



Annual Report
of the
Independent Monitoring Board
at

HMP/YOI PORTLAND

for reporting Year
April 2017 – March 2018

Published
(August 2018)



Monitoring fairness and respect for people in custody

TABLE OF CONTENTS

Introductory Sections

Section	Topic	Page
1	Statutory Role	3
2	Executive Summary	3
3	Description of Establishment	9

Evidence Sections

4	Safety	10
5	Equality and Fairness	12
6	Segregation/Care and Separation Unit	13
7	Accommodation (including communication)	14
8	Healthcare (including mental health and social care)	16
9	Education and Other Activities	17
10	Work, Vocational Training and Employment	18
11	Resettlement Preparation	19

	The Work of the IMB	21
	Applications to the IMB	22

A Sections 1 - 3

1 STATUTORY ROLE OF THE IMB

The Prison Act 1952 requires every prison to be monitored by an independent Board appointed by the Secretary of State from members of the community in which the prison or centre is situated.

The Board is specifically charged to:

- (1) 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.
- (2) inform promptly the Secretary of State, or any official to whom he has delegated authority as it judges appropriate, any concern it has.
- (3) 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 and every part of the prison and also to the prison's records.

2 EXECUTIVE SUMMARY AND FINDINGS

Main Observations

2.1 This report is compiled according to the policy of the Board, which is not to include any item or issue which has not first been recorded in a weekly rota report, a periodic wing or departmental report. It includes observations from meetings attended whilst performing the regular monitoring which forms our role and responsibility in Portland.

2.2 The reporting year 2016-17 ended on a challenging note for the prison. There had been serious disturbances and violence against staff. The prison was struggling to deliver the regime. An Inspectorate report in May 2017 had identified a number of concerns. Morale around the prison was not good, the relationship between operational staff and the senior management team was, at times, strained. Prisoners were generally discontent and the introduction of the Smoke Stop programme heightened tensions.

2.3 The beginning of the current reporting period saw the appointment of a new governor. Throughout the year there have been a number of changes to the senior management team (SMT) with external appointments and internal promotions. Custodial managers have been temporarily promoted to cover shortfalls. This has not been ideal in providing the stability that the new governor needed to address the challenges facing the prison. However, in combination with the opportunities for staff development, change and restructuring presented by the Offender Management in Custody (OMiC) initiative he has begun the process towards a change in culture and practice that should set the conditions for improvements in the coming year. Portland is, therefore, a prison in transition and the impact of this on operations, both positive and negative, during 2017-18 is evidenced in this report.

2.4 The Board would like to acknowledge their appreciation to the governor and his senior management team for their willingness to make themselves available and respond to queries raised by its members. The year has seen an improved relationship which has facilitated our work.

2.5 Concerns relating to the fabric of the buildings continue to be of major concern. The quality and adequacy of the cell accommodation, standards of decency and appropriate facilities on the wings for therapeutic interventions have been ignored for many years. Contributing to this is the damage to cells that is caused by prisoners. This year has seen a further decline with additional damage now evident to the external estate.

2.6 As a Category C prison Portland continues to be run with the security attributes of a Category B establishment. This has a significant impact on the delivery of the regime, restricting learning, employment and other rehabilitative opportunities. It is also having an impact on the delivery of healthcare services. The Board would like to see more financial investment and creative thinking going into addressing this problem so as to improve outcomes for prisoners and address performance and safety levels in Portland.

2.7 Portland provides an impressive range of employment and employment training initiatives through its workshops and other work placements. Feedback from a recent external audit of the workshops included a comment from the audit team that Portland has one of the best prison industries. All areas deliver qualifications where relevant and NVQs are provided through the industries workshops. Unfortunately, the rehabilitative opportunities offered through engagement in education, training and employment continue to be undermined by the hours lost to shutdowns and lockdowns and lack of ROTL placements. This not only negates the potential benefits to be gained but impacts on prisoner attitude and motivation towards engaging in the regime. At any one time a significant proportion of those allocated an activity placement are choosing not to attend with often only around 50-60% of the population engaged in a formal activity.

2.8 The prison provides limited access to courses or facilities that assist prisoners to secure employment on release. The National Careers Service intervention ceased at the end of March 2018. Prior to this, the careers advisor had expressed concern that the Service's work in Portland had focused primarily on advising prisoners how to access benefits.

2.9 The new governor has ensured that offender management work is ring fenced. This has allowed for a more strategic approach to assessment and review procedures which is of benefit to prisoners and probation supervisors in the community. Initiatives established to promote improved communication and collaboration between agencies contributing to rehabilitation and resettlement in Portland have not realised their full potential for lack of consistent support. Portland has failed to deliver requisite offending behaviour programmes during the reporting period.

2.10 Diversity work in Portland is not being prioritised. There is little evidence that the prison has heeded recommendations contained in last year's Inspectorate report regarding evidence of discrimination towards prisoners from black and ethnic minority backgrounds. Casual racism goes unchallenged. Prisoners with protected characteristics are not consistently having their needs met.

2.11 The Board has concerns about the number of prisoners resident in the Care and Separation Unit (CSU) for long periods of time subject to Prison Rule 45 (YOI Rule 49), Good Order or Discipline (GOoD). The significant number of prisoners on Assessment, Care in Custody and Teamwork (ACCT) procedures and those having a diagnosed mental health or psychological disorder residing on the unit for long periods also continues to be of concern. The Board understands that, for some prisoners, the more intense interaction and supervision provided on the smaller CSU can make it a safer location. It also acknowledges the need to segregate some prisoners in order to protect others at risk from them. However, material conditions in the CSU are poor and the behaviour of very disturbed prisoners – noise, abuse,

dirty protests etc. makes this a very distressing environment in which to be located for any lengthy period of time.

2.12 Improved multi-agency collaboration in Portland has led to a much better understanding of problems related to bullying, intimidation, violence and the experience of victims. A more strategic approach to these problems has been developed. Despite this, prisoners report not feeling safe in Portland.

2.13 The ingress of NPS and other illicit substances continues to be a major disruptor in the prison impacting on delivery of the regime, the personal safety, health and well-being of prisoners and staff. The impact of debt and the recovery of drug related debts is the cause of violence and intimidation. Prisoners report that debt recovery and intimidation has now spread to involve their families in the community.

MAIN JUDGEMENTS

Are prisoners treated fairly?

2.14 Portland's performance has been inconsistent with some very good examples of support, care and concern shown to prisoners by both operational staff and those in agencies delivering services within the prison. In his actions and in his communication with the IMB the new governor has demonstrated a commitment to the development of a just and humane regime in the prison. Currently, however, there remain worrying examples of unhelpful practices in relation to diversity. On balance, the Board would assess that Portland is not currently delivering a fair and just experience for all of its residents.

2.15 There is consistent evidence that justice, as observed in the adjudication process, is reasonable and the conduct of staff involved in these procedures fair and humane.

2.16 The Chaplaincy team recently received impressive assurance results and Chaplaincy provision is excellent within Portland. In general, diversity and respect is not consistently well promoted around the prison, however. The pervasiveness of casual racism as found in graffiti and language often seems to go unnoticed or unchallenged.

2.17 Prisoners are not getting guaranteed and timely access to medical treatment. There is a very high number of prisoners on Methadone and other daily prescribed medications and this, combined with seemingly intractable problems of getting prisoners to the healthcare centre, means that daily medications are not being administered as required and there is a knock on effect to subsequent health and dental care clinics resulting in appointments having to be cancelled and rescheduled.

2.18 The Board has concerns that complaints are not always handled consistently and with fairness within the prison. Specifically, problems have arisen about the response of some investigating officers when prisoner property has disappeared from their locked cells. On other occasions property has gone missing from cells when someone has been removed to the CSU because formal procedures have not been followed. In these circumstances the failure of the prison to take responsibility is not acceptable.

2.19 Whilst the use of the Incentives and Earned Privileges (IEP) system and anti-bullying procedures has improved there are also examples of staff not consistently challenging unacceptable behaviour.

2.20 The continued inability of prisoners in employment to access library facilities, despite this having been raised by the Board throughout the year, is unsatisfactory as is the seemingly ad hoc approach on wings to arranging library visits for prisoners.

Are prisoners treated humanely?

2.21 Unfortunately, it cannot be said that the custodial experience of prisoners in Portland is entirely humane

2.22 Shutdowns and lockdowns result in prisoners spending too long in their cells. The downgrading of ongoing maintenance work in evidence long before and after the demise of the Carillion contract mean that many of these cells are insanitary, in very poor state of repair and demoralising for prisoners and staff.

2.23 Notwithstanding the material conditions, it is also the case that some prisoners are required to share cells that are, in the Board's view, inadequate in terms of size and furniture provision for two people. The Board feels strongly that there is a lack of dignity and humanity inherent in prisoners required to sleep and eat next to their uncovered toilet or share cells and shower facilities without any privacy screening.

2.24 The number of cells out of action because they had been damaged or were in a state of disrepair and the increase in population once the operational capacity was increased at the beginning of 2018, exacerbated the cell share problem. At times this resulted in staff having to review prisoners assessed as high risk for cell share in order to identify circumstances which might allow them to share with other prisoners. Whilst Portland reviewed and monitored these situations it did cause a level of distress for some prisoners.

2.25 In those cells where there is space available, the prison has consistently failed to ensure that prisoners all have adequate furnishing despite having provision available in the stores.

2.26 In addition to being forced to experience the overcrowding and squalid condition of the cells, prisoners are being required to undergo ACCT reviews and mental health assessments in them because of the lack of interviewing facilities on the wings.

2.27 The Board believe that the meal regime in the prison is not satisfactory or in the best interests of the prisoners. Whilst two prisoner ballots have resulted in an overwhelming preference for a hot meal in the evening or at breakfast, this continues to be served at lunch time. A paper bag, containing evening meal and breakfast portions is issued at tea-time. The sufficiency (amount and quality) of the diet, most notably in the evening meal/breakfast bag is not adequate and impacts on prisoner well-being and performance during the working day.

2.28 The prison has consistently failed to allocate coats and suitable winter clothing and bedding, despite having adequate stock.

2.29 Board members continue to have concerns about the number of prisoners with severe mental health and/or substance misuse problems who are resident in the prison (and often this will mean in the Care and Separation Unit, CSU) whose needs cannot be addressed in this setting but for whom healthcare services cannot secure transfer to a more suitable environment.

2.30 The Board also has concerns about mental health care provision. Long-standing problems in securing and retaining staff mean that the focus of intervention is assessment with little offered in the way of ongoing mental health support.

Are prisoners prepared well for their release?

2.31 Portland provides a good range of education, work and vocational training opportunities. Unfortunately, the potential benefits for prisoners in the acquisition of qualifications, work experience and a work ethic is mitigated by the amount time lost to shut

downs and lock downs. This year these have been primarily the result of staff shortages as a consequence of sickness, training, deployment to other establishments and the impact of prisoner escorts to hospital. These are on top of the ongoing depletion of the staffing baseline following the benchmarking exercise. More recently the failure of contractors to supply the necessary parts to complete jobs has led to temporary shut downs in workshops. The majority of prisoners are released without education or employment arrangements in place.

2.32 The resettlement team in Portland delivers a relevant programme of activities linked to effective resettlement planning that can be accessed by every prisoner in the last 12 weeks of their sentence. Their success rate in securing accommodation for the day of release, albeit often short-term, is impressive, particularly as over 50% of prisoners return to areas outside of CPA 13, the catchment area for the prison.

2.33 The Board is concerned at the number of prisoners who are released without having completed identified offending behaviour work to address risk reduction.

TO THE MINISTER

2.34 The Board would again draw attention to the problems facing vulnerable (often older) prisoners with complex mental and/or physical health and dependency problems who are often serving short sentences, unable to engage constructively in the prison regime and gaining very little but a guaranteed bed and food whilst in custody. The difficulty in securing a bed in Approved Premises and the virtual impossibility of finding a home area local authority who will accept their responsibility for this group (and thus make more feasible the possibility of establishing support networks prior to release) means that the prison gate serves as a revolving door for them.

2.35 The Board would like to raise its concern that little work is being done with prisoners to address their offending behaviour during their sentence and thus reduce the risk of harm and further offending that they pose. Once again we are reporting that around 65% of all receptions into Portland during the reporting period arrived with no OASys assessment having been completed. As Portland is a resettlement prison, a lot of these prisoners arrive with less than 12 months of their prison sentence left to serve. It must be assumed, therefore, that they will be released from custody not having done any work to reduce their risk. As very few offending behaviour programmes are delivered in the community it is also likely that they will not be provided with the opportunity to address risk related offending behaviour during this final stage of their sentence either.

2.36 Changes to Home Detention Curfew (HDC) eligibility, linking release to a placement in Bail Accommodation Support Service (BASS) Housing is limiting the number of prisoners who could benefit. BASS Housing provision around the country quickly filled up and, as demand continues to outweigh supply, this is likely to remain a problem. Prisoners otherwise eligible for HDC but unable to secure a place in BASS Housing within two weeks of their conditional release date (CRD), lose the right to HDC and are thus now more likely to be released as of no fixed abode (NFA). This is because Approved Premises cannot be accessed at such a late stage and other rental accommodation is in short supply nationally. It is the Board's experience that this is causing an unhelpful level of uncertainty, concern and frustration for prisoners immediately prior to release.

TO THE PRISON SERVICE

2.37 Portland continues to be run with the security attributes of a Category B establishment. This significantly limits the delivery of a responsive regime that meets the needs of prisoners. It increases time lost to constructive activities thus limiting the opportunity for education, employment and other rehabilitative initiatives. It can be an unhelpful, unchallenging and restrictive environment for prisoners in the immediate run up to their release. The Board would like to see more support for the governor and his SMT as they seek to change the restrictive environment including financial investment in solutions which will enhance the performance opportunities and safety of the prison whilst providing greater scope for the personal development of prisoners.

2.38 The IMB cannot entirely satisfy itself that Portland is a safe, secure and decent prison. The inadequate, inhumane and unhealthy conditions that epitomize the vast majority of the residential wings impact negatively on the health and well-being of prisoners to the extent that their motivation to change is not only affected by the lack of opportunity provided but by a sense of hopelessness and resentment. It is the experience of the Board that the conditions have also had a demoralising impact on staff which is unacceptable. Whilst the governor and OMIC manager are doing their best to ensure that all staff receive the necessary training and are working towards a significant change in the culture of the prison, it is the Board's fear that this effort will be negated by the unacceptable conditions on the wings.

2.39 Prisoner property getting lost during transfer between establishments is an ongoing and serious problem, one that has seen no improvement since our report last year. It is difficult to establish any one underlying cause for this problem but there is no doubt that it is unfair, causes distress to prisoners and is resulting in considerable financial costs for the prison service.

TO THE GOVERNOR

2.40 The sections of the report that address the quality of prison life have identified a number of concerns regarding the experiences of minority groups within Portland. The Board welcome the work that has been done to highlight and address the needs of vulnerable prisoners and would encourage that a similar exercise be considered in order to produce an effective and pro-active diversity strategy.

2.41 Board members have observed that communication and collaboration between prison staff and those of partner organisations in the prison is not always as good as might be hoped. This can impact on the experience of prisoners and the effectiveness of the service being delivered. Inter-agency initiatives are often personality led with the result that, should the personalities change, good initiatives can disappear or get watered down. Examples can be found in the demise of the Re-integration planning meetings and prison service contributions to the Reducing Reoffending meetings. It can also be seen in the significant problems experienced by the healthcare department and by education providers whose services are under utilised.

2.42 The Board would like to draw attention to concerns raised about the provision of healthcare services in Portland later in the report and would highlight the proposal of a regular health Service User Forum and an emergency call out arrangement.

3 DESCRIPTION OF THE PRISON

3.1 HMP/YOI Portland is a Category C prison for adult prisoners with sentences of 6 months - 4 years. It is also a national resource for Young Offenders (18-21Years). It is a designated Resettlement Prison for prisoners with a home address in CPA 13 – Avon, Somerset, Wiltshire and Gloucestershire.

3.2 Whilst Portland is profiled as a Category C prison it is run with many of the attributes of a Category B institution.

3.3 Operational capacity is 530 prisoners. Certified normal accommodation, the number of prisoners possible if all cells were single, is 463. At the time of writing the report 46 cells had double occupancy.

3.4 Accommodation consists of 7 wings and there is a free standing Care and Separation Unit. Collingwood is assigned the role of First Night Centre and undertakes the induction of newly arrived prisoners. Nelson and Grenville are primarily populated by Young Offenders.

3.5 Education, including some vocational training programmes, is contracted to Weston College. The prison also operates a number of workshops.

3.6 Healthcare, which is housed in an independent building, is delivered by Care UK who took over the contract from Dorset Community Healthcare Services in April 2017.

3.7 Resettlement Services are provided by Catch 22 part of the Working Links Community Rehabilitation Company (CRC).

3.8 Charitable organisations operating in the prison include, Samaritans, Barnados, Shaw Trust, Key4Life, Shannon Trust and Turning Point.

B Evidence sections 4 – 11

4 SAFETY

4.1 The Inspectorate report on Portland, published in July 2017, accorded the prison the lowest score possible for safety. Our annual report, published at the same time, also identified a marked decline in this area. Since the publication of these reports the prison has introduced a number of initiatives underpinning a more strategic approach to addressing safety issues in the prison. At the time of writing the Board has to report that Portland is still not considered to be a safe environment by many of its residents.

4.2 During the reporting period, Portland has made organisational changes to the structure and personnel of the Safer Custody team. Efforts have been made to strengthen and improve the effectiveness of monitoring and intervention by restructuring and amalgamating the Suicide and Self Harm and Violence Reduction meetings and increasing the frequency to once each month. The newly defined, “Safety Intervention meeting” meets weekly and has extended its remit to include monitoring the progress of complex offenders, prisoners subject to ACCT procedures, self-isolating prisoners and those in the CSU. The meeting has a relevant, multi-agency membership, facilitating better liaison and communication in the management of these at risk or “risky” prisoners.

4.3 Greater use is now being made of Listeners for prisoners in distress. Previously unoccupied rooms on Nelson wing have been turned into a “Safety Hub” to provide meeting rooms, Listeners’ suites and, significantly, given the dearth of suitable facilities on wings, a calmer environment in which to hold ACCT reviews.

4.4 Portland has been pro-active in the planning and roll out of training for OMiC. It has made effective use of the temporary influx of staff from the Verne to allow its own staff to complete Safety and Self Harm, Five Minute Intervention, Control and Restraint (C&R) and Key Worker training. The SMT has also promoted negotiator training opportunities for staff as an alternative strategy to a C&R approach. As a consequence the prison would seem to be in a good position to implement OMiC which, it is hoped, will go a long way towards mitigating problems related to vulnerable prisoners.

There continue to be a number of challenges facing the prison: -

4.5 **Violence:** - Violence continues to be a serious problem. Adjudications for violence numbered 269 in 2016; in 2017 the number was 442 with an additional 110 in the first quarter of 2018. In one month in 2017 assaults on prisoners went up from 6 to 23 and on staff from 17 to 23. There were some disturbing trends in 2017 including “potting” of staff, “fight clubs”, assaults on new receptions, prisoners with unexplained injuries and examples of large numbers attacking a single prisoner.

4.6 **Bullying** - Feedback from self-isolating prisoners overwhelmingly identifies bullying as the underlying issue. This is often linked with debts, related to the purchase of NPS, or alternately it is employed as a strategy to avoid illicit substances. There is evidence from ACCT prisoners and those who refuse to leave the “safety” of the CSU that bullying and fear for personal safety is still a significant feature of life in Portland. The statistics and nature of adjudications for violence would seem to reinforce this. Portland has developed a strategy for dealing with bullying and prisoners who pose a threat to others. This began to see progress towards the end of the reporting period with 9 prisoners placed on anti-bullying behavioural interventions. Of significance, however, is the concern expressed by operational staff that most bullying goes unreported and is only coming to light by chance.

4.7 Serious Incidents: - There have been occasions over the reporting period when prisoners accessed areas at height. The care and adaptability of staff to manage these incidents meant that the use of the Tornado national tactical response team was minimal in the reporting period and all had safe outcomes. A shortage of trained negotiators on one occasion caused delay while staff from a neighbouring prison had to be called in. Portland staff should be commended for their willingness to stay with these problem situations long after their shift hours are over.

4.8 Use of Force: - The 2017 Inspectorate report raised concerns about the prevalence of use of force (UoF) in Portland. During a subsequent visit, a senior member of the prison service reported to the Board that prisoners “talked a lot about the use of C&R”. Recent information seems to evidence that this is an ongoing issue for the prison. Our last report recorded an overall figure of 306 use of force incidents for the 11 month period to November 2016. The figure for the 12 month period to December 2017 is 425 which would indicate an increase from an average of 27.8 incidents per month to an average of 35.4. Of this figure of 425, there were 77 planned operations. Of the 348 incidents that were spontaneous, 27 involved the drawing of batons. The actual up to date figure is unclear but the Board has been advised that, whilst work is being undertaken to address the problem, there are a significant number of Annex A forms reporting the use of force that are outstanding.

4.9 Body Worn Cameras and CCTV footage: - There has been an improvement in the use of body worn cameras (BWC), although this has been slow to take effect and hindered by staff ambivalence, problems issuing cameras and re-charging batteries. Increasing levels of violence around the prison mean that it is important that the use of BWCs and CCTV be promoted and employed as a matter of course to act as a deterrent and better inform use of force planning/monitoring, investigation and adjudication procedures.

4.10 Self-Isolating Prisoners – The number of self-isolating prisoners is consistently in the region of 18-22 prisoners at any one time. Historically, identification and engagement with this group of prisoners has been inconsistent. Since coming under the auspices of the Safety Intervention meeting a number of initiatives have been introduced which focus on working with individuals to identify the underlying causes and support their re-engagement with the regime.

4.11 New Psychoactive Substances (NPS) – The ingress of drugs, specifically NPS, continues to endanger prisoners through its use, and through debt. Prisoners report that the risk from debt has also extended to their families in the community. The smell of NPS can be pervasive on wings and impacts on the health and well-being of staff. Staff members have been injured when dealing with prisoners under the influence, which has impacted on delivery of the daily regime, as does the need for hospitalisation and escorts for those prisoners requiring this intervention. NPS also adds to the pressure on the prison’s healthcare services.

4.12 Staff have been more vigilant and effective in the interception of substances entering the prison through visits, visitors and over the wall. The value of these intercepts has increased and helps to mitigate the effects of illegal substances entering the wings. Increased cooperation between the prison and Dorset Police in searching and surveillance exercises has resulted in substantial amounts failing to get to prisoners. This in turn has assisted the control of debt and related intimidation and violence.

4.13 Assessment, Care in Custody and Teamwork (ACCT) Procedures – Concerns still exist regarding the management of the ACCT system. A number of rota reports mention constructive reviews, exemplary support given to prisoners and a general improvement in the

quality of recorded conversations. However, problems have also been highlighted with regard to: -

- The timely allocation of case managers.
- ACCT reviews not being carried out by the nominated case manager or a Custodial Manager.
- The absence of healthcare attendance at reviews, specifically when the prisoner is engaged with the Mental Health Intervention Team (MHIT).
- The completion of care maps.
- ACCT books not following prisoners off the wing.
- Failure to comply with observation requirements.
- The number of self-harm incidents perpetrated by prisoners subject to ACCT procedures - most significantly the number of serious ones, including what could be described as “near misses” involving prisoners ligaturing or making significant cuts.
- The number of ACCT prisoners resident for long periods of time in the CSU.
- The number of prisoners transferring into the prison subject to ACCT procedures.
- The number of ACCT documents opened and continuing to be open in the first quarter of 2018 is high. However, it also the case that there has been a significant drive on the delivery of suicide and self-harm training in the prison during the reporting period. This will have resulted in staff having a heightened awareness and responsiveness to prisoners in distress which is a hugely positive step.

4.14 Health, Safety and Fire: - The physical upgrade for compliance with CFIG, fire safety standards, was completed at the end of 2017.

4.15 Structural Security: - The demise of Carillion and the hiatus between its loss of tenure and the introduction of new arrangements to manage bids resulted in cancellation and delay to essential works and a downgrading of the on-going maintenance of the prison premises and fabric. New bids for sorely needed camera installations had to be resubmitted and fire prevention works were delayed. The re-painting of wings, once a constant, if low-key, activity ceased and the deterioration of the environment became increasingly evident. As a consequence, prisoners had no incentive to take pride in the upkeep of their cell, or of the public areas. Many cells were wrecked and/or flooded and out of action for some considerable time. Graffiti became even more widespread and the oversight of the general environment by operational staff, equally de-motivated and demoralised by conditions, was accorded little priority.

5 EQUALITY AND FAIRNESS

5.1 It is the Board’s view that this aspect of prison life has been downgraded in Portland during the reporting period. Apart from publishing statistical data, there has been little activity to address diversity issues and, for example, Black History Month was not marked at all this year, whereas it has been a significant feature on the calendar in the past.

5.2 The Board has concerns about the pervasive nature of casual racism that seems to go unaddressed. One example is the evidence of graffiti such as swastikas and racist comments observed in cells and communal sites around the prison.

5.3 There have been complaints raised by prisoners to Board members over the reporting period that suggest that some members of staff, from a range of grades and disciplines, are exhibiting behaviours that demonstrate a lack of awareness, empathy or sensitivity to diversity issues, cultural beliefs and values. On these occasions the advice given to prisoners

to submit a formal complaint is often met with a variation of the comment “what is the point, nothing will get done”.

5.4 Prisoners have reported being subject to racially charged name calling and abusive comments by staff members such as “Paki” and “black bastard” which have, on occasion, resulted in the prisoner being issued with a sanction when he complained about it. On another occasion we received an application from a prisoner who had received no response to a formal complaint of racial abuse by a prison officer. When a Board member looked into this with the complaints department he was told that there was no record of a complaint having been received. When raised with the relevant governor he was provided with the information that the prisoner should have submitted his complaint on a Racist Incident Form. Unfortunately, the prisoner was transferred to another establishment shortly after, before the Board member could advise him of this.

5.5 The Board is aware that the relatively small number of prisoners from the Traveller community resident in the prison at any one time have been allowed to establish a regime that consistently finds them housed together on one wing. This appears to be accepted and accommodated by the prison to an extent that is unlikely to be permitted to other cultural groups. This has resulted in the Traveller community being able to establish a group identity that has, on occasion, presented a challenge to the maintenance of good order and discipline within Portland. It also, however, serves to inhibit the integration of individuals within the group into the daily regime. Board members feel that, whilst staff focus on the potential challenges to security and good order presented by this group, they are failing to grasp the diversity considerations and the lost opportunities for greater integration and individual personal development that result from accommodating a strategy of difference by the community members.

5.6 It is the Board’s view that these examples and the incidence of inappropriate comments made by members of staff, from all grades, to Board members indicate that there are diversity and equality training and awareness raising initiatives that need to be taken forward as a priority in Portland. We are aware that the prison has recently appointed a custodial manager as the new diversity lead. He appears to be taking a more pro-active stance. He was, however, only appointed to the post after the end of our reporting year.

6 SEGREGATION/CARE AND SEPARATION UNIT

6.1 This is a small unit containing 10 cells. The reporting year has seen a steady increase in its use and during several periods it has been at capacity with staff struggling to manage appropriate admissions and relocations. The increase of NPS-related incidents, prisoner on prisoner and prisoner on staff assaults and prisoners demanding accommodation for their own protection all put severe pressure on the use of cells. There were many incidents of deliberate damage to cells resulting in several being out of action at times of peak demand and, on occasion, in prisoners being housed in cells that were not fully functional.

6.2 The unit continues to house prisoners for months at a time who cannot or will not be relocated onto normal location. Some are effectively awaiting a transfer and are housed for their own safety because the prison could not guarantee this on a wing. Some are suffering from severe and enduring mental health problems and cannot cope on a main location in prison but are not considered sufficiently “treatable” or mentally ill to be allocated a hospital bed. In these instances, the governor and his staff seek to balance the many negative aspects of being resident in the CSU for any length of time against the closer support and supervision that can be provided by specialist staff on the smaller unit.

6.3 The deployment of staff in the unit changed during the reporting year. Staffing levels were reduced and new staff, including management, needed time to familiarise and adjust to the special requirements of the unit's operations. For a time the lack of experience was noticeable. There is now a more settled staff group who are establishing themselves on the Unit.

6.4 The Board has concerns at the number of prisoners in the unit on open ACCTs. The argument that such prisoners receive more attention in the smaller unit than available elsewhere in the prison is, arguably, valid but as already highlighted it is not a healthy environment for vulnerable prisoners. We are aware of one occasion involving a very serious incident of self-harm by a prisoner on an ACCT who was resident in a camera cell in the CSU, which is of grave concern.

7 ACCOMMODATION (including communication)

7.1 **Kitchen and Food** - There have been numerous complaints from prisoners regarding the paucity of food in the evening/breakfast meal bags and repeated preference for a hot meal in the evening and/or at breakfast rather than the lunchtime arrangement that now exists. An inspection of the aforementioned bag revealed: a single serve pie, a very small bag of crisps, an orange, a small carton of milk, and a bag containing a couple of tablespoons of muesli and some tea bags. These tend to be consumed all in one go and prisoners therefore eat at around 5pm and then the following day at noon.

7.2 There have been a range of complaints regarding the unequal distribution of food and particularly bread at the lunchtime serveries. There are allegations that bread is used as currency, reward or favour. Board members have observed prisoners walking around with bags containing most of a loaf whilst some have none. This activity seems to be going unnoticed or unaddressed by operational staff. Bread is important to prisoners as they can buy spreads (but not bread) from the canteen and thus supplement what they otherwise experience as a meagre diet.

7.3 The quality and sufficiency of food continues to vary widely with rota members reporting good meals and at other times barely edible elements and limited amounts.

7.4 Special diets and events such as Ramadan are generally well catered for. The vegan option is the default, if a prisoner's order sheet is not received, and this is not popular. There have been reports of pork being found in Halal food and Halal utensils not being used on the wings.

7.5 **Fabric of buildings:** - The repair of a service lift to transport food from the kitchens to upstairs serveries for three wings was delayed for more than six months. The manhandling up two flights of stairs of the heated containers presented a daily inconvenience, delays in delivery and risk to the prisoners and staff involved.

7.6 There have been many complaints from prisoners that, at the time of allocation, their cells and sanitary facilities were dirty, mattresses had to be disposed of because of their condition and there was a lack of furnishing. During one induction session 7 out of the 10 prisoners said their cells had non-existent or damaged furniture and bedding. Cells were visited where there was nowhere but the floor for the storage of prisoners' clothes and other belongings. Bedsheets were being deployed as curtains or decency screens.

7.7 The Board has been aware of an amount of flat packed furniture stored on the ground floor of Benbow since December. At the time of writing, this furniture had still not been assembled and distributed; this is despite it being needed in the cells and prisoners offering to do it themselves.

7.8 There were complaints from prisoners during the winter about cell windows that wouldn't close, heating being inadequate and one prisoner having a "vent" in his cell through which draughts constantly came necessitating him wearing all his clothes at night.

7.9 Cells are vulnerable to being damaged and destroyed by prisoners and flooding of cells frequently causes extensive damage beyond the cell itself.

7.10 The problem of the size and layout of the cells in the older wings is an intractable one but there is no getting away from the fact that they fly in the face of decency, especially when single cells are "doubled up". In these instances two have to share a small cell with bunks and an unscreened (and often uncovered) lavatory. The prisoner in the lower bunk has the choice of having the lavatory immediately adjacent to his head or, if he moves his pillow to the other end, being within inches of the opened cell door. On the older wings there is only room for one chair in a double cell and we have come across instances of prisoners having to stand to eat their meals. The pressure on cell accommodation in the early part of 2018 also resulted in the circumstances of some prisoners, identified as being high risk for cell share, having to be reviewed. On occasion, some of these prisoners were required to share a cell, albeit additional assessments were carried out to monitor safety.

7.11 There is a scarcity of accommodation on wings in which prisoners can be interviewed safely and confidentially and this means that cells are used for this. This is a significant problem for ACCT reviews and affects healthcare staff who, for want of escorts, are required to undertake mental health assessments and other consultations on the wing.

7.12 Rota reports highlight a range of concerns regarding the condition of the shower blocks around the prison.

7.13 **Yards and outside areas:** - Throughout the year reports commented on the squalid state of the yards, littered with food and other debris thrown out of adjacent cell windows or ripped from rubbish bags by "resident" seagulls. Sightings of rats (both alive and dead), around the establishment were noted in numerous reports. An operation to reduce the rat population was undertaken after it became apparent that their activities underground were contributing to the development of large sink holes around the premises. The condition of the yards has still not been fully restored. In March it was noted that brick paving adjacent to a wing was breaking up.

7.14 In August the downstairs of Grenville and Nelson wings were observed to be in a disgusting state, damp, dirty and dripping with water, including a room where food was stored - the ground floor of Nelson was redecorated and transformed later in the year but was then again damaged by flooding from the floors above.

7.15 **Kit:** - Throughout the winter the IMB received numerous complaints from prisoners that they were not issued with jackets, had difficulty accessing duvets or blankets and could not get timely changes of kit. The jacket issue seemed difficult to resolve even though there were plenty available in the stores. It was observed on more than one occasion by IMB members, and reported by education staff, that prisoners arrived in the education building soaking wet or wearing T-shirts in the middle of winter. In December a rota member highlighted that there was only one jacket available for prisoners on exercise in the CSU.

7.16 **Regime:** - A senior member of the Prison Service visiting Portland talked of a “regime malaise” in the prison. Numerous rota reports have commented on an increasing loss of association and time out of cell, activity closures and last minute changes to the regime.

7.17 **Staff/Prisoner relations:** - Impromptu lockdowns were noted through the year. In the first half of the reporting period there were a number of reports of wing staff failing to challenge poor behaviour such as abusive language, the covering of observation panels and the evident use of drugs. Hospital escorts and spice-related incidents continued to have a negative impact on the regime and underlined the inadequacy of staffing levels.

7.18 During the latter part of 2017, members reported witnessing positive staff-prisoner interactions on wings. Rota reports also highlighted the work of staff in Visits, Reception and Collingwood for their positive efforts. During the first part of 2018, staff on temporary assignment from the Verne provided the main presence on wings. They were not familiar with the prison and its residents and less interaction was observed.

7.19 The governor has introduced a number of initiatives to improve the lines of communication between operational staff and the SMT. In previous years staff have reported that the absence of a senior management team presence and direction around the prison has been unhelpful and it is a positive move to see these initiatives being taken forward.

7.20 **Prisoners’ property:** - The disappearance of prisoner property on transfer between establishments seems to be an intractable problem for the Prison Service. Applications on this topic have again far outnumbered all others sent to the Board. Many of them involve complaints which have timed out with no satisfactory resolution. Of concern this year has been loss of property from locked cells in Portland and following transfer to the CSU, where staff have failed to follow prison procedures.

7.21 **Visiting area:** - The waiting facilities for visitors and the visits room itself have improved considerably since Barnados took over responsibility for the provision. Although a recent introduction to the prison, the staff team has been pro-active in engaging with prisoners and their families and have undertaken some significant, ongoing family support work.

8 HEALTHCARE (including mental health and social care)

8.1 Care UK took responsibility for the provision of healthcare services in April 2017. They inherited a depleted service and unfortunately ongoing difficulties in the recruitment and retention of staff have impacted on healthcare provision, prisoner safety, mental health contributions to ACCT and CSU reviews and resettlement planning.

8.2 The Board is concerned that despite the introduction of a new service provider there has been no improvement in any of the areas of concern raised in our last report. The seemingly intractable problem of getting prisoners to the healthcare building in the mornings continues to impact on the length of time taken to dispense medication and attendance at subsequent clinics. The erratic schedule impacts on the effective administration of medication to the 25% of the population who are on a daily prescription. Failed clinic appointments, consequent backlogs and staff shortages now mean several weeks’ delay before prisoners can get to see a healthcare professional, followed by uncertainty as to whether they will get to a follow up appointment. Holding room facilities remain unsatisfactory and intimidating, a source of stress and (worryingly) off-putting for some prisoners.

8.3 The Board has concerns regarding the dispensing of methadone in the prison. Portland has an average of 60-70 prisoners on a methadone script at any one time. Healthcare staff report that it is now proving difficult to dispense the drug safely and effectively. Plans for a dedicated unit for this large group of prisoners, incorporating secure dispensing facilities and a full range of therapeutic interventions, has been in the negotiation stage for a number of years. The Board would like to see this addressed as a matter of urgency.

8.4 The Board continue to have concerns about the adequacy of the healthcare staffing profile for Portland. The profile does not take into consideration the additional medical and dispensing pressures resulting from the increased number of older and more complex dual diagnosis prisoners now resident in the prison. A shortfall in mental health staff in particular, means that the limited resource has to be focused on mental health assessments. As a consequence treatment is based on drug therapy rather than psychosocial services as a treatment tool for mentally disordered prisoners.

8.5 The Board has concerns about the lack of a formal "on call" healthcare cover after 6pm. This is being covered, unofficially, by the healthcare lead, if contactable. There have been instances when the lack of healthcare personnel at a serious incident in the evening has delayed a planned intervention. It would seem more effective, therefore, if it were possible to formalise an emergency call-out arrangement.

8.6 In acknowledgement of the lack of progress since our last report and complaints from prisoners the Board would encourage the development of a regular health service user forum to inform service delivery and development and retain a focus on the problems surrounding safe and timely healthcare provision.

9 EDUCATION AND OTHER ACTIVITIES

9.1 Education in Portland is delivered by Weston College. Attendance at classes has seen some improvement over the year but the actual numbers of participating students remains low. The Board has concerns that little has been put in place to encourage wider participation in education and the introduction of paid employment in workshops has seen its attraction fall even further.

9.2 The college has implemented strategies to address the amount of learning time lost to prison shutdowns. Although further work needs to be done, more students are now completing courses of study, with figures ranging from 50-100% dependent on the subject.

9.3 Improved outcome against learning is evidenced by the increased percentage of students demonstrating successful rates of achievement particularly at English Level 3. Again, however, this comprises very low numbers of participants.

9.4 The Board has concerns about the provision of library facilities in the prison. The transfer of responsibility to Weston College resulted in it being out of operation for over 4 weeks for stock-taking with no facilities made available for the loan and return of books. The number of prisoners visiting the library fluctuates between wings as does provisions made for them to attend, with some wings appearing to give little priority to facilitating visits. The Board also has concerns about the lack of evening and weekend opening hours which disadvantages employed prisoners from making use of the facility.

9.5 Over the year Board members have received a number of complaints from reading mentors that they are not made use of on the wings despite being aware of an identified need amongst their peers.

9.6 Education and training specifically aimed at preparing prisoners for release is inconsistent. There have been several instances over the year where prisoners have complained about this to Board members and their concerns found to be valid.

10 WORK, VOCATIONAL TRAINING and EMPLOYMENT

10.1 Induction procedures have improved during the reporting period. Effort is made to identify the specific interests and needs of prisoners and slot them into activities with minimum delay.

10.2 Getting prisoners to daily activities is still a major challenge. Delays to free-flow can have a significant impact resulting in working days of less than 4 hours. There can also be a significant disparity between activity places allocated by the prison as opposed to the number of prisoners who actually attend. As example, on a randomly selected day in March 2018, the prisoner population was 496. There were 409 activity places available of which 331 (81%) were allocated. 260 (79%) of the allocated group attended representing 52% of the total prison population. Of the 51 absences deemed to be unacceptable that day 39 were outright refusals to attend work. There were 89 acceptable absences identified.

10.3 Portland tries to address work refusals from a range of angles. More effective application of the IEP scheme linking attendance to targets is finding some success. The introduction of piece-work is proving an attraction. It has also developed a work placement in the laundry for self- isolating prisoners whose reluctance to engage in the regime is linked to fear for their own personal safety or well-being.

10.4 A good range of employment opportunities are offered. All areas deliver qualifications where relevant and NVQs are provided through the industries workshops. The delivery of these courses is assessed as good. Unfortunately, the nature of the population in Portland means that some prisoners are not resident long enough to take advantage of them. Numbers participating have risen substantially from previous years although daily attendance can fluctuate.

10.5 Workshop supervisors demand discipline and commitment from participants. In addition to technical expertise prisoners are tutored in the development of good social and employability skills.

10.6 The introduction of piece-work in some shops has seen an increase in those motivated to attend. Unfortunately in recent months the prison has been let down by contractors failing to supply component parts leading to shop closures which have impacted on prisoner morale and attendance statistics for the prison.

10.7 Although a resettlement prison, there are no structured initiatives to assist prisoners to secure employment on release. In large part this is because the majority of prisoners are not released to the local area so it is difficult to develop partnerships and employment links with potential employers.

11 RESETTLEMENT PREPARATION

11.1 Offending Behaviour Programmes: - The Board has concerns about the delivery of offending behaviour programmes in the reporting period. There have been no Resolve or Alcohol Related Violence Programmes and the Thinking Skills Programme (TSP) has only run twice since the beginning of 2017. The earliest projected date for a programme to commence is October 2018. The Board has been told that shortage of staff as a consequence of resignations, recruitment difficulties and failure to pass training events has been the problem and that delays in completing DBS checks mean recent appointments have not yet taken up post.

11.2 A needs analysis undertaken in April 2017 identified 272 prisoners eligible for the Thinking Skills Programme and 170 eligible for the Resolve Programme. This means that the vast majority of this group and all subsequent receptions into Portland with these offending-related needs have not been able to address them. A limited number may be able to access TSP whilst on licence, should it be delivered in their home area, but the remainder will not.

11.3 A recent needs analysis evidenced that the programmes profiled for delivery in the prison do not correlate with the identified treatment needs of prisoners. The last few years has seen an influx of high and very high risk offenders who still need access to higher intensity programmes not delivered in Category C prisons or community environments.

11.4 Offender Management Unit (OMU): - Following concerns highlighted in the 2017 IMB and Inspectorate reports the governor has tried to ensure that adequate staff time is ring-fenced for this work. A new operational manager for the unit, early in the reporting year, saw the introduction of a number of initiatives, such as a key worker scheme and regular Offender Management and Immigration clinics for foreign national prisoners. These make the services more accessible to prisoners and are initiatives to be encouraged. A new probation manager has guided and supported the team to address and try to keep on top of OASys and HDC backlogs.

11.5 Greater integration of the unit with other areas of the prison, as anticipated from the introduction of OMiC, is seen as a timely development. Currently the team is not regularly represented at the Reducing Re-offending forum and their failure to send a representative or written information to the fortnightly multi agency Re-integration planning meeting for prisoners in the last 12 weeks of sentence was a significant loss and contributed to its demise.

11.6 The Board very much welcomes the initiative taken by the OMU to undertake a formal risk assessment on all new receptions to Portland within 28 days of arrival. It remains concerned, however, that approximately 65% of all new receptions into the prison, the majority having less than 12 months left to serve on their sentence, arrive with no OASys assessment.

11.7 Long standing difficulties in appointing probation officers to the team to undertake work with high and very high risk prisoners (between 45-69% of the population at any one time) mean that there is still an imbalance in the staffing profile for the OMU. Portland is profiled to have 1 x Senior Probation Officer (SPO) and 4 x Probation Officers. An SPO was finally appointed towards the end of 2017 but for the whole of the reporting period there has only been 1 Probation Officer in post.

11.8 Resettlement: - Services are provided by Catch 22, part of the Working Links CRC. The Board regret the termination of an initiative introduced to promote multi-agency, information sharing in order to inform resettlement planning for prisoners. As a consequence, late notification of changes to an individual's circumstances puts pressure on the resettlement

team. This is particularly the case where the prisoner is presenting with significant health or risk issues.

11.9 As demand on BASS Housing and Approved Premises increase, the greatest difficulty being faced is the sourcing of anything other than stop-gap accommodation for prisoners released from Portland.

11.10 Portland continues to house prisoners from all around the country. During the reporting period releases to the catchment area of CPA 13 have fallen as low as 25% and average 50% over the year. This increases pressure on the resettlement team. For prisoners it affects the maintenance of family ties and meaningful ROTL opportunities and it significantly reduces Portland's ability to help prisoners to secure employment or further education opportunities on release.

11.11 Over the reporting period the Board has been made aware of situations when the team have been unable to secure suitable accommodation for prisoners with complex health problems, prisoners with severe and enduring mental health problems and/or a dual diagnosis of mental health and substance misuse. The knock-on effect is that it is then not possible to source ongoing health and social support for them in the community. Some of the prisoners involved were considered to have such severe health problems that the local authorities should be dealing with them as having a priority need for housing but this did not happen. Approved premises have refused beds to prisoners because of disability and on other occasions because of the level of risk they pose which would seem to be a worrying development.

C Section – Work of Board

C SECTIONS 1-2

1 THE WORK OF THE INDEPENDENT MONITORING BOARD

BOARD STATISTICS	
Recommended Complement of Board Members	17
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	2
Number of members leaving within reporting period	3
Total number of Board meetings during reporting period	12
Total number of visits to the Establishment	249
Total number of segregation reviews held	Not known
Total number of segregation reviews attended	36
Date of Annual Team Performance Review	9/5/18

2 APPLICATIONS

Code	Subject	Current reporting year	Previous reporting year
A	Accommodation including laundry, clothing, ablutions	9	8
B	Discipline including adjudications, IEP, sanctions	9	2
C	Equality	4	4
D	Purposeful Activity including education, work, training, library, regime, time out of cell	12	14
E 1	Letters, visits, phones, public protection restrictions	3	12
E 2	Finance including pay, private monies, spends	3	8
F	Food and kitchens	2	7
G	Health including physical, mental, social care	23	26
H 1	Property within this establishment	33	16
H 2	Property during transfer or in another establishment or location	49	52
H 3	Canteen, facility list, catalogue(s)	6	4
I	Sentence management including HDC, ROTL, parole, release dates, re-categorisation	17	19
J	Staff/prisoner concerns including bullying	38	26
K	Transfers	27	19
L	Miscellaneous	12	24
	Total number of IMB applications	247	241