



Ministry
of Justice

Victoria Atkins MP
Minister of State for Justice and
Minister for Afghan Resettlement

██████████
Chair, Independent Monitoring Board
HMP Send, Ripley Road
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Moj ref: SUB 91527

15 October 2021

Dear ██████████

**HMP SEND: INDEPENDENT MONITORING BOARD ANNUAL REPORT
FOR 24 MARCH 2020 – 31 MARCH 2021**

Thank you for your Board's report for the year ending 31 March 2021. I am grateful to you and your colleagues for your hard work in capturing these helpful observations, particularly during an unprecedented and challenging reporting period. I was saddened to hear there was one staff fatality. I offer my condolences to all their friends, family, and colleagues.

I appreciate the Board's ongoing concerns about indeterminate sentenced prisoners (IPP). As the Board will be aware, when the IPP sentence was abolished in late 2012 by the Legal Aid, Sentencing and Punishment of Offenders Act, this abolition was not applied retrospectively. To re-sentence those individuals would result in prisoners who are still patently dangerous being released into the community and expose the public to considerable risk. I am, however, looking into this in the first weeks of being appointed.

HM Prison and Probation Service (HMPPS) remains committed to doing all it can to support the progression of IPP sentenced prisoners to the point where the Parole Board determines that they may be safely released. The actions referred to in last year's response continues to deliver a substantial reduction in the number of IPP prisoners who have never been released. That number stood at 1,722 at the end of June 2021, a reduction from 1,969 at the end of June 2020. The Governor at HMP Send has detailed updates on the progress of the remaining IPP prisoners held at HMP Send, which I invite the Board to obtain directly. As mentioned in last year's response, whilst the number of IPP prisoners who have never been released continues to decrease, the proportion of those who remain in prison who committed more serious offences and whose cases are complex grows. For these reasons, there are some prisoners serving IPP sentences who have spent a significant number of years in custody after completing their tariff.

This government remains wholly committed to delivering the Female Offender Strategy aims. The decision to expand the women's prison estate is not simply a question of numbers, though this is clearly important due to the projected rise in the prison population. Significantly, new prison places will provide welcome investment in the women's estate enabling us to deliver the right type of accommodation, designed to meet the specific needs of women. This new accommodation will improve the experience for

women where custody is the only option, including improving closeness to home and promoting stronger family ties, and will help to deliver better custody, as set out in the third aim of the Female Offender Strategy. The design of the new accommodation is trauma-informed and gender-specific with improved outcomes for women. Our design principles factor in greater in-cell communication options that are informed by what we have learned from the Covid-19 pandemic, including laptops for in-cell use that offer an entertainment platform and facilitate day-to-day prison transactions. If, as a result of the work through the Female Offender Strategy and other initiatives, the projected increase in the women's population does not materialise, we have committed to using these places to close existing older and less suitable accommodation in the women's estate.

We are not investing in these additional prison places at the expense of women's community services. Work has therefore begun on delivering the first of five residential women's centres, a key commitment in our Strategy. These will provide a robust community alternative for women who would otherwise receive a short custodial sentence, offering safe residential accommodation and holistic support to address the often-complex needs that underlie their offending behaviour. I must stress that we firmly believe custody should remain the last resort for women, but for those women who do require custody, they must be held in appropriate, decent and safe accommodation which supports effective rehabilitation.

Turning to the Board's concern around future pandemic responses in prisons, throughout the pandemic HMPPS has been capturing and sharing lessons learned and we continue to gather and share a range of information, including feedback from scrutiny bodies, staff, those in our care and the voluntary sector. We are feeding learning into prison safety and wellbeing initiatives, regime redesign, and planning and ongoing mitigations for prisoners. Prisons are also using lessons learned from the pandemic to adapt provision, reinforce fair and decent behaviours, and to show visible leadership. HMPPS' Scrutiny and Intelligence Unit also routinely reviews external scrutiny and internal assurance reports to draw out good practice and themes which are communicated to prisons and more widely across HMPPS. They also identify where lessons could be learned or implemented more effectively.

Regarding vaccinations in prisons, the programme is managed by the NHS. In line with the community, prisoners have been vaccinated in order of priority based on the Joint Committee on Vaccinations and Immunisations (JCVI) advice. All adult prisoners have now been offered the first dose of the vaccine with 60% of prisoners having received their first dose. On 26 February 2021, the JCVI advised that vaccinations for those under 50 should continue with an age-based approach to allow the roll-out to press on. This means that no occupation will be prioritised as the evidence shows that an age-based approach remains the most effective way of reducing deaths and hospitalisation from Covid-19. At HMP Send, the uptake of vaccinations has been consistently high at over 80% and following the commencement of the programme there have been no further prisoner cases of Covid-19.

The issues around resettlement accommodation for prison leavers is affected by numerous factors. Overcoming these barriers is something that the Ministry of Justice cannot do in isolation and therefore we work together with the Ministry of Housing, Communities and Local Government (MHCLG), Welsh Government and Other Government Departments to address this issue. We are investing over £20 million to launch a new accommodation service, which commenced this July in five probation regions including Kent, Surrey, and Sussex, providing prison leavers at risk of homelessness with temporary accommodation for up to 12 weeks and support into settled accommodation. It will support around 3,000 offenders in its first year, with the aim to roll out nationally.

Although this has been a very challenging reporting period, it was encouraging to receive your comments about the staff at HMP Send for their outstanding effort during the outbreak and the entire year of lockdown that included many instances of kindness and consideration towards prisoners, ensuring their health needs were met, and an understanding of the impact of extended confinement on prisoners mental

health. I was also pleased to note the positive impact of in-cell telephony, that there continued to be no deaths in custody which has been the case since 2010, the commitment of staff who worked hard to support a heavily pregnant foreign national prisoner, and the determination of seven prisoners to complete a half marathon whilst training within the prison confines.

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 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 Send.

Yours ever,

A handwritten signature in blue ink that reads "Victoria Atkins". The signature is written in a cursive style with a large initial 'V' and a long, sweeping tail on the 'y'.

VICTORIA ATKINS MP

HMP SEND: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 24 MARCH 2020 – 31 MARCH 2021

HMPPS comments on matters raised in the report

Sentence Progression

All progression pathways and service providers at the prison have now fully reinstated their services. Following the implementation of the Offender Management in Custody (OMiC) model, the prisoners now have named keyworkers alongside their Prison Offender Managers in place to support their progress with sentence plans.

Education Provision

Prison education is a key element of Regime Recovery Planning and has continued to be delivered throughout the COVID pandemic. The provider at HMP Send, Weston College, has adapted its delivery method by developing in-cell resources to enable learners to access education despite not being able to attend classrooms due to HMPPS national restrictions. Face-to-face delivery has resumed at the prison with risk assessments in place to enable learners to attend classroom facilities. Weston College are in the process of modernising the available digital infrastructure and access to the Virtual Campus will be improved through the investment in new broadband.

HMPPS is working with the Prison Education Framework suppliers and Awarding Organisations to establish how best to prepare, within our current funding, the digital infrastructure across the Prison Estate to ensure readiness to deliver Essential Digital Skills in prisons as part of the Government's commitment to improving the country's digital literacy skills. A small number of prisons across youth, male and female estate will have in-cell technology available for prisoners by the end of this financial year and we are working to develop educational provision for these sites. However, whilst work on the estate's digital infrastructure has commenced, this opportunity for estate wide transformation cannot be realised without significant investment in digital infrastructure. HMPPS acknowledges a sizeable share of the estate will be unable to offer education outside the education blocks or workshops for a considerable amount of time.

Information Technology Skills

As mentioned above in the Minister's letter, our design principles factor in greater in-cell communication including laptops for in-cell use that offer an entertainment platform and facilitate day-to-day prison transactions that implicitly builds digital skills and increases digital literacy in preparation for life on release. In respect of wider availability of digital skills training, the main route to this remains the Virtual Campus which offers opportunities to develop the digital skills of those who attend education. Through the education provider, HMP Send offers Information and Communication Technology courses at level 1 and 2, and a business administration course. A newly appointed one-to-one tutor supports women that are harder to engage including those who are less familiar with or intimidated by using digital platforms.

Foreign National Prisoners

HMPPS appreciates the Board's concerns around vulnerable Foreign National Offenders (FNOs) and particularly those who are pregnant. There is no one agency with responsibility for a pregnant FNO, although while serving a custodial sentence, their medical needs would fall to the responsibility of the prison service. The Home Office have advised that there is no published guidance that states that deportation cannot be considered if an FNO is pregnant, however medical factors are considered when removal directions are being set. Generally, most airlines will not accept a passenger if they are over 32 weeks pregnant.

In June 2016, Immigration Enforcement introduced a policy in respect of the immigration detention of pregnant FNOs and is applicable to those held under immigration powers within an immigration removal centre or in a prison establishment including those still serving a custodial sentence. Although instances of the incident referred to in your report are rare, they can occur and this is a reminder that in the event an FNO Removal Centre is informed of an FNOs pregnancy, the immediate steps for the case working team are to decide if removal is to be effected within 72 hours from the date of acceptance of pregnancy, and if not, to then either seek an extension to immigration detention authorised at Ministerial level or to submit a release referral. It remains the responsibility of the Home Office case working team to ensure that the pregnancy is made clear in any referrals to all outside stakeholders.

Equality Monitoring

The Ministry of Justice (MoJ) Digital Team is currently developing a new digital service which aims to improve the initial stages of prisoner reception for both staff and prisoners. This service will look to match arrivals at prisons with existing data, reducing duplication, and incorporating information about equalities that are already known. Once the minimum viable product has been delivered, HMPPS will focus on improving the way that equalities data is collected, updated, and shared in prisons and within the MoJ. Any new data collected will be shared with analytical platforms to allow for improved analysis of discrimination within prisons.

Whilst the new system is being developed, the existing Equalities Monitoring Tool will continue to be used and the Diversity and Inclusion Team at HMPPS headquarters is looking to engage with our regional equality leads in improving what good data and analysis looks like.

Secure Video Calls

HMPPS can confirm the Secure Social Video Calling service will continue to be available alongside face-to-face visits. We have recently completed a procurement process to identify the best available provider to continue the service at the end of the initial contract with Made Purple. A new two-year contract has been awarded to PhoneHub, an established provider of secure video calls, who already provide their service to HMP Huntercombe. The new supplier greatly impressed the evaluation panel from a technical standpoint, particularly highlighting the ability of their system to process children moving on screen without pausing or ceasing the call. We are anticipating the completion of a transition period from the incumbent provider, Made Purple, to the new supplier, PhoneHub before the end of 2021.

While the service is currently funded, work is underway on a long-term policy framework that will address questions around funding and for whom, in what situations, and whether calls should be free or charged. The intention is that video calls will remain part of HMPPS' suite of ways for prisoners to communicate with their family and friends outside prison.