



REPORT

BY

INDEPENDENT MONITORING BOARD

OF

**HER MAJESTY'S PRISON
AND YOUNG OFFENDER INSTITUTION**

FOSTON HALL

1ST DECEMBER 2015 to 30TH NOVEMBER 2016

Section 1

STATUTORY ROLE OF THE INDEPENDENT MONITORING BOARD

- 1.1 The Prisons 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 for Justice from members of the community in which the prison or centre is situated.
- 1.2 The Board is specifically charged to:-
 - a) 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,
 - b) Inform promptly the Secretary of State or any official to whom authority has been delegated, as it judges appropriate, any concerns it has,
 - c) 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.
- 1.3 To enable the Board to carry out these duties effectively its members have the right of access to every prisoner and most parts of the prison and also to the prison's records.

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Section 3

3.0 DESCRIPTION OF THE PRISON

3.1 Foston Hall re-rolled as closed women's prison and young offender institution in 1997. It has an Operation Capacity of 342, and a CNA of 304, accommodating both remand and sentenced prisoners. The population on 8th November 2016 was 338.

3.2 The prison Governor and support team, the Education Department and the library are located in the house near the centre of the prison site. Much of the wing accommodation has been built from ready to use units. There is an assessment unit and induction unit (C wing) in their own shared compound within the grounds. A formerly enhanced unit (T wing) has been reopened following modification to accommodate an increased population. Wings A,B,C and F are separate two-storey ready to use wooden buildings, with mostly single occupancy cells and a small number of double occupancy cells. D wing is in a two-storey building, with shared cells. Adjacent to D wing is the segregation unit, and a joined but separate annex to D wing for vulnerable prisoners requiring close observation to keep them safe, or requiring time out of normal location.

3.3 Health provision is commissioned by Derbyshire Clinical Commissioning Group and provided by Care UK.

3.4 Milton Keynes College (MKC) is the provider of Learning and Skills.

3.5 The Derbyshire, Nottinghamshire, Leicestershire and Rutland Community Rehabilitation Company (DNLR CRC) provides offender management staff who prepare OASys assessments and sentence plans, and undertake Home Detention Curfew (HDC) and Release On Temporary Licence (ROTL) assessments on adult sentenced prisoners serving more than 12 months, and young offenders. Community based staff of the National Probation Service deliver offending behaviour programmes in the establishment.

3.6 Additionally the Prison works with a number of other statutory, voluntary and third sector organisations :-

Derbyshire Local Authority - Adult Social Care

Birmingham and Solihull Mental NHS Foundation

Futures - Advice, Skills & Employment - in partnership with Nottingham County Council & Nottingham City Council

Milton Keynes College

NHS England

PACT (not an acronym) is an organisation that helps maintain links/ offers advice, in relation to children and families. There is a full time PACT family engagement worker at Foston.

APM (not an acronym) - an organisation that is working with NOMs to deliver interventions. This partnership is known as CF03 (also not an acronym).

National Careers Service Job Centre Plus,
Employment and Benefits advisor

NACRO
St Giles Trust
Anawim
Derbyshire, Leicestershire, Nottinghamshire & Rutland (DLNR) Community
Rehabilitation Company (CRC)
Yellow Ribbon (via CRC referral)
Saffires (via CRC referral)
Restore (via CRC referral)
Jericho Road (via CRC referral)
East Staffordshire Domestic Abuse Services
Freedom Programme
Mayday Trust
CARE UK SPODA (offer support via the Substance Misuse Service team).
Phoenix Services
Samaritans
Changing Lives
Turning Point (via referral by Changing Lives)
SOVA (via referral by Changing Lives) Changes (via referral by Changing Lives)
Access2Advice (via referral by Changing Lives)
Mentoring West Midlands (also cover East Midlands) (via referral only by
Changing Lives)
Geese Theatre
Shannon Trust
Public Health England
Derbyshire NHS Foundation Trust
Derbyshire Health United
Birmingham and Solihull Mental Health NHS Foundation
Smart Works
Women in Prison

Section 4

4.0 EXECUTIVE SUMMARY

4.1.1 A positive period of stability in the leadership of the prison ended with the departures of the deputy governor in March, and the Governor in May. For the second half of the reporting year there has been a temporary management team, with key personnel acting up. Inevitably this has been disruptive and it is regrettable that it appears that the new governor will not be in place until the new year. However the IMB has noted the high level of commitment shown by members of the management team who have worked hard to minimise disruption and to continue to make progress within the prison. Particular achievements include the return of Supervising Officers to Wings, the work to improve Induction (to be implemented in 2017). The IMB continues to be impressed by the dedication and professionalism of the management and staff at HMP Foston Hall who endeavour to provide a fair and decent service to prisoners in an increasingly challenging environment

4.1.2 As noted in our last year's report the Board is aware of the increasing challenges posed by the population of HMP Foston Hall, many of whom have extremely serious and complex problems. Frequently these are related to mental ill health, learning disability, personality disorder, substance abuse and chaotic, fractured and unsupported backgrounds. Staff and management continually have to deal with the manifestations of such problems including self harm and abuse, disruptive behaviour, verbal aggression and violence to other prisoners or staff. The Board has continued to observe skilful, professional and caring responses to challenging, highly charged and potentially dangerous situations.

4.2 The Board has noted many positive practices and developments throughout the year including:-

- The clear benefits of close links with the Local Authority and the work of a Senior Practitioner Social Worker at HMP Foston addressing prisoners' Adult Social Care and disability needs. (Ref 5.1.3)
- The considerable effort invested in improving the effectiveness of ACCT processes. (Ref 5.6.1)
- HMP Foston Hall is the top performing prison within the Midlands for functional skills in English and Maths. (Ref 5.2.7).
- The improvement in the environment of many teaching rooms which have been redecorated and refurbished. (Ref 5.2.12)
- The ongoing progress of the sequencing board in assessing and allocating prisoners to education and employment. (Ref 5.3.1)
- The introduction of the Prisoner Information Desk (PID) orderly role on wings. Yet another role which provides a work opportunity with responsibility and is helpful for other prisoners. (Ref 5.3.4)

4.3 The Board's main concerns this year are:-

Policy matters

4.3.1 Although the Indeterminate Public Protection Sentence (IPP) was abolished in 2012 in November 2016 there were 11 IPP prisoners in Foston who were all beyond their tariff date. Their period in custody beyond tariff ranged from 9 months to more than 9 years. The IMB is concerned at this legacy and the lengthy periods being served beyond tariff. (Ref 6.1.1)

4.3.2 Currently prisoners wishing to pursue higher education are only eligible to apply for a loan for tuition fees if they are within 6 years of release. This excludes many prisoners serving long term sentences and those serving indeterminate sentences. Access to such education would have considerable benefit for many in these groups. (Ref 5.2.5)

4.3.3 There is a number of issues relating to Facilities Management which have a considerable impact on prisoners and the prison, but which are beyond the remit of the Governor to resolve. These include restrictions on the time showers operate, boiler repairs and the seeming high projected cost of necessary work. (Ref 5.8.2)

Operational matters

4.3.4 Once again the highest number of complaints raised with the IMB in written and verbal applications relate to Health Care. Under the new Health Care contract complaints are being monitored more effectively and the data shared more openly. However, whilst the monitoring indicates that the number of complaints is relatively low, the redefinition by Care UK of “complaints” as “concerns” raises questions about the data. (Ref 5.4.7)

4.3.5 Constraints on dispensing medication. Whilst there have been some positive developments in this area and further progress is planned, the current situation remains unsatisfactory. The latest time for dispensing is 17.30 which is unsuitable for night medication. Furthermore, the current dispensing times impact on the prisoner's experience of education and work, resulting in frequent interruptions to classroom and workshop sessions which are disruptive to all concerned. (Ref 5.4.8 and 5.2.9)

4.3.6 The IMB has concerns about the adequacy of acute mental health provision at Foston, particularly when there is a spike in the number of mentally unwell women in the prison creating particular pressures. (Ref 5.4.6)

4.3.7 Whilst the IMB understands that learning difficulties and autism are covered in the new Health Care contract we are concerned about the implementation and adequacy of provision. (Ref 5.1.6)

4.3.8 The absence of, or limitations to, the listener scheme due to a lack of listeners continues to concern the IMB. (noted in last two annual reports). Despite efforts to increase the numbers in November 2016 there were only two active listeners and again the scheme was partially suspended. This continues to be a very serious loss to the safer custody strategy. (Ref 5.6.4)

4.3.9 The Early Intervention scheme introduced this year to address bullying behaviour is welcomed, however the IMB is concerned that the provision of Support Plans for victims of bullying has not been fully implemented and that these plans are not routinely put in place. (Ref 5.6.5)

4.3.10 Links have been established with five companies to provide Academies, selecting and training prisoners with a view to employing them on release. This positive development is welcomed, but unfortunately the teaching on Academy courses is delivered by Education Contractors staff with the result that the curriculum delivery of other subjects suffers. The IMB would like to see more funding for Academies so that the regular curriculum could be maintained alongside them. (Ref 5.3.4)

4.3.11 There are still not enough work places for every prisoner to be employed or in an education class. (Ref 5.3.3)

4.3.12 There appears to be scope to increase incentives for those on the enhanced Incentives and Earned Privilege (IEP) level (Ref 6.1.3)

4.3.13 There has been a number of applications relating to property issues. Some of these have been repeat applications over time because an issue has not been dealt with. The IMB has been concerned at the time taken to resolve some of these issues. (Ref 6.1.4).

4.3.14 The absence of a toilet for prisoners receiving visits is unacceptable. (Ref 6.1.2)

4.3.15 There are some prisoners who for various reasons have spent extended periods in the segregation unit or D wing annex. The IMB is concerned that the accommodation is inadequate and inappropriate for stays of any length. (Ref 5.7.6)

* Raised in previous years' reports.

4.4 Previous Years' Concerns - excluding those which are mentioned above. Updated comments in italics:-

4.4.1 Delays in the transfer of seriously-mentally ill prisoners to hospital have considerable detrimental effects for the prisoner and the prison. The promise of a Commissioner speeding up and co-ordinating the process is welcomed but we wait to see this demonstrated in practice. *Significant improvement in this area has been observed, however there are still occasions where these transfers can take an excessive amount of time.* (ref 5.4.3)

4.4.2 The sudden release of mentally-ill prisoners on the dropping of court charges without apparent effective duty of care by the prison. *Where mentally unwell women are identified the steps are taken to establish as full a picture as possible of their likely time in custody so that appropriate arrangements for release can be made.* (Ref 5.4.4)

4.4.3 The absence of trained mental health care staff to respond to emergencies in evenings and weekends means that such occurrences have to be dealt with by wing staff or segregation. *Mental Health provision is still not available in the evenings and at*

weekends. Mental Health emergencies in these times are dealt with by wider health care staff supporting operational staff in responding. There is also out of hours telephone support. (Ref 5.4.5)

Operational matters

4.4.4 Pressure on the chaplaincy team. In addition to the Managing Chaplain there are now 3 chaplains who are contracted to work at Foston Hall. This team is supported by a large number of Sessional Volunteers who cater for the wide range of faiths represented at the prison.

Section 5

5.1 **EQUALITY AND INCLUSION**

5.1.1 Last year's report noted that progress made in relation to the work of the Equalities Action Team appeared to have stalled somewhat, reflected in the infrequency of meetings. This has now been addressed, with a rebooting of the work to progress equalities in January 2016. Meetings have been regular and a new equalities structure has been implemented with designated strand leads for each area.

5.1.2 At the meetings prisoner representatives and strand leads have an opportunity to raise issues, provide feedback and talk about new initiatives. There are examples of prisoners raising issues leading to prompt positive responses, for example:-

- A prisoner unable to study maths because of the stairs to the education dept. It was agreed that the class would be on the ground floor or in cell work would be provided.
- A prisoner being provided with yellow paper as this helped with her dyslexia.
- Prisoners with certain conditions restricting their access to low power sockets, being provided with extension leads.

5.1.3 Progress in respect of the various strands is uneven and there is scope for more comprehensive action planning and accountability for the different areas.

5.1.4 As in previous years the number of applications relating to equality and diversity has been small. They included issues concerning provision to accommodate a disability, access to the chapel, specialist toiletries and food.

5.1.3 Further progress has been made in relation to Adult Social Care provision. It is evident that the role of the Social Worker is better understood within Foston, resulting in more referrals from staff. This is leading to improved responses to prisoners with care needs, for example linked to physical disability, illness, physical or mental, learning disability, autism and age.

5.1.4 Another positive development has been the establishment of links with the occupational therapist who now assists prisoners as required, taking referrals from the Adult Social Care worker and Health Care. Anecdotal feedback would indicate that this has been particularly valuable for prisoners with low level mobility and a high risk of falls, ensuring they have the equipment they need and facilitating greater independence.

5.1.5 Both the Adult Social Care worker and the Occupational therapist have been able to improve planning and preparation for the release of complex need prisoners.

5.1.6 The change of Health Care provider during the year meant ending the established working arrangements with the team in Derby which provided learning disability specialist nurses who used to come to Foston and undertake assessments. The IMB understands that Learning difficulties and autism are covered in the new Health Care Contract but under this the Derbyshire Learning Disability Team will only do an assessment of prisoners with a Derbyshire address. For prisoners outside Derbyshire

there is an additional cost for assessment. The Board is concerned that this is resulting in a reduction of service in this key area.

5.2 **EDUCATION, LEARNING AND SKILLS**

5.2.1 The contract for education provision with the Milton Keynes College (MKC) has been extended to July 2017.

5.2.2 The IMB is impressed with how the educational needs of new prisoners are assessed using a graded book of tasks in English and Maths.

5.2.3. Alongside mandatory courses (maths, English, food hygiene, health and safety, etc) a range of other courses are offered including industrial cleaning, catering, beauty, hairdressing, retail, parenting, employability skills etc. A need has been identified for practical vocational courses which tend to be more available in male establishments, such as mechanics, engineering, construction, painting and decorating, plumbing and electrics. Early steps have been taken to meet this need.

5.2.4 The IMB welcomes the introduction of Academies which are or will be offered to prisoners by companies (Greggs, Boots, Interserve, National Express and Whitbread). Prisoners are interviewed and selected with a view to working with the company on release. A course is then run designed to equip the prisoner with the knowledge and skills required. This is clearly a powerful means of creating employability and reducing re-offending. Unfortunately the teaching of Academy courses is delivered by MKC staff with the result that the curriculum delivery of other subjects suffers. The IMB would like to see more funding for Academies so that the regular curriculum could be maintained alongside them.

5.2.5 The IMB agrees with the Ofsted view that there should be more longer term prisoners undertaking Level 3+ courses. In most cases the prisoner would need to fund such courses through a loan for tuition fees and these are restricted to women who are within 6 years of their release. This means that those who have longer to serve or who are IPP prisoners cannot apply for a loan.

5.2.6 On a random day, with of a population of over 300, 132 places were allocated, with an attendance of 124. With greater funding and more physical teaching spaces more courses could be offered and this would be welcomed.

5.2.7 HMP Foston Hall is the top performing prison within the Midlands for functional skills in English and Maths. The IMB was delighted to note that Ofsted awarded a GOOD judgment upon the education provision.

5.2.8 When monitoring learning in class the IMB has noted the industrious and positive atmosphere.

5.2.9 It is of concern that learning is still regularly interrupted by the call for prisoners to receive their medications, and for some women this happens twice. In one instance 7 out of 11 learners left the room to collect their medication. This is a great distraction from learning and has yet to be resolved.

5.2.10 Lessons do take place on the ground floor when necessary for disabled prisoners.

5.2.11 Courses are being structured more tightly so that learners will no longer be able to join a class half way through a course. The IMB was pleased to learn that the kitchen teaching space is used 2.5 days a week for the teaching of catering but is used during the other half of the week by the Maths and English staff to help embed their work in a practical enterprise.

5.2.12 The quality of the teaching environment has been improved. Many of the teaching rooms have been re-decorated, provided with blinds and inter-active whiteboards, and there is now far better furniture for students. This has been paid for through the money provided through the governors. That said, money spent in this way on the fabric of the rooms is money that cannot be spent on learning resources.

5.2.13 The IMB was delighted to note that the officer who runs the Turning Pages programme provided by the Shannon Trust for illiterate women has won a national award for her outstanding contribution. The move away from Toe by Toe to Turning Pages has refreshed the provision and the officer gives maximum ownership of the programme to the learners.

5.3 PURPOSEFUL ACTIVITY

5.3.1 The IMB considers that great strides have been made this year in the work of the Sequencing Board. This meets weekly to assign places in work and education. It matches the suitability of women to the opportunities available and risk assesses them accordingly. The aim is to sequence journeys that are aligned to prisoners' chosen career paths and required interventions so that she is educated and trained in skills which will benefit her upon release. The prisoner's work must be "purposeful". Women are not shoe-horned into activities which will provide little long term benefit to them.

5.3.2 The maximum capacity for purposeful activity places has increased by 55 over the last 12 months. This has been enabled predominantly by the introduction of the textiles workshop and the expansion of the Recycling and Horticulture departments.

5.3.3 The prison recognises that there are still not enough work places for every prisoner to be employed or in an education class. HMIP in June 2016 judged that the outcomes for prisoners with respect to purposeful activities were not sufficiently good. HMIP judged that "Time out of cell was good for those in full-time work, but too many

women were locked up during the day.” There is a shortage of workshop space. Typically 250-270 women are engaged each morning and afternoon leaving 70-80 who are not. Remand prisoners may work but do not have to, so sentenced prisoners are prioritised. The thrust is to get more women into jobs, albeit some jobs placements cannot be filled due to the overriding security considerations.

5.3.4. The IMB welcomes the increasing number of work opportunities for prisoners which involve responsibility and a role to assist other prisoners. A recent innovation has been the appointment of PIDs (prisoner information desk) orderlies. When asked whether she liked her job one replied, “I love it,” a response which was commonly heard. Other similar roles include:-

- the 4 first night orderlies who meet women upon arrival and help them settle.
- the Education induction orderly who helps explain the education process, and provides a staged booklet in maths and English to assess levels and marks them. She has gained her Customer Service qualification while doing this.
- the Education OLIP (offender learning improvement partner) puts displays on walls, presents certificates, runs a learner forum, and puts education displays in all wings.

5.3.5 Also positive is the increased development of opportunities for prisoners to act as mentors for others, e.g.:-

- 10 Education peer mentors sit alongside learners in class, and can gain a qualification in peer mentoring.
- The hair salon mentor helps Level 2 and Level 3 students and gives demonstrations. She enjoys the work and is going on an Assessors’ course.

5.3.6 Most work placements are greatly appreciated by the prisoners who look forward to them and can be observed working hard on their task.

5.3.7 The Governor has instructed that women who wish to work but for whom there is no opportunity must be unlocked whenever possible. The IMB welcomes this development.

5.4 **HEALTHCARE AND MENTAL HEALTH**

5.4.1 On April 1st Foston Hall commenced a Health Care contract with a new provider, Care UK, which covers all health areas. Transition in the reorganisation and remodelling is inevitably taking some time and is work in progress.

5.4.2 Earlier in the year the IMB experienced a lack of transparency and co-operation from Health Care, but the Board now has full access and can attend Clinical governance meetings. Ongoing reviews are taking place.

5.4.3 The IMB’s last report noted concerns about delays in the transfer of seriously-mentally ill prisoners to hospital with consequent detrimental effects for the

prisoner and the prison. The promise of a Commissioner speeding up and co-ordinating the process was welcomed but it had to be seen if this was going to be demonstrated in practice. During the past year the Board has observed that generally there has been considerable improvement in this area due to the provision of a full complement of forensic psychiatrists as well as the overall commissioning process speeding up admissions. However, there are still some occasions where these transfers take an excessive amount of time.

5.4.4 Last year's IMB report also noted concerns about the sudden release of mentally-ill prisoners without adequate preparation. Where mentally unwell women are identified efforts are made by the prison to establish as full a picture as possible of their likely time in custody so that appropriate arrangements for release can be made. Generally the transfer of mentally ill prisoners to hospital takes place ahead of discharge dates, however, for some women with particularly short sentences or on remand this process has taken place on the day of discharge. Where a prisoner who is identified as mentally unwell is discharged unexpectedly contact is made with the relevant agencies in the community, (such as National Probation Service, Social Services, Police) and risk information is shared.

5.4.5 Also noted last year were concerns about the absence of trained mental health care staff to respond to emergencies in evenings and weekends. Mental Health provision is still not available in the evenings and at weekends. Mental Health emergencies in these times are dealt with by wider health care staff supporting operational staff in responding. There is also out of hours telephone support.

5.4.6 Mental Health provision for those with chronic conditions appears satisfactory with contact with community services. However currently this is stretched due to vacancies within the mental health services which are unfilled. There is funding for these posts and work is underway to fill them. The IMB does have concerns about the adequacy of acute mental health provision at Foston, particularly when there is a spike in the number of mentally unwell women in the prison creating particular pressures.

5.4.7 Once again the highest number of complaints raised with the IMB in written and verbal applications relate to Health Care. Under the new Health Care contract complaints to Health Care are being monitored more effectively and the data shared more openly through SMT meetings and quarterly Assurance meetings that report on complaints in detail. However, whilst the monitoring indicates that the number of complaints is relatively low, the redefinition by Care UK of "complaints" as "concerns" raises questions about the data.

5.4.8 The IMB raised in last year's report concerns about dispensing medication. There have been some positive developments in the area, for example all women now have a risk assessment to determine if they can have medication in possession. However the number of women assessed as suitable for this remains very low. The current situation remains unsatisfactory. The latest time for dispensing is 17.30 which is unsuitable for night medication. Furthermore, the current dispensing times impact on the prisoner's experience of education and work, resulting in frequent interruptions to classroom and workshop sessions which are disruptive to all concerned

5.5 RESETTLEMENT

5.5.1 The Board notes the ongoing commitment at Foston to resettlement with considerable effort being invested in developing and improving provision. There is a clear action plan with lead managers for each pathway, (accommodation, education, training and employment, improving health, drugs and alcohol support, finance and debt, children and family support, attitude and thinking and behaviour skills, domestic abuse and sex worker support). Progress is overseen and leads held to account at regular meetings. Voluntary organisations and agency representatives are involved,

5.5.2 Feedback from prisoners indicates there is considerable room for progress in relation to resettlement and preparation for release. In October the IMB talked to 14 prisoners due to be released in the next 7 days. Their ages ranged from 24 to 40 years, and time served varied from 7 days to 4 years. Their responses about the advice and assistance they had received regarding resettlement were very varied. Some were positive about information they were given and links made to voluntary organisations and sources of emotional and psychological support. Others were negative, describing a lack of information about what to expect on the day of release and an absence or release planning. The June HMIP report noted the results of a larger survey, 156 women they had consulted. Responses indicated areas of concern. 84% said they did not feel any member of staff helped them prepare for release. Asked about whether they knew or had information on who could help them in certain areas responses were also concerning, 50% said no in relation to employment, 48% said no in relation to education, 54% said no in relation to finances and 40% said no in relation to accommodation.

5.5.3 The Derbyshire, Nottinghamshire, Leicestershire and Rutland Community Rehabilitation Company (DNLR CRC) is playing an increasingly important role in developing resettlement services and through the gate support. However, it has been a difficult year for the organisation with staff shortages and the need to recruit staff. The CRC continues to work to improve the resettlement process but recognises that there is still much to do.

5.5.4 Importantly, in November, Foston undertook a comprehensive needs analysis exercise. All prisoners were sent a questionnaire and over 100 responded. Key findings were:-

- Drugs and alcohol misuse is by far the highest perceived contributing factor to offending
- More than one third of women claim to have no fixed abode.
- Nearly one third of women arrive at Foston with no qualifications
- A significantly high number of women did not have or have never had a job
- Two thirds of women have mental health issues
- Over 50% of women are on medication
- More than two thirds of women have previously self-harmed
- Just over two thirds of women have been involved in substance misuse
- 85% of women reported that they needed some form of finance, benefit and debt advice and support
- 42% of women reported being in debt
- Over two thirds of women have been involved in domestic violence

This information will be invaluable in informing resettlement activity in the year to come.

5.5.5 The low uptake of the virtual campus in the library is a concern. This has the potential to assist many prisoners in relation to employment and training.

5.5.6 Release on temporary licence, (ROTL) is only rarely used. Only one prisoner has had this opportunity this year. The rural location of the prison and the criteria for eligibility for Release of Temporary Licence (ROTL) are factors, but the very limited use is disappointing.

5.5.7 Arrangements for Home Detention Curfew appear to have worked better this year, with fewer complaints being made.

5.5.8 The Board welcomes the series of family days organised by the dedicated Family Engagement Officer to encourage family ties. It is planned that this will be extended to grandchildren in 2017.

5.5.9 Another positive initiative is the service being developed by the Community Engagement Manager. This is planned to be fully operational in 2017, providing a focused approach in a well equipped building, to support prisoners to prepare for release and resettlement.

5.6 **SAFER CUSTODY**

5.6.1 The Board welcomes the very high priority given to the Safer Custody function by the management team. Efforts to improve the effectiveness of ACCT processes have been much in evidence. Regular staff briefings have improved staff confidence to open ACCTs only where this level of oversight is warranted. As a result the number of open ACCT documents has reduced slightly from 51 at the start of the reporting year to 38 in October 2016. At any one time, between 15% and 18% of the population were subject to ACCTs in the reporting year. Although HMIP commented that this is a comparatively high figure, they praised the proactive approach to the management of prisoners subject to an ACCT, including daily email briefing to staff, good assessment paperwork and action plans to manage and reduce risk of self harm. The Board has reached the same positive conclusion.

5.6.2 The Safer Custody team convenes a monthly meeting to which the IMB, Listeners, the local Samaritan branch and all key departments are invited. Data are monitored and analysed very effectively at the meeting, and the agenda is practical and inclusive and with an excellent focus on interactive learning. There is also a weekly Support and Intervention meeting where all ACCT prisoners, prisoners with complex needs and prisoners subject to violence reduction procedures are reviewed. This has proved to be an effective way of sharing information and reinforcing consistent approaches by staff to the management of vulnerable prisoners.

5.6.3 The Board welcomes the involvement of peer support as an important part of the prison's safer custody strategy especially during early days in custody.

5.6.4 The Listener scheme has continued to operate under pressure. The available pool of suitable interested prisoners is small, and there were delays in getting training

sessions organized this year. At the time of writing this report, there were only two active Listeners, with a third unavailable for health reasons. Whilst prisoners can telephone community based Samaritans at any time this not the same as having face to face access with a Listener. This is a concern, and was raised in the last Annual Report.

5.6.5 This year the prison introduced an Early Intervention scheme to address bullying behaviour. One element of the scheme is that each victim of reported bullying should be offered a Support Plan. Data reviewed at the monthly Safer Custody meeting indicates that Support Plans are not yet consistently offered to victims. The IMB is concerned that Support Plans for victims of bullying are not routinely put in place.

5.6.6 Tragically there have been two deaths in custody. These occurred at the end of the reporting year and as yet neither the Coroner nor the Prison Probation Ombudsman have completed enquiries.

5.6.7 The Prisons and Probation Ombudsman (PPO) published his independent investigation into the deaths of three prisoners which took place during the previous reporting year. The headlines are as follows:

- i) Report A: There were some deficiencies in the ACCT process which did not operate effectively. A mental health assessment did not take place despite the prisoner being identified as at risk of suicide.
- ii) Report B: The death could not have been predicted or avoided and the standard of care was of a high standard and equivalent to that which could be expected in the community. There was an initial delay in the mental health assessment, and the prisoner was apparently able to obtain sufficient quantities of tramadol to be fatal.
- iii) Report C : There was insufficient involvement of healthcare and substance misuse staff in ACCT reviews, and there were some deficiencies in caremap action planning to reduce risk.

5.6.8 The Board has observed that systems have been reviewed, revised and tightened to ensure the safety and effective management of vulnerable prisoners following the tragic deaths and subsequent independent investigations.

5.7 **SEGREGATION, CARE AND SEPARATION**

5.7.1 The segregation unit is small and facilities are limited. Cells are basic and bare. Food is delivered on a trolley and eaten in cell. There is a small outside area for supervised access to fresh air and exercise. This now includes some seating and exercise equipment which the Board welcomes.

5.7.2. Communication with the Board about newly segregated prisoners, both in normal location and in the unit, is excellent. Staff facilitate Board Members' access to prisoners, allowing face to face conversations as risk assessments permit.

5.7.3. Board members monitoring segregation reviews report that these are properly conducted, with Healthcare and other specialists in attendance as required. Prisoners

are always allowed to make representations when present. There are rare occasions when prisoners are reviewed without being physically present due to the complex nature of their mental ill health.

5.7.4. Dirty protests are handled in line with local procedures, which have recently been updated and reissued.

5.7.5 There has been one notable long stayer on the unit, a prisoner with complex needs She has been assessed as having a personality disorder, and as unsuitable for transfer to hospital. The Board has been impressed with her care and treatment by segregation staff who have managed extremely challenging, unpredictable, and sometimes violent behavior with professionalism and patience.

5.7.6 There are some prisoners who have spent extended periods in the Segregation Unit or D Wing Annex. Reasons relate to factors of mental health, security, risk to others or self etc. The IMB is concerned that the physical accommodation is inadequate and inappropriate for long stays for prisoners who are often the most vulnerable.

5.8 RESIDENTIAL SERVICES

5.8.1 The low quality of D Wing accommodation has been a longstanding concern, however the IMB notes the ongoing efforts to improve the situation. This year the occupancy of the upstairs dormitory has been reduced from 5 to 2, (with an associated reduction in the CNA) alleviating overcrowding. This means that the maximum occupancy of any room is now 3, and the majority have 2 women. The wing has also benefited from the new furniture that has been introduced to all wings. The activities room has also been improved. The wing has also been designated smoke free which has improved the situation

5.8.2 There are a number of issues relating to Facilities Management which have a considerable impact on the prison, but which are beyond the remit of the Governor to resolve. For example, there are some cells which used to accommodate one prisoner, but now accommodate two, however, the showers are still limited to a 10 minute period designed for one person occupancy, which is not adequate for two people. This is a long standing issue which still has not been resolved. Another example was the length of time taken to repair a boiler, which meant an entire wing lacked heating at a very cold time of year. Another example is the seemingly over high projected cost of necessary work.

5.8.3 Arrangements for communication with prisoners via the system of monthly Prisoner Council Meetings (PCM) appear to be working well. Wing PCMs deal with wing issues and are open to all prisoners. They are chaired by the Supervising Officer and notes are taken. The following week wing representatives attend the central PCM which is attended by the Senior Management team focusing on a wide range of prison issues.

Section 6

6.1 OTHER AREAS OF THE PRISON REGIME ON WHICH THE BOARD HAS ISSUES TO REPORT

6.1.1 Although the Indeterminate Public Protection Sentence (IPP) was abolished in 2012 there still many prisoners in custody subject to this sentence. Currently there are 11 IPP prisoners in Foston who have all passed their tariff date. Their period in custody beyond tariff ranges from 9 months to more than 9 years. Over half have served more than 4.5 years beyond their tariff, and some are not due to be reviewed until 2017 or 2018. The IMB is concerned at this legacy and at the time being taken to resolve it.

6.1.2 The absence of toilet facilities for prisoners receiving visits is not acceptable. This is proving to be a longstanding problem.

6.1.3 The IMB considers that there is scope to extend the range of privileges for Enhanced prisoners. Currently enhanced prisoners have better employment roles with less supervision, and get an additional visit, and have access to more money from their private spends account. The potential to increase the privileges was also noted by the Inspectorate and is acknowledged by the prison. A focus group with prisoners to gather views is planned and it is hoped that incentives will be increased to encourage positive behaviour.

6.1.4 There have been a number of applications, written and verbal, relating to issues of property. Some relate to property issues within Foston, and some to issues linked to other establishments. Issues raised include the time taken to receive property from reception and delays in receiving property sent in. In some cases prisoners have made repeat applications over a period of time because issues have not been dealt with. The IMB has been concerned about the length of time to resolve some of these issues.

Final Note

7. SUPPORT

The Board is grateful for the excellent support provided by the two IMB clerks who have worked with it during the year. The Board also appreciates the assistance of all staff at the prison who have provided advice and information.

Section 7

BOARD STATISTICS

Recommended Complement of Board Members	10
Number of Board Members at the start of the reporting period	5
Number of Board members at the end of the reporting period	7
Number of new members joining within the reporting period	2
Number of members leaving within reporting period	0
Total number of Board meetings during reporting period	11
Total number of visits to the establishment	244
Date of annual team performance review	November 2016

APPLICATIONS

Code	Subject	Year 2015-16 written	Year 2015-16 verbal*	Year 2015-16 total	Year 2014-15 written	Year 2014-15 verbal	Year 2014-15 total
A	Accommodation	5	10	15	14	19	33
B	Adjudications	1	1	2		3	3
C	Equality & Diversity (inc religion)	2	5	7	1	4	5
D	Education/employment/training inc IEP	16	8	24	10	10	20
E 1	Family/visits inc mail & phone	12	4	16	3	13	16
E 2	Finance/pay	7	3	10	7	2	9
F	Food/kitchen related	5	7	12	5	3	8
G	Health related	31	34	65	34	46	80
H 1	Property (within current establishment)	11	8	19	24	13	37
H 2	Property (during transfer/in another establishment)	10	1	11	6		6
H 3	Canteen, facilities, Catalogue shopping, Argos	4		4	1	6	7
I	Sentence related (inc. HDC, ROTL, parole, release dates, re-cat etc)	9	12	21	29	31	60
J	Staff/prisoner/detainee concerns inc bullying	34	30	64	26	28	54
K	Transfers	9	5	14	1		1
L	Miscellaneous	18	16	34	40	31	71
	Total	174	144	318	201	209	410

*

Where several prisoners have raised the same issue at the same time this is counted as one.

PREVIOUS YEARS' APPLICATIONS

Code	Subject	Year 2010-11	Year 2011-12 total*	Year 2012-13 total*	Year 2013-14 Total*
A	Accommodation	13	32	58	24
B	Adjudications	2		7	
C	Equality & Diversity (inc religion)	5	8	4	6
D	Education/employment/training inc IEP	18	18	11	15
E 1	Family/visits inc mail & phone	2	55	25	43
E 2	Finance/pay		7	7	11
F	Food/kitchen related	3	29	11	22
G	Health related	19	39	30	69
H 1	Property (within current establishment)	7	13	7	12
H 2	Property (during transfer/in another establishment)		8	5	3
H 3	Canteen, facilities, Catalogue shopping, Argos		5	3	17
I	Sentence related (inc. HDC, ROTL, parole, release dates, re-cat etc)	4	3	3	39
J	Staff/prisoner/detainee concerns inc bullying	15	44	32	96
K	Transfers	3	16	8	
L	Miscellaneous	16	38	13	46
	Total number of IMB applications	107	316	224	403

* A shortage of IMB members in 2012-2013 led to a lower number of rota visits, which was reflected in a lower number of verbal applications being received.

Section 8

GLOSSARY OF PRISON-RELATED ABBREVIATIONS USED

To ensure that all readers understand the abbreviations used in the report the list below should be added to or subtracted from as required **AA** Administrative Assistant

ABS Anti-Bullying System

ACCT Assessment, Care in Custody & Teamwork – replacement for F2052SH

ACR Automatic Conditional Release

ALS Assisted Learning Skills

AO Administrative Officer

ARD Automatic Release Date

ATOS Company responsible for assessing long-term sick

BCU Briefing and Casework Unit – PS unit handling adjudication appeals

BME Black & Minority Ethnic

BOV Board of Visitors – now IMB

C & R Control & Restraint

C2W, CTW Custody to Work – pre-release focus on housing, employment and lifestyle issues

CARATS Counselling, Assessment, Referral, Advice & Throughcare Scheme – drug & alcohol team

CC Cellular Confinement – a punishment

CCD Criminal Casework Department (Croydon)

CLAIT Computer Literacy and Information Technology

CCT Criminal Casework Team (part of Home Office Immigration & Nationalities Dept)

CMU Case Management Unit – work on sentence planning & progress

CNA Certified Normal Accommodation

CRC Community Rehabilitation Companies

CRD Conditional Release Date

CSH Contracted Service Hours (pre-agreed paid overtime)

CSU Commissioning Support Unit

DASU Drug And Alcohol Support Unit

DH Dog Handler

DPA Donated Prison Attire

EDR Earliest Date of Release

EMU Estates Management Unit

EO Executive Officer

HCC Health Care Centre

HDC Home Detention Curfew – the Tag

HDCEd Earliest Date of Release on HDC

HEO Higher Executive Officer

HMCIP Her Majesty's Chief Inspector of Prisons

HOLS Head of Learning and Skills

ICA1/2 Initial Categorisation & Classification Forms for Adults/YOs

IDU Inmate Development Unit

IEP Incentives and Earned Privileges – Prisoners can be on Basic, Standard or Enhanced

IG Instruction to Governors

IMB Independent Monitoring Board

IND Immigration & Nationality Department

IRC Immigration Removal/Reception Centre

JSA Job-Seekers Allowance

JSAC Job Simulation & Assessment Centre (for officers seeking promotion to SO)

KPI/KPT Key Performance Indicator/Target

LDR Latest Date of Release

LED Licence Expiry Date

LIDS Local Inmate Database System – IMB can use this to check location, dates, etc.

LSC Learning & Skills Council

MAPPA Multi-Agency Public Protection Arrangements

MDT Mandatory Drugs Testing

MKC Milton Keynes College

MSL Minimum Staffing Level

MQPL Measuring the Quality of Prison Life

NACRO National Association for Care & Resettlement of Offenders

NC The National Council for IMBs

NEC National Exchange Centre- building between VTC & Boiler Ho. used for ETE

NOMS National Offender Manager Service – amalgamation of the Prison & Probation Services

NPS National Probation Service

NPS New Psychoactive Substances

OASYS Offender Assessment System – computerised risk & needs assessment

EPDG Estates Planning & Development Group
EGP Ex Gratia Payment
ETA Employment & Training Allocation
ETE Employment/Training/Education
ETS Enhanced Thinking Skills – an OBP
F2050 Prisoner’s basic record
F2052A Prisoner’s wing record
F2052SH Record for prisoner currently at risk of self-harm
FLED Facility Licence Eligibility Date (when prisoner may be **considered** for ROTL)
FOCUS Financial Outstations and Central Unified Systems – the PS accounting system
GOOD Good Order or Discipline – Segregation under Rule 45/49 (historically GOAD)

OBP Offending Behaviour Programme
OCA Observation, Classification & Allocations – a Reception task
OLASS Offender Learning and Skills Service (part of LSC)
OLIPS Offender Learner Improvement Posts
OSG Operational Support Grade
OI/OR/OP Own Interests/Request/Protection – Segregation under Rule 45/49
OU Open University
PASRO Prisons Addressing Substance-Related Offending – an OBP
PCO Prison Custody Officer
PCT Primary Care Trust – National Health component responsible for healthcare
PEI/O Physical Education Instructor/Officer
PET Prisoner Education Trust
PNC Police National Computer
PSD Personal and Social Development
SFA Skills Funding Agency