



Annual Report
of the
Independent Monitoring Board
at

HMP and YOI Foston Hall

for reporting year
1 December 2018 to 30 November 2019

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Monitoring fairness and respect for people in custody

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A. Sections 1 – 3

1. STATUTORY ROLE

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

Introduction

This report presents the findings of the Independent Monitoring Board (IMB) at HMP/YOI Foston Hall for the period 1 December 2018 to 30 November 2019. Board evidence comes from observations made on visits, scrutiny of records and of data, informal contact with prisoners and staff, attendance at meetings, surveys and prisoners' applications.

Main judgements

Are prisoners treated fairly?

The Board believes that, overall, prisoners are treated fairly and with respect. The Board has observed this, for example, in the conduct of prison procedures, such as reviews, and in the management of extremely challenging and complex prisoners. The Board is, however, concerned about the rise in the number of adjudications and about the access of prisoners to clothing.

Are prisoners treated humanely?

The Board has observed a strong commitment to treating prisoners humanely and with decency, strongly led by the Governor and demonstrated by the management team and staff.

The Board is, however, concerned about:

- the detrimental impact on the treatment and welfare of prisoners of regime curtailments caused by staffing pressures, particularly in the latter part of the reporting year. These have resulted in prisoners regularly being confined to their cells and the frequent loss of many aspects of the regime across the prison (see paragraphs 5.4, 7.11, 9.9, 11.7, 11.8)
- the rise in the number of assaults by prisoners on prisoners and on staff (see paragraph 4.5)
- the large number of incidents of self-harm (higher than for similar prisons) (see paragraph 4.8)
- frequent limitations to the Listener scheme and its periodic suspension because of the small number of Listeners (see paragraph 4.12)
- the issue of medications being administered only twice a day at weekends, compared with three times on weekdays. Night-time medications, including sleeping pills, are issued mid-afternoon, earlier than during the week, resulting in prisoners waking in the early hours of the following morning (see paragraph 8.10 ii).

Are prisoners prepared well for their release?

Preparing prisoners for release is given a high priority, as evidenced by the broad range of services to assist prisoners' return to the community (see paragraph 11.2), the emphasis on education and training (see section 9) and the support for maintaining family ties (see paragraphs 5.8, 5.9). However, short sentences and the high turnover of prisoners (see paragraph 11.3) limit what can be achieved. There is also a serious shortage of suitable accommodation in the community for prisoners to go to on release (see paragraph 11.4).

Main areas for development

TO THE MINISTER

There is a lack of suitable accommodation for prisoners to go to on final release or for home detention curfew, (HDC), particularly approved premises/supported accommodation (see paragraph 11.4).

The number of prisoners subject to indeterminate sentences for public protection (IPP) who remain in custody several years beyond their tariff date is a serious concern (see paragraph 11.14).

TO THE PRISON SERVICE

The staffing provision is not sufficient to meet the regular demands of bed watches and constant supervision, as well as sustained contingencies of staff absence and restricted duties. As a result, in the latter part of the reporting year, the frequency of regime curtailments has been unacceptably high, with prisoners being confined to their cells (see paragraph 7.11). These 'lock-ins', combined with the impact across the regime (for example, in equalities, education and offender management; see paragraphs 5.4, 9.9, 11.7, 11.8), have a negative impact on the treatment and welfare of prisoners.

As noted in previous reports, the accommodation in the care and separation unit (CSU), healthcare unit and D wing needs considerable improvement or replacement (see paragraphs 6.1, 7.2, 7.3, 8.9).

There continue to be serious problems in the performance of Amey in undertaking repairs and maintenance (see paragraphs 7.10, 9.11).

The model of offender management in custody (OMiC) for the female estate needs finalising, so that implementation can proceed as soon as possible.

TO THE GOVERNOR

The Board recognises the efforts being made to reduce the level of self-harm, and the care and professionalism demonstrated by staff when dealing with the challenges presented by very complex prisoners. The Board considers that the link between the large number of 'lock-ins', particularly those which occur without prisoners being given warning, and incidents of self-harm warrants further attention (see paragraph 4.11).

The Board recognises that the number of complaints responded to within the time limit has increased but notes the scope for further improvement (see paragraph 5.7).

The Board welcomes the revised policy for incentives and earned privileges (IEP) and hopes that its implementation leads to more effective use of the scheme to reduce the number of adjudications, reduce the number of segregations pending adjudication and increase attendance at purposeful activity (see paragraphs 6.7, 9.8).

The system for dealing with notifications of healthcare appointments is not working effectively on any of the wings, resulting in some appointments being missed (see paragraph 8.10 i).

There are sometimes shortfalls in the provision of clothing and additional mattresses for pregnant prisoners (see paragraph 8.15).

There is a need to resolve the issue of poor access to clothing (see paragraph 7.8)

The painting and decorating course was an asset in training prisoners and preparing them for employment on release. It is hoped that it can be reinstated (see paragraph 9.5).

TO THE PROVIDER (of healthcare/education/maintenance etc.)

To Care UK

The timing and frequency of issuing medications at weekends are not acceptable (see paragraph 8.10 ii).

Obtaining information about newly received prisoners' medication from the community services is sometimes problematic, leading to delays beyond 24 hours in reinstating the medication (see paragraph 8.10 iii).

To Amey

There is a need to reduce the time taken to resolve maintenance issues and complete the work needed (see paragraphs 7.4, 7.5).

Improvements

An enhanced support service, called ACCESS, involving a multidisciplinary team, has been introduced to manage and support the most complex prisoners (see paragraph 4.10).

Better translation services are now available, with the introduction of The Big Word providing for three-way conversations on telephones (see paragraph 5.3).

Black and minority ethnic prisoners can now access appropriate personal care products (see paragraph 5.2).

Family engagement work has been further enhanced with the appointment of an additional part-time worker (see paragraph 5.8).

The regime for prisoners collecting their medication has been rearranged, so that education classes are less disrupted (see paragraph 9.7).

3. DESCRIPTION OF THE PRISON

3.1 HMP/YOI Foston Hall, situated in southern Derbyshire, was designated as a closed women's prison and young offender institution in 1997.

3.2 The prison accommodates both remand and sentenced prisoners. It has a certified normal accommodation of 307 and an operational capacity of 349. On 15 November 2019, the population was 321, which is typical. In the early part of the year, the capacity was reduced for the refurbishment of F wing.

3.3 In November 2019, approximately 13% of the population was on remand, 67% were sentenced prisoners, 7% were convicted but not sentenced and the other 13% were recalled prisoners. Of the sentenced prisoners, approximately 15% were serving sentences of less than 12 months and 43% were serving sentences of four years or more, or indeterminate sentences. The number of prisoners on remand and those serving short sentences means that there is a high turnover in the population.

3.4 The prison is located on the site of a large house and its grounds. The house accommodates the governor and support team, the education department, the library and some other functions, as well as housing the 11 enhanced prisoners (E wing).

3.5 The remaining prisoner accommodation and other functions are housed in a variety of buildings, spread throughout the grounds. The exterior environment is pleasant, with well-kept gardens. The first night induction unit and a residential wing used mainly for short-term prisoners are located in their own shared compound. A, B, C and F wings are separate two-storey, ready-to-use wooden buildings, with mostly single occupancy cells and a small number of double occupancy cells. Another wing (T) is in its own compound. The CSU, D wing and the main healthcare unit are located in one building. Separate buildings/portakabins house workshops, the animal shelter, resettlement and other functions.

3.6 Providers of services to Foston include:

- Amey Maintenance
- Advanced Personnel Management, working with Her Majesty's Prison and Probation Service to deliver interventions
- Birmingham and Solihull Mental Health NHS Foundation Trust
- Care UK, NHS England – healthcare
- Derbyshire local authority – adult social care
- Inclusion – substance misuse service
- People Plus – education
- Jobcentre Plus
- Prison Advice and Care Trust (PACT) – helps to maintain family ties, offering advice and delivering courses in relation to children and families
- The National Probation Service – provides community-based staff, who deliver offending behaviour programmes in the establishment
- The Derbyshire, Nottinghamshire, Leicestershire and Rutland Community Rehabilitation Company (CRC) – provides offender management staff, who prepare the offender assessment system (OASys) assessments and sentence plans, and undertake HDC and release on temporary license (ROTL) assessments on adult sentenced prisoners serving more than 12 months, and young offenders
- Organisations in partnership with the CRC:
 - Changing Lives – The Saffron Course, Changes Course and the Chrysalis Programme
 - Saffires – supporting sex workers in Leicestershire
 - Jericho Road – supporting sex workers in Nottinghamshire

- Restore Derby – supporting sex workers in Derbyshire
- St Giles Trust
- WAITS – Women Acting in Today’s Society
- SOVA- mentor coordinators
- Refuge Derby – community referral service
- Women’s Work Derby
- NHS and Public Health England – pre-release interventions
- Mentoring West Midlands – The Genus Project
- Anawim
- Women in Prison
- Breaking Out – LGBT support and advice group
- Remedi – restorative justice group
- Wathalls – bereavement support group

B Evidence sections 4 – 11

4. SAFETY

4.1 In this reporting year, the Board received 39 applications relating to staff/prisoner concerns, including bullying (fewer than the 56 received last year). Of these, 29 related to complaints about staff treatment, and nine to concerns about other prisoners.

4.2 A Board survey of 16 newly received prisoners showed that most found their journey to prison from court stressful and uncomfortable. Some prisoners reported that the van was hot and claustrophobic, and that there were no seat belts. One described the van crashing into bollards, which was frightening and led to a whiplash injury. Only one prisoner said that the prison escort staff were helpful.

4.3 The survey found that prisoners considered the reception process easy to cope with, and 13 out of 16 prisoners felt that they had been treated with respect by staff and peer advisers alike. The involvement of prisoners working as first night orderlies is much appreciated by newcomers and returners. A small number of returning prisoners, however, said that they felt that the reception process was rushed as they were already well known. Regular heroin users, in particular, found the 10 ml methadone dosage too low, and therefore their first night was very difficult.

4.4 The majority of prisoners surveyed on the first night induction wing said that they had felt safe when they came into HMP/YOI Foston Hall. In the safer custody team exit survey, 10 out of 15 respondents said that they had felt safe during their time in custody. The Board has observed sessions of the revamped five-day induction scheme for new prisoners, and this seems to be working well, with input from prisoners, peer advisers and key prison departments.

4.5 The Board carried out a small-scale survey of 15 prisoners, asking them about the prevalence of bullying and whether victims of bullying felt supported. Vulnerable prisoners may be offered a support plan, and all those interviewed who had one said that it had helped. For example, one prisoner who had been significantly bullied said that the support plan made her feel safe: 'I always had someone to talk to'. She disclosed that prior to this she was too frightened to leave her room. Other prisoners were similarly positive. However, a number commented on ongoing issues with bullying, and said that prisoners were intimidated and therefore did not report this to staff.

4.6 The Board concludes from this that safety initiatives (for example, support plans, peer advisers) do make a difference to how safe prisoners feel, but evidence from Board applications, comments from prisoners and prison data show that bullying is a fact of life. The latest data show a worrying rise in the number of assaults on prisoners by prisoners, with 13 incidents recorded in October 2019, the highest number since January 2019. Assaults on staff have also risen in number, standing at nine in October 2019. Reported bullying incidents per month range from zero to five during the reporting year.

4.7 During this reporting year, Foston Hall piloted the new assessment, care in custody teamwork (ACCT) procedures. The head of safer custody believes that the transition to the new system has been successful. The number of ACCTs opened each month has ranged between 40 and 54, equating to a range of 10% to 19% of the overall population being subject to ACCT procedures.

4.8 The number of incidents of self-harm is high, and significantly higher than at similar prisons, according to the HM Inspectorate of Prisons (HMIP) inspection report dated

February 2019. The figures are affected by the very high frequency of self-harm by five individual prisoners, who account for over 70% of all recorded incidents. The Board has consistently observed that the management of complex, prolifically self-harming prisoners is undertaken with professionalism, respect and safety as uppermost considerations. An experienced case manager is assigned to work individually with prisoners with complex issues, which the Board sees as a positive practice. However, the nature of the population at the prison, comprising a large number of complex, mentally unwell women with a history of self-harm, is challenging to the often inexperienced wing staff. The Board notes that around a third of band 3 staff have been in post for less than two years, and 11% less than 12 months.

4.9 The establishment has four constant observation cells. A small number of prolific self-harmers account for the majority of instances of constant supervision. Three prisoners were observed for 92 days, 75 days and 56 days respectively, during the reporting year.

4.10 The Board welcomes the introduction of an enhanced support service, called ACCESS, comprising a lead psychologist, a prison officer and a mental health nurse (the latter soon to be recruited) working with key staff, managing and supporting the most complex prisoners. Currently, the new service is being established and supports three extremely complex prisoners. When fully staffed, the service will support between six and 12 prisoners.

4.11 The Board is concerned about the potential impact on the safety and wellbeing of prisoners arising from curtailments to the regime. Prisoners frequently complain about this to Board members. Data about self-harm incidents during 'lock-in' periods has been requested but this was not available. The latest data shows that most self-harm incidents occur between 4.45pm and 11pm. The regime normally runs until 7pm, after which time prisoners are confined to their cells.

4.12 The Listener scheme continues to be under-resourced (as noted in our previous reports), and at times has been suspended completely. At the time of writing, there are only two Listeners, operating the scheme between 6am and midnight, excluding Wednesdays and Sundays. Wing-based Samaritans telephones are available to prisoners in need of support.

4.13 The Board notes that the security committee regularly reviews security priorities in their monthly meeting. Reducing the supply of, and demand for, drugs through a range of measures (for example, drug intelligence, targeted searches, information sharing about prisoners with debts to address bullying, mandatory and random drug testing, sniffer dog searches) has been a core security priority in this reporting year, as has work with all staff to raise awareness about prisoner behaviours and the potential for conditioning staff. The Board has taken part in security awareness training, which was offered to all staff this year, and found this informative.

4.14 During the reporting year, there have been two deaths in custody, one on 5 July 2019 and the other on 12 October 2019. Both deaths were apparently self-inflicted, and are currently subject to investigation by the Prisons and Probation Ombudsman (PPO), who is yet to report. The PPO report on a prisoner who died in 2018 was published in October 2019. The recommendations have been accepted and implemented.

5. EQUALITY AND FAIRNESS

5.1 There is a clear commitment to equality at HMP/YOI Foston Hall, led by the governor, who appointed a strong team and dedicated equalities officer last year, to reboot the strategy. Work to promote equality has continued, with each protected characteristic having a strand leader, and regular equalities meetings overseeing progress and developing the strategy.

5.2 The management focus and dedicated resource of an equalities officer has clearly driven progress in a number of areas – for example, improved recording of ethnicity and disability, the provision of gender-neutral clothing packs at reception, and the promotion of a greater awareness of language, to take account of transgender prisoners. Importantly, there has been a high level of collaboration with departments across the prison – for example, working with the kitchens to ensure that appropriate food is provided. There is also a high level of prisoner involvement. Previous Board reports have noted the difficulties that black and minority ethnic prisoners had in accessing appropriate personal care products. To address this, these prisoners were consulted, and the required products and suitable suppliers were identified. Additionally, the prison’s hair salon now offers services for all hair types, and is using appropriate products. A similar exercise is now required for Asian prisoners.

5.3 The Board has previously noted concerns about the difficulties experienced by non-English-speaking prisoners, and gaps in the use of professional interpretation services. To address this, The Big Word telephones, which enable a three-way conversation (between the prisoner, a staff member and the interpreter) have been installed on all wings except D wing. This system is far more user friendly and effective than the previous arrangements.

5.4 Due to staffing pressures in the latter part of the year, the equalities officer has been increasingly diverted to other duties, and she is detailed for operational duties full time until January 2020. The negative impact of this has been significant; for example, many, and latterly all, of the monthly prisoner forums relating to different characteristics (age, older/younger; sexual orientation; gender reassignment; foreign nationals; Gypsies, Travellers and boat dwellers; learning disability and autism) have been cancelled. This has removed important support for prisoners. The equalities peer advisers, who have a key role in informing and supporting prisoners, are also restricted in what they can do without the equalities officer to oversee their work.

5.5 Applications to the Board relating to equality are infrequent (only two in the reporting year). The Board reviews the majority of discrimination incident report forms (DIRFs) submitted by staff and prisoners. From January to November 2019, 57 were submitted, one more than for the same period in 2018. The numbers include multiple DIRFs relating to the same situation, and many linked to the behaviour of particular prisoners. DIRFs are handled effectively. Communication with the complainants is managed particularly well, including a one-to-one meeting with the equalities officer at the end of the investigation.

5.6 Monitoring data is regularly scrutinised at the equalities meeting, and appropriate action taken where needed. For example, data in July indicated a disproportionate number of non-white prisoners being placed on report and put on the basic IEP level. This was explored at the IEP forum with prisoner representatives from different ethnic groups. In the discussion, factors which had skewed the figures were identified. Ongoing monitoring continues, and attention has now shifted to explore the impact of age on the operation of the scheme.

5.7 Between January and October 2019 (inclusive), 816 complaints were submitted, and 688 (84%) were responded to within the prescribed time limit, which is an improvement on the figure of 75% for 2018. In a survey of 19 prisoners, randomly selected, who had been in the prison for varying lengths of time, 90% said that they knew how to complain. Only about half were aware of how to progress a complaint to the PPO.

5.8 Prisoners’ contact with their children and families is promoted and supported well in a variety of ways. A dedicated family engagement worker, linked to PACT, supports family ties, and in July 2019 an additional part-time worker was appointed. This work is also supported by a prisoner peer adviser linked to the St Giles Trust.

5.9 During the reporting year, there have been three family and three lifer visit days. In addition, a number of courses support family ties. The education department now runs regular parenting courses (three since April 2019), and the family engagement workers deliver a one-day course (four times a year), Coming Home, to help prisoners reintegrate with their family on release. A new two-day course, Building Better Relationships, was introduced in November 2019, run by a PACT worker from the community.

5.10 Plans to reinstate Storybook Mums (whereby prisoners record a story for their children to listen to at home) during this reporting year have been delayed for technical and security reasons. It is anticipated that the scheme will be operating in the new year.

5.11 Use of the excellent family bonding unit, which provides an informal environment for family visits to prisoners with enhanced status, is increasing. Between November 2018 and August 2019, there were 49 visits, involving 150 family members, with seven special visits – for example, for those involving social services.

6. SEGREGATION/CARE AND SEPARATION UNIT

6.1 Conditions in the CSU continue to be a major concern. The physical environment is bleak, and the facilities and regime are very limited. Cells and corridors are in a poor state of repair. Water from a cell that has frequently been flooded has resulted in damage to the plaster and paintwork in the adjoining corridor. Due to the lack of space on the unit, the wing office and adjudication room are cramped. The Board considers that the CSU is not fit for purpose and that inadequate resources have prevented significant improvements from being made. The governor has submitted capital bids to remedy this. Staff and prisoners do everything possible to keep the areas as clean and hygienic as possible, and the adjoining communal area in D wing has been refurbished, but the underlying problem remains.

6.2 The number of occasions that prisoners have been segregated has increased over the reporting period, from 89 in the last quarter of 2018 to 112 and 101 in the second and third quarters of 2019. The number of prisoners in segregation on an open ACCT also increased during this period, rising to 32 (29%) in one quarter, which is a concern.

6.3 Four prisoners stayed in the CSU for periods exceeding 42 days: one for 48 days, one for 55 days, one for 62 days and one for 66 days. The last prisoner then returned to the CSU for a period of 140 days and then began a third period of segregation just before the end of the year. The Board is concerned about prolonged periods of segregation but has consistently observed the sustained efforts made to try to return prisoners to wing location, or to progress applications to suitable hospital accommodation.

6.4 The Board has monitored a sample of 21 segregation reviews during the year, and has consistently observed that decisions are carefully thought through. Where possible, targets are set to enable prisoners on good order or discipline (GOOD) to return to normal wing location. Poor healthcare attendance was identified as an issue last year, but our monitoring indicates that this has been resolved.

6.5 Staff in the CSU deal with extremes of behaviour and language, with the most difficult prisoners suffering from severe physical and mental health conditions. The Board has consistently observed that CSU staff treat prisoners in their care with respect, and have gone to great lengths to engage constructively with them and to provide the best care possible in the circumstances.

6.6 There have been a number of 'dirty protests' in the CSU during the reporting year, and the Board has observed that these were handled in accordance with current procedures.

6.7 The number of adjudications increased from 347 in the first quarter of 2019 to 390 by the third quarter. The HMIP inspection suggested that a more effective IEP scheme could have dealt with some prisoners on minor charges. Greater managerial focus on IEP during the reporting period does not yet seem to have had a significant impact on these figures. The policy has now been revised and is due to be implemented in the new year.

6.8 In a prompt response to the conclusion of the HMIP inspection in February 2019, that there was overuse of Rule 53(4) (segregating prisoners pending adjudication), further guidance was issued to staff in March. For the quarter April to June 2019, the number reduced to 24, from 39 in the previous quarter. The July to September figure, however, increased slightly, to 27.

6.9 Data about the use of segregation and adjudication is scrutinised quarterly by managers, to monitor fairness in decision making and the treatment of prisoners. The Board has observed that this is done carefully and with a critical eye, although performance tends to be compared with that of the previous quarter, rather than looking at longer-term trends.

6.10 The prison's data shows an increase in the use of force during this reporting period compared with the previous year, rising from 14 cases in April 2019 to 35 cases in June 2019. The Board is concerned that this is higher than for other female prisons. It is recognised, however, that most use of force is at a low level, typically linked to the minor non-compliance of prisoners.

7. ACCOMMODATION AND COMMUNICATION

7.1 The prison buildings are set in very attractive surroundings, with vegetable gardens, green spaces and well-managed more formal areas. These all provide the women with satisfying work and training, and make a significant contribution to creating a humane environment, as well as supplying additional produce to the kitchen.

7.2 Problems still remain with many of the prison buildings, particularly D wing (noted in 15 previous Board annual reports) and the CSU (also noted in the HMIP report following the February 2019 visit). The CSU is in extremely poor condition and, in the Board's view, is unfit for purpose.

7.3 The dormitory-style accommodation in part of D wing, with some cells still having inadequate toilet arrangements, and poor shower facilities, needs improvement. In particular, cell D9, next to the boiler, is unsuitable for occupation in hot weather, such as that experienced in July and August 2019, and there is also a lack of sufficient heating in winter.

7.4 Refurbishment of F wing was completed during this reporting year, with showers being replaced throughout. The process of moving prisoners out of this accommodation was well managed, and led to a reduction in overall capacity by approximately 60. However, the work, which was undertaken by Amey, overran by several months. The quality and the cleaning up afterwards, were not up to the standard expected. Some of the work is now being redone at the contractor's expense, due to the poor workmanship, creating disruption to those occupying the wing. The new lighting, painting of the cell doors and the new safe cell are all a significant improvement.

7.5 The performance of Amey in relation to maintenance, repairs and work requests continues to be far from satisfactory. Delays in work being completed are very common. At the end of the reporting year, there were 930 jobs outstanding that were over two weeks old, a far greater number than in other larger prisons in the region. Of these, 160 were repairs. A

typical example was a large industrial washing machine being out of action from October 2018 to July 2019, resulting in a wing housing 42 prisoners having only one domestic-size washing machine for nine months. Maintenance work makes up 747 of the outstanding jobs. Again, the impact is considerable; for example, delays in the routine clearing of drains and gutters have resulted in water leaking into classrooms, putting them out of action. Of the 747 maintenance jobs, 244 relate to fire safety. Since April 2019, there have been problems with four water hydrants which have very low pressure, which means that, if the Fire Service is called, it has to bring water bowsers. There are also delays in project work: for example, three jobs commissioned and budgeted for in 2018/19 (gatehouse fire door, shower timers and E wing fire doors) were not completed and funding therefore was lost.

7.6 Issues of lost property, and property going missing during transfer from other prisons, continue to present a considerable problem. Complaints from prisoners about missing property have led to compensation being paid out, but in many instances the emotional significance of the lost property far outweighed any monetary compensation. One prisoner's legal papers were mislaid for a considerable period, again causing stress and anxiety. The Board has made significant efforts to liaise with the Boards of other prisons, to try to resolve the problems of property going missing during transfer. Recently, a governor was appointed with responsibility for operations, and it is hoped that this will improve matters. Early signs are positive, with a more immediate response to issues raised.

7.7 Prisoners have reported delays in accessing property from reception, although more recently the system has been working well, with no backlog reported.

7.8 Problems are also reported relating to purchasing items of suitable clothing and some toiletries from the canteen. It was hoped that these issues would be eased with the opening of the proposed retail park. However, although the building of the park got under way with great impetus and enthusiasm in March 2019, progress then stalled, leaving many prisoners disappointed and disillusioned. The clothing issue has been raised frequently at the prisoner council. Efforts are ongoing to try to resolve this issue, which is due largely to suppliers no longer issuing paper catalogues, so choice is very limited.

7.9 Overall, the kitchen, menus and catering provision all work well, in spite of staffing pressures during the summer of 2019. Some wings lacked food comments books early in the reporting year, but this was swiftly remedied and they are well used. Menus are well balanced, with a range of different foods on offer. Menus are circulated in advance, but return of menu requests is patchy, varying from wing to wing, which means that too many women are served 'default' food, as opposed to their choice. This problem is frequently raised at the prisoner council.

7.10 Communication between prisoners and their families appears to be good, and should be significantly improved once the in-cell telephones are operational. This was planned for May 2019 but there have been delays. (They became operational in December) . There was also a plan to install and trial a unit for Skype visits, but this has been delayed.

7.11 When operating fully, the prison provides an appropriate regime. In the latter part of the reporting year, staffing pressures – arising from the demands of hospital visits, bed watches and constant watches, alongside staff sickness and staff on restricted duties – led to an increase in the frequency and scope of regime curtailments. In 2018, between January and November, there were regime curtailments on 68 days, and in 2019 the figure increased to 88. The scope of curtailments has also increased. Between September and November 2019, regime curtailments were recorded for 49 days, 27 of which affected all wings. (In the same period in 2018, there were 13 regime curtailments recorded, none of which affected all wings.)

8. HEALTHCARE (including mental health and social care)

8.1 There has been considerable staff turnover since the previous Board annual report. The head of healthcare was promoted and a new head and deputy were appointed in the spring of 2019. However, the head of healthcare left in the late summer, and her replacement will not be in post until the end of 2019. The recruitment of nursing staff has been problematic, reflecting a national trend. Currently, there are vacancies for 4.7 primary care posts, two mental health nurses, one mental healthcare support worker, five pharmacy technicians, a part-time learning difficulties nurse and an advanced nurse practitioner. Regular agency staff have been used as temporary cover to maintain clinical provision but this has not been totally satisfactory. There are some concerns that not all have the requisite skill level.

8.2 Despite the high turnover and vacancies, many of the improvements noted in last year's annual report have been sustained and, with some exceptions, essential services have been maintained. There have been cancellations of several quality assurance information meetings, providing monthly oversight of the performance of the service at the prison. However, Care UK monitors quality assurance monthly, through the Care UK audit schedule, and Care UK regional support managers from all specialities have made multiple support visits to the prison over the course of the reporting year.

8.3 The healthcare leadership team was keen to develop collaborative working with the prison staff and other agencies, and they demonstrated a willingness to consider service innovations that will benefit prisoners, as well as a commitment to keeping essential services covered.

8.4 The improved system of dealing with complaints through a face-to-face meeting to discuss prisoner concerns has continued to be effective, despite staff turnover. There have been 35 applications to the Board concerning healthcare, compared with 88 for the previous year.

8.5 The policy of prisoners having medication in their possession, subject to a risk assessment, has continued. The assessment is an integral and mandatory component of the reception screening process.

8.6 The regime for prisoners collecting their medication has been rearranged, so that education classes are less disrupted; attendance for medication at the medication hatches is now at 9.30am and 11am.

8.7 The six-day mental health service cover, instituted last year, has continued.

8.8 We observed the management of complex prisoners at reviews, as well as multidisciplinary complex case meetings. The collaborative work between prison officers and healthcare staff has been impressive. An ACCESS service has been launched, to target work with the most complex patients, led by a psychologist, a dedicated prison officer and a mental health worker who is being recruited to the role.

8.9 The accommodation of the healthcare unit is unsuitable and cramped, and the medication hatch provides no privacy for prisoners, who queue for their medication together and observe each other's prescribed dose.

8.10 The Board has three areas of concern, listed below, relating to prisoners' healthcare and wellbeing. These concerns were highlighted initially through interviews with prisoner council representatives and subsequently explored through questionnaires submitted to prisoners on three wings – the first night induction unit and two residential wings. Fifteen responses were received from each residential wing, and 11 from the first night induction unit.

i. Prisoners reported that notification slips for healthcare appointments sometimes arrived too late or after the appointment time. The problems appear to be linked to different practices and circumstances on the wings. This issue was raised at the prisoner council meeting in May 2019, and again in September. The concerns have been reported to the governor responsible for residential services.

ii. Prisoners have reported to the Board that they receive sleeping pills and other medication earlier at weekends than on weekdays. The medication is given out at around mid-afternoon on Fridays, Saturdays and Sundays, so prisoners report that they wake up in the early hours of the following morning. This issue has been raised at the prisoner council, with no change of regime. In addition, prisoners get medication at weekends twice a day rather than three times a day, as on weekdays. Care UK is reviewing both issues as part of a wider picture regarding medication administration.

iii. From the questionnaire, there is evidence that there are sometimes problems in healthcare staff getting information about newly received prisoners' medication from the community services. This can lead to delays beyond 24 hours in reinstating medication. This is not reflected in the healthcare information system, but the management team is concerned, and plans to undertake focus group work with recently admitted prisoners, to check on how the system is working.

8.11 Healthcare staff report that the prison does its utmost to get prisoners to external appointments but there are sometimes staffing issues, leading to cancellations, including for one pregnant prisoner, who missed a scan. However, interviews with the five pregnant prisoners at the prison in November 2019 found that all had attended outside hospital appointments on time.

8.12 Transfers to secure hospital accommodation are taking a long time in cases where the accommodation is within a different commissioning group. From the evidence of one such case, it was clear that the mental health services had been persistent in pursuing the secure hospital placement for that prisoner.

8.13 All prisoners have a pregnancy test on reception, which is standard practice. Overall, the service for pregnant women appears to be satisfactory, apart from the need for adequate clothing, breast pads and some additional food requests. In November 2019, there were five pregnant women in the prison, and one who had recently miscarried. Five of these prisoners were interviewed. Of the four pregnant prisoners, all had had discussions about a mother and baby unit and help to apply for one. All had had scans at appropriate times. A midwife provides weekly clinical sessions, and prisoners can apply for an appointment.

8.14 The birth companion service is held fortnightly and is very useful; advice is provided for all stages of the pregnancy, pain relief and birth positions, and maternity bras are available. Advice is available after release about charities that will provide essentials while waiting for benefits.

8.15 Pregnant prisoners get two pieces of fruit and two small cartons of milk daily, in addition to their normal diet. The menu choice is reasonable, but there is a request for more food such as yoghurt, bananas and fresh milk. A prisoner on a halal diet told us that she would prefer to be given more meat to obtain iron, rather than taking iron tablets. An extra mattress should be available for pregnant prisoners after 29 weeks, although one prisoner had not received this by 32 weeks. The provision of maternity clothes is not adequate. Two prisoners had tight tracksuit trousers that would not cover their 'bumps', and the clothing store did not have any trousers large enough. Two prisoners needed breast pads but had not received these.

9. EDUCATION AND OTHER PURPOSEFUL activity

9.1 Until April 2019, education and vocational training at the prison was provided by Milton Keynes College, with high-quality provision. The Ofsted inspection in February 2019 was positive, with ratings of 'good' for:

- overall effectiveness of learning and skills and work
- achievements of prisoners engaged in learning and skills and work
- quality of learning and skills and work provision
- personal development and behaviour, and leadership and management of learning and skills and work.

In April 2019, People Plus, a training provider, became responsible for education provision, although much has continued unchanged.

9.2 Prisoners' educational needs are assessed during induction. Observation of induction found that it was run well, with patience and a real attempt to answer questions. Information on the courses available is provided during induction, via noticeboards on the wings and by prisoners on the wings with an information-giving role (prisoner information desk workers). The paper booklet on the courses available is in the process of being updated since the change of provider.

9.3 There is good provision for prisoners with learning difficulties. An additional learning support practitioner conducts educational needs assessments, if indicated by initial screening, and provides support. She also refers prisoners for specialist assessments to the regional worker, if needed.

9.4 There is a strong emphasis on providing a wide range of training pathways, with opportunities to gain qualifications. These are linked to employment within the prison, and include horticulture, animal care, warehousing, recycling, hairdressing and catering.

9.5 The painting and decorating course, which the Board had previously observed to be very popular, and saw as an excellent route into self-employment, is no longer running. The Prison Education Framework requires a City & Guilds qualification, but the classroom available does not meet the required standards – which is a loss to prisoners. The curriculum and delivery are currently under review.

9.6 The 'virtual campus' provides additional short courses to supply training and preparation for employment. This provision is a very important resource for the many prisoners who spend only a short time at the prison.

9.7 In previous reports, the Board has noted the disruption caused to classes by prisoners leaving to collect their medicines at varying times. The situation has improved, with set times being introduced. There are still some delays, caused by restricted prisoners having to wait for an escort to collect their medication. There continues to be an issue with prisoners waiting to collect methadone during the morning, as they can be increasingly preoccupied and unable to concentrate.

9.8 There is room for improvement in relation to overall attendance levels. Attendance levels from April to September 2019 were 82%, 84%, 83%, 70%, 71% and 71% respectively. New arrangements have been introduced to try to improve attendance, with non-attenders/refusers being followed up. It is also anticipated that the revised IEP policy will lead to greater use of the scheme to manage attendance.

9.9 Regime curtailments arising from staffing pressures have had a negative impact on education. When the regime is in red/amber state, with prisoners locked in their cells, only 20 prisoners are released for education classes. In October 2019, 152 hours of teaching were lost because of this, (20% of the planned 774.5 hours) and in November this figure was 64, (8% of the planned 800 hours).

9.10 Access to the library has been reduced due to the long-term sickness of one of the two staff members (employed by Derbyshire County Council). In the interim, a book trolley service to the wings has been introduced.

9.11 In November 2019, one classroom had been out of action for over six weeks due to delayed maintenance work on the gutters, leading to flooding from the ceiling and a damp-damaged wall. No date had been set for the necessary work. Another classroom and the information technology room are also vulnerable to flooding if there is a lot of rain, and one of the rooms has been out of action intermittently for some years.

10. WORK, VOCATIONAL TRAINING AND EMPLOYMENT

10.1 There is a good range of appropriate types of work available at the prison, as evidenced by the Prison Performance Tool metrics for 2019 (28 November 2019), which gave purposeful activity a grade 3 and is an improvement on the previous grading for activities.

10.2 The prison offers a range of work and training opportunities. Work placements are available in horticulture, hairdressing, catering, waste management, textiles, animal care and more. The prison and the previous education provider, Milton Keynes College, carried out a review of the curriculum, to ensure that provision better met the needs of prisoners. In the light of regional employment data suggesting there were good opportunities in construction and painting and decorating, the prison introduced pathways in these subjects. As noted above (see paragraph 9.5), the painting and decorating course has been discontinued. The current education provider and the prison are currently reviewing the curriculum and delivery plan for 2020/21.

10.3 The Board continues to be impressed with the increase in the number of enhanced prisoners undertaking a variety of peer mentoring roles. This includes working in different areas of the prison, such as education, resettlement, chaplaincy, PE, as prisoner information desk workers and in in-reach (mental health). In April 2019, there were 13 peer advisers, working at band 3 level. A peer mentor is engaging with prisoners to encourage work placements.

10.4 The weekly sequencing board continues to be a model of good practice, matching individual prisoners to suitable work, education and training placements. Any prisoners with mobility issues are discussed at sequencing meetings, and reasonable adjustments made.

10.5 A weekly tracking system has been introduced to monitor all areas of activity apart from work, such as education classes, offending behaviour programmes and faith activities. The tracking system highlights more clearly the breakdown of activities.

10.6 New procedures have been introduced for when prisoners attend the healthcare unit for their medication, to avoid too many disruptions to activities. Once OMiC is established, it is intended that key workers will use their influence to help improve prisoners' attendance at work.

10.7 There continues to be a strong focus on developing prisoners' skills and maximising their employability on release. All areas of work now provide a nationally recognised qualification, and the achievement of qualifications is high.

10.8 There are developing links between the prison and local employers, but there is room for improvement. The post of community engagement manager has recently been filled. There is evidence from recent reducing reoffending meetings that stronger links with employers are being forged, for prisoners released on ROTL and on release. A waste management company has made a commitment to offer paid employment to prisoners on release who have experience in this area of work. There are 20 prisoners working in waste management at present, so this is an important development for the prison. The prison achieved a 'highly commended award' for collaborative work with Reconomy at the Highways Awards in London, on 9 November 2019.

10.9 The concept of the retail unit, which is under construction, is to develop prisoners' skills in construction work, retailing and finance, and to foster links with local businesses. Unfortunately, this project has experienced delays but, once up and running, should provide relevant work experience for prisoners. The service delivery manager is now committed to working with the retail park and has many years of experience in construction and site management.

11 RESETTLEMENT PREPARATION

11.1 The different elements of work to resettle prisoners are effectively coordinated by the reducing reoffending meeting. Each of the pathways (accommodation; education, training and employment; healthcare; drugs and alcohol; finance, benefit and debt; children and families; attitudes, thinking and behaviour; domestic abuse and sexual violence; and sex workers) has its own lead manager and action plan, and progress is regularly monitored.

11.2 Derbyshire, Leicestershire, Nottinghamshire and Rutland CRC provide resettlement assistance via the 'forward steps' unit. The service includes assistance with accommodation; finance and debt; employment and training; domestic abuse; and sex worker support. There are good links with a number of voluntary and statutory bodies, which provide a wide range of services.

11.3 The high turnover of prisoners and the fact that most are only in the prison for a few weeks, limiting the time available for intervention, creates major challenges for resettlement. In the three months from August to October 2019, 176 sentenced prisoners were released, 80% of whom had served less than 12 weeks. Additionally, many prisoners have complex needs, and a significant number are in the revolving door between custody and the community.

11.4 Finding suitable accommodation for prisoners on release is a significant and increasing problem. In September 2019, 52 prisoners were released from the prison, 75% of whom were released to an address and 25% were of no fixed abode, which includes prisoners released with an appointment at the local authority. Some local authorities offer nothing, or only one night's accommodation. Some prisoners, even when provided with support to get to appointments, fail to attend. Prisoners with an appointment at the local authority face particular difficulties when they are released on a Friday as they also have to report to the Probation Service, creating significant time pressure.

11.5 Prisoners are given help in relation to finance and debt, and assisted to open bank accounts (10 accounts were opened in August, and six in September 2019). Many prisoners are not in the prison long enough to complete the process of opening an account.

11.6 During this reporting year, considerable investment was made at the prison to prepare for the anticipated implementation, in September 2019, of OMiC. The lack of resolution of some aspects of the model centrally has meant that implementation has been paused. The delays have caused considerable frustration for staff and prisoners, as well as for prison managers. The absence of a finalised model and start date has also created various practical difficulties – for example, holding up the recruitment of staff because decisions are needed about whether posts will be uniformed grade or not.

11.7 Pressures on staffing, particularly since August 2019, have meant that operational staff in specialist functions, including the offender management unit (OMU), have been increasingly diverted into operational duties across the establishment. While the Board agrees with the prioritisation applied to the use of staff in times of staff shortage, it is concerned by the sustained nature of the pressures and the impact this is having across the establishment. Offender supervisors working in the OMU have regularly been diverted to other duties, with significant detrimental impact on offender management.

11.8 One impact of staff shortages has been a delay in updating the OASys needs analysis, which HMIP noted earlier in 2019 as being out of date. This work has started but is not complete. In October 2019, the backlog of OASys assessments was 15, a reduction of five compared with September. There is an ongoing issue of prisoners being transferred to the establishment without their OASys being up to date.

11.9 Pending the implementation of OMiC, which will introduce new arrangements for public protection, OMU staff report that the current system is working well, with good attendance at public protection meetings.

11.10 The prison runs the Thinking Skills Programme (TSP) and the CARE (Choices, Actions, Relationships, Emotions) programme. In October 2019, one TSP programme had been delivered and it was anticipated that the target of 27 completions would be met within the year. In 2019, three CARE programmes have been delivered, with a total of 22 starts and 19 completions. Feedback from the groups is very positive, with examples from November 2019 including:

‘A greater understanding of myself and a focus on the good things that I want for my future’

‘I have really enjoyed all aspects of the CARE programme, and it has definitely provided me with some very useful skills to practice when I am emotionally heightened’

‘Now, when I feel like I am about to explode, I think to myself, I have nothing to prove and everything to lose’

‘Helps you to understand and take back control of your emotions and relationships’

“THE Best I have ever engaged in, and it has had such a positive impact on my life’

11.11 The number of ROTL events has increased substantially this year, with one prisoner being released regularly for employment. There have been 284 ROTL events, involving 15 prisoners, compared with 45 ROTL events, involving seven prisoners, last year. The number of HDC releases has declined, despite the changes in policy which encourage its use. There were 47 in this reporting year, compared with 70 in 2018. The lack of suitable accommodation is seen to be a significant factor.

11.12 The average number of foreign national prisoners at the prison this year has been between 15 and 25. Many have been transferred to other establishments, and only four have been deported from HMP Foston Hall. Support is offered by a specialist probation officer, with support from a peer adviser. The group support offered used to be for one hour per week but,

due to staffing issues and time constraints, this has been reduced to a monthly two-hour session.

11.13 There are regular support meetings and a foreign national prisoner surgery, attended by an immigration enforcement officer, who provides advice and guidance, and inducts prisoners entering the immigration process. A very positive link has been established with the St James Centre in Derby. This charitable organisation provides volunteers who offer pastoral support, interpreting services, advice and craft sessions, as well as post-release assistance to foreign national prisoners released to Derby. Currently, this work is funded via the National Lottery Fund, and applications are now being made to various organisations, so that this work can be continued.

11.14 There are nine IPP prisoners in Foston Hall who remain in custody beyond their tariff date. They include one prisoner who is 12 years past her tariff date and four who are around nine years past their tariff date.

C Section – Work of the IMB

BOARD STATISTICS	
Recommended complement of Board members	10
Number of Board members at the start of the reporting period	12
Number of Board members at the end of the reporting period	8
Total number of visits to the establishment	286
Number of segregation reviews attended	21

D Section – Applications to the IMB

1 December 2018 – 30 November 2019

Code	Subject	Current year	2017/18	2016/17	2015/16
A	Accommodation, including laundry, clothing, ablutions	4	3	23	25
B	Discipline, including adjudications, IEP, sanctions	7	4	5	2
C	Equality	2	7	3	7
D	Purposeful activity, including education, work, training, library, regime, time out of cell	12	12	13	24
E 1	Letters, visits, telephones, public protection restrictions	11	11	15	16
E 2	Finance, including pay, private monies, spends	20	7	13	10
F	Food and kitchens	7	6	8	12
G	Health, including physical, mental, social care	35	88	77	65
H 1	Property within this establishment	17	23	21	19
H 2	Property during transfer or in another establishment or location	13	3	10	11
H 3	Canteen, facility list, catalogue(s)	7	9	5	4
I	Sentence management, including HDC, ROTL, parole, release dates, recategorisation	5	20	14	21
J	Staff/prisoner concerns, including bullying	39	56	48	64
K	Transfers	24	12	24	14
L	Miscellaneous	30	28	34	34
	Total number of IMB applications	233	289	313	328