



**HMP/YOI CHELMSFORD**

# **ANNUAL REPORT**

**1<sup>st</sup> September 2009 - 31<sup>st</sup> August 2010**

## 1. STATUTORY ROLE OF THE INDEPENDENT MONITORING BOARD

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 Home Secretary from members of the community in which the prison or IRC is situated. The Board is specifically charged to:

- 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.
- Inform promptly the Secretary of State, or any official to whom he has delegated authority as it judges appropriate, any concern it has.
- 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/detainee and every part of the prison/centre and also to the prison's/centre's records.

### **At Chelmsford the IMB consisted of:**

*Tony Evans (Chair)*  
*Lyndall Collins (Vice Chair)*  
*Andrew Johnson (Board Development Officer)*  
*Kate Abbott*  
*Nick Adams*  
*Gill Castle*  
*James Evans*  
*Keith Fellowes*  
*Stephen Harriman*  
*Zaid Hasmat-Ali*  
*Graham Herbing*  
*Gill Hind*  
*Rob Hunt*  
*Graham Finch*  
*Russell Pearson*  
*Diana Platts*  
*Robert Seymour*  
*Lady Ruggles-Brise*

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### 3. Description of HMP/YOI Chelmsford

There has been a prison on this site in Chelmsford since 1819. The Prison in its current position was built in the traditional “spokes of a wheel” design and is now on three storeys – once four when part was below ground.

Chelmsford at present is a Local Category B prison with an Op Cap of 695 and a CNA of 594. It now houses Remand Prisoners, Young Prisoners aged 18-21 (YPs) and Adults with sentences ranging from a few weeks to life. The prison’s facilities include

- *Seven accommodation wings*
- *Full-time Healthcare centre*
- *Day Care Centre*
- *Education through various agencies as well as Milton Keynes College*
- *Well-equipped Gymnasium and multi-sports artificial grass pitch*
- *Dedicated Multi-Faith Room*
  
- *Other Agencies working within the Prison include:*
  - FTC*
  - JobCentre Plus*
  - Business Link*
  - Serco and Seetec – Job deal*
  - Citizens Advice Bureau*
  - Milton Keynes College*
  - NACRO – Housing Information Advice service*
  - NACRO – Employment Learning and Skills*
  - DePaul Trust*
  - Ormiston Trust*
  - Carats/Inside Out*
  - Anglia Guidance*
  - Next Step*
  - A4e*
  - Princes Trust*
  - Switch Back Project*
  - Tribal*
  - St Giles Trust*
  - Learn Direct*
  - Chelmsford Prisons Visitor Centre Trust*
  - ClearSprings*
  - Samaritans*
  - Mothers Union - Mudpies*
  - Alcoholics Anonymous*
  - Sova*
  - DAT*

## 4. EXECUTIVE SUMMARY

This IMB report is an exception report that does not necessarily report areas of good practice where there has been no change.

This year we have seen some improvements in Chelmsford Prison's treatment of prisoners, despite the current financial constraints. The Segregation Unit works effectively. The introduction of dining out, provision of pool tables and the introduction of enhanced landings on difficult wings has provided a better social environment and incentives to improve behaviour. The Gym continues to provide good opportunities for exercise and qualification and with the installation of the Trim Trail can now provide greater opportunities for exercise for older prisoners.

The Board's most serious concern relates to an individual who had completed his sentence and spent 10 months under constant watch in Chelmsford prison Healthcare unit while his immigration status was resolved. We have recently drawn the responsible Ministers' attention to our concerns regarding the appropriateness of this treatment and are awaiting a response. It will therefore not appear as an issue requiring a response in this report.

The case has highlighted a difficulty in the management of some prisoners who do not warrant being detained under the Mental Health Act but are either mentally unstable or perhaps close to it. If they become difficult or violent they are often moved to Healthcare or Segregation where we believe they are managed well. However there do not seem to be mechanisms in place except the segregation regimes, which the prisoners may interpret as punishment. There do not appear to be clear strategies to deal with prisoners in these, perhaps temporary, more extreme psychological and behavioural states.

Of continuing concern is the state of the showers in the older wings of the prison. The lack of washing machines on the Wings with the result that clothes are washed and dried in cell is also of concern. These facts together with the continued lack of privacy screens around cell toilets, seriously detracts from the otherwise good approach to decency and hygiene.

Learning and Skill provides a wide range of courses and efforts have been made to provide courses better matched in length to average stays in the prison. Although attendance is generally good we are concerned that rapid changes, often within a week, in class membership does not suggest arrangements for prisoners to attend classes are working as well as they might. A wider problem is the coherence of courses across the prison estate.

Whilst the average stay in Chelmsford is of the order of two months the stay of prisoners with life sentences is closer to a year. This is clearly unacceptable. Also those imprisoned for public protection (IPPs) are unable to start courses required for release on or near their tariff which may, by implication, extend their sentence beyond the tariff by Prison Service administrative inaction.

The Board is concerned at the continuing high numbers of YPs. The mean average in the prison is 220 which is well above the previously accepted figure of 150.

***Tony Evans, Chair***

## 5. ISSUES REQUIRING A RESPONSE

From the Minister.

5.1. The board has been concerned with the use of prisons for the detention of immigration detainees. This has been separately raised with the Ministers and thus does not need a response here but it is included for completeness.

From NOM's.

5.2. Chelmsford has had a number of seriously disturbed prisoners who are below the level required for formal hospitalisation for treatment of their mental health. The process for the treatment of these prisoners seems very limited. They are transferred to Health Care and, if still disruptive, to the segregation unit. If these prisoners have mental health problems this seems an inappropriately punitive process.

5.3. We have real concerns about the number of prisoners serving life sentences staying in Chelmsford well beyond the target period.

5.4 We note that the overall attendance at classes has improved but perhaps at the expense of the right people going to each class.

5.5 We have concerns repeated, year on year, that the shower facilities in the older part of the prison are inadequate and inadequately maintained. This ongoing problem seriously detracts from the management's strenuous attempts to meet its decency agenda.

5.6. We have concerns regarding the high number of YPs.

## 6. DIVERSITY

6.1 The Board remains concerned at the number of Foreign National prisoners who continue to be held at Chelmsford past completion of their sentence dates. The number has varied between 8 and 11 at any one time over the reporting year. The Board has stressed the inappropriateness of the situation before, and again draws attention to a situation which is unfair to the individual and a significant drain on the prison's resources. Highlighting this, the Board recently felt compelled to write to the Minister in respect of a particular prisoner awaiting deportation who had been subject to 'constant watch' over a period of 10 months after his release date.

6.2 Having said this, the Board acknowledges that there is a growing acceptance throughout the Prison that Diversity considerations are an important element of all aspects of prison life and management. The Diversity, Race Equality Action Team (DREAT) meetings are chaired by the Deputy Governor, and are well attended by prisoner representatives from each Wing. Additionally, Assistant Diversity Managers have been allocated to the wings. The outgoing Diversity Manager has produced a written diversity strategy and specific policy on sexual orientation. The Board will monitor the use and implementation of both these documents over the coming year.

6.3 There have been a number of other initiatives throughout the reporting year, including prisoner focus groups for Black and Minority Ethnic (BME) and Young Prisoners (YPs), with plans for similar groups for older prisoners and those with a disability. A strategy for Older Prisoners is currently in draft form, while recognition of disability in its broadest sense is encouraged. Plans are in effect to provide more appropriate accommodation for both groups within a particular Wing with updated services and facilities. The Board recognises as valuable the nomination and training of specific prisoners to act as 'carers'. There has been external agency training (LEAP) for selected officers focussing on challenging behaviour, reflecting the prison's recognition of the particular needs of YPs. This training has had significant positive feedback.

6.4 The introduction of regular visits by Border Agency staff and specialist solicitors has removed a lot of uncertainty among the prison's Foreign National prisoners (around 14% of the population). The HMCIP recommendation that Foreign National prisoners have a free monthly telephone call has been met, and in addition a free call on first arrival at the prison is available.

6.5 The Board has been impressed with the positive developments over the year, but notes that the national average of IMB applications concerning diversity issues is 2% whilst at Chelmsford Prison it is 6% so will continue to monitor this during the coming year.

## 7. LEARNING & SKILLS and RESETTLEMENT

7.1 During the reporting period the Resettlement relocation and reorganisation have led to an improvement in the service provided and in particular arrangements with action plans for each pathway have assisted with employability by strengthening links with outside agencies; very positive reactions to the pre-release preparation have been noted.

7.2 The hopes and expectations of prisoners to earn accreditation or learner satisfaction cannot always be achieved. Many prisoners have reported their individual experiences of the purposeful activities and opportunities for improving their Education and Skills available at Chelmsford with satisfaction and enthusiasm, particularly in comparison with their experiences in other Establishments.

7.3 The prison management should be commended for introducing or making some improvement to the following:

- the number and variety of 4 week modules
- valid and useful accreditation of courses appropriate to the population
- progress on Officers' interpersonal skills especially with Young Prisoners (the LEAP course)
- the expansion and development of the Library facilities - after years of promise
- better access to the Gym for a wider range of the population, including older prisoners (the Trim Trail and health programmes)
- the availability of the rehabilitation/ support courses such as CARATS/Inside Out and Anger Management
- the percentage of IMB applications concerning education and employment has fallen from 10% to 3% (the national average is 6%).

7.4 The Board recognises that the wide range of prisoner types and sentence lengths in a local prison make the provision of services complicated. However, the following observations have been made:

- snapshots of attendance in class provide evidence that the disciplines of regularity and reliability for the transient population and normal prisoner movement are exceptionally hard to establish: for example, in 2 weeks the 8 places in one class had been occupied by only 3 prisoners for the whole period, the other 5 had changed at least twice
- the lack of cover for absent staff leads to lessons/sessions being cancelled without notice
- the variance between local and national arrangements and courses militates against consistency and continuity
- many different agencies operate within the Establishment in the area of Education and Skills. Whilst communication between these agencies within the prison and links with those outside or in other Establishments is important, the Board has received comments that time spent at meetings may decrease the staff's contact time with prisoners and thus affect their progress and learning experience.

## 8. HEALTHCARE AND MENTAL HEALTH

8.1 Our concern was raised particularly by the case of a detainee who had completed a prison sentence and was then detained on an IS 91 warrant. He spent ten months in Chelmsford Prison Healthcare Unit under Constant Watch.

8.2 Constant Watch involves the constant surveillance of the individual 24 hours a day by nurses watching the individual through the barred security door of the healthcare cell. We consider that the use of this very intrusive process **for such a long period**, however well intentioned, to be detrimental to the individual concerned and does not reflect the standard of humanity we expect.

8.3 The Board fully accepts that the Chelmsford Prison and NHS staff involved carried out their duty of care to the best of their ability and ensured that the individual did not succeed in committing suicide. Normally Constant Watch is only used for relatively short periods in Chelmsford as self-harm risks are successfully managed in other ways. The use of Constant Watch for long periods is, in our view, unduly oppressive and potentially damaging to the individual's well being.

This matter has been being raised with the Ministers concerned.

8.4 In our last report we noted delays in prisoners receiving dental care. We are pleased to report this seems to have been rectified.

8.5 The Integrated Drug Treatment System (IDTS) process has also been adjusted to include an element to encourage prisoners to come off drugs. 31% of sentenced prisoners on IDTS were on reduction regimes in July 2010.

8.6 The recruitment of permanent nursing staff remains a difficulty. For example in July 2010 there was a deficit of 9 nurses (3 Registered Mental Nurses, 3 Registered Nurses and 3 Health Care Assistant). The use of Agency Staff necessitates repeated inductions and considerable time escorting them around the prison.

8.7. The Board remains concerned that prisoners who have serious behavioural and personality difficulties that are not diagnosed as mental health disorders, do not receive appropriate assistance and management. For example see 8.1, 8.2, 8.3.

## 9. SAFER CUSTODY

### **Bullying**

9.1 The Safety and Fear Free Environment (S.A.F.E.) programme at HMP & YOI Chelmsford dates from July 2008. Although it appears a worthy document and pertinent to today's environment; members of staff referred to it as "reading well, but ineffective and not a deterrent". The revision of the S.A.F.E. policy has unfortunately been delayed for reasons that are not entirely clear. The existing 'victim pack' could possibly stigmatize victims, a fact highlighted by the unannounced HMCIP inspection last year.

9.2 Management of violence 'out of the window' is still an issue. This is when verbal abuse is shouted to another prisoner out of a cell window. The Board recognises this is a difficult issue but it is unclear if and how well this is being managed.

9.3 We are concerned that important notices are not always translated, which can put Foreign Nationals at a disadvantage. We note there are not always S.A.F.E. policies displayed on the wings. Furthermore there are often no S.A.F.E. Representatives on wings. At one stage there were only two S.A.F.E. Representatives for seven wings.

9.4 The role of F Wing as an induction wing is under pressure. At one time there were 14 longer term resident prisoners, as the result of the absence of suitable cells in other Wings. The use of the Wing for this purpose has a negative impact on the well being of these prisoners, as it limits their association and employment opportunities.

9.5 Official data cannot track covert bullying but based on a limited survey of S.A.F.E. Representatives bullying remains an issue.

9.6 The Board notes that the mean average of YPs is 220 and it has previously been accepted that the number at Chelmsford should be capped at 150. This high number makes the management of bullying more difficult.

## 10. SEGREGATION

10.1 The staff in the Segregation Unit continue to work effectively with some very difficult prisoners. They have shown real care for the prisoners in the unit, working to build positive relationships and meet their needs. The Unit is frequently very busy and has, over the course of the year, often had to cope with cells being unavailable due to damage by prisoners. On one occasion six cells were out of use and the length of time damaged cells are out of use is a matter for concern. The Board monitors the Unit closely and attends GOOD reviews.

10.2 The Board reviewed the adjudication process over the past year. The Adjudications considered were those conducted by the Governor, Deputy Governor or other nominated members of staff.

10.3 HMP Chelmsford, in common with other prisons, brings in an independent adjudicator (District Judge) to conduct proceedings in more serious cases and these do not form part of this report being subject to independent review.

10.4 Generally, the proceedings observed by way of sample in 2010 were conducted in a fair manner in accordance with the procedure as suggested in the Prison Manual (with the notable exception, however, of provision of pen and paper for the use of the prisoner). Moreover, although the formality of the process does not need to equate with outside court proceedings in every respect, one fundamental matter of concern does arise. This relates to when a prisoner denies an allegation and the adjudicator is required to hear evidence before determining whether the charge has been proved. We believe that it is important that the adjudicator adopts a neutral stance and does not refer to any possible punishment which may be appropriate at the end of the process.

10.5 Moreover, the formality, or lack of it, in conducting cases seems to depend very much on the individual adjudicator's way of doing things. In two instances, this might potentially have affected the fairness of the proceedings although, in the event, did not do so. These concerns have subsequently been brought to the attention of the Governor.

10.6 There is no evidence to suggest that any of the nominated adjudicators do not act, as they see it, in good faith and the lack of expertise shown by some of them on occasion is due simply to inexperience.

10.7 All those, appointed to adjudicate, have received the nationally approved and accredited training provided by the Prison Service. This is followed up by "sitting in" with another adjudicator (although not the District Judge). However, the national training does not seem to equate to the kind of formal judicial training available elsewhere, despite the fact that the punishments available to internal adjudicators are quite extensive.

10.8 That said, when the Board has been in attendance, the sentences meted out appeared to be well justified after appropriate consideration of the facts of each case, background report and mitigation.

10.9 The adjudications are carried out in a small room in A wing which houses the Segregation Unit. Because of its location which cannot be changed, noise levels from the wing are sometimes high but this is inevitable in the circumstances. After some criticism of the lay-out of the room, consideration is now being given to ways in which this could be improved for the prisoner's benefit. In any event, it is possible that another, bigger room, may become available for adjudications in due course.

10.10 Overall, the adjudication process is rendered somewhat laborious by the necessity of completing the relevant forms in some detail during the hearings themselves. Sadly, this means that the proceedings lack fluidity in the exchanges between prisoner and adjudicator during the hearing, particularly when an adjudicator is inexperienced.

## 11. RECEPTION & FIRST NIGHT IN PRISON

11.1 Chelmsford, as a Local Prison and YOI, receives a high percentage of its prisoners from courts in Essex and London. A significant number of these are on remand, and the average length of stay at the prison is short. Reception is, as a consequence, often very busy with a large number of prisoners transferring from or to other HMP institutions, or arriving from or departing to court, each day.

11.2 Earlier in the year there was something of a hiatus, caused by an increase in the number of new inmates arriving late in the day, particularly on Saturdays. This can mean that some prisoners spend an unreasonably long time being transported. This issue has been raised before and there has been some improvement. However the situation seems to be deteriorating again

11.3 Trained First Night In Prison (FNIP) officers interview all 'first time' prisoners on the induction wing and this arrangement appears generally to operate efficiently. It seems to be a good use of the prison's resources and to be effective in easing the stress on prisoners who are facing their first night in prison and in identifying prisoners who may be at risk.

11.4 The recording of details of property belonging to prisoners, transferring into, or out of the prison and, all too often, the subsequent attempts to trace property alleged to have been lost or misplaced, is very time consuming. Because of other pressures on the Reception staff and their redeployment that sometimes happens at weekends, property is not always given the priority that the prisoners and IMB feel it should and gave rise to 36 applications to the Board during the year. This is 21% of Chelmsford's applications and slightly above the national average of 19%.

## 12. WINGS & ACCOMMODATION

12.1 Although there have been some improvements during the reporting year, particularly with regard to litter and general state of the wings, there are areas which have been raised previously by the Board and in the HMCIP Report which are still outstanding.

12.2 Some showers in B, C & D Wings are unscreened and have mould on the walls and broken tiles and fittings. This has been raised previously in rota reports and in Annual Reports, but very little has been done.

12.3 Cells with no private WC are still being used for double occupancy, and in some circumstances the WC is adjacent to fixed bunks. Where screening is provided by curtains, they are often inadequate.

12.4 In B, C & D Wings, the furniture is not always fit for purpose, and although some progress has been made to include lockable cupboards, in most cells the cupboard has been fitted but with no lock yet.

12.5 The lack of laundry facilities in the older wings causes problems due to prisoners attempting to wash and dry clothes in their cells. This is unhygienic and in shared cells is not acceptable. The prison should review the provision of Wing laundry facilities as a matter of urgency.

12.6 The general state of the prison shows a marked contrast between the old and new buildings. The length of time taken for repairs causes concern and the prison cannot supply data of waiting times. The process for requesting and completing repairs to minimise delay and prioritise some of the long overdue works needs improvement.

12.7 The prison management has made a number of improvements to facilities on the Wings for example by providing pool tables and introducing dining at tables on the landings which has proved very successful. It is popular both with staff and with prisoners.

12.8 Recent changes in the profile to meet budget constraints have resulted in greater mobility of staff across the prison. One impact of this is that there is anecdotal evidence that a number of prisoners do not know who their Personal Officers are. The Board has concerns that this scheme is not operating as effectively as it should.

## 13. LIFERS

13.1 The recommended stay of a new lifer in a local prison is four months for Multi Agency Risk Assessment. The average stay in Chelmsford is more than 12 months. While the length of stay is beyond the control of prison officials at Chelmsford, it is nevertheless an unsatisfactory situation within the penal system as the Lifers are denied access to dedicated programmes. Furthermore, the system can potentially extend the prisoner's sentence due to delays in Oral Hearings, a prerequisite of the release procedure. At the end of August 2010 there were 12 Lifers and 16 prisoners with indeterminate sentences (Imprisonment for Public Protection) at the prison.

13.2 The prison is very aware of the needs of this group of prisoners and staff are actively supportive, with dedicated officers handling the group. There are Lifer Meetings with 4-8 week frequency and quarterly family visits of extended length.

13.3 Within the constraints in which the prison functions, management of this group is good. However, there appears to be an inherent contradiction in the needs of longer-term prisoners and the somewhat transient nature of the general prison population at Chelmsford where the average length of stay is only 57 days.

## 14. VISITS

14.1 The Board recognised that the way in which the National Offender Management Information System (CNOMIS) was implemented in the Prison caused great difficulties for the Visits Booking and Visitors Centre staff and much distress and anger amongst visitors and prisoners when attempting to book visits. We are pleased to note that the system is now working more efficiently.

14.2 The contribution of the staff and volunteers in the Chelmsford Prison Visitors Centre, which is a charitable trust, is significant. Their whole approach turns what can be an ordeal for visitors into a calm and supportive experience.

## 15. BOARD STATISTICS

|   |     |
|---|-----|
| Recommended Complement of Board Members                           | 18  |
| Number of Board Members at the start of the reporting period      | 11  |
| Number of Board members at the end of the reporting period        | 16  |
| Number of new members joining within the reporting period         | 7   |
| Number of members leaving within reporting period                 | 2   |
| Number of attendances at meetings other than Board meetings       | 46  |
| Total number of visits to the Prison/IRC (including all meetings) | 386 |
| Total number of applications received                             | 171 |
| Total number of Segregation Reviews held                          | 87  |
| Total number of Segregation Reviews attended                      | 76  |

# 16. APPLICATIONS

## IMB Chelmsford - Application Statistics

| Category             | National     | %   | 2008/2009  | %   | 2009/2010  | %   |
|----------------------|--------------|-----|------------|-----|------------|-----|
| Accommodation        | 667          | 3%  | 7          | 4%  | 6          | 4%  |
| Adjudications        | 440          | 2%  | 9          | 5%  | 4          | 2%  |
| Diversity            | 436          | 2%  | 12         | 7%  | 10         | 6%  |
| Education/employment | 1309         | 6%  | 17         | 10% | 5          | 3%  |
| Visits               | 1643         | 7%  | 6          | 3%  | 9          | 5%  |
| Food/kitchens        | 521          | 2%  | 5          | 3%  | 3          | 2%  |
| Healthcare           | 2173         | 10% | 22         | 13% | 22         | 13% |
| Property             | 4076         | 19% | 33         | 19% | 36         | 21% |
| Sentence related     | 3365         | 15% | 13         | 7%  | 6          | 4%  |
| Staff/prisoners      | 1533         | 7%  | 11         | 6%  | 14         | 8%  |
| Transfer             | 1785         | 8%  | 14         | 8%  | 15         | 9%  |
| Miscellaneous/other  | 4081         | 19% | 27         | 15% | 41         | 24% |
| <b>Totals</b>        | <b>22029</b> |     | <b>176</b> |     | <b>171</b> |     |

## 17. GLOSSARY

|               |   |
|---------------|---|
| <b>BME</b>    | Black and minority ethnic   |
| <b>CARATS</b> | Counselling Assessment Referral Advice Throughcare                |
| <b>CNOMIS</b> | National Offender Information System                              |
| <b>CNA</b>    | Certified Nominal Accommodation                                   |
| <b>CSU</b>    | Care and Separation Unit  |
| <b>DIC</b>    | Death in Custody  |
| <b>DREAT</b>  | Diversity Race Equality Action Team                               |
| <b>FNIP</b>   | First Night in Prison   |
| <b>FTC</b>    | Foundation Training Company                                       |
| <b>GOOD</b>   | Good Order and Discipline   |
| <b>HMCIP</b>  | Her Majesty's Chief Inspector of Prisons                          |
| <b>HMP</b>    | Her Majesty's Prison  |
| <b>IDTS</b>   | Integrated Drug Treatment System                                  |
| <b>IMB</b>    | Independent Monitoring Board                                      |
| <b>IRC</b>    | Immigration and Removal Centre                                    |
| <b>IPP</b>    | Imprisonment for Public Protection                                |
| <b>NACRO</b>  | National Association for the Care and Rehabilitation of Offenders |
| <b>NHS</b>    | National Health Service   |
| <b>OMU</b>    | Offender Management Unit  |
| <b>OP CAP</b> | Operational Capacity  |
| <b>PE</b>     | Physical Education  |
| <b>CNOMIS</b> | National Offender Management Information System                   |
| <b>PSO</b>    | Prison Service Order  |
| <b>DREAT</b>  | Diversity, Race Equality Action Team                              |
| <b>ROTL</b>   | Release on Temporary Licence                                      |
| <b>SAFE</b>   | Safety and Fear Free Environment                                  |
| <b>VP</b>     | Vulnerable Prisoner   |
| <b>YOI</b>    | Young Offenders Institution                                       |
| <b>YP</b>     | Young Prisoner (aged 18 - 21 years)                               |