



Chair, Independent Monitoring Board  
HMP/YOI Downview  
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4 December 2024

Dear Chair,

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

Thank you for submitting your Board's annual report on HMP/YOI Downview. Having read your report with care, I am really grateful to each and every one of you for the huge amount of work that has been put into capturing your helpful observations. This is especially impressive as you had two vacancies by the end of the reporting year. Please do pass on my thanks to your colleagues. I also had the opportunity to visit the prison on 25 July 2024 to witness and discuss some of the challenges the prison has been facing.

I appreciate you highlighting the suspected data breach to me. I would like to emphasise to the Board that the role of the IMB staff at the Ministry of Justice is to advise local Boards on matters of compliance and their advice was based on the evidence the Board provided. I know the Information Commissioner's Office decided no further action was required based on the actions that were already being taken. IMB staff are ensuring that the actions identified from this incident are applied going forwards.

I was deeply saddened to read that a prisoner died during the reporting year shortly after being released on a Friday. I offer my heartfelt condolences to their friends and family and would like to reassure them and the Board that any recommendations made by the Prisons and Probation Ombudsman are taken extremely seriously. I hope the Board will welcome that since December 2023 there is a presumption that prisoners serving more than 28 days in custody and due to be released on a Friday or a Bank Holiday will be released one working day early under the *Discretionary Friday/pre-Bank Holiday Release Scheme Policy Framework*. Although there are exclusions and exceptional circumstances, this change ensures there is sufficient time for those being released to access essential services that may close for weekends and Bank Holidays.

It was disappointing to read that the Board was unsatisfied with the responses received from the previous Government Minister of State for Justice. I understand from my Private Office that, like me, previous Ministers have sought to respond to every annual report and follow-up correspondence by addressing the specific concerns that the Board raises; it must be frustrating if your members have not felt that this has been done successfully. It is becoming increasingly clear to me that matters raised by IMBs often reflect system wide issues across the prison estate, criminal justice system or wider Government services. These issues, and others, may not be straight forward to solve, requiring progressive and collaborative action over a period of time to make the necessary changes. In informing individual Boards about strategic aims and actions, it is expected that where there is a national element to the concern there has been (and will continue to be) consistency between replies to different Boards. Nevertheless, I realise that you will also be interested in improvements being implemented locally and hope that you will find that this

year's response provides the appropriate balance. Staff continue to deal with difficult challenges day to day and I am extremely grateful for this hard work. I welcome the Board's views and am working hard to arrange opportunities to engage further wherever possible, such as the Independent Monitoring Board event at HMP Berwyn on 11 November 2024 where I spoke and answered questions from a number of members from across the country.

I fully appreciate the Board repeating its concerns about acutely mentally unwell women at HMP/YOI Downview. I can confirm that the Government and the Ministry of Justice are working with the Department of Health and Social Care to introduce a Mental Health Bill as soon as possible. This will include a range of reforms to support and improve access to mental health care for patients in the Criminal Justice System so that those affected get the timely care they need. It is also acknowledged that there are pressures on mental health services nationally and the Board's concerns do echo the findings from the report by HM Inspectorate of Prisons 'The long wait'. In response, NHS England Health and Justice National team are working strategically across the system to improve pathways, including closer regional oversight of data and process which is feeding into the strategic work.

Turning to population pressures, I hope the Board welcomes the interim measure to free up prison places which the Lord Chancellor announced on 12 July 2024. This temporarily reduces the time those sentenced to Standard Determinate Sentences serve in prison from 50% to 40% and HMPPS will assess the impact of these measures on the prison population. This could enable targeted reductions of the least suitable prison places, but it is not possible to commit further until the policy is successfully implemented and the overall capacity position has stabilised. I'm sure the Board can understand that sentencing is a matter for the Judiciary, but HMPPS does continue to raise awareness of the specific issues which are faced by women who offend and increase the understanding of the possible implications and opportunities of sentencing, through the completion of pre-sentence reports and the wider roll out of briefing materials to court staff. HMPPS is also working with partners across Government and the women's community sector, with a focus on; intervening earlier and diverting women away from the criminal justice system where appropriate; reversing the decline in the use of robust community sentences for women; and ensuring that those women who do need to be in custody are given the best chance possible to tackle the drivers of their offending and to contribute meaningfully to society.

I sympathise with the Board's concerns around delays encountered by transgender prisoners, but every effort is made by the Complex Case Board (CCB) to inform them of allocation decisions in the quickest time possible to reduce the anxiety and uncertainty experienced whilst they await the outcome. Following publication and implementation of the revised version of *The Care and Management of Individuals who are Transgender* policy framework in 2023, which included a new Ministerial exemption process there were some instances, like the case mentioned by the Board, where prisoners waited much longer than anticipated or hoped. Steps were taken by CCB members and staff in prisons to keep each individual updated and provide them with close support. CCBs will continue to do all they can to ensure that their actions are completed at the earliest opportunity and ahead of receipt of Ministerial decisions.

In relation to the Prison Advice and Care Trust (Pact) contract, I can clarify that 'Open Book' accounting has been conducted and they are operating within the agreed contractual profit margin. The supplier is absorbing an overspend on delivery, due to the contract being fixed price until 2027. The costs are not excessive, as the Women's Estate was allocated a larger pot of funding per prison given their unique needs for family work. There are quarterly contract reviews between the prison and Pact, with HMP/YOI Downview's own assessment that Pact has improved delivery this year. Additionally, for women who do not receive visits, Pact has been holding support groups wing by wing since January 2024.

Regarding the number of recalled women, I can assure you that these decisions are not taken lightly and that public protection is our priority. The decision to recall an offender on licence supervision is taken on

the professional advice of senior probation staff following consideration of safe alternatives to recall. Where offenders are recalled, it is because they present a risk of serious harm to the public and the controls available are no longer sufficient to keep the public safe. These individuals will remain in prison for only as long as necessary to protect the public.

It was truly encouraging to receive your comments about the Care and Separation Unit staff, whom you have observed displaying extraordinary resilience, patience and compassion for the women in their care. Also, that you continued to hear regular reports from prisoners, and observed through your own monitoring, regarding the extraordinary efforts to which the employment lead and the community engagement manager went to secure employment opportunities for women in preparation for release, going far above and beyond their role in securing positive outcomes for women.

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 Secretary of State and I hugely appreciate the valuable role played by members of Independent Monitoring Boards throughout the estate and we are very grateful to you and your colleagues for your continued hard work on behalf of HMP/YOI Downview.



**Lord Timpson**  
**Minister for Prisons, Probation, and Reducing Reoffending**

## HMP/YOI DOWNVIEW: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 MAY 2023 – 30 APRIL 2024

### **HMPPS comments on matters raised in the report**

#### **Attendance data**

Attendance data for education and activities is captured by the prison and recorded via Digital Prison Services (Nomis) and the Curious system. Curious contains the contracted, education timetabled activity commissioned through the Annual Delivery Plan. Attendance is managed through the Education Skills and Work (ESW) team at site level, monitored via the Education Performance Meetings and reviewed as part of service level assurance. Monthly tier 2 reviews are undertaken by the Education Group to confirm the accuracy of data input into Curious, if anomalies or recording errors are identified this is raised directly with the ESW team at the establishment, to provide an explanation or take appropriate necessary action if required. Processes have been shared with all establishments to ensure they understand the requirements around inputting attendance data into Curious.

Locally, the prison discusses attendance data daily at operational morning meetings, comparing figures from the wings against those recorded in the activity department, factoring in additional elements such as individuals signed off sick. The Reducing Reoffending and Education, Skills and Work teams provide audits to monitor the efficiency and accuracy of recording, with the priority of making sure as many prisoners as possible attend their allocated activity. The Governor chairs a fortnightly Activity Allocation and attendance review meeting to ensure they are realising the best possible results.

#### **Prisoners Property**

HMPPS notes the Board's ongoing concerns about property when a prisoner transfers establishments. The emphasis must remain on prisoners complying with volumetric control limits, since any property within these limits will be transferred with them. This includes items which are exempt from volumetric control, such as legal papers. It is simply not possible to transfer with a prisoner all excess property which they might have accrued above these limits. There has been a requirement since the introduction of the Prisoners' Property Policy Framework for prisons to transfer any excess items within four weeks. Previously, there was no time limit in place. HMPPS is however aware of the problems around practical application of the policy and continues to look at what further can be done to improve this.

The Prisoner Escort Custody Services (PECS) vehicle fleet is designed to transfer the number of prisoners intended, together with their property in line with the volumetric limit. In addition, the PECS Supplier shall transfer a reasonable volume of legal documentation. The introduction of the digitally recorded Prisoner Escort Record includes a property section that accurately records the number and type of sealed property, 'owned' by and transferred with the prisoner, and an accurate record of property handover between different Stakeholders. This is now embedded as business as usual. The digital process has assisted with investigations for property that is lost in transit with the 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 there have been no complaints received from HMP/YOI Downview in relation to the loss of property attributed to PECS. For property delay, in-line with the HMPPS Prisoner Property 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 responsibility for transfer of any remaining items remains with the sending prison.

### **Release on Temporary Licence Transfers to Open Prison's**

New employment partners continue to invest in HMP/YOI Downview, which includes new work for the industry workshops, especially the London College of Fashion, as the prison looks to the future. The prison is in a very good position for new partners and business connections, as prisoners still require jobs on release even if Release on Temporary Licence (ROTL) opportunities are reduced at present. New Futures Network continue to work with national partners, and where possible, ensure prisoners who transfer to another prison can continue to access ROTL.

Locally, it is recognised there has been a significant reduction in the number of open prisoners held at the prison and also a significant reduction in the number receiving ROTL due to capacity pressures. However, there remains some prisoners on ROTL, including paid ROTL. It is also acknowledged that there has been a period where no prisoners were receiving ROTL for the Clink or Max Spielmann. The prison has recently developed a new employer space and through the excellent work of the Employment Advisory Board and its Chair, employment on release outcomes have been consistently strong.

### **Transfers**

Due to population pressure in the prison estate every bed matters. Flows into HMP/YOI Downview allows spaces to be available within local prisons to serve the courts. Due to the increase in movement of prisoners throughout the estate it is important that all prisons adopt a flexible approach to receiving prisoners.

HMP/YOI Downview do make arrangements to transfer prisoners for local release, accept prisoners to allow them to have accumulated visits closer to friends and family, or arrange a more appropriate transfer to a prison closer to home where possible. Additionally, Pact help prisoners and their families to build and maintain stronger ties, and for women who do not receive visits, Pact has been holding support groups as mentioned in the Minister's response.

### **Dementia Testing**

HMPPS believes that prisoners should experience equivalence with services for the public in relation to commissioned health and social care services in prison and are committed to providing access to quality dementia care to people in prison. HMPPS works closely with NHS England and Wales to support this work, who the Board will be aware are responsible for all health and social care services including dementia care along with the local authorities.

This has been an area of challenge for the NHS England Regional Health and Justice team. Work commenced with the Integrated Care Board (ICB) in June 2023 with minimal improvement. Escalation within the ICB Surrey Heartland system has resulted in a response from the joint intelligence group which has been working to embed a process to ensure all referrals are progressed.