



Annual Report
of the
Independent Monitoring Board
at
HMP Whatton

For reporting Year
1 June 2016 – 31 May 2017

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Monitoring fairness and respect for people in custody

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1. Statutory Role of the IMB

The Prisons Act 1952 and the Immigration and Asylum Act 1999 require every prison and Immigration Removal Centre (IRC) to be monitored by an Independent Board appointed by the Home Secretary from members of the community in which the prison or centre is situated.

This Board known as the Independent Monitoring Board (IMB) 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, every part of the prison and to the prisons records, with the exception of individual's medical records unless specifically granted in writing by each individual.

2. Executive summary

Main Judgements	Cross reference
<p>This report is compiled by the Independent Monitoring Board of HMP Whatton. It covers the reporting period between 1st June 2016 and 31st May 2017.</p> <p>The Board considers HMP Whatton to be a safe environment where prisoners are treated with fairness and decency. The board has a positive working relationship with the Governor and her staff enabling the board to effectively monitor the work of the prison.</p> <p>The day to day work of the prison continues effectively and the life of HMP Whatton is typified by constant review and development of innovative practice. These initiatives include the work of the Safer Living Foundation, which provides a bridge between prison and the community and initiatives related to the care and management of transgender prisoners and those with personality disorders.</p> <p>However, due to staffing issues and limited regime, prisoners are sometimes kept in their cells for longer than the Board considers is acceptable. Staff shortages combined with the ever increasing demand for hospital escorts and bed watches has resulted in a reduction of time-out-of-cell and unscheduled closure of library and gym facilities. Due to the older population significant resources are needed for hospital visit, bed watches and social care. This has a knock-on effect to the regime and quantity and quality of contact between Personal Officers and prisoners. The Board believes that requiring staff to work under such pressure is un-sustainable.</p>	<p>4.8</p> <p>5.3</p> <p>8.5</p>

Main Areas for Development

To the Minister

In previous annual reports, the Board has stated criticisms that, in the Board's view, B-Wing (the oldest Wing in the prison) is unfit for purpose and should be rebuilt. Previous reports by Her Majesty's Inspectorate of Prisons has also criticised the conditions of that Wing.

Is the Minister aware of these criticisms and is there any prospect of the Wing being refurbished or rebuilt?

To NHS England

For the first ten months of the reporting year, health care was provided by Nottinghamshire Healthcare NHS Foundation Trust. However, the Board is extremely concerned about the provision of care to the prisoners since being taken over by MITIE in April 2017. Medical care for prisoners now appears financially, rather than care, driven. In particular, it appears that no account has been taken of the fact that HMP Whatton houses a much higher proportion of older prisoners compared to many Category C prisons. Older prisoners have significantly different, additional and more costly healthcare needs compared to younger prisoners.

Is NHS England aware of the significantly different, additional and more costly healthcare needs of the prisoners at HMP Whatton and were these needs taken into account in deciding to tender? Who will be responsible for providing the extra resources required to maintain an appropriate level of health care to prisoners if MITIE runs out of money before the end of the financial year?

3. Description of the Prison

1. HMP Whatton is located in Nottinghamshire and is a Category C training prison for male prisoners convicted of sexual offences against adults and children. The Certified Normal Capacity is 840 prisoners. HMP Whatton is one of the largest specialist prisons in Europe to offer offending behaviour programmes people with sexual offending histories treatment. The Establishment also offers a wide range of learning and skills programmes as well as activities such as manufacturing and gardening.
2. The prison's residential accommodation consists of 14 residential wings (A1-8; B1-3; and C1-3) and a Care and Separation Unit attached to A3 residential unit. Accommodation is comprised of a mixture of single and double cells and modern cells (equipped with en-suite toilet, washing and showering facilities) and older cells (equipped with an in-cell toilet but shared shower facilities). Much of B Wing is, in the Board's view, unfit for purpose and conditions have been criticised previously by the IMB and Her Majesty's Inspectorate of Prisons.
3. Accommodation for purposeful activity includes a sports hall (including three badminton courts and a room for cardio vascular workouts), gymnasium with weight training facilities, several manufacturing workshops, a large education unit and a large kitchen facility, with an area and facilities specifically for the use of prisoners undertaking the NVQ training in catering. The establishment also has a well-resourced library. The Healthcare Unit is well-equipped and includes an end of life suite and dementia care suite. However, the whole area is too small for the number of prisoners who need to use it and the Board is disappointed that business plans previously submitted by the Governor for improvement to the healthcare facilities have not been progressed.
4. Outside the prison secure compound, there is a purpose built Visitor Centre which is currently managed under contract with the Prison Advice and Care Trust (PACT). During the reporting year the centre processed 14,514 visitors. The prison also has an external contract with Inspire, a social enterprise for the supply of library literature etc. In addition, there are three externally commissioned services for provision of healthcare (currently provided by Mitie but provided by Nottinghamshire Healthcare NHS Trust for the first ten months of the reporting year), facilities management (provided by Amey) and learning and skills (managed by Milton Keynes College). The prison also has a contract with Age UK and the Carers Federation and during the reporting year the prison has also built links with Age UK, Circles UK, The Safer Living Foundation, Workers' Educational Association and other Third Sector agencies in order to improve the resettlement process for older prisoners and those with learning difficulties.

4. Safer Custody

In its latest inspection report, the HMIC described HMP Whatton as overwhelmingly safe with relatively low levels of violence

4.1 In line with standard practice, prisoners are transported to Whatton in accredited vehicles in small single locked compartments. Prisoners have varying lengths of journeys, dependent upon their previous location. During the reporting year the Board has taken an active role in monitoring the condition of the vehicles and experiences of prisoners during their transportation to Whatton and most prisoners arrive in reasonable condition when they arrive at the reception area.

Occasionally some of the vehicles have been vandalised by previous prisoners and have not been repaired (for example, the Board has found that roof ventilation has been smashed making the transport cold, or wet when raining).

4.2 Reception officers have been observed to be thorough in the admission process. On arrival, all prisoners are interviewed individually, seen by healthcare staff to ensure that all medical needs are complied with, and risk assessments are carried out (including the cell sharing assessment; crucial given the nature of the offences of the prisoners' at Whatton).

Toilet facilities are available.

4.3 ACCT documents are reviewed by staff and appropriate actions taken depending on individual need including suicide risk of the prisoner, providing ligature free cells and setting appropriate observation arrangements. Any prisoner arriving with an open ACCT document is assessed carefully and interviewed by a Senior Officer. Following this interview a care plan is evolved, outlining the specific needs of the prisoner. This will include observation requirements. Case review dates will be determined depending on the specific need of the prisoner. All interactions with all agencies concerned comment on the ACCT forms. Each contact is carefully documented. Care plans are regularly reviewed.

ACCT paperwork always travels with the prisoner.

Property cards are completed and copies given to the Prisoner.

All prisoners are then transferred to the dedicated induction wing.

4.4 Each prisoner is allocated a personal officer who will have regular meetings with him and other appropriate internal departments and external agencies. The IMB attend these meetings on a regular basis.

Safer Custody Meetings are held on a monthly basis with excellent attendance from staff enabling the best possible care plans to be agreed and arranged. Each department presents a report and Listeners and Insiders attend part of the meeting. Chaplaincy, Health Care, Mental health, Samaritans, Probation, Safer Custody and other agencies are all represented. Each submits a report on safer custody issues.

The IMB are invited to observe whenever they wish. Safer Custody statistics are presented to all representatives at the meeting to make all departments aware of any trends that might be developing within the prison population.

4.5 Samaritan telephones are available on a 24-hour basis as are the services of Listeners and Listeners Suite when required. Listeners and Insiders are easily identifiable. Their cells are also marked so that prisoners can easily find them on the wing.

The Induction Wing holds regular induction talks for all prisoners.

4.6 Documentation required to ensure that prisoners follow prison procedure appropriately is available, as is a wealth of advice from prisoners who have been resident in the prison for some considerable time. These prisoner-led resources are proving invaluable.

4.7 All reports of bullying are dealt with robustly. There is a 'zero tolerance' approach to bullying, rigorously enforced by the Senior Management team, procedures for prisoners to report bullying anonymously are adhered to rigorously and an annual bullying survey is sent to all prisoners, the latest of which returned that 72% of the prisoners stated that they felt safe or very safe. This was an improvement on the previous year.

Personal Officers are available on a one to one basis to all prisoners and actively encourage an open and frank conversation with regard to bullying issues. A recent survey on bullying amongst prisoners found that 14% had concerns about bullying with regard to prescription drugs with a small number concerned about bullying in the medication collection area. This area is now supervised by a prison officer.

4.8 Officers make regular cell searches and Mandatory Drug Testing (MDT) is carried out on a regular basis. Dogs are regularly used in searching for drugs across the prison premises.

5. Equalities and Fairness

5.1 The Whatton Equality Action Team (WEAT) meets on a bi-monthly basis and has developed a range of monitoring and reporting processes across the relevant protected characteristics as defined by the Equality Act 2010. During the reporting year, key areas of concern have been regarding adjudications, complaints and Incentive and Earned Privileges (IEP) in relation to Age, Ethnicity and Religion.

5.2 During the year an audit by NOMS identified two significant areas of concern: a) that the processing and response to DIRFs was too slow (with many falling outside the target time for completion of investigation), and b) the BME population felt under-represented in a number of areas, mainly in respect of work (on the Wings and as Orderlies) and employment. The prison has responded by introducing new procedures to make investigating DIRF's quicker, more thorough, more timely and with more prisoner involvement and better communications. Some improvements have been made to allocations for work to BME prisoners, although there are still areas for concern. There are also signs that BME prisoners are gaining more confidence in the application process.

5.3 The Board is impressed by the small and dedicated team that manages and promotes equalities initiatives in the prison:

- OPAL (Older Prisoners Activities and Learning) group meets regularly for activities and discussions. Recent initiatives have been the start of a guitar group and reminiscence sessions
- Social Care Advocates (18 in all covering all Wings)
- Equality reps are located on each wing
- Xpressions group (LGBT) forum meets every 2 months, and recently organized a Proud Whatton day attracting over 400 people to raise awareness
- GRT (Gypsy/Romany/Traveller) forum organize awareness events such as a GRT v Prisoners football match
- BME forum, where concerns have been raised over disproportionate punishment in CSU
- Transgender group. The prison recently held Transgender Day of Visibility. HMP Whatton has a reputation for the most advanced thinking in support of this group in prisons.
- Deaf Prisoners forum meets to raise matters of concern, for example access to employment. The prison recently gained RAD Accreditation for Deaf Awareness.
- The prison continues to work towards Autism accreditation. Celebrations and fund raising for Autism Awareness week took place in March.

5.4 Visits are well managed and facilities for family visitors are good. Last year, Whatton hosted three family days and these were attended by over 100 visitors. All prisoners are made aware of their occurrence.

Whatton has the usual complaints system which is well used. Many posters around the prison provide information on how to contact the Prisons and Probation Ombudsman. Responses from other prison establishments to complaints sent to them from Whatton vary greatly (particularly relating to property matters) and there is no uniformity to time scales for the resolution of issues. Compensation offered at Whatton is in line with values of items on the facilities lists.

6. Care and Separation Unit

6.1 The CSU at Whatton has eight cells and the Unit has good facilities with access to an outside exercise yard and a small library for prisoners on the Unit. The IMB visits the unit at least once each week and have always found the cell temperatures comfortable. Radios are provided. Prisoners located on the Unit under Rule 45 have access to a television if appropriate. No IMB applications concerning accommodation have involved CSU facilities. CSU prison officers have expressed concerns over staffing and during some afternoons only one officer may be left to cover the CSU.

6.2 The IMB duty team receive telephone calls for any new arrival and always visit new prisoners within the required 72 hours (24 hours if restraint has been used). The IMB also receives notification of review boards. Cell removals requiring restraint are videoed as a record. If available an IMB member will monitor the removal and then accompany a prisoner under restraint from cell to CSU.

6.3 Open (ACCT documents average about one or two each month on CSU compared to a monthly average of 20 ACCTs on the other Wings throughout the prison. IMB members always speak to prisoners in their cell accompanied by officers but a room is available for confidential discussion if required. The IMB routinely checks documents on CSU to ensure (for example) that daily visits are made by appropriate staff (for example, governor, healthcare nurse).

6.4 The number of adjudications has increased. During the first three months of 2016 there were 201 but during the first three months of 2017 there were 277 (a 38% rise). The rise is related to an increase in cell searches with finds of illicit alcohol and tobacco paraphernalia (which may have resulted from the removal of canteen tobacco sales from December 2016 (electronic cigarettes excepted) since the prison introduced a smoking ban in December 2016). Some prisoners indicate that they are 'smoking' nicotine replacement patches provided to them on their smoking cessation course.

6.5 Of the 656 adjudications heard from June 2016 to May 2017, 71% of charges were proven. Across the year the majority of prisoners charged with an offence were White British but prisoners of Asian, Black and Mixed ethnicity were more likely to have their charges proven. This is a national trend¹. Investigations at Whatton suggests that the figures are easily distorted due to the low numbers of these ethnic groups compared to White British. Multiple adjudications on one individual again affects the statistics. Conversely, there is a disproportionate number of Muslim and No Religion prisoners having adjudications charged. Analysis again shows that just one individual was responsible for 17 adjudications distorting the figures. Despite this, the Board is not concerned about the fairness of the adjudication process but will continue to monitor these figures over the coming year.

6.6 Prisoners are aware that they can appeal and one successful appeal is known to the IMB. The IMB monitors adjudications regularly and is of the view that governors conduct adjudications in a very professional and fair manner. Only two applications to the IMB during the reporting year were related to adjudications.

¹ Uhrig N. 2016 'Black, Asian and Minority Ethnic disproportionality in the Criminal Justice System in England and Wales' *Ministry of Justice Analytical Services*

7. Accommodation

7.1 Prison buildings, both residential and those providing space for classrooms, workshops and offices, are functional and generally fit for purpose. Prisoners generally look after the environment and appreciate how much better it is than in other prisons where they have been held. The accommodation wings are maintained in a clear and tidy condition by the Wing cleaners.

The residential accommodation comprises A Wing (constructed 2006), B Wing (constructed during the 1960s when the prison was a Borstal housing Young Offenders) and C Wing (constructed between 1990 - Wings 1 and 2- and 2005 - Wing 3).

7.2 The standard of accommodation in the establishment on A-Wings is reasonably good. Four of the eight Wings have cells with ensuite shower, washbasin and toilet. The remaining A-wings have in-cell toilets and shared facilities for showers.

Although the A Wings were only constructed 11 years ago, there are latent defects to the brickwork, showers, fixtures and fittings which the primary building contractor (Caledonian) has finally agreed to rectify following the intervention of the Ministry of Justice.

The A Wing boilers are coming to the end of their life and 3 have already been replaced. The remaining boilers will need to be replaced soon.

7.3 The standard of accommodation on B-wing remains a concern to the Board with some areas well below the standard expected of a modern prison. In addition, the water pipework is deteriorating and regularly leaks. The IMB has reported many times previously that we support the recommendation from the HMIP that the cells be enlarged to enable the toilet to be screened and separated from the prisoners sleeping and living area.

C Wings 1 and 2 accommodate prisoners of all ages and C3 accommodates prisoners in the senior age group with the atmosphere being more relaxed than on other Wings and comments received from prisoners by the Board regarding day to day life on the unit appears very positive.

7.4 The roads and pathways around the prison are in a bad state of repair with the surfaces 'breaking-up' thereby causing potential health and safety issues.

7.5 The day-to-day maintenance of the estate is under the national contract with Amey. The maintenance team are understaffed and sometimes struggle to keep up-to-date with routine maintenance whilst they are repairing the prison infrastructure.

8. Healthcare

For the first ten months of the reporting year, healthcare was provided by Nottinghamshire Healthcare NHS Foundation Trust. From the 1st April 2017 the contract for healthcare services went to a private outsourcing company MITIE.

8.1 HMP Whatton does not have a 24-hour healthcare service but operates 07.30-17.00 on weekdays (18.30 for emergencies) 08.30–13.00 for emergencies and dispensing drugs at the weekend. A nurse-led triage service is available.

8.2 Whilst the board was pleased with Healthcare provision by Nottinghamshire Healthcare NHS Foundation Trust, the board is extremely concerned about the provision of care to the prisoners since being taken over by MITIE - particularly regarding pharmacy provision with prisoners' prescriptions being delivered late or not at all.

8.3 To further the Board's concerns over the operation of the healthcare unit, since 1st April the mental health team has been depleted except for the Mental Health Manager. There has been a recruitment campaign for more staff but due to the complexity of working in a prison these posts have not been quickly filled. Therefore several agency staff have been filling the vacancies. There have been considerable complaints from prisoners about this service - particularly that prisoners cannot get appointments or that they are not seen regularly enough or by the same person. Due to the nature of Whatton this is a highly used service and the board feels the service provider has not been sufficiently pro-active to address the problems and at the time of publication the team still does not have a full mental health team or Intellectual Disability nurse.

8.4 Dentistry, podiatrist, optician and physiotherapy are some of the outpatient care all prisoners may access.

8.5 During the reporting year HMP Whatton had a total of 108 bed watches and 1670 outside hospital appointments. This puts a huge strain on the regime of the prison. Particularly since the majority of the bedwatches and appointments require two staff for security reasons.

8.6 The Health care accommodation is clean and private, but the whole area is too small for the number of prisoners who need to use it. Previous business plans for improvement to the healthcare facilities have been submitted but, unfortunately, they have not been progressed.

8.7 HMP Whatton became a 'no smoking' prison in December 2016. The Healthcare Team, in partnership with the physical education department, provides good support to prisoners (such as in establishing smoking cessation groups).

8.8 HMP Whatton has several transgender prisoners. They are supported well by Healthcare (and in the prison more generally). Some are on the Gender Reassignment Pathway.

8.8 Within the Healthcare department is The Retreat - a room where prisoners who are at the end of their life are located when their health deteriorates. This is staffed by agency staff during the times it is in operation.

9. Education Learning and Skills

9.1 Education is provided by Milton Keynes College and meets prisoners' needs well. There are sufficient places available for prisoners to engage in purposeful activity - at least part time and places are allocated to prisoners fairly.

9.2. The induction to education, initial assessment and the provision of additional learning support, is good and contributes to very high achievement and success rate.

9.3 The prison is the first in the country to be awarded accreditation for the Royal Association for the Deaf (RAD) with several staff undertaking advanced training in order to improve communication with deaf prisoners. The prison is also undertaking work to achieve Autism Awareness accreditation.

9.4 Nationally recognised qualifications are available to prepare prisoners for employment on release. Few, if any, classes or courses are cancelled and teachers and tutors provide a well ordered and calm learning environment. Open University courses are also available to prisoners to enhance their learning and to further their career prospects on release.

9.5 The library is well stocked and well used with a rota system to ensure all prisoners have access. Staff encourage prisoners to use of the library and make efforts to accommodate prisoners' needs.

9.6 Education plans are related to prisoners' sentence plans and career aspirations with realistic goals set. With the devolved budget for education learning and skills, the three main areas of focus are self-employment, construction, and education.

9.7 The recent OFSTED inspection awarded a rating of 'Outstanding' for the education, learning and skills provision.

10. Purposeful activity

10.1 The work programme continues to provide a wide variety of options for prisoners to learn new skills in a work place environment. It is consistently well led and managed and is properly supported by the leadership team.

10.2 The programme offers a range of activities including recycling, woodcraft, textiles, catering, horticulture, DHL and the laundry as well as providing employment in the kitchens and the staff mess.

10.3 The contract to make sandbags for the Ministry of Defence has been completed but the workshop remains busy with prisoners making polo shirts for the Prison Service internal use.

10.4 The prison has a contract with DHL to provide canteen goods to prisoners in establishments across the East Midlands. The workshop remains successful, popular and very busy. The workshop services 8 other prisons.

10.5 Multi-media continues to be an in-demand workshop and has plenty of business from within HMP Whatton and from other prisons.

10.6 The gardens department have been working towards the Windlesham Trophy again, having been precluded from entering last year.

10.7 The City and Guilds Level 2 in catering provided by the kitchen department continues to work well.

10.8 The only on-going concern is the need to provide more basic skilled work for those of lower ability and perhaps therapeutic work for the increasing number of prisoners with mental health difficulties. Approximately 16 staff are involved in running the activities, along with some agency staff and all continue to be hard-working enthusiastic and dedicated.

A. The Work of the Independent Monitoring Board:-

The Board works well as a team, maintains good relations with prisoners and staff, and monitors the establishment effectively. The board attends staff and prisoner-led meetings where appropriate throughout the prison. Administrative services for the board are working effectively with an experienced and capable member of staff who is well respected across the prison undertaking administration duties. The Board had a recruitment campaign during the reporting year but no appointments took place due to purdah prior to the election. The Board has an active Board Development Officer who encourages members to get involved with national, local and in-house training opportunities.

Dual Board membership

Where neighbouring boards are struggling to recruit members or have other problems, experienced members from one board sometimes spend a period as a member of both boards (Dual-Boarding) to provide expertise and support. At the end of the reporting year we have one dual board member who is at HMP Sudbury.

Recommended Complement of Board Members	16
Number of Board members at the start of the reporting period	11
Number of Board members at the end of the reporting period	10
Number of new members joining within the reporting period	1
Number of members leaving within reporting period	2
Number of attendances at meetings other than Board meetings	52
Total number of visits to the prison/IRC (including all meetings)	391
Total number of applications received	180
Total number of segregation reviews held	No record for this year
Total number of segregation reviews attended	No record for this year

B. Applications to the Board

Code	Subject	Year 15/16	16/17
A	Accommodation	18	16
B	Adjudications	2	4
C	Equality and Diversity	4	7
D	Education/employment/training	7	17
E1	Family/visits,inc mail & phone	14	15
E2	Finance/pay	3	5
F	Food/kitchen related	2	4
G	Health related	18	15
H1	Property, in current establishment	23	8
H2	Property during transfer/in another establishment	50	25
H3	Canteen, facilities, shopping	8	18
I	Sentence related HDC, ROTL, parole, release dates, re-cat	8	9
J	Staff/prisoner/detainee concerns inc bullying	15	4
K	Transfers	5	2
L	Miscellaneous	46	31
	Total number of IMB Applications	215	180