



Chair, Independent Monitoring Board
HMP Lewes
1 Brighton Road
Lewes
East Sussex
BN7 1EA

Dear Chair,

04 September 2023

HMP LEWES: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 FEBRUARY 2022 – 31 JANUARY 2023

Thank you for your Board's report for the year ending 31 January 2023. 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 Lewes over the reporting period. I was saddened to hear there were five deaths in custody during the reporting year. 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.

Workforce planning processes are in place to ensure prison groups have the level of detail needed to manage current staffing levels appropriately and make accurate forecasts around future resourcing needs. The recent Prisons Strategy White Paper sets out our vision for a modern Prison Service and a key component is the commitment to invest in the development and support of our workforce and provide a modern employment offer that encourages candidate attraction and assists retention. The recent 2023/24 pay award made a significant investment in pay for prison staff, delivering a seven per cent pay rise for the majority of prison officers in recognition of their dedication to rehabilitating prisoners and keeping the public safe.

Locally, HMP Lewes and HM Prison and Probation Service (HMPPS) headquarters' human resources team have undertaken a review of retention including forums to understand retention issues. A Wellbeing and Communication role has now been introduced to improve the support offered to staff. Additional headquarters' support has been provided to build staff confidence and drive improvements. Staff absences has significantly decreased and work has been undertaken to reduce non-effective staffing levels, such as those who are off sick, on annual leave, training, on restricted duties or phased returns and therefore not available to work on the wings. A reprofiling exercise has been completed and offers a more favourable work-life balance for officers.

I understand the Board's concerns about mental health transfers. The NHS England commissioning team have supported the providers' attempts to secure access to hospital beds for individuals requiring an admission and held weekly regional escalations calls to assist. Although delays in some cases was due to the lack of capacity within the wider system, on other occasions the delay was due to the prisoner being declined by the secure provider. This then required a further referral and assessment by another mental service provider which was a contributory factor for breaching the good practice transfer timeline.

I would like to assure the Board that the Ministry of Justice is committed to improving mental health outcomes for people in contact with the criminal justice system. In June 2022, the Government published the Draft Mental Health Bill which was recently subjected to pre-legislative scrutiny. This includes a reform to speed up access to specialist in-patient care and treatment by introducing a new statutory time limit of 28-days for the transfer of patients from prison to hospital. This mirrors the time limit set out in NHS England's good practice guidance published in 2021.

Under the new resettlement approach HMP Lewes has an embedded resettlement provision. These embedded pre-release teams identify and address immediate resettlement needs and provide pre-release support for all people in prison, including those on remand and people out of area. The minimum will be to screen for resettlement needs, signpost to specialist services within the prison, and support people to access pre-release services not currently available via Commissioned Rehabilitative Services (CRS). At HMP Lewes, all prisoners, regardless of status, are able to access the Employment Hub and apply for identity documents and bank accounts.

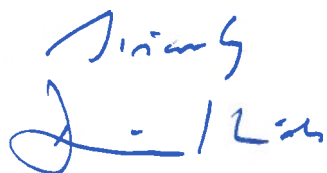
Turning to prisoners that are subject to Imprisonment for Public Protection (IPP) sentences, the Justice Select Committee (JSC) published their report into the IPP sentence on 28 September 2022 following a year-long inquiry and the published report contains considered recommendations for change. The Government has now issued a formal response to the Committee's report, which can be accessed via <https://committees.parliament.uk/work/1509/imprisonment-for-public-protection-ipp-sentences/publications/>. It is the Government's long-held view that retrospectively changing the sentence which was lawfully passed would give rise to an unacceptable risk to public protection and that the IPP Action Plan, suitably updated, remains the best option by which these offenders can progress towards safe release. As such, the Government has no plans to conduct a resentencing exercise and has rejected this recommendation. The Government is, 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 we need to take. 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.

There are programmes of repair ongoing at the HMP Lewes, and HMPPS and MoJ Property Directorate continue to work together to improve decency and safety at the site. A £5.1 million fire safety improvement project started in July 2023, and projects to refurbish the showers on healthcare, C wing and G wing are currently in development for delivery this financial year. The Board will be aware that as with all the projects at HMP Lewes, these appear to take a long time to process due to commercial liabilities, however funding is available for major projects. Future projects are discussed at tripartite meetings and anything considered urgent is pushed to the forefront and special bids are put forward. It should be noted that demands for maintenance are much greater than the available funding. Therefore, once a bid for a project is received, HMPPS has to prioritise works very carefully to make best use of that funding, focusing on risk to life and risk to capacity and decency.

HMP Lewes has many issues to address, it was therefore encouraging to receive your comments about the hard work and contribution of the chaplaincy team, the resumption of Sycamore Tree courses in restorative practice, the improvement in the relationship between the prison and healthcare provider, and improved morale in the Offender Management Unit.

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 Lewes.

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

Non-Effective Staff and Staffing Statistics

Staff that are off sick, on annual leave, training, on restricted duties or phased returns and not available to work on the wings are classified as non-effective staff. A 20% non-effective rate is applied to operational staff groups to provide cover for reasonably anticipated absences (leave, sick and training). During the reporting period, the actual non-effective rate averaged 30% due to high levels of sickness, restricted duties, maternity leave, and other factors, and this had a significant impact on planned delivery. The effect of high absence was partially mitigated by the use of payment plus (paid additional hours), with the equivalent of nine prison officers being put back into the regime.

The non-effective rate of 20% has not changed for several decades, despite seeing changes to legislation regarding paid maternity leave, high levels of staff attrition, and the long-felt health impacts of the covid pandemic. It is acknowledged that the current rate of non-effective staff planning is insufficient, and work is underway to increase this, whilst also trying to build staff confidence, capability, and job satisfaction, in support of better retention and reduced levels of absence.

Maintenance Performance

Important lifesaving critical equipment is always prioritised and required works are carried out immediately. Other items may be considered as priority if the impact is upon business need/operational capacity. A monthly tripartite meeting is held between the prison, the maintenance contractor, and MoJ Property Directorate to discuss outstanding maintenance and repairs. The contractor also attends the daily morning meeting to provide updates on repairing unavailable cells and life critical safety equipment. Additionally, the Head of Residence is working closely with the contractor to ensure that access is facilitated to complete repairs in a timely manner.

Food Budgets

The daily food budget was increased nationally to £2.70 per prisoner per day to reflect inflationary costs. While Governors have autonomy with regard to how this is spent in public sector prisons (or the Director in privately managed prisons) and keep it under review as part of normal budget allocation planning, there are no plans to increase the daily food budget further. Prison Rules require that prisoners are provided with three meals a day that are varied, nutritious and meet the religious, cultural, and medical needs of all. The budget is appropriately managed by the Catering Manager at HMP Lewes to ensure a balanced menu in line with national standards

To assist with the rising cost of food, the HMPPS Catering Team has been providing support to all prison establishments and working closely with local catering managers to understand issues and share good practice ideas with food suppliers to look at supply and sourcing options. HMPPS is also working closely with the Office of Health Improvement and Disparities, following government guidelines, to provide enhanced advice to prisoners and staff across the estate on eating healthy meals.