



Chair, Independent Monitoring Board
HMP Wayland
Griston,
Thetford
IP25 6RL

MoJ ref: SUB 93392

10 January 2022

Dear Chair,

**HMP WAYLAND: INDEPENDENT MONITORING BOARD ANNUAL REPORT
FOR 1 JUNE 2020 – 31 MAY 2021**

Thank you for your Board's report for the year ending 31 May 2021. I am grateful to you and your colleagues for your hard work in capturing these helpful observations, especially as you were short of Board members. I was saddened to hear there were two deaths during the reporting year, one due to Covid-19 and the other from natural causes. My officials take recommendations from the Prisons and Probation Ombudsman very seriously.

I acknowledge the Board's comments about the prison catering allocation. The last food budget set by HM Prison and Probation Service (HMPPS) was in 2012 at £2.02 and although this is used by some prisons as a budgetary figure, since 2017 responsibility for budgets have been devolved to Governors. Prison Governors have the authority to determine how they spend their overall non-pay budget for their prison which should be broadly balanced. Towards the end of the reporting year the daily food allowance at HMP Wayland dropped to as low as £1.87. This was due to the prison receiving free food supplies. The new Governor has agreed to increase daily spend to at least £2.02 and further increases will be considered based on the needs of the local population.

Turning to the Board's comments about the wider effects of the Covid-19 pandemic, as the Board has identified, the necessity and controls to prevent the spread of Covid-19 has affected how HMPPS can conduct research. Likewise, many activities including Offending Behaviour Programmes (OBPs) were paused temporarily, resulting in relatively small numbers of programme participants. OBPs have been delivered in smaller groups and significant effort was put into delivering what HMPPS could and using the Alternative Delivery Format which was developed specifically to assist in safe delivery during the pandemic. Impact evaluations which aim to compare pre and post Covid-19 delivery are dependent on many factors, including having enough responses and being able to match participants of certain characteristics to enable robust statistical comparative assessment.

I hope to reassure you that HMPPS is committed to undertaking research to further understand the effect of the pandemic on re-offending and the impact on rehabilitative services. Research is planned as it becomes safe to do so. In terms of research in to learning, this is periodically conducted comparing Police National Computer data with Individual Learning Records. This has demonstrated a 9% reduction in reoffending for all ex-prisoners who participated in prison education, regardless of the type of course or outcome. However, such research usually requires three years to have elapsed to allow the cohort to pass through particular date triggers. There is likely to be data reliability issues with certain types of

offences, if not all offences. For example, theft and burglary given the lockdown restrictions that required the nation to stay at home. More broadly, two quality reoffending impact studies using retrospective data were published in 2021 for RESOLVE accredited violence programme (improving outcomes in adult males who are of a medium risk of reoffending). HMPPS is also committed to carrying out other research activity to understand the impact of the pandemic.

I note the Board's other comments about ensuring there is effective accommodation planning for prison leavers. On 26 June 2021 when the National Probation Service and Community Rehabilitation Companies unified to become the Probation Service, the responsibility for the delivery of resettlement services moved to the Regional Probation Directors (RPDs) with key interventions delivered by Commissioned Rehabilitative Service (CRS) providers commissioned by RPDs. Under the new approach, resettlement prisons such as HMP Wayland, will have an embedded resettlement provision (managed by or otherwise linked to a Probation Delivery Unit). Where embedded staff will not be in place, alternative arrangements will be agreed by the prison and probation senior operational leads. Alongside the CRS delivery, the pre-release teams will provide general release and support services not available via the new CRS to the people in prison.

In the pre-release phase, CRS providers will support sentence management activities completed by the Probation Practitioner and by HMP Wayland's pre-release staff. The CRS services is available to all convicted individuals released from HMP Wayland. CRS contracts are designed to support convicted prisoners, and those subject to probation supervision in the community by addressing the needs linked to their offending and to achieve the stability needed. The contracts which are delivered pre-release at HMP Wayland are Accommodation and Personal Wellbeing (mentoring Through the Gate) and these will continue post-release. Attendance at appointments with CRS Suppliers will form part of mandatory licence appointments. This continuity of support is a key element of the CRS provision and eligible individuals should receive such support prior to release.

SEETEC accommodation suppliers are based in HMP Wayland to work with men being released locally in Norfolk and Suffolk. For men being released to homes further afield, this support will be delivered by the CRS Accommodation provider in their home area via visits or by phone/video contact. The providers will also undertake activity to close tenancies at the start of sentences where this is required. Specifications for CRS providers state the requirements for a fast track referral route to be provided, and these are to be utilised for people in prison on short sentences as well as for those who have a short time left to serve.

Despite a challenging reporting period, it was encouraging to receive your comments, that staff communicated well with prisoners during the pandemic and showed a willingness to help them. I note you have raised some local issues of concern in your report which the new 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 Wayland.

Yours ever,



VICTORIA ATKINS MP

HMP WAYLAND: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 JUNE 2020 – 31 MAY 2021

HMPPS comments on matters raised in the report

Staffing Levels

As outlined in the previous response sent on 25 February 2021, recruitment has been difficult due to the location of HMP Wayland and the struggle to compete against neighbouring prisons such as HMPs Norwich, Bure, Whitemoor and Highpoint. The Ministry of Justice (MoJ) Resourcing Team has continued to run targeted campaigns and since September 2021 has been running a bespoke recruitment campaign for the Bedfordshire, Cambridgeshire and Norfolk (BCN) region. A taskforce is in place to support and manage the campaign and is aimed at attracting sufficient applications to support the prisons within the cluster and offer an incentive to candidates in difficult to recruit sites such as Wayland.

The external recruitment campaign has been driven by an increased engagement with candidates. There are local outreach events to increase awareness, provide information and allow people to apply on site. Webinars for candidates are held, to hear from lived experiences of the Governor and prison officers about why they should consider joining HMP Wayland.

As part of the taskforce, a bespoke HMP Wayland external page has been developed, which provides prospective applicants with more tailored information on HMP Wayland; the benefits of working there, the local amenities etc. The prison is also part of a pilot site for the trial of a part-time training and working pattern offer. The MoJ Learning and Development Team has designed a bespoke Prison Officer Entry Level Training schedule which, for the first time, will allow HMPPS to take on new starters who require a part-time working pattern from their first day of joining. It is hoped that this will open the prison officer role to a demographic of society that may not have considered applying previously.

Six prison officers will be joining HMP Wayland on level transfer in early January 2022, a welcomed opportunity for experienced officers to join the team. The current forecast shows approximately 40 staff short for the foreseeable future as recruitment is not exceeding attrition. BCN Prison Group Director has submitted a business case for remuneration to help improve recruitment. An ongoing programme of exit interviews is in progress and focus groups will be held with staff to establish the reasons leading to attrition. The prison will also be participating in a Matchfit consultancy project to understand and develop the workplace culture and improving staff attendance processes.

Substance Misuse Testing

Prisoners are drug tested under the following circumstances:

- On reception
- On suspicion
- 'Frequent' for compliance reasons,
- 'Risk assessment' for those on Release on Temporary Licence using machinery or undertaking a driving job and
- Random - monthly on 5 -10% of the prison population.

The three main aims of this type of testing is to:

- Supply detailed information on patterns of drug misuse.
- Deter people in prison from misusing drugs.
- Identify individuals in need of treatment for onward referral.

Random Mandatory Drug Testing (rMDT) is currently used as the proxy-measure of drug use within prisons which is published annually in the HMPPS Annual Digest statistical release. Testing is carried out by sending urine samples to the contracted laboratory. Results are reported against a panel of 12 different drug types. Confirmatory testing provides evidence beyond reasonable doubt that drugs have been misused.

Prisons with an average population in the previous 12 months of 400 or more must carry out rMDT on at least 5% of their population each month. Prisons with an average population of less than 400 must test at least 10% of their population each month. No more than 15% of a prison's population per month may be randomly tested. Prisoners are selected for testing using randomly generated lists. These target levels for testing must be achieved by prisons every month and contribute to Annual Prison Performance Ratings.

Prisons have access to approved breathalyser devices, which provide a rapid indication as to whether a person has consumed alcohol. Testing can be deployed where there are grounds to suspect that a person is intoxicated, or to manage risks within the prisons (as mentioned above). Positive breath tests can be used as supporting evidence in the adjudications process. However, they are not to be used as the sole indication that a prisoner is intoxicated.

Alcohol Abstinence and Monitoring Requirement (AAMR) was introduced to courts in Wales in October 2020 and was expanded to courts in England in March 2021 for community sentences. AAMR imposes a total ban on alcohol for drink related offences for up to 120 days and the individual has their compliance electronically monitored. It is not suitable for those with alcohol dependency.

Since 17 November 2021, Alcohol Monitoring on Licence (AML) is available to eligible prison leavers of all Wales prisons and three women's prisons, HMP Eastwood Park, HMP Styal and HMP Drake Hall who will be residing in Wales and supervised by Wales Probation. AML is different to AAMR. There are two alcohol monitoring licence conditions, one is total abstinence for the duration of the licence condition and the other is where an individual will have their alcohol intake monitored for the duration of the condition. The latter means that some individuals will be able to consume alcohol within limits and/or situations specified by their Probation Practitioner. AML will be rolled this out in England in Summer 2022.

Refurbishment

Maintenance work is being carried out frequently to ensure the new-build wings are kept to a good standard. An ongoing programme of flooring works is being delivered and a heating solution is being trialled and tendered. While the trial is ongoing, the facilities management provider has assured the undertaking of reactive repairs to the heating system. Following a successful trial, the prison will look at installing the heating solution across all wings.

Key Work

Key work should be factored in Regime Management Plans. When prisons face significant resource challenges other essential regime work will take priority.

The resource to deliver weekly key work sessions is included in HMP Wayland's profile as is the resource to provide all Band 3 prison officers six hours of ongoing training and support per year in key work delivery. This is overseen by the Head of Offender Management Delivery. The new Governor will be reviewing profiling and the key work strategy.

Offender Management in Custody resources are currently being reviewed. HMPPS hopes to publish the outcome of the review at the end of 2021-22 calendar year, with any changes implemented to take place from April 2022 (this date however, maybe subject to changes).

Complaints Process

Thank you for highlighting prisoners' perceptions on complaints handling. Responding to complaints in a timely fashion is in the interest of both the prisoner and the respondent and the more often the five-day response timeframe is successfully achieved, the more likely the system will be seen as reliable and trustworthy by prisoners, and less likely to be abused.

Prison Rule 11 states that the Governor will consider complaints as soon as possible. The Prisoner Complaints Framework mandates that an interim reply must be given where it is not possible to give a full reply within the required timeframe. These replies must be informative and give an indication of when a full reply can be expected. Interim replies must be used sparingly for example, where the complaint involves liaison with multiple departments, external partners or stakeholders or where only one specific person can provide a response and is absent. Prisons must have in place arrangements for recording interim replies and ensuring substantive replies follow within a reasonable time.

Cell Clearance

Prison Service Instruction 12/2011 Prisoners' Property sets out the national requirements for the completion of cell clearances. This includes that vacated living accommodation and any property within must be secured and checked as soon as possible. All in-possession property left in the cell must be recorded on the Cell Clearance Certificate. As the Board notes, a new Prisoners' Property Policy Framework is being developed and is expected to be published early 2022. The framework will provide greater direction and standardisation on a national basis and has been designed with procedural justice at its core. It will strengthen guidance on known problem areas and will seek to ensure that property is managed efficiently, effectively, consistently and with care and respect.

Locally at HMP Wayland, a cell clearance log is being introduced, which will be included on the staff daily briefing sheet and monitored daily as a compliance control.

Healthcare Contract

The service specification for the healthcare service for any prison is in the public domain at the time of the contract offer (for commercial reasons). NHS England and NHS Improvement is therefore happy to disclose this document(s) on request of the IMB (please contact the Head of Healthcare).

Rehabilitation and Resettlement

The Board were correct in identifying that prisoner learners were unable to access face-to-face teaching for almost five months and were reliant on remote learning. This, however, was in line with events in the community and not peculiar to the custodial setting. Business Continuity and Disaster Recovery Plans are a contractual requirement and were enacted at the start of the pandemic.

HMPPS Covid-19 Gold guidelines and policies were adhered to and the national Exceptional Delivery Model planning stages were followed for exceptional regimes as a result of Covid-19.

In contract year two, which broadly mirrors the pandemic year, there were 673 unique learners, who enrolled on 1,070 courses at HMP Wayland. In line with other prisons, it is recognised this was lower than previous non-pandemic years. However, there was no cessation of the education contract.

The Functional Skills completion rate quoted by the Board is 49% (19 completions from 39 starts), which is close to the completion rate for all Functional Skills courses in prisons nationally, whether taught face-to-face or remotely, since April 2019 (53%).

The new Governor will be working over the next reporting year with the Head of Reducing Reoffending, Head of Offender Management Unit, the Senior Probation Officer and relevant probation services to provide for those with the greatest need of resettlement support.

Secure Video Calling (Purple Visits)

Thank you for highlighting prisoners' perceptions of the Secure Video Calling service. We are always conscious of the need to maintain security and keep the public safe. That is why we have used technology specifically designed for use in prisons. The software has a range of built-in security restrictions/features and as highlighted by the Board requires all visitors to verify their identity and be approved before a video call takes place. If an unapproved face appears on the screen, the call will automatically be paused. In addition, prison staff do monitor the video calls and can pause or terminate calls if necessary. Providing proof of identity is a necessity for face-to-face visits and so this is no different. Free-to-use video calling applications do not offer the level of protection required in prisons and would not be suitable.