

Ministry  
of JusticeChair, Independent Monitoring Board  
HMP Wakefield  
5 Love Lane  
Wakefield  
WF2 9AG15<sup>th</sup> April 2024**HMP WAKEFIELD: INDEPENDENT MONITORING BOARD ANNUAL REPORT  
FOR 1 MAY 2022 – 30 APRIL 2023**

Thank you for providing your Board's annual report on HMP Wakefield. I have read your report with care and I commend the Board for carrying out its role effectively. I would like to reassure the Board that your work is valued. Although it is a statutory role performed by the Board, I appreciate the effort that goes into producing annual reports. Issues raised for my attention are invaluable, and it is important that the actions taken lead to clear and measurable outcomes and your Board members will continue to play a crucial role in providing independent scrutiny of sustained improvements. I appreciate the valuable contribution from members of Independent Monitoring Boards and I am grateful for the work you do.

I was deeply saddened to hear that there were eight deaths in custody during the reporting year. I can assure the Board that I take recommendations made by the Prisons and Probation Ombudsman very seriously.

I recognise that many prisoners subject to Imprisonment for Public Protection (IPP) sentences are substantially post tariff. However, it is vital to protect the public by ensuring that those serving IPP sentences in prison, whether not yet released or recalled to custody following release, are only released when the Parole Board determines that they can be safely managed in the community. The Government will continue to focus on the rehabilitation of IPP prisoners through a refreshed and updated Action Plan published on 26 April 2023 in response to the Justice Select Committee IPP report that can be accessed online. The Plan focuses on improved, clear work streams, with deadlines, and a robust overarching governance structure. The actions we are taking is working. The number of prisoners serving IPP sentences who have never been released stands at 1,227 as of December 2023, down from more than 6,000 in 2012.

The Board may also be aware that the Lord Chancellor announced on 28 November 2023 that this Government would be taking changes forward in the Victims and Prisoners Bill to reform legislation relating to the termination of the licence for IPP offenders by making amendments to section 31A of the Crime (Sentences) Act 1997. The Government was particularly persuaded by the Justice Select Committee's recommendation to reduce the qualifying licence period from ten years to five years and we are going further: reducing the period to three years. These amendments will restore greater proportionality to IPP sentences by reducing the qualifying period to three years and providing a clear pathway to a definitive end to the licence and, therefore, the sentence.

The transfer of prisoners with mental health issues has been raised numerous times in previous reports and I appreciate the Board's longstanding concerns. Although the healthcare provider works closely with

the prison to transfer individuals as quickly as possible to secure mental health beds, the system and access remains challenging. Given the challenges with access to Adult Secure Services and high secure beds, the NHS's National team are working with both their regional teams and Provider Collaboratives to ensure there is a national picture of bed availability across secure services.

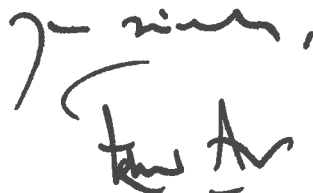
NHS Health and Justice Commissioners meet with case managers and healthcare providers at least monthly to discuss waiting lists and to support escalation of concerns where required. The local Yorkshire and Humber team also has a multi-agency Mental Health Pathways Group that meets bi-monthly to look at system wide opportunities and challenges. Additional mental health funding has been agreed for the healthcare provider at HMP Wakefield to help with supporting the complexity of needs within the prison, including those awaiting transfers. The Provider Collaboratives and Mental Health Specialised Commissioning team will undertake a comprehensive assessment of the population need. The needs assessment will build a vision for future services, working with Service Users, carers, friends and families and local commissioners, being mindful of the need to reduce health inequalities.

The physical security of all our prisons is always a high priority. HMP Wakefield's categorisation as high security prison meant that the establishment was subject to a flight restriction zone back in 2021/22, however this would have been for helicopters only and the legislation would not have covered drones. Any drone incursion back in 2021/22 would therefore not have breached any legislation and not give rise to any action or prosecution. HM Prison and Probation Service (HMPPS) has recently implemented Restricted Fly Zones (RFZ) around all closed prisons which restricts any unauthorised drone use to four hundred metres from the prison perimeter. It is illegal to fly a drone within this area and HMPPS continues to work with the police and across government to mitigate the risk of those who seek to utilise drones to circumvent prison security measures. From 25 January 2024, flight of a drone within one of the new RFZs is an automatic offence and can lead to fines up to £2,500 and the equipment confiscated. Investment in physical and technological countermeasures do serve to support prisons and these are based on individual vulnerability assessments which are offered to all prisons, including HMP Wakefield, to both understand the local risks and opportunities to mitigate against this. The governor will continue to utilise intelligence reports and closely monitor the prison population for any capacity and appetite towards drone activity.

I appreciate that the Board has raised repeated concerns for my attention and it was therefore reassuring to receive your comments that HMP Wakefield provides an overall fair and humane regime. I was also encouraged to note that the prison has a good discrimination complaints system in place with a considerable reduction in the annual summary of general complaints, and the success of the monthly family day which is an extended visits session that facilitates a more relaxed and social environment.

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.

Once again, I would like to thank the Board for your valuable contribution and I am grateful for the work you do.



**RT HON EDWARD ARGAR MP**

## HMP WAKEFIELD: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 MAY 2022 – 30 APRIL 2023

### HMPPS comments on matters raised in the report

#### **Legal Resources for Prisoners**

In accordance with the Prison Education and Library Services Policy Framework, paragraph 4.23 sets out that every prison must have a library and Governors must ensure, as a minimum, that a prisoner's statutory entitlement to library provision is met. Paragraph 4.26 of the Framework sets out that the following publications must be made available in prison libraries:

- Archbold's Criminal Pleading, Evidence and Practice
- The Civil Procedure Rules
- Extant Prison Service Instructions (PSIs) and Prison Service Orders (PSOs), Policy Frameworks (when published) excluding those that have restrictions placed on them

If copies of prison policies are not already printed out and available to view for all prisoners, they are able to ask library staff to ensure that one is available. All resources (excluding those with restrictions placed on them) are available to view and download from the Gov.uk website which is also accessible to members of the public. Additionally, PSI 75/2011 *Residential Services* states that 'The cancellation of PSO 2605 Legal Services Officer means that there is no longer a mandatory requirement on prisons to have a designated Legal Services Officer'. Residential staff must assist prisoners who wish to access legal advice by providing lists of legal advisers, supplying appropriate forms and assisting prisoners to complete them where requested due to language or literacy difficulties'. PSI 07/2015 *Early Days in Custody* provides further guidance and information.

#### **Astroturf Sports Pitch**

Further to last year's response, HMPPS appreciates the Board's continued concerns and recognises that access to this facility enhances the regime and contributes to health and wellbeing. There are currently no funded bids to allow this work to be completed. All requests from the establishment will be considered, noting 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.

#### **Detached Duty Selection**

The decision to request a prison to supply officers for national detached duty (NDD) is taken at a supply validation panel. The panel is chaired by the Deputy Director Prisons and attended by representatives from Area Executive Director (AED) offices. Prior to the meeting all prisons submit their staffing levels and includes non-effectives, such as staff on temporary cover, secondment, or in training. All non-effective staffing figures are taken into account when assessing the ability to provide staff on NDD.

Prison Group Directors (PGDs) collate and assess these returns which give an indicative supply level. They have the opportunity to include their operational judgment on the expected supply level prior to submitting to the AED office. The AED can also quality check and advise if they are content operationally with the expected supply level. Once this process is complete, the supply validation panel confirm the actual level of NDD staff that may be required each month. The process for providing staff on NDD is mainly via volunteers. If there are insufficient volunteers then a random name generator is used to provide names of staff who will be compelled to go on NDD for two weeks. The random name generator is rarely

used as most staff decide to volunteer. All staff deployed on NDD are deemed suitable by the sending establishment's Governing Governor.

HMP Wakefield's NDD supply commitment for March 2024 was set at up to twenty-four officers. With a staff in post figure of 297, it was concluded that there should be scope to provide this level of NDD without leaving the prison short of experienced officers. Whilst HMP Wakefield remains above its target staffing level there will be an ongoing requirement for NDD support unless the PGD or AED determine this is an operational and stability risk. Future NDD levels will depend therefore on any ongoing recruitment, the success of this and levels of attrition.

### **Site Security**

HMP Wakefield had a security systems upgrade programme approved which was titled 'Security Systems Upgrade Phase 3 Performance Specification'. The programme of works included under vehicle scanning/viewing and replacement of the analogue CCTV system (full details of the works can be sought locally, subject to any disclosure restrictions). The original contractor has withdrawn, and the full upgrade project is now undergoing a retendering process. Completion dates are currently unavailable and we are awaiting the appointment of new contractors.

All physical security improvement requirements were considered at the recent Physical Security Committee meeting held at HMP Wakefield on 7 March 2024. This meeting covers all physical security risks concerning the Long Term and High Security Estate whereby options are discussed and developed. The issues reported at HMP Wakefield will be taken forward by the Committee in consultation with the establishment. HMP Wakefield's routine Physical Security Audit was completed in February 2024 and was approved/signed by the Governor and the PGD.