. It imposes significant restraints on visitors and staff alike, since it is used by both vehicles and pedestrians. If vehicles are entering or emerging, pedestrians are forced to stand to one side, in all weathers. Modern vehicles are of increasing length and it is sometimes impossible to keep both inner and outer gates closed while processing a vehicle. We are concerned that the ever-increasing funding restrictions will prevent any meaningful progress in replacing it. What can be achieved is shown by the new Segregation unit, the building of which commenced during the period covered by the report, but remained unfinished at the end of June.

3 The establishment has a total of 8 residential units of differing sizes and ages. The vast majority of cells are for single occupancy. The 3 oldest wings are of traditional Victorian pattern and have been heavily modernized over the years. The 2 which are the next oldest are showing greater signs of ageing, although they too have been modernized. The 3 newest units all date from the last quarter of the twentieth century, one of them being in what was built as the healthcare unit, but which is not normally used for in-patients.

4 There are a number of buildings used for various Learning and Skills activities. These include the main education building housing the various classrooms. Additionally, there are various workshops, ranging from construction to motor mechanics. The latter is sponsored by a major manufacturer.

5 The IMB has managed to increase numbers over the year, and we believe has become a more effective monitoring body. Members have a unique and privileged position within the establishment with access to observe the daily running of the prison and to feed back our observations and concerns to the management. Fortunately we have a good relationship within the prison where areas of concern can be, and are discussed openly.

6 Please note that there is a Glossary on the final page for acronyms used in this report.

Executive Summary

1 Gratifyingly, there were no deaths in custody in 2009/10.

Section A Particular Issues Requiring a Response

1. Issue for the Minister (and in this instance through the Ministry to the Department of Business Innovation and Skills)

2 The very poor delivery of Learning and Skills is **the** major concern of this Board. Since many young prisoners have for years struggled with education, it would be expected that Learning and Skills would be the major priority to equip prisoners on their release with at least the basic requirements. Unfortunately, this is an area which for some years has been contracted out through, what is now the Skills Funding Agency, an agency of the Department of Business, Innovation and Skills, and one in which the prison service has little part to play. Last year we raised our concerns that the change of provider for Offender Learning and Skills (OLASS) by the Agency, did not appear to us to be achieving much in the way of improvement. Our worst fears were realized over the course of this year. An average of 20% of all scheduled education classes was cancelled each month due to College-related issues. **This represents a very significant waste of taxpayers money.** Cancellations were rarely the result of prison-related problems. Almost 50% of all scheduled prisoner education places (21000 out of 52000) during the year were not delivered. Many prisoners during the year reported that they had lost interest in education due to the cancellation of classes. We illustrate this in the body text of the report. The performance of the provider, The Manchester College has been no better than its predecessor, Milton Keynes College. The reasons for the change, therefore, are hard to comprehend. The IMB is aware that a significant number of other Boards have major concerns with Learning and Skills in general and this provider in particular. (Page 7 Para 2 on)

2. Issue for the Minister

3 **A)** There are only sufficient spaces within education for about 50% of the prisoner population. Despite the national need for expenditure reduction, sufficient resources should be put in place to cover the vast majority of the prisoner population. (Page 7 para 2)

4 **B)** This Board drew attention last year to the seeming unwillingness of the local Police force or the Crown Prosecution Service to prosecute prisoners who had been accused of serious assaults on members of staff. It was confirmed to us by the Prisons Minister in the previous administration that there was a policy of zero tolerance towards such assaults, but there has been little evidence of this, even when instances have been highlighted by the establishment. (Page 9 Para 7)

1. Issue for the Ministry of Justice and the Prison Service

5 This Board is aware that a major factor in many of the prisoner on prisoner assaults we refer to in the report, is the use of hand held mobile phones by prisoners and the means by which they enter establishments. We would ask that the highest level attention possible be given to ensuring that a robust technology for blocking or barring the use of such phones in prison, without impacting the neighbouring law-abiding population, is developed and implemented. (Page 8 Para 5)

1. Issue for the Prison Service

6 Board is concerned that when prisoners raise official complaints, through the prison service's own complaints system, especially when it is directed at a previous establishment, they are not in many instances provided with an adequate response. This is particularly the case where owned property has not been immediately transferred with the prisoner when he has been moved. (Page 11 Para 4)

Section B Conclusion

1 As in previous years, the IMB is pleased to report that the governor and his staff continue to work hard to provide as safe and as caring an environment as they can within the resources provided by the Prison Service. Even more than with previous reports, this Board is concerned that such good work will continue to be possible in the event of the forecasted significant funding reductions.

2 We are satisfied, therefore, with the overall standard of the prison's management, its treatment of prisoners and the facilities. The IMB would like to see further expenditure on the prison's fabric to follow-on from the excellence of the new Segregation Unit (although this did not open during the period covered by this report). We have commented in the past on the outdated entrance and especially the Reception area. The new Segregation building shows these up in an even worse light. Response to previous reports, including last year's have suggested there are insufficient funds for more new build work, but this does not preclude us from commenting. It is for this reason only that this issue is not raised in Section A of this summary.

3 In particular, the Board wishes to compliment the management and staff of the segregation unit over the period of its temporary location over 2 floors of an existing wing. Facilities have been less than ideal, in particular the shower room being directly accessed from the room used for adjudications and segregation reviews being. Despite all of this, no complaints about treatment have been made to the Board in all this period.

4 As has been shown on the previous page, our over-riding concern is, however, the performance of the Learning and Skills provider, The Manchester College. This is a particular problem with the age group of the prisoner population, since many will have experienced major issues during their formal education years and many will have been excluded at one time or another. Last year we wondered if the change of provider was not brought about by a need to reduce costs in the funding agency. There is little evidence to suggest any other reason, especially as the previous provider was awarded contracts in a significant number of other establishments. The Aylesbury Board knows that other IMB's are equally unhappy with the same provider.

5 It should also be noted that whoever is the provider, there remain insufficient resources to provide work and education for all prisoners. As an example of this, education spaces are available for only about 50% of the prisoner population. This has not changed.

Individual Reporting Areas

Diversity

1

At the end of the reporting year in June 2010, 54% of prisoners at Aylesbury were classified as Black minority ethnic. This compares with 58% at the end of the previous reporting year. The Board has received no complaints of racially motivated behaviour by staff during the year. There is a robust process for managing Race and Equality matters, with bi-monthly meetings and separate meetings for prisoner representatives. The number of staff who are of BME origin is just above the Prison Service target (11.2%). The average for 2009/10 was 11.6%.

Learning and Skills

2

As with our previous reports, the main concern of the Board has been the provision of Offender education and training under the national OLASS 3 contract, managed by the SFA. Although the establishment has a population of 443, the maximum number of education spaces that are available through the education provider, The Manchester College, was 121 in both morning and afternoon periods, a total of 242 per day. The recruitment and retention of tutors and senior staff remains an issue, alongside the sickness of tutors. Throughout the year, each month has seen the cancellation of around 20% of all possible classes, because of problems caused by the provider, often due to lack of staffing. Prisoners and staff alike have confirmed that there has been a decline in willingness to attend classes, when they have been run, because of the regular cancellations. The SFA has a vision, "That offenders, in prisons and supervised in the community, according to need, should have access to learning and skills, which enables them to gain the skills and qualifications they need to hold down a job and have a positive role in society". Provision in Aylesbury seems to be sadly somewhat below this ideal.

3

The following tables show the number of classes cancelled each month, both from College related causes and also from Prison related causes, and also the number of prisoner education places scheduled per month and the number not actually provided. The Board has raised its concerns with the Governor, the Regional Custodial Manager and the NOMS Regional Director of Offender Management. It has become clear that the prison has little, if any, control over either contract content, service provision or actual delivery. All of these are the responsibility of what is now The SFA.

IMB Aylesbury

Impact on prisoners of Class cancellations 2009 – 2010 IMB reporting Year

4

Year	Month	Classes Cancelled College	% Cancelled	Classes cancelled Prison	Scheduled Classes	Total L & S Capacity	Prisoners Attended All L&S	% Lost
2009	July	232	25	42	920	4758		
	August	205	22	20	920	4758	2659	44
	September	240	26	28	920	4758	2892	39
	October	181	20	2	920	4758	3026	36
	November	134	15	32	920	4758	3058	36
	December	250	27	0	920	4758	2052	57
2010	January	180	20	10	920	4758	2149	55
	February	178	19	14	920	4758	2011	58
	March	139	15	9	920	4758	2847	40
	April	97	11	11	920	4758	2233	53
	May	99	11	31	920	4114	1820	56
	June	178	19	1	920	4840	2104	56

1	<p>In addition to externally provided services, The establishment delivers various Offending Behavior programmes. In our reporting year, these were, SOTP and ETS/CALM. In the year, 17 prisoners completed SOTP (1 more than target) and 110 completed ETS/CALM (15% below the target). There are always a limited number of places available each year and as mentioned in previous years, demand outstrips supply. There are still complaints from mandatory life sentence prisoners that priority is given to Indeterminate Sentence prisoners (ISPP's) for the courses they all need in order to be considered for parole or release. All such prisoners would spend a maximum of 4 years at a Young Offender Institution before moving on to the adult estate.</p>
2	<p>Healthcare and Drugs Strategy</p> <p>During the year, the contract for Healthcare provision in Aylesbury was awarded by the local PCT (who have overall responsibility for prison health) to a private contractor, Care UK. This contract covers other establishments in the area and due to issues elsewhere, there was a lengthy hiatus before the new contract began operating. The contract includes nursing and GP provision, but not dentistry, which is organised separately.</p>
3	<p>The healthcare unit also houses the constant supervision cell, which has been used on a number of occasions during the year, for prisoners adjudged to be at serious risk of self-harm. These have often proved to be the same prisoners who improved and are taken off constant supervision but whose state then declines again. Members of the Board have always visited such prisoners as a matter of course, and have commented on a number of occasions how well such situations (which are often challenging) have been handled by staff. Out-patient clinics, both for GP and the dentist service, are the main usage of the building, and we have observed that such clinics run smoothly. Very few complaints have been made to the board about healthcare provision.</p>
4	<p>Drug Strategy</p> <p>The Board has for some time considered that Aylesbury YOI has an effective Drugs Strategy programme, under a management team which monitors the referrals to the CARATS team and the subsequent allocation of places on the accredited P/ASRO programme. During the Board's reporting year, 48 P/Asro programmes were completed, 23% more than target.</p>
5	<p>However, as with many other Boards around the country, we are aware that serious attempts are made to get drugs into the prison, and throughout the year, there have been seizures of illicit substances, and also mobile phones, the use of which is often linked to trafficking of drugs. These seizures have either been before the items reached prisoners, or directly from prisoners. The establishment has, in common with all others, been unable to implement an effective policy of barring the use of phones within the prison, due to the lack of a technological solution that would not affect nearby housing. At the same time there seems to be little drive from the Ministry of Justice to achieve a solution. The inability to use mobile phones and other devices would have a major impact in the fight against illicit drug use. The establishment has, more recently, taken action to place metal grills over all cell windows near to the perimeter wall in order to reduce the number of items reaching prisoners. It remains to be seen long term, how effective this will prove to be.</p>
6	<p>It was noteworthy that compared with the previous year, the establishment did meet its target for Mandatory Drug Testing of prisoners. Against a target failure rate of less than 6%, the average monthly failure rate for the reporting year was just under 4%. In one month, the failure rate was 10%, although for most months the actual figure was zero.</p>

Safer Custody

1/. Suicide and self harm

1 The Board is pleased to report that there were no deaths in custody during the reporting year. This is a tribute to effective initial assessments and proactive interventions from staff during the year. It is important to recognise this, since the age group of the prisoners has a significantly higher self inflicted death rate in the outside world, and many of the prisoners in Aylesbury will have been in custody for the first time.

2 During 2009/10, the number of Listeners (Samaritan-trained prisoners) varied from a minimum of 4 up to a total of 10. At the end of June, there were 9. The presence of these prisoners does a great deal of good in the care of troubled prisoners.

3 There were 167 recorded incidents of self harm among prisoners during the reporting year. This compares with 256 the previous year, a very gratifying reduction of 35%. In the same period, a total of 132 ACCT self harm monitoring documents were opened. This again represents a reduction over the previous year, this time of 38%. ACCT's are usually closed again within a short period, when the need for monitoring has significantly reduced. In a number of cases, however, the same prisoner was monitored on more than one occasion.

2/. Anti-Bullying

4 The IMB has commented previously on the prison's long-standing, and effective policy for dealing with bullying issues. Prisoners who reach the final stage (Level 3) of the policy, were normally referred to the YPDU, giving them 28 days on basic regime while receiving training modules specifically addressing bullying behaviour. Because the YPDU was used as the segregation unit during the year, there were no referrals. For some time, the policy had not been working because prisoners could no longer be held under Rule 49, and therefore cannot be kept from associating with other Young Prisoners.

5 There were a total of 266 incidents of all levels of bullying by prisoner on prisoner during the year. The Board was pleased to see this, despite the above. This is a reduction of 37% compared with 2008/9.

3/. Assaults within the prison

6 Although as stated in the paragraph above, the number of offences considered as bullying, reduced, the year saw a significant **increase** in the number of assaults by prisoner on prisoner. The Board is aware that there are a number of different reasons for this. These range from changes in prisoner behaviour, and an increase in gang-related issues transferring in from other establishments or from the outside world. Active steps have been taken to try to reduce the impact of this. There is little doubt that a significant number of assaults have been mobile phone related. The reasons for this are several, but include non return or seizure of the phone by vigilant prison staff.

7 There were 225 assaults during the year, up 57% on 2008/9 (143). In addition, there were 28 incidents of serious assault in 2009/10 (11 in 2008/9). These were mainly on staff, and again as in previous years, it was rare for either the Police or the CPS to take action against the prisoners involved. Serious assaults are defined as those where medical attention (especially in hospital) is required.

Segregation

1

During the year, the outdated former segregation unit was closed and demolished to make way for a purpose built separation and care unit, which is planned to open after the close of our reporting year. For all this time, prisoners who were segregated in alternative accommodation, in the former YPDU. This certainly presented a more challenging and difficult environment for the staff, although the actual cells were all equipped with power sockets which was not the case in the old building. As mentioned in the conclusion, the room used for Segregation Reviews and Adjudications was also the access to the shower room, and this sometimes meant prisoners moving from the showers while reviews were taking place. This was always a potential source of conflict. We are pleased to report that the change went smoothly, and the staff are to be commended for their positive approach over a difficult time. Prisoners located in the unit were always visited each week by the Board as part of its statutory duties.

2

During 2009/10, the Board attended 55 Segregation Review Boards (35 in 2008/9) for prisoners held under GOOD. The increase is partly due to our policy of always attending such reviews, whenever possible. It was noteworthy that a small number of prisoners had several reviews, since they were held for extended periods of time, either because they were awaiting a police interview following a serious incident, or because they refused to be placed in a normal cell, demanding a transfer to another establishment. However, it was of note that in most cases, such prisoners were persuaded to return to normal prison accommodation. Very few prisoners were held under GOOD for their own protection, with most reviews being for prisoners held for the general good order of the establishment.

10 Kitchen and Catering

3

The Board has commented in the past on the high standard of food produced by the kitchens, which are managed by the prison itself, not an external caterer. The kitchen also provides a constant source of productive work and training. Demand for employment always outstrips supply. There were no complaints to the Board about food during the year. It has been noticeable that as part of the need to reduce establishment expenditure, during the year, the provision of a hot lunch ceased. Lunch now consists mainly of a cold baguette, but the evening meal is still a hot one. The Board ensures that it observes at meal servings and also tastes the food, which we have always found to be varied, hot and tasty.

The Work of the Board

4

During the year, the Board was pleased to be able to appoint 1 probationer member and one existing probationer member was appointed fully to the Board. In addition, another member transferred permanently from the IMB at Bullingdon. 1 member resigned after several years on the IMB, due to other commitments. At the close of the reporting year, there were 9 members, against a nominal complement of 10. 2 further new members who had been interviewed had their appointment held up following the change of Government and the lengthy hiatus that followed. To the relief of the Board, their appointments finally came through after the end of the reporting year.

5

There were 12 Board meetings during the year, 75% being attended by all members. A number of the meetings were preceded by a training session for members. The Governing Governor, or on occasion, his deputy always attended for part of each meeting. The Board has certainly found the current Governor to be very open with the IMB, for which we thank him.

1	<p>Members undertook 180 Rota visits during the reporting year, (168 in 2008/9). 234 applications were taken from prisoners, (167 in 2008/9). The Board policy is to attend as far as possible, all Segregation Review Boards as best practice, even when these took place at the week-end (staff would, however, where appropriate, bring these forward to the end of the previous week). As a result, 55 Review Boards were attended, (35 in 2008/9). In almost every week, members on Rota attended the new prisoner induction sessions, or visited new prisoners individually, in order to introduce the IMB to prisoners. There were, however, a few occasions, when there were problems holding inductions, and these were moved to another week.</p>																																				
2	<p>Members of the IMB at 30/6/10</p> <p>Chair: Mr I Wilkinson Vice Chair: Mr J Lennon Board Development Officer : Mr D Carpenter Mrs P Allender Miss R Howard Mrs M Molton Mrs A Nicholson Mr M Panjwani Mrs J Tyrer</p> <p>Appendix</p> <p>Applications to the IMB</p>																																				
3	<p>In 2009/10, the Board handled 234 applications from prisoners, 40% more than 2008/9 (167) The main areas of concern were as follows, with the 2008/9 equivalent also shown;</p> <table border="1" data-bbox="236 1081 1197 1523"> <thead> <tr> <th></th> <th style="text-align: center;"><u>2009/10</u></th> <th style="text-align: center;"><u>2008/9</u></th> </tr> </thead> <tbody> <tr> <td>Transfer/Wing Move</td> <td style="text-align: center;">46</td> <td style="text-align: center;">12</td> </tr> <tr> <td>General complaints</td> <td style="text-align: center;">38</td> <td style="text-align: center;">17</td> </tr> <tr> <td>Education/Gym/Work</td> <td style="text-align: center;">34</td> <td style="text-align: center;">24</td> </tr> <tr> <td>Property</td> <td style="text-align: center;">19</td> <td style="text-align: center;">23</td> </tr> <tr> <td>Adjudications/Security/GOOD</td> <td style="text-align: center;">19</td> <td style="text-align: center;">16</td> </tr> <tr> <td>Monies</td> <td style="text-align: center;">10</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Categorisation /IEP</td> <td style="text-align: center;">9</td> <td style="text-align: center;">8</td> </tr> <tr> <td>Medical/Dental</td> <td style="text-align: center;">7</td> <td style="text-align: center;">6</td> </tr> <tr> <td>Canteen/Argos</td> <td style="text-align: center;">5</td> <td style="text-align: center;">12</td> </tr> <tr> <td>Confidential Access</td> <td style="text-align: center;">4</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Post/Phone</td> <td style="text-align: center;">4</td> <td style="text-align: center;">1</td> </tr> </tbody> </table>		<u>2009/10</u>	<u>2008/9</u>	Transfer/Wing Move	46	12	General complaints	38	17	Education/Gym/Work	34	24	Property	19	23	Adjudications/Security/GOOD	19	16	Monies	10	5	Categorisation /IEP	9	8	Medical/Dental	7	6	Canteen/Argos	5	12	Confidential Access	4	5	Post/Phone	4	1
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4	<p>As can be seen, there were a number of changes since last year in the type of complaints from prisoners. There was a significant increase in the number of requests for prison or cell transfer, which the IMB can do nothing about anyway, and this was explained to the prisoners concerned. As was to be expected there was also an increase in the number of complaints about education and to a lesser extent work. It will be seen that the number of complaints about property issues declined, but the common factor here were problems related to property not arriving with the prisoner transferred from another establishment. We were also made aware by other Boards that this issue also arose the other way. In a number of instances prisoners had complained through the formal prison service complaints process, but complained to us because the responses did not fully address the issues raised. The change of Canteen provider has brought about a significant reduction in complaints to the Board.</p>																																				

Glossary.

ACCT: Assessment Care in Custody teamwork

BOSS: Body Orifice Security Scanner

BME: Black Minority Ethnic

CALM: Controlling Anger and Learning to Manage

CANTEEN: Prison shop.

CARATS: Counselling, assessment, referral advice and throughcare relating to drugs

CC: Cellular confinement- a punishment for breaking prison rules

CNA: Certified normal accommodation – the number of prisoners who can be accommodated without overcrowding

CPS: Crown Prosecution Service

ETS: Enhanced Thinking Skills

GOOD: Good Order or Discipline – prisoners segregated under prison rule 45 to achieve GOOD

IEP: Incentives and earned privileges

MAPPA: Multi Agency public protection arrangements – statutory framework for dealing with violent and sex offenders.

P/ASRO: Prisoners Addressing Substance Related Offending

P-NOMIS: Prison-National Offender management System – multi agency computer system (Replaced LIDS)

OASys: Offender assessment system

OLASS: Offender Learning and Skills Service

SFA: Skills Funding Agency (An agency of the Department of Business, Innovation and Skills and responsible for all Offender learning)

SOTP: Sex Offender Treatment Programme

YPDU: Young Prisoners Development Unit