



Chair, Independent Monitoring Board  
HMP Dovegate  
Uttoxeter  
Staffordshire  
ST14 8XR

20<sup>th</sup> March 2024

*Dear Chair,*

**HMP DOVEGATE: INDEPENDENT MONITORING BOARD ANNUAL REPORT  
FOR 1 OCTOBER 2022 – 30 SEPTEMBER 2023**

Thank you for your Board's annual report on HMP Dovegate. I commend the Board for carrying out its statutory role, especially as you had several vacancies. I was deeply saddened to hear four prisoners died during the reporting year, and I would like to reassure the Board that recommendations made by the Prisons and Probation Ombudsman are taken very seriously.

I have read your report with care. I note the Board's concerns that there are still a number of prisoners at HMP Dovegate serving the imprisonment for public protection (IPP) sentence and thank you for drawing this to my attention. I hope to assure the Board that we have a clear strategy, this Government continues to focus on the rehabilitation of IPP prisoners through the refreshed Action Plan published on 26 April 2023, accessed here: <https://committees.parliament.uk/publications/39321/documents/192968/default/>. The Action Plan focuses on improved, clear work streams, with deadlines, and a robust overarching governance structure. Moreso, it provides a renewed effort to support those serving IPP sentences in both custody and the community, and by ensuring each prisoner has a robust and effective sentence plan, tailored to their individual needs, and supporting leavers to comply with licence conditions.

The Lord Chancellor and Secretary of State for Justice announced on 28 November 2023 changes taken forward in the Victims and Prisoners Bill and reforming the licence termination for IPP offenders by making amendments to section 31 A of the Crime (Sentences) Act 1997. These amendments will reduce the qualifying period which triggers the duty of the Secretary of State to refer an IPP licence to the Parole Board for termination from ten years to three years and further detail can be accessed here: <https://www.gov.uk/government/news/reforms-bring-hope-to-rehabilitated-people-still-serving-abolished-indefinite-sentences>.

Nationally, the latest figures reveal that the number of IPP prisoners who have never been released stood at 1,227 as of December 2023, down from more than 6,000 in 2012. Locally, the Director reports that IPP prisoners at HMP Dovegate are being supported by multi-disciplinary staff.

I appreciate the Board's concerns about the lack of secure mental health facilities. This Government is firmly committed to delivering improvements to mental health care and treatment for vulnerable offenders and defendants through non-legislative means and close and ongoing collaboration with partners. Some of this work includes driving forward a non-statutory independent role designed to improve oversight and monitor delivery of the 28-day time limit as set out in NHS England's Good Practice Guidance. The Mental Health Bill will be brought forward when Parliamentary time allows.

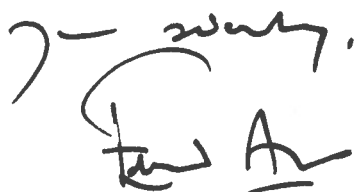
I hope to assure the Board that NHS England Health and Justice West Midlands continues to maintain oversight of long waits and access to secure mental health hospitals. Delays are being escalated to the mental health Provider Collaboratives and Specialised Commissioners both regionally and nationally, as they recognise this is a widespread issue. Fortnightly multi-agency meetings chaired by NHS England Health and Justice West Midlands continue to be held to support prioritisation of patient referrals and expedite transfers. In terms of updates, a national data portal collection exercise is underway to determine the scale of demand and waiting times. Once completed, further delivery actions can then be agreed. Currently, there is a whole system review into the mental health pathway and referral process until that is completed NHS England are not able to comment further on increasing bed capacity.

I note the Board's comments about the number of remand prisoners at HMP Dovegate and as you have pointed out, has notably increased since the last reporting period. The pandemic and the barristers' disruptive action significantly reduced the ability of the courts to hear and dispose of cases at the Crown Court. After the barristers' disruptive action, the Ministry of Justice (MoJ) made strides in reducing the Crown Court outstanding caseload to 60,400 in February 2023 (from 62,000 at the end of October 2022). However, in 2023 saw an increase in the number of cases coming to court, with demand higher than expected. As a result, the outstanding caseload stood at 66,500 at the end of January 2024. I would like to emphasize to the Board that the Ministry of Justice (MoJ) is addressing the outstanding caseload at the Crown Court and has introduced a raft of measures to achieve this aim. This includes funding over 100,000 sitting days during the 2023/24 financial year and aiming to deliver the same again this financial year, alongside recruiting up to 1,000 judges across all jurisdictions. In August 2023, the Lord Chancellor and Secretary of State for Justice announced that he will be investing £220 million for essential modernisation and court building repair work over two financial years, up to March 2025.

Turning to some positive comments and developments captured in your report, it was encouraging to note that on many occasions prisoners have told IMB members that HMP Dovegate is a good prison and have observed good relationships between staff and prisoners. Well done to the team at HMP Dovegate for focusing on key work quality and quantity, which I hope will see some improvements in the next reporting year. I was delighted to hear about the successful Time to Talk mental health event delivered through partnership working and it was pleasing to note two health champions won awards through the national annual peer award scheme. I was also pleased to note body worn video cameras are being used more and new food trolleys have been purchased so prisoners receive hot meals.

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. The Director is managing issues identified through local action plans designed to deliver continuous improvement and compliance. HM Prison and Probation Service (HMPPS) comments in response to other issues raised in your report are set out in the attached annex.

I would like to pass my appreciation on to you for the valuable contribution from members of Independent Monitoring Boards, and I am grateful for the work you do day in and day out.

A handwritten signature in black ink, appearing to read 'Ed Argar', with a stylized flourish above it.

**RT HON EDWARD ARGAR MP**

## HMP DOVEGATE: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 OCTOBER 2022 – 30 SEPTEMBER 2023

### HMPPS comments on matters raised in the report

#### **Prisoners' Property**

HMPPS notes the Board's concerns, despite implementation of the *Prisoners' Property Policy Framework* in September 2022. Volumetric control limits apply to all prisons and the Framework contains a leaflet to explain these limits to prisoners. The Framework places an emphasis on ensuring compliance with volumetric control limits, since anything within these limits will be transferred with the prisoner. Also introduced in the Framework, a new requirement that prisons must transfer excess property within four weeks unless there are exceptional circumstances which make this impossible. In addition, emphasis has been placed on the accurate recording of items. Governors and Directors should ensure management checks are undertaken to have confidence that prisoners' property is being handled correctly and with care. Going forward, HMPPS will monitor the impact of the *Prisoners' Property Policy Framework* and will look at what further improvements can be made.

The introduction of the digitally recorded Persons Escort Record (dPER) has assisted with investigations for property that is lost in transit with the Prisoner Escort Custody Services (PECS) supplier. However, PECS receive few complaints for lost property overall and often the issue is not attributed to the PECS supplier.

PECS review complaints during monthly formal meetings with the PECS supplier. During the last 12 months one complaint has been received from HMP Dovegate in relation to the loss of property attributed to PECS. For property delay, in-line with the HMPPS *Prisoners' Property Policy Framework* if the limit of items allowed in possession has been reached, and if there is no space on the escort vehicle to transport items safely and securely, then the sending prison is responsible for transfer of any remaining items.

Locally at HMP Dovegate, the Director has provided assurance that the complaints process is being managed robustly, and there are systems and processes in place for managing cell clearances and complaints.

#### **Population Pressures**

HMP Dovegate has a reception function serving local courts hence the population mix.

The Government is clear that delivering public protection is not just about better use of custody, and that custody should be imposed as a last resort. By law, courts are required to be satisfied that the committed offence is so serious that only a custodial sentence can be justified, and even when that threshold is met, the courts are able to consider whether a community sentence would be more suitable.

Parliament has provided the courts with a broad range of sentencing powers to deal effectively and appropriately with offenders, including discharges, fines, community sentences, suspended sentences as well as imprisonment. Where the court considers a suspended or community sentence would be appropriate, the sentencing framework gives courts the flexibility to choose and balance a range of requirements, such as unpaid work, drug and alcohol treatment, curfew, and electronic monitoring, with the intention of punishing the offender, providing reparation to the community, and addressing any

criminogenic or rehabilitative needs of the offender which may otherwise increase the likelihood of their reoffending.

Evidence shows that sentences served in the community are more effective in reducing reoffending and rehabilitating individuals than short sentences of immediate custody. Too many lower-level offenders who receive short prison sentences, become stuck in a revolving door of re-offending, becoming further entrenched in criminality, devastating communities, and leaving countless more victims, the exact opposite of what is needed to reduce crime.

According to latest quarterly data, 55% of people given a custodial sentence of less than 12 months are convicted of further offences. For offenders punished with suspended sentence orders with requirements that are served in the community, the reoffending rate is significantly lower at 24%. That is why a presumption to suspend short sentences is being introduced which will place a duty on the courts to suspend short sentences of 12 months' custody or less. The offender would then serve their sentence in the community. The courts will retain discretion to impose a sentence of immediate custody where it is necessary.

The courts have a range of robust powers to ensure offenders are effectively managed when a sentence is suspended. A suspended sentence can include one or more of the fourteen 'requirements' available for a community order, such as a curfew with electronic monitoring and community payback. The courts have the flexibility to choose and balance requirements to punish the offender, provide reparation to the community, and address any criminogenic or rehabilitative needs of the offender which may otherwise increase the likelihood of their reoffending.

We are making full use of developments in electronic monitoring technology meaning that more robust community sentences with tougher conditions are now available for the courts, designed to keep offenders out of trouble.

By the end of this spending review period, nearly £4 billion invested towards the delivery of 20,000 additional, modern prison places, the biggest prison build programme since the Victorian era, ensuring the right conditions are in place to rehabilitate prisoners, helping to cut crime, and protect the public. As the Board may be aware, these places are being delivered through the construction of six new prisons, as well as the expansion and refurbishment of the existing estate and temporary accommodation. We are continuing to invest in prison maintenance so that existing places remain in use and are safe.