



Ministry
of Justice

Lord Timpson
Minister of State for Justice

Chair
Independent Monitoring Board
HMP/YOI Foston Hall
Foston
Derbyshire
DE65 5DN

MoJ ref: SUB135069

19 June 2026

Dear Chair,

**HMP/YOI FOSTON HALL INDEPENDENT MONITORING BOARD ANNUAL REPORT
1 DECEMBER 2024 – 30 NOVEMBER 2025**

Thank you for your Board's annual report and for the commitment shown by members throughout a demanding reporting year. Your observations provide important independent scrutiny of an establishment managing high levels of churn and complexity and I value the clarity and candour with which you have set out your findings.

I was saddened to read of the two deaths that occurred during the reporting period, one in custody and one shortly after release. Every death is a tragedy and I appreciate the impacts these deaths will have had. All deaths are subject to independent investigation by the Prisons and Probation Ombudsman and any recommendations arising will be taken very seriously and acted upon.

You again raise concern about the continuing rise in prisoners subject to short sentences and short fixed-term recall and the resulting impact on rehabilitation and resettlement, alongside increased exposure to drugs, debt and bullying. I recognise that the Board has raised this issue previously and that it continues to generate instability within the prison. Since your last report, the Sentencing Act has received Royal Assent and is now law. The Act requires courts and HMPPS to implement changes arising from the Independent Sentencing Review to reduce reoffending and help manage capacity pressures across the prison system. These include reforms to recall arrangements, standardised release points for determinate sentences, and a new presumption that sentences of 12 months or less should be suspended except where there is an applicable exemption or exceptional circumstances. The Act replaces existing short fixed-term recalls with a single recall period for most offenders with the aim of simplifying arrangements and improving consistency. The presumption to suspend short sentences and the changes to fixed-term recall have now commenced, and other changes will be carefully staged across the year and into 2027. HMPPS has begun a dedicated programme of work to support phased implementation and operational readiness across the service. I recognise that the benefits of these changes will take time to be felt locally, but they are intended to address the cycle of short custodial stays that you describe.

You again reiterate that prisoners with severe and complex mental health needs are frequently received at or remain too long in custody rather than being cared for in hospital or the community. I understand the Board's frustration that this remains a significant source of distress for prisoners and pressure for staff.

Our health partners recognise that vulnerable people in prison who require treatment under the Mental Health Act continue to experience delays in transfer to hospital. The Mental Health Act has introduced a new statutory time limit of 28 days for transfers from prison and other places of detention to hospital. This reform is due to commence following a phased implementation period and health and justice partners remain committed to commencing it within the published timeframe, alongside wider operational improvements intended to reduce unnecessary delays. I fully acknowledge that prison is not an appropriate long-term setting for this cohort, however, staff continue to provide intensive support while transfer arrangements are pursued.

I recognise the Board's ongoing concern that the identification of pregnancy as a mitigating factor in sentencing decisions does not appear to have reduced the number of pregnant women passing through Foston Hall, including those on short-term recall. Sentencing decisions remain a matter for the judiciary. Work continues to raise awareness of the specific issues faced by women who offend, including pregnancy, through the completion of pre-sentence reports where requested and the wider rollout of briefing materials to court staff. While the impact of this approach is not yet evident at HMP/YOI Foston Hall, this remains the principal mechanism available to support informed judicial decision-making.

Your report describes a prison operating under sustained strain because of high numbers of remand prisoners, short sentences and recalls. You highlight the impact this has on safety, rehabilitation and resettlement, alongside the challenges of managing high levels of self-harm, violence, mental ill-health and substance misuse. Against this backdrop, I was encouraged by the Board's recognition of the professionalism, patience and compassion consistently demonstrated by staff, including in the care and separation unit and the proactive multidisciplinary approach taken by the safer custody team.

I note you have raised a number of local issues of concern which the Governor will continue to keep you aware of as work continues. HMPPS comments in response to issues raised for its attention in your report are set out in the attached annex.

The Deputy Prime Minister and I would like to express our appreciation for the invaluable work of Independent Monitoring Boards in holding prisons to account, and we are grateful for your continued commitment on behalf of HMP/YOI Foston Hall.

Yours sincerely,

A handwritten signature in black ink that reads "James". The signature is written in a cursive, flowing style.

Lord Timpson
Minister for Prisons, Probation and Reducing Reoffending

HMP/YOI FOSTON HALL INDEPENDENT MONITORING BOARD ANNUAL REPORT 1 DECEMBER 2024 – 30 NOVEMBER 2025

HMPPS comments on matters raised in the report

Drugs, debt and safety in the context of short-term prisoners

HMPPS recognises the ongoing link between short-term custody, drug misuse, debt and bullying and the harm caused by the illicit economy in prison. This issue continues to be addressed through a combined security and recovery-focused approach.

Operational activity focuses on restricting the supply of drugs through physical security measures and intelligence-led activity, alongside reducing demand through rehabilitative interventions and support for recovery from substance misuse. Naloxone has been rolled out across the estate to reduce the risk of fatal overdose. At HMP/YOI Foston Hall, the independent substance free living unit remains at 40 beds, supported by local policy changes allowing motivated women to move directly from the first night centre. Recovery interventions are being adapted for short sentences, including shorter course lengths, increased mutual aid and weekly 12-step meetings, with SMART recovery delivery due to resume. Work to address debt also continues through use of the Debt Framework for Governors and other operational resources designed to support frontline staff and build prisoner resilience.

Quality and decency of accommodation

HMPPS recognises that concerns about the quality and decency of accommodation, including the care and separation unit, D wing and F wing, have been raised previously and remain unresolved to the Board's satisfaction. Unfortunately, demands for maintenance significantly exceed available funding. All requests from establishments are considered, but where bids are received, works must be prioritised carefully to ensure that limited resources are directed toward risk to life, safety and operational capacity and decency. At this stage, unfortunately, no forecast delivery information is available.

Delays in resolving basic estates defects

We recognise your concerns on the length of time taken to resolve basic estates issues, including prolonged shower closures due to Legionella. The same prioritisation process applies to this work as that set out above with decisions taken on the basis of risk to life, safety and capacity. This approach reflects the significant constraints currently affecting estates funding nationally.

Provision for lower-level mental health needs

NHS England commissions prison mental health services on an outcome basis and does not specify staffing numbers. Vacancies within the mental health team at HMP/YOI Foston Hall are being monitored through quarterly contract review meetings and staff are currently onboarding to address gaps in provision. This remains the mechanism through which improvements in capacity are being pursued within the commissioned model.