



**Annual Report of the  
Independent Monitoring Board  
at HMP/YOI Brinsford**

**For reporting year**

**1 July 2019 to 30 June 2020**

**Published January 2021**

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## **Introductory sections 1 – 3**

### **1. Statutory role of the IMB**

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

Under the National Monitoring Framework agreed with ministers, the Board is required to:

- 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
- inform promptly the Secretary of State, or any official to whom authority has been delegated as it judges appropriate, any concern it has
- 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.

The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is an international human rights treaty designed to strengthen protection for people deprived of their liberty. The protocol recognises that such people are particularly vulnerable and aims to prevent their ill-treatment through establishing a system of visits or inspections to all places of detention. OPCAT requires that States designate a National Preventive Mechanism to carry out visits to places of detention, to monitor the treatment of and conditions for detainees and to make recommendations for the prevention of ill-treatment. The Independent Monitoring Board (IMB) is part of the United Kingdom's National Preventive Mechanism.

## **2. Description of the establishment**

3.1 HMP Brinsford is situated north of Wolverhampton, in the West Midlands. It holds both remand and sentenced young men, mainly between 18 and 21 years of age, with a small population of over-21 male category C prisoners who are transferred from other local prisons.

Prisoners are housed in five two-storey residential blocks, with two wings on each block. Each wing has some single and some double cells. All cells have in-cell sanitation, but shower facilities are provided elsewhere on the wing hub (other than on residential block 5, which has in-cell showers).

The first night centre provides a 15-bed facility for new prisoners, and an inclusion unit, to help those with substance addiction problems.

Other residential blocks provide a variety of functions, including support for development and a progression unit for prisoners who require extra help, an assessment and an induction programme. The care and separation unit (CSU) is a 16-bed unit in a separate block.

The contract for providing healthcare services is held by Care UK, which has provided a reasonably good service throughout the reporting period. General practitioner services are provided on a contract basis, and include an out-of-hours service. Some prisoners have serious mental and behavioural issues, requiring both psychiatric and psychological support, which is provided by the healthcare trust.

The establishment is fully operational and is able to accommodate 577 prisoners when all cells are able to be used.

Education and training facilities are provided by Novus.

## **3. Executive summary**

### **3.1 Background to the report**

This report presents the findings of the Board for the period 1 July 2019 to 30 June 2020. For the period prior to the COVID-19 restrictions, our evidence comes from observations made during visits, scrutiny of records and data, informal contact with prisoners and staff, and prisoner applications.

Since February 2020, the COVID-19 outbreak has had a significant impact on the Board's ability to gather information and discuss the contents of this annual report. The Board has therefore retained contact with the prison via remote monitoring and telephone calls. Inevitably, there is less detail and supporting evidence than usual. Regular information is being collected specifically on the prison's response to the pandemic.

The education contract did not meet the needs of the prison prior to the COVID-19 regime being in place.

Subsequent to the lockdown, Novus failed to deliver any meaningful service to prisoners, who were behind their doors for up to 23 hours a day. Whatever education provision was required within the contract was not delivered, despite the contractor being paid. The way the contract has been written makes it very hard to challenge.

However, similarly to last year, the Board has determined that the staff are running a safe prison and that, overall, despite a very restricted regime since March 2020, prisoners are treated fairly.

As noted in previous reports, there continue to be ongoing incidents of violence, self-harm and substance misuse (see section 4), although the Board notes that these are all reducing because of the COVID-19 restrictions limiting time out of cell.

Gang culture remains a problem that causes friction between prisoners, and is often a cause of premeditated violence.

The training and rehabilitation of prisoners were good prior to March 2020 but were reduced to an absolute minimum from March to the end of the reporting period.

Prior to March 2020, the number of activity places was far too low, which meant that many prisoners were unemployed. Once the COVID-19 regime ends, the Board will need to conduct a detailed review of access to education places and the number of courses available, with checks relevant to the needs of the prisoners.

There remains a problem in relocating prisoners with mental health problems to more suitable treatment centres. Healthcare staff do an excellent job but it takes far too long to find a bed elsewhere for those prisoners assessed as being in need of one. This remains an ongoing and unacceptable concern that we have highlighted in annual reports for the last few years.

## **3.2 Main judgements**

### **How safe is the prison?**

In the judgement of the Board, Brinsford remains a safe prison, and this is evidenced, particularly during the challenges of lockdown, by the reduced levels of self-harm and violence (see section 4). It remains to be seen whether this can be sustained if the lockdown continues and frustrations rise.

The deficiencies of rehabilitative work and preparations for release have been the subject of frequent comment in recent annual reports. Little has changed, and details of these deficiencies can be found in the Board's reports for 2017/18 and 2018/19.

### **How fairly and humanely are prisoners treated?**

In the context of the current COVID-19 lockdown, the Board considers that prisoners have been treated as fairly and humanely as is possible, despite the severe constraints upon their movement, and access to family visits and activities. Prisoners have appreciated some additional benefits, such as extra telephone credit and the removal of the basic regime, whereby prisoners were not allowed a television. Prisoners we have spoken to recently have understood that the slow progress in the return to the normal regime is not within local management control.

Before COVID-19, there was only one prisoner self-isolating from the daily regime, to avoid bullying. Officers brought him into safe areas where he could work and not be in contact with other prisoners.

There remain concerns that some difficult category B prisoners are spending long periods at Brinsford, despite local efforts to relocate them to a more suitable environment. This is often due to the reluctance of other establishments to take them.

These difficult prisoners can spend a long time isolated in the CSU because of issues that render them unsuitable to mix with others on a normal regime. The Board believes that either the population management unit or the Prison Group Director's office should accept responsibility for prioritising these transfers. This has been highlighted in the last three annual reports.

### **How well are prisoners' health and wellbeing needs met?**

Overall, the Board considers that prisoners' health and wellbeing needs are largely being met.

### **How well are prisoners progressed towards successful resettlement?**

In general terms, prisoners progress well towards release but the limited provision by the Probation Service has created significant problems, in terms of completion of sentence planning and risk assessment work during the COVID-19 crisis.

## **3.3 Main areas for development**

### **TO THE MINISTER**

1. The ability to retain possession and control of prisoners' property when transferring to the prison remains poor. At best, the control is inconsistent, and often frustrating to prisoners, who fail to get competent, accurate or even legible responses to their complaints via the complaints system.

As this failure remains, despite repeated reassurances and promises to create a system that removes the frustrations caused to prisoners and staff:

**Can the minister provide a date for the introduction of a new information technology system worthy of the 21st century, which can replace the current inefficient and cumbersome paper-based systems in place?**

2. Little has changed since last year, when the Board's report said:

*The education contract is not fit for purpose. Too many classes are cancelled and the number of courses on offer is much lower than Brinsford needs. The provider needs to be challenged and made to deliver what the residents need. Investment in education would have a positive effect on violence and self-harm, as residents would be occupied during the day and better qualified on release.*

Based on rota visits and monitoring observations prior to the COVID-19 lockdown, and the withdrawal of education service provision by Novus during the lockdown, the Board now has to raise these same concerns.

It is the Board's considered view that more focus should be provided to facilitate prisoners in learning basic mathematics and English in a work setting and not the classroom.

### ***TO THE PRISON SERVICE***

The education contract provision is recognised as poor, and the choice of courses available is also poor. Consequently, the prison fails to provide a practical work and learn facility.

The fabric of the prison is poor, and currently needs more investment in maintenance and refurbishment.

**What steps will the Prison Service take to review the relevant contracts to address these issues, to support the efforts of the local leadership team?**

**As the COVID-19 restrictions are eased and education provision is restarted, what steps will the Prison Service take to ensure that the contract requires the provider to deliver meaningful and beneficial education to prisoners?**

### ***TO THE GOVERNOR***

There are prisoners who do not want to go to a classroom to learn; they need to learn 'on the job', similarly to national vocational qualification provision, to enable them to get jobs on release.

**What changes to the curriculum will be introduced?**

## **3.4 Progress since the last report**

Several (but not all) areas highlighted in last year's report have continued to improve.

These include the rehabilitative culture, a decrease in the use of psychoactive substances (PS), improvements in the quality of food and provision of healthcare services, and the relatively low occupancy of the CSU. The management of violence and self-harm during lockdown has been effective, and some useful lessons have been learnt by staff, who have had to work differently and creatively.

The Board recognises that there has been a small improvement in moving mental health patients on to suitable accommodation in a more timely manner, although there are still many long waits.

## Evidence sections 4 – 7

### 4. Safety

In the reporting period, the senior leadership team (SLT) has continued its drive for greater safety within the prison, to follow up the improvements of last year. This is particularly applicable in the area of self-harm, where, through focused efforts, the Board has observed that there has been a reduction of nearly 50% in the number of self-harm incidents.

The number of 'reportable' incidents has reduced by 32% this year.

#### 4.1 Reception and induction

Reception works well, apart from resolving property issues.

#### 4.2 Suicide and self-harm, deaths in custody

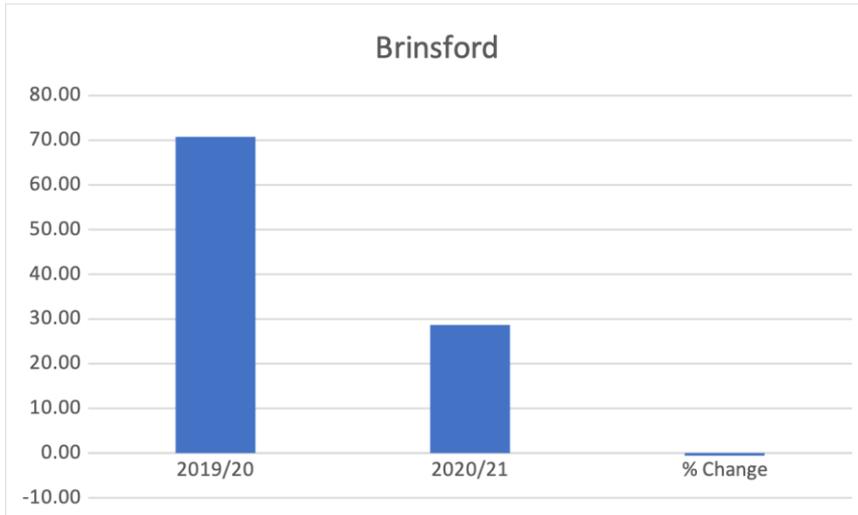
There were no deaths at Brinsford in the reporting period.

There was a considerable spike in the number of self-harm incidents at the start of lockdown, but this spike reduced during the ensuing months (see figure below). The main causes of self-harm are gang-related issues, debt, bullying and boredom. The Board has noted that the prison has had to manage a few complex, prolific self-harmers, who have contributed disproportionately to a large proportion of cases.

Staff have made considerable efforts to help these prisoners, many of whom have been moved on successfully to safer places (in contrast to previous years).

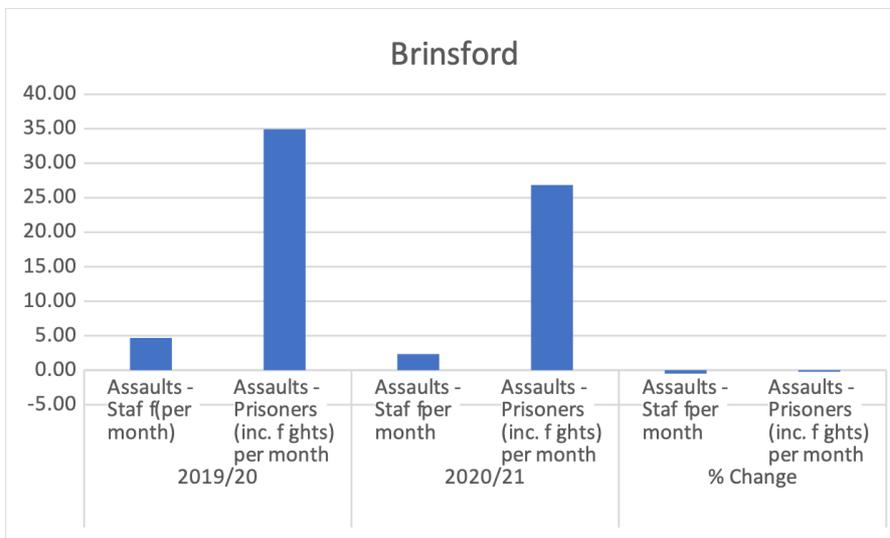
	2019/20	2020/21	
	Self-harm incidents (per month)	Self-harm incidents (per month)	% Change
Brinsford	70.75	28.67	-59.48%

#### SELF-HARM INCIDENTS YEAR ON YEAR



### 4.3 Violence and violence reduction, self-isolation

The number of recorded serious assaults has been in decline during the reporting period (see figure and table below). Despite many successful finds, prohibited items continued to reach prisoners, creating opportunities for bullying and violence.



	2019/20		2020/21	
	Assaults – staff (per month)	Assaults (inc. fights) – prisoners (per month)	Assaults – staff (per month)	Assaults (inc. fights) – prisoners (per month)
Brinsford	4.67	34.92	2.33	26.83

% Change	
Assaults – staff (per month)	Assaults (inc. fights) – prisoners (per month)
-50.04%	-23.16%

Before COVID-19, there was one prisoner who isolated from the daily regime, to avoid bullying. Officers brought him into safe areas, where he could work and not be in contact with other prisoners. Since lockdown, and within the reporting period, there has been only been one self-isolator identified.

#### 4.5 Use of force

The number of incidents requiring the use of force remains high. Senior managers have recognised this and have set up regular meetings to review each case.

The Board has observed (acknowledged by the prison) that there is a need to improve the quality of the paperwork for use of force incidents. The Board has observed that use of force paperwork is inadequately completed

There have been three instances where PAVA has been used and several occasions where batons have been drawn. The Board has reviewed these incidents and considers that all such uses were fair and reasonable.

#### 4.6 Substance misuse

Access to drugs has continued to be a concern, with prisoners often one step ahead of security activity to prevent the influx of prohibited items. All post is tested for illicit items prior to distribution. In the reporting year, there has been an increase in PS-impregnated paper being posted to prisoners in the form of fake solicitor letters. The security department has focused on increasing the detection of PS entering the prison in this way, and the prison's own data detected a particular spike at the outbreak of the pandemic.

## **5. Fair and humane treatment**

### **5.1 Accommodation, clothing, food**

A project started last year, installing in-cell telephones. These were welcomed by prisoners when the COVID-19 restrictions began, providing them with the opportunity to keep in touch with their families (especially their children who might not be able to visit the prison) who were also able to tell them of the restrictions in the community. Consequently, prisoners had much more of an understanding of lockdown and subsequently accepted the prison's restrictions.

### **5.2 Segregation, special accommodation**

The SLT is focused on reducing the need for segregation of prisoners after an incident, with a greater emphasis on discerning which incidents require a 'cooling off' period (thus allowing the participants to remain in residential areas), as opposed to those of a more serious nature requiring segregation in the CSU.

### **5.3 Staff-prisoner relationships, key workers**

The key worker programme introduced last year had a good start. However, the scheme's success stuttered as time went on, and has almost disappeared during the pandemic regime. The Board considers it a priority for this programme to be resurrected as soon as possible.

### **5.4 Equality and diversity**

In the reporting year, there have been very few complaints relating to equality and diversity. Those that were submitted were investigated fully, with the involvement of the Board pre-COVID-19.

### **5.5 Faith and pastoral support**

The Board notes that the chaplaincy team contributes significantly to the positive atmosphere at Brinsford through their hard work. They have organised many events throughout the year. One team member won a national award for his work in Brinsford.

### **5.6 Incentives and earned privileges (IEP)**

The IEP scheme continued to operate via the basic, standard and enhanced levels. Since the start of the COVID-19 regime, the basic level has not been used and televisions are not being removed from cells. This has meant that some prisoners have been 'pushing boundaries', as they are aware that their television will not be removed following bad behaviour.

### **5.7 Complaints**

Brinsford received 1,449 complaints from prisoners during the reporting period.

### **5.8 Property**

The Board has major concerns and frustrations over how the Prison Service continues to countenance a clearly failing system that gives little or no value to a prisoner's property, which can often involve his worldly goods and personal mementoes.

## **6. Health and wellbeing**

### **Pre-COVID-19**

Healthcare services are provided by Care UK. The 'outpatient' department continues to provide a good service, with many positive comments from prisoners.

While the problem of non-attendance at appointments continues, the recruitment of 'health champions' (specially trained and trusted prisoners) has shown that this particular problem is recognised as a concern. The champions' brief is not only to 'sell' the benefits of good health, but also to 'chase' those who do not attend. The two champions were working to eliminate this problem by making certain that appointment cards were delivered accurately (thus cutting out the 'did not know' excuse).

As reported last year, one area of real concern remains. The Board has repeatedly expressed concern regarding the number of mental health patients held at Brinsford. While they are well catered for by the staff, with the facilities available to them, the Brinsford mental health team do not have the facilities and are not equipped to deal with those with severe mental health problems.

If they are to progress, these prisoners need to be move on to more suitable accommodation. While there has been an improvement in this area since the last report, it is still an issue.

Nursing staff and officers dedicated to the healthcare department have carried out some excellent work to help the vulnerable patients in their care. The area is well managed, and the Board agrees with a recent inspection that praised them for their work.

There has been a real reduction this year in the number of prisoners who have needed 'constant watch', which is a tribute to the staff.

### **Post-COVID-19**

Brinsford had a small number of prisoners who tested positive for COVID-19 during the lockdown. They were isolated on their wing. Healthcare staff continued to monitor them, and worked well with other prison staff to care for them. These prisoners recovered well, with no concerns.

New prisoners were kept in an 'isolation bubble' for two weeks before they were moved to the normal wings.

Staff were tested, and any with risk factors remained at home until they were safe.

Overall, Brinsford managed the initial stage of the pandemic very well, and healthcare staff were very satisfied with the arrangements. Board members joined morning meetings on the telephone for a number of weeks, and were kept up to date with all developments.

#### **6.4 Exercise, time out of cell**

As noted nationally, Brinsford has operated a very restricted regime post COVID-19, with prisoners confined to their cell for up to 23 hours a day.

## **7. Progression and resettlement**

### **Spaces for prison-based activities for the period 1 July 2019 to 31 March 2020**

Spaces for prison-based activities varied from 292 to 310 for each morning and afternoon session, depending upon whether programmes and induction were scheduled to run for the cohort.

This resulted in prisoners being allocated a place for the morning or afternoon opportunity to engage in education-based courses.

There were 70 education-based spaces per morning and afternoon session.

The increase in the number of spaces was due to a new opportunity, a construction-based course run by RMF Construction Services. Other additional spaces had been generated because of an increase in the prisoner/staff ratio.

Education spaces were reduced due to recruitment and retention of college staff.

Owing to a lack of full-time spaces, most prisoners spent half of each day in-cell.

### **Information for the period 31 March – 1 July 2020 (ongoing)**

From 25 March, all available activity spaces were halted unless classed as essential to the prison's business need.

Essential services were classed as kitchen workers, the T-packing contract, wing cleaners and British Institute of Cleaning Science (BICS) cleaners. This allowed the prison to have 123 prisoners still working within the restricted regime in morning sessions, and a further 123 in the afternoon sessions.

Approximately 440 prisoners had no work outside of their cell for the whole COVID-19 regime.

Prior to COVID-19, attendance against allocation to activity spaces averaged 84% for prison-based work and 80% for education. .

#### **7.1 Education, library;**

Prior to the lockdown in March, education provision was the major concern of the Board. Novus was not fulfilling many parts of their agreement, with a shortage of staff and increase in lessons being cancelled. A large amount of staff sickness, including the head of education being on long-term sick leave, resulted in limited leadership and management for the education department. This has been a consistent concern shared regularly with the Governor and SLT. A new head of education started at the beginning of the year, but little change has been seen in the second half of the year.

The Board is disappointed by the lack of commitment that the education department has shown during the COVID-19 lockdown period, resulting in very limited, verging on non-existent, provision to prisoners during the first part of lockdown and within the reporting period.

The contract for the provision of education was taken over by Novus in April 2019 but was only signed off nationally in May. At this time, there was a reduction in provision and attendance because of the contractual changes. The initial transition for staff was smooth but the provision of courses has been delayed because of recruitment problems.

A number of courses, identified by analysis involving staff and prisoners, and placed on the delivery plan, still have not been delivered. Actual figures of allocation and attendance at courses are not yet available but these are expected to be low.

Last year, the initial approach under Novus appeared to be proactive in tackling prisoner refusals, and investigating ways of attracting prisoners to attend courses and making lessons more innovative. This has not been the case this year. The Board notes that, as a young offender institution, Brinsford has many prisoners aged 18 to 21. Many of them will have been failed by education prior to being sent to Brinsford. At the time of writing, prisoners had had little or no education provision for over three months, during lockdown. While the Board appreciates that it has not been safe for staff to attend the prison wings, we feel that Novus staff could have done more remotely, to ensure that prisoners had learning resources such as work books, activities and exam preparation to complete.

Young offenders are still required to achieve basic English and mathematics standards at level 1 before they can start receiving more formalised training. This has traditionally been difficult to achieve, as in many cases this may involve trying to teach individuals who have either been let down by the education system in the past or who lack the motivation or interest to attend classes. It is important that all young offenders are adequately prepared for release, not only with academic qualifications, but also with practical training and a general 'work ethos'. The current education system at Brinsford is not allowing this to happen.

## **7.2 Vocational training, work**

Training suitable for young offenders and adults, to support them with employment on release, includes construction-based skills, which include training for the Construction Skills Certification Scheme (CPCS) card; BICS qualifications (cleaning) and forklift truck licence.

Partner agencies offer support with job search and CV skills prior to release.

### **7.3 Offender management, progression**

The prison departments involved in offender management, release and resettlement have been working well together during the reporting period, under very difficult circumstances in the latter part of the year because of the COVID-19 crisis.

Key workers were the primary contacts with the offender management unit (OMU) for all sentenced prisoners. However, during the COVID-19 restrictions, only high-risk, ACCT and vulnerable prisoners were seen by key workers.

Transfers to other prisons were severely limited during the latter part of the reporting period because of the impact of COVID-19. Through a Gold Command direction, many prisoners were transferred to Brinsford close to their release dates and out of area, which proved to be very challenging. Prisoners who had been recategorised to category D had little opportunity to transfer once COVID-19 restrictions started.

The Board is disappointed that short offending behaviour courses or rolling programmes are not available in Brinsford. This means that sometimes prisoners are released without having attended a rehabilitation course, although these are provided within the community. This should be an essential process before release.

During the COVID-19 restrictions, contact with prisoners has been via letter or use of the internal telephone. Face-to-face meetings were only used for urgent cases.

Approximately 26% of the population are remand prisoners at any given time. Remand prisoners do not fall within the scope of any services provided, so are not eligible for any offence-focused interventions or OMU services. They do not have a sentence plan.

### **7.4 Family contact**

Before lockdown, visits remained popular, well organised and, by and large, settled, with a good atmosphere. Many prisoners took this opportunity to see their families.

When lockdown began, visits were stopped; the provision of in-cell telephones helped prisoners maintain family contact. Extra telephone PIN credit made it possible for prisoners to use their telephone more regularly. 'Purple Visits' are available but have not proved popular, with only eight such video calls made per week, on average.

### **7.5 Resettlement planning**

The 'through-the-gate' team aimed to meet all prisoners 12 weeks prior to release, using the internal telephone during the COVID-19 restrictions, to assess their needs and to make necessary referrals. The community rehabilitation company has links to Trailblazers (which mentors young offenders), Talent Match (a provider of youth employment), the Prison Advice and Care Trust (PACT) and Safeguarding of Vulnerable Adults (SOVA). The link with The Prince's Trust is an area to be re-examined.

During the reporting year, very few prisoners were released with no accommodation, and those who were, were given appointments to see council homelessness officers and were then, during COVID-19, found temporary hotel or bed and breakfast places. Such places during COVID-19 were funded by the Homelessness Prevention Taskforce.

At the start of COVID-19, Nationwide Bank temporarily halted applications for bank accounts via resettlement, as they prioritised other business aspects. Applications are now being accepted.

It is worth noting that the number of ‘care leavers’ within the prison is around 25%. The Board considers that more support can and should be made available to help these individuals avoid the revolving door of release and return to prison in the future.

## 8. The work of the IMB

<b>BOARD STATISTICS</b>	
Recommended complement of Board members	16
Number of Board members at the start of the reporting period	10
Number of Board members at the end of the reporting period	9
Total number of visits to the establishment	167
Total number of segregation reviews attended	181 pre-COVID-19 34 post-COVID-19*

\* Mostly done by telephone.

## Applications to the IMB

<b>CODE</b>	<b>SUBJECT</b>	<b>CURRENT REPORTING YEAR 2019/20 (-) = post-COVID-19</b>	<b>PREVIOUS REPORTING YEAR 2018/19</b>
A	Accommodation, including laundry, clothing, ablutions	<b>2 (0)</b>	<b>11</b>
B	Discipline, including adjudications, IEP, sanctions	<b>1 (0)</b>	<b>6</b>
C	Equality	<b>0</b>	<b>4</b>
D	Purposeful activity, including education, work, training, library, regime, time out of cell	<b>1 (0)</b>	<b>8</b>
E 1	Letters, visits, telephones, public protection restrictions	<b>8 (3)</b>	<b>7</b>
E 2	Finance, including pay, private monies, spends	<b>1 (0)</b>	<b>5</b>
F	Food and kitchens	<b>0</b>	<b>1</b>
G	Health, including physical, mental, social care	<b>7 (1)</b>	<b>15</b>
H 1	Property within this establishment	<b>8 (2)</b>	<b>8</b>
H 2	Property during transfer or in another establishment or location	<b>5 (0)</b>	<b>12</b>

H 3	Canteen, facility list, catalogue(s)	<b>2 (0)</b>	<b>1</b>
I	Sentence management including home detention curfew, release on temporary licence, parole, release dates, recategorisation	<b>10 (1)</b>	<b>14</b>
J	Staff/prisoner concerns, including bullying	<b>9 (2)</b>	<b>15</b>
K	Transfers	<b>5 (0)</b>	<b>23</b>
	<b>Total number of IMB applications</b>	<b>59 (9)</b>	<b>130</b>



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