



Ministry
of Justice

The Right Honourable
Stuart Andrew MP
Minister of State for Justice

Chair, Independent Monitoring Board
HMP Rye Hill
Willoughby, Nr. Rugby
Warwickshire
CV23 8SZ

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Dear Chair

**HMP RYE HILL: INDEPENDENT MONITORING BOARD ANNUAL REPORT
FOR 1 APRIL 2021 – 31 MARCH 2022**

Thank you for your Board's report for the year ending 31 March 2022. I am grateful to you and your colleagues for your hard work, especially as you had a number of vacancies. I am sorry to hear about the death of your colleague and experienced Board member. My condolences to everyone concerned.

I was saddened to hear there were three 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.

I understand the Board's continued concerns around prisoners serving indeterminate sentences for public protection (IPP). Further to last year's response, there are no current plans to change the legislation on the IPP sentence including the licence period. This means that the Parole Board will grant those serving these sentences release only when they have demonstrated they will no longer pose a significant risk to the public. Whilst our main priority is to protect the public, I would like to reassure you that HM Prisons and Probation Service (HMPPS) remains committed to doing all it can to support the progression of those serving IPP sentences.

Work on the regularly refreshed IPP action plan continues, which includes case reviews by Psychology Services for those who are struggling to progress to help identify the most appropriate pathway for each individual. It also includes a work stream that oversees the establishment and delivery of specialist progression regimes which give prisoners a chance to develop and test their ability to manage their risks and lives in an environment of increasing freedoms and responsibilities. All indeterminate sentenced prisoners should be located at the establishment best-placed to meet their sentence planning needs in terms of interventions. Prisons will seek out suitable locations for IPP prisoners that are assessed as needing access to certain interventions in other prisons as promptly as is reasonably possible. Indeterminate sentence prisoners may have their parole reviewed at least every two years, depending on the specifics of individual cases, and may transfer during a parole review if it is to access a progression opportunity and providing it does not disrupt an impending parole hearing date. Prisons should seek out opportunities to progress their indeterminate prisoners at the earliest opportunity following the conclusion of a parole review to increase the chances of a timely and successful transfer.

As the Board will appreciate, 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. This is not a simple task, and HMPPS will continue to work with these individuals to offer them opportunities to reduce their identified risks.

It has been another challenging reporting period and it was therefore encouraging to receive your comments about the prison's pandemic management and communication strategy. I was also pleased to read about the proposed Challenge2Change initiative and the good work of everyone involved with the Care and Separation Unit including keeping stays to a minimum.

I note you have raised some local issues of concern in your report which the Director 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 Rye Hill.



STUART ANDREW MP

HMP RYE HILL: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 APRIL 2021 – 31 MARCH 2022

HMPPS comments on matters raised in the report

Compassionate Release and End-of-Life Care

The Secretary of State may release a serving prisoner at any point in the sentence if they are satisfied that exceptional circumstances exist which justify the prisoner's release on compassionate grounds. Each application for early release on compassionate grounds is considered on the facts of each case and will include evidence from medical professionals. If the application meets the criteria, as set out in policy, the prisoner will be released. A new Policy Framework was issued on 13 May this year which clarifies the process and the reports/documentation required for an early release decision to be reached. Where early release on compassionate grounds is recommended by the Public Protection Casework Section (PPCS), the final decision to allow early release will be taken by the Secretary of State or an official with delegated authority.

HMP Rye Hill has good arrangements in place with the on-site Healthcare team, and also has a number of staff trained as Family Liaison Officers who are proactive and provide care and support for both the prisoner and their family. The prison is examining the feasibility of making further modifications within one of the cells that is classed as Disability Discrimination Act compliant to see if it is able to facilitate end of life care in the correct circumstances. The healthcare provider will also work closely with the prison operator to facilitate effective and compassionate end of life healthcare within HMP Rye Hill where appropriate levels of healthcare can be provided.

Sentence Progression

There are complex and wide-ranging issues involved in transferring prisoners, and allocation decisions must reflect both the specific needs and circumstances of the prisoner, as well as the operating environment and range of services at the receiving prison. Within the context of these often competing operational and logistical demands, the Population Management Unit seeks to ensure that prisoners who have been accepted for transfer are moved as soon as is practical in accordance with the National Allocation Protocol.

The COVID-19 pandemic has had an impact on transfer capacity within the adult male estate across 2021/22. Nevertheless, HMPPS is facilitating progressive moves wherever possible and in line with offender flow arrangements. Swift and efficient transfers between prisons, particularly progressive transfers to open and resettlement prisons, are necessary and desirable, including to ensure that space remains within reception prisons that serve the courts. The National Allocation Protocol and Offender Flows enable prisoners to be held in prisons providing an appropriate level of security as well as the appropriate interventions to allow them to progress with their sentence plan. To support reception prisons in maximising available capacity and ensure prisoners are accessing the required offending behaviour courses, some prisoners in the resettlement cohort are required to remain in training prisons in the interim.

Prisoners' Property Policy

The Incentives Policy Framework outlines a National Facilities List (NFL). The NFL identifies the items that Governors need to consider when developing and operating their local incentive schemes. NFL items are provided to offer a level of consistency and ensure that it provides Governors opportunities to tailor schemes for their local prison population. There will be occasions whereby prisoners will arrive on transfer from another establishment with items which are not permitted in the receiving establishment's facility list.

Governors are to consider these items in isolation. Unless the item is considered a risk to good order, discipline, security, safety and/or exceed volumetric control limits, the prisoner should normally be allowed to keep in-possession. Detailed advice on permitted consoles and gaming devices is set out in Annex D of the framework. HMPPS appreciates there is a demand for access to new generation gaming and we are working to explore possible long-term solutions to allow safer, newer models in prisons.

The Board will also be pleased to know the new Prisoners' Property Policy Framework was published on 1 August 2022 with an implementation date of 5 September 2022. The Framework is the result of extensive consultation, including with the IMB. It has been designed with procedural justice at its core and aims to ensure consistency and fairness and enhance prisoners' satisfaction with processes and outcomes. Given the nature of property, and the movement of prisoners between establishments, the Framework looks to provide greater direction and standardisation on a national basis. It strengthens processes in relation to the main problem areas identified by IMBs and staff including the handling of valuable property, managing cell clearances, compliance with volumetric control and forwarding on excess property following a prisoner's transfer