



**INDEPENDENT MONITORING BOARD**

**HMP WHITEMOOR**

**ANNUAL REPORT**

**2014**

**(1 June 2013 – 31 May 2014)**

*Monitoring Fairness and Respect  
For People in Custody*

## 1 Foreword

### 1.1 The Statutory Role of the IMB

1.1.1 The Prisons Act 1952 requires every prison to be monitored by an independent Board appointed by the Justice Secretary from members of the community in which the prison is situated.

1.1.2 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 the authority as the Board 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 this has had on those in its custody.

(4) 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.

ACCT	Assessment, Care in Custody and Teamwork
BME	Black, Minority and Ethnic
CM	Custodial Manager
CSC	Close Supervision Centre
DSPD	Dangerous and severe personality disorder
HSE	High Security Estate
IMB	Independent Monitoring Board
OASys	Offender Assessment System
OFSTED	Office for Standards in Education, Children's Services and Skills.
OMU	Offender Management Unit
PPE	Personal Protective Equipment
PSO	Prison Service Order

## 2 Contents

<b>1 Foreword</b> .....	<b>2</b>
1.1 The Statutory Role of the IMB .....	2
<b>2 Contents</b> .....	<b>3</b>
<b>3 Description of HMP Whitemoor</b> .....	<b>4</b>
3.1 The Prison .....	4
<b>4 Executive Summary</b> .....	<b>4</b>
4.1 Summary .....	4
4.2 Issues on which a reponse from the Minister is requested .....	5
4.3 Issues for the Minister's attention .....	5
4.4 Last year's concerns .....	5
<b>5 Mandatory areas</b> .....	<b>6</b>
5.1 Equality and inclusion .....	6
5.2 Education, Learning and Skills .....	6
5.3 Healthcare and Mental Health .....	7
5.4 Purposeful activity (includes work) .....	8
5.5 Resettlement .....	8
5.6 Safer Custody .....	9
5.7 Care and Separation, and Close Supervision .....	9
<b>6 Other areas of the Prison</b> .....	<b>12</b>
6.1 General impressions .....	12
<b>7 The Work of the IMB at Whitemoor</b> .....	<b>12</b>
7.1 The Board .....	12
7.2 Applications to the IMB .....	13
7.3 Board numbers and visits by members .....	13

### **3 Description of HMP Whitemoor**

#### **3.1 The Prison**

- 3.1.1 Her Majesty's Prison (HMP) Whitemoor lies on the outskirts of the Cambridgeshire town of March. Opened in 1992 as a maximum security prison for men in Categories A and B, it is one of eight prisons in England that form the High Security Estate (HSE). On 31 May 2014 the prison held 453 prisoners, against an operational capacity of 458. Just over one-third were Category A (149) or High Risk Category A (12). Over the year an average 63% of the prisoners were Black or Minority Ethnic (BME); 23% were Foreign Nationals; 42% were Muslim.
- 3.1.2 All Whitemoor prisoners are accommodated in single cells with integral sanitation but separate showers. There are three main wings. In addition, the Fens Unit (D Wing), accommodates up to 70 prisoners diagnosed with a Dangerous and Severe Personality Disorder (DSPD). Whitemoor also holds up to ten prisoners in one of the three Closed Supervision Centres (CSC), managed under a nationally coordinated strategy to provide a secure, location for prisoners who consistently and violently disrupt normal wing life.
- 3.1.3 The prison had a staff of 621 on 31 May 2014. 36.4% were women; 3.7% were BME; 4.1% were disabled; 32.5% of the Senior Management Team were women.

### **4 Executive Summary**

#### **4.1 Summary**

- 4.1.1 The Board's impression remains that Whitemoor is staffed with dedicated, professionally sound and good-humoured personnel. The new Governing Governor has worked hard to engage with staff and prisoners, as well as to address concerns we have raised. (6.1)
- 4.1.2 But, outside Whitemoor, we see no real sign that the Minister or Prison Service will make the changes necessary to end long terms of what in practice approximates to solitary confinement for mentally ill or particularly difficult prisoners. The Board have raised concerns on this issue in our last two Annual Reports. We also sponsored a motion at the IMB Annual Conference in March 2014 that was supported by 103 IMBs, with 4 abstentions, but was rejected by the former Minister. (5.7)
- 4.1.3 Problems in the Offender Management Unit and limits to courses for addressing offending have denied prisoners the full support they need to progress. Those who deny their crime remain stuck. (5.5)
- 4.1.4 Because of the near solitary confinement of the mentally ill and shortcomings with Offender Management, and taking the formal tasks with

which the Board is charged under the Prisons Act of 1952 (1.1.2), we are not wholly satisfied “as to the humane and just treatment of those held in custody within [the] prison and the range and adequacy of the programmes preparing them for release.” (5.7.5 and 5.5.3)

- 4.1.5 More is still needed to improve understanding between Muslim prisoners and staff – and vice versa. (5.1)
- 4.1.6 Healthcare meets standards in the outside community. We commend the outstanding work of the Mental Health In-reach Team. (5.3)
- 4.1.7 The prison’s Education provider was unable to recruit and retain staff, which has resulted in nearly 15% of the budget being lost to other prisons. (5.2)
- 4.1.8 The suspension of much staff training meant that at the end of the reporting period there were insufficient assessors to monitor the quality of Assessment, Care in Custody and Teamwork (ACCT) documents for prisoners under stress. (5.6)

#### **4.2 Issues on which a response from the Minister is requested**

- 4.2.1 Does the Minister accept the Prison Service’s own guidance that solitary confinement is seldom appropriate for people who are mentally ill? (5.7.3)
- 4.2.2 Does the Minister regret that the changes in respect of holding the mentally ill in Segregation that his predecessor foresaw in his responses to our reports of 2012 and 2013 had still not happened by the time of our third consecutive report focusing on that issue? (4.4.1)

#### **4.3 Issues for the Minister’s attention**

- 4.3.1 The central Category A Review Team (CART) still appear to be unwilling to re-categorise Cat A prisoners who deny their offence. (5.5.5)
- 4.3.2 The Board feel that Ministers could do more to acknowledge and support the work Prison Service staff do, especially with rehabilitation. (6.1.2)

#### **4.4 Last year’s concerns**

- 4.4.1 In last year’s report we posed the question: “*Will the Minister please direct officials to ensure that facilities are made available and that routes for movement are open so that the (Segregation) Unit is not used for the long-term holding of prisoners who do not deserve to be held in isolated and deprived conditions, and whose welfare might be seriously harmed by such confinement?*” In his response, the Minister said that Segregation Units “*can be the most appropriate location for those at risk of harming others, whilst appropriate interventions and support are offered for progression to a long term location*”. Events in the year under report have shown that the time taken to move someone to that “long term” location has been dangerously protracted for at least one prisoner who attempted suicide. And we note that in his January 2014 report HM Chief Inspector of Prisons

said: *“The segregation regime for a number of long stay residents remained particularly poor and we saw little focus on preventing the inevitable psychological deterioration that results from this.”*

- 4.4.2 On the positive side, we are delighted that the hope we expressed last year that the new Governing Governor would engage with staff and prisoners before critical decisions involving them had been taken has been met.

## **5 Mandatory areas**

### **5.1 Equality and inclusion**

- 5.1.1 As noted (3.1.1), Whitemoor has a very diverse population. During the year under review there were 61 reports filed claiming discrimination on equality grounds, compared to 51 in the previous year.
- 5.1.2 We have said in our last two Annual Reports that we would like more done to promote a better understanding between Muslim and non-Muslim prisoners, and between Muslims and staff. HM Chief Inspector of Prisons reiterated his recommendation that senior management should do more to understand Muslim prisoners’ concerns about their treatment. A Faith Forum has now been established and should make a contribution to addressing the bigger problem.
- 5.1.3 We do not underestimate the size of the task and realise that faith is only one aspect of why Muslim prisoners see themselves as a distinct group. There is much in the point that a core of them form Whitemoor’s largest gang, of which membership offers protection. We note that at the end of the year under report there were renewed signs of pressure being put on non-Muslims to convert.
- 5.1.4 The Governor has sought to revitalise staff-prisoner equality action team meetings but our impression is that the chaplaincy overtly take a rather passive role. Indeed, the inspectors had noted that the chaplaincy had not been present at three successive meetings.
- 5.1.5 We regret that the private provider of translation services has failed to deliver a satisfactory service even for relatively common languages such as Polish. Foreign national prisoners and their families have faced delays of months in receiving mail – not least at Christmas.

### **5.2 Education, Learning and Skills**

- 5.2.1 It has been a disappointing year for Education, with no discernible benefits from being clustered with other prisons. Provider A4E struggled to recruit and retain staff, so has failed to deliver all courses. As a result, nearly 15% of Whitemoor’s £700,000 budget has been reallocated to other prisons, meaning that staff who have been lost cannot be replaced.
- 5.2.2 Prisoner retention on courses has been good but achievements and

success have been very patchy. Access to Open University courses is reducing as new rules on provision bite, but some distance learning remains. Contrary to the Government's policy of focusing heavily on prisoners approaching release, the Board see educating prisoners – whatever their length of sentence – as a way of changing attitudes during and after imprisonment.

- 5.2.3 The gym management courses provided to prisoners by prison staff has not been accepted under the benchmarking provisions. As there are no plans for the task to be transferred to A4E, the courses will probably be lost.
- 5.2.4 For several months access to information technology equipment was barred to prisoners because of problems external to Whitemoor, and not all courses have yet been restarted. After years of development, and one year's availability, very little use has yet been made of the Virtual Campus.
- 5.2.5 During the year, an OFSTED inspection took place as part of an HMCIP inspection. The inspectors acknowledged that the prison was strongly committed to improving learning and skills but judged that all three counts of Management, Quality of Provision and Achievements needed improvement.

### **5.3 Healthcare and Mental Health**

- 5.3.1 For the period under review Healthcare has had to operate with reduced permanent staff. The situation is exacerbated by the prospect of a new provider – the tender will be awarded in October and take effect in April 2015. Despite this uncertainty, our impression is that the Department operates effectively. Whilst inspectors noted low satisfaction scores with the resident doctor, we suspect that this is due in part at least to his robust refusal to adhere to self-prescribed, perceived needs of some patients.
- 5.3.2 We are pleased that staff have now been trained to use the cell for end-of-life use. We regret however that the Telemedicine suite remains unused, in part because funding for the required external line has yet to be agreed. As last year, we challenge the prison's poor planning procedures in failing to foresee all aspects of the project.
- 5.3.3 Our feeling that the Mental Health In-reach (MHIR) Team are outstanding was echoed by HM Chief Inspector of Prisons. Whether at ACCT or Segregation Reviews, Managing Challenging Behaviour Strategy meetings or just in terms of being where they are needed, the MHIR team are a very visible and appropriately vocal presence around the prison.
- 5.3.4 We were disappointed to hear from nurses and their line manager that nurses feel taken for granted. We hope that their status and their independence is clearer under new arrangements.

#### **5.4 Purposeful activity (includes work)**

5.4.1 We agree with HM Chief Inspector of Prisons that prisoners have a reasonable amount of out-of-cell time, as well as access to the gym. Library times are not generous, and there is no effort to provide the civilising benefits of access to music or drama. Work opportunities are reasonable in number but the quality of most of the work is low. Staff resources limit scope for work times to approximate even vaguely to those in the outside world.

#### **5.5 Resettlement**

- 5.5.1 The period under review started well for the Offender Management Unit (OMU), continuing the progress we noted last year, but illness and disharmony within the team led to a disappointing year, illustrated by a shortfall in Offender Assessment System (OASys) reports being completed. To internal problems was added the failure of more than half of external Offender Managers to participate in the annual reviews of non-Life Sentence prisoners. On the positive side, the need for prisoners to participate in their sentence planning in order to retain or improve their IEP status has been beneficial. We note too that management changes have been made, as well as a return to drop-in centres on the Wings. Further structural adjustments are now planned, with a number of Wing Supervising Officers being given Offender Supervisor roles.
- 5.5.2 We noted last year the encouraging increase in the number of prisoners being transferred to lower category prisons – 129 were recommended for progressive moves in 2012-13 and 123 happened. Alas, over the year under report the figure has fallen to 64 transfers being recommended and 41 implemented, the drop being due largely to the shortage of Cat B places. Prisoners confined in high security conditions need to see an exit route to endorse their good behaviour.
- 5.5.3 Furthermore, the ability of prisoners to address their offences and reduce the risk of reoffending remains constrained by waiting lists for training places. Also, whilst the recently introduced course Resolve is favoured by Psychology and by Offender Supervisors it is not offered at Whitemoor. This means that prisoners cannot achieve their RC1 certificates to let them make progressive moves. Prisons that do offer the Resolve course have few vacancies.
- 5.5.4 Because of these shortcomings we feel unable to satisfy one of the basic checks we are required to make in our formal role under the Prisons Act of 1952, concerning *“the range and adequacy of the programmes preparing [prisoners] for release.”* (1.1.2)
- 5.5.5 The categorisation of 145 Cat A prisoners was reviewed, with 6 downgrades to Cat B recommended, of which four were approved by the

central Cat A Review Team. We note with regret that prisoners in denial of their offence still appear to have no ability to progress.

- 5.5.6 Once again the Board are concerned by the prospect of Cat A prisoners being released back into society directly from Whitemoor. At least two will be released over the next few months. By definition, these prisoners are deemed to be extremely violent and a risk to the public. To compound that by offering them no training to equip them for life outside a high security environment seems to be letting down both the public and the prisoners.

## **5.6 Safer Custody**

- 5.6.1 The cause of one of the deaths in custody during the year under report has yet to be formally established. The inquest on a death in September 2012 confirmed that to have been a suicide and raised useful lessons about sharing information on vulnerable prisoners. We believe that appropriate changes to procedures are being made,
- 5.6.2 The Safer Prisons team continue to be driven by their skills and exceptional dedication in providing a comprehensive programme of support. We agree with the prison's plan to decouple line management of the team from the post of Custodial Manager for the Segregation Unit.
- 5.6.3 During the twelve months under review 125 Assessment, Care in Custody and Teamwork (ACCT) documents were opened for prisoners judged to be at risk of serious self-harm. As in the past, there was a disproportionate number for prisoners on the Fens Unit – 17% of Whitemoor's population accounted for 58% of ACCTs. Once again, Fens Unit prisoners were likely to stay longer on ACCTs and to return more often to them. Given the highly-skilled support available to prisoners with serious personality disorders on the Fens Unit we still question whether the ACCT system and the limited resources of the Safer Custody Team are best used this way.
- 5.6.4 For another year it proved impossible to release staff for essential safer custody training. One of the consequences was that at the end of the reporting year there were insufficient people to be ACCT Assessors, thus undermining quality controls.
- 5.6.5 Violence levels in Whitemoor remain low, with 45 incidents. The Board applaud that the prison continues to seek prosecution for serious assaults but we note that the time the police take to reach a decision on whether to recommend action is often lengthy, meaning that prisoners involved – including the victims – spend a long time in Segregation.

## **5.7 Care and Separation, and Close Supervision**

- 5.7.1 We regret that 15% of Assessment, Care in Custody and Teamwork (ACCT) documents were opened for prisoners in Segregation. Although most were multiple openings for a small number of very long stay prisoners,

they underline our concern that Segregation has been over-used for mentally ill or otherwise highly stressed individuals.

- 5.7.2 We also note that two Segregation prisoners spent exceptionally long periods on constant watch. One was in a gated cell for 24 days between November and February; the other (who was in Segregation for the whole of the year under report, as well as before and after – and who attempted suicide) was on constant watch for 43 days between August and December, plus a continuous stay of 93 days from 28 March until he was moved out of the prison on 27 June, albeit that the last month was in the Healthcare gated cell.
- 5.7.3 The Prison Service’s own guide on Segregation (PSO1700) says that *“Research into the mental health of prisoners held in solitary confinement indicates that for most prisoners there is a negative effect on their mental well being and that in some cases the effects can be serious. A study by Grassian & Friedman (1986) stated that, ‘Whilst a term in solitary confinement would be difficult for a well adjusted person, it can be almost unbearable for the poorly adjusted personality types often found in a prison.’ The study reported that the prisoners became hypersensitive to noises and smells and that many suffered from several types of perceptual distortions (eg. hearing voices, hallucinations and paranoia).”* PSO1700 therefore states that *“A prisoner on an open ACCT plan must only be kept in segregation under exceptional circumstances where by they are such a risk to others that no other suitable location is appropriate and where all other options have been tried or are considered inappropriate.”*
- 5.7.4 In the last quarter of our reporting year the Unit held three prisoners awaiting either assessment by a secure hospital or a bed in one. One of them had been in Segregation since March 2013; at the same time a Close Supervision Centre (CSC) prisoner parked for seven months in Whitemoor was behaving erratically, at times including violence, as well as threats of suicide. We choose the words carefully when saying that the Seg at times resembled Bedlam.
- 5.7.5 The Board find it intolerable that the Prison Service continues to fail to provide suitable accommodation for prisoners who are under severe stress or are mentally ill. We record that we are unable to satisfy one of the basic tasks with which we are charged under the Prisons Act of 1952, namely to assure the Secretary of State *“as to the humane and just treatment of those held in custody within [the] prison.”* (1.1.2)
- 5.7.6 Having raised the matter with previous Ministers in a specific letter in June 2012 and in two successive Annual Reports, and having seen no sign of regret or a credible intention to deliver change, we conclude that we need to find other avenues through which to voice our concerns at treatment that

we judge to be inhumane for the victims, detrimental to good order generally, and stressful for staff who have to witness and deal with the consequences of the warehousing of the mentally vulnerable.

- 5.7.7 At the IMB National Conference in March, we proposed the motion “*The IMB at HMP Whitemoor regrets that Care and Separation Units are being used routinely for the long term holding in highly restrictive regimes of vulnerable prisoners, including the mentally ill, and this conference requests the Minister to direct officials to ensure that more appropriate facilities are made available, and to establish firmer guidelines to limit the use of solitary confinement.*” The motion was passed by 103 votes, with no objections and 4 abstentions.
- 5.7.8 In his response, the former Minister for Prisons rejected the motion unreservedly, particularly arguing against our use of the term “solitary confinement”. He wrote out what should happen, not what does. Unlike the former Minister or senior civil servants, we routinely observe prisoners held in segregation, including the one held for the entire period under review and more – and who attempted suicide. We adhere to the use of the term solitary confinement, by which we mean being held alone in a cell for 23 hours a day – often without a TV or working radio, and with no meaningful occupation – interspersed with only very occasional contacts with prison officers, usually through a closed door.
- 5.7.9 Whilst addressing this problem fully requires the imaginative creation of expanded or wholly new facilities elsewhere, the current Governing Governor, plus his new line managers for the Unit have however worked hard to reduce the total number of prisoners in the Seg, and especially to reduce the periods they are held there. The figures are however distorted by several very long-stay prisoners, so that in the quarter January-March the average stay in Segregation was 76.2 days, rising to 80.3 in April-June.
- 5.7.10 We would ask the IMB National Council, from their collating of IMB Annual Reports, to comment on our suspicion that there are so many prisoners within the system nationally who are awaiting relocation to places where their special needs can be addressed that there would be justification in having dedicated holding centres.
- 5.7.11 In weekly reports during October and November 2013 members of the Board noted their concerns about shortcomings within the Segregation Unit. In his report on the January 2014 inspection of Whitemoor HM Chief Inspector of Prisons remarked on disappointing relationships within the Unit, as well as concerns that in a small number of cases there had been excessive uses of force. We therefore welcomed a review instigated by the present Governor, as well as management changes. Indeed, we appreciate that the new team have worked hard to reduce the total number of

prisoners in the Seg, and especially to reduce the periods they are held there, as well as to ensure that outward moves are progressive. They have also introduced clear individual management plans for Seg residents and have improved the regime.

## **6 Other areas of the Prison**

### **6.1 General impressions**

- 6.1.1 The Board's overall impression of Whitemoor remains that it is a prison staffed with dedicated and good-humoured personnel, many of whom have commendably high-levels of skills in dealing with often difficult and sometimes dangerous prisoners. In our last Annual Report we hoped that the new Governing Governor would engage with staff – and with us. We are delighted therefore that he is promoting wide-ranging discussion with staff and prisoners, and we feel very much that our comments are taken seriously within the prison. Bruised by how change was managed in the past, some staff are cynical about whether their views matter, but we hope they will be won over by events.
- 6.1.2 It would be helpful if Ministers could go beyond supportive generalisations and show in more tangible ways that they appreciate what the Prison Service are doing. Whitemoor staff not only try to ensure that prisoners are held in secure and decent conditions but they also help settle, resettle and rehabilitate them, as well as providing care and support to the many in potentially life-threatening crises. Under his entry on the Government website, the Prisons Minister at the time covered by our report listed a number of policies and announcements but not one related to actions to help improve the resettlement or rehabilitation of prisoners.

## **7 The Work of the IMB at Whitemoor**

### **7.1 The Board**

- 7.1.1 Due to one retirement, health problems for some members, and the competing bids on their time for those with jobs or families, the Board has struggled for much of the year to keep up the number of active members. We began the year with eleven members and ended with nine. One new member joined during the year but was unable to make time available for her development and has taken a sabbatical; another candidate failed to navigate the process of security clearance.
- 7.1.2 Thanks to extra work by everyone we have maintained a full programme of monitoring and met all our statutory duties. A recruitment exercise under the newly centralised arrangement produced only two successful candidates. Whilst we are told that nationally the new approach has generated more applicants, many of whom are younger and more ethnically diverse, the four we attracted fitted neither of those categories.

7.1.3 The Business Hub provide a full and good service in supporting the IMB. Its distant location restricts the more frequent contact that would help further promote an understanding of each other's needs.

7.1.4 As is our usual practice, many members have contributed to this Report, which was collated and edited by the Vice Chairman.

## **7.2 Applications to the IMB**

7.2.1 There were 147 applications (165 in 2012-13). The breakdown by area of concern was: property 33 (22%), staff/prisoner relations 23 (16%), transfers 17 (12%), sentence matters 16 (11%), family/ visits 13 (9%), health 12 (8%), education/ employment 6 (4%), food 5 (3%), accommodation 3 (2%), adjudications 3 (2%), diversity 3 (2%), miscellaneous 13 (9%).

## **7.3 Board numbers and visits by members**

7.3.1 The Board met 12 times. Members undertook 398 visits to the prison, 199 of which were on rota, and 8 of which were to attend Incidents or use of the Special Cell; they attended 163 meetings and 27 Segregation Reviews.