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## HMP/YOI NORWICH: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 MARCH 2019 – 29 FEBRUARY 2020

Thank you for your Board's report for the year ending 29 February 2020. I am grateful to you and your colleagues for your hard work in capturing these helpful observations, especially as you were short of Board members during the reporting year.

I understand the Board's ongoing concerns about prisoners with complex needs and severe mental health. As I am sure the Board will understand, admission to hospital is dependent upon diagnosis of a mental health condition which requires in patient care and the judiciary's decision in terms of sentencing. We are determined to improve the transfer process, ensure delays are reduced and avoid prisons being used inappropriately. The Secretary of State for Justice is committed to working with the Secretary of State for Health (with health partners) to articulate a coherent picture of how healthcare is delivered throughout the criminal justice pathway. Government resources and priorities are currently being directed to the response to Covid-19, but we remain committed to continuing bilateral discussions on this topic when it is appropriate to do so.

We are also continuing to work in close collaboration with health partners to make sure that, where appropriate, vulnerable offenders are diverted away from custody and, where possible, from the criminal justice system (CJS) altogether. This includes Health and Justice partners working together through the Community Sentence Treatment Requirement Programme, to ensure greater use is made of mental health, alcohol and drug treatment requirements as part of community sentences. In addition, revised guidance on the transfer and remission to hospital from prison, to improve the support offered to vulnerable prisoners, will be published later in the year. This will promote timely access to appropriate treatment under the Mental Health Act and should reduce unnecessary delays to treatment. This Government is also committed to legislate to reform the Mental Health Act and is working on producing a White Paper in the coming months.

Likewise, the joint HM Prison and Probation Service (HMPPS) and NHS England Offender Personality Disorder strategy continues to invest significantly in provision for those likely to meet the diagnostic criteria. HMPPS Psychological staff have engaged with problematic prisoners with some success through one to one work to help develop their cognitive and behavioural skills. Given the high numbers of prisoners with complex needs that reside in local prisons, the numbers and transition of prisoners remains problematic and to that extent the Psychological Service will only reach a proportion of those with complex needs. To support those leaving prison to ensure they engage with community health services to avoid them returning to the CJS, NHSE and NHS Improvement are currently rolling out RECONNECT services (care after custody).

Locally, HMP/YOI Norwich has recently recruited for an onsite Trainee Forensic Psychologist and has a dedicated Senior Registered Psychologist supporting both clinical and strategic aspects of the work. As well as this, the Governor is looking at a suitable wing in the prison to implement an enabling environment.

In response to the Board's comment about providing a rehabilitative environment, development in this area is of course dependent upon having the right staff and numbers to support the whole prison approach to rehabilitation. The introduction of key workers and prison offender managers (now managed by a full time senior probation officer) has made a significant improvement in terms of preparation for release, and setting the scene for developing a rehabilitative environment. Further work has been taken forward with the local safety partnership to look at ways in which Through the Gate processes can enhance outcomes for young adults.

I acknowledge the Board's concern about long-term remands and court cases. HM Courts and Tribunal Service (HMCTS) advises us that it is committed to a robust and rigorous CJS that sustains public confidence. That includes ensuring that justice is delivered as swiftly and effectively as possible.

As I am sure the Board understands, there are many reasons why a case might take longer to reach court and in some cases, this will be entirely appropriate. Nevertheless, efficient and effective case progression is a priority and HMCTS are taking a range of actions across the system to avoid unnecessary delays, including through greater use of audio and video hearings and by harnessing modern technology through development of the new CJS 'Common Platform' that will improve case progression by replacing the existing HMCTS and Crown Prosecution Service case managements systems with one single digital platform.

An issue highlighted by the Board in regards to occasions where defendants are held on remand awaiting trial, including where they may pose a risk to public safety. Each case is considered individually and judged on its own merits by the courts. There are limits to how long defendants can be held on remand and any extensions beyond those limits are considered by the court on a case by case basis and ultimately subject to judicial discretion.

Remand has been a particular focus during the Covid-19 pandemic, which temporarily reduced the criminal courts capacity to process cases and delayed the hearing of criminal trials. I would like to reassure you that HMCTS are working hard to safely re-open all Crown Courts for jury trial – since mid July 2020, 47 Crown Courts (over half of the 77 Crown Court centres) are now capable of hearing jury trials. For those on remand, the judiciary have agreed a national protocol for extending custody time limits in light of the delays in court proceedings. This provides a single standardised procedure and consistent approach regarding practices for the handling of these cases. This protocol does not override judicial discretion. Additional information about the Covid-19 Court Recovery Plan can be found at <https://www.gov.uk/government/publications/court-and-tribunal-recovery-update-in-response-to-coronavirus>.

Turning to the Board's question about my vision for the future of the Independent Monitoring Boards (IMBs), I personally review the findings from every IMB annual report. Your observations provide a crucial and regular insight into prison life that is not available to Ministers elsewhere. My officials in the Ministry of Justice Sponsorship team will continue to work with National Chair, Dame Anne Owers DBE and the IMB Secretariat to keep the alternative monitoring arrangements under review, and ensure members are still able to carry out their roles effectively.

Despite the concerns raised in your report, it is encouraging to hear that generally relationships between the majority of prisoners and staff are positive, staff work hard to ensure that the prison runs as safely and smoothly as possible and agencies do sterling and supportive work. I was also pleased to see that you have noted improvements in cleanliness across the prison and prisoners' artwork and the compassionate care on L Wing are of a high standard. HMP/YOI Norwich's Action Plan in response to HM Inspectorate of Prisons inspection in October 2019 is available here <https://www.gov.uk/government/publications/norwich-prison-action-plan>, which the Board might find useful.

I note you have raised some local issues in your report which the Governor will continue to keep you aware of as work continues. HMPPS comments in response to the many issues raised in your report for their attention 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/YOI Norwich.

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/YOI NORWICH: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 MARCH 2019 – 29 FEBRUARY 2020

### HMPPS comments on matters raised in the report

#### **Disruptive Prisoners**

Due to the nature of the population of local, Category B prisons, HMP/YOI Norwich will often bear the brunt of stabilising challenging behaviour from prisoners and on occasion the volume of disruption can be excessive. In line with the regional approach to managing disruptive prisoners, HMP/YOI Norwich is able to approach other local prisons in the prison group to ease the burden on staff, including through Segregation to Segregation transfer where necessary to ensure the safety of staff and prisoners. Bedfordshire, Cambridgeshire and Norfolk prison group are working on strategies to address underlying causes, such as tackling some of the drug dealing element surrounding problematic prisoners. However, there is no easy solution to holding prisoners who display continuously disruptive behaviour.

#### **Assessment, Care in Custody, and Teamwork Document (ACCT)**

HMPPS has recently piloted changes to the ACCT case management system, improving the focus on individual needs and effective multi-disciplinary working, as well as revising documentation to make it more user friendly. The pilot was subject to a full evaluation, with the findings informing further improvements to both the ACCT process and the document(s). This included working closely with pilot sites to understand what aspects of the document worked well, and which required further updating. Due to Covid-19, work has been paused while efforts are focused on supporting establishments at this particularly challenging time. Plans for introducing further improvements to the ACCT process will be announced to prison staff at a later date.

The Regional ACCT Lead spent many weeks at HMP/YOI Norwich with staff embedding the ACCT document (version 6) and training was provided to staff at all levels. Version 6 is proving to be popular among staff and effective with those needing that particular level of support.

#### **Prisoners' Property**

It is unfortunate and regrettable that the new Prisoners' Property policy framework is still not published. The framework is informed by a project involving stakeholders across HMPPS and the escort services. The project involved visiting 14 prisons, consultation with staff and prisoners, and engagement with external stakeholders such as the IMB Secretariat and Prisons and Probation Ombudsman. Its purpose was to support the policy review and identify areas where immediate and more long-term changes may be required to improve operational practice. The project is now concluded and HMPPS is working closely with stakeholders to consult on proposed changes to the policy. Discussions ahead of consultation with IMB members began with the IMB Secretariat in late February 2020, and, in light of the pressures placed on Boards by Covid-19, HMPPS agreed with the IMB Secretariat to push consultation with Boards back until August. The feedback received from IMB members will then be considered alongside the comments received earlier this year from other stakeholders, with the intention that the revised draft policy framework will be circulated for wider consultation at the end of 2020.

A new fleet of vehicles are being provided through the Prisoner Escort and Custody Service 4 Generation contract which starts in August 2020. These new vehicles will be able to transfer an additional half box of consumable items for each prisoner. In addition to this, HMPPS is looking at what more can be done to encourage prisoners to send out or dispose of excess items to reduce the amount of property that cannot transfer with them. Steps are also being taken to ensure there is a consistent approach when prison staff forward on any excess items to prisoners at their new establishment after a transfer has taken place.

Regarding cell clearances, this important task has been added to wing officers daily routine checks and starting from August HMP/YOI Norwich will start carrying out cell clearances during the night state. This should hopefully lead to a more effective and accurate outcome for prisoners. The prison management team will also be looking at ways to improve the local handling of prisoners' property.

### **Indeterminate Sentences for Public Protection (IPP) and Lifers**

HMPPS remains committed to doing all it can to support the progression of IPP sentenced prisoners and to help them reduce their risk to the point that the independent Parole Board determines that they may be safely released. The work to improve the management and progression of those serving IPP sentences has been underway for some time and is continuing via the joint IPP Action Plan (developed in partnership with the Parole Board). HMPPS is prioritising post-tariff prisoners to access rehabilitative interventions, including Psychology Service led reviews and enhanced case management for those with a complex set of risks and needs. Progression Regimes have also been developed at four prisons across the country (at HMP Warren Hill, Buckley Hall, Erlestoke and Humber), which are dedicated to supporting indeterminate prisoners who are struggling to achieve release via the usual routes.

Across the custodial estate, the population of prisoners serving IPP sentences was at its peak in 2012 when it numbered over 6,000. The latest published figures show that the IPP population stood at 1,969 at the end of June 2020, which is itself a reduction from 2,315 at the end of June 2019 - demonstrating the improvement in opportunities available to IPP prisoners to progress in their sentence and an increasing number of releases in recent years. It is important to note that, as the unreleased IPP population continues to decrease, of those remaining an increasing proportion are the most complex and challenging cases, meaning the release rate will not be sustainable. As I am sure the Board will understand, many of these prisoners still pose a high risk of committing further violent or sexual offences, and have a complex set of risks and needs. These must be addressed before the Parole Board can consider release. This is not a simple task and HMPPS continues to work with these individuals to offer opportunities to reduce their identified risks.

Many of the indeterminate sentenced prisoners (ISP) at HMP/YOI Norwich are licence recalls and are based at the prison with little directed purpose other than awaiting reassessment by the Parole Board. However, there are a number of ISPs located in Britannia House, the Category D part of the prison, who are working purposefully in the community whilst awaiting final release.

Offender Management in Custody model is aligned with reconfiguration and the work to change and improve offender flows to ensure that resources and offender management processes take place in the right prison at the right time. Training prisons will hold sentenced individuals who need to engage in their sentence plan. In addition to the three main functions (reception, training and resettlement) there will be some specialist training prisons. These include prisons which hold only men convicted of sexual offences during their training phase, foreign national prisoners 'of interest' to the Home Office (at the point they become identified) and those who meet the criteria for the Long Term High Security Estate (LTHSE).

There are currently approximately 505 Category D prisoners in local/reception prisons, 47 of which are IPP and 46 are Lifers. These prisoners are prioritised for transfer into the open estate, however there are insufficient open estate places to support the number of Category D prisoners in the estate.

Once reconfiguration is complete, the offender flows will mean that prisoners move to the function most relevant to risk and needs, such as an establishment with a training function. Offender management work for ISPs will be undertaken in a training function, 16 weeks post sentence.

Please note due to Covid-19, HMPPS is in command mode with very limited transfers being authorised at the present time.

### **Offending Behaviour Programmes**

HMP/YOI Norwich is not resourced or funded to deliver accredited Offending Behaviour Programmes (OBPs). HMP/YOI Norwich will provide prisoners with access to a small range of non-accredited interventions and/or transfer prisoners to establishments that are better resourced to meet individual need.

HMPPS have built in some capacity within the most recent OBPs proposals for 2020-2021 to review needs of prisoners and feasibility of delivering accredited interventions e.g. Thinking Skills Programme and interventions aimed at supporting young adults.

As part of the re-configuration work mentioned above, all services including OBP delivery will be reviewed and reconfigured to meet offender needs within the budgetary constraints of HMPPS.

### **Assurance Work**

HMPPS performance framework is kept under review in order to ensure it provides Ministers, Parliament, external scrutiny bodies and senior management team with sufficient information on how prisons/probation offices are performing, while seeking to minimise the burden on the front line. Wherever possible data is collected directly from IT systems to reduce the need for manual collection and inputting. As a recent example, in response to the Covid-19 crisis and the operational challenges this brought to front line staff, HMPPS refocused the framework onto the key areas necessary to tackle the crisis and reduce data collection and assurance activity in other areas.

HMPPS are developing an assurance framework that is balanced and proportionate in its execution. The Operational and System Assurance Group (OSAG) provide a second tier of assurance, independent of the operational line, and are committed to do so in the least burdensome way. OSAG take a staged and risk-based approach to assurance which will include collating and analysing data remotely and keeping on site time to a minimum.

### **Staff Retention and Training**

#### *Experienced Staff*

We want prison officers to stay in post and progress their careers, and as such induction processes have been improved to ease transition into the job. Alongside this, work to develop clear career paths and professionalise the service is being considered, which should provide development and promotion opportunities for experienced staff, with new staff supported and mentored.

An independent Occupational Psychologist undertook a review of the recruitment process, as well as a job analysis of the role and the findings have created a new enhanced, efficient recruitment service to deliver ongoing volume recruitment. Improvements in the recruitment process have also focused on reducing both the time and cost to hire, increasing the diversity of new recruits and ensuring the right people with the right skills are attracted. In addition, interestingly, the job analysis indicated that previous prison experience was not a prerequisite to be a successful prison officer, as the prison-specific knowledge needed was embedded throughout the Prison Officer Entry-Level Training (POELT) course and practiced during probationary periods within prisons. However, a recent review of the POELT course has ensured that the content and structure enables the core behaviours and strengths critical for successful performance on the job to be built on.

## *POELT Course*

This course has been redesigned recently to a Level 3 Custody and Detention Apprenticeship and will take new prison officers in the region of 12-18 months to complete. It includes initial foundation training in a learning environment over eight weeks, followed by on-the-job training in their working establishment. The officers then return to a Learning Centre at six and nine months for further learning and to prepare for the apprenticeship end point assessment. The apprenticeship was planned to be rolled out across the estate in May, but unfortunately due to Covid-19 has been temporarily paused. New officers will still receive the new and enhanced curriculum associated with the apprenticeship, which is much more practically focussed and aims to instil confidence and competence before they return to wing landings. HMPPS plans to recruit over 100 Apprenticeship Coaches who will be placed in prisons to support new officers when the apprenticeship is relaunched in 2021.

Locally, a POELT mentor initiative seems to be having a positive impact in terms of staff retention. The mentor will remain in post until the end of March 2021.

### **Prisoner Transfer Alert Markers**

System alerts that a prisoner should not be transferred to a specific establishment are not considered a valid way of planning an individual's sentence path and can also restrict one's full access to programmes, training and rehabilitation. Some alert markers are historical and need to be reviewed on Prison NOMIS. While errors can happen, all inter-prison moves within the Bedfordshire, Cambridgeshire and Norfolk prison group are discussed fully between prisons and at regional level. Sometimes moves will go ahead despite markers as it is deemed the best option and on other occasions transfers out may not be deemed the most appropriate solution. For example, the second prisoner referenced in section 6.12 of the Board's report was found unsuitable for the LTHSE and at no stage did the Governor find him unsuitable for detention in HMP/YOI Norwich, despite his history of repeated threat and violence against staff. To expose the said prisoner to another establishment, staff there would not have had a history of dealing with his behaviour outbreaks, would have undermined continuity and could have potentially led to a serious incident and further endanger to HMPPS front line staff.

When the Prison Group Director or the LTHSE do not consider it appropriate for a disruptive prisoner to be transferred elsewhere, the decision is informed by an in-depth casework assessment and a full understanding of the facts.

### **Cell Furniture**

Public Sector Prisons Industries (PSPI) have been able to fulfil orders for cell furniture supplies placed since April 2019 at 100% capacity. Stock levels and manufacturing capacity has enabled PSPI to respond to most requests at short notice and there is not a shortage of cell furniture at HMP/YOI Norwich. Nevertheless, at times Government Facility Services Limited (GFSL) have been unable to install readily available furniture due to staffing shortages and other important repairs and maintenance work taking priority. In addition, it is not always considered practicable to install new whitewood furniture, in the knowledge that it will need to be removed again when damaged cell floors are repaired. Issues in relation to GFSLs management of stock will continue to be escalated as required and HMPPS, Prison Maintenance Group will monitor performance.

### **Prisoners' Mail**

As outlined by the IMB, the introduction of photocopiers to copy all prisoners' mail is aimed at reducing the supply of paper impregnated with illicit substances. As set out in Prison Rule 35D, *Retention of material*, any material intercepted must not be retained by the prison for longer than three months (from the date of interception) unless the Governor is satisfied that continued retention of it is;

- a) Necessary on grounds specified in rule 35A (4); and
- b) Proportionate to what is sought to be achieved by the continued retention.

Where such material is retained for longer than 3 months, the reasons for this must be reviewed at periodic intervals. If it is no longer necessary to retain, the Governor shall arrange for the material to be destroyed.

HMP/YOI Norwich has a policy in place to provide prisoners with a copy of their correspondence and to make reasonable efforts to return the original through the visits process. Whilst the Governor is not aware of an issue of this nature raised by a prisoner having no visits, he is open to sensible and sensitive interpretation should the matter arise in the future.

### **Vaping**

Evidence of the dangers of second hand smoke within the confines of prisons required HMPPS to achieve a fully smoke free estate. An essential element of this work which included maintaining stability was to find a suitable, affordable and acceptable alternative to tobacco. Through substantial engagement with prisoners and the trial of several products, a range of vaping devices were selected to replace tobacco. When compared to tobacco, vaping is far less harmful to the user and of negligible harm to bystanders. There is evidence that vaping products have replaced tobacco in the illicit prison economy and may have been adapted to administer illicit substances, but not to a level above what was seen with tobacco. Pleasingly there has been a significant reduction in the numbers of cell fires since smoking was banned and air quality tests confirm prison environments are now far safer to live and work in.