



HMP Birmingham

**The Annual Report of
The Independent Monitoring Board**

1st July 2009 to 30th June 2010

SECTION 1

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 these have on those in 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.

SECTION 2

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SECTION 3

Description of the Prison

HMP Birmingham is a local prison for adult men. It is intended to serve the courts of Birmingham, Wolverhampton and Stafford. Its operational capacity is 1450. In the course of a typical year the prison will deal with more than 9000 different prisoners.

The prison is currently subject to market testing. The successful bidder should be known in the New Year.

SECTION 4

Executive Summary

Particular issues requiring a response.

a. From the Minister

- i. The Board is unhappy that the question of the replacement beds in Healthcare has not been resolved. The issue was raised in our 2007 and 2008 reports. It was decided in 2006 that the fixed beds should be replaced as they had not been fit for purpose since installation. The Minister commented in her response in January 2008 that ‘funding had been secured to replace them. They would be purchased and in place before the end of March 2008.’ The beds have never materialised and no-one seems able to say where the funding was coming from or where it went. (See 5.2 vii).
- ii. A local prison is totally unsuitable for IPP Prisoners (Indeterminate sentences for Public Protection). It is not resourced for the programmes that the Parole Board requires individual prisoners to have undertaken before they can even be considered for release. (See 6.6iii).
- iii. IPP prisoners are still being given sentences of less than two years despite revised legislation to the 2003 Criminal Justice Act. Some Judges are taking remand time into account, which gives a short tariff within which it is impossible to access the required programmes. (See 6.6).

b. From the CEO of NOMS

- i. Would the CEO review the SLA with UKBA and ensure that the Agency has five day a week cover in Birmingham Prison along with a realistic working day for UKBA Officers, instead of travel time from Manchester being taken into account. (See 6.3ii).
- ii. There appears to be a problem with the manufacturing of cell furniture. The lack of cell furniture at Birmingham was originally raised in July 2008. But the prison is still waiting for an adequate supply of chairs – ie one per prisoner.
- iii. Improvements to P-Nomis to ensure that sentence expired foreign national prisoners do not arrive unaccompanied by relevant information. (See 6.4vii).

SECTION 5

Areas that must be reported on

5.1 DIVERSITY

The prisons approach to the very broad range of conditions encompassed by this single term is commendably comprehensive. Within a single department staff have responsibility for the various areas of sensory, physical and educational disadvantages as well as issues arising from age and ethnicity. A linked series of application processes allows prisoners to bring complaints and concerns to the relevant specialist staff.

5.2 LEARNING AND SKILLS

- i. The service continues to be delivered much as in the previous years and is well regarded by prisoners. During the year the management passed to Manchester College with little noticeable impact until industrial action was taken by staff facing reduction in their terms and conditions.

5.3 HEALTH CARE AND MENTAL HEALTH

- i. The work of the Health Care Department is now managed under a new contract. In conducting the negotiations the prison made great efforts to remedy the short comings of the previous arrangements. There should now be much closer co-ordination between the commissioners, the local health economies and the prison staff. This should bring changes to the NHS training culture and to working practices within the prison.
- ii. All Health Care staff will receive dual training, enabling them to work as part of an integrated service in all areas of the prison. In the longer term there will be benefits from the prison nursing module which is to be introduced in collaboration with the University of Birmingham and the NHS. (There is already a nursing element of training among the prison service staff, as many uniformed officers have achieved an NVQ2 in Health Care.)
- iii. During the transition to the new contract Health Care suffered severe staff shortages and problems in recruitment. These were exacerbated by delays in obtaining the CRB clearance of new staff. The shortages caused operational difficulties in areas such as the daily distribution of medication before prisoners move from their wings to labour and activities. There was also a reduction in the range of nurse led and specialised clinics available; prisoners were triaged by nursing staff who were only minimally trained for this work; appointment slips were not consistently being delivered the evening before a clinic. Progress has been made in addressing all of these problems, although missed appointments do remain a concern to the Board. Efficient operation of the system requires not only timely notification of the arrangements, but also availability of staff as escorts and a readiness on the prisoner part to keep the appointments.

- iv. Overall, however, the Board finds prisoners well informed about the Health Care services open to them, how they may be called upon and how a complaint may be registered. (The one significant reservation in this respect concerns prisoners whose understanding of English is poor).
- v. Outside hospital appointments are managed well. The waiting times are well within the national NHS targets.
- vi. The dental service has improved considerably. The Board remains concerned, however, by the inadequate emergency cover during staff holidays.
- vii. The Mental Health Care Team offers a well integrated primary service and calls upon a range of visiting professionals. Where a prisoner needs to be transferred into specialised mental health care the waiting time has been around 4 to 6 weeks. Nevertheless, the Board is still disturbed by the segregation of some mentally ill men who are deemed unsuitable for the health care wards.
- viii. The reporting year ended with an optimism that the new contract would allow a much improved service. Throughout the transitional period many individual members of staff have done their utmost to provide for the patients in their care. There have also responded constructively to complaints or the matters raised by the Board.
- ix. One outstanding problem is the replacement of the fixed beds in the Health Care. After the Board had raised this in 2007 and 2008 the then Minister replied that 'funding has been secured to replace them. They will be purchased and in place before the end of March 2008'. Two and a half years later the beds have not appeared and the promised funding cannot be traced.

5.4 SAFER CUSTODY

- i. Safer Custody is taken seriously by all staff in the prison and much resource is taken up in ensuring the safety of prisoners at risk of self harm. Serious and persistent self-harmers are put on constant watch. At times there have been as many as 9 prisoners supervised simultaneously in this way. The Board does have concerns, however, at the length of shift that these officers are sometimes working. This can be anything up to 12 hours, without a break, particularly at night. The guidance in the Safer Custody PSO is 2 to 4 hours followed by then a break.
- ii. During the year 642 Assessment, Care in Custody, Team work (ACCT) Documents have been opened and 444 closed.
- iii. Regrettably during this reporting period there were 8 deaths in custody, 4 of which were apparently from natural causes.
- iv. In a large local prison there are many instances of staff finding prisoners who were attempting to kill themselves. During this year 34 prisoners have been admitted to hospital following a serious attempt at self-harm. Very many of these would have died without timely intervention.

- v. The Listeners, trained by the Samaritans, play an important part in Safer Custody. A prisoner in crisis can have access to a Listener at any time of the day or night, and in times of extreme crisis, a Care Suite is available, where 2 Listeners can spend up to 24 hours with that particular prisoner. The Listeners are subject to the same confidentiality terms as the Samaritans and have weekly debriefings with Samaritan representatives. The prison now has a Service Level Agreement with the Samaritans, in which 4 training sessions per year for Listeners are guaranteed. There is a large turnover of Listeners, mainly because of discharges and transfers, but at the end of the reporting period there were 21 Listeners available.
- vi. The prison also treats bullying extremely seriously and has a policy of treating both the bully and the bullied. A Violence Reduction document is opened when a prisoner is found to be bullying another prisoner. During the year 228 Violence Reduction documents were opened and 69 were closed.

5.5 SEGREGATION UNIT

- i. GOOD reviews continue to be held weekly, a management change from the original thrice weekly review system. This does present problems with the initial notification of a prisoner signed up on GOOD and the subsequent 72 hour review. Although the revised PSO1700 requires that 24 hour notification of someone being segregated and the date of the 72 hour review should be given to enable a Board member to attend, there are still occasions when the Board is only told on the morning of the review. Monitoring of the initial paperwork, on which there is a requirement for the IMB member notified with date and time to be recorded, confirms that this does not always happen. Consequently a member may not be present for the 72 hour review.
- ii. The Segregation Unit, although small, is very busy. During the reporting period the Unit was also used as an overspill location for vulnerable prisoners who should be located on P Wing. From July 2009 to February 2010 44 prisoners were located here while awaiting a space on P Wing. This was at the height of the overpopulation crisis when prisoners were being located in police cells, and was the first time that the Segregation Unit had been used in this way. The Segregation staff adapted their working methods to provide a separate regime for the Own Protection prisoners, which is not always easy in such a busy unit. 27 prisoners on open ACCT documents were also located in the Unit during this period.
- iii. There have been no occasions when the Board has disagreed with the decision to continue segregation, although it has expressed concern when prisoners have been held over a period of time on security issues where no formal evidence of the reasons have been provided. The Board has also been concerned at the time taken for a prisoner to be transferred to another establishment when it is plain that he cannot return to normal location in Birmingham Prison.
- iv. Board members attended a total of 170 GOOD Reviews during the year.

SECTION 6

Reports on Other Areas

6.1 ACTIVITIES

- i. The Prison continues to have insufficient activity places for the number of prisoners accommodated. There is a shortfall of around 200 places. The Purposeful Activity Group comprising managers involved continued to meet and review activities undertaken against targets. They resolved reporting issues arising from the implementation of PNOMIS and created a job share/part time working scheme which has yet to be implemented. There is continued concern about prisoners not attending/reporting sick apparently without good causes. The Learning/Skills & Activity Allocation function continues to work well.
- ii. All training workshops worked well throughout the year. Staff are concerned about the prison being market tested but have continued to provide training and activities which are appreciated.

6.2 CATERING AND KITCHEN

- i. The daily work of catering for the large and diverse population of the prison is carried out in premises which are patently too small and congested for their purpose. Much is asked of the equipment as well as those who work there. It is crucial that it is maintained in good working order. That has not always been the case.
- ii. The Kitchen responds well to the diverse medical, religions and cultural requirements of the men for who it provides. This is achieved within a per capita allowance of £2.07 per day and within the constraints and frustrations imposed by Central Purchasing.
- iii. The Kitchen makes a central contribution to the maintenance of stability within the prison, one that it is important not to take for granted.

6.3 FOREIGN NATIONAL PRISONERS

- i. At the end of the reporting period there were 221 Foreign National Prisoners in Birmingham Prison. They were from 45 different countries. The countries most commonly represented were:
India 18; Pakistan 18; Jamaica 17; Vietnam 15; Ireland 14; China 10; Romania 9; Nigeria 8; Poland 8; Afghanistan 7; Congo 7; Iran 7.
- ii. On the pastoral side, there is a great improvement in the work now being done with Foreign National Prisoners. There are weekly surgeries with UKBA. Unfortunately, although there was an agreement with UKBA and NOMS in 2008 to provide 5 day week cover in the prison - one UKBA officer attends 3 times a week and another twice a week – they attend on the same days, leaving 2 days a week with no cover. One Officer is West Midlands based, but the other is Manchester based and his

working day includes travel time, leaving him in effect with one hour in which to work in the prison.

- iii. An independent Immigration Advice Surgery is run by Piers Road Immigration Advice, who along with Birmingham University are slowly translating appropriate documents into many languages. All of this work is being done free of charge. There is also more contact being made with Embassies.
- iv. Non-English speaking prisoners are now identified on their cell cards. Foreign National prisoner reps are on most wings, and forums for FNP's are being set up.
- v. On 28 June 2010 there were 40 Foreign National Prisoners who were held beyond their sentence expiry date. The longest is a Zimbabwean who served an 11 month sentence which expired in June 1997. He does not wish to return and has exhausted every possibility of remaining. A second Zimbabwean is also beyond his SED. An Algerian whose sentence expired in February 2010 wishes to be repatriated, but is still waiting for documents from the Algerian Embassy. A Jamaican whose sentence expired in February 2009 has now exhausted all his rights of appeal. He refuses to provide information for travel documents and currently there is an impasse. A Ugandan whose sentence expired in July 2009 is still waiting for his appeal to be heard.
- vi. If sentence expired detainees apply for bail, they are not eligible to be considered for removal to an Immigration Detention Centre.
- vii. There are problems when prisoners are transferred from another prison after their sentence expiry date. The new P-Nomis computer system loses information, including sentence expiry dates. There are also problems in gaining information about detainees who are transferred in after disturbances at Immigration Detention Centres.

6.4 CORRESPONDENCE

- i. A small dedicated group of officers works efficiently to ensure that incoming mail is ready for the wings by mid-afternoon on the day it is received. Their experience, together with the use of the drug dog is successful in identifying articles in the mail. Approximately 40 e-mails for prisoners arrive daily, but these have had no effect on the volume of incoming mail.
- ii. The Board is concerned to find that the prison has reverted to its previous practice of opening registered and recorded delivery mail in the Correspondence Office and not within sight of the prisoner. This is both contrary to national requirements and an invitation to suspicion on the part of prisoners.
- iii. After the breakdown of the franking machine, the outgoing mail has been subject to inefficient systems this year. For approximately 6 months, 2 OSGs made 3 trips each week by taxi to Brinsford YOI with the mail, a round trip of about 3 hours. The recorded delivery mail surprisingly was bought back to Birmingham to be dispatched. More recently, a dedicated member of staff has been assigned manually to weigh and frank by

hand the outgoing mail and produce an audit trail before raising a manifest for Royal Mail.

6.5 HOME DETENTION CURFEW

- i. 330 prisoners were released on HDC during the year. A rotation of custody staff in this unit brings an evident enthusiasm and vigour to their task.

6.6 IPP PRISONERS (Prisoners with an indeterminate sentence for public protection)

- i. At the end of the reporting period 39 IPP prisoners were being held at HMP Birmingham, 4 of whom were beyond tariff. One prisoner was given an 18 month tariff which ended in April 2007. He is disabled following a stroke and the Judge identified that he needed a neuropsychiatric report. This has only recently been completed and an oral hearing, originally planned for September 2009, is now expected in September 2010.
- ii. Despite the law being changed two years ago which meant that IPP prisoners could not be given a tariff of less than 2 years, short tariffs are still being given. One prisoner was given a tariff of 248 days ending in December, whilst another was given a 22 month tariff in April 2010. Another was given a tariff of 1 year 240 days, ending in October 2011. It would appear that in these particular cases the Judges took time on remand into account.
- iii. It is an inescapable fact that local prisons like HMP Birmingham are not able to offer the specialised programmes demanded by the Parole Board. These should be undertaken in appropriate Training Prisons, but it is virtually impossible to transfer people because spaces are not available.
- iv. Two Offender Supervisors deal with the 39 IPP prisoners and also with 34 Lifers. Their time is not ring fenced and officers spend part of it helping on external escorts and the daily labour route. Much effort is also taken up with answering letters from solicitors seeking to have their clients put on programmes specified by the Parole Board. Consequently their time available to attend meetings with appropriate outside agencies is limited.
- v. Virtually the only programme that the IPP prisoners were able to access in Birmingham – Victim Awareness – has now ceased because of lack of funding.
- vi. The Board is concerned to see the IPP prisoners are being transferred into HMP Birmingham from other prisons without consulting with the Unit to see if their needs can be met. Prisoners accepted in this way have frequently been left with no appropriate courses and with psychiatric reports outstanding.

6.7 RESETTLEMENT

- i. This department has concentrated its efforts this year on getting accommodation for prisoners on their release. This is especially difficult in the case of Londoners who

have been transferred to serve their sentences at Birmingham. Suitable housing there is very hard to find.

- ii. The DOMS has been very active in this matter and as a result there are now contacts in the borough of Tower Hamlets.
- iii. The prison has also run a pilot scheme for Birmingham L.A concerning rent arrears. This has been very successful. Prisoners are interviewed on the First Night Centre and details sent to Birmingham LA so that no arrears accrue while the prisoner is serving his sentence.
- iv. 7 – 8 % of prisoners are released with out an address to which they can go. Each of these men is provided with a sheet of names and addresses and encouraged to go personally and ask if they could be accommodated.

6.8 VIDEO LINK

- i. A small team of experienced officers is dedicated to organising the Video Link. It offers support and confidence to prisoners using the facility. A total of **4628** prisoners were presented using this method. **2703** interviews were used by Pre and Post conferences, Legal Visits and Probation. The main users are:-

Birmingham Magistrates Court (826 instances)

Walsall Magistrates Court (205 instances)

Birmingham Crown Court (195 instances)

Wolverhampton Crown Court (185 instances)

6.9 VISITORS AND VISIT CENTRE

- i. These areas work closely together under one Operational Manager. Some new initiatives have been successfully introduced.
 - Despite initial problems with PNOMIS, an efficient booking system now operates with an OSG checking documents in the centre, allowing rapid admission into the prison.
 - A crèche for young children is run by two qualified and experienced nursery teachers. They also provide help with child development.
 - The creation of a children's area in the visits room (painted and decorated with murals by prisoners) with attractive soft furnishings and cartoon entertainment shown on TV has been a welcome and much needed addition.
 - A drug counsellor is available.
 - Extra weekend visits to cater primarily for new numbers and remands.

- ii These initiatives have made a significant improvement to the visits procedures and the centre. Regrettably the drinks machine in the centre is often out of action making hot drinks unavailable. This reporting year has seen **134** closed visits (108 previous year) and **53** (192) banned visitors.

Appendix I

Work Of The Board

	<u>2007/8</u>	<u>2008/9</u>	<u>2009/10</u>
Recommended Complement of Members	20	20	20
Numbers of members present at start of period	15	15	13
Numbers of members at end of period	15	13	13
Number of members joining during period	3	2	5
Number of members leaving during period	2	2	5
Total number of visits to the prison by members	707	847	586
Total number of Applications received	612	725	747
Total number of Segregation reviews attended	130	160	170

Appendix II

Applications To The Board

	2007/8	2008/9	2009/10
A Accommodation	2	21	20
B Adjudications	2	1	8
C Diversity/Racially Related	7	11	10
D Education/Training Work	29	31	22
E Family/Visits	39	34	34
F Food/Kitchen Related	19	16	14
G Health Related	84	67	98
H Property	92	81	53
I Sentenced Related	64	53	74
J Staff/Prisoner Related	29	31	34
K Transfers	50	68	56
L Miscellaneous	197	311	324
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TOTAL	612	725	747
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The above figures show a 3% increase over the previous 12 months.

Inmate Finance, Immigration issues and Request and Complaint (frustration shown with either late replies or long protracted disputes within the establishment) dominate the Miscellaneous Category.