



Ministry
of Justice

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Minister of State for Justice

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PUBLICATION OF THE IMB NATIONAL ANNUAL REPORT 2023

Thank you for your national annual report which was published 22 May 2024. I am grateful for the vital independent scrutiny provided by the Independent Monitoring Boards.

I am pleased that the report has noted some positive findings, especially at a local level. Your report also outlines several concerns which I take seriously. I have outlined in the annex to this letter, the actions that we are already taking and further action we plan to take that will address these concerns.

Thank you again for the invaluable work conducted by you and the local Boards across the prison estate and youth custody sites.

RT ON EDWARD ARGAR MP

Annex**Population changes**

Our number one priority is protecting the public and cutting crime by taking dangerous criminals off the streets. We can only do this by always ensuring we have sufficient places to hold all those sentenced to custody. This is why we are delivering the largest prison building programme since the Victorian era – with 10,000 of the 20,000 additional places to be delivered by the end of 2025. As of May 2024, we have already delivered c.6,000 of the additional 20k places. We have also put in place a number of short-term measures across the prison estate to expand capacity, while ensuring our prisons remain safe for both offenders and staff, including delaying non-essential maintenance, doubling up cells where safe to do so, and maximising use of the open estate.

We continue to pursue the package of longer-term measures that the Lord Chancellor announced on 16 October 2023 to reform the justice system and to address prison capacity challenges. The measures include: the extension of the Early Removal Scheme, introducing a presumption to suspend sentences of 12 months or less, curtailing the licence period for IPP sentences and extending the use of Home Detention Curfew (HDC). On 11 March 2024, the Lord Chancellor announced the next steps in our plan, to allow us to go further and faster in removing Foreign National Offenders (FNOs). This includes expediting prisoner transfers with our priority partners such as Albania and the creation of a new taskforce across the Home Office and MoJ to change the way we process FNO cases radically.

Safety concerns

The recent population and staffing pressures have created new risks to safety. Nevertheless, maintaining the safety of prisoners, staff and visitors continues to be a top priority and we are investing in our prisons to make them safer for everyone.

We provide individualised support through ACCT (Assessment, Care in Custody and Teamwork), our case management process for those assessed as at risk of suicide and self-harm. This approach places a strong emphasis on identifying individual risks, triggers and protective factors and having effective care plans in place to record, address and mitigate risks.

We know that there are links between levels of staffing and safety outcomes in prisons. Following intense recruitment activity, there was a net increase of 1,396 prison officers since March 2023, an increase of 6.3%. Over the same period, the resignation rate for officers fell by 1.4 percentage points to 8.4%. This will reduce prisoners' frustration by helping to ensure delivery of consistent prison regimes and allow staff more time to meaningfully engage with prisoners.

We are implementing training for staff to help them understand what drives prison violence and self-harm in prisons. This includes a module on violence which will equip staff with the skills to hold difficult conversations, de-escalate effectively and use the Challenge, Support and Intervention Plan (CSIP) within their establishments. We are also developing a module on risks, triggers and protective factors to help improve staff understanding of what drives violence and self-harm in prisons so they can better identify individuals at risk of harming themselves or others and take effective action to mitigate those risks. The recent population and staffing pressures have brought new risks to safety. Nevertheless, maintaining the safety of prisoners, staff and visitors continues to be our top priority and we are investing in our prisons to make them safer for everyone. We will also be reissuing the Cell-Sharing Risk Assessment (CSRA) policy as a new policy framework later in 2024, reinforcing the importance of completing the assessment promptly and correctly. In the interim, we have issued advice and guidance to prisons about CSRA, and we are undertaking upskilling visits around the estate.

To protect staff and prisoners in very serious assaults, we have rolled out PAVA – a synthetic pepper spray – for use by prison officers in adult male estate. We have also rolled out a next generation Body Worn Video Camera solution which has increased the availability across public sector prisons from 6,000 to over 13,000 cameras, so that every prison officer on shift has access to a camera. The cameras will help to provide high-quality evidence to support prosecutions against prisoners who commit assaults.

We are also supporting staff in a range of ways and have Staff Support Leads nationally to enable prisons to focus on co-ordinating and getting appropriate support for all staff at the right time. We have rolled out TRiM (Trauma Informed Risk Management), a trauma-focused peer support system designed to help people who have experienced a traumatic or potentially traumatic event.

We committed to having a zero-tolerance approach to crime in prisons, including the smuggling of illicit items, such as drugs, that undermine safety and security. Our £100 million Security Investment Programme, aimed at reducing crime in prisons, was completed in March 2022. This investment delivered airport-style enhanced gate security at 42 high-risk sites and 75 additional X-ray body scanners (covering the whole adult male closed estate) to prevent prisoners smuggling contraband internally. As of October 2023, we had recorded 46,925 positive indications, helping to tackle the supply of drugs and mobile phones into prisons. We have since installed X-ray baggage scanners at 49 sites to complete the enhanced gate security offer. To prevent the smuggling of drugs such as psychoactive substances through the mail, we have 165 drug trace detection machines across the estate. The roll-out of 20 additional next-generation trace detection devices was completed in March 2024, meaning every public sector prison now has next-generation equipment.

The remand population as of 31 March 2024 was 16,458, the highest level for at least 50 years. We know that the risk of suicide and self-harm can be higher for remand prisoners. To support remand prisoners, we have introduced a Risk Identification Toolkit which helps staff identify, assess and manage risks effectively. To support contact with families and friends, remand prisoners are entitled to send more publicly funded statutory letters and are eligible to receive an even greater number of social visits. All prisoners can receive a visit within 72 hours of reception upon conviction, additional to the statutory entitlement, have access to use of the secure PIN phone system and are offered a free secure social video call each month.

Self-harm in female estate

The rate of self-harm in women's prisons is high, and we are working to improve our ability to meet the needs of women in custody to improve their wellbeing. Together with NHS England, we will continue to improve services in prison to ensure that people have access to timely and effective mental health care that is tailored to their needs. This is reflected in the National Partnership Agreement on Health and Social Care in England which was published in February 2023. Together with our health partners, we are committed to ensuring that people in prison have access to an equivalent standard, range and quality of health care in prisons to that available in the wider community.

In 2024/25, NHS England will undertake a comprehensive review and consultation of all service specifications for prison healthcare which will ensure that mental health services continue to meet the needs of those in our care.

We are improving support for the most vulnerable women in custody, through the Women's Self-Harm Taskforce which is:

- working collaboratively with NHS England to develop a delivery plan in response to implementing the recent review of Women's Health and Social Care with NHS England. The review contains eight strategic recommendations aimed at improving support for women in prison.
- recruiting additional psychologists to support women with the most complex needs.
- implementing a gender-specific key worker model providing each woman with dedicated support; and piloting a compassion-focussed therapy group designed for women.

The Female Offender Strategy Delivery Plan sets out our framework to deliver better outcomes for female offenders. We are improving staff training and investing up to £14 million by 2025 to support women's safety.

Mental health concerns

All prisoners have access to integrated mental health services commissioned by NHS England. This includes access to a range of treatments and interventions within prison as set out in the national service specification for mental health care in prisons. In 2024/25, NHS England will undertake a comprehensive review and consultation of all service specifications for prison healthcare which will ensure mental health services continue to meet the needs of those in our care.

We recognise that vulnerable people in prison, who meet the threshold for detention under the Mental Health Act and require a transfer to hospital, continue to experience delays in accessing the specialist care and treatment they need. Segregation is an absolute last resort for those deemed a risk to themselves or others and we are determined to reduce unnecessary delays and ensure that patients can access the care they need in a timely manner.

Working closely with our Health and Justice partners, we are driving forward work to introduce a non-statutory independent role designed to improve oversight and monitor delivery of the 28-day time limit set out in NHS England's good practice guidance.

Together with His Majesty's Courts and Tribunals Service (HMCTS) and NHS England, we are piloting a regional Health and Justice Hub in the Northeast to improve the way that courts, health services and prisons work together at a local level to better support defendants with severe mental illness, with the aim ending the use of prison as a place of safety for those who are awaiting treatment or assessment under the Mental Health Act, and to tackle inappropriate remands to prison on the grounds of mental health.

Crowding & Safety

The safety and decency of our prisoners is paramount. We continually monitor prison conditions, and take places on and offline depending on safety, stability, staffing levels and maintenance needs. We will not take decisions that create unacceptable risks to prison safety – but it is right that we explore every measure to deal with immediate capacity pressures, as the public would expect, while we continue with delivering new prison places.

Accommodating two prisoners in a cell designed for one is never desirable but continues to be necessary across the estate in order to accommodate all those committed to custody by the courts. Operational capacities, including manageable levels of crowding, are set by senior operational managers responsible for managing the prison system and represent the maximum number of prisoners a prison can safely accommodate. Prisons are never required to hold more prisoners than their operational capacity. In Spring 2022, HMPPS published a revised framework for the certification of prisoner accommodation, from which the useable operational capacity of the estate is derived. While most single cells in the prison system could physically hold two people, the determination of the maximum crowded capacity of a

particular establishment is a matter of operational judgement, considering risks to safety and stability. These standards ensure that prisoners are accommodated safely even when held in crowded conditions.

Crowding levels are kept under regular review. In 2021, HMPPS initiated a formal capacity challenge process, where senior operational leaders assess and agree safe and sustainable opportunities for crowding across the estate. As part of this formal process, a number of factors are considered including safety, stability, staff recruitment and retention and impacts on regime, activity and ancillaries. This process takes place annually but, as stated above, prisons will never be asked to facilitate further crowding where it is not deemed basically safe or decent by the senior operational managers.

Poor living conditions

We continue to invest in prison maintenance so that existing places remain in use and are safe, decent and secure, we continue to assess the adequacy of the estate for rehabilitation purposes. In December 2023, we completed an estate-wide programme of surveys to assess the condition of each public sector prison and a sample of the privately managed prisons which will provide a much more detailed understanding of the condition of the fabric and critical infrastructure in prisons including the backlog of maintenance works. This includes the continuing programme to improve fire safety across the estate, in line with our commitment to the Crown Premises Fire Safety Inspectorate to make all accommodation compliant with current fire safety standards by the end of 2027.

Low level of purposeful activity

We know that staffing shortages amongst operational grades, including Prison officers, impact our ability to provide optimum regime to prisoners, which is why we continue to take action to strengthen the operational line. Alongside staffing improvements, improving regime delivery is a priority for HMPPS, and we have developed core expectations for regime delivery within the National Regime Model, which was launched in January 2024.

We are also delivering a Prisoner Education Service to improve prisoners' numeracy, literacy and skills, with the aim of securing jobs or apprenticeships after they leave custody. We work closely with all our education providers to ensure vacancies are minimised. They are contractually incentivised to reduce the number of vacant posts and failure to deliver commissioned courses can result in financial penalty.

Improving recruitment of education and training staff remains a priority. An online media campaign is currently being developed to raise awareness of careers in prison education through the provision of targeted digital content that aims to increase the number of applications to these roles. In addition, there is huge economic benefit in unlocking the productive potential of workers and workspaces in prisons. That is why we are investing £16 million to test new ways of increasing workshop activity to get prisoners work-ready and improve labour supply.

Inadequate resettlement work

We recognise the pressures on probation practitioners in community sentence management teams in some Probation Delivery Units (PDUs). Recruitment and retention remain a priority across the Probation Service and we have recruited a record 4,039 trainee Probation Officers between 2020/21 and 2022/23. We expect these intakes to qualify by the end of 2024 and begin to take on Probation Officer caseloads. We are also taking steps to refocus probation practice on the points that matter most to public protection and reducing offending, so that practitioners prioritise early engagement at the point where offenders are

most likely to breach their licence conditions. That will allow frontline staff to maximise supervision of the most serious offenders.

Prisoner progression & Imprisonment for Public Protection (IPP) prisoners

Given the serious offences which those serving the IPP sentence have committed, HMPPS acknowledges that they will need opportunities to reduce their risk, including relevant offending behaviour programmes, and the prisoners themselves will need to embrace those opportunities and engage constructively with them.

HMPPS published its refreshed IPP Action Plan in April last year. The plan is delivering a renewed focus on supporting those serving IPP sentences in both custody and the community. This includes ensuring each prisoner has a robust and effective sentence plan, tailored to their individual needs, and supporting those in the community to comply with licence conditions. Through the IPP Action Plan, HMPPS is putting in place further measures to boost the support for those serving IPP sentences in the community, including two new policies. The first will provide the formal requirements to deliver multi-disciplinary Progression Panels to oversee cases at critical points, such as early period following release, or where cases in custody are not progressing. The second policy sets out the formal requirements for prisons to follow in ensuring progressive prisons transfers take place, when needed, subject to current prison capacity pressures. These new policy frameworks will be published in Summer 2024.

The Action Plan also delivered a first phase of a needs analysis of the never-released IPP population in prisons in December 2023. Analysis of the data from this, carried out in the first half of 2024, will enable HMPPS to identify and then fill any gaps in provision. This will be followed by a similar exercise for those who have been recalled.

We are confident that our approach is working, and the planned activity over the next 12 months will demonstrate further positive steps in ensure that those serving an IPP sentence are able to access the required services or interventions to address their offending behaviour and demonstrate that they no longer pose a risk to the public.

Under 18 Youth Offender Institutions (YOIs)

Population changes

All YOI IMBs were concerned about the number of over 18-year-olds in the establishments they monitored, who were held in the youth estate to alleviate pressure in the adult prison estate. The YCS has always accommodated a small number of 18-year-olds in the youth estate on a case-by-case basis (including those who were awaiting transfer to the adult estate or who were completing the custodial part of their sentence prior to release). In November 2022, in response to the acute capacity pressure in the adult prison estate, the then Prisons and Probation Minister directed that children who turn 18 years old should remain in the youth estate until shortly before their 19th birthday.

All decisions to maintain 18-year-olds in the youth estate continue to be taken on a case-by-case basis. Consideration is given to the young person's risks and needs and the safety of others. Where it has been deemed necessary, some 18-year-olds have still transferred to the adult estate. Newly sentenced or remanded 18-year-olds continue to be detained in adult establishments – the interim policy only affects those who turn 18 whilst in youth custody. No end date was initially set for the interim policy. In late 2023, the Lord Chancellor asked that a formal review to be undertaken and, subject to its findings, a presumption that the interim policy would end in January 2025. The review will focus on three key themes; safeguarding, violence, and access to services.

We have continued to monitor the impact of holding 18-year-olds for longer in the youth estate. Whilst the overall volume of assaults and use of force incidents has increased, the rate proportionate to the higher population have decreased. Rates of self-harm across the population have also decreased.

Levels of violence and weapon carrying

Violence and weapons were still central concerns of English Boards, particularly at Cookham Wood, Werrington and Wetherby. Cookham Wood and Feltham IMBs both commented that a small number of boys were responsible for most of the violence. Children commonly carried weapons because they felt unsafe, and at Werrington increased numbers of boys were self-isolating due to concerns for their safety. In partnership with NHS England, we are taking this trauma-informed approach, focussing on conflict resolution and specialist psychological interventions.

Latest published data shows the rate of overall violence levels have decreased in the youth estate. From October to December 2023, compared to the same period 12 months before, the rate of overall assault incidents is down by 10%, including the rate of assaults on staff is down by 18% and the rate of self-harm incidents are down by 41%.

All sites have a safety strategy that reflects the local drivers of violence and includes tackling the use of weapons and conflict resolution. Trained staff resolve conflict between parties, reducing the need for restrictive interventions.

Shortfalls in enhanced care for children with complex mental health needs

Many children required enhanced support which was not always provided. Feltham IMB had concerns about the management of the enhanced support unit, which received children from other establishments with minimal prior consultation, and no consideration of how children on the unit would interact with others. HMP & YOI Feltham A's Enhances Support Unit (ESU) is due to be refurbished imminently to ensure the unit is to appropriate standard to house children. We hope that this work will be completed by Summer 2024.