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Chair, Independent Monitoring Board  
HMP Durham  
Old Elvet  
Durham  
DH1 3HU

**MoJ Ref:** SUB 87132

4 May 2021

Dear ██████████,

**HMP DURHAM: 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 particularly as the Covid-19 pandemic impacted on your ability to gather information.

I understand the Board's continued concern about overcrowding and wish to assure the Board that the Government's announcement in the spending review to commit over £4 billion capital funding will make significant progress in delivering 18,000 additional prison places across England and Wales by the mid-2020s. These additional prison places will be safe, decent and uncrowded and will have a positive impact on lowering the proportion of crowding within the prison estate.

Since March 2020 the national prison population has fallen due to a decline in new receptions from courts. This has resulted in a reduction in the number of people in prison sharing cells and enabling HM Prison and Probation Service (HMPPS) to implement its compartmentalisation strategy to reduce the risk of transmitting Covid-19. HMP Durham has continued to need to operate in excess of its certified normal accommodation level during this time because of regional capacity pressure, however, the reconfiguration of HMP Manchester has led to a reduction in Category B men remaining at the prison. The latest population projections also indicate HMPPS may face challenges in demand for prison places once the population returns to pre-pandemic levels. This will continue to be monitored, but it is likely that prisons such as HMP Durham will need to continue to hold people in prison over its uncrowded capacity. It is recognised that it is not desirable to hold two individuals in a cell designed for one but reducing crowding at one prison would result in crowding having to increase further elsewhere.

I acknowledge the Board's concern about the transfer of foreign national people in prison to the immigration removal centre (IRC) estate. In order to minimise the risk of Covid-19 being transmitted the transfer of time-served foreign nationals from outbreak prisons to the IRC estate has been limited with only a residential short-term holding facility (STHF) adjacent to Manchester Airport and a discrete unit at Yarl's Wood STHF being utilised. As part of the transfer process a triple lock procedure has been introduced consisting of three Covid-19 tests during the transfer process, in addition to the established reverse cohorting. Whilst it is recognised that this may cause delays, the Home Office is committed to taking the welfare of detained individuals in its care seriously and to ensure that IRCs remain safe.

The Home Office also continues to conduct careful risk assessments to determine the suitability of foreign nationals for transfer to the IRC estate. Those that are unsuitable will remain detained in prison having 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 acknowledged that in person visits by an Immigration Officer have been more challenging due to Covid-19 restrictions, however foreign nationals will continue to have access to an Immigration Officer via video conferencing until in person visits can safely resume. The prison's Foreign National Liaison Officer also continues to maintain regular contact with the Home Office to ensure cases are progressing.

Turing to the Board's concern about court hearing backlogs, it is recognised that the pandemic imposed unprecedented challenges on the justice system which have required rapid changes to ensure essential work continued. Initially the Government and HM Courts and Tribunal Service focused on an emergency response with the criminal courts continuing to operate throughout. Court recovery remains a priority following the overarching recovery plan being published in July 2020 with a specific recovery plan for criminal courts published in September 2020. To support these plans £142 million has been invested in the court estate and £110 million on emergency measures to ensure courts are Covid secure. Expanded technology is enabling judges to conduct remote hearings to a far greater degree. As at 1 April 2021 the Nightingale programme has provided 60 additional courtrooms and capability has been increased in 68 court rooms to hear trials with multiple defendants. Recruitment has also provided an additional 1600 staff to supplement the boost in capacity and deal with the extra courts that will be sitting.

Despite the operational challenges of delivering the justice system safely within social distancing requirements, progress is being made and the listing of cases involving vulnerable victims and witnesses, as well as those defendants on remand in custody are being prioritised by judges. It is recognised that there is further to go and the Ministry of Justice is continuing to engage with partners in the wider justice system to consider all possible options available. In September 2020 HMPPS also began a trial of a dedicated Bail Information Service (BIS) in several courts providing timely information to help to reduce unnecessary remands and increase the appropriate use of bail. HMPPS is now also rolling-out a Covid-19 response BIS in all public sector remand prisons to inform the future dedicated national BIS.

It was pleasing to receive your comments recognising the support the Governor and staff have provided. I too am grateful for their hard work and professionalism during this difficult time whilst maintaining a safe environment. I was reassured to read that reception and first night arrangements have improved, as well as a decline in incidents of self-harm and assaults. I was encouraged to note that recognition was given to healthcare for the improvements being made and their care and dedication during the pandemic. However, I was saddened to hear there were nine deaths in custody; every death is a tragedy and my officials take 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 Durham.

Yours sincerely,

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

**ALEX CHALK MP**

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

**HMPPS comments on matters raised in the report**

**Work and Education**

Work and education places are already available for every person who wishes to undertake activity at HMP Durham. Prior to the Covid-19 restrictions attendance at these activities was excellent with figures often higher than other prisons in the training estate. Whilst only essential work was able to take place during the national lockdowns, as restrictions ease and it is considered safe to do so HMP Durham will reintroduce its activity places. In addition, the services and provision that are available are intended to allow people in prison to make informed career decisions through information, advice and guidance; personal development; and functional, employability and vocational skills. As a Reception prison, HMP Durham's focus will continue to be on identifying and assessing individuals needs in preparation for transfer to a training prison or their release, if on a short term sentence. The progress individuals make whilst in custody is recorded and recognised through Employment & Training Portfolios allowing them to evidence these skills as they transition to a training prison and into the community.

**Transfers**

HMP Durham continues to work collaboratively with other prisons to ensure the timely and safe transfer of people in prison. The Tees and Wear Prison Group Operations Manager also chairs a weekly population meeting which involves the training prisons in the region, as well as HMPPS Population Management Unit. Up to 100 transfers and transport arrangements are arranged each week at the meeting, ensuring that HMP Durham has the capacity to serve the courts.

In addition, the new offender flows went live on 28 September 2020 across the adult estate which will help to ensure men are in the right type of prison and receive appropriate support and rehabilitation at each stage of their sentence. It is recognised that the offender flow model requires a whole system approach to work effectively and building this into recovery planning means that the pace of the change will take time, careful monitoring, and as such this will be supported by the Reconfiguration Team and Population Management Unit in HMPPS headquarters. However, the model does allow for immediate action to help maximise capacity, while maintaining focus on the capacity challenges HMPPS may face and provides a dynamic operating practice to manage tactical moves, keeping capacity available in the system.