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Chair, Independent Monitoring Board
HMP Whatton
New Lane
Whatton
Nottinghamshire
NG13 9FQ

MoJ Ref; SUB 082367

12 October 2020

Dear ██████████,

**HMP WHATTON: INDEPENDENT MONITORING BOARD ANNUAL REPORT
FOR 1 JUNE 2019 – 31 MAY 2020**

Thank you for your Board's report for the year ending 31 May 2020. I am grateful to you and your colleagues for your hard work in capturing these helpful observations particularly as the Covid-19 pandemic has impacted on your ability to gather information.

I understand the Board's continued concern that despite the announced funding pledged for the maintenance of prisons there will still be delays in improving the prison's healthcare facilities. As set out in my letter to the Board on 19 June 2020, the previous estates investment proposal submitted in August 2019 to consider various options from substantial refurbishment to the full replacement of the healthcare facilities was not supported as only essential emergency work, particularly around fire safety, could be funded at the time. However, as indicated a further formal business case for providing a new Healthcare Centre will be considered by the Ministry of Justice (MoJ) in due course.

In the interim the HM Prison and Probation Service (HMPPS) Regional Estates Manager, establishment Service Delivery Manager and Site Manager from Amey, are producing an action plan to address the on-going maintenance issues within the healthcare facility and to take into account the Care Quality Commission's (CQC) report. To support this a comprehensive survey has been commissioned to ascertain what adjustments are needed to ensure the existing facility meets the CQC specifications. To date additional hand wash stations have been installed and patch repairs have been made to the roofs and rotten woodwork. Regular sewage service inspections are also taking place to prevent further leakage and pest control inspections have now increased to monthly visits. HMPPS Prison Maintenance Group (PMG) also continues to engage with Amey to ensure that any necessary repairs are completed to keep the healthcare facility functioning within its current built environment.

More generally to improve facilities management, HMP Whatton has previously been allocated £1.1 million for fourteen maintenance projects and to date eleven of these projects have been commissioned with three of the projects already in progress on site. The projects include the replacement of boilers in various locations across the prison, refurbishment of a shower area on A wing, repairs and partial replacement of the roof of B wing, replacement of the fire alarm system on B wing and road replacement and repairs. Although Covid-19 has had an impact on these projects HMPPS PMG are content with the progress being made as all projects are on target for completion within this financial year.

Turning to the Board's concerns about prisoners being held in segregation awaiting a mental health transfer. The MoJ and HMPPS have a responsibility to ensure those in prison receive appropriate care in the right setting and at the right time. Where a prisoner is suffering to an extent that warrants detention under the Mental Health Act, they should be transferred to hospital. We are determined to improve the transfer process, ensure delays are reduced and avoid prison being used inappropriately. The Secretary of State for Justice is committed to working with the Secretary of State for Health and Social Care (with health partners) to articulate a coherent picture of how healthcare is delivered throughout the criminal justice pathway. The Government is also committed to reforming the Mental Health Act and we are working closely with Department for Health and Social Care to respond to the recommendations of the independent review, chaired by Professor Simon Wessely which includes recommendations about improving the secure transfer process. A joint White Paper will be published in the coming months.

Local NHS England and Improvement Health and Justice commissioners also acknowledge the concerns of the Board. Work is being scoped with specialised commissioners to track and follow up closely those patients that are awaiting transfer to a secure mental health unit. The aim will be to facilitate fortnightly calls with all case managers to review those individuals who are awaiting transfer, as ultimately the issue of moving prisoners within the required timescales is a combination of Health and Justice having close liaison with specialised commissioning and working closely with the provider collaboratively. Whilst this engagement is also subject to the capacity of secure hospital beds across the country, commissioners are regularly monitoring bed availability and capacity for transfers.

It is also recognised that prisoners with mental health needs are, on occasions, held in segregated conditions whilst awaiting transfer to a secure mental health unit. However, this is always as a last resort and only where the prisoner has been assessed as suitable for segregation by a healthcare professional. NHS England and Improvement Health and Justice also works with the healthcare providers to establish if any additional clinical support is required for individuals and commissioners will look to fund bespoke solutions to enhance care to patients where required. NHS England and Improvement Health and Justice also continue to work with HMP Whatton to scope other potential opportunities to improve the patient quality, service and experience.

Despite your concerns, it was reassuring to receive your comments that the prison remains safe and the introduction of key workers has further improved the positive and supportive relationships staff have with prisoners. I was pleased to read that staff have been commended for the fair and humane way a restricted but consistent regime was introduced to protect prisoners and support their welfare during the Covid-19 outbreak, and I appreciate the efforts of staff during this difficult time. I was also encouraged to read that healthcare treatment is at least equivalent to the service provided in the community and the level of these services significantly improved during the reporting period. HMPPS comments in response to the three 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 Whatton.

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

Annex

HMP WHATTON: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 JUNE 2019 – 31 MAY 2020

HMPPS comments on matters raised in the report

PAVA Spray

The decision to issue PAVA spray to the wider adult male estate during Covid-19 was to ensure that it was available across all closed male public sector prisons during this exceptional time. As with other decisions that have been taken during the response to Covid-19, HMPPS will review the position with the exceptional deployment of PAVA and agree the next steps to restart the national rollout as part of the ongoing safety programme.

Prisoners' Property

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 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 the limit of 7.5kg 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.

In accordance with policy guidance contained in the Prisoner Complaints Policy Framework, complaints involving another prison should be answered within 10 working days. Where it is not possible to give a full reply within the required timeframe, an interim reply which gives an indication of when a full reply can be expected must be given. It is recognised that HMP Whatton experiences varying response levels to complaints from other prisons and that the volume of concerns may not just be isolated incidents which is why HMPPS is undertaking the thorough consultation above on a new Framework.

Approved Premises

To improve the timeliness of referrals and support release at the earliest opportunity where the Parole Board direct release to Approved Premises, a new process has been set up to provide early notification of the decision to Approved Premises Central Referral Units which is followed up with immediate liaison with the Offender Manager. Alongside improving the timeliness of referrals, HMPPS remains committed to the expansion of the Approved Premises estate through the delivery of an additional 200 bed placements. 47 of these additional bed placements were due to be delivered by the end of the 2019/20 financial year, however, because of the impact of Covid-19 and additional building works required there were some delays and the remaining nine spaces were completed at the end of September 2020. These additional spaces will support the increasing number of offenders being referred into both the male and female Approved Premises estate who pose a significant risk of harm to the public.

In addition, due to the Covid-19 pandemic, £8.5 million was secured to support the provision of accommodation for individuals released from prison during this unprecedented period. The scheme ran between May and August 2020 providing up to 56 nights' accommodation ensuring some offenders can be accommodated in to late October 2020. This scheme was open to individuals who met the appropriate criteria, including all those at risk of homelessness following release from prison. Other cohorts were also considered such as those in Approved Premises and Bail Accommodation Support Services that were at risk of homelessness. The MoJ and HMPPS will utilise the learning gathered from this scheme to help develop longer-term improvements and will draw on that learning as part of wider reforms to probation services.

HMPPS has also recently published its national Accommodation Framework that sets out the Agency's and its partners' responsibilities including local authorities, as well as how to build on successes and work together to ensure that offenders can access and maintain settled accommodation.