



Ministry
of Justice

Sam Gyimah MP
Parliamentary Under-Secretary
of State for Justice

Sheila Davie
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Dear Sheila

**HMP RYE HILL: INDEPENDENT MONITORING BOARD ANNUAL REPORT
FOR 1 APRIL 2016 – 31 MARCH 2017**

Thank you for your Board's report for the year ending 31 March 2017. 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 were very short of members during the reporting year.

I understand your concern about the prosecution of crimes in prisons. Whilst there must always be some local discretion for deciding on how prison crime is dealt with, there has in the past been unacceptable variation around the country in the way that prisons, police and the Crown Prosecution Service (CPS) deal with these. In some cases this has led to inconsistent decisions been taken on not pursuing relatively serious crimes at court, particularly crimes of violence, and instead relying on the internal prison adjudication system.

As a result of this, a joint national protocol between HM Prison and Probation Service (HMPPS), the police and the CPS on the handling of crimes committed in prison was published in February 2015. This provides guidelines for joint working between prisons, police and CPS to ensure that wherever possible and appropriate, those who commit acts of violence or commit other serious crimes in prison are punished through the courts rather than the prison's disciplinary system. An inter-departmental Crime in Prison Board has been established with Ministerial attendance to monitor the implementation of the protocol, to set priorities for further work to be done and to commission development of guidance aimed at assisting local police, prison and the CPS in prioritising and managing crime in prison. Further to this the Prison Safety and Reform White Paper published last November, set out the Government's aim to develop a more robust response to criminality in prison.

I note your concern about discharges to court having a disproportionate impact on sex offenders at HMP Rye Hill. All prisoners irrespective of their index offence are categorised A - D according to the risk they pose in terms of escape from custody and harm to the public. It is only when all charges have been dealt with that an appropriate offending behaviour needs and categorisation status can be confirmed. Prisoners should not ordinarily transfer to a training prison with outstanding charges in place. It is accepted that where a prisoner has to appear at court for other matters it is not always easy to return them back to the training prison they originated from. There is a limited internal prisoner transfer fleet and with the current population pressures this is being used to maximise bulk moves between locals and training sites. Up to 400 weekly requests are received by HMPPS Population Management Unit (PMU) for singleton moves and only half of the requests are ever approved. Having said this, I hope to assure you that HMP Rye Hill's senior contract manager will be working closely with the PMU to ensure that prisoners are returned to the prison sooner than is currently the case.

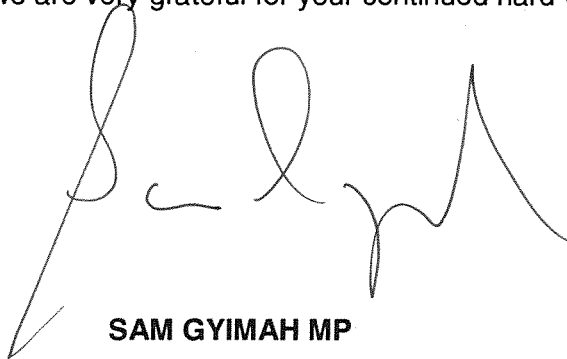
Nationally, the use of video link technology is widely used in local prisons across the country, but currently has limited use within the wider estate. HM Courts and Tribunal Service (HMCTS) Reform Programme (estimated to be completed 2022/23) aims to maximise the use of virtual or video-enabled hearings for bail and remand hearings and other pre-trial/case management hearings to minimise delays, waiting times and unnecessary journeys for all parties including defendants. All trials and the large majority of sentencing hearings will continue to take place in the physical court room. This should help to reduce the number of occasions on which those charged with sex offences have to be produced at court.

If prisoners are required to give evidence as a witness or victim in a subsequent trial, there is scope for this to take place via a video link (more commonly the case where the victim/witness is vulnerable). There will be some cases where fresh charges arise during sentencing and a defendant maybe required to attend court. HMCTS does not anticipate rolling out virtual hearings between courts and training prisons.

Turning to the positive comments in your report, it is fundamentally important that prisoners maintain family ties and I was pleased to learn that the monthly family day provision at HMP Rye Hill has been a success. I note the marked reduction in the number of discrimination incident reporting reports. I am also pleased determined efforts have been made to ensure HMP Rye Hill is a safe establishment for both staff and prisoners and that a high percentage of prisoners are employed or participating in purposeful activities.

I note you have raised some other important issues, including the discrimination of Lesbian, Gay, Bisexual and Transgender people in your report. The Director will keep you updated on these issues and will look at further ways to address them. 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 Rye Hill.



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HMP RYE HILL: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 APRIL 2016 – 31 MARCH 2017

HMPPS comments on matters raised in the report

Segregation

HMP Rye Hill regularly monitor stays in segregation ensuring that time in such conditions are no longer than necessary. All segregation beyond 42 days is automatically referred to the Controller who has delegated authority to complete a review and either grant or remove continued segregation. Segregation beyond 84 days is referred to the Head of Long-Term and High Security Estate to review and authorise. The establishment is currently reviewing integration planning to consider how they may be able to improve reintegration back in to a residential unit following a period of segregation.

Nationally, Reviewing and Authorising Continuing Segregation and Temporary Confinement in Special Accommodation was published in September 2015 and part amends Prison Service Order 1700 - Segregation. It sets out a mandatory requirement for the monitoring of segregation in order to identify any trends which may need to be addressed. The amendment sets out the monitoring requirements in depth, including a duty to monitor levels of segregation and longer term segregation in particular. A quarterly report on the use of segregation must also be submitted to the Governor and the Prisons Group Director highlighting the key observations and summarising the use of segregation over the previous quarter. The collated information should be used to identify general areas of concern and individual prisoners that need scrutiny. The amendment also requires governors to establish a Segregation Monitoring and Review Group in order to review, monitor and investigate the use of segregation.

The current Prison Transfer and Remission Guidance published by the Department of Health in 2011 is being reviewed. In particular, a focus of the work is about ensuring that the most appropriate timescales are developed and implemented in relation to prison transfers and remission, taking into account clinical urgency and need. It is anticipated that revised timescales for transfer from prison to hospital will be developed by this autumn to enable the current guidance to be reviewed by the end of this year.

HMPPS is working with NHS England to ensure assessments and transfers to hospital from prison take place within appropriate timescales. Where there are delays evident, work is underway to establish the reasons for this and work collaboratively to address the issues.

Low Risk Prisoners

Research has confirmed that sexual offender programmes that follow risk, need and responsivity principles lead to the largest reduction in reconvictions. That is, medium and high-risk sexual offenders have lower reconviction rates after treatment. Low risk sexual offenders are, however, less likely to benefit from treatment, and evidence suggests that intensive treatment could be counterproductive. It is important to stress that the phrase "low risk" is used to refer to the likelihood of further convictions for sexual offences. It does not diminish the harm caused by sex offending or imply that some sex offences are less serious. All prisoners, regardless of their risk of reoffending should have access to the core rehabilitative offer in custody. This requires establishments to ensure that staff address offender's anti-social attitudes, thinking and behaviours through pro-social interaction and engagement. Also, ensuring that staff support and encourage offenders to engage with rehabilitative services and make them aware of their responsibility for doing so.

The core rehabilitative offer also recognises the disruption to domestic and other responsibilities brought about by imprisonment and reintegration obstacles that most offenders face. It includes providing support to help overcome these issues. For example, it facilitates access to services to secure, manage, and maintain suitable accommodation and employment; to services which address personal financial management issues and family welfare and support needs. It also ensures equivalence of access to health services as in the community and access to specialist services such as those for drug and alcohol needs, domestic abuse and for sex workers

Low risk sexual offenders are still carefully supervised by the National Probation Service (NPS) and receive other forms of resettlement help, including an individually delivered structured course of sessions designed to address offending related issues. The decision to exclude low risk sexual offenders from sex offender treatment programmes relates specifically to the provision of intensive, offence focused group treatment programmes.

In terms of prisoner progression, there is an ongoing project to review the categorisation and recategorisation processes. This will re-examine the risk indicators for each level of security category together with how they are to be assessed in order to ensure that prisons can access the right level of security at all times.

Resettlement Services for Sex Offenders

Community Rehabilitation Companies (CRCs) are not required to provide a Through the Gate resettlement service as HMP Rye Hill is not a designated resettlement prison. Prisoners convicted of sexual offences released from HMP Rye Hill are allocated to the NPS and an offender manager prepares them for release and supervises their licence conditions. The NPS can commission the local CRC to deliver resettlement services to an offender to meet their needs either prior to or on release from custody. HMPPS is carrying out a comprehensive review of our probation reforms, including Through the Gate services, to look at how to improve upon the delivery of the service and improve outcomes for offenders and communities and incentivising good resettlement outcomes to cut crime and protect the public.

The availability of places for prisoners convicted of sexual offences forms part of the work of the Prison Estate Transformation Programme (PETP). The aim of the PETP is to support the reform of the prison estate during the current spending review, through to 2020. It is important that activity to address shortfalls in capacity are co-ordinated and work is already underway to ensure that estate capacity is realigned from 2016/2017 to cater for demand for places, including those convicted of sexual offences.

Healthcare Provision

HMP Rye Hill developed an action plan in response to HM Inspectorate of Prisons re-inspection in November 2016 to address areas of non-compliance. This has been agreed with NHS Commissioners and continues to be monitored by the Controller, Director, G4S Medical and Commissioners through internal governance meetings.

Library Provision

The library building was provided in 2015, replacing a building that was not fit for purpose. It is recognised that the current facility is not ideal, but with limited space across the site relocation is currently not possible. The Director has agreed that a review of the budget allocation will take place.