



BEHIND CLOSED DOORS 2013

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

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Foreword



Since my appointment in July 2013 a number of issues have taken my time, not the least of which have been the implications of the tenure rule. In December a significant number of members had to retire after providing long and dedicated service to the work of Independent Monitoring Boards in both prisons and the immigration detention estate.

The monitoring role is undertaken with care and has a fundamental principle of ensuring that all detained are treated with humanity and consideration within the rules and regulations. I had the privilege of attending the recent conference of the Association for the Prevention of Torture on the topic of reprisal. The conference discussed how issues that arise during monitoring visits can be properly reported and more importantly how the necessary changes to regimes and treatment are implemented. A major concern of the conference was how those responsible for such changes are identified, how they are held to account for implementing the changes and how those changes can be effectively monitored. There was much respect and support shown for the IMB structure with our all-important and meticulous monitoring. One of the important aspects of the IMB system was highlighted in that we are in a strong position to challenge the rate of change and progress of development on a regular basis. As a former schools inspector I was always encouraged that the reports published by myself and colleagues had force as schools were required to produce an Action Plan within 41 days of the publication of the report. Whilst HMIP reports require action plans I wonder if our reports should also require a similar response. Boards challenge management on a range of issues and I am very appreciative

of Board reports which confirm that previous concerns have resulted in improved conditions or regimes. However, all too often Boards report that serious matters raised in a previous report have not been effectively remedied such as the issue of a detainee held for five years in the segregation unit.

We all have to appreciate that we live in difficult financial times but lack of finance cannot be used as a reason to continue with regimes and programmes that compromise humane treatment. Many Board reports have described the impact of reductions in such areas as staffing, regimes, purposeful activity and education and express concerns about a rise in incidents and indiscipline.

We welcome Jeremy Wright, the Minister for Prisons, to the IMB Annual Conference in 2014 and I am well aware that he and his ministerial colleague at the Home Office appreciate the importance of IMBs and show great interest in the work that is undertaken in difficult circumstances and times. He has stated that IMBs are his 'eyes and ears' into what is actually happening in penal and immigration establishments. I am grateful and proud that those who are detained are represented by ordinary citizens with wide ranging experiences and backgrounds ready to ensure they are treated with fairness and humanity. We recognise that times are difficult but we must maintain our independent duty to monitor, challenge and report.

John Thornhill
President IMB National Council

Section 1

SPECIALIST INTERESTS OF THE NATIONAL COUNCIL MEMBERS

Foreign National Prisoners

Two National Council members lead on foreign national prisoners and they, together with the National Council lead on the immigration detention estate, meet with officials from the Home Office (formerly UKBA) and NOMS on a regular basis. This opportunity for dialogue is greatly valued as it enables a much broader understanding of the issues concerning this particular group of prisoners and detainees.

Boards continue to report to the National Council their concerns that too many foreign national detainees are being held in custodial establishments. The response from officials remains that they are legally held in custody pending deportation. We understand this, but hope that more initiatives such as the Facilitated Return Scheme and Early Release Scheme will encourage more realistic solutions and a reduction in the numbers, as well as the length of time spent in custody.

What has changed during this reporting period? The number of sentence expired foreign nationals held has increased dramatically to over 900. This is because NOMS have now agreed with the Home Office that they may hold up to 1,000 detainees in prison establishments. With such high numbers involved, we ask why this group could not be detained within one, or two, specialist establishments where all the issues may be more easily addressed?

While we voice our dismay at the above, we must also commend work within prisons, by all agencies, to bring about improvements in the treatment of foreign national prisoners. There is improved awareness of the barriers caused by language and the need to focus some attention on resettlement for the few deportees who are eventually granted leave to stay. We believe that the National Council's vigilance on all matters concerning foreign national prisoners and detainees reflects the concerns brought to our

attention by Boards throughout the year and is vitally important to the debate on how such prisoners and detainees are treated. However, there is still a long way to go as the numbers continue to increase.

Deaths in Custody

The National Council is represented at Ministerial meetings concerning deaths in custody. All deaths in custody are reported to the National Council representative by the Ministry of Justice's Offender Safety Rights and Responsibilities Department. There were 50 apparent self-inflicted deaths reported in 2012, the youngest being a 16 year old male. At the time of writing there have already been 53 apparent self-inflicted deaths in custody the youngest being a 21 year old male. The number of self-inflicted deaths of prisoners on Assessment Care in Custody Treatment (ACCT) documents was (at the time of writing) 16, which was the same number as those reported at the same time in 2012. Two self-inflicted deaths in the Segregation Unit were also reported during 2013, one of which was on an ACCT.

The number of deaths reported from natural causes has risen again this year from 57 reported in 2012 to 77. The oldest reported age this year being an 82 year old male, highlighting the increasing number of older prisoners in custody.

As reported last year, continued delays in the classification of deaths in custody is of concern and this year a new classification of Awaiting Further Information (AFI) was introduced. A total of nineteen AFI's have already been received this year, which suggests that the families of these prisoners could possibly still be waiting for the cause of death. This is of concern for the IMB, prison staff and most particularly for the families of the deceased.

Young Adults (age 18 to 21)



Currently around six thousand 18 to 20 year olds in England and Wales are held across 54 young adult youth offending institutions. Seven of these are dedicated Young Offender Institutions (YOI) for 18 to 20 year olds, with 47 prisons where adults and young people are held in separate accommodation at the same establishment.

In October the Ministry of Justice unveiled a consultation document: Transforming the Management of Young Adults in Custody. This recommended a fresh approach to the custody of young adults and highlighted its concern that there was no coherent or consistent policy for how young adults were managed in custody. The Ministry of Justice stated that the current system was 'no longer appropriate or effective' and that a shake-up would allow young people to get better resettlement support. One of the main recommendations in the document was the use of Dual Designated Institutions which means that any young person who is sentenced to custody or transfers from the under 18 secure estate would be sent to an adult prison. The Ministry of Justice claimed the proposal will allow young people to be placed closer to home:

"We want to have the flexibility to allocate young offenders to the most effective and supportive return to their communities."

The Ministry of Justice argued that the change could also address a growing issue with violence and gang affiliation in 18 to 20 year old held in YOI's, pointing to the fact that although the age group made up just 7.5% of

the overall prison population, it accounted for 25.3% of all assaults in custody in 2012. According to the Ministry of Justice:

"When large numbers of people in this age group are held together, they can become so volatile it becomes difficult for staff to manage them if this continues there is a danger that the experiences of young people in custody will become more about containment and less about rehabilitation and supporting them to desist from offending".

However, the National Council notes there are fears the move could trigger an increase in self-harm among young people, as well as leaving them exposed to bullying and drug dealing.

The Ministry of Justice was keen to hear the views of the IMB about the consultation document. In particular they sought our views about how the IMB would like to see a new policy regulated, and what measures they would take to scrutinise its delivery, particularly in terms of ensuring safe and productive custodial experiences for all adults in mixed institutions. To facilitate this, in December twelve IMB members and two National Council representatives attended a meeting at the Ministry of Justice to discuss the consultation in detail and to express their views about the proposals.

National Council welcomed the opportunity to be consulted about this important policy development and we will observe its implementation closely.

Juvenile Offenders (age 15 to 18)

The National Council is pleased to note the trend is continuing to reduce the number of juvenile offenders held in custody. The Youth Justice Board has decommissioned HMPYOI Warren Hill which was expected to close early in 2014. The Youth Justice Board has also significantly reduced the number of spaces they commission at Wetherby and Hindley. Old living units are being decommissioned at Cookham Wood whilst a new 195 bed unit for juvenile offenders is being built there. The

Youth Justice Board no longer commission any spaces for under 18 year olds in any Young Offender Institution.

Girls of this age are now accommodated in either secure children's homes or secure training centres. The number of boys in YOI's is decreasing, however this increases the challenges for the retained YOI estates since those remaining tend to be more violent. The reduction in dedicated establishments also means young people are being accommodated further away from home.

This year saw the introduction of Managing and Minimising Physical Restraint. This is the new bespoke system of restraint for young people which is being rolled out across the Secure Training Centre and Young Offender Institution estates. Wetherby went 'live' with this system in late October and the National Council will monitor this carefully.

The Government launched its Green Paper on the future of the Youth Justice estates in February 2013. The key aspect of the consultation was to request ideas and proposals regarding:

- how to reduce custody costs for children and young people;
- how to improve education levels; and
- how to reduce the high levels of recidivism.

The Youth Justice Board reported an overwhelming number of responses to the consultation and their report is expected early in 2014.

The National Council has mentioned in previous annual reports concern about the level of strip searches on young people. The Howard League for Penal Reform has also stated that this practice is unnecessary and degrading for children. A pilot scheme to halt routine strip searches for new arrivals at HMPYOI Werrington and The Parc YOI took place this summer and initial reports suggest that it did not lead to an increase in contraband being brought into the secure estate. The Ministry of Justice has just confirmed that NOMS is to extend the pilot to

a further two YOIs at Wetherby and Hindley. This development is very much welcomed by the National Council.

Relations with IMB Colleagues in Northern Ireland and Scotland

The proposed abolition of the Visiting Committees in Scotland has been the main topic of concern for the tri-partite representatives from Northern Ireland, Scotland and the IMB National Council of England and Wales. All parties welcomed the recommendations resulting from the Independent Review of the Scottish Visiting Committees which recognised the need for 'independent monitoring' of the Prison Service in Scotland. The recommendations within the report were, in the opinion of the tri-partite group, justification for the lengthy discussions which had taken place over several years, discussions which were very much focused on the concepts of independence and transparency of the monitoring and reporting process.



Such initial thoughts of satisfaction were, however, soon to be overshadowed by the announcement from the Scottish Cabinet's Secretary for Justice of proposals for the appointment of a small number of employed, salaried monitors, each of whom would lead groups of volunteer, lay, monitors in the custodial establishments throughout Scotland. The paid monitors would be located within the Office of the Chief Inspector of Prisons for Scotland and would report direct to the Chief Inspector.

It is the view of the tripartite group that independence would be seriously jeopardized by the appointment of paid, lead monitors and that such appointments represent a contradiction in terms of the independent monitoring process. The tripartite group representatives are lobbying the Scottish Cabinet Secretary for Justice, highlighting the recommendations of the independent review for 'independent monitoring'.

Optional Protocol to the Convention Against Torture (OPCAT)

The National Council has continued to make a contribution to the work of UK National Preventative Mechanisms (NPM) in general and have joined the first of its sub-groups to be set up on 'Children and Young People'. One of the first tasks of the sub-group was to make a response to the Ministry of Justice green paper on the youth estate. The National Council Representative has also attended meetings focussed on the segregation of children and the health needs of children in custody.

During 2013 one of the needs identified by the NPM was the protection of whistle-blowers against sanctions. A protocol for dealing with this, involving Her Majesty's Inspector of Prisons, IMBs and the Prisons and Probation Ombudsman has been drawn up so that any alleged victimisation can be formally followed up.

At the last Business Meeting of the UK NPMs, there was a presentation by Professor Richard Shepherd, a forensic pathologist, who has worked with the prison and police service, teaching them about the dangers of improper use of restraint, and developing a set of common standards and training methods. He is currently a member of the Independent Advisory Panel on Non-Compliance Management set up by the Home Office. The 'common principles of restraint' have been approved by the Joint Ministerial Board on Deaths in Custody (for England and Wales). It is hoped that as organisations develop training schemes they will build these principles into their work.

Some common themes to emerge from the sharing of NPM members' concerns were:

- escorts between different types of custody;
- the use of police custody as a place of safety;
- terrorism detention and legislation;
- restraint;
- female offenders; and
- mental health in police custody.

These issues will be addressed in various forms in future programmes of the NPM.

A seminar to mark the fifth anniversary of the UK NPMs will take place in Bristol in April 2014.



Consultation on the Operation of Frontex

In September 2012, the IMB responded to the European Ombudsman's wide-ranging consultation on the operation of Frontex with special reference to human rights infringements. IMBs in the UK had monitored charter flights organised by Frontex and their evidence was based on that experience.

In response to the consultation we made three points:

- We noticed that there is a difference in standards between participating countries, with variability spanning a wide spectrum of provisions such as healthcare, use of force,

level and appropriateness of escorts and the level of independent monitoring. All of this has a bearing on 'fundamental rights'. They also raise questions about the jurisdiction on multi-nation Frontex operations and blur the lines of responsibility.

- IMB found the lack of a credible complaint system unsatisfactory. As a result of an IMB recommendation, Home Office has introduced a complaint system for detainees on charter flights. However, the boundaries of responsibility between Frontex and the individual states involved are blurred and we feel that an overarching complaint procedure needs to be implemented and operated by Frontex.
- We were concerned that we had no information about any Frontex monitors on the flights and how they related to the monitors from the different states that were participating in the flights.

In November 2013, the European Ombudsman published its report. The Ombudsman found that, in general, Frontex was making reasonable progress in addressing fundamental rights issues. She recommended, however, that Frontex establish a complaints mechanism. Frontex rejected this recommendation with the argument that individual incidents were the responsibility of the respective Member State. The European Ombudsman disagreed and submitted a Special Report to the European Parliament, asking for its support in persuading Frontex to review its approach and we await the outcome of this.

The Special Report is available at:

<http://www.ombudsman.europa.eu/en/cases/specialreport.faces/en/52465/html.bookmark>

Prisoners' Property

The National Council is aware of concerns regarding lost property and IMB Area Chair meetings often highlight issues regarding the transport of prisoner property. Recent analysis of IMB Annual Reports show that property lies mid-way on the list of concerns raised with the

Minister. Of 78 Reports analysed, 23 Boards raised lost property as a concern, 13 related to property in the prisoner's current prison and 10 related to other prisons. One Board is preparing a detailed analysis of the issue and we await their report with interest.

IMB Annual Reports Analysis

The National Council's Annual Reports Analysis Group completed its analysis of 78 IMB Annual Reports this year. Of these, Boards had dealt with over 23,000 applications with the number of applications handled per Board ranging from nine to 1,240 per year. The Group has analysed the main issues raised in the reports and the top five principle subjects raised were:

- Accommodation and infrastructure;
- Employment/Education/Purposeful Activity;
- Resettlement/Sentence Planning;
- Prison Service Resources/Morale; and
- Mental Health.

The Group will consider all the topics raised and will use these to produce two or three thematic reports in 2014.



Section 2

THE IMMIGRATION DETENTION ESTATE – ISSUES AND TRENDS

The Immigration Detention Estate (IDE) has seen some changes in the past twelve months and the responsibilities and remit of IMBs have increased in this period. UK Border Agency, which was in charge of the establishments that IDE IMBs monitored, was abolished as an Agency by the Home Secretary on 1 April 2013 and its operational part was split into two separate units within the Home Office: a visa and immigration service and an immigration enforcement division. The establishments that IMBs monitor come under the enforcement division, although as far as we are concerned, there has been no change in procedures, nor in the personnel to engage with.

The first change to IMB operation that happened in 2013 was the inclusion of the Short Term Holding Facility (STHF) in Larne, Northern Ireland, under the Glasgow and Edinburgh Board. Members of that Board have been successfully monitoring Larne on a fortnightly basis for nearly a year now. Charter flight monitoring has completed its feasibility stage and we have been invited by the Immigration Minister to continue for another year. A trawl was undertaken across both the prisons and immigration estates to increase the number of potential monitors in the pool and an induction day organised for ten potential members. Once these new recruits have received security clearance, we will be in a position to monitor more flights on a regular basis.

It is a matter of regret that more than two years after there was agreement in principle that IMBs should be set up in the busy airport holding rooms at Gatwick and the main charter flight airport at Stansted, we have not been allowed to proceed. A matter of further regret is the fact that both the introduction of STHF Rules and the revision and updating of the DC Rules (2001) are still pending, with the consequence that the existing STHF IMBs are not statutory bodies. Furthermore, in the

immigration removal centres this means that the IMB sometimes has to operate outside the statutory requirements.

The Independent Advisory Panel on Non-Compliance Management (IAPNCM) was set up by the Home Office after the death of Jimmy Mubenga on board an aircraft during removal when he was restrained for non-compliant behaviour. The Panel consulted the IMB and we were able to make submissions based on our monitoring at airports and on charter flights.

The number of sentence-expired foreign national prisoners coming into the immigration estate has been falling steadily, although this has been at the expense of larger numbers being held in prisons. The latest immigration removal centre to be established is The Verne on the south coast and will be a re-role of the prison. The same IMB will continue to operate there.

One of the major concerns reported this year by IMBs in the immigration detention estate was concerning the transport of detainees within the estate during the night (as opposed to night moves for removal purposes, such as to catch a flight) which we consider to be inhumane and our concerns have been reported to the Minister.

Health concerns were also prominent among the issues that detainees raise with us, therefore the standardisation of healthcare commissioning by NHS England was a welcome development, although regrettably the implementation has not been as quick as we had expected.

We are very pleased that the Home Office is now able to provide information on the total time in detention for detainees, and not just the time spent in any one establishment. This is a piece of information that we had been requesting for several years and it will help us to be more effective in our monitoring.

Another successful Study Day was organised for the IMB members in the immigration detention estate in November which was attended by the existing members as well as those about to join the immigration estate as flight monitors or in the new immigration removal centre at The Verne.



Section 3

NATIONAL COUNCIL WORKING GROUPS

IMB Training

The IMB's Training Team has delivered more than 20 courses this year at various venues throughout the country, along with several ad-hoc training events. The Team has worked hard to deliver quality training to New Members, Board Development Officers, Experienced Members, Vice Chair and Chairs, and this year, three members of the team spent some time developing a new course for Independent Interviewers. This course was delivered for the first time in the autumn at Aston University and was well received by those who attended, which was reflected in the feedback received.

Two new initiatives have been introduced this year: the Skills for Justice Award and the IMB Academy. Skills for Justice is a pilot scheme which is administered and managed on our behalf by the City of Bristol College. It is a new qualification which has been written specifically for IMB members by Skills for Justice and is based on the NVQ system. It is designed to recognise the achievements of IMB Members, provide a basis for personal development and give a consistent level of knowledge and best practise across all establishments. Ultimately we hope it will form the basis of a National Standard for all IMB Members. Following receipt of the results of the pilot and further assessment of the programme, a decision will be taken about whether it is feasible to offer all IMB members the opportunity to take part in the scheme. There are ten IMB members currently taking part and completion is expected in the early summer of 2014.

The IMB Justice Academy is an on-line resource just for IMB members. Currently there are several training modules available on the site, with more planned. This is an entirely new concept for the IMB and it is hoped that in the future the site will be developed to deliver pre-Foundation Course modules through an

online workbook for new members, which will be available from day one of their induction to Board. This will ensure that new members attending the Foundation course will all be at the same stage of development, which will inevitably result in an improved learning experience for all.

Towards the end of the year the Secretariat commissioned a review of the IMB Foundation Course by the Ministry of Justice's Learning Services Team. Detailed analysis of their findings will be included in next year's report. At the same time, a review of all of the courses was being carried out by the National Council member with responsibility for Training.

The IMB Training Team lost three long standing members at the close of the year due to tenure. We must thank them for all the hard work and dedication through the years. Thanks also to the Training Team for all their hard work and commitment - many have gone above and beyond to ensure that IMB members attending have enjoyed a positive training experience.

IMB Communications

The National Council's Communications Group consists entirely of IMB Members from various establishments, along with a member of the National Council and two members of the Secretariat.

The Group's major project throughout much of the year has been the production of two DVDs to publicise the work of IMBs both inside and outside establishments. Both DVDs feature IMB members speaking about the role and responsibilities of IMB work, and, in some cases, how they became a members of the IMB.

One DVD is designed to be shown inside establishments on the Information Channel and will be used during induction periods. It

is hoped that this DVD will be placed on the channel permanently to ensure that, at some point during their induction, prisoners and detainees will have the opportunity to view the information and gain knowledge about the IMB and what we can do (and cannot do) inside establishments. Newly arrived prisoners and detainees often find it difficult to digest the myriad of information which is given to them in their first few days. This DVD is designed so that, at some point later on, they will be able to revisit some of the information that may not have picked up in earlier days.

The second DVD will be placed on the YouTube Channel and is designed to assist in the recruitment of new members. Again, this provides information about the work of IMB members and gives details of how apply to join an IMB. Both of these films have taken up many hours of the Group's time throughout the year and two members in particular have worked very hard in their production and filming.

At the close of the year, two new members were recruited to the Group and we were sorry to lose one valuable member under tenure.

IMB Recruitment and Retention

The National Council's Recruitment Working Group was able to finalise the revised procedures for IMB recruitment and share it with the members in early January. This work had been in gestation for eighteen months or so because of changes in procedure required at various stages of its development by the Office of the Commissioner for Public Appointments, over tenure for example, which had to be taken into account as they arose. As part of this revision, a new IMB Application Form was also developed, requiring candidates to demonstrate their experience and skills in six core competences.

Recruitment has become a crucial task for IMBs with the first tranche of Board members leaving due to tenure at the end of December 2013. Several Boards will lose a high proportion of experienced members. Recruitment has never been an easy task and

the loss of experienced members is proving to be a double whammy for many Boards: not only is there a smaller number to carry out the monitoring duties, but also, there are fewer members able to provide local induction and mentoring for the new recruits.

The North West region had reported a huge shortfall of members in 2012 and the National Council agreed that a model of regional advertising, followed by a cluster model of interviewing, would be tried out as a pilot study in 2013. Anticipating a huge response from the regional advertising campaign, it was decided that sifting should also be part of the pilot. Although the campaign produced a disappointingly low number of candidates, the pilot proved to be an invaluable learning tool for the Recruitment Working Group. Most importantly, it demonstrated that the forms requiring applicants to provide an assessment of their own competence gave a fair and objective basis for conducting a sift.

The Recruitment Working Group has been trying this year to explore ways of helping Boards with recruitment and one change is that the dominant mode of recruitment advertising has now become the internet. The effectiveness of various websites, such as the Ministry of Justice's Jobs Website and charityjobs.co.uk is being evaluated regularly by the Secretariat. Boards are also opting to use local newspapers as before, budgets permitting. The National Council feels that there is a strong case to be made for a much larger budget for recruitment, at least for the next three years.

At the same time, and learning from the North West region pilot study, it has now been agreed that all Boards are free to sift out candidates if they so wish, and the procedures to be followed in sifting have been clarified. It is envisaged that this will save Boards and Independent Interviewers considerable amounts of time and effort. Conversely, in order not to lose potentially good candidates identified at interview, where such candidates exceed the number of vacancies, it has been agreed that, if they are willing, they should be considered for appointment to a Board

at establishments nearby who may have vacancies. The procedures for this have been carefully worked out and explained to Boards and Independent Interviewers.

The next few years are going to be very challenging for many Boards and the Recruitment Working Group is keen to learn from the experiences of Boards and Independent Interviewers so that procedures and policies can be kept under review and simplified as much as possible.

Section 4

THE WORK OF THE NATIONAL COUNCIL



Learning and Skills Support Group

This Group has had quite a busy year which is inevitable considering the vital part we believe Learning and Skills plays in prisoners' resettlement and rehabilitation. The Group consists of eight IMB members plus a member of National Council. During 2013, the Group met on three occasions, and as part of its duty to help share information and best practice, led two workshop sessions at the IMB National Conference in March. It was very pleasing to see the sessions so well attended with a significant level of feedback on the implementation of the new Offender Learning contract – OLASS4. It was clear from the comments received that implementation across the public sector estate in England and Wales had been patchy. It was also clear that the performance of the contractors was variable.

As a result of the input received, the Group agreed that it would undertake a new survey of Board experiences of Learning and Skills, to follow-up on the one previously undertaken in 2011. This view was reinforced by meetings held with the main sponsor of OLASS4 at the Department for Business, Innovation and Skills. It is planned that the survey of Boards will now take place early in 2014. We believe this will be good timing as Boards will have had just over 12 months' experience of monitoring the new contracts. At the same time members of

the Learning and Skills Group will survey what Boards have observed in their recent Annual Reports.

We will be looking to see just how many of the original objectives of OLASS4 have been met and to what degree. Just as a reminder, they are as follows;

- More involvement in provision by individual Governors
- Public Sector establishments grouped into clusters (30 in total)
- Cluster to have a Lead Governor and a Head of Learning and Skills
- Ideally prisoners to remain within one region or cluster
- A proportion of payment to contractors to be on basis of outcomes for prisoners
- Emphasis on early part of sentence (basic skills) and final part of sentence (employability skills)
- Mid-sentence funding to be reduced (impact on the provision of 'soft' skills – such as Drama and Art)
- No funding provision for offender higher education – student loan
- Department of Work & Pensions careers advice to be present in all establishments.

In view of the imminent ending of member's terms of office, it became necessary to undertake a trawl for new members this year and the new Group will take forward the survey in 2014.

Healthcare Support Group

Whilst continuing to be involved with partner agencies working in the field of Offender Health, the Healthcare Support Group has also held discussions with the new commissioning organisation responsible for Healthcare in Prisons – NHS England. In preparation for

the meeting Boards were asked to submit areas of concern which could be brought to the notice of the national commissioners. All of the submissions were discussed at a preliminary meeting and are to be investigated at local commissioning level. It remains to be seen how far change is affected in individual establishments and the National Council has asked Boards to continue to monitor and comment upon their areas of concern.

Mental Health remains a major area of concern, perhaps the most alarming aspect being the length of time some individuals diagnosed with mental health problems are waiting for the correct treatment. This issue was raised in the National Council Report of 2012 when we stated that the recommendations of the 2009 Bradley Report were still not being implemented. One year on, the concern remains and again the question needs to be asked *How much longer does an individual need to be wrongly imprisoned instead of hospitalised whilst waiting for the acknowledged and agreed correct treatment?* It is surely inhumane for some of the most vulnerable people in society to continue to be incarcerated and at times almost permanently locked up, whilst those with whom the decision to transfer lies continue to debate.

The implementation of 'Fair and Sustainable' was followed almost immediately for some by the Benchmarking process. IMBs have reported reductions of operational prison officers across the whole sphere of the prison estate, in some cases to the detriment of the smooth and efficient management of prison healthcare units. IMBs throughout the country, for example, have reported increases in the number of non-attendances at healthcare appointments, upwards of 50% of which have been due to lack of escort staff. Staff shortages amongst healthcare staff is also becoming a major concern. The lack of suitably qualified, security cleared back-up staff to cover absences is creating problems for healthcare unit managers, some of whom are spending a disproportionate amount of their time ensuring that the relevant skills mix is available to enable healthcare units to run effectively and efficiently.

The Support Group's twice yearly newsletter, *IMB Healthcare Matters* has been issued to all Boards covering a variety of topics, the last issue opening up the question of relevant training for prison officers in recognizing the early symptoms of dementia amongst the increasingly aged prison population.

As a result of the tenure process and other personal reasons the membership of the support group has suffered during the year, resulting in a trawl for new members to take the work forward. It is pleasing to note that this request has resulted in eight new members, all of whom have a wealth of experience in the medical and associated related fields. The new members are keen to progress the work of the Healthcare Support Group in raising awareness of and offering advice on the complex nature of healthcare monitoring.

Equality and Diversity Support Group

Since the implementation of the 2010 Equality Act, for which detailed guidance was issued to all IMB members, the Group's task has been to raise the profile of equal opportunities among IMBs to enable members to comply with the



Public Duty to advance equality. Guidance has been produced on specific areas of equality to meet the needs of IMBs. The Group has also worked with training colleagues to ensure that IMB Training Course materials embed legal requirements and help foster an understanding of equality requirements in practice. We have also been working with the recruitment team in the Secretariat to establish practical ways of attracting a more ethnically diverse pool of applicants for IMB membership. For example, one of the Working Group members has given advice on contacting suitable applicants from the Chinese community.

Specific guidance on monitoring the treatment of Travellers in custody was also produced during 2013. The guidance was based on a report of the needs of travellers by Conn MacGabhann of the Irish Chaplaincy Voices Unheard and on the feedback from workshops held at the IMB Conference in 2011. This group presents several challenges for monitoring. There is no data which identifies travellers and thus monitors have to rely on narrative information by staff and chaplains. Some Travellers face difficulties in qualifying for release schemes as unofficial traveller sites lack the social services support and communications of the more settled community. Travellers also face problems undertaking specific educational and rehabilitation programmes as they may lack the educational skills required. Monitoring how establishments resolve such disadvantages is a particular challenge for IMBs.

Guidance on recruiting disabled IMB members was issued with the new recruitment procedures. This included advice on advertising to welcome disabled applicants, and advice on whether and how to make reasonable adjustments to support the needs of a disabled person as an applicant or member of an IMB.

An emerging issue is the equality and special needs of trans-gender people in custody. This presents challenges to staff in prisons and immigration removal centres and work is in progress to produce guidance to IMBs on monitoring this matter.

IMB Annual Conference

The National Council is pleased to report that this year's Conference was deemed to be a huge success by the attending delegates, some 96% of the returned evaluation questionnaires rated the event to be Good (49%) or Very Good (47%) overall. Given that there were a total of three hundred attendees at the conference this year, drawn from Independent Monitoring Boards from throughout England and Wales, this is an extremely pleasing result.

It is important to recognise that this event is essentially a training and development opportunity designed to interest Board members from across the whole prison estate together with colleagues who serve in the immigration sector. It is also the members' only opportunity to meet the Minister for Prisons, Jeremy Wright QC MP, which is very much appreciated by everyone concerned. The positive feedback we received encourages us to plan for and hold this event in the future. Some 90% rated the conference facilities as being above average and 91% found the quality of the presentations to be of a similar standard.

This year saw the inclusion of presentations from two ex-offenders, one of whom performed his own theatrical interpretation of custodial life. We saw the welcome return to Conference of a young man who has changed his lifestyle, and that of many others, through his work with the St Giles Trust. With other presentations from the Home Office, NOMS and HM Chief Inspector of Prisons, Nick Hardwick, conference was finally steered towards the New Horizons theme of the event by an address from the immigration detention estate highlighting the recent developments in flight monitoring.

Conference is also a time for the twin elements of reflection and future aspiration, both of which were ably addressed by the President of the National Council, Dr Peter Selby, for whom this was the final conference prior to his retirement in April. It was a fitting tribute to Dr Selby that Conference closed with a standing ovation for his six years at the helm of National Council - an enthusiastic appreciation of a job well done.

Section 5

THE YEAR AHEAD

I am sure you will agree with me that the articles in this report display much determination in raising the profile on various aspects of the detention system. The National Council has been active in responding to IMB concerns and the issues they raise, focusing always on ensuring humane treatment. As a result of our recommendation, the Home Office has now introduced a complaint system for detainees on charter flights. We have agreed a protocol for protection of whistle-blowers. We also engaged with the Ministry on a debate about holding under 18s in an adult prison. The report back from the Ministry following that meeting was very positive, with the recognition that IMBs raised a number of points based on their personal experience in establishments that had not previously been considered. We will monitor the response to our meeting and advice.

We will continue to scrutinise the impact of the rise in the number of deaths in prison reported from natural causes - the oldest reported age being 82.

We will work to produce guidance for IMBs on monitoring the equality and special needs of trans-gender people in custody.

We will consider how to encourage wider and more effective implementation of the new Offender Learning contract – OLASS4.

Much progress has been made on recruitment and appointment of new IMB members, with a new style of application form which provided Boards with a fair and objective basis for conducting a sift process. This has ensured greater flexibility in the selection and interviewing process with a greater focus on the needs of each individual establishment. We will continue to oversee and refine the processes making a strong case for an increased budget for recruitment.

Early in 2014 we received a full report on the IMB Foundation Training Course and the training group and training team will be responding to the review to develop a policy for training that fully meets the needs of Board members in supporting them to monitor effectively at various levels during their monitoring career.

As we look forward to 2014 and beyond I am anxious that the role of IMBs is developed in a positive and effective way and the National Council is working on a number of developments which will strengthen the monitoring process and enhance the effectiveness of Boards. National Conference will discuss vital motions which, along with those submitted by Boards but not selected for debate, will also be taken forward. We will also look at how we can make the IMB Annual Reports more effective and widen our role to undertake thematic reviews across the estates and work together in a national framework.

We must continue to monitor our establishments in an effective manner that ensures the prisoners and detainees are treated humanely and where necessary challenge the regimes and programmes that compromise such treatment.

John Thornhill

Section 6

IMB NATIONAL COUNCIL MEMBERS AND CONTACTS

National Council Members 2013

Patricia Cave	East
Mike Davis	North West
Susan Dyas	North East and Yorkshire & Humberside
Vacant	Greater London
Peter Judges	Kent & Sussex
Val Meachin	West Midlands
Graham Bingham	Wales and South West
Anna Thomas-Betts	Immigration Detention Estate
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