

8 January 2021

Sir Bob Neill MP
Chair, Justice Select Committee

(via email to: [Holly Tremain TREMAINH@parliament.uk](mailto:Holly.Tremain@parliament.uk)>)

Dear Sir Bob,

Update on Independent Monitoring Boards' findings: November/December 2020

I said that I would continue to provide a regular update on the findings of independent monitoring boards (IMBs) during the Covid pandemic.

During late November/early December, progress towards recovery had been halted and in some cases reversed because of COVID outbreaks both in prisons and in the community and the nationwide lockdown. This 'stop-go' situation caused growing frustration among prisoners, as well as weariness among staff and managers. With the new lockdown in England announced on 4 January, all prisons are now operating at stage 4, with very limited time out of cell and no social visits in the adult estate, so the situation will remain challenging for some months to come.

One of our serious concerns, which I have raised with ministers and the HMPPS Director-General for Prisons, Phil Copple, was that it emerged in the autumn that HMPPS had decided that from April 2020, the making of a ligature ('noosemaking') would no longer be a reportable self-harm incident. This has caused considerable concern not only for IMBs but also for the Prison and Probation Ombudsman and the Independent Advisory Panel on Deaths in Custody, neither of whom was informed or consulted when this decision was made in July 2019.

First, it alters the self-harm statistics, at a time when it is particularly important to be able to track trends and risks. The argument that it 'cleanses' the statistics, so that they reflect only actual self-harm, is not a compelling one: it means that incidents that are not life-threatening, such as superficial cutting, are recorded, whereas actions that could swiftly lead to death are not. There is also the signal that this sends to staff, that these incidents, which are sometimes dismissed as 'manipulation', are inherently less serious. Though I welcome the fact that Phil Copple has now sent a letter to prison governors emphasising that this should not downgrade the operational response to such incidents,

this may nevertheless over time be the unintended consequence, as well as changing the statistical base. I have made it clear to HMPPS and to ministers that it would have been helpful to have had these discussions earlier, and I welcome the fact that at a recent meeting of the Ministerial Board on Deaths in Custody, Phil Copple indicated that HMPPS will look again at how these potentially fatal incidents are recorded.

Other issues that were identified through IMB monitoring during this period include:

Safety

- Overall, there was a rise in self-harm and violence in many prisons, though this was not uniform either within or between regions. In the south central region, all but two boards reported increases; this was also the case in several south-west prisons. In the East Midlands and London, some boards reported significant increases, others reductions in self-harm. Self-harm remained high in many women's prisons, particularly Foston Hall. High levels of violence were reported at Cookham Wood YOI, and an increase in the severity of violent incidents elsewhere.
- There was growing concern about the number, and length of time, of prisoners on remand, as custody time limits have been extended. Forty percent of young people at Cookham Wood were on remand during this period. These are particularly vulnerable prisoners: at Leeds, with around half of the population on remand, there were three recent deaths of remanded prisoners. This situation is likely to worsen due to court delays.
- Staffing levels remained of great concern in many prisons, due to the number of staff self-isolating as well as those who are symptomatic. Some prisons have had to move to patrol state at times. This was the case, for example, at Frankland during November and as above, the situation will no doubt become even more challenging given the rise in COVID cases in the community.

Fair and humane treatment

- The inability to progress prisoners through the system continued to result in prisoners recategorised as B status being held in segregation, because they cannot mix with others. Similarly, the often-reported problem of slow transfer to secure mental health facilities continued, with reports of mentally ill prisoners spending over 84 days in segregation.
- There is ongoing IMB concern about the impact of the closure of a significant number of spaces in the open prison estate, especially at Ford, due to fire hazards. This is bound to have an effect on the ability to move prisoners to open conditions, as well as on the transferred men, who face considerable disruption.

- In general, even where there was some limited movement towards more normal regimes during this period, the very limited amount of time out of cell continued to cause concern, and was often restricted to 2-3 hours a day or even less in the adult estate, especially where there were staffing crises or outbreaks. The current lockdown will exacerbate this situation.
- Key work was still reported as being very patchy: boards in the south-west and in Kent, Surrey and Sussex reported little evidence of this.

Health and wellbeing

- As in the community, the incidence of COVID infections rose in many prisons, with current outbreaks in over 60 prisons in this period, some of them involving well over 100 prisoners; five prisons had already reverted to Stage 4 status by the first week of December, well before further restrictions in the community had been announced.
- Boards continued to report concerns about mental health support, with services struggling to meet need (linked to increased self-harm and long stays in segregation).

Progression and resettlement

- As in our previous updates, there remain considerable concerns about the patchy and in some cases ineffective education provision, though this appears to be better in private prisons. There still does not seem to be effective management of these contracts, or positive attempts to provide individualised remote learning, in many public sector prisons. There were still reports of generic distraction and education packs, delivered by uniformed staff and ‘dumped’ on wings; in Maidstone (a foreign national prison) they were available only in English. In some cases, boards were told that the teaching staff wanted to resume face-to-face contact with prisoners but were not permitted to do so. There were however some exceptions to that general picture, showing what can be achieved under good local leadership: for example, provision was reported as good at Stafford, and boards at Lindholme and Birmingham reported that the arrival of a new head of learning in each prison had resulted in a much more dynamic approach.
- The lack of programmes and progression opportunities are a concern in relation to prisoners’ ability to be ready for parole hearings.
- Accommodation post-release, which had been improving with the homelessness reduction programme, had again deteriorated. We understand that the programme has now resumed.
- Engagement by Home Office immigration enforcement with foreign national prisoners significantly reduced over the summer and was only slowly increasing, resulting in uncertainty regarding post-prison outcomes and, as reported by the board at

Maidstone, an increase in the number held in prison after the end of their sentences under immigration powers.

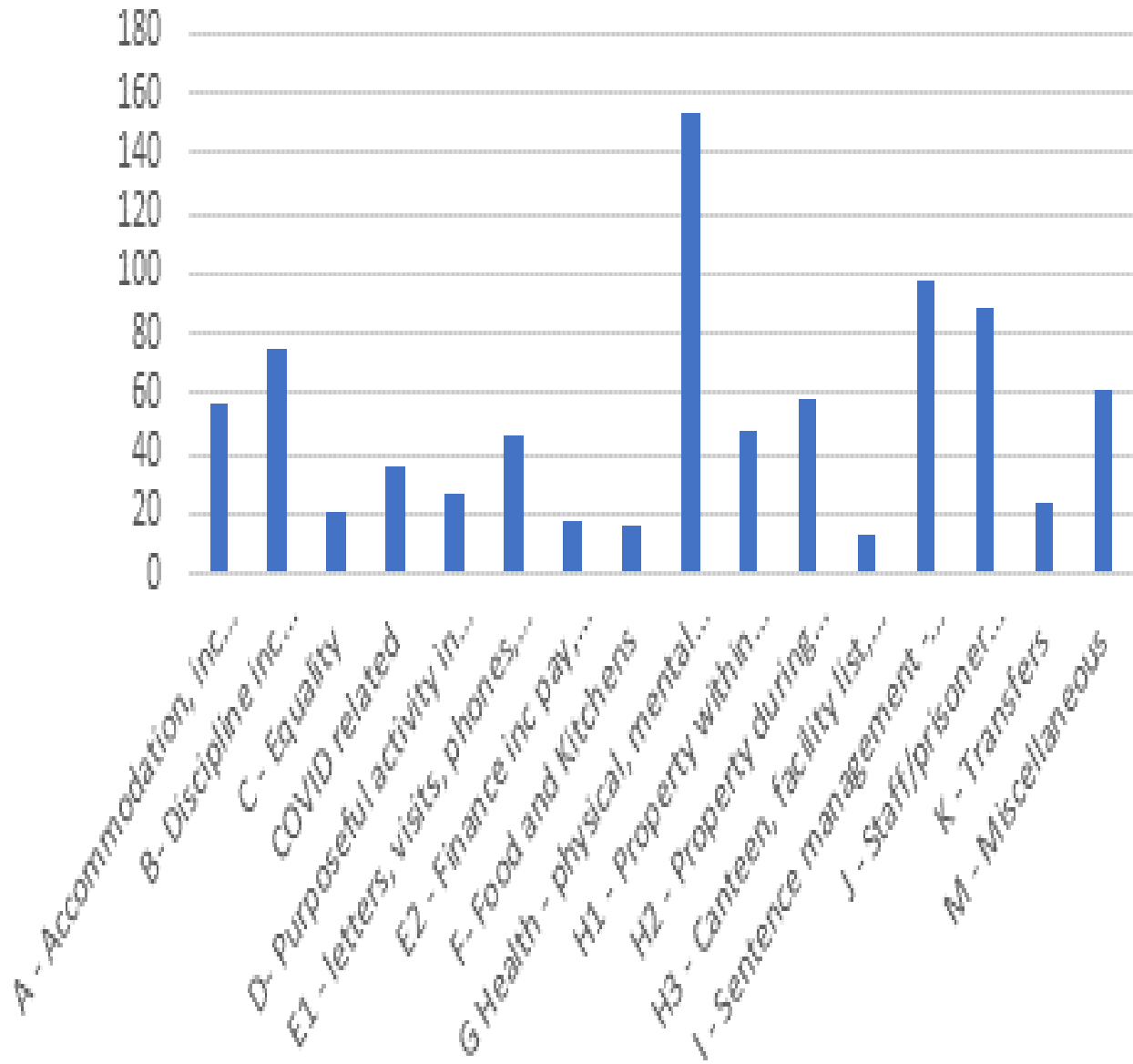
- Access to Purple (remote/video) Visits will continue to be important during COVID restrictions. Some IMBs are reporting limited access to the service. In general, this service is not provided in the evening and weekends, when prisoners' families are more likely to be available, we understand because of staffing issues.
- Release on temporary licence (ROTL) availability remains limited and is likely to be impacted further by lockdown.

Yours sincerely,

A handwritten signature in cursive script that reads "Anne Owers".

Anne Owers – National Chair, Independent Monitoring Boards

Count of Category



*graphic excludes repeat/follow up calls about one application