



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

MoJ ref: SUB 92755

30 November 2021

Dear Chair,

**HMP WHATTON: 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 extremely saddened to hear there were eight deaths in custody during the reporting year, five of which were Covid-19 related. My officials take recommendations from the Prisons and Probation Ombudsman very seriously.

I note the Board remains concerned for prisoners with serious mental ill health who often are being held for some considerable time in prison awaiting a transfer to a secure hospital. As the Board are aware, long waiting times can occur for placements on the Offender Personality Disorder (OPD) Pathway (as was the case for the individual mentioned in your report). However, whilst I am unable to go into detail about the specific circumstances of this individual, I am pleased to be made aware that he is now receiving specialist care in hospital. Recognising the distress this issue causes, I hope to reassure the Board that over the last 18 months in order to proactively manage and support reductions in the waiting times for admission to secure hospital, NHS England (NHSE) Health and Justice (Midlands) Governance team and Specialised Commissioners have developed a clinical case review meeting that takes place every two weeks. This is clinically led and seeks to proactively manage those waiting for secure beds through dynamic risk assessment (every case on the waiting list is required to be risk assessed every two weeks). The meeting covers the whole Midlands Region and incorporates all patients who have exceeded the 28-day timeframe. This is a multi-agency meeting to ensure that a whole system approach is adopted to supporting the most vulnerable and high-risk patients, with secure hospital collaborative representatives in attendance. Patients can move up and down this list dependent on their presenting risks. If no placements within the catchment area are available then other alternatives are sought for instance, perusing out of area placements. These meetings have impacted positively on the waiting list. In addition, the Nursing Quality and Governance team, hold monthly meetings to discuss the most pressing cases with Specialised Commissioners.

More broadly, the Government is determined to improve the transfer process, ensure delays are reduced and avoid prison being used inappropriately. Mental health is taken very seriously, and it is recognised that providing the right interventions at the right time is vital to improve outcomes for people with mental health needs. The Government is committed to introducing the new statutory time limit of 28 days for transfers to mental health hospitals from custody that was proposed in the White Paper on Reforming the Mental Health Act and this will be commenced once the new NHSE and NHS Improvement good practice

guidance is fully embedded in practice. This new guidance published on 10 June 2021 promotes the timely access to appropriate treatment and reduces unnecessary delays - <https://www.england.nhs.uk/publication/guidance-for-the-transfer-and-remission-of-adult-prisoners-andimmigration-removal-centre-detainees-under-the-mental-health-act-1983>. A new independent role to oversee the transfer process will also be implemented to further help reduce unnecessary delays.

More so, the Covid-19 pandemic has caused many long waits for services in high security hospitals due to some ward closures as result of patients testing positive for Covid-19, this was the case for two hospitals in Northampton, Rampton Hospital and St Andrews Hospital. Although the situation has now eased, this has caused a backlog for those awaiting a placement.

Turning to some positives captured in your report, it was encouraging to receive your comments commending the prison in its management of Covid-19 and observing that the staff did their best to ensure prisoners were treated fairly and without prejudice. Like the Board, I also applaud healthcare staff for the unstinting support they provided for prisoners. Your comments about the well managed and clean reception area for new arrivals, and that educational courses provided cater for all requirements, from basic skills to Open University degree courses, are noted and appreciated. It is encouraging to learn from the Governor that for some months now accredited programmes have restarted at HMP Whatton, albeit with reduced numbers due to local social distancing requirements.

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. HM Prison and Probation Service (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 Whatton.

Yours ever,

A handwritten signature in blue ink, reading 'Victoria Atkins'.

VICTORIA ATKINS MP

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HMPPS comments on matters raised in the report

Prisoners' Property

HMPPS fully understands the frustration this issue is causing. Following a pause in the development of the new Prisoners' Property policy framework due to Covid-19, a meeting with IMB representatives took place in August 2020. HMPPS circulated the draft framework to internal and external stakeholders, including the IMB Secretariat and the IMB representatives previously consulted, and a large number of comments received are being considered. It is recognised that some local prisons including HMP Whatton are experiencing great difficulty obtaining responses to complaints from sending prisons, which is one of the many reasons why HMPPS is undertaking a thorough consultation on the new framework.

The framework is now expected to be published early next year. It will provide greater direction and standardisation on a national basis and has been designed with procedural justice at its core. It strengthens guidance on known problem areas such as volumetric control and seeks to ensure prisoners' property is managed efficiently, effectively, consistently and with care and respect.

Accommodation

Healthcare

Due to other competing priorities the recent bid to improve the prison's healthcare facilities has unfortunately been excluded from this year's work projects. The heating pipework in the healthcare unit is due to be replaced, this will help solve the mould and damp issues. The Governor will keep you informed on any new developments.

Planned and Reactive Maintenance

The planned and reactive maintenance work will continue in order to support the use of the existing area. This includes the painting programme of the cells on B wing to ensure areas of the prison are decent, safe and secure for prisoners, staff and visitors.

Releases to Approved Premises

Before any prisoner is released from custody the Community Probation Practitioner undertakes a risk management assessment. Those convicted of a sexual offence under the supervision of probation will be risk assessed before being placed in accommodation and, as the Board are aware, a high number of people at HMP Whatton are considered as high risk. As mentioned by HMPPS in last year's response, a new process was set up to provide early notification of the decision to Approved Premises Central Referral Units. However, as the Board have identified, this has taken time to be fully embedded. Across the Approved Premises (AP) estate, HMPPS is delivering the expansion and enhancements needed to keep the public safe, including increasing the estate by 200 beds. There have been improvements to the Facilities Management of AP so that bed spaces remain in commission.

Since October 2018 under the Homeless Reduction Act 2017 prison and probation providers have been subject to the 'Duty to Refer' and have a statutory responsibility to refer anyone at risk of homelessness to the Local Housing Authority 56 days before they are due to become homeless.

A policy framework has been implemented in support of this process, which mandates the roles and responsibilities of both prison and probation staff in making effective referrals. In addition, building on the learning from the emergency scheme more than £20 million is being invested to support prison leavers at risk of homelessness which will provide up to 12 weeks of transitional accommodation whilst long-term settled accommodation is found. The service is initially launching in five probation regions, supporting around 3,000 individuals in the first year and a further roll out nationally will be determined by future funding. Short term accommodation placements are provided when additional public protection measures are required, when release from custody is dependent on a suitable home detention curfew address. When temporary accommodation placements are provided, HMPPS aims to ensure these are of excellent quality and staff work closely with housing partners to integrate people into suitable longer-term housing in the community.

HMPPS set up regional Homeless Prevention Teams (HPTs) to provide oversight to the response and help leavers secure accommodation. These teams have been highly successful and around a third (32%) of those accommodated in phase two of the emergency Covid-19 scheme progressed to permanent accommodation. HPTs will become a permanent feature to help develop relationships with local authorities and other strategic partners in order to embed and expand housing options for prison leavers.