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Chair, Independent Monitoring Board
HMP Leicester
Welford
Leicester
LE2 7AJ

MoJ Ref: ADR 081122

8 October 2020

Dear ██████████,

**HMP LEICESTER: INDEPENDENT MONITORING BOARD ANNUAL REPORT
FOR 1 FEBRUARY 2019 – 31 JANUARY 2020**

Thank you for your Board's report for the year ending 31 January 2020. I am grateful to you and your colleagues for your hard work in capturing these helpful observations. Although outside of the Board's reporting period, I note your recognition that at HMP Leicester the restrictions imposed by the measures to combat Covid-19 were carried out in a fair and humane manner.

I understand the Board's concerns around planned capital improvement programmes. Whilst the Covid-19 pandemic has meant restricting project activities, work has continued in the background and has led to several projects progressing further than the funding received. I am pleased to reassure you that roofs for the legal visits and gymnasium areas are on course to be replaced by January 2021. Reception refurbishment, flooring replacement on main wing landings, and main boiler and pipework replacements are currently out to tender with work to be completed within this financial year. The Ministry of Justice fire safety improvement project is also due to commence in October 2020. Scoping work for enhanced gate security is currently taking place with a view to delivering the project this financial year.

We take all assaults on our staff very seriously and will always seek to bring perpetrators to justice. The Assaults on Emergency Workers (Offences) Act came into effect on 13 November 2018. The Act modifies the criminal offence of assault or battery where it is committed against emergency workers (including prison officers) acting in the course of their functions, increasing the maximum penalty from six to twelve months imprisonment. Following a targeted consultation with key stakeholders, the Government announced on 15 September 2020 that it will bring forward legislation to increase the maximum penalty from twelve months to two years' imprisonment. There are higher maximum penalties in place for more serious offences, including ABH and GBH. In such cases, the 2018 Act requires the court to consider the fact that the offence was committed against an emergency worker as an aggravating factor, which is considered in sentencing decisions. The Sentencing Council also published interim guidance in April 2020 for sentencing Judges in the context of the Covid-19 pandemic. The interim guidance clarifies that when sentencing common assault offences involving threats or activity relating to transmission of Covid-19, courts should treat this as an aggravating feature of the offence.

The Crown Prosecution Service (CPS) has confirmed they do not have data to establish whether prison officers receive comparable treatment to other emergency workers, however, we are continuing to work with them and the police through our Crime in Prison Board to provide better outcomes for crimes committed within prison.

The Sentencing Council states that consecutive sentences will ordinarily be appropriate where any offence is committed within the prison context. However, only the Judge can determine whether to award a concurrent or consecutive sentence.

Additionally, in May 2019 HM Prison and Probation Service (HMPPS) published the revised Crime in Prison Referral Agreement which provides guidance to prisons on which criminal acts should always be referred to the police and matters which should be considered for referral. The Agreement also provides information on an escalation process if the prison disagrees with the decisions not to proceed with an investigation which establishments are encouraged to use if they are not receiving satisfactory outcomes. Where the prison does not agree with a decision taken by the CPS, a victim can invoke the Victims' Right to Review which enshrines a victim's right to request a review of decisions taken by the CPS not to charge, to discontinue or otherwise terminate all proceedings.

Regarding foreign national prisoners, HMPPS and the Home Office are committed to improving the time taken to resolving foreign national prisoners' deportation cases and both departments are working closely together to ensure consideration takes place earlier in the custodial sentence. There are several reasons why foreign national offenders are detained longer than we would like such as prisoners unwilling to engage with embassies regarding travel documents and claiming asylum immediately before removal. The Home Office is also committed to ensuring that all processes are expedited, that ongoing detention is reviewed every 28 days to ensure detention remains proportionate to removal timescales, and that foreign national offenders are either deported or released from detention as soon as possible.

Further to last year's update on the Prison Transfer and Remission Guidance, NHS England has confirmed that this has been refreshed and amended following a comprehensive consultation process during summer 2019 and is awaiting publication as the planned publication was impacted by the Covid-19 pandemic. Aside from the revised guidance, NHS England is developing a whole-pathway approach to the care of offenders including diverting offenders from the criminal justice system where appropriate, and reconnecting those leaving custody with health services in the community. Regarding the two prisoners referred to in your report, both men were subject to regular multi-disciplinary reviews as to whether segregation could continue and they were seen regularly by the mental health team. I note that your report acknowledges that the Gatekeeping process is working effectively, but it is important to recognise that the process does take some time and moves cannot be obtained for men whilst they are going through the process.

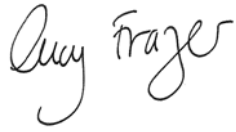
Following last year's update on the facilities management contractor (Amey), although I was pleased to note the contractor's improved response to urgent repairs, I appreciate that other aspects of the service remained unsatisfactory. HMPPS recognises that some of the project work in 2019 was not completed to the standard required. Amey has now rectified many of the projects and remedial work to the reception is now due to be completed later this summer.

It was encouraging to receive your comments that HMP Leicester is a well-run establishment with strong leadership, hardworking and innovative senior management team and an engaged body of staff. I was further encouraged to note the management's substantial efforts to improve decency and safety at HMP Leicester. I was also pleased to read that prisoners are treated fairly and with respect, staff/prisoner relationships are good, and that a predictable regime is delivered even when staff are stretched. I was particularly pleased to read about the third 'Talent Unlocked Festival' held in November 2019 which consisted of a variety of arts and music and had a very positive effect on prisoner morale.

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 annex, along with details of other capital and maintenance works

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 Leicester.

Yours sincerely

A handwritten signature in black ink that reads "Lucy Frazer". The signature is written in a cursive style with a large initial 'L' and 'F'.

LUCY FRAZER QC MP

Annex

HMP LEICESTER: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 FEBRUARY 2019 – 31 JANUARY 2020

HMPPS comments on matters raised in the report

Segregation Unit Improvements

HMPPS is pleased to advise that the Segregation Unit has seen significant investment in recent months with more robust furniture being installed comprising of replacement beds, metal furniture, integral sink and toilet units and new cell doors. In-cell flooring has also been replaced alongside full decoration of all cells. The main landing of the unit is due to have the flooring replaced in the coming months. Three cells were meshed and rendered three years ago to provide enhanced security and a bid will be submitted at the earliest opportunity to secure funding to complete the work on the remaining cells.

Maintenance and Repair Projects

As mentioned in the Minister's letter above, some of the project work in 2019 was not completed to the standard required. Amey has now rectified many of the projects and remedial works for drainage covers and the kitchen floor is now complete. The food waste removal contract was subject to problems. Due to a change in legislation regarding the discharging of food waste into the main drainage system, it was necessary to remove the food macerators. Following the appointment of new contractors by Amey earlier this year, the service has improved greatly in recent months with no issues being reported to Prison Maintenance Group.

A Fire Safety Improvement project is in the capital maintenance programme for this financial year which is preparing for recommendation for delivery subject to Population Management approving the decant requirement. Contractors are expected to be on site in the coming months.

Prisoners' Property

It is unfortunate and regrettable that prisoners' property continues to be an issue. As the Board will be aware, the development of the new Prisoners' Property Policy Framework involved a large project undertaken in summer 2019. Following the conclusion of the project, HMPPS has worked 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, who proposed meetings take place with Board members in April. In light of the pressures placed on Boards by Covid-19, HMPPS agreed with the IMB Secretariat to pause this consultation until August and September. This work is now moving forward again and the feedback received from IMB members at these meetings 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.

The new Prisoner Escort and Custody Service 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 be carried for each prisoner on top of the existing agreed volumetric limits. 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.