



Ministry
of Justice

Sam Gyimah MP
Parliamentary Under-Secretary
of State for Justice

Mr Roger Swindells
Chair, Independent Monitoring Board
HMP Birmingham,
Winson Green Road
Birmingham
B18 4AS

13 November 2017

Dear Roger,

**HMP BIRMINGHAM: INDEPENDENT MONITORING BOARD ANNUAL REPORT
FOR 1 JULY 2016 – 30 JUNE 2017**

Thank you for your Board's report for the year ending 30 June 2017. I am grateful to you and your colleagues for all the hard work that has been put into capturing your helpful observations, especially as you were short of members.

As the Board recognises HMP Birmingham manages a high rate of prisoner churn, like many local prisons, with the average length of stay currently at six to seven weeks. Within this challenging context, staff work hard to deliver a safe ordered environment that prepares prisoners for their journey through the wider prison system. The prison works hard with other agencies for those prisoners serving very short sentences to promote a safe and well managed release back into the community and will continue to do so.

The HM Prison and Probation Service (HMPPS) focus for imprisonment for public protection (IPP) prisoners is on giving all IPP prisoners the support, opportunities and motivation they need to progress more quickly so that, when they are reviewed by the Parole Board, they have the best possible prospect for securing release. HMPPS and the Parole Board are overseeing the delivery of a joint action plan, which covers a range of measures designed to increase opportunities for IPP prisoners, both male and female.

The actions within the joint plan aim to improve the progress of individuals, to improve the efficiency and timeliness of the parole process and to alleviate pressure by reducing the number and type of cases the Parole Board have to deal with and maximising the benefits of Parole Board paper release decisions, in order to facilitate swifter parole reviews. In addition, increasing the provision of places on new Progression Regimes in prisons and an improved access to relevant interventions / programmes.

HMPPS recently completed a pilot on a new approach to casework, to augment and enhance existing case progression activity specifically for IPP prisoners. This has facilitated closer working with the Parole Board for the more complex cases, to ensure that parole hearings happen on time and with good quality, current risk assessments and reports. HMPPS is now embedding the lessons of the pilot into all its casework processes. IPP prisoners have continued to be released in increasing numbers. This clearly indicates that the work being undertaken under the joint action plan is achieving its aim. During 2016 / 17, 46% of all IPP prisoners considered by the Parole Board were released and 24% recommended for a move to open conditions. Less than a third of cases had a negative outcome. The IPP population in prisons was 3,353 at the end of June 2017.

This is reduced from 3,528 at the end of March 2017 and 3,683 at the end of December 2016. This group continues to achieve release in high numbers, with 576 first time IPP releases in 2016, the highest figure since the sentence was introduced. This is extremely positive and demonstrates that prisoners who fully engage in the sentence planning process and work with those managing them, are able to progress towards release.

Turning to your concern about deportation notices served on foreign national prisoners (FNPS), I realise there are instances where FNPs are served these notices by the Home Office with no prior notice which in some cases is due to the prisoner's short custodial sentence. Whilst this can be unsettling for the prisoner, Immigration Enforcement (IE) are currently taking measures to ensure that FNPs are advised at least seven days in advance whether they are to be detained at the end of their custodial sentence. Where this is not adhered to, matters will be drawn to the attention of IE.

We take the content of all Independent Monitoring Board reports very seriously and are endeavouring to improve upon the action plans and timescales for improvements made, and at the same time also applying the lessons learnt from the serious disturbance at HMP Birmingham in December 2016. I applaud the swift actions, bravery and dedication of all those involved in bringing the incident to an end and thank the Board for their support of the Director and staff during this time. Although HMP Birmingham continues to experience high levels of violence and anti-social behaviour, the Director is fully committed to delivering the associated action plan (following the completion of the Promoting Risk Intervention by Situational Management report on levels of violence) to deliver and sustain the downward trend in violence.

The regional Safer Custody lead will shortly be arranging a visit to meet HMP Birmingham's new Head of Safety to discuss assurance matters. HMPPS is introducing new measures to enhance its intelligence capability with a £3m intelligence hub to tackle gang crime behind bars. The Secretary of State is working closely with the Attorney General and the Home Secretary to ensure a zero tolerance approach is implemented to violence against our hard working prison officers and staff.

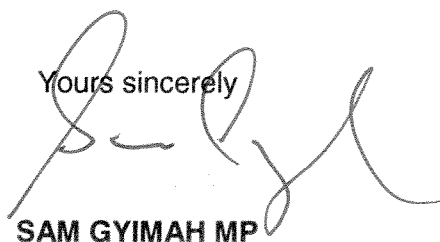
HMP Birmingham is projected to exceed the contracted number of Prisoner Custody Officers by the end of the month. I am pleased the recruitment process has commenced for additional staff to support the new Offender Management in Custody Model (OMiC). The keyworker element of the OMiC model, ensuring meaningful contact with prisoners is expected to be in place by June 2018.

Your positive comments about the Safer Custody Team, Chaplaincy and the Family Liaison Officers following a death in custody, and the care provided to prisoners affected by the death of a family member, are appreciated.

I note you have raised some local issues of concern in your report which the Director 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 A.

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 Birmingham.

Yours sincerely



SAM GYIMAH MP

HMP BIRMINGHAM: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 JULY 2016 – 30 JUNE 2017

HMPPS comments on matters raised in the report

Category B Prisons

Following on from last year's response which acknowledged the prison estate needed to be better designed; to be more clearly organised by function and purpose. The Prison Estate Transformation Programme (PETP) team have begun work to reorganise the existing estate and simplify the range of prisoner cohorts prisons have to deal with. Increasingly prisoners are held in environments that better match their needs and risk and enable staff to better target interventions. The Government is committed to transforming the prison estate in England and Wales. This includes pushing ahead to close prisons or redevelop older prisons and open new accommodation in this parliament.

Social Care for Older Prisoners

PETP provides an opportunity to ensure that new-build facilities enhance HMPPS's provision for elderly prisoners by providing modern facilities and services which better meet their needs. HMPPS continues to look at the level of acute need for health and social care, in order to consider the most appropriate options for addressing the needs of this population, including for example, whether there is demand for a dedicated unit for ageing prisoners with high dependency. HMPPS continues to follow equality legislation which ensures reasonable adaptation to meet prisoner needs.

The Ministry of Justice (MoJ) are also currently investigating the needs and older prisoners' provision. Much of this enquiry has focused on accommodation and suitability of the estate. As part of this work, MoJ have engaged with governors / directors and IMB to determine the current needs of the ageing prison population, and how best MoJ can steer their approach to meet them. Findings will enable MoJ to identify and weigh-up the various options available in building a potential strategy and making any physical changes to the estate. MoJ are working with stakeholders and industry experts to inform their decision making and planning, and to pull this work together. MoJ's external network has specifically engaged accessibility leads, and have appointed an expert Steering Group who will advise on this work going forward.

Psychoactive Substances

Further to last year's response to the Board, new HMPPS intelligence units have been introduced which are working with establishments and law enforcement partners to develop intelligence on individuals and organised crime groups linked to the supply of drugs in prisons. To deter and disrupt the use of dangerous drugs, we are the first jurisdiction in the world to have developed a drug test for psychoactive substances (PS) which as of September 2016 the test was available in all prisons. HMPPS continues to work with a contracted laboratory to analyse data to ensure there is testing for the most commonly misused substances. In addition, HMPPS is committed to exploring new technology and is currently looking at the effectiveness and feasibility of the use of body scanner technology (to detect items secreted internally or held on the body) to complement existing searching methods

There has been a number of successful convictions for possession in a custodial setting, including punishments of 14 months imprisonment since the introduction of the Psychoactive Substances Act (PSA) in May 2016. In addition to the PSA, the Misuse of Drugs Act 1971 was amended in December 2016 to make all third generation synthetic cannabinoids (a group of psychoactive substances commonly found in

prisons) a Class B drug. The amendment to the Act provides another powerful tool to charge those found in possession of PS and carries a heftier maximum sentence of 10 years' imprisonment.

Drug treatment also has a very important role to play in tackling the problem. Substance misuse services are commissioned through NHS England to provide a range of services. Alongside these treatments, HMPPS is working closely with health partners to provide information, guidance and support to prisoners, visitors and staff on the impact and damaging consequences of drugs.

HMPPS takes seriously the ongoing challenges that PS and other illicit drugs pose to the prison estate and continues with its multi-agency approach by working closely with health partners and law enforcement agencies.

Ofsted Report

HMPPS Learning and Skills Services team visited HMP Birmingham in August 2017 and met with representatives from Milton Keynes College. An improvement plan was agreed with monthly follow up meetings and visits are in progress to monitor actions. Quality and improvement support is also being provided.