



## Independent Monitoring Board National Council Report

**The Open Estate**: a report summarising the Annual Reports from IMBs monitoring prisons in the Open Estate

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### 1.0 Executive Summary and Conclusions

1.1 This report summarises the content of the Annual Reports submitted during 2010 by prisons in the open estate and draws attention to differences in the monitoring of open and closed prisons (see Sections 2.2, 3.6)

1.2 Membership of the smaller Boards has fallen over the reporting period putting additional pressure on remaining members (see Section 2.7)

1.3 The cost effectiveness of the monitoring methodologies employed by some Boards may benefit from consideration (see Section 2.8).

1.4 The most widespread issues of concern were resettlement (see Section 3.3.3), inappropriate prisoner placements (see Section 3.3.4) and (lack of) resources (see Section 3.3.5).

1.5 The incompatibility of the situation and needs of major prisoner groups in the open estate is problematic and should be addressed (see Section 3.3.4)

1.6 Information on Diversity, Learning & Skills, Healthcare and Safer Custody was included in all the reports (see Section 3.4)

1.7 Reports on the use of a segregated environment were, predictably, few but 2 concerned unacceptable practice (see Section 3.4.6)

1.8 There is a wide range and variation of reporting of other areas with Chaplaincy standing out as a focus of positive comment (see Section 3.5.5)

1.9 Levels of prisoner applications to IMB vary widely and unpredictably between prisons (see Sections 3.6.1, 3.6.2)

1.10 Use of the Annual Report Template enhanced the clarity and coherence of reports (see Section 4)

## 2.0 Introduction & Background

2.1 Although this report summarises the content of the Annual Reports submitted by prisons in the open estate, one establishment sometimes described as 'semi-open' has been included because it admits only category D prisoners. Two other prisons described as 'semi-open' have not been included as they also accept category C prisoners.

2.2 Over a number of years IMBs monitoring prisons in the open estate have pointed out that their circumstances and roles are significantly different from those of closed prisons in terms of the nature of the establishments. Consequently monitoring needs and styles are sometimes unlike those of the closed estate. This report highlights areas to which IMB Annual Reports from the open estate draw particular attention. For interest, comparable information on prisoner applications to Boards in the closed estate is included. This report also summarises what areas of prison life Boards covering the open estate have pro-actively reported (see Sections 3.4, 3.5).

2.3 This report would also like to acknowledge the disparities of circumstance and need of prisoners in these establishments, particularly the category D prisons. Because of these disparities, prisons face a range of tasks that are hard to reconcile. Some of these differences are clear: the needs of YOs are seldom identical with those of adult prisoners, neither are those of male and female prisoners. Less obviously, by and large the category D male prisons cater for two very different prisoner groups: men serving short sentences and men coming towards the end of long – sometimes very long – sentences, including life sentenced prisoners. While there is a common need for resettlement (and the careful monitoring of it) men in these groups have very different life experiences and attitudes so that, for example, reducing re-offending takes on very different factors. To a lesser extent this is also a consideration for women's prisons in the open estate.

2.4 There are also significant differences in the monitoring needs of open prisons as compared to closed prisons; for example, in the open estate, short term holding rooms exist but there are few or no facilities for the longer term segregation of prisoners, so there is little need for their IMBs to give segregated prisoners the very considerable attention paid to them under closed conditions (see Section 3.6). Furthermore on average there are considerably fewer applications made to IMB by prisoners in the open estate: on average fewer than half the number made by prisoners in closed prisons (see Section 3.6).

2.5 The IMBs whose Annual Reports were used to compile this report comprise:

- 7 category D (male) prisons
- 1 category D and YO prison
- 1 YO prison
- 2 Women and YO prisons

They were submitted by the Boards at HMPs Askham Grange, East Sutton Park, Ford, Hollesley Bay, Kirkham, Latchmere House, Leyhill, North Sea Camp, Standford Hill, Sudbury and Thorn Cross.

2.6 Operational Capacities range from 100 to 590 with a mean of 377 (mean for category D male prisons is 464).

2.7 Board complements for the open estate range from 9 to 14 with a mean of 10. The mean number of IMB members per Board in post over the reporting period was 9 with all Boards which reported in detail saying they had gained new members and/or lost members in the course of the year. Average attrition was 1.7 members, an average change of 19% on each Board. The average number of members in post fell by about 0.5 during the year. If this is a trend, it is a concerning one. These figures also give some indication of the pressure on small Boards in terms of the recruitment and induction of new members, both notoriously time-consuming for existing members, in particular for Chairs and Board Development Officers who usually play a major role.

2.8 Figures for members' attendance at the prison (given by 9/11 prisons, with an average occupation of 340 prisoners) are not easy to interpret but total attendances range from 123 to 449 with a mean of 309. Even allowing for the unlikely event of a full attendance at every Board meeting, this gives an average of 200 visits per year to the prison in addition to Board meetings. In one case a Board of 6-7 members attended 449 times. This indicates there was, on average, more than one member there every day of the year. It is difficult to see a justification for this in terms of effective monitoring or value for money. The Annual Report of the prison concerned does not indicate more effective monitoring than other establishments. The reader of their report is tempted to speculate on the possibility of the Board, or individual members of it, risking becoming too close to the establishment to retain their effectiveness as independent monitors. The question of cost effectiveness should also be considered

### 3.0 The Annual Reports

#### 3.1 Basic Information:

3.1.1 The reports used were the most recent available from the establishment. The end of the reporting periods lay between 31<sup>st</sup> December 2009 and 31<sup>st</sup> October 2010.

3.1.2 All the reports complied with the request to include a statement of the statutory role of the IMB, a description of the establishment and all but one included a list of contents.

### 3.2 Executive Summaries

3.2.1 10/11 reports included a section titled 'Executive Summary'.

3.2.2 8/11 included a list of questions or issues. The style of presentation of this information varied widely: 4 reports listed clearly issues of concern but they did not do so in the form of questions that needed a response. 3 reports asked questions demanding a response. A further 2 reports were uncertain if they were presenting questions or statements. 1 report stated it had no issues to raise.

3.2.3 5/11 reports gave executive summaries that summarised and cross-referenced what they said to the body of the text. 5/11 reports confused raising issues or concerns with giving a summary of the report. Neither did these reports cross-reference what they said to the text. Indeed, in some cases a concern was raised in the Executive Summary but not mentioned at all in the main body of the report.

### 3.3 Issues & Concerns (Raised in Executive Summary or equivalent)

3.3.1 Of the 10/11 reports raising issues or concerns, in 2 cases it was not clear what the issues were, or if anything was being raised, although in one case the report stated it had raised the same subject in the previous year.

3.3.2 Subjects raised were:

- 7 prisons: Resettlement, including probation and parole (see Section 3.3.3)
- 6 prisons Inappropriate prisoner placements (see Section 3.3.4)
- 6 prisons (Lack of) Resources (see Section 3.3.5)

Issues raised by 1 or 2 prisons included: absconds, adjudication delays, canteen costs, diversity, financial inefficiency, healthcare (including mental health), health & safety, IDTS, management, misuse of segregation, older prisoners, pay, personal officer (staff), phone, purposeful activity, security.

**The frequency with which issues were raised was not necessarily an indication of their seriousness.** Some reports raised multiple issues with an implication of a causal relationship between them. Management was seldom referred to directly but many of the issues could be regarded as relating to how establishments are managed.

#### 3.3.3 Resettlement

It is encouraging that in open prisons 7 reports focused on resettlement, a central purpose for the estate. The details of the concerns raised under this umbrella varied widely with no single subject standing out but among the more frequently expressed was the difficulty of providing suitable programmes for short-term prisoners (see Section 3.3.4)

Other clusters concerned delays relating to probation and parole boards, logistical difficulties in effective job-seeking and, especially for young people, the provision of appropriate education.

### 3.3.4 *Inappropriate Prisoner Placements*

This was the concern raised with the greatest consistency (by 6/11 reports). The nub of this was that prisoners serving short sentences are neither in the establishment for long enough, nor are they sufficiently settled, to take advantage of the opportunities for resettlement: in particular, to participate in courses designed to reduce re-offending. In most cases Boards judged these opportunities to be of great value. In several cases they also pointed out the waste of resources in providing what prisoners were unable to benefit effectively from. There were also some concerns that the unsettled state of a significant number of prisoners indicated unanswered questions about the categorisation criteria and process, including its risk assessment.

It was also of explicit concern to some Boards that the more settled inmates, a group mostly composed of those coming towards the end of a long sentence, suffer as a result. The needs of the two groups are not sufficiently compatible. This combines with a tendency for short-term prisoners to be more demanding in management terms and expediency demands that they are given an undue proportion of staff and management attention.

**These priorities are open to significant questions about how they could be better addressed in terms of public protection and reducing re-offending.** The problem is open to a different perspective: how can the Prison Service reconsider its population management to ensure that regimes available in an establishment best address the needs of the prisoners in it and use available resources to best effect?

### 3.3.5 *Resources*

This is the third of the issues Boards raised most frequently and is closely linked to the other two.

**The major point raised is that resources are insufficient and without enhancement prisons are unable to deliver more effectively, particularly on the reducing re-offending agenda.**

**Evidence to support the contention was not given in any report. However 2 Boards, while acknowledging resources are sparse also suggested that prisoners would benefit from a more efficient and prioritised use of what was available.** An additional Board also commented on the difficulties the prison experienced in using its budget to best effect because of the unwieldy and bureaucratic nature of budgetary controls. This Board urged an increase in local control of budget.

It is to be hoped that the increasing focus on more sophisticated outcome measures will help to drive this agenda forward.

3.3.6 A total of 46 comments or questions appeared to assume they should be responded to. There was considerable overlap both within and between reports. The mean per report was 4.2 with a range of 0 to 10 issues. One prison submitted 14 points but several overlapped closely.

There is no clear interpretation of this. However it is clear from the Ministerial responses to the reports that not all the replies include answers or comments on all the points made, not even to those in the reports' executive summaries. It seems probable that **when more points are raised, or when overlap is noticeable; direct responses are less likely to encompass all points. It may be preferable to raise fewer points and focus on ones the Board considers to be most important. It is certainly helpful for points to be made concisely and with a clear cross-reference to the appropriate section in the main body of the text** so that additional information and explanation is readily available to the reader.

### 3.4 Essential Areas

3.4.1 There are 5 areas that must be reported on comprising Diversity, Learning & Skills, Healthcare, Safer Custody (including Violence Reduction and Bullying) and Segregated Environment, sometimes called Care & Separation (CSU) or Cells. All 11 prisons reported on the first 4 of these. In some cases the sections on them were wide-ranging and the area had clearly been given considerable monitoring attention.

3.4.2 Some *Diversity* sections addressed only ethnic or racial diversity; others covered a broad scope including social exclusion. This was often done with considerable empathy and sensitivity to individual needs. Many of the reports celebrated the good work they had observed.

3.4.3 *Learning & Skills* reports again varied with some confining themselves to 'Education' while others recognised a wide range of activities across the total establishment. One report from a YO establishment was particularly rich and gave a broad and balanced view of provision.

3.4.4 *Healthcare* reports were on balance positive with the exception of concerns about the **paucity of mental health facilities**: 2 prisons raised this in the summary of issues requiring a response. Other reports tended to limit themselves to listing the facilities available and basic statistics with little or no discussion of quality or signs of active monitoring.

3.4.5 *Safer Custody* was sometimes broken down into separate aspects, often to be found in different sections of the report. While this ensures relevant aspects are covered, it can make it challenging for the reader to put together an overall picture. Again the depth and detail of reports varied widely.

3.4.6 *Segregation*: Perhaps unsurprisingly with prisons in the open estate, only 5/11 reports mentioned the use of segregation (or 'the cells') and of these 2 only mentioned it in passing. Of the other 3, one judged that the use of cells was within regulations and appropriate to need. The Board is kept properly informed and members visit prisoners appropriately.

The second judged that while the use of segregation is appropriate, the physical condition of the cells is inadequate and incompatible with PSO1700. The Board accepted the difficulties in providing appropriately but expressed its concern and stated that **improvements could and should be made to conform to the demands of PSO1700.**

The third case was worrying. The Board judged that some young prisoners were being held for indeterminate and uncertain periods in segregated conditions pending police investigations. **There appear to be potentially serious implications regarding the use and abuse of PSO1700.**

### 3.5 Other Areas Reported

3.5.1 IMBs in the sample varied widely on what and how other areas were reported. National advice is that they should be reported exceptionally; that is to say: only if there are particular concerns, examples of exceptional practice or significant changes since the last report. Some reports observed the criterion and reported exceptionally. Others appear to have run through a list of headings even where, by their own admission, they had nothing to report. Other reports seemed to include a random sample of areas that did not fit the criterion nor any other obvious selection process beyond their availability.

#### 3.5.2 Areas Reported:

<u>Area</u>	<u>Number of Prisons</u>
Accommodation, residential	5 (+1)
Adjudications	4
Catering/kitchens	7 (+1)
Chaplaincy	9
Drug strategy, substance abuse	6
Farm/gardens/grounds	4
Gym, PE, sport	3
Life sentenced prisoners	4
OMU, Public Protection	5
Programmes, reducing re-offending, psychology	4
Induction	6
Resettlement, probation	6
Security	5
Staffing, personal officer	3
Purposeful activity	6

Other areas reported on once or twice included: absconds, Butler Trust, canteen, cleanliness, clustering of prisons, families, finance & resources, foreign nationals, gatehouse, health & safety, IEP, laundry, new initiatives, P-NOMIS, prisoner consultation, property, request & complaint, social inclusion, transport & transfers, vision, visits, YOs.

3.5.3 In a few reports there was evidence that one of these areas had been the subject of targeted (focused) monitoring by the Board. **These sections were all reported in a way that was balanced, perceptive and illuminating.** Some other reports showed only limited signs of monitoring the areas reported. Sections read as though written by the prison rather than the Board or being the result of gleaning summary feedback from prison staff rather than independent monitoring.

3.5.4 The number of other areas reported on varied between 5 and 17 with a mean of 9.2. These numbers showed the range of Boards' judgements but did not appear to be meaningful in other respects. There was no apparent relationship between them and the quality of the content, nor to evidence of competent monitoring, for example there seemed little point in reporting an area in one sentence that said it was 'an open attractive place'.

3.5.5 It was notable how frequently (9/11) and, without exception, how positively the Chaplaincy was commented on.

### 3.6 Prisoner Applications

3.6.1 The total number of prisoner applications reported was 950 (from 10/11 prisons) with a mean of 95 and an average rate of 0.023 per prisoner. The range ran from 19 to 343 and the number was independent of the size of the prison. This indicates that on average 1 prisoner in 4 puts in an application to IMB in the course of a year. However, while this shows an average workload for members in answering applications, it is not a particularly useful fact: as every IMB member knows, a few prisoner are often the source of a disproportionate number of applications.

3.6.2 A more interesting point is that in one establishment prisoners were more than 20 times as likely to submit an application as in the establishment where fewest applications were made. Reasons for this remarkable disparity have been checked. They lay with the particular circumstances of the establishment during the year in question. These no longer apply and the application rate has fallen dramatically. **However, it demonstrates the unevenness of demands made on members and on the trusting reliance prisoners can have on the Board to follow up their concerns.**

3.6.3 It is also noteworthy that the mean of 95 compares with a national mean for all prisons of 234. **This has significant implications for the workload of Boards.**

#### 3.6.4 Analysis of Applications:

<u>Subject</u>	<u>open estate %</u>	<u>all prisons %</u>
Accommodation	3.4	3.0
*Adjudications	3.8	1.9
Confidential Access	1.1	N/A
*Diversity	0.5	1.9
Education, employment, training	5.8	5.9
*Family, visits	2.8	7.5
Food, kitchens	4.2	2.3
*Healthcare	4.0	9.9
Property, money	17.3	18.6
*Sentence related	39.7	15.4
*Staff & prisoner related	3.4	7.2
Transfer	7.2	8.2
Miscellaneous	8.4	18.7

The items marked \* are of interest as each presents figures where the disparity between the open estate and all prisons is greater than 100% (one way or the other). Explanations are not available but some of the differences seem to offer a common sense interpretation: for example, the biggest disparity is on sentence related issues. It seems unsurprising for a prisoner either serving a short sentence or reaching the end of a longer one to have particular concerns about sentence related issues.

3.7 By and large feedback on the Board was informative and has thrown light on some of the factors frequently explicated by Boards when discussing the operational constraints they meet in delivering their role.

#### 4.0 Use of the Reporting Template:

some conclusions can be drawn from comments earlier in this report. Additionally:

4.1 The reports all used the template but to varying degrees. All introduced variations to it, some more understandably than others. Some used it well as a tool to reflect their monitoring.

4.2 All reports included a description of the prison and the IMB role.

4.3 All reports included a section of issues or questions. In many cases this was presented under the heading of *Executive Summary*. However, only 5/11 used the Executive Summary as it was intended, and purports to be: a summary of the report's most important points, to be found more fully in the main body of the text. Of these 5 reports, 4 cross-referenced points made to the relevant paragraphs in the body of the report. **This is a helpful example to good practice.** Several reports included items in what was described as the summary that were not mentioned at all in the main body of the report.

4.4 Some reports included feedback on progress on the issues of concern raised in their previous year's report – sometimes raised repeatedly over several years. This was particularly helpful and has allowed analysis to identify target items that have lacked attention and may benefit from being urged again, in some cases as a national issue. **It would be helpful for all Boards to follow this practice of reporting on progress.**

4.5 The order of items also varied, as did the subject matter included in some of them. This did not significantly impede the reading of the report or their use in this analysis although it complicated the initial organisation of the material necessary for making comparisons or drawing together disparate points into a concerted theme being expressed by a significant proportion of the estate.

4.6 All reports included information on the areas recommended as essential. Some were vibrant and interesting with clear evidence of sustained monitoring by the Board. Examples of this were reports from Boards at HMPs Ford, Hollesley Bay, Latchmere House and Thorn Cross. Other reports were little more than lists of information available from the prison (and already reported by them to the Prison Service) with little or no comment or signs of independent monitoring.

4.7 The same was true of the additional areas selected by the Board as worthy of exceptional reporting. Not all Boards reported by exception.

4.8 It also reflects good practice to include information on any areas of focused monitoring undertaken by the Board during the year.

#### 5.0 General Comments:

5.1 Reporting by exception assumes the standard of work is of reasonable quality and only the exceptional needs to be reported. This will include exceptionally good, exceptionally inadequate (giving rise to concerns from the Board) and aspects of the prison that have been subject to significant change since the previous Annual Report.

5.2 Throughout many of the reports there was generous positive comment on prison staff and the difficulties under which they operate. Clearly good relationships and considerable empathy prevail. However this can be at the risk of perceptions of the independence of the IMB view. Sympathy and understanding of difficult operating conditions may explain prisoner conditions and treatment. It can never excuse inadequacies in the decent and respectful treatment of prisoners. Where reports are critical of staff or management, comments are constructive and point the way forward: surely this is the IMB role as 'critical friend'.

5.3 Most reports rightly reinforced their independence by using an objective style of writing, including the use of the third, rather than the first person ('The Board' or 'it' rather than 'I' or 'we').

5.4 A number of reports named individuals. Most common was the naming of Board members. Some Chairs signed the report. This is not good practice. The report is from the Board and should reflect a team effort. It is not appropriate to name any individual member of the team. In a small number of reports, members of the prison staff were named. This is never appropriate. A role or job can be specified but the post-holder should not be identified.

IMB National Council

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