



Chair, Independent Monitoring Board
HMP Garth
Ulmes Walton Lane
Leyland, Preston
PR28 8NE

11 August 2023

Dear Chair,

**HMP GARTH: 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 Garth over the reporting period, especially as you had several vacancies.

I was saddened to hear there were four deaths in custody during the reporting year. Although the Board has highlighted that there has been a reduction in the number of deaths, as you are aware the Prisons and Probation Ombudsman (PPO) carry out independent investigations into deaths in custody and I would like to assure the Board my officials take recommendations from the PPO very seriously.

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

I understand the Board's concerns about the consultation process for policies introduced within prisons. When new operational policies are developed or existing policies are reviewed these are overseen by a Governance Board. The Board is jointly chaired by Executive Directors representing prisons and probation and with wide-ranging membership from across the Ministry of Justice and HM Prison and Probation Service (HMPPS). Part of the process requires extensive consultation and policy owners are encouraged to consult widely internally, externally with third sector organisations and scrutiny bodies, as well as those representing staff and offenders as appropriate. There is also a requirement to formally consult with recognised trade unions. The Governance Board will only approve policies for implementation once they are satisfied that the relevant development has been undertaken and the auditing and monitoring of each policy once implemented are set out in the policy.

I recognise the Board's concerns about the involvement of prisons within the prison officer recruitment process. The tests and assessments for prison officers are designed to ensure candidates are selected to a high national standard to be able to work across the range of HMPPS sites. Governors are encouraged to invite candidates to visit prisons during the selection process to see what the role and working environment of a prison officer entails, but regrettably it is not always possible to facilitate this. However, recruitment is improving at HMP Garth who are developing local links with colleges to show case the prison officer role. All new prison officer recruits are required to complete two weeks initial training within their allocated prison prior to undertaking their foundation training at a learning centre. This allows them to familiarise themselves with the various departments within the prison. New prison officers also now receive support throughout their training by new colleague mentors and for those opting to continue with their apprenticeship, they will have an apprenticeship coach to guide them through their learning. Probation

officers are also recruited nationally to complete their Professional Qualification in Probation training programme, with newly qualified staff allocated using a preference exercise to opt to work in a prison environment. HMPPS has been working with Governors to offer open days to encourage applications and improve retention. In addition, it is acknowledged that staff sickness is unacceptably high at HMP Garth. The Deputy Governor and HR People Manager robustly manage attendance management to assist staff in returning to work at the earliest opportunity. Home visits, as a support measure, are conducted within a week of a staff member going off sick and the staff wellbeing committee is continuing to work on understanding what drives irregular attendance which has already improved the support available to staff at HMP Garth.

Turning to your concerns about long prison sentences and the support prisoners receive, this Government is serious about fighting crime and protecting the public from its devastating consequences, and creating a criminal justice system that people have confidence in. Reforms, which were predominantly taken forward in the Police, Crime, Sentencing and Courts Act 2022, mean that serious criminals must spend time in prison that reflects the gravity of their crimes while looking to divert other offenders away from a life of crime and support them to rehabilitate. Sentence planning including long term goals are set for all prisoners regardless of their sentence length, with reviews taking place bi-annually or every three years depending on sentence type. These reviews take place with the prisoner and have contributions from stakeholders including Offender Management, Education, Psychology and other support services. Prisoners in longer term prisons, such as HMP Garth, are able to access information, advice and guidance services and plans for their time in custody are sequenced with allocation to purposeful activities. A range of education skills and work placements are available to enable prisoners to demonstrate progression within their sentences and improve their own personal development, including access to higher level distance learning, as well as transferable employability skills in workshops in readiness for progression towards resettlement prisons.

Regarding the Secretary of State's intervention following Parole Board recommendations, on 17 July 2023 the Secretary of State directed a change to the criteria by which indeterminate sentenced prisoners (ISPs) are assessed for suitability for open conditions. With immediate effect, a new criteria must be met for an ISP to be judged suitable for a move. There are two parts to the said criteria. The first is that ISPs should have made sufficient progress in addressing and reducing risk to a level consistent with protecting the public from harm (in circumstances where a prisoner in open conditions may be in the community or unsupervised under licenced temporary release). The second is that ISPs are assessed as low risk of abscond and that there is a wholly persuasive case for transferring the ISP from closed to open conditions. The Parole Board began applying this test to all hearings from 1 August 2023.

If a prisoner is waiting for a decision from the Secretary of State on whether a Parole Board recommendation for a move to open conditions will be accepted or rejected, this will be considered under the new criteria, and in the coming weeks they will be informed of the Secretary of State's decision. If a prisoner received a decision about their suitability for open conditions from the Secretary of State prior to 1 August 2023, then that decision will remain in place as it was made using the criteria in place at that time. Any future Parole Board hearing will be conducted using the approved criteria at that time.

I appreciate the Board's continued concerns about Indeterminate Sentences for Public Protection (IPP). The Board will be aware that as part of the Government's formal response to the Justice Select Committee (JSC) report, the Committee's recommendation to review the IPP Action Plan was accepted and the updated Action Plan was shared with the Committee on 26 April 2023 which is available here – <https://committees.parliament.uk/publications/39321/documents/192968/default/>. While the primary objective must be to protect the public, the refreshed Action Plan will be a strong driver to build on past achievements and continue to provide the best possible opportunities for those serving an IPP sentence to progress towards a safe and sustainable release. The Government is also now, as a matter of priority, reviewing the Department's work to date to help more IPP prisoners progress towards release and will be

considering thoroughly if there are further steps that need to be taken. The Secretary of State for Justice does not want to prejudge his conclusions, but please be assured that he will be giving the matter his close personal attention. In addition, following the Committee's assertion that offenders serving an IPP sentence on licence in the community are being recalled unnecessarily, the Government has requested that the Chief Inspector of Probation carry out an independent thematic inspection on the proportionality of recall. The Government is committed to ensure that recall culture and practices are regularly evaluated and hope this latest review corroborates the findings of the last inspection of recall, published in November 2020, that recall was being used appropriately and in order to protect the public.

Despite your concerns, it was encouraging to receive your comments that safety has improved and that the investment in the gate searching area has reduced illicit items entering the prison. I was pleased to note that the working relationships between staff and prisoners is good and the proactive work of the equalities team is creating an inclusive prison community with cultural sessions and specific groups to consider needs. It was also reassuring to read that despite the staff recruitment and retention challenges prisoners are receiving fair and humane treatment without significant issues. I understand the prison implemented a new profile in May 2023 to address many of the regime issues and to provide increased purposeful activity and key work sessions. Engagement has also taken place with the national team leading on competence and confidence to improve the ability of prison officers at HMP Garth and I look forward to the Board being able to report on the prisons progress in the coming reporting year.

I note you have raised two 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 Garth.

Yours ever

A handwritten signature in blue ink that reads "Damian Hinds".

Damian Hinds
Minister for Prisons and Probation

Annex

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

HMPPS comments on matters raised in the report

Prison Environment

HMPPS has invested around £8 million at HMP Garth in the last five years replacing the heating, CCTV and lighting across the site. Additionally, during the past year the showers on E wing and in the old Gym have been refurbished, as well as a new cell call system being installed and the replacement of the segregation unit fire alarm system with the control room. Further investment was planned to replace the flooring throughout large parts of the prison due to commence this financial year. However, this has had to be postponed as it requires prisoners to be relocated out of a wing which is not currently possible due to the population pressures across the prison estate. Other projects are still planned in the investment programme such as the recovering of the flat roofs and a replacement visitor centre, but these do not yet have confirmed dates for work to begin. Further funding requests from the prison will also continue to be considered, however demands for maintenance are much greater than the available funding. Therefore, HMPPS is having to prioritise works very carefully to make best use of that funding, focusing on risk to life and risk to capacity and decency.

It is also acknowledged that there have been issues where the facilities management provider at HMP Garth has been unable to keep up with the volume of remedial work. However, their delivery performance has improved over the past year and as several projects require capital funding these have been outside of the facilities management provider's control. Replacement of domestic appliances, such as laundry equipment also sit outside of the facilities management provider contract who do install these as soon as the establishment purchase them. The Governor meets with the site manager on a weekly basis to hold them to account and all cells that are out of action are reported in the morning meeting and the progress being made is tracked. The prison has also employed a handyperson to maintain some areas which is making improvements but it is recognised that there remains more work to do still.

Lift provision for disabled prisoners

Funding had previously been available to install some stairlifts, two years ago late in the financial year, and as a result the facilities management provider installed the power supplies in readiness. However, the specialist stairlift contractors were unable to deliver or install the lifts within the financial year and as such the funding was no longer available. Since then, installation has not featured again as a priority due to the competing pressures on the limited funding that is available.

Healthcare

It is acknowledged that there is only one holding area within healthcare which was built when HMP Garth had a smaller population and this is now cramped for the numbers of prisoners required at healthcare each day as the prison population increased. Capital bids have been submitted in previous years but these were unsuccessful and this has not featured again as a priority due to competing pressures on the limited funding that is available. In the meantime, there has been a review of prisoners attending healthcare and the health provider is considering holding clinics on some of the wings to reduce the numbers of prisoners required at healthcare.

Probation Offender Management

Probation staffing is currently in a challenging position in the North West region with an imbalance of experienced and inexperienced staff. Whilst it has been positive that a large number of probation officers

and probation service officers have been successfully recruited, the next step is supporting these staff in their new roles. Decisions about where to prioritise staffing in prisons is made at the Senior Leaders forum between the Prison Group Director and Regional Probation Director. Although the preferred option would be to move experienced staff into a prison, there is a large number of new staff in both community and prison settings which requires appropriate support. The case management support model is being used in prisons and in the community to upskill new staff and allow them to provide a support function to more experienced staff, who are better placed to manage risk. Newly qualified probation staff within HMP Garth also have a dedicated PQiP manager to support them alongside their manager in the Offender Management Unit. They will also continue to develop their learning by attending ongoing training events as part of the Newly Qualified Officers programme.

Progression of Category C prisoners

HMPPS continues to strive to maintain offender flows in the face of ongoing, unprecedented population pressures across the entire adult male prison estate. The remand population has grown to unprecedented numbers as a result of the courts backlog and recent industrial action taken by the Criminal Bar Association with the impact of this being felt in the training estate. Prisons are encouraged to respect offender flows as much as possible and to ensure that the individual and their rehabilitation needs are met and protected. However, HMP Garth does currently have around 150 category C prisoners. Category B and C training prisons have been asked to continue holding certain cohorts of prisoners to help keep space available in the resettlement estate for use by reception prisons. This flexibility is a shorter-term measure and it is anticipated that this will be mitigated as the prisoner population continues to increase at HMP Five Wells and the recently opened HMP Fosse Way.