



**HMP BRIXTON**

**INDEPENDENT MONITORING BOARD**

**ANNUAL REPORT TO THE SECRETARY OF STATE**

**1 SEPTEMBER 2015 TO 31 AUGUST 2016**

## **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:

- 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
- inform promptly the Secretary of State, or any official to whom he has delegated authority as it judges appropriate, any concern it has
- 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.

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### 3 DESCRIPTION OF THE PRISON

During the year under review, HMP Brixton held Category C and D prisoners, with the aim of focusing on training and resettlement. The prison's certified accommodation was 528, the operational capacity remained 810. There were no fixed criteria for admissions.

There are five wings and a segregation unit. A, B and G Wings held category C prisoners; D wing was a drug recovery wing for category C prisoners. C Wing held category D prisoners, some cleared for release on temporary license (ROTL). In the second half of the year, part of A wing was arranged as the London Pathway Unit, for up to 36 prisoners committing to psychological therapies.

<b>Category C</b>	A Wing	238 prisoners	135 Cells
	B Wing	150 prisoners	88 Cells
	D Wing	47 prisoners	26 Cells
	G Wing	240 Prisoners	149 Cells
<b>Category D</b>	C Wing	133 Prisoners	70 Cells

The Segregation Unit had 6 cells, one holding room and one special cell. During the year, the holding room was converted to a cell, because so many prisoners had to be held in segregation. Material changes to other areas of the prison were largely cosmetic. Overall, the condition of the accommodation is unacceptable.

The prison was under staffed throughout the year. There was also a significant number of staff acting up to the next grade on temporary promotion. The large number of incidents – violence and NPS (spice) particularly – and high rates of staff sickness for much of the year meant that the number of staff available on any one day was less than required. Until the late spring, there were fewer cell searches than the prevalence of drugs and phones necessitated. Cross deployment – moving officers to the wings from essential but not front line duties, like mandatory drug testing, ROTL supervision and sentence planning – reached levels of 50% of working time and more. In the summer, the staffing situation was desperate. Despite the appointment of three officers and one custodial manager from extra funding, there were 11 vacancies in August. By then, it was difficult and sometimes impossible to resource even the limited regime. This regime is expected to continue into the autumn.

## 4 EXECUTIVE SUMMARY

Conditions in Brixton deteriorated significantly this year, despite the best efforts of staff. The Board is compelled to report, for the third year running, that the staffing profile is inadequate. For some prisoners, neither security nor decency has been provided. This is not humane or just.

The Board welcomed the previous Secretary of State's commitment to provide extra funding. However, the loss of experienced staff, the difficulties of recruitment in London, and the training of replacements will leave the prison under strength for months. It will be difficult to prevent further damage to men's prospects of resettlement.

Brixton could be an outstanding resettlement prison. Employment and family ties are important factors in reducing reoffending. Brixton is well placed to enable family access, and it has an extended range of accredited training that could see more men going into employment.

This will not happen unless there are enough staff to run a safe and consistent regime. It is not cost effective for prisoners to be locked up and inactive. Fewer wing officers monitoring prisoner behaviour creates opportunities for bullies and less protection for the vulnerable. The transfer to Brixton of men unsuitable for resettlement, and requiring more care than the prison is equipped to provide has further damaged the prospects for the majority.

More staff are also needed to manage security, safer custody, and offender management (OMU). These functions have suffered, as in previous years, because their staff have had to be cross-deployed on frontline work. Some officers have spent 50% or more of their working time helping to maintain basic security on the wings. Inevitably, their real work cannot be progressed, and they become demoralised.

For much of the year, Brixton has had the highest level of illegal drug use in the country. The availability of NPS (spice) has contributed to high levels of medical emergencies and violence, not only because its effects can be unpredictable and very severe, but because its trading leads to debts, bullying and violence. Many prisoners have mobile phones. Attacks on staff and on other prisoners have increased. There have often not been enough officers on the landings to see off problems as they build up, increasing pressure on the rest.

There is no allowance in the staffing complement for ambulance escorts and hospital bed watches, respectively, two officers, and six officers over 24 hours. One bed watch this year lasted for two months. Serious incidents running into the evening requiring officers to work extra hours create the potential for a shortfall next day, and more time locked down for prisoners. Newly recruited officers lack the experience to cope; good officers with years of service tell the Board they are ashamed because they cannot maintain the standards of the prison service they once knew.

Towards the end of the reporting year, more resources from extra funding were allocated to security and intelligence to tackle the drug and phone problems. In July, a reduced regime was brought in, that could be run more consistently with fewer staff. Prisoners were locked up for longer, 18 hours a day or more. Access to training and work was cut to about a third, time out of cell for showers and phone calls reduced, and some men could not attend drug rehabilitation courses. By the end of August, it had become impossible even to deliver this reduced regime consistently.

The Board commends the officers and management of Brixton for their commitment, in a volatile and sometimes dangerous environment. For most of the year, the prison ran a full regime, despite the strains, and the frustration of not being able to provide enough support for all prisoners. The Board considers that the complemented and actual staffing levels in Brixton this year have been inadequate to ensure the humane treatment of prisoners, including their protection from drugs and violence. The prison's resettlement functions have not been fulfilled: this has reduced the chance of rehabilitation and going straight for the hundreds of men released over the year.

## **5 ISSUES REQUIRING A RESPONSE**

### **For the Minister**

#### **Staffing**

In his response to the Board's concerns about staffing last year, the then Minister said that

.. staffing is always detailed at the most cost effective level which is deemed safe and secure.

He also thought gaps in staffing could be covered by cross deployment.

In the Board's opinion, these conclusions have been proved erroneous over the past year in Brixton. The level of security and decency has been not been consistent with the prison's resettlement purposes; and at times it has not been a safe environment for prisoners or for staff. Cross deployment this year in Brixton has had a crippling effect on essential functions like offender management and safer custody. Men in Brixton have had, at best, a suboptimal chance to turn their lives round. This is not cost effective, and the consequent high level of disorder is also costly.

The Board would strongly urge the Minister to review staffing levels urgently, in the light of experience across the prison estate in the last year, so that humane treatment and the range and adequacy of programmes preparing prisoners for release can be assured.

#### **Release on temporary licence (ROTL)**

In his response last year, the Minister concluded that tighter ROTL rules had reduced the number of ROTL failures. He also said that processes were being reviewed and some relaxed. However, a higher risk threshold still applies to some men. Many have served long sentences, and would benefit most from controlled exposure outside prison before they are released. The Board would welcome a reconsideration of these rules.

#### **Housing on release**

The Board would also ask the Minister to ensure, in consultation with colleagues, that the needs of prisoners on release are taken into account in the Government's deferred proposals for reductions in rent support. Men leave Brixton every week with nowhere to go, and this damages their chances of resettlement. St Mungo's, which is involved in prison resettlement, has said that the rent support reduction may threaten the viability of some hostels and supported housing.

### **For NOMS**

#### ***Recommendations from last year's report***

##### **Cross deployment of staff**

The Board has highlighted this problem in its last two reports. This year it has reached crisis levels. Having regular staff on a wing is an important factor in maintaining security and the safety of vulnerable prisoners. Equally, the routine cross deployment of officers from essential resettlement functions to the wings has a damaging effect on preparing prisoners for release. Bonus schemes cannot incentivise staff to work more efficiently if they are continually being taken away from the job in hand to cover the frontline. The Board asks NOMS to set a maximum level for cross-deployment when reviewing staffing complements.

## **OASys**

The Board has been flagging up this issue for three years. In its response last year, NOMS said that a prioritisation policy had been published, and targets were being considered for completion of these reports, so that prisoners would not be transferred without them. In July 2016, there were 209 prisoners without a completed OASys report, which Brixton is not resourced to prepare. This factor reduces the effectiveness of programmes preparing men for release. It also has a knock on effect on the progression of men towards re-categorisation and clearance for release on temporary licence.

## **NPS**

Last year the Board asked NOMS to give priority to developing a test. Unfortunately, this was still not available in Brixton at the end of August. Drug testing without an NPS test incentivises its use.

## **Property**

NOMS accepted the Board's recommendation that a more robust system to manage prisoners' property was needed. Although a new policy was published, the Board has seen a further deterioration this year. The Board does not think that better volumetric control is the answer. At current staffing levels, property cannot be routinely checked at reception, or when there is an unscheduled cell change. A digitised recording system is needed, so that records are standardised across prisons, and property can more easily be traced or acknowledged as lost. The current system is breaking down, is costly, and often disadvantages prisoners.

## **Transfers into Brixton**

Last year, the Board asked NOMS to have regard to the care needs of prisoners transferred into Brixton, which is not suitable for men with serious mental illness. The response was that it is the responsibility of governors to arrange suitable transfers, and that the IMB should raise specific issues with the sending establishment or the Deputy Director of Custody. The Board believes that the number of men transferred unsuitably to Brixton, and the long delays in transferring them out, are not 'specific issues' but structural problems which should be addressed by NOMS.

## **Kit**

Shortages in clothing, linen, kettles and televisions this year have reduced decency and offered opportunities for bullying. When prisoners, especially on long sentences, cannot be supplied by the prison, it is unreasonable that they should not be able to have items sent in by family or friends.

## ***New recommendations***

### **Complex prison**

The Board welcomes the designation of Brixton as a complex prison.

### **OPCAT<sup>1</sup>**

The Board considers that the conditions under which a small percentage of prisoners have been held in Brixton this year fall short of the Nelson Mandela rules relating to solitary confinement. The Board asks NOMS to reconsider and develop its policy on OPCAT obligations.

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<sup>1</sup> OPCAT is the Optional Protocol to the Convention Against Torture, to which the UK is a signatory.

**Activities**

The Board considers there is a mismatch between the attendance target set in the education contract with Novus, and the target which the prison has to meet. This is a disincentive to achieving the fullest participation of prisoners. NOMS is asked to reconsider this.

**Inter-prison complaints**

These complaints, often about property missing during or after transfer, get very slow responses, when they get any response at all. The Board asks NOMS to consider giving more priority to such complaints.

**Qualifications and remaining sentence time on transfer**

It would be a better use of the training and job opportunities in Brixton if more men had been taken to level 1 standard in English and maths by the transferring prisons.

Some category D prisoners were eligible for home detention custody (HDC) too soon after arrival to benefit from job opportunities on ROTL. The Board asks NOMS to consider the sequencing of arrivals and their training in feeder prisons.

**For the Governor**

The Board is making no recommendations to the Governor of Brixton in this year's report. It will continue to discuss matters of local concern with him monthly, or if necessary as they arise. The more strategic issues raised in the report have been discussed with the Governor, to confirm that they cannot be tackled locally.

## 6 REPORTING AREAS

### 6.1 RECEPTION AND INDUCTION

All prisoners received are assessed by Healthcare, and where appropriate Equalities follow-up, for instance on personal evacuation plans for prisoners with disabilities. Prisoner orderlies and Listeners are available to answer questions. For most of the year new arrivals went straight to whichever wing had space; a first night centre introduced after an HMIP recommendation did not work well, but has been reconsidered and reintroduced.

The resettlement-based induction programme lasted three days and included an English and maths assessment; presentations from prison departments and agencies, and a board to assign each prisoner to education, skills training, or a job. It was not well-attended by prisoners or staff. It has been shortened and improved.

#### Key issues

- Reception was often short of staff and closed at weekends, so there was less or no time to check property. This meant some men had a lot of property in possession, making removals and cell searches more difficult, and increasing the possibility of theft. There was also less chance of property left in Reception being processed and delivered to the wing.
- A significant amount of property did not get transferred with the prisoner. Around 20% of IMB applications relate to property, not least because responses to complaints (Comp 1s) sent to the prison of origin seldom get a quick response, and increasingly get none. It is unacceptable that men have to wait months to get their property returned or to be compensated.
- In the first part of the year, a significant proportion of prisoners failed to attend induction, for which there was little staff enforcement. Non-attenders were not allocated to work or training. This has been recently addressed by re-introducing an induction wing, streamlining the process to 1.5 days, and making induction a condition for accessing the gym.
- This system has not yet bedded in. Lack of staff means that spaces are not being cleared on the induction wing for new arrivals, who remain scattered. The restricted time out of cell introduced in July has made getting through the whole process hit and miss. In August, one man was found to have waited over two months to attend.
- One improvement is that a prison officer and a probation team member from the offender management unit (OMU) visit the induction wing weekly, provide men with a copy of their sentence plan (if it exists), and inform the allocations board of any sentence plan requirements.

## **6.2 HEALTHCARE, LONDON PATHWAY UNIT AND SUBSTANCE MISUSE TREATMENT**

Healthcare providers were the same as last year. Waiting times for appointments were similar to those in the community: four days for the GP, 30 days for routine dentistry, for which there was high demand, two or three days for dental emergencies. Non-attendance was about 16-17%. GP waiting times were longer in the first half of the year, and there were complaints about one of the GPs (who has now left), and serious allegations against a nurse. Both were investigated by the head of Healthcare. Four nursing positions were vacant at one time. NHS availability and the daily escort allocation of four officers create challenges for prioritising two-week wait appointments (the national target) and fitting in those which are not urgent.

Several health-promotion programmes are offered and community health initiatives are provided by health trainers. The Well-being Wheel is promoted by both primary and mental health teams. Healthcare helps to monitor social care needs, and Lambeth Council assesses need and pays for aids.

Two prisoners were admitted to hospital for a significant time, one for nearly two months. The easy availability and extensive use of drugs have frequently required medical attention or an emergency admission to hospital, as a result of adverse reactions and injuries, mainly from NPS use.

There was an 11.7% increase in referrals, evenly split between primary and secondary cases, to the mental health team of seven. The average caseload was 77, about 10% of the prison population. The London Pathway Unit for 36 prisoners with personality disorders opened in April. Men have single cells, continue with education and activities, with individual and group therapies. Prison staff in the unit have a week's induction and ongoing training, which is also offered to other prison staff.

The substance misuse team work with an average caseload of 60, one-third on a reduction programme and the rest on maintenance. From January, the specialist addiction consultant increased the time spent in clinics, case reviews and staff training.

D wing houses the rehabilitation unit, led by RAPt (Rehabilitation for Addicted Prisoners Trust). Their active caseload is up to 300. The number of single cells on the wing has been increased from three to six, for men at risk, with mental health needs, and long sentence prisoners who cannot cope with sharing after years alone. All programmes are voluntary: those for conventional drugs and alcohol are more popular than those for NPS. This may be because testing for NPS is seen as ineffective.

Success levels are high: in the first eight months of the reporting year, 48 out of 73 men completed the course. Men are followed up after release, and some return to give encouragement. A new module has been added, dealing with the effects on the addict's family. Stepping Stones, a four-week drug and alcohol programme, continues to get about 20 referrals a month.

### **Key issues**

- An increase in missed appointments towards the end of the reporting year because of staff shortages leading to lockdowns.
- In the segregation unit, a GP is required to attend only once every 72 hours, and board members have observed perfunctory interactions with the prisoners. The

Board considers this is inadequate for a unit which has often housed severely disturbed men.

- The prison is not suitable for older and less able-bodied prisoners, with bunk beds without ladders or rails, and steep staircases.
- For prisoners with severe or complex mental health issues, the facilities at Brixton are wholly inadequate, despite the professionalism of the mental health team. They have to be held in the segregation unit, which is not appropriate.
- One man with a history of chronic mental health problems was in the segregation unit for four months. The aim was to stabilise him before transfer – not least because despite best efforts, it was impossible to find a more appropriate establishment which would take him. There were sometimes profound differences of approach between the healthcare professionals and prison management in their interpretation of his needs, and a lack of liaison. This surfaced in ACCT (Assessment, Care in Custody, and Teamwork) reviews. In the end, he was transferred to a prison without in-patient beds, an equally unacceptable solution.
- The shortage of officers reduces access to RAPt courses. Prisoners who cannot go on free-flow, for instance because they are at risk of attack on account of drug debts, sometimes cannot attend because no officer is available to escort them. RAPt staff cannot do so because of the risk that they could be injured. There has also been a backlog in clearing men through Security to join courses.

### **6.3 SAFER CUSTODY, SECURITY AND SEGREGATION**

There are on average eight Listeners, trained by Samaritans, available to prisoners at any time. The number of their contacts on the wings has doubled in the past two years. One of them visits the Segregation Unit every day, and they make a useful contribution to Safer Custody meetings.

Liaison with the police over serious assaults has improved. On one occasion this summer, perpetrators were interviewed by the police, charged, and moved to a category B prison within a day.

Three prisoners were selected as violence reduction representatives, to support victims and defuse potential incidents. The initiative was initially successful, but there were security concerns and possible abuse, and it was ended.

Two instances of preparations for escape were thwarted. Use of force averaged 14 incidents per month (10 last year) – lower than might be predicted given the increased violence. Use of force that IMB members have witnessed has been correctly conducted. Some potential incidents, like prisoners refusing to lock up, have been defused by wing staff, which is evidence of good practice and effective relations when there are regular wing staff.

A new head of security was appointed in the spring, with the aim of reducing Brixton's exceptionally high drug use. The new focus is intelligence-led and multidisciplinary, with more cell searching. This was initially hampered by lack of staff, but there is now a ring-fenced security team that includes dog handlers. Failures in random mandatory drug tests (MDTs) dropped slightly from a high of 35% earlier in the year. A high failure rate for intelligence-led tests, 80% in July, was also encouraging. The independent adjudicator now visits the prison weekly, so failures are thus dealt with more promptly, and the additional days penalties are publicised to prisoners.

Incentive-based drug tests (IBDT) are in use on C wing, where almost all the category D prisoners were tested in June, with no failures. IBDT is to be extended to key workers, for instance in the kitchens, where drug use could put them or others at risk.

Segregation reviews and adjudications attended by IMB have been fair, efficient, and sympathetic.

#### **Key issues**

- The prison is less safe than a year ago. Assaults on officers more than doubled in the period September 2015 to May 2016 compared with the previous year<sup>2</sup> and serious injuries have increased. A high proportion of staff, questioned on the wings, tell us they feel unsafe. Serious assaults on prisoners have also increased. Mainly, prisoners are attacked in their cells, where there is no CCTV coverage.
- Over the past year an average of 75 prisoners have been on Basic privilege level in any one month, largely in response to violent behaviour, a far larger proportion than the national average. Some prisoners were reported to be carrying weapons to protect themselves from attack.
- Widespread availability/use of drugs has led to an increase in bullying, debt and violent enforcement. The value of drugs in prison is six to eight times their street

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<sup>2</sup> 29 up to 69. No statistics were available for May 2016 onwards at the time the report was written.

value, so there are strong incentives for organised crime to target and control the market. Getting an indebted prisoner to buy canteen for the bully has been common, as has extortion from family. NPS testing kits are still not available. The prison does not have an over-arching drug strategy.

- Possession and use of mobile phones is common. Phone footage of an assault was on social media over the winter. The phone 'grabber' needs to be updated.
- There have been long delays in the processing of intelligence.
- Vulnerable prisoners – those at risk of self-harm, and/or with mental health or learning problems – tend to suffer most. They are more likely to be used as guinea pigs to test the effects of a new NPS drug. When there was a shortage of TVs, working sets allocated to such prisoners were repeatedly stolen by other men. Officers who are cross deployed will not know who to look out for, and officers who are under severe pressure will see and intervene less.
- Accommodation and staffing constraints meant no safe area could be created for vulnerable prisoners. Those most in need were housed in the Segregation Unit, which is unsuitable when there were so many disruptive prisoners there. The number of prisoners who have attempted suicide or self-harmed has increased, from 51 to 71, year on year, in the period May 2015 to June 2016.
- Men at the highest risk of self-harm, needing constant supervision, could only be housed in one cell with a grille door in the segregation unit, or in a gated and public cell on A wing, near the wing entrance and opposite the servery. This was unacceptable. Some of the medical staff supervising constant watch have not been vigilant or engaged with the prisoner.
- The number of ACCT documents opened each month on men at risk of self-harm has averaged 19, an increase over the previous year, and double the number in 2013, when Brixton became a resettlement prison. ACCT reviews have been erratic, poorly attended and documented, with lack of multi-disciplinary input. ACCT courses for staff are not being run owing to unavailability of trainers in Brixton.
- Other vulnerable prisoners, generally men in debt or with gang-related issues, have 'self-segregated' on the wings throughout the year because they believe the prison cannot keep them safe from attack. For some, this was gaming the system, but others were genuinely in fear. They have at most 30 minutes out of cell each day, when the rest of the wing is locked up, none of it in the open air. This represents a breach of the UK's obligations under OPCAT. Their conditions have worsened since July, as the restricted regime makes it even harder for staff to offer them time out of cell. From January, weekly meetings have been held to discuss these men, of whom there are generally 6-8 at any one time, but until very recently there has been a lack of management focus.
- There is one inquest outstanding, expected to take place in 2017, for a death in custody in May 2015. It is regrettable that inquests are not more timely.
- The safer custody team, understaffed most of the year, was severely depleted in August. Meetings have been cancelled or poorly attended. In the absence of senior management, there has not been enough impetus for actions to be agreed and

implemented or for an integrated approach to be taken, for instance on violence reduction.

- The segregation unit is substandard, often cold, and with persistent damp. The boiler was out of action in the autumn until 19 November, and the alternative arrangements for heating were patchy.
- The unit has been full most of year. It is difficult and slow to get prisoners transferred out of Brixton if they are vulnerable on the wings or have mental health needs. Typically half the men on the unit are at risk of self-harm, and some of them stay in the unit for several weeks. This is not humane. Men who are re-categorised to B, usually as the result of violent behaviour, can also wait weeks for a place at a suitable prison.
- There has been more frequent and severe damage to cells. One prisoner flooded his cell, the unit and part of B wing adjoining. There is not enough purposeful activity for men who are segregated for a long period. There was a shortage of radios for months, partly because of vandalism, leaving the men with poor reading skills with nothing to engage them. Problems with the Samaritans phone on the unit and elsewhere in the prison have persisted: these problems have been noted in the Board's previous two reports.
- The increase in internal adjudications and sessions by the independent adjudicators puts pressure on the reduced staffing in the unit. Mistakes get made; adjudications go out of time – 52 in July. Redeployment of staff is also frequent, and when the independent adjudicator is sitting in another building, some staff have to be moved there.
- Sometimes visitors, including IMB, have to speak to prisoners through the door because there is only one member of staff, and not three as required. So if there is a dangerous prisoner on three officer unlock, extra staff have to be begged from another location for the man to have a shower or exercise. In July, a prisoner managed to climb onto the porch roof from the segregation unit's yard. Despite all these pressures, and the lack of specialist training, the regular segregation unit staff have been consistently humane, patient, and effective in their management of difficult prisoners.

## **6.4 EQUALITY AND INCLUSION, AND CHAPLAINCY**

There was good progress in the first half of the year, with several initiatives and focus groups set up. In the second half of the year, the impetus faltered, because of pressure on the team management of other responsibilities. There were fewer focus groups, but issues raised continued to be followed up, and individual prisoners were supported. A Shannon Trust programme for travellers ran in the library.

Special events and meals were organised for groups and for religious festivals, beyond Christmas and Eid. The Ramadan meal service was well organised. Black History month was very successful; Rastafarian Grounation Day was celebrated.

Statistics on disability and religious affiliation were collected at Reception. With monitoring, personal evacuation plans for prisoners with reduced mobility were more regularly completed. Prisoners remained reluctant to report sexual orientation. Some foreign national prisoners, of whom there were around 30 at any one time, were delayed in accepting early return because of delays with paperwork. There were very few complaints of racial discrimination. The Zahid Mubarak Trust audited these complaints in June.

The prisoner representatives made useful contributions at meetings, and in providing information, for instance when World Aids Day was commemorated.

The chaplaincy team had a successful year and scored very highly in a NOMS audit, despite being under heavy pressure of pastoral work. Services and study groups, run by chaplaincy staff, sessional chaplains and volunteers, continued to be well attended. The delay in appointing an Anglican chaplain was covered by giving regular hours to two sessional staff. A wide range of religions were supported by sessional staff.

### **Key issues**

- The diversion of the Equalities team's management resource to safer custody issues, and lack of commitment by other groups in the prison, meant there was no work on investigating discrimination by protected characteristics, like age, ethnicity and religion.

## 6.5 EDUCATION AND PURPOSEFUL ACTIVITIES

Education and training is provided by Novus, by third sector organisations, and by the prison. A number of new courses and qualifications were introduced this year: scaffolding has already provided immediate ROTL employment opportunities for men completing the course. 25 men got the CSCS card qualification necessary for working in the building trade.<sup>3</sup> Men working with Keep Out to discourage teenagers from landing up in prison can get a BTech qualification. The library continues to exceed targeted numbers. 9 prisoners did level 2 qualifications in gym instruction or diet & nutrition. 14 did level 1 football, on a course run with Tottenham Hotspur FC.

From February, an open gate policy during the core day, when the prison was operating a normal regime, allowed men to attend medical appointments and visits without missing a whole session of work or training.

The streamlined induction process introduced in the summer should increase prisoner engagement and deliver more men in purposeful activity, when the regime is restored. The appointment of “red band” men (trusted prisoners), who have freer movement, and a prisoner council, tasked with identifying key issues and suggesting solutions, should also increase the number of jobs and move the prison closer towards category C expectations.

### Key issues

- There are about 700 activity spaces for a maximum capacity of 810 prisoners, a shortfall even taking men unable to work into account. The prison has resubmitted an application for more spaces. Some activity places are taken up by category D men who are not working outside.
- The Board considers that the proposed red band scheme could be extended, to provide more advice and assistance to prisoners.
- Only 45% of prisoners in July had level 2 literacy and numeracy. This reduces the pool of men who can make best use of the opportunities available. It would be more efficient if transferring prisons had brought men up to level 1 at least.
- Novus, the education contractor, does not achieve capacity enrolment, and many men do not engage. So take up is too low, around 65%: it needs to be at least 85%. There seems to be a mismatch between the targets in the contract and the expectations put on the prison.
- Since the restricted regime was introduced in July, most category C prisoners have had access to education or purposeful activity for only two or three hours a day. This is incompatible with the prison’s resettlement role.

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<sup>3</sup> Unfortunately this qualification is no longer available.

## **6.6 RESETTLEMENT, INCLUDING RELEASE ON TEMPORARY LICENCE**

In 2015 the job of assisting prisoners with accommodation, work/training and help with debt and benefits on release passed from the prison to the Community Rehabilitation Company (CRC). This work is co-ordinated in Brixton by Penrose, who signpost prisoners as necessary to other agencies.

Work on other resettlement pathways continues to be done elsewhere in the prison: children and families by PACT and Spurgeons; mental and physical health by Care UK; substance misuse by RAPt, education, training and employment by Novus, the contracted OLASS4 provider, Bounce Back, The Clink, Keep Out and a growing range of other providers; and in courses run by NOMS psychology staff on attitudes, thinking and behaviour.

The prison ran two successful job fairs, each attended by over 100 men, with CVs prepared in workshops, which generated good leads for employment post-release. A number of the prison's training streams also supported men into employment after release, including Bounce Back (painting and decorating, and dry lining), The Clink restaurant, the barbers shop and the scaffolding course.

In the second half of the year, paid work on ROTL was available from a number of new employers, including Thames Tideway, Sainsbury's and Balfour Beatty. In August, 21 men were in paid work, out of 35 eligible for unaccompanied jobs. Three men released in July continued with ROTL employers. This represents a real achievement, compared to the dependence on voluntary and charity work previously.

The Board commends OMU for maintaining good progress on releasing prisoners on home detention custody, and for improving its work in induction despite severe pressure on staffing. At re-categorisation boards, for the overwhelming majority of men considered, the decision was to remain at category C. Between January and August 2016, 35 men were taken down from category D to C, and 25 from C to B (and removed from Brixton). The lead probation officer has since July re-instituted regular meetings with prisoners on life sentences and IPP.

### **Key issues**

- More needs to be done to ensure that men have work or training and secure accommodation organised on release. Between May and July the Board interviewed more than half of the men due for release. The results were disappointing. Although the majority of these 62 men acknowledged having seen a CRC worker, only 14 had work or training organised, with a further 11, interviewed soon after the May jobs fair, having leads to follow after release. 18 had nowhere to live. Many of the 41 who said they had housing were planning to 'sofa surf' or go to a temporary hostel. The full report is at Annex 1.
- Cross deployment in OMU was at epidemic proportions for much of the year. In the autumn and winter of 2015, all the officer staff were sometimes out on the wings. From January to June, 1000 hours were lost, the equivalent of two staff, in a team of seven. In one week in April, an OMU senior officer spent only 3.25 hours on his work. Some prisoners waited months to see their offender supervisor.
- It has been completely demoralising for prisoners who want to get on with their resettlement. And also for OMU staff. Some good officers left OMU to go back to the wings, because there they could at least concentrate on the job in hand. In the first

half of the year, the numbers of probation staff, to assess higher risk prisoners, were also very low. Around 20% of applications to IMB were about OMU.

- As in previous years, a high proportion of prisoners – sometimes 50% – arrived in Brixton from other prisons without up to date OASys reports and sentence plans and with overdue re-categorisations. At the end of July 2016, 209 prisoners had no OASys report, or one that was out of date, and 76 re-categorisations were overdue. This was an unbudgeted demand on OMU resources, undermining the ‘range and adequacy’ of programmes preparing prisoners for release from their arrival in Brixton.
- In addition, men without a completed OASys are not eligible for support from integrated offender management programmes once they are released. These programmes are designed to help those with the highest chance of re-offending.
- The number of men cleared for ROTL – a process involving a number of external checks – has improved but is still too slow. At the end of July only 50 out of 134 Cat D men were cleared, with at least 20 whose assessment was overdue. This is particularly disappointing when there were jobs available.
- The finance and debt telephone advice service provided by Step Change as part of the CRC contract was inadequate. Prisoners could not discuss their problems confidentially when using the telephone on the wings.
- Too many men leave prison without accommodation to go to – about 30% of a sample interviewed by IMB between May and July. About 40 men with mental or physical health problems are met at the gate each month by the St Giles charity. For the rest, with no settled housing, getting a job and going straight is made more difficult if not impossible.

## 6.7 RESIDENTIAL, COMPLAINTS AND VISITS

From February – whenever a normal regime was running – a new ‘open gates’ policy allowed category C prisoners to move more freely to the library, healthcare and in-prison activities, giving them more personal responsibility. A prison council was set up, and the prisoner representatives consulted in their wings and relayed suggestions for change. In spite of regime restrictions since, some of this continues. The representatives have also been used effectively in giving out information, for instance about lockdowns in the summer.

Wing officers, supplemented by others pulled out of their desk jobs, or themselves shuffled from wing to wing, have continued to support prisoners as best they could. They have defused attempts to get on the roof and to take hostages, put out a cell fire despite the prisoner trying to stop them, talked a man through the night, and cleaned up a prisoner and cell covered in vomit after a bad NPS episode. Staff who had been on duty for 14 hours were seen getting out clean clothes and blankets for a prisoner who had caused an ankle deep flood two days before, and was now being brought down from the roof by the national response team.

The Board commends the commitment of staff, which meant that a full regime was running until early July, in spite of increasing violence and disruption. It is indicative of conditions across the estate that, although Brixton was running on empty before then, officers were sometimes seconded to other prisons where staffing levels were even lower. Senior officers and custody managers have been deputising downwards – for instance escorting prisoners to visits.

There was massive disruption to men’s attendance at the gym, which is important for their physical and mental wellbeing, because of lockdowns and the use of PE staff to cover shortages elsewhere. PE staff now collect prisoners themselves as and when necessary, and can offer most of those who attend at least their minimum entitlement.

Privacy locks were installed throughout the Cat D wing, making it more of an ‘open’ environment, although the cost of changing security gates means the regime still differs from landing to landing, causing discontent.

Food is generally good, and the Board receives very few complaints. One exception was when a fault in the kitchen meant that freeze-dried food had to be distributed, without recognising that it was out of date, and that that many men had no kettle in their cell to reconstitute it. There has been a shortage of white t-shirts and protective footwear for the prisoners serving meals on the wings; this is incompatible with health and safety requirements.

Visits operated well throughout the year, and visitors have commented favourably on the helpfulness of Spurgeons and prison staff. Meet the governor sessions, with the security or operations governor, are run every month. There were four family days, organised by Spurgeons, with imaginative planning. At Christmas there were gifts for the children from Angel Tree. PACT (Prison Advice and Care Trust) organised three courses, each of which culminated in a family day. There is a limited (by resources) but valuable initiative for families with newborn children or those with special needs.

### Key issues

- As officer numbers decreased as a result of resignations, sickness and leave, access to activities and healthcare this summer has been increasingly restricted. Meal service on the wings has had to be staggered, or meals delivered door to door. Cell

bells have gone unanswered, particularly at the weekend, when there might be only one officer on a wing. In one case, IMB had to get help for a prisoner with breathing difficulties when his alarm bell went unanswered.

- Lockdowns were common from the beginning of July. A half regime introduced at the beginning of August initially succeeded in giving prisoners certainty of when they would be out of cell, but staff availability continued to worsen and by the end of the month, even this restricted regime was not operating reliably.
- With a few commendable exceptions, the Personal Officer scheme is barely operating. This is unsurprising when landing staff are so few, and moved about so much. Routine entries on NOMIS (the prisoner record system) are patchy, especially for men who keep their heads down, but may need support.
- There has been no change in the cramped conditions in cells on the category C wings, in which two men can spend at least 18 hours a day on the restricted regime – more if they have no allocated activity, are on basic privilege level or are refusing regime. Meals are taken in-cell, within arm's reach of the inadequately screened WC. In hot summer weather this is particularly offensive to decency. Men bought fans from canteen but were then not allowed to use them because of fears of overloading the antiquated electrical wiring.
- It was found in the summer that a significant proportion of cell sharing risk assessments had not been properly reviewed, to correct omissions or errors by the originating prison.
- There has not been enough kit, particularly kettles and televisions, for which prisoners pay. Without a cell kettle, a prisoner gets no hot drinks. As flat screen TVs were being rolled out across the estate, reconditioned older sets were supplied to Brixton. Often they did not work. A lorry delivering new sets could not get through the gate, and could not be unloaded outside because of a lack of officers for supervision. Some men had no television for weeks, and vulnerable prisoners had their working sets stolen. Drugs to take the edge off were unfortunately in better supply.
- Some men have had canteen stolen, or been bullied into buying supplies for others. In some instances, property has been stolen from cells, or not safeguarded when men are transferred, for instance to the segregation unit. This is generally a consequence of limited staffing on the landings. Applications to the IMB about property lost in Brixton increased by about 50% from last year.
- Complaints to other prisons have been answered very slowly, sometimes not at all. The Board thinks this may be an unintended consequence of targets for response times. The Board has also noticed increasingly slow responses to in-house complaints, probably a consequence of staff shortages. Responses to general applications are still not tracked, and are often delayed: prisoners have little confidence in the system.
- The Visitor Centre is shabby and crowded at peak times. It should be redecorated and if at all possible extended. There is only one WC and nowhere else to change a baby. Deficiencies in CCTV monitoring were flagged up by IMB in January.

## **7 THE WORK OF THE IMB**

For much of the year the Board has been operating well below capacity; four members have left the Board and one is currently on sabbatical leave. Recent recruitment should see new members joining soon.

In spite of low numbers, Board members have worked well together to cover duties. At least two members have visited the prison each week to carry out a rota visit and to respond to prisoner applications. Segregation review boards have been observed where possible. Three serious incidents have been attended and the inquest on a death in Brixton in 2014 was observed.

Monthly Board meetings have been attended by the Governing Governor or Deputy. The Board thanks both of them for their open and helpful approach.

The Board is also grateful to other prison managers and members of staff who have facilitated the work of the IMB, whether by attending Board meetings, by making time to explain their roles to the Board or through more general assistance.

The total number of applications to the IMB during this period was 844, which included 46 from one prisoner.

**Anne Rogers**

Chair

IMB Brixton

<b>BOARD STATISTICS</b>	
Recommended complement of Board members	20
Number of Board members at the start of the reporting period	14
Number of Board members at the end of the reporting period	11
Number of new members joining within the reporting period	1
Number of members leaving within the reporting period	4
Total number of Board meetings during the reporting period	12
Total number of visits to the establishment	446
Total number of segregation reviews held	Not recorded
Total number of segregation reviews attended	Not recorded
Date of annual team performance review	February 2016

## Applications to the IMB

Code	Subject	2011/12	2012/13	2013/14	2014/15	2015/16
A	Accommodation	44	15	21	13	15
B	Adjudications	11	12	26	12	8
C1	Equality & Diversity (including religion)	21	36	23	13	20
C2	Immigration				7	6
D1	Education / Employment / Training	49	65	107	24	13
D2	IEP (Incentives and Earned Privileges)				32	21
E1	Family / visits including mail & phone	76	37	53	38	26
E2	Finance & pay		19	34	37	6
F	Food / kitchen	30	14	15	11	13
G	Health	68	56	114	68	91
H1	Property (within current establishment)	123	26	51	45	94
H2	Property (during transfer/in another establishment)		59	72	86	67
H3	Canteen, facilities, catalogue shopping, Argos		9	67	23	22
I1	ROTL				55	44
I2	HDC				39	44
I3	Sentence Related (other)	59	145	317	90	90
J	Staff / prisoner / detainee concerns including bullying	45	57	82	87	102
K	Transfers	40	24	31	43	58
L1	Drugs Tests				12	8
L2	Miscellaneous	150	28	85	44	96
	<b>Total number of IMB applications</b>	<b>716</b>	<b>602</b>	<b>1098</b>	<b>779</b>	<b>844</b>

## Annex 1: Focussed Monitoring of Resettlement

The Board conducted a focussed monitoring exercise from 16 May to 15 July 2016, looking at prisoners scheduled for release within the following few weeks. Board members asked these men three questions:

1. Have you seen someone about your resettlement needs?
2. Do you have accommodation on release?
3. Do you have work/training on release?

We talked to 62 of the 111 men who were released between 18 May and 20 July (57 category C and 5 category D). Of these, 41 said that they had seen someone about their resettlement needs, 16 that they hadn't, and 5 didn't know or didn't want to answer.

Regarding accommodation, 41 men reported they had somewhere to live, 18 said they had no accommodation arranged and 3 declined to answer.

In terms of work and training, 14 men indicated that they had this secured, 9 were retired, infirm or going into rehab so not eligible for work, 33 had nothing secured, although 11 of these had leads to follow from a jobs fair, and 6 wouldn't say<sup>4</sup>.

These responses have to be interpreted with caution. For example, many of the men who said that they had seen someone about resettlement were dissatisfied with the service. Mr W complained that although he'd seen someone from the CRC, he had been unable (in the previous 4 months) to do a CV, which had been identified as a key need for his prospects on release. There had been no follow-through by the CRC of the need for him to go on a CV workshop, identified on his notes in February.

It was difficult to find much evidence of follow-through in most cases. Typically, the CRC appears to note that prisoners have been contacted once and informed of, for example, St Mungo's or Job Centre Plus, and no further action or support is noted on NOMIS (the prisoner record system). Conversely, when men have reported that nobody has seen them about resettlement needs, they may be mistaken. There may have been a brief, 'signposting' interview, which the prisoner does not recognise as constituting help with resettlement. The terms 'CRC' and 'Penrose' were not well-recognised, and might benefit from more visibility, eg in posters around the prison.

Of those men reporting that they have accommodation, the majority (22) was with family, a smaller number (12) at hostels, and the remaining 7 did not specify. Of those who had nothing arranged, most had been put in touch with St Mungo's. This does not ensure a place to stay: 3 had been given a phone number to try on release, 5 would be met at the gate and taken to look for a bed for the night, 10 said they had nothing at all. For instance, Mr P reported that someone from St Mungo's would go with him to the Hackney housing office to help him get a homeless unit for the night. On the other hand, Mr C, whose probation officer was in Sutton, appeared to be out of range for St Mungo's, and he reported that he had not even been given a phone number to try once released.

Although the majority (33+) of men said that they had no work or training arranged on release, 18 of them indicated that they had good leads to follow up, of which 11 were reported as obtained from the Brixton jobs fair on 4 May (mostly men interviewed in the 3-4

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<sup>4</sup> The prison's estimate was that the May jobs fair resulted in 28 jobs on release.

weeks following the fair). One man said his wife had taken calls from potential employers; others had companies to contact on release. Feedback from the jobs fair was very positive. One success story is Mr N, who has been working at Battersea Power Station on ROTL. This will continue on release.

Given Brixton's status as a resettlement prison, the overall picture gained from this monitoring exercise is disappointing. Only 14 out of 62 men due for release within the coming weeks had work or training organised. Although the majority (41) had somewhere to go, the quality of the accommodation was often poor (temporary hostels), or men were returning to family members on a stop-gap basis. Only one man reported being invited onto the CRC 'Getting it Right' pre-release programme. The Board will be interested to see the results of this programme and the impact it will have on resettlement outcomes in the future<sup>5</sup>.

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<sup>5</sup> The pattern is confirmed in the CRC's report for July 2016. 55 of the 64 men released were assessed. 40 had housing on release, there was no information for 15, two had temporary local authority accommodation, and five had nowhere to go. 15 had a job, 15 did not. Seven men were retired or not fit for work, and the remainder were following up leads from job fairs.