



Ministry
of Justice

Lord Timpson
Minister of State for Justice

Chair, Independent Monitoring Board
HMP Swaleside
Eastchurch
Isle of Sheppey
Kent
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Dear Chair,

**HMP SWALESIDE: INDEPENDENT MONITORING BOARD ANNUAL REPORT
FOR 1 MAY 2023 – 30 APRIL 2024**

Thank you for submitting your Board's annual report on HMP Swaleside. I have read your report with care and would like to thank you and your colleagues for your hard work in capturing the current state of the prison. I appreciate that this would have taken a considerable effort, particularly given that you operated with vacancies from the start and ended the reporting period with less than half the recommended complement of members. I am sincerely grateful to you and your members for all your work.

I was deeply saddened to hear five prisoners died during the reporting year. Any death in our prisons is a tragedy and I extend my heartfelt condolences to their friends and family. All deaths in custody are treated extremely seriously and I would like to reassure the Board that recommendations made by the Prisons and Probation Ombudsman are always acted upon.

I understand and appreciate the Board's continued concerns about prisoners serving Imprisonment for Public Protection (IPP) sentences and I have noted the Board's disappointment around resentencing. Whilst I sympathise with the Board, it is important to note that a resentencing exercise would likely result in most of those still serving an IPP sentence in custody being released without any licence supervision, despite the Parole Board having previously considered that these individuals should remain in custody for the protection of the public. We are carefully considering what further work we can do; whilst it is right that IPP sentences were abolished, you will understand that we cannot take any steps that would put the public at risk.

To enhance support for IPP prisoners, the Government is keen to continue to focus on the rehabilitation of IPP offenders through a refreshed and updated Action Plan, due to be published shortly. The refreshed Action Plan will focus on frontline delivery in our prisons and the Probation Service, to ensure that those serving IPP sentences have robust and effective sentence plans which they are actively engaging with, and that they are in the correct prison to access the right interventions and rehabilitative services. This is the most effective way to help them to reduce their risk so that they can progress towards safe release from custody. I am very mindful of the specific and substantial challenges faced by those serving IPP sentences and this is an issue I feel passionately about.

In a broader context, the Board will be aware of the Lord Chancellor's recent announcement that from 1 November 2024, anyone who was released on IPP licence five or more years ago and has spent at least the last two years of that period in the community without being recalled, will have their IPP licence terminated without the need for a review by the Parole Board. The Secretary of State will also have two

new powers, the power to use 'Risk Assessed Recall Review' (RARR) for recalled IPP prisoners and the power to disapply a recall. The first enables her to re-release people who have been recalled at any point without referring the case to the Parole Board, where safe to do so. The second enables her to not reset the two-year period after someone is re-released from a recall. The Government is committed to working with organisations and campaign groups to ensure the appropriate course of action is taken to support those still serving IPP sentences.

We recognise that the incursion of drones is an estate-wide security issue. It is therefore helpful that 400 metre Restricted Fly Zones are now in place around all closed prisons and young offender institutions in England and Wales, making it an offence to pilot a drone in the restricted areas without authorisation. The Air Traffic Management and Unmanned Aircraft Act 2021 allows prisons to authorise the use of counter-drone technology. The Act also enables the police to stop and search those suspected of committing drone-related crimes. HM Prisons and Probation Service (HMPPS) is exploring options to mitigate this growing risk, including technological deployments and resourcing to maximise impact, whilst also working closely across government to assess the effectiveness in a rapidly changing technological landscape. In the meantime HMPPS will continue to work hard to deter, detect and disrupt the illegal use of drones that target our prisons. HMPPS conducts vulnerability assessments across the estate to understand risk and develop action plans to assist prisons to manage and mitigate the threat, and this is available to HMP Swaleside.

The Government and I share the Board's concerns about population pressures and that is why decisive action was taken with the Lord Chancellor's announcement of an interim measure to free up prison places by temporarily reducing the time those sentenced to Standard Determinate Sentences (SDS) serve in prison from 50% to 40%. This measure, known as SDS40, will not apply to prisoners sentenced for most sexual offences and certain domestic-abuse related offences irrespective of length. It will also exclude serious violent offences with a sentence of four years or more. Owing to the ongoing pressures on the prison population, category B and category C training prisons, including HMP Swaleside, continue holding men in the resettlement cohort so that spaces in the resettlement estate can be prioritised for use by reception prisons. We are confident that the SDS40 initiative will provide welcome relief across the prison population and enable some movement of category C resettlement prisoners to establishments that better serve their resettlement needs.

There is no doubt there are challenges at HMP Swaleside and it was therefore reassuring to receive your comments about the good work done in education together with an improving regime. The Board will know that I have a keen interest in skills and training and consequently I was very pleased to hear about the bike repair programme which also saw an auction raising over £1,000 for charity. I hope to hear about the success of the planned TV refurbishment programme in next years' report. .

I note the Board has raised a number of issues for the attention of HMPPS, comments in response to these matters are set out in the attached annex. Local issues of concern raised in your report will be addressed by the Governor who will continue to keep you aware of progress as work continues. The Secretary of State and I hugely appreciate the invaluable role of Independent Monitoring Boards throughout the estate and we are very grateful to you and your team for your continued hard work on behalf of HMP Swaleside.



Lord Timpson
Minister for Prisons, Probation, and Reducing Reoffending

HMP SWALESIDE: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 MAY 2023 – 30 APRIL 2024

HMPPS comments on matters raised in the report

Deaths in Custody

Since HM Inspectorate of Prisons inspection in September 2023 until April 2024, there were no self-inflicted deaths at HMP Swaleside. Improvements have been made in Assessment, Care in Custody and Teamwork (ACCT) document quality, including case management and assessor training. The prisons safety analysts continue to provide a greater understanding of prisoners at risk, engaging with prisoners regularly and providing knowledge and feedback to residential staff, managers, and partner agencies to understand the risks and triggers around self-harm. Additionally, the analysts are working closely with the forensic psychology team for additional direction and understanding. A programme of ACCT upskilling around officer training has been implemented with the prison seeing improvements in joint working, allowing for an improved collaborative approach by security, drug strategy/health and safety teams.

Care, Separation and Reintegration Unit (CSRU)

The amount of time a prisoner spends in the CSRU is dependent on the individual's circumstances. When a prisoner arrives in the CSRU every effort is made to ascertain their security risk to the establishment, what support needs to be put in place whilst located in the CSRU, and an exit strategy. When all the key data has been collated, the prison can make an informed and defensible decision about next steps.

HMP Swaleside has updated the local 'refusal to locate' policy which is designed to deter prisoners from staying in the CSRU for an extended period, unless they are subject to sanctions through the Incentives Policy Framework. Prison managers are working closely with the other prisons in the Long Term and High Security Estate (LTHSE) for virtual segregation moves. This is an initiative that brings prisons together to discuss prisoners that have been in their respective CSRUs for some time and require a fresh start. This approach has resulted in some positive transfers. Ordinarily a prisoner would have gone from a segregation unit at one prison to a similar facility at another, however these meetings have resulted in some prisoners transferring to normal location at the receiving prison.

Offender Flow and Allocation System

HMP Swaleside, as a category B training prison, will accept sentenced category B prisoners, aged 21 years of age or older with more than 29 days time left to serve, although at present there is an agreement to transfer category B prisoners with no less than 6 months time left to serve. Combined with a small category C population, this may improve stability and is assessed weekly by the prison. The LTHSE Population Management Hub maintain sole responsibility for identifying category B prisoners for transfer into the prison, including those closer to 21 years of age. This process takes into account security assessments, the specific needs of the individual, the cohort mix, and stability in the prison. HMPPS remains committed to ensuring all prisoners, regardless of age, are offered an equitable service to help them progress through their sentence and eventual reintegration back into the community. HMPPS' Population Management Unit and the Offender Flows team will continue to work closely with the LTHSE to manage the population in HMP Swaleside and other prisons in the LTHSE against the backdrop of continuing population pressures faced by the organisation.

Kitchen

Plans for additional accommodation at HMP Stanford Hill have been approved, which include the construction of a new kitchen to provide meals for all residents at the prison. Initially, the kitchen upgrade was scheduled for completion in 2023. However, the timeline has been delayed due to the first appointed

contractor entering administration in Spring 2022 followed by the replacement contractor also entering administration in October 2024. Consequently the project will need to be retendered, and the completion date remains uncertain. In the interim, HMP Swaleside will continue to manage catering services for HMP Standford Hill.

Prisoners Convicted Of Sexual Offences (PCOSO)

There is proportional access to education against the size of the population, and therefore equality of opportunity for all prisoners. It is acknowledged that there is limitation within the workshop offer due to safety concerns. However, the work offer for PCOSOs does have enough capacity for the unit, with the prison reporting that they often struggle to get enough PCOSOs to fill the workshop. The workshop itself is on par with the highest pay rates in the establishment to make attendance more attractive. Golf-Wing South does have its own workshop and there is a steady cohort that will attend from the unit, but many do not take the opportunity for various reasons.

The prison is exploring the possibility of integrating PCOSOs with situational vulnerable prisoners to make one cohort to increase the activity offer available to them and this will be discussed at HMP Swaleside's Senior Leadership Team meetings. Additionally, due to poor attendance with the education offer for Golf-Wing South and East, the prison is looking at facilitating education outreach work on the units to improve the education offer available.

Mental Health

NHS England recognise the impact on prisoners' mental wellbeing due to the pandemic and have developed wellbeing projects, including Social Prescribing activities aligned to the Harm to Hope Agenda, delivering activities such as yoga, music workshops, breathwork and virtual reality Headsets. Art Boxes containing high-quality art supplies have been distributed by mental health practitioners to prisoners at HMP Swaleside who would benefit most. The boxes have been well received with great feedback from recipients. Following the HM Inspectorate of Prisons (HMIP) 2023 inspection, HMP Swaleside have worked closely with the primary mental health provider to attract additional staff to their mental health services to expand the provision of psychological intervention programmes to meet the needs of the population. HMIPs independent review of progress in August 2024 found that the prison had made reasonable progress in this area and had recruited a number of new staff into roles that allows further interventions to be run that benefit the prison's population.

Separately, the Board will be aware NHS England conducted a Health and Social Care Needs Assessment for HMP Swaleside which was published in May 2024. Along with the recommendation to increase mental health staff, the report also highlighted the lack of one to one meeting and group rooms to deliver interventions. The findings from the Health and Social Care Needs Assessment will inform future commissioning for mental health provision at HMP Swaleside.

Gang Culture

To combat gang culture at HMP Swaleside the prison are running three separate countermeasures: a local thematic review of current data, intelligence, and actions; a National Drone operation lead by Cambridgeshire's constabulary; and a South East Regional Intelligence Team (SERPIT) High-Harm team that is a local intelligence led investigation that has already produced arrests.

Often when prisoners transfer into HMP Swaleside, very little, if any, is known of a prisoner's gang affiliations. The prison's safety team have been working to gain further knowledge around prisoners and gang affiliations. Previously, prisoners had been reluctant to offer any information around gang affiliations. However, the prison have been able to utilise safety representatives to improve their approach which has increased co-operation. The prison also holds forums and meetings with prisoners involved in gang

culture to better understand gang rivalries, where specific gangs are located, and methods of identifying gang affiliation and non-associations.

Additional specialist support is being provided by HMP Belmarsh's gang unit, whilst the prison is now cross-referencing different digital databases to further expand local knowledge. Consideration is also being given to implementing Gangs and Resolution Outreach Workers (GROW) representatives, which has been successfully implemented at HMP Belmarsh, once the gang strategy has been finalised.

Body Worn Video Cameras (BWVCs)

HMP Swaleside has 190 Body Worn Video Cameras (BWVC). This allocation was based on their Band 3-5 Offender Management in Custody total staffing figure of 317, with an estimated maximum staff on duty figure of 172. This allows for a float of 18 BWVCs, allowing every Band 3-5 member of staff on duty to utilise a BWVC in line with the policy requirement. The prison is able to purchase additional BWVCs if needed as it is now a catalogue item available for local purchase.

In April 2024 the prison had a refresh of the BWVCs improving the whole system. All BWVCs now have a 30 second pre-record function set as standard so that when a camera is activated, it automatically records the last 30 seconds prior to being activated. It also allows the prison to locate footage on the cloud system more easily, as everything is automatically uploaded to the cloud as soon as a camera is docked. Scrutiny is then available remotely and not limited to the computer at the docking station. The prison has reported that the update of the BWVC system has proved invaluable, both as a deterrent and in the detection and prosecution of crime, and utilised both internally and with external crime agencies.

Constant Watch Cells

The prison acknowledges that G wing's constant watch provision is inadequate and have directed the Clean Rehabilitative Enabling and Decent team to improve the environment of all existing constant watch cells. As a longer-term solution, HMP Swaleside have identified cells within the In-Patients Department (IPD) that could be used to locate prisoners requiring a constant watch. This has been forwarded to Ministry of Justice Property Directorate for improvement from the current provision in terms of decency and number of available cells.

Adjudications backlog

HMPPS appreciates the Board's recognition of the prison's efforts to alleviate the backlog of adjudications. The original backlog of adjudications was due to an information technology and reporting issue when data was uploaded from the old P-Nomis database onto the new Digital Prison Service system in early 2024. Further investigation established that much of the original backlog did not exist in reality.

The current backlog is due to newer adjudications being adjourned for the adjudicator to hear and see all available evidence. HMP Swaleside is working to reduce the causes of the backlog and aims to streamline the process, making it quicker to complete each charge. The focus is on having the reporting officer and all available evidence at the hearing together with improving communication with prisoners that do not attend. Adjudication Liaison Officer training will further help professionalise the process and prevent poor charges being laid.