

issue nine June 2006



11

Supporting
those at Risk



16

IRC Conference
– what did the
delegates think?



22

Monitoring
Places of
Detention

6-16 The IRC Conference



Editorial



This has been an interesting week (beginning of May) in which to put *IMB News* together. Will I have room to include another statement on foreign national prisoners? Will Charles Clarke's fate be decided before I have to send the material to the designer? (*It was! Page 5 for details of the new Ministerial team at the Home Office*). Will the government set a date for the introduction of the new Offender Management Bill? (*It hasn't yet*). Will it publish its prospectus on contestability in the provision of probation services?

By now of course you will probably know the answers to all of these questions and many more but it should all make for lively discussions at the IMB prisons annual conference in September. Invitations for the conference went out in early May in a letter to Chairs so if you haven't been to Conference before make sure that you book one of the places available to your Board.

In March I went for the first time to the annual conference for IMB members in immigration removal centres which we report at length in this edition. Apart from the quality of the presentations I was also struck by the quality of the workshops and the opportunity that they presented for members to share their experience of practical issues and to help shape the future agenda of the IRC Forum. The Annual Conference for prison IMBs is probably too big to allow a similar process but hopefully the proposed interest groups (see DC04/06) will give a much-needed opportunity for members to share their experience and expertise.

Sir Peter Lloyd's address to the IRC Conference was a timely reminder for all Board members, in prisons as well as removal centres, of what the job is about and also provided a useful update on progress so far on the National Council's Business Plan. As he reminded us, it's worth going back from time to time to the 'New Rule', and especially its Explanatory Statement, to ensure that we remain focused on our purpose. Most of the other presentations at Conference also had something of interest to say to those of us who work in prisons.

My only personal disappointment at the Conference was not being able to show off my 'ochos' during the tango demonstration after the formal dinner. Perhaps next time.

In this edition we also have an important statement from Norman McLean setting out the new IMB strategy on diversity which was approved by National Council in April, together with news of a number of other important developments, including details of the new framework for prisoner education.

Finally, if any of you are still 'watching the space' on page 20 of *IMB News 8* you can stop now!

Editor: Jim Haines

Contents

National Council Update	3
IMBs and Diversity	4
New Ministerial team at the Home Office	5
Stop Press	5
IRC Conference	6
The Contract Monitor's Perspective	8
Holding Children in Mind	9
Issues arising from inspections	10
Supporting those at Risk	11
Control and Restraint, and Breakaway Techniques	11
The Ombudsman's Role in Immigration Detention	12
Group Discussion – Complaints Scenario	13
The Role of the Secretariat	13
Immigration Service Update	14
Conference Workshops	14
A detainee's view	15
IRC Conference – what did the delegates think?	16
Conference Outcomes	16
'ACCT' Delivering Individualised Care-Planning to At-Risk Prisoners	17
Update on United Nations Optional Protocol (OPCAT)	18
Parole Board seeks to return to personal interviews	19
Helen Edwards confirmed as Chief Executive of NOMS	19
HMCIPT Thematic Report on Recalled Prisoners	19
Five Year Strategy for Protecting the Public and Reducing Re-Offending	19
Women in Prison	20
Foreign National Prisoners – release or deport?	21
Monitoring Places of Detention	22
Offender Managers	23
IMBs for Immigration Holding Rooms	24
Working Groups	24
Internet Links in <i>IMB News</i>	24
Discipline Panel members	25
Paul Laming, Secretariat Head of Communications	25
Board Networks	26
Self-inflicted deaths and Key Performance Targets	26
Previous articles in <i>IMB News</i>	26
Sentencing arrangements – Criminal Justice Act 2003	27
Annual Conference for IMBs in prison establishments	27
Prison Education	28
Upcoming IMB Training Courses	30
Letters to Chairs and Board Members	30
Expenses	30
Prison Service Instructions	31
The IMB Secretariat	31
The IMB National Council	32
IMB Key Messages	32

Contributions

The IMB News editorial team is always keen to receive your comments, suggestions, contributions and letters.

Our contact details are printed on the final page of this newsletter, or you can send your correspondence via Paul Laming in the IMB Secretariat (paul.laming@homeoffice.gsi.gov.uk).



David Graham gives a brief update on some of the main topics which have occupied the National Council recently.

David Graham, IMB National Council

1. Monitoring of Immigration Holding Centres

The Minister has now approved our proposal to create four new IMBs to monitor the 34 Immigration Holding Centres – see the separate article in this edition of IMB News for fuller details.

2. Diversity

Following the development of a draft Action Plan on Diversity, the working group presented it to the National Council in April. The plan, and its presentation, was excellent and will move us forward as an organisation, benefiting many areas of our work – see Norman McLean's article within this edition of IMB News for fuller details.

3. Communications

Work is continuing with the development of new posters and promotional material for use internally (within prisons and IRCs) and externally (Doctors' surgeries, libraries etc.) These will be pilot tested within the estates before issue as we are anxious to ensure that they will be fit for purpose, but we do understand that many of you want them now so are trying to complete this with some sense of urgency.

As part of our "raising the IMB profile", which so many of you asked us to focus on, we asked every IMB to identify a named contact within the Board, to whom enquiries from the media may be directed as and when the opportunities arise, and to whom we may send any useful PR/promotional material. Thank you to all those who have already done so, and a plea to those who have not yet, to do so ASAP please. It will not be an onerous task but will be an important link for the IMB if we are to make progress in becoming better known.

Following Clare Batt's departure, and we thank her for all her efforts in the communications area, we welcome Paul Laming as the new Head of Communications within the IMB Secretariat. Paul brings with him much useful experience including website maintenance so I am sure our new website will be even more useful to us very shortly. Many of you have already used the online version of the new IMB (Prisons) Reference Book, finding it useful to access from home rather than having to travel to the establishment to use the hardcopy version. Incidentally, all prison IMBs have now been sent 3 copies of the new IMB (Prisons) Reference Book and the group who did all the hard work to produce it (led by Jill Berliand) will be pleased to receive your comments and suggestions for future updates.

4. IMB (Prisons) Annual Conference

Your IMB Chair will have received the details for this year's conference taking place at Keele University from Thursday 14th to Saturday 16th September. The conference is based around the IMB Key Messages and we have an impressive array of speakers for you as usual. We have again asked that new members, or members who have not attended an Annual Conference for some time, be particularly encouraged to come. As last year we are arranging 'break-out' sessions for each category of prison, and another Q & A session for you to raise items of concern with the National Council and Secretariat. There will be a good selection of displays by both external bodies and some of our own IMB colleagues. All in all, something for everyone, whatever your experience, so please ensure your Board registers for places ASAP.

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5. Commissioning new Boards

A procedure with defined timescales for the establishment of new IMBs has been produced by the NC and agreed with the Secretariat. This was produced with input from IMBs set up recently, i.e. HMP Bronzefield, IRC Colnbrook and HMP Peterborough for which we thank Jill Berliand, Anna Thomas-Betts and Cliff Walker. The procedure will not stay on the shelf for long as Peter Booth leads the establishment of 4 new IMBs for the Immigration Holding Centres.

6. Recruitment – on a large scale

There are numerous examples of boards trying different approaches to recruiting new members but this one shows that sometimes we need to think big! Our members in Wales are planning to tell around 160,000 people about the IMB – can anyone else beat that?

Members of the four Independent Monitoring Boards in Wales (HMPs Cardiff, Parc, Swansea

and Usk/Prescoed) hope that their decision to staff an exhibition space at this summer's National Eisteddfod of Wales will help tackle three key issues; communications, diversity and recruitment.

With a history that can be traced back to 1176, the latest, in a very long line of eisteddfodau, will see the site of an old steelworks on the outskirts of Swansea transformed into 'a cultural capital' (5th – 12th August 2006 www.eisteddfod.org.uk).

Board members will join other charitable, voluntary, and community groups in 'Sbardun', the Eisteddfod's voluntary action centre. It should provide them with access to many of the policy making and voluntary sector agencies from across Wales. More importantly, it should help inform at least some of the estimated 20,000 to 25,000 visitors due to attend the Eisteddfod Maes, with its 325+ pavilions and structures, on a daily basis.

IMBs and Diversity

■ Norman McLean, Head of IMB Secretariat

At its meeting on 5 April, the National Council approved a national strategy on diversity. It has four main features:

- the selection and appointment to the National Council of an IMB member to represent diversity in all its forms. Applications will be invited from IMB members for this role
- the selection and appointment of an external consultant to act as a diversity co-ordinator to assist and advise Boards on diversity issues when recruiting new members
- the selection and appointment of training consultants to design and deliver, initially, training modules on diversity to be included in national training courses
- the preparation of guidance to Boards on monitoring diversity within prisons and immigration removal centres.

At the heart of this strategy is the belief that diversity encompasses and promotes greater

interaction and understanding between people of different backgrounds including race, religion, gender, sexuality, marital status, disability, age, etc. Diversity is also about respecting and responding to needs and differences that cut across social and cultural categories such as mental health, literacy and drug addiction.

Engaging diversity should enable all individuals to express their values, perspectives and beliefs without disrespecting or discriminating against others.

The National Council also took the view that Boards should be encouraged to value diversity as a way of increasing their repertoire of skills and individual awareness of the diverse needs and perspectives of the population within prisons and immigration removal centres. This would enhance their ability to monitor whether the experience and interaction between prisoners, detainees and staff is fair and without prejudice.

New Ministerial team at the Home Office

The government re-shuffle on May 5th following the local elections brought sweeping changes to the team at the Home Office with only Baroness Scotland and Tony McNulty retaining their posts as Ministers of State for criminal justice and immigration respectively.

Both Charles Clarke and Fiona Mactaggart left government whilst Hazel Blears moved to the post of Labour Party Chairman. Andy Burnham was promoted to Minister of State at the Department of Health and, completing the departures, Paul Goggins moved to the Northern Ireland Office.

The new ministerial team are:

Secretary of State – Dr John Reid

Minister of State – Liam Byrne MP

Minister of State – Rt Hon Baroness Scotland of Asthal QC

Minister of State – Tony McNulty MP

Parliamentary Under Secretary of State – Joan Ryan MP

Parliamentary Under Secretary of State – Vernon Coaker MP

Parliamentary Under Secretary of State – Gerry Sutcliffe MP



Gerry Sutcliffe, who is MP for Bradford South, will be working with Baroness Scotland on criminal justice and offender management and replaces Fiona Mactaggart.



Joan Ryan takes over from Andy Burnham as Under-Secretary of State for immigration. She is MP for Enfield North.

Stop Press

New Ministerial Team Update

On 22nd May the Home Secretary announced that Tony McNulty would be exchanging responsibilities with Liam Byrne who will now take over immigration and nationality.

Probationary year for new members

The new Minister for prisons, Gerry Sutcliffe, has confirmed his acceptance of the new induction procedures and probationary year for new Board members. The arrangements will come into effect from 1st July 2006.

The Secretariat will shortly be issuing full details to all Board Chairs.

IRC Conference

Some 50 members from IMBs in immigration removal centres attended their Annual Conference in Brighton in March. Apart from some disappointment at the late withdrawal of the Minister, Tony McNulty, delegates were pleased with a balanced programme. In addition to a range of thought-provoking presentations, the programme allowed plenty of opportunity for an exchange of experience and good practice, not forgetting an entertaining after dinner cabaret from 'Los Tangueros'.

From Pages 6-16 we summarise the main contributions to the Conference, many of which have relevance for establishments in both the immigration and prison estate.

Opening Address by Sir Peter Lloyd

Sir Peter began his address by expressing regret that the Minister had not been able to attend and speculating on what he might have said had he been there. Perhaps something about the proposed asylum quotas although that wouldn't affect the IMB role. Short of having completely open movement there will always be asylum seekers and illegal immigrants and there will always be a need for someone to monitor their treatment and see that they are treated properly before they are removed.

For those in the room from the prison estate it perhaps came as a surprise to learn that Sir Peter had been Immigration Minister for three years prior to his two spells as Minister for Prisons.



Sir Peter Lloyd

Having done both jobs he was well-placed to see the similarities in the role of boards in removal centres and in prisons.

The Review of Boards

He began the main part of his address by looking back at his review of Boards of Visitors, noting that the report had reflected accurately the views of Boards and, especially, their frustration at the obstacles and lack of support that could prevent them doing the job they wanted to do. In response to the earlier comments by Conference delegates on their difficulties in gaining access to the core documents that they needed, Sir Peter regretted the fact that Boards had often had to rely for their information on reports from the very people they were supposed to be monitoring.

The key recommendation in the report of Sir Peter's Review was the establishment of a National Council, in 2004, with elected representatives drawn from Board members in both removal centres and prisons. A key feature of the Council's remit was that no new policy could be put in place without the agreement of both the National Council and the Secretariat. In the event of a disagreement it is Sir Peter's role as President of the NC to take the matter to the Minister for a decision, something which he has not yet had to do.

Achievements so far

The first two years of the Council's work had been concerned with reflecting on the review's recommendations and laying the foundations for the business plan.

The intention was that in this third year of the National Council, the various elements of the business plan should visibly begin to come together¹. He noted, however, that there had been a number of significant achievements during those first two years:

- the new rule and explanatory statement (*IMB News* 3 & 4) which, although it was still awaiting parliamentary time, had been endorsed by the Minister with immediate effect in 2004. Eighteen months on, Sir Peter suggested that members might find it useful to reflect again on what the statement had to say about the way in which they go about their duties.
- independent interviewers: necessary to ensure fairness of practice in considering applicants for Board membership and to reassure the Minister that recommendations were soundly based.
- new procedures for dealing with conduct and poor performance because, under the old procedures, cases were dragging on for too long.
- a response to the Freedom of Information Act
- new training courses for Vice Chairs.

¹ The detailed National Council Business Plan was published in November 2004 in *IMB News*.

Work in progress

Ongoing work includes:

- the Communications Group, on which IRCs are represented, which is concerned with implementing the recommendations of the Communications Review and has the long-term objective of making the IMB role better understood both inside and outside the system.
- the Probationary Year which appears to be close to agreement and which is essential to provide proper support to new members early in their Board career.

- Diversity – essential to get it right so that Boards can properly monitor the way in which establishments are managing their responsibilities in this regard but also to ensure that Boards are meeting the same requirements themselves in their own ways of working and in recruiting new members.
- Annual Reports: the National Council is a long way down the road to producing guidance which will help reduce the burden on Boards, and especially Chairs, and make reports much more useful to Ministers and senior managers.
- Training Review
- Inter Board exchanges, especially in the prison estate.

Of all the work currently being undertaken by the National Council Sir Peter singled out the Training Review as the most crucial if Boards are to monitor effectively.

Inter Board exchanges

On the question of inter board exchanges he noted the value of the IRC Forum and indicated that the NC was looking at ways to extend the benefits of similar exchanges to Boards in the different categories in the prison estate. (*Board Chairs will have received a DC letter from Sue Nicholas and Richard Gully in April giving preliminary details of this proposal.*)

Sir Peter reminded delegates that, although we monitor others, no-one monitors us and that Boards need to ensure that they develop and share best practice. The IRC Forum and the proposed prison groups provide the opportunity to do that. He noted that Boards gather masses of information and that the hardest part of the job is working out what the information is telling us.

He referred particularly to what Stephen Shaw, in the Oakington Report, described as 'taking the temperature' of the establishment. He also pointed out that many of Stephen's recommendations had much in common with the

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comments which Sir Peter had sent to him following the IRC Forum meeting in Scotland last year. (A copy of the letter can be found in *IMB News 6*).

The IMB role

Sir Peter concluded by asking why, given all the frustrations of the role, do Board members continue to do the job. Much of the satisfaction will come from knowing a place well, perhaps better than the directors and staff, and from reporting on it actively and fairly. But, as he reminded delegates, we are not responsible for

solving the problems we find. We are neither non-executive directors nor human rights activists. In Sir Peter's view the qualities essential for the work that we do are **seeing, understanding, empathising and analysing**.

Having held ministerial responsibility for both immigration and prisons he acknowledged that the Minister's chair is not a good place from which to see what establishments are really like. Independent Monitoring Boards are uniquely placed to comment on the gap between intention and reality, policy and outcome, not just for the Minister but for senior management and for the public.

The Contract Monitor's Perspective

■ **Sandra Parnell**, Contract Monitor at Harmondsworth, highlighted the differences between her role and that of the IMB.

The priority for the IMB is to ensure that detainees are looked after fairly, however long they are detained whereas the Contract Monitor needs also to look at the operational issues and, especially, their financial implications. The views of the IMB and the Contract Monitor on issues of welfare may well converge but they are likely to differ as to how this can be achieved.

A key element of the Monitor's role is to ensure that the contractor is using public money effectively. The Monitor needs to be sensitive to the need to change contracts if they are not delivering what IND requires, recognising that the contractor can only be asked to deliver what is explicit in the contract. As a minimum, contracts will require compliance with Detention Centre Rules but there will be significant local differences. Not all contracts currently comply with DC Rules, however, since a number were let before the Rules were issued. In all cases it is important to ensure that the re-tendering of contracts is used as an opportunity to ensure that the

new contract is re-framed to deliver what experience has shown to be necessary.

The IMB view on how contracts can be developed is welcome but Sandra emphasised that, because of commercial sensitivity, the Board could only have access to non-financial elements of a contract.

Sandra anticipated a number of challenges for the year ahead:

- The movement of Immigration Officers out of the removal centres, announced earlier by Brian Pollett, would place an additional responsibility on the Contract Monitor to take on some of the duties that they currently discharged.
- There was likely to be an increase in difficult behaviour because of the need to move deportees out of prison and into removal centres at the end of their sentences.
- Centres would need to ensure that the opportunities for paid work for detainees were reasonable and were fairly distributed.

Holding Children in Mind



*One of the key areas of national concern with regard to the immigration removal process is the detention of children. **Jeremy Oppenheim**, who is Director of the National Asylum Support Service, also has the role of 'Children's Champion' for the Immigration and Nationality Department. As well as giving a general overview of asylum issues, in his address to Conference, Jeremy focused particularly on aspects of policy and practice affecting children.*

The role of Children's Champion was created within the IND about a year ago to ensure that someone at a senior level held in mind the issues related to children. Before joining the IND Jeremy Oppenheim had substantial experience as a Director of Social Services, with much of that work involving children, and most recently as Chief Executive of a large national charity.

Jeremy began by outlining some of the key policy issues affecting children. A particular concern is the need to ensure that children hear and understand what is going on when they and their families are caught up in detention and the asylum process. Recent debate in parliament had highlighted the tension between meeting children's needs and the need to maintain immigration controls, which is not just a dilemma for government but for society as a whole.

There is a very real and specific challenge in dealing with the significant numbers of children who arrive unaccompanied. Currently there are 6000 unaccompanied asylum seeking children in care, which is some 10% of the total number of children in care in the UK.

Part of the dilemma with unsuccessful asylum applicants is that by the time their cases are resolved they may have children who were born here and who are entitled to stay. Jeremy expressed the hope that in the future the new asylum model might help by resolving cases much more quickly.

Detention of children

Children are currently only detained at Tinsley House, Yarl's Wood and Dungavel. There is a weekly review of each child in detention, mainly through Yarl's Wood. The process now involves input from a social worker employed by Bedfordshire County Council but based at Yarl's

Wood. IND are looking to use the input from the social worker to try to enhance the decisions made by the Minister about children detained beyond 28 days. As Children's Champion, Jeremy sees all the weekly reports and comments directly on them to the Minister, especially where he feels that the child's needs are being damaged or are not being met by being in detention.

How to hold children in mind

Jeremy stressed the need to recognise the pain that detention can cause, especially for children, and the need to speak directly to them, something which Anne Owers also referred to in her address. He disputed some of the comments about IMBs made by the Children's Commissioner in his recent report and stated that he had been particularly struck by IMB reports which gave clear evidence that members were listening and observing. He urged Boards, where they have concerns, to let local management know and hold them to account. Where those concerns are to do with children and cannot be resolved satisfactorily at local level they should be referred to his office.

Determining the age of children

In responding to questions from delegates he looked particularly at the problems which may arise where there are difficulties in determining the age of the applicant. Potential benefits, such as access to education before removal, provide an incentive for people to misrepresent their age but it is important to ensure that children are not wrongly held with adults or vice versa. IND is currently working with the Royal College of Physicians to develop a reliable method of determining the age of applicants where it is unclear.

Issues arising from inspections

■ **Anne Owers**, Chief Inspector, looked at developments in Immigration Removal Centres since her team began to inspect them.



The Chief Inspector began by commenting on some of the important differences between the role of independent monitoring boards and that of her team. Importantly IMBs have a day-to-day presence in their establishments which the inspectorate team

do not. The inspectorate's approach is based on taking a very detailed snapshot of an establishment at a particular point in time.

The first inspections of IRCs were carried out in 2002 although there was a delay of about a year in the publication of the reports. (*The main findings of the first five inspections were summarised on IMB News 1*). Interestingly many of the early concerns which Anne highlighted were powerfully endorsed in the final session of the Conference by a former detainee who had spent several months in removal centres at the time of those first inspections.

Now that some of those centres have been inspected for a second time it has been possible for the inspectorate to see how far they have moved forward since 2002. Of the initial 14 strategic recommendations made by the inspectorate, there has been progress on all but one – access to independent legal advice – and that is not in the gift of IND or their contractors.

Improvements include:

- more appropriate staff attitude in centres that had previously been prisons;
- random strip searching no longer used;
- segregation no longer used as it is in prisons;
- clearer policies on self-harm, bullying and race;
- better contact for detainees with the outside world;
- improvement in availability of activities (the new Act will also allow paid work);
- improvements in services to children.
- significant change in the response of management to recommendations in inspection reports which are now seen as useful information.

The inspectorate have now developed a set of *Expectations* which are specific to immigration removal centres (see website link below) and which provide a framework within which the inspectorate carry out their work.

Although there have been improvements, Anne pointed to a number of areas of 'work in progress' where there is still much to do:

- suicide and self-harm are now more crucial. The greater likelihood of removal now brings a greater vulnerability;
- the greater number of former prisoners moving into removal centres brings a greater volatility;
- need for more staff training and development, especially in dealing with the particular needs of women;
- availability of legal advice has got worse;
- concerns over the movement of detainees through the estate compounded by the lack of a single 'custody' record which moves with the detainee. One consequence is the difficulty of establishing clearly the length of time spent in detention;
- the need for better preparation for removals;
- issues to be resolved with regard to children and the need to involve social services in the assessments that inform IND decisions.

Finally, Anne looked briefly at short term holding facilities which she described as being where IRCs were in 2002 and she gave an indication of some of the issues to be raised in her reports on Heathrow and Calais. On a positive note IND are now responding more promptly to the issues raised and are addressing the problems in holding facilities.

Anne concluded by repeating her confidence in the crucial part that the Inspectorate and IMBs have to play in raising the standard of treatment of detainees.

The inspection and monitoring gap

"It must be happening because we have a policy that says it happens."

Supporting those at Risk

Kathy Biggar, Suicide Prevention Co-ordinator at the Prison Service High Security Directorate, gave conference delegates a powerful overview of the development of strategies to support prisoners at risk of self-harm and suicide, beginning with the introduction of the Listener scheme in 1991 and concluding with the current Implementation of the Assessment, Care in Custody and Teamwork (ACCT) programme. The ACCT programme is described elsewhere in *IMB News* by Anna Sedenu, one of Kathy's colleagues in the Safer Custody Group.

Although Kathy's observations were largely to do with prisoners she felt that they were relevant to the circumstances in which detainees found themselves. She noted, for example, that the problems arising from a high turnover of detainees and short stays in detention could also be found in busy local prisons.

50% of suicides in prison occur within the first 28 days, especially on remand. The safer people feel when they come into custody the more likely they are to let people know how they feel which contributes significantly to the initial risk assessment. One recent innovation in improving that feeling of safety has been the introduction of the Insider Scheme – a peer support group which operates in reception and induction units to decrease anxiety levels and help new prisoners feel safer. Kathy suggested that this was a technique that could easily be applied in removal centres.

Alongside peer support, measures to produce a safer environment and reduce levels of distress, a focused initial assessment, treating prisoners and detainees with humanity and respect, and a multi-disciplinary approach involving all staff all have a major part to play in supporting those at risk.



Control and Restraint, and Breakaway Techniques

As a break from the formal presentations and workshop discussions conference delegates had the opportunity to observe a demonstration of C & R techniques, led by Andy Bowers, Head of C & R at Campsfield House.

Boards in both prisons and in removal centres can be called in to observe live incidents in

which control and restraint techniques have to be used. The demonstration caused more than one delegate to observe that "if you haven't seen it before, how do you know what you're looking for?" How many of your Board have observed C & R training and would know what to look for in an incident?

The Ombudsman's Role in Immigration Detention

■ Stephen Shaw, Prisons and Probation Ombudsman



Stephen described the complementary roles of the inspectorate, the Ombudsman's office and IMBs as a uniquely English model for monitoring closed institutions. He acknowledged that his direct involvement with Immigration Removal Centres was recent and limited.

To date he has been involved in the review of Yarl's Wood, two investigations into allegations of racism and abuse, and a small number of deaths in detention. Stephen anticipates, however, that later this year his role is likely to be extended to include dealing with complaints from detainees.

In setting a context he noted the challenges that come from the competitive nature of the removal centre business, the way in which this can inhibit the development of common approaches to shared problems, and the difficulties in establishing common systems and standards. The same concerns had also been a feature of some of the working group discussions at the conference. The key concern must be to establish openness and accountability.

Since taking on the remit for investigating deaths in custody, in April 2004, Stephen's team have investigated almost 500 cases of which about 40% were self-inflicted. So far his team have investigated 8 deaths in IRCs of which 3 were from natural causes. One contrast with similar cases in prisons is that, in IRCs, the incidence of self-inflicted deaths increases as removal becomes more certain whereas in prison the risk decreases as release approaches.

From the limited number of cases that he has investigated in IRCs Stephen had been able to identify some common issues which Boards could play a useful part in monitoring. He mentioned particularly concerns such as the availability and accessibility of equipment and the people who are simply 'lost in the system' and don't come to anyone's attention.

Stephen called for an extension to IRCs of the Prison Service's new Assessment, Care in Custody and Teamwork (ACCT) procedures which he commended as a more effective method of supporting people at risk. He endorsed observations made by Kathy Biggar establishing a link between the overall 'feel' of an institution and the propensity for self-harm and suicide.

"Apparently small kindnesses actually make a huge difference."

Stephen concluded his presentation by looking at his role in investigating complaints, a process which he described as critical to the safe and decent management of any institution. By October of this year he hopes to have in place a common approach to the investigation of complaints across the removals estate with his office at the apex of the system. As yet terms of reference have not been agreed and, if his office is to be involved, there would need to be some common approach in the systems used by the removal centres.

Stephen briefly described his role in the prisons complaint system, the central element of which is to try to find a solution rather than write a report, and noted that 98% of his solutions are accepted.

Although there has to be an independent element at the apex of any effective complaints system Stephen was not seeking to trample on what is already there and would be looking in particular to work with IMBs. He emphasised that to some extent he would be reliant on them for an independent view.

Group Discussion – Complaints Scenario

The group discussions which followed Stephen's presentation highlighted some of the issues which he had raised with regard to the need to establish a common effective complaints procedure across the removals estate. Delegates had been asked to look at a number of case studies and consider how the IMB might respond to the issues raised.

It was clear from the subsequent feedback that there was a wide variation between the complaints systems and forms used in different centres and that not all centres make forms readily available to detainees.

The Role of the Secretariat

After initial introductions Norman McLean, Head of the IMB Secretariat, opened the IRC Conference in Brighton with a presentation setting out the role of the Secretariat. He described its three main functions as:

- to advise Ministers on policy matters and appointments;
- to support the work of Boards, the National Council and the IRC Forum;
- to provide support, service and guidance to IMBs.

Appointments

During the last twelve months the Appointments Section has sent out over 2000 application packs which has resulted in some 320 new members being appointed to Boards. Not surprisingly, perhaps, the age profile of members is skewed towards the upper end of the range with fewer than 25% of members under the age of 50 (depressingly I became a member of the largest age group on Norman's chart the day before conference started, *Editor*).

In terms of ethnicity almost 93% of members are white.

Board training

During 2005 the Training Section successfully piloted new training courses for Board Vice Chairs. In total, 700 members attended training organised by the section. A review of training has been completed and the Secretariat will now be working with the National Council to implement its recommendations.



Delegates at the IRC Conference

Work in progress

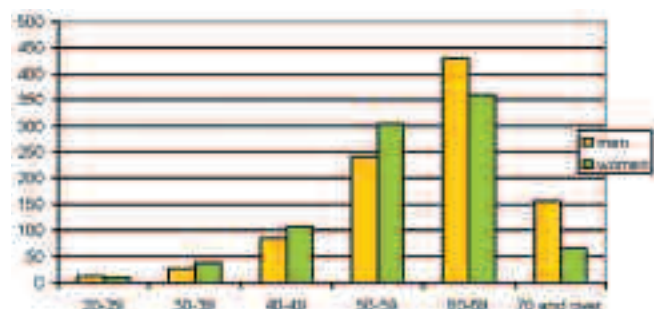
In addition to the work outlined in Sir Peter Lloyd's presentation Norman also noted the consideration being given to the employment of professional clerks to support the work of Boards. He also gave details of the proposed new IMBs for immigration short term holding facilities.

Norman also anticipated the need to produce a response to the Zahid Mubarek Inquiry, the final report for which is due out at any time.

Secretariat staff

Details of the current Secretariat staff and their responsibilities and contact details can be found at the end of *IMB News*.

Appointments Statistics: Age of current Board members



Immigration Service Update

■ **Brian Pollett**, Director of Detention Services at IND, updated conference delegates on recent developments across the IRC estate.

In his address to the IRC Conference Brian Pollett anticipated some of the comments made later by Anne Owers with regard to the improvements to be seen in recent inspection reports. He also gave details of the proposal to strengthen the complaints system in removal centres by using the Ombudsman as an independent appeal authority as in the Prison Service system.

Amongst other developments which he outlined were:

- a proposal to introduce the ACCT process in response to an increase in self-inflicted deaths (see article by Anna Sedenu for more details of the process);
- trialling of the use of mobile phones and internet access for detainees;
- introduction of paid work and incentive schemes;
- proposals to develop a removal centre at Bicester with the possibility of future use as a prison if the need for removal centres declines;
- arrangements for the closure of Oakington later this year.

In response to concerns from delegates Brian explored a number of issues concerning the process with regard to foreign national prisoners

awaiting deportation. He outlined the dangers of importing a prison culture to IRCs by moving too many prisoners and listed the categories of serious offenders who should remain in prison rather than transfer to removal centres on completion of their sentences. The proposal to deport prisoners before they had completed their sentences presented its own set of problems, not least because many are reluctant to leave what they see as a good prison system for something much more uncertain.

Delegates had also expressed concern about the early morning detention of families with children which Brian justified on the grounds that this the time when a family was most likely to be together.

Part of the remit for Brian's presentation was to set the scene for group discussion of the lessons to be learned from the Oakington report (see *IMB News 7*). He expressed the view that the issues which had emerged in the BBC documentary *Detention Undercover – the Real Story*, and were confirmed in Stephen Shaw's report, were indicative of a casual racism with its root in general attitudes to asylum seekers. This had become translated into a staff culture which had gone undetected by everyone at Oakington and which, he warned, could arise anywhere.

Conference Workshops

One of the key features of the IRC Conference was the opportunity to discuss areas of common concern in the workshop sessions. The three workshops focused on guidelines for monitoring IRCs, monitoring techniques and case studies in handling complaints from detainees.

There was some concern at the difficulty of establishing access to all the relevant guidelines and procedures especially where these differed between contractors. Delegates also identified the need for greater clarity not simply in **what** to monitor but in **how** to monitor effectively.

Brian Pollett in his presentation had urged Board members to become part of the furniture so that people forget you are there and behave normally, a technique which one delegate described as "loitering with intent". Several delegates called for a greater degree of self-audit and performance review by Boards.

One of many positive features of the workshops was the presence of a number of IMB Clerks alongside Board members which gave a fresh dimension to the discussions.

A detainee's view

“The corrosive effect of small things”



On the final morning of Conference delegates were given a powerful insight into what it actually means to be a detainee. Dennis who had spent a lengthy period in several removal centres spoke of his experience, much of it echoing what the inspectorate had found in their early inspections of IRCs.

Dennis described the daily indignity of centre life: the routine strip searches, usually in the open, when moving from place to place; the disincentive to receive visits because of the trauma of being searched; the time spent locked up at weekends because of a lack of activity and the limited opportunity for activity during the week; the lack of privacy or space to store belongings in the four-man cubicular cells.

Much of the treatment appeared petty or arbitrary. It was difficult to understand why, for example, detainees were not allowed to take surplus food from the kitchen to their cells because of the hazard of attracting vermin and yet were allowed to keep in their cells the food which they had bought from the canteen.

Rules were applied inconsistently and seemed to depend on the whim of the individual officer. Dennis summarised the treatment eloquently as ‘the corrosive effect of small things’.

Of particular concern was the apparent apathy amongst detainees about approaching the IMB because of a general sense that nothing would be done. The official visitors who came to look at conditions rarely spoke to detainees to ask them directly about their experience.

The evidence presented in inspectorate reports indicates that there have been improvements but Dennis’s presentation served as a timely reminder to delegates of what the IMB role should be about.

Key concerns arising from the presentation were:

- the indignity of treatment;
- the general lack of information about the detainee’s status and case progress;
- the lack of consistency in the application of rules;
- the failure of official visitors to engage with detainees; and,
- the lack of activity and paid work.



IRC Conference – what did the delegates think?

The overall impression from Conference feedback was of a successful conference where delegates had especially appreciated the opportunity to meet and share experience with colleagues, and had valued the organisation by IRC Forum and Secretariat officers.

- “Networking with other Board members gave useful insights into different ways of working”
- “Enjoyed the opportunity to put my role as an IMB member into a wider perspective”
- “Too many speakers left early with no time for questions or further discussion.”
- “Good to be informed of future developments.”
- “A good opportunity to meet and interact with colleagues from the Secretariat, the IND and, most importantly, from other Centres.”
- “The Minister’s absence was disappointing – we have busy lives too.”

“This was my first conference. It was great to meet other IRC IMB members and to share experiences and learn from one another, especially in group discussions. I was particularly encouraged and moved by the main speakers: senior civil servants with the same heart as us for detainees and staff.”

Liz Angell, newest recruit to the IMB at Colnbrook

Conference outcomes

In closing the conference, Khalid Pritchard, the IRC Forum Chair, summarised the development agenda which had been identified by conference delegates.

The theme of the conference had been one of Development and Improvement, especially in the monitoring process. Khalid expressed a personal view that, in addition to monitoring implementation of the rules, Boards should also be proactive in seeking changes to those rules where they felt them to be inappropriate but should also recognise that they do not have an executive role.

The opening sessions of the conference had focused on the guidelines against which Boards should monitor. It was important to recognise

that, in addition to an awareness of rules and procedures, members should also apply their own common sense as lay observers. Where things did not seem appropriate they should challenge them until satisfied through ongoing dialogue with the Centre management, with the IRC Forum and with the National Council.

The conference had thrown up a wealth of good ideas and intentions; the onus was on everyone present to turn them into actions and results. Much of the conference focus had been on an exchange of experience in order to improve individual performance. Khalid stressed the need to make rapid progress in developing best practice through the Forum and the National Council whilst there was still clearly an appetite for it.

'ACCT' Delivering Individualised Care-Planning To At-Risk Prisoners

*Prison Service Instruction 18/2005 introduced ACCT to replace the 2052SH system for supporting prisoners at risk of self-harm or suicide. Now that some 60 prisons have implemented ACCT we asked **Anna Sedenu**, Communications Manager at Safer Custody Group, to give us an update on the new arrangements.*

AROUND 60 Prison Service establishments have implemented ACCT – the new system for managing prisoners who harm themselves or are at risk of suicide – putting it well on course to replace the current F2052SH system across the prison estate by Spring 2007.

ACCT – short for 'Assessment, Care in Custody and Teamwork' – is a flexible, prisoner-centred care-planning system. ACCT aims to identify individual need and offer personalised care and support, before, during and after crisis in a safe and caring environment.

All staff will receive basic training in ACCT principles and procedures. In some prisons this training has been extended to include IMB members.

ACCT creates a key new role for some staff. A small number of staff from all disciplines (for example, officers, chaplains, probation, psychology, nurses) will get extra training to become **ACCT Assessors** – including mental health awareness training, to enable them to recognise the signs of mental health problems.

Once the initial risk assessment is made, Assessors will sit down with at-risk prisoners, listen to their story, and ask them in a structured way about their problems and needs. What they learn about the individual's problems, risks and strengths will feed into a care-plan, addressing the prisoner's personal needs.

Unit Managers and Senior Officers will be able to take on the responsibility of '**Case Managers**' to ensure that the care planned actually takes place. They will also get extra training.

Outside observers may not see a dramatic difference between the ACCT approach and the F2052SH. The ACCT forms themselves, for example, aren't that different. The real change is that this system encourages individual care and support, and shows the at-risk prisoner that someone cares

about them. As well as addressing problems that may be contributing to bad feelings, staff are encouraged to consider factors that can help the person feel positive about themselves – like work, interests, family and friends.

A change that may at first seem strange to IMB members is that *fewer staff* may attend ACCT case reviews, compared to that of the F2052SH. This is because case managers are encouraged to conduct reviews with only those staff who are actually involved in the prisoner's care. Early indications are that prisoners welcome this, and feel more able to participate than when called into a room full of strangers.

Other important elements of ACCT include:

- ACCT introduces levels of risk, so that those with the highest risk and most complex needs receive the greatest input of care.
- It aims to ensure that those identified as at-risk don't fall down any cracks in the system, and that support continues after the form is closed.

Detailed information and instructions on implementing ACCT were set out in a Prison Service Instruction – PSI 18/2005 – issued in May 2005. Governors and Area Managers have also been sent a 'check list' detailing what needs to be in place – for example, ensuring that all staff working with prisoners have received foundation training.

A pocket guide for managers has been issued, which IMB members may find useful. It contains advice on what to look for, in order to recognise and encourage good quality care. Copies are available from Branston stores – order reference: BD009. Ask the establishment Procurement Clerk to add to the routine monthly stationery order from Branston NDC.

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Full implementation of ACCT followed pilots at five establishments – HMP/YOIs Wandsworth, Feltham, Woodhill, Holme House, and Low Newton – in early 2004. An external team from Manchester and London universities evaluated the pilots in summer 2004, as part of a broader look at changes to care of at-risk prisoners, including the introduction of the mental health reception screening. For copies of papers summarising different aspects of the evaluation, contact Jo Paton in Safer Custody Group on: 0207 035 4298 or email: Jo.Paton@homeoffice.gsi.gov.uk

A review of ACCT, with independent studies commissioned from London and Manchester Universities and with feedback from Suicide Prevention Co-ordinators, Area Safer Custody

Advisers and National Institute for Mental Health in England (NIMHE) Regional Leads is planned for Summer 2006.

The new system has already impressed Ministers. Speaking in a House of Lords debate on prison suicides and overcrowding in October 2005, Home Office Minister Baroness Scotland described ACCT as a great example of joint prisons/NHS working, and said: “..I am confident that ACCT will have a positive impact on the care provided to vulnerable at-risk individuals.”

ACCT is being introduced by Safer Custody Group (Directorate of Health & Offender Partnerships, NOMS), in partnership with the Prison Service’s Training and Development Group (TDG), NIMHE and the National Assembly in Wales, and supported by the Probation Service.

Update on United Nations Optional Protocol (OPCAT)

In IMB News 8 we reported on the United Nations Optional Protocol to the Convention Against Torture (OPCAT) and its potential implications for the work of IMBs. Since then things have moved on significantly and the entry into force of the Protocol appears imminent.

You may recall that the Protocol, which allows for international inspection of all places of detention in the ratifying countries, will come into force once it has been ratified by 20 member states. On 4th April Spain became the 18th country to ratify the protocol. The protocol will come into force 30 days after the United Nations has received the required number of ratifications and UN will then establish the Sub-committee on the Prevention of Torture with the authority to visit any place of detention in the ratifying countries.

Arrangements in the UK

The Department for Constitutional Affairs is taking the lead in ensuring that arrangements in the UK comply with OPCAT. Norman McLean, Head of IMB Secretariat, has already been involved in discussions with the DCA, during March, to consider the role that IMBs will have in these new arrangements.

One of the key UN requirements is that states which are party to the Protocol must put in place national preventive mechanisms for the prevention of torture. One of the key tasks for the DCA has been to identify all the different

agencies in the UK which have a formal role in monitoring places of detention. The list includes The Inspectorate of Prisons, the Prisons and Probation Ombudsman, Independent Custody Visitors and Lay Observers as well as IMBs.

It is clear from Norman’s discussions with the DCA that IMBs will have a major part to play because of their independence from Government, the nature of their duties, the regularity of their attendance in places of detention and their coverage of prisons, immigration removal centres and (soon) immigration holding rooms. They are therefore likely to come to the attention of the U.N. Sub-Committee on Prevention of Torture as a major feature in the U.K’s preventive mechanisms and, perhaps, as a possible model to be followed by other states.

Stop Press

On 23rd May 2006 Honduras and Bolivia have deposited their ratification of OPCAT with the United Nations. This means that 20 States have now formally ratified the protocol and it will come into force on 23rd June 2006.

Parole Board seeks return to personal interviews

The Chairman of the Parole Board, Sir Duncan Nichol, has called for an increase in the Board's budget so that it can go back to interviewing a higher proportion of parole applicants.

IMB members will recall that up to two years ago interviews with Parole Board members were routine (the 'independent interview'). The great majority of parole applications are now decided on the basis of paper reports alone with the prisoner having the opportunity to present his/her views through written representations.

The work of the Parole Board is set to change as

the new sentencing arrangements of Criminal Justice Act 2003 begin to take effect. All those who now receive a determinate custodial sentence will be released automatically at the halfway point. The Parole Board will only be called on to make a decision about the release of those dangerous offenders who have received an indeterminate sentence or an extended sentence for public protection. (See page 27 for further details).

The Parole Board will inevitably also see an increase in its work on licence recalls since all prisoners sentenced under CJA03 will now be released on licence until their sentence expiry date.

Helen Edwards confirmed as Chief Executive of NOMS

At the beginning of April the Home Office announced that Helen Edwards had been appointed as Director General of NOMS following an open competition. Helen had been Acting Chief Executive since the departure of Martin Narey last November. She was previously Director General of the Communities Group at the Home Office and had also been Chief Executive of NACRO.

(See also [IMB News 8.](#))

HMCIP Thematic Report on Recalled Prisoners

A recent report from HMCIP highlights the significant increase in the numbers of recalled prisoners who now make up 11% of the population in local prisons.

The treatment of recalled prisoners was a specific feature of the inspection of five local prisons in the first months of 2005. The report is critical of the lack of preparation of both the recalled prisoners and the receiving prisons and calls for a number of urgent improvements to the system.

The full report can be downloaded from the 'Thematic Reports' section of the HMCIP website: www.inspectorates.homeoffice.gov.uk/hmiprisons/

Five Year Strategy for Protecting the Public and Reducing Re-Offending

In March all Board Chairs received a 'Dear Chairman' letter (DC03/06; IMM03/06) which included, amongst other things, a copy of the Home Office Five Year Strategy for Protecting the Public and Reducing Re-offending.

The Strategy is in four parts:

- Protecting the public
- Punishment, Reparation and Rehabilitation
- Managing offenders better to stop them re-offending
- A vibrant system that values its staff.

In addition to a broad action plan for NOMS, the Strategy sets out detailed proposals for action with regard to a range of categories of offenders, including women, young offenders, black and minority ethnic offenders, foreign nationals and prisoners with mental health problems.

The Strategy also gives further information on 'Community Prisons'- originally announced in Charles Clarke's Prison Reform Trust Annual Lecture last September. It promises further documents on this and the contestability prospectus this Spring.

Women in Prison

There have been a number of recent developments and reports concerning women in prison.

HMCIP Thematic Review

In April the prison inspectorate published a thematic review of the current position of women in prison. The report featured a detailed literature survey and also included a copy of the speech given by Anne Owers in July 2005 to an Italian conference on women offenders.

Amongst its conclusions the report expressed concern that the disbanding of the women's estate in 2004 might lead to a loss of the progress that had previously been made in focusing on issues specific to women offenders. In her speech, the Chief Inspector also comments on the loss of the separate women's estate and notes that the prison system is still primarily geared towards the needs of young adult men and moves only slowly and inconsistently to recognise the needs of minorities, including women.



"Women in prison" by HM Inspectorate of Prisons

<http://inspectorates.homeoffice.gov.uk/hmiprisons/thematic-reports1/womeninprison.pdf>

One night in Styal: the Experiences of a Documentary Film-maker

Anyone who missed Rachel Coughlan's documentary on HMP Styal – *Women on the Edge* broadcast by the BBC in February – can read her account of her time spent making the documentary in the latest edition of *Prison Service Journal (Issue 165)*. In the article Rachel recounts how nothing she had read prepared her for the daily reality of life in a women's prison.

The Longford Lecture

Baroness Hale QC, Britain's first female Law Lord, also examined the situation of women offenders when she delivered the Longford Lecture under the title, "The Sinners and the Sinned Against: Women in the Criminal Justice System" (fourth Longford Lecture, 5th December 2005).

The full text of the speech is included in the May edition of *Prison Service Journal* and can also be downloaded from the Prison Reform Trust website: www.prisonreformtrust.org.uk

HMP Styal – unannounced inspection

At the beginning of May the Prisons Inspectorate published the report of its full unannounced inspection of HMP Styal.

The report raises serious concerns about the management of women who are at risk of self-harm or are seriously mentally ill. The most vulnerable of these are now held in the Care, Support and Reintegration Unit following the closure of the prison's specialist unit for severely mentally ill women.

In her introduction to the report Anne Owers acknowledges the significant progress made by management and staff at the prison and the difficulty of their task but again raises questions concerning the overall resourcing and strategy for the management of women prisoners now that the women's estate has been disbanded.

Review of Vulnerable Women in the Criminal Justice System

On 28th March Baroness Scotland announced a review of vulnerable women in contact with the criminal justice system, focusing particularly on those women in whom a multitude of risk factors could lead them to harm themselves in prison. The review, which is being chaired by Baroness Corston, is due to present a progress report at

the end of June and to present its final report at the end of December.

In 2003 Baroness Corston chaired the parliamentary joint committee on human rights inquiry into deaths in custody which concluded that the imprisonment of vulnerable people lay at the root of the problem.

Foreign National Prisoners – release or deport?

The recent major focus on the release of foreign national prisoners brought to the forefront of public attention a group of prisoners who have been of concern to many IMBs for some time (see IMB News 6 and 8).

Unfortunately, in the short term at least, that attention may only increase rather than reduce the problems identified by IMBs who have been particularly concerned with the continuing detention of foreign nationals in prison after their sentence has expired. The National Council raised these concerns directly with the Home Secretary last October.

In one of his last acts as Home Secretary, Charles Clarke announced proposals for sweeping changes to the way in which foreign national prisoners are dealt with. Mr Clarke made the announcements in a statement to the House of Commons on 3rd May, the day on which Tony Blair had earlier suggested to the House, during Prime Minister's questions, that the government would be taking measures to ensure that

“...everyone who is a foreign national who serves a prison sentence is automatically deported”

Hansard, 3rd May 2006

The proposals announced by Charles Clarke don't quite go that far although he did set out as a guiding principle that “foreign nationals guilty

of criminality should expect to be deported”. The key effect of his proposals would be to ensure that more foreign national prisoners are deported more quickly.

Mr Clarke announced that he intended to produce a consultation paper on these proposals before the end of May. By the time you read this we should know whether his successor, John Reid, has gone ahead with the consultation.

On the second point, he noted that the Sentencing Council would shortly be publishing draft guidelines to set clear criteria against which judges would make recommendations to deport.

The proposed consultation would also cover the question of whether to extend deportation to any individual convicted of an imprisonable offence regardless of whether they actually receive a sentence of imprisonment.

The immediate reaction to the proposals was one of concern for the human rights implications which they raise. If enacted, they would almost certainly lead to an increase in issues to be addressed by IMBs, both in prisons and in removal centres.

The intended consultation would focus on four key areas:

- recording of the data which identifies an individual as a foreign national early in the criminal justice system;
- ensuring that the issue of deportation is raised throughout the sentencing process;
- the need to deport prisoners at an earlier stage in their sentence, ideally so that they should serve the sentence in full in their home country;
- not only seeking to ensure that the current system operates more effectively but also seeking after consultation to extend the categories of offenders to be considered for deportation.

Monitoring Places of Detention

Most of us will be very familiar with the work of the Inspectorate of Prisons and of the Prison and Probation Ombudsman. We may not be quite so familiar, though, with the other agencies which have a formal role in monitoring the treatment of people held in custody or in detention. Two groups, in particular, – Independent Custody Visitors and Lay Observers – have links with the work of IMBs and across the country there are quite a few IMB members who also belong to one of those groups.



Independent Custody Visitors

Independent Custody Visitors (previously known as Lay Visitors) are ordinary members of the public who visit police stations to check on the welfare of people being detained in cells and on the conditions in which they are being kept. They are appointed by individual Police Authorities rather than by the Home Office but are independent of the police.

Lay visiting has its origin in the Scarman Report following the Brixton riots in 1981. As part of its response to Lord Scarman's recommendations the Home Office approved a non-statutory Lay Visiting scheme to monitor conditions of detention in police stations. The remit for the scheme specifically excluded the monitoring of interviews. Although many Police Authorities have had visiting schemes in place since the 1980s, Independent Custody Visiting only became a statutory requirement for all Authorities on 1st April 2003 as a result of the Police Reform Act 2002. The statutory system was introduced to Scotland in 2000 under different legislation.

Like IMB members, Independent Custody Visitors are volunteers from the local community who are appointed for three years. They make unannounced inspection visits to police stations and can speak to anyone detained there, subject to the prisoner giving permission. As with IMB interviews, Custody Visitors have the right to interview prisoners in confidence and out of the earshot of police officers; for safety, interviews are generally within sight of the escorting officer. Unlike the IMB, Custody Visitors always make their visits in pairs.

After each visit they submit a report to the Police Authority and they may also raise issues of immediate concern directly with custody staff at the time of the visit.

For obvious reasons anyone with a direct involvement in the criminal justice system is excluded from ICV membership.

The Independent Custody Visiting Association (www.icva.org.uk) provides a national framework for ICVs in the separate Police Authorities and also provides support and training for members.

“Independent Custody Visiting is the well-established system whereby volunteers attend police stations to check on the treatment of detainees and the conditions in which they are held and that their rights and entitlements are being observed. It offers protection to both detainees and the police and reassurance to the community at large.”

Home Office Code of Practice, 2003

Lay Observers

Lay observers are appointed by the Home Secretary to monitor the conditions under which prisoners are held at court or are escorted to and from court. As with IMB and ICV members they are initially appointed for three years; unlike IMB they may then be appointed for two further three-year periods to a maximum of nine years.

The system of lay observers was set up under Section 81 of the Criminal Justice Act 1991, the same Act which allowed prisoner custody officers employed by the private sector to escort prisoners to and from the courts and which led to the system that we have today. Previously all escorting staff, both on transport and in the courts, were either police or prison officers.

Since 1996 the escort of all prisoners, with the exception of High Security prisoners, has been contracted out. The original eight contract areas were reduced to four in 2004 with a separate GSL contract for Inter Prison Transfers.

There are currently nine lay observer panels covering the four area escort contracts. Each of those panels is divided into groups, each of which covers a smaller area which may include several courts, police stations and possibly a prison.

Lay observers inspect the conditions under which prisoners are escorted or held in custody by the contractors. In this case, custody usually means the court holding cells. They look at four main areas:

- courts, where they observe the treatment and conditions in the custody area;
- prisons, where they may observe the handover of the prisoner from the prison into the care and custody of the contractor and vice versa;

- police stations where, again, they observe the handover of prisoners from the police to the contractor;
- contractors' vehicles where they inspect the condition of the vehicles and the treatment of prisoners whilst on the vehicle.

The lay observers report their findings to the Contract Manager at Prisoner Escort and Custody Services (PECS).

As well as monitoring arrangements for transport to and from the courts under the four area contracts, the Area Panels are also responsible for monitoring the arrangements for Inter Prison Transport. In some ways, this presents the greatest challenge for lay observers because, as IMB members will know only too well, arrival and operational times in prisons can be very fluid. Reporting arrangements for this contract are different from those for the four area contracts

I am grateful to Bill Head and Jim Park, IMB members at HMP Preston, for their help in compiling this report. Any factual errors are entirely my own!

JH

Offender Managers

One of the key roles in the new NOMS service is that of the Offender Manager and IMBs in prison establishments have been keen to see how the role will develop.

The Probation Inspectorate has now published its criteria for Offender Management Inspection which will provide a clear guide for Boards against which to monitor the service provided to prisoners.

One aspect of the role which has aroused discussion amongst IMBs is the Offender Manager's responsibility for sentence planning. The inspection criteria give a clear indication

of how development and delivery of the sentence plan should be achieved (criteria 1.5 and 2.1). But to whom will we report our concerns if offender managers, who are not employed by the prison, appear not to be meeting the criteria?

"Wherever possible the planned movement of prisoners is consistent with the sentence plan and, where unplanned moves occur for operational or security reasons, these are communicated promptly to the offender manager."

Offender Management Inspection, Criterion 2.1.j

The full document can be downloaded from the Probation Inspectorate's website at: <http://inspectorates.homeoffice.gov.uk/hmiprobation/docs/OMIcriteria.pdf>

IMBs for Immigration Holding Rooms

At the IRC conference in March Norman McLean, Head of Secretariat, announced that the Home Office had agreed to the establishment of four new Independent Monitoring Boards to cover the immigration holding rooms at ports and airports. The arrangements will also extend to holding facilities in Scotland but they are likely to be covered by the existing IMB at Dungavel Immigration Removal Centre.

The establishment of these Boards will plug an important gap in current arrangements for monitoring places of detention. Two recent reports from Her Majesty's Inspectorate of Prisons have highlighted the urgent need to monitor these facilities.

One of the new Boards will deal with Heathrow only whilst the other three – London and East, North and Midlands, and South East – will each deal with a cluster of facilities. The IMB for the South East will also cover the Channel ports and the Immigration Department facilities in France at Calais and Coquelles.

The Heathrow Board will be based at Colnbrook. South East will be based at Tinsley House, Gatwick. North and Midlands will be based at Manchester Airport. A final decision has not yet been taken for London and East but it could be based at Stansted Airport.

As with all new Boards the Secretariat will seek to set up a core Board by seconding at least six

members from existing IRC and prison Boards. The core members will then be responsible for recruiting the remainder of the Board. Peter Booth has the lead on this for the National Council. The priority is to set up the Board at Heathrow with the others following shortly after. Letters setting out the details of the appointment process should be going out soon to Board Chairs and then to all members.

Working Groups

Following on from the success of the Diversity, Communications and Handbook Working Groups two new groups are being set up this year. All IMB members will have had a letter from Sheila Royle inviting expressions of interest in contributing to the new Healthcare Support Group. Responses were due back at the Secretariat by 15th May.

John Weightman, who has the lead on Education and Training (prisoner not IMB) for the National Council, will also be writing to members inviting applications for an Education and Training Support Group.

Finally, it is likely that the Board Training Strategy Group will also be looking for support from members over the coming months in developing the recommendations from the IMB Training Review. Simon Nieboer and Peter Booth have the National Council lead on this.

Internet Links in *IMB News*

Wherever possible we try to give you links to the internet sources which we have found helpful in preparing *IMB News*. To save you having to type in the whole address, which can be quite lengthy, you may find it easier to use the electronic version of the newsletter on the IMB website (www.imb.gov.uk). We will try to ensure that all the links given in the text are active links so that if you click on them they will take you directly to the relevant webpage. Unfortunately, for technical reasons, not all the links are active in earlier editions of *IMB News*.



Discipline Panel members

Because of confusion between members of the editorial team we forgot to include the list of Discipline Panel members in *IMB News 8*. So, here they are – late but, hopefully, welcome:

Jill Berliand	HMP Bronzefield
Maureen Blackmore	HMP Manchester
Pauline Cryer	HMP Wakefield
Ian Fraser	HMP Maidstone
Ian Lester	HMP Altcourse
David Pinchin	HMP Belmarsh
Douglas Scott	IRC Dungavel
Rodney Ward	HMP Lancaster Castle
John Webster	HMP Lincoln and HMP Peterborough
Stewart Whelpton	HMP Forest Bank

The 10 were appointed after interviews conducted by Norman McLean and Jo Jenkins last November. The Secretariat had received 32 applications in response to the invitation issued in DBM 04/05 last June.

The successful candidates now form the Disciplinary Group from which members will be drawn to serve on a specific Discipline Panel in accordance with the new procedures for dealing with issues of IMB conduct and poor performance.

Apologies to all concerned for the delay in publication.

Paul Laming, Secretariat Head of Communications



We welcome Paul Laming who started work as the IMB Secretariat's Head of Communications at the end of March. Paul replaces Clare Batt so part of his role will be Managing Editor of *IMB News*.

Paul has come to the IMB Secretariat from Prison Service Headquarters. His background is in Diversity and Communications and this should allow him to add a new perspective to the IMB Communication strategy.

Paul joined the Prison Service in November 2002, as an external recruit into the Diversity and Equality Group. The main focus of his role there was Communications and Event Management which should prepare him well for his new job at the Secretariat. He has also had wide experience in the Diversity field; which is very much part of the live agenda for IMBs.

More recently Paul was involved in the management and formalisation of GALIPS, the Prison Service lesbian, gay, bisexual and transgender staff support network. His responsibilities included organising a launch event and Annual General Meeting, conferences, regional events and training events. He was also responsible for writing and producing newsletters and managing the design and content of the website, along with the day to day management of the emerging network.

Before joining the Prison Service Paul had spent over 10 years in Customer Services mainly for BT, and also spent 2 years as a Training Consultant.

Paul hopes to bring some fresh ideas to this developing role and he would be keen to hear any ideas that IMB members may have with regard to the Diversity and Communications areas of the Secretariat's work.

Board Networks

At the end of April, Board Chairs received a 'Dear Chairman' letter (04/06) giving preliminary details of a proposal to set up a series of Board networks. These networks would provide an opportunity for members to meet colleagues from other similar prisons to discuss common issues and share concerns and good practice. As you will see from the report of the IRC Conference, colleagues in immigration removal

centres already enjoy similar opportunities, both through their annual conference and through the IRC Forum.

Board members in women's prisons will recall a series of pilot meetings in 2003 which were intended to introduce a similar network. There have also been similar meetings in the High Security and Juvenile estates.

Self-inflicted deaths and Key Performance Targets – a personal view

■ David Jamieson, IMB Chair, HMP Wandsworth

As the Chair of the Independent Monitoring Board at Wandsworth Prison, I am writing to express our gravest concern at the Government's reaction to the reduction in self-inflicted prisoner deaths. Specifically the Home Office release stating that the number of self-inflicted prisoner deaths has fallen from 106 to 74 over the last 3 years, meaning the Prison Service has met its Key

Performance Indicator for the first time.

It seems outrageous in the first place to have any target, apart from zero for self-inflicted deaths. How can you explain to a parent of one of the 74 that the death of their loved one has contributed to the Government meeting its Key Performance target? It seems as though in this performance-driven culture that this has gone one step too far.

Previous articles in *IMB News*

Topic	Issue
Cell Sharing and Privacy	IMB News 5 pp15-17
Foreign Nationals in Prison	IMB News 6 p19 IMB News 8 p30
Freedom of Information Act	IMB News 5 pp12-13 IMB News 6 p26
Healthcare – transfer to PCTs IMB Care Team	IMB News 2 p10 IMB News 8 p18
Independent Adjudications	IMB News 6 pp14-15
Inspection of IRCs	IMB News 1 pp9-10
Juveniles in Custody	IMB News 3 p21
New Rule and Explanatory Statement	IMB News 3 pp19-21
New Rule and Explanatory Statement – Sir Peter Lloyd interview	IMB News 4 pp1-2
New Sentencing Framework – Criminal Justice Act 2003	IMB News 6 pp1-3
Oakington – recommendations in the report	IMB News 7 p29
Oakington (Sir Peter Lloyd's letter)	IMB News 6 pp17-18
PSO 1700 – Removal from Association under Prison Rule 45/YOI Rule 49	IMB News 2 pp4-5
Youth Justice Board	IMB News 6 p7

Sentencing arrangements – Criminal Justice Act 2003

A year ago, in *IMB News 6*, we reported on the new sentencing arrangements in the Criminal Justice Act 2003. The new sentences apply to offences committed on or after **4th April 2005** – the key date is the date of the offence and not the date of the appearance in court. Now that we are seeing prisoners who have been sentenced under CJA03, what sort of issues are emerging?

Extended sentence for public protection

One type of sentence which appears to be causing confusion is the *extended sentence for public protection*. These are given to dangerous offenders convicted of sexual or violent offences carrying a maximum penalty of less than 10 years' imprisonment. These sentences are in 2 parts: a custodial sentence of not less than 12 months and an extended licence period. Unlike other determinate sentences under CJA 2003, prisoners subject to these sentences are **not** automatically released at the halfway point of the custodial part of the sentence. They may be considered by the Parole Board for early release from the halfway point onwards.

The standard pattern for ordinary determinate sentences of more than 12 months under the new system is that prisoners are automatically released at the halfway point without having to be considered by the Parole Board and all serve the remainder of the sentence on licence.

Custody Plus

The new sentence of Custody Plus is due to be implemented in November 2006. It will replace existing custodial sentences of less than 12 months. The courts will decide on the total length of the sentence (not more than 51 weeks) and will also set the custodial period – not less than two and not more than 13 weeks. The remainder of the sentence will be spent on licence with the conditions set by the sentencing court.

Once the new Custody Plus sentences are in place **all** offenders who receive a custodial sentence will be subject to a period of supervision on licence on release from prison.

Remand time

The main change introduced in this area by the Criminal Justice Act is that in future the courts and not the Prison Service will be responsible for determining the amount of remand time that will count towards the sentence. As with the rest of the sentencing arrangements this provision applies only to sentences for offences committed on or after 4th April 2005.

There is a potential benefit for IMB members in this. Once the sentences work through the system we should see fewer applications from prisoners challenging the Prison Service calculation of their release date.

Annual Conference for IMBs in prison establishments

At the beginning of May Board Chairs received 'Dear Chairman' letter DC05/06 which invited applications for this year's annual conference.

The conference will be held at Keele University from 14th to 16th September with a theme based on the eight key IMB messages. The programme will be particularly useful to less experienced members. Chairs have been asked to encourage applications from newer members, particularly those who have not attended an IMB conference before, or from Board members who have not attended recently.

Each Board may send two delegates to conference in addition to any members who are NC representatives or national tutors.

Completed application forms should be returned to **Paul Laming** at the Secretariat by 23rd June at the latest.

As in previous years any Board with more than two members wishing to attend may nominate two additional names which will be added to a waiting list. Places from the waiting list will be allocated in early July.

Prison Education



Prison education is in the middle of significant change. In 2001, in a move similar to the recent changes in healthcare arrangements, responsibility for prison education transferred to the Department for Education and Skills under the Offenders' Learning and Skills Unit (OLSU) with a ring-fenced budget.

At that time prison education services were generally being delivered by Further Education Colleges. The Offenders' Learning and Skills Unit set up Project REX which was designed to co-ordinate those education contracts as they came up for re-tendering. In 2004, following the publication of the Carter Report and the establishment of NOMS and its approach to offender management, the emphasis moved to an integrated approach to learning and skills for all offenders, whether in custody or in the community. Project REX was dropped and new arrangements were introduced.

Learning and Skills Council

Under these new arrangements the government introduced a new Offender Learning and Skills Service (OLASS) which was to be funded and implemented through the Learning and Skills Council (LSC). The LSC is responsible for all post-16 education and training in England other than higher education. One of the key benefits of delivering prisoner education and training through the LSC is that it links the provision in prisons directly to the mainstream programmes available in the wider community. As well as enhancing a prisoner's prospects on release that should also address a key IMB concern with regard to the lack of continuity in education when prisoners are transferred from one prison to another at short notice.

Offender Learning and Skills Service

OLASS began operating in August last year with development programmes in three of the English regions – North East, North West and South West. Tenders have recently been agreed in the

remaining six regions and these should go live on 31st July 2006. Like the NOMS Regional Offender Managers, the OLASS regions are based on the nine English regional Government Offices and are slightly different from the Prison Service areas.

The new Learning and Skills Service is being implemented in prisons in each of the regions in different ways. In several areas a single provider is responsible for all aspects of the service in a cluster of prisons, with the clusters being determined in different ways, usually geographic based on probation or criminal justice areas. In the South West the service has been commissioned in such a way that a different provider is responsible for separate aspects of the curriculum in each prison.

Whereas most of the providers under the previous contracts were further education colleges, there is a greater variety under OLASS, especially for the provision of Information, Advice and Guidance, which is a key element of the new service. City College Manchester is still the biggest provider and now has contracts across several regions.

Excellent summaries of the new arrangements for each region can be found on the website of the *Forum on Prisoner Education* (www.fpe.org.uk). The *Forum's* Briefing Paper 18 is particularly useful.

Offender Learning Journey

As part of its work, the Offenders' Learning and Skills Unit at the DfES has developed a new framework known as *Offender Learning Journeys*. These are in two parts – one for adults and one for juveniles – and they define the content of the new learning and skills service. Regardless of the

method of delivery all contractors providing an OLASS service must meet the requirements of this framework. Board colleagues with education and training as their specialist areas may be particularly interested in these documents.

Heads of Learning and Skills

Although the Learning and Skills Council is now responsible for commissioning and funding the new service, each prison still has a Head of Learning and Skills who will have a key part to play in these arrangements. Fiona Mactaggart, in a recent reply to a parliamentary question described their role as including "...the assessment of education supply and demand within each prison, and local management of the education provider's contract". Externally, the LSC will monitor the contract to ensure that the framework requirements are being met.

The *Offender Learning Journeys* can be downloaded from the Learning and Skills Council's website. Go to:
www.lsc.gov.uk/National/Partners/PolicyandDevelopment/default.htm

Follow the link to OLASS and then to 'Useful documents'.

Prisons in Wales

These new arrangements for learning and skills apply to prisons in England only because the remit of the Learning and Skills Council does not extend to Wales. After negotiations with the Welsh Assembly, responsibility for education and training in the five prisons in Wales has been passed back to the prisons. Staff who were previously employed by the colleges delivering the education contract, have been transferred to the Prison Service or, in the case of HMP Parc, to Group 4 Securicor. The prisons in Wales will still be expected to work towards the objectives of the Offenders' Learning Journey.

Contracted Prisons

Because of their separate funding arrangements contracted prisons are not included in the OLASS provision.

What's What in Prisoner Education

DfES – Department for Education and Skills: now has overall responsibility for prisoner learning and skills.

OLSU – Offender Learning and Skills Unit: responsible for policy on prisoner education within the DfES. This Unit has now been incorporated into the *Social Inclusion and Offenders Unit*.

LSC – Learning and Skills Council: now holds the budget for prisoner education and is responsible for commissioning and implementing the new OLASS service.

OLASS – Offender Learning and Skills Service: the national initiative by which responsibility for the funding and commissioning of prison education and of training for offenders in the community is being transferred to the Learning and Skills Council.

QIA – Quality Improvement Agency: responsible (since 5th April 2006) for supporting improvement and development in the education and training funded by LSC. Part of their remit includes developing support for offender learning and training.

Monitoring the system – an afterthought

One of the key questions for IMBs will be where to address any concerns they may have about the local implementation of the new service. Is it the LSC, the contract provider or the local manager?

Upcoming IMB Training Courses

New Chairs' Course (IMBs in Prisons and IRCs)

- 30 November – 02 December 2006 (York)

New Members' Courses (IMBs in Prisons)

- 7 – 8 June (Manchester)
- 6 – 7 October (Manchester)
- 13 – 14 October (Birmingham)

New Members' Courses (IMBs in IRCs)

- 4 November 2006 (London)

Experienced Members' Course (IMBs in Prisons)

- 16 – 17 June (Southampton)
- 27 – 28 October (York)

Experienced Members' Course (IMBs in IRCs)

- 15 November – 16 November 2006 (London)

Training Co-ordinator's Course (IMBs in Prisons)

- 30 September 2006 (Waltham Abbey, Essex)

Training Co-ordinator's Course (IMBs in IRCs)

- 24 June 2006 (London)

Effective Triennial Review Training

(for chairs conducting reviews this year)

- 1st June (London)
- 2nd June (London)
- 4th July (London)
- 5th July (London)
- 25th July (London)

For more information on the above courses please see DBM 05/05, visit the existing members' section of the IMB website (www.imb.gov.uk) or contact Rodney Bowles in the IMB Secretariat on 020 7035 2257.

Letters to Chairs and Board Members

DC Letters (to Chairs of IMBs in Prisons)

No.	Title
DC 01/06	Minutes of National Council Meeting Held in December 05
DC 02/06	Advertising IMB Vacancies on www.do-it.org
DC 03/06	Minutes of National Council Meeting Held in February 06
DC 04/06	Inter-board Exchanges
DC 05/06	Invite to IMB Prison Conference – 14-16th September 2006
DC 06/06	Minutes of National Council Meeting Held in April 06

IMM Letters (to Chairs of IMBs in Immigration Removal Centres)

IMM 01/06	Minutes of National Council Meeting Held in December 05
IMM 02/06	Advertising IMB Vacancies on www.do-it.org
IMM 03/06	Minutes of National Council Meeting Held in February 06
IMM 04/06	Inter-board Exchanges
IMM 05/06	Minutes of National Council Meeting Held in April 06

DBM Letters (to All IMB Members)

DBM 01/06	Expenses
DBM 02/06	Healthcare Support Group

Don't forget that you can now view DC letters online – visit www.imb.gov.uk and select the section for existing IMB members. This will be updated shortly.

Expenses

At the end of March, all Board members should have received a letter (DBM01/06) setting out the new arrangements for claiming expenses.

With effect from 1st April all expenses are now paid from the Adelphi Service Centre in Liverpool rather than through your local establishment. All claims should be submitted on the new claim form and still have to be authorised by officials within the establishment.

If you have any queries with regard to the new system please refer them to Kevin Jones at the Secretariat.

Prison Service Instructions

The Prison Service has issued the following Instructions since 1st January

2006-014 Breathalyser testing (staff)
 2006-013 PSO 8010 Chapter 12 Religion (staff)
 2006-010 Amendment to PSO3801 Health and Safety
 2006-008 Extended Inter Prison Transfer contract
 2006-007 PSO8010 Chapter 11 Transsexual staff
 2006-006 Financial Year end procedures 2005-2006
 2006-005 Promotion and reversal of operational specialists
 2006-004 Prioritising OASys

2006-003 Hospital transfers under Mental Health Act
 2006-001 Flag flying

We reported on PSI 2006-003 in IMB News 8 (page 25).

Annex A of PSI 2006-004 (prioritising OASys) gives an excellent summary of the criteria determining the different levels of risk which offenders pose to the public.

PSI 2006-010 sets out new mandatory training requirements for Health and Safety Sponsors in each prison.

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The IMB National Council

NC Member	Constituency	Areas of Special Interest
 David Graham	Eastern	<ul style="list-style-type: none"> • AMIMB • Communications (with Jane King) <ul style="list-style-type: none"> - IMB News - Annual Conference for IMBs in Prisons - Communications Working Group • Safer Custody
 Sheila Royle	North West	<ul style="list-style-type: none"> • Healthcare, including mental health • PSOs 1700 and 1600 • Performance reviews of IMB members (with Sue Nicholas) <ul style="list-style-type: none"> - probationary year - annual reviews - quinquennial reappointments
 Jo Jenkins	Wales & West Midlands	<ul style="list-style-type: none"> • NOMS including IT & OASYS • Conduct & Discipline • Contracted Prisons • Diversity (with Peter Booth) • Freedom of Information & Data Protection • Mubarek Inquiry
 Richard Gully	Thames Valley, Hampshire & Isle of Wight, London	<ul style="list-style-type: none"> • Category Cs and Locals • Commissioning new Boards • Under-strength Boards • High Security Estate • Board members' expenses
 John Weightman	North East, Yorkshire & Humberside	<ul style="list-style-type: none"> • Juvenile and YOI Estate • Prison education & training
 Peter Booth	IMBs in Immigration Removal Centres	<ul style="list-style-type: none"> • IMBs in IRCs • Extension of IMB remit to immigration holding centres • Training Review (with Simon Nieboer) • Diversity (with Jo Jenkins)
 Simon Nieboer	South West	<ul style="list-style-type: none"> • Training Review (with Peter Booth) • Recruitment & Selection • Foreign Nationals
 Jane King	Kent, Surrey & Sussex	<ul style="list-style-type: none"> • Women's Estate • Communications (with David Graham) <ul style="list-style-type: none"> - IMB News - Annual Conference - Communications Working Group
 Sue Nicholas	East Midlands (North) & East Midlands (South)	<ul style="list-style-type: none"> • Open prisons • Good practice • Working in Partnership • Performance reviews of IMB members (with Sheila Royle) <ul style="list-style-type: none"> - probationary year - annual reviews - quinquennial reappointments • Peer Reviews

IMB Key Messages

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 the Home Secretary to report on closed establishments on behalf of the community.
4. We have unrestricted access to prisons and immigration removal centres.
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 Home Secretary where necessary.

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