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Chair, Independent Monitoring Board  
HMP Elmley  
Church Road  
Eastchurch  
Sheerness  
Kent  
ME12 4DZ

**MoJ Ref:** SUB86517

26 March 2021

Dear ██████████

**HMP ELMLEY: INDEPENDENT MONITORING BOARD ANNUAL REPORT  
FOR 1 NOVEMBER 2019 – 31 OCTOBER 2020**

Thank you for your Board's report for the year ending 31 October 2020. I am grateful to you and your colleagues for your hard work in capturing these helpful observations, especially as I note you were short of Board members. I was saddened to hear of the death in custody; every death is a tragedy and my officials take recommendations from the Prisons and Probation Ombudsman very seriously.

I fully understand the Board's concerns about the number of prisoners that arrive at HMP Elmley with a mental health diagnosis. We recognise that providing the right interventions at the right time is vital to improving outcomes for people with mental ill health. The Criminal Justice Liaison and Diversion Service (L&D) provides early intervention for vulnerable people as they come in to contact with the criminal justice system. L&D also acts as a point of referral and a follow up for service users to ensure they can access, and are supported to attend, treatment and rehabilitation appointments.

Overall, L&D services aim to improve health outcomes and to support people in the reduction of re-offending, reduce unnecessary use of police and court time, ensure that health matters are dealt with by healthcare professionals, and reduce health inequalities for some of the most vulnerable people in society. The L&D services are adequately resourced to provide the commissioned services. This has been enhanced by additional funding being accessed for Peer Support Workers and the roll out of Community Sentence Treatment Requirements (CSTR), which allows judges to divert people into treatment services, including mental health treatment, through community orders designed to address the underlying causes of their offending. We are expanding the CSTR programme.

Regarding the effectiveness of L&D, we have seen positive benefits from the implementation of the national model such as an increase in the total number of people being identified with vulnerabilities, mental health needs, substance misuse and learning disabilities. Likewise, the increase in relevant and timely information available to police, courts and partner agencies allows for quicker availability of information and enhances magistrates' and police officers' confidence in their decision making and, in some instances, this has accelerated processes. NHS England and NHS Improvement (NHSE/I) intend to carry out a review through the L&D service provider of those successfully diverted from prison.

In terms of the Mental Health Act, the Government recently published, collaboratively with the Department of Health and Social Care (DHSC), a white paper which commits to introduce a statutory time limit of 28 days to transfer someone from prison to hospital when a remand or sentenced prisoner meets the threshold for hospital detention under the Act. New performance metrics are being developed by NHSE/I via a strategic reporting tool to monitor patients being assessed under the Act tracking the assessment and waiting periods for transfer. This will allow Commissioners to identify exceptional cases within prisons and act where necessary.

A NHS Benchmarking Network audit of transfers and remissions was commissioned for March 2020, however, the prison data return rate was significantly impacted by the Covid-19 pandemic. The data that is available provides a snapshot of delays in the system and this is currently being analysed. My officials are working with the DHSC to ensure patients are remitted back to prison as soon as possible after they complete treatment and those leaving custody are reconnected with health services in the community.

Turning to the positive comments captured in your report, it was encouraging to receive your comments that the treatment of prisoners was as fair as possible despite the conditions due to the pandemic. It was pleasing to hear that noticeable improvements were made to the inpatient department and patients now have contact with prison staff who can help with non-clinical issues. I am also grateful to the Board for acknowledging the challenges of the care and separation unit continued to be met by a very effective team of prison officers. I echo your praise to the staff at HMP Elmley for their efforts to combat drugs being smuggled into the prison. I welcome the Diversity and Inclusion related activities, in-cell telephony and the freephone application line facility making it easier for prisoners to communicate with the Board and family contact. Your comments about housing outcomes for prisoners on release are noted and I sincerely hope that the Together Kent project will make a difference.

I note you have raised some local issues of concern in your report which the Governor will continue to keep you aware of as work continues. HM Prison and Probation Service (HMPPS) comments in response to other issues raised in your report are set out in the attached annex.

The Justice Secretary and I appreciate the valuable role played by members of Independent Monitoring Boards throughout the estate and we are very grateful for your continued hard work on behalf of HMP Elmley.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alex Chalk'.

**ALEX CHALK MP**

## HMP ELMLEY: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 NOVEMBER 2019 – 31 OCTOBER 2020

### HMPPS comments on matters raised in the report

#### **Triple Occupancy Cells**

The Prison Group Director for Kent, Surrey and Sussex shares the Board's views on this matter and the Governor does not intend to bring this system back in to operation. However, this will be subject to national population pressures.

#### **Sentence Progression**

As part of the national reconfiguration project, HMP Elmley will transition to a new function providing Reception/Category C Trainer/Category C Resettlement services ultimately leading to long sentenced Category B prisoners being moved to other more appropriate prisons. This transition is currently under way.

When it comes to prisoners serving indeterminate sentences (both life and imprisonment for public protection), HMPPS remains committed to doing all it can to support their progression and reduce their risk, to the point where the independent Parole Board determines that they may be safely released.

All indeterminate sentenced prisoners (ISPs) should be located at an establishment best placed to meet their sentence planning needs in terms of interventions, and prison staff will seek out suitable locations for ISPs who are assessed as needing to access certain interventions in other prisons, as promptly as is reasonably possible. ISPs may have their parole reviewed at least every two years, depending on the specifics of individual cases, and may transfer during a parole review if it is to access a progression opportunity and providing it does not disrupt an impending parole hearing date. Prisons should seek out opportunities to progress their indeterminate prisoners at the earliest opportunity following the conclusion of a parole review to increase the chances of a timely and successful transfer.

HMPPS has developed a range of improved management information to assist in identifying which prisoners to prioritise for offending behaviour programmes (OBPs). The courses which are identified for all prisoners, including ISPs, vary by the specific assessed needs of the individuals. HMPPS is currently developing approaches to improve the allocations of prisoners from local prisons to better match their offending behaviour requirements.

There were a total of 67 prisoners assessed and waiting for an OBP in November 2020 as shown below:

- 28 assessed and waiting for Resolve
- 35 assessed and waiting for Thinking Skills Programme (TSP)
- 4 waiting for Building Better Relationships (BBR) domestic violence programme

Of these only nine were identified as post tariff ISPs waiting and three near tariff ISPs.

The current combined waiting list for TSP, Resolve and BBR increased to 109 in March 2021 as a result of further assessments being undertaken during Covid-19 restrictions. All these cases will be considered as part of a national prioritisation approach for treatment spaces. In the meantime, a national Gold Regime Panel exists to consider delivery (or transfer for delivery) in exceptional circumstances. There will of course be other prisoners eligible for a programme but whose programme suitability has not been assessed. As of mid-March 2021, there were seven post tariff ISPs assessed as waiting for a programme

(Resolve, TSP, Horizon-sex offender strand) and a further three awaiting a programme needs assessment (PNA) to identify treatment pathway.

In addition to the above, it is important to note that recruitment is underway in relation to HMP Elmley's second line of delivery, in order to address the intimate partner violence need within the population via the BBR programme. Funds have already been agreed and plans for delivery are being considered within the Covid-19 recovery plan(s).