Annual Report
of the
Independent Monitoring Board
at
HMP Berwyn

for reporting Year
1 March 2018 to 28 February 2019

Published
July 2019

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, with the exception of medical records.
INTRODUCTION

This report represents the findings of the Independent Monitoring Board (IMB) of Her Majesty's Prison (HMP) Berwyn for the period 1 March 2018 to 28 February 2019. The IMB evidence comes from observations made on visits, scrutiny of records and data, contact with the prisoners and applications to the IMB.

The report will take the format of reporting 'by exception'.

2 EXECUTIVE SUMMARY

Main overall judgement

The main overall judgement of the board in relation to the effective and efficient operation of HMP Berwyn is that it is still work in progress and is continually evolving. The establishment was opened with an ethos based specifically on rehabilitation and resettlement, with many new and different methods of operation. Some have worked well, some have worked less well and it has been necessary to make changes and adjustments, based on evidence, over time. At the time of writing this, our second Annual Report, a new permanent number 1 governor has taken up post, charged with the task of taking the establishment forward to the challenges of the future.

Main judgements

1. There is recognition from the board that HMP Berwyn has been through a number of changes in leadership throughout this reporting year. The board would like to commend those who have taken on this role for continuing to achieve progress and improvement at times of uncertainty. Those individuals who have taken on the role of Governor in either a substantive, temporary or acting up role have done so with a continuing commitment to the ethos on which the prison was built. They have also recognised the need to refine some approaches to create an environment that places clear standards and expectations on both staff and prisoners. Throughout these changes the board has welcomed the Governors’ commitment to keeping them informed. The board has monitored these changes and will continue to report back on the impact for both prisoners and staff. We look forward to continuing our working relationship with the new incoming Governor.

2. The ongoing availability of illicit substances within HMP Berwyn continues to cause concern. This often results in prisoners building up substantial debts to individuals and leads to them using violent or aggressive behaviour against staff and other prisoners, or causing major damage to prison property to facilitate their re-location to the segregation unit (see also under Safety 4.1).

3. Given that HMP Berwyn is a newly constructed establishment, the lack of rooms for meetings and interviews with prisoners is of serious concern. It would appear that these facilities were in the original plans, but were discontinued, on what we understand were financial grounds. Whilst this is already a serious concern, it will become even more serious as the establishment moves towards full complement. This is coupled with the decision that rooms for the prisoners are 70% double and 30% single which is proving a challenge to manage, given the requirements of cell sharing risk assessment (CSRA) and the composition of this diverse population. The figure of 70% double rooms and 30% single rooms can be misleading. In round terms the establishment has 1240 rooms. 70% of 1240 is 867 rooms housing 1734 prisoners and 30% of 1240 is 372 rooms housing 372 prisoners. 1734 + 372 = 2106 which is the capacity of the prison. This means that 82.3%
of prisoners will be in double rooms and only 17.7% in single rooms when the prison reaches full capacity.

Main Areas for Development

TO THE MINISTER

The board highlights the issue of lack of facilities in terms of meeting rooms and interview rooms in this newly built establishment. The 70% double room and 30% single room configuration is proving challenging to manage given the requirements of CSRA and the composition of this diverse population. The figure of 70% double rooms and 30% single rooms can be misleading when translated into prisoner numbers. It means that when the prison is full, 82.3% of prisoners (1734) will be in double rooms and only 17.7% (372) in single rooms. (See also main judgements).

TO THE PRISON SERVICE

- The need for a period of consolidation regarding the changes in leadership and the direction of the establishment as it moves to the next stage of development.
- The need to consider the further identification of specialist communities, to deal with specifically identified needs, for example increasing numbers of prisoners deciding to self-isolate.
- The need to be aware of the challenges surrounding an establishment the size of HMP Berwyn, with a lack of appropriate meeting rooms and interview rooms (see main judgements).
- The need to resolve the serious issues surrounding paint defects and ineffective boiler systems, which should be addressed as a matter of urgency, given that the effect of not addressing them will have serious implications in terms of the capacity and operation of the establishment. (See Section 7).

TO THE GOVERNOR

In order to ensure that HMP Berwyn grows and improves, there is a need to ensure that systems and policies are consistent and fully understood by both prisoners and staff.

- The need to solve issues raised by the prisoners at the first possible opportunity, rather than allow them to escalate.
- It has been identified that many issues, which became formal complaints, could and should have been dealt with at community level.
- The high volume of applications (apps) on Unilink and the underestimation of the management required to deal with them effectively. The focus is now on quality and the need to resolve effectively at the first time of asking. The Unilink apps totalled 21,780 in February (which was a short month).
- Complaints (i.e. Comp 1’s and Comp 1a’s) are an issue in the establishment. If men were kept informed of progress it could reduce frustration, including additional Comp 1a’s and applications to the IMB and the chaplaincy.

TO THE PROVIDER (of Healthcare and Education)

Healthcare - See Section 8
Education - See Section 9
3 DESCRIPTION OF THE ESTABLISHMENT

3.1 HMP Berwyn is located on Wrexham Industrial Estate in North Wales. It is a category C resettlement and training prison with a capacity to hold 2106 prisoners. The prison consists of three main houses: Alwen, Bala and Ceiriog. Each house is divided into eight communities that can accommodate 88 prisoners. The accommodation in each community is a combination of double and single occupancy rooms. Across the prison 30% of rooms are single occupancy and 70% are double occupancy. Alongside the main communities the prison has a care and support unit (Ogwen) that can hold 21 men.
4 SAFETY

4.1 The use of illicit drugs is identified as a key factor in prisoners assaulting staff, prisoner on prisoner assaults and incidents at height. To assist in combatting this the board is aware of a number of actions that it would like to highlight as good practice. This includes the appointment of a head of drug strategy who has overseen the implementation of a range of initiatives that are significantly reducing the availability of illicit substances. These initiatives include:

- Testing all items of mail for the presence of illicit substances using an itomiser machine. Any item testing positive is seized and destroyed (this procedure also applies to donated books).
- The application of a strict policy relating to parcels sent into the prison, which, with very few exceptions, must be from an authorised source.
- The introduction of a dedicated search team (DST) to further support initiatives and be able to act efficiently within tight timescales.

4.2 The mandatory drug testing (MDT) facility in the prison is consistently staffed and rigorously enforced.

4.3 There were 182 assaults on men and 233 assaults on staff between April 2018 and February 2019. The number of assaults continues to be a concern to the board.

4.4 There is excellent partnership working within the prison to support prisoner safety. This includes an excellent relationship with North Wales police who undertake investigations of any alleged criminal acts within the prison referred by prisoners or staff. They also support the intelligence led work undertaken to reduce the availability of illicit substances.

4.5 It is also acknowledged that the health provider is undertaking excellent work to offer recovery-orientated substance misuse treatment services.

4.6 Changes have also been made in the college to further support reducing the availability of illicit substances.

4.7 The increase in IMB applications for staff/prisoner concerns related to bullying is concerning. In the last reporting year we received 62 applications (35 from one individual) so the increase to 92 (from 72 individuals) is significant, although it should be acknowledged that the prison population has also grown significantly during the reporting period.

4.8 During the reporting year there were sadly three deaths in custody. One was from natural causes, one was as a result of substance misuse, and the cause of the final death is still awaited. All deaths in custody are subject to full independent investigation by the PPO (Prison and Probation Ombudsman), the police and the Prison Service team. The board felt the support offered to staff, prisoners and the individuals’ families affected by these tragic deaths was excellent. The board extends its condolences to the family and friends of the three deceased men.
5 EQUALITY AND FAIRNESS

5.1 The board continues to have concerns about the lack of full representation from the three houses across the prison at the Diversity and Equalities Action Team (DEAT). The DEAT provides prisoners with a forum to raise any concerns regarding diversity and equalities. A lack of full representation means that not all prisoners in the prison are being offered a voice in relation to these issues.

5.2 The board acknowledges the work the prison has undertaken with prisoners who identify as Gypsy, Romany and Traveller (GRT). However the board continues to be concerned about the unwillingness of prisoners to identify themselves at GRT. Currently 1% of the prison population identify as White Gypsy or Irish Traveller.

5.3 The board is concerned about the current low numbers of Welsh prisoners within the establishment and the potential benefits that are being missed due to this. It is well established that being located near to home ensures that prisoners can maintain relationships with family members particularly children.

5.4 The discrimination incident reporting form (DIRF) system provides prisoners with an opportunity to report any discrimination, harassment and victimisation they are experiencing. The board is satisfied that the prison meets the requirements to respond to these in a fair and timely manner, through sampling the responses the prison provides to these complaints.

5.5 The DIRF system has identified that the most common discrimination reporting reason was racism. The board is satisfied that these complaints have been managed appropriately. However, the establishment continues to review and improve systems.

5.6 One area of good practice identified by the board is the quality monitoring system between HMP Berwyn and HMP Liverpool that has been put in place for reviewing the quality of responses to DIRFs.

5.7 The board acknowledges that the prison continues to consider the impact of all policies and procedures on prisoners who fall under the characteristics covered by the Equality Act 2010. The most recent example of this is an equality impact assessment of the rewards and responsibility scheme.

5.8 Work needs to be undertaken to encourage a more diverse range of individuals to come to work at HMP Berwyn. Prisoners within the prison are from a range of backgrounds and having positive role models and mentors that they can identify with would improve their rehabilitation process.

5.9 The board recognises that it needs to do more to recruit members from minority groups. This includes individuals from black and minority ethnic (BAME) communities and individuals whose first language is not English. Currently the board does not have any representatives from the BAME community and has one member who has a first language that is not English (in this case Welsh).
6 SEGREGATION/CARE AND SEPARATION UNIT

6.1 Board members would like to acknowledge the professional and caring approach that they have witnessed staff taking when working with prisoners in the care and separation unit.

6.2 The ethos of the establishment is to retain prisoners for the least possible amount of time on the CASU. However, there are times including, those with prisoners on an ACCT, where this has not been possible. These situations are known to and monitored by the board via attendance at R45 review boards. This also applies to the over 42 days stays in CASU, with prisoners who are re-categorised to B and awaiting a place in a category B establishment which is able to take them on.

6.3 Board members attending reviews at the care and separation unit have noted the difference, in terms of the preparation by the governors chairing the reviews. In some instances the lack of background knowledge can lead to the prisoner having to re-state the reasons they are in the unit. This can often result in the prisoner becoming confused, frustrated and disengaged. The lack of information about claims the prisoner makes about their offending behaviour or behaviour in the prison environment then further delays the situation.

6.4 It is recognised by the board that prisoners continue to use the care and separation unit as a means of avoiding debts they have built up when resident on a community. Prisoners often commit offences which result in their enforced removal from the community to the care and separation unit for this reason. This has a significant impact on staffing and causes disruption to other prisoners’ daily regimes. Further evidence-based interventions need to be implemented to prevent the opportunity to build up debt. These would include not only interventions to prevent drugs’ ingress to the establishment, but also an increase in meaningful activities and early identification and intervention for those at risk of developing debts.
7 ACCOMMODATION AND COMMUNICATION

7.1 The reliability of the buildings’ heating system is a cause for concern. The system failed in March 2018 and February 2019, resulting in a lack of heating and hot water for prisoners. Fortunately the situation was well managed by the prison staff and a back-up system was installed in February 2019 should the situation happen again. It should be noted that this back-up system applies only to the three prisoner house-blocks and not the remaining locations on the site. However, this does raise concerns as the building is relatively new and the potential for unrest that can be caused by a lack of heating and hot water is high.

7.2 The board would wish to be provided with assurance that the wider issues related to serious paint defects and ineffective boiler systems will be resolved in the near future. Not solving, or delaying this work carries major challenges in terms of capacity and the operation of the establishment.

7.3 Given that the establishment is newly built it is disappointing to note that the plaster on the walls was incorrectly prepared and applied. This has resulted in latent paint defects leading to excessive paint peeling in prisoners’ rooms. Some remedial work has taken place. However, it remains an issue for resolution between HMPPS Wales, the Ministry of Justice and the contractor. The consequences are that conditions for the prisoners are not to the standard we would expect.

7.4 Similarly, there have been problems with the boilers, with two total losses of heat and hot water since the establishment opened in February 2017. However, on both occasions the establishment has provided a temporary solution whilst the matter is resolved. On the last occasion February 2019 a semi-permanent solution was put in place to prevent any further occurrence.

7.5 Cell sharing is regularly raised as an issue by the prisoners, with staff, visitors, IMB members on rota and IMB members via applications. This also includes prisoners who are reduced to basic regime because they will not agree to share and submit applications to this effect. However, the establishment cannot give what they do not have. Designing the prison with 70% of rooms as double occupancy and 30% as single occupancy causes significant challenges for both the prisoners and staff – especially given the high number of prisoners unable to share due to CSRA requirements, medical conditions and various other individual issues in this category C establishment.
8 HEALTHCARE (including mental health and social care)

8.1 Betsi Cadwaladr University Health Board (BCUHB) continue to deliver the healthcare services at HMP Berwyn.

8.2 The board recognises that the issues experienced by the medication policy, particularly during the first year of operation, have now subsided. It should be recognised though that a number of prisoners did continue to require access to the care and support unit during the reporting period due to the mental distress associated with the policy.

8.2 This relates to a small number of prisoners who were extremely disruptive on normal location and in the absence of an in-patient unit, the decision was taken to locate them on the care and separation unit. Whilst on the unit they received daily visits from the doctor, the support of the substance misuse team, the support of mental health and appointments with the psychiatrist as appropriate.

8.4 It is recognised that one of the reasons for the increased acceptance of the medication policy by prisoners in HMP Berwyn is the introduction of health and wellbeing peer mentors. This model has offered prisoners an opportunity to discuss with trained peer mentors the decisions that have been made in relation to their healthcare and the options available to them should they want to dispute any decisions that have been made. The model is now being expanded to undertake further work with prisoners who persistently DNA (do not attend) their healthcare appointments.

8.5 The number of prisoners who DNA’d their healthcare appointments continues to be concerning. Between April 2018 and February 2019 the healthcare service provided 45,942 appointments. Of these appointment 7,525 (16.4%) were wasted appointments due to prisoners failing to attend. These wasted appointments cause frustration as it is well known that other prisoners are waiting for similar appointments.

8.6 Further work needs to be undertaken to understand the cause of healthcare DNAs, recognising that there could be a number of reasons, including competing appointment priorities (such as legal visits), inability to move around the prison to attend an appointment (lost movement slip, lack of staff to unlock) or a fear of bad news as just a few potential reasons. The work being undertaken by the health and wellbeing peer mentors should go some way to establishing some of the reasons.

8.7 The health and wellbeing peer mentors have operated a healthcare helpline since November 2018. The helpline is available for prisoners to call if they are having healthcare-related issues. The initiative has been well received so far with 1309 calls received between November 2018 and February 2019.

8.8 The lack of on-site healthcare staff after 1900 hours has been a concern to the board since the model was established. Following discussions with the senior leadership team, BCUHB has introduced overnight nursing cover with effect from April 2019.

8.9 IMB members attending reviews of prisoners at the care and separation unit have raised concerns about the role of the healthcare representative who attends the review. It is noted that they are often unfamiliar with the prisoner’s healthcare needs as they are not the individual’s care coordinator. Although it is recognised that staff capacity will be an issue, to ensure progress at the reviews it would be useful to have healthcare staff who are familiar with the prisoner or his medical history to attend.
9 EDUCATION AND OTHER ACTIVITIES

9.1 Education continues to be delivered in Coleg Berwyn by Novus Cambria, a partnership between Coleg Cambria and Novus Cambria. The partnership appears to be working well and is developing over time. The learning and skills model continues to be innovative and aims to support rehabilitation by delivering positive outcomes and increased chances of employment on release.

9.2 At the report year end, Coleg Berwyn provided 419 core learning places in the morning and 407 places in the afternoon. These places engage with the prisoner in both a formal classroom based and vocational style skills training setting.

9.3 The current staffing has increased to 70. Many are experienced teachers who are working in a prison environment for the first time. This has been seen as an advantage but also a challenge due to the different environment.

9.4 The allocation of prisoners to the vocational training places has proved to be a challenge i.e. ensuring the right prisoner is on the right course. The number of prisoners not attending has been a problem. This has been recognised and the allocation process is to be reviewed.

9.5 The success data for 2018/19, for those prisoners who are retained and certificated, is forecast to be 97%, which is the same as in 2017/18. The retention rate for learners on courses is forecast to remain at 98%. These are forecasts as the actual figures are not yet available.

9.6 During the year we saw security and safety for staff and prisoners in the college improve. This includes tighter controls on entering and exiting the college, with uniformed officers at the door and rigorous enforcement at the reception desk by the mentors, including the requirement for all visitors to sign in and out. The locking of internal corridor doors and toilets is also preventing the use of illicit substances. Overall, as time has progressed staff confidence has increased as they have gained knowledge and experience in ‘prison craft.’

9.7 Like other parts of the establishment, the college is on a journey and steady progress is being made. An inspection by ESTYN is expected early in the next IMB year.
10 WORK, VOCATIONAL TRAINING and EMPLOYMENT

10.1 There is an issue with prisoners failing to attend the work to which they have been allocated. This has been an ongoing issue in the prison since July 2018. It has been identified that there are various reasons for this but the situation can cause frustration among prisoners who are awaiting a work placement.

10.2 The figure of prisoners attending purposeful activity is 87%. This percentage includes acceptable absences ie healthcare appointments, psychology interventions and visits. The non-attendance figure of those prisoners allocated purposeful activity is 13%.

10.3 The vocational training (VT) workshops have now opened in conjunction with Coleg Berwyn and offer the following opportunities:

- Site joinery – 25 spaces
- Bench joinery – 20 spaces
- Bricklaying – 10 spaces
- Plastering – 15 spaces
- Sustainability – 12 spaces
- Industrial Cleaning – 30 spaces

10.4 Work opportunities available in the establishment at the end of this reporting period include:

- Kitchens (including the Custodial Cafe) – 50
- Waste Management – 12
- Grounds Maintenance – 14
- DHL - 80
- Mentors - 80
- Community work – 302

10.5 Berwyn continue to place emphasis on the value of peer led delivery. This includes a presence in reception when new residents arrive. Prisoners also undertake mentoring roles on the communities to support residents in the use of digital technology via Unilink. The prison has also established a social enterprise with a North Wales company, Dylan’s. This partnership has led to the production of award-winning Custodial Pies and continues to lead to training and employment opportunities following release.

10.6 By way of explanation, Dylan’s are a restaurant chain in North Wales with close links to Berwyn. The production of ‘custodial pies’ by the men in Berwyn is a collaborative effort between the restaurant chain and the establishment catering team. The venture has, to date, resulted in two national awards.
11 RESETTLEMENT PREPARATION

11.1 The establishment continues to develop and integrate the support services and interventions available to the prisoners at Berwyn. These include internal and external partnership relationships. By working in this way it has been possible to source many services to meet the needs of the population.

11.2 Many of the external partners attend meetings regularly at HMP Berwyn and some have staff based in the establishment such as DWP (Department of Work and Pensions) and the Salvation Army.

11.3 PACT (Prison Advice and Care Trust) based in visits reception and the visits area, works proactively with families and visitors to the establishment to offer support.

11.4 The prisoners have in-room laptops through which they can access the reducing reoffending programs.

11.5 Crucially, relationships with the community rehabilitation company (CRC) team ensures that good resettlement services are delivered at HMP Berwyn

11.6 The CRC continue to meet with every prisoner in their resettlement window. A 16 week period in Berwyn has been adopted to ensure the best possible outcomes. The focus, during the resettlement period, is on the needs of the prisoner. This predominantly focuses on housing and employment issues. The CRC ensures that each prisoner leaving HMP Berwyn has a suitable form of current ID to meet both employment and benefits needs. Further, each prisoner is offered support to ensure that they have a suitable bank account to facilitate their transition from custodial to community living. The CRC has excellent links with housing providers and ensures that relevant housing applications are submitted in advance of release with relevant information, including priority need status, included to strengthen the application process.

11.7 The NFA figure for prisoners being released in Wales averages 9.88%. The figures for prisoners released to England, for whom all the same preparation is made, are not available.

11.8 Access to Universal Credit is not highlighted as an issue at Berwyn, as appointments are made with Job Centre Plus prior to release.

11.9 The visits process is based on principles of normality. The visitors are welcomed and supported in an external building and offered support, with effective signposting arrangements in place for support to CAB, benefits, Shelter and food banks.

11.10 Outside the resettlement provision delivered to every prisoner there is an opportunity for those with more complex needs or particular vulnerabilities to attend the monthly resettlement needs meeting. This is chaired by the head of the CRC team and supported by the reducing reoffending function. The meetings are well attended by partners and colleagues such as recovery and support provider CAIS, Cyfle Cymru, Remploy, local authority housing providers, veterans’ charity SSAFA, Department for Work and Pensions (DWP), work coaches from Novus Cambria and healthcare. The aim is to identify needs arising in advance of release and offer the best support to smooth the transition into living in the community. Healthcare staff offer assurance regarding the provision of prescribed medication at the point of release and offer support to ensure that residents are registered with community practitioners to ensure a seamless healthcare provision. There is the added support of mentors to ensure that prisoners are supported in advance of and following their participation in the meeting.
11.11 The establishment has worked hard to build positive relationships with the local community. These links have been strengthened by the commitment to continue to host the annual Christmas event for senior citizens in the community, which includes the provision of a three course Christmas lunch prepared by the prisoners, plus entertainment. Chamber of Commerce events are hosted, to explore ROTL opportunities for the prisoners. More recently, links have been established with Shelter Wrexham who have agreed to meet the clothing needs of prisoners at the point of release (such as warm coats) with a reciprocal arrangement in place from staff who are committed to donating clothing to the shop in Wrexham.

11.12 Housing on release remains a challenge. Resettlement services continue to submit relevant housing applications for all prisoners at the point of release and CRC have worked hard to establish positive links with regional and national housing providers.

11.13 On the day of release prisoners with particular vulnerabilities or complex needs have access to PACT’s through-the-gate services who can, if necessary, collect prisoners at the point of release and escort them to appointments with DWP or the Probation Service. Release is via reception, when prisoners are supported with information regarding local transport links and offered the opportunity make telephone contact with relevant parties in advance of their release.
C Section – Work of the IMB

Board members have monitored a total of nine Serious Incidents during this reporting year, all of which have started when the members concerned were in the establishment undertaking their regular rota visits.

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<td><em>(New establishment, assessed as 24 when fully occupied)</em></td>
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<tr>
<td>24</td>
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<tr>
<td>Number of board members at the start of the reporting period</td>
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<tr>
<td><em>(6 new members, 4 core board members, 2 dual board members)</em></td>
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<tr>
<td>12</td>
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<tr>
<td>Number of board members at the end of the reporting period</td>
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<tr>
<td><em>(5 new members, 10 core board members)</em></td>
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<td>15</td>
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<tr>
<td>Total number of visits to the establishment</td>
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<tr>
<td>668</td>
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<tr>
<td>Total number of segregation reviews attended/monitored – 99%</td>
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<td><em>(i.e. Monday/Wednesday and Friday weekly at 14.00 hours)</em></td>
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<td>155</td>
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This method of monitoring also ensures that any man moved to the CASU is seen by a member of the IMB within the 72 hour deadline, which is a legal requirement.
Section – Applications to the IMB

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<td>*35/62 relates to one multiple applicant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>K</td>
<td>Transfers</td>
<td>20</td>
<td>8</td>
</tr>
<tr>
<td>L</td>
<td>Miscellaneous</td>
<td>32</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td><strong>Total number of Applications</strong></td>
<td><strong>554</strong></td>
<td><strong>303</strong></td>
</tr>
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