



Annual Report of the Independent Monitoring Board at HMP Berwyn

**For reporting year
01 March 2020 to 28 February 2021**

Published September 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 IMB is part of the United Kingdom's National Preventive Mechanism.

2. Description of the establishment

HMP Berwyn is located on Wrexham Industrial Estate in North Wales. It is a reception, category C resettlement and training prison, with a capacity to hold 2,106 prisoners. During the Covid-19 pandemic this was reduced to 1,801.

During the year a unit was established for vulnerable prisoners, including a number of men convicted of sexual offences (MCOSO). It was the first time the prison had experienced near full operational capacity since it opened in 2017 (the average monthly population for the period covered by this report being 1725 prisoners).

The prison consists of three main houses: Alwen, Bala and Ceiriog. Each house is divided into eight communities. The accommodation in each community is a combination of double- and single-occupancy cells. Across the prison, 30% of cells are single occupancy and 70% are double occupancy. Alongside the main communities, the prison has a care and separation unit (CASU; Ogwen) which can hold 21 prisoners.

3. Executive summary

3.1 Background to the report

The Covid-19 outbreak has had a significant impact on the Board's ability to gather information. IMB evidence usually comes from observations made on visits, scrutiny of records and informal contact with staff and prisoners as well as through applications from men to the IMB. However, within this reporting year limited physical monitoring has taken place. This has meant a greater reliance on information being relayed to the IMB by staff or men, rather than personal observation by Board members. The Board has therefore tried to cover as much ground as it can in these difficult circumstances, but inevitably there is less detail and supporting evidence than usual. Where the evidence has not been directly observed by a member, the source of the information is stated. Ministers are aware of these constraints. Regular information is being collected specifically on the prison's response to the pandemic, and that is being collated nationally.

Most of the Board's time has been taken up with collating, investigating, and answering the applications received by the 0800 free phone number, which was made available to men during the Covid-19 pandemic by the IMB Secretariat. The Board also continued to receive some paper applications. A total of 826 applications were received against a total of 598 in the last reporting year.

It is the opinion of the Board that the Governor and his staff worked hard to minimise the effects of a curtailment of the usual rehabilitative regime at Berwyn and to manage the unsettling effect that Covid-19 caused, especially when the relaxation of measures inside the prison happened at a slower rate than those on the outside.

As stated above the Board has had to adopt different strategies for monitoring and we thank the Governor and all his team for answering our phone calls and emails to support our work. This cooperation has enabled the Board to report our findings set out below.

3.2 Main judgements

How safe is the prison?

The Board believes the establishment to be safe. In keeping with all establishments, men have been confined to their rooms for long periods. For more information see section 4.

How fairly and humanely are prisoners treated?

The Board believes that there is a generally courteous and respectful regime and staff-prisoner relationships are generally very good. However, the Covid-19 restrictions have caused some prisoners to consider that their treatment has

been unfair and inhumane. On our limited rota visits, it was noted that staff at all levels were very visible, and most men knew whom to approach for help and support. The Board believes that the accommodation offered is of a good standard.

How well are prisoners' health and wellbeing needs met?

The Board notes that the level of healthcare provision is generally as good as that in the community and in some cases better when reviewing patient to healthcare professional ratios.

However, equivalence of service is important, and consideration must be given to the concentration of physical, psychological, and dental problems within the prison population. Therefore, the services offered may not be adequate, with the wait times for dental care for instance operating at 12 months.

How well are prisoners progressed towards successful resettlement?

The Board notes that sentence management has been particularly difficult under the restrictions Covid-19 has presented. The resettlement team have worked with men before release to adequately support their needs.

The majority of men are released to some form of settled accommodation and we understand that the prison compares favourably with other establishments in achieving this. Nevertheless, there remains some work to do.

It is considered that despite the difficult conditions and restricted regime, every effort was made to provide access to education. Furthermore, it is our opinion that during Covid-19 lockdown periods, efforts were made to put men into essential work.

3.3 Main areas for development

TO THE MINISTER

The Board would wish to be provided with assurance that the wider issues related to the serious paint defects and ineffective heating systems will be resolved in the near future. Not solving, or delaying this work carries major challenges in terms of capacity and the operation of the establishment and the core issues do pose a detriment to the men housed there.

The Board notes that the prison experienced significant delays in being able to transfer men to more appropriate establishments and settings, especially those relating to mental ill-health. The Board considers that this lack of secure mental health facilities needs to be addressed as a matter of urgency.

TO THE PRISON SERVICE

Berwyn has benefited this year by having a generally stable senior management team, which has helped them navigate the establishment through these very difficult and challenging times.

There is a need to resolve the serious issues surrounding paint defects and ineffective heating systems. The Board has been informed that contractual negotiations could take some time and whilst that is understood, the core issues do pose a detriment to the prison and men housed there.

The Board notes the lengthy wait time for dental care and improvements to the service provision to reduce this would be in the interest of the men.

Furthermore, many applications have been received from men who have achieved category D status. There is considerable frustration from these men at the lack of available places to transfer, probably due to a restriction in the operational capacity for the open prison spaces during Covid-19.

TO THE GOVERNOR

It has been identified that many issues which became formal complaints could and should have been dealt with at community level. Responses to these complaints (that is, Comp 1s and Comp 1as) are still an issue in the establishment, both in timescale and quality of the reply.

The Board is concerned about the high levels of self-harm, assaults and use of force.

As a Board, we have been kept well informed of the day-to-day events, by the orderly officers' report.

3.4 Progress since the last report

The Board notes that in our previous report, the lack of meeting room and interview space was a concern. This provision was strengthened during the reporting year, with significant numbers of staff being relocated to work from the industry area. Planning work was underway to convert a workshop into a resettlement hub, where meeting pods will be available. The hub was due to open after the reporting period ended.

The Board also noted the need for more specialist communities, with a particular need for vulnerable prisoners (VPs) to be housed safely, reducing self-isolation. With the introduction of MCOSOs, Berwyn has since been able to offer vulnerable prisoners a separate regime. However, the effects of Covid-19 have meant some specialist communities have reverted to general population.

There were some improvements in terms of the long-standing issue with the heating system during the reporting period.

Evidence sections 4 – 7

4. Safety

4.1 Reception and induction

It is the opinion of the Board that men arriving in reception are greeted in an airy, light, and welcoming environment. There are individual rooms, in which interviews take place and all men are seen by nursing staff before being located on the induction unit.

The Board has recorded a welcome video message to provide key information. This is alongside other departments within the establishment and after the project is finalised the messages will be shown to new arrivals on their internal laptops whilst in their rooms. The introduction of the body scanner during the reporting period is a significant safety investment, referred to again in paragraph 4.6 below.

4.2 Suicide and self-harm, deaths in custody

There were 1431 recorded incidents of self-harm, which is more than a 34% increase from the 1068 incidents recorded in the last reporting year. There were 958 assessment, care in custody and treatment plans (ACCTs) opened during the year. This compares with 867 last year, representing a 9.6% increase, however this needs to be seen against a rise in the prison population of 16.5% for the same period. This therefore represents a proportionate reduction. Nevertheless, the Board will continue to carefully monitor these areas.

The Board notes with sadness three deaths in custody during this reporting year. Although not yet confirmed through formal coroner inquests, it is reported that one was from natural causes, one was self-inflicted, and one was due to Covid-19. All deaths in custody are subject to a full independent investigation by the Prisons and Probation Ombudsman, the Police, and the Prison Service team. The Board extends its condolences to the family and friends of the three deceased men.

The Board receives a daily orderly officer's report which details all incidents that have occurred within the previous 24 hours. The report also provides an update on the most vulnerable and at-risk prisoners. Members of the Board also receive safer custody minutes, which again document the issues and needs of the most vulnerable.

4.3 Violence and violence reduction, self-isolation

There were 301 assaults on prisoners, 38 of which were classed as serious, which represents 13%. In the previous year the corresponding figures were 564, of which 72 were classed as serious, which represents 13%. There were 258 assaults on staff, 22 of which were classed as serious, which represents 4%. In the previous year there were also 258, 20 of which were serious, representing 8%. The Board notes these reductions but there will always be room for improvement.

The establishment provides multiple roles for prisoners which have a focus on safety – namely, violence reduction representatives, Listeners, mentors, ‘chain breakers’ and the ongoing partnership with the local Samaritans branch. These groups attend monthly safety meetings with governors, and all contribute to a safer environment.

4.4 Prisoners with specific vulnerabilities

The Board received a significant number of applications from vulnerable prisoners and during our investigation process, liaised with key staff members to receive replies and updates.

4.5 Use of force

The Board notes that 1326 incidents of use of force were recorded during the reporting period. Of these incidents it is noted there was a 5% increase when the population increased by 16.5%.

4.6 Substance misuse

A total of 524 mandatory drug tests (MDTs) were conducted during the reporting period. However, the random MDT programme was paused for periods during the Covid-19 pandemic, where only intelligence-led testing was conducted.

The Board does note that a body scanner is now in place within reception, staff searching is also in place and nets have been placed over the exercise yards to prevent throw overs.

5. Fair and humane treatment

5.1 Accommodation, clothing, food

The issues raised below are of concern and have been raised in previous reports from the Board.

The reliability of the building's heating system is still a cause for concern. The system has previously failed, resulting in a lack of heating and hot water for prisoners. A backup system is now in place. It should be noted that this backup system applies only to the three main prisoner houses and not the remaining locations on the site. However, this does raise concerns as the building is relatively new and the potential for unrest that can be caused by a lack of heating and hot water is high. There have been no heating failures this year, but the system is still not working and has yet to be signed off as correct, some four to five years after opening.

Given that the establishment is newly built, it is disappointing to note that the plaster on the walls was incorrectly prepared and applied. This has resulted in latent paint defects, leading to excessive paint peeling in prisoners' rooms. Some remedial work has taken place. However, it remains an issue for resolution between HMPPS Wales, the Ministry of Justice and the contractor, with assistance from government legal teams. The consequences of further delay are that conditions for the prisoners are not to the standard we would expect.

The Board would wish to be provided with assurance that the wider issues related to the serious paint defects and ineffective heating systems will be resolved in the near future. The Board has been informed that contractual negotiations could take some time. Not solving, or delaying this work carries major challenges in terms of capacity and the operation of the establishment.

Cell sharing is regularly raised as an issue by the men to Board members on rota visits and via applications. However, the establishment cannot give what it does not have. Designing the prison with 70% of rooms as double occupancy and 30% as single occupancy causes significant challenges for both the prisoners and staff – especially given the high number of prisoners who are unable to share owing to cell sharing risk assessment (CSRA) requirements, medical conditions, and various other individual issues.

Food is produced on-site by the men, supported by a few members of staff. It is good to report that the Board receives very few complaints about food, there being 14 received, which is one more than the previous year.

5.2 Segregation

Due to Covid-19 restrictions, only limited attendance at reviews has been possible. However, the Board would like to acknowledge the professional and caring approach that they witnessed staff taking when working with prisoners in the CASU on our limited number of visits.

The prison experienced significant delays in being able to transfer men to more appropriate establishments and settings, especially those relating to mental ill-health. This resulted in some men spending unavoidable lengthy periods in segregation. The Board considers that this lack of secure mental health facilities needs to be addressed as a matter of urgency.

5.3 Staff-prisoner/detainee relationships, key workers

The Board has limited first-hand observations to draw upon. However, the Board has noted as mentioned in paragraph 4.2 above the rise in staff assaults, although this should be viewed against the background of the increased prison population.

Towards the end of the reporting period the Board started to see a significant improvement in the volume of key worker interventions and will wish to assess the impact of this in the next annual report.

5.4 Equality and diversity

The Board notes that only 14 applications have been received during this reporting year concerning equalities, which is similar to the previous year's 12 applications. Due to our limited monitoring, first-hand observations by the Board have been reduced. The establishment held regular equality and diversity meetings, with the IMB receiving the minutes to assist our monitoring and the production of this report.

The Board notes that a survey was conducted during the reporting year by the establishment about whether men felt they had received a fair and impartial investigation into their complaint if the man's race was a factor in the complaint.

Furthermore, the Board notes that training sessions have been delivered to staff around the discrimination incident report form (DIRF) process within this reporting year and that the Governor has committed to performing a quality assurance role on DIRF responses.

In terms of the Welsh language, the Board notes that Welsh mentors and champions are located on every house and a mentor is sent to greet new arrivals in reception and the induction community. The Board is pleased to report that the first Welsh Parole Board was held in Berwyn during this reporting year. Furthermore, a Welsh television channel has been launched within the establishment.

5.5 Faith and pastoral support

The chaplaincy service has adapted during the Covid-19 pandemic and the Board notes that a chaplaincy television channel has been launched, alongside a helpline and activity packs.

5.6 Incentives schemes

The Board has limited first-hand observations on the incentives and earned privileges scheme as operated within Berwyn, due to the restrictions on our monitoring during the reporting year.

5.7 Complaints

The Board has worked closely with the prison's complaints department over the reporting year to answer applications to the IMB. The Board is thankful for the support given by the team.

However, it is the opinion of the Board that the complaints process within Berwyn needs improvement. When issues are not resolved at the informal stage on communities and when men do not have contact with their key worker or signposting to relevant helplines or services, formal complaints and IMB applications are submitted.

The complaints system then becomes overwhelmed, and responses are not always given on time or to an appropriate standard. The Board notes that work is being conducted to address these issues and members will continue to monitor complaints closely.

5.8 Property

Due to the reduction in prison transfers and Covid-19 guidelines around the handling of property on transfers, the Board has received more than 58% fewer applications from prisoners relating to their property.

6. Health and wellbeing

6.1 Healthcare general

Betsi Cadwaladr University Health Board continues to deliver the healthcare services at HMP Berwyn. It is the opinion of the Board that the level of healthcare is generally equal to that delivered to the public. Due to the Board's limited physical monitoring during this reporting year, the healthcare department has provided the Board with information to assist our monitoring and the production of this report.

The Board notes that 319 members of staff have tested positive for Covid-19 during the reporting year with 163 men testing positive. Given the size of the prisoner and staffing group this is positive compared to many other prisons.

The Board notes that we received 150 applications regarding health concerns, compared with 57 in the previous reporting year. This represents over a 163% increase year on year. This is not surprising given that for eleven months of the reporting period we were in the midst of the Covid-19 global pandemic, which significantly affected the prison regime and heightened the men's concerns.

6.2 Physical healthcare

Within the establishment, staffing levels consist of two general practitioners (GPs) and one dentist. A second dentist was employed towards the end of the reporting year, at the expense of one less dental hygienist. The Board notes that the average waiting times are around six weeks to see a GP and 12 months to see a dentist. This has been a community concern, but the Board and Governor continue to be concerned about the wait times for dental care.

The Board notes the medicines optimisation strategy in place within Berwyn, whereby all men are triaged at reception, with their medical conditions reviewed and repeat medication optimised where clinically relevant. The result of this strategy has led to men feeling distressed without medicine they were previously used to; forced into detox; confusion as to why they can no longer have these medications and an increase in complaints.

During the reporting period, 51,415 appointments were attended, 1828 appointment slots were wasted with 'did not attend' recorded as the reason and 1891 appointment slots were wasted with 'could not attend' recorded as the reason. The total percentage of non-attendance is 7.2% and the Board continues to be concerned about the impact non-attendance has on wait times and the wellbeing of the men.

6.3 Mental health

The healthcare provider delivers mental health support as a community-based programme that has eight trained staff. Reference has been made in paragraph 6.1 above to the delays to transfers caused by the lack of available suitable specialist mental health beds.

6.4 Social care

The Board notes that assessments are carried out by the healthcare department in conjunction with Wrexham County Borough Council. This is a new service and is welcomed.

6.5 Exercise, regime

During most of the reporting year, Berwyn has been under some level of lockdown or restriction. This has resulted in reduced regime where at times, men could only be afforded their statutory minimum of thirty minutes in the open air each day.

There were reduced availability of gym appointments and access to exercise, which has resulted in considerable frustration amongst men and numerous complaints to the establishment.

6.6 Drug and alcohol rehabilitation

Within Berwyn, there are no specialist communities that focus on drug and alcohol rehabilitation. Substance misuse is screened for at reception and the healthcare department support men who accept help, as clinically required. Post-release support is offered and completed in conjunction with community organisations.

6.7 Soft skills

The Board notes that many of the sessions that would normally be held to enrich communities have been paused due to Covid-19. However, the distraction pack programme has been expanded, to allow access to materials and products to relieve boredom whilst in lockdown.

7. Progression and resettlement

7.1 Education, library

Due to the Board's limited physical monitoring during this reporting year, the staff in Coleg Berwyn have provided the Board with information to assist our monitoring and the production of this report.

Education continues to be delivered in Coleg Berwyn by Novus Cambria, a partnership between Coleg Cambria and Novus Cambria, with the library being provided by Wrexham County Borough Council.

Education was primarily delivered via in-room methods. Education packs were available to men and men could use their in-room laptops to access education courses and materials.

Wrexham Council left the site in March 2020 due to Covid-19 and returned in December 2020. The in-house Berwyn staff built a digital platform where the men could order books directly from their room on their laptops which increased access to library books during this period.

This system was also used by staff to identify men who needed help learning to read or write. The Shannon Trust reading plan was loaded onto the laptop system to aid reading and writing skills. Letterhead templates and writing guidance were given to men on how to form and write letters to home and how to write cards during holiday periods.

The Board continues to receive updates and statistics from the library.

7.2 Vocational training, work

Normally, Berwyn has six workshops with a maximum capacity of 520 which provide several skilled, semi-skilled and manual work opportunities across a variety of work areas. These cover: furniture assembly; CD/DVD recycling; a call centre; sewing; textiles and engineering/fabrication. Due to Covid-19, the workshops were closed in their entirety for the duration of this report. The only exception to this was the allocation of three men to the welding workshop from September 2020 to December 2020 to support essential works.

The Board welcomed the completion of the refurbishment of the final areas of the industry complex in the latter part of the reporting period.

The Board also notes that work continued in the DHL depot to fulfil canteen orders, in the kitchens to cook and deliver food, and in the waste management departments, albeit at reduced capacities to allow for social distancing.

7.3 Offender management, progression

The Board notes that this has been a challenging year concerning sentence and offender management, with transfer capacity greatly reduced.

The Board would like to note its concerns on the availability of transfer places for men to progress within their sentences. The Board regularly receives applications from men awaiting transfer to complete a programme, to be closer to home and family or to move into category D facilities. Covid-19 has negatively impacted the availability of transfer places, which in turn has had a severe impact on the wellbeing of certain men.

7.4 Family

Like most establishments, access to in-person visits has been impacted by Covid-19, with families and friends unable to visit the site for much of the reporting year.

HMP Berwyn was the first prison to introduce Purple Visits and the Board welcomed this. The Board notes that there are three suitable terminals to host these visits on each house. In the brief periods where physical visits were allowed, digital visits still proved more popular.

Contact by post has been maintained throughout lockdown and men can access communications sent via the email a prisoner service directly on their in-room laptop and can reply to the recipient digitally.

Residents in Berwyn have access to a phone within their room, which has enabled easier contact with family and friends during lockdown, alleviating the need for staff to unlock residents to queue and use a general phone.

7.5 Resettlement planning

Due to the Board's limited physical monitoring during this reporting year, the staff in the resettlement team have provided the Board with information to assist our monitoring and the production of this report.

During this reporting period, 966 men were discharged and received some support in terms of assessing their resettlement needs. Access to the services is given during reception, 12 weeks before release and seven days before release. During the reporting year, the resettlement team within Berwyn worked with the St. Giles resettlement team to deliver support services.

Assessments of men before discharge involve identifying any needs of the man, including their future accommodation, finances, and relationships with family. The Board has commented in paragraph 3.2 above regarding the need to maintain a focus on securing settled accommodation for all men upon release.

8. The work of the IMB

This reporting year of the IMB largely took place during the Covid-19 pandemic. This is reflected in the types of applications that the Board received. Men contacted us more frequently (in comparison to the previous reporting year) regarding their accommodation, their purposeful activity, their communications (including letters, visits, and phone calls), their healthcare, their sentence management and the miscellaneous category also saw an increase (this is possibly due to the sometimes-limited information that came from applications raised via the 0800 helpline).

Similarly, the Board saw a decline in applications for some categories during the reporting year. Prisoners contacted us less frequently about their property, their property during transfer, transfers between establishments and concerns regarding staff/prisoner relationships including bullying. This is likely due to the increased amount of time spent behind a cell door and the limitations experienced during the year on movements within the national prison estate.

The total number of applications received this year has increased by over one hundred applications when compared to the previous reporting year. This is including a brief period in which the Board was not able to receive applications, immediately after the local lockdowns began in March 2020, until the 0800 applications helpline began receiving calls from prisoners in late April 2020.

The 0800-helpline system is considered a success by the Board, allowing members to work on applications during lockdowns and when they were unable to attend the establishment. Board members were involved before the launch of the scheme and advised on the implementation of the scheme. Board members also took calls from day one and provided feedback to the IMB Secretariat throughout the multiple phases of the rollout. A total of 483 applications were received on the 0800 helpline.

Once call handlers took the calls, applications were forwarded on to the Chair of the Board and were duly allocated out to members for investigation and then a response via the Email a Prisoner system.

Board statistics

Recommended complement of Board members	18
Number of Board members at the start of the reporting period	13
Number of Board members at the end of the reporting period	15
Total number of visits to the establishment	52
Total number of segregation reviews attended	35

Applications to the IMB

Code	Subject	Previous reporting year	Current reporting year
A	Accommodation, including laundry, clothing, ablutions	20	55
B	Discipline, including adjudications, IEP, sanctions	34	42
C	Equality	12	14
D	Purposeful activity, including education, work, training, library, regime, time out of cell	24	40
E1	Letters, visits, telephones, public protection restrictions	32	82
E2	Finance, including pay, private monies, spends	14	19
F	Food and kitchens	13	14
G	Health, including physical, mental, social care	57	150
H1	Property within this establishment	88	59
H2	Property during transfer or in another establishment or location	41	12
H3	Canteen, facility list, catalogue(s)	13	16
I	Sentence management, including HDC, release on temporary licence, parole, release dates, recategorisation	62	99
J	Staff/prisoner concerns, including bullying	104	97
K	Transfers	44	24
L	Miscellaneous, including complaints system	40	103
	Total number of applications	598	826

This report was agreed upon at the July Board meeting of the IMB at HMP Berwyn and signed off by Chairman, John Atherton, and Vice-Chairs Susan Roberts and Mitchell Long.



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