



HMP Birmingham

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

to

**The Secretary of State
for Justice**

2012

1st July, 2011 to 30th June, 2012

SECTION 1

STATUTORY ROLE OF THE IMB

The Prison Act 1952 and the Immigration and Asylum Act 1999 require every prison and IRC to be monitored by an independent Board appointed by the Secretary of State 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.

| | |
|--|--|
| SECTION 1 – STATUTORY ROLE OF THE IMB | Page 2 |
| SECTION 2 –CONTENTS | Page 3 |
| SECTION 3 -Description of the Prison | Page 4 |
| SECTION 4 EXECUTIVE SUMMARY Significant changes | |
| | since last report Page 5 |
| 4.1.i. | Privatisation Page 5 |
| 4.1.ii. | HMCIP Report Page 6 |
| 4.1.iii. | J Wing Page 6 |
| 4.1.iv.. | Riots Page 6 |
| SECTION 4.2 – Issues requiring a response: | Page 6 |
| 4.2.1. | from the Minister Page 7 |
| 4.2.2. | from the CEO G4S/ NOMS Page 7 |
| 4.2.3. | from the CEO Birmingham and Solihull Mental Health Trust Page 8 |
| 4.2.4. | from the Director Page 8 |
| 4.3 | Issues raised last year and not resolved Page 9 |
| SECTION 5 | |
| 5.1. Equality and Inclusion | Page 9 |
| 5.2. Education, Learning and Skills | Page 11 |
| 5.3 Healthcare and Mental Health | Page 11 |
| 5.4. Purposeful Activity | Page 13 |
| 5.5. Resettlement/Offender Management | Page 14 |
| 5.6 Safer Custody | Page 14 |
| 5.7 Segregation, Care and Separation | Page 16 |
| 5.8 Residential Services: | |
| | A,D and G Wings Page 17 |
| | J,K,N,P Wings Page 18 |
| 5.8.xiii | Food, Catering and Kitchens Page 18 |
| SECTION 6 | |
| 6.1Time out of Cell | Page 19 |
| 6.1.i.Chaplaincy | Page 19 |
| 6.1.ii Complaints Procedure | Page 19 |
| 6.1.iii Correspondence | Page 19 |
| 6.1.iv Foreign National Prisoners | Page 20 |
| 6.1.v Incentive and Earned Privileges | Page 20 |
| 6.1.vi Reception | Page 21 |
| 6.1.vii Security | Page 21 |
| 6.1.viii Video Link | Page 21 |
| 6.2.vi Visits Centre and Visits | Page 21 |
| SECTION 7 WORK OF THE BOARD | Page 22 |

SECTION 3

3.i. DESCRIPTION OF THE PRISON

HMP Birmingham is a local prison for adult men. It is intended to serve the Crown and Magistrates Courts of Birmingham and Wolverhampton and Magistrates' Courts in the surrounding areas. Its operational capacity is 1450. In the course of a typical year the prison will deal with more than 9000 different prisoners. The population comprises both remand and convicted prisoners, including those serving life sentences and indeterminate public protection (IPP) sentences, and those awaiting sentence.

The prison has both Victorian and modern accommodation, a Health Care Centre, Gymnasium, Education Centre and Workshops.

3.ii. The population as at 30th June 2012 was 1442 (1440 previous period)

The ethnicity at this date was:

White 62%; Asian 17.27%; Black 12.42%; Mixed 5.34% Other 2.98%
(63.3% 14.7% 13.7% 5.4% 2.6% previous period)

The Category Breakdown as at June 30 2012 was:

| | |
|--------------|-----|
| Cat B | 119 |
| Cat C | 572 |
| Cat D | 41 |
| Unclassified | 572 |
| Unsentenced | 103 |
| YOI | 3 |

Lengths of sentence as at June 30 2012

| | |
|--------------------------------------|-----|
| Less than 6 months | 187 |
| 6 months to less than 1 year | 90 |
| 1 yr to less than 2 yrs | 136 |
| 2 yrs to less than 3 yrs | 113 |
| 3 yrs to less than 4 yrs | 89 |
| 4 yrs to less than 10 yrs | 180 |
| 10 yrs or more and less than Life | 76 |
| Lifer | 65 |
| No sentence | 506 |

SECTION 4

EXECUTIVE SUMMARY SIGNIFICANT CHANGES SINCE THE LAST REPORT

4.1.i. Privatisation

The most significant change for HMP Birmingham over the reporting period was the completion of the transfer of the prison from the public sector to the control and management of G4S Care and Justice Services, a private company. A transitional period operated from 1st July to 30th September with the handover being completed on 1st October 2011. HMP Birmingham is the first public sector prison to be “privatised”.

It was to be expected that this change would not be easy. It marked the culmination of a lengthy period of uncertainty and anxiety for both prisoners and staff (referred to in our last Annual Report) and a significant period of “planning blight” which started to be gradually eased. The period from 1st October to the end of December was a bedding-in period during which no forced changes to personnel could be made – during this time a number of staff decided to leave the prison in order to remain within the public sector. However, the interim Director Peter Small and Deputy Director Steve Williams have been confirmed in their posts and this has provided some certainty and continuity.

There is little doubt that the move to the private sector has been a problematic one for some staff. Changes have included the following:

- a change of uniform, which is now worn by all staff, including senior managers and administrative staff
- the wearing of name badges
- the loss of familiar titles such as “Senior Officer”
- the loss of status as Crown servants and the consequent loss of the powers of a Constable
- Prison staff no longer able to authorise discharges, including the granting of HDC (Home detention curfew). This is now done by the Controller’s Office – members of NOMS whose responsibility it is to monitor the contract between G4S and NOMS
- the need to clock in and out
- the right of prisoners to wear their own clothing
- the introduction of Nforce kiosks to give more power to prisoners to control their lives, e.g. by the booking of visits, the selection of menus, checking their finances and the purchase of personal items
- revised staffing profiles, particularly the reduction of numbers of staff on Wings; in itself this is not necessarily a major problem, but it becomes so when staff are removed from Wings to undertake other, more urgent duties. The lack of extra staff means that it can be very difficult to maintain the profile especially in an emergency
- changes to the prisoner journey which have occasioned the reprofiling of Wings, so as to separate vulnerable prisoners and sex offenders, and to create “worker wings” with attendant privileges for prisoners
- the introduction into the prison of User Voice and the forthcoming election of a prison council
- the holding of regular Wing Forums and Foreign National Prisoner (FNP) Forums
- weekly briefings from the Director and his Senior Management Team and monthly “get-togethers” for staff with the Director.
- the giving over of responsibility for catering to a private company, Aramark, and the removal of discipline officers from the kitchens.

- the introduction of body worn videos by Senior staff to be used in incidents– which the Board consider to be good practice

These changes have proved part of a difficult adjustment in culture, and it is undoubtedly the case that some staff have not yet fully accepted them. The effect on staff morale across the prison has been severe, and all IMB members have commented on this several times in their Rota reports. Change in itself has not been the only issue of course, other matters have impacted upon staff morale, e.g. at an operational level, staffing problems have been exacerbated by issues of outstanding leave and TOIL (some of them “inherited” from the previous regime) and staff sickness, both long- and short-term, which has averaged 40 and 24 respectively daily.

It is undoubtedly the case that G4S had to undertake a major task when they took over HMP Birmingham and that they could not really have known what it entailed until they started. Taking over a newly privatised Victorian prison cannot be compared to managing a purpose-built new establishment. The contract, with its attendant penalties, did not become fully operational until April 2012 and therefore it is not yet possible fully to appreciate what impact this will have in the future.

From the Board’s point of view, however, the changeover seemed to be managed well and we have been kept informed of developments throughout. Our role has not of course changed and we continue to monitor as we have done in the past. There has been no noticeable increase in prisoner Applications.

Unfortunately there is a perception amongst staff that since privatisation, co-operation with NOMS particularly regarding transfers is a problem.

4.1.ii HMCIP Report

The prison received an announced inspection from HM Chief Inspector of Prisons in January 2012; its report was published in June 2012. It was made clear that the inspection was not in any way related to the handover of the prison to G4S and did not make judgments on that handover. G4S is in the process of implementing some of the recommendations of that report, most noticeably the reprofiling of Wings and the installation of netting across some exercise yards in order to reduce the “throw-over” of contraband items.

4.1.iii J Wing

After many years of commenting on the waste of resource in our Annual Reports, it is very pleasing to be able to announce that J Wing is now fully operational as an Elderly and Social Care Wing – see 5.8.ix

4.1.iv. Riots

Management and staff are to be commended for their response to the influx of prisoners occasioned by the riots in July 2011. Prisoners were arriving at various times throughout the day and evening, including Sundays, and were received at all times with professionalism. Many staff, including nursing staff, worked long, anti-social hours throughout this period.

4.2.PARTICULAR ISSUES REQUIRING A RESPONSE

4.2.1. FROM THE MINISTER

4.2.1.i.Healthcare replacement beds

Despite the reply from the Minister to our last Report, this issue has still not been resolved. To reiterate: a decision was taken by the then Minister in 2008 that the replacement beds would be purchased, funding having been secured. When raised again last year the response was that there was a specific safety issue regarding the fixed beds. We await further developments on this – see 5.3.xiii

4.2.1.ii IPP prisoners (Prisoners with Indeterminate Sentences for Public Protection)

As at June 30 2012 the prison was still holding 4 IPP prisoners who are being detained beyond their tariff. As a local prison, HMP Birmingham is an unsuitable environment for these prisoners as it cannot offer the education and training programmes which they may require before they can be considered for release. See 5.5.viii

4.2.1.iii Sex Offenders

In common with other prisons, HMP Birmingham is seeing increasing numbers of sex offenders amongst its population. It is apparent that, because of the resolution of historic sex offence cases, the growth of internet pornography, more cases of rape being prosecuted and the increasing length of custodial sentences, this issue needs to be addressed urgently. Suitable numbers of prison places need to be provided at establishments which can offer appropriate rehabilitatory programmes for these offenders. See 5.8.viii.

4.2.2 FROM THE CEO OF G4S / NOMS

4.2.2.i NOMS terminals

The removal of virtually all of the CNOMIS computer terminals has been proving to be a source of real problems for staff, e.g. in Healthcare and Resettlement.

4.2.2.ii Transfer of cash

The inefficient movement of prisoners' cash between public sector and private prisons is of real concern to prisoners who find the delay in their cash appearing on the Nforce kiosk system very stressful.

4.2.2.iii. Kitchen equipment

As recorded in our previous Report, the quality of major items of kitchen equipment such as fryers, chillers etc is of concern to the Board. Inevitably such heavily used equipment is prone to breakdown and the delay in obtaining repairs means that it is often not possible for the kitchens to provide an appropriately varied range of food for prisoners See 5.8.xiii.

4.2.2.iv. Learning and Skills places

As in previous years there are too few spaces for prisoners to avail themselves of learning and skills opportunities. This was also commented on unfavourably by HMCIP.

4.2.2.v. Equality Training for Staff

Negotiations regarding which package to be used for training purposes – either “Challenge it, Change it” or G4S’s preferred package “Acting Inclusively”- need to be brought to a conclusion swiftly. See 5.1.iv.

4.2.2.vi. X-Ray machine in Reception

Again negotiations need to be included regarding the X-Ray machine in Reception – **see 5.3.x and 6.1.vi**

4.2.2.vii. Purchasing Responsibilities

The Board would ask that G4S provide credit card facilities to other Managers in addition to the Head of Finance. There are occasions when purchases cannot go ahead – for the Prison and prisoners - because the one credit card has reached its limit.

4.2.3. FROM THE CEO of Birmingham and Solihull Health Trust

4.2.3.i Pharmacy

The contractual arrangement whereby the prison pharmacy closes between Friday afternoons and Monday mornings can cause considerable problems for the provision of medicines over the weekends – see 5.3.iii

4.2.3.ii Coeliac prisoners

It is important that a decision is made on the provision of prescription food items for coeliac prisoners – see 5.8.iii

4.2.3.iii. Mental Health Services

We would request that the Trust considers the use of a forensic psychologist for the benefit of prisoners with bizarre behavior patterns – see 5.7.iv.

4.2.4.FROM THE DIRECTOR

4.2.4.i Equality training and meetings

There is currently an almost complete absence of equality / diversity training for staff – see 5.1.iv and 5.1.viii.

In addition, meetings of the Equality Action team are infrequent, often cancelled at short notice and poorly attended.

4.2.4.ii Library

Current usage of the Library is very poor and has in some weeks dropped to almost nil. This is an important resource and it is a pity to see it so under-valued and under-used see 5.4.ii

4.2.4.iii Resettlement

The Board is concerned that this area of the prison’s work is not currently functioning as well as it should. Problems include poor communications and frequent deployment of staff on other duties – see 5.5.ii and 5.5.v

4.2.4.iv. Nforce kiosks

Despite some teething problems, these are now working well and prisoners clearly appreciate them. However, we request that consideration is given to the provision of translation facilities on kiosks for prisoners whose first language is not English.

A specific issue is that when prisoners leave the prison to go to court, it is apparent that their menu options are cancelled; if they then return to the prison they are left only with the default option for food. This causes a good deal of avoidable upset.

4.2.4.v. Prisoner complaints

The Board has observed that responses to prisoners' complaints (Comp 1, Comp 1A) are often very poor and do not address in any meaningful way the prisoners' concerns. See 6.1.ii

4.2.4.vi Vermin infestation

The Board has been very concerned at the lack of consistent activity to eradicate the problem of vermin, including rats, mice and cockroaches, most noticeably in the Kitchen and serveries, but also in offices and on the Wings – 5.8.xiii.

4.3. ISSUES RAISED IN LAST YEAR'S REPORT AND NOT YET RESOLVED:

4.3.i..Healthcare replacement Beds – see 4.2.1.i and 5.3.xiii.

4.3.ii. Outgoing Mail – response to the system of staff manually franking mail was that “G4S are in the process of procuring a franking machine, expected to be in place in the near future.” It was not in place as at June 30 2012.

4.3.iii. Category D prisoners – the Minister's response was **“that of January 2012 Birmingham held 37 Cat D prisoners” – an improvement on the 60 we included in our report.** It was recognised by the Minister that as a local prison, Birmingham is an inappropriate environment to hold such prisoners. **As of June 30 2012 Birmingham was still holding 40 Cat D prisoners.**

4.3.iv. Visits Centre – Ministerial response was “Birmingham plans to improve the appearance of the lawned areas of the visitors centre by using prisoners to undertake the work”. Not yet done despite constant comments in Rota reports regarding the exterior of the Visits Centre – see 6.2.i.

4.3.v. Visits Hall – response was “that a business case was to be submitted for the installation of air conditioning”. This has not happened. See 6.2.vii.

SECTION 5

5.1. EQUALITY AND INCLUSION

5.1.i Equality and Inclusion is covered by the Equality Action Team (previously known as the Community Cohesion and Equality Group). The Group is scheduled to meet once a month, but unfortunately there have been many cancellations. Wing Representatives are invited and there is usually a good representation, apart unfortunately from Healthcare prisoner representatives – a problem which we also raised last year.

5.1.ii. Prisoner equality representatives have had some basic equality training which they found very informative and useful.

5.1.iii The various protected groups are led by Senior Managers. Efforts are made to include special occasions which are important to various groups – e.g. Black History month is celebrated in October and an event was organised in June to celebrate Travellers and Gypsy month (the Prison welcomed a donation of £5000 specifically for this group from Pertemps). Ramadan is recognised and celebrated at its conclusion with the Festival of Ede. Other festivals appertaining to religious groups are also celebrated. Idahoe Day was held in May recognising homophobic awareness, and G4S held a community week in May publicising awareness of all the protected characteristics.

5.1.iv Unfortunately since G4S became responsible for Birmingham Prison in October, no agreement has been reached on the equality training package “Challenge it, Challenge It” which is the Prison Service training package. G4S has its own version, “Acting Inclusively”, which they would prefer to use, but negotiations with the Controller over which programme should be used are not yet finalised. Consequently there has been little equality training for staff.

5.1.v. Elderly prisoners are now much better catered for with the opening of the Older Prisoner and Social Care unit on J Wing. – see 5.8.ix.

5.1.vi. Forums are organised with various groups, e.g. Foreign Nationals, Gypsies, Travellers and Romanies.

5.1.vii. Access for disabled prisoners continues to be a problem across the prison, particularly with wheelchair access to the Chapel – again raised in our report last year.- see 6.1.i.

5.1.viii. Gay, bi-sexual and transgender prisoners – it is acknowledged that training specifically for staff dealing with sexual orientation and gender reassignment prisoners is urgently needed.

5.1.ix At the end of the reporting period the numbers of prisoners covered under the seven protected characteristics were:

238 prisoners declared with disabilities, covering a total of 305 disabilities (311); 3 (1) declared bi-sexual; 6 (8) declared gay; 2 (1) declared transgender; 35 (56) prisoners were aged 55 and over, the oldest being oldest 82. Figures in brackets are numbers at the end of the previous reporting year.

5.1.x **Complaints: 131 DIRFs (Discrimination Incident Reporting forms for Race) were received but we have no information on how many were upheld.– there were 166 the previous year. Two DIRFs for Disability were received – again we do not know if they were upheld.**

5.1.xi The External Scrutiny Panel – an independent group of people who met regularly to monitor racial complaints has been disbanded. At the time of reporting we are not aware of if and when a new group who would be expected to scrutinise all complaints regarding protected characteristics will be in place.

5.2. EDUCATION, LEARNING AND SKILLS

The service continues to be delivered much as in the previous years and is well regarded by prisoners. The Offenders' Learning and Skills Service (OLASS) 3 provision is delivered by Manchester College and JHP Ltd. Other providers include: South Birmingham College (delivery of construction courses), Care First (delivery of Independent Living and Work Skills courses), Job Centre Plus, Supporting Others through Voluntary Action (SOVA - through the ESF Co-financing project) and Birmingham Libraries (Library provision). Various voluntary and third sector agencies such as Toe by Toe also contribute to Learning and Skills. Changes will be made under OLASS 4 when Milton Keynes College will take over the main role in this area.

On the whole, prisoners avail themselves fully of the courses offered and speak well of tutors and instructors. Workshop staff and teachers work hard to develop good, productive working relationships with prisoners and in all areas there remain positive environments. Prisoners' comments and attitude in workshops underline their appreciation of the support that they receive from the staff.

However, the prison continues to have insufficient activity places for the number of prisoners accommodated. **As at 30th June there were 850 full time activity places available and 103 part time or sessional activities and at this time 820 prisoners attended work – an attendance rate of 85%. The amount of activities available to prisoners has increased from the 750 identified by HMCIP.**

Engagement by prisoners with the classes on offer remains a problem despite efforts by staff to address this. Attendance is on occasion poor and many prisoners do not complete the courses.

All training workshops worked well throughout the reporting period with the overwhelming number of available hours being utilised.

The Education Department is to be applauded for its contacts with local Universities which has led to trainee teachers being offered placements at the prison and to some of these trainees expressing a wish to extend their experience within the criminal justice system.

5.3 HEALTHCARE AND MENTAL HEALTH

5.3.i The beds in Healthcare are no longer part of the CNA (certified normal accommodation) This has been helpful in that there is normally capacity to accommodate patients who may need short term assessments.

Healthcare provision is available in the prison 24 hours a day, seven days a week. Nurses are on duty throughout the day and night. Prisoners can usually be seen by a doctor within a week, urgent cases virtually immediately. Waiting times for the dentist are 3 weeks; 2 weeks for the optician and 2 weeks for the chiropodist.

Nursing staff shortages have lessened considerably and, although agency nurses are still used, they are usually nurses very familiar with the prison and the regime.

The constant watch rooms are now only used for patients on constant watch with healthcare concerns.

5.3.ii Dental services have improved during the reporting period – two new dentists were employed and there are now dental services daily except at weekends and on Bank Holidays. One problem has been at times the lack of a runner to escort prisoners to the dental surgery.

5.3.iii. Unfortunately the Pharmacy closes at 16.30 on Fridays and does not open until Monday morning. Supplies of regular medicines are available at the hatches but if, for example, a prisoner comes from court with specific medical requirements on Friday afternoon, it is quite likely that his prescription will not be available until Monday morning or even later if it is a Bank Holiday. Weekend closure is a contractual issue.

5.3.iv There have been considerable problems with the late dispensing of medication – usually due to staff shortages – both medical and prison staff, including medical staff not having access to prison keys and having to be escorted around the prison. However, a programme of specific treatment times on various wings has been put in place. We have to report, however, that the Quality Care Commission on their inspection expressed concern at the early (3pm) dispensing of night sedation.

5.3.v. There are daily consultations with medical staff, but the Board has concerns at the number of DNAs (did not attend). There has been a suggestion that this should be dealt with via the IEP (incentive and earned privileges) scheme if a prisoner does not have a good reason for not attending. This has not yet happened. It has to be noted that some prisoners complain that they are not collected to go to Healthcare.

5.3.vi. The Board also has concerns regarding cancellations of outside hospital appointments because of lack of escorting staff due to staff shortages, and also the fact that medication prescribed by external hospitals is taken off the patient at Reception – we are aware of instances when the medication has not then been issued.

5.3.vii. During the reporting period there were 1086 escorts to various medical appointments 143 of which were unscheduled.

5.3.viii. During the same period 187 external hospital appointments were cancelled as follows:

| | |
|---|-----------|
| Prisoner refusals | 74 |
| lack of prison escort | 53 |
| Court appearances / legal visits | 16 |
| Cancelled by external hospital | 16 |
| Reason not specified | 28 |

5.3.ix Healthcare staff have experienced problems with incompatibility with IT systems, particularly with the G4S system. However, they now have sufficient PCs and more importantly are able to check with Birmingham and Solihull Mental Health Trust regarding prisoner's mental health history.

5.3.x The Board has been aware of an increase in the number of prisoners with TB located in Healthcare. There is an X-ray machine located in Reception for TB screening. It has been there for two years and was part of a national pilot between the Department of Health and the Ministry of Justice in all local prisons. Reception Officers were trained to use the machine. We are told the implementation plan for using it has never happened and it was

not signed over to G4S as an asset. A retainer is paid for Coventry and Warwick hospital to read the X-rays. TB is on the increase and the problems of responsibility for this machine should be sorted out so that it can be used productively and cost effectively.

5.3.xi. Healthcare have had to deal with some very difficult patients in the hospital, e.g. some requiring 3 officers to unlock them, and some with mental health problems on a dirty protest. These patients cause tremendous problems to other patients on the wards alongside them, and the regime they can expect.

5.3.xii. There are still delays in transferring patients to appropriate secure units – indeed to meet the targets required some have been transferred to private secure units.

5.3.xiii. Still outstanding is the replacement of the fixed beds in HealthCare. This was raised by the Board in 2007 and 2008 and the then Minister responded that “funding has been secured to replace them. They will be purchased and in place before the end of March 2008”. The response by the Minister to our 2011 report was “the fixed beds on Ward 2 – there is a specific safety issue due to staff being unable to see them through the door hatch. An appropriate bed type for Ward 2 has been identified. However, further discussions are required on the funding and responsibility of these beds” During this time there has been a change of responsibility for Healthcare, a change of Governors, and now a change of responsibility for the Prison, but the inappropriate beds remain in place. The Head of Healthcare informs the Board that six hospital beds have been ordered for Ward 1 (ward for physically ill patients) and two for Ward 2 (ward for mentally ill patients) – to be paid for by the Trust. However, the other beds for Ward 2 must be fixed so that psychiatric patients cannot move them. As they are fixtures there are arguments over whose responsibility it is to replace them.

5.3 xiv. The cell designated for “end of life” care which we referred to last year, funded by the King’s Fund, is not yet in place.

5.3.xv. Healthcare received 46 informal complaints and 23 complaints which were referred to the NHS Complaints Department – 11 of these were a result of powdering subbutex.

5.4.PURPOSEFUL ACTIVITY

5.4.i. Prisoners are allocated to work and education opportunities by the Activities Allocation office. It remains the case that there are insufficient places for all prisoners to avail themselves of such opportunities though it is also true that many prisoners choose not to do so.

5.4.ii. Kitchen: kitchen workers are offered the chance to undertake NVQ qualifications though frequent shortages of kitchen workers and frequent movements of prisoners in and out of the prison mean that few have been able to avail themselves of this. The Board would support any move to improve this situation.

5.4.ii. Library: it is generally accepted that the Library is underused. There have been periods of time during the reporting period when virtually no prisoners have visited the library; the reason most frequently given is a lack of available staff to escort prisoners to the library but we do not accept that this is a reasonable excuse. Though small, it is a very valuable resource, being fairly well equipped and offering both paper and electronic materials.

5.4.iii. Gymnasium / Sports Hall: these facilities are popular and well-used by both prisoners and staff. Equipment is varied and well-maintained and gym staff are enthusiastic and

supportive. There is a planned programme of gym usage with a view to enabling all prisoners to have use of the gym on a regular basis each week. However, the facilities are small for the size of the prison. The installation of two all-weather sports pitches is eagerly awaited.

5.5.RESETTLEMENT/OFFENDER MANAGEMENT

5.5.i.Courses to address the complex issues of re-offending behaviour are not currently being provided. This inevitably affects the judgment of parole assessment particularly for prisoners serving IPP sentences.

5.5.ii. Better communication between Offender Managers and prison staff and prisoners is required. Current poor communication results in a lack of continuity which affects sentence planning.

5.5.iii. Pathways is used at second stage induction and issues highlighted are passed to relevant areas. This seems to be working well.

5.5.iv There is lack of compatibility between CNOMIS and G4S IT equipment.

5.5.v.Offender Management staff are all too often deployed on other tasks. This significantly reduces the time available to spend on their main duties. Sometimes the whole unit has been closed

5.5.vi.The monthly Family Visits Day is very successful. Outside agencies are available to offer advice to the whole family.

5.5.vii. There remains a need to continue the effective work being done in establishing the relationships and partnerships with key stakeholders. However there is considerable scope for increasing the focus upon Resettlement in Birmingham.

5.5. viii. As at June 2012 the prison was holding 4 IPP prisoners, one of whom we have reported on for the past two Annual Reports –he was given an 18 month tariff in August 2007 and is now 5 years over tariff. He has never moved from a local prison. During the period 55 IPP prisoners were transferred – a similar number to the previous period.

5.5.ix, **253 prisoners were released on HDC (Home Detention Curfew) – 544 were released during the previous period.** Since G4S gained responsibility for the Prison in October the management of HDC releases has been taken over by the NOMS Controller rather than Prison Managers.

5.6 SAFER CUSTODY

5.6.i. Safer Custody meetings usually take place monthly. However, they are not always well attended particularly by prison staff. The Listener Co-ordinator and Samaritans' representative are usually in attendance with their reports.

5.6.ii There have been on-going problems with Samaritans representatives having access to keys, making attendance at the Prison difficult at times particularly with the regular debriefing meetings they have with the Listeners – an important part of their role. Three training sessions for new Listeners have been held during the reporting period.

Unfortunately there has not been a Listener in Reception for a number of months.

At the end of the reporting period the number of Listeners was down to 15 (18 at the end of the previous year)

5.6.iii. During the reporting period 684 ACCT books were opened, compared to 637 during the previous period. There is a high percentage of FNPs on ACCT books; in general this is not because they are deemed to be at high risk of self-harm, but because of their reaction to delays by UKBA in dealing with their problems and deportation and sometimes the very nature of being isolated as a Foreign National Prisoner.

5.6.iv. Constant Supervision continues to take up resources but we are pleased to report that after highlighting concerns re the length of shifts worked by constant supervision officers during our last few reports, this has now been addressed and is in line with PSO 2700 – a shift of two to four hours and then a break.

5.6.v. During the reporting period there were 62 instances of constant supervision - (61 during the previous reporting period). One prisoner for instance was the subject of constant supervision for 145 days

5.6.vi. **The number of self-harm incidents was 276 (299 during the previous period).**

5.6.vii. There were five deaths in custody during the period – one apparently self-inflicted and four from natural causes. The Board extends its condolences to the family members of all those involved. **During the previous reporting period there were five deaths in custody, two of which were apparently self-inflicted and three from natural causes. Two Inquests were held during this period, one of which was a self-inflicted death and was attended by Board members. There are currently 12 inquests outstanding, eight of which are from 2010 and seven deaths from natural causes. However, four Inquests are currently scheduled.**

5.6.viii. The Ombudsman has expressed concern on several occasions at the way in which the families involved in several deaths from natural causes were informed of the death – by telephone rather than personally. There are currently three trained Family Liaison Officers whose responsibility it is to support bereaved families.

5.6.ix A new ACCT process started in May, and the Board is satisfied that ACCT procedures are carried out correctly. The Safer Custody Team, which is pro-active, does frequent checks of appropriate paperwork and reviews, and personally visits any prisoner particularly causing concern. Case Managers (Senior Managers) are allocated to prisoners under constant supervision and again reviews are correctly held.

5.6.x. There is a dedicated Care Suite on C wing for use by any prisoner in distress accompanied by two Listeners. It is comfortably furnished with a bed, sofa, chairs and tea making facilities.

5.6.xi. There is also a dedicated First Night Centre (D Wing).

5.6.xii. The new system of tackling anti-social behaviour, replacing the anti-bullying system – TABS - commenced in March. Prisoners who are on an amber light (the process is a traffic light system – green, amber and red) and who staff feel should be considered to be escalated to RED are reviewed at a multidisciplinary review (which includes IMB members) in the CSU – if the review team is in agreement they are placed on GOOD (Good Order and Discipline). The TABS system is monitored by CSU staff. It is very new and staff need encouragement to use it

5.7. SEGREGATION - CARE AND SEPARATION UNIT

5.7.i. The Segregation Unit has been renamed since G4S took over the prison. The 24 hour notification to the IMB of prisoners on GOOD (Good Order or Discipline) has improved during the reporting period.

5.7.ii The regime for prisoners on the Unit has changed, e.g. televisions are strictly forbidden and are no longer used as an incentive to change behaviour. Radios, however, can be used as an incentive to change behaviour but we found limited evidence of this happening. The Board does have some concerns that there is little in the way of any activity to distract prisoners who are segregated for lengthy periods. Efforts are made to give segregated prisoners daily exercise, but this is not always possible. Prisoners have access to the telephone in earshot of staff.

5.7.iii. The CSU during the period has not been over-used. However, the staff have had to deal with some particularly challenging prisoners, some of whom have spent fairly lengthy periods on the Unit and some of whom have attacked CSU staff.

5.7.iv. The Board does have concerns about prisoners with very bizarre behaviour who are considered by Mental Health Staff to have no mental health problems. For example, we can cite a prisoner who was on a dirty process for virtually three months and was deemed to have no mental health problems. Eventually he was seen by a forensic psychiatrist who immediately recommended he be transferred to Healthcare from where he was eventually transferred to a medium Secure Unit. The Board would like to see a psychologist involved in cases of particularly bizarre behaviour. Prisoners on dirty protest take up an enormous amount of resources, not only from staff, but because of the need to undertake frequent cleaning of cells by bio-hazard trained prisoners.

5.7.v. The practice of restraining people and taking them to the CSU after most incidents has decreased – Wing staff to their credit spend more time diffusing situations.

5.7.vi. As last year, there have been no occasions when the Board has disagreed with the decision to continue segregation, but again Board members have expressed concern when people have been held on security issues with no formal evidence provided; this is especially troublesome when staff from Security have not attended the appropriate Reviews.

5.7.vii. Special accommodation was used twice.

19 Potential CAT A prisoners were held in the CSU

No prisoners were held in unfurnished cells/non medical restraints for longer than 24 hours

No prisoners were held in mechanical restraints

5.7.viii. As at June 30 2012 4 prisoners were held in the CSU under GOOD (Good Order or Discipline).

5.7.ix. Adjudications – they totalled 1646 of which 604 were dismissed (170 of these were dismissed by the Independent Adjudicator who held 12 sessions during the period).

5.8. RESIDENTIAL SERVICES

5.8.i. There has been a reprofiling of Wings ongoing throughout the reporting period. For the most part this has gone well and the Board was pleasantly surprised to see no real increase in Applications at these sensitive times.

5.8.ii. The restructuring of staffing on the Wings has caused some issues however, and Board members report low staff morale occasioned by change in itself, and by the reduction of the numbers of officers on Wings. For example, whilst a Wing may start the day with sufficient staff, the removal of officers for other duties, e.g. escorting prisoners, has meant that the number of staff has on occasion fallen to very low levels.

5.8.iii. Further major changes include the installation of Nforce kiosks enabling prisoners to take responsibility for ordering canteen items, selecting menus, applying for work etc, and the introduction of the right of prisoners to wear their own clothes.

5.8.iv. Operational issues reported by Board members most frequently are:

- Lack of kit, including towels
- Delays in correspondence in and out of the prison
- Problems with using Nforce kiosks
- Clearance to work delays
- Food quantity and quality
- Rodent and cockroach infestation

5.8.v. Additional comments and issues specific to Wings are:

5.8.vi. A WING

The main area of concern is the housing of vulnerable prisoners, including bad debtors, on A4 landing, and the need to exercise this landing on G wing impacting on both the A wing and G wing regimes.

5.8.vii. D WING (First Night Centre)

Members have noted with concern that Rule 45 prisoners have been held on D Wing for lengthy periods, sometimes for up to 7 weeks. This causes significant problems in that staff cannot provide these prisoners with the regime to which they are entitled, e.g. daily exercise.

There has also been a frequent problem with the non-availability of sufficient items of cell furniture, mainly tables and chairs, though this is being resolved. Some of the toilets do not have a modesty screen.

5.8.viii. G WING

This wing now houses sex offenders exclusively, rather than having these prisoners mixing with the bad debtors and other vulnerable prisoners, and bullying has reduced considerably. However, there is a problem in transferring sex offenders to more appropriate establishments where they can take advantage of appropriate courses which are not available in Birmingham. Problems with transfer also mean at times that Rule 45 prisoners who cannot be accommodated on G Wing have to spend time on D Wing inappropriately until a space is available. – see D Wing above.

The Wing laundry has been out of use necessitating the washing and drying of clothes in cells.

5.8.ix J WING

The Board is very pleased to report the conversion of J Wing to use as the Older Prisoner and Social Care Wing unit. It is undoubtedly the case that this could serve as a model for other prisons. The dedication of Wing staff towards the success of this initiative is exemplary. Unfortunately, however, some cells still have no access to hot water. Although a pump has been installed, some cells need an individual pumping system

5.8.x. K WING

There has been a problem with heating on this Wing during the winter months.

5.8.xi. N WING

The N Wing washing machine was out of use for around two months, causing problems for prisoners with washing and drying their clothes.

5.8.xii. P WING

A significant issue reported by prisoners and commented on by HMCIP is the bullying of sex offenders by non sex offenders on P Wing. The reprofiling of Wings in order to separate these two groups (sex offenders to G Wing, other vulnerable prisoners to A Wing) has been implemented though, as noted above, this has not been without its problems, particularly for A Wing.

5.8. xiii. FOOD, CATERING AND KITCHENS

Catering is now the responsibility of a private company, Aramark. Despite a very shaky start especially in the provision of adequate portion sizes, the company now provides a good choice of food for prisoners on a limited budget (currently £2.10 per prisoner per day); no extra funding is provided to cater for festivals such as Christmas, Ramadan etc. There is a problem regarding responsibility for providing specialist food for coeliacs - in the community this can be arranged by prescription. However, Healthcare maintain it is the responsibility of the Prison to provide appropriate food.

The Kitchen has undergone a number of changes of management over the reporting period and this has not helped to ensure consistency of provision. A new Catering Manager was recently appointed. There are no discipline officers in the kitchen (though they do supervise the Serveries) but Aramark staff do not report any significant problems with this.

Throughout the reporting period, the Kitchen and Serveries have suffered from a severe infestation of vermin. At times this has been very noticeable. Measures have been periodically implemented to address this but have not been consistently successful.

It remains the case that the design of the kitchen space is poor; it is cramped and there are many parts of the kitchen where workers cannot be observed properly at all times. Pilfering of food from both the kitchen and the serveries is a problem reported frequently by staff and it has led to the dismissal of a large number of workers over an extensive period of time.

Prisoners clearly enjoy working in the kitchen and on the serveries, though understaffing is a recurring problem – this means that kitchen workers often have to work excessively long

hours to cover this. Although NVQ qualifications are offered, few are able to undertake them because of a shortage of workers.

There are a number of further issues of concern to the Board: frequent malfunctioning of kitchen equipment, water leaks and spillages leading to unsafe floors in the Kitchen, and a measure of inconsistency in the delivery of special menus to prisoners.

SECTION 6

6.1 TIME OUT OF CELL

Time out of cell as at 30 June 2012 – 8.33 (7.92 previously)

Purposeful activity as at 30th June 2012 – 21.92 (21.03 previously)

6.1.i. CHAPLAINCY

There is no resolution regarding disabled prisoners accessing the Chapel. They are able to get individual attention on the Wing, but unfortunately are denied the ability for communal worship. A monthly service is held on J Wing where many wheelchair users reside.

The Chaplaincy has set up a music group and has introduced weekly stress reduction classes which are headed up by a Consultant from a local hospital. It is primarily aimed at prisoners with mental health issues, and is well attended.

Prisoners and staff were engaged in fund raising for injured troops at Queen Elizabeth Hospital in Birmingham which included a Concert in the Chapel by a local choir in April. Eventually a presentation was held in the Chapel at which a cheque for £3000 was presented to a serving officer from the Army.

There is a noticeable increase in the involvement generally in the Prison from the Chaplaincy with a more holistic approach.

As at June 30 2012 28 prisoners attended Sunday Service; 10 Roman Catholic Mass; 170 Muslim Prayers; 25 Sikh Prayers and 30 Buddhist Meeting.

29.44% of prisoners declared no religion; 18.08% Church of England (Anglican); 18.06% Muslim; 12.43% Roman Catholic; 2.99% Sikh; 7.15% did not specify a religion.

6.1.ii. COMPLAINTS PROCEDURE

The Board has concerns regarding the quality of responses to complaints including the fact that at times it is impossible to read who has responded to the complaint or what that person's designation is. Frequently the response is virtually an acknowledgement of the complaint with no resolution of the issue. We are not sure who has responsibility for monitoring the responses.

6.1.iii. CORRESPONDENCE

The initial staffing profile under G4S caused significant problems with regard to the opening and distribution of incoming mail, leading to serious delays in mail arriving on the Wings. The Board received many complaints about this sensitive matter. More recently, however, re-profiling has taken place, giving a greater continuity of available staff who have now

eradicated the mail backlog and the system appears to be working relatively smoothly. We can report that all PSI400 regulations are being adhered to by Staff.

6.1.iv. FOREIGN NATIONAL PRISONERS

At the end of the reporting period there were **206 Foreign National Prisoners (FNPs) in the prison representing 40 different countries (there were 184 during the previous period). The number of Vietnamese prisoners reduced from 45 at the end of the previous period to 21. There were 21 Romanian, 18 Jamaican, 17 Indian and 17 Pakistani prisoners.**

As at June 30th there were 21 prisoners held beyond their sentence expiry date – there was only one at the end of the previous reporting period.

There is a high percentage of FNPs on ACCT books – see 5.6.iii.

We raised concerns regarding the “Call for 5” system for FNPs making overseas calls being discontinued by the Prison Service last year. The new system contracted with BT is not as user friendly and is more costly – perhaps G4S would like to consider introducing International calling cards

6.1.v. INCENTIVES AND EARNED PRIVILEGES

As ever, prisoners continue to ask for more of a differential between standard and enhanced privileges. There is also a suggestion that more use should be made of the system – e.g. use it when prisoners don’t appear for work or healthcare appointments – see 5.3.v

The IEP breakdown as at June 30 2012 was:

| | | |
|----------|-----|--|
| Basic | 9 | (12) |
| Standard | 934 | (929) |
| Enhanced | 499 | (469) previous period’s figures in brackets. |

6.1.vi. RECEPTION

Reception has again functioned extremely well. There have been many transfers/movements taking place each day, with some taking place late in the evenings and Sundays, especially during and following the riots in July 2011. No matter how many movements there are or how late they arrive, officers take a steady approach ensuring that each prisoner is correctly processed. Prisoners who are attending court, being transferred or discharged are similarly steadily processed.

Hot meals are now available for all prisoners no matter what time they arrive in the prison

Unfortunately, there has not been a Listener available in Reception for some months.

There are still no cell bells available in the holding rooms where prisoners are waiting transfer to the First Night Centre.

There is an unused X-ray machine in Reception – a decision needs to be made on what should happen to this machine. See 4.2.2.vi and 5.3.x.

6.1.vii. SECURITY

The problem of “throw-overs” (drugs thrown over the wall) has continued during the reporting period. This problem was also highlighted by HMCIP during their latest inspection. **439 parcels were detected, having been thrown over the walls, containing drugs, mobile phones and sim cards. 168 illegal packages were also discovered in the possession of prisoners.** The local Police Force is working more pro-activity in trying to stop this activity.

G4S have invested in netting the appropriate exercise yards, which hopefully will limit the illegal packages being thrown, along with astro-turf to provide much needed exercise facilities.

During the reporting period Prison staff were involved in bedwatches for security purposes for prisoners being treated at various hospitals on 72 occasions.

Another very welcome initiative is the location of 2 full time Police Officers within the Prison, enabling a much speedier investigation of incidents. There is now a complement of four full-time Police Officers working within the Prison, a development much commended by the Board.

The total number of MDTs (mandatory drug tests) during the reporting period was 872,

No of assaults (Sept 11-May 12) – Prisoner on Prisoner – 23; Prisoner on staff – 33 During the previous period (June to July) 96 and 52 respectively – significant reductions.

Use of Force including C & R movements (Control and Restraint) 243 – 174 during the previous period – ethnicity was as follows:

| Asian | Black | Mixed | Other | White(British) | White (Other) | Not stated |
|-------|-------|-------|-------|-----------------|---------------|-----------------------|
| 36 | 45 | 7 | 2 | 140 | 6 | 7 |
| (30 | 34 | 4 | 2 | 89 | 5 | 10 – previous period) |

6.1.viii. VIDEO LINK

Well over 5,000 video links were facilitated during the reporting period; this was a continued increase on previous years' figures and represents a widening of the scope of links to include such activities as Immigration Appeals and adoption proceedings. The Video Link staff are rightly very proud of their achievements but they are equally frustrated that the facility is not as widely used as is possible and that it is sometimes abused by other professionals who show scant regard for the organisation entailed in setting up video links. Board members continue to be impressed by the dedication and enthusiasm of the staff involved in this activity.

6.2. VISITS CENTRE AND VISITS

6.2.i The Visits Centre is situated some 150 metres from the Main Prison gates. It is a valuable resource but its appearance leaves much to be desired, despite the valiant efforts of the workers from HALOW (Help and Advice Line for Offenders' Wives, Family and Friends). Grounds maintenance and litter remain contentious issues which G4S have yet to resolve satisfactorily; occasional mowing of grassed areas is clearly insufficient.

6.2.ii However, some improvements are noted for the reporting period: a Tea Bar is now run by the HALOW team offering cheap and welcome refreshments for prisoners' visitors, many of whom may have travelled significant distances to visit the Prison, and arrangements are in hand for the Centre to be redecorated in the near future.

6.2.iii The involvement of local agencies to support prisoners' families is still limited; the Family Information Service from the Local Authority attends the Centre twice weekly and representatives from Aquarius usually attend. G4S is attempting to arrange for these agencies, the CAB and the Boys' Brigade to attend Family Days.

6.2.iv. Historically, the work of HALOW has been one of booking visits for prisoners, administering the system and clearing visitors for entry into the Prison. Members of the IMB have witnessed HALOW workers performing these functions in a pleasant, very efficient manner and enjoying very good relationships with visitors over long periods of time. The role of HALOW is about to change and a new contract is being negotiated which will confine HALOW to a "meet and greet" role, providing refreshments and play activities for children.

6.2.v. Over the reporting period, the smooth operation of the visits process has been impaired by staffing difficulties. The staffing profile developed by G4S initially did not provide for an OSG to verify visitors' identities; delays occurred whilst Officers were located and that meant that, on occasions, some visitors did not receive their full visit time. This caused much frustration. However, very recently, a re-profiling has meant that an OSG is clearly identified to fulfill this important role. Hopefully, this problem will not re-occur, as a new system of booking visits by prisoners via Nforce kiosks is developed.

6.2.vi Members have attended three Family Days during the reporting period. It is pleasing to note G4S plans to make these monthly events. These were very successful occasions, very well attended by families who obviously appreciated the prison's efforts on their behalf. A variety of activities for children and adults included: face painting, games, informative sessions on Road Safety delivered by an official from Birmingham Council, and a fitness session organised by gym staff from the prison. A representative from CARATS was also present. It was encouraging to see Officers joining in activities. G4S provided splendid buffets and the HALOW team felt very rewarded for their efforts. Everyone involved is to be commended and the IMB notes with pleasure the plans for the future.

6.2.vii. It remains the case that conditions in the Visits Hall could be improved. It is still poorly ventilated and is frequently very hot and stuffy. Vending machines, though better maintained than in the past, still malfunction, causing frustration and not a little irritation among visitors. IMB members are concerned that, on occasion, staffing shortages have meant that the CCTV unit monitoring activity in the Hall has not been manned and any possible drug passes may have been missed.

**SECTION 7
WORK OF THE BOARD**

| | <u>2009/10</u> | <u>2010/2011</u> | <u>2011/12</u> |
|--|----------------|------------------|-----------------|
| Recommended Complement of members | 20 | 20 | 20 |
| Number of members at start of period | 13 | 11 | 8 |
| Numbers of members at end of period | 13 | 9 | 8 |
| Number of members joining during period | 5 | 2 | 1 |
| Number of members leaving during period | 5 | 4 | 1 |
| Total number of visits to prison by members | 586 | 412 | 263 |
| Total number of Applications received | 747 | 636 | 544 |
| Total number of Segregation reviews attended | 170 | 214 | 72 |
| Number of Board meetings held | 12 | 12 | 12 |
| Date of Annual Team Performance Review | | | 03.02.12 |

APPLICATIONS

| <u>Code</u> | <u>Subject</u> | 2010/11 | <u>2011/12</u> |
|-------------|-----------------------------------|---------|----------------|
| A | Accommodation | 6 | 23 |
| B | Adjudications | 8 | 6 |
| C | Equality & Diversity | 6 | 16 |
| D | Education/employment | 19 | 25 |
| E 1 | Family/visits/mail | 35 | 31 |
| E2 | Finance/pay | | 25 |
| F | Food/kitchen related | 21 | 13 |
| G | Health related | 113 | 87 |
| H 1 | Property within Birmingham | 47 | 52 |
| H 2 | Property (during transfer) | | 27 |
| H3 | Canteen.facilities,Catalogues | | 13 |
| I | Sentenced related | 56 | 63 |
| J | Staff/prisoner related | 42 | 28 |
| K | Transfers | 68 | 20 |
| L | Miscellaneous | 210 | 115 |
| | Total number of IMB applications | 638 | 544 |
| | Number of IMB Confidential access | | 33 |

There was one serious incident in this period when a set of keys went missing from the key safe resulting in all keys including keys to cells being changed.

Barbara Bradbury

Chair
November 2012