



Annual Report
of the
Independent Monitoring Board

at

HMP/YOI ELMLEY

for reporting Year
1 November 2017 to 31 October 2018

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Monitoring fairness and respect for people in custody

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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

This report presents the findings of the IMB at HMP Elmley for the period November 2017-October 2018. The information has been collected from observations made on Rota visits, scrutiny of records, talking to all levels of staff and management, contact with prisoners and analysis of their applications to the Board.

Main judgments

Are prisoners treated fairly?

The Board believes that on the whole prisoners at HMP Elmley are treated fairly, with one or two exceptions. Dentistry provision is not what would be accepted under NHS care in the wider community. [Section 8 Para 1] The delay to their sentence planning OASyS unfairly hinders their progress in the prison. 11 Para 2]

Are prisoners treated humanely?

The management of prisoners in the CSU is an example of the humane treatment that men receive at HMP Elmley in the way that the staff address the risks to mental and physical health in such a closed environment. [Section 6 Para 1] However the close mix of sometimes very sick patients in IPD with volatile mental health patients can be disturbing. [section 8 para 3]

Are prisoners prepared well for their release?

The short-term nature of custody in a local/remand prison like HMP Elmley militates against comprehensive preparation for release. However, the jobs fairs actually generate real employment, and the vocational training gives the men employable skills. [section 10 para 3]

Main Areas for Development

TO THE MINISTER

Will the Minister make capital funding available for the replacement/repair of vital infrastructure at HMP Elmley, specifically the boilers for heating and hot water which are old, unreliable and barely repairable (Section 7 paras 3 & 4)? At present, the domestic arrangements for the prison population are neither decent nor dignified.

Are there plans to set up more appropriate facilities for prisoners with mental health diagnoses [section 8 Para 6]? This issue was addressed to the Minister in last year's report and the problem has become more acute.

TO THE PRISON SERVICE

Will the Prison Service address the matter of timely transfers from local prisons like HMP Elmley to the long term estate? Delays are unfair and detrimental to prisoners' sentence progression, even safety? [Section 8 Para 5/6]

TO THE GOVERNOR

The loss of experienced officer grades that has resulted from temporary promotions and an influx of POELTs has been a concern to the Board. Will this policy be reviewed for the future?

3 DESCRIPTION OF THE PRISON

Elmley opened as a new prison in February 1992, it was built on the Bullingdon design and consisted of 4 house blocks each designed to hold 155 prisoners, and 7 in the segregation unit; giving it a Certified Normal Accommodation of 627. Later house block 5 was added (CNA of 120, but this was soon doubled to 240) and the double cells in original house blocks were trebled: this resulted in the OPCAP rising to 995. With the addition of house block 6 built in recent years; the OPCAP has risen to 1252. Prisoners are held in treble, double and a few single cells.

HMP Elmley is a local prison situated on the Isle of Sheppey, and is the local prison for Kent. For a long period it was part of the 'Sheppey Cluster' incorporating the three prisons on the island; it is now a standalone establishment. The baseline Certified Normal Accommodation (CNA) is 995 and the Operational Capacity (OPCAP) is 1252. Actual occupancy in 2017/18 remained consistently at the maximum level.

It is a Category B local prison serving all the Kent courts, and housing remand and sentenced adult prisoners (Category B & C) as well as remanded and sentenced young offenders. The prison continues to house a large number of vulnerable prisoners, Foreign Nationals, those with Drug Dependency issues, Mental Health issues and Life sentenced prisoners, a growing number of elderly prisoners and many with disabilities; it has one house block concentrating on Cat C prisoners.

Contractors delivering services are:

Healthcare provided by IC24

Inreach (Mental Health) provided by Oxleas

Education by Novus (Manchester College)

Maintenance by GFSL (Government Facilities Services Ltd) (initially Carillion at the beginning of the year)

No. of Cells:

3 bed 124 = 372 spaces

2 bed 300 = 600 spaces

1 bed 340 = 340 spaces (includes safer, secure and dry cells)

Evidence sections 4 – 11 Section B

4 SAFETY

1. A major effort of the Security Department is presently concerned in the reduction of the import of drugs and tobacco into the prison and then locating the contraband that does escape detection by planned and intelligence-led counter measures. Success can be gauged by the price prisoners are prepared to pay for their “fix”. This has fluctuated over the reporting period, but prices have remained consistently high throughout. It is therefore concluded that security is adapting effectively to the ever-changing threat from the criminal community outside the prison and the storage and distribution system inside the prison.
2. Incidents of violence have fallen in the prison in this reporting year from 593 incidents during 2017 to 444 in 2018. This bucks the national trend and it is noticeable that an increase of staffing has had an effect of more than halving the violent incidents. This has been accomplished by confronting behaviours that in the past have led to violence. While violence on the whole has lowered, violence towards staff has increased. This could be because they confront the perpetrators earlier than in the past.
3. A lot of violence has centred amongst the younger prisoners involved in gang culture, as more of these young people are arrested, put in prison, their violent behavior comes with them.
4. A weekly Violence Reduction Forum has had a positive effect by discussing problems and problematical prisoners, splitting up gangs and so reducing the potential for violence. It is a work in progress that is having good results.
5. There have been six deaths in custody recorded at HMP Elmley in this reporting year. Three were associated with long-term health conditions, men aged 55, 78 and 80 years old; one from apparent cardiac arrest while in hospital, still awaiting a coroner’s report; one due to co-codamol toxicity from illegally obtained prescription medicine; and one following a drug overdose on the evening of the day that he was released from prison.
6. In each case the prison has been proactive in contacting family where appropriate and supporting staff and prisoners who may have been affected.

1. There was a serious racist incident in the Reception area at Elmley in November 2017. It was dealt with promptly and robustly resulting in dismissals of staff and much greater awareness of equality issues. It is hoped that this has gone some way to allay public concern, as reported in the local press.
2. Since November 2017, 92% of staff have successfully completed the diversity e.learning module available from the Civil Service website. There has been a 20% increase in the use of DIRFs by prisoners and staff. Previously these issues were dealt with by means of the disciplinary process if allegations were made against staff. Officers are now interviewed and offered advice and guidance where appropriate. The increased use of the DIRF system is taken as a sign that prisoners and staff have faith in the process being effective. The Board is content with the measures taken to reduce racism in the prison.
3. The EAT (Equality Action Team) is now engaging more proactively with each of the social groups with protected characteristics. Diversity Reps are gradually being recruited and invited to the meetings.
4. Staff shortages have impacted unfairly on the prisoners eg when the CSU is on lock-down, prisoners can't access the phone; patients in IPD can't have showers or exercise; visits to the library are curtailed. The high number of bed watches and escorts drains the staffing resource. The bench marking several years ago, severely depleted the number of staff throughout the prison estate and as a result there was less opportunity for building positive relationships between prisoners and officers. It is hoped that the recently introduced OMIC process and this year's recruitment of POELTS will help to restore the balance and promote better outcomes for prisoners within the prison and after their release
5. Kit change has long been an issue. Although everyone is issued with the necessary kit on arriving at the prison, much of it goes astray. Some is thrown out with the rubbish or not returned effectively from the laundry or sheets are utilised as curtains or shower screens.
6. Various proposals to make sending kit to the laundry more effective have not been successful. A more robust approach needs to be taken to organise the collection and delivery of laundry so that there are fewer losses to the establishment and less frustration for the prisoners.
7. Elmley has now established an Older Prisoners' Centre and a regular forum is held where issues can be raised. One issue was that pensions are not being sorted out prior to release. The Community Rehabilitation Company (CRC) is now arranging a monthly session to discuss pensions and other key areas affecting older prisoners.
8. An important concern of the IMB is the welfare of elderly vulnerable prisoners (VPs). This group includes historic sex offenders in their late 60s, 70s or 80s. In a prison like Elmley, there is minimal rehabilitation capability or social development available to them. Additionally, they can have a negative effect on the regime in that they take "a lot more looking after", probably to the detriment of the other prisoners and over burden the house block staff. The IMB requests an answer from the Minister as to the MOJ's views on whether there should be alternative custodial arrangements made available for elderly prisoners.
NOTE: the Board has addressed the above comments in our last two Reports.

6 SEGREGATION/CARE AND SEPARATION UNIT

1. The Board visits the CSU 4 or 5 times per week to take the opportunity to speak freely with those segregated from the rest of the prison population. At any one time, some 30% of these prisoners spend time in the unit unwilling or unable to re-integrate back into the prison due to debt problems, drug dealing issues and gang related crime. The Board shares the prison's concern that long spells confined in this unit can have a detrimental effect on men located there, particularly in terms of their mental well-being. We are pleased with the initiatives that officers are using to help alleviate this problem. Having time to engage with individual prisoners' needs here is important. Staff encourage the men to take exercise outside on the yards and allow limited contact there with fellow prisoners where it is thought safe to do so. They find 'work' on the unit for those that are considered suitable and encourage all levels of educational activity that can be done in cell.
2. There have been a number of dirty protests during the reporting year, some of which have lasted over three weeks. These prisoners are monitored closely by the staff and healthcare team. They are offered showers, clean clothes and a clean cell at regular intervals throughout the day. These efforts are recorded and the Board is content that the staff are mindful of prisoners' dignity despite the unpleasant situation.
3. The Board are notified of GOOD reviews (segregation review boards) by the CSU staff and make efforts to attend whenever possible. Other staff who should attend - the Chaplaincy, Healthcare, drug misuse team, mental health in-reach - often find that other prison duties take priority. If GOOD reviews are to be of much value, the Board feel that a multi-agency approach is important.
4. There has been a steady increase in adjudications in this reporting year. This arises in part from the successful night searches and intelligence-led investigations. However, the length of time this high number of cases takes can sometimes result in 'nickings' being timed-out and too few staff available to administer the serving of lunches in the CSU. The food is then left in plastic bags, hung on prisoners' doors by the orderly and when officers have time, handed into the cell. Thus hot food is rarely provided in CSU, even in cold weather. If the paperwork was always done properly by the reporting officer in the case it would shorten the time for adjudications and create more opportunity for prisoners to get out of their cells when they can collect their lunch.

7 ACCOMMODATION (including communication)

1. Elmley is showing its age. It is not an easy building to maintain but that is no excuse for the lack of cleanliness we have observed, particularly in the showers.
2. There is a slow process of refurbishment by prisoners dealing with repainting and tiling. However, there are major problems with the kitchen equipment, both cooking and refrigeration. It is a credit to the staff in the kitchen that they can provide what they do with such limited facilities and having to hire in equipment at some considerable expense.
3. The hot water system on most houseblocks is unreliable due to boilers breaking down and the difficulty of getting parts for such old machinery. The VPs on one houseblock have to use the showers in the gym during the frequent breakdowns. This is not ideal given their various vulnerabilities.
4. The heating and hot water in the CSU is unreliable which presents a difficult problem. Because of the need to keep these prisoners separated they are unable to use alternative facilities.

8 HEALTHCARE (including mental health and social care)

1. Primary care is provided by IC 24 and Oxleas have responsibility for mental health. The contracts for optical and dental care are with professional practitioners. The average wait for a dental appointment has been 11 weeks this year, with approximately 300 men on the waiting list at any one time. The Board questions whether this compares with what might be expected of National Health treatment in the wider community. When people in pain are told by their houseblock officer that they are 295th on the waiting list they naturally feel frustrated and are motivated to self-help.....extracting their own teeth we are told. They can be offered pain relief or antibiotics by a triage nurse until the dentist will see them. The Board feel that a more proactive approach to support people with dental pain should be considered, and that the dental contract should be reviewed.
2. The staff in IPD (inpatients) are to be commended for their nursing care which can be difficult when there are no prison officers located in the department to manage unlocking sometimes volatile prisoners for showers and exercise, as well as treatment.
3. The Board has concerns that despite the IPD staff's best efforts, the unhealthy mix of prisoners with mental health issues who can be noisy and disruptive, with those needing clinical care and are sometimes bed-bound or at the end of their lives, needs to be addressed. This may be something that can be dealt with by the prison itself within the healthcare contract. However, given the high number of mental health patients inappropriately kept in prisons due to the lack of proper mental health establishments, it is something that should be addressed nationally.
4. The constant watch cell in IPD is in use frequently, and the delay in dealing with a prisoner's particular issues that make him a danger to himself has been a source of worry to the Board. Safer Custody play a valuable part here but there seems to be a difficulty with getting any mental health diagnosis that would help progress a move back to normal location and a more positive frame of mind.
5. The members of the Board have been particularly troubled about a young man who spent many months in the constant watch cell here, in strip clothing due to repeated attempts to end his life.
6. This man was not judged to be suffering from a serious mental health condition and needed transfer to the long-term estate and the services that could be provided there during his sentence of over 25 years. We were told that other more suitable prisons refused to take him because of the liability that he presented in terms of self-harm. The DDC at the time intervened eventually after the Board's repeated applications to the Governor, understanding that we would feel obliged to write to the Minister in this man's best interests. We feel that transfers of this nature to the long-term estate should be given a higher priority and we shall monitor proactively any similar situation that arises in the future.

9 EDUCATION AND OTHER ACTIVITIES

1. Whilst ESOL (English for Speakers of Other Languages) classes are well attended, basic mathematics and English are not.
2. Attendance is not as good as it should be and on average 70% of those who are allocated actually attend.
3. The education provider 2017/18 is NOVUS and has been on a quality improvement plan since June 2018 and is still on a continuous improvement plan. Measures were put in place to increase the quality of provision.
4. There are not enough places in the classes to accommodate those who want them and attendance can be erratic i.e. yearly attendance 52.73% This can also be caused by non-attendance of teaching staff or classrooms not available.
5. All prisoners attend an education induction session prior to be allocated to work or further education. Not all prisoners are interested in increasing their education abilities. Travellers are the group least likely to engage in education but they are highly motivated to work activities.
6. A Prisoner Information Desk (PID) opened on house block 1. New inductions to the prison are able to attend the PID for help and guidance during any unlock period. The Board feel that this is a small but positive initiative by prisoners and staff.

10 WORK, VOCATIONAL TRAINING and EMPLOYMENT

1. Approximately 70% of Elmley's prisoner population is engaged in full time activity. Retired, disabled, long term sick and those on remand are not required to work, neither are those on drug rehabilitation programmes and prisoners who present some form of risk. Increased staff recruitment has decreased the frequency of workshop closures but on average throughout the year only 70% of those allocated to work actually attend. This has been an intractable problem difficult to resolve.
2. With the demise of Carillion, the company that held the maintenance contract at Elmley, a lot of essential work in the prison was put on hold. At this time it became apparent to the prison management and the IMB that the showers on houseblocks 1 – 4 in particular were in dire need of complete renovation. In a bold move by the Governor a team of prisoner tradesmen was assembled, a works programme approved and agreed, with work commencing forthwith. This initiative has proved to be very successful so far, with the team currently part way through the works programme and hoping that some form of certification will result from their efforts, something that the Board supports wholeheartedly. However, the Board regrets that finance cannot be found to enable the necessary maintenance of the prisoners living areas.
3. Nationally recognised qualifications are attainable in Bricklaying, Gymnasium Fitness Instructor and First Aid, Industrial Cleaning and the newly introduced Fork Lift Truck Driving. A workshop is being prepared to house a 'Construction Academy' sponsored by Wilmott Dixon which will provide training in such skills as Dry Lining. All these skills are very employable and Wilmott Dixon is prepared to take on suitable candidates. The prison sponsors regular employment events with up to 25 employers visiting to offer live vacancies based on interviews on the day. On one occasion, 47 of the 49 men who attended the event were offered a job. The employers are impressed by how well the men had been prepared for their interviews. All prisoners within 16 weeks of discharge are offered help with their CVs and encouraged to attend.

11 RESETTLEMENT PREPARATION

1. Having reduced the OASyS (offender assessment system) backlog by over 50% to 96 in the year 16/17, in this reporting year it has risen again by over 50%, a total of 150 to date. This delays prisoners' progress in addressing their offending and the Board regularly receives applications from prisoners asking why their assessment has not been completed.
2. The backlog can be explained in part by lack of staff in OMU, however it takes a total of approximately 8 hours to complete an OASyS report from interview with the prisoner to creating a sentence plan. The same team processes HDC and because there has been a shortage of probation staff they often spend time chasing the information they require about satisfactory accommodation.
3. Despite its prioritization by HMPPS, the HDC process has been hindered in this reporting year by the severe lack of probation officers who have to complete the home circumstances report. Without this important information there are inevitable and unfair delays in prisoners' anticipated release. The Board questions whether it is sometimes easier for them not to grant release although there is no reported problem with the proposed accommodation.
4. There should be 1 senior probation officer and 7.5 probation officers to manage the population at Elmley. There are in fact 2 probation officers (one of whom is currently on maternity leave) and 1 senior officer. The shortfall has impacted particularly on high risk prisoners who should be dealt with by in-house probation staff but because of the difficulty in recruiting them, this task has also fallen to OMU. The staff in OMU have sought guidance from the Early Release Policy Group but to date without response.
5. The main observation and critique of the current situation regarding resettlement is that for prisoners with no address to go to on release, there is little or no public provision of accommodation available for them in Kent or East Sussex. It is the view of IMB that this is one of the prime factors leading to re-offending and the "revolving door syndrome", existing in connection with Elmley at this time.
6. The visits hall plays an important part in maintaining family connections that support resettlement. It had a refurbishment earlier in the year sponsored by Willmot Dixon, and is more welcoming. There is now a play area for younger children with a play-worker in attendance 5 days per week. The refreshment facilities, which are managed by Spurgeons, have been upgraded and are much appreciated by prisoners and visitors alike.
7. Spurgeons were awarded the Family Services contract a year ago but not all the services promised have been provided i.e. the homework club, the baby club, and more significantly, the family support work intended to provide intervention courses dealing with newly sentenced prisoners and those approaching release. Their budget for Elmley was wide of the mark and it was more difficult than they anticipated to recruit volunteer staff on which their contract relied. However, they are focused on maintaining family links, and that starts at the visitors' centre where Spurgeons staff can offer support and advice to prisoners' families and friends. The centralised booking system can be confusing in terms of what can be brought in for prisoners, and what in respect of Elmley's specific conditions is allowed.
8. There have been six family days this year, all well supported and enjoyed by visitors and staff who join in the activities such as football and face-painting. There have also been four Network Support days aimed at maintaining links with a wider community, such as neighbours, who will hopefully help with a prisoner's resettlement and rehabilitation on release.

9. Removals and transfers are managed well, but prisoners sometimes have unrealistic expectations (i.e. Londoners expect they can be transferred back to a London prison) so this generates a high number of applications to the Board.

10. After a good start to the year, with increased numbers of prisoners using the library, the number of visits to the library has decreased recently due to the lack of movement officers. Since early September, there has been a dramatic drop in footfall from the house blocks due to intervention by the POA on grounds of safety. September showed a decrease of 60% on August's figures and October showed a decrease of 80%.

11. The library facility contributes to resettlement eg it offers contact with life outside prison and provides an opportunity for prisoners to engage in "Storybook Dads". This is a project that encourages fathers to record a bedtime story for their child, under supervision, maintaining family connections. Since the drop in footfall, the IMB took the matter to the Governor on several occasions and normal service has been restored until further discussions with the POA. The IMB still has concerns that the POA were able to take unilateral action, dictating the regime to the detriment of the purposeful activity which the prisoners had previously enjoyed.

C Section – Work of Board

The prison receives a visit from a member most weekdays and some weekends in order to monitor the conditions for prisoners in the establishment. There is a particular focus on prisoners who are separated from the main population either in the CSU or the IPD, and on the general provision of meals.

The members deal with applications to the Board (on a 1-2-1 basis) from men who feel unable to get answers from their House Block officers. They attend adjudications, segregation reviews and ACCT reviews (assessment care in custody teamwork), and monitor the arrival and release of prisoners at Reception. They also observe night searches of the accommodation.

There is opportunity for the Board to raise issues with the Governor at monthly Board meetings but urgent matters are dealt with more directly by letter to the management or the Prison Group Director.

Board members have attended training sessions offered by the prison that cover diversity, equality and 'suicide and self harm' in custody. They maintain their competences by means of a national training programme, some of which is delivered locally at the establishment.

BOARD STATISTICS	
Recommended Complement of Board Members	20
Number of Board members at the start of the reporting period	10
Number of Board members at the end of the reporting period	10
Total number of visits to the Establishment	417
Total number of segregation reviews attended	120

D Section - Applications

Code	Subject	Current reporting year	Previous reporting year
A	Accommodation including laundry, clothing, ablutions	8	9
B	Discipline including adjudications, IEP, sanctions	8	17
C	Equality	7	2
D	Purposeful Activity including education, work, training, library, regime, time out of cell	12	11
E 1	Letters, visits, phones, public protection restrictions	30	17
E 2	Finance including pay, private monies, spends	23	19
F	Food and kitchens	6	10
G	Health including physical, mental, social care	72	84
H 1	Property within this establishment	63	88
H 2	Property during transfer or in another establishment or location	51	9
H 3	Canteen, facility list, catalogue(s)	16	79
I	Sentence management including HDC, ROTL, parole, release dates, re-categorisation	89	49
J	Staff/prisoner concerns including bullying	52	45
K	Transfers	50	52
	Miscellaneous	59	
	Total number of IMB applications	546	491