



Annual Report of the Independent Monitoring Board at HMP/YOI Foston Hall

**For reporting year
1 December 2021 – 30 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/YOI Foston Hall, situated in southern Derbyshire, was designated as a closed women's prison and young offender institution in 1997.

The prison accommodates both remand and sentenced prisoners. Currently its 'in use' certified normal accommodation is 284, which reduced from 294 following the closure of G wing, and the opening of B wing in November. The number of prisoners held, during the year has typically ranged between 230 and 260.

The prisoner population has changed over the past 12 months, with a significant increase in remanded, and convicted but unsentenced, prisoners, and a decrease in prisoners subject to determinate sentences.

On 28 November, the population was 231. Thirty-two percent (75) were on remand, up from 19% in the previous year. Eleven percent (25) were convicted but unsentenced, up from 6% in the previous year, and 19% (44) were subject to determinate sentences, down from 41% in the previous year, Eighteen percent (41) were subject to indeterminate sentences and 20% (46) were recalled.

The majority of prisoners (98% or 226) were aged 21 or over; only 2% (five) were aged 18–20 years. Of the total population, 20% (46) were subject to licence recall. Of the remaining sentenced prisoners, 31% (41) were sentenced to less than six months; 13% (17) were sentenced to six months up to one year; 18% (22) were sentenced to one year up to four years. Prisoners sentenced to four years or more but less than a life sentence comprised 42% (51) of the sentenced prisoners, and 39% (51) were subject to indeterminate sentences.

There continues to be a high turnover of the population and most prisoners are in the prison for short periods. During August, September and October 2022, there were 250 receptions, higher than 172 in the same period of 2021, of which 29% (72) were remand prisoners. Of the remaining 178 prisoners, 31% (56) were sentenced to less than three months. A large percentage of the remaining prisoners who were received during the three months were moved to other prisons, and their sentence data is not available. However, we do have data on 81 of the prisoners as follows: Fifty-five (69%) were sentenced to less than three months, 20 (25%) were sentenced to between three months and one year, and only seven (nine percent) were sentenced to more than one year.

The prison is located on the site of a large house and its grounds. The house accommodates the Governor and support team, the education department, the library and some other functions, as well as housing 11 enhanced prisoners (E wing). The remaining prisoner accommodation and other functions are housed in a variety of buildings, spread throughout the grounds. The exterior environment is pleasant, with well-kept gardens. The first night induction unit and C wing are located in their own shared compound. F wing is a two-storey wooden building, with mostly double-occupancy cells. Another wing (T) is in its own compound. Temporary accommodation, constructed in November 2020 (G wing) of single-storey accommodation made up of individual pods, was decommissioned in October 2022. A new purpose-built wing of individual cells opening onto a central common area was opened in October 2021. The care and separation unit (CSU), D wing and the

main healthcare unit are located in one building. Separate buildings/portacabins house workshops, the gym, the animal shelter, resettlement and other functions.

Services provided

Healthcare is provided by Practice Plus Group.

Education is provided by PeoplePlus Group, with library services being contracted out to Suffolk Libraries.

Substance misuse services are provided by Inclusion.

Resettlement services are provided by the Department for Work and Pensions, Women's Work (covering Derbyshire), Changing Lives (covering Staffordshire and West Midlands), and the Women's Centre (covering Nottinghamshire).

Amey is responsible for maintenance and repairs.

3. Executive summary

3.1 Background to the report

3.1.1 With the easing of Covid-19 restrictions in the community, restrictions in Foston Hall also gradually lifted as rates of infection eased. The reintroduction of a fuller regime offering work, education and time out of cell was very welcome. However, further restrictions arising from acute staff shortages were frequently imposed, especially during the latter months of the year. For prisoners, this meant they had no work, no education, limited exercise and long periods locked behind their door, including for often significant periods at weekends.

3.1.2 It has been a difficult and challenging time for both prisoners and staff. For prisoners, many of whom are already struggling with mental health issues, it has meant having to cope with being confined, not infrequently, to their cells for most of the day. The regime has still not returned to normal.

3.1.3 Considerable staffing pressures have arisen from difficulties with the retention of officers, especially in the early months of service, combined with vacancies, especially at band 3 (uniformed wing staff). Pressures have been severely compounded by unplanned hospital escorts and bed watches, and some difficulties retaining staff following their training to join the service.

3.1.4 The Board escalated its concerns about the impact of these extended restrictions on the welfare of prisoners to His Majesty's Prison and Probation Service (HMPPS) director of women in September 2022, and again in October. The director, in response, shared the Board's concerns and set out her plans to offer further support to the establishment.

3.1.5 The consistency of senior leadership throughout the year is welcome, with the appointment in October 2020 of the current Governor, and the deputy governor in April 2021. There were, however, a number of changes in the senior leadership team during the year, requiring temporary or new appointments in key posts, including head of business assurance, head of residence and safety, head of security, head of offender management unit and head of safety and equality. An additional temporary senior manager offered welcome leadership to the residence function during the year, supplemented by a standards coaching team for 16 weeks to support the development and skills of frontline staff.

3.1.6 The IMB resumed direct monitoring this year and re-established its presence with prisoners and staff following a period of remote monitoring, interspersed with some direct visits, during the pandemic.

3.1.7 As noted in section 2 above, the balance of the population has changed, with a higher proportion of remand and unsentenced prisoners. The turnover in population is considerable, as is the number in the prison for short periods only.

3.2 Main judgements

How safe is the prison?

3.2.1 The IMB considers that the culture of Foston Hall focuses upon keeping prisoners safe, as regularly seen in interactions between staff and prisoners, as well as in much decision making and planning. However, it is a serious concern that the prison has such high levels of self-harm. There is a particular problem with a small number of prolific self-harmers, who account for nearly 80% of self-harm. The high level of prisoner-on-prisoner violence is also a serious concern.

How fairly and humanely are prisoners treated?

3.2.2 The IMB considers that restrictions to the regime, stemming from acute staff shortages, are not humane. Exercise and activities, such as education and training, are frequently severely limited, and sometimes prisoners are confined to their cells for up to 23 hours a day. Focused support for prisoners with protected characteristics, including foreign national prisoners, has not progressed, and there has been no regular or consistent consultation with these prisoners, nor is there a clear plan to address areas of concern. Some prisoners are held in inadequate accommodation (D wing and CSU), and some experience problems accessing property, and washing and drying clothes, due to equipment breaking down and not being repaired.

How well are prisoners' health and wellbeing needs met?

3.2.3 Healthcare providers have worked hard to recruit and retain staff and reduce reliance on agency staff. Staffing pressures have impacted on the provision of some services, for example an absence of a qualified night nurse on occasion, and the cancellation of appointments and clinics. There remains a concern regarding a high number of missed appointments by prisoners, and staffing pressures within the prison have impacted on capacity to resource outside hospital appointments. The level of unmet need for patients who experience mental ill health arriving in custody is stark, and transfer times from Foston Hall to secure hospital often exceed the target time of 10 days.

How well are prisoners progressed towards successful resettlement?

3.2.4 The IMB considers that there has been very limited progress to support prisoners towards successful resettlement. The delivery of the education contract has been hampered by staff shortages and regime restrictions, resulting in a significant number of sessions lost, delays in new courses starting and some

disruption to examinations. The new national resettlement arrangements have presented a challenge and are yet to bed in. Approximately 20% of women are released homeless. Employment outcomes for prisoners are, as yet, poor, although considerable work has begun to make employment part of the resettlement aim for prisoners.

3.3 Main areas for development

TO THE MINISTER

- Women with mental health issues and complex needs, including substance misuse, who would be better treated in the health rather than the criminal justice system continue to be sent to Foston Hall. There are delays in transferring prisoners to secure hospital. Are there plans to address these concerns? (See paragraphs 6.3.3, 6.3.5)
- The Board remains concerned that the government plan for 500 new prison places for women contradicts the female offender strategy (June 2018), which sets out a vision that custody should be a last resort, reserved for the most serious offences.

TO THE PRISON SERVICE

Are there plans to address:

- A severe staff shortage, which continues to have a major impact on all aspects of the regime provided to prisoners at Foston Hall, and which is detrimental to their wellbeing and the fairness of their treatment? (A theme throughout this annual report, notably paragraph 6.5.2)
- The inadequate accommodation for the provision of healthcare and rehabilitative work, and the shortcomings of the residential accommodation in D wing and CSU, all of which limit the regime? (See paragraphs 5.1.1 and 6.1.6)
- The lack of satisfactory accommodation for prisoners who need to be isolated but whose behaviour does not warrant location in the CSU, for example prisoners needing to be segregated for their own protection, or transgender prisoners awaiting a decision on allocation; currently the CSU is the only option? (See paragraph 5.2.2)

TO THE GOVERNOR

The IMB recognises that the Governor is aware of the issues below and that plans to address many of them have been or are being prepared. The IMB is concerned about:

Safety

- The continued high level of self-harm (see paragraph 4.2.1)
- Delays in investigating challenge, support and intervention plan (CSIP) referrals, and the high number resulting in no further action (see paragraph 4.3.6)

- Limited access to Listeners, resulting in a significant increase in phone calls to the Samaritans (see paragraph 4.2.4)
- The number of violent incidents, especially prisoner to prisoner (see paragraph 4.3.3)

Fair and humane treatment

- The high number of regime curtailments due to staffing issues (see paragraph 6.5.2)
- Delays in prisoners accessing property (see paragraph 5.8.1)
- The frequent and lengthy delays in repairing/replacing washing machines, which has an unacceptable impact on the laundry arrangements for prisoners. Several maintenance and repair tasks are taking far too long to resolve (see paragraphs 5.1.3, 5.1.4)
- Lack of support for foreign national prisoners, and prisoners with protected characteristics (see paragraph 5.4.2, 5.4.3)
- Slow progress on equalities, hampered by lack of data analysis, preventing systematic monitoring of outcomes for prisoners with protected characteristics (see paragraphs 4.3.5, 5.4.1, 6.1.9, 7.1.4)
- The suspension of consistent and regular planned contacts by key workers, in line with offender management in custody requirements, thereby reducing rehabilitative and support work with prisoners (see paragraph 5.3.4)

Health and wellbeing

- The high number of missed primary care appointments (see paragraphs 6.1.2, 6.2.5)
- The cancellation of hospital appointments due to lack of available escorts, and late arrival of escort vehicles and the wrong type of vehicle (see paragraph 6.2.4)
- The lack of available clinical staff at night-time on occasion (see paragraph 6.2.3)
- Carers for disabled prisoners who need help to prepare for bed are unable to enter the establishment after 7pm (see paragraph 6.4.3)

Progression and release

- Education delivery being seriously impacted by operational staff shortages and regime restrictions (see paragraph 7.1.1)
- The limited access to the library (see paragraph 7.1.10)
- Lack of access for disabled prisoners to some education classes (see paragraph 7.1.5)
- Poor employment and accommodation outcomes for prisoners on release (see paragraphs 7.2.2, 7.5.2)

3.4 Progress since the last report

Issue raised	Response given	Action taken/current situation
To the minister		
High level of unmet need for mental health treatment and delays in transferring prisoners to secure hospital.	New fortnightly clinical case review meeting, covering the Midlands region, to reduce transfer times, assessing all prisoners that have exceeded 28-day time frame.	The transfer to hospital target timescale has been missed on 10 occasions out of 36 this year.
Increased numbers of prisoners being released without an address.	£200 million a year to reduce reoffending, including improving access to accommodation, including new temporary accommodation service launched in July 2021.	Weekly pre-release resettlement meeting discussing prisoners due for release. Clear process to capture/challenge accommodation data from probation areas. Latest data: 20% of women released homeless.
Implications of probation reform, including loss of staffing, loss of support for remand prisoners, fractured support away from prison.	New Community Rehabilitation Service providers responsible for delivery of resettlement services, with embedded provision for pre-release accommodation, Through the Gate mentoring in resettlement prisons. New short sentence function team at Foston Hall for short-term prisoners and unconvicted prisoners.	New staff are being appointed to key roles in new service.
For the Prison Service		
Inadequate accommodation of D wing.	Competing funding priorities meant bid was unsuccessful. A review of D wing accommodation will be undertaken in 2022. All outstanding repairs to be completed asap.	Redecoration has improved the appearance of some cells. The limitations of the accommodation remain the same. A bid to replace the showers has been successful.

Healthcare unit accommodation requires considerable improvement.	It is accepted that there is insufficient space for the team to deliver all the commissioned services. Spaces available for booking one-to-one and group room spaces on site. Recent changes to way in which medicines are administered, addressing lack of privacy. Governor submitting national funding bids for additional space.	A bid has been submitted for additional space for healthcare. Mental health accommodation has improved since the team moved back into their offices. But overall, there is insufficient space for the clinical work on a one-to-one or groupwork basis, and health promotion activities have been held back, partly due to lack of space.
Despite the renovation of CSU, its limited size and layout mean it has serious limitations which impact on the experience of women.	Renovation has been completed. New physical education (PE) slot on Mondays and plans to improve exercise yard. Education outreach provided to CSU prisoners. Adjudications room redecorated and improved. Ongoing painting programme, and increased access to telephones.	Despite improvements from refurbishment, the area is still cramped and a poor environment. A new build remains the longer-term solution.
Lack of interview rooms undermining delivery of rehabilitative work.	Site-wide directory of available one-to-one and group room spaces signposting booking arrangements now in place. Funding bids continue to be submitted for additional space.	Accommodation pressures remain a concern.
Unmet mental health needs.	No response to this from HMPPS in written reply to IMB Chair re the annual report.	
Continuing poor performance of Amey in undertaking maintenance repairs.	Ministry of Justice estates team in regular contact with contractors to identify delays and how they can be resolved.	Improvement in tackling backlog of repairs by on-site team (504 jobs reduced to 168). However, Amey team in

	Locally, issues are escalated to regional estates manager, and performance improvement process is available.	the establishment has less than 50% staffing, and many repairs outstanding. Unacceptable delays in repairs involving Amey based outside the establishment.
IT problems resulting in lengthy delays undermining efficient administration of prison.	Prison Technology Transition Programme (PTTP) being rolled out, updating networks, systems, hardware and software.	Although staff IT is a little improved following PTTP roll-out, with all having access to the Teams platform, IT access and problems remain a feature.
To the Governor		
The high level of self-harm, increase in violent incidents, high level of use of force. Need for improvement in body worn cameras.	Reduction in self-harm strategy published. Case coordinator support sessions. New CSIP improvement processes. Incentives policy reviewed. Weekly PE for assessment for care in custody teamwork (ACCT) prisoners. Focus on training staff to use body worn cameras.	Self-harm levels remain high (the highest in the women's estate). Use of force has seen a decrease, and some improvement in use of body worn cameras has been seen. Assaults on staff have come down during the period, but prisoner-on-prisoner assaults have gone up.
The high number of regime curtailments due to staffing issues.	April 2022 regime expanded. Level transfer campaigns to fill vacancies. Prison officer entry-level training mentors appointed to help with retention, and standards coaching team offering staff support.	Despite considerable efforts to improve the staffing situation, it has deteriorated during the year, with increasing number of regime restrictions.
High use of segregation, increase in prisoners segregated on open ACCT, increase in cellular confinement, absence of referrals to independent adjudicator.	Governor led review and all cases appropriate and justified. Local CSU policy reviewed. All defensible decisions checked by head of safety. Multidisciplinary approach taken re prisoners segregated on ACCT.	Number of prisoners segregated has largely declined over the year. Overall, the number of prisoners segregated on ACCT has also declined, with typically two or three a month during the past six months – half the figure earlier in the year.

Delays in processing prisoners' property.	Process is being reviewed. Access to stored property is completed on a Saturday, and parcels completed daily. New national property framework, and new women's facility list.	Prisoners continue to report problems in relation to property. In a recent survey conducted by IMB, 62% of prisoners who responded said they had problems accessing their property.
Underuse of discrimination incident report forms (DIRFs), and prisoner feedback states that this system is not well understood or trusted. IMB survey results: views of Black, Asian or minority ethnic prisoners rating the prison's understanding of their cultural needs as low (food, canteen, clothing).	Work underway on equalities strategy. Programme of forums established.	The number of DIRFs submitted during the year is the same as last year. Views of Black, Asian or minority ethnic prisoners expressed in two support groups remain critical. Support groups for prisoners suspended for some months and lack of follow-through on issues raised.
Staffing pressures in healthcare and mental health. Short-term closure of mental health office. Ongoing absence of initial screening of prisoners for learning difficulties and disabilities due to staffing shortage.	Planned two-week closure of mental health office lasted five months. All staffing pressures and any resulting impact on services reflected in monthly reporting schedule to National Health Service England (NHSE). No severe curtailment of subcontracted services. Learning disability nurse and psychologist in post 12 months. No delay or staffing shortage resulted in absence of screening.	Healthcare team has worked persistently to fill vacant posts. Difficulties in recruiting agency staff have been recently resolved. Cover for nights by a trained nurse has been a concern, and a pharmacy technician was trained in life support to cover night duty. Over the year to date, 11 nights have been covered by a healthcare assistant, and, of these, six occurred due to last-minute cancellations by agency staff.
Increase in number of prisoners released without an address.	There is a shortage of bail accommodation support scheme (BASS) housing for women in Derby and women not wanting to be released	The latest data shows approximately one fifth of prisoners are released without a settled address, although the lack of reliable data from

	elsewhere away from families and significant others. In September 2022, two new BASS premises opened in Derby.	probation areas means it has proved difficult to establish the extent. Data cleansing in partnership with probation has led to more reliable data from August onwards.
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Improvements

- Accommodation: closure of G wing temporary accommodation and opening of B wing, providing better quality accommodation
- Chaplaincy: provision of evening wellbeing activities for prisoners, including meditation and guitar lessons to enrich the regime
- Appointment of chaplaincy resettlement worker employed by Message Trust supporting prisoners pre- and post-release
- Prison staff developing greater understanding and skill in working with transgender prisoners, supported by regional colleagues
- Improvements in library provision, with better furnishing and reorganisation of stock, and improved access
- New education courses have been offered, with a focus on improved progression
- Greater use of body worn video cameras following reissuing of policy and training for all staff
- Introduction of Rapiscan security screening for incoming mail to detect possible drug impregnation
- New weekly pre-release meeting focusing on accommodation needs for those being released in the next four weeks, or 12 weeks if the prisoner is deemed complex
- Introduction of barista training in prison coffee bar, known as Fosta Coffee

Based on its observations and the results of surveys, the Board commends

- the commitment of officers dealing with the challenges of Covid-19 in the context of acute staffing pressures throughout the year
- the dedication of the chaplaincy in providing much-valued support to many prisoners in distress and suffering from poor mental health, throughout the year
- the perseverance and commitment of CSU staff in working to return prisoners to wings, despite intimidation and violence from some very difficult prisoners
- the kitchen staff for ensuring uninterrupted catering, despite acute staffing issues
- the creativity of healthcare staff in recruiting and reshaping jobs to fill posts in the context of a very difficult national recruitment situation

Evidence sections 4 – 7

4.1 Safety

4.1 Reception and induction

4.1.1 The IMB undertook a survey of prisoners in the first night induction unit in July 2022, when the typical wing population was between 40 and 50. Thirteen prisoners responded. Nearly 70% of respondents rated their first day at the prison as good or average. When asked what would have made their first day better, many responses were positive, 'the two officers were very fair and welcoming, I felt at ease and not judged'. 'Nothing, staff were welcoming, and mentor girls explained everything'. However, one prisoner said, 'stuck in reception as no spaces on remand, wasn't even offered a dinner'. Improvements during the year include the redesign of the reception to make it more welcoming, and the expansion of the reception packs to include much more information. During the year, an information booklet for family/friends was added to the reception pack, with an envelope for the prisoner to address for it to be sent out.

4.1.2 Asked about their first night in the prison, 45% of respondents rated it as not very good or bad. Asked about what would have made it better, comments included, 'if I was able to spend more time on the phone', 'the cells are disgusting, they need updating', 'by being more supported from staff'.

4.1.3 Nearly 40% of respondents said their rooms were bad or not very good. Comments included, 'It was dirty', 'no shower curtain, no chair to sit on', 'the cells are disgusting and have bad smells in the bathroom', 'bathroom light not working'. Some comments were positive, 'clean, everything good', 'I've got everything I need'. Many rooms on the unit are worn and shabby, but some have now been decorated by prisoners working with the maintenance contractor on the CRED (clean, rehabilitative, enabling and decent) team.

4.1.4 All prisoners said they had a health check on arrival, and that this included questions about their mental health. All who commented said that they were able to talk about all the health issues that were important to them.

4.1.5 The early day peer mentors (EDPMs) have a key role, which, as noted above, is appreciated by new prisoners. EDPMs see prisoners after arrival, offer them a drink and give them the reception folder. They may see prisoners again the next day to go through information with them and will spend more time if a prisoner is distressed. They also run a daily session as part of the induction programme.

4.1.6 In the survey, 40% of respondents rated their induction as good, and the same percentage as average. The induction programme runs even when there is a red regime.

4.2 Suicide and self-harm, deaths in custody

4.2.1. Despite a slight reduction in the rate of self-harm incidents during the reporting year, the number of prisoners self-harming has remained very high and is still amongst the highest of all women's prisons. Data supplied by the regional HMPPS

safety team shows that the October 2022 level of self-harm is the highest since the onset of the pandemic in March 2020, with six individuals accounting for 80% of all self-harm incidents. Also, the percentage of the total population self-harming has fluctuated through the reporting period from around 8% to 10%.

4.2.2 The number of ACCT documents opened from January to November inclusive was 260, a lower figure than 306 in the previous reporting year. The highest number was 34 in March, and the lowest was 18 in August. It is recognised that there is more work to be done to improve the quality of ACCTs. It is noted that there is room for improvement in showing that the prisoner's contribution has been considered as part of the ACCT process, and that other invitees have been involved as part of the review process. Also, support plans need to take clear account of prisoners' needs. A small IMB survey of prisoners who had been subject to ACCT highlighted that the majority did not feel helped or supported by the ACCT oversight. Several said that they found restricted regimes extremely difficult, with practical suggestions for more time out of cell, access to education and work, gym and distraction packs. A larger IMB survey, completed by 28% of prisoners, showed that 37% felt safe, with 20% feeling unsafe and 38% midway. These percentages are consistent with similar findings from a His Majesty's Inspectorate of Prisons (HMIP) inspection published in February 2022.

4.2.3 Safety issues are coordinated by the safer custody team and overseen at a monthly meeting. Self-harm monitoring data is reviewed and actions to be taken are identified. Significant care, information sharing, oversight and coordination to manage the safety of prolific self-harmers is a constant feature of daily life at Foston Hall. A discussion of logged events in the previous 24 hours is a constant item at the Governor-led morning meeting of managers. It is recognised that these women have complex mental health needs, often informed by earlier trauma. Many are involved in the personality disorder programme Cameo, and participation can inevitably cause stresses for prisoners. Impact on rates of self-harm amongst this population alongside the non-prolific self-harmers is difficult to evidence in the data. A range of strategies has been introduced to reduce self-harm. For example, a recent focus on maximising time out of cell, and giving greater access to work and education, is addressing prisoner feedback about struggling with being locked in cells for hours on end.

4.2.4. Lack of access to Listeners has been a long-standing concern. There are currently two Listeners, with three more undertaking training. This low capacity has delayed the decision for newly arrived prisoners to meet a Listener in reception. A further concern reported by Listeners is that some wing staff have not facilitated their access to prisoners who have called for them. Prisoners have continued to make extensive use of free phone calls to the Samaritans, with over 31,000 calls made in the year compared to 6,000 in the previous year (a proportion of calls were made by one individual who has no history of self-harm). It is acknowledged that prisoner access to telephones in cells may be a contributory factor to this very high number.

4.2.5. There have been no deaths during the year. Staff are continuing to give evidence to long-delayed inquest hearings of prisoners who died during earlier years. An action plan addressing earlier Prisons and Probation Ombudsman recommendations is overseen and reviewed by the head of safety.

4.3 Violence and violence reduction, self-isolation

4.3.1 The unannounced inspection of October and November 2021 by HM Chief Inspector of Prisons¹ found that safety outcomes for prisoners were poor. Whilst Foston Hall has recently made some progress in violence reduction, especially with prisoner-on-staff incidents, it is the view of the Board that staffing shortages, especially in the front line, are impacting on a full and safe regime being delivered.

4.3.2 The number of incidents related to prisoner-on-prisoner violence has recently been increasing. For instance, in the period July to September there was a 47.2% increase on the same period in 2021. This rise may result from greater opportunities for prisoners to be in contact with each other. In September, there was a 59% increase in violence compared with August, largely driven by a rise in fights (six of 10 incidents). Of concern, in the period September to November, there was a 214% increase in prisoner-on-prisoner violence. This represents a 121% increase from the same period last year. For further context, 36 prisoner-on-prisoner assaults were recorded during the three months ending in November, compared to 18 incidents during the same period in 2021, and 12 incidents in the previous three months. In part, the rise has been attributed to the illicit economy, particularly drugs and debt, and also relationships between prisoners. Furthermore, frustrations around the continuing restricted regimes may be contributing to the rise in violence.

4.3.3 Prisoner-on-staff assaults have been decreasing since April, with a 46.9% reduction in May to July from the previous three months and a further reduction in July to September. Data presented at the safer custody meeting illustrates this downward trend, with 11 prisoner-on-staff violent incidents in January 16 in March, and seven in October.

4.3.5 The Board is unable to monitor ethnicity and age data, as this is not presented in the monthly safer custody meetings, or in performance reports.

4.3.6 A new behaviour management programme, 'working with anger', started in the summer, and prisoners who engage in violent behaviour can now be referred. This is a welcome development.

4.3.7 The Board is concerned that referrals for challenge, support and intervention plans (CSIPs) are not routinely investigated within 72 hours. For example, 36% in September and 70% in October did not meet investigation timelines. In addition, a significant number of CSIP referrals result in no further action (NFA). For instance, 36% in December 2021, 40% in March and, of note, in October, although 19 CSIP referrals were made, all resulted in NFA. Reasons for NFA varied (for example, at investigation, there was insufficient evidence, or support provided outside CSIP). Importantly, the Board considers that unmet investigation timelines, the high number of NFAs, and the recent and notable decline of CSIPs flag up questions around CSIP management and its impact on prisoner safety and wellbeing.

¹ [HMIP HMP & YOI Foston Hall](#)

4.4 Use of force

4.4.1 A monthly use of force management committee meeting provides oversight, and this is complemented by a weekly use of force development meeting. The unannounced inspection in October and November 2021 by HM Chief Inspector of Prisons² found that use of force had doubled since the last inspection. However, whilst monthly use of force figures are still erratic, there has been a reduction in 2022.

4.4.2 To put things in further context, the total number of use of force incidents from January 2022 to October 2022 was 203. This is a decrease of 31.6%, compared with 297 incidents during the same period in 2021. In the three-month period from August to October, the most used type of intervention was control and restraint (C & R) at 54%, followed by guiding holds at 40%. It is early days for using rigid bar cuffs in the prison and in August they were used for 46% percent of incidents, and 25% and 46% in September and October respectively.

4.4.3 In terms of use of force used against different ethnic groups, 72% in August to October involved White prisoners (population 76%) and 16% involved Black prisoners (population 6.3%). In January to March, use of force was used mostly on White prisoners, followed by Black prisoners and mixed heritage prisoners. One Black prisoner, in particular, accounts for a high number of assaults on staff and use of force throughout the year. Age breakdown for use of force is erratic, but in the periods January to March and May to July, most use of force was in the 36-45 age group, and in August to October the 22-29 group at 37% (population 18%) with 30-39 at 19% (population 36%).

4.4.4. It was noted in October that only 27% of incident reviews were fully completed and required paperwork (F213s), which should be signed off by healthcare staff, was missing in 53% of incidents in October, and 67% in November. Missing and/or incomplete F213s has been a recurring issue throughout the year. Furthermore, the underuse of body worn video cameras (BWVC) was a particular concern early in the year, with only 59% of incidents recorded in January and 60% in March. It is positive to note that, during the summer, new BWVCs were issued, accompanied by staff training, resulting in improved take-up so that, for example, in October, 10 out of 14 (71.5%) incidents were recorded.

4.4.5 Several reasons have been attributed to the reduction in use of force, for example the end of Covid-19 related restrictions and growth in staff confidence resulting from C & R training.

4.5 Preventing illicit items

4.5.1. There have been 159 random drug tests undertaken from April to November, and nine suspicion tests during the year. The rate of positive drug tests is 17%, the second highest across the women's establishments. It is reported by staff that this figure is compounded by the prison failing to complete a number of random tests in line with a target figure because of staff shortages. At the time of this report, the

² [HMIP HMP & YOI Foston Hall](#)

drugs most frequently detected following testing are buprenorphine (a strong opioid painkiller also prescribed to treat drug addiction), gabapentin and pregabalin (used to treat epilepsy and nerve pain, and reduce anxiety), the result of trading between prisoners.

4.5.2 The deployment of sniffer dogs resumed this year and, from 31 occasions when dogs were used, there were 13 finds. Some intelligence-led searching has taken place. During the year there have been 33 finds arising from searches, around 50% searches undertaken (e.g., tablets loose or not prescribed to the prisoner, vape capsules either empty or with burnt substances, foil, tobacco, tattoo equipment).

4.5.3 The establishment recently obtained a Rapiscan machine, allowing incoming mail to be tested, leading to a large volume of mail being stopped due to the detection of substances, the main drugs detected being cocaine, spice and buprenorphine. Security staff report that, due to national restrictions on searching women, their capacity to detect and intercept illicit items being brought in at reception is very limited. Preventing trafficking on visits is also reported to have mixed results, with limited sniffer dog availability, although there have been a small number of incidents during the year. Mobile phones, throw overs, and concealing items in parcels are not reported to be significant trafficking routes at Foston Hall.

4.5.4 The extent to which bullying and violent incidents are linked to the trading of illicit items, especially medications dispensed by pharmacy, continues to be a matter of concern.

4.5.5. The substance misuse service (SMS) team (referenced in paragraph 6.6.1 below) discontinued undertaking surveys from March, due to a perception of 'questionnaire fatigue': the most recent survey was sent to 126 service users, with a response rate of 56%. The responses indicated that the three most available illicit drugs at the prison were psychoactive substances, subutex and quetiapine, showing a shift from codeine as the most traded drug.

5. Fair and humane treatment

5.1 Accommodation, clothing, food

5.1.1 The IMB has drawn attention to shortcomings of accommodation on D wing in the past 18 reports: in particular, the need to improve the dormitory-style accommodation (this has now been reduced) and the inadequate toilet and shower arrangements in some cells. There are also problems providing heating in winter, and one room next to the boiler is unsuitable for occupation in hot weather. Whilst the fundamental limitations remain, the redecoration of the association room and some of the cells has improved the appearance of the accommodation. That funding has now been secured to replace the showers is welcomed.

5.1.2 Last year's report noted concerns about G wing: temporary accommodation opened in 2020. Problems included the absence of a phone line and in-cell telephony, pipes freezing in winter, roof leaks and a growing problem with rats. In November, G wing was closed and a new 24-bed wing was opened. The accommodation is better and includes in-cell phones and a computer for the office.

5.1.3 Repairs and maintenance are the responsibility of the contractor, Amey. There has been an improvement in dealing with faults and repairs managed by the on-site team, with a significant reduction in the backlog (from 504 on 1 May to 168 at the end of November). A positive development has been the introduction of the CRED project (clean, rehabilitative, enabling and decent). This enables prisoners to work under the supervision of Amey to redecorate areas of the prison which impact on their daily life, in particular cells and association rooms. During a rota visit, prisoners working on this scheme reported that they felt well trained and supported.

5.1.4 However, the Amey team on site is at less than 50% staffing and there are some ongoing problems; for example, the five-year painting cycle has not been observed due to a lack of a painter. This has also had an impact on the CRED project. Some external paintwork, for example on C and T wings, is clearly in need of repainting, which impacts on the overall appearance of the prison.

5.1.5 Reports of washing machines and driers having broken down are not infrequent during rota visits to wings. This results in the unsatisfactory situation of prisoners being unable to do their laundry or resorting to doing it by hand and to draping it on pipes round the wings to dry. Repair times can be long, for example the drier on D wing was out of action from December 2021 until the end of March. On 24 November, there were still problems with the washing machine on C wing, which had been reported as broken in July, and with the machines on F and T wing, which had been reported at the beginning of October. In the IMB's general survey in March, 25% of respondents said they had problems washing their clothes: by the November survey the figure had risen to 52%. In the same surveys, the percentage of prisoners saying they had clean sheets every week went down from 83% in March to 76% in November.

5.1.6 There are other ongoing issues involving the Amey organisation beyond the establishment team, which remain unresolved for unacceptably lengthy periods. For example, problems with the maintenance and repair of the guttering on the main house, which resulted in a leak into one of the classrooms, date back five years.

5.1.7 The shortage of interview rooms in the prison, particularly for confidential matters, continues to be a serious problem. Whilst efforts have been made to maximise use of the space available, departments such as healthcare, substance misuse services, offender management and resettlement continue to report problems in finding suitable space to undertake therapeutic and rehabilitative work.

5.1.8 In April, a revised menu presented in a more user-friendly style was rolled out. After a relatively short period of full staffing, once again the catering team has vacancies, having to use agency staff when possible. In the IMB's general surveys, 54% of respondents in March and 53% in November said the food was good or reasonable, with 45% describing it as not good. Asked if they got enough to eat at mealtimes, in November, 44% said mostly or always, 28% said sometimes and 26% said never. There were only 11 applications to the IMB relating to food, submitted by nine prisoners. Some of these related to equipment, for example delays repairing the hotplate and the toaster being broken. A positive development has been the creation of barista training for prisoners in the coffee bar run for staff.

5.2 Segregation

5.2.1 Following the refurbishment of the CSU, there have been fewer maintenance issues. There are some plumbing problems, but this is mainly attributed to intentional blocking of sinks and toilets by prisoners. The adapted 'dirty protest' cell has been reviewed and many improvements have been made. Some cells have been decorated by the CRED team. The CSU is, however, still located in the same building and remains cramped, offering a poor environment with very limited provision for exercise.

5.2.2 The IMB is concerned that the CSU is the only option available for prisoners who need to be isolated, but whose behaviour does not warrant movement to the CSU. Examples include prisoners needing isolation for their own protection or transgender prisoners awaiting a decision on allocation. There is a need for a more suitable alternative.

5.2.3 The segregation monitoring and review group (SMARG) has met monthly following criticism in the 2021 HMIP report. Monitoring has been improved, with data being scrutinised monthly instead of quarterly, with associated action plans. This change is welcomed as a method of combating issues within the CSU.

5.2.4 Last year's IMB report noted that the number of prisoners segregated was increasing, whilst the population had reduced. In the 2021 calendar year, 196 prisoners were segregated, 17 more than in 2020. The figure for this reporting year, December 2021 to November 2022, is substantially less, at 132.

Number of prisoners segregated:

2021	2022										
D	J	F	M	A	M	J	J	A	S	O	N
20	13	12	13	8	7	13	7	6	12	10	11

5.2.5 Most stays on the CSU are short. In this reporting year there were four occasions where prisoners were held in the CSU for more than 42 days, three of which related to the same prisoner.

5.2.6 Concern about the number of prisoners located on the CSU with an open ACCT was recorded in the IMB's last report and by HMIP. Work to reduce the number has been successful, with 42 from December 2021 to November 2022 compared to 107 in the 2021 calendar year. The defensible decision log, which records the reasons why a prisoner on an ACCT has been segregated, is reviewed by IMB members during rota visits. In these cases, IMB members have been satisfied that there was justification for the location of the prisoners on the CSU.

5.2.7 Prisoners in the CSU have access to telephones and printable work/distraction packs, which can be provided by the wing officers. Televisions are not provided in the cells. This has been an issue for prisoners segregated for their own protection. On one occasion a TV was provided, but it broke and was not replaced.

5.2.8 The Board has observed 10 segregation reviews during the year and concluded that they were handled fairly and appropriately with the requisite concern for the prisoner's welfare and best interests.

5.2.9 In November 2021, HMIP reported that Foston Hall had the highest number of adjudications in the women's estate. Last year's total was 1,228. The number of adjudications has been falling since June and this is attributed to the review of, and re-introduction of, incentives, with the incentives policy framework providing an alternative means of dealing with some problematic behaviour. There has been a downward trend in the use of adjudications, with decreasing numbers from 103 in April down to 57 in November.

5.2.10 The IMB has observed 26 adjudications this year, all were considered to have been dealt with fairly. Last year there were no referrals to the independent adjudicator. This year the number has increased, with a total of 43 to the end of November, a noticeable improvement.

5.2.11 Young adults are no longer over-represented in the CSU population. From January to October inclusive, 17.4% of prisoners segregated were Black, and 9.6% were of mixed ethnicity, which is disproportionate, but primarily due to two individuals being segregated more than once. The profile of prisoners segregated is monitored and reviewed regularly.

5.2.12 IMB members have continued to witness staff in the CSU dealing with highly complex and challenging prisoners in a very professional, positive and resilient manner, ensuring that their welfare is cared for as best as possible.

5.3 Staff/prisoner relationships, key workers

5.3.1. As documented elsewhere in this report, there have been considerable staffing pressures throughout the year. At the end of November there were 86.25 full-time equivalent prison officers in post when there should have been 107, a shortfall of 20%. Twenty of the officers in post, i.e. 23%, had under two years' experience. This reduces the pool of experience available and places additional demands on experienced staff. New officers are also away from the establishment for training purposes for significant periods, creating further pressure.

5.3.2. The IMB general survey in November asked prisoners if they felt supported by staff. Forty percent said yes, 42% said no, and 12% said sometimes (6% did not answer). Comments included, 'not enough staff on wing', 'no, because there isn't enough staff to support us when we are struggling'. Some prisoners talked positively about the support they received, e.g., 'yes, very supportive staff', and 'yes, most of the time the officers that are on my wing and the staff we see day in day out do support me'. However, many comments reflected a mixed picture, 'yes, by some staff yes', 'no, not all the staff', 'some staff are good, but most are rude and don't care', and 'some staff are good, but they tend to be the exception rather than the norm'.

5.3.3. During rota visits the IMB has observed positive exchanges between staff and prisoners on wings, and situations of staff dealing with very challenging situations with considerable skill and commitment. However, staff have often spoken of their frustration at not having enough time to talk to prisoners and to do their job as they would want to. As the year has progressed, the impression gained by the IMB is that the staffing pressures and high number of regime curtailments, planned and unplanned, have increasingly impacted on staff and prisoners, creating considerable frustration and tensions. This has detracted from the support staff have been able to provide prisoners.

5.3.4. Following the successful implementation of offender management in custody in 2021, the capacity to resource key working sessions as required was severely compromised from the summer onwards, due to staffing shortages. The Governor took the decision to deprioritise key working contacts in order to maximise the regime, especially time out of cell by prisoners. The initial feedback from prisoners about key work sessions had been positive, and the suspension of the scheme is therefore a concern in terms of reducing support and potential successful rehabilitation.

5.4 Equality and diversity

5.4.1 Progress on equalities has been slow, hampered by lack of data analysis input and regime restrictions. The bi-monthly equalities action team meeting was subject to frequent cancellation and late rescheduling, preventing IMB direct involvement. From the minutes it appears that only a limited range of data was considered, with no consolidated action plan based on data, and no bringing together agreed actions from prisoner feedback at support group meetings for prisoners with protected characteristics. Although an equality needs analysis, published in February 2022, states that the equality team monitors data outcomes across activities, use of force, segregation, release on temporary licence (ROTL) and incentives, these outcomes are not routinely reported, nor is the information collected for activities or ROTL. There are gaps in other areas of outcome monitoring, notably violence and health (a commissioning issue raised by the IMB with the Governor).

5.4.2 Forums for prisoners with protected characteristics had gradually resumed, providing an opportunity to consult with prisoners, but were suspended from June (apart from race and disability) due to staff shortages. This has had an impact on prisoners who benefited from the support provided. The loss of the forums meant that prisoners no longer had a voice. The forums identified a number of issues, leading to a diversity and inclusion strategy, published in March 2022, listing delivery priorities, but there has been no published review of any action taken. The support groups have therefore suffered from lack of continuity in prisoners attending, and lack of follow-through in actions agreed. HMIP reported that the prisoners they spoke to in August 2022 felt disgruntled about some of their experiences at Foston Hall, including the lack of challenge by staff when behaviour between women was deemed to be racist. Prisoners were unsure if any changes had been made as a result of the forums.

5.4.3 At the time of this report (end of November 2022), there were 11 foreign national prisoners (FNPs) in the establishment, from six different countries. There has been no support scheme in place during the reporting year. St James Centre in Derby, a community support organisation, previously providing in-reach support to FNPs, is keen to resume this but no funding has been forthcoming. The prison library does have a very limited stock of books in a variety of European and Asian languages for FNPs to borrow, but there are no DVDs in different languages.

5.4.4. Between January and the middle of November, there were 31 DIRFs submitted, similar to the previous year. The majority, as during last year, related to racist comments and behaviour by prisoners. In October 2022, the IMB selected 10 random DIRFs from a folder kept in the safer custody department. Eight related to race complaints, one sexual orientation, and one unspecified general discrimination. Of the 10, half were not upheld. The IMB noted concerns that timescales for investigation were not met in seven out of 10 DIRFs, and the quality assurance process was not thorough and sometimes missing altogether. Although external independent scrutiny has been promised, this has not been progressed.

5.4.5. The number of IMB applications relating to equality concerns has shown an almost threefold increase this year, the majority concerning complaints to do with race, some against staff, and others against other prisoners.

5.4.6 The IMB has monitored the treatment of a small number of transgender prisoners received into Foston Hall and commends the way in which frontline staff have managed the individuals concerned, within a difficult and evolving policy context.

5.5 Faith and pastoral support

5.5.1 In April, a much-needed additional chaplain joined the team, increasing it to 3.4 posts. The Christian and Muslim chaplains are supported in their work by visiting members of other faiths. Efforts are continuing to find chaplains for Buddhist and Pagan prisoners. In the meantime, prisoners are sent written materials and aids to worship as well as having contact with chaplains of other faiths.

5.5.2 As regime restrictions due to Covid-19 began to relax, the chaplaincy was able to resume services and the provision of classes and groups. However, the stop-start nature of restrictions, at times confining association to wings only, limited what they could do and made planning difficult.

5.5.3 Whilst the impact of Covid-19 has lessened, the impact of operational staffing pressures has increased. The lack of operational staff to support and facilitate prisoner attendance has seriously curtailed the services, groups and classes (for example for baptism, confirmation, bible study, meditation, choir), which can be provided. For example, services have taken place on about half the Sundays in October and November. It has made planning very difficult. Also, frequent cancellations have a negative impact on the expectations and commitment of prisoners. These activities have an important role in meeting prisoner needs and supporting prisoners. The chaplaincy also has plans to extend the range of activities provided, but these remain on hold until they can be sure they can be delivered.

5.5.4 Throughout the restricted periods the chaplaincy continued to complete its statutory duties, including contacting prisoners in reception, visiting prisoners in the CSU and providing in-cell faith materials. They have also provided 1:1 support to prisoners of all faiths and those with none. Feedback from prisoners during rota visits has indicated how much this has been valued and appreciated by prisoners, particularly those in distress, grieving, and/or with mental health problems.

5.5.5 The chaplaincy has been joined by a resettlement worker employed by the Message Trust. Her focus is to provide through the gate support, as prisoners return to their home areas. Currently the focus is to get to know the women, and to develop an operating model which is co-ordinated with the broader resettlement provision.

5.6 Incentives scheme

5.6.1 Due to the restrictions during the lockdown for Covid-19, the basic level of the IEP scheme was suspended in 2020. In June 2022 a revised incentives policy framework (IPF) was implemented, re-introducing the basic level. There has been a drive to increase the number of entries into the system recording positive and negative behaviours. The aim has been to use the IPF system to encourage and recognise positive behaviour, and to respond to problematic behaviour, using the basic level as a means of reducing the number of adjudications. On 17 November, of the population of 235, 143 (61%) were on standard, 80 (34%) were on enhanced, and 12 (5%) were on basic. The number of prisoners at the basic level has increased slightly, from 2% in September and October. The number of adjudications dropped from 86 in October to 72 in November. There is a corresponding drive to increase the recognition of good behaviour, which previously was often missed.

5.6.2 In the IMB general survey in November, prisoners were asked if they thought the incentives scheme (basic, standard and enhanced) encouraged them to behave well. There was a positive response from 44% of respondents, and negative from 42%. Fourteen percent said they did not know what the scheme was or did not answer. Asked if they thought they had been treated fairly by the scheme, 46% said yes, 29% said no. Twenty-five percent said they did not know or did not answer. Some of the comments spoke of frustration at not being told about negative reports. Others talked of the need for better incentives for the enhanced level, 'being enhanced doesn't mean a lot in Foston', 'doesn't seem like we get anything extra', 'there needs to be more incentive for enhanced as at the moment it is exactly the same as standard, I can't tell the difference'.

5.6.3 The representation of different groups on the three levels is closely monitored. In October, data indicated that 20% of White prisoners (excluding Gypsy, Roma and Traveller prisoners) were on the enhanced level, whereas 9% of the 44 Black, Asian and minority ethnic prisoners were on enhanced. Prisoners were consulted at the meeting, which reviewed the data, and concerns were expressed that Black, Asian and minority ethnic prisoners felt they were not encouraged to pursue progression to enhanced. Ways forward were discussed, and progress is due to be reviewed.

5.7 Complaints

5.7.1 In the IMB general survey, prisoners were asked whether it was easy to make a complaint. Only 53% said yes (a drop from 62% in March), 29% said no and the rest said they did not know.

5.7.2 Last year the IMB expressed concern about the number of complaints not answered within the required time limit (25% between April and October 2021). There has been an improvement. Of the 451 complaints (comp 1s and comp 1As) submitted between January and October 2022, the percentage not answered within the time limit had dropped to 7%; however, this does include interim responses, which extends the deadline for a response. When prisoners were asked in the IMB general survey whether complaints were usually dealt with within seven days, of the 42 who answered, only 29% said yes. Asked whether complaints were dealt with fairly, of the 39 who answered, only 13% said yes, a drop from 22% in March.

5.7.3 Problems in the operation of the general application system were recognised and new arrangements for collecting, logging and processing them were introduced in July. Feedback from prisoners indicated there are some ongoing problems. In the IMB general survey prisoners were asked if it was easy to make an application. Of the respondents, 66% said yes, 29% said no. One prisoner commented, 'no, because we have to wait to get them printed off, we are waiting longer because the printer doesn't work'. Asked if applications were usually answered in seven days, 82% of respondents said no, an increase from 76% in March. Asked if applications were usually dealt with fairly, 59% said no, again an increase from March, when the figure was 51%. Prisoners at the November prisoner council complained that a lot of general applications go unanswered.

5.7.4 The average number of complaints submitted per prisoner (for all prisoners) from January to October was 0.2. The average for Black, Asian and minority ethnic prisoners was 0.3. One factor in the marginally higher figure was a large number of complaints submitted by a small number of prisoners in some months.

5.8 Property

5.8.1 During rota visits it has been apparent that reception staff at times have difficulty finding time to process parcels and to enable prisoners to access stored property. The problem has been exacerbated by overall staffing pressures, for example limiting staff available to facilitate prisoners retrieving property at weekends. It is also acknowledged that, in the wake of an increased property allowance during the pandemic, extra parcels were still being received for much of the year, increasing pressures on staff. The problems appear to be intermittent and variable but are a concern.

5.8.2 Feedback from prisoners indicates that accessing property has become more problematic. In the IMB's general survey in March 2022, 56% of prisoners said they had problems accessing their property. The figure increased to 62% in November. These figures represent a substantial increase on the 32% who reported problems with property in April 2021. One prisoner commented, 'it takes too long to receive parcels; I was waiting four weeks for a reception parcel'. Another prisoner, talking

about parcels, commented, 'we have to wait to be called over to (to reception) to collect them; we could be waiting sometimes six weeks to two months, which is unfair'.

5.8.3 Prisoners' problems accessing property are reflected in complaints (comp 1 and comp 1As) submitted to the prison. From the beginning of January to the end of October, there were 72 complaints about property, representing 16% of the total. Some of these related to issues in other establishments. The IMB has received 14 applications from prisoners relating to the property within the establishment and three relating to property between prisons.

6. Health and wellbeing

6.1 Healthcare general

6.1.1. Recruiting and retaining primary care and mental health clinicians, such as registered nurses and pharmacists, as well as covering vacancies with agency staff, has been a continuous challenge. However, by November 2022 there were only four vacancies across primary and mental healthcare.

6.1.2. There are three notable issues of concern affecting the delivery of healthcare to prisoners at Foston Hall:

- the unsatisfactory provision of escorts for hospital appointments (see 6.2.4)
- the high level of missed healthcare appointments internally (see 6.2.5)
- the need to secure a qualified clinician for regular out-of-hours night cover (see 6.2.3).

6.1.3 Collaborative leadership between the healthcare contractor, Practice Plus Group (PPG), and prison service leaders has attempted to resolve these critical issues.

6.1.4 Complaints to the IMB this year concerning healthcare continue to be the highest thematic topic of all applications, as in previous years. Thirty-five IMB applications concerning healthcare issues were reviewed from December 2021 to September 2022, seven of which came from two prisoners. Eleven applications concerned changes to medication prescribed either on admission or during a sentence. Three concerned mental health, and four requested help with obtaining aid equipment, cell equipment or wanted single cell accommodation. The remainder were general medical enquiries.

6.1.5 Attendance of healthcare staff at observed segregation reviews has been satisfactory. However, the required paperwork (F213) following the use of force has not been completed satisfactorily by healthcare, referenced in paragraph 4.4.4 of this report.

6.1.6 Accommodation for all healthcare services remains inadequate and limits the healthcare service provision. A capital bid for 2022 prioritises the need for additional accommodation for clinical services.

6.1.7 The dispensing hatch outside the healthcare offices remains unfit for purpose: there is no covered area for prisoners queuing in bad weather. The need to address the inadequacy of these dispensing facilities remains the outstanding recommendation from the 2019 HMIP inspection and the Care Quality Commission visit.

6.1.8 The management of medication dispensing has been tightened at the healthcare site. Currently only one of the two dispensing hatches is used. This has facilitated better surveillance of prisoners taking prescribed medication, greater privacy and reduced distractions for pharmacists. There have been no prescribing errors by pharmacists since this system was introduced.

6.1.9 There is no data kept on ethnicity or race, and disproportionate outcomes cannot be monitored.

6.2 Physical healthcare

6.2.1 The pandemic disrupted healthcare services in the first quarter of 2022. Healthcare checks had to be suspended in January and February. Covid-19 spiked again one day in April and all healthcare appointments were cancelled.

6.2.2 Staffing levels have fluctuated throughout the year. There were nine vacancies in September, reduced to four vacancies in November 2022 (one pharmacy technician, one nurse with a qualification in learning disabilities, a part-time senior nurse post and a part-time healthcare assistant post).

6.2.3 Agency staff availability has fluctuated. By July there were no agency staff available at all, due to tax changes; but by September agency/bank hours were restored. To provide qualified clinician cover for out of hours, a pharmacy technician was trained in immediate life skills to help fulfil this role. From December 2021 to November 2022, there were 11 nights not covered on site by a qualified clinical practitioner, six due to agency worker late cancellation. There were no negative outcomes for prisoners, although a cardiac arrest had occurred on one occasion; this was dealt with safely but created considerable anxiety for wing officers.

6.2.4 In one three-month period, on eight occasions no escort was available for a variety of reasons, e.g. due to emergency escorts taking priority; taxi company sent non-access vehicle. Furthermore, in one month there were 20 late escorts.

6.2.5 Primary care staff monitor all reasons for non-attendance at appointments by prisoners. These include the prisoner declining to attend, legal visits, no escorts to appointments due to staff shortages, and failure by wing staff to get appointment slips to prisoners. Efforts to address this by setting up a new appointment slips system on the wings have not had a lasting impact. A further initiative to improve attendance by prisoners involved nurses ringing round the wings to get prisoners to attend. However, this initiative is not considered a sustainable solution.

Non-attendance from December 2021 to October 2022

Dec	Jan	Feb	March	April	May	June	July	Aug	Sept
142	129	144	170	123	101	54	129	196	202

Oct
222

6.2.6 Clinics are delivered by external organisations (e.g., dentist, optician, physiotherapist, breast cancer screening, podiatrist, midwife, continence support, hepatitis C). The target is to keep waiting lists under six weeks. This target was met for dental appointments and podiatry. In October, the target was missed for optician appointments and physiotherapy, with a high rate of non-attendance for a variety of reasons. Additional sessions were booked in December to address the backlog. Non-attendance by prisoners has contributed to waiting times.

6.2.7 A charity, Birthing Companions, is commissioned to support maternity and elements of perinatal care. An assigned practitioner visits the prison every two weeks. Pregnant prisoners have 24/7 free phone access to a helpline. Weekly midwifery clinics are held, as well as ad hoc attendance based on need. Liaison with the Royal Derby hospital for maternity services takes place. The Board has had very positive feedback about the support given to pregnant prisoners by two mother and baby liaison officers.

6.2.8 The performance indicators for screening, health checks and vaccinations are reviewed bi-monthly and effectively delivered.

6.3 Mental health

6.3.1 Despite a loss of two registered mental health nurses, one healthcare assistant and one part-time psychologist in August 2022, the manager reports that the service became more effective in therapeutic and clinical work, including the triage system, threshold assessment referrals, work to support prisoners on ACCT, caseload management and perinatal casework.

6.3.2 Last year it was noted that the supervision of post-traumatic stress disorder (PTSD) clinical interventions by the part-time clinical psychologist had an impact on anxiety reduction for prisoners through some low-level interventions by healthcare assistants (IMB survey 2020). A five day a week psychologist post has been advertised by the Midlands Partnership Foundation Trust. In addition, quotes have been submitted for training which will equip all nurses in effective steps towards a PTSD qualification. Low-level anxiety reduction work is currently continuing under the supervision of a trained nurse.

6.3.3 Fifty percent of referrals to the mental health service are from the first night induction unit (FNIU), creating a demanding caseload of short-term prisoners. In April the length of waiting time was two to four weeks. All on ACCTs are seen within

24 hours. In July a registered mental health nurse and healthcare assistant were located in FNIU to assess newly arrived prisoners at risk of self-harm and suicide.

6.3.4 Despite regular lockdowns, mental health clinicians completed healthcare checks and carried out face-to-face appointments, ranging between 324 to 405 each month between April and November. Caseloads for complex mental health needs (care programme approach) average around 10 a month. Urgent referrals to see a psychiatrist result in an appointment within 48 hours and routine referrals within five days.

6.3.5 Transfers to secure accommodation are reviewed regularly and delays beyond 14 days are raised monthly with NHS commissioners. In 10 out of 36 cases, the 14-day target was not met this year. The delays in part have occurred due to lack of secure accommodation for women, compounded by hospitals closed for admissions due to Covid-19 and some staffing shortages in secure hospitals.

6.3.6 The mental health team office has reopened following building works, but the overall inadequacy of accommodation remains a problem, as highlighted in paragraph 6.1.6.

6.3.7 Collaborative working takes place with primary care through a weekly meeting, and the mental health team works in close partnership with the specialist personality disorder unit, Cameo, the ACCESS team, prison psychology services and other prison departments. Induction training on mental health is offered to prison staff but has not been taken up to date.

6.4 Social care

6.4.1 One advanced social work practitioner seconded by Derbyshire County Council is responsible for assessing the eligibility of prisoners for support within the Care Act 2014 criteria at Foston Hall. Collaborative working with healthcare staff is reported to be very effective. The average caseload is around 30. The Caring Links agency provides carers to meet the needs of seven prisoners. There are eight social care prisoner buddies in the prison currently, who provide care support. Bespoke adapted accommodation in two rooms is on one wing, and another accessible room is on FNIU. The new residential unit built this year has no units that are wheelchair accessible. At a recent forum for disabled prisoners, several complained about poor access for wheelchair users around the prison (in the education department, family bonding unit, toilet access in the visits hall, textile workshop, Fosta Coffee).

6.4.2 The lockdowns are detrimental to prisoners with disabilities, who are already physically restricted; this has exacerbated the mental wellbeing of one prisoner. For example, a prisoner needing hydrotherapy treatment had appointments cancelled due to escort problems, which was a safeguarding issue.

6.4.3 Carers are not allowed access to enter the prison after 7pm so prisoners needing their help to get ready for bed have to retire before 7pm, which is highly unsatisfactory.

6.4.4 Training has been provided for reception staff, which has enormously improved the referral systems to social care. It is recognised that regular refresher training is required due to continual staff changes.

6.5 Exercise and regime

6.5.1 Restrictions to the regime due to Covid-19 continued intermittently during the first part of the year. On 19 April 2022 the prison moved to regime stage 1, enabling a gradual increase in mixing across wings, activities, education and employment. Subsequent rota visits reports noted the atmosphere at the prison being brighter, with prisoners being out and about, engaged in activities and chatting. Staff also reported prisoners being happier.

6.5.2 However, restrictions due to staffing shortages have continued, and despite considerable efforts being made to recruit staff, 20% of the 107 prison officer posts were unfilled at the end of the year. The situation has been particularly acute at weekends, resulting in limited exercise and association on Saturdays and Sundays. In addition to the high number of planned regime curtailments due to staffing shortages there have been many unplanned restrictions due to demands for escorts, bed-watches, and absences on sick leave. These have impacted on the regime during the week as well as at weekends.

6.5.3 The situation was particularly acute in August. A full regime was offered only 50% of the time. The regime was restricted on 33 out of 72 occasions, with no regime at all on a further two occasions. The situation since August has continued to be very pressured. Weekends have had total or partial restrictions, and generally some days each week have had a restricted or no regime. Considerable efforts have been made to facilitate some exercise for prisoners in the mornings or afternoons on weekdays where possible. The impact has been severe, limiting prisoners' opportunities for association, and attendance at activities including education. The impact of being confined to cells so frequently has particular implications for the many prisoners with mental health problems. Prisoners have increasingly expressed their frustration at the situation.

6.6 Drug and alcohol rehabilitation

6.6.1 On arrival drug/alcohol users are assessed by a reception nurse and first night prescriber to determine detoxification arrangements. At November, 240 prisoners were on prescribed medication, comprising nearly the whole prison population, of whom 160 were required to attend for supervised medication collection from the pharmacy hatch. During the year, the average number of clients on the caseload of Inclusion, the substance misuse service (SMS), remained relatively stable, at around 130. The average number of newly received prisoners commencing alcohol detoxification has been 19 per month, with an increase to 24 in November, higher than last year, with 15 on average per month. The monthly number for prisoners commencing drug detoxification is around 11, slightly lower than 17 last year.

6.6.2 One-to-one contact with prisoners by the SMS is significant. The team has 5.2 practitioners and, for example, made 454 individual contacts in October. The average waiting time is one day. The SMS caseload in October stood at 135.

6.6.3 There are a range of group programmes ready to be implemented but regime restrictions and suitable office space have held these back most of this year. Individual psycho-social support, information, advice and harm reduction interventions have been delivered to women referred to the service.

6.7 Soft skills

6.7.1 Various parts of the integrated healthcare team provide materials that assist with low-level depression and strategies to manage stress. An initiative has been introduced called trauma-informed yoga, with the aim of making the techniques less personally threatening for women who may have experienced trauma. The chaplaincy team has taken the lead in delivering a number of classes and activities for prisoners to boost confidence and learn skills, e.g. guitar classes and yoga.

7. Progression and resettlement

7.1 Education, library

7.1.1 Education responded quickly to the lifting of restrictions in April, resuming face-to-face teaching. However, in recent months education delivery has been seriously impacted by restrictions to the prison regime; in October, 75.5 guided learning hours were lost, out of a possible 89.5 hours (84%). Course starts in October were 18 against 330 commissioned, as tutors struggled to complete courses by scheduled end dates.

Attendance – Target 70%

April	May	June	July	August	Sept	October
62.5%	70.1%	75.15%	71.33%	65.38%	49.97%	19.41%

7.1.2. Course tutors have been observed visiting prisoners daily, providing in-cell learning materials in an effort to maintain prisoner engagement. Competitions and materials focusing on wellbeing have also been issued. Nonetheless, there has been a significant impact on prisoners' opportunity to gain qualifications, and this is exacerbated by the frequency with which prisoners are transferred or are serving short sentences.

7.1.3. Staffing has been problematic during the year. By November, staffing stood at 84.36%; the department is currently advertising for a part-time inclusion support co-ordinator and a cover tutor. The gym is currently understaffed.

7.1.4. Increased emphasis has been placed on the quality of teaching and learning. A quality and performance specialist was appointed in November; subsequent lesson observations and 'learning walks' have identified both good practice and areas for improvement and training. Tutors are being encouraged to use the four prisoner peer mentors more actively – conversations with peer mentors suggest that this is appreciated.

7.1.5. There is still no monitoring of equalities for participation in education.

7.1.6. The IMB is concerned that some prisoners with limited mobility are unable to access some education courses as these are held in first floor classrooms. Education managers continue to try to identify ground floor spaces that might be utilised but currently this issue remains unresolved.

7.1.7. A new prospectus has been produced; all prisoners receive a copy at induction. Wing displays and Way-out TV also promote education courses.

7.1.8. Several new courses have been introduced during the year, including awards in barista skills, hospitality, food safety (now compulsory for prisoners working in the kitchen or in the serveries) and nail care. Work is being done to facilitate and encourage progression – an example of this is the new gateway accredited leadership course, which enables prisoners who have already achieved qualifications in peer mentoring to progress further and take on more trusted roles. Prisoners are encouraged to progress through clearly defined pathways to extend and develop their skills. On being asked what she would do with a level one maths qualification, a prisoner recently responded, 'Do level two, of course!'

7.1.9. Recent conversations have focused on the need to embed reading in every aspect of prison activity, in order to prepare women better for release. Much work still remains to be done on this.

7.1.10. Education staff survey all learners, and the feedback is positive. Prisoners say that they feel safe, are treated fairly and enjoy attending education. Most say that the support they are given in class is excellent – this has been confirmed by IMB observations of classes and conversations with prisoners. Prisoners have also praised the additional needs support, and current figures show that the success rate for prisoners with learning needs is over 90% in the year to December.

7.1.11. Access to the library continued to be limited due to regime restrictions and library staffing issues. At the end of the reporting period there was one librarian who worked two days per week, and an occasional assistant. There were two staff vacancies. In October, 87 prisoners were regular library users, and there were four new starters on the Reading Ahead programme; in addition, the librarian has promoted reading by maintaining small libraries on the wings. The library also issues jigsaw puzzles and 'how-to' and self-help guides, as well as providing distraction packs with colouring activities, quizzes, puzzles and games; the latter have proved to be very popular during periods when the regime has been restricted. Storybook Mums has recommenced. A Flash Fiction competition organised by the Derby Book Festival during the year saw three prisoners win prizes, including first prize.

7.2 Vocational training, work.

7.2.1 Work opportunities are sufficient to provide for every prisoner who wishes to do so, although regime restrictions over recent months have meant that frequently only essential workers have been employed. This has been a source of considerable frustration for prisoners. This is reflected in IMB data showing that the number of applications relating to purposeful activity has increased more than fivefold since the last report, mainly focusing on losing jobs or wanting jobs.

7.2.2. More is now being done to ensure that prisoners are prepared for employment on release; however, many are only in part-time employment and could benefit from greater engagement in education alongside work. From April to November, only three positive employment outcomes upon release have been notified.

7.2.3. A particular success is the prison textiles workshop, which offers training and employment for 14 to 20 women. The workshop has secured contracts to supply textile goods to the prison estate and has recently been producing bags for women to use for possessions on release.

7.3 Offender management and progression

7.3.2. There are no concerns reported in the operation of release on home detention curfews (HDC), and 49 prisoners benefited from early release on HDC during the reporting year. At the time of this report, there was only one initial offender assessment system (OASys) assessment overdue.

7.3.3 Between January and November, 13 prisoners were released on temporary licence (ROTL) on 105 occasions. Improvements to the ROTL process are ongoing so that this becomes business as usual rather than exceptional, with plans to further expand ROTL for job-related opportunities in the community.

7.3.4. There are no concerns reported about links to the Parole Board.

7.3.5. There is currently one accredited offending behaviour programme run at Foston Hall, known as the thinking skills programme, with five completers, and two non-completers, delivered on a one-to-one basis in an adaptive format due to restrictions in the regime. The staff involved in facilitating the programme have been working closely with the psychology department, and with staff on the Cameo (personality disorder) programme, and ACCESS staff supporting complex prisoners, in order to develop a clear intervention pathway for prisoners. There is also a new non-accredited course being run at Foston known as working with anger (referenced in 4.3.6 above), with four prisoners successfully completing this in the reporting year.

7.4 Family contact

7.4.1. Prisoners at Foston Hall continue to appreciate the availability of in-cell telephones, which enable them to keep in touch with family and friends (although the £10 free pin credit, introduced during the pandemic, has been discontinued).

7.4.2. Social visits take place on three afternoons a week. Refreshments are provided in the visits hall and support is provided by prisoners on these days. Visitors arriving at the prison for social visits have access to toilet facilities, and a warm waiting area in a lounge facility adjacent to the establishment. The use of social visits has increased steadily throughout the year, rising month by month from 75 visits in January to 159 visits in November. The use of secure video calls remains low, and a significant number (49 out of 297 completed during the year) failed because of technical issues. With telephones in their cells, however, prisoners can more easily stay in touch with their families.

7.4.3. The family bonding unit (FBU) – a house within the prison grounds – has been back in operation since June 2022. In October 2022, the contract to operate the FBU

was taken over by the Prison Advice and Care Trust (Pact), and Pact staffing has been increased from 37.5 hours per week to 76 hours per week, enabling Pact workers to increase their caseload. Pact workers prioritise the maintenance of family ties, in particular supporting women to keep in touch with children in care. In one case, the Pact worker is supporting, through weekly telephone calls, the mother of a prisoner, thus reducing the stress on the prisoner concerned. The unit began operating with short family day visits, and the first full family day took place in November – a prisoner was able to spend a day with family members, cooking a meal together and enjoying extended contact. In conversation, the prisoner was very positive about the day. Further family days have taken place since and other applications are being processed. However, the boiler has not been working and consequently the unit has no heating.

7.4.4. Storybook Mums has recommenced, enabling prisoners to record stories and letters for their children.

7.5 Resettlement planning

7.5.1. The new national resettlement arrangements have presented a challenge throughout the year. It is positive that prisoners' resettlement needs have continued to be assessed following reception and during their sentence by the pre-release team and by a range of prison and external agencies. This extends to remand and unconvicted prisoners.

7.5.2. Efforts are continuing to establish good working relationships between the prison and external agencies, but currently employment outcomes on release are poor, and too many prisoners are released homeless.

7.5.3. Too many women are released homeless. On average one fifth of women released have not secured settled accommodation. The prison is seeking to address this and now holds a weekly resettlement board meeting focusing on the accommodation needs of those prisoners due for release in the ensuing four weeks (12 weeks if the prisoner is deemed complex). A wide range of departments (including community offender managers, commissioned rehabilitative services, representatives from healthcare, mental health and SMS, employment and housing specialists) are involved in these meetings and, apart from a drop-in August, there has been a steady increase in the number of prisoners housed on the first night of release (88% in October from 70% in April 2022). The lack of reliable data about the destinations of women on release has compounded the problem. Probation colleagues have made welcome progress in improving data quality towards the end of the reporting period.

7.5.4. A newly appointed ID and banking clerk assists prisoners serving more than six weeks to open a bank account. Conversations with prisoners soon to be released suggest this is a positive development – 'I've got my bank account and accommodation sorted and I'm ready to go'.

7.5.5. A small cohort of prisoners has recently been identified as suitable for release on temporary licence (ROTL) but they are ineligible because they have not achieved foundation level qualifications in English and mathematics. An employment advisory

board, bringing together external employers and the prison, has now been established and will be active from January 2023. In addition, an employment hub is now in operation for women within 12 weeks of release; funding for three laptops has been secured to support this. Frustration has been expressed, however, by both staff and prisoners, at the difficulties encountered in accessing the virtual campus.

8. The work of the IMB

Board statistics

Recommended complement of Board members	12
Number of Board members at the start of the reporting period	10
Number of Board members at the end of the reporting period	8
Total number of visits to the establishment	250
Total number of shifts on the 0800 telephone line*	0
Total number of segregation reviews attended	10

Applications to the IMB

Code	Subject	Previous reporting year	Current reporting year 2021-2022		
		Total 2020-21	Non tel apps	Apps via 0800 tel line	Total current year
A	Accommodation, including laundry, clothing, ablutions	20	21	5	26
B	Discipline, including adjudications, IEP, sanctions	4	5	1	6
C	Equality	7	11	9	20
D	Purposeful activity, including education, work, training, library, regime, time out of cell	4	16	6	22
E1	Letters, visits, telephones, public protection restrictions	27	26	9	35
E2	Finance, including pay, private monies, spends	6	8	1	9
F	Food and kitchens	8	8	3	11
G	Health, including physical, mental, social care	76	52	17	69
H1	Property within this establishment	17	14	2	16
H2	Property during transfer or in another establishment or location	4	3	1	4
H3	Canteen, facility list, catalogue(s)	10	4	3	7
I	Sentence management, including HDC, ROTL, parole, release dates, re-categorisation	10	18	1	19
J	Staff/prisoner concerns, including bullying	63	31	22	53
K	Transfers	5	5	2	7
L	Miscellaneous, including complaints system	18	7	3	10
	Total number of applications	279	229 (73%)	85 (27%)	314

There were 35 applications more than in 2021-22. The proportion of non-telephone applications increased from 40% to 73%, with a corresponding reduction in 0800 applications, down from 60% to 27%. This reflects the prison coming out of the pandemic and associated lockdowns. There were 314 applications submitted by 115 prisoners with some prisoners submitting multiple applications, up to 13, with several topics being repeated. The number of applications relating to equality has shown an almost threefold increase, and purposeful activity over a fivefold increase, mainly apps about losing jobs or wanting jobs.

Surveys undertaken by the IMB in reporting year 1 December 2021 to 30 November 2022

1. General surveys on fair and humane treatment topics

- a. The questionnaire was sent to all prisoners in all wings except the first night induction unit (FNIU) in **March 2022**. The population of the prison, minus the FNIU, on the day the questionnaire was sent out was 205. We received 73 responses, a response rate of 36%. Not all prisoners answered all questions.
- b. The questionnaire, with some additional questions, was sent out in November 2022. It was sent to all prisoners in all wings, except the FNIU. The population for the prison, minus the FNIU, on the day the questionnaire was sent out was 193. We received 55 responses, a response rate of 28%. Not all prisoners answered all questions.

2. Feedback from the early days peer mentors (EDPMs) on 28 June 2022

The prisoners who work as EDPMs in the FNIU were brought together and asked about their experience and observations.

3. Survey of prisoners about reception and induction

Questionnaires were sent to all prisoners on the FNIU in July 2022. Responses were received from 13 prisoners.

4. Survey of 10 prisoners who had been on an ACCT

Telephone interviews were held with nine prisoners listed in daily briefings as being in ACCT post closure during October and November. This was approximately one third of the list, although the number changes according to how many ACCTs are open.

5. Review of discrimination incident report forms (DIRFs)

27 October 2022 – the documentation for a sample of 10 DIRFs was reviewed, from a total of 50 at that time.



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