



Chair, Independent Monitoring Board
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HMP NOTTINGHAM: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 MARCH 2020 – 28 FEBRUARY 2021

Thank you for your Board's report for the year ending 28 February 2020. I am grateful to you and your colleagues for your hard work in capturing these helpful observations, especially as you continued to be short of Board members during the reporting year and the Covid-19 pandemic impacted on your ability to gather information. I was saddened to hear there were two deaths in custody, my officials take recommendations from the Prisons and Probation Ombudsman very seriously.

I understand the Board's concerns about prisoners having to continue to serve indeterminate sentences of Imprisonment for Public Protection (IPP) and the request for retrospective legislation to address this. The Legal Aid, Sentencing and Punishment of Offenders Act abolished the IPP sentence in late 2012, but this was not applied retrospectively. To re-sentence these individuals would result in prisoners who are still assessed as dangerous being released into the community and would expose the public to considerable risk of serious harm. I am, however, looking into this in the first weeks of my appointment.

Although Covid-19 continues to present a unique set of challenges, Her Majesty's Prison and Probation Service (HMPPS) remains committed to doing all it can to support the progression of IPP prisoners to reduce their risk. The latest published national figures at the end of June 2021 show the unreleased IPP population standing at 1,722, which is a reduction from 1,969 at the end of June 2020 and the 6,000 at its highest in 2012. This demonstrates that opportunities remain available to IPP prisoners wishing to progress and despite the pandemic. To continue the progress already made, case file reviews have been expanded to include all short tariff prisoners irrespective of previous parole hearing outcome. This is in addition to those that have failed to make any progress after two or more post-tariff parole hearings. These reviews reinvigorate cases that are not progressing and identify appropriate individual progression pathways where necessary. HMPPS also continues to monitor Progression Regimes at four prisons across the country that are dedicated to supporting IPP prisoners struggling to achieve release via the usual routes.

It is important to note, that as the number of IPP prisoners continues to decrease the proportion of those that remain in prison who have committed more serious offences and whose cases are complex grows. Prisoners must be willing to address these risks before the independent Parole Board can consider release which is why some prisoners have spent a number of years in custody after completing their tariff.

This is not a simple task, but HMPPS continue to offer them the opportunities to reduce their identified risks. Every effort is also made to locate an IPP prisoner to a prison best placed to meet their sentence planning needs as promptly as is reasonably possible. However, transfers during a parole review would usually only take place to access a progression opportunity and does not disrupt an impending parole hearing date. Prisons will otherwise seek to progress IPP prisoners at the earliest opportunity following the conclusion of a parole review. It is recognised that the number of IPP prisoners at HMP Nottingham has remained relatively consistent due to some of the challenges being faced in arranging transfers which are addressed further in the attached annex. However, the North Midlands Prison Group is working with HMPPS Psychology Services to set out a strategy to support and care for the IPP prisoners located at prisons within the group. This strategy will ensure that appropriate opportunities are provided for IPP prisoners to progress towards release.

Despite your concern, it was encouraging to receive your comments recognising the continued leadership and commitment by all staff to support the welfare of prisoners throughout the challenges of the Covid-19 pandemic. The quotes from prisoners praising the efforts of staff were reassuring and I too am grateful to everyone's continued hard work and professionalism during the pandemic. I was also pleased to read about the reduction in the availability of drugs and violent incidents, as well as the prisons focus and reduction in the levels of force needed to resolve incidents.

I note you have raised a local issue of concern about learning lessons to improve the organisation of the prison 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 Nottingham.

Yours ever,



VICTORIA ATKINS MP

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HMPPS comments on matters raised in the report

Remission from Secure Hospital

Many patients returning to prison from secure mental health facilities will do so to the nearest local prison, which was reiterated when NHS England & Improvement (NHSE&I) published new good practice guidance on 10 June 2021 - <https://www.england.nhs.uk/publication/guidance-for-the-transfer-and-remission-of-adult-prisoners-and-immigration-removal-centre-detainees-under-the-mental-health-act-1983>. For this reason, HMP Nottingham will receive prisoners returning from Rampton Hospital with the exception of those returning to the Long Term High Security Estate (LTHSE), where separate arrangements exist to place the individual in the prison best placed to meet their security needs.

It is acknowledged that returning to a local prison is not always the best approach from a patient and care perspective but enables swifter remission arrangements from hospital to be put in place. This allows hospital bed spaces and treatment to be offered to others quicker as under previous arrangements, returning the individual to the sending prison often resulted in delays or in some cases refusal. It also enables the Observation, Classification, and Allocation (OCA) departments in local prisons to determine the most suitable onward location for the prisoner and HMP Nottingham continues to attempt to arrange transfers for prisoners to return to either their previous prison or a suitable alternative site.

Building on pilots run via the Offender Personality Disorder pathway, HMPPS had been undertaking a Task and Finish process to consider the current policy and practice on remission from secure hospital in order to make recommendations that fulfil both a security and care agenda. However, this work will take time to complete, as it was halted due to Covid-19 pandemic and any recommendations will need to be agreed with NHSE&I before any changes can be implemented and embedded.

Transfers

Where HMP Nottingham is unable to meet the needs of a prisoner every effort is made to progress the individual to a prison with the appropriate facilities or programmes. Unfortunately, due to the complex needs and behaviour of some prisoners, segregation for their own safety or the safety of others may be necessary and can delay their progressive move. Segregation is always used as a last resort and following a robust discussion between the prison and healthcare team to support the individual and meet their presenting needs, whilst ensuring safety, vulnerability and risk are managed. Whilst it can be difficult to manage such individuals, their circumstances are regularly reviewed and in doing so input will be sought from a multidisciplinary team. The prison also continues to make every effort to encourage prisoners to engage with the regime and be part of the prison community. Authorisation for segregation beyond 42 days is provided by the Prison Group Director (PGD) acting on behalf of the Secretary of State and is only granted where it is necessary. On a monthly visit to the prison the PGD will visit the segregation unit and meet with all prisoners to monitor their health and wellbeing to ensure appropriate action is being taken to progress them out to normal location.

Alternative pathways are available across the prison estate for the needs of specific individuals, such as the Offender Personality Disorder pathway which provides treatment services and remains an option for anyone who meets the entry requirement. All Offender Managers have access to psychological consultancy which can assist with determining if prisoners should be referred into treatment services, as well as helping in both sentence planning and behavioural management.

It is also recognised that the speed at which transfers take place can be subject to space constraints in appropriate parts of the prison estate becoming available and measures to mitigate the spread of the Covid-19 virus has minimised inter-prison transfers throughout the pandemic. The complex needs of some prisoners do also continue to present a challenge to identify a suitable location and some prisons may not agree to accept a prisoner without them having had a stable period of behaviour. Whilst the role of HMPPS Population Management Unit is only to facilitate approved moves from one prison to another once agreement has been reached by both sites, where any transfer issues do occur the national allocation protocol has an escalation route through operational line management and senior management to try to resolve these.

Unconvicted Prisoners

The Board were previously made aware in 2018 that Prison Rule 7 (2) stipulates that unconvicted prisoners; (a) shall be kept out of contact with convicted prisoners as far as the Governor considers it can reasonably be done, unless and to the extent that they have consented to share residential accommodation or participate in any activity with convicted prisoners; and (b) shall under no circumstances be required to share a cell with a convicted prisoner. Prison Service Order (PSO) 4600 - '*Unconvicted, Unsentenced and Civil Prisoners*' meets this rule by stipulating to Governors that unconvicted prisoners are not required to share a cell with a convicted prisoner unless their explicit consent is obtained.

Unfortunately, prior to the new Governor arriving at HMP Nottingham convicted and unconvicted prisoners were mixed to ensure that the prison had the flexibility to maintain safety whilst continuing to meet demand up to its operational capacity. The new Governor will be reconfiguring the prison over the coming months to enable HMP Nottingham to meet the requirements of the Prison Rules and PSO 4600. However, this will remain subject to the ongoing national reconfiguration of the prison estate as sufficient capacity in the right place and at the right time is needed to support offender flows.

Vaccinations

The roll out of the Covid-19 vaccination programme led by the NHS has been rapid and is at the centre of the Government's plan to enable life to return to normal. Whilst prisoners have not been vaccinated any faster or further than the general public in the community, HMPPS has worked closely with Healthcare colleagues to facilitate the roll out as smoothly as possible. For those prisoners who would be released prior to their second dose, this includes ensuring that they are registered with a GP on release or where they are already registered, that their medical information is transferred to their GP practice. For example, those prisoners being released into a Probation Approved Premises, would be supported to register with a GP via the Approved Premises induction programme.

Processes were already in place before the Covid-19 pandemic to support prisoners in registering with a GP on release or allocating an NHS number where this was not recorded. However, pre-registration with a GP has increased in importance to support continued access to healthcare services and continuity of care and information has been provided to all prisons to highlight this priority.