



██████████
Chair, Independent Monitoring Board
HMP Cardiff
Knox Road
Cardiff
CF24 0UG

MoJ Ref: SUB85865

1 March 2021

Dear ██████,

**HMP CARDIFF: INDEPENDENT MONITORING BOARD ANNUAL REPORT
FOR 1 SEPTEMBER 2019 – 31 AUGUST 2020**

Thank you for your Board's report for the year ending 31 August 2020. I am grateful to you and your colleagues for your hard work in capturing these helpful observations, especially as the Covid-19 pandemic impacted on your ability to gather information.

I understand the Board's continued concern about foreign national offenders (FNO) being held in custody beyond the end of their custodial sentence. The Home Office remains committed to determine whether a FNO can be released at the end of their custodial sentence in line with the Service Level Agreement (SLA) signed in January 2020 with HM Prison and Probation Service (HMPPS). The Home Office is also continuing to work in partnership with HMPPS and other government agencies to improve the service of detention paperwork and the SLA is being closely monitored. For cases that fall outside of the SLA, such as those receiving short sentences, these are being expedited to inform a decision as soon as possible.

The Home Office conducts careful risk assessments to determine the suitability for transfer of a FNO to the Immigration Removal Centre (IRC) estate. Those deemed suitable are placed on a waiting list and moved at the earliest opportunity, although it is acknowledged that the Covid-19 pandemic has hampered moving time-served FNOs from prison to an IRC. Those that are unsuitable for transfer to an IRC and remain detained in prison will have been assessed based on the presence of one or more of the risk factors or criteria set out in chapter 55 of the Home Office Enforcement Instructions and Guidance.

It is also recognised that contact with the Home Office has been more challenging due to Covid-19 restrictions. HMP Cardiff set up weekly video surgeries (to replace in-person ones) and the Home Office is offering a telephone interview service to all FNOs that request one. The prison's Offender Management Unit continues to have weekly contact with the allocated Immigration Officer and the Foreign National Officer at HMP Cardiff is acting as a conduit between prisoner's and the Home Office to progress cases. Although immigration documentation is currently issued in English, the Home Office use translation services and all prisons have access to interpretation services where there may be language difficulties. Key worker contact is also continuing weekly where staff are providing support to prisoners. HMP Cardiff also makes every effort to safely reintegrate all prisoners segregated back to normal location and it is encouraging that the Care and Separation Unit is well managed, with professional and supportive staff, despite the challenging behaviour some prisoners present.

I note the request for homelessness support during the Covid-19 pandemic to continue in the future. The Ministry of Justice (MoJ) initially secured funding to support the provision of emergency accommodation for individuals at risk of homelessness on their release from prison between May and August 2020 and it

is pleasing that all offenders released from HMP Cardiff were offered accommodation. Homelessness Prevention Taskforces (HPTs) were also set up by HMPPS to work with local authorities and other partners to source accommodation for offenders on their release, as well as those being supervised by the National Probation Service. HMPPS is considering how the HPTs will feature in the wider reforms to probation services to continue the effective progress made with delivery partners.

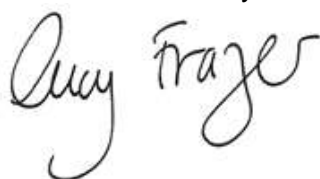
Due to the introduction of further national restrictions, an agreement was reached with HM Treasury to reinstate the accommodation funding in October 2020 and the recent national lockdown has resulted in this funding being extended until 31 March subject to regular review. This funding has been granted across the whole of Wales and HMPPS Wales continues to work closely with the Welsh Government and local authorities to ensure those leaving custody without accommodation are supported into a long term sustainable and permanent home. While the UK remains in a pandemic, the Welsh Government's inclusive policy of ensuring anyone who requires emergency accommodation and support in order to stay safe remains unchanged. In addition, a further £50 million funding was provided to ensure no one is forced to return to rough sleeping and to begin the transformation of services. The commitment to continuing the transformation of services in order to achieve the long-term goal of ending homelessness was outlined in the Welsh Government draft budget published in December 2020.

Turning to the Board's concern about the delayed progress in mental healthcare due to staffing, improving the resilience of the mental health workforce is an underpinning priority in the Welsh Government's Together for Mental Health Delivery Plan. The Welsh Government has commissioned Health Education and Improvement Wales, as well as Social Care Wales to develop a Mental Health Workforce Plan and this work remains ongoing. In the interim, the Welsh Government continues to engage with all Health Boards as part of the Prison Health and Social Care Oversight Group. The group acts as a point of escalation for any issues that cannot be resolved locally at the Prison Health and Social Care Partnership Boards (PHSCPBs) and there is a specific focus on the current challenges facing prison healthcare teams in Wales. In addition, the Heads of Healthcare for each prison meet fortnightly with Public Health Wales, the Welsh Government Offender Health Leads and HMPPS in Wales to discuss any delivery issues or problems in the functioning of the PHSCPB. Whilst there has already been welcomed improvements in the provision at HMP Cardiff with prisoners receiving a decent healthcare service, the prison and its health partners are working closely on embedding the provision.

Despite your concerns it was pleasing to receive your comments that the prison provides a safe environment where violence remains low and that staff have built up good relationships with prisoners providing fair and humane treatment. It is encouraging that the condition of the prison has been well maintained during the year with painting opportunities for prisoners and regular cleaning teams to reduce the transmission of Covid-19. I was however saddened to hear there were four deaths in custody during the reporting period; every death is a tragedy and my officials will take the recommendations from the Prisons and Probation Ombudsman very seriously.

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. 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 Cardiff.

Yours sincerely

A handwritten signature in black ink that reads "Lucy Frazer". The signature is written in a cursive, flowing style.

LUCY FRAZER QC MP

HMP CARDIFF: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 SEPTEMBER 2019 – 31 AUGUST 2020

HMPPS comments on matters raised in the report

Catchment Area

HMPPS operates a national service across England and Wales to ensure that it can maintain capacity in all parts of the country and respond to demand by using the full flexibility of the estate. Wherever possible HMPPS seeks to keep prisoners close to home in order to maintain family ties and deliver effective resettlement, and redirections only happen when operationally necessary. When local prisons have insufficient capacity in their reverse cohorting units to accept prisoners from their assigned courts for that day, prisoners are diverted to another local prison where space is available. In all cases, the receiving prison will always be suitable to manage the requirements of a newly remanded or convicted prisoner. It is recognised that there are occasions where English prisoners are redirected from a local reception prison in England to HMP Cardiff. These numbers have, however, significantly reduced since the start of the Covid-19 pandemic and HMPPS continues to try and minimise movements from out of area to reduce the risk of transmission. Where the impact of Covid-19 outbreaks have led to a temporary redirection to enable prisons to undertake remedial actions, such as mass testing, HMPPS ensures these redirections end as soon as the required support has been provided to the prison.

Court Transfer Times

The new Prisoner Escort and Custody Services (PECS) 4 contract, which commenced in August 2020 introduced a suite of new Contract Delivery Indicators (CDIs), including measuring the delay following court hearings, as well as the time prisoners spend in transit following a court hearing. There is an expectation that male prisoners over the age of 18 years old should depart from the court premises within three hours of their hearing concluding and that once they have left the court, they spend less than three hours on a vehicle prior to arriving at their designated destination. Where the PECS contractors do not achieve either CDI at a rate above 90% for all male prisoners then an Improvement Plan will be triggered.

The PECS contractors are fully aware of their obligations to escort prisoners from court at the earliest opportunity and to minimize the turnaround time. However, it is acknowledged that there can be occasions when traffic conditions, adverse weather or redirections have a detrimental impact on arrival times. In such instances the escorting staff will inform the receiving prison of the delay and seek agreement in advance for the safe receipt of any late arrivals.

Covid-19 Regime

A National Framework for Prison Regimes and Services was put in place in June 2020 which set out the strategy for a staged recovery - <https://www.gov.uk/government/publications/covid-19-national-framework-for-prison-regimes-and-services>. It is recognised that any restrictions brought in to control the spread of infection must be proportionate. At all stages HMPPS has continued to keep these under review to offer as many services, activities and time out of cell as possible in conjunction with public health guidance to determine what is safe to deliver whilst protecting prisoner's wellbeing and mental health.

As seen in the community restrictions, not all prisons will be able to move at the same pace and they must demonstrate readiness and gain agreement from local health authorities before easing restrictions. These decisions will be based on three core objectives - preservation of life; maintain security, stability and safety; and providing sufficient capacity. Since the initial nationwide lockdown in March 2020 HMPPS identified activities which could see restrictions eased first and Exceptional Delivery Models were developed which allowed these prison regimes to be reintroduced. However, following the growing rate of infection within the community and then the Prime Minister's announcement of 4 January 2021, prison regimes changed to allow only essential activities to take place to reduce the chance of transmission.

HMPPS will continue to adapt its approach in response to changes in community restrictions and ensure it continues to protect the health and wellbeing of our staff and prisoners in our care.

To continue to support prisoners' wellbeing, increased opportunities to maintain family contact have been provided with the use of secure video calls and an additional £5 credit per week. HMPPS has worked with all Prison Education Framework and Dynamic Purchasing System providers to support prisons via the remote production of materials to provide in-cell activity, distraction material and learning packs. In addition, reception testing has begun, and it is anticipated that this will reduce the amount of time prisoners will spent on a Reverse Cohorting Unit from 14 to 7 days (subject to two negatives tests), to give them access to time out of cell sooner.

HMP Cardiff has also recognised the long-term impact the national restrictions can have on sustaining over 200 prisoners in essential employment, as well as providing a stable and consistent regime during this challenging time. Prisoners at HMP Cardiff have had the opportunity of two domestic periods each day out of their cells and the feedback from prisoners has been positive. A Harm Reduction Strategy and Plan was also put in place to provide a multi-disciplinary approach and encouragingly since March 2020 self-harm levels have decreased. The reasons for this have been explored by the prison in order to further inform the Harm Reduction Plan and continue to support prisoners now and as regime restrictions ease when safe to do so.