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Chair, Independent Monitoring Board  
HMP Brixton  
PO Box 369  
Jebb Avenue  
London  
SW2 5XF

MoJ Ref: SUB 084789

25 January 2021

Dear ██████████,

**HMP BRIXTON: 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 level of monitoring.

I understand the Board's continued concerns about the shortage of category D prison places. As part of the 18,000 additional prison places programme committed in the recent spending review, plans are being developed to increase capacity in the category D estate. This will enable more prisoners to move to open conditions. HM Prison and Probation Service (HMPPS) is currently assessing which prisons may be suitable for expansion to provide safe, decent and secure environments to support effective rehabilitation. Whilst it is not always appropriate for all prisoners to progress to category D prisons, prisoners are able to continue to receive rehabilitation and resettlement support. Following the Covid-19 lockdown in March 2020 an Exceptional Delivery Model (EDM) for Through the Gate services was introduced to be able to continue to provide support. HMPPS also set up seven divisional Homelessness Prevention Teams (HPT) to work with local authorities and other partners to source accommodation for offenders on their release.

Regarding the increasing older prisoner population, both the Ministry of Justice (MoJ) and HMPPS recognise the need to be prepared to provide safe, decent and suitable services, accommodation and support for prisoners in its care of all ages, vulnerabilities and disabilities. Alongside meeting the immediate need of protecting the prison population against the threat of Covid-19, the new prisons being built at HMP Five Wells, Glen Parva and four further sites will provide greater accessibility for those with reduced mobility issues and enhanced medical needs. They will also include more lifts and level access, improved decoration known to aid way-finding and orientation for those with reduced cognition or visual impairments, as well as layouts which are more suitable for disabled and elderly prisoners. Models for accommodating older offenders are also being considered as part of the older offender's strategy and linked to this work, HMPPS is exploring how the prison environment can best support all cohorts.

Turning to the Board's concern that more low-risk prisoners should have been released early, the End of Custody Temporary Release (ECTR) scheme was only one part of the overall strategy to respond to the Covid-19 pandemic. A suite of measures were implemented including the compartmentalisation strategy which began in March 2020 to isolate the sick, shield the vulnerable and quarantine new arrivals and the ECTR helped create the space needed to implement this strategy.

Important safeguards were put in place as part of the ECTR process to identify prisoners for release, which included checks with prisons and partner agencies about the suitability of the identified prisoners. It was also essential that those released had an address to go to and the HPTs helped to deal with securing accommodation for those being released. Whilst the ECTR scheme is currently paused, it remains available if needed.

With regards to education, due to the Covid-19 outbreak from 3 April 2020, no Prison Education Framework (PEF), Dynamic Purchasing System (DPS) or prison library service provider staff attended prisons in England. In recognition of the disruption to learning, HMPPS worked with all PEF and DPS providers to support prisons via the remote production of materials to provide in-cell activity, distraction material and learning packs for as many prisoners as possible. Locally at HMP Brixton, the PEF provider Novus progressed to provide course theory packs to support prisoners working towards qualifications. The library service provider ensured that on-wing libraries were replenished with new stock and to maintain prisoner's well-being the prison staff, providers and prisoners have been innovative with cell activities to keep the population stable, calm and positive. The EDM for Education, Libraries and Information and Guidance introduced to support a staged recovery in prisons, also enabled local decisions to be made regarding the introduction and delivery of one-to-one provision, small group working on the wings and a resumption of access to prison library facilities. Whilst HMP Brixton was able to recommence limited delivery in accordance with the EDM, due to the national restrictions announced on 4 January 2021 these have ceased until considered safe to continue.

I also understand the Board's comments about in-cell telephony. The In-Cell Telephony Project has now completed over 60% of the prison estate. However, installing the infrastructure into the prison environment is complex and can take up to 12 months in each prison. The next prisons to receive in-cell telephony are financially covered under an investment fund. Whilst HMP Brixton is not currently in its scope, additional prisons will be added when further funding becomes available and the London Prison Group Director is supporting HMP Brixton to be prioritised. In the meantime, prisoners at HMP Brixton have access to mobile phones which were distributed to all prisons during the Covid-19 outbreak that did not have in-cell telephony. HMPPS is also committed to improving the video calls service and has been capturing data, including feedback from staff, prisoners and families to inform both the current service and longer-term planning in line with the recommendations of Lord Farmer's reviews. HMPPS is working on policies to ensure these remain embedded as a permanent resource and HMP Brixton continues to encourage all prisoners to access video calls to help support and maintain family contact.

Despite your concerns, it was encouraging to receive your comments about the progress being made to make the prison safer, with violence and self-harm decreasing. I was pleased to note the Board's praise of the Governor and staff for their efforts responding to the Covid-19 pandemic and I am grateful for all their hard work during this difficult time. I was reassured reading about the work to develop equality through awareness and that good relationships between staff and prisoners have led to prisoners feeling fairly treated. However, I was saddened to hear of the death of the [REDACTED] and appreciate the continuing professionalism of everyone at the prison whilst having to come to terms with the loss. Sadly, there were also two deaths in custody during the reporting year; every death is a tragedy and my officials take recommendations from the Prisons and Probation Ombudsman very seriously. 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 Brixton.

Yours sincerely

A handwritten signature in cursive script that reads "Lucy Frazer". The signature is written in black ink and is centered on the page.

**LUCY FRAZER QC MP**

## Annex

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

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

##### **Cell Sharing**

Reducing overcrowding is a central aim of the estate modernisation and the delivery of the 18,000 places mentioned in the Minister's letter that are modern, decent and uncrowded, provides HMPPS with an opportunity to take steps towards reducing the proportion of crowding. Whilst it is recognised that the problem of crowding in prisons will not be easily addressed, the average number of prisoners held in crowded conditions across the prison estate has fallen slightly in recent years. In addition, since March 2020 the overall prison population has fallen significantly following a reduction in new receptions from courts, reducing the number of prisoners having to share cells. However, there has been a need for HMP Brixton to continue to operate in excess of its certified normal accommodation level, requiring prisoners to share cells because of regional capacity pressures.

The latest population projections also indicate HMPPS may face challenges in dealing with demand for prison places. Whilst this will continue to be monitored it is therefore likely that prisons will need to continue to hold prisoners over their certified normal accommodation in the future. It is acknowledged that it is not desirable to hold two prisoners in a cell designed for one, but these places meet HMPPS standards for crowded accommodation and reducing crowding at one prison would result in crowding having to increase further elsewhere.

##### **Offender Management in Custody Model (OMiC)**

Whilst the OMiC model included resources for sentence plan completion, HMPPS has committed to reviewing these on a regular basis. The HMPPS OMiC Team is currently in the middle of a review which is expected to be completed in 2021. The national HMPPS Offender Assessment System (OASys) taskforce has continued to support prisons in clearing the backlog of assessments and the reduction in movement of prisoners around the prison estate due to Covid-19 has allowed Offender Management Unit (OMU) departments to tackle the OASys backlog further. It is encouraging that the Board commends the efforts of the OMU at HMP Brixton to reduce the OASys backlog despite the increased challenges the prison has faced.

##### **Mental Health**

Since the beginning of the Covid-19 pandemic, the mental health service providers at HMP Brixton, Practice Plus Group and Barnet, Enfield and Haringey Mental Health Trust have continued to maintain staff on site to support patient's needs. This has allowed urgent assessments to continue and as access to prisoners improved through the implementation of EDMs, further therapy assessments and treatments have taken place. The relationships between HMPPS and providers has also improved with examples of good safe practice. These include the Primary Healthcare, Mental Health and Safer Custody Team's working in partnership to identify those prisoners at higher risk of their mental health being impacted, as well as implementing additional welfare checks. HMP Brixton is also continuing to work with providers and prisoners to come together as one community supporting each other and is being innovative in providing competitions and activities, such as in-cell packs to keep prisoners well and aid mental health stability.

##### **Mandatory Drug Testing (MDT)**

EDMs were created to ensure each area of the regime is implemented safely and securely. An EDM for Drug Testing has been introduced to advise prisons what they should do regarding MDTs at each stage of recovery, for example at stage four, where there is a live outbreak, all testing should be paused.

At the lower stages testing should be resumed, and there is detailed guidance on how to do this safely at each stage of recovery. HMP Brixton did re-introduce drug testing following approval of the Drug Testing EDM initially focussing on suspicion testing to establish the prevalence of drugs use within the prison. Random testing will recommence when considered safe to do so.

### **Transfers to Access Offender Behaviour Programmes (OBP)**

At the beginning of the Covid-19 pandemic, OBP delivery ceased nationally. However, recovery work recommenced in the Autumn in line with the EDM for OBPs and prisons began delivering as many OBP places as possible, within the constraints of safe systems of work and the availability of trained staff. A process was also put in place to identify high priority prisoners who require a transfer for an OBP treatment place and HMP Brixton continued to work with other training prisons to ensure those who are identified as needing to complete OBPs were transferred at the earliest opportunity. Following the recent national restrictions announced in January 2021 new OBPs will recommence when it is considered safe to do so. Where OBPs cannot be facilitated in the time the prisoner has left to serve in custody, the Offender Management Unit at HMP Brixton liaise with the Community Offender Manager to enable offending behaviour work to be addressed in the community.

In addition, further to last year's response, New Offender Flows went live across the adult male estate on 28 September 2020. A key principle is that all prisoners, including men convicted of sexual offences (MCoSO), will spend more time in a Resettlement Prison closer to home, giving them a greater opportunity to rebuild or reinforce their relationships with friends and family prior to release. However, it is acknowledged that to enable MCoSOs to progress more smoothly through the prison system this will largely be dependent on new resettlement capacity coming on line and this will begin with the opening of HMP Five Wells in early 2022. In the meantime, HMP Brixton continues to work with the reconfiguration model to ensure the prison receives prisoners who are ready to resettle back into the community.

### **Canteen and Telephone Call Costs**

#### *Canteen*

Whilst from an HMPPS perspective the canteen service contract is a large and complex retail operation, it does not sell the quantity of goods in order to achieve similar prices that the large supermarkets can offer. The volume of items sold through the canteen contract each year is approximately those of a typical corner shop and product prices compare well with this kind of operation. This is despite the canteen contract service costs being high due to the provider having to deliver to prisons in accordance with HMPPS security requirements and to some remote locations. The selling prices for canteen items on the National Product List are generally set at the manufacturer's recommended retail price (RRP), as set out in Prison Service Instruction 23/2013 - Prison Retail. RRP is the most independent and consistent way of setting prices and if circumstances allow, prices may be set lower, but not higher than the RRP.

#### *Telephony*

The current telephony service is reaching the end of its contract and the MoJ is reviewing the current requirements with a view to informing a new strategy and providing new services. This includes considering current prices and researching the marketing to ensure HMPPS has comparative services and costs. However, it should be noted that the PIN phone system is not directly comparable to any other public payphone service, as it requires investment in security and monitoring which is essential to the specific requirements of HMPPS and is reflected in the cost of calls.

### **Prisoners' Property**

HMPPS has worked closely with stakeholders to consult on proposed changes to the new Prisoners' Property Policy Framework. In light of the pressures placed on Boards by Covid-19, HMPPS agreed with the IMB Secretariat to pause this consultation.

However, a meeting with IMB representatives took place in August 2020 and the feedback received from IMB members will be considered alongside other contributions. There has been a slight delay in HMPPS being able to circulate a revised draft policy framework because of the need to ensure sufficient operational engagement. That work is now progressing well and it is anticipated that the draft policy framework will be circulated for wider consultation shortly.

The Prisoner Escort and Custody Services 4 Generation contract also began during August 2020 with a new fleet of vehicles which allow for an additional half box of consumable items to the limit of 7.5kg to be carried for each prisoner on top of the existing agreed volumetric limits. As previously advised HMPPS is also taking steps 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. While digital improvements are being explored, the nature of that work means that any digital changes are likely to take longer to develop. In the meantime, it is encouraging that locally HMP Brixton has emphasised applying the existing rules on volumetric control to limit property held in-cell and ensure prisoners' property is more effectively managed.

### **Activity Spaces**

Prior to the Covid-19 pandemic, the New Futures Network (NFN), the specialist part of HMPPS that helps businesses fill skills gaps and prisoners find employment on release, were in regular contact with prisons, working with them to help utilise their existing workshop facilities and to explore and develop new opportunities for future work. However, this activity has been paused temporarily whilst prisons operate restricted regimes due to the Covid-19 pandemic. Once this re-commences, NFN national leads will also look to establish a co-ordinated approach to attracting and enabling current and future work opportunities within all prisons across the estate. It is recognised that HMP Brixton does not have sufficient activity spaces to fully occupy all prisoners and the Governor will continue to work closely with NFN to address this. Prisoner pay is also being reviewed with the London Prison Group Director to encourage prisoners to undertake the existing opportunities available to them.