



Ministry
of Justice

Damian Hinds
Minister of State for Justice

Chair, Independent Monitoring Board
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25 September 2023

Dear Chair,

HMP RYE HILL: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 APRIL 2022 – 31 MARCH 2023

Thank you for your Board's report for the year ending 31 March 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 Rye Hill over the reporting period, especially as you continued to operate with a depleted complement of members.

I was saddened to hear there were seven 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.

I appreciate the Board's ongoing concerns about prisoners serving indeterminate sentences for public protection (IPP). The Justice Select Committee held a year-long inquiry into the IPP sentence and published their report on 28 September 2022. 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 now issued a formal response to the Committee's report, which can be accessed online or via <https://committees.parliament.uk/work/1509/imprisonment-for-public-protection-ipp-sentences/publications>.

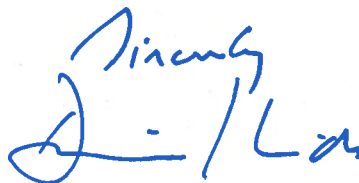
The Committee's main recommendation was to undertake a full resentencing exercise of all remaining IPP offenders who had not yet had their license terminated. It remains the Government's long-held view that retrospectively changing the sentence which was lawfully passed would give rise to an unacceptable risk to public protection and that the IPP Action Plan, suitably updated, is the best option by which these offenders can progress towards safe release. As such, the Government has rejected this recommendation and has no plans to conduct a resentencing exercise. Whilst the Government welcomed the report as an opportunity to take stock of the issue and identify areas for improvement, we recognise that there is still more that remains to be done. Indeed, the Government, as a matter of priority, is reviewing the Department's work to date to help more IPP prisoners progress towards release and consider if there are any further steps we need to take. I would like to reassure you that we remain committed to doing all we can to support the progression of those serving IPP sentences and efforts to reduce their risk, to the point where the Parole Board determines that they may be safely released.

HM Prison and Probation Service (HMPPS) has reviewed and refreshed the IPP Action Plan, which was published on 26 April this year and can be accessed online. HMPPS's review of the Action Plan specifically focused on improved, clear performance measures, achievable deadlines, and a robust overarching governance structure. Our key priority for the updated Action Plan is ensuring that the delivery of HMPPS systems and processes in every prison and probation region facilitates risk reduction and the prospect of progress towards a safe and sustainable release. The refreshed Action Plan is a strong driver to build on past achievements and continues to provide the best possible opportunities for those serving an IPP sentence to progress towards a safe and sustainable release. The Lord Chancellor and his Ministerial team, as a matter of priority, are reviewing all possible options and steps that may be open to us in order to identify what more can be done to address the IPP issue. We look forward to sharing more on this in due course.

It was encouraging to receive your comments about the extensive prisoner led initiatives across a range of topics that have promoted a sense of community and improved staff and prisoner relationships. I was also pleased to learn about the opening of the multi-faceted Media Hub that facilitates informal learning, that all prisoners now get structured association in the evenings and at weekends, that the gym and library are back open as normal and there is now new gym-style equipment fitted on the outdoor exercise yards.

I note you have raised some local issues of concern in your report which the Director 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 Rye Hill.



Damian Hinds
Minister for Prisons and Probation

HMP RYE HILL: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 APRIL 2022 – 31 MARCH 2023**HMPPS comments on matters raised in the report****Prisoners' Medication**

Responsibility to ensure that medication and/or prescription is with the prisoner following a transfer lies with the sending establishment and is outside of the control of the receiving establishment. Measures are taken by the receiving establishment to understand medication needs of a transferring patient prior to transfer and ensure that medication is reconciled upon arrival. Healthcare providers across the estate take all measures to ensure continuity of medication.

HMP Rye Hill has an on-site dispensing pharmacy to ensure continuity of medication for men arriving at the prison. The healthcare team is able to provide medication as prescribed following an initial screening process in admissions on the day of reception for all prisoners, regardless of whether it is in possession or not. The prison also conducts a further review of each prisoner and their medication needs within 72 hours of admission to ensure awareness of any health issues and required prescribing.

Compassionate Release

The Secretary of State will only release a prisoner early if they are satisfied that there are exceptional circumstances which justify the prisoner's early release on compassionate grounds (ERCG). Each application for ERCG is considered on the facts of each case and will include evidence from medical professionals. If the application meets the criteria, as set out in policy, the prisoner will be released. The ERCG Policy Framework was updated and republished on 16 August 2023. The policy was not broadened and the fundamental principles underlying the approach to ERCG remain in place, however, the policy now provides further examples of the types of illnesses that can be considered under the scheme, which should support establishments such as HMP Rye Hill with considering all appropriate cases. In addition to the updated policy, the Ministry of Justice and NHS have created guidance documents which have been issued to Governors and prison healthcare commissioners and providers. This is to support them with identifying prisoners who may be eligible for the scheme at an earlier stage, and in completing good quality applications that are in line with policy and provide information on risk management and current medical condition.

HMPPS Public Protection Casework Section (PPCS) has liaised with HMP Rye Hill and have confirmed that three applications for ERCG were made during the reporting period, rather than five. Out of these three, two applications were refused and one was withdrawn due to the prisoner sadly dying before a decision was made. The two cases were refused because the policy criteria had not been met and it was concluded that the safety of the public could still be at risk. ERCG should only be granted in exceptional circumstances and when the fundamental principles detailed in the policy have been met. PPCS continue to review completed applications within the two-week target and continue to offer support to establishments by providing advice to staff prior to and whilst completing the application.

Sentence Progression

HMPPS continues to strive to maintain offender flows regardless of offence 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 and the impact is being felt in the training estate. In order to maximise the amount of space available in the Category C resettlement estate, we have taken action to speed up

transfers of eligible prisoners to the open estate, ensuring that all prisoners have up-to-date risk assessments and are reviewed regularly for suitability.

In addition, it has been necessary for Category B and Category C training prisons to continue to hold prisoners in their resettlement period to allow spaces to be allocated by reception prisons. The request for flexibility in the cohorts of all these prisons is a shorter-term measure which, we anticipate, should be mitigated by the continued ramping up of HMP Five Wells and recent opening of HMP Fosse Way. HMPPS acknowledge that, as at 7 August 2023, HMP Rye Hill held 61 men with 24 months or less left to serve, a number of whom may be ready to progress to Category C conditions subject to risk assessment by the Prison Offender Manager. Our priority nonetheless continues to be to encourage prisons to respect offender flows as much as possible and to ensure that the individual and rehabilitation needs of each prisoner are met and protected.

At HMP Rye Hill, a Resettlement Offer is available to all prisoners that are within eighteen months from release or those that are within their parole window. The offer provides prisoners access to a range of services to ensure they are fully prepared for their release into the community. The CONNECT initiative will support all prisoners with applications and contact with external agencies. HMP Rye Hill has been successful in ensuring that 100% of prisoners released have been provided an accommodation address prior to release from custody.