



Ministry  
of Justice

The Right Honourable  
**Stuart Andrew MP**  
Minister of State for Justice

Chair, Independent Monitoring Board  
HMP Lewes  
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15 August 2022

Dear Chair

**HMP LEWES: INDEPENDENT MONITORING BOARD ANNUAL REPORT  
FOR 1 FEBRUARY 2021 – 31 JANUARY 2022**

Thank you for your Board's report for the year ending 31 January 2022. I am grateful to you and your colleagues for your hard work, especially as you had a number of vacancies.

I was saddened to hear there were seven deaths in custody during the reporting year. As you are aware the Prisons and Probation Ombudsman (PPO) carry out independent investigations into deaths in custody and I would like to assure the Board my officials take recommendations from the PPO very seriously. Given the strain that delays can put on family and staff involved, I hope that the inquests are concluded as soon as possible.

Turning to the Board's comments about the prison's fabric and capital investment, HM Prison and Probation Service (HMPPS) and the Ministry of Justice Property Directorate (MPD) welcome your findings. They are working closely to improve decency and safety for prisoners and staff at HMP Lewes. In terms of delivering work commitments, the worn floor coverings will be replaced and the common areas within the prison will be redecorated. Further investment has been secured for 2022-23 include new washing machines and tumble dryers for all wing laundries, further fire safety improvement work and improved CCTV. The shower refurbishment programme is continuing (new showers to be fitted on C and G wings). MPD will continue to work closely with the Governor and Facilities Management partners to deliver positive change. Updates on other prison maintenance matters are set out in the attached annex to this letter.

I note the Board's long-standing concern about prisoners serving Indeterminate Sentences for Public Protection (IPP). As you know, the IPP sentence was abolished in late 2012 by the Legal Aid, Sentencing and Punishment of Offenders Act 2012. This abolition was not applied retrospectively, as the Government at the time took the view it would not be right to alter sentences that had been lawfully imposed prior to their abolition. Our priority must be to protect the public. It is the Government's long-held view that legislating to re-sentence IPP prisoners would cause an unacceptable risk to public safety. Any re-sentencing would risk the immediate release of many IPP offenders who have committed serious sexual or violent offences without a risk assessment and, in many cases, with no licence period. It is, therefore, vital to public protection that they are released only where the independent Parole Board determines that risk can be safely managed in the community. The Police, Crime, Sentencing and Courts Act 2022 introduced an amendment which requires the Secretary of State to automatically refer every IPP offender to the Parole Board for consideration for licence termination annually once 10 years have elapsed since

their first release. This will ensure that eligible IPP offenders have every opportunity to have their licence terminated and will enable the IPP licence, and the IPP sentence as a whole, to be brought to a definitive end for more individuals.

Under this amendment, those who are in prison following recall under the IPP licence or are serving another determinate sentence (without having been recalled under the IPP licence) will also be automatically referred to the Parole Board. In these cases, the Parole Board will determine if it is necessary for the protection of the public that, when released, the person remains subject to an IPP licence.

In terms of their progression, I would like to reassure you that HMPPS is committed to doing all they can to support these individuals in their progression towards a safe release. This commitment continues to be delivered by a bespoke and regularly refreshed IPP Action Plan, which includes such initiatives as case reviews of those who are struggling to progress, delivered by Psychology Services to help identify the most appropriate pathway for each individual. At HMP Lewes they have implemented an IPP strategy, which ensures that Prison Offender Managers are liaising with Psychological Services, implementing best practice and holding IPP progression panel meetings, where appropriate.

Nationally, efforts have in recent years delivered a substantial reduction in the number of IPP prisoners who have never been released. That number stood at 1,492 at the end of June 2022. This is reduced from 1,722 at the end of June 2021. This is considered good progress as the population of unreleased prisoners serving IPP sentences was, at its highest in 2012, over 6,000. As 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. These prisoners are still assessed to pose a high risk of committing further violent or sexual offences and have a complex set of risks and needs. These must be addressed before the Parole Board can consider that their risk to the public is safely manageable in the community under probation supervision.

Although it has been another difficult reporting period with several Covid-19 outbreaks, it was encouraging to read about the enhanced security investment, strengthening security at the prison gate and reception. I was pleased to note that several prisoner forums were held over the reporting year, and although the prison library and education closed for most of the year, it was pleasing to hear that books were distributed to the prisoners and education was delivered through in-cell packs supported by in-cell telephony.

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 Lewes.



STUART ANDREW MP

## **HMP LEWES: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 FEBRUARY 2021 – 31 JANUARY 2022**

### **HMPPS comments on matters raised in the report**

#### **Work Placements and Education**

HMPPS recognises the value and importance of promoting wellbeing of prisoners, including positive opportunities for socialisation between prisoners and/or with staff. As part of our future-facing commitments, we are driving more personalised regimes that will better identify and address prisoners' needs or risks but also their skills / strengths. This also means a recognition of some universal needs. Therefore, in any healthy lifestyle, including in custody with the focus on safety, successful resettlement and reducing reoffending, there is a place for the encouragement of positive social interaction.

Following the exit from the Covid-19 National Framework for Prison Regimes and Services on 9 May 2022 and the standing down of Covid Gold command on 23 May 2022, decision making on regime delivery has now moved to a local risk-based approach. The level of restriction in regimes means that there is now a critical need to increase access to time unlocked and to afford access to purposeful activity that supports well-being, rehabilitation and sentence progression. We have seen levels of regime increase as we have eased Covid-19 controls.

National guidance encourages consideration of the balance of safety and sufficiency in the regime provided by Governors. There can be value to structured activity which can be delivered on wing and consideration of the level of mixing and movement of prisoners; plus, many Governors will wish to review what they deliver in consideration of the levels of safety pre-pandemic in setting their regime.

Although the pace of recovery will differ across prisons, there is a current positive upward trend nationally in purposeful activity showing increased employment and regime engagement. A dedicated Regime dashboard now provides management information locally and centrally ensuring progress can be tracked and any concerns identified to drive supportive action via the management line or centrally where required.

The Governor of HMP Lewes recognises the importance of having time out of cell and is working hard to deliver this in line with the current regime. A review of the regime and staffing profiles will take place over the summer period. The Regime Management Plan will ensure that where regime curtailments are required, if full staffing is not reached, this is minimised and applied fairly and consistently. HMP Lewes will maximise attendance at activities (work and education) by improving allocation processes and implementing appropriate non-attendance sanctions.

#### **Inter-Prison Transfer Services**

HMPPS Population Management Unit (PMU) where possible undertake single moves, however, this is dependent on the availability of transport. The PMU has expanded the range of prisons available for local transfers to ensure that prisoners are able to progress in line with offender flows and they continue to explore opportunities for more regular transfers to locations beyond the region. The PMU is also in regular contact with HMP Lewes (as well as with other prisons) and with transport providers to make the most efficient use of resources and space available whilst prioritising the needs of prisoners.

Whilst transfers for multiple prisoners take place frequently, singleton transfers continue to be difficult due to transport availability.

## **Prison Maintenance**

### *Repairs*

We are grateful the Board can see improvements with the cellular accommodation. *Gov Facility Services Limited (GFSL)* local site team are continuing to work through remedial repairs. It is noted that there are a number of broken cell windows and these will be addressed through the GFSL reactive repair process. In parallel, the MPD will be initiating a wider survey of the ageing cell windows and will subsequently submit an Estates Investment Proposal bid to the prisons Board for consideration.

All heating and hot water boilers passed their last inspection. However, there are some residual issues with the control systems that require further attention; work is due to commence shortly. The fire alarm issues on F wing and B wing have been resolved and in-cell fire detection is fully operational.

### *F Wing Netting*

Regarding pigeons entering accommodation areas, this issue has been addressed by GFSL and the pest control provider. MPD will continue to monitor whether any further intervention is required. A purchase order for new netting has been submitted for specific locations across the site. The date of fitting is yet to be confirmed.

### *Toilet Seats*

The issue will be reviewed, and a solution explored in conjunction with the Governor and the supplier.

### *Cleaning*

The Governor has invested in a Clean and Decent Officer role to improve cleanliness across the site. Ongoing work includes improvement to the provision and control of cleaning materials and equipment and close working with residential managers and the activities team so that suitable cleaners are appointed.

Funding was secured in late 2021 to remove the rubbish from the external grilles outside C wing windows and the situation is much improved. However, to prevent further accumulation, it is hoped that frequent clearing of the grilles can be incorporated into the facilities management contract.