



Ministry
of Justice

Dr Phillip Lee MP
Parliamentary Under-Secretary
of State for Justice

Mrs Hilary Campbell
Chair, Independent Monitoring Board
HMP/YOI Foston Hall
Foston, Derbyshire
DE65 5DN

10 July 2017

Dear Mrs Campbell,

**HMP/YOI FOSTON HALL: INDEPENDENT MONITORING BOARD ANNUAL REPORT
FOR 1 DECEMBER 2015 – 30 NOVEMBER 2016**

Thank you for your Board's report for the year ending 30 November 2016. I am grateful to you and your colleagues for all the hard work that has been put into capturing your helpful observations, particularly as you have been short of Board members during the reporting period. I am sorry for the delay in you receiving a reply caused by Purdah restrictions.

It was encouraging to receive your comments about the dedication and professionalism of the management and staff at the prison, who have endeavoured to provide a fair and decent service to prisoners in an increasingly challenging environment. I was particularly pleased to read about the number of positive developments taking place at HMP/YOI Foston Hall, including the improvements to the assessment, care in custody and teamwork processes, the return of supervising officers to the wings and the planned improvements to induction.

I was encouraged to read about the prison's close links with the Local Authority and a Senior Practitioner Social Worker in addressing adult social care and disability needs. I was also pleased to learn that HMP/YOI Foston Hall is the top performing prison within the Midlands for functional skills in English and Maths. The improvements to the environment in many of the teaching rooms is a welcome development.

I recognise the Board's concerns for over tariff prisoners serving imprisonment for public protection (IPP) sentences. A range of work to improve IPP prisoners' sentence progression continues to be taken forward, through joint work with HM Prison and Probation Service (HMPPS) and the Parole Board. HMPPS now manages the women's custodial estate to a functional model, facilitating a consistent working approach, with a dedicated lead Psychologist who is leading work to look at female IPP prisoners who are significantly over tariff. Nationally, work to improve progression opportunities for prisoners serving indeterminate sentences is continuing to achieve results. There were 512 IPP releases in 2015 which is the highest number of annual releases since the sentence became available in 2005.

I note your concern regarding the lack of access to higher education for prisoners serving long term or indeterminate sentences. The 'six year rule' was established at the start of the 2012/13 academic year as

part of the suite of changes that introduced tuition fee loans for part-time higher education study, sweeping away the previous grant system. Ministers decided that the same rules should apply to prisoners and the change was set out in The Education (Student Support) Regulations 2011.

The Regulations set out who is entitled to a student loan and define six criteria for deciding whether someone is an *'eligible prisoner'*. The 'six year rule' does not prevent a prisoner being able to apply for study with the Open University or any other higher education institution. It does, however, make student loans to meet the cost of tuition fees unavailable, unless the prisoner can afford to self-fund their study.

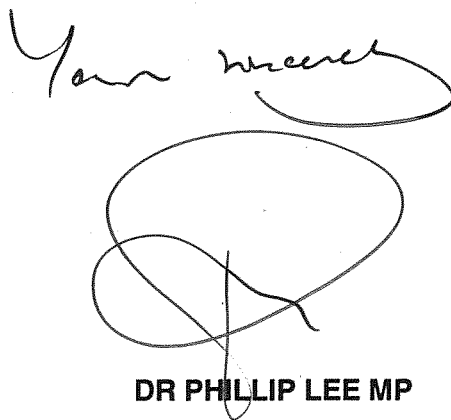
In her review of prison education (Unlocking Potential – a review of education in prison), Dame Sally Coates considered this issue and recommended that the Student Support Regulations should be amended to extend student loan eligibility to prison learners with more than six years to run on their sentence. The Prison Safety and Reform White Paper, published in November 2016, made a number of specific commitments to implement a number of Dame Sally's recommendations. The government is currently considering the remainder and will set out its intentions later in the year in an education plan.

Learning at Level 3 ('A' Level and vocational training at that same academic level) and above is also subject to a tuition fee requirement, with a supporting loan system (and for prisoners the same 'approved study' and 'six-year rule' restriction), if a learner is aged 24 or older. As with higher education tuition fee loans, prisoners pay fees and can access Advanced Learning Loans in the same way as mainstream learners.

Following the transfer of responsibility for prison education from the Department for Education to the Ministry of Justice, Governors have been empowered by enabling them to fund learning at Level 3 and above using their education budgets, removing the need for prisoners to secure Advanced Learner Loans. This is because it is recognised that some prisoners will have missed out on opportunities to get a full education at school. Governors should, therefore, have the freedom to use their education budget to commission courses that enable offenders to come out of prison better able to find work, to support their families and ready to turn their lives around.

I note you have raised some local issues of concern in your report which the Governor will continue to keep you aware of as work continues. HMPPS comments in response to other issues raised in your report are set out in the attached annex.

The Justice Secretary and I appreciate the valuable role played by members of Independent Monitoring Boards throughout the estate and we are very grateful for your continued hard work on behalf of HMP/ YOI Foston Hall.

Your sincerely


DR PHILLIP LEE MP

HMP/YOI FOSTON HALL: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 DECEMBER 2015 – 30 NOVEMBER 2016

HMPPS comments on matters raised in the report

Facilities Management

There have been early issues in contracts regarding the response to reactive repairs. These issues have been robustly managed through the contractual key performance indicator measurement process and deductions made where appropriate. Performance has reached target levels at most Amey sites.

The National Service Management Team challenge project costs if these are considered to be high; Amey is required to provide three quotations for all work over £10,000. HMPPS is working closely with Amey to drive through better value including agreeing benchmarked rates for common works. However, under these new arrangements there are costs, such as escorts and agreed overheads, factored into prices that would not have been included in quotations previously. There are also new rules and regulations, as well as rising construction costs that need to be factored into cost comparisons.

Shower timers

The shower timers were installed to overcome a problem where women in single occupancy cells were using the showers as a means to heat their cells in the autumn and winter periods, even though the heating systems were working effectively. An indicative cost has been obtained from Amey to re-programme the system in double occupancy cells and, if funding is agreed, this work can be progressed.

Boiler repairs

The recent leak in the A wing boiler was discovered whilst carrying out planned maintenance work and action was taken immediately to rectify the fault. Unfortunately, due to the nature of the fault the boiler could not be repaired. The replacement boiler was sourced and delivered within the week. The maintenance department was able to nurse the existing boiler through the period that it took the contractor to source and replace the boiler.

Healthcare and Mental Health

Healthcare Complaints

Prisoners at HMP/YOI Foston Hall have opportunity to complain about healthcare services in different ways. There are options to complain formally to NHS England and Care UK. If a prisoner deems the route of complaint is best addressed locally, the concern is dealt with on a face-to-face basis. The majority of complaints are able to be rectified swiftly by local resolution. Where complaints are still not resolved, Care UK will escalate the concerns regionally and then nationally as appropriate.

There is no criteria for automatically 'downgrading' a complaint; each is dealt with on its own merits. Complaints are monitored (numbers, themes and trends) through quarterly contract meetings between NHS England and the provider.

Dispensing of medication

A joint exercise is being undertaken between the healthcare provider and establishment to understand the prevalence of prescribing medication, and especially that which is required four times daily and night/sedation medication. The study will inform a potential benchmarking exercise to address the issue. Currently, HMP/YOI Foston Hall and healthcare are, where required, able to facilitate night medication, but it is recognised a formalised approach is required.

Whilst it is acknowledged that both classroom and activity sessions are being interrupted by the dispensing of medication, this is kept to a minimum. A balance has to be maintained in providing a purposeful regime whilst ensuring that the medical needs of the women are catered for.

Mental health provision

NHS England has commissioned an enhanced, fully integrated mental health provision (increased to six days a week) to manage the high demand of the population. Due to predominantly staff issues, the provider is experiencing issues in delivering the enhanced model. However, a full action and recruitment plan is in place to address this.

Although acute cases have been experienced, the providers of healthcare have clear pathways and guidelines and liaise with NHS England Specialist Commissioning colleagues (Gatekeepers) who attempt, where available, to expedite prisoners to low or medium secure hospital accommodation beds for the appropriate care. NHS England (Local) Commissioners review waiting times and process monthly with specialist commissioning colleagues.

Women with learning difficulties and autism

The healthcare specification includes a bespoke element of provision to screen and treat learning disabilities. In respect of learning difficulties, the service will support with communication assessments (expressive, pragmatic, fluency, literacy, symbol comprehension) and various other interventions, such as functioning skills. Autistic Spectrum Disorder screening and assessments are also included in the delivery model, along with awareness across the establishment. Social care provision also supports where an individual needs bespoke care.

The healthcare provider will provide a clear action plan of how the responsibilities within the specification will be delivered, ensuring that the provision will be adequate to meet the needs of the population.

The Listener Scheme

HMP/YOI Foston Hall is supported by the Samaritans in the delivery of the Listener scheme; this support includes recruitment, selection and training of women to become Listeners. The prison is looking at ways to recruit, but remain guided by the Samaritans' recommendations of suitability. A selection event to further increase Listener provision is currently being undertaken.

Support Plans

In accordance with the prison's safety strategy all prisoners who are victims of bullying or a violent act, such as an assault, will have a support plan opened; this is regardless of whether they have requested one or have asked for additional support.

Staff have been made aware of the importance of support plans and clear guidance on how to make an effective support plan is contained within the prison's safety strategy. All violent incident investigations are now quality checked by a safer custody manager; in cases where bullying has taken place but no support plan has been opened, these will be referred back to the investigating officer to address.

Funding for Academies

Following publication of the Prison Safety and Reform White Paper, unnecessary rules and governance have been stripped from education contracts to allow governors more oversight and control of existing services. Prison governors will also be made fully responsible for the education delivered in their prisons so that they can buy the services they think are most appropriate in their individual prison. This means governors will be able to decide how to structure education, who provides their learning delivery and how they will spend their budgets effectively.

The Governor of HMP/YOI Foston Hall will remain committed to working with partners and other providers to run additional academy type initiatives.

Activity Places

ONE3ONE Solutions continue to work hard to source more new work for prisoners across the estate. This includes working with local and national businesses as well as other Government Departments. A number of successes have been seen in this respect and they will continue to seek to identify appropriate opportunities to bring new work from this engagement.

Incentives and Earned Privileges (IEP) Scheme

Governors are able to consider whether or not to offer, as part of their local IEP scheme, additional privileges beyond those that are already identified in the existing IEP Policy Framework (Prison Service Instruction (PSI) 30/2013), providing that these meet the stringent policy parameters set out in the existing IEP PSI. However, as part of the existing Prison Reform Programme, we currently are reviewing the IEP Policy Framework. We want to see empowered Governors with significantly greater authority and flexibility (along with greater accountability) to determine how they run their prison to help prisoners reform, keep them safe and prepare them for a crime-free life.

The new IEP framework will ensure that operational experts, who know best what works, are given the opportunity to shape local policies and identify solutions tailored to local circumstances. The revised policy framework will retain a core set of essential mandatory requirements, while significantly reducing the level of prescription to enable governors to tailor their local policy to meet the needs of their prisoner population. Critical to the reform programme is providing increased freedoms to governors who want to support rehabilitation by providing them with a framework that will enable them to provide the most effective rewards for prisoners to incentivise them to engage in rehabilitation.

Toilet Facilities in Visits

Alterations have been made to the existing toilet and a facility is now available for prisoners to use.

Accommodation in the Segregation Unit and D Wing Annex

The two rooms are equipped as safer cells and better observation cells. The rooms are not routinely used and are reserved for women who would normally be segregated but have an increased risk of self-harm and who also present a risk of harm to others. The rooms are considered adequate for their intended use. Only a very small number of women have spent more than a few days located in the rooms, due mainly to the risk of harm to themselves and/or others, and/or whilst waiting to be transferred to hospital.