

National Monitoring Framework

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Any enquiries regarding this publication should be sent to us at [**imb@justice.gov.uk**](mailto:imb@justice.gov.uk).

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Introduction

Independent Monitoring Boards play a crucial role in the independent oversight of prisons and places of immigration detention. Appointed by Ministers, IMB members are a regular presence in those establishments, reporting on the conditions in detention and the treatment of prisoners and detainees. They are part of the UK's **National Preventive Mechanism** (NPM), set up under the UN Optional Protocol to the Convention against Torture, to prevent inhumane treatment in places of detention that operate out of sight of the public. As members of their local community, they are the public's eyes and ears. Their work complements that of **HM Inspectorate of Prisons** which carries out periodic in-depth inspections, and the **Prisons and Probation Ombudsman**, who investigates deaths and complaints.

IMBs cover a wide range of establishments, from high security prisons where prisoners may spend decades, to holding rooms where immigration detainees may spend a few hours. The focus and priorities of monitoring will respond to the specific needs and concerns of each environment, but the purposes and principles of monitoring are the same. This National Monitoring Framework has been agreed by the IMBs' **national management board** and is designed to

- define the role of IMBs
- describe the purpose and principles of monitoring
- show how this can have an impact on outcomes for prisoners and detainees.

More detailed guidance can be found on the IMB members' website, the annual report template and guidance, and the monitoring guidance being developed for different aspects of detention.



IMBs

cover a wide range
of establishments

1. The role

The **Prison Act 1952** and the **Immigration and Asylum Act 1999** require the Secretary of State for Justice and the Home Secretary to appoint independent boards to monitor prisons and places of immigration detention, from among members of the community. The legislation gives members unrestricted access to these establishments and to the prisoners and detainees held in them.

Boards' functions and powers are further defined in Prison Rules, Young Offender Institution Rules, Detention Centre Rules and Short-term Holding Facility Rules. They include making frequent visits, having access to the records¹ of the establishment, informing ministers immediately of any abuse, hearing complaints and requests, and producing an annual report.

In 2004, following the 2001 Lloyd review, ministers also charged Boards to

- satisfy [themselves] as to the humane and just treatment of those held in custody within the establishment and (for prisons and YOIs) the range and adequacy of the programmes preparing them for release

¹ Except for healthcare records, staff personnel records and certain classified information

2. Purpose of monitoring

The focus and purpose of monitoring as set out in this framework is therefore the **outcomes for prisoners and detainees**. Boards will need to check that the proper processes are in place and effectively implemented, but they are only a means to an end, which is the outcome for those held in custody. Focusing on outcomes does not mean that monitors believe everything that they are told by prisoners or detainees, or that they are unaware of the challenges and risks that staff face. Insofar as the conditions and deployment of staff affect the conditions and treatment of prisoners and detainees, Boards must report on this. A prison that is not safe for staff will not be safe for detainees; a detention facility with poorly trained or managed staff will have poor outcomes for detainees.

Boards report their findings on a regular basis to those responsible for managing the establishment. Those findings are brought together in published annual reports, which make an assessment of the establishment under four main headings:

- *Safety* (including violence and self-harm measures, safeguarding and use of force)
- *Humane treatment* (including segregation/separation, equality and accommodation)
- *Health and wellbeing* (including primary care, mental health, exercise, drug and alcohol treatment and soft skills)
- *Progression and release* (including education, training, offender management and preparations for release or removal)

Boards in establishments holding children and young people under 18 will make a separate assessment of the provision and availability of education, as this is a primary role of those establishments.

These headings are also a useful way of regularly reporting back Boards' findings to managers during the year. Reporting practice is set out in more detail in the annual report templates and guidance for prisons, under-18 YOIs and the immigration detention estate.

Board members have unfettered access to all parts of the establishment and those held there, as well as to documentation held in the establishment, and can report concerns to the establishment, the relevant service, or the minister at any time. Their relationship with the relevant government department and monitored service is set out in **protocols and memoranda of understanding** with the Ministry

of Justice, Home Office, and Prison Service. These documents confirm Boards' independence and governance structure and set out their rights and responsibilities, including access to documentation and to clerking support, responsibilities in relation to security and confidentiality, and the right to be notified of segregation and serious incidents. All members should familiarise themselves with these documents.



IMBs

play an important
preventive role



3. Independence in practice

Independence is fundamental to the role, name and values of IMBs. It is required both in UK law and also because of our membership of the NPM. But it is more than simply a badge: it needs to be visible to prisoners and detainees, the monitored bodies, government departments and the public, and reflected in the way that Boards work, the language used and the priorities set.

Boards' regular presence in an establishment gives them a unique insight into the day to day experience of prisoners and detainees. This is an important preventive role, with the ability to spot trends and concerns before they become crises, and to confirm where there has been positive progress. Boards can provide a sense-check on the things that managers hope and believe are happening. Managers should welcome and respond to this, and it provides a valuable source of assurance to ministers and those responsible for running the prison and immigration detention services.

Boards need to maintain good relationships with staff, so that their concerns are listened to and acted on. They also need to understand the challenges staff face. However, they must also maintain a critical distance, providing constructive challenge, for example when explanations are excuses rather than reasons.

Boards have the right to obtain information from the establishment, either directly or through documentation, reports and meetings. That may not show the whole picture, and Boards should always test that information against the actual experience of prisoners and detainees, and what they themselves observe. This process is sometimes called triangulation: evidence-checking from different angles.

Boards also need to guard against anything that can be perceived as undermining or questioning their independence, whether this is language or behaviour that suggests they are part of the establishment, or if they appear to act as advocates for either staff or individual prisoners or detainees. Information from external

organisations can be useful and important, but Boards should always reach their own judgements, based on objective evidence. In the immigration detention estate, Boards need to be particularly alert to the fact that detainees may wrongly believe that any concerns they report may affect their immigration case.



4. Best practice

All institutions tend to develop their own culture and norms. This is particularly true of closed institutions, where custom, practice and culture can become embedded. That is why an outside view, that keeps asking questions, is so important.

Boards need to be aware of what is best practice, not just the accepted practice in that particular establishment. The IMB **members' website** provides useful guidance and information, as does the **website of the National Preventive Mechanism**. Regional meetings and visits to other similar establishments also help to provide a wider context and useful comparators.

It is important to monitor whether establishments meet the requirements set out in legislation and published policy: prison rules, prison service orders and frameworks, detention centre rules, detention service orders, service level agreements and contracts. However, monitoring is not the same as contract compliance or audit, which is the responsibility of those running the service. Law and policy provide a floor, not a ceiling: the minimum that is required, rather than the best practice.

Boards can observe poor treatment or conditions that are not covered in the rules or frameworks, or which cannot yet be remedied, even by good managers and staff. Monitors should be asking 'is it right?' not just 'is it possible or achievable now?'. They can and do point to underlying issues that need to be addressed nationally: for example, the impact on regimes of too few, or too inexperienced staff; the fact that two prisoners are held in a cell meant for one, with an unscreened toilet and eat their meals in-cell; or the effect of long-term segregation or the indefinite nature of immigration detention on the mental or physical health of a prisoner or detainee.

Monitors

should be asking
'is it right?'

5. Monitoring

There are many aspects to monitoring:



Observation

Monitors have been described as the ‘eyes and ears’ of the public. No other external body has such regular and direct access to prisoners and detainees. So, a crucial part of the role is simply ‘being there’: watching and listening to what is going on wherever prisoners or detainees are held. This is the purpose of rota visits. It is an active, not a passive, role: questioning and challenging what is going on. It means being visible, carefully listening to what is said and what is not said; noticing what is happening on the periphery of vision; seeing how staff and prisoners or detainees interact; seeking out the prisoners or detainees who don’t demand attention.



Reporting

It is essential to record what has been observed or said. If it isn’t written down, there’s no evidence that it happened. As well as rota reports, records include, for example, entries in assessment, care in custody/detention and teamwork (ACCT/ACDT) and segregation/separation records, observations at reviews and Board minutes. These records may become public, through freedom of information requests or in inquests or legal proceedings. They should be objective and unbiased, should not compromise prisoner or detainee confidentiality, and should allow a reader (whether the rest of the board, the establishment or a third party) to have a clear picture of both positive and negative observations.



Dealing with individual applications

Board members receive thousands of applications or requests from prisoners and detainees with problems or complaints that have not been addressed by the establishment. Legally, prisoners and detainees do not have to have gone through the establishment's complaints system before they approach the IMB, though in practice they may be advised to do so as the quickest way of resolving the issue. Applications and requests range from the practical and day-to-day (property, letters, visits, clothing and bedding) to issues such as healthcare, sentence management and bullying. Applications and requests can also reveal underlying patterns and themes that require more systemic action, and sometimes can expose more serious concerns that may point to abuse or risk to life.



Relying on evidence

Every monitoring finding, statement or recommendation, and especially the judgements made in the annual report, should be justified by evidence, rather than assertion. Some evidence is factual and objective: for example, statistics about length of immigration detention, prisoners released to no fixed abode, or violent incidents. But all statistics need to be put into context, and to be tested and triangulated with other evidence, for example from observation. Do they show that things are improving or deteriorating? Does this square with what Boards observe or are told? What are the actual outcomes for prisoners or detainees that lie behind the statistics? Some Boards have done their own statistical surveys or carried out thematic monitoring to shed light on a particular issue (see below).



Attending meetings and reviews

It is important to observe how the establishment is managing issues, such as equality or use of force, and how it is managing people, such as those in segregation or separation, or at risk of self-harm. However, too great

a reliance on attending meetings can mean that a board relies heavily on the establishment's own assessment of what it is doing and achieving, rather than the actual outcomes for prisoners and detainees. There is always a risk of becoming, or seeming to become, part of the decision-making process. Members should also be aware that the fact of having been at a segregation review, for example, (particularly when signing the paperwork) can be taken to mean agreement with the decision, for example if it is challenged in court. They should therefore ensure that any concerns about continued segregation are noted and raised with prison managers.



Monitors

are the 'eyes and ears' of the public



Monitoring doesn't mean:



Managing

Members may have been managers, in both public and private organisations, and it is tempting to use that experience to tell managers how best to run things. This is particularly the case if management experience has been in a directly related context, such as healthcare, education or prisons. Monitoring should focus on the desired outcome rather than the means of achieving it. It can of course reveal where management policies and processes are not achieving the desired outcome.



Inspecting

Inspection is a regular but occasional in-depth examination of a prison or detention facility. Inspectors will be able to compare that establishment with many other similar places and make professional judgements in areas such as in education and healthcare. Inspection reports can be helpful to inform monitoring, and to indicate areas which need, and should be getting, improvement: again, monitors will be looking at actual outcomes.



Investigating

The Prisons and Probation Ombudsman will carry out investigations where something has, or may have, gone wrong: complaints that have not been satisfactorily resolved or deaths in custody. This is a reactive role, that can involve detailed examination and testing of evidence. Monitoring, by contrast, is essentially preventive, though again the lessons learned from deaths or complaints can inform monitoring priorities and provide a framework for checking outcomes.

Boards' responsibility to take individual applications from prisoners and detainees is somewhat different from their monitoring role; but it does put IMBs in direct touch with the issues of most concern to those in custody and can help identify themes and monitoring priorities. However, in dealing with applications, Boards' role is not to sort out the problem, or carry out an investigation, but to make enquiries of those who are responsible for doing so, and to satisfy themselves that this has been done.

Though Boards have a specific monitoring role, liaison with other independent organisations – principally HM Inspectorate of Prisons and the Prisons and Probation Ombudsman – can help to create a virtuous circle, in which the findings of monitors, inspectors and investigators reinforce and inform one another in order to promote and influence best practice. Similarly, the relationships with other organisations within the NPM provide a sound basis for both learning and influence.

6. Priorities

All Boards need to be able to report on the fundamental aspects of any place of detention: safety, humane treatment, health and wellbeing, and access to the interventions and support that can promote effective resettlement or help detainees face what comes next. There will always be the need to monitor closely the riskiest and most important elements in detention: such as segregation/separation, serious incidents, staff numbers and cultures, use of force, violence and self-harm, the state of accommodation, access to a purposeful regime. Guidance is being developed in relation to monitoring all these areas.

However, within those parameters, Boards have the flexibility to decide their own priorities and objectives for the year, depending on the kind of establishment and the particular risks and concerns it poses. For example, in an under-18 YOI there will be a focus on good quality and accessible education, and safeguarding of young people. A training prison, by definition, should provide good quality education and skills training, as well as effective offender management. In an immigration removal centre, issues around vulnerability and length of detention are likely to be high priority. Boards may also want to focus on new or high-profile initiatives: offender management in custody or the introduction of PAVA incapacitant spray in prisons; the adults at risk policy in immigration detention.

It is good practice for Boards to focus on one area where they would like to carry out in-depth work, such as a survey of prisoners, a deep dive into prison records, or following the prisoner journey in a particular area. For example, some Boards have carried out surveys of prisoners about to be released, exposing how many in reality are released without accommodation; some have looked at use of force and whether there are problematic patterns of use; some have looked at key worker records to

see whether interactions take place as planned and evidence real engagement; some follow a number of prisoners through their prison experience, or look at those who self-isolate. Boards in immigration short-term holding facilities have focused on the length of time spent in holding rooms and the timing of movements to removal centres. Examples are available centrally if Boards wish to embark on any of this work.



7. Impact and escalation

Board members commit a great deal of their time to monitoring prisons and places of immigration detention. They are uniquely placed to provide real-time information on what is happening there, and why. They rightly expect that this will have an impact on the way these establishments are run and resourced, and there is

sometimes a frustration when this does not seem to happen, or when Boards repeatedly raise the same issue at national level (for example the failure to manage prisoners' property effectively). However, Boards' findings and persistence can and do influence change and improvement, both locally and nationally.

There are several different kinds of impact:



On individual prisoners or detainees

The impact of this should not be underestimated. The IMBs' role in helping to resolve even apparently minor issues impacts directly on the daily life and experience of prisoners and detainees, where everything they have, do or need is controlled by others.



On the establishment

Regular meetings with prison and immigration detention managers and controllers are an opportunity to raise the systemic issues that arise from applications and from monitoring observations. This reflects back to managers what is actually happening, which may be different from what they hope or expect. The more accurate and evidence-based the reporting, the more likely it is to be acted on.



On the wider prison and immigration detention system

Boards will uncover issues and concerns that either cannot be, or are not, dealt with effectively by local managers. If they are things that should be achievable in a prison or immigration detention facility, the most effective way of securing change is to escalate concerns through the prison and immigration hierarchy. In prisons, this is through the prison group director or equivalent (if it is an issue specific to that prison, function or area), or to the director general of prisons or the director of the youth custody service (if it is an issue like staffing or resourcing, which is a national or systemic issue). In immigration detention, the route is through area managers to the Home Office director of detention and escorting services. Boards should always keep records of these approaches and their outcomes.



On ministers

Boards can at any time contact the relevant minister. This is a very important right, but it also carries the responsibility to use it judiciously, for matters that are either important enough to bring to a minister's attention, or relate to political decisions that affect the prison or immigration service as a whole. Otherwise, there is a risk that IMB concerns will be discounted, or simply passed back to the service itself to deal with. Matters that should be raised directly with ministers include: concerns of imminent disturbance or indiscipline; potential breaches of human rights or statutory obligations; resource issues that affect the whole service; the impact of legislation or national policies; the need for action by other departments, such as health or benefits.



On the public and Parliament

It is important that Boards' work and findings are part of the public and parliamentary debate. That is why Boards' annual reports are so important, highlighting both concerns and progress against previous recommendations. The national annual reports for prisons and immigration detention bring together

the themes in those individual reports. Sometimes, there are thematic reports on particular issues. There has been increasing media interest in all these reports, drawing public attention to the valuable work done and the concerns that are raised. IMBs also regularly provide both written and oral evidence to parliamentary inquiries, drawing on both published reports and real-time information collated from relevant Boards.

It is helpful for Boards to liaise with the Secretariat and National Chair when escalating issues, so that we can advise if these have also been raised by other Boards and can also keep a central record of the issues that have been raised, and their impact.

8. Conclusion

IMBs are unique, harnessing the commitment and knowledge of over a thousand volunteers to provide regular independent oversight of places of detention. This framework provides the core principles and purposes of that monitoring, and how it can work to make maximum impact on the

outcomes for prisoners and detainees. It is supplemented by more detailed practical guidance and training on specific areas, and is flexible enough for Boards to set their priorities, based on the function and type of the establishment they monitor and the risks and possibilities it carries.



1,000+

**volunteers provide regular
independent oversight**

About Independent Monitoring Boards

Members of an IMB are from the local community, appointed by ministers under the Prison Act 1952 and the Immigration and Asylum Act 1999. Each IMB has a duty to satisfy itself as to the humane and just treatment of those held in the establishment that it monitors and (for prisons) the range and adequacy of the programmes preparing them for release; to inform promptly the Secretary of State, or any official to whom s/he has delegated authority as it judges appropriate, any concern it has; to report annually to the Secretary of State on how well the establishment has met the standards and requirements placed on it and what impact these have on those in its custody.

Interested in becoming an IMB member?

For more information and for details about how to apply, visit www.imb.org.uk