



BEHIND CLOSED DOORS

2008 ANNUAL REPORT

NATIONAL COUNCIL
FOR INDEPENDENT
MONITORING BOARDS

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THE FIRST ANNUAL REPORT OF THE NATIONAL COUNCIL
FOR INDEPENDENT MONITORING BOARDS

2008

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Monitoring fairness and respect for people in custody

Foreword

Welcome to the first Annual Report of the National Council for Independent Monitoring Boards. It covers 2008 in particular, but we hope readers will find the account of previous years useful background.



When the ancients asked 'Who will guard the guards themselves'⁽¹⁾ they signalled a question that every mature society must face, the accountability of those who are given power over the lives of others. Nobody in that position, however democratic may be the body which has empowered them, can be complacent about their own capacity to withstand the temptation to exercise more power than they need or to use it for their own purposes.

The setting up of Boards of Visitors, the predecessors of the Independent Monitoring Boards, for all of Her Majesty's Prisons was the working out of that instinct in relation to the modern Prison Service, a statement of intent that prisons should not revert to being the mere dungeons they superseded. Expressed in a new Prison Rule and a new Detention Centre Rule for Immigration Removal Centres (both soon to be enshrined in legislation), the role of the IMB is to:

- Satisfy itself as to the humane and just treatment of those held in custody within its prison/removal centre[and the range and adequacy of the programmes preparing them for release (for prisons only)].
- Inform promptly the Secretary of State, or any official to whom he has delegated authority as it judges appropriate, any concern it has.
- Report annually to the Secretary of State on how well the prison/removal centre has met the standards and requirements placed on it and what impact these have on those in its custody.

To enable the Board to carry out these duties effectively its members have right of access to every prisoner/detainee and to every part of the prison/removal centre and also to the prison's/centre's records. (For a fuller explanation of these new Rules, please see Section 4 of this Report.)

The original Boards of Visitors, composed in large measure of Justices of the Peace, represented a further exercise of accountability and supervision in requiring the local magistracy to take responsibility for the fair and just treatment of those held in establishments to which they had sentenced them. The coming into being of HM Inspectorate of Prisons, the Prison and Probation Ombudsman and most recently the Immigration Inspectorate is the modern development of a professional system of inspection, but as the holders of those offices agree they are no substitute for Boards that are local and are engaged constantly and regularly in monitoring places of custody.

The review conducted in 2000 at the request of Ministers by Sir Peter Lloyd had a number of important results: the renaming of the Boards as Independent Monitoring Boards [IMBs] to make their function clearer has since been given a statutory basis. At the same time he recommended to Ministers the setting up of a National Council to provide national policy and leadership to IMBs in their monitoring task.

The Council is composed of IMB members elected for a three-year term by the IMB members in the regions, one representing the Boards of Immigration Removal Centres and

Short-Term Holding Facilities [IRCs and STHFs], with the addition of up to three non-voting members co-opted to give assistance in specific areas where additional expertise is needed. The Council has an independent presidency, which was held until the end of 2007 by Sir Peter Lloyd, whom I was honoured to succeed. The Council, like the IMBs themselves, is supported by the IMB Secretariat, located within the Ministry of Justice, and led by the Head of Secretariat, Norman McLean.

This report shows that the Council has had much to address. Our task is to give voice to the concerns of IMBs as they come to us through their representatives as well as in their annual reports. It will be seen that the work of the Council is growing, and for three principal reasons:-

- 1) Very properly, there is an increasing expectation that although IMB members are unpaid they will be no less professional for that. That means that recruitment of new members for appointment by Ministers has to be undertaken energetically, and with a process that it is rigorous, transparent and fair, reflecting a concern to attract a diversity of members, reflective of society at large as well as of the prison population. It also means that IMB members need constant resourcing by means of literature and training.
- 2) The prison and immigration detainee population is rising and is expected to continue to do so. Even a cursory reading of the Annual Reports of IMBs shows that this is not something we welcome, but represents a challenge to us that we cannot fail to meet. As well as there being more prisoners and detainees in each establishment, it is clear that the government intends to create new establishments, including some very large ones, and this means that the Council and the Secretariat will need to set up new IMBs.

- 3) The monitoring task itself is growing, and there are more and more areas which IMBs are required to examine. For example, IMBs note in their establishments the effects of the late arrivals of many prisoners and detainees. That reveals the need to monitor the transport arrangements that are in place: for Category A prisoners and for immigration detainees there have been no transport monitoring arrangements, and we are evolving a constructive relationship with the Lay Observers who include in their responsibilities the monitoring of other transport arrangements within the Prison Service.

The Council is rooted in the experience of IMBs: the concerns we address and the issues we raise with Ministers and with the Prison Service and the UK Border Agency derive from what our 1800 members observe as they go about their regular business of visiting their establishments, speaking to prisoners and staff and reflecting on what they see and hear.

So when we raise issues such as learning and skills, or healthcare, or prisoners of foreign nationality, or overpopulation, we do so because our 'eyes and ears' within IMBs are bringing those issues to us. You will read in the following pages how we have responded to what has come to us. We find our work challenging, interesting and – in an aspect of society that cannot be called fashionable – a source of hope. We are here because of our conviction that all guards need guarding, and that our guardianship too needs to be open and accountable, so that those whom we represent and those whose fair and respectful treatment we monitor can in turn take stock of how we are doing.

President of the National Council

⁽¹⁾Quis custodiet ipsos custodes? – Juvenal, following questions asked by Socrates and Plato among others. 'Custos' gives us our word 'custody'.

EXECUTIVE SUMMARY

The National Council was established in 2003 to help IMBs fulfil their statutory duty, protect their independence and provide them with a national voice. In the past five years the Council has introduced a number of good practice initiatives to help Boards undertake their role more effectively and has also addressed a range of issues associated with the care and treatment of prisoners and immigration detainees.

While many of these concerns have been resolved, the Council regrets that little or no progress has been made in other areas, in particular:

- Late arrivals, particularly juveniles, at receiving establishments.
Section 5: Juveniles
- No independent monitoring of Local Authority Secure Homes and Secure Training Centres
Section 5: Juveniles
- The wide variation of custodial provision for Young Adults.
Section 8: Young Adults
- The management and treatment of Foreign National Prisoners, particularly the failure to process their immigration status before the end of their sentence.
Section 8: Foreign National Prisoners
- The number of outstanding inquests and the impact on bereaved families.
Section 8: Safer Custody

2008 saw a number of developments in both the prison and immigration removal estates, many of which appear to be a direct consequence of the failure to deal with prison overpopulation. The Council has expressed particular disquiet over:

- Proposals to build new Immigration Removal Centres to prison specifications.
Section 6: Immigration Removal Centres
- Proposals for Titan (or clustered) prisons, including the failure to mention monitoring and the concern that a single perimeter fence will function at the highest level of security with inevitable consequences for rehabilitative possibilities.
Section 8: Titan Prisons
- The impact of overpopulation on conditions in many prisons, and on prospects for successful rehabilitation and resettlement.
Section 8: Overcrowding
- Arrangements for existing IPP sentenced prisoners, in particular where courses which they need to undertake to prove suitability for release are unavailable due to lack of resources.
Section 8: Lifers & IPPs.
- The failure to modify ligature points in approximately 1000 cells.
Section 8: Safer Custody
- The absence of Healthcare staff at Care and Separation Reviews.
Section 8: Segregation

2009 will be as challenging as previous years if not more so. In addition to keeping ongoing issues under review, the National Council will be working to ensure that effective and independent

monitoring of all prisoner and detainee movements is in place as soon as possible (Section 12: Filling the monitoring gaps), and that adequate provision is made for elderly prisoners (Section 12: Elderly prisoners).

Priority will be given to undertaking a comprehensive review and overhaul of IMB recruitment processes (Section 12: Recruitment of IMB members). The Council will also be updating its Constitution to ensure it reflects the working experience of the Council over the past 5 years and will continue discussions with the Secretariat, Ministry of Justice and Home Office about lines of reporting and accountability to secure as much organisational and structural independence as possible (Section 12: Working relationships).

A number of issues such as overpopulation, foreign nationals and transportation are raised in more than one section of this report which reflects their impact across the wide spectrum of National Council interest and the importance the Council attaches to them.

March 2009

Monitoring fairness and respect for people in custody

Section 1

CREATION OF THE NATIONAL COUNCIL FOR IMBs

In July 2000 the then Minister of State with responsibility for Prisons and Probation announced a review of Boards of Visitors (BoVs). A working group, under the chairmanship of the Rt Hon Sir Peter Lloyd was established to review the legal context in which Boards operate and the effectiveness of the existing structure, and to develop proposals for enhancing the performance of the system. Amongst the review group's recommendations was a reformed structure in which a new National Council should replace the National Advisory Council which had no effective role or responsibilities and, as a result, was prevented from exercising any leadership or giving Boards effective support. The review group also recommended that the Visiting Committees for Immigration Removal Centres (IRCs) should be placed on an equal footing with BoVs and incorporated into the new national structure and that the name Board of Visitors should be changed to one that would avoid confusion with prison visitors and better reflect the job Boards actually do.

BoVs were re-launched as Independent Monitoring Boards [IMBs] in April 2003 and this change of name was finally enacted by the Offender Management Act 2007 which replaced references to 'Boards of Visitors' in the Prison Act 1952 and other legislation with the title "Independent Monitoring Boards". It also removed the requirement in section 6 of the Prison Act 1952 that at least two members of the Board must be Justices of the Peace, a legacy of the days when Boards had an adjudicatory role.

In the same month as the re-launch Sir Peter Lloyd was appointed as the first President of the new National Council. Like the members of Independent Monitoring Boards, National Council positions including that of President are unpaid.

The Council's primary purpose is to provide strategic leadership, policy development, guidance, and quality control, including identifying good practice, to Boards to help ensure they fulfil their statutory duties efficiently and effectively. The National Council is required by the Secretary of State, through and on the advice of the Secretariat, to ensure Boards work in accordance with policies and good practices where it is considered necessary for standard procedures to be operated by all Boards. The Secretary of State also requires the National Council to protect the independence of Boards in making their proper enquiries and reporting fully the conclusions they reach.

A key function of the National Council is to provide a national voice to reflect the concerns of Boards, which means the Council is both locally rooted and also has a national perspective.

The Council is also responsible for liaison with the National Offender Management Service [NOMS], the Prison Service, the UK Borders Agency [UKBA] and other organisations. Council members, individually or collectively, promote issues raised by Boards and endeavour to influence policy makers on the basis of Boards' considerable experience. Council members are also expected to liaise closely with the Boards they represent, through regular visits, attendance at Board and area chairs meetings, correspondence and other means of communication.

The National Council comprises eight area representatives for prison Boards and one for IRC and STHF Boards, each representative elected for a three year term by the Board members in their respective constituencies. Elections for the National Council were first held in December 2003. Since then elections have been held every

year with the exception of 2004. A full list of past and present members is at Annex B. Each Council member is also responsible for estate-based or specialist areas, for example, Women, Young Offenders, and Safer Custody (Annex C). The Constitution of the National Council makes provision for co-opting additional, non-voting, members who have the qualities, experience or skills to supplement those supplied by the elected members. The Council currently includes two co-opted members who advise on diversity and training.

Since 2004 the National Council has established a number of working groups, comprising Council representatives and other IMB members, to take forward specific strands of work or to monitor from a national, strategic perspective areas of concern identified at local Board level. A list of National Council working groups and their membership can be found at Annex D.

The role of the IMB Secretariat is to provide support to the National Council, to work with

the Council on the development of policy and to implement those policies, and to offer assistance to individual Boards, where requested to do so. The secretary to the National Council, Anne-Marie Stephens, is a member of the Secretariat.

Sir Peter Lloyd stepped down as President in December 2007. Appointed initially for a 3 year term he was twice persuaded by the Secretary of State to extend his term of appointment. Thoroughly committed to the care and treatment of prisoners and detainees and to the hard-working and dedicated members of Independent Monitoring Boards, Sir Peter was the driving force behind a great many initiatives which have made a positive impact on Boards' effectiveness and which are highlighted in this report.

Sir Peter's successor, Dr Peter Selby, took up his appointment in January 2008 having previously served as Bishop of Worcester and Bishop to HM Prisons before retiring from both posts in September 2007.



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Section 2

ACHIEVEMENTS OF THE NATIONAL COUNCIL

Since its commencement on 1 January 2004, the National Council is proud of the following achievements:

Good Practice Initiatives

- a revised IMB role (see Section 4)
- producing a template for Boards' Annual Reports in order to achieve consistency in reporting styles and standards
- arriving at an agreed formula for determining the size of Boards' complements
- the introduction of independent interviewers to bring transparency and fairness to the recruitment of IMB members
- guidance on conflicts of interest
- enhanced performance monitoring, including a 12 month probationary period for new members, informal annual reviews of all Board members and improvements to the team performance review process
- a comprehensive review of all national and local training in order to establish a more coherent link between the two, and to deliver a professional approach to training
- a fundamental revision of the members' handbook in order to produce an up-to-date Reference Book, followed by a more condensed "pocket book"
- a review of communications strategy in order to raise public awareness of IMBs and to produce a wide range of new publicity material

- introduction and implementation of a national strategy on diversity, including training modules on diversity, recruitment of a more diverse membership and guidance on how to monitor diversity within establishments
- production of clearer guidance on how to deal with allegations and/or complaints about conduct and poor performance by Board members
- introduction of measures to deal with Freedom of Information and Data Protection requirements

Issues Affecting Prisoners and Detainees

- guidance was issued on obtaining access to medical records
- clarity was obtained on IMBs' access to Serious Incident Reports
- development of IMBs' knowledge of healthcare, and guidance issued
- extensive research undertaken on the provision, accessibility and delivery of learning and skills within prisons and IRCs
- guidance issued on the IMBs' role in relation to the segregation of prisoners
- participation in discussions on safer custody, resulting in a protocol to be followed by all Boards to ensure consistency of practice
- guidance issued on monitoring the care and treatment of foreign national prisoners, and representations made to Ministers about the increasing problems associated with these prisoners
- research and investigations carried out into the wide range of problems concerning prisoners' property

- representations made to the appropriate authorities about the problems created by the use of IPP sentences
- representations made to Ministers reflecting the widespread concern amongst IMBs at the high cost to prisoners of telephone calls
- participation in the UK's national preventative mechanism in order to implement the United Nation's Optional Protocol to the Convention Against Torture
- as part of counter-terrorism initiatives, and at the request of the Home Office and Foreign & Commonwealth Office, the National Council agreed to act as the co-ordinating body for the UK's Independent Monitoring Framework for Deportation with Assurances
- extension of the IMB remit to immigration holding rooms, with the result that five new Boards will be created to monitor the 36 locations where people are detained.



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Section 3

REVIEW OF 2008

The National Council met seven times during the year. Three of those meetings were held outside London (Cambridge, York and Bristol) to enable the Council to meet with Chairs of IMBs in those areas in order to hear local concerns and discuss Prison Service and UKBA developments.

A number of important issues occupied the Council during 2008 and are set out in much greater detail in the following chapters of this Report, but the main ones are summarised below:

- responses to the Government's consultation on "Titan" prisons, where the Council questioned the rationale for such establishments and questioned what consideration had been given as to how they might be monitored
- identifying gaps in independent monitoring arrangements, such as monitoring the transportation of Category A prisoners and of detainees in the immigration estate, and the measures which needed to be taken to fill those gaps
- the need to re-inforce the independence of the National Council and of individual Boards, and the measures required to do so
- the number of prisoners with mental illnesses and the care they receive. The Prison Reform Trust, with the Council's support, undertook a survey of IMBs into their experience of provision for the mental health needs of prisoners. The report was published on 4th February 2009
- many Boards expressed concern about the introduction of the core day and its impact on regimes, and the Council reflected those concerns in representations to the appropriate authorities
- as there appeared to be no tangible improvement in the management of foreign national prisoners, especially those continuing to be detained beyond their sentence expiry dates, further representations continue to be made on the subject
- the Council welcomed the continued roll-out of the programmes designed to improve the diversity of Boards' membership and to train members on diversity matters
- the Council also welcomed the work being undertaken to raise the profile of IMBs, in particular the development of the network of speakers
- to enable Board members to function more efficiently, and communicate more securely, a system of sending secure e-mails was identified, which will be implemented in 2009
- in order to enhance independence, work took place on identifying suitable models of working relationships between the Council, the IMB Secretariat and the Ministry of Justice
- a new Board was appointed to monitor the immigration holding rooms in the North and Midlands of England, and work was under way to create a new Board to monitor similar establishments in Scotland with assistance from members of the Scottish Visiting Committees (the Scottish equivalent of IMBs); new Boards were also appointed to monitor the new prison, HMP Coltishall, and the new IRC Brook House.
- given the continuing expansion of the prison and immigration estates, and the expanding remit of IMBs, the Council decided that it needed to give a special focus to the question of recruitment and retention, and that a member of the Council (possibly on co-option) would be given this as a special and exclusive responsibility.

Throughout 2008 the National Council has met and corresponded with officials from NOMS, the Ministry of Justice, UKBA and the Home Office on the issues described more fully later in this report.

Where the Council has had significant concerns it has raised these directly with the appropriate Minister. These have included prisoner arrival times, Foreign National Prisoners and the independent scrutiny of secure accommodation for young people under 18 years of age.

On personnel matters, the Council is pleased to announce that the co-option of Steve Reeves as the member for training and Dencer Brown as the member for diversity have both been continued for a further twelve months, i.e. until 31 December 2009. The Council also warmly welcomes Anna Thomas-Betts who has been elected as the representative for the immigration detention estates and Amy Bushell as the representative for the Kent and Sussex areas. They take the place of Peter Booth and Jane King, respectively, to whom the Council is very grateful for the hard work and significant contributions they offered to the Council and the successes they achieved.



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Section 4

KEY CHANGE TO THE PRISON & IMMIGRATION RULES - GENERAL DUTIES OF IMBS

One of the National Council's first actions in 2004 was to review the current Prison and Immigration Rules setting out the IMB role.

The purpose of IMBs is to provide independent oversight, on behalf of Ministers and the general public, of the treatment and care of prisoners and immigration detainees and Board members are empowered under the Prison Act 1952 or the Immigration and Asylum Act 1999 to enter the prison or removal centre and have free access to every part of it, and to every prisoner or detainee, and hear complaints which may be made by them and report to the Secretary of State any matter which they consider it expedient to report.

The general duties of IMBs are set out in Prison Rule 77 and Immigration Rule 61 which currently put administration and buildings before prisoners and detainees, reflecting the priorities of the 19th century visiting committees of magistrates rather than the current responsibilities of monitoring Boards to ensure prisoners and detainees are properly treated.

In 2004 Ministers accepted the National Council's proposal for updating the current Rules, as recommended by the 2001 Lloyd Review. The updated Rules focus on the humane and just treatment of those held in custody or detention and, in the case of prisoners, the range and adequacy of the programmes preparing them for release. They make clear that the duties of Boards include:

- providing an independent view on the standards of fairness and humanity with which those

placed in custody or detention are treated and, for prisoners, the range and adequacy of the programmes preparing them for release.

- informing the Secretary of State, or any official to whom he has delegated authority, any concerns the Board may have.
- reporting annually to the Secretary of State on how well the prison or removal centre has met the standards and requirements placed on it and what impact these have on those in its custody.

The revised Rules are accompanied by an Explanatory Statement drawn up by the National Council to show in greater detail how Boards should discharge their responsibilities (Annex E).

Although the new Rules cannot be put before Parliament until there is a suitable legislative opportunity, they were endorsed by Ministers with immediate effect and IMBs have been following their clearer focus for the past 5 years.

Even before 2004 many Boards were already working along the lines of the revised Rules and statement but together they have the merit of reminding everyone in Government, NOMS, the Prison Service, UKBA and outside that any matter which affects prisoners and detainees is the IMBs' business.

The Explanatory Statement emphasises the often unremarked but essential contribution that Boards can make to the atmosphere of their prison or removal centre and the quality of its regime by performing their regular duties in the prison visibly, courteously and with well informed inquisitiveness.

The statement makes the obvious point too, that to monitor successfully a Board must have a very good grasp of what its prison or removal centre ought to be delivering in all important aspects of the regime – a necessity that has been the impetus behind the National Council's consideration, development and implementation of policies on good practice and training as well as recruitment, reporting and communications.

Section 5

PRISON ESTATES – ISSUES & TRENDS

The National Council has encouraged the formation of groups of IMBs from similar establishments for the purpose of discussing common issues and sharing concerns and good practice. The unique problems faced by prisoners in the juveniles' and women's estates required the Council's special attention as indeed did the prisons in the contracted estate because of their different status. Council members have therefore been allocated these estates as areas of special interest and have established and maintained close links with the relevant IMBs to help raise issues and concerns identified at local level with senior managers and policy makers. From 2009 one of the elected National Council members who is Chair of a high security prison will also represent that estate.

JUVENILES (prisoners aged 15 – 18)

The National Council member with responsibilities in this area meets twice yearly with the Chairs or other representatives of the 18 establishments housing juvenile prisoners. Representatives of the Youth Justice Board [YJB] and the Prison Service Women's and Young People's Group (W&YPG) also attend these meetings as do, from time to time, guests from PECS, the Prison Reform Trust [PRT], and the Prisons and Probation Ombudsman [PPO]. These meetings have three main purposes:

- To raise with senior managers matters of concern.
- To learn from officials and guests about policy developments so that monitoring can be better informed.
- To share best practice with colleagues.

The National Council member also has regular meetings at both the Official and Political level, and was a witness to the current inquiry into the use of force and restraint among juveniles. On behalf of the National Council, representation was made to the Secretary of State regarding the consideration of the routine wearing of telescopic batons in the Juvenile Estate and the use of Pava incapacitant sprays. More recently, representation has been made to the Secretary of State about the Independent Monitoring of Local Authority Secure Homes and Secure Training Centres.

Other matters of concern in respect of juveniles include the following:

- Lack of Social Workers.
- High re-offending rates (in excess of 80%) and consequent return to prison.
- Where do young people go on release?
- Inadequate provision of accredited Offending Behaviour, Anger Management, Alcohol Abuse and Sex Offending courses. This is caused or aggravated by too few Psychology staff and very short sentences.

It is somewhat dispiriting to have to record that the issues which exercise Board Members and the National Council representative in this area remain the same at the time of writing this report as they did some five years ago. Of a short list of intractable issues there can be no doubt that the item that is always at the head of any list is the matter of transport and late arrivals. Annual Report after Annual Report to the Secretary of

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State, letter after letter to Ministers and officials and meeting after meeting with officials has made no progress.

To use the data provided by one Board (collected at the Prison Gate and Reception) in the period from July 2005 to July 2008 750 young people arrived after 9.00 pm; 175 after 11.00pm and several in the early hours of the morning. On some occasions this late arrival was followed by a 6.00am start the next day for a court hearing over 100 miles away. There are a number of recorded cases where young people have spent nine hours or even more on the road for a court appearance of less than thirty minutes, yet overall the use of video link by the courts remains low.

The consequences of late arrivals are numerous but include the following:

- Limited ability to carry out full first night interview.
- Limited availability of meals.
- Limited availability of meal breaks and comfort stops on long journeys.
- The assumption that the Chief Inspector's Expectation that juveniles should be kept less than 50 miles from home is an ideal but one which is unattainable.
- The considerable burden which this places on staff at the receiving prison. It should be stated that the implicit criticisms of a system does not reflect on the efforts made by custodial staff.
- Limited use by the Courts of Video links.
- The significant concern for the well-being of a young person – perhaps as young as 15 years old – arriving at a prison for the first time after midnight and with limited provision for his arrival.
- Discrepancy of data between PECS [Prisoner Escort and Custody Services] and the Prison.

In addition to all of this Boards have repeatedly raised their concerns about the sharing of transport with adults. This is permitted in

exceptional circumstances when it is perceived that to do so would enable a young person to arrive at the destination prison earlier than if they were to wait for dedicated juvenile transport. The difficulty then arises when, as the Transport Contractors know, adult prisons have a 'lock-down' time of 7.00pm or 8.00pm whereas juvenile establishments have made it clear that they will not operate a lock-down policy. It then appears often to follow that circuitous routes are followed with the consequence that the adults are delivered first and the young people last, despite the original honourable intention.

Another issue is that the route and intermediate stops and even the passenger list is not stated on the Prisoner Escort Records [PERS] making it difficult to be precise about a route taken. There is a general feeling that fines for late delivery i.e. after 7.00pm are inadequate as a sanction.

In 2007 Baroness Scotland of Asthal, then a Home Office Minister, stated:

"There is concern that trainees on occasion have a long journey from the court to the custodial establishment and sometimes arrive there at a late hour. I assure the Committee that we are well aware of the issues and that the Youth Justice Board has been active in seeking to remedy them, but as much as we abhor even one occasion when that happens it would be remiss to think that this is the general situation or that it happens a disproportionate number of times. Even if it happens only once, we would want to work hard to eradicate it, so that is by no means to detract from its importance. I know that noble Lords understand that we have made significant improvements in this regard over the past few years". (Hansard 12 June 2007)

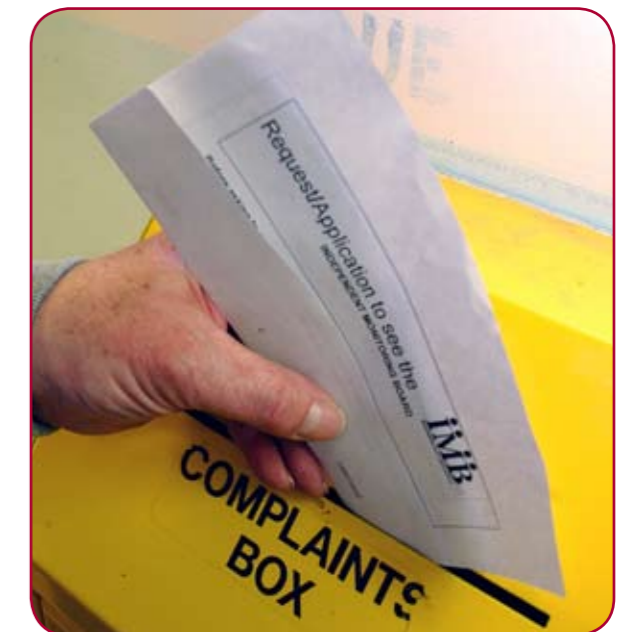
Given the Government's unequivocal concern for even one such occasion (late arrival), it is surprising that the National Council and Boards' reporting of individual cases has been consistently dismissed as being mere anecdote. Boards continue to be committed to responding to the individual situations that they encounter as well as using the statistical evidence available to report on the scale of the problem.

There is also a body of evidence demonstrating significant discrepancy between the PECS reported figures and those maintained by the prison in terms of arrival times. The National Council representatives for Juveniles and IMBs in the Juvenile estate have written frequently to officials and occasionally ministers seeking both clarification and action on these matters. Given officials' reliance on the PECS figures – and the provision of answers based on these figures to Parliamentary Questions– making an inroad into the problem has been continually frustrated. A recent (November 2008) answer to a Question highlighted the scale of these discrepancies and a survey has been conducted amongst IMBs to collect the 'prison gate' figures. These have been shown to be widely different from those supplied by PECS and provided to Parliament. It is not clear why these differences have arisen. With the Council's approval, the President has written to the Minister of State to press him for a more substantial reply on this issue than he has given hitherto. As a result the Minister has commissioned an audit and will report on the figures that emerge. The Council will continue, with the help of Boards, to monitor late arrivals.

The National Council was invited to join a PECS Improvement Project sub-group in June 2008 with the specific brief to look at issues affecting juveniles. This group was set up partly in response to numerous Parliamentary Questions prompted by IMB representations and concerns over the movement of juveniles. It was a matter of regret that at the only meeting the National Council representative was invited to attend the concerns raised by IMBs were dismissed as anecdotal. This

was robustly challenged both at the meeting and subsequently. It was agreed at that meeting that a survey of arrival times for a six month period should be carried out. It is puzzling why this had not been done months or even years earlier. The National Council member at the meeting had in possession the very data that was being asked for. Regrettably, no result of this study or further invitation to attend meetings has been forthcoming. Following intervention by the YJB the IMB is to be invited again to these meetings.

Boards have been assiduous and tireless in their monitoring of these issues and have shown great tenacity and purpose in their reporting of the concerns they have encountered, both through the statutory Annual Report to the Secretary of State and by written and verbal communication with officials in the Prison Service, PECS and the YJB and with various Ministers and Members of Parliament. That there has not been resolution to these matters is not a reflection on the work of Boards. The President and the National Council will continue to monitor developments and responses and take issues forward where appropriate.



Monitoring fairness and respect for people in custody

WOMEN'S ESTATE

The National Council representative for the women's estate regularly visits the women's prisons and convenes a meeting of the Chairs of IMBs in the women's estate twice a year to exchange information on local and national issues affecting the estate. These meetings are held in a women's prison which gives the chairs the opportunity to meet the Governor and staff and discuss relevant issues and concerns. The IMBs monitoring the 14 women's prisons pay special attention to the particular problems facing this group of offenders and those responsible for their care and treatment whilst in custody.

The Council's representative communicates regularly with the Prison Service Women and Young People's Group [W&YPG] which provides specialist knowledge of the women's estate and ensures that the Head of the Group and the Head of the Women's Team attend the Chairs' meetings and provide feedback on the issues raised. Of recent concern have been:-

- Loss of property, in particular on transfer between private and public prisons and following late arrivals of women from courts. W&YPG raised this with governors and the situation has improved.
- Lockouts and movement issues including late arrivals from court. The Head of the Women's Team asked members to send her details of specific incidents and invited Board members to attend her allocation meetings.
- A Prison Service consultation on extending the use of batons to the female estate. The National Council canvassed chairs and advised the Prison Service that IMBs considered the suggestion inhumane and deplorable. The carrying of batons has not been pursued by the Prison Service.

Following the deaths of six women at Styal prison, Baroness Jean Corston was commissioned by the Home Secretary to conduct a review of vulnerable women in the criminal justice system. The National Council representative attended several of the consultation meetings and her contributions are acknowledged in the report which was published in 2007. Following publication the National Council representative attended a meeting with the W&YPG and other interested parties to discuss the recommendations relating to women in prison. The Government accepted the majority of the 43 recommendations in the report aimed at improving the approaches, services and interventions for women offenders and women at risk of offending and made a commitment to take these forward. For women in prison the major developments include the introduction of the Gender Specific Standards for women, training of staff working with female prisoners, the cessation of automatic full searches of women, and the development of regimes and programmes designed specifically to address women's needs. Progress on the implementation of the Corston Report recommendations is a standing item on the agenda on the Women's Estate Chairs' meetings and the National Council representative has regular meetings with the Ministry of Justice official responsible for overseeing the implementation of the Government's response.

The National Council believes that the effects of imprisonment on women are very different from those on men and it is vitally important that the specific needs of women in prison continue to be acknowledged and addressed.

PRISONS IN THE CONTRACTED/SLA ESTATES

Chairs of prisons in the Contracted and Service Level Agreement [SLA] Estates meet twice a year to ensure that any disparities between these and other prisons are properly addressed so that prisoners receive fair and equitable

treatment wherever they are held. A member of the National Council convenes the group and is responsible both for ensuring any concerns or changes are followed up and that the National Council is kept fully informed.

In the first four years of the Council's existence there was considerable activity in this area. Fundamental strategic issues were addressed and negotiations with the Office of Contracted Prisons [OCP] were continual. The input of the National Council was vital in ensuring fair and just treatment for prisoners and addressed, *inter alia*, basic issues of communication and compliance: for example, contracted prisons were not informed of, nor in some cases easily able to access, new PSOs or PSIs. They were, however, expected to comply with them. Other factors were often smaller and too numerous to describe but affected the consistency of treatment and therefore of prisoners' well-being. In 2007 OCP was disbanded and its duties reallocated to the Regional Offender Managers [ROMs] with a resultant loss of focus and specialist expertise. It meant there was less support and advice available, links with policy-makers were disrupted with a new line management system instituted and reduced clarity over the briefing and casework role. The National Council President wrote to the Prisons Minister about the problems of Prison Service communications with the contracted establishments. By March 2008 issues about the balance of duties between Directors and Controllers had been resolved and during 2008 the gap between the Contracted Estate and the Prison Service gradually shrank.

As they have drawn closer there has also been less hostility between the competing systems with greater degrees of co-operation on such things as transfer of property and records, access to training and inclusion of Directors in Area meetings. This has led to direct benefits for prisoners and a smoother running system.

Mutual communication is certainly easier; the apparent suspicion, disapproval and rejection initially felt by the Prison Service about the

Contracted Estate has lessened. However there remain significant differences between contracted/SLA and other prisons, largely by virtue of contractual arrangements; for example, contracted prisons healthcare services are not provided by Primary Care Trusts [PCTs] in the same way and prisoners do not have access to the NHS complaints system: it is up to each contractor to ensure that there is suitable healthcare provision and a suitable complaints system to go with it. Prison Retail is another area of difference and the new contract that will serve the Prison Service does not include contracted prisons. They must make their own arrangements and it remains to be seen whether canteen prices will be comparable. For IMBs the similarities of monitoring greatly outweigh the differences but there can be little oddities: a current one the Council is seeking to resolve is the problem of providing security passes for members in contracted prisons so that they are able to visit other prisons, the Secretariat, and so forth.

Lastly, it is worth saying again that a prisoner is a prisoner wherever held. In general, for an IMB member the work is comparable wherever they serve.

Section 6

IMMIGRATION REMOVAL CENTRES & SHORT TERM HOLDING FACILITIES – ISSUES & TRENDS

The Lloyd Review recommended that what were then known as Visiting Committees for Immigration Removal Centres should be placed on an equal footing with Boards of Visitors for prisons and incorporated into the proposed new national structure. This recommendation was accepted by Ministers and the IMB National Council therefore includes a representative for IMBs in IRCs. The National Council representative attends meetings of the IMB IRC Chairs, known as the IRC Forum, to ensure that the issues affecting and concerns raised by the IMBs are brought to the Council for consideration and, when required, further action taken.

Immigration Removal Centres

Partly through the efforts of IMBs and their contact with UKBA and with contractors, there has been considerable improvement in the care and treatment of immigration detainees in IRCs over the past 5 years although there remain significant areas for concern.

Issues addressed by the IMBs in IRCs have included insufficient telephone and communication points for detainees to speak to relatives coupled with high rate call charges on telephone cards which varied within the estate; failure to provide information, including general information leaflets and information relating to individual's own immigration cases, in detainees' own languages; the need for interesting and satisfying activities to occupy detainees especially

as there is an increasing number of longer-stay detainees.

UKBA is now responding to the differing needs of short-stay and longer-stay detainees held in Centres by reviewing and revising existing strategies for their management and developing new ones where required. Mobile phones are available to all detainees and a long-standing request for internet access is now being met in private sector IRCs; indications are that internet facilities will be rolled out across the rest of the IRC estate in the near future. There is now a strategy for paid work opportunities in most IRCs although there are a few inconsistencies between rates of pay. Video conference facilities for bail or court proceedings are now in place in a number of Centres.

The National Council representative has, over the past two years, raised concerns about transportation with UKBA and the transport contractor. These concerns, relating to families and women on mixed gender movements, and over the condition and cleanliness of vans, provision of refreshments, infrequent comfort stops, late arrivals, and long distance movements were raised with UKBA and have been addressed. Uncaged vehicles for families, larger vehicles for overseas escorts, refreshments including appropriate drinks and snacks for children, are now routine. Comfort breaks are provided every two and a half hours and staff are more aware of the importance of facilitating the needs of any children. Agreements are in place to use facilities at police stations for comfort breaks on longer journeys and all vehicles carry 'travel potties' and facilities to replace and dispose of nappies and other soiled items during journeys. Activity packs and handheld games are now being carried on all escort vehicles with mobile DVD players and an assortment of appropriate DVDs provided. Audio recording to supplement CCTV coverage is now in operation.

The National Council and IMBs in IRCs believe that the movement to Centres of foreign national prisoners at sentence end and delays by UKBA in progressing and concluding consideration of their immigration status has had a significant impact on the atmosphere of IRCs as evidenced by detainees' increased frustration and the rising number of disturbances and incidents of violence against staff and fellow detainees.

The National Council is also concerned that UKBA is considering proposals that all new IRCs are built to prison specifications and existing Centres refurbished to similar specifications. The impetus for this appears to be the high number of foreign national prisoners who have reached the end of their sentence but are not deemed suitable for release into IRCs built to current specifications. This will clearly have an adverse impact on the general detainee population and, in the view of the National Council, if Centres are built to be like prisons, the regime and the ethos will become like that of a prison. The National Council will closely monitor developments in this area.

Immigration Holding Rooms/Short Term Holding Facilities

In July 2005 the Prisons & Probation Ombudsman, with the support of the Chief Inspector of Prisons and the Home Office Immigration and Nationality Directorate (now UKBA), recommended that the IMB remit should be extended to all 34 immigration holding rooms in the UK. The National Council accepted that, as independent monitors, IMBs were in principle the most appropriate bodies to scrutinise these centres. A project group was established to examine various practical issues including the frequency of detainees being held within the holding rooms and what IMBs would be expected to monitor against. National Council and IRC Forum representatives visited various locations in order to assess the need to provide independent monitoring of these places and how it might be most efficiently provided. These visits showed clearly that some

form of independent monitoring was required and that IMBs have the necessary skills and knowledge to perform this role. The Project Group agreed that dedicated Boards were needed to undertake this work.

The Immigration Minister has since approved the proposal to create five new IMBs to monitor the 34 immigration holding rooms. The standards against which the Boards will monitor the welfare of detainees have been obtained from UKBA and will be included as part of the training to be given to members monitoring these new locations. The highest profile area and the one which UKBA wanted to see monitored first is Heathrow and the Heathrow Board, made up of dual members from local IRC and prison Boards, was established in Spring 2007. Its first annual report has highlighted concerns over the lack of sleeping arrangements; access to hygiene facilities; the poor quality of hot meals; and movement timing delays.

The new North and Midlands IMB covering Manchester, Birmingham, Liverpool and Leeds facilities is now operational and arrangements to cover Edinburgh and Glasgow are already in hand. London and the South – including facilities in northern France – will be considered in 2009.



Monitoring fairness and respect for people in custody

NATIONAL COUNCIL SUPPORT GROUPS

Election to the National Council does not mean that local Board duties can be relinquished and it became apparent during the first few months of the Council's existence that there was simply too much to be done by too few people who were already heavily burdened by Board and Council responsibilities. For this reason two Board members were co-opted onto the Council to advise and lead on diversity and training. It was also agreed that some areas of work would benefit hugely from the knowledge, skills and experience of individual IMB members. There are now seven Support and Working Groups to whom the Council is immensely grateful for their hard work and dedication.

Healthcare Support Group

Almost as soon as it was established it became clear that the National Council would need to take a special interest in the area of Healthcare and Mental Health when the issue of access to prisoners' medical records was raised by a Board member in early 2004. The National Council Healthcare representative undertook lengthy consultation with the Department of Health [DoH] following which the Council issued guidance to Boards to clear up some uncertainties about the correct protocol to adopt concerning access to a prisoner's clinical record [IMR]. The purpose of the guidance was to create a greater measure of mutual understanding with prison healthcare staff concerning the role of the IMB when necessary inquiries are made about the medical care of a prisoner.

This early involvement in healthcare matters was followed in 2005 by the transfer of healthcare provision in all public sector prisons to Primary Care Trusts [PCTs]. The National Council representative on healthcare liaised closely with Prison Service Healthcare and DoH Offender Health over the transfer and ensured that the problems being identified by IMBs at a local level were brought to the attention of senior management. Quarterly meetings were arranged with Offender Health where concerns were raised over involuntary medication, healthcare attendance at Segregation Reviews, and the training of PCT staff on the implications of segregation, in particular as regards prisoners with mental health problems. Since the transfer the Healthcare Support Group (see below) has encouraged IMBs to attend Prison/PCT Partnership board meetings to ensure that the NHS cuts do not compromise the agreed contracts with the prison and to support the Governor/Director in the event of any reduction in service.

A National Council Healthcare Support Group [HSG] was established in 2006 and includes Board members drawn from a wide geographical area and with broad professional expertise in healthcare and mental health. The purpose of the Support Group is to develop the National Council's knowledge of healthcare matters, use the information gathered to help Boards monitor healthcare and mental health more effectively, and raise issues of concern at a national and strategic level.

In 2007 the Healthcare Support Group issued information to Boards on contingency plans in the event of a flu pandemic. 2008 saw the circulation of guidance to Boards on infections acquired in prisons, also issued to prison staff on request, and a letter sent to all prison healthcare managers, with the support of the Director of Offender Health, raising awareness of the role of IMBs amongst NHS personnel working in prisons. The HSG also conducted a survey with the assistance of Boards to establish the present level of GP

and primary healthcare available to prisoners. Key findings were:

- poor nursing cover, especially where agency nurses are employed
- a high proportion of locum doctors used, at a consequential higher cost
- significant concerns about mental health provision

The HSG's current agenda includes:

- working in partnership with all healthcare and other interested parties
- mental health issues
- primary care
- secondary care
- health promotion
- drug/substance abuse
- safer custody
- healthcare policies in progress

and the Group is currently developing policies on performance standards, medication under restraint, integrated drug treatment, smoking cessation, disability/care of the elderly, and transgender dysphoria.

The HSG is also actively seeking a better understanding of the mental health issues faced by the prison population and following closely the measures being taken to address these. In tandem with this a much needed one day training course in mental health awareness is being offered to all IMBs and has already been taken up by many Boards.

Learning & Skills Support Group

In 2006 the National Council established a Learning & Skills Support Group [LSSG] to review current practice in the Prison Service regarding learning and skills and to assist and advise Boards how best to monitor this important area of activity. Initial limited research highlighted the following issues: a) there were widespread variations in best practice relating to initial assessment; b) prisoners were excluded from offending behaviour courses due to lack of educational achievement and literacy skills; and c) there were a number of problems associated with what is referred to as 'churn' i.e the frequent movement of prisoners around the prison estate.

In order to establish the extent of these problems a national survey of IMBs was undertaken by the LSSG. The group includes a number of experienced and senior educationalists but advice was also taken from various organisations on the content of the survey and welcome guidance received from the Prison Reform Trust in regard to Learning Difficulties. The survey was piloted in 8 prisons in January 2008 and, following discussions with the appropriate Heads of Learning & Skills and Board members in each of these establishments, the survey was edited and then distributed nationally in July 2008. The subsequent report, which is being prepared for publication, included the following main observations:-

- There is evidence of much good practice but this is not uniform. The good practice is largely due to the dedication of staff involved, both operational and teaching staff.
- Provision to address the needs of those with mental health and special educational needs is very patchy, often poorly identified and limited in range.

- There appears to be a lack of long-term and strategic planning for learning and skills provision. This is exacerbated by the need for constant re-tendering. Stability of provision appears to be threatened; this is made worse by the population pressures in the prison system in general.
- Assessment processes are often informal leading to lack of consistency.
- Little evidence of the 'Learner's voice'. Some good practice but not universal.
- Lack of understanding and variation in understanding of terminology such as 'Mental Health' needs and 'Special Educational Needs [SEN].'
- Historic distribution of resources not necessarily linked to current needs.
- A perception of endless assessment as a result of inconsistent transfer of records following prisoner movement.
- Limited prisoner engagement in the assessment process.
- Too many courses abandoned following the effect of 'churn'. Inability to take up the same course in new prison as it is often not on offer.
- Little provision for those whose enthusiasm for the learning process is limited, possibly following poor or intermittent access to school education.
- Limited availability of access to courses above level 2.
- Information, advice and guidance [IAG] does not appear to address complex issues.

The National Council and the LSSG now intend to produce a Learning and Skills Monitoring Handbook for use by Boards.

Training Strategy Group [TSG]

The Lloyd review made a number of recommendations about the need for focused training, made available in the most efficient and effective ways and the National Council therefore worked closely with the IMB Secretariat throughout 2004 to review the range, content and methods of training and identify innovative and effective approaches to training delivery in the future that will meet the needs of the busy membership. Input was also received from special training consultants.

One of the priorities to come out of the training review has been to establish a Training Strategy Group. Training strategy is driven by the monitoring needs of the Boards and is the responsibility of the National Council, to whom the TSG is accountable. The TSG includes representatives from the National Council, the Secretariat, National Training Team, Board Development Officers [BDOs] and *ad hoc* specialists as required. In this way there is input to both national and local training needs and a more coherent link between the two. The TSG is responsible for supporting training initiatives, both local and national, to prepare Board members for their role and to enhance their understanding and effectiveness. This includes the management and development of the National Training Programme through which the National Training Team provided training to over 700 Board members this year.

More recently the role of the Board Development Officer, to replace the Training Co-ordinator, has been established and the TSG has provided material to support new appointees in the role. The training for BDOs has also been developed and will further support those taking on this crucial work.

The training elements of the National Diversity Strategy have been co-ordinated through the TSG and most of the modules are now in the hands of the National Training Team for delivery, following the tremendous support given by the Diversity Consultant. Feedback on these modules

is regularly monitored and consistently very good. This is a significant step on the way to ensuring that Boards are able to monitor this crucial area of work.

The appointment of a Team Leader for the National Training Team has been a significant step and the current Team Leader is at the forefront of planning for future initiatives. The former Team Leader has remained on the TSG as Project Leader for exploratory work into the development of an accreditation scheme for IMBs.

National Training Courses have continued to be developed and have been renamed, so that they better describe the objectives they achieve. The National Foundation Course provides newer colleagues with the core information and skills required to function as Board members. The success of the Probationary Year meant that colleagues attending the 'old style' New Members' Course were better prepared than ever before, which meant that changes were essential. The course is now generic and caters for the needs of all IMBs. The Continued Development Courses provide new insights for those who have at least two year's service; and the Themed Training Courses provide those with longer service the opportunity to explore current issues in real depth. The National Training Programme for 2009 contains Themed Training Courses on the topics of Foreign National Prisoners; Deaths in Custody; and Mental Health – all issues regularly raised in IMB Annual Reports.

The TSG takes its responsibility to support local training seriously and has spent time examining the induction of Board members and how it can be improved. Two co-opted BDOs contribute to all parts of the TSG's work, but especially in ensuring that initiatives are workable on a local level.

Induction is key to the effective retention of Board members and the speed at which newer colleagues can begin to operate independently. Proposals are being drawn up for the National Council to consider in due course and we are confident that they will have a positive impact.

Communications Working Group [CWG]

It is important that prisoners and prison management, detainees and UKBA management, and all parts of the Criminal Justice System, understand the role of IMBs and the work they do. It is also vital, not least for recruitment, that there is a similar understanding on the part of the general public. With this in mind and because of the many changes that have occurred to IMBs in the last few years, not least the name change from Board of Visitors and Visiting Committees to Independent Monitoring Boards and the bringing together of Boards monitoring prisons and IRCs, it was decided in 2004 that the time was right to review the IMB communications strategy and materials. External consultants, COI Communications, were engaged to carry out this review.

In 2005 the National Council set up a Communications Working Group including Board members and Secretariat representatives, to take forward COI's recommendations, raise awareness and understanding of IMBs, and improve communications both internally within the organisation and externally with the general public. The working group has met regularly since then and has made progress in a number of areas including creating an easily recognisable corporate identity for IMBs and agreeing an IMB strapline, placing a number of articles in local and national publications, and producing new publicity material (posters, prisoner information leaflets etc.) which was issued to Boards in 2007. A public relations toolkit has also been prepared for distribution to Boards on request to help them reach out to organisations/individuals in the local community to enhance recruitment to Boards.

In early 2008 the CWG established a 'Network of Speakers' - a group of over 90 Board members who are willing to be called upon to speak at public events about the IMB role in order to raise public awareness of the work of IMBs and encourage interest in joining the Boards. As part of this initiative Board members have addressed organisations ranging from local Women's Institutes and Rotary Clubs to sixth form colleges and colleges of further education.

The CWG has also worked closely with the IMB Secretariat in developing the IMB website www.imb.gov.uk into a valuable source of information for current and prospective members and anyone with a general or professional interest in the work of IMBs. Most importantly, all Board annual reports together with the Minister's responses are on the site.

One of the CWG's key tasks has been to draw up the IMB 'key messages'. It is often difficult to explain exactly and concisely what IMBs do and the key message cards that briefly describe the role have proved very popular. The eight key messages state:

- 1) **We monitor to ensure that people in custody are treated fairly and humanely**
- 2) **We operate independently of the Prison and Immigration Services**
- 3) **We are volunteers appointed by Prisons and Immigration Ministers to report on closed establishments on behalf of the community**
- 4) **We have unrestricted access to prisons and immigration detention estates**
- 5) **We listen to prisoners' and detainees' requests and complaints, privately and in confidence**
- 6) **In prisons, we monitor the range and adequacy of programmes preparing prisoners for release**
- 7) **We don't make the rules governing prisoners or detainees, but we see that these are properly applied**

- 8) **We continually challenge things we are not satisfied with and take our concerns to the relevant Minister where necessary.**

Recruitment & Retention Working Group

The National Council regards the recruitment and retention of members as a key area of concern, not least because the rising prison and detainee population means more IMBs will be needed in future.

The Council has worked on a number of recruitment-related initiatives since 2004 including establishing selection procedures which are transparent, can be readily audited and stand up to scrutiny if challenged. As part of this process an independent interviewer scheme was introduced at the end of June 2004 to assist IMBs in their role of assessing the suitability of candidates for appointment to Boards.

At the same time as the new selection procedures were established the National Council implemented the Lloyd Review's recommendation that there should be a formula for determining the size of a Board. A formula based on prison population and type of prisoner held was agreed by the Council in early 2005 and new Board complements calculated with minimum and maximum Board sizes set at 10 and 20 Board members respectively.

Individual IMBs have traditionally carried out their own recruitment exercises, supported by the Secretariat which reviews and submits Boards' recommendations to the relevant Minister; 307 new appointments were made to Boards in 2008. In 2007 a clustered recruitment programme was developed to assist recruitment to Boards, especially those which have experienced particular difficulties in attracting new applicants and/or a sufficiently diverse mix of applicants. Each cluster comprises a handful of participating Boards, which are encouraged to take a strategic look at the diverse range of skills and experience

required to be effective and to expand their recruitment networks to encourage a wider range of applicants from local professional and community groups. A 5 year programme of 6 clusters per year is envisaged but for the moment the 7-step process has already been piloted in Kent and is being rolled out in the North West and the East Midlands.

The National Council has been keen to address the issue of the retention of Board members. Boards were already putting a lot of effort into welcoming and inducting new members but unfortunately a significant number still resigned in their first year. One way of retaining new members is to actively support them through their first year to ensure a successful appointment and in 2006 the National Council introduced a probationary year to provide a formal framework for the training and development of new members.

The Recruitment and Retention Working Group was established in 2007 to build on these foundations and because recruitment and retention remain key issues for both Council and Boards at large. The difficulties of recruiting new members in low population areas, not least to IMBs currently under strength, and of ensuring Board membership reflects a broad range of ages and backgrounds must be addressed as do Boards' concerns about the appointment process and specifically the time it takes to get new members in place. A fundamental review of recruitment and retention is now taking place, working in parallel with the other Council support groups (Diversity Working Group, Communications Working Group, Training Strategy Group) which have an interest in the issue. In late 2008 the National Council agreed to appoint an advisor to the Council who will specialise in Recruitment and Retention, working alongside the Secretariat and drawing together new initiatives and the good practices of the current working groups.

Diversity Working Group [DWG]

The Council's work on diversity has two main strands:- examining how diversity is monitored within prisons and IRCs and improving the diversity of Boards. This work has been taken forward by the Diversity Working Group comprising National Council and Secretariat representatives and Board members from both prison and IRC IMBs, which has met regularly over the past three years. The Group agreed that as diversity is a wide-ranging and complex subject, it requires an over-arching strategy and a Diversity Action Plan was developed to take forward various aspects of the work. The Action Plan, which covers a range of diversity strands (race, gender, age, disability, sexual orientation, religion and belief), includes four key components:

- that the National Council consider the appointment of a person to the National Council to advise on diversity;
- the appointment of a diversity co-ordinator (as a consultant) by the Secretariat to assist and advise the Diversity Working Group and, more particularly, IMBs on the subject of diversity and how to recruit a more diverse membership;
- training on diversity to be designed and delivered as a module on national training courses (initially by specialist diversity training consultants and then by national tutors);
- guidance on how to monitor diversity in prisons and IRCs.

The Diversity Action Plan was approved by Ministers and a number of the key components have been implemented. The National Council co-opted a Board member to advise on diversity issues and an external diversity consultant has been employed to assist Boards on diversity matters particularly with recruitment, which many find difficult, and with training. The first diversity training modules were piloted on national training courses in 2007 and are now a standard feature on National Foundation and Continued Development

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courses and Chair and Vice Chair courses. This formal training is supported by guidance published on 'Diversifying Board Membership – A 7-Step Guide to Recruitment', piloted by the recruitment clusters, and more recently guidance to Boards on how to monitor diversity in prisons, IRCs and STHFs.

Reference Book Review Group

The National Council established the Handbook Working Group in 2004 to look at the existing IMB Handbook and how it could be improved. The working group, in consultation with ten volunteer Boards, developed the new concept of an IMB Reference Book for distribution to prison IMBs and an IMB Pocket Book for each prison IMB member.

The Reference Book and Pocket Book are 'living documents' and must be kept accurate and up to date to remain a useful source of information. The working group's role has developed therefore into one of review and revision. A number of revisions have been suggested by IMB members but much of the group's work involves continually scrutinising the changing documentation relating to the work of prisons in case there are implications for the work of IMBs. All proposed revisions are submitted to the National Council for agreement prior to printing and distribution to Boards (for the Reference Book) and individual members (for the Pocket Book). The first sets of revisions were distributed in 2007, the most recent in 2008.



Section 8

SPECIALIST INTERESTS OF THE MEMBERS

The first members of the National Council took up post in December 2003 and their initial, although not exclusive, focus was IMB good practice. This included considering the role and purpose of IMBs, consistency of good practice, agreeing Board complements, introducing an annual report template and carrying out the review of communications.

As these good practice initiatives have bedded down the Council has increasingly turned its attention to issues that directly affect the care and treatment of prisoners and detainees, such as safer custody, the management of young adults and foreign national prisoners and prisoners' property.

Young Adults (18 – 21 year olds)

Young adults are often regarded as the most neglected group in prison. Hopes of a dedicated estate for this group – or even an extended group to cover the ages 18 to 25 - have not been fulfilled. The protection of the sentence to a Young Offenders Institution was removed by the Criminal Justice and Court Services Act 2000 although the legislation is not, at present, enforced. Young adults are very exposed having lost their legal status and are now dispersed, in many cases, throughout a system which is itself on the edge of viability. Of course, many are held in dedicated units and there is general agreement that where this is the case these young people fare better than elsewhere. There is evidence that the most positive outcomes are achieved where there is a discrete estate for this category of prisoner as their specific needs are addressed.

The National Council is especially concerned about the wide variation in take up of education provision by young people, as evidenced by the following table:

Prison	Average number of hours spent in educational activity
Aylesbury	10.2
Brinsford	11.0
Castington	11.8
Deerbolt	11.1
Feltham	10.9
Glen Parva	8.7
Hindley	17.3
Lancaster Farms	12.2
Northallerton	14.7
Portland	7.6
Reading	8.9
Rochester	6.0
Stoke Heath	10.3
Swinfen Hall	10.8
Ashfield	20.6
Huntercombe	16.9
Warren Hill	19.6
Werrington	20.6
Wetherby	15.6

(Hansard 28 April 2008)

It should be noted these figures do not include those young adults held in the adult estate and some of the prisons listed would include under 18s. The figures nevertheless reveal a huge discrepancy between establishments.

As with the Juvenile Estate, IMBs have often commented on the lack of training, particularly relevant and up-to-date employment focused training, available for this group. Indeed, Boards are of the opinion that all establishments for this group should be training prisons. Nothing else has any real purpose. It is well-established that access to employment is key to reducing reoffending and that purposeful and structured lives, personal responsibility and self esteem are fundamental to this.

The National Council is also concerned about the very abrupt transition from a dedicated Juvenile site to a Young Offender site or even a mainly adult site. Much of the protection rightly available to younger prisoners is lost overnight and this causes many challenges. Juvenile prisons have social workers, advocates and youth offending team workers as a right. There is no such automatic provision for the young adult.

The National Council has also noted the lack of appropriate and accredited Offending Behaviour programmes. Demand for Sex Offending Treatment and Enhanced Thinking Skills programmes considerably exceeds supply. There is much concern, too, that this group is so difficult to engage in learning and skills. Assaults are rife, as are drugs issues. This group has amongst the severest housing needs post prison. Youth Offending Team [YOT] workers are generally not available for these young men and there is a consensus that such provision should be more flexible and attempt to address needs, regardless of the passing of a birthday.

The National Council intends to pursue the needs of Young Adults to ensure that they are not marginalised by the ever increasing demands of the overall prison population.

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Safer Custody

Following a review in early 2007 of IMB involvement in death in custody incidents the National Council established a protocol for IMBs to ensure consistency and prevent possible problems caused by a variance of practice. In the form of an "aide memoir" the protocol provides guidance and a checklist of what to look for when called into a death in custody, be it an apparent self-inflicted death or a death from natural causes. This protocol was issued to all Board members in August 2007.

Since 2004 the National Council has been represented at the Ministerial Roundtable on Suicide which meets three times a year to discuss and address safer custody concerns. Meetings are chaired at ministerial level and roundtable members include representatives from the Prison Service, Prison Health, UKBA, HM Chief Inspector of Prisons, the Prisons & Probation Ombudsman, the Prison Reform Trust, the Howard League for Penal Reform, and the Samaritans. Two prisoners along with Safer Custody staff are also usually in attendance.

In September 2008, following representations from the National Council, the Deputy Prisons and Probation Ombudsman agreed to keep IMB Chairs informed about the progress of Fatal Incident investigations. Boards are advised to refer to these reports when monitoring the actions taken by their establishments in the light of the Fatal Incident Investigation recommendations. The Ombudsman's Investigators have also agreed to keep Board Chairs informed of the progress of any Fatal Incident investigations.

The National Council is pleased to note that the number of apparent self-inflicted deaths in custody fell from 92 reported in 2007 to 61 in 2008. However there is no room for complacency. The Council is concerned that there were 12 apparent self-inflicted deaths in custody involving prisoners on open ACCT books and it is particularly disturbing that 9 of these were in single cells in Local Category B prisons and one

was in a double cell but had been left alone as his cellmate had gone to Court. Until the inquests are held the full circumstances of these deaths will not be known but PSO 2700 gives guidance on cell sharing and prisoners on ACCT books and it is to be hoped that it was followed in these cases.

The Council has identified a number of establishments where newly built residential accommodation units have been fitted with in-cell showers, the door of which has a metal bar over the top. Such a bar was used successfully as a ligature point in 2007. The shower door in question is a "Trevi door" and is currently in use in 1,000 cells across 14 establishments. Whilst recognising that any further new build units will not include this design of shower door, the National Council finds the decision not to modify the existing shower facilities to be a retrograde step. IMBs have been asked to monitor any attempted use of a ligature in these cells and inform their National Council representative accordingly.

The National Council is especially concerned about the delay, sometimes running to a number of years, in holding inquests. Many bereaved families and friends have to endure an unacceptably long and painful wait for answers to how and why their relative died and cannot begin to properly grieve and come to terms with their loss until these questions have been addressed. The delays also mean that any lessons to be learnt from the incident may not always be identified and addressed promptly.

In 2008 the National Council undertook an audit of outstanding inquests both for self-inflicted deaths and those by natural causes, between January 2003 and December 2006. The co-operation of individual Boards in this exercise has been greatly appreciated. The results of the audit are extremely disturbing. As at December 2008 there were 70 outstanding inquests from the period studied, 47 of which have no proposed commencement date. The National Council believes that this situation requires addressing as a matter of urgency.

Foreign National Prisoners

The management of foreign national [FNs] prisoners has been a matter of extreme concern to the National Council and individual IMBs for some time. FNs represent over 13% of the total number of people in the prison system. The Home Office and UKBA's apparent inability to address systemic failures that cause intolerable anxiety to the prisoners concerned (as evidenced by the increase in deaths in custody of FNs) is unacceptable. The National Council knows from IMBs in prisons and IRCs that the failure to address this issue places even greater pressure on prisons struggling to cope with a rising offender population and also introduces a whole new dynamic to IRCs.

In 2006 the Government's response to the failure to deport foreign national prisoners at sentence-end created another, rapidly worsening problem. Individual Boards had provided evidence of prisoners who had worked to obtain category D status in open conditions, and were due for release, being transferred to closed establishments with little or no notice. In some cases they were woken in the early hours of the morning, put on transport without being told where they were going, without being given an opportunity for washing or toilet facilities, without being given any food, and transported for up to 12 hours without comfort breaks back to closed establishments. This discrimination against a group of prisoners on the grounds of their nationality was raised by the National Council with Ministers.

In addition, the problem of significant numbers of FNs being kept in prison and IRCs beyond the end of their sentence, which the National Council had raised with the Home Secretary at the end of 2005, was now being exacerbated. The President of the National Council wrote to the Home Secretary in early June 2006 but the promised improvements failed to materialise and the National Council has raised its concerns in numerous meetings with NOMS and the Criminal Casework Directorate of the UK Borders Agency (formerly the Home Office Immigration &

Nationality Directorate) and in a report submitted to the Prisons and Immigration Ministers in April 2007. The President of the National Council wrote again to the Prisons Minister in May 2008 to reiterate Boards' concerns and identify particular problems to be addressed. At the time of writing however there has been little or no significant improvement:-

- Foreign national prisoners continue to be detained after the end of their sentence and the numbers incarcerated and held beyond their sentence expiry date have increased despite frequent assurances that extra staff are being employed by UKBA to tackle this problem.
- Decisions to deport are still in some cases delivered only one or two days before release date.
- Letters communicating very grave decisions have been pushed under cell doors and not served in person.
- Literature on repatriation schemes is inadequate.
- Some FNs who have requested return to their country of birth are detained because of bureaucratic hitches.
- Prison Service staff are often on the receiving end of complaints from FNs and expected to communicate UKBA's decisions, including deportation or detention, to those in their charge but receive inadequate support either from UKBA or their own management.
- Prison Service managers at local and national level are not sufficiently critical when immigration decisions are not forthcoming early enough in the process or when FNs are detained beyond the end of their sentence.

Monitoring fairness and respect for people in custody

At the end of October 2008 the National Council was concerned to learn that the automatic deportation provisions of the UK Borders Act 2007 which was implemented on 1st August 2008 and applied only to those contacted after that date were now to be applied retrospectively to all FNs not given a 'notice to deport' as at 1st August 2008, even if contacted before August. This continual changing of the rules is confusing, frustrating and unsettling for FNs who are required to make a case against deportation. It is resulting, once again, in notices of deportation being issued very close to sentence end.

The management of FNs in prison fails to deliver in terms of fairness, decency and respect and this is unacceptable in our civilised society; the Prison Service shoulders the burden of UKBA's administrative inadequacies and this too should concern Ministers and senior management. The National Council will continue to keep this issue high on its agenda.

Titan Prisons

Lord Carter of Coles published his report *Securing the Future* with recommendations on how the Government should address the growing prison population in November 2007. His recommendations included the building of three "Titan" prisons, each holding 2,500 prisoners. The National Council believes that the purpose of building these large establishments is to achieve cost savings – only three planning permissions are required; only three perimeter fences walls needed instead of fifteen; central services in each establishment – i.e. one Reception, one Healthcare Centre, one Visits Centre, shared Education and Workshop facilities and shared Chaplaincy facilities.

The report attracted much negative publicity from many organisations, including IMBs, whom Lord Carter had never originally consulted. In 2008 the Minister of State for Justice published a document in the form of a ten point questionnaire which was circulated to many organisations,

and held a ministerial round table attended by representatives of several of these organisations, including the President of the National Council.

The National Council's response to the proposals, formulated after consultation with Boards, brought to the attention of the Minister of State the Council's principal concern, namely the failure to mention monitoring and the difficulties which would be involved in the IMBs' task in such large establishments. The Council also commented on the specific points raised in the questionnaire, expressing particular concern about the way in which a single perimeter fence, one of the proposed 'economies of scale', would inevitably function at the highest level of security, harming the rehabilitative possibilities that come from relationships with the community.

The Council's response received considerable publicity, including an interview with the President on the Today programme. Although the Council was only one of many organisations opposed to the Carter proposals, to date the only concession that appears to have been made is to drop the title "Titan" prisons – they will now be "clusters". The National Council has no confidence that the other compelling and widely felt objections are going to be taken into account.

Prisoner Property

In response to the huge extent of Boards' concern about problems with prisoners' property, in 2007 National Council instituted a cross-agency working party to consider the issues. In addition to National Council members, the working party includes representatives from the Prisons and Probation Ombudsman, the Prisons' Inspectorate and the Prison Service.

Initial research included information sourced from each of these organisations. In particular, IMBs from the High Security Estate were all immensely helpful in focusing issues and taking them forward. The working party also considered comparable systems abroad.

The working party is concerned by the limited respect for prisoners implied by the inadequacies in current systems, and the consequent frustrations that arise for all concerned. It has also noted the significant wastage of resources in dealing with the results of the inadequacies. The central focuses tend to be on what property prisoners are allowed to hold in possession and loss of and damage to property particularly at points of transfer within and between establishments. The latter inevitably leads to concerns about fair and timely compensation. Issues are not simple and there is a long way to go.

In particular the working party is considering the merits of a common in-possession property list. While this is not a simple solution, it believes it could ease matters significantly. The experience of others has also encouraged it to look more closely as the possibility of trained Property Officers in conjunction with electronic property records – including property cards. The working party will also consider the possibility of bar-coding as a way of ensuring ownership of specific items.

The working party knows it has no executive powers to remedy current failings. It therefore plans to work closely with other interested parties to question the status quo and suggest ways in which issues could be addressed.

Segregation

When PSO 1700 on Segregation was revised in November 2003 the opportunity was taken to implement one of the key recommendations of the Lloyd Review: that IMBs should no longer have powers to authorise segregation. The Lloyd Review recognised that participation in the decision-making process undermined the IMBs' capacity to monitor impartially and independently. The revised PSO 1700 set out the protocol by which IMBs should be notified within 24 hours of prisoners being placed in segregation, the date and time of the initial 72 hour review, and the date and time of any continuing review.

In June 2004 the National Council asked each Board to complete a questionnaire on how well the new PSO was being implemented in their prison. The results of this survey and concerns about the operation of the revised PSO were subsequently discussed with the Director General of the Prison Service in December of the same year. The National Council also met with the Department of Health and raised the issue of healthcare input into the segregation of prisoners. Both the Prison Service and Department of Health took National Council concerns on board and the Director General agreed that there were some inconsistencies in the wording of PSO 1700. The National Council was given the opportunity to comment on subsequent changes made to the PSO and was also represented on a steering group considering the mental health of prisoners held in segregated settings. More recently a National Council member sat on a Prison Service working group which reviewed and revised PSO 1700 (although no publication date has been agreed at the time of writing). The National Council regarded its participation in this group as essential to ensure that the IMB's independent monitoring role is not compromised but strengthened by the revisions being made to the PSO.

Although an IMB presence at the initial 72 hour review is not mandatory the National Council regards it best practice and encourages members to attend. However, whilst some prisons schedule segregation reviews on set days – some weekly and some thrice weekly – the National Council is aware that many Boards are not given adequate or sufficient notification of reviews and are therefore unable to field a Board member to monitor process. Some Boards have also expressed concerns about the absence of healthcare staff despite this being mandatory. The National Council raised these issues with Offender Health which accepts that healthcare staff must be present at every review and that reviews should not proceed in their absence. The National Council will keep this under review.

Monitoring fairness and respect for people in custody

Overcrowding

Overcrowding, or more to the point, overpopulation and the effects of overpopulation, has been raised in many Boards' Annual Reports for the last few years and by the National Council.

Sir Peter Lloyd wrote to the Chief Executive of NOMS in May 2005 to express the National Council's concerns at the reduction of the number of places for prisoners in parts of both the contracted and public sectors of the prison estate. The result was inevitably being seen in greater overcrowding in the rest of the estate and the consequent deterioration in the quality of life and regime for prisoners. The National Council subsequently issued guidance on overcrowding to Chairs in December 2005 and consulted IMB Chairs about the effects of the rise in the prison population in July 2006.

2008 particularly has been a year of great concern. There have been too many incidents of late arrivals in Reception Departments in local prisons, with prisoners arriving from Courts out of area and from Police Stations under Operation Safeguard. At the height of the overcrowding crisis there were instances of prisoners travelling across the country and arriving in the early hours of the morning at various local prisons. Late arrivals compromise all the efforts Reception and First Night Centre Staff take to ensure that correct cell sharing risk assessments are done and that appropriate healthcare checks are completed with emphasis on identifying prisoners at risk of self harm.

The lack of sufficient prison places in the London area has put pressure elsewhere in the system. Prisoners have arrived from London Courts or on overcrowding drafts to the Midlands. To provide spaces for these prisoners Midlands prisoners have been transferred to Northern prisons. Once they are out of area, it is virtually impossible for them to be transferred back to a prison in their home area. Increased pressure is put on staff – London prisoners do not want to be in a Midlands prison and Midlands prisoners do not want to be

in the North. There is tremendous frustration on the landings and it is a credit to Prison staff that there have not been more serious incidents during the overpopulation crisis.

The consequences of so many prisoners being away from their local prisons cannot be overstated. Prisoners' families find it difficult and expensive to visit, phone calls are more expensive when they cannot make local calls – it is a well known fact that if a prisoner cannot keep in touch with family and friends there can be family breakdowns and a high risk of re-offending. Families need encouragement to keep together and children need to see their parents. Legal visits become a problem – solicitors do not have time to travel out of area to see their clients.

Prisoners cannot always complete courses they have started because of the pressure on places. Resettlement issues are doubly difficult when prisoners are out of area – accommodation and work become problems because resettlement staff are not familiar with the prisoners' probation areas. Frequently prisoners have missed hospital appointments and then have to join a waiting list at their next prison.

There have been too many prisoners serving Indeterminate Sentences for Public Protection [IPP] who have gone beyond their tariff because the local prisons where they start their sentence are not profiled to do the various courses that Probation have prescribed and there are insufficient places in the training prisons. Consequently they cannot be considered for parole. Sentencing guidelines have been changed for IPP prisoners – they can no longer be sentenced for a matter of months and more effort is made to transfer them to appropriate establishments. Unfortunately, this has had a knock-on effect on lifers who seem to be very much at the end of the chain.

In the middle of all this movement up and down the country from Courts to police cells, police cells to prisons out of area and consequent overcrowding drafts it is no wonder prisoners

complain that their property has gone missing and their cash has not been transferred. IMB members have found that they have an increasing number of applications regarding transfers, missing property and cash and missed hospital appointments.

Behind this summary lies an immense amount of frustration, together with the undermining of the best efforts of staff and the service as a whole to treat prisoners with respect and facilitate their rehabilitation. What has to be an even greater concern is that the future looks in no way better than the present. In particular, providing more 'bed spaces' may appear as a solution to the overcrowding problem; in the added context of declining resources it is certainly no solution to the problem of overpopulation: there are just too many people in prison.

Lifers & IPPs

In 2007 NOMS conducted a priority review of services and systems for Lifers and IPP sentenced offenders and invited a representative of the National Council to attend the Group's meetings in the role of observer and provider of information. The review was driven by pressure, not least from the National Council, IMBs and the Inspectorate and the expectation of a number of judicial reviews. The review group was particularly interested in the knowledge and concern of IMBs based on their direct contact with prisoners and staff across the estate.

The report (the Lockyer Report), which was concluded in August 2007, identified five core principles for the better management of these prisoners:

- 1) the offender assessment should be front-loaded in order to facilitate sentence progression. An OASys assessment and an outline sentence plan should, wherever possible, be available at the point of sentence;
- 2) case management arrangements must be streamlined;
- 3) targeted intervention pathways should be developed to enable sentence progression;
- 4) services should be tailored regionally to meet needs within nationally agreed arrangements;
- 5) and resources should follow risk and not the sentence.

This very robust report states:

"The current reliance on the lifer management arrangements for dealing with all IPP prisoners has failed. IPPs are stacking up in local prisons and are not moving to establishments where their needs can be assessed or better met."

Boards will recognise this sentiment from their own annual reports.

As an immediate response to this report, NOMS established better case management arrangements through new, streamlined procedures for the management of indeterminate sentenced prisoners. The review was concluded in August 2007 but the resulting report, although accepted by the NOMS Board, was not published until July 2008 and then only following a Freedom of Information Request. If fully implemented, the short, medium and long term recommendations of the Lockyer Report would alleviate the problem over time. The National Council will continue to press this.

Monitoring fairness and respect for people in custody

The arrangements for existing IPP sentenced prisoners remains a concern of the National Council. IMBs regularly report the negative effects that the numbers of IPPs have on prison life, and the scandal that courses which IPPs need to undertake in order to prove their suitability for release are unavailable because of a lack of resources, and the National Council will continue to monitor this situation, particularly in response to Annual Reports.

Cost of Prisoners' Telephone Calls

The National Council wrote to the Prisons Minister in October 2007 to report on the high cost to prisoners of telephone calls from prisons. The report, which reflected the widespread concern among IMBs, highlighted that contact between prisoners and their families and the maintenance of family ties is a strong factor in the successful rehabilitation of prisoners; that at least half of the prison population relies on verbal communication due to low literacy rates; and that the cost of prisoners' telephone calls was much higher than that charged to consumers outside prison.

The Prison Reform Trust, which had also examined the cost of prisoners' telephone calls, subsequently made contact with the National Consumer Council, which raised a Supercomplaint with OFCOM in 2008. OFCOM has found that the current prices for prisoners are too high and has called upon the Prison Service to renegotiate the contract with BT. The Ministry of Justice's response is that there are no plans to reduce the cost of telephone calls for prisoners in light of the National Consumer Council comments and that NOMS continues to discuss the cost of calls with the providers but they are not contractually obliged to reduce the cost. The current contract is in place until 2011 and the retendering project will commence in 2009. The MoJ has given an undertaking that reasonable call prices for prisoners will form part of the requirements of the new contract and the National Council will keep this issue under review.

Prison Retail Project Board

The National Council and IMBs have long been concerned about the prison canteen system, specifically the variation in prices charged by suppliers in different distribution areas across the prison estate. The National Council was therefore pleased to be invited to observe the discussions of the Prison Service's Retail Project Programme Board which was formed to draw up the specification for a new contract for the provision of prisoners' canteen items and oversee the award of the contract which will apply to public sector prisons. The Council made it clear from the outset that it would not play any part in the decision-making process.

From October 2007 the Programme Board met regularly for eighteen months to review the products to be offered on the Canteen Lists for prisoners and the location of the main and subsidiary distribution centres. Some eight companies bid for the new contract and following evaluation by the Procurement Department of the Prison Service it was awarded to DHL/Booker. The first distribution depots went live in November 2008 and all distribution depots are scheduled to be on stream by March 2009. The main aim of the contract is to ensure standard prices across the whole of the public prison estate. Revised Lists will be issued every quarter and prices will be "benchmarked" against those on the High Street in outlets such as Somerfield, Budgens, Happy Shopper, Euroshopper and the Recommended Retail Prices Index.

The National Council has arranged for IMBs to be fully informed of the new contract arrangements and will ensure that any changes that may be required to the contract are also disseminated to IMBs so the prison canteens can be effectively monitored.

Section 9

TRENDS FROM BOARDS' ANNUAL REPORTS

Individual Boards put considerable time and effort into their annual reports which provide Ministers and senior managers with essential information on the treatment of prisoners and detainees, and invaluable feedback on the way policies are affecting them. Although Ministers declined to accept the Lloyd Review's recommendation that annual reports should in future be addressed to the community rather than to the Secretary of State, they nevertheless said that all reports should be produced in a more readable fashion and circulated within the community. An Annual Report template was piloted by selected Boards in 2006 and, having reviewed the results, the National Council issued in early 2007 a revised template and guidance designed to:

- ensure instant recognition as an IMB report
- standardise the format of its content
- enable easier identification of issues and trends reported by a number of Boards; and
- make writing the report less onerous for Boards

As IMBs provide the only local, independent, and regular oversight of establishments the annual report must be effective in conveying the valuable insights and opinions of the Board, must be easily navigated and not overwhelmed by detail that rightly can be found elsewhere. Agreement was therefore reached on the areas to be covered by reports and their particular prominence; which statistics should be included; how the report should look; how supporting evidence should be provided; and how both the generic and

the unique could be reported on in the same document.

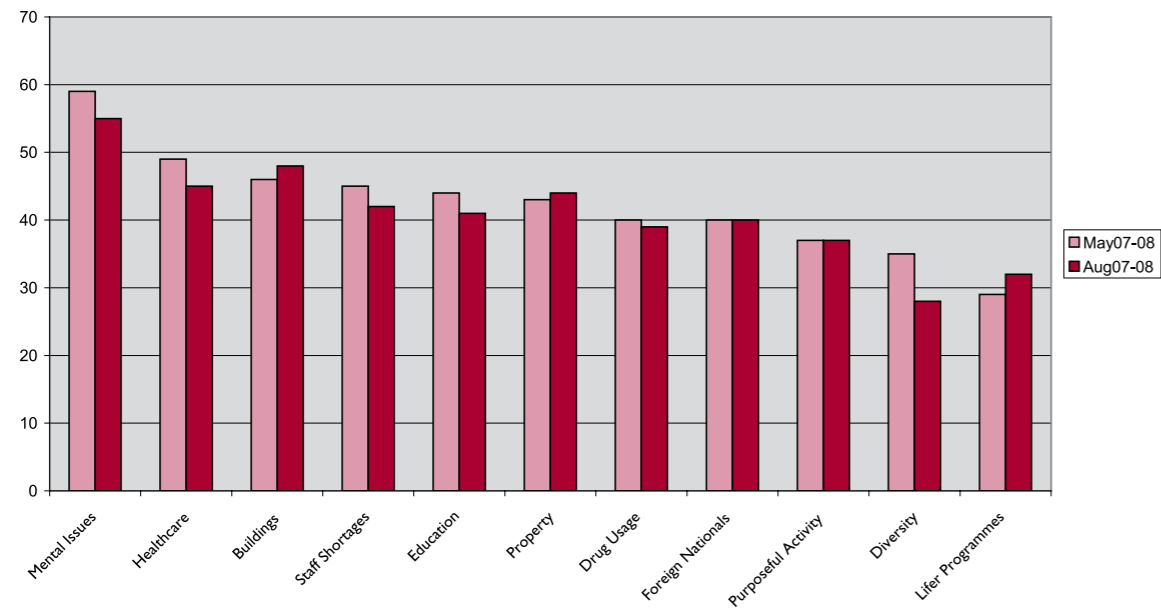
Following its issue two years ago the template is now used by almost every Board but as a 'living document' it will almost certainly evolve in the light of experience and future need. Ministers and senior officials will be consulted to ensure they continue to receive information that helps improve the care and treatment of offenders and detainees, but the National Council will also ensure that Boards state their opinions and concerns unequivocally so that their reports cannot be misrepresented by those being reported on.

The National Council is currently working closely with the IMB Secretariat to identify and report regularly on issues and trends, and supporting evidence, emerging from annual reports which the Council can take forward and pursue at a national and strategic level.

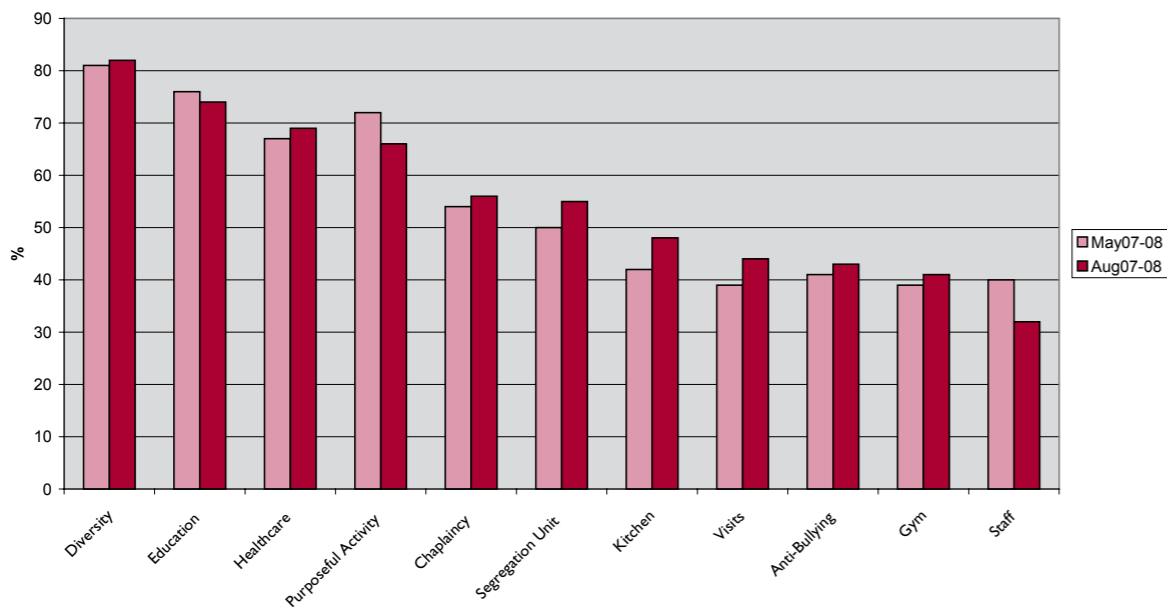
The Secretariat administers a database which records and analyses the positive and negative comments and observations made in IMB annual reports. Between 1 May 2007 and 31 May 2008 a total of 114 reports were analysed. The following charts illustrate the main positive and negative comments made by Boards in their reports.



ANNUAL REPORT SUMMARY NEGATIVES



ANNUAL REPORT SUMMARY POSITIVES



Issues may be reported both negatively and positively, for example a Board may report that, “more educational programmes have been introduced and more prisoners are attending education, but there still remains no proper mechanism for measuring the success of those attending classes”.

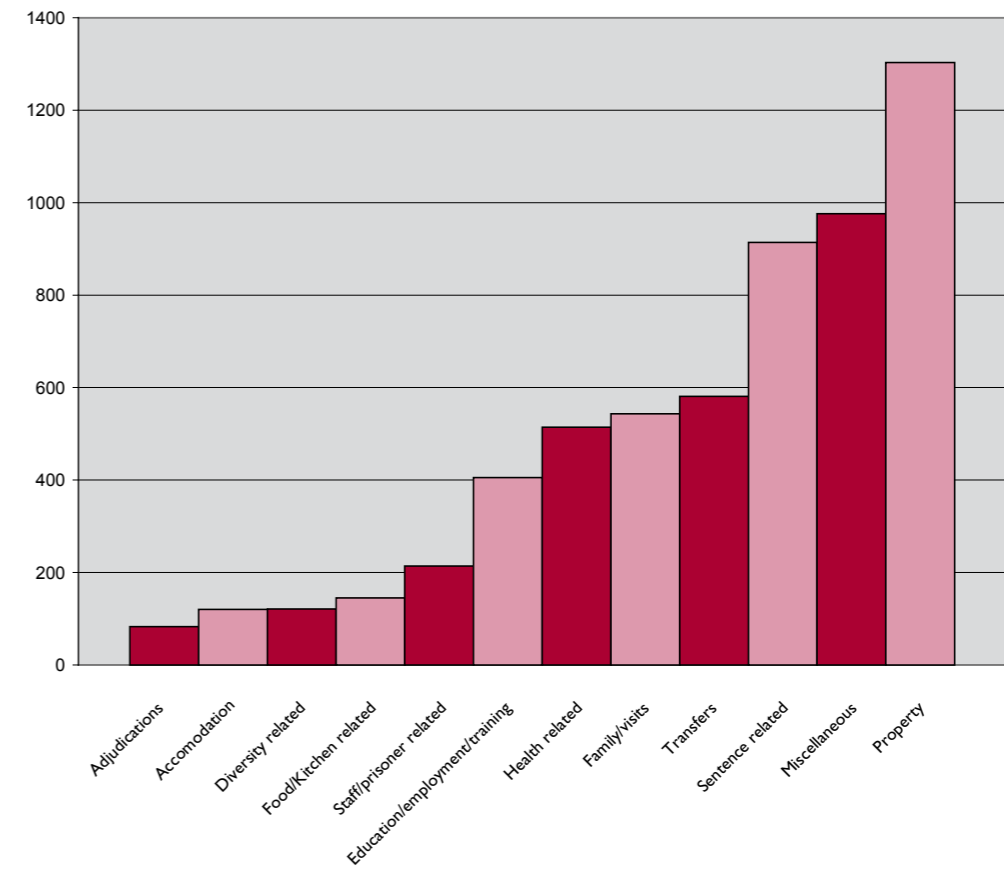
Some of the more interesting results to come from this analysis include:

- The issue of prisoners with mental health problems is the greatest area of concern for Boards.

- Negative comments regarding mentally disturbed offenders decrease from the High Security estate to Category D prisons.
- The problem of late arrivals was raised mainly by IMBs in YOIs.
- The conditions and misuse of segregation were negatively reported by the majority of Cat A Boards.

The graph below shows the type and number of applications received during the 2008 reporting period by the 21 Boards which included this data in their annual reports.

APPLICATIONS



Following the trend of previous years, applications regarding property account for the largest proportion (22%). The numbers of applications on sentence related issues and transfers are also significant (15% and 10% respectively). An average of 286 applications was received by each of the reporting Boards.

Section 10

ANNUAL CONFERENCE

The Annual IMB National Conference is planned and organised by a team of two National Council members supported by the IMB Secretariat Communications staff. The main aims of the Conference are to reinforce to delegates the key purpose and unique attributes of the IMB role and to inspire, enthuse and encourage them to continue their vital work. These aims have influenced the Conference themes selected over the past five years:-

Working in Partnership – Raising our Independent Profile (2004)

The Three 'R's: Reception, Regimes and Resettlement (2005)

Monitoring fairness and respect for people in custody (2006)

Effective Monitoring – using our skills (2007)

Independent Monitoring (2008)

The Conference provides an annual opportunity for IMBs to unite and reinforce the message that Boards are independent of the Prison Service, private contractors, and managements teams – but not of each other.



Section 11

LIAISON WITH SCOTTISH AND NORTHERN IRISH MONITORS

Since 2005 the National Council has participated in annual tripartite talks with colleagues on Independent Monitoring Boards in Northern Ireland and Visiting Committees of Scotland.

The Northern Ireland IMBs, which monitor the three prisons in that country, are broadly similar to those in England and Wales although members are appointed for non-renewable six year terms only. The Scottish Visiting Committees differ in that they include members appointed to Boards as part of their duties as councillors as well as volunteers from the community.

The purpose of the tripartite meetings is to share information on a wide variety of subjects including the appointment and retention of board members, secretariat support, funding, diversity, rota visits, health care including mental health, safer custody including deaths in custody, and relationships with the inspectorates and ombudsmen. The National Council has been pleased to share its Death in Custody protocol, the conduct and discipline procedures, annual report template and key message card concept with tripartite colleagues.

Section 12

THE YEAR AHEAD

Filling the monitoring gaps

As this report makes clear, the National Council has become increasingly concerned about the transport of prisoners and detainees. General (PECS-managed) prisoner movements are monitored by the Lay Observers but there is currently no formal, independent monitoring of Category A prisoner movements, non-PECS prisoner movements e.g. in cars/taxis and for medical purposes e.g. hospital appointments; foreign national prisoners to IRCs at end of sentence, in-country movements of immigration detainees, and deportations of immigration detainees from the UK. As a consequence there is an increased risk of unintentional or deliberate abuse of prisoners or detainees and an absence of safeguards for escort staff.

The Immigration Minister has already recognised that the IMB is best placed to monitor in-country movements of detainees and the Head of UK Detention Services has welcomed IMB monitoring of deportations. Early discussions with Prison Service senior management indicate a willingness to consider the monitoring of prisoner movements currently not subject to independent scrutiny. The National Council will continue discussions of principle and practice with UKBA and the Prison Service over the coming year with a view to ensuring effective and independent monitoring of prisoner and detainee movements is put in place as soon as possible.

Recruitment of IMB members

The recruitment of suitable members is vital to the effectiveness and professionalism of IMBs. Consequently, the Council intends to regard recruitment, along with retention, as a top priority for 2009. It proposes to co-opt a member to

the Council from the IMB community who will specialise in recruitment and retention. That person will work with the Secretariat to undertake a comprehensive overhaul of the recruitment and appointments process, both externally amongst Boards and internally between the Secretariat, Ministry of Justice and the Home Office.

Review of National Council Constitution

The Council's Constitution was drawn up more than five years ago and now needs to be re-visited in order to update it in the light of the working experience of the Council. A small working party has been set up to take this forward. Any proposed changes will need to be considered and approved by the Annual Conference of IMBs before being presented to the Secretary of State.

Working relationships between the Secretariat, National Council, Ministry of Justice and the Home Office

In order to underpin the independence of the National Council and IMBs in general, discussions will continue to take place with the Ministry of Justice and the Home Office about lines of reporting and accountability in order to secure as much organisational and structural independence as possible.

In this context, consideration will be given to possible protocols between the Secretariat, National Council, Ministry of Justice, Home Office and possibly between individual IMBs and their establishments.

Secure emails

It is important that IMB members can communicate with each other by email without the risk of those messages being intercepted

by third parties. As a result, a system of secure emails will be introduced to all Boards during the course of 2009.

Elderly prisoners

The National Council has been concerned about provision made for elderly prisoners and will be giving this particular attention over the coming year. The Prison Service regards anyone over 50 as an "older prisoner". This is based on the lifestyle many prisoners have led - in many ways chaotic and unhealthy. However, the Prison Service does not have a strategy for this classification of prisoner and only a single chapter relating to them in the Disabilities PSO 2855 in which it is acknowledged that studies have revealed that the health of older prisoners, statistically, is worse than the general population and therefore chronic illness, infirmity and disabilities will be more prevalent in older prisoners than in people of the same age group outside prison.

Other agencies share the National Council's concerns about the care and treatment of elderly prisoners. In July 2008 the Prison Reform Trust published "*Doing Time – experience and needs of older people in prison*" and in the following month HMCIP updated her 2004 report "*No problems – Old and Quiet*" noting that eight of the key recommendations in the original thematic review have not been implemented.

The current Prison policy appears to be to delegate the agreement of local protocols to individual Governors. The National Council is concerned that this approach will fail to deliver a common standard and instead will be conditional on local priorities and resources. The National Council intends to pursue this matter and hopes that the Prison Service will acknowledge the need for a Prison Service Order with appropriate guidance and mandatory actions.

Foreign National Prisoners

The Council will continue to monitor the care and treatment of Foreign National Prisoners, particularly those who are detained after their sentence expiry dates, in order to assess whether there has been any improvement in UKBA's plans to remove them before sentence expiry. Where there is no clear improvement, the Council will make representations to the Government on the subject.

Monitoring of court cells when used as prisons

As a result of prison overcrowding, court cells are occasionally used to house prisoners overnight. In these circumstances, the court cells are designated statutorily as prisons. At present, no independent monitoring takes place when court cells are used in this way, and it is the intention to draw up plans to enable IMBs to conduct such monitoring.

New Boards for Immigration Holding Rooms

It is hoped that new Boards will be set up to monitor immigration holding rooms in:

- Scotland (Glasgow and Edinburgh Airports)
- Gatwick Airport, ports in the South East and four locations in northern France
- London and airports in the environs (e.g. City Airport, Stansted and Luton)

Concerns of Boards

The National Council will, of course, always want to respond to the concerns of Boards, particularly where they have national implications, and will provide Boards with a representative voice on these matters.

Section 13

THE NATIONAL COUNCIL AND ITS FUTURE

We are a body only five years young, and already this report shows a steady growth in our areas of interest as the National Council seeks to bring added co-ordination and effectiveness to the crucial monitoring role of IMBs. With the exception of the President, all members of the National Council are also IMB members, undertaking the full task of monitoring in the establishment to which they have been appointed. Those who are elected area representatives undertake the further tasks of assisting and advising IMBs in their area when difficulties occur in the life of the establishment or of the Board itself, and they represent their IMBs to the Council and the Council to their IMBs.

As well as that, National Council members undertake 'thematic' responsibilities, with areas of interest assigned to them by the President at the start of the year.

This enormous workload is willingly and cheerfully undertaken, and it is that level of commitment that has enabled the National Council to establish itself as a voice for IMBs, and it will continue to promote the work of IMBs in the future.

What we can see ahead leaves no doubt of the continuing importance of the work: the prison population is set to continue growing as a result of government policies, and with it the number of establishments needing monitors. They will need to be recruited and assessed for appointment by Ministers and then trained for a task that is as vital as it is demanding. The immigration detention estate is also set to grow, needing, as you will have read, monitoring Boards for short-term holding facilities as well as any new centres.

So the IMBs work will expand as the use of

custody expands. If as seems almost certain that expansion is accompanied by a reduction in the resources provided for the refurbishment of ageing buildings and the support of creative regimes we need to collect the evidence and give voice to our concerns.

Then there are new areas of work to be undertaken: the difficult matter of the transport of prisoners and detainees, only partly monitored at the moment by the Lay Observers, needs to be covered. We have already made our views known on the Titan prisons and other proposed developments, but we shall need to continue to give voice to the emerging themes of IMB reports. In summary we see a future for the National Council and the IMBs that it serves, which is

- **Proactive:** as we look at the **developing trends** we need to develop our independent monitoring skills and resources accordingly.
- **Professional:** independence is not detachment, and it is no easy matter to combine **maintaining the confidence** of staff, prisoners and detainees while **avoiding any collusion**; that requires a greater investment in training.
- **Protective:** we are not here to assess performance in general but the very specific needs of **people** who, while they are held in closed institutions, are **at risk** not just from the (fortunately rare) failures of compassion among officers but from the effects of **policies which endanger their rights**.
- **Perceptive:** many of the challenges to respect and fairness are hidden in the language of policies and reports. Where these challenges affect, for instance, our ability to recognise the **diversity** of the custody population we shall devise the means to meet those challenges. And we shall above all be
- **Passionate** in the defence of fairness and respect, our central mission.

Monitoring fairness and respect for people in custody

Annex A

HISTORY OF
INDEPENDENT
MONITORING BOARDS

The principle of inspection of prisons dates back to the 16th century when magistrates of the country quarter sessions appointed Visiting Committees of magistrates with specific responsibilities for local gaols. It developed by custom over the following 200 years and during the 19th century was further defined by statute most notably those Acts which set up Visiting Committees for local gaols and Boards of Visitors [BoVs] for national convict prisons.

Boards of Visitors took their modern form in the Prison Act of 1952, which stipulated that at least two members of a BoV should be Justices of the Peace, and prescribed the functions of Visiting Committees and BoVs, including the requirement that members pay frequent visits to the prison, hear any complaints which might be made by the prisoners and report to the Secretary of State any matter which they consider expedient to report. The Act also reiterated that any member of a Visiting Committee or BoV might at any time enter the prison and should have free access to every part of the prison and to every prisoner. Visiting Committees and BoVs continued to run in tandem until the Courts Act 1971 abolished Visiting Committees and established BoVs in all types of penal establishments.

In 1982 the European Commission took the view that BoVs were not independent and impartial for the purposes of Article 6 of the European Convention on Human Rights, and although the European Court of Human Rights

came to the contrary conclusion, the view of the Commissioner was seen to damage the reputation of BoVs in relation to adjudications. The Maguire and Vagg report in 1984 made some sharp criticism of BoVs, showing their independence was regarded with scepticism by those in prison who associated them with management, finding that they were generally unable or unwilling to exercise their critical faculties when dealing with the Governor whom they tended to treat as a colleague, and concluding that there was considerable scope for improved effectiveness.

The following year the Prior Committee on the Prison Disciplinary System suggested that both staff and prisoners lacked confidence in the ability of some BoVs to conduct adjudications in a competent and professional manner. In 1990 the Woolf report recommended that BoVs should lose their powers of adjudication, and in the Criminal Justice Act 1991 they finally did. It was accepted that this responsibility had weakened the BoVs' reputation for independence and that their watchdog role would be enhanced if prisoners did not see BoVs as responsible for imposing punishments.

Considerable change within the Prison Service, particularly after becoming an agency, placed new and increased demand on Boards. In 1995 a ministerial review of the role of BoVs identified the strength and weaknesses of Boards' practices and developed proposals and recommendations for change. Only some of the recommendations, such as the establishment of a National Advisory Council [NAC], the adoption of a statement of purpose and a common constitution, were implemented.

Annex B

NATIONAL COUNCIL
MEMBERS**President**

Dr Peter Selby, 2008- 2010
[Sir Peter Lloyd, 2003 – 2007]

Eastern Area

Sue Simkin, 2007- 2009
[David Graham, 2004 – 2006]

East Midlands

Jane Wright, 2007 – 2009
[Sue Nicholas, 2004 – 2006]

**South Central (formerly London,
Thames Valley & Isle of Wight)**

Lesley Harvey, 2008 – 2010
[Richard Gully, 2004 – 2007]

South West

Richard Brown, 2007 – 2009
[Simon Nieboer, 2004 – 2006]

Wales & West Midlands

Barbara Bradbury, 2008 – 2010
[Jo Jenkins, 2004 – 2007]

North East, Yorkshire & Humberside

John Weightman (2006 – 2008)
[Muriel Blythman, 2004 – 2005]

North West

Mike Davis, 2008 – 2010
[Sheila Royle, 2004 – 2007]

**Kent & Sussex (formerly Kent,
Surrey & Sussex)**

Jane King, 2006 – 2008
[Jill Berliand, 2004 – 2005]

Immigration Removal Centres

Peter Booth, 2006 – 2008
[Michael Wharton, 2004 – 2005]

Dencer Brown, co-opted to lead on Diversity,
2007 - 2009

Steve Reeves, co-opted to lead on Training,
2007 - 2009

Annex C

AREAS OF PAST AND PRESENT NATIONAL COUNCIL INVOLVEMENT

AMIMB Liaison Annual Conference Annual Reports	Jane King <i>David Graham</i> Jane King Richard Brown Mike Davis <i>Jill Berliand David Graham</i> John Weightman <i>Sue Nicholas</i>
Board complements	<i>Sue Nicholas</i>
Category Bs and Locals Chaplaincy CNOMIS Communications Conduct & Discipline Conflicts of Interest Contracted Estate Cost of Prisoner Phone Calls	<i>Richard Gully</i> <i>Michael Wharton</i> <i>Jo Jenkins</i> Jane King Mike Davis <i>David Graham</i> <i>Sue Simkin Jo Jenkins</i> <i>Jo Jenkins</i> Jane Wright <i>Jo Jenkins</i> Richard Brown
Data Protection Deportation with Assurances Diversity	<i>Jo Jenkins</i> <i>Sue Simkin Jo Jenkins</i> Dencer Brown <i>Jo Jenkins Simon Nieboer</i>
Elderly prisoners	Barbara Bradbury
Family links & Visits Foreign National Prisoners Freedom of Information	<i>Sue Nicholas</i> <i>Sue Simkin Peter Booth Simon Nieboer</i> <i>Jo Jenkins</i>
Good practice	<i>Sue Nicholas</i>
Health care, including mental health High Security Estate	Lesley Harvey <i>Sheila Royle</i> Mike Davis <i>Richard Gully</i>
Interboard Exchange Industrial action: implications for IMBs	<i>Sue Nicholas</i> <i>Richard Gully</i>

Juveniles & YOIs	John Weightman <i>Sue Nicholas</i>
Learning & Skills Lifers & IPPs	John Weightman <i>Richard Gully</i> John Weightman
Mubarek Inquiry	<i>Jo Jenkins</i>
NOMS roll-out	<i>Jo Jenkins</i>
OPCAT Open Prisons Overcrowding & Carter review	<i>Sue Simkin Jo Jenkins</i> <i>Sue Nicholas</i> Barbara Bradbury
Performance reviews: IMB members Prison Retail Project Prisoner Property Probationary Year	Jane Wright <i>Sue Nicholas Sheila Royle</i> Richard Brown Jane Wright <i>Sheila Royle</i> <i>Sue Nicholas Sheila Royle</i>
Recruitment Reference Book	Peter Booth Richard Brown <i>Simon Nieboer</i> Jane Wright <i>Jill Berliand</i>
Safer Custody Segregation Short term holding facilities	Barbara Bradbury <i>David Graham</i> Lesley Harvey Barbara Bradbury <i>Sheila Royle</i> Peter Booth
Training Transport Tripartite Meetings	Steve Reeves Peter Booth <i>Simon Nieboer</i> <i>Michael Wharton Richard Gully</i> Jane King <i>David Graham</i>
Vulnerable prisoners	<i>Jill Berliand</i>
Womens Estate Working in Partnership	Jane King <i>Muriel Blythman</i> <i>Sue Nicholas</i>

Past National Council representatives shown in italics

Annex D

NATIONAL COUNCIL SUPPORT GROUPS

Healthcare Support Group

Judith Anstice
IMB HMP Dorchester
September 2006 - October 2008

Lesley Harvey
IMB HMP/YOI Holloway
January 2008 to present
[Chair and National Council representative]

Doug Johnston
IMB HMP Peterborough
September 2006 - March 2008

Jenny Kretz
IMB HMP /YOI Guys Marsh
September 2006 to present

Sally Murch
IMB HMP Swaleside
September 2006 to present

Patricia Phillips
IMB HMP/YOI Norwich
September 2006 to present

Sheila Royle
IMB HMP Altcourse
September 2006 to present
[Chair and National Council representative, September 2006 - January 2008]

Bob Thomson
IMB HMP Kirkclevington
September 2006 to present

Learning and Skills Support Group

Suzanne Ash
IMB HMP Birmingham
December 2006 to present

Kate Beavis
IMB HMP Manchester
December 2006 to December 2007

Reg Cartner
IMB HMP/YOI Moorland
December 2006 to present

John Cooke
IMB HMP Acklington
December 2006 to present

Jean Davis
IMB HMP/YOI Parc
December 2006 to December 2007

Gill Hinds
IMB HMP/YOI Chelmsford
December 2006 to present

Gordon Johnson
IMB HMP Nottingham
December 2006 to September 2008

Mike Noddings
IMB HMP/YOI Hull
December 2006 to present

John Weightman
IMB HMYOI Castington
December 2006 to present
[Chair and National Council representative]

Communications Working Group

Ian Anderson
IMB IRC Haslar
May 2007 to present

Juliette Bijoux
IMB IRC Tinsley House
March 2005 to December 2006

Frank Blake
IMB HMP Wealstun
March 2005 to December 2007

Tina Bytheway
IMB HMP Send
May 2007 to September 2007

Angela Clay
IMB HMP/YOI East Sutton Park
March 2005 to December 2008

Mike Davis
IMB HMP Manchester
March 2005 to present

David Graham
IMB HMP The Mount
March 2005 to December 2006
[Chair and National Council representative]

Peter Johnson
IMB HMYOI Portland
March 2005 to December 2007

Jane King
IMB HMP Lewes
January 2006 to December 2008
[Chair and National Council representative]

Frank McLaughlin
IMB HMYOI Lancaster Farms
May 2007 to November 2008

Gail O'Flaherty
IMB HMP Coldingley
January 2008 to present

David Shaw
IMB HMP Bristol
January 2008 to present

Paul Tuddenham
IMB HMP Ranby
March 2005 to December 2007

Neil Waterston
IMB HMP Whatton
January 2008 to present

John Webster
IMB HMP Lincoln
January 2008 to present

Howard Whitham
IMB HMP Gartree
May 2007 to present

Diversity Working Group

Shabaz Ahmed
IMB IRC Harmondsworth
January 2008 to present

Zephyrine Barbarachild
IMB HMYOI Lancaster Farms
June 2005 to present

Peter Booth
IMB IRC Dover
June 2005 to December 2008
[National Council representative]

Dencer Brown
IMB HMP Featherstone
January 2007 to present
[Chair and National Council representative]

Anne Gillespie
IMB HMP Everthorpe
January 2008 to present

Sarah Hargreave
IMB HMP Lancaster Castle
January 2008 to present

Henry Hendron
IMB HMYOI Feltham
June 2005 to October 2008

Jo Jenkins
IMB HMP Parc
June 2005 to December 2007
[Chair and National Council representative]

Billis Malek
Diversity Consultant
January 2007 to present

Dee Nutt
IMB HMP Exeter
June 2005 to December 2006

Steve Reeves
IMB HMP Belmarsh
June 2005 to April 2007

Hashi Syedain
IMB IRC Harmondsworth
January 2007 to present

Cliff Walker
IMB HMP Peterborough
January 2008 to present

Edmond Yeo
IMB HMP Wormwood Scrubs
June 2005 to present

Training Strategy Group

David Blythe
IMB HMP Altcourse
November 2006 to present

Peter Booth
IMB IRC Dover
May 2006 to December 2008
[National Council representative]

Margaret Carter
IMB HMP Glen Parva
November 2006 to present

Julian Ellis
IMB HMP Nottingham
May 2006 to December 2007

Anne Grange
IMB STHF North and Midlands
May 2006 to present
[Lead Trainer 2006 to Dec 2007]

Doug Merriman
IMB HMP The Mount
January 2008 to present [Lead Trainer January 2008 to present]

Simon Nieboer
IMB HMP Leyhill
May 2006 to December 2006
[Chair and National Council representative]

Steve Reeves
IMB HMP Belmarsh
January 2007 to present
[Chair and National Council representative]

Reference Book Working Group

Jill Berliand
IMB HMP Bronzefield
June 2004 to present [Chair]

Shirley Butcher
IMB HMP Hewell
June 2004 to present

Roger Chicken
IMB HMP Buckley Hall
June 2004 to present

Joe Dunsthorne
IMB HMP Eastwood Park
June 2004 to present

David Graham
IMB HMP The Mount
June 2004 to December 2006
[National Council liaison]

Richard Gully
IMB HMP Parkhurst
January 2008 to present

Stuart Lawson
IMB HMYOI Lancaster Farms
June 2004 to present

Mandy Millward
IMB HMP Huntercombe
June 2004 to present

Jane Wright
IMB HMP Rye Hill
January 2007 to present
[National Council liaison]

Recruitment & Retention Working Group

Peter Booth
IMB IRC Dover
June 2007 to December 2008
[Chair and National Council representative]

Dencer Brown
IMB HMP Featherstone
June 2007 to present [National Council representative]

Richard Brown
IMB HMP Shepton Mallett
June 2007 to September 2008
[National Council representative]

Steve Reeves
IMB HMP Belmarsh
June 2007 to present [National Council representative]

Annex E

NEW PRISON & IMMIGRATION RULES

NEW PRISON RULE

It is the duty of each IMB

- (1) to satisfy itself as to the humane and just treatment of those held in custody within its prison and the range and adequacy of the programmes preparing them for release;
- (2) to inform promptly the Secretary of State, or any official to whom he has delegated authority as it judges appropriate, any concern it has;
- (3) to report annually to the Secretary of State on how well the prison has met the standards and requirements placed on it and what impact these have on those in its custody.

NEW IMMIGRATION RULE

It is the duty of each IMB

- (4) to satisfy itself as to the humane and just treatment of those held in immigration removal centres;
- (5) to inform promptly the Secretary of State, or any official to whom he has delegated authority as it judges appropriate, any concern it has;
- (6) to report annually to the Secretary of State on how far the immigration removal centre has met the standards and requirements placed on it and what impact these have on those held in the centre.

Explanatory Statement (to apply to both prison and IRC IMBs)

- (1) In fulfilling these duties any matter which directly or indirectly affects an individual held in custody or detention, or affects the prospects for his successful resettlement on release, is of relevance to the Board. That includes the state of the establishment's buildings and the efficiency of the administration where they have an impact on prisoners or detainees.
- (2) Although Boards have no comparable responsibilities for staff, staff problems which affect those held in custody or detention are the Board's proper concern. It is also important for Boards to build a professional relationship with staff and where they can assist in resolving any difficulties a member of staff may have, the Board, where it judges appropriate, should do so.
- (3) Board members should regularly engage with prisoners or detainees and staff and do so with a courtesy and interest which earns their trust and draws out their hopes and concerns. Members should note the quality of the interaction between staff and those held in custody or detention. They should be conscious at all times that their own demeanour and approach can have an important impact on the atmosphere of the establishment and the readiness of prisoners or detainees and staff to confide in them.
- (4) To be able to carry out their monitoring and reporting duties effectively, Boards must have a wide knowledge of what is expected of their prison or removal centre in all its activities. This includes familiarity with the rights of prisoners and detainees and established standards for their welfare and treatment. It also includes a sound appreciation of what those responsible for the quality of the various aspects of the regime and associated services regard as good practice. It is this knowledge

which enables Boards to report confidently and accurately when establishments are falling short of what is required of them or, just as importantly, where they are reaching high standards.

- (5) Knowing how, when and with whom Boards should raise their concerns is crucial to their ultimate effectiveness. Where Boards are critical, the matter should be raised as soon as it arises with those to whom authority for that aspect of the regime has been delegated. In reporting to the Secretary of State, Boards should ensure that the issues they highlight are sufficiently explained so that not only

Ministers but other interested parties can fully appreciate their significance.

- (6) Most importantly, the Board's duty is not only to report on how well an establishment is measuring up to accepted standards but to look with clear and fresh eyes at the prisoner's or detainee's total experience of custody or detention and preparation for release or removal. Boards should also express, where they judge necessary or desirable, their commonsense opinion on the humanity and utility of the policies and practices that the establishment is obliged to follow.

GLOSSARY

GLOSSARY

ACCT	Assessment, Care in Custody and Teamwork	OCP	Office of Contracted Prisons
BDO	Board Development Officer	P&PO	Prisons and Probation Ombudsman
BoV	Board of Visitors	PCT	Primary Care Trust
CWG	Communications Working Group	PECS	Prisoner Escort & Custody Service
DoH	Department of Health	PRT	Prison Reform Trust
DWG	Diversity Working Group	PSI	Prison Service Instruction
FNs/FNPs	Foreign Nationals/ Foreign National Prisoners	PSO	Prison Service Order
HSG	Healthcare Support Group	SEN	Special Educational Needs
IAG	Information, advice and guidance	SLA	Service Level Agreement
IMB	Independent Monitoring Boards	STHFs	Short Term Holding Facilities
IPP	Indeterminate sentence for public protection	TSG	Training Strategy Group
IRC	Immigration Removal Centre	W&YPG	Prison Service Women's and Young People's Group
LSSG	Learning & Skills Support Group	UKBA	United Kingdom Borders Agency
NAC	National Advisory Council	YJB	Youth Justice Board
NC	National Council		
NOMS	National Offender Management Service		

For further information contact:

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