



Chair, Independent Monitoring Board
HMP Durham
Old Elvet
Durham
DH1 3HU

Dear Chair,

18 April 2023

**HMP DURHAM: INDEPENDENT MONITORING BOARD ANNUAL REPORT
FOR 1 NOVEMBER 2021 – 31 OCTOBER 2022**

Thank you for your Board's report for the year ending 31 October 2022. I was saddened to hear three prisoners died during the reporting year, including one which occurred shortly after being released from the prison. I would like to assure the Board my officials take recommendations from the Prisons and Probation Ombudsman very seriously.

I am very much aware of the amount of effort that goes into producing annual reports and thank you for providing a comprehensive picture of HMP Durham over the reporting period, especially as you had several vacancies. Likewise, thank you for engaging with Lay Observers to the courts and with other Boards about important issues.

I address below the specific points you have raised for my attention:

Accommodating two prisoners in a cell designed for one is never desirable but this continues to be necessary in order to accommodate everyone committed to custody by the courts. In recent months, HM Prison and Probation Service (HMPPS) has experienced an exceptional increase in the adult male prison population and is facing acute short and medium-term population pressures. Several contingencies have been activated. This includes the activation of Operation Safeguard where police cells in the North-East have been made available to hold prisoners overnight. Consequently, HMPPS has no current plans to take prison places out of use for maintenance projects if the work can be completed without needing to reduce the prisons operational capacity.

There may be options in future to reduce crowding levels for instance, if population growth is slower than projected and there is sufficient headroom in the prison estate. This will enable targeted reductions of the least suitable prison places (including crowded places), but it is not possible to commit to this based on the latest projected population. It is also difficult to predict how these national trends will play out at a local level and the proportion of prisoners held in crowded cells at HMP Durham will ultimately depend on regional population levels and demand. As you are aware, HMPPS is also committed to delivering 20,000 additional modern prison places, that will ensure the right conditions are in place to rehabilitate prisoners.

In Spring 2022, HMPPS published a revised Certified Prisoner Accommodation Framework, from which the useable operational capacity of the estate is derived. While most single cells in the prison system could physically hold two people, the determination of the maximum crowded capacity of a particular establishment is a matter of operational judgement, considering risks to safety and stability. In times of severe population pressure as already mentioned, establishments will be expected to hold as many

prisoners as they can safely accommodate and, that number should be determined by the operational managers responsible for managing the prison (not by a central process or wider supply and demand issues). There are no plans to raise the operational capacity of HMP Durham, as a very busy reception prison it must ensure it delivers spaces for prisoners to its current operational capacity.

Regarding your comments that prisoners classified as high risk should not be sharing a cell, in line with policy Prison Service Instruction 20/2015 *Cell Sharing Risk Assessment* (CSRA), those prisoners entering HMP Durham are risk assessed for cell sharing. As per the CSRA policy, there are prisoners identified as high risk who can share cells subject to appropriate risk assessment and sharing considerations. This policy is applied in full at HMP Durham (to effectively manage prisoner space).

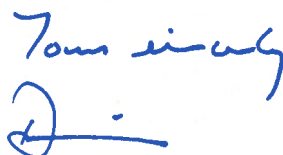
Turning to the Board's concerns relating to the Crown Court backlog, it remains a priority to deliver swifter access to justice for victims and reduce the backlog. A range of measures are being taken to increase capacity in the Criminal Justice System (CJS). This includes recruiting up to 1,000 judges in 2022/23 across all jurisdictions and for the second consecutive financial year removed the limit on Crown Court sitting days.

A significant amount of extra money has been invested for the CJS to help improve case waiting times. Twenty-four Nightingale Courts across England and Wales will be kept open for another year and in Manchester and Loughborough two 'super courtrooms' will allow up to an extra 250 cases to be heard per year. At a local level, HMP Durham is working proactively with HM Courts and Tribunal Service to identify unsentenced convicted prisoners, and through joint working a new report is now provided to the courts to enable cases to be reviewed in a timely manner and progressing sentencing processes. HMP Durham facilitates on average 1,100 video link hearings per month to support access to court processes, legal visits and probation assessments/reports.

I acknowledge the Board's prisoner survey finding outcomes and thank you for drawing this to my attention. It was encouraging to hear staff rose to the challenges of Covid-19 and 93% of the prisoners surveyed by the Board felt the prison is safe. Despite it being a difficult reporting period, I was very pleased to note the Integrated Support Unit received the Nepacs' Ruth Cranfield award for Good Practice in Rehabilitation and for delivering excellent care for challenging individuals during the pandemic. Likewise, it was pleasing to hear about the good work of the drug and alcohol recovery team and for inviting an ex-prisoner to give a motivational speech about his addiction recovery journey.

I note you have raised some local issues of concern in your report which the Governor will continue to keep you aware of as work continues. HMPPS comments in response to the other issues raised in your report are set out in the attached annex.

The Justice Secretary and I appreciate the valuable role played by members of Independent Monitoring Boards throughout the estate and we are very grateful for your continued hard work on behalf of HMP Durham.



Damian Hinds
Minister for Prisons and Probation

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HMPPS comments on matters raised in the report

Reduction in Population

There are currently no plans to reduce the population at HMP Durham to allow refurbishment, for the reasons outlined in the Minister's response.

Social Video Calling

The current offer, in accordance with the interim policy Secure Social Video Calling (Interim) Policy Framework - GOV.UK (www.gov.uk), enables one free 30 minute video call per prisoner per month, plus additional calls at the Governor's discretion in certain circumstances. Social video calling remains an offer, not an entitlement, as an additional method of contact and not a substitute for face-to-face social visits. Work is underway to better understand how social video calling best fits in, in prisons, alongside the other already established family and significant other contact provisions on offer.

Remand Prisoners

As part of the changes made for the unification of Probation in June 2021, contracts were let in each Probation Region (including the North East region) to providers of accommodation services for sentenced prisoners. These Commissioned Rehabilitative Service (CRS) providers are mandated to have a presence in the resettlement prisons (including Durham) in their region. Although the CRS Accommodation services were initially only available for sentenced people, an extension to the North East Probation Region CRS Accommodation contract commenced in December 2022 to provide a service to those on remand at HMP Durham. The service went live in January 2023 and is currently mobilising. Those released as time served and with a licence were always in scope for the service and will continue to receive the service.

Additionally, all resettlement prisons including HMP Durham have an embedded pre-release provision delivered by the Probation Service. Pre-release teams identify and address immediate resettlement needs and provide pre-release support for all people in prison including people on remand. The minimum offer is to screen for resettlement needs via the Basic Custody Screening Tool completion, signpost to specialist services within the prison, such as Prison Banking Administrators, Healthcare and Rehabilitative Services.

Dental Provision

HMP Durham has an average of fifteen dental and eight therapy sessions available each month as part of the standard contractual arrangements, which equates to potentially 228 appointments. This is caveated by the assumption that all appointment slots are filled, that clinics start and end on time with no disruptions, and that all prisoners turn up for their booked appointments.

In addition, in order to manage the waiting list increase created during the pandemic across all prisons due to changes in infection control national guidance, NHS England committed an additional 320 dental sessions to be deployed across the North East region by the dental provider, including within HMP Durham.

This has seen HMP Durham's waiting lists reduce to six weeks for initial treatment, three weeks for ongoing treatment and six days for therapy by the end of December 2022. Anyone requiring urgent care is seen within 24/48 hours.