



Chair, Independent Monitoring Board
HMP Haverigg
North Lane
Millom
Cumbria
LA18 4NA

3 May 2023

Dear Chair,

**HMP HAVERIGG: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 DECEMBER
2021 – 30 NOVEMBER 2022**

Thank you for your Board's report for the year ending 30 November 2022. 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 Haverigg over the reporting period, especially as you operated with several vacancies and ended the year with a severely depleted complement of members. I address below the specific points you have raised for my attention.

I appreciate the Board's concerns about Category D prison space management and thank you for drawing this to my attention. At present there is more space available in open prisons than the wider adult male estate, however, we are expecting slow and steady growth in the Category D population in the longer term. Whilst some variation is normal, current open estate occupancy levels are historically low. There is also significant variation in where the spare spaces are across the country. Some open prisons are operating at almost full capacity, while others, such as HMP Haverigg, have significant spare capacity. This is due to regional supply and demand imbalances with a surplus of open prison accommodation across the North and a deficit in the South.

Beyond specific geographical and local factors, there are three main reasons for the current low occupancy in the open estate: the decrease in the indeterminate sentenced population due to changes to the role of the Parole Board; a significant increase in the remand population due to the current court backlog following the impact of the covid pandemic on court activity together with barristers' industrial action; and Category D eligible prisoners still in the closed estate.

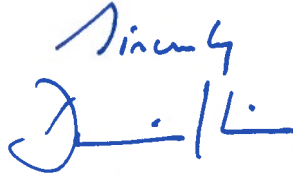
Extensive work is underway to maximise HM Prison and Probation Service's (HMPPS) ability to quickly move all eligible prisoners into the open estate. This includes weekly data sharing of eligible cohorts between open and closed prisons; a dedicated population manager at headquarters for open estate moves; specific work to maximise moves to HMP Haverigg; and a newly launched toolkit to support Offender Management Units carrying out risk assessments. It is anticipated a population increase and capacity limits at HMP Haverigg is likely to be met very soon.

It was encouraging to receive your comments about the positive interactions between prisoners and both officers and civilian staff, and the prison's approach to equality and diversity driven by the senior management team. In light of food price inflation, I was impressed to learn about the catering department's efforts to maintain portion sizes together with maximising the use of the prison farm. I was further encouraged to hear that 94% of prisoners are classed as carrying out purposeful activity and that no prisoner left HMP Haverigg without identified accommodation. We are grateful to the Governor and

staff at HMP Haverigg for all the dedicated work they are doing with the men in their care to give them the best possible opportunity to successfully resettlement on release.

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 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 Haverigg.

A handwritten signature in blue ink, appearing to read 'Damian Hinds', with a stylized flourish at the end.

Damian Hinds
Minister for Prisons and Probation

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HMPPS comments on matters raised in the report

Victim Support Levy

Prison Service Instruction (PSI) 76/2011 *Prisoners' Earnings Act 1996* governs the application of the victim support levy. The levy is applied to earnings over £20 per week, so if a prisoner earns £25 per week net, the levy is made only from £5 per week, not the full £25. Levies are currently paid to such voluntary organisations concerned with victim support or crime prevention or both as may be prescribed.

An extract from PSI 76/2011 paragraph 1.12 states *it is the Government's policy that the discretion which Governors have to impose the levy should generally be exercised in favour of imposing it*. Further information on the Victim Surcharge is available on Gov.UK (<https://www.gov.uk/government/news/criminals-made-to-pay-more-to-fund-victim-support>).

Prisoner Returns to Closed Prisons

A return to closed conditions must be accompanied by a full assessment of the prisoner's risk. This should, where possible, be performed before the prisoner is moved, however where there has been the need to move the prisoner quickly in response to an incident, it may be performed once they have returned to closed conditions. A return to closed conditions, like any increase in an individual's security category, must be based on an assessment that the risks or behaviour presented can only be managed in conditions of higher security. It is not enough to simply record that Category D is no longer suitable on the Digital Categorisation Service, the decision and reasons behind them must be recorded.

To ensure that these procedures are working correctly and consistently, the Governor of each prison must nominate a manager whose responsibility it is to perform quality assurance on the categorisation process and together with the decisions made. Each categorisation decision will also be signed off by a manager of a higher grade than that of the assessor, to help ensure that the decisions being made are the correct ones. Data presented at the Open Prisons Forum highlighted that HMP Haverigg had lowest return rate of all open prisons.

Prisoner Discharges

The Board may be aware that HMPPS' temporary accommodation service currently operating in five regions, has expanded to Wales, and our aim is to continue to roll out to other parts of the country including the North West. HMPPS also aims to increase capacity for prisoners eligible for Home Detention Curfew (HDC) as part of the service now known as Community Accommodation Services tier 2 (CAS2).

The recently created Strategic Housing Specialist role will identify and work within prisons to address and overcome barriers to settled accommodation, working closely with local authorities and other key external partners. More broadly we are continuing to work with the Department for Levelling Up, Housing and Communities to align our transitional accommodation service with its Accommodation for Ex-Offenders scheme. This supports prison leavers to better access private-rented sector accommodation and build a pathway from prison to settled accommodation.

Prisoners' Property (Permissible Items)

HMPPS is aware that there are inconsistencies across the estate with permissible items of property. The items in local facilities lists are chosen, in part, by Governors from the National Facilities List (NFL) in the Incentives Policy Framework (IPF). The NFL consists of two lists, Part 1 being items that must be

permitted to all prisoners, where requested, and Part 2 being items that governors are able to include for prisoners above Basic in their local incentives policy. It is not mandatory that items in Part 2 be available.

The freedom to select items is important as it allows Governors to tailor their local incentives policy in a way that better incentivises their prison population. All items of prisoners' property are subject to volumetric control limits.

Notwithstanding the importance of providing Governors with the necessary discretion to include Part 2 items in their local facilities list, the IPF also states that if a prisoner arrived with items that are not on the local facilities list, the receiving Governor must consider these items on a case by case basis. Unless the item(s) is considered a risk to good order, discipline, security, safety and/or exceed volumetric control limits, the prisoner should normally be allowed to retain it in-possession.

Indeterminate Sentenced Prisoners (IPP)

The Justice Select Committee published their report into the IPP sentence on 28 September 2022 following a year-long inquiry. The inquiry conducted by the Committee constituted a thorough assessment of the issues surrounding the IPP sentence and the published report contains considered recommendations for change. The Government has issued a formal response to the Committee's report, which can be accessed at <https://committees.parliament.uk/work/1509/imprisonment-for-public-protection-ipp-sentences/publications/>. The Government has accepted the Committee's recommendation to review the IPP Action Plan and is committed to publishing the outcome of that review this year. HMPPS has already begun work on this, specifically focusing on improved, clear work streams, with deadlines, and a robust overarching governance structure.

The IPP Action Plan is focused on ensuring each case has a progression pathway, is regularly reviewed, and that it is most appropriate to an individual's current needs giving each prisoner the best prospect of making progress. HMP Haverigg continues to support the progression of IPP prisoners in its care with access to the regime, and risk-assessed access to activity on licence is supported in many cases. This gives the Parole Board opportunity to consider risks on final release.