



**INDEPENDENT MONITORING BOARD**

**HMP LEWES**

# **Annual Report**

**1<sup>st</sup> February 2014 – 31<sup>st</sup> January 2015**

*Monitoring fairness and respect for people in custody*



*Section 1*

***STATUTORY ROLE OF THE IMB***

The Prison Act 1952 and the Immigration and Asylum Act 1999 require every prison and IRC to be monitored by an independent Board appointed by the Secretary of State from members of the community in which the prison or centre is situated.

The Board is specifically charged to:

- (1) satisfy itself as to the humane and just treatment of those held in custody within its prison and the range and adequacy of the programmes preparing them for release;
- (2) inform promptly the Secretary of State, or any official to whom he has delegated authority as it judges appropriate, any concern it has;
- (3) report annually to the Secretary of State on how well the prison has met the standards and requirements placed on it and what impact these have on those in its custody.

To enable the Board to carry out these duties effectively its members have right of access to every prisoner and every part of the prison and also to the prison's records.

## Section 2

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## Section 3

### **DESCRIPTION OF THE PRISON**

1. HMP Lewes is a local prison, in Category B, serving Sussex courts. It holds adult males, both remanded and convicted, and a small number of young prisoners aged 18 to 21. The prison's oldest buildings are Victorian, and it was built on a radial design.
2. At the end of January 2015 HMP Lewes held 650 prisoners (658 in 2014). The baseline number for Certified Normal Accommodation was 642 (627 in 2013) and the Operational Capacity (crowded conditions) was 729 (729). The average length of stay in 2014 was approximately 15 weeks, more than half as long as in the previous year.

### **The prison's residential areas consist of:**

- A wing Drug Recovery unit, holding 134
- B wing Segregation unit, holding 14
- C wing Vulnerable prisoners, mostly sex offenders, holding 164
- F wing Adults & Young Prisoners, convicted/remanded, holding 163
- F 1 First Night Centre (FNC), holding 30
- G wing Care and Support unit (CAS), holding 23
- K wing Stabilisation Unit, holding 22
- L wing Resettlement category C unit, holding 80
- M wing Resettlement category C unit, holding 94
- Health Care Centre (HCC), with clinics and an inpatient facility holding 19

### **The main contractors to the prison are:**

- GEOAmey (transport to and from the courts and local prisons)
- SERCO (transport to and from London prisons)
- TASC0 (transport for Foreign Nationals for bail hearings and deportation/repatriation flights)

- DHL (ordering and delivery of prisoners' purchases from earnings)
- 3663 (supply of frozen, fresh and dry foods for prisoners' meals)
- Sussex Partnership NHS Foundation Trust
- The Manchester College (education, learning and skills)
- Tribal (careers advice) and National Careers Service (advice)
- East Sussex County Council Library Service
- Drug and Alcohol Recovery Team (DART, interventions delivered by the NHS Trust and the Crime Reduction Initiative (CRI) on behalf of Public Health England)

In addition, a number of Voluntary and other organisations provide significant services. These include:

- Alcoholics Anonymous (weekly support group)
- Citizens' Advice Bureau (staff advise prisoners, eg on debt problems)
- Enterprise Exchange (training prisoners to help others in a business start-up)
- Job Centre Plus (DWP employment and benefits advice)
- KeepOut (a crime diversion scheme delivered by serving prisoners)
- Life Skills Coaching (consultancy)
- Local faith groups and churches (support for released prisoners)
- National Association for the Care & Rehabilitation of Offenders (Job Deal advice for those with no work record)
- National Association of Official Prison Visitors
- Preventing Offender Accommodation Loss (POAL, Brighton Council project for those on remand or a short sentence)
- Sussex Pathways (provides a 'through the gate' mentoring scheme)
- The Women's Royal Voluntary Service (occasional supervision of the crèche during visits)

- The Prince's Trust (peer mentoring by ex-offenders for prisoners under 25 leaving prison)
- The Prison Fellowship (runs Sycamore Tree, a six week victim awareness course for prisoners)
- The Samaritans (runs the Listener scheme, whereby prisoners can call on a rota of trained prisoner Listeners at any time and speak of their concerns, in confidence. The Samaritans visit the prison twice a week to train new Listeners and to speak to prisoners on request). There is also a dedicated telephone line by which prisoners can speak to the Samaritans on request.
- The Shannon Trust (provides 'Toe by Toe' reading scheme)

## *Section 4*

### ***EXECUTIVE SUMMARY***

References, in parentheses, are to paragraph numbers

3. In January 2015, prisoners at HMP Lewes spent even more time locked up in crowded cells than a year before. Lockdowns are now more frequent than then and the adverse effects of 'Staff non-availability' are the theme of this report.
4. The far-reaching effects of this reduced regime on a prisoner's education, healthcare, rehabilitation, safety and living conditions are all detailed in this report. The regime has been unpredictable since July 2014. Neither officers nor prisoners can be wholly certain, despite the schedule, whether a wing where cells are unlocked in the morning will be closed or open in the afternoon.
5. Many services should be provided for prisoners. They are there to allow decent living conditions, to reduce re-offending and to keep prisoners safe and the prison secure. These include education classes; medical and dental appointments; support for recovering drug addicts; advice on immigration and deportation issues; help with accommodation, housing and employment in the weeks before release; prison workshops, the Gym and Library, induction on first arrival. All

these normal services have been severely disrupted over the last six months, as this report shows.

6. Prisoners who suddenly cannot phone their families at the arranged time, or enquire of an officer about their lost property, or take a shower, or clean their cells, or have some respite from a difficult cell-mate, are likely to become frustrated. They are likely to be more violent to each other, to self-harm more, to be more violent to others when unlocked, and to misuse substances more.
7. From April to September 2014 the perceived instability of HMP Lewes (81, 111) was a significant concern to the IMB Board, who wrote to the Minister in October 2014. Action was taken to improve the stability of F wing, and while reported assaults have gone down since then, there are still frequent signs of unrest.
8. Local projects in the prison show staff using imagination and initiative in their own areas. In Education, the Art tutors guided prisoners towards excellent work for Rochester Cathedral and for the Battle of Lewes celebrations (40). In the Library, creative writing is encouraged (44), with professional writers coming in to meet prisoner-poets.
9. In the Segregation Unit there are fewer long-stay prisoners than two years ago. The health workers who offer drug rehabilitation (58) are enthusiastic and pro-active.

#### ISSUES REQUIRING A RESPONSE (section by section)

10. In Education, almost half the places that exist, and are staffed with tutors, have not been used for five months (37). Only half the prisoners who should attend those classes that exist actually do so (38).
11. In Health, prisoners have appointments at the in-prison clinics cancelled because officers are not available to escort them there (55). Appointments and even operations scheduled for an outside hospital are similarly cancelled, sometimes repeatedly, for lack of escort. The prisoner can thus be in pain, with a deteriorating condition, for far longer than he should be (56).

12. In Purposeful Activity, there is insufficient work available. More importantly, attendance as a percentage of capacity, counting all off-wing activities, is very low (63).
13. In Resettlement there is a backlog in completing OASys (sentence plans) and this affects prisoners (68).
14. In Safer Custody the rates of self-harm and violence rose in 2014 (81), and the audit showed significant weaknesses.
15. In Residential Services there are worrying issues about lost property (106), laundry (104), litter (103), lost post (106), and insufficiency of clothing (104).
16. In Security the unit that tests prisoners for illicit drugs was closed for four months (110).

#### ISSUES FOR INFORMATION

17. The Healthcare Centre no longer allows prisoners to smoke, either in their cells or whilst in clinics or on exercise. This recent change has been accomplished smoothly.
18. In 2013 Sussex Partnership NHS Trust improved its target for an initial response to a prisoner's complaint from 28 days down to 7 days after the IMB had brought this to their attention. The IMB is pleased to note that the new, more appropriate target is now being attained.

#### PREVIOUS YEAR'S CONCERNS

19. In its report covering 2013, the IMB was already concerned about an increase in the time prisoners spent locked up, following the Inspectorate's own concerns published in January 2013. As stated and shown above, lockdowns now occur regularly and the adverse effects of 'staff non-availability' are the theme of this report .
20. There were, and are, four exceptionally small cells in one wing, which the Board considered quite unsuitable for two men (102) The Board reiterates its view that these cells should be certified for single occupancy only even in crowded conditions.

21. The classroom places in Education were severely underused in 2013, with a low attendance rate by prisoners. In 2014 this problem, and this waste of resource, is no better (37). In May 2014 in response to the previous year's report, NOMS said that an action plan for increasing attendance at classes had been introduced. However prisoners' attendance is rather worse now (38, 63) than then.
22. In 2013 the IMB expressed concern about the high rate of staff sickness at HMP Lewes. This problem remains the same, and is a factor in the shortage of staff and the consequent effects on prisoners.
23. Complaints to the IMB about Health provision rose significantly in 2013, and have stayed at the same high level in 2014, with a sharp increase in the last three months. (52)
24. Poor Kitchen hygiene was a concern in the previous year's report. The Board is pleased to say this issue has rarely surfaced in IMB observations in the current year.

## *Section 5*

### ***EQUALITY AND INCLUSION***

25. Lewes IMB strives not to discriminate directly or indirectly against anyone because of age, disability, gender reassignment, marital and civil partnership status, pregnancy and maternity, race including colour, nationality, ethnic or national origins, religion or belief, sex and sexual orientation, in recruitment, in the treatment of members, and in the way Members monitor the treatment of people in custody.
26. Members take seriously their duty to foster good relations between people from different groups and to work towards equality of opportunity.
27. In its 2014 recruitment campaign the Board again advertised on the web and in local supermarkets and libraries. This produces a good range of IMB candidates, in terms of age and employment status.

28. Overall, 14 discrimination incidents were reported via the form (DIRF), back to the level of 2013. None of the outcomes was serious enough to be referred to Senior Management for further investigation.
29. There are still only 4 cells that are fully compliant with the Disability Discrimination Act (DDA), 3 containing en suite showers. For the most part disabled prisoners are accommodated in normal or part-adapted cells.
30. The age of the prison population in Lewes is increasing, especially among sex-offenders. HMP Lewes has one bed in Healthcare for end of life care. In general there is little in place for older prisoners apart from specific gym sessions for the over 50s.
31. The Care and Support Unit (CAS) continues to do some very valuable work with vulnerable prisoners but it is difficult to move prisoners on from the unit to normal location. At times the CAS Unit appears to be used as an overspill for those leaving the Segregation Unit.
32. There are 5 prisoner representatives, instead of the full compliment of 12, for general equality issues. For transgender prisoners, both prisoners and staff cope well with the issues raised, and few problems arise. A meeting offering support to Gypsy and Irish Travellers was held in December 2014 in an attempt to foster good relationships.
33. There is a monthly average of 75 Foreign Nationals (FN) (11.4%) held at Lewes. Some are convicted prisoners whilst others are held on Immigration Warrants (6 in the first week of January 2014 and 7 at the same time in 2015). There are now no FN representatives amongst the prisoners.
34. In October the fortnightly UK Visas and Immigration (UKVI) clinic to deal with foreign national issues was stopped, due to the frequent closure of its venue through shortage of prison officers. The UKVI representative now visits prisoners on the wings.
35. The Chaplaincy Team is proactive in offering a good service to ensure that individual needs are met. However, there has been a two year delay in renewing the DBS clearance for two of the faith chaplains,

leaving prisoners of these faiths without their own support and ministry. The IMB notes that the prison is sensitive to prisoners' religious diets and makes considerable efforts to accommodate these.

### ***EDUCATION, LEARNING & SKILLS***

36. The education provided for prisoners is often not being delivered as scheduled, due to shortages/non availability of staff.
37. There are about 115 places provided for the prisoners. However 50 of these places have been unused for five months because the prison regime does not provide enough officers to unlock and escort prisoners to them.
38. In the 65 places that are in use for up to nine half-day sessions a week, IMB members observed attendance of less than half the prisoners listed on the tutor's register. English as a Second Language (ESOL) was, as seen in the previous year, much better attended. It appears that some wing officers make efforts to encourage prisoners to attend their classes, and others do not. In theory a prisoner who fails to attend for no good reason should have a warning 'strike' on his Incentives and Earned Privileges (IEP) record, but in practice this is rare.
39. The range of courses is limited. The main subjects offered are Art, with basic skills in Literacy, Numeracy, IT, and ESOL. In previous years a greater variety was offered. There is a preponderance of individual work rather than whole-class teaching. Prisoner mentors sometimes sit beside learners and they, as well as prisoner 'learning champions' can be very helpful.
40. The Art Department is particularly successful at enthusing prisoners. Colourful banners were made to celebrate the anniversary of the 1264 Battle of Lewes, and hung outside the prison and down the High Street. The Art department also produced extensive art works for the Rochester Cathedral Festival of Hope, with some imaginative displays. There was once again a high number of entries from the prison to the Koestler Trust exhibition.

41. Most of the prisoners do not possess Literacy and Numeracy certificates at Level One of the National Qualifications Framework and need to acquire this in order to obtain a job. Level One equates to the grades below 'C' of GCSEs in English and Maths. It could thus be argued that education places should be available for about 600 prisoners so that they are employable.
42. In contrast, a few prisoners study at a higher level via distance learning (Open College Level 3, or Open University modules). This study is not usually publicly funded, but the Prisoners' Education Trust awards some grants.
43. The prison and the contractor, The Manchester College, aim to assess the educational needs of prisoners soon after arrival. This should take place in one half-day session, once a week, for all the prisoners that have newly arrived. However at times at the end of 2014 some 200 prisoners had not received this education induction, due to frequent closure of the IP-RC and lock downs on the wings , and although in January 2015 there was some catching up, some will have been transferred elsewhere, or will have been released, without any assessment of their educational needs.
44. The prison Library is operated by East Sussex County Council, with qualified Librarian staff. Valuable educational work is carried out by the proactive Library staff. The Library runs an enthusiastic Creative Writing group, which has been attended by the prison's writer-in-residence and on occasion a professional script writer. This group is working towards publishing a booklet of poems as in previous years, with the assistance of the University of Sussex.
45. Attendance at the Library is lower than earlier in 2014, as the wing lockdowns prevent many coming. Those that do attend however are enthusiastic and use the excellent County borrowing facilities well. Library stock is well kept, varied and up to date. Library staff run the Storybook Dads project which fosters connections between prisoners and their children.

46. Prisoners do not often have prior experience in Further Education Colleges to which they can compare the prison provision. The few views that were obtainable were very mixed. Only a small number believe that educational qualifications will help them get a job. The prisoner 'Learning Champions' represent an attempt to influence this assumption.
47. The Prison Information and Communication Technology Academy (PICTA) has been closed nationally for security reasons for over a year. The Academy at Lewes was built to offer 40 – 60 places, with hardware and software, to enable prisoners to study and take qualifications in IT and IT networking. Its absence has contributed to the significant reduction in 2014 of provision for purposeful activity for prisoners. Its closure is a considerable waste of resource.
48. There are only two accredited vocational courses, fewer than in previous years, as horticulture, construction and Physical Education courses have been lost. These are Painting and Decorating courses (four times a year), with 6 - 10 prisoners on each, and occasional short British Institute of Cleaning Science (BICS) courses.
49. The use at HMP Lewes of the Virtual Campus is potentially high. When prisoners are unlocked they can access a version of certain internet sites, to which their access is monitored. Some courses are available, and also the facility to write a *curriculum vitae* and to look at advertised jobs.

### ***HEALTHCARE AND MENTAL HEALTH***

50. The Healthcare Wing has 17 beds available, during the period of this report, as well as space for clinics and examination rooms. The accommodation is not ideal: for example there is still outstanding work to be done on ligature points in some of the cells. There is only one cell for end-of-life care, and although designated as a disabled cell, it is not really fit for purpose. It is opposite the outpatients' clinics area and is thus quite noisy. It is dark with little natural light and is poorly fitted

out. When it is in use there are no disability cells in the Healthcare Wing.

51. Staffing has again been a challenge for the Trust this year but on the whole has been more successfully managed than in the previous year. Uniformed prison staff are rostered to the Healthcare Wing to assist with any discipline issues. When these officers cannot be spared through staff shortages, prisoners are locked in their cells for long periods of time.
52. The main subjects of prisoners' healthcare complaints to the IMB this year were (a) that inadequate drugs had been prescribed for pain management, and (b) that prescriptions given by a previous doctor had been altered by a Lewes doctor. There has been a sharp increase in the number of applications to the IMB in the last three months, so that the total for 2014 is now the same high figure as for 2013.
53. The NHS Trust itself has a robust Complaints procedure and apart from one month, it is reported that complaints have been replied to within 7 days.
54. Clinics including dentistry, ophthalmology, sexual health, chronic health and older prisoners are run on a regular basis. They have been seriously affected by wing lockdowns, which mean that prisoners cannot be taken to them.
55. For the same reason there has been a sharp increase in non-attendance at internal and external appointments. Healthcare staff can visit individuals during a lockdown if there is a medical need, but on one occasion the whole prison was shut down for a detailed search of a wing, and 50 internal medical appointments were missed.
56. The current situation has resulted in prisoners having external hospital appointments cancelled up to six times when there were no staff available to provide escorts. Outside appointments are allocated on a needs basis, so prisoners with less urgent needs have to wait a long time for diagnosis or treatment.

57. The Healthcare Wing, including the exercise yard, became 'smoke free' in January 2015 and smoking cessation programmes are now available again for the whole prison population. The new rule prohibiting smoking in cells on the wing seems to have been introduced smoothly. There has been a continually high incidence of substance abuse in the prison with the use of NPS (New Psychoactive Substances/Legal highs) being widespread, as well as steroids, Classes A and B, misappropriated prescription drugs and alcohol.
58. The Drug and Alcohol Recovery Team (DART) engage in some way with two-thirds of the prisoners. These staff are radio-trained and can move a prisoner off the wing to join a therapy group if the cell can be unlocked. They provide a valuable, pro-active and much needed service. But each month an average of 50 individual prisoners do not receive the sessions they are due for, simply because their wing is locked down. This missed clinical or psycho-social intervention might never happen, because the prisoner may be about to be released or transferred. Even if the backlog is caught up on later, the critical moment might have gone by and the drug misuse may continue.
59. DART staff sometimes have to hold a conversation with a locked-up prisoner through the door, when timing is critical. This means every word the therapist says can be heard at the other end of the wing, and by all prisoners on the landing. This is completely unacceptable.

### ***PURPOSEFUL ACTIVITY***

60. The IMB remains concerned at the low numbers of prisoners who are out of their cells and engaged in purposeful activity during the core day. Spot checks have revealed that this can, on some wings on certain days, be as low as 33% and rarely exceeds 40%. Her Majesty's Inspectors of Prisons (HMIP) expressed concern about this in 2012.
61. It is disappointing that there has been a deterioration over the last two years, despite this issue having been identified by the Inspectorate and others, and despite the importance now attached to work in national prison policy and by Ministers.

62. Prison managers accept that this situation is far from satisfactory and have identified prisoners' pay policy, the incentivisation of prisoners to apply for activities, delays in allocating activities and the management of attendance as contributory factors. An additional problem since August 2014 has been the planned and unplanned closure of wings for parts of the core day due to staff shortages. When this happens prisoners are unable to attend many of the activities for which they are booked and activity places are unused.
63. In November, the last full month for which figures are available, actual attendance at activities utilised only 61.51% of the activity places provided and available. Monitoring of the take up of education spaces by the Board in January identified classes with attendances as low as 2 out of 8 and 3 out of 10 registered prisoners attending.
64. There is a current maximum of 296 activity places available for prisoners. These include work in prison workshops (35 places), education (90 places), as wing cleaners and orderlies (65 places) and in the Kitchen and Staff Mess (33 places). In addition there is a current maximum of 199 places available on 'Other Activity and Enrichment'. These include the Gym (60 places), the Library (25 places) and a number of other programmes.
65. Following management changes over the last year, managers have, over recent months, reviewed the activities regime and have taken, and are taking, a number of initiatives. These include revisions to the Prisoner Pay Policy to incentivise the take up of work and other activities, a streamlining of the allocation arrangements and better management of attendance including a controlled unlock regime which is due to be introduced in February 2015. It is hoped that these changes will lead to an improvement in the utilisation of existing activity places and this is something the IMB will keep under review.
66. Managers have, in recent months, been active in seeking to create new activity opportunities although securing work from outside the Prison remains challenging. Some of the work that is secured is short term in

character and provides only limited development for prisoners prior to release.

## ***RESETTLEMENT***

67. HMP Lewes has about 10 new receptions each day, and the Offender Management Unit (OMU) tries to complete between 30 and 35 Offender Assessments per month. In late 2014 the OMU lost about 80 hours of staff time every week, as offender supervisors and others were cross-deployed to cover gaps on the wings. This increased an existing backlog of work.

68. In November 2014 there were 69 in-scope prisoners who did not have an updated (or any) Offender Assessment (OASys). Any prisoner who urgently needed one (e.g. because he was about to be transferred to an open prison) was allowed to 'jump the queue' and be assessed in time. Although completion of offender assessments has improved, there is still a backlog.

69. The prison's Induction and Pre-Release Centre (IP-RC) offers both induction for new arrivals and individual appointments with a wide range of agency staff and volunteers for those about to be released. When the Centre is open this works well, with attendance from Citizen's Advice, Job Centre Plus, and 'through-the-gate' mentors. In the view of the IMB it is regrettable that this valuable resettlement resource has been the subject of frequent and prolonged closures during the year. The reasons were either that no officers were available to oversee the IP-RC, or that prisoners' wings were locked down so they could not attend. In November 2014 there was a backlog of more than 200 prisoners waiting to complete their IP-RC induction to the prison. Although this situation later improved, the IMB come across examples of prisoners who are not allowed to apply for work for some weeks because they cannot get themselves unlocked when the compulsory induction session is on. The effect at the beginning of a sentence can make a new prisoner bitter and recalcitrant.

70. Resettlement staff can sometimes go to see prisoners on the wing, but this is not efficient. One example is that the Housing Officer may go to the wing but is not allowed to take a laptop, so the work that needs to be done with the prisoner present cannot be done as it would be in the IP-RC.
71. Several charities do valuable work towards resettlement. These include Keep Out, which can provide work for eight prisoners, training them to give dramatic presentations to young people selected as being at different degrees of risk by teachers, the Youth Offending Team or the Court. Keep Out now provides one-day, eight-week and ten-week courses. The longer ones are attended as part of a community sentence; failure to pass the course is referred back to the court. The prisoners gain confidence and say they have themselves become even more determined not to re-offend.
72. There is still too often a lengthy delay in obtaining DBS (security clearance) checks for volunteers and chaplains. This means that volunteering input is often lost, as new recruits give up waiting and find other work. Prisoners have been waiting two years for two of the chaplains to have their DBS clearance renewed, so their faith needs have not been fully met.
73. There were four Family Days held, part-funded by Brighton and Hove and East Sussex Councils in 2014. DART staff also ran two Family Days for prisoners on their Fathers Inside course. These days are an opportunity for some prisoners to see their partners and children from 10 am to 3pm. The prisoners visibly relax as they play games with their children, and tell the IMB that they value the experience so much they would 'pay for it'. It is a concern to the IMB that this family-bonding experience is likely to end, through funding constraints.
74. Visitors still have problems booking visits by phone, as too often the phone is engaged or goes unanswered. A small IMB survey confirms this. The email service is more successful, and visitors can book a subsequent visit on departure. Refreshments can be purchased and

the WRVS operates a crèche when they can. These sessions are also important for rehabilitation, and booking a visit by phone should be an easy process.

### ***SAFER CUSTODY***

75. The Safer Custody team has had its work severely curtailed by staff shortage this year. By January 2015 over 2,000 designated hours had been lost, and the team was more than one full time member down in number. The Custodial Manager in charge of the function is rostered onto night duties and Orderly Officer duties, resulting in the loss of a great many hours of Safer Custody work. (In some prisons the Safer Custody work is ring-fenced.) As a result of these staffing problems, fundamental and vital work has not been carried out.
76. The Safer Custody monthly meetings have taken place throughout the year, but the date is frequently changed and attendance is poor due to lack of available staff. It is important that Safer Custody is owned by everyone in the prison, and the inability of managers to attend the meetings means that ownership, momentum and accurate recording of observations are at risk of being lost.
77. For the last few months, no Violence Reduction (VR) investigations have been able to take place, and only ten out of forty were investigated between August and January inclusive. While there is no evidence of widespread bullying, where it does take place the Safer Custody team is unable to look at patterns, support victims or educate perpetrators. Forms submitted about unexplained injuries have not recently been investigated by the team. The wing supervisors put the formal VR measures in place and have to try to resolve the issues unsupported by Safer Custody time and expertise. However, due to staff shortages the staff on a wing are not always those regularly detailed there, and do not know the prisoners. It is suspected that not all incidents of violence or bullying are now formally reported, and that therefore not all prisoners who should be are actually on VR measures. This has a negative effect on the stability of wings.

78. Training in ACCT (Assessment, Care in Custody, Teamwork) management is not able to take place. The ACCT document is opened on any prisoner deemed to be at risk of self-harm. There are a number of new Band 4 Supervising Officers running the wings, and they become the Case Managers for prisoners on open ACCTs. There is no one in the prison who can train them to do this. The national Case Management training courses have been stopped, as has the training for the trainers themselves. This has left HMP Lewes in a situation where the Case Managers must remain untrained, yet they are responsible for the documents which are designed to keep prisoners safe. The IMB finds this completely unacceptable.
79. As a result of this, the quality of ACCT documents has deteriorated, compromising safety. This is compounded by the depleted Safer Custody team no longer having the time to monitor the documents around the prison and offer support and guidance to those who fail to complete them correctly. The IMB has observed the deterioration in quality.
80. The number of ACCT documents opened in 2014 reporting period was 328, somewhat lower than the 365 in 2013. The number opened in the First Night Centre is down to 7, reflecting the hard work that has gone on to identify prisoners at risk of self-harm on their arrival at Lewes and address their immediate concerns.
81. The number of incidents of self-harm was 128 in 2014 compared with 88 in 2013. The prison estate is now overcrowded, and prisoners sometimes harm themselves in an attempt to avoid transfer to a prison that may be a long distance from their families.
82. The Listener and Samaritans schemes continue to run well, although the former is sometimes comprised because Listeners cannot be brought to prisoners in need. There is an ongoing need to train new Listeners as prisoners are transferred or released.
83. There were three Deaths in Custody (DIC) at HMP Lewes during 2014, all of apparently terminally ill patients. The inquests are due to be held

in early 2015. There was a further death in January 2015 of a prisoner who was released into the community two days previously.

84. Two DIC inquests were held during 2014, one on a prisoner who had died while being transported to Lewes. There were no Coroner's recommendations for the prison. There is one inquest outstanding, of a death that occurred in July 2012.
85. An audit recently carried out on Safer Custody rated the function as Amber/Red, with significant weaknesses. The IMB and prison are very aware of these, and they are outlined above. Without fuller staffing levels it is difficult to see how the ensuing Action Plan can be carried out.
86. Despite the difficulties and shortages under which it operates, the IMB has seen that Safer Custody is taken seriously by staff at HMP Lewes. Previous training and an embedded culture that it does matter have allowed, for the moment, good work to be carried out. However, the problems identified above, not least the lack of any national training, do of necessity leave the concept of a safe environment for prisoners exposed to risk.

### ***SEGREGATION (CARE AND SEPARATION) UNIT***

87. The accommodation provided for the unit is an adequate and safe environment for the effective management of prisoners and the maintenance of a humane regime. The unit's operational capacity caters for 14 prisoners in single cells; there are also 2 high-observation cells and 2 special accommodation cells.
88. During the latter half of 2014, the unit has been operating at close to full capacity. The average number of prisoners during this period ranged from 11 to 13, with 3 weeks at 14, 4 weeks at 13 and 4 at 12. This has been challenging for staff to manage. There have however been very few prisoners staying in segregation for more than three months, and this contrasts with previous years, when some were there for over a year, to the concern of the IMB.

89. Despite this the unit appears to be well managed by the staff who regularly have to demonstrate skill and patience in dealing with aggressive and non-compliant prisoners.
90. The Board has been represented at all the fixed weekly GOoD (Good Order or Discipline) reviews held during the past 12 months and also endeavours to have representatives attend the 72 hour reviews whenever possible. Receiving adequate advance notification of these reviews has not always been timely in the past, but during 2014 the Segregation staff have developed the use of the CJSM secure email network to provide reasonably regular advance notice to IMB members.
91. Sometimes prisoners prefer to be housed in segregation, perhaps in order to have a single cell, to avoid mixing with other prisoners, or to reduce the risk of exhibiting poor behaviour prior to a parole hearing. They may refuse to be located on a residential wing, and try to remain inappropriately segregated.
92. To address this, a Refusal to Locate Policy was brought in, with a range of sanctions against prisoners who refused to re-locate, such as loss of canteen, loss of in-cell possessions, reduced telephone use, and no in-cell radio or TV.
93. When prisoners need to be transferred from the Segregation Unit to other establishments it has often proved difficult to find places, either because of the acute shortage of space within the prison estate generally, or because of a reluctance by other prisons to accept them. This can result in prisoners who genuinely cannot be located in residential wings at Lewes being held in segregation for far too long, in the view of the IMB.
94. The Segregation Monitoring and Review Group (SMARG) meetings have been held during the year but at somewhat irregular intervals.

## ***RESIDENTIAL SERVICES***

### **Regime curtailment**

95. For most of the year there have been regime variances published each week, affecting every wing. This daily schedule of lockdowns is

available to prisoners. However, emergency closures occur in addition on some days, further exacerbating a wholly unpredictable regime. This causes enormous frustration to prisoners as they are frequently not told the reason for being left in their cells. Consequently there has been disruption to domestics such as showers, phone calls, laundry and receiving medicine, as well as the inability to go to work, education, induction and rehabilitation or medical appointments.

96. In June the IMB reported that there have been no toothbrushes available for six weeks. This is not decent.

97. There is no Personal Officer scheme. Under New Ways of Working there is considerable redeployment of staff to areas they are unfamiliar with. These cross-deployed staff are unable to build meaningful relationships with prisoners and have frequently expressed frustration at not being able to do their jobs as fully and professionally as they would wish. The Board believes that staff are generally well trained, experienced and enthusiastic, but during July and August 2014 it observed lower morale amongst prisoners and staff. In addition, training updates such as ACCT Case Management or Control and Restraint are falling behind.

98. Staff sickness is a constant concern as the sickness figures are continually high and have on occasions reached over 30 in a day. The Board believes these continuous shutdowns are unacceptable and create an unsatisfactory environment for prisoners.

### **First Night Centre (FNC)**

99. The First Night Centre cells on F1 can hold 30 prisoners. Due to the lack of available cells throughout the prison, prisoners who cannot be located elsewhere are often kept back in or sent to the FNC. This is frequently the case with sex-offenders awaiting a place on the Vulnerable Prisoner Unit. This causes unacceptable bed-blocking for new arrivals.

100. It is important that the FNC is only used for the observation and risk assessment of new prisoners, so that they can be eased into prison life.

### **F Wing**

101. Most of these cells, designed for single occupancy, continue to house, under 'crowded conditions', two prisoners with an in-cell lavatory. Privacy screens, made from a light material, have been installed, and under crowded conditions it is only when they are in place that the cells are compliant with PSI 17/2012. However the screens are frequently damaged or torn down, and replacements are slow.

102. On F wing there are four especially small cells, of 6.3 sqm, which are also allowed to be doubled. The Board continues to feel that now that the population is taller and broader, these four cells should be for one prisoner only. Holding two people in these particular cells is simply uncivilised.

### **A Wing**

103. Generally the wings are kept clean and tidy. However, there have been times when A Wing has been observed to be extremely dirty inside, and items have been frequently thrown through cell windows on to pathways outside. The litter is mainly bedding, clothing and food. Large items can go through because of the broken window retainers. Prisoners should live in a clean and decent environment.

### **Clothing Exchange and Laundry**

104. There has been a continuous problem in re-equipping everyone satisfactorily, with repeated reports of clean clothing and bed linen not being available. This is largely due to considerable wastage and to items being damaged. Prisoners manage the weekly kit change and the current regime is too stretched to allow for frequent kit purges and thus items go missing. For example, one thousand brand new towels were issued in August and by September most were unaccounted for. Inexplicably, white towels were chosen nationally to replace green ones. Many have to be thrown out due to staining. It has been an

expensive decision. In one week in January 2015, a total of 1407 items (blankets, sheets, T-shirts, track suit tops and bottoms and towels) were lost, discarded or thrown outside from cell windows.

### **IMB application forms**

105. There is a constant lack of IMB forms on the wings, despite the Board's efforts to remind staff to ensure that supplies of these are kept in place. As a result, the IMB is receiving a large number of applications on general forms, as these are sometimes the only ones available. In addition, sometimes these forms reach the IMB by general internal mail via staff, and this compromises confidentiality and delays the process for the prisoner. Moreover, if a wing is locked down, the IMB member on duty cannot talk to the prisoner about his application; this leads to further delay.

### **Post**

106. There have been frequent problems regarding Post Room shutdowns, backlogs, missing and delayed post. The six vacancies in Operational Support Grades (OSG) have resulted in delays with checking outgoing mail, visiting orders and incoming property. Occasionally there has been a large backlog of catalogue items waiting to be processed in the Post Room. It is noted that when the Post Room has had full staffing levels, it has run smoothly with all its post up to date.

### **Kitchen**

107. The kitchen staff have coped well with a shortage of two civilian staff throughout the year. Prisoners have a four-week cycle of menus with a budget of £2.02 per prisoner for food per day. Each weekly menu sheet provides a wide choice of food and takes full account of diverse dietary requirements. The Kitchen caters successfully for individual needs concerning health and religion, and special food is prepared for those celebrating religious festivals such as Ramadan.

108. Prisoners should be able to address complaints about the food directly to the Kitchen using the comment book in each Servery. However, these comment books are not always readily available on every wing and are sometimes not looked at by kitchen staff.

## *Section 6*

### ***SECURITY***

109. On 26th July a prisoner escaped whilst being escorted by two officers back to prison, following his discharge from hospital. He had been admitted a few hours before, also during the night, suffering from severe fits after taking 'Spice'. An independent investigation concluded that there were some lapses in prison procedure, coupled with a compassionate attitude and elements of complacency. The prisoner was recaptured on 24th August.
110. The prison's Mandatory Drug Testing Unit was closed down between July and December 2014 because the designated officer was taken off this work to fill gaps in wing staffing. This meant that there was no random drug testing in the prison for this period. It is thought that prisoners became aware of this.
111. Throughout 2014 the misuse of drugs, whether illicit or prescribed, has contributed to instability and even hospital admissions. There have been considerable finds of these substances both within wings and in outside areas, where they have been thrown in over the perimeter barriers. There seems to be no reliably drug-free wing.
112. The IMB is concerned that some security monitoring in the prison is not being carried out as much as it could be. For instance, daily accommodation fabric checks of cells are no longer carried out.
113. Security meetings are often postponed and are poorly attended. Functional reports are not submitted. Intelligence and dangerous activities in the wing is recorded in the wing .observation book but not always submitted to Security. It is vital that each individual and the

prison as a whole takes collective responsibility for security within the establishment. It is difficult for over stretched and cross-deployed staff to duplicate documentation, write reports and attend meetings, which in the IMB view compromises the whole-prison ownership that is needed.

## Section 7

### **THE WORK OF THE INDEPENDENT MONITORING BOARD**

Recommended complement of board members	17
Number of board members at the start of the reporting year	13
Number of board members at the end of the reporting year	13
Number of new members joining within the reporting period	3
Number of members leaving within the reporting period	3
Number of board meetings during the reporting period	12
Total number of visits to the establishment	582
Number of Segregation Reviews held	92
Number of Segregation Reviews attended	74
Date of Annual Team Performance Review	15 Nov.

Members attend the prison on a weekly rota basis. Each week one member monitors the statutory areas (Healthcare, Kitchen, Segregation Unit and all residential wings); a second deals with prisoner applications and attends the

weekly Segregation Reviews, while a third inspects other areas of the prison. Helpful presentations are given at the monthly Board meeting by HMP staff and others, to broaden IMB knowledge.

Rota visits cover different times of day and days of the week. As required, members have attended serious incidents and observed planned removals. Use of the Special Accommodation Cell has been observed and monitored. The Board has an agreement with the Governor over which incidents it should be immediately told about, but have repeatedly had to request that this is adhered to.

Members welcomed the IMB at HMP High Down and the IMB at HMP Ford on a training visit to HMP Lewes, and visited HMP Thameside themselves. The Board held two in-house training mornings, and members attended the IMB Conference and several national and local training events. One member is trained as a flight monitor, and attends the IDE study day. Another is on the National Council.

Recruitment of new members has not proved difficult, and the Board is now attracting some younger members. However, retention of new members is not easy, as many find that the time required, especially in the earlier stages, is not compatible with other demands on their time.

Staff shortages have meant that the IMB Clerk has not always been able to attend and minute the monthly meeting. Board members now undertake many administrative duties themselves, and this adds to time pressures on members.

**APPLICATIONS FROM PRISONERS TO THE IMB**

	<b>Subject</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
A	Accommodation	9	9	14	21
B	Adjudications	7	6	7	11
C	Equality & Diversity	0	9	8	6
D	Education/employment/training inc IEP	27	24	17	17
E 1	Family/visits inc mail & phone	20	21	32	35
E 2	Finance/pay		5	8	14
F	Food/kitchen related	4	8	13	17
G	Health related	36	29	63	64
H 1	Property (within current establishment)	38	17	11	25
H 2	Property (during transfer/in another establishment)		7	10	45
H 3	Canteen, facilities, Catalogue shopping, Argos		7	9	2
I	Sentence (inc. HDC, ROTL, parole, release dates, re-cat)	23	47	36	31
J	Staff/prisoner concerns inc bullying	14	21	24	26
K	Transfers	4	5	20	28
L	Miscellaneous	12	13	12	17
	<b>Total number of IMB applications</b>	<b>194</b>	<b>228</b>	<b>284</b>	<b>359</b>
	Confidential Access		37	40	37

Applications to the IMB have increased year on year since 2011. The number of applications relating to Healthcare remains high, but has not increased

since 2013. The greatest rise is in issues around Property, particularly that lost during transfer from another establishment. There have also been proportionately significant increases in applications about accommodation, finance and transfers.

## **Section 7**

### **GLOSSARY OF TERMS AND ABBREVIATIONS USED IN THIS REPORT**

The glossary can be found at:

<https://www.justice.gov.uk/downloads/about/imb/members/imb-reference-books/imb-manual.pdf#page=285> (or <http://bit.ly/1Gk1psM>)