



ISSUES OF CONCERN ?

Major Issues Raised in Annual Reports to the Secretary of State

By

Independent Monitoring Boards in Prisons in England & Wales

**An Occasional Report by the National Council of the
Independent Monitoring Boards
June 2012**

THE STATUTORY ROLE OF THE IMB:

The Prisons Act 1952 and the Immigration and Asylum Act 1999 require every prison 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.

THE CONSTITUTION OF THE IMB NATIONAL COUNCIL:

The National Council's primary purpose is to provide leadership, guidance, training and quality control to Boards and to help them fulfil their statutory duties.

(The National Council shall

- give leadership to Boards;
- influence central policy making
- promote the interests of the IMB organisation and ensure as far as possible that its work and concerns are properly and widely understood;
- develop policies . . . as deemed necessary by the National Council;
- raise with the Secretary of State issues of concern at a national level.)

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All quotations included in this report were selected randomly from Independent Monitoring Boards' (IMB or Board) Annual Reports to illustrate some of the issues raised. The criteria were that the issue had been raised in the report from which the quotation was taken and each quotation in any section derives from a different report.

It should be noted that Boards were generally very supportive of the prison they monitor. This is not reflected in this report which is concerned only with issues of concern that were raised.

1. EXECUTIVE SUMMARY

- 1.1 The report comprises a summary of concerns raised by IMBs from each Annual Report submitted in 2011. (2.5, 3.1, 3.6)
- 1.2 Care was taken in the analysis to avoid over-reporting. As a result figures given are minimal and may under-estimate levels of concern. (3.5, 4.6)
- 1.3 The most frequently raised concern was resources: budget reductions, consequent reduction of provision for prisoners and fears for the future. (5.4, 5.4.1)
- 1.4 The strong implication was the 'salami-slicing' of a wide range of essential provision and the loss of some non-mandatory provision. Both gave value-added quality. Quantity of provision has also been adversely affected. (5.4.1)
- 1.5 The most frequently raised of directly monitored issues were those concerned with aspects of reducing re-offending, resettlement and rehabilitation.(5.4, 5.4.2)
- 1.6 The issue of healthcare, and particularly mental health, were repeatedly raised and of long-term concern: prisoners whose mental health needs are not catered for is a particularly serious and continuing concern. (5.4, 5.4.4)
- 1.7 Deficits in accommodation were also serious, particularly as many have been reported by Boards as concerns over many years. They affect levels of decency and respect prisoners have a right to expect. (5.4, 5.4.3)
- 1.8 More than a third of Boards also reported concerns about Security (particularly illicit phones), Learning and Skills, Transfers and Equality. (5.4, 5.4.5)
- 1.9 The most major concerns raised bring into question the seriousness with which the Respect and Decency agendas are regarded. (7.6)

2. BACKGROUND

- 2.1 It has long been clear that the Annual Reports submitted to the Secretary of State by each Independent Monitoring Board contain a wealth of information, and evidence-based monitoring judgements. While a few of these are individual and apply to a particular reporting IMB, most are common to many establishments and relate to prisons in general. They identify and reflect national concerns.
- 2.2 It has not always been easy to ensure these concerns are recognised for what they are. It is easy to dismiss the contents of a single report as anecdotal, particularly as responses to Annual Reports are made individually to the submitting IMB. The wider picture is not always recognised or regarded.
- 2.3 As a result, in 2008 The IMB National Council (NC) decided to address this lack of focus by analysing particular issues of importance selected by NC from those identified by IMBs so creating a national voice. The resulting reports were submitted to the Secretary of State as a reflection of the national picture. Because they represented a national picture, they were better able to ensure that significant issues were neither disregarded nor seen as anecdotal.
- 2.4 This led to the issue of a series of occasional reports, each on a single aspect of prison life and its effects on the decency and respect with which prisoners are treated. They have been well received.¹
- 2.5 The current report is written for a slightly different purpose. Previous reports traced a theme selected by members of NC and using evidence provided by the Annual Reports. This time it is the Annual Reports that provide the theme. This report identifies and analyses the priority and extent of concerns raised by reporting IMBs over the period of a year. In this way it hopes to provide the Secretary of State with responsibility for prisons with a national picture of evidenced priorities of wide concern to IMBs, prisons and prisoners. It will also constitute a basis from which IMBs' monitoring and National Council's focus could be prioritised.

¹ *A Prison Within A Prison* – Summary of the conditions reported in Segregation Units in prisons in England & Wales – 2009
Preliminary Analysis of Applications to Boards – 2010
Slopping Out? – Report on lack of in-cell sanitation in HM prisons in England & Wales – 2010
The Open Estate - 2011

3. INTRODUCTION

- 3.1 This report comprises a summary and analysis of concerns of sufficient seriousness or urgency for them to be included in the Executive Summary or Questions to Ministers and others (NOMS, Prison Service, Deputy Directors of Custody, Prison Managers) by the IMB in each prison in their Annual Report. In other words, they provide a summary of the priorities of concern from all IMBs in prisons in England and Wales.
- 3.2 Issues raised only in the main body of reports are not included in this report.
- 3.3 Further detail on concerns raised can be found in the main body of reports.
- 3.4 The reason this analysis has been undertaken is that it is in this way that Boards' priorities can be drawn together to create a national picture and national concerns identified.
- 3.5 In this analysis, an issue raised by a prison has been counted only once per prison, i.e. the count is of the number of prisons raising each concern, and measures only its spread across the nation's prisons. It does not attempt to identify the range or depth of each concern.
- 3.6 As the submission of IMB Annual Reports is evenly spread through the year, all those submitted by prisons with a finish date for a reporting period during 2011 have been included. Thus the picture given is of concerns that were significant to Boards during 2011 and includes some from 2010. The analysis examined the possibility of major shifts in concern over the period. With the exception of possible increased levels of concern about resources, there is little or no indication of any such shift. There is no reason to suppose the spread of submission dates significantly influenced the concerns raised.
- 3.7 It is notable that Boards are in general very affirming of the prison on which they report and of its staff and, with a small number of exceptions, its management. Boards have great sympathy for the pressures under which prisons operate. This does not necessarily lead Boards to be uncritical, but it may reflect a tendency to under-report or excuse lesser concerns.
- 3.8 The many statements of support and praise are not included in this report as its purpose is to identify concerns.
- 3.9 There is no implication that issues identified by only a small number of prisons are less important or less serious, but rather that they reflect situations and practices that are less widespread.
- 3.10 Terminology Throughout this report abbreviations are used. They are explained when used for the first time but not thereafter. Please also note that prisons are identified only by estate as:

HSE	High Security Estate Prison
Cat B	Category B Prison, including Local Prisons
Cat C	Category C Prison
Cat D	Category D Prison (open prison in the adult male estate)
YOI	Prison for Young Offenders
Juvenile	Prison for Juvenile Offenders
Women's	Women's Prison (some of which house young women)

4. RATIONALE AND METHODOLOGY

- 4.1 The analysis has been made in terms of the number of prisons raising a concern and measures only the breadth of concern across all establishments. It does not measure the depth or seriousness of the concern. That remains a matter of judgement in the light of further detail presented in the reports as measured against understandings of humanity, respect and decency. Neither is it the case that the same matter raised by different Boards is of the identical significance in each prison. However, it does mean that the matter was considered by the Board to be of sufficient significance to take it further by raising it in their Annual Report.
- 4.2 The reports used comprised all those submitted by prisons with the finish date for the reporting period during 2011. Where there was overlap, for example following prison mergers, only one report was used.
- 4.3 Only reports from IMBs monitoring prisons in England and Wales were included.
- 4.4 All prison IMBs that submitted a report that fitted the criteria were included. The maximum possible number was 132. The actual number available was 116, i.e. a sample of 88%. All prison estates were well represented.
- 4.5 Only the concerns raised in the *'Executive Summaries'* and *'Questions to the Minister'* (and others) were analysed. They were grouped by subject.
- 4.6 To avoid double counting, where a Board raised a concern more than once as separate points on the same subject, it was recorded in the analysis only once.
- 4.7 To improve objectivity and comparability, subject groupings were compared with those used in Her Majesty's Inspectorate of Prisons (HMIP) *Expectations* (see Annex 8.2).
- 4.8 Many concerns were complex and inter-related. Where this was explicit, both subject headings were noted. If the relationship remained implicit, it was not included.
- 4.9 **For these reasons, there is a tendency for the analysis to under-report concerns but not to over-report them.**
- 4.10 Boards varied widely in the degree of breakdown and nuanced detail given to reporting of their concerns. Even where great detail was recorded, in the analysis the concern was included only once per report.
- 4.11 Because of the open-ended quality of the analysis, some concerns were difficult to group. Some comment regarding areas of overlap is given in Section 5. Boards' understanding of the complexity of relationship between apparently different matters was impressive.
- 4.12 Even where a concern was clearly identifiable as belonging with a single group, the Board's reasons for giving it were often widely varied. It would be mistaken to assume there was always a homogeneity or consensus (See Section 5).
- 4.13 Most identified concerns encompassed more than one related issue. In many cases there was an inference that the relationship was causal. However this was seldom stated explicitly, possibly because direct evidence of causality was unavailable or because it was believed to be self-evident. There were two notable exceptions to this: firstly resource issues, where the relationship was often explicitly stated, and secondly, resettlement issues where relationships were very complex and are further explored in Section 5.

5. FINDINGS AND COMMENTARY

5.1 Concerns identified by Boards fell clearly into subject groupings. While the analysis noted each concern only once from each Board, it should be noted that:

(a) a significant number of Boards sub-divided concerns in order to provide proper detail and, it seemed, in the hope of responses being correspondingly detailed;

(b) where Boards related separate areas of concerns under a single point, both were noted only if they were explicitly stated.

5.2 The effect of this is that in many cases the analysis of a concern underestimates its depth and spread across establishments but it does not over-estimate it. **Thus all figures and percentages given are minimal and approximate. They give some limited guidance to the levels, relativity and spread of concern. They should not be over-interpreted.**

5.3 There was significant consensus across Boards on many of the issues raised, though not on the number of issues raised by any single Board (which varied from 0 – 15). On the whole, more issues were raised by Boards in larger prisons, with different prison estates showing considerable within-group consistency (see Annex 8.1). However, the sample sizes do not justify a more sophisticated analysis. Only issues raised by more than 10% of prisons are examined in greater detail,

5.4 Issues Raised: Rank Order by % of Boards raising each ² :	%
Resource related (5.4.1)	67
Resettlement (including Reducing Re-offending) (5.4.2)	64
Accommodation & Equipment (5.4.3)	46
Healthcare (5.4.4)	38
Mental Health (5.4.4)	36
Security (5.4.5)	35
Learning & Skills (5.4.6)	33
Transfer (including transport & churn) (5.4.7)	34
Equality (5.4.8)	28
IPP (Imprisonment for Public Protection) (5.4.8)	28
Purposeful Activity (5.4.9)	28
Safer Custody (5.4.10)	26
SEG/CSU (Segregation/Care & Separation Unit) (5.4.11)	26
Delays (including 7.8% inquest delays) (5.4.12)	23
Visits/visitors centre (5.4.13)	23
Substance abuse 5.4.14)	21
Over-crowding (5.4.15)	20
Foreign Nationals (5.4.8)	19
Property (5.4.16)	19
Kitchen/food (5.4.17)	13
Management Effectiveness & Staff Morale	8
Canteen (pricing)	5.2
Gym	4.3
Adjudications	3.4

Issues Raised by One Prison:

Night sanitation, lack of respect for prisoners, staff corruption, late arrivals

² Some of these are areas Boards are asked to comment on in the main body of their report
Monitoring Fairness and Respect for People in Custody

5.4.1 Resources 67%

The effects of increasing resource constraints on provision are the most major single identifiable concern for Boards. Most, but not all, comments were overtly critical; several praised the way the prison was improving efficiency in its use of limited resource. Some were criticisms of sub-contracted services. All Boards linked their comments on resources to reduction or loss of a provision or provisions directly affecting prisoners' treatment or welfare.

As with other groupings, comments were only noted in the analysis where there was a specific mention of resources in the Annual Report. It should be noted that a significantly higher percentage of Boards identified resources implicitly but made no direct statement about them. These references are not included in this analysis. **Thus the percentage of Boards given above is an underestimate of concern.**

While the frequency with which it was stated is not surprising – it is a common belief that increased resources will lead to improved provision and that the converse is also true – the detail given and comments made showed clear and widespread concern over the reduction or loss of services that were believed to be important, in some cases, of basic provision and, in other cases where they added important quality to basic, mandatory regimes. Few reports named specific provision that had been lost but there is a strong feeling of a worrying degree of salami-slicing. There were strong implications that resources are being spread more thinly over a complex range of provision. Direct effects are difficult to quantify but the quality of provision overall is reduced. There is general unease which is supported by cases where specific instances are given. Most of these relate to self-contained, and so readily identifiable, provision, e.g. to the operation of volunteers and charities within prisons.

There is some evidence that to date basic services have been reduced, e.g. concerns about fewer staff covering a given area of work, longer waiting times, increased difficulty in identifying suitable (or any) placements, etc. but that some of the add-on provisions that give quality have gone completely.

An added difficulty for Boards in making such judgements is threefold: firstly, prison managements are reluctant to acknowledge a reduction of provision as the effect of financial constraints (and the complexity of the work means it can be nearly as difficult for them to do so as for Boards to identify specific causal relationships); secondly, the monitoring role of Boards tends to lead to caution in making a critical judgement about reduced provision where it is felt the prison is doing its best under difficult circumstances beyond their control; and, thirdly, there is a broad assumption and acceptance that constrained finances will affect provision with an inevitability that makes it unworthy of comment.

Nearly all Boards made comments indicating concern regarding the probability of the reduction of budgets in future years and the effect this would have on the lessening, or loss, of valued provision. These comments were disregarded in this analysis because of their speculative quality. However the strength of the concerns should be noted.

'The continuing requirement to make savings is having an adverse effect upon prisoners.' - HSE

'Members are still concerned about the impact of the continuing need to find financial savings.' - Cat B

' . . the repair of the damaged floor tiles [should] be looked on as a priority. . ' - Cat B

' . . the work-based opportunities . . . threatened by continuing budget cuts.' - Cat C

‘ . . . resources to manage their sentence plans cannot be made available without impacting on the sentence management of other offenders .’ - Cat D

‘ . . . reduction in the amount of funding allocated inevitable cutbacks . . .’ - YOI

‘ . . . lack of purposeful contact [with the] personal officer . . . ‘ - Juvenile

‘ . . . cumulative effect of annual budget reductions . . . ‘ Women’s

‘ . . . the Board is concerned that failure to provide a solid, rounded foundation by addressing basic needs will inevitably reflect in long term re-offending.’ - YOI

5.4.2 Resettlement 64%

This provided the most major concern and focus for IMB monitoring. It also provided the most challenging area for this analysis. As a central purpose of the prison system, resettlement encompasses a wide range of multi-faceted provision, most of which is intimately inter-related and forms a close-woven and complex network of over-lapping activities and services, some of them based outside the prison. Disentangling each from the others and discussing each separately would be artificial and would not assist understanding. Boards seldom raised them separately. Where they did, they have been analysed and discussed as separate concerns.

Thus the umbrella grouping includes *reducing re-offending* where that was specifically mentioned. It also includes references to *sentence-related issues, Offender Management (Units), case planning* and *rehabilitation..*

Even though they are closely linked to resettlement, it does not include *healthcare* (especially *mental healthcare*) *prisoner transfers, transport, visits* or *family contact* each of which was identifiable from reports and is separately recorded in this report.

In reading this report, it should be remembered that resettlement is not a single independent entity, nor does it have neat edges but, in its varying dimensions, it is the central concern of all prisons and of Ministers in speaking of the ‘rehabilitation revolution’.

In this report the following aspects of Resettlement have been included under the general heading:

- reducing re-offending
- sentence related issues
- Offender Management (Units)
- case planning

These are closely inter-related and overlap. It is therefore impossible to distinguish between them in any precise way.

Though often having a direct bearing on Resettlement, the following were identifiable and have been treated separately unless the Annual Report explicitly conjoined them:

- healthcare (particularly mental health)
- transfers
- visits (including family links)

Even within the groupings adopted by this report, the range of concerns expressed by Boards is legion. To give a taste of this, they include:

‘The Board is concerned that lifer days have not been held this year.’ - Cat C

'[Probation] systems within the prison involve too much desk work. . .' - Cat B

'It would be more beneficial if [programmes] were completed early in a sentence so that [prisoners] could put into practice the lessons they have learned.' - YOI

' . . . inadequately equipped . . .to provide prisoners with adequate pre-release preparation.' - Cat B

'OMU (offender management Unit) staffing levels and support continue to cause the Board some concern.' - Cat B

'resettlement provision is still lacking . . . ' - Cat C

' . . .concerns about the quality of sentence management . . . causes considerable distress and can lead to sentence progression delays.' - Cat C

'The process for securing accommodation on release can be very problematic. . . ' - Juvenile

' . . there does not appear to be a NOMS strategy for future management of social care for prisoners.' - Cat C

' . . discharge grants are nor available . . this will impact on re-offending.' - Cat B

'Staff training. . takes insufficient account of . . rehabilitation policy.' - women's

' . . effective range of alternatives to visits would assist the rehabilitation process.' - women's

'there is insufficient time to undertake any useful resettlement work.' - women's

'Family visits for over 18's should be introduced.' - HSE

' . . has tried to solve this problem by using video conferencing. However, this has had to be carefully rationed. . . ' - Cat C

' . . delay in placing IPP prisoners on programmes/ courses for rehabilitation. .. ' - Cat B

' . . the Board has seen no evidence of this programme [a NACRO initiative] being put into use.' - Cat D

5.4.3 Accommodation & Equipment 46%

Major concerns focused on inadequacies of accommodation and equipment. These were often related to Health and Safety issues and to delays in remedying even the examples that could be dealt with by replacement or repair. Many Boards clearly felt these were matters crucial to the decency and respect with which prisoners were treated. A quarter of the concerns were stated as repeated from previous reports with insufficient or no action taken.

Comments were largely clear, concise and explicit. This is perhaps a measure of the identifiable and easily evidenced nature of problems with clear boundaries and objective descriptors. The proportion of repeated concerns also indicates that many concerns remain intransigent, or that resolution would be expensive – in some cases involving significant capital resources.

However, Boards were clear that where respect is involved, they will continue to seek improvements.

The frequency of statements of concern is partly a matter of the deterioration or sheer age of the fabric of prison buildings. Prisons housed in more modern buildings were less likely to raise the issue though some still expressed concerns.

'Although relatively modern, important systems (such as heating and alarms) . . . need replacing.'
- HSE

'there is a deficit in ventilation in certain locations . . .' - Cat B

' . . . until the provision of in-cell sanitation' - Cat C

' . . . that a proper shower be put in place . . . level floor & proper drainage are needed.' – Women's

5.4.4 Healthcare 38% & Mental Health 36% (Total: 62% of prisons)

Despite the overlap, separate figures are given because they were separately identified by Boards.

Inadequacies, particularly in mental healthcare, remain a major concern for Boards: 33% of Board identifying mental health stated that this concern had been raised in previous reports. This is an indication of the continuing depth of concern as information on repeated concerns is not required by the Annual Report Template and so not generally provided.

The most prevalent aspects of concern about mental health are that prisons are neither equipped nor staff trained to treat, or deal with resulting manifestations of behaviour. It is strongly felt that where there are significant mental health difficulties, prison is not a proper placement for the sufferer. Proper places where treatment is accessible are notoriously hard to identify. The second strand of concern is that as a result of the associated behaviour, prisoners are more likely to be placed in an even less suitable Segregated environment sometimes for prolonged periods. This is neither decent nor respectful.

Changes in the provision and line management of healthcare provision were also a significant area for IMB criticism.

'Appointment waiting times for the dentist and optician are unacceptable.' - HSE

' . . . difficulties experienced in placing prisoners with severe mental health issues in an appropriate secure environment.' - Cat B

' . . . more appropriate accommodation made available for those currently in prison who are mentally ill.' - Cat C

' . . . nowhere specifically catering for young people with medical needs or mental health issues.' - YOI

'There is a need for staff stability in Healthcare.' - Cat B

5.4.5 Security 35%

A wide range of concerns was identified. Nearly all comments were made within the context of a link with another area of concern.

Of the frequently raised factors, on-going problems with mobile phones was the one most often raised. Boards do not understand why the problem is not addressed more robustly when the technology to do so is available and plugging this security gap would create significant savings in both financial and human terms, not to mention improving the security of prisons³.

Many Boards linked substance abuse and its treatment to security issues. Concern and scepticism were expressed over the efficacy of the Intermediate Drug Treatment Programme (IDTS).

Broader issues of smuggling contraband into prisons were widely raised and several prisons described problems with the site related to the effective control of prisoner movements.

'...again raise the problem of illicit mobile phones within the prison...' - Cat B

'... blocking the use of mobile phones...' - YOI

'Mobile phone usage is problematic...' - HSE

'Gangs & gangland culture is a significant issue...and requires very careful management...' - Cat B

'... large number of DVDs smuggled into the prison...' - Cat D

'Smuggling of both mobile phones and drugs is an on-going problem.' - Cat C

'...link between the use of mobile phones, illegal drug use and violence...' - Cat B

'There are continuing concerns about the safe management of IDTS.' - Cat C

5.4.6 Learning & Skills 33%

Many concerns were expressed about reductions in provision and the narrowing breadth of what is available, including, in some, cases the almost total loss of 'therapeutic' aspects such as art.

There were also a number of criticisms of sub-contracted providers and the difficulty of their management relationship with the prison.

Few reports included substantive concerns about other aspects of Learning & Skills but several mentioned an increase in the range of practical qualifications prisoners could gain through other purposeful activity.

'...art rooms have been discontinued and art staff made redundant...' - Cat C

'...the present Education Provider's contract does not stipulate a requirement [to use MIAP] This valuable resource cannot be fully used.' - Cat B

³ This has been raised with NOMS who held a meeting to clarify the technical issues.
Monitoring Fairness and Respect for People in Custody

'...continuing concerns about contract specifications . . .and how providers are held to account.' - Cat C

'...quality of provision and delivery inadequate...' - Juveniles

'incorrect data being used for Learning & Skills funding' - Women's

5.4.7 Transfers & Transport 34%

These concerns were grouped but the close links between transfer and resettlement should be noted.

Issue raised most frequently included

- late arrivals
- difficulties in identifying appropriate (transfer) places
- churn and its effects
- overlap with the loss of or damage to property (during transfer)
- sustaining family ties

The time period covered by the reports from which the information is taken covers both before and after the change of transport contract. Issues raised do not significantly depend on the change of contracts but are more general and more persistent over time than would be accounted for by the change or the shake-down period that followed it.

'Prisoners are very seldom able to move south . . .' - Cat C

'Prisoners in transit find they do not travel to the agreed establishment.' - Cat C

'Average length of prisoners' stays [has] reduced. This has a detrimental effect on addressing their offending behaviour' - YOI

'...the slow movement of prisoners to open conditions . . .' - Cat B

'The Board remains concerned at the length of time it can take to answer [property] complaints from prisoners who have been transferred.' - YOI

'The new [transport] contract allowing mixed occupancy is not acceptable.' - Women's

5.4.8 Equality 28%

Of this total, nearly 30% of concerns were general but 40% were about the lack of response to the needs of elderly prisoners. In an aging prison population, Boards are very aware that these needs are increasing and put a new range of pressures onto systems not designed to address them.

Other recurring issues included physical disability (16%), gender related concerns (8%) and differences in religious facilities that Boards judge to amount to discrimination (8%)

Closely related issues include:

- foreign nationals 19%. $\frac{3}{4}$ Of these concerned the injustice of foreign nationals being held in prison beyond their sentence expiry date. In one scandalous case, two children had been held in an adult (women's) prison for over 18 months at the time the report was written.

- Imprisonment for Public Protection (IPP) 28%. The overwhelming proportion of these concerns focused on the sheer weight of numbers of these prisoners, many of whom are over-tariff but unable to progress their sentence plan because they are placed in prisons that do not provide the treatment course they require. The other side of the same coin is that their presence on courses delays the allocation of these limited places to other prisoners who also want to progress their case plan requirements⁴.

There is considerable overlap of concerns in these areas. Overall, 46% of Boards raised an issue in at least one of these areas.

'IPP prisoners continue to remain in prison beyond their tariff date . . . a destabilising influence in the prison.' – Cat C

'What are the plans and what is the timescale for the removal of all ill-considered IPP sentences?' – Cat C

'Care plans for prisoners with disabilities should be completed as a priority.' - HSE

'As the prison population ages, there is an increasing need for specialised units for older prisoners.' – Cat B

' . . . 34 IPP prisoners, of whom 18 are over tariff ' Cat B

'Foreign nationals are not always best served by UKBA. . . . ' – Cat C

'the Board remains concerned at the length of time . . . [taken] to transfer foreign national prisoners . . . on completion of . . . custodial sentence.' – Cat C

'Reducing the unfairness of holding local and remand prisoners in a high security prison should be given due weight.' - HSE

5.4.9 Purposeful Activity 28%

Concerns varied widely. Repeated concerns included lack of opportunities for purposeful activity, lack of prisoner engagement, constraints on provision, unpredictable levels of provision, poor record keeping, effects of the Prisoner Earning Act. the first of these was the most frequently stated concern.

' . . . continuing need to improve the effectiveness of the encouragement given to engage in purposeful activity.' - HSE

' . . . it [Prisoner Earning Act] acts as a disincentive to work. . . . ' - Cat D

' . . . difficulties in providing purposeful activity ' - Cat B

' . . . rates of unemployment have been higher than ideal . . . ' - Cat C

' . . . there are not enough adequate workshop areas. . . ' - Cat C

⁴ Reports analysed pre-date the abolition of future IPP sentences. However the issues raised by IMBs remain for those already serving such sentences.

'Provision of meaningful activity is still less . . . ' - Juvenile

'prisoners on remand do not have to engage . . . ' - Cat B

' . . . weekly fluctuations in performance . . . ' - YOI

' . . . number of occasions when programmed activities did not take place. . . ' - Cat B

' . . . reduction in commercially based work opportunities . . . ' - Cat C

5.4.10 Safer Custody 26%

While general issues regarding the safer holding of prisoners in custody were raised, most comment focused on self-harm and anti-bullying provision. There was significant overlap with substance abuse.

' . . . continuing lack of permission for the Listeners rota to be used at night . . . ' - HSE

' . . . cutting and scratching predominate. . . ' – Cat B

'The upgrade of the Safer Cell is still not complete.' – Cat C

'The First Night Centre is unable to house all new prisoners.' – Cat B

' . . . bullying remains a concern. . . ' – Cat B

' . . . existing windows have the potential for suicide attempts and such instances have occurred.' - YOI

'The First night Centre . . . is not fit for purpose . . . [prisoners] cannot be monitored effectively . . . ' – Women's

'Some of the doors do not have viewing hatches.' - Women's

'There is evidence of homophobic bullying by prisoners.' - Cat B

'Continued improvements are necessary in the completion of ACCT files' - Cat B

5.4.11 Segregation (Care & Separation) 26%

It is concerning that Boards raised so many issues regarding the use, misuse and potential abuse of a resource that is subject to such stringent regulation. Many Boards indicated their belief that, however well run the facility, it is over-used⁵

- used too frequently
- stays for individual prisoners are too long
- used when other strategies should be tried
- not always used as a last resort
- exit plans are insufficiently developed or implemented

However, it is also acknowledged that prisoners sometimes use it to try to manipulate situations, often to try for speedier transfer to another prison.

⁵ See 'A Prison Within A Prison' – IMB 2010

‘ . . . prisoners are housed in the unit for very long periods of time . . . other options need to be provided.’ – Cat C

‘For too long CSU has been log-jammed . . .’ – Cat B

‘The protracted isolation of prisoners . . . poses potential risks for their long term mental health.’ – HSE

‘the Board is not clear whether there is much meaningful interaction between CSU staff and the prisoner apart from a routine check.’ – Cat C

‘The Board does not consider that CSU is appropriate . . .’ - Cat B

‘The segregation Unit, both accommodation and regime, is an area of concern.’ - YOI

‘The Board is not confident that all delays in moving prisoners on from the Segregation Unit quickly are justified.’ - HSE

5.4.12 Delays 23%

This figure includes ***Delays to Inquests following Deaths in Custody: 7.8%***.

Many Boards cited a range of delays that detrimentally affect good practice or the respect and humanity of the treatment of prisoners and their families. The circumstance most frequently given was delays to inquests the length of which can often be measured in years and which Boards find unacceptable for both the prison and the families.

Other factors given include delays to making appointments (often to complete security clearances). These affect service delivery detrimentally and increase pressure on other staff. Other delays directly and adversely affected prisoners’ ability to pursue their case plan, for example delays in transferring to a prison providing a course required by a case plan, in turn, affecting the chances of parole being granted. Some mentions of delay were unspecified but given as frustrating good practice.

‘Once again the Board has to report that the inquest relating to a death in custody in September 2004 has still not taken place. This is unacceptable to the Board and must be to the prisoner’s relatives as well.’ - YOI

‘We believe that this is an unacceptable delay ...’ - Cat C

‘The time it takes to carry out . . . (CRB) checks remains a problem.’ - Cat C

‘ . . . serious concerns about what appear to be inordinate delays in resolving staffing issues . . .’ - HSE

‘ . . . inquests after deaths in custody to be held as soon as possible after the death.’ - Cat B

‘ . . . the delayed transfer out of a prisoner with mental health problems . . .’ - Cat B

5.4.13 Visits & Visitors Centres 23%

Boards are clearly sympathetic towards the problems and needs of prisoners' families. Concern is shown where a lack of courtesy, respect or consideration is shown towards families

Boards are also conscious of the importance of family links to the chances of successful Resettlement and Reduced Re-offending. Again there are close links to the resettlement agenda.

'Problems with the visits booking line are a source of continuing anxiety to prisoners and their relatives.' – Women's

'...prisoners coming from other parts of England...problems faced by those wishing to visit prisoners should not be overlooked.' - Cat B

'... the number of prisoners now arriving from the London area, which is causing difficulties for families to visit.' – Cat C

[The visits area/centre] 'is small and there is inadequate provision for baby-care during a body search.' - Cat C

'...the long distance from home of many trainees...' - YOI

'... consider an increase in the number of closed visit cubicles...' - Cat C

5.4.14 Substance Abuse 21%

This is another area with overlaps with other concerns, particularly Safer Custody, Security and Reducing Re-offending. It was been separately itemised because Boards clearly identified it as a related but separate concern.

The most frequently expressed concerns relate to illegal drugs and alcohol: their easy availability and the lack of interventions for participants in their use.

Many Boards expressed concern and scepticism over the efficacy of the Intermediate Drug Treatment Programme (IDTS). In particular, there was a wish to be assured that treatment would move from programmes aimed at maintenance to ones aimed at a reduction of use.

'... prisoners detained in the Segregation Unit for their own protection arer afraid of being bullied or assaulted because of debts incurred for the supply of drugs.' - Cat C

'... concern at the imminent implementation of IDTS at great cost and without apparent consideration of the fact that it would be of little benefit...' - Women's

'For the second year running support from Alcoholics Anonymous in the provision of programmes has been disappointing.' - YOI

'Illegal drugs continue to be a major problem...' - Cat B

5.4.15 Over-Crowding 20%

There was significant overlap between over-crowding and Accommodation, Resettlement, Transfers, Purposeful Activity and many other aspects of the Decency and respect agenda .

This report identifies over-crowding in its own right because Boards did so. Concern was often linked to reductions in staffing leading towards a gradual deterioration in levels and quality of provision.

'Are there any future plans to reduce the overcrowding?' - Cat B

'...inappropriate double occupancy of single cells...does not conform to...basic standards of decency.' - Cat C

'... is overcrowded and has limited resources for 'purposeful activities'.' - Cat B

'... rapid unexpected increases in the number of young people resident... ' - Juvenile

'... prisons are overcrowded and the rise in prison population does not show signs of abating... ' - Cat B

'... an increase in population could lead to problems... ' - Women's

***'Over-crowding is such that prisoners are still required to eat most of their meals locked in their cells with their cell-mate, immediately adjacent to an open WC.'* - Cat B**

5.4.16 Property 19%

This remains the single most common issue prisoners raise in their applications to the IMB. Boards find it to be inadequately managed and unnecessarily time-consuming for both prisons and Boards. It is closely linked to prisoner movement, mostly between prison or court and prison but sometimes between different locations within the same prison.

Boards believe that the implementation of an effective system of property control and management would not be technically difficult and would quickly yield major savings financially in the reduction of compensation paid together with a more efficient and effective use of staff time.

It is consequently a source of significant frustration that what is perceived as comparatively easy and effective change is not implemented

'... property being mislaid or allegedly misappropriated when [prisoners] move from other prisons or to and from court.' - Cat B

'Proper protocols would save time and money.' - Cat C

'... continuing inefficiencies in the transfer of prisoners' cash, property and paperwork between prisons.' - Women's

'... we urge an early amendment to the rule that is taking away an offender's legal right under distance selling regulations.' - Cat C

5.4.17 *Kitchens & Food Related 13%*

While there were concerns about the quality or quantity of food supplied to prisoners, most comments focused on inadequate or worn out kitchens and equipment.

'The adequacy and maintenance of kitchen equipment continues to cause concern and impedes . . . provision of food to prisoners.' - Cat B

'The service of plated meals . . . is also a source of complaint.' - Juvenile

'The company providing kitchen maintenance seems to provide a very variable standard of service.' - women's

' . . . current catering arrangements . . . unacceptable. . . ' - Cat C

' . . . concerns regarding the temperature of meals at the point of service.' - HSE

' . . . urgent need for a complete kitchen refurbishment at the very least.' - Cat B

' . . . not fit for purpose and is potentially unsafe, as is the kitchen.' - YOI

6. REPEATED CONCERNS

During the period when the Annual Reports used in this survey were written, Boards were not requested to state whether an expressed concern was a repeat from the previous year's concern. However, a significant number of reports (42%) did give some of this information though it is unclear if it was complete. Hence figures given are an under-estimate of the reality. In cases where some statement of repetition was made, it seemed to coincide with the Board's belief that the response given or action that followed was inadequate and the statement of repetition was used to emphasise that point.

The concerns most frequently identified as repeated were mental health, 12%, and accommodation, 11%. It is interesting to note that neither Resources nor Resettlement were acknowledged as reaching these levels. It is tempting to speculate that Resources is an issue whose priority is recent and rising, and that the global area of Resettlement is somewhere constraints on resources have been at its most noticeable in terms of the salami-slicing approach that has been of concern. The evidence for this is too limited for causality to be implied, but such evidence as there is within reports seems to point in that direction.

It should also be noted that the actions that would need to be taken to alleviate a number of the concerns, particularly those on accommodation, would be difficult or impossible to implement without very significant capital investment. However, where matters of decency and respect were concerned Boards have rightly repeated their concern.

7. CONCLUSIONS

- 7.1 This report draws together the major concerns identified and evidenced by Independent Monitoring Boards over the period of a year. Thus it creates a national picture of issues consistently observed over a continuous period.
- 7.2 The concerns are not always homogeneous. Their focus is widespread and covers a broad range of aspects of prison life.
- 7.3 Of most serious concern is the observed and gradual erosion of provision, particularly of value-added services that Boards believe contribute significantly to the rehabilitation of offenders and so to the reduction of re-offending.
- 7.4 Additionally, there continues the grindingly recurrent concern about the inappropriate placement of people in the prison system when they are suffering from serious mental health problems.
- 7.5 While the difficulty and expense of addressing some outstanding accommodation deficits are understood, the deficiencies are not acceptable.
- 7.6 These issues (3-5 above) comprise significant parts of the Respect and Decency agendas. That they remain concerns is not consistent with a compassionate or civilised society.
- 7.7 There appears to be an increasingly significant concern about the effects of budgetary constraints on provision for prisoners.
- 7.8 The report identifies and highlights some priorities to pursue with continued vigour.

8. ANNEXES

8.1 VARIATIONS BY PRISON ESTATE

The table below shows the percentage of prisons in each estate raising each concern.

Estate: All figures given as % of prisons raising concern	Accom. & Equipment	Adjudications	Canteen (Pricing)	Equality	Foreign Nationals	Gym	H/C	Mental Health	IPP	kitchen/food	L&S	Over-crowding	Property	Purposeful Activity	Resettlement (inc Reducing Re-offending)	Safer Custody	Security	SEG/CSU	Sentence Related/OMU/Case Planning	Substance Abuse	T/X & Transport	Visits/visitors Centre	Resources Related
Cat A %	50	0	0	75	50	0	50	50	25	25	25	13	13	13	38	25	38	38	25	25	38	13	63
Cat B & (B)Local %	49	5	8	27	27	0	46	46	24	11	35	27	22	32	27	19	35	27	27	22	30	24	51
Cat C %	38	0	5	17	7	10	38	17	33	7	19	17	21	21	38	26	21	24	24	19	26	21	52
Cat D %	38	0	13	25	0	0	13	0	38	13	13	25	0	25	38	0	38	13	0	0	25	13	88
Women %	23	0	0	46	0	0	23	46	15	15	31	8	8	15	69	38	15	8	23	31	38	23	69
Juvenile & YOI %	44	11	0	6	22	6	11	39	11	17	56	11	11	28	44	28	56	28	33	11	28	17	67

Comments

1. It should be noted that the small number of establishments in some estates makes the figures statistically insignificant. However, figures do provide an overall shape and the possibility of identifying some general focus.
2. It is legitimate to compare relative levels of concern within an estate by comparing figures in the rows. It is not legitimate in any way to compare figures in the columns, e.g. It is legitimate to suggest that the Juvenile and YOI Estates have a high level of concern about Learning & Skills, and that it is probably higher than they have about Healthcare. It is not legitimate to say that the Juvenile and YOI estates have fewer concerns about healthcare than any other estate.

8.2 RELATIONSHIP TO HER MAJESTY'S INSPECTORATE OF PRISONS (HMIP) 'EXPECTATIONS'

The findings in this report were cross-referenced to the areas of the 'Healthy Prisons Tests' used by HMIP (*Expectations Version 4, 2012*) that give criteria for 'Assessing The Treatment of Prisoners & Conditions in Prisons'.

The subject groupings used in the report were selected by virtue of their use by the reporting IMBs. While they relate closely to the HMIP descriptors, there is not a one to one correspondence. However, it is interesting to note the following approximate relationship:

HMIP Group	% of Concerns Raised by IMB Falling within the HMIP Group
Safety/Security	22%
Respect	42%
Purposeful Activity	12%
Resettlement	24%

Specialist Units were not significantly raised in IMB reports.

It should be noted that IMB concerns relating to resourcing have been omitted from this analysis as there is no direct comparator.

8.3 IMB ANNUAL REPORT TEMPLATE

Boards' use of the IMB Annual Report Template has greatly assisted access to the information in reports and to the priorities of concern. Experience with the template's use has led to its refinement and planned re-issue in 2012. Use of the template has been strongly supported by the Secretaries of State in both Ministry of Justice and Home Office. It is hoped that the very few Boards who did not use the template in 2011 will do so in future.

Nearly all Boards now provide sectioned reports with an Executive Summary and Questions to Ministers (and others) clearly identified. An increasing number of Boards also provide paragraph numbers and, in the Executive Summaries and Questions, paragraph references to the main body of the text. This practice, currently followed by 47% of Boards, is to be applauded. It is hoped the remaining Boards will follow suit in their next report.

Accessing information in reports is greatly assisted by the use of a succinct style focused on major concerns, each expressed as briefly as possible. An increasing number of reports now use short bullet points. This is also greatly appreciated and tends to lead to an improved quality of response to expressed concerns.