



Annual Report of the Independent Monitoring Board at HMP Birmingham

**For reporting year
1 July 2021 – 30 June 2022**

Published November 2022



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Introductory sections 1 – 3

1. Statutory role of the IMB

The Prison Act 1952 requires every prison to be monitored by an independent board appointed by the Secretary of State from members of the community in which the prison is situated.

Under the National Monitoring Framework agreed with ministers, the Board is required to:

- satisfy itself as to the humane and just treatment of those held in custody within its prison and the range and adequacy of the programmes preparing them for release
- inform promptly the Secretary of State, or any official to whom authority has been delegated as it judges appropriate, any concern it has
- report annually to the Secretary of State on how well the prison has met the standards and requirements placed on it and what impact these have on those in its custody.

To enable the Board to carry out these duties effectively, its members have right of access to every prisoner and every part of the prison and also to the prison's records.

The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is an international human rights treaty designed to strengthen protection for people deprived of their liberty. The protocol recognises that such people are particularly vulnerable and aims to prevent their ill-treatment through establishing a system of visits or inspections to all places of detention. OPCAT requires that states designate a National Preventive Mechanism to carry out visits to places of detention, to monitor the treatment of and conditions for detainees and to make recommendations for the prevention of ill-treatment. The IMB is part of the United Kingdom's National Preventive Mechanism.

2. Description of the establishment

HMP Birmingham is a reception prison housing adult men, both convicted and on remand, serving both Birmingham and Wolverhampton courts. It is moving towards a population of 80% remand and 20% resettlement. The prison currently has an operational capacity of 977, with a certified normal accommodation of 1,054. In 2018, the operational capacity was reduced from 1,450 on the closure of three Victorian residential wings. These wings are now being refurbished. Prisoners are accommodated in nine different residential wings: five modern wings, one of which is the first night centre and reverse cohorting unit (RCU) and one of which is a drug dependency (detoxification) wing; three fully refurbished Victorian wings: one for enhanced prisoners, one for vulnerable prisoners and one for the care and separation unit (CSU); and a social care wing, for older prisoners and severely disabled prisoners. The modern side of the prison has a healthcare centre comprising two healthcare wards, and GP and dental surgeries. There are eight workshops, a gym, a library and an education suite.

Service providers

Buildings and maintenance: Amey

Catering: Aramark

Education: Novus

General healthcare: Birmingham and Solihull NHS

Psychology services: Birmingham and Solihull NHS Psychology and Mental Health Trust; HMPPS Psychology Services

Transport: GEOAmey

3. Executive summary

3.1 Background to the report

In this report the focus is on specific issues during the year. This does not readily allow for an account of the sustained improvement in the ethos and culture, as well as the fabric of the prison over a longer period of time. These improvements have been established and have continued to be developed since the last full His Majesty's Inspectorate of Prisons (HMIP) inspection in 2018.

The impact of staffing levels is a key issue in this report.

Staff shortages, either through illness, often Covid-related, or through a consistent and relentless rate of attrition, have exacerbated the challenges of recovery. The prison has prioritised staffing the wings and running the regime but this has involved reduced staffing in other areas and redeployment around the site. In the last 12 months, 60 officers have left. (4.3.3, 4.3.4, 4.4.5, 5.3.1, 5.8.3, 6.5.1, 7.3.2, 7.4.2)

The Board has concerns about the length of time, up to three years, that men are imprisoned on remand. (7.3.2)

The Board takes issue with the law that allows foreign nationals to be detained for an undefined 'limited period' beyond the completion of their sentence. This can happen if they cannot, for whatever reason, be held in an immigration removal centre or deported immediately. (5.4.1)

The pre-release team is finding innovative and collaborative ways to support men re-entering the community. (7.5.1, 7.5.4)

The transition to a population of 80% remand and 20% sentenced men is almost complete and represents a new prison profile for this report in comparison to previous years.

3.2 Main judgements

How safe is the prison?

There has been a fall in the number of self-isolators. (4.3.7)

There has been a downward trend in the number of self-harm incidents. (4.2.6)

The number of men removed to the care and separation unit (CSU) has decreased along with the average length of stay, which is now much shorter. (5.2.2, 5.2.3)

Although there has been a small increase in the number of assaults compared with the previous year, this may be attributable to the fact that men are now spending more time out of cells than during the height of the pandemic. Thus, with more mixing, there are more opportunities for conflict. (4.3.1)

Faced with the turbulent nature of an inner-city reception prison and a transient population, many of whom are involved in organised crime groups and urban street gangs, the prison leaders prioritise safety and focus on stability and maintaining good order. Prisoner-on-prisoner assaults are most often related to issues and rivalries coming in from the wider community. (4.3.3)

Unplanned use of force (UoF) appears high but is most often used when men refuse to comply with direct orders. (4.4.1)

How fairly and humanely are prisoners treated?

The Governor has spoken of the importance of 'kindness' in the management of prisoners, colleagues and in interactions. This does not conflict with rigour and high standards of safety. Prisoners are given a voice in a range of fora. The prison council, the expectations hub and community information leads (CILs) on each wing are examples of how the men are enabled to represent and express prisoners' views constructively and have an input to improvement.

Good order or discipline (GOOD) reviews regularly demonstrate compassion without being emotive, listening and most importantly taking subsequent positive action, with the aim of returning men to normal location on the wings. (5.2.5)

The post-Covid 50/50 regime is far more restrictive than pre-Covid times and yet the quality of time-out-of-cell has improved with a clear aim to provide better, purposeful activity. No prisoner has complained to the Board about the new reduced association time, other than when staff shortages have interrupted delivery, particularly at weekends. (6.5.1)

Missing property is a year-on-year, seemingly never-ending problem. The failure to resolve the problem is a continuing source of frustration and constitutes unfair treatment. (5.7.1, 5.8.4)

The use of body-worn video cameras (BWCs) continues to be inconsistent, as in the last report. This undermines confidence in the system and results in a lack of evidence in some incidents. (4.4.6)

How well are prisoners' health and wellbeing needs met?

Access to medical treatment appears to be equal to that in the community even though demand probably exceeds that in the wider community. (6.2.1)

Listeners, wellbeing navigators and CIL workers are all good examples of peer support.

Mental health care is good with a strong team of psychologists and a well-informed and proactive group of community psychiatric nurses (CPNs) who have a good knowledge of their patients. However, there is a heavy demand for these services and under-pressure mental health staff are not always able to respond immediately to multiple simultaneous calls.

The prison acknowledges that in one case of a self-inflicted death some warning signs had been overlooked. The man had been referred to mental health and the CPN was to have seen the man on the morning of his death. (4.2.3)

How well are prisoners progressed towards successful resettlement?

Resettlement preparation in the prison and multi-agency collaborative working is a strength. (7.5.1)

The reunification of the probation service has raised certain challenges. There are reduced resources available to support men before, at and after the point of release and there are inconsistencies or delays in community offender managers (COMs) recording outcomes. This has led to a lack of clarity or accuracy in accommodation-on-release figures. (7.5.2)

Inside Job, a peer-led initiative, is a particular success, providing prisoners with routes back into employment. Lived experience is a key feature of its success, leading by example and restoring self-belief and engagement in men at risk of lapsing or dropping out of the programme. (7.5.4)

3.3 Main areas for development

TO THE MINISTER

- The backlog in court hearings is resulting in lengthy remand stays in prison for men who are not convicted. There are, at the time of writing, 34 men held on remand for lengthy periods, most of them for up to two years, six having been detained in 2019 and the longest being on remand for three years.

What will the minister do to reduce the backlog in court hearings and so reduce the time that men are held in prison without being convicted or found not guilty and released?

- The Board notes that certain foreign nationals continue to be held in prison under immigration powers after completion of their sentence. Will the minister publish the annual statistics of the number of detained foreign nationals held in prison beyond their sentence expiry date?

Will the minister publish the annual statistics for the average length of time that foreign nationals are held in prison beyond their sentence expiry date?

Does the minister accept that imprisonment beyond the completion of a sentence is inhumane?

TO THE PRISON SERVICE

- Soon 80% of the Birmingham prison population will be men on remand, some of whom have been waiting for court hearings for up to three years (see above). These men are not required to undertake work or purposeful activity and are not permitted access to higher level courses (e.g. Open University courses).

In what ways can the prison service motivate or incentivise men on remand into meaningful activities to avoid prolonged periods of inactivity which seem counterproductive to the rehabilitative culture?

- Every year the issue of missing property on transfer arises. This appears to be nationwide in the prison estate and unresolved despite repeated and widespread reporting and a regional review.

What will the prison service do to finally resolve the matter?

- It is not possible after a period of three months to track or trace an item of prisoner property forwarded to another prison using a commercial company.

Will the prison service employ or contract to a single dedicated baggage transferring company so that parcels can be more easily tracked and located?

- Prices have risen sharply but prisoner pay has not changed for years. This means many men cannot afford items they need to purchase.

Will the prison service increase the rate of pay to prisoners for work?

3.4 Progress since the last report

Issue raised	Response given	Action taken
There is no housing support provision for immediate releases from court, or for prisoners on short-term sentences.	'In relation to those on remand, pre-release accommodation and other support will be available and will be provided by probation staff located in prisons' (Ministry of Justice)	Friday (late releases) court releases have stopped. Men under 23 days in prison, although not provided for by the contract, are all seen pre-release about accommodation.
The extent of complaints regarding property, across all prisons in the region is such that it has led to an HMPPS Midlands regional review.	Regional review was completed.	The Board continues to receive more applications, and the prison more complaints, about property than about any other issue. Not resolved.
Stability has been affected by staffing levels. By June 2021, staffing resources were at an all-time low, such	Significant recruitment is taking place.	Attrition and sickness results in staffing levels not increasing despite significant recruitment. Low staffing levels pose the greatest challenge for the senior leadership team (SLT) and

that about 25% were off work.		stability. In the last 12 months, 60 officers have left the service. Not improved.
Learning difficulties and autism are not particularly well addressed at present.	All men are assessed on arrival and are diagnosed as appropriate.	There is a newly created post: a neurodiversity lead with additional administrative support. Progress made.
It is a concern that the wearing and use of body-worn video cameras is not routine.	Reminder at morning briefings and in notices to staff.	Data shows that body-worn video cameras are now being drawn each day at a rate of 70% but only activated in incidents at a rate of 30%.
Eleven prisoners were held in segregation for over 42 days. The longest stay was for 187 days.		Two prisoners were held in the CSU for over 42 days. The longest stay was 109 days and the other was for 43 days. Significant improvement.
The high levels of unplanned UoF are a concern to the Board, particularly in comparison with comparator prisons.	Very low numbers of planned UoF indicate that the prison records UoF as unplanned in almost all cases. Consistency on recording between comparator prisons cannot be assured.	Review of how planned UoF is logged and recorded. To be monitored.
Currently, the prison is assessed in the same way as training prisons, although its designation and context are not the same.	Ofsted made an interim visit and judgments were based on same criteria as for all establishments irrespective of designation.	No change.
There are daily checks on the state of cells, and the prison has implemented a highly effective 'decency tracker' which monitors, records and tracks the quality of accommodation.		The tracker is functioning but is not always readily accessible to view. Communications need improving for this to happen.
Why is the number of days that a prisoner spends in the CSU not calculated cumulatively and continued on transfer from one prison to another?	No response given (HMPPS) at a national level.	No action taken (HMPPS) at a national level.

Difficulties in setting up a PIN phone account and adding numbers have been the cause of some frustration among new arrivals.		PIN phone accounts are set up on the day of arrival or the following day. Where there are no other issues (e.g. protection) numbers can be added within three days.
A minimum of 20 key worker sessions took place on each wing.	Plans aim for optimum number of key worker sessions written into the regime with a ratio of 1:8.	Although the number of key worker sessions is increasing, staffing shortages have impacted heavily. By June, 25.6% of target sessions were delivered.

Evidence sections 4 – 7

4. Safety

4.1 Reception and induction

Pre-Covid the prison had a dedicated induction wing. This changed as a consequence of Covid and the need to isolate new arrivals or to accommodate men in 'bubbles'. Reverse cohorting arrangements meant that the early days wing custodial manager, assisted by community information lead (CIL) workers, became responsible for inductions. The wing staff, on top of all other normal duties, do their best to induct new prisoners and try to meet the quality standards expected despite this additional pressure on their time.

4.2 Suicide and self-harm, deaths in custody

Deaths in custody

4.2.1 There have been two deaths of natural causes in custody during the current reporting year and two apparently self-inflicted deaths. This compares with five and one respectively for the same period in the previous year.

4.2.2 Questions have been raised around delays in calling emergency codes and staff not entering cells immediately in an emergency, and around the use of restraints in some cases in an outside hospital. The prison has noted and taken appropriate action to resolve this.

Suicide

4.2.3 On the morning of one of the self-inflicted deaths the community psychiatric nurse (CPN) was on his way to see the man but was diverted to another emergency. The man's family had made several requests to the prison because of their concern for his mental state. Although these were logged, no definitive action was taken. The prison missed these warning signs and intervention came too late.

4.2.4 In the other self-inflicted death the man had shared his suicidal feelings with a fellow prisoner, but this had not been communicated to staff and there had been no other warning signs.

4.2.5 The support given to next of kin afterwards was compassionate and appropriate.

Self-harm

4.2.6 With the exception of March 2022 there has been a general downward trend in incidents of self-harm.

The graph below shows the self-harm figures for the reporting period:



The spike in March can be accounted for by the unusually high number of prolific self-harmers in the prison at that time. There were then 131 active self-harmers, one of whom, for example, accounted for 12 of those 61 incidents.

4.2.7 In June most of the self-harm incidents were triggered by debt or issues with medication or detox. In June, 62% of the self-harm incidents took the form of cutting and of those 82% used a prison-issue razor blade. The safety in possession risk assessment (SIPRA) policy was introduced to combat this problem by removing access to certain items from men at risk. However the continued availability of razor blades from other men not subject to SIPRA is an issue.

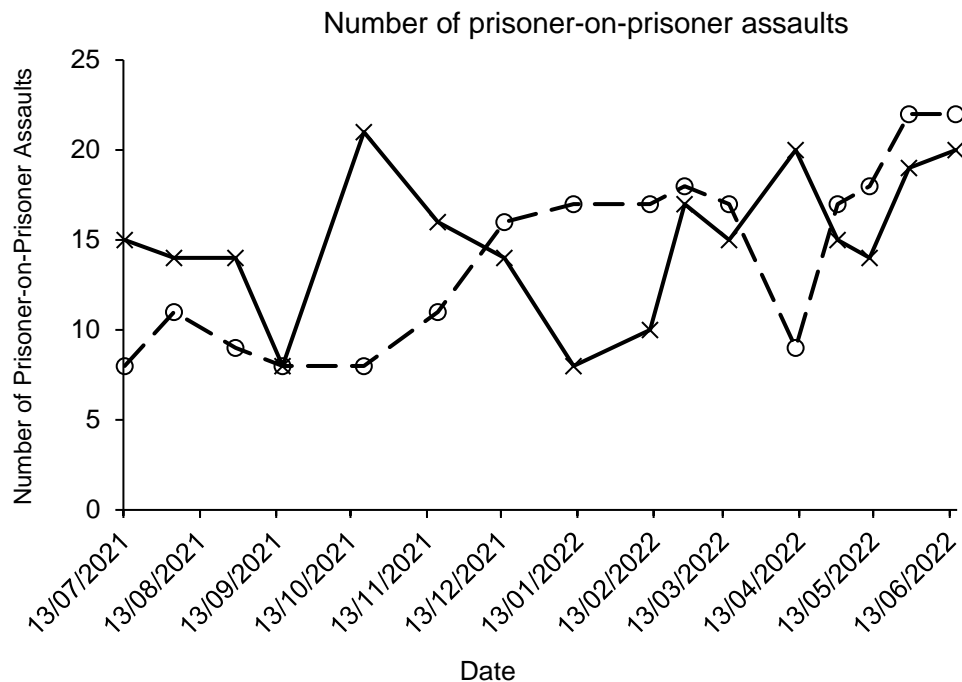
4.3 Violence and violence reduction, self-isolation

Violence

The main reasons for violence were related to gangs and debt, drugs being the primary cause of debt. The reporting year saw an increase in prisoners associated with organised crime groups and those charged with violent offences. The safety team has emerging evidence that this may reflect a wider societal issue where violent offences are being committed over smaller debts than was previously the case.

4.3.1 **The number of prisoner-on-prisoner assaults** was overall higher in the current year compared with the previous year. The most marked difference was in October when the levels of prisoner assaults were 2.6 times higher. It should be noted that there were more Covid restrictions in the previous year and therefore less mixing of prisoners and arguably fewer opportunities for violent incidents. The change in regime and mixing of prisoners who have not previously met has

contributed to increased levels of assault in the current reporting year. This has also led to challenges in managing 'keep aparts'.



Line graph showing the number of prisoner-on-prisoner assaults each month. Current reporting year (July 2021 – June 2022) shown with a solid black line and the previous reporting year shown with a hashed line.

4.3.2 The figures this year for prisoner-on-staff assaults have generally been higher than the previous year, with April showing a large spike which was said to have coincided with the unlocking of two landings at a time for association.

At the same time there was also a spike in the number of prisoner-on prisoner assaults in April 2022.

Assaults on staff tended to be a response to use of force (UoF) even when this was appropriately used. This included prisoners pushing past staff to exit their cells or refusing to return to their cells, which triggered most of the assaults on staff. The police liaison officers (PLOs) have advised staff who have been assaulted to give evidence of injuries, where possible, to ensure fairer outcomes with prosecutions when appropriate. Implementation of the crime in prisons protocol is working effectively in HMP Birmingham.

4.3.3 Stability has also been negatively affected by reduced staffing levels and issues regarding staff deployment. It has been noted that stability decreases when wings have more 'loan-in' staff than regular wing staff. Some loan-in staff appear less able to take ownership of the wing. The prison has tried to improve this by ensuring there is at least one regular member of staff detailed on each wing. There has also been more effort to retain regular staff on wings whenever possible.

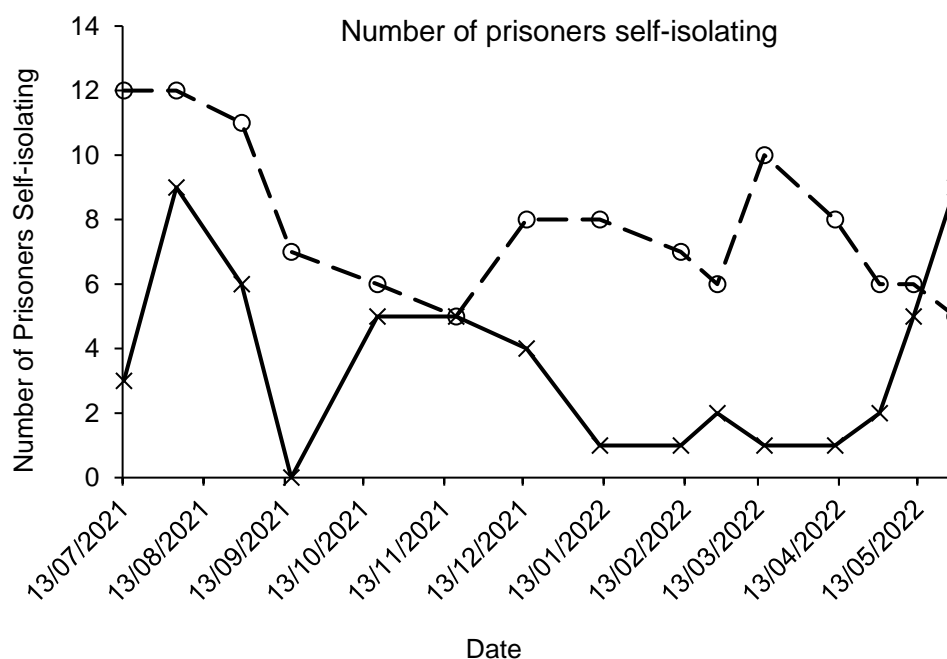
4.3.4 A lack of notice regarding occasional on-the-day changes to regime at weekends, owing to low staffing levels, has caused frustrations. This was addressed by the introduction of a 'compressed' weekend regime which guarantees all men one and a half hours out of cell on Saturdays and Sundays.

4.3.5 Issues have also been raised about prisoners who are displaying regular poor behaviours not having case notes to reflect this, with their also being a need for a greater level of mercury intelligence report (MIR) reporting for improved management and sharing of intelligence. A new incentives scheme is operating, promoting positive behaviour and challenging negative behaviour.

Self-isolation

4.3.6 The SLT, wing staff and safer custody team continue to demonstrate good knowledge of those prisoners who are self-isolating and there is a focus on understanding the reasons why and improving the level of support and access to basic entitlements. Those self-isolating are supported by staff and are seen by a duty governor as part of the welfare checks. Self-isolating prisoners are placed on assessment, care in custody and teamwork plans (ACCTs), where appropriate.

4.3.7 Overall, data has shown lower levels of prisoners self-isolating compared with the previous reporting year, as shown in the graph below:



Line graph showing the number of prisoners self-isolating each month. Current reporting year (July 2021 – June 2022) shown with a solid black line and the previous reporting year shown with a hashed line.

From January to April 2022, there were only one to two prisoners self-isolating and in September 2021 there were none. Overall, the only point in the current reporting

year where the number of self-isolating prisoners has been higher than the previous reporting year has been in May and June 2022.

4.3.8 Whilst some prisoners self-isolate due to bullying on a specific wing, there are often issues such as 'keep apart' which means it is not always a simple case of moving the prisoner in question to another wing to prevent self-isolation.

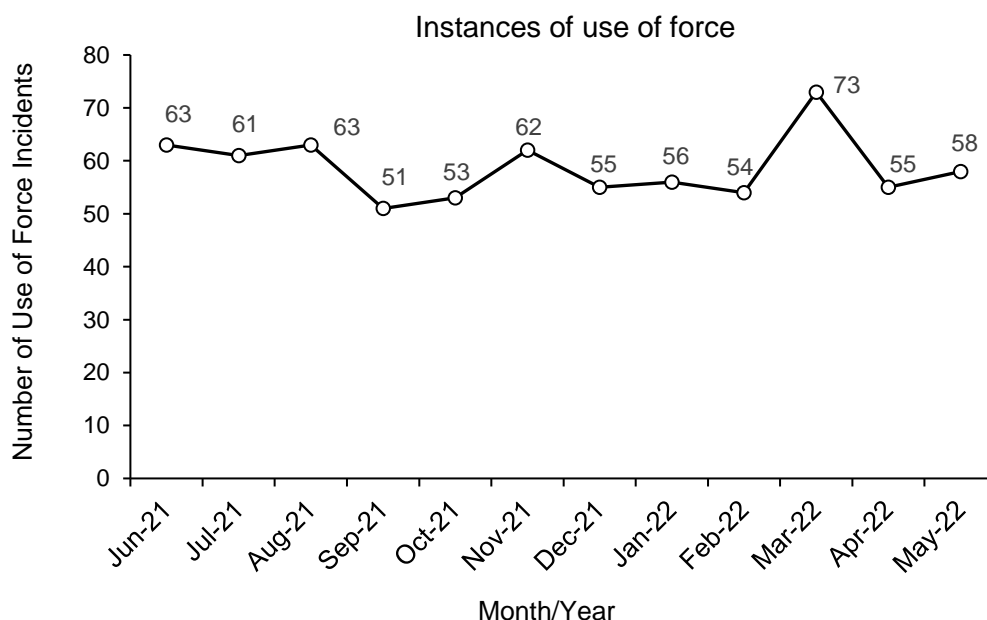
4.3.9 Self-isolators were largely positive about the support given and confirmed they have received their normal entitlements. But self-isolating prisoners sometimes had fewer showers than those not self-isolating due to staff shortages or time constraints as, in general, self-isolating prisoners have time out of their cell for such purposes at the end of normal association.

The consensus was that those self-isolating wanted greater access to education, distraction packs or other packs/activities with which they could better occupy their time. The Board believes there should be a focus on ensuring those self-isolating (especially if for significant periods) do have access to education, television, or other forms of distraction material. This raises questions about access to all of these for men on the basic level of the incentives scheme.

4.3.10 The Board does have concerns about the length of time some prisoners are spending in self-isolation. For instance, one prisoner was self-isolating for seven months due to their index offence and threats from a co-defendant whilst awaiting trial and sentencing. This clearly had a detrimental impact on his mental health. This prisoner did say that he felt the support he received was the best he could receive in the circumstances, although ideally a transfer to another prison could have taken place earlier. The Board is informed that a transfer was offered but was refused.

4.4 Use of force

4.4.1 As with the previous reporting year, the levels of spontaneous use of force (UoF) incidents have remained high and are high relative to comparator prisons. The graph below shows the number of incidents of UoF throughout the reporting year. The range in number of such incidents for a particular month varied from 51 up to 73.



Line graph showing the number of UoF incidents throughout the reporting year (July 2021 – June 2022).

4.4.2 The vast majority of UoF incidents were spontaneous as opposed to planned. For instance, in March and April 2022 there were no planned incidents and in May there was only one when transferring a prisoner to another wing. There are conflicting views as to what constitutes spontaneous UoF, and an incident is classified as spontaneous even if there has been planning on the part of the prison, if a medical practitioner is not present. National guidance is ideally needed to clarify the classification and ensure consistency.

4.4.3 UoF was applied mainly when prisoners refused direct orders, such as: refusing to return to their cells, refusing to share a cell, not wanting to transfer out, or prisoners not wanting staff in their cells. Many incidents were also because of a prisoner being deemed to be threatening and abusive. In terms of a representative example and breakdown, in May 2022 there were 57 incidents, of which:

- 45% were due to violent incidents
- 33% were guided holds
- 19% were for personal protection
- 3% were for escorting. Handcuffs were used a total of 12 times for these and 16 resulted in relocation to the care and separation unit (CSU).

The prison states that the introduction of rigid bar cuffs to all officers accounts for some of the UoF statistics, with this being used as a restraining and preventative measure. The prison believes that this has helped to reduce levels of violence.

4.4.4 The prison undertakes thorough analysis of UoF incidents and challenges staff who are involved in high levels of UoF. A new policy has been established to debrief the prisoner involved following an incident.

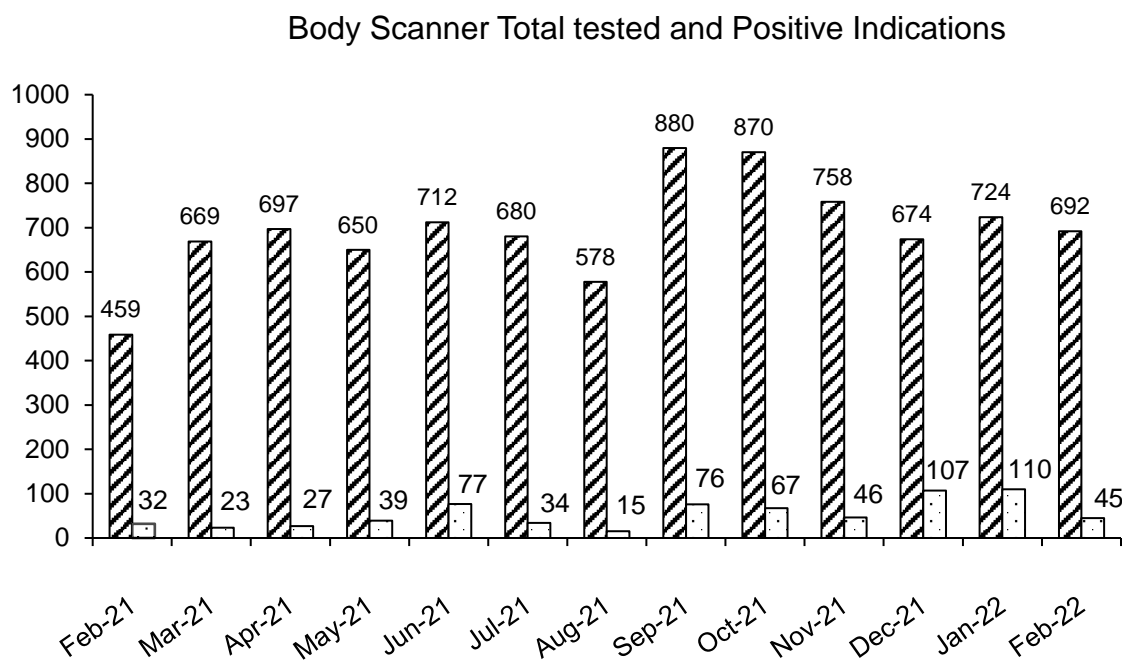
4.4.5 Staffing levels have been thought to have had a negative impact on UoF instances. Regular staffing on wings helps to foster positive relations between staff and prisoners and enables staff to manage situations better when they know how to respond to different individuals and better deescalate a situation without having to resort to UoF.

4.4.6 As with the previous reporting year, it remains a concern to the Board that there are ongoing issues with the wearing and activation of body-worn video cameras (BWCs). There have also been issues where BWCs have not worked. Incidents are being reported with no BWC footage and this casts doubt over the validity of the prison's versions of events, whether proportionate UoF has been used and ultimately whether the prisoner has been treated humanely. Data shows that cameras are being turned on in only 30% of incidents.

The prison is trying to address such issues by issuing notices to staff, regular reminders in morning briefings and ensuring broken cameras or other issues are reported and repaired, and custodial managers are reminded to challenge staff for not wearing BWCs. Cameras are now being drawn daily at a rate of 70% which is an improvement on last year.

4.5 Preventing illicit items

4.5.1 The body scanner used on all new arrivals has resulted in 698 positive readings out of a total of 9,043 men tested (February 2021 – February 2022).



All men testing positive go directly to the CSU where they stay until the item has passed.

4.5.2 From January to June 2022 from across the prison site there were the following finds:

• Hooch:	22
• Drugs (including prescribed medicines)	65
• Mobile phones, USBs, chargers, electrical items	42
• Weapons (improvised)	20
• Tattoo 'gun'	1
• Packages of multiple items	4

TOTAL FINDS	154
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4.5.3 It is concerning that despite the significant finds of drugs and hooch there are relatively few reports of officers finding men under the influence of either substance. The low number of MIRs is raised repeatedly and yet it seems, given the number of items found, that too much activity related to illicit items goes undetected or possibly, at worst, unreported. It is likely that as men spend longer in their cells under the new regime, they find it easier to conceal consumption.

4.5.6 Data indicates an increase in throwovers in the latter months of 2021 in comparison to the corresponding months in 2020; it is possible that this was a consequence of increased staff searches upon entrance to the prison, and the use of scanners within the staff entrance to the prison.

5. Fair and humane treatment

5.1 Accommodation, clothing, food

5.1.1 The Board welcomes the fact that all the refurbished cells in wings A, B and C will be single occupancy.

The Board believes that single cells are best for all prisoners and provide men with more dignity than shared cells. In a number of cases men will go to extreme lengths to try to avoid having to share a cell. There are instances of causing damage to the cell in order to be removed to the CSU, where all cells are single. In other cases, men will claim an illness or condition and try to gain medical approval for needing a single cell. Assaults may occur deliberately so that those sharing have to be kept apart. In all these cases men seem to prefer isolation and loss of certain privileges in the CSU to having to share a cell with another prisoner. Often UoF has to be applied when men refuse to return to their shared cell. The Board does not consider cell sharing to be appropriate accommodation, all the more so given that cells, where men eat their meals, contain a shared toilet with minimal screening. This represents a lack of personal dignity and respect.

5.1.2 Heat control is variable across the prison accommodation. In winter some cells can be too cold and in summer, too hot. In light of climate change and the predictions of future heatwaves there are minimal contingency plans for emergencies when temperatures rise above acceptable levels. HMPPS has provided heatwave guidance but in reality, without capital investment at national level, the prison will not be equipped to meet the challenges of future extreme temperatures.

5.1.3 The installation of exercise equipment around the site in exercise yards was a welcome development.

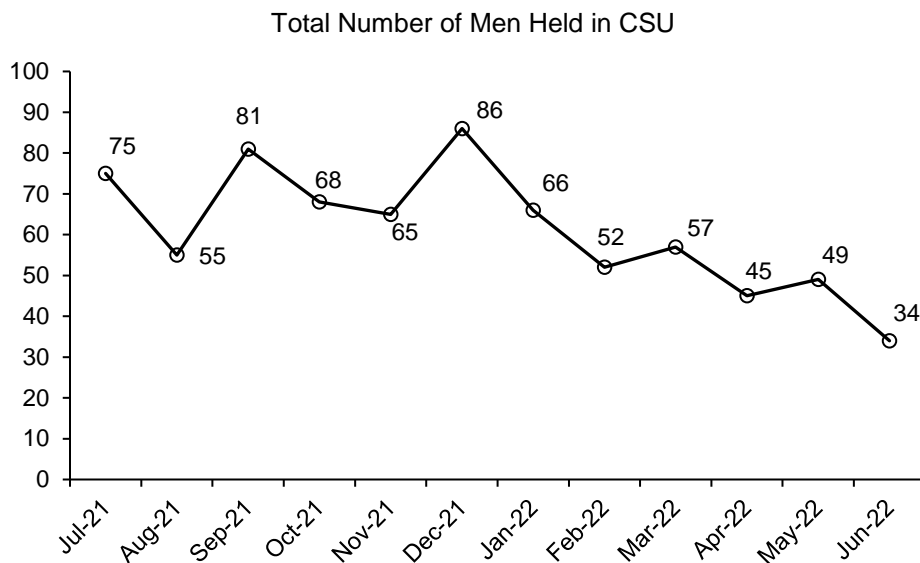
5.2 Segregation

5.2.1 Once again the special accommodation in the CSU was not used, demonstrating the skills of prison staff in deescalating difficult situations.

5.2.2 There has been a significant decrease in the number of men being held in the CSU in the last six months:

July – December 2021: 430

January – June 2022: 303



Line graph showing the number of men held in the CSU throughout the reporting year (July-21 - June-22).

Number of men held in the CSU, by ethnicity, over the year, relative to the general population:

Ethnicity	Number	% of CSU population over the year	% of prison population over the year	Level of disproportion
Asian or Asian British	60	19.8%	17.4%	+2.4%
Black or Black British	51	16.8%	14.8%	+2.0%
Chinese	6	1.9%	2.8%	-0.9%
Mixed race	30	9.9%	6.8%	+3.1%
White other	25	8.2%	6.3%	+1.9%
White British	130	42.9%	47.9%	-5%
Gypsy Romany Traveller	0	0%	1.1%	- 1.1%
Not declared	1	0.3%	2.9%	+2.6%

5.2.3 This year there has been a significant reduction in the length of stays in the CSU and the longest stay reported was 109 days. In this case the man required segregation for his own safety and that of the staff and other prisoners.

Subsequently he was transferred to a high security category A prison. The psychologist support was exceptionally good when the man agreed to engage.

Only one other man exceeded 42 days, and many of those days were in an outside hospital. The Board welcomes the significant decrease in long stays in the CSU.

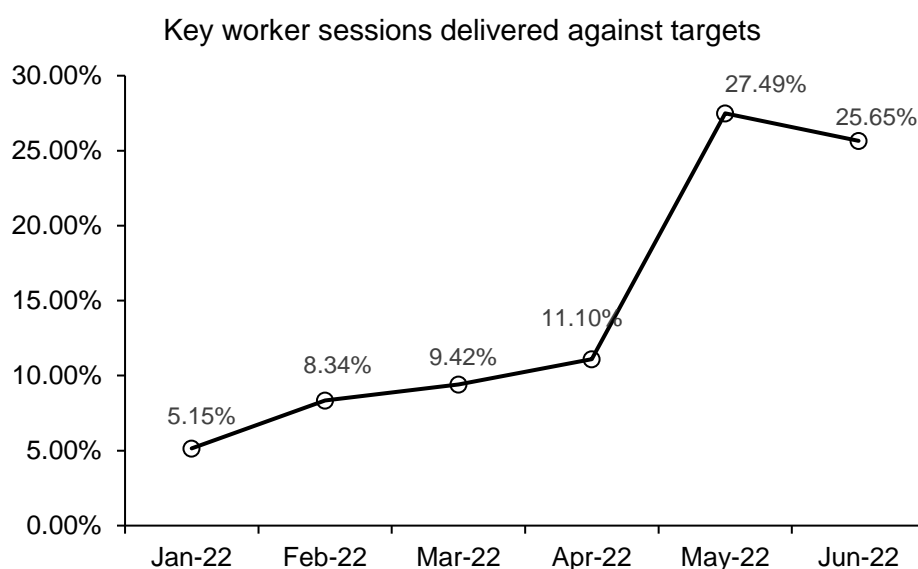
5.2.4 Men sometimes acknowledge that they appreciate the care they receive in the CSU and the Board has observed positive staff- prisoner interactions there.

5.2.5 There have been some very constructive GOOD reviews where the prisoner has been able to express himself fully and has been heard with a view to setting up supportive interventions and exit strategies. A CPN and the IMB attend all reviews.

5.2.6 There have been times when security input has been lacking at GOoD reviews and this has prevented the governor chairing the review from making a fully informed decision. This is not good practice and the Board always raises the matter when it occurs. However, the outcome for the individual concerned is compromised on those occasions by a lack of background information.

5.3 Staff-prisoner relationships, key workers

5.3.1 If staffing figures were ideal then all men would have a meaningful key worker session twice a month, but staffing levels have made this impossible to achieve. A two-week delivery model is closely monitored and quality assurance checked. Key worker notes are logged and are sufficiently detailed, but the number of sessions falls well below the target because of staffing resource problems. Nevertheless, there has been a steady increase throughout the first six months of 2022, reaching 25.6% of the target number in June.



Graph showing the percentage of key worker sessions delivered against targets for the period January 2022 - June 2022.

5.4 Equality and diversity

5.4.1 Several foreign national prisoners are deeply frustrated at being held in the prison under immigration powers after the expiry of their sentence. According to immigration law, if foreign national prisoners have reached the end of their custodial sentence they can continue to be held in prison and should be treated as

unconvicted prisoners. The time limit is not specified and therefore open to interpretation. The Board considers this to be unjust and inhumane.

The Home Office immigration staff in the prison manage the caseload, but if the courts refuse bail there is no defined limit to the length of time for which foreign nationals can be detained in prison, despite having served their full sentence. Deprived of the facilities available in an immigration removal centre, it seems that they are being denied access to their entitlement, even though the law allows this.

5.4.2 One foreign national prisoner has been held for three years in HMP Birmingham because the court has not yet passed sentence, even though the man concerned has pleaded guilty. This seems inhumane in terms of the resulting uncertainty. The prison is not responsible for this prolonged detention without a sentence but has to manage the consequences of the impact on the man's mental health.

In June 2022, 15.98%, a total of 156 men, were foreign national prisoners in HMP Birmingham.

5.4.3 Regular fora for the protected characteristics enable prisoners to raise any concerns. In response the prison applies the Lammy principle of 'explain or reform'. Race and disability are the two most frequent protected characteristics raising discrimination incident reporting forms (DIRFs). All DIRFs are reviewed by the independent scrutiny panel.

5.4.4 Transgender prisoners are well provided for, with an immediate meeting on arrival and a pack of appropriate items, a named support person and regular contact to ensure wellbeing. Prisoner feedback is positive.

5.4.5 Equalities, diversity and inclusion (EDI) is high on the prison's agenda and there have been a series of celebratory events to mark Black History Month, Armistice Day for veterans, South Asian heritage month, LGBT Pride and religious faith festivals to name a few. The prison has made an additional appointment to the EDI team and aims to promote equality across all areas of work and prison life.

5.5 Faith and pastoral support

The chaplaincy team is hard-working and proactive, representing a number of faiths and supporting men of any faith or none.

Several innovative pastoral interventions have recently been established with positive outcomes:

- There is a weekly fellowship group meeting the needs of 25 Buddhist Vietnamese men, led by the Buddhist chaplain.
- 'Quiet Time' provides weekly group meetings for men suffering with anxiety. With tea and coffee provided, they have space and a structured session to talk through their issues, and to listen to each other.

- At weekends the 'Time Out Group' is a less structured get-together where men can engage in positive, healthy conversations, chat, watch DVDs and be together in a supportive, small group environment.

5.6 Incentives schemes

5.6.1 Prisoner representatives tell the Board that consistency in applying incentives has improved.

5.6.2 Asian and mixed-race men were disproportionately represented on the basic level of the incentives scheme at the end of the reporting year. The prison monitors the data closely and works on the Lammy principle of 'reform or explain'. If there is no evidence or intelligence to explain disproportionality, then the prison looks to address the issue.

5.7 Complaints

5.7.1 By far the greatest number of complaints relate to property and canteen. Property issues continue year on year and both the prison service and Birmingham prison seem unable to improve the situation. Compensation payments for missing property and canteen items totalled £6,125.98 from April 2021 to March 2022.

5.7.2 The IMB often comes across instances where a cell clearance has not been completed within the statutory 72 hours when a man is relocated to the CSU, and there is no readily available cell clearance certificate. Past records of cell clearances are haphazard if present at all.

5.7.3 There have been incidences of hand-ins being approved only to be refused at the gate, sometimes legitimately but occasionally without good reason.

5.7.4 The Friday despatch of canteen items by DHL has found some canteen items being sent to the wrong wing or with items missing. DHL has advised prisoners to submit complaints in such cases which is one of the reasons for the big increase in the number of complaints about canteen.

5.7.5 Previously, complaints deemed to be best resolved on the wing were returned to the prisoner with no record of ever being submitted. The Board challenged the prison over this vetting of complaints. As a result, new arrangements now ensure all complaints are logged and recorded. It has resulted in a marked increase in the number of recorded complaints.

5.7.6 In February 2022 a survey about complaints found that in general prisoners do not have confidence in the complaints system. Subsequently in a complaints forum men expressed concern about some staff not taking responsibility for dealing with issues on the wing, for example failing to phone another area for an answer, about the length of time it took to obtain an answer, and about some complaints not receiving a satisfactory response.

5.8 Property

5.8.1 The greatest number of complaints are about property both from within the prison and on transfer.

5.8.2 The Board is frustrated by repeated examples of men being relocated to the CSU and the property failing to follow within the 72-hour limit. A diffident approach to cell clearance with inconsistencies across the prison account for a number of items that go missing.

5.8.3 Items of property and approved 'hand-ins' received at the prison are managed by the reception staff. All property is recorded on a prisoner's property card. It is the responsibility of wing staff to collect authorised property from reception. Owing to staff shortages, this process is often not followed and reception staff do make some deliveries at weekends when time permits. Prisoners often express frustration at the time taken to deliver property to their cell.

5.8.4 The transfer of property when prisoners are moved between establishments can be a source of prolonged stress for some men. One example of this is Mr A who was transferred in from a nearby prison on 29 November 2021 and, despite following the complaints procedure and having support of both wing staff and reception staff at Birmingham, did not receive all of his belongings from the sending establishment until the second week of March 2022.

6. Health and wellbeing

6.1 Healthcare general

6.1.1 Healthcare provision is good with access comparable to that in the community. The Board has received fewer applications this year relating to healthcare issues.

6.1.2 Questions have been raised about the efficiency of record keeping and the timeliness of case notes. The Board was assured by the head of healthcare that all have been completed within the required timeframes. Any delay in completing case notes can potentially result in a breakdown of communication of vital information between prison staff and healthcare personnel. This is a risk.

6.2 Physical healthcare

6.2.1 Patients waited on average 10 days to see the GP. Although there is no hard data for comparison the Board consider this is probably equal to access to a GP in the community.

All available GP sessions were booked, a total of 13,354 appointments.

Of those, 12,205 (91%) were seen face to face or triaged from their application on the kiosk and received a prescription.

Of the remaining 1,149 (9%) appointments, 654 did not attend, 495 were cancelled (the patient may have been transferred or have no longer needed treatment).

6.2.2 Patients waited on average 118 days to see the dentist. COVID requirements about cleansing the surgery after each patient and particularly regulations around aerosol-generating treatments resulted in delays and therefore longer waiting lists.

There were 1,467 dental appointments made in the reporting year. Of those, 317 patients missed their appointments.

6.2.3 A total of 143 hospital appointments were made, approximately three appointments per week. The prison has only recently started a log of reasons why outside hospital appointments were missed. It is known, on occasion, to be due to issues with the taxi companies. Other reasons cannot be verified retrospectively but from now on will be recorded.

6.3 Mental health

6.3.1 The CPNs have demonstrated detailed and thorough knowledge of the patients under their care on the 15-bed ward and on the wings. When the Board has raised any concerns with the CPN team, their detailed knowledge of each case and the interventions and provision made to support such individuals has been thorough.

6.4 Social care

6.4.1 The social care wing housing mainly older and disabled men is a safe and caring environment with a garden tended by some of the men on the wing.

6.5 Exercise, regime

6.5.1 A plan for delivering a post-Covid '50/50 regime' in theory guarantees every man four and a half hours every day out of cell engaged in purposeful activity, work, education and domestics (e.g. shower). In practice, regressing through the various stages of Covid status has compromised its implementation. In reality, most prisoners are still gaining no more than one and a half hours each day out of cell, because 80% of the population is on remand and as such cannot be required to engage with purposeful activity. The quality of purposeful activity is reported to be much improved.

6.6 Drug and alcohol rehabilitation

6.6.1 In addition to the new drug strategy and a range of clinical interventions and psychosocial therapies, the drug challenge, support and intervention plan (D-CSIP) was also introduced to identify prolific substance users who then have a recovery plan set up, involving a range of departments including the offender management unit (OMU), resettlement and education.

6.6.2 Prescription medication is an illicitly tradeable item within the prison. At least half the prison population visit the medications hatch at least once a day and many of these even two or three times a day. This is a major issue for the prison. Methadone and subutex are the most commonly prescribed drugs for opioid addiction and some prisoners will trade these medications. At the end of June, 422 men were on prescribed medication, 328 of whom had 'in-possession' medication. In one day in June there was a total of 1094 visits to the medications hatch for a total population of 977.

6.6.3 All men who receive prescription medicine in prison leave with a 'to take out' (TTO) prescription for two weeks (it was for one week prior to Covid) and are registered before release with a GP for continued treatment. Those who are detoxing usually have a prescription for naloxone (not methadone) to support continued and safe treatment in the community. The Board recognises the value of this provision.

6.6.4 Psychology-related treatments are offered and it has been documented that overall, levels of engagement are good. Men say that the programmes are helpful, including the Inclusion Recovery Programme, SMART Recovery, Naloxone Training, Five steps to well-being, PS Awareness, Sleep & Relaxation, Motivation to Change, Am I Ready For Rehab?, Living with Lockdown, Alcohol Awareness, Cannabis Awareness and Relapse Management.

6.6.5 In April (when one reverse cohorting unit was disbanded thus creating more flexibility of movement) those who were classed as non-detox were moved to a different residential unit, thus leaving the detox wing with only those who were

engaging in therapies and medication detox. It has been observed that this change had a positive impact on the 'rehabilitative culture' of the wing.

6.6.6 In June 2022, the IMB surveyed a sample of 13 men who were detoxing. The sample is small and therefore should be read with caution:

- Six men disclosed having methadone treatment.
- Eight men rated their treatment (for issues including including drug and alcohol addiction, subutex addiction and related sleeping problems) as very helpful.
- Four men rated their treatment as not helpful.
- Nine men reported having help from the Birmingham recovery team (BRT) (including help with their medication, group work, relaxation sessions, and one-to-one sessions with their allocated drug worker).
- All 13 respondents confirmed they had been screened by the BRT upon arrival to the prison, and their detox began shortly after they began the regime.
- 12 men reported they had no interactions with other agencies within the prison, e.g. Samaritans, Alcoholics Anonymous, Narcotics Anonymous; though one respondent disclosed having received help from the Shannon Trust, and was now working as a mentor, helping others on the wing.
- Five respondents said they were prison workers.

The latter point contradicts the widely held view of men on the wing that they are not eligible to work or are not being offered the same opportunities as men on other wings. It was their perception that detoxing men could only be offered jobs on their own wing, rather than given the opportunity to work in workshops, the gym, etc.

When asked if they felt their opinions were being heard in the prison, a mixed response was received. The respondents were also asked if they had any other issues. The responses noted the following:

- Would like progression to continue (move to other wings) and would like better opportunities such as receiving a job.
- It can be very difficult to receive a subutex detox.
- More information should be provided to men upon introduction into the prison.
- It can often take a long time to receive a job on the wing; and many do not receive their full association, especially if they have a job on the wing.
- Men on the wing have very little time to exercise and are only given the chance to go to the gym once per week.
- There is very little diversity and inclusivity on the wing.

7. Progression and resettlement

7.1 Education, Library

Education

7.1.1 The delivery of education was significantly impeded by the pandemic and the numerous changes in the Covid status of the prison. Re-introduction of basic skills assessment was particularly challenging due to bubbling. Staff remained positive and imaginative in finding novel solutions and the blended approach developed as provision on wings developed.

At one stage, owing to Covid, self-assessment was used to replace the basic skills assessment. This led to a significant proportion of men not completing the assessment. Education resumed responsibility for face-to-face delivery of these assessments in May 2022.

7.1.2 The delivery of information, advice and guidance (IAG) was reported to have been particularly badly hit by the pandemic, with no face-to-face work and a 75% shortfall of staff (July 2021).

7.1.3 The Board considered that an Ofsted interim visit did not take into account the delivery of education in a prison during a pandemic. It is the opinion of the Board that under Covid restrictions it was not reasonable to expect the prison management to comply with the following action point which appears to contradict government requirements to maintain social distancing:

'Prison leaders and the education provider must devise a plan that increases the contact between prisoners and tutors to ensure prisoners receive adequate support...' Ofsted, January 2021

7.1.4 As restrictions eased and classroom-based education increased, the absence rate became an issue. For example:

- Wednesday 13 October, 21 men were scheduled to attend education but due to a security lockdown of one wing the number attending was 11, the smallest class size being a single individual.
- 20 December 2021, 30 men had been scheduled to attend education but only 10 were present.
- 9 February, of a possible 49 maximum capacity (stage 3), 29 men were scheduled to be in education and 14 were present. Absentees included eight refusals.

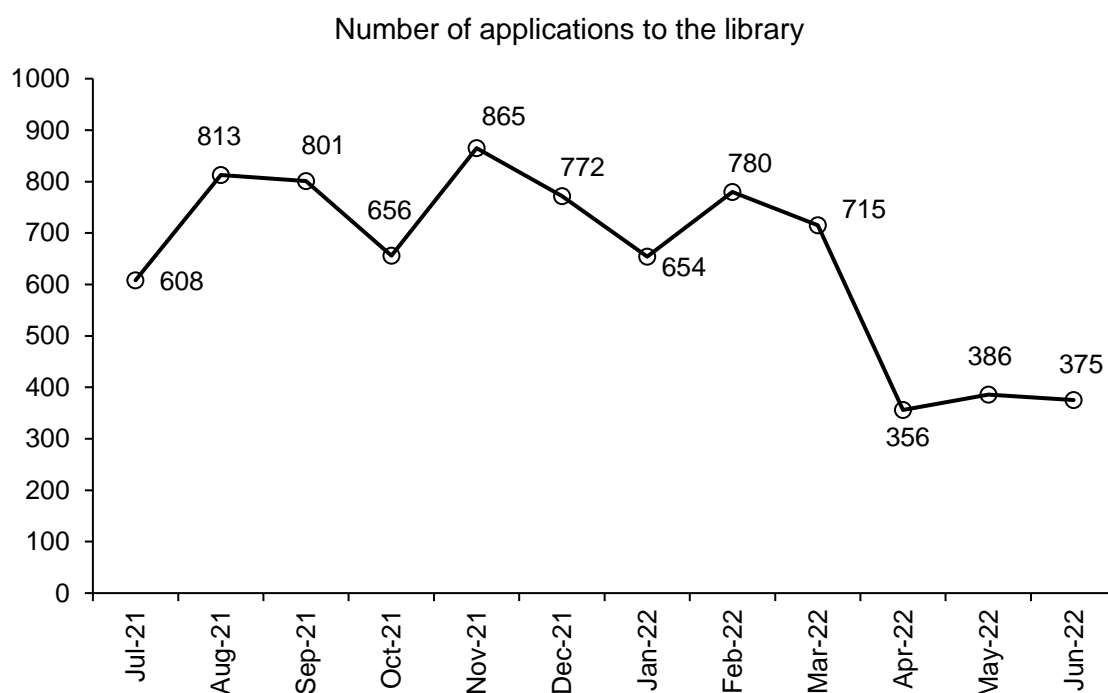
The prison management took this seriously at the time but absence through refusal was high and it seems that the remedial action taken earlier in the year was not being actioned. However, at the end of the reporting period around 50 men were attending education and the situation had improved considerably.

7.1.5 The Board has observed that the men who do attend are fully engaged with the learning which is currently focused on basic skills: English, maths and IT.

7.1.6 A prison survey in July and August 2021 showed over 95% satisfaction rate.

Library

7.1.7 During the reporting year the library significantly increased the service to prisoners in comparison to the previous year. In the first nine months (after which the library closed for relocation) there were an average of 740 requests per month to the library, compared with an average of 524 in the preceding eight months. No in-person visits were permitted in this time.



Line graph showing the number of applications to the library throughout the reporting year (Jul-21 - Jun-22).

7.1.8 Loan figures fell from April onwards following the relocation, which also represented a significant loss of space. Group library activities now are limited to six men whereas previously up to 20 men could meet together in the old library. In addition, now approximately 75% of the 3,500 books and 1,000 DVDs are boxed and less accessible. However, this is an interim measure as plans exist for a future move to a larger flexible space located within education.

7.2 Vocational training, work

7.2.1 Forklift truck training has been removed from the courses on offer because the space needed had to be given over to new buildings as part of the refurbishment project.

7.3 Offender management, progression

7.3.1 The Board considers the OMU has been a strength of the prison infrastructure this year. The OMU team has consistently acted in the best interests of prisoners. Staff, and particularly the head of the OMU always display considerable knowledge of individuals' issues.

Following assessment on the early days wing, the resettlement team takes responsibility for remand prisoners (planned to be 80% of the total population). The responsibility for high risk convicted men is taken by probation and the rest by the OMU.

7.3.2 At the moment, operational prison offender managers (POMs) are frequently redeployed for operational duties due to staffing shortages.

The POMs are seeing sentenced men on average about once per month. This is a good level of contact. By June there were five non-operational POMs plus three probation onsite POMs.

7.3.3 The backlog in court hearings is having an adverse effect on men on remand or those awaiting sentence. They undergo lengthy delays in awaiting outcomes, sometimes up to years, which can impact negatively on mental health, increasing anxiety about uncertain futures and the feeling of 'being in limbo', as described by one CPN. These same men do not have to work or engage in education.

In February 2020 there were 344 remand prisoners but in June 2022 this figure rose to 516, due to the changed profiling of the prison as a reception prison.

By June 2022 the longest stay on remand was three years, with six men having been detained since 2019. In contrast, in February 2020 the longest stays on remand were two men detained at HMP Birmingham for one year and nine months and one year and three months respectively. Remand stays are increasing in length and numbers.

When including men who arrived in 2020 to the above figures, there are a total of 34 men detained on remand for long periods. It is possible that some of these men will go on to be acquitted after long periods on remand during which family ties may be weakened, accommodation lost and a disconnect developed. This is not just.

Offending behaviour programmes

7.3.4 Throughout the reporting year the prison has provided the Thinking Skills Programme (TSP). Due to Covid restrictions numbers have been limited (sometimes to one participant) and delivery has been interrupted. IMB interviews with participants who had completed the programme indicated that delivery was always of high quality and impactful.

From 10 March 2022 programmes started being offered in the pre-pandemic mode with groups of 10, with high risk prisoners still being prioritised. In June 2022 it was reported that all was going well.

7.4 Family contact

7.4.1 The prison commissioned and continues to value and finance the community interest company New Leaf, which holds a monthly family forum in the visitors' centre. Often men will confide in their partners but not in the establishment and in these fora relatives are able to raise prisoners' issues in a neutral environment.

As a result of one such forum, at the request of families and prisoners, the personal spending allowance on a visit was raised from £20 to £30, demonstrating fairness and a positive response on the part of the prison to a reasonable proposal.

7.4.2 Secure social video calls (initially provided by Purple Visits and subsequently by Prison Video) have been highly successful during the pandemic and beyond, despite the impact of staffing shortages:

2021

October: 1055 video calls
November: 1014 video calls
December: 1037 video calls

2022

January: 646 video calls (a.m. only – staffing shortages)
February: 677 video calls (a.m. only – staffing shortages)
March: 133 video calls (new system installed – poor connections)
April: 640 video calls (p.m. only – staffing shortages)
May: 515 video calls (p.m. only – staffing shortages)
June: 674 video calls (p.m. only – staffing shortages)
July: 522 video calls (p.m. only – staffing shortages)

Face-to-face visits were reintroduced incrementally as soon as it was safe to do so:

2021

October: 377 visits
November: 493 visits
December: 468 visits

2022

January: 366 visits
February: 350 visits
March: 580 visits
April: 652 visits
May: 734 visits
June: 711 visits
July: 859 visits

7.4.3 Just at the end of the reporting period the prison ran a successful family day for the first time since the pandemic.

7.5 Resettlement planning

7.5.1 Men released from Birmingham receive good support. The resettlement team and the various related agencies work collaboratively to do all they can to support men with access to accommodation, benefits, and resettlement advice before, at the point of, and after release.

The effectiveness of resettlement relies on the communication and coordinated work of all involved. The new resettlement hub includes the prison liaison service, pre-release team, probation and IAG which are now all located in the same suite of offices, along with the planned addition of the Department for Work and Pensions (DWP), Inside Job and the Expectations team, thus improving communication, collaboration and ease of access for prisoners.

7.5.2 All prisoners at risk of having no fixed abode (NFA) are seen before release or on the day of release. Anyone who is not found housing by the contracted provider Nacro is then supported by the community offender managers (COMs) and they are seen at the gate on release. This includes all men whose sentence is less than 23 days as they are not covered by the Nacro contract. Men held on remand are also not covered by the Nacro contract. The fact that these men may not know where they will be living up until the point of release increases anxiety and stress.

Pressure and workload for a reduced number of COMs (relative to those employed by the previous community rehabilitation company before responsibility was transferred to the Probation Service) has very occasionally led to some unregulated premises being recommended.

Probation reunification has led to fewer resettlement staff within the prison, and the number of COMs outside the prison is apparently also under severe pressure to meet demand.

Housing-on-release figures, at 70%, are said to be under-reported as not all cases are logged by the COMs or probation officers. The actual success rate is said to be higher as apparently in those unreported cases almost all are said to gain accommodation. In previous years the figure was nearer to 90%. There is no exact comparative figure this year due to delayed or missing logging.

7.5.3 Detoxing prisoners leave with a prescription to enable continued safe management of detoxing. Arrangements are made for men to register with GPs and to open bank accounts needed to receive benefits. Soon the DWP will be located in the prison so that universal credit applications will be made at the gate on release.

7.5.4 Inside Job is an outstanding success in and outside the prison in supporting prisoners into employment. The lead prisoner supports men with CVs, access to the construction qualification and access to employers. Since its inception there have been 74 men, post-release, who have engaged with Inside Job, 19 of whom have gained employment. The value of lived experience in preparing and encouraging participants is a strength of the programme and has been invaluable in supporting men who appear to be at risk of giving up or lapsing.

In December 2021 a report stated that since the inception of Inside Job there had been:

- 99 referrals
- 74 releases
- 53 interviews arranged
- 46 job offers made
- 25 job starts

By June 2022 of those participants who had been released:

41 men (55.4% engaged), 33 men (44.5%) disengaged,

This successful initiative has been extended to two other establishments in the area.

7.5.5 The departure lounge, run by New Leaf, has a room at the gate and sees men on release who need further support in the community. This was commissioned and is financed by the prison.

The work of the IMB

A total of eight new Board members have undergone induction and training during the reporting period. The unstinting commitment of the board development officer (BDO) has resulted in a high level of engagement and skills development. Retention is good and when two new appointees did resign it was due to pressure of outside work. In the past turnover has been high and the Board attributes improved retention to the quality of induction and support provided.

This has placed additional demands on the small core of existing members to cover GOOD reviews (420) and applications (224).

The Board is appreciative of the openness and the sharing of information by the Governor and the proactive response to all issues that the Board has raised in meetings or in weekly rota reports.

Board statistics

Recommended complement of Board members	16
Number of Board members at the start of the reporting period	11
Number of Board members at the end of the reporting period	12
Total number of visits to the establishment	346
Total number of shifts on the 0800 telephone line	N/A
Total number of segregation reviews attended	420

Applications to the IMB (including via the 0800 telephone line)

Code	Subject	Previous reporting year	Current reporting year
A	Accommodation, including laundry, clothing, ablutions	16	15
B	Discipline, including adjudications, incentives schemes, sanctions	6	9
C	Equality	10	3
D	Purposeful activity, including education, work, training, library, regime, time out of cell	2	10
E1	Letters, visits, telephones, public protection restrictions	13	8
E2	Finance, including pay, private monies, spends	9	13
F	Food and kitchens	4	9
G	Health, including physical, mental, social care	25	25
H1	Property within this establishment	16	34
H2	Property during transfer or in another establishment or location	18	17
H3	Canteen, facility list, catalogue(s)	20	12
I	Sentence management, including HDC, release on temporary licence, parole, release dates, recategorisation	19	17
J	Staff/prisoner concerns, including bullying	20	25
K	Transfers	2	10
L	Miscellaneous, including complaints system	21	17
	Total number of applications	201	224



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