



Dame Anne Owers

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MoJ ref: ADR81163

3 September 2020

By email: Anne.Owers@justice.gov.uk

Dear Dame Anne,

IMB NATIONAL ANNUAL REPORT 2019- 2020

Thank you for your National Annual Report, published on Thursday 3 September. I value the independent scrutiny provided by the Independent Monitoring Boards (IMBs) and appreciate your continued commitment to monitoring the prison estate this year and during the Covid-19 pandemic.

I was pleased to note that your report outlines a number of positive findings which include maintenance arrangements, increased support from local Community Rehabilitation Companies, increased staff numbers and improvements in regimes, and healthcare provision.

Your report also raises a number of concerns which I have had the opportunity to consider. I have outlined, in the annex to this letter, the action that has been taken or is planned to address these concerns, focusing on the key points you have raised in the introduction to the report.

Thank you again for your annual report and for your continued support to undertake this valuable public service.

Yours sincerely,

LUCY FRAZER QC MP

Staffing

Your report raises concerns about staff shortages and a high proportion of inexperienced staff. We have recruited large numbers of new staff, with currently 22,169 FTE band 3-5 officers in post. This is a slight decrease of 153 (0.7%) since your last national annual report, and a slight increase of 241 (1.1%) compared to 31 March 2020. I recognise that it will be difficult to get the kind of results that are required unless officers have experience and we plan to work with the prisons which are losing the most experienced officers to understand why this is happening. An enhanced exit interview process is being developed and, where possible, we are offering financial incentives to retain experienced staff. In addition, where it is difficult to recruit and retain staff, we are using market supplements and a tailored approach to recruitment advertising.

Key Work

Prisoners are now supported and case managed throughout their sentences using the Offender Management in Custody (OMiC) model. By the end of December 2019, implementation of key work had been completed in all 92 closed male prisons. Roll out in the women's estate was due to commence in April 2020, however this had to be postponed due to the impact of Covid-19. We hope to recommence the first phase of implementation in the coming months. Emerging findings from evaluating key work so far suggest it is improving staff and prisoner perceptions of safety in our prisons.

Safety

I recognise the close links between violence, drugs, debt and contraband, and work is underway to address this. We are working with law enforcement and health partners across government to restrict the supply of drugs, reduce demand and build recovery. Action has also been taken to strengthen the frontline, recruiting extra staff and providing the tools and training to help them reduce violence. We have introduced the Challenge, Support and Intervention Plan (CSIP), a prisoner-centred framework for managing violence, and a good governance toolkit has been developed and shared across the estate to help improve governance and ensure that all use of force is scrutinised appropriately and good practice is shared.

Your report also highlights concerns about the safety of children at some establishments. We are working to address the risks and meet the needs of children through the Youth Custody Service (YCS) Behaviour Management Strategy. The strategy focuses on early intervention and an initial universal approach, with increasing levels of intensity and specialisation based on individual need to prevent further deterioration in behaviour. This is underpinned by the SECURE STAIRS framework, which is jointly led by NHS England and NHS Improvement with the YCS.

I was pleased to note that some boards were optimistic about the revised Assessment, Care in Custody and Teamwork (ACCT) process and training, and we hope this continues across the estate as we plan to refresh our safety training package later this year. This will include an enhanced mental health training package for staff supporting complex individuals and refreshed modules on the revised ACCT case management process. I recognise that support from staff is crucial to reducing levels of self-harm and suicide and we have therefore launched a new suicide prevention learning tool, in partnership with the Samaritans, which is designed to give staff more confidence in engaging with prisoners who may be at risk of suicide.

I note your concerns that self-harm in the women's estate is high. Support is being provided through our Women's Estate Psychology Services (WEPS), which have previously developed specialist interventions designed to support the most complex women within our care. In addition, a taskforce has been set up to help coordinate and drive current work underway to reduce self-harm in the women's estate. The Task

Force will ensure that strategies and interventions are consistently and effectively embedded, and will also look at how best to influence sentencers regarding the appropriateness of using custody as a place of safety.

Segregation

I was pleased to note that some boards reported that the use of segregation had reduced, and alternative options to support prisoners were being explored. However, I share your concerns about the length of stay in segregation, particularly in the Long Term High Security and Women's Estates, and the impact this has on prisoners with mental health needs. I assure you that all establishments must have arrangements in place to monitor their use of segregation.

In terms of the impact of segregation on mental health, care plans must be in place for prisoners segregated for a continuous period of more than 30 days. Particular care must also be given to authorising continued segregation of a prisoner on an open Assessment, Care in Custody Teamwork plan (ACCT) or an ACCT in post-closure phase. Governors and Prison Group Directors (PGDs) are aware that continued segregation should occur only in exceptional circumstances, and an ACCT case review must take place at the same time as the Segregation Review Board. Support and advice on the care and management plans for complex and challenging individuals in the women's estate is being provided through the national complex needs team.

In the Youth Estate, following publication of the HM Inspectorate of Prisons (HMIP) thematic on separation in under 18 YOIs in January, we established a taskforce to look at separation with findings published on 18 June. We have committed to developing a new system of separation, with a member of staff introduced to lead on the creation of this new policy which is anticipated to be completed in the summer of 2021. A range of immediate actions were also taken in response to these findings, including the introduction of additional resources to ensure robust management and improve national and local oversight, and the introduction of a national single point of contact reviewing oversight arrangements for separation.

Accommodation

Your report highlights a number of improvements in accommodation over the last year, as backlogs of both reactive repairs and planned maintenance tasks have reduced. Performance against statutory compliance has seen a substantial improvement, with the average across the sites now around 96% compliant. To ensure that this progress continues, we have secured an additional £156 million in 2020/21 to address some of the most immediate maintenance issues across the prison estate. We intend for this to contribute to improvements in fire safety and other critical systems, worn out and failing infrastructure, such as boilers and electrical systems, and the refurbishment of some cells, showers and serveries.

We will continue to work closely with our facilities management providers Gov Facility Services Ltd (GFSL), Amey and Mitie, as well as with prison governors, to drive improvements to the existing contracts and services and ensure we are providing a safe, decent environment that enables rehabilitation. Contractor performance is robustly monitored and we take prompt action where standards fall short.

Health

I was pleased to note that some boards reported notable improvement in healthcare provision, however I recognise your concerns about the ongoing impact that staffing constraints have on healthcare provision and escorts to medical appointments at some establishments.

With regards to escorts, as part of general resource management, establishments must prioritise where to direct resource when staffing is insufficient to deliver the full profile of work. These priorities are discussed as part of weekly Regime and Resource planning meetings and include contributions from service

providers. In addition, action is being taken to accelerate recruitment activities, including additional face to face assessment centres, and the implementation of 'virtual' assessment centres which will be rolled out to Prison Officer recruitment in the coming months.

Mental Health

I share your concerns about transfers under the Mental Health Act. We have a responsibility to ensure those in prison receive appropriate care in the right setting, at the right time. If a prisoner is suffering from a mental health problem to an extent that warrants detention under the Mental Health Act, they should be transferred to hospital. I recognise that this process currently takes too long, and evidence is now being collected by health and justice partners to further identify where secure transfers to mental health facilities work well and how delays arise.

In addition, The Independent Review of the Mental Health Act highlighted that there remain cases where sentencers appear to make decisions that prison is the safest option for some people who are mentally unwell, and made a recommendation that prison should not be used in this way. This recommendation is being considered and we plan to respond to this in the Mental Health Act White Paper, due to be published in the coming months. In addition, HMPPS is leading a project to better understand how these cases arise, and it is hoped that this project will provide more data and detail about what stage in an individual's journey through the Criminal Justice System this decision is made, to inform how we approach making change.

Equality and Diversity

Race and Ethnicity

The HMPPS Equality Strategy 2018-20 has been designed to set out the core diversity and inclusion priorities for staff and service delivery, as well as align with and strengthen the delivery of the recommendations made by The Lammy Review. Progress has been made against the key strategic recommendations outlined in The Lammy review, and there are continued efforts to ensure that where there is disproportionality, we are actively working towards reducing this.

Age and Disability

The MoJ is committed to ensuring the criminal justice system treats all those who come into contact with it fairly, including older prisoners, individuals with physical disabilities, and people with neurodiverse conditions such as learning disabilities and autism. The Department of Health and Social Care (DHSC) and the Department for Education (DfE) are currently leading a refresh of the cross-government Autism Strategy, for which the MoJ is one of five signatories. This includes work to improve data capture on autism, and to increase the ability of prison and probation staff to better understand and support individuals with autism through training and awareness.

I was pleased to note the good practice identified on meeting the needs of older prisoners and on social care, but also recognise that there is more to do to ensure that prisons are meeting the needs of this cohort consistently. We are developing an older offenders' strategy which will address the needs of this cohort by ensuring that they are placed in appropriate provision, can access a meaningful regime and health and social care, and that they are prepared for their return to the community on release.

Foreign National Offenders

Work is being carried out in MoJ and HMPPS to significantly improve resettlement provision for Foreign National Offenders (FNOs) across the prison estate. Support will be provided through a national advice and guidance team which will be set up to support prisons and FNOs. In addition, the Criminal Casework Team has been restructured to expedite cases enabling FNOs to be either deported or released from detention as soon as possible. A Service Level Agreement between HMPPS and the Home Office, signed

in January 2020, ensures detention paperwork is sent to the prison at least 30 days prior to the conditional release date wherever possible.

Education, Work and Purposeful Activity

We are committed to strengthening the current education and careers guidance offer to ensure more prisoners can sustain employment on release, and therefore intend to create a Prisoner Education Service (PES) that focuses on work-based training and skills to help reduce reoffending and improve employment opportunities for ex-offenders. Plans for developing the PES will build on actions taken under the previous administration where reforms included a common curriculum, introducing awarding bodies for the most popular subjects across the estate, and devolving education budgets to local governors from April 2019. The established HMPPS New Futures Network (NFN) will continue to build partnerships with employers to provide relevant training in prisons and work on release.

There will always be a degree of transition when there is a change in supplier. However, these contracts have a range of supplier obligations as well as quarterly performance payments linked to the quality of the teaching (Teacher Quality Management Plan). There will also be the opportunity to seek mitigation and resolution through a formal Improvement Notice procedure, which will ensure that standards can be brought to account.

I was pleased to read that attendance at education in the youth estate improved throughout the year and recognise the value of vocational and practical workshops. To address this, the YCS is developing a new approach to learning provision for children in YOIs (in England) that will see services more flexibly delivered to meet the diverse and changing needs and interests of children in custody. The principles of this new approach include tailoring learning to individual needs, enabling positive outcomes, and reintegration and desistance from offending. Establishments will be able to provide a flexible curriculum within the hours available for education provision, and learning should be flexible in its use of space, time and resources. There will also be recognition of the value of a balance of classroom-based learning, learning activity in less formal routes, vocational pathways, enrichment activity, sport, and behavior management interventions.

Prisoner Property

I recognise the difficulties associated with the handling of prisoners' property. Considerable work has already been undertaken on the drafting of a new policy framework to replace Prison Service Instructions (PSI) 2011/12. A project was also completed last year which involved visiting 14 prisons, consultation with staff and prisoners, and engagement with stakeholders, including the IMB Secretariat and Prisons and Probation Ombudsman (PPO).

Further discussions with IMB members began with the IMB Secretariat in February 2020 and I am pleased to note that, after a pause in consultation due to Covid-19, this is now moving forward again. Meetings with IMB representatives and prison staff are scheduled for the coming weeks, and we plan to circulate the draft policy framework for wider consultation at the end of 2020.

In addition, property identification numbers will now be entered on the digital platform rather than recorded by hand on the paper Person Escort Record (PER). This will enable better tracking of property, should it be lost in transit.

Resettlement

Your report highlights the lack of housing on release as a significant concern and contributing factor to reoffending. Over the next 12 months, Ministry of Justice will be working with Ministry of Housing, Communities and Local Government, Welsh Government and other Government Departments to develop a strategic vision for reducing reoffending, as part of our commitment towards delivering against the

Government's manifesto. A key aspect to this approach will be the provision of accommodation for those with a history of offending. In addition, the operational national Accommodation Framework, recently published by HMPPS, sets out the responsibilities of both the agency and their partners, in ensuring that offenders can access settled accommodation. In addition, the demand and capacity of Approved Premises and Bail Accommodation and Support Services provision is currently being reviewed, with a view for future expansion to support the new unified probation model.

I note your concerns about progression for young people under 18. Engagement work has concluded on the 'Transitions from Youth to Adult Custody' policy framework, which will help clarify and formalise the current transition process for staff and young people. We have also commissioned a joint project to develop a formal pathway for the transition of young people. This will provide a clear structured route and provide young people with more certainty about their pathway to the young adult estate with the clear aim of improving outcomes for young adults. The initial project findings will report in December 2020.

In addition, the YCS has established a Resettlement Working Group with representation from both custody and community to develop a framework for resettlement for children in custody that will consider the findings from the Youth Justice Board's 'How to Make Resettlement Constructive' document and the joint HMIP thematic into resettlement, and the subsequent internal casework review.

Covid-19 Recovery

The National Framework, published by the MoJ on 2 June 2020, sets out how we will support prisons to continue to open up regimes, including supporting family visits, education and purposeful activity. The interventions taken by HMPPS in custody have reduced the potential impact in prisons from up to 2,300 deaths forecast in March, to a potential 100 over the course of the pandemic based on Public Health England modelling. We have taken further steps to protect prisons from infection, including implementing the compartmentalisation of the estate, and the use of testing, to facilitate the opening up of regimes whilst preventing infection entering establishments.

I am pleased to note that the majority of prisons are now implementing Stage 3 of the National Framework, meaning more in person family contacts and rehabilitative activity, albeit Stage 3 is intended as a cautious step. A move into Stage 2 of the Framework at a national level has now received Ministerial approval, and this will allow prisons to take greater steps to safely reinstate regime activity.

The work of the IMB

Finally, I note that your report references the statutory footing of the IMBs. We are currently carrying out a consultation on potential legislative options for strengthening the independent scrutiny bodies including the IMBs. This includes considering the option of placing the governance structure on a statutory footing. The consultation opened for responses on 19 August 2020 and closes on 30 September 2020. At this stage, all options are open as we consult with those impacted, and we will consider all responses when analysing our options.