



Chair, Independent Monitoring Board  
HMP Elmley  
Church Road  
Eastchurch  
Sheerness, Kent  
ME12 4DZ

MoJ ref: SUB 95697

20 April 2022

Dear Chair,

**HMP ELMLEY: INDEPENDENT MONITORING BOARD ANNUAL REPORT  
FOR 1 NOVEMBER 2020 – 31 OCTOBER 2021**

Thank you for your Board's report for the year ending 31 October 2021. I am grateful to you and your colleagues for your hard work in capturing these helpful observations, particularly as you remained short of Board members and the Covid-19 pandemic impacted on your monitoring. I was saddened to hear there were 11 deaths in custody during the reporting year, six of which were due to natural causes. My officials take recommendations from the Prisons and Probation Ombudsman very seriously.

I understand the Board's concern about prisoners being confined to cells for long periods during the Covid-19 pandemic. HM Prison and Probation Service (HMPPS) took the difficult decision to introduce restricted regimes at the start of the pandemic to safeguard the wellbeing of prisoners and staff. The [National Framework for Prison Regimes and Services](#) set out the strategy for managing Covid-19 in prisons, the necessary level of controls and the recovery approach. HMPPS has continued to work closely with public health authorities to ensure the recovery in prisons is based on the best scientific advice available. In recent months all prisons were returned to a baseline of Stage 3 of the National Framework due to the Omicron variant threat, however, as community restrictions have ended, HMPPS are supporting prisons to remove Covid-19 controls and progress their regimes to help rehabilitate and reduce reoffending. This will allow social distancing to be removed, provide increased use of workshops and other off wing activities and a higher number of social visits. This progression is being done at a careful pace to ensure the safety, mental health and wellbeing of prisoners and staff remains a priority and prisons are ready. Prisoners also continue to be able to access the Samaritans phone service and HMPPS is working with the Samaritans to ensure that the Listener peer support scheme continues to function effectively within prisons to support their mental health. Locally, HMP Elmley has continued to work in line with the national framework, balancing the risks posed by Covid-19 with protecting prisoners' mental health and wellbeing by maximising time out of cell wherever possible and engaging with partners to implement in-cell activities. The prison has progressed with regime recovery at the earliest opportunity, while working closely with the UK Health Security Agency and trades unions and as the progression gateway is now open for Stage 1, HMP Elmley will be submitting their application shortly.

There are no plans to change the current occupancy levels at HMP Elmley as only cells meeting the requirements for double occupancy are designated for two occupants and used in this way as they have been deemed suitable for this purpose. However, the Board's concern about the conditions within cells is

recognised and a prison wide audit of cells has provided HMP Elmley with a better understanding of future need and areas to prioritise spending. Recent investment of £7,600 in new cell furniture across the prison is helping to provide improvements and a rolling programme of work will be taking place to replace beds with whitewood furniture which is easier to clean. A programme to replace toilet privacy curtains is part of a prison-wide refurbishment programme with 150 privacy screens already obtained and an improvement plan is currently being developed for the replacement of toilet lids. The prison will also be working with the facilities management provider, GFSL, to identify alternative cleaning solutions.

Despite your concerns and the challenges faced during the pandemic, it was reassuring to receive your comments that prisoners are treated fairly and efforts have continued to improve safety by preventing illicit items. I was encouraged by the initiative to review the experiences of each protected characteristic group and that monthly monitoring ensures any disproportionality is addressed. It was pleasing to read about the Accelerator projects progress, coordinating the support external agencies provide prisoners in their reintegration into society. I was also interested to note the introduction of wing surgeries to address sentence planning issues and the work of Spurgeons to help prisoners maintain family ties, both of which the Board commends and rightly so.

I note you have raised three 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 Elmley.

Yours ever,



**VICTORIA ATKINS MP**

## HMP ELMLEY: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 NOVEMBER 2020 – 31 OCTOBER 2021

### HMPPS comments on matters raised in the report

#### **Recruitment**

The staffing challenges at HMP Elmley are recognised, as well as at HMP Swaleside another prison in the local area. Both establishments have a high turnover of Prison Officers leaving at a time when it is becoming increasingly difficult for MoJ Resourcing to attract new Prison Officers for these establishments and despite a market supplement already being paid to improve recruitment and retention. However, Prison Officer roles are well advertised and other attraction methods are being used which brings in a steady stream of new applicants although not in sufficiently large numbers. An additional element has therefore been added to the recruitment process to follow up with candidates who show an interest but do not complete their application. Whilst recruitment for Prison Officers is undertaken nationally, HMP Elmley has developed a Staff Retention Strategy for 2022 which includes the Governor meeting all new staff during their first week and again after three months, monthly listen to improve sessions with the Governor and Deputy Governor and the prison is also reviewing the local staff reward and recognition procedures.

Whilst essential health care is being delivered, NHS England and Improvement recognises the critical healthcare staffing levels at HMP Elmley. Contributing factors have been identified which include the geographical location of the prison, the proximity to London which offers enhanced salaries, a national shortage of clinical staff and staff absences due to the pandemic and the forthcoming change to the lead provider. Commissioners have been working closely with the current and new providers to mitigate risks to ensure safe delivery of essential health care. In addition to mitigation actions an intensive recruitment campaign is underway with staffing levels set to improve when the new provider contract starts from 1 April 2022.

#### **Food Budget**

Since 2017 the responsibility for budgets have been devolved to Governors who have the authority to determine how they spend the overall non-pay budget for their prison. An element which makes up the non-pay budget is food and in the financial year 2020-21 this was calculated by HMPPS on a formula of £2.12 per prisoner per day. However, Governors can ultimately use their discretion to determine how much is specifically allocated for food from within their overall budget based on the needs of the local population. The last food budget set by HMPPS was at £2.02 in 2012. The Board can be assured that Prison Rules require that prisoners are provided with three meals a day that are varied and nutritious and that meet the religious, cultural and medical needs of all. HMPPS also continues to work closely with the Office of Health Improvement and Disparities following government guidelines on eating healthy.

Locally, HMP Elmley will be undertaking a review of the overall prison budget to establish whether greater funding can be set aside for food. A recent prisoner food survey was undertaken and this is enabling a menu review in consultation with prisoners via the prison council. Improvements will be driven by an action plan which will be discussed at the Elmley Prison Council meeting. In addition, a new HMP Elmley Senior Leadership Team strategy of visibility has been promoted that will ensure senior managers are present at mealtimes, this includes senior managers visiting hotplate areas to check the temperature and conditions and to oversee the serving of the evening meal. Staff have also been briefed about the management of the hot plate to ensure meals are served in a safe and fair manner.

**Canteen**

The Board's concern is recognised and the Prison Retail contract is currently being re-tendered, with the new contract going live on 1 August 2022. The re-tender process allows HMPPS to review the current working practices and introduce a more robust operation to hold the supplier to account when required. It will make processes such as ordering, returns and complaint escalation more efficient and intuitive using a supplier's digital solution with the overall service being adaptive to future change. The new canteen service will be delivered by a single supplier, who will be required to demonstrate experience and provide a service which delivers capability, capacity and value for money to the expected standards of service and contract performance.