



Ministry
of Justice

Rob Butler MP
Parliamentary Under
Secretary of State
for Justice

Dame Anne Owers DBE

National Chair, Independent Monitoring Boards

By email: anne.owers@justice.gov.uk

7th October 2022

Dear Dame Anne,

PUBLICATION OF THE IMBS' NATIONAL ANNUAL REPORT 2021-2022

Thank you for your national annual report, which is published today, 7th October 2022. My own interest and involvement in prisons began when I served on an IMB between 2006 and 2010, so I understand and greatly appreciate the tremendous commitment made by IMB volunteers both in carrying out their monitoring visits and in compiling their annual reports. I am grateful to you and your team for drawing on these individual reports to produce your overall annual report, which rightly recognises the exceptional challenges arising from Covid that continued to impact prisons themselves and the ability of the IMB members to carry out in-person monitoring

I am pleased that your report has noted several positive findings in the prison estate, including improved security measures to prevent the entry of drugs, the increase of in-cell telephone technology, and some improvement in accommodation. I am also pleased that your report has recognised the promising new initiatives being rolled out across the estate to reduce reoffending.

Your report also outlines a number of concerns, all of which I take seriously. In the annex to this letter, I have set out the actions that have already been taken, and those that are planned, to address these concerns.

You may be interested to know that I have asked my officials to try to arrange for me to meet one or more members of the relevant IMB when I visit prisons, where that is possible and fits with the members' other commitments.

I look forward to meeting you to discuss in more detail the work being undertaken by IMBs. and meanwhile, would like to thank you again for the invaluable work conducted by you and local Boards across the prison estate over the period covered by your annual report.

Yours sincerely,

ROB BUTLER MP

Annex

Recruitment and Retention

I understand the pressures that current recruitment and retention issues are placing on establishments and the undoubted impact that this is having on providing proper regimes. We are constantly monitoring a wide range of data on the staffing picture across the estate, providing additional resource via a number of interventions, including national detached duty, where necessary.

We currently have recruitment campaigns open where there is a present or future need – with targeted marketing, and where appropriate, market supplements to provide financial assistance in the hardest to recruit to sites, in addition to a recently re-launched relocation scheme. HMPPS recognises the importance of retaining staff and is committed to improving retention. We expect to spend an additional £12 million on specific workforce measures in 2022-23 to improve the experience of our new joiners and increase levels of experience on our prison landings. These include a mentor scheme for new colleagues and a bespoke leadership development approach in establishments where attrition is highest. We hope that the significant rises in pay for prison staff will also help to attract new staff and reduce leaving rates, and as indicated above, we are continuing to use localised market supplements to increase prison officer pay at 18 sites.

Key Work

I am committed to ensuring that key work is fully reinstated across the male closed estate now that we have exited the National Framework. There has already been a gradual increase in key work delivery since the National Framework was lifted in May 2022. We know that ongoing resource pressures can present a barrier to delivery, and we are working to explore ways in which the current model can be developed to allow delivery without deviating from the evidence-based principles of 1:1, consistent and high-quality sessions.

Safety

The COVID-19 pandemic and the regime restrictions introduced in response to it brought new and different risks to safety. Maintaining safety, and the mental health and wellbeing of prisoners, continue to be a priority, as was the case throughout the pandemic. We are investing in our prisons to make them safer for both prisoners and staff by taking a preventative approach and making key changes to the physical environment, introducing specialist support, developing bespoke interventions and testing new technology. This includes delivering 290 ligature-resistant cells, trialling alternatives to wet-shave razors, and providing an Enhanced Support Service (ESS) to 18 prisons which involves providing specialist, multi-disciplinary support to challenging prisoners at risk of harming themselves and others. There will be investment over the next three years to progress the delivery of additional, modern prison places; improve access to healthcare and substance misuse treatment and create a regime that supports safety.

A revised version of the Assessment, Care in Custody and Teamwork (ACCT) has been introduced, creating a more personalised process for the prisoner, allowing staff to better consider their individual triggers for self-harm and suicide when supporting them. Where ACCT Version 6 is delivered effectively, areas of the document that have become more complex are offset by other areas that have become more streamlined. Throughout this year, prisons will be undertaking a self-assessment to demonstrate how well the Challenge, Support and Intervention Plan (CSIP) - a behaviour management tool, is functioning in their establishments. We are rolling out a Safety Support Skills training package for staff, improving staff understanding and knowledge of what drives violence and self-harm in prisons. This includes a violence module which will equip them to understand how to mitigate the drivers of prison violence as well as teaching them the skills required to hold difficult conversations and de-escalate effectively and finally, how to effectively support the use of CSIP within their establishments.

I recognise that an ageing Body Worn Video Camera (BWVC) system and insufficient number of cameras has resulted in inconsistent use in some prisons. As a result, we have undertaken a procurement process for a next generation of BWVC within the public prison estate. The rollout will represent a substantial uplift

of cameras available, with each establishment having sufficient stock of cameras for every operational band 3–5 Prison Officer on shift at any time and a surplus for other roles. In conjunction with the procurement of new cameras, a new Policy Framework has been produced which includes the mandatory wearing of cameras (although they will not be required to be turned on all the time) by operational-facing band 3–5 Prison Officers, with establishments also able to target their use elsewhere on the site through their Local Security Strategy. The revised Policy Framework is expected to be published shortly.

To support the safe introduction of PAVA, its rollout has been accompanied by an evaluation to ensure we continue to learn and inform practice. Part of this work includes monitoring nationally for trends in use through the collection of management information. The data has reflected trends of PAVA being used disproportionately against prisoners with protected characteristics and as a result we have sought to better understand these and look at prison specific data. A multidisciplinary group has been established to take this work forward and, where trends are specific to a prison, we are working with the prison directly to identify what factors may be contributing to the incidents of violence and to ensure the use of PAVA is proportionate. Every use of PAVA is individually reviewed at a national panel to ensure it is in line with policy.

Security (Preventing illicit items)

I recognise that prisoner-prisoner debt can impact the safety and stability of a prison, driving violence, self-harm and self-inflicted deaths. We have committed to tackling this through a major research study to help us understand the nature, extent and repercussions of debt.

Targets for Random Mandatory Drug Testing (Random MDT) were paused in response to the COVID-19 pandemic. Random MDT levels have improved since April 2022, however they continue to fluctuate in line with COVID-19 outbreaks, given the pressures they place on prison regimes. As a result, test coverage remains too low for us to make reliable estimates of drug misuse in many prisons, or for national or local comparisons to be drawn with pre-COVID years.

Our £100m Security Investment Programme aimed at reducing crime in prisons, including reducing the conveyance of illicit items such as drugs and mobile phones, was completed in March 2022. Enhanced Gate Security (EGS) has been deployed to 42 high risk prison sites (both private and public sector), implementing routine searching of staff and visitors. This includes 659 staff, 154 drugs dogs and more than 200 pieces of equipment (archway and handheld metal detectors). To crack down on illicitly brewed alcohol, we are training detection dogs to identify the scent of alcohol and we are carrying out searches of prison cells to seize alcohol and distilling equipment. We are also increasing medication checks and building staff capability to tackle the trading of medication.

Self-harm in the women's estate

I recognise that the level of self-harm in the female estate is too high and we are taking action to address this. We saw a concerning rise in self-harm in the women's estate during the pandemic due to the restrictions put in place to manage the spread of COVID-19, which exacerbated the drivers of self-harm for women, such as isolation and reduced contact with family and friends. Measures put in place to mitigate this included increased pin credit allowance and access to video calling, to encourage and enable connection with family, the provision of distraction packs and in-room education materials, and the introduction of bespoke wellbeing checks.

We are continuing to take action to address the rise in self-harm to improve our ability to meet the needs of the women in our care. In 2020 we established a multi-disciplinary Women's Self-Harm Taskforce to address the high levels of self-harm. The aim of the taskforce is to focus on work, research and interventions that improve prisoner outcomes. Key actions to date include: a review of prolific self-harm in the women's estate; delivery of specialist training for new officers; recruitment of psychologists to support the delivery of Support through Enhanced Management (StEM) for women with complex needs; and piloting a Compassion Focused Therapy (CFT) intervention. We have rolled out a woman-specific Offender Management in Custody (OMiC) model and commissioned a joint review of health and social care with NHS England. We have also funded a number of activities to support improvements in safety,

including additional support for women with complex needs, specialist support for women who have experienced abuse and extra support during early days in custody.

Equality and Diversity

I acknowledge the concerns regarding the impact of staff deployment on equality work. HMPPS is working with D&I stakeholders within the prison system to demonstrate the value and worth of having D&I staff in place and pointing out the risks of diverting them to other areas. We will continue to encourage Prison Governor Directors and Governors to support this.

The Race Action Programme (RAP), which builds on the MoJ Race Action Plan, aims to tackle racial discrimination and disparities across HMPPS and create a diverse and inclusive workforce which gives all staff an opportunity to be their best. People in prison, children and people on probation are also an important focus for this ambitious programme which will tackle disparity in outcomes, in order to reduce reoffending and enhance rehabilitative practices.

Through the delivery of five priority projects, the Race Action Programme will:

- facilitate greater engagement with the third sector;
- enhance recruitment, retention and talent management opportunities;
- promote consistent application of policies;
- provide safe spaces to manage the effects of racism; and
- enhance the current learning provision to address current gaps in cultural understanding across all staff groups.

Neurodiversity

In December 2020, the MoJ commissioned the Justice Inspectorates to complete a review of evidence on Neurodiversity in the Criminal Justice System. This identified gaps in provision and produced six recommendations as to how current provision might be improved.

On 30 June the Ministry of Justice (MoJ) published a cross-government Action Plan in response to this review. As the Action Plan shows, significant progress has already been made to increase support for neurodivergent people, including the introduction of neurodiversity support managers in prisons and the promotion of Autism Accreditation across the prison estate. We are leading a cross-government six-month exploratory phase to strengthen and increase the offer for neurodivergent people at all key stages of the criminal justice system. This will further consider opportunities to improve screening, raise awareness, enhance training and share best practice.

Prisoners' property

The new *Prisoners' Property* Policy Framework was published on 1 August 2022 with an implementation date of 5 September. The Framework has been designed with procedural justice at its core and aims to ensure consistency and fairness and enhance prisoners' satisfaction with processes and outcomes. HMPPS worked closely with IMB members when drafting the new guidance, capturing feedback via prison visits and workshops. The Framework strengthens processes in relation to the main problem areas identified by IMBs and staff during consultation, including the handling of valuable property, managing cell clearances, compliance with volumetric control and forwarding on excess property following a prisoner's transfer.

Property lost in transit makes up a small proportion of the total number of PECS transfers. The new vehicle fleet has been designed with increased capacity to facilitate an additional half bag of property for consumables. The introduction of digitally recorded Person Escort Records, including property tags, is assisting with investigations into property that is lost in transit with PECS suppliers. PECS continue to monitor all aspects of the contractors' performance and, on occasions where it fails to meet the agreed levels, will raise these with the contractor for improvement.

I recall very well from my own experience on an IMB the importance prisoners place on having their property in the right place at the right time. I will be taking a close personal interest in the effectiveness of the new *Prisoners' Property* Policy Framework.

Mental health transfers

The MoJ is committed to working with health partners to improve the timeliness of transfers from prison to hospital under the Mental Health Act and, with the Department of Health and Social Care, published the draft Mental Health Bill on 27 June 2022 which contains a number of critical reforms to improve support for individuals with acute mental health needs in the criminal justice system. This includes the introduction of a new statutory time limit of 28-days for transfer from prisons and other places of detention to hospital. This time limit, together with operational improvements, will help reduce unnecessary delays and ensure people in the criminal justice system receive swift access to treatment.

Regime

HMPPS recognises the value and importance of promoting the wellbeing of prisoners, including positive opportunities for socialisation between prisoners and/or with staff. As part of our commitment to progress from restoring the service to the transforming delivery, we are driving more personalised regimes that will not only identify and address prisoners' needs or risks but also their skills and strengths.

Our aim and commitment remain for the expansion of regimes, at an appropriate pace, to balance competing demands, to maintain safety through building the confidence and competence of our staff group, and to ensure we have the capacity to respond to the most acute staffing challenges in the system through cross deploying resources where there is greatest need.

Although the pace of recovery will differ across prisons, there is currently a positive upward trend in purposeful activity nationally, 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.

We are working hard to reduce the heaviest impact on prison regimes through these measures. We do not dispute that we face challenges in some prisons, but it is also important to acknowledge that Regime Management Plan delivery can vary from day to day and week to week as we do what we can, where we can, with our resources to deliver purposeful activity levels.

Children and families

Prisons across the estate are returning to a 'pre-COVID' level of delivery of Family Services, including the resumption of Family Visits and Family Learning. All prisons are working to resume their pre-pandemic offer of social visits although we recognise that this has been slow to return to pre-COVID levels. We also remain committed to continuing to offer social video calls (that enable one free 30-minute call per prisoner, per month) as we have clear evidence that these, alongside face-to-face visits, telephone calls, voicemail and email, help maintain contact with families and significant others.

Prison workshops

During COVID-19 we worked closely to ensure that critical internal production workshops remained active and open. This enabled some work opportunities for prisoners to continue throughout the pandemic as well as maintaining internal stock levels and the continued delivery of core decency items to all prisons. All prisons are resuming their pre-pandemic offer and we will continue to support governors and their teams as establishments increase their regimes.

Physical Education (PE)

Following publication of the HMPPS exceptional delivery model for Sport and Physical Education at the start of the pandemic, later guidance encouraged PE to take place in outside areas, and many prisons made good use of their external gym areas to enable prisoner participation. The subsequent opening of weights rooms and fitness suites for establishments operating at Stage 3 of the National Framework in April 2021 (May for prisons in Wales) in line with the easing of restrictions in the community, also provided additional activity opportunities for prisoners. PE departments continue to be creative in the opportunities offered (such as introducing pedometer walking challenges and other competitions).

Progression and Resettlement

Education

Throughout the pandemic, education was kept running wherever possible through digital technology and in-cell learning. We have since seen a significant increase in learners back in the classroom with numbers of sessions attended tripling in the first quarter of 2022.

Accommodation

In July 2021, we launched our transitional accommodation service, known as the Community Accommodation Service – Tier 3 (CAS-3) in five probation regions, providing up to 12 weeks accommodation on release with support to move to settled accommodation. We also introduced Strategic Housing Specialists to support prisons to be more strategic in their response to reducing homelessness through working in partnership with probation teams, including the retained Homeless Prevention Teams and Local Authorities.

The PSWP sets out our vision that no-one subject to probation supervision is released from prison homeless. We are delivering on our commitment to expand CAS-3 provision across England and Wales so every supervised offender leaving prison at risk of homelessness can access this help. In June 2022 we expanded the service to Wales, with contracts due to be awarded in the remaining six probation regions in England by the end of 2022. In addition, we are increasing the number of Strategic Housing Specialists from 20 to 48 across England and Wales.

Employment

The proportion of prisoners released from custody employed after six months rose by almost two thirds between April 2021 and March 2022, from 14% to 23%. The proportion of prison leavers who were employed at six weeks from their release date rose by more than half between April 2021 and March 2022, an increase of 6 percentage points, from 10% to 16%.

Building on this, we are supporting prison leavers into employment by developing stronger links with employers and offering more offenders the chance to work in prison, on Release on Temporary License and on release. This includes rolling out dedicated Prison Employment Leads in all resettlement prisons to get prisoners work-ready and match them to jobs on release, and Employment Advisory Boards, chaired by local business leaders and tasked with providing challenge and advice to help prisons deliver the skills the labour market needs.

Resettlement

Under the new resettlement approach, all resettlement prisons will have embedded pre-release teams who will address immediate resettlement needs and provide pre-release services which are not currently available via Commissioned Rehabilitative Services (CRS). We are currently working on extending the contracts for Accommodation and Women's services to unsentenced people in prison and expect to commence delivery in most remand prisons by the end of 2022. Additional CRS contracts providing Finance, Benefit and Debt services and support in custody will commence between Autumn 2022 and Spring 2023.

Going further, to ensure individuals can resettle effectively, we will also introduce Resettlement Passports which will be set up prior to release and bring together the key information and services that an individual needs to transition back into society.