

INDEPENDENT MONITOR

THE ASSOCIATION OF MEMBERS OF INDEPENDENT MONITORING BOARDS



**Mental health needs
neglected in prison**



**Monitoring Heathrow's
holding rooms**



**Prisons heading in the
wrong direction**



**Investigating alleged
abuses in Leeds prison**



**Tribute to a suicide
campaigner**

When the government tries to justify the rising prison population, it talks of its success in bringing offenders to justice, especially serious offenders, and of the importance of protecting the public. Yet an analysis by Professor of Criminology Carol Hedderman suggests something different, and alarming.

She argues that the prison population has risen - up by over a third since 1997 - not because more serious offences are being brought to justice, but because sentences have increased. Convictions for burglary, for example, have dropped by 1,400 a year, but the average sentence for burglary has gone up from 12 to 17 months. In general, those convicted of serious offences are getting longer sentences - increasing the prison population. The only discernible effect of efforts to bring more serious offenders to justice has been an increase in the number of repeat offenders sentenced - 'the usual suspects', those for whom prison manifestly does not work.

Meanwhile, more relatively trivial offenders are getting prison sentences - people for whom community sentences would be more constructive, and cost effective.

The alarming finding of this analysis is the link between overcrowding and reconviction. A graph shows both phenomena going up together over the last ten years or so. A reasonable conclusion is that all those short sentences are just long enough to fracture social ties but not long enough to do anything useful. Carol Hedderman argues for more structured sentencing and specifically that magistrates be discouraged from using custody for theft and handling.

Another argument for purging our pointless preoccupation with imprisonment is the effect that overcrowding has on prisoners. The Howard League has suggested a link with self-harm. Certainly that has increased dramatically - up by 40% in the last five years. Last year there were 22,459 recorded incidents of prisoners injuring themselves. Is this what the public wants?



Investigating assault and abuse • page 3

Kate Maynard, Daniel Machover, Leeds IMB

Tribute to Pauline Campbell • page 6

Eric Allison

Psychopaths on the IMB? • page 7

IMB witnesses at adjudications • page 8

William Brown

The POA - aspirations and reality • page 9

Brian Caton

Heathrow IMB • page 10

Lou Lockhart-Mummery

Lobbying by Feltham IMB • page 12

Peter Dobbie

HMCIP reports • page 14

Helen Banks

North of the border better? • page 15

Vivien Stern

Letter • page 15

Mental health • page 16

Juliet Lyon, Lucy Smith

Charles Clarke interview • page 18

Secure training centres • page 19

Frances Crook, Pam Hibbert

Drugs • page 20

Dave Marteau

Ombudsman • page 22

Stephen Shaw

Custody visitors • page 22

Women in prison • page 23

Angela Clay

AMIMB membership survey • page 23

Helen Boothman

Last word • page 24

Association of Members of Independent Monitoring Boards

Membership of AMIMB is open to serving members of IMBs in prisons and immigration removal centres in England and Wales. AMIMB represents board members by presenting their views wherever they need to be known. AMIMB campaigns for change, both through its own efforts and by liaising with other groups, including via the Penal Affairs Consortium. Membership of AMIMB allows board members to have a say in the direction of boards and penal policy generally. Associate membership is open to anyone interested in penal affairs.

The annual subscription of £20 should be paid to the Treasurer.

Patron Lord Phillips, Lord Chief Justice

President Baroness Vivien Stern

Chair

Angela Clay (*East Sutton Park*)

3 Forsham Cottages, Forsham Lane, Sutton Valence, Maidstone, ME17 3EW

Phone 01622 844481

Email angela.clay@amimb.co.uk

Treasurer

Jenny Budgell (*Ashfield*)

Natural Numbers Ltd, Syms Yard, Chippenham, Wiltshire SN14 6LH

Phone 01249 660035

Email jennystobyrumpole@btinternet.com

Registered charity number 293384

Independent Monitor Editor

Brian Guthrie (*Norwich*)

Field House, Thrandeston, Diss, Norfolk IP21 4BU

Phone 01379 783678 Fax 01379 783865

Email brian.guthrie@amimb.co.uk

Other executive committee members

David Atkinson (*Dovegate*) dmaracing@hotmail.com

Helen Boothman, secretary (*Littlebey*) helenboothman@btinternet.com

Diana Brown (*Thorn Cross*) diana@dianabrown4.wanadoo.co.uk

Susan Dyas (*Hull*) sspirit9@aol.com

Don Granger (*Hull*) don@granger1.karoo.co.uk

Jackie Haigh (*Frankland*) cahaigh@waitrose.com

Patricia Kanter (*Holloway*) patricia@rkanter.co.uk

John Melton (*Moorland*) Hmelton@epworth11.wanadoo.co.uk

Anna Thomas-Betts (*Colnbrook*) athomas-bts@imperial.ac.uk

Michael Watson (*Preston*) michael.watson3@ukonline.co.uk

Views expressed in the *Independent Monitor* are not necessarily those of AMIMB

Designed by BCPublications, and printed by Micropress Printers Ltd, Suffolk

ISSN 1746-1197

Investigating assault and abuse

Four years ago the *Monitor* published an account of the legal actions that resulted from assault and abuse at Wormwood Scrubs in the late 1990s. More recently there have been Home Office payouts also to Portland prisoners. Then, in April this year, a £120,000 payout over claims of beatings and racial discrimination at Leeds prison.

Kate Maynard and Daniel Machover, solicitors at Hickman and Rose, describe how they investigated the allegations and how this involved the IMB. On page 5, the Leeds IMB give their side of the story

Leeds is a category B local prison for adult men. Its operational capacity is 1,254, about 18% of them black and ethnic minority. In contrast, Home Office statistics indicate that the proportion of ethnic staff (based on voluntary declarations) is less than 5%.

Peter McCann inflicted multiple injuries and murdered Shahid Mahmood Aziz in a cell on A wing in April 2004. The two prisoners had had no previous contact and had been locked in a cell together for less than an hour. Peter McCann pleaded guilty to murder in July 2004, and he is now serving a life sentence.

An inquest was held in Leeds for six weeks in April/May 2007. The jury held that failings in the cell sharing risk assessment system at the prison contributed to Shahid Aziz's death. There was insufficient evidence (to the criminal standard, ie beyond reasonable doubt) to suggest that it was a racially motivated killing.

In May 2004, the family of Shahid Aziz instructed Hickman and Rose to represent them in the various investigations into the murder. The family also wanted to discover the relevance to his death (if any) of mistreatment that he had complained of at Leeds prison before he died.

Complaint of assault

Shahid Aziz was remanded to the prison on 8 November 2003. On 11 March 2004, less than a month before his death, he reported that he had been assaulted by a prison officer in the showers on the fourth landing of C Wing. Shahid Aziz had submitted a formal complaint about this assault and it was reported to the police before his death.

A member of the Independent Monitoring Board saw Shahid Aziz after

the assault, while he was in the segregation unit. She asked the security department to take photographs of his injuries but the request was not followed up. After Shahid Aziz had been murdered, there was a criminal and Prisons and Probation Ombudsman (PPO) investigation into the assault. Both investigations were impaired by the lack of proof of his injuries.

In his draft report, the PPO said that he was very disappointed that the IMB's request for photographs to be taken of Mr Aziz was not acted on, and that the IMB did not pursue an investigation into his complaint of assault other than informing the chair of the IMB, who did not consider that it was reasonable to act on the verbal complaint. 'When you are told that a colleague has seen a prisoner with injuries, I do not think the proper response of an IMB is to simply wait for the prisoner's written complaint'.

In our extensive experience as solicitors representing prisoners who allege

physical assault by prison staff, the lack of a proper record of injuries will significantly prejudice the investigation of such allegations and reduce the prospect of the impugned officers being brought to account in criminal or civil proceedings.

Complaint of discrimination

Shahid Aziz was also one of the instigators of a petition, signed by 65 other prisoners, complaining of a lack of equal opportunities and of racial discrimination. Through the petition, the signatories also protested that 'more should be done to assist non-white prisoners and it does not surprise us that there are hardly any non-white prison staff'.

The petition was apparently compiled over a number of weeks or even months in the early part of 2004. It was smuggled out to solicitors, and eventually faxed over to the number one governor in April 2004, four days after Shahid Aziz was killed. It is notable that receipt of the petition was not recorded in the minutes of any of the prison's race-related management meetings, nor was there any (minuted) discussion about the petition.

Complaint about officers' racism

Shahid Aziz also made a written complaint dated 11 February 2004 about being subjected to racial abuse by a female prison officer. That prison officer was heavily criticised in the PPO's report, as was the failure of the prison to adhere to Prison Service Order 2800 (Race Relations).

'Clearly the provisions of PSO 2800 were not adhered to at Leeds. There is evidence that Mr Aziz made several verbal complaints to staff about alleged racist behaviour yet there is only a single entry in the racist incident reporting log. Challenges to staff about their alleged



Justice Secretary Jack Straw visits Leeds prison

racist behaviour should be recorded, investigated and an outcome decided by the RRLO. I am appalled by [an officer's] admission during her interview that she responded to Mr Aziz's request to speak to a race relations officer with the words, "go away, not interested". This was a dreadful response from a member of staff actually charged with the responsibilities of a wing race relations officer to whom prisoners should turn if they felt that someone was being racist towards them.'

The complainants in the civil litigation

In investigating how Shahid Aziz had been treated at the prison, we were initially limited to speaking to prisoners who knew him, but then traced some of the prisoners who had signed the petition that Shahid Aziz had instigated.

When speaking to these potential prisoner witnesses, we began to receive their own complaints about the way that they had been treated in the prison. Some prisoners contacted gave the names of other prisoners who also wanted to come forward because they too had complaints about their treatment in Leeds prison.

As a result, Hickman and Rose at one time acted for 20 current or former Leeds prisoners. Eighteen of those prisoners issued civil proceedings against the Home Office (now Ministry of Justice). Their complaints can be broken down:

- two alleged assaults by white prisoners with associated prison officer misconduct (the way that the victims and assailants were treated by officers afterwards and in failing to prevent the attacks)
- one alleged assault by an Asian prisoner with associated prison officer misconduct (failing to prevent the attack)
- six alleged assaults by prison officers
- all but two of these, plus a further six clients, alleged discrimination on the grounds of race/religion and/or racism by prison officers.

The discrimination claims involved complaints of unequal access to jobs, privileges, facilities and Halal food in the prison, and in some cases racial harassment and victimisation. The claimants complained that the complaints and management systems had failed to identify and prevent abuse and discrimination and that there was no effective racial monitoring system at the prison.

The complaints system

The failure of the complaints system features prominently in the claims and in the



Kate Maynard of Hickman & Rose

prisoners' impetus for pursuing them. Most of the claimants reported that they had tried to complain about their treatment at the prison but that they were not satisfied with the process and/or the outcome. They felt a deep sense of injustice because of the way that they had been treated by prison officers in the first place, and that they had no fruitful way of complaining that would involve their complaints being registered, taken seriously and investigated.

The claimants felt that the Prison Service and many individuals who work in the prison (including the IMB), at the Area Manager's office and at the Ombudsman's office, had actually been aware of (or should have noticed) the failures in the complaints system. The claimants claimed that the failures fell hardest on ethnic minority prisoners and formed part of a pattern of racial disadvantage at the prison.

There were 12 specific failures reported by prisoners.

- Six said that they felt too intimidated to complain for fear of reprisals.
- Three gave examples of being victimised/punished after making complaints.
- At least one prisoner reported difficulty gaining access to complaint forms.
- Five prisoners stated their belief that officers 'bin' complaints, in some cases because officers have boasted of doing so. At least one person had seen complaints being 'binned'. Several prisoners said that this was a widely held view among prisoners.
- Fourteen prisoners reported that their complaints had been ignored, as they had not received replies. In some cases the prison service denied that a complaint had been received.

- One prisoner had a complaint returned without a response on the grounds that he could put in only one complaint at a time.
- Two prisoners reported being dissuaded by officers from submitting formal complaints.
- Two prisoners reported being threatened with a nicking for complaining that officers were racist.
- Several prisoners whose complaints were passed on for someone else to reply still failed to get a (substantive) response to their complaints.
- The Area Manager referring complaints back to the prison although the prisoners wrote to the Area Manager in the first place because their internal complaints were not responded to.
- Several prisoners had received a poor or inadequate response to complaints made to the PPO.
- Prisoners who could barely speak English and not write English reported that they were not given any assistance with language.

The IMB report

The problems these prisoners had experienced with complaints should be put into the context of the 2003/2004 annual report of the IMB. It noted that the number of applications to the IMB decreased by almost 50% compared to the applications received in the previous year. Even more astonishing is the statistic that complaints about staff had also decreased, by a staggering 80%, from 15 to just 3. The IMB's analysis of these statistics was that: *'the systems put in place to address prisoners' problems, and the approach of the front line officers, are effective.'* And: *'The marked reduction in applications being received indicates that the prisoners are meeting fewer problems and many they do have are being solved at the first time of asking.'*

The claimants were troubled by these conclusions and considered that they were naïve. There was no acknowledgment or concern that the reason for the dramatic decrease in complaints about staff and in general could have been a catastrophic failure of the applications and complaints systems.

The claims

Seeking redress and accountability for their complaints, the claimants served questionnaires under the Race Relations Act and a dossier of these early complaints was sent to the Commission for Racial Equality (who visited the prison in February 2005) and copied to the Director

General of the Prison Service.

The Yorkshire and Humberside Area Manager of the Prison Service commissioned an internal inquiry to investigate the complaints made in the dossier. The report was known as the 'Rice Report' because the lead investigator was a Governor Rice from another prison in the area.

The claimants criticised the Rice report for its lack of scrutiny of the complaints that it was presented with, and the failure to properly probe and analyse them. They claimed that it lacked independence, was self-serving, was biased in accepting the evidence of prison staff without question and failing to follow up any witnesses for the complainants.

In defending the civil claims aggressively, the defendant relied centrally on the Rice report, dismissing the complaints as 'low level' and largely unfounded. Although a handful of complaints were upheld in the Rice report, the tone of the report was that prisoners were 'on a

bandwagon' and that their complaints were trivial and unjustified. Occasionally, prison officers were said to be at fault for being rude and brusque, but this was said to be their general bad behaviour and race was irrelevant.

The 2004/05 annual report of the Leeds IMB said that there were no indication that Leeds was anything other than a 'healthy prison'. It claimed that the Rice report 'exonerated the prison', and, relying on the report, stated that the prison 'tries hard to promote a climate of racial awareness and racial harmony and was substantially cleared by the recent inquiry.'

Fifteen claimants pressed on with their civil claims, determined to be heard and vindicated, and to facilitate positive change at the prison. One lead case was due to go to trial in April 2008 but on the day before the first evidence was to be heard, the defendant settled all outstanding cases. The terms of settlement are confidential, but the claimants are content

with the outcome – if concerned that full lessons do not appear to have been learned.

A conclusion?

Specifically, the claimants remain concerned at the apparent failure of the IMB to be critical (other than perhaps about the fabric of the prison). Systemic failings at all levels in the prison were accompanied by failings in the 'watchdog' role of the IMB. The IMB, apparently unquestioningly, adopted the Rice Report and the stance of the prison, dismissing the complaints without hearing any evidence from the claimants or being self-critical about past failures to engage directly in monitoring how racism and discrimination was tackled in all aspects of prison life. We hope that IMBs across the country realise that they have a significant role in changing the culture of prisons, many of which lag seriously behind other public institutions in the UK in tackling racism and discrimination.

The IMB replies

Hickman and Rose have presented one side of a story which touched deeply upon the climate in Leeds prison four years ago. That is their role as solicitors for the complainants. As with all good advocates, they select the facts they present with care and choose their words skilfully. They are exceedingly critical of the IMB without having spoken to any board members. As with all stories, this one also has two sides to it.

Hickman and Rose effectively conducted a trawl for disaffected prisoners at Leeds. Out of an operational capacity of 1,254 in 2004, 65 prisoners signed a petition and 18 started civil proceedings. No criminal proceedings were instigated and all the civil cases were settled out of court to the claimants' full satisfaction.

Those numbers need to be set against the day-in-day-out visits of IMB members to the jail – walking the landings during association times, visiting specific areas regularly, taking applications from prisoners three times each week. In effect taking the temperature of the jail week in, week out.

Some of Maynard and Machover's complaints against the IMB are easy to rebut. For example complaints made to the IMB are made totally independently of any prison service staff through locked boxes on each wing to which only IMB members have a key. It is hard to understand how this secure and independent system could have been subject to a 'catastrophic failure', especially when members are also personally present to take verbal applications.

Other allegations are less easy to rebut as they rely on less precise wording: 'alleged', 'said', 'reported'. It is at least arguable that if the majority of these allegations were susceptible to corroboration further proceedings would have followed. The IMB is taken to task for accepting too readily the results of the Rice report. This demonstrates a misunderstanding of the board's role. We 'monitor fairness and respect for

people in custody', we challenge where necessary, we see that rules are properly applied. What boards do not do is initiate investigations like those undertaken by, for example, the prisons ombudsman or the chief inspector. If the Leeds IMB, based on its 'on the ground' experience, was content that the Rice report gave a true reflection of the prison at that time, and that it had been properly carried out, that was a judgement which it was entitled to make. Others, more remote from the prison, may wish to challenge that judgement, but it was a reasonable judgement for the board to make.

The Leeds IMB is far from complacent about its performance over the death of Mr Aziz. It acknowledges a number of failings in its processes and procedures. It also recognises that there is, in any board, the possibility that members may be influenced or 'conditioned' by staff to take a certain view of what is happening in the jail. Before this article was shown to the board, it had already set in hand a training event to cover conditioning, and it has asked for a national tutor to provide an extended training session on effective monitoring. Plans are also in hand for a national tutor to provide diversity training locally. It has also set up a series of informal meetings with prisoners from each wing in order to take the temperature of the prison, and in particular how prisoners view the board, in a more focused way. The board also recently invited ombudsman Stephen Shaw, to come and speak to us about effective monitoring. Following his visit plans are well advanced to develop and sharpen the monitoring tools which are used at Leeds.

Kate Maynard and Daniel Machover are to be commended for putting their client's case so cogently. They have opened up a debate with which most boards will identify. How far do boards see what the staff wants them to see, rather than what is really happening? Only a foolish board would ignore that debate. The board at Leeds is not doing that; we are engaging with it vigorously.

Reform of women's prisons loses a leader

**Prison reform
campaigner Pauline
Campbell died in
May. Eric Allison,
who writes for the
Guardian, knew her
well. He pays tribute
to her – and shows
how her legacy is
being betrayed**



The death of Pauline Campbell marks the end of the most vociferous and effective single-handed campaign on behalf of women prisoners in recent history. In a poignant postscript, her body was found at the graveside of her daughter, Sarah, who died in Styal prison in 2003. That death, of her only child, was to change and dominate Pauline's life from then on.

By her own admission Pauline, a retired college lecturer, was leading a normal, middle class life in the Cheshire village of Malpas until things started to go wrong in Sarah's life. Pauline doted on her daughter, a talented pianist, artist and tennis player. But the apparent normality of their lives masked a troubled history: Sarah's father abandoned the family when she was four and the child was sexually abused by a distant relative.

By the time she was 17, Sarah had become a self-harming heroin addict and, at Chester Crown Court, she was convicted of the manslaughter of a pensioner, Amrit Bhandari, who suffered a heart attack while being harassed for money by Sarah and a fellow addict on a Chester Street. She was jailed for three years

At Styal, because she had given evidence against her co-accused, she asked to be placed on the vulnerable prisoners wing, but instead was taken to the segregation unit where she died the next day. She had had swallowed a large quantity of prescription drugs. At 18, she was the youngest of the six women who died at Styal in a 12-month period. An inquest

jury later concluded that a failure in the duty of care contributed to the teenager's death.

In 2004, Pauline decided to carry out direct action to highlight the increasing number of deaths of women in custody. Whenever a woman died in a jail in England or Wales, Pauline would demonstrate outside the prison gates. She would block the passage of vans arriving with new inmates, symbolically stating – as she put it – that women's prisons were not places of safety. Few could argue that she had a point: 14 women died in custody in 2003 and a further 13 the following year – including two women who died within two days of one another.

In all, Pauline organised 28 such demonstrations. She was arrested 15 times – on occasions spending many hours in police custody – and was

charged with public order offences five times, though she was never convicted.

Pauline's protest was not confined to standing outside prison gates. She was a massively effective lobbyist, constantly corresponding with politicians, the media, reform groups and indeed anybody who would listen. She became a trustee of the Howard League and was awarded the Emma Humphries Memorial Prize, an annual award given to women and groups who have done exceptional work to combat violence against women and children.

I was privileged to call Pauline a close friend. There was no doubt that she could be a difficult friend at times, believing that everyone in her circle would drop everything the moment she called – and she called often, day and night; but you could not ask for a more staunch friend.

Pauline was such a selfless and tireless campaigner that it was easy to forget that she was still a grieving mother, who was never in the best of health. The death of a child must be the worst nightmare of any parent. In most cases, the adage that time heals holds true; but because every waking hour of Pauline's life was consumed by women prisoners' self-harming and suicides, the healing process remained on hold.

Without pre-judging the inquest verdict, all the signs are that Pauline took her own life. If that was the case, I suspect that, in the end, she was simply so very tired. If ever a person deserved to rest in peace, it was this brave and remarkable woman, who will be sadly missed.



Pauline Campbell's missing legacy

It would have been a fitting tribute to the memory of Pauline Campbell if the Ministry of Justice had embraced the recommendations of the 2007 Corston Review on the needs of vulnerable women in the criminal justice system, published last year. But to all intents and purposes the review has been binned, despite the apparent warmth with which ministers welcomed its findings when they were published.

Yet women (5% of the prison population) account for 49% of all recorded incidents of self-harm. Over 50% of women prisoners say they have suffered domestic violence and one in three say they have been sexually abused. Further, 66% of women prisoners have dependent children under the age of 18 – and only 5% of those remain in the family home.

Corston argued against jailing vulnerable, non-violent women; and for the gradual replacement of women's prisons by small custodial units for serious and dangerous offenders.

Ministers publicly agreed with most of Corston's recommendations but said nothing concrete about implementing them. The Minister for Equality confirmed a 'delivery plan' that would 'look at alternatives to custody and review the future of the women's estate'. The Lord Chancellor, questioned by the Justice Committee on the lack of funding for implementing Corston, said the 'money would come out of the overall budget'. In other words, they're getting next to nothing.

This was confirmed in June: Justice Minister Maria Eagle announced a number of small, mainly piecemeal improvements. These include scope for 'conditional cautioning' of women offenders (among other gems, this would see prostitutes sign up to attend 'life classes' and be liable to arrest if they fail to attend). There's to be a cross-departmental women's unit to 'oversee the change'. Precisely what these changes are remain a mystery: there is no overall plan and no budget.

So who cares? Some of us do; that's why on 10 August, a demonstration outside Styal prison marked Prisoners Justice Day and commemorated the life and work of Pauline Campbell.

BOARD POLITICS

Are there psychopaths on IMBs?

This necessarily anonymous article is by an IMB member who had reason to ask this question

We tend to think of psychopaths as criminals that we might meet in prisons. But have you ever thought that someone on your IMB might be a non-criminal type of psychopath?

British research has suggested that up to 50% of business managers could have psychopathic or similar tendencies, and we can therefore guess that one or two of those could end up as board members. If you are occasionally shocked by the behaviour of one of your colleagues and have nagging concerns, you might well be facing the challenge of coping with such a person.

You may think that no-one in their right mind would appoint such a person to a board or, if already appointed, allow

them to gain any position of responsibility. But experience shows that such people can be very charming and impressive. Once on a board, they may carry all before them and by fair means or foul irresistibly achieve the top, perhaps as a result of other potential leaders deciding to leave.

Such people may well be very successful in business or industry but in my view are completely unsuitable for work with the IMB. From what I have observed and read, normal strategies of reasoning and compromise do not work with such people.

Sadly the real victims of allowing such a person onto a board are, of course, the prisoners. A psychopath will have no interest in monitoring to ensure fair and respectful treatment for those in custody, and no yardstick by which to judge.

The profile below has been constructed with the aim of helping boards to avoid appointing such people.

Does this describe someone on your board?

- bold, confident, well-presented, energetic and articulate
- totally committed to one way (their way!) of doing things
- charming and spontaneous at times – often childlike
- manipulative – often instinctive rather than calculating
- ruthless, unforgiving and vindictive
- narcissistic – vaunting their own achievements and looking for admiration
- a disturbing influence – divisive and cultivating dissatisfaction with the leader
- unpredictable, impulsive and prone to outbursts
- lacking in sympathy, feeling and consideration for others
- lacking in remorse or any sense of guilt or regret

If your answer is Yes, then take care...

Avoid electing such a person to a leading role on the board. Once in the chair, they will use the power to demand unquestioning obedience, while restricting any exchange of views and undermining, bullying, and finally getting rid of those they dislike.

If they have no power or responsibility as yet, it is best to keep it that way in the hope that they will soon leave.

If they already have the chair, you can do nothing and should move to another board for your own health and sanity.

If your answer is No, then still take care...

Take steps to avoid appointing such a person to your board; devise questions that test out the candidates' sense of fairness, their ability to empathise with prisoners, and their ability to understand a different point of view. A psychopath is incapable of empathy, has no sense of fairness, and cannot even consider anyone else's point of view.

Can the IMB be a witness at an adjudication ?

The Monitor's legal expert, William Brown of the Wormwood Scrubs board, addresses an unusual question

The question

What is the IMB position on members being called to give evidence in adjudications? I witnessed, from a distance and by chance, a prisoner being 'ushered' into his cell. Force was not used and he was simply crowded into the cell despite waving his arms about. I checked that the prisoner was not injured, learned that a member of staff had received a damaged tooth in the incident and pieced together events leading up to the incident, all of which I recorded. I have now been asked to give evidence in person. I have no problem doing so (there's little I'll be able to say to help the decision making process), but am keen to know the IMB position before agreeing.

Keith Fellowes, Chelmsford IMB

The answer

In the 12 years on which I have been on the Board at Wormwood Scrubs I have not encountered this situation. So far as I am concerned it is novel. My approach is to analyse the issues by looking at the Prison Rules and the Rules of Natural Justice and offer some conclusions on the matter.

The prison rules

Independent Monitoring Boards are creatures of statute deriving their powers and duties from the Prison Act and the Prison Rules (consolidated 26 March 2008).

Prison Rules 51 and following deal with 'Offences Against Discipline'. Bearing in mind that the member of staff in this case ended up with a damaged tooth I would assume that he has been charged with an offence under Rule 51(1) of having committed an assault.

Rule 53A deals with the issue of who has jurisdiction to hear the disciplinary

charge. If the matter is so serious that additional days should be added, then the matter is to be referred to the Adjudicator (a District Judge); if not so serious, then the governor may inquire into the matter. This is a matter to be decided by the governor as a preliminary point.

Rule 54 (2) provides 'At the inquiry into a charge he [the prisoner] shall be given a full opportunity of hearing what is alleged against him and of presenting his own case.' This is an important right and as I shall show later has been interpreted by the High Court as including the right to call witnesses.

Rules 74-80 deal with what is still anachronistically called Boards of Visitors. These deal with the appointment and dismissal of members of Independent Monitoring Boards but what is significant for the current problem is that there is nothing to preclude an IMB member from giving evidence at an adjudication.

The rules of natural justice

The Prison Rules by themselves provide only a skeletal outline of the law relating to adjudications. The so-called Rules of Natural Justice refer to the rule against bias (known by the Latin Tag *Nemo Judex in Causa Sua* - Nobody shall be a judge of his own cause) and the right to a fair hearing (*Audi Alteram Partem* - Hear the other side). A breach of one of these rules at an adjudication might result in the decision being quashed in judicial review proceedings.

I consider that this latter principle is of relevance to the issue under consideration. At one time it was thought that the rules of natural justice did not apply to prison adjudications. What changed judicial attitudes were the punishments given by Boards of Visitors following the Hull Prison Riots of 1976. In a famous case *R v Hull Prison Board of Visitors Ex parte St Germain*, the board had improperly refused prisoners permission to call witnesses. The High Court held that the accused had a right to know the evidence against him and to present his case by calling witnesses and to examine them.

St Germain was a very important case.

It provided that Boards of Visitors were bound by the rules of natural justice in particular the right to a fair hearing. Later *Prevot v Long Lartin Prison Governor* established that this principle applied to adjudications before the governor.

These cases provide that a prisoner at an adjudication does have the right to call an IMB member as a witness. If a governor or adjudicator unreasonably denied the prisoner this right then his decision might be quashed in judicial review proceedings.

Some conclusions

1. There is nothing in the Prison Rules which precludes an IMB member from giving evidence at an adjudication.
2. Rule 54(2) and the rules of natural justice give the prisoner a right to call witnesses and this could include a IMB member.
3. Mr Fellowes is willing to give evidence. I see no reason why he should not. Obviously his evidence is limited to what he saw and heard - ie the prisoner being 'ushered' to his cell and his checking that the prisoner was not injured.
4. The issue of being compelled to give evidence does not arise in this case. But it is an interesting question. The Prison Rules are silent on the issue of the compulsion of witnesses but the Human Rights Act 1998 and the European Convention on Human Rights might possibly provide a basis for compulsion.
5. I consider that the IMB Secretariat should seek the advice of the Treasury Solicitor about all this and if need be obtain the opinion of counsel.



Aspirations and reality

What do the letters POA evoke? Old-fashioned prison officer styles? More recently, news stories about prisons being too soft, officers not able to cope with Muslim prisoners? Well, read on, as POA Deputy general secretary Brian Caton describes their ethos



The aspiration of all those with an interest in our prisons is to see a modern service that can reduce re-offending in a decent and humane way. There are a number of historical reasons why the Prison Service has not been able to deliver on its aims and objectives. Top of the list is the lack of commitment from successive governments to fund it to a level that many of us know is required.

Year after year the POA and many prison pressure groups have told government that the service is in crisis. Year after year, grand statements have been made that the government has the solution and that the investment they are putting into prisons along with legislative changes they intend to make will solve the problems. Yet here we are in the 21st century once again using police cells to hold offenders because prisons are full.

How we are seen

The public perception of prison officers is of people in uniform working behind a big wall – at worst, bully boys who are on the take. Unfortunately, organisations working within the criminal justice system do little or nothing to highlight the professional work done by staff in protecting the public by preventing escapes, and of the work done by officers with offenders in the areas of self harm, programmes, workshops etc. This work goes almost totally unseen or understood by the general public. It is certainly never reported through the national press or television networks. So I am glad to have this opportunity to set out our views.

The POA view

The current government has promised a new 'capacity building programme' that is intended to deliver a prison capacity of around 96,000 by 2014. Unfortunately,

official projections indicate a likely prison population of 101,900 by then. Meanwhile prison budgets fall as the population rises. What the POA wishes to see is a commitment to a prison building programme that brings an end to enforced cell sharing, delivers sufficient purposeful activity, education and vocational training, and provides for effective rehabilitation by offering offenders a real opportunity to break the vicious cycle of reoffending.

Do the government's current plans for the future have the remotest possibility of achieving these aspirations? I do not believe they do.



One of a series of 'lamb banana' sculptures in Liverpool, outside the prison

The POA fights back

The government demands year on year savings from the Prison Service and each time the Service tries to deliver the majority of these savings through making cuts in their staff numbers. We have said for years and years that you cannot keep cutting staff numbers while at the same time putting more and more violent and dangerous people into our already overcrowded prisons. Eventually something will give.

Alongside the cuts that we have seen in the ratio of officers to prisoners, we have seen a dramatic decline in staff morale. Uniformed staff have seen their standard of living steadily eroded by a Pay Review Body repeatedly recommending pay increases that are substantially below inflation.

These years of decline in officers' standard of living, alongside the increased demands placed on them in their working life, culminated in the day of action they took, in overwhelming numbers, on 29 August 2007. I am proud of our members who, on that day, stood united and for once made our prisons headline news. For 24 to 48 hours the general public learned more about the difficult operating conditions and about the men and women that loyally work in our prisons, than the government and the Prison Service for whom they work have achieved in a decade.

What I find galling is that, despite repeatedly highlighting the pressures within our prisons that led to the action we took, the government misled the public and sought to gag the union through the courts. Most disgracefully it legislated to remove basic human rights from POA members to prevent us highlighting publicly what happens behind the walls and fences of our prisons.

Despite this, the POA has a responsibility to its members and continues to work on their behalf. We will continue to engage with Prison Service and government on issues such as workforce modernisation, the delivery of decent regimes for those in our charge, the development of Titan prisons, and the future recruitment needs. What we will not do is in any way compromise the health and safety of our members.

We all have aspirations for our prison, but the reality is that unless all those with an informed interest highlight the deficiencies as well as the positives of the current system, we will fail the public, the staff and the offenders that are sent there.

On a wing and a prayer

Heathrow IMB's annual report appeared in April – its first, and the first ever about short-term holding facilities. Board chair Lou Lockhart-Mummery looks back at 18 challenging months



The appointment process took forever. When we were duly sworn in we discovered our high-level Home Office clearance did not give us access to the immigration detention areas, airside at Heathrow. We needed BAA security clearance. That took another two months or so. Our BAA security passes (which we have to wear round our necks whenever we are at the airport) let us in to the vast airside areas where we promptly got lost. So we wrote ourselves directions: right by the Yucca plant, and then hard left between the ladies loo and the bureau de change – and of course we needed to write a set of directions for each terminal as the layout is different. Getting lost had some advantages. We discovered places for a decent cup of coffee, and a decent wash.

We go thorough the staff entrance and are always searched. In some terminals, we always have to take our shoes off. A colleague came in with scent in her handbag; it was removed and lost forever – liquid. Getting around takes ages. There is a holding room in each of the five terminals, and another detention area in the Queen's Building (QB). We walk miles, and travel between terminals on the airside flight connection buses.

Getting started

There was no training package for us on appointment. The founder members were all experienced IMB monitors, but we

have had to discover the rest (and there is a lot of it) for ourselves. We are still learning.

What are the current monitoring benchmarks? Relevant bits of law. The contract between the Borders & Immigration Agency (now the UK Border Agency) and the private contractor (G4S) for escorting and detention services. UKBA's Detention Service Orders (similar in purpose to PSOs); the private contractor's own procedures and standards.

We don't have an office. Not an impediment to our efficiency as it happens, although our records need to be safely archived. Our board meetings have been at the IMB Secretariat.

As chair I have had to keep our archive at home. No Clerk, for the first 18 months. We have one now, and we hope he will soon be trained. This lack of support has been a huge burden, particularly for the chair. We took our own Board meeting minutes – interesting that it was the women on the board, not the men, who offered month on month.

I often reflected fondly on my years in prisons. If you noticed something needed to be repaired you went off to Works. The governor generally attended the monthly board meeting, and you had direct access in between. Nothing so simple at the airport. Instead, a number of entities, whose labyrinthine tentacles and ways of working with each other, or not working with each other, we may not have quite discov-

ered yet. BAA own the detention areas. We understand they are leased to the state. We believe BAA have repairing obligations under the lease. The pattern we observe is of delay. Repairs appear to go into a repairs 'box' with no connection made between the time they take and the impact of delay on the detainees. An example: the shower in QB (the only one in the detention facilities) was out of action before we made our first rota visit in April 2007. The door was damaged. It was replaced a month after we started work. Then the light bulb blew. A special fitment was needed. That took over a month to be fitted. During this period the shower was either not used, or used with the door open – so no privacy.

Then, there are the various arms of UKBA whom we encounter: Border Force; the immigration authority whose decision it is to detain incoming passengers pending further inquiry; other, and generally not local immigration personnel whose decision it is to remove people who have been living in this country; and of course Detention Services.

The private contractor, G4S, is the custodian at Heathrow. It manages the holding rooms and QB. Its staff are known as Detention Custody officers (DCOs).

The detainees

We engage with the individuals we meet on rota, but our monitoring focus is, and must be, on that which is systemically good, and the reverse. What detainees tell us helps us to build up a solid picture over time, but the things we challenge, and the improvements we try to achieve, are for detainees as a group rather than for specific individuals. We meet individual detainees of course, but we don't receive applications in the prison IMB sense.

This is not surprising. People detained at the airport pass through. They may spend hours in detention there – the worst case known to the Board this year is of a woman detained for some 56 hours – but, in comparative terms, it is limited. This raises a thorny issue. In the three months March-May 2008, 5,429 people were detained in the holding rooms. Approximately 66% were detained for 8 hours or less. The remainder were detained longer – for periods ranging between 8-12 hours, 12-18 hours, 18-24 hours and 24+ hours. These figures lie flat on the page until you remember that most holding room detainees arrive off long-haul flights.

What sort of people are we talking



about? They are generally not criminal. Yes, some travel on forged documents, others throw their documents away as they are walking from the plane to the border control desks. Many come seeking political asylum, or for a holiday, or to study, or to work. They present themselves to border control. Immigration personnel need to make further inquiries. So these incoming passengers are detained until a decision is reached. We meet exhausted people, many in distress. Tears, anger, confusion; inability to communicate without an interpreter. Men, women, children, at their most vulnerable.

For these people, there are a number of possible outcomes:

- leave to enter granted – at that point the detainee leaves the holding room
- leave to enter refused – detainees have to remain in the holding room until they are boarded on a return flight, which may well be hours after the decision to refuse entry
- for asylum applicants, an initial screening at the airport. Then (depending on risk factors) detention in an Immigration Removal Centre (IRC), or temporary admission to the country, to designated asylum accommodation. In either case, the detainee remains in the holding room until the transport arrives for the onward journey
- arrest – detainees in this group remain in the holding room until the police collect them.

The holding rooms

What are the holding rooms like? The door is locked; there is no natural light; there is no fresh air; the air-conditioning where it exists often malfunctions (too hot or too cold); seating is bolted, or chained, to the floor. There are male and female toilets, with lavs of the style common in prisons (ie without seats and lids). There is a TV, a public telephone box, some foreign language newspapers, some magazines and books, but really very little to help

pass the long hours of boredom and anxiety. Food is available: sandwiches, crisps, something hot, and a drinks dispensing machine which in four of the five holding rooms is in the staff office.

What do you want to do when you stagger off a long-haul flight? Take a shower or a bath, sleep in a bed, eat and drink, have a fag? The detainees have exactly the same aspirations. But there are no facilities for a proper wash, only a small hand basin. Detainees have told us they want to wash properly. One woman, with her wash bag beside her, wept as she said her only option was to wash after her long journey in the 'lavabo'.

There are no proper facilities for sleep either. We routinely observe men trying to sleep sitting bolt upright, or stretched across the seats. Women seem more reluctant to attempt sleep in this fashion. There was the middle-aged woman with painful rheumatism, still waiting for an interview after 12 hours, trying to sleep across the hard seats, under a dirty blanket. We acknowledge the physical limitations of the holding rooms. They were not designed as residential facilities. They are regularly so used because of the length of time some are detained. Smoking is banned, and UKBA has refused our request for smokers to be allowed patches, or nicotine gum. We believe this would help alleviate stress.

When we first started work at the airport we were irritated to be told, over and over again, that the holding rooms were merely waiting rooms. However, they do have the characteristic of a waiting room in the sense that people are lumped together – men, women and children, in the same space. There is now potential for women and children to be kept apart from unrelated men in all holding rooms other than in terminal 3 – the busiest holding room, with often long detention times.

DCOs do not invariably offer women the chance of the limited privacy which is now physically possible in most places.

Recently a woman spent the night in a holding room with male detainees, and the tiny separate space was not offered to her. In another holding room, two men spent the night in the limited privacy of the small 'Family area' and three unrelated adults, two women and a man, spent the night in the main holding area.

Queen's Building

Detainees in QB are on the cusp of removal, at the end of the line: foreign national prisoners being deported, failed asylum seekers, people who have overstayed, or are otherwise in the country illegally. They are a more volatile group than holding room detainees. Some do not want to go back, and resist. Others accept the inevitable and leave quietly. Most have been detained latterly in an IRC, some come to QB from police custody and others directly from prisons.

The detention area in QB has the same physical characteristics as the holding rooms – no natural light etc – but is bigger. It has that one shower. There are a couple of very bleak rooms, called side rooms or returns room where detainees who have refused flight, or are threatening to do so, are kept apart from the others – a sort of segregation.

Use of these side rooms is currently right at the top of our monitoring hit list. We understand that someone who is refusing to board the plane, and whose removal is therefore aborted that day, may encourage others to resist, too. Therefore there may be sound reasons for that person to be kept apart for a bit – something similar to separation for reasons of good order etc. But, there must be proper process, separation must be reviewed and the person held apart must be looked after.

And if all this sounds like high-minded theory, here is something down to earth. Segregation cells in prison have a toilet. The side rooms do not – so staff ought to check regularly whether a detainee needs to visit one. Yet the records I have read give me no confidence at all in this particular department. The worst case in the last two months: over eight hours in a side room and no recorded offer of a toilet visit.

In the three months March-May 2,750 people were detained in QB. Time spent in detention in QB tends to be shorter than in the holding rooms. This is understandable: QB is in a sense a boarding lounge. The board is monitoring arrival times in QB. Some arrive hours before flight, having started the journey from,

say, an IRC in the middle of the night. An example: discharge from Dover IRC at 2205, arrival in QB at 0200 for flight at 1050.

We are also monitoring the length of time people spend in QB after a cancelled removal. In these cases the individual is taken back to IRC detention. The wait for transport can be long. An example: removal directions for a woman with a baby (whom she was breast-feeding) were cancelled at about 1600. They were not collected for the return journey to Yarl's Wood (in Bedfordshire) until 2305 that night.

Making a difference?

We published our first annual report in April. The first report ever from an IMB monitoring the welfare of people in short-term holding detention was such an opportunity to tell it is as it is. And we did that, and were able to, because we had set ourselves high standards from the beginning, and monitored week on week in a structured fashion. So we had hard evidence to support our concerns. We distributed it very widely: newspapers, TV, radio, politicians, penal affairs groups, Liberty, Amnesty International etc. I was very disappointed at the lack of media interest. However, our voice was heard externally, in the House of Lords. Six written questions in May and a short debate in June. We have Vivien Stern to thank for that.

The Minister acknowledged our report, as did UKBA's Chief Executive and the response came in May, in the shape of an Action Plan – which adds to our tally of monitoring benchmarks!

Have we been able to make a difference? Yes.

- When we started work, women had to ask staff (often male) for a sanitary towel or do without. We made a fuss: sanitary towels and tampons are now available in plastic boxes in the women's toilets.

- G4S carries a stock of disposable towels, originally available only in QB where there is the solo shower. At our request these towels were distributed to the holding rooms. They are not out in the toilets and detainees need to ask – which assumes they know this sort of towel is available – but it is a first step in the right direction.

- G4S also stocks pillows and blankets. Until recently the blankets have been of the foil variety, designed to retain warmth rather than give comfort. We asked in our annual report for something better. Cellular blankets have recently arrived.

- The quality of the food offered to detainees has improved. Our particular gripe was about the hot meal which must be offered when someone has been detained for 12 hours. Until very recently it has been a pot noodle.

- QB is to close later this year. We have been shown drawings of the proposed new removal facility to replace it. No beds, but UKBA has proposed reclining seats. We are pushing for them, and asking that other people detained overnight at the airport (such as incoming passengers who can't have access to an interpreter until the next day) spend the night in the new facility rather than on the hard seats in the holding rooms.

Detention is a disempowering experience. The quality of staff interaction with detainees is critical. G4S has good policies and procedures, but the board has observed a huge gap between the words and the practice. Detainees have had to tell us they were cold at night. We don't like the 'they can ask' approach – not for treats, but simply to be given something G4S supplies and the staff have in stock. The distribution chain often stops at the filing cabinet. Then there is the 'they could be used as weapons' approach – the most bizarre example being a DCO taking a plastic posting box away from a toddler, telling us it could be used as a weapon.

We addressed all of this in detail in our annual report. The need for a pro-active approach to detainee welfare has been acknowledged, and there have been some improvements. We hope we have been able to encourage the good DCOs – and there are lots of them – but there remains the problem of the staff with negative attitudes. We report negativity whenever we see it. The hearts and minds shift is not something achieved overnight.

Links with prison

Finally, those of you who work in prisons have an interface with us, and there are two things you could check out at your end. First, we have met foreign national prisoners at Heathrow who had not received their discharge grant – and were entitled to it. Second, we have met some who arrive with their luggage in those awful clear plastic bags, badged HM Prison Service. G4S has a stock of anonymous luggage into which staff help these passengers decant their possessions. What does your prison offer its prisoners on discharge? Something decent, or those degrading plastic bags?

Calling the House of Lords

Persistent pressure by the Feltham IMB to highlight self-harm concerns over the late arrival of vans has forced a revealing response from government ministers. Peter Dobbie reports on his board's success in the wider world

Late vans have been a long-running issue at Feltham YOI, with fears that those most at risk will not be properly assessed if they arrive back late from court hearings frequently held many miles away.

The Feltham Board, knowing that almost a third of prisoner suicides are within the first week and one in seven within two days of admission, had grave fears of a tragedy before action was taken on late arrivals.

Lord Ramsbotham, the former Chief Inspector of Prisons, used Peers' questions to ask whether vans were being delayed because escort drivers were busy with other duties at court. 'How many prisoner escort drivers are also employed as court orderlies?' The question was the result of six months of careful monitoring by the Feltham board which revealed that up to one in five vans was arriving at the prison late.

In his reply the Minister insisted that no escort drivers were 'permanently employed as court orderlies'. But he conceded that contracts did permit the use of escort staff for custodial duties during court hours. 'This enables them to make the best use of their staff and to service the variable workload of the courts. Contractors report that they regularly use escort staff for custodial duties, but they do not keep records of the number of occasions on which escort drivers undertake those duties.'

The admission brought a demand from Lord Ramsbotham that the practice be ended. 'My concern is that all too often one hears that drivers do not leave courts until after the courts have closed, as drivers acting as court orderlies are unable to start the journey until then.'

The danger

He highlighted the recent case of a boy taken from a court on the south coast who had nearly reached Feltham when the van was turned back to the court to collect a suicidal young woman who was then taken to Holloway. This resulted in the van finally arriving at Feltham at midnight.

Lord Ramsbotham, who sits as a Crossbencher in the Lords, pointed out: 'If vans leave too late, they arrive at prisons late and there is not proper time to assess prisoners, particularly the vulnerable, the suicidal, women and children.'

But his request that future contracts state that escorts should not act as court orderlies was refused by Lord Hunt who insisted the practice made 'absolute sense'. Staff, he argued, were trained and multiskilled and should be used 'as flexibly as possible' and the specific incident of the midnight arrival at Feltham had been investigated. 'In general, the contractors are dealing with considerable challenges at the moment because of prison population pressures.'

He added that he was satisfied that 'appropriate monitoring was in place' and that contractors were doing everything they could to ensure that incidents such as that described by Lord Ramsbotham were 'as rare as possible'.

Our experience at Feltham

This statement falls short of satisfying the IMB at Feltham who, in their annual report three years ago, voiced worries that the prison appeared to be the last call on the rota of prison vans, so jeopardising the well-being of young people and putting additional strains on the prison staff.

The problem has not gone away. This year's report by the Feltham Board demanded an urgent review of the 'management and enforcement' of the contract to ensure that all prisoners arrive at an 'appropriate time' to allow effective



assessment and first night induction. The board highlighted several cases where prisoners had undergone tortuous journeys to the prison. One involved two young people ready to leave a south London court at 12.47 who did not arrive at Feltham until over ten hours later. In this case the van was diverted to collect a young female from Bronzefield.

As well as breaking the contractual promise on delivery to the prison, both this and the case cited by Lord Ramsbotham clearly flouted the rule that young people (aged 15-17) should not travel with young adults or female prisoners.

Another case involved a young person convicted at Croydon Court who was ready to leave at 11am but did not arrive at Feltham until 12 hours later, exhausted and disorientated.

In a further example, on 7 February, a van arrived to deliver four young people at 11.30pm. It was also carrying a young adult. After the young people were received, the van delivered the young adult to Reception 24 hours later.

Again at Croydon, a youngster with a history of suicide attempts and who had tried to take his life at the court at 3.30pm did not arrive at Feltham until past 11pm. Other cases involved prisoners who were remanded to local authority accommodation but – contradicting contractual obligations – had been brought to Feltham instead.

The Board pointed out that Feltham has some of the most vulnerable prisoners in the country. It has solid procedures carried out by experienced staff well practised in assessing the likelihood of a prisoner self harming or worse. But with only one duty night nurse available after 8.30pm, a full risk assessment may have to wait until the following day.

The board also questioned SERCO's failure to fulfil its delivery contract with the Prison Service, demanding a full review of the arrangement with the company before there is a serious incident or even a fatality.

Back in the Lords

During the Lords' exchanges the minister was also tackled by the Lib Dems' Home Affairs spokesperson Lady Falkner who said 45% of the reported suicides involved prisoners on remand and 20% were within the first seven days of imprisonment.

Lady Falkner challenged the Minister to accept the importance of ensuring that prisoners arrived in time to be assessed as

this was when they were at their most vulnerable. While acknowledging this, Lord Hunt said that 97 per cent of prisoners were delivered to prison before reception closure.

Lady Howe, another Crossbencher, pressed him: 'If a young person, woman, or, indeed, any offender, for whatever reason, arrives late at night and there is clear evidence to everyone on the scene that there are mental health problems or a risk of suicide, will someone with mental health expertise of a sufficiently high calibre be available to come to the prison to give appropriate treatment?' Lord Hunt said that the question raised 'some of the pressures' involved in ensuring that a proper assessment took place if a prisoner was delivered late at night. He said that where there were shortfalls great care was taken to liaise with the prison to ensure appropriate assessments took place. A 'challenging' 100 per cent target had been set, 'but I accept that this is a considerable challenge.'

What we say

Kathy White chairs Feltham's IMB. 'The Prison Service has been totally inadequate in enforcing the prison escort service contract. Vans are sometimes arriving at midnight, with vulnerable 15-year-olds who have never been in custody before.'

'This is completely unacceptable and we have grave fears that it will take a tragic case of serious self-harm or even suicide before anything is done. There must be enough time for the prison staff to carry out thorough and effective assessment and first night induction for these young people. The results of our monitoring do not display the standard of decency and humanity aspired to by the Prison Service.'

'The revelation that escort staff are leaving courts late because they are doing other duties has emerged only because of the careful monitoring by the IMB of the number of late vans. People have been arriving up to midnight week in, week out, and there has been one case after midnight.'

'Thanks to vigilant monitoring by the Board, and the persistence of Lord Ramsbotham, we were able to present the minister with a comprehensive picture of an inadequate service that puts boys at serious risk. This problem by no means confined to Feltham. The Minister's response is complacent and does nothing to lessen the possibility of a serious incident that we may well reflect could have been averted.'

HMCIP reports

Summarised by Helen Banks

Albany (Cat B training)

In its important, difficult and specialist role, it was in general a safe prison with well-run and effective treatment programmes. However, the prison as a whole was not taking a sufficiently proactive and coherent approach to its task. It was not helped by national policies which failed to allocate prisoners properly, or by needing to use accommodation which is not fit for purpose. It is also facing the disruption of being merged into a cluster with the other two, entirely different training prisons on the island. The merger must reinforce Albany's specialist national role, not dilute it.

Belmarsh (Local/High Security)

Much-needed improvement in the key areas – safety, respect, purposeful activity and resettlement – since the last inspection. Managers were approaching their task as a long-term, incremental and sustainable process. This inevitably means that advance on such a broad front is not immediate. Nevertheless, Belmarsh was now visibly moving in the right direction.

Brockhill (Local)

The staff's commitment has enabled it to provide a safe and decent environment despite poor facilities and changes of role. It is to be hoped that those features are not lost in the new cluster, and that Brockhill's prisoners are able to benefit from additional purposeful activity from across the cluster as a whole.

Bullwood Hall (Cat C)

Overall, local managers and staff are to be congratulated on managing the significant change of population from female to male, while retaining a positive and safe culture. However, the absence of a central strategy and guidance at national level had made their task much harder and had seriously inhibited effective resettlement work.

Cardiff (Local/Training)

The prison's great strength is its local links and ethos, and support from Welsh statutory, private and voluntary organisations. It is, however, unable to build on these most effectively while it continues to import prisoners from England and export those from south Wales. The Welsh Director of Offender Management should match better the profile of Welsh prisoners.

Full Sutton (High security)

Considerable progress has been made since the last inspection, particularly in the areas of activity and resettlement. Given its population, the prison had remained a commendably stable and largely safe environment. There is still work to be done to improve dynamic security.

Guy's Marsh (Cat C)

The removal of young offenders should allow the prison to focus on achieving a better league place. The prison has a number of strengths to build on: it is generally safe, staff-prisoner relationships are mutually respectful, and there is increased purposeful activity. The challenge now is to reinforce these assets and develop more effective resettlement.

Leeds (Local)

Since August 2005, there have been 12 self-inflicted deaths. Management was making vigorous attempts to grapple with considerable problems. Leeds was still failing to perform sufficiently well in safety and respect and poorly in purposeful activity. But there had nevertheless been progress in all areas.

Lincoln (Local)

After difficulties post-riot, normality had returned, with both accommodation and staff morale repaired. The new governor still has plenty of work ahead to develop a fully effective local prison, particularly given the poverty of purposeful activity, but there are some solid foundations.

Lindholme (Cat C & IRC)

Facing an array of challenges, notably the need to improve safety, reduce violence and stem the import of drugs. It is suffering the effects of its increased size. There is some good quality purposeful activity and effective resettlements.

Morton Hall (Female semi-open)

It provided a safe, well-controlled and relaxed environment with a focus on dynamic security. It needs to continue to review and develop its services, so that all prisoners, wherever they resettle, are well equipped to avoid returning to custody.

Nottingham (Local)

New accommodation and facilities have allowed progress since the last visit. Despite the current pressures, Nottingham has also managed to improve education, as well as maintaining a focus on resettlement. The challenge will be to sustain this progress, particularly as Nottingham will have almost doubled in size by the end of the current development programme.

Onley (Cat C/YOI)

Though it remained largely safe and decent, Onley was not an effective training prison. Its difficulties partly stemmed from its change of role. Prison managers, and the education provider, needed to work on activities and resettlement support.

Parc (Local/YOI)

Since the last inspection, the juvenile unit at Parc had gone through a rapid and difficult expansion. Commendably, the unit had retained its focus on safety, respectful treatment and resettlement, and had improved purposeful activity.

Troubled? Confused? Uncertain? Harassed?

AMIMB Helpline

Here's a selection of the sort of things we get asked.

- Dissension on boards.
- How to deal with a tricky prisoner application, perhaps about missing property?
- How to get a reply from the Secretariat?
- What do we think about a governor who has just been transferred?
- Is there a prescribed way rota reports should be done?

For support or advice from AMIMB contact Angela Clay (01622 844481, angela.clay@amimb.co.uk) or Michael Watson (01995 640437, michael.watson3@ukonline.co.uk)

North of the border better?

by Vivien Stern of the
International Centre for Prison
Studies and AMIMB president

In the last week before the Parliamentary recess a group of parliamentarians from the three major parties launched a report calling for a debate on the government's plan to build another 10,500 prison places in addition to the 9,500 places already announced. The report also questioned the proposal to build three Titan prisons each holding 2,500 prisoners.

Two weeks earlier another report was published, this time in Scotland. The two reports have something in common. They both question current penal policies. The Scottish report was produced by a commission set up by the minority Scottish Nationalist government in September 2007. It included a member of the judiciary, a chief constable and a broadcaster. It was chaired by a former Labour First Minister of Scotland, Henry McLeish. Its job was to look at how Scotland's use of prison fits with the government's wider strategic objectives, as well as to raise the public profile of the prison issue and get better information about imprisonment into the public domain.

The north-south divide

The report from Scotland differs in all respects from that produced by Lord Carter in December 2007 – the second of his that the UK government has accepted with no debate and no consideration of alternatives. First of all it is based on evidence and a consideration of options. Second, it asserts that rising prison population projections for the future are not the product of immutable forces. They are the result of policy choices and can be changed. Third, it sets out the advantages for Scotland and its people of reducing its prison population from over 7,000 to 5,000 and describes a series of steps that should be taken to reach that level.

The report set out the choice facing Scotland very clearly. On present policies Scotland will in the future have many more prisons, just as overcrowded as they are today. The people who work in the system will be overwhelmed, suffer from low morale and spend most of their

skilled time on crisis management. The public's distrust of the criminal justice system will grow and the most fragile communities will be 'ignored and further weakened, ensuring the next generation will find its way into the criminal justice system and keep this cycle running'.

The Scottish commission signals a different path. Policies could be brought in so that Scotland's prisons held fewer prisoners than they do currently. Only the most serious offenders and those who present the greatest threat would be in prison. Prison staff would be able to undertake high-level work with this population. A well-respected system of community sentences would be widely used. More investment in local communities would deal with the problems of crime.

Can we change things?

The inevitability of rising prison populations is being challenged beyond Scotland. In New Zealand – where the imprisonment rate went up from 128 per 100,000 in 1995 to 197 per 100,000 in 2007 – Prime Minister Helen Clark decided that such a use of imprisonment was neither socially nor financially sustainable. She instigated a reform programme which has turned the juggernaut round and stopped the rise. In the Netherlands, too, where the imprisonment rate nearly doubled between 1995 and 2004, there has been a sudden and large reduction leaving a drop in the number of prisoners of 20 per cent and 4,000 empty prison cells. In Canada, policies of successive governments have kept the prison population more or less stable for 20 years.

We do not know what it is that pushes governments into saying 'enough is enough' and where the cut-off point comes but it is clearly some mix of economics and political will. Let us hope our politicians decide soon that we have reached that point. Their plan for a £2.3bn building programme will bring us to an imprisonment rate of at least 177 per 100,000 – way above the norm for similar Western European countries. It will soak up resources from all the services that are needed to deal with the consequences of poverty and social deprivation. It will take us nearer the US nightmare. I remember the head of the California Prison Service saying to me: 'They come to prison and for the first time they get health care, they get education, they join a gang and that is their family. Wouldn't it be better if we spent all that money out there, in the places where they live and grow up?'

Terminology criticised

Having read the article headed *Prison suicides on the increase again* in the last edition of the *Independent Monitor* I can only express my great disappointment. Despite a reference to what the term suicide actually means, the article repeatedly uses it incorrectly. It even includes names when referring to cases which have not yet reached a Coroners Court and gives statistics such as "Nationally there were 92 suicides in 2007", "thirteen prisons had three or more suicides last year" – did they – how do we know that?

However on a positive note I was at least encouraged by the article written by Helen Chapman of Brixton IMB. I draw the conclusion that DBM 08/07 DEATH IN CUSTODY – IMB PROTOCOL sent to every IMB member last year was at least read by some IMB members.

The DBM document stated "A Death in Custody should be referred to as exactly that – it may be classified as a self-inflicted death, but do NOT refer to it as a suicide. Suicide is a verdict which can only be reached at the conclusion of a Coroner's Inquest. Such a verdict can only be reached if the jury (always present for a death in custody inquest, regardless of whether apparent self-inflicted death, natural causes or homicide) is satisfied beyond all reasonable doubt that the person intended to take their own life."

IMBs continually look for our reports and views to be taken seriously by various authorities. I suggest that this could be facilitated by the accurate use of terminology – it could give the impression that we do understand what we are talking about.

David Graham
The Mount IMB

The article was perfectly clear about the formal if sometimes euphemistic nomenclature around this subject. That surely justifies describing apparent self-inflicted deaths as suicides elsewhere in the article. Clearly DBM 08/07 must be pedantic throughout; the Monitor needn't be. On a less controversial tack, the first half of 2008 brought 33 such deaths in prison: against 2007's total of 92 it begins to look as if last year's increase may have been reversed. Editor

Twice the punishment



Prisoners with mental illnesses suffer neglect and alienation, as well as the sentence handed down. Juliet Lyon of the Prison Reform Trust welcomes the support of the WI

It is difficult to think of anywhere more likely to make the mentally ill worse and drive people to despair than the bleak, impersonal environment of an overcrowded prison. Last year alone 92 people died, apparently at their own hand, in prison and over 22,000 harmed themselves repeatedly.

Some mental health experts believe that the under-resourcing of health reforms in the late 1980s and early 1990s has contributed to the rapid rise in prison numbers. The prison population in England and Wales has soared from just under 45,000 in 1990 to almost 83,000 today. An estimated 5,000 people at any one time are thought to be too ill to be there.

The impact of incarceration on people with mental health problems and their families is often overlooked. Many families find it difficult to support and to maintain contact with relatives as they are moved on from one overcrowded prison to the next. Those families able to stay in touch often feel helpless and very distressed as they watch family members struggle to cope with the dual problems

of mental illness and imprisonment.

The WI resolution was formed by a WI member, the mother of a very ill young man who ended his life in prison. Her son was doing a postgraduate science degree when he suffered a breakdown and was diagnosed with schizophrenia. After this he spent years in mental healthcare. On one occasion he was brandishing a toy pistol and threatening to harm himself. His sister called the police who, because they knew him, were able to take him to hospital where his condition was stabilised. But when an almost identical incident happened in another part of the country, this time he was arrested and eventually given a five-year sentence. His mother said:

'My son did not cope well with prison. Care for the mentally ill should be therapeutic and in surroundings conducive to peace and recovery - not the barred, noisy, stressful and gardenless prison. Those of you who have visited prisons will be aware of how unpleasant and entirely unsuitable a place they are for the mentally ill. Prisons spend more than half their NHS health budget on mental health care. They have health care units, employ psychiatric nurses and have in-reach teams - who do their best, but prison can never be appropriate for the mentally ill. His treatment was drug based. He was locked up for up to 15 hours a day and had only 2 hours of "association" where he was bullied and treated with suspicion by most of his fellow prisoners.'

Her son wrote to his mother:

'You must understand that one of my beliefs, at a deep level, is that the world is a dangerous and malevolent place - this is common with my illness. As a result, I do assume that everyone is out to get me ... You can see that I am in a terrible situation, segregated, hated by the entire jail, it seems, and not knowing what will happen next. Someone could come to my door at any time and tell me I am off to some alien jail, unwanted by this establishment, only to find myself clawing out some kind of existence amongst a new set of threatening criminals. I hate this kind of life and I have considered actual suicide. I am by myself and the cell is cold.'

She received this letter after his death.

It is a tribute to her, and her quiet and dignified determination that other families should not have to suffer in the way hers has, that the WI gave such wholehearted support to this resolution. Something good could come out of this tragedy.

What should be done

The inappropriate imprisonment of people who are mentally ill has been strongly criticised by the chief inspector of prisons and by professional bodies including the British Medical Association, the Royal Colleges of Nursing and of Psychiatry, the Prison Governors' and the Prison Officers' Associations. Children's charities are united in opposing the imprisonment of mentally ill children. But the gaps in mental health care have long been identified and cannot be tackled without significant ministerial commitment and investment. The government has commissioned Lord Bradley to undertake a review of the scope for diversion from the criminal justice system for people who



The National Federation of Women's Institutes is the country's largest woman's organisation with over 205,000 members. Its Annual General Meeting reflects this and is probably the biggest single gathering of women in the country, probably the country's biggest AGM. Some 5,000 members attend. The resolution urged the Government to provide treatment and therapy for those with severe mental health

are mentally ill or have learning disabilities.

Following proper assessment, a range of services need to be commissioned to match a range of needs – from those who need a safe or secure environment through to the many people who can manage well in the community if they receive proper support and supervision and often treatment for addictions as well. There are examples of good practice, like the mental health team based in Liverpool magistrates' court.

The WI is well-placed to gather information across England and Wales about the adequacy of existing health services, to call upon ministers, constituency MPs, local councils, the courts and primary care trusts to play their part, and to let people know about the state of our prisons and the state of many people in them.

It is wrong to lock up some of our most unwell citizens in our most neglected institutions. And it doesn't have to be like this.



problems in a more appropriate and secure residential environment than prison. Juliet Lyon put the proposal and Mark Johnston from the Department of Health argued against. It was carried by 6,205 votes to 173. Any resolution passed by the NFWI has gone through rigorous consultation and will have the backing of the whole organisation. So when the WI calls for change, politicians sit up and listen.

Diversion – a dirty word?

By Lucy Smith of Nacro's mental health unit

Criminal justice mental health diversion and liaison schemes are a good way of dealing with defendants and offenders with mental health issues – more effective than simply sending them to prison. Diversion has been encouraged by central government, yet its development has been patchy and piecemeal. Some areas of England and Wales have no provision at all. Why is this? Well, there is no national template, strategy or targets for the the large number of police stations, courts and prisons potentially involved; and a lack of dedicated funding.

In a puzzling development, government departments and agencies have recently cautioned against the use of the word diversion. Diversion and the discontinuation of criminal proceedings are not synonymous and should not be confused with each other. Diversion is a process of decision-making whereby certain offenders are identified and treated in a different way. They may receive a community order with a mental health treatment requirement attached or a conditional caution. This ensures that the person receives a criminal justice sanction but that their mental health needs are recognised and attempts are made to address them. Discontinuation is where the police and the Crown Prosecution Service decide not to proceed at all with any charges.

Diversion is not tantamount to letting someone off the hook. Diversion to a mental health hospital using the Mental Health Act 1983 is now seen as just one of several possible outcomes, and may include the individual continuing through the criminal justice system. Some of the best schemes spend a large amount of time helping different agencies to understand each other's needs and the needs of clients. Where in-reach teams are operating, close collaboration with prison in-reach and criminal justice mental health diversion and liaison schemes is vital in order to provide a seamless service of care.

Imperfect systems

The efficacy of many of the schemes is undermined by operational and structural weaknesses. Few have set or agreed aims,



terms of reference and operational protocols, robust management structures and integration into mainstream services. There can be other problems: a lack of sustained funding; no integration with local services or commissioning structures; insufficient funding; no joint protocols on things like information sharing.

Nacro's role

Nacro has been working since 1990 to highlight these issues to government through a specialist policy unit focusing on mental health. The unit provides a free information service to practitioners, holds an annual mental health and crime conference, responds to government consultations and produces good practice guides ranging from how to act as an appropriate adult to guidance on the sharing of confidential information. The unit undertakes consultancy and development work, most recently auditing all criminal justice mental health diversion and liaison schemes in London and the South West to assist Lord Bradley's review into the treatment of people with mental health issues in the criminal justice system

Nacro's mental health annual conference is 3-4 September at the University of Derby. See www.nacro.org.uk/about/diary.htm for more details or to register online visit www.regonline.com/nacro-MH08. Visit www.nacromentalhealth.org.uk/ for more information about the work of Nacro's mental health unit.



Charles Clarke

Charles Clarke had a whirlwind first decade in national politics. First elected in 1997, he became a junior education minister within a year, moved to the Home Office in 1999, was minister without portfolio and party chair after the 2001 election, became Education Secretary when Estelle Morris resigned in 2002 and Home Secretary when David Blunkett resigned (for the first time) in 2004.

Just 18 months later he was gone, after the so-called 'foreign prisoners scandal', as part of a big cabinet reshuffle following bad results for Labour in the May 2006 local council elections. Since then, there have been a few rumblings from him about home affairs and, behind the scenes mainly, about Tony Blair's succession. Opinions vary about how likely he is to return to front-line politics. The *Monitor* found him at the end of a constituency surgery in Norwich.

He says he will always be interested in penal issues, but 'tries not to comment publicly' and doesn't like politicians who make things difficult for their successors. He doesn't spend much time thinking about what he might be doing if he hadn't been fired,

but he is firm that his Prison Reform Trust speech, while still in office, was completely realistic about the development of community prisons. 'That was the clearest statement of what I think we should be doing. Titan prisons are completely mistaken, a wrong direction.'

His readily expressed desire to see less imprisonment of the mentally ill, women, short-termers and remands is not controversial. So why doesn't it happen? He reckons, number one, that penal reformers underestimate the 'total disaster' (presumably for politicians as well as victims) when something goes wrong and someone is killed. 'We're bound to err on the side of public safety.' Second, he says sentencers are simply not convinced that non-custodial sentences are effective. Here he blames probation for not developing a wider range of potential partners. 'They say we can't trust anyone else but them to do this.'

Is shortage of money number three? 'Not necessarily. For example there are places outside prisons for the mentally ill that are simply not taken up. It's a state of mind, an attitude that has to change. Instead we're in crisis management mode.'

'Titan prisons are completely mistaken, a wrong direction'

Looking back again, if he'd still been there for the Home Office split, would he have remained Home Secretary or become Justice Secretary? The proposal hadn't surfaced in his time. 'It wouldn't have happened. The split was crazy because communication between policing, prisons and probation needs to be closer, not more distant. And the necessary changes in the prison system in particular have been delayed.'

He mentioned the importance of offender management, so what did he make of Noms? He liked the principle, but thought that merging the very centralised Prison Service and the distinctly decentralised probation service was a problem. As for the Noms organisation itself 'there's a deeply introverted culture there, which is very damaging; organisational issues have hijacked reform.'

Moving to the potentially touchy subject of foreign national prisoners, he was surprisingly upbeat. 'No regrets.' Indeed, he was happy that he had helped 'move the issue up the agenda...overturned some stones.' It seems that he and his officials had simply not known about the numbers. Looking now at the 'very serious' issue of radical Muslim prisoners, he thought we had a lot to learn from some Arab countries which addressed the issue 'in an ideological way' in prisons.

Moving to more domestic prison issues, far from worrying about inconsistencies among prisons, he thought governors should have more rather than less autonomy. 'And they change jobs too often.' He had no problems in principle with private prisons. He refused to be drawn on whether we should worry more about escapes than suicides ('how are we doing on time?') The decision by Gordon Brown to stop the pay increase for prisoners was, he thought 'a stupid gesture'

The *Monitor* had brought along a few questions from others. David Ramsbotham wanted to know what the ex-Home Secretary thought the prison population should be. Charles Clarke laughed affectionately at this, but wouldn't be drawn on numbers, except to say that his aim had always been to reduce the population. We'll never know whether that aim would have been realised.

Who monitors children's imprisonment?

Secure training centres have been a focus for concern about physical punishment and abuse. Anne Owers recommended in March that Oakhill STC be closed. Frances Crook of the Howard League writes about an apparent deficiency in the monitoring of children in secure training centres

There are four gaols for young children, all privately run. Secure Training Centres were invented by Kenneth Clarke during his year (1992-93) as Home Secretary, as a response to media panic about persistent young offenders. They were intended to provide a training environment for children that would turn their lives around, the proverbial magic bullet. Of course, that has not happened, and one leading member of the Youth Justice Board admitted that 30% of the children commit further crimes within the first month of release; the rest take a bit longer.

The secure training centres fit uneasily in the secure estate for children. Most young people are detained in prisons: some 2,500 mainly boys are held in young offenders institutions across the country. About 200 younger teenagers are held in local authority units, and 234 boys and girls aged 13 to 16 are held in the four STCs.

One of the major problems inside the secure training centres has been the lack of accountability and advocacy for the children. There is no public engagement in the form of independent monitoring as there is inside prisons. This means that there is no independent scrutiny of the regime and the treatment of the children. The public has no access and is not represented in managing, delivering the service or supporting the children.

They are routinely inspected by Ofsted. Rather as in private prisons, each has a 'monitor' whose function is limited to oversight of the contract. They have no function to review the treatment of the children, no engagement with the individual children and no child protection responsibilities.

Advocacy, not independent monitoring

In 2004 the Youth Justice Board (YJB) gave out contracts to deliver advocacy services in the STCs. They have done sterling

work in trying circumstances, but their powers and the scope of their work is very limited. They listen to complaints from individual children but have no statutory rights and don't carry keys. To get the reports they have submitted to the YJB, we had to use freedom of information legislation, as they are not published or publicly available. The reports show a lamentable lack of initiative and demonstrate how the charities' contracts limit them to responding to minor issues like lost property and family contact. Unlike IMBs, they do not investigate themes or discuss matters with senior staff. Physical restraint, such an important issue, is not part of their YJB remit.

There has been considerable controversy regarding the use of physical punishments and restraints of children in the STCs. The statistics show an excessive use of physical intervention and Lord Carlile's inquiry, carried out for the Howard League, showed that it was used both as a punishment and as a first resort. The deaths of two young children, one during restraint and one who took his own life following a restraint, raised the alarm. Yet the advocates appear not to have been involved by engaging with individual children or by scrutinising the policies and practices of the institution.

There is clearly a place for advocates working with children. But the public should also be involved in these secretive places. The cost to the taxpayer is huge and yet we have no scrutiny of the service being delivered. There is no public review of child safety and protection, or the policies and practices of these private companies.

The Howard League for Penal Reform has consistently opposed the very principle of companies running children's gaols for children, but as they exist, they should at least be safe. The best way to make sure of that is to open them up to public scrutiny.

The advocates

The first contracts went to two voluntary organisations, the National Youth Advocacy Service (NYAS) and Voice. When the contracts were put out to tender again, NYAS was replaced by Barnardo's. Voice declined our request to talk about their work. But Barnardo's Assistant Director of Policy, Pam Hibbert, writes about their plans

From July Barnardo's has been providing advocacy services in three secure training centres (and 10 young offender institutions). We see it as an important extension of our services designed to prevent children and young people becoming involved in crime, and in supporting young people before and after a custodial experience.

The purpose of advocacy is to represent or help them represent their views, thoughts and opinions; not to interpret these views or act on what the advocate may think is for the best. Advocates are also crucial in ensuring children and young people have accurate and relevant information and in assisting them to develop their own skills in communication and negotiation.

While some of the issues advocates deal with may appear to be minor, for a child in custody they are vital and can have a deep impact on their behaviour, any rehabilitative opportunities and their resettlement after custody. Advocates also have an important role to play in formal processes such as complaints, sentence planning reviews and adjudications, all of which can seem incomprehensible or intimidating to a young person.

Barnardo's expectation of its advocates is that they will provide an independent and robust voice for children and will not be fearful of dealing with sensitive or difficult issues. Advocates do not of course have a formal monitoring or scrutiny role but any advocacy service in the secure estate should have a role in identifying and reporting unacceptable practices and working with all – the YJB, IMB members and the establishment – to effect change.

The STCs

Hassockfield Consett, County Durham
(run by Serco)

Medway Kent (Rebound, part of GSL)

Oakhill Milton Keynes (Group 4 Securicor)

Rainsbrook Rugby (Rebound)

Is drug use in prison out of control?

Drugs are central to prison life. It's why many find themselves in prison, and getting drugs or getting off them can dominate their lives inside



Integrated help with addiction

One of the big ideas from the Ministry of Justice in the last year or so has been the expansion of the integrated drug treatment system (IDTS). Dave Marteau of Prison Health explains

The Integrated Drug Treatment System was born of three substantial issues:

- the high rate of suicide among prisoners with drug problems in the early days of custody
- the 175 or more ex-prisoners who die from a drugs overdose each year within two weeks of their release from prison
- the premature breaking of community drug treatment in prison, leading to increased rates of relapse and attendant re-offending after release.

A working committee of prison and community drug treatment experts was formed in 2004 to look into the clinical interventions that might help to solve these three worrying problems. This work resulted in clinical substance misuse guidance for prisons, published in 2006, which highlighted very early (ie first-night) intervention in local prisons for the treatment of drug withdrawal. It also emphasised the need to consider methadone programmes that extended beyond release, to retain a patient's tolerance to opiate-based drugs, and thereby provide protection from heroin overdose.

The Department of Health and the Prison Service soon saw that this new clinical guidance could not be set up in isolation; a more co-ordinated approach to drug treatment in prisons and beyond was required to realise the best outcomes for drug-using offenders, their families and the wider community. The most obvious area for development would be the marriage of clinical substance misuse and CARAT teams in prisons to form an integrated drug treatment system.

There was mutual advantage to this integration: CARAT teams would get an additional tool to help them work with their heroin-dependent clients, namely substitution treatment (methadone maintenance). Meanwhile, clinical teams would have access to the case manage-

ment function of a CARAT service, and the avenue to community drug treatments this provides. The link in the outside world is Drug Intervention Programme (DIP) teams, which are based in towns and cities across England and Wales and coordinate drug treatment of offenders leaving prison.

Methadone programmes

The plan for methadone treatment to be available in prisons from induction right up to the point of release means that IDTS is required in trainer and open prisons as well as remand establishments. This has necessitated a huge change in function and culture for these prisons, and it is here that the most radical work in drug treatment in any UK setting is happening. It amounts to the provision of specialist health interventions across a whole network that has no history of this work.

So far 91 prisons have received IDTS funding (the 53 that haven't are listed below). Early impressions have been positive, and full roll-out is planned over the course of the next two years. A large multi-site study of IDTS is about to be launched. It will provide valuable information on the impact of IDTS treatments on suicide, serious self-harm, and other aspects of custody, and on re-offending and drug-related deaths on release.

Prisons still waiting for IDTS

Albany	Littlehey
Ashfield	Long Lartin
Askham Grange	Morton Hall
Aylesbury	The Mount
Blantyre House	Parc
Brinsford	Parkhurst
Bullwood Hall	Portland
Canterbury	Prescoed
Cardiff	Send
Castington	Shepton Mallet
Cookham Wood	Spring Hill
East Sutton Park	Stafford
Feltham	Swansea
Ford	Swinfen Hall
Frankland	Thorn Cross
Full Sutton	Usk
Gartree	The Verne
Glen Parva	Wakefield
Grendon	Wandsworth
Highpoint	Warren Hill
Hindley	Wayland
Holloway	Werrington
Huntercombe	Wetherby
Kirklevington	Whatton
Lancaster farms	Winchester
Latchmere House	Woodhill
Leyhill	

No end of reviews

There have been a number of reviews on the subject of drug treatment.

This is a brief summary of the findings of three recent reviews

The independent UK Drug Policy Commission concluded that 'prison drug services frequently fall short of even minimum standards.' Further that, given the sizeable investment in criminal justice interventions for drug-dependent offenders 'we know remarkably little about what works and for whom'.

In general, they said there was reasonable evidence to support:

- drug courts
- community sentences such as DTTOs and DRRs
- prison-based therapeutic communities
- opioid detoxification and methadone maintenance within prisons and the community
- the RAPt 12-step abstinence-based programme.

They found no evaluations of the effectiveness of:

- CARAT interventions
- drug-free wings
- programmes based on cognitive behavioural therapy, such as short-duration and ASRO (addressing substance related offending) programmes
- conditional cautions
- diversion from prosecution schemes
- intervention orders.

And they found mixed evidence for:

- criminal justice integrated teams
- restrictions on bail
- the added value of drug testing as part of a community order.

David Blakey, a former inspector of constabulary, was commissioned by Noms to look at how to stop drugs getting into prisons. He spent 40 days speaking to the Prison Service people and visiting 11 prisons. His conclusions were unremarkable:

1 There are ways of disrupting drugs from entering prisons and in the main they are presently being applied with varying degrees of success. Some, probably more effective, ways would have high costs in either financial terms or in legality and decency or both.

2 I met some well trained and effective teams and individuals who are trying very hard to improve the disruption process. They are doing a difficult and sensitive job for which they generally do not get the recognition they deserve.

3 I wish them well and hope that this report is of help to them.

His ten recommendations were, unsur-

prisingly, all accepted by the Ministry of Justice.

1 That a nominated senior governor leads the Drug Strategy for each prison coordinating treatment, supply disruption and working with others.

2 That the 2003 Home Office document Supply Reduction: Good Practice Guide be revised and re-launched

3 That peer reviews of drug disruption, using this Guide, should take place across all establishments.

4 That the work on blocking mobile phones be progressed as money is available.

5 That the BOSS chair [for detecting metal objects secreted internally] be installed progressively in establishments. That more staff searching including the use of the chair be conducted on staff.

6 That an internal review is established to determine whether search dogs and their handlers are distributed effectively around the estate and that the management processes for handlers are robust.

7 That the use of legislation, particularly the Offender Management Act (OMA) should be carefully monitored and the results coordinated centrally.

8 That the use of technology is enhanced by the establishment of a small Research and Development Department within the Prison Service and the attachment of one staff member to Home Office Scientific Development Branch

9 That working with others should be firmly included in the Good Practice Guide and in prisons drug strategies.

10 That the good work beginning to appear in using intelligence and establishing a national system be fostered and that recognition be given to the need for national and coordinated intelligence processes as the most effective means of long term disruption.



The prison drug trade

The ex-head of drugs treatment in Noms, Huseyin Djemil, was quoted as saying that up to 20kg of drugs, mostly heroin, is smuggled into prisons each week. That's £100m-worth (at street value) each year. Wandsworth prison, for example, is estimated to have £1m trafficked each year. Even the government estimates that half the prison population are regular drug users – although positive random drug tests are down from 25% to 9% in the last year. The implication is that prisoners have switched from cannabis to heroin (undetectable after a few days rather than the weeks cannabis stays in the body).

The Pricewaterhouse Coopers Consultancy was commissioned by the government to look at prison-based drug treatment funding. Its report questioned the value of mandatory drug testing and the success of drug treatment. It claimed there might not be enough money to deal with all prisoners. Its first proposal, the establishment of a national drug treatment group, has been accepted by the Ministry of Justice. And so it should – if the progressively doubled spending on prisons drug treatment planned for this year and next is to be spent wisely.

Not quite resigned to it

Stephen Shaw, Prisons and Probation Ombudsman, explains why being independent sometimes means saying no

In the middle of June, I took the decision to step down from chairing the public inquiry into the care of a repeat self-harmer known as SP. I did so for three main reasons. First, I feared that the increasing involvement of government lawyers, acting on behalf of the Prison Service, was adding greatly and disproportionately to the costs of the inquiry and the time it was likely to take. Second, I felt that the letters I was receiving from those lawyers constituted an improper attempt to fetter my independence and limit my access to information. Third, I judged that the core issue (what to do about those many young women in custody who repeatedly self-harm) was in grave danger of being lost entirely.

Although in general terms my personal and professional relationship with the Prison Service is better than it has ever been, I knew that on the approach to the SP inquiry there was a big gulf between what I thought was required and what it appeared the Service envisaged. In those circumstances, and given that the inquiry had made so little progress in nearly two years, I concluded that the only principled course was to stand aside.

Whether I was right or wrong in my actions is for others to say. I am grateful to those many people (including some I know are readers of this journal) who have written giving their support. But there will obviously be others who feel that I acted intemperately. (When you do not hear from officials with whom you expect to be in regular contact, you know they think you deserve a spell sitting on the naughty step.) Be that as it may, this brouhaha does raise questions about the extent of my office's independence – and indeed about Whitehall's expectations more generally when it sets up independent inquiries. In the latter regard, I had a number of messages from researchers bemoaning the tendency of civil servants to manipulate findings that are uncomfortable or simply to refuse to publish

unwelcome research studies entirely.

In relation to my own office, I do not hide my disappointment that we remain without any statutory authority. This undermines our credibility in the eyes of prisoners, and I have become increasingly embarrassed in trying to explain to foreign visitors how and why we are independent in practice. It is also questionable whether our relationship with the Ministry of Justice provides sufficient clear blue water for Article 2 compliance with the right to life under the European Convention on Human Rights. The Parole Board's independence has recently been successfully challenged on exactly these sort of grounds. It is not hard to see how a challenge to the Ombudsman's independence might also be successful.

In my new Annual Report, I argue that the way forward may be to establish the Ombudsman's office as a non-department public body (NDPB) – just as was done with the Independent Police Complaints Commission (IPCC) when it replaced the old, and discredited Police Complaints Authority. The IPCC is our nearest sister organisation, yet at the moment my office is its poor relation – in resources, powers, and conspicuous independence. It may also be relevant that the only other Ombudsman under the Ministry of Justice umbrella – the Legal Services Ombudsman – is already an NDPB.

What does all this mean for IMBs? Well, it seems to me that the extent of your independence from the Prison Service and Ministry of Justice is – as it is for my office – still open to question. Yet for you as for me, independence is what provides the authority and legitimacy of your work.

This is not to say that NDPB status would be the right way forward for the Secretariat or the National Council. But I hope that this year's IMB National Conference (the theme for which is Independent Monitoring) will spend as much time looking at the principles of independence as at the mechanisms of monitoring.

I don't intend to make a habit of resigning from things I don't like. But there are times when this is the right thing to do both on its own merits and as a statement. One of my colleagues told me she was proud of the decision I had taken, and what it said about the true independence of the Ombudsman's office. There again, another colleague told me I had been brave – and any viewer of *Yes Minister* will recall what that term actually implies.

Custody visitors

The last *Monitor* described the work done by lay observers, monitoring prisoner transport and court cells. This time, another speciality: independent custody visitors in police cells

Lord Scarman, in his report on the Brixton riots in 1981, recommended a system of independent, unannounced inspection of detention in police stations by local community members. Scarman advocated a statutory arrangement, but in 1983 the Home Office set up a lay system using members of the public and elected members of police authorities.

In 1987 Home Office research concluded that the most effective schemes recruited visitors direct from the general public. It recommended the formation of a national agency: the National Association for Lay Visiting (NALV) started in 1993. The Police Reform Act 2002 placed a statutory obligation on police authorities to have in place an effective independent custody visiting scheme. Currently, responsibility for independent custody visiting rests with the Home Office. Volunteers from the community make random, unannounced visits to police stations.

The Independent Custody Visiting Association (ICVA) formed in 1997. It provides advocacy, training and publicity. Until then, although volunteers were enthusiastic and highly committed, the lack of networking and benchmarking resulted in disparate methods of visiting.

Training materials have improved the knowledge, skills and attitude of the volunteers undertaking the visits and of police officers and administrators. ICVA also deals with probation and mentoring, appraisal of performance and support.

ICVA's success is demonstrated in a number of ways including the confidence of custody visitors to challenge police officers, the quality of the reports arising from the visit and the continued development of best practice. Visitors now contribute to the custody training of police officers and regular meetings are held by volunteers with the police.

Women

There are more women in prison than ever before. Angela Clay of East Sutton Park women's prison IMB, and AMIMB chair, writes

That many women in prison should not be there has been argued by Lord Phillips, and his words were echoed by Baroness Corston in her review. In May the Ministry of Justice published a so-called national framework on improving services for women offenders. But according to the director of Women in Prison, Suzanne Sibillin the momentum for change has been lost. 'I don't see that this is going to effect any changes in the services that women are receiving.'

Worldwide

In June an international profile of women's prisons was published by the International Institute for Prison Studies at King's College. Here are some lessons for this country.

Those countries that allow children to stay with their mothers (all the countries surveyed but only in one of the three US states) have different ages at which children are removed. It was six years in one German state, three in Spain and 12 months in Sweden. The most child-centred system found was in Frondenberg, Germany where 16 mothers live with their children up to the age of 6 in self-contained flats and the staff do not wear uniforms. At Hinseberg in Sweden there is a special flat where children can stay overnight with their mothers.

Some countries have deinstitutionalised and restored responsibility to the women. Women prisoners live in small groups, budget, shop, cook, clean and live together in Denmark. Men and women prisoners live together to approximate outside life as closely as possible. Staff have three years's training for this.

In Canada, despite its huge scale, most women are held near home. Prisoners may be released and placed in a variety of other non-prison environments. They have private family visits, trauma counselling and live in self-care housing.

Many people in the UK think that the decline of family values is the key to many of our problems. By imprisoning fewer women and by investing in better support for those in custody and also in the community, perhaps we can begin to influence all our futures.

Membership survey

The last *Monitor* included a questionnaire for AMIMB members. A very big thank you, writes *Helen Boothman*, to those of you who took the time and effort to complete it. The feedback tells us what you value about your membership and in what areas you would like to see AMIMB improve its services to you. Just over 10% of you responded, which should have given a representative sample of the membership.

- Half of the respondents have been an AMIMB member for 3 years plus, whereas 14% had been a member for one year and under.
 - The overwhelming reasons why people joined AMIMB were to 'find out more' and to 'receive more information'. Other reasons for joining were 'to receive the *Independent Monitor*', 'for support and advice', 'to meet other members and network' and 'to share information and experiences'.
 - All of the respondents had used the *Monitor* and 67% were very satisfied with it: 'always read cover to cover' 'fantastic *Monitor* this time' 'IM is essential reading' One comment for improvement was 'pages have a lot of text, not easy reading to pick up and put down'.
 - The AMIMB website is an area for improvement with only 28% of respondents having used it. Comments included 'website needs re-vamping' 'you don't publicise the website much'.
- * Training events and the AGM had been attended by half of the respondents (some comments were received about holding the AGM outside London). The Helpline had been used by only one respondent, although some said 'useful to know it's there'.
- In terms of the most important benefit

received by our members it has to be the *Monitor*, closely followed by being kept up to date on penal issues and then visiting other prisons. Interestingly, the security of belonging to a professional body that supports and advises is rated highly as is our independence from the Secretariat and the Ministry and not forgetting the sharing and mixing with other IMB members.

Improvements AMIMB can make seem to fall under four headings:

- more of a local presence - area dinners, improved local links
- increase visibility and profile 'a voice to challenge injustice'
- communicate - website improvements to make you want to return, members area, email queries, 80% of you were in favour of receiving an email bulletin
- training - more of it: 'lobby Minister of Justice for more money for training'.

Overall 18 volunteers have come forward with offers of help with lobbying, practical support, gifts in kind, legal advice etc. Already some of these have met with the executive committee to make plans for improving AMIMB's effectiveness.

Watch this space.

Congratulations

AMIMB is pleased to offer congratulations to Lord Phillips of Worth Matravers who will take up the office of First Law Lord on 1st October 2008 and a year later will become President of the Supreme Court of the United Kingdom. We are delighted that he has agreed to remain Patron of the Association and would like to thank both Lord Phillips and our President Baroness Vivien Stern for their continued support.

Application for AMIMB membership

Name _____
 Address _____

 Postcode _____
 Phone(home) _____
 Phone(work) _____
 Email address _____
 Establishment _____
 I enclose my cheque for £ _____

I am a UK tax payer and I would like AMIMB to reclaim tax already paid on this, and any future subscriptions and donations unless I notify you otherwise. My tax bill this year will be more than this gift. Yes No

Signature _____
 Date _____

Membership fees The subscription year runs from 1 August to 31 July. The annual subscription is £20, or £10 if joining after January. Send this form and a cheque, made payable to AMIMB, to the treasurer: Jenny Budgell, Natural Numbers Ltd, Syms Yard, Chippenham, Wiltshire SN14 6LH.

If you would like to pay by standing order in future years tick here

LAST WORD

Whitemoor

Whitemoor prison hit the headlines recently over suggestions that staff there were unable to deal with 'gangs of Muslim prisoners'. This was based on a remarkable Prison Service review of the prison, which the Howard League got hold of under freedom of information. The first remarkable thing about the review was that it was launched by the governor himself. Steve Rodford summoned up the 14-strong review team from the High Security Directorate as the prison seemed to be under-performing, with five suicides in two years. His very frank 'list of concerns', appended to the report, included:

- staff practices very difficult to break
- strong resistance to change by a sizeable number of all staff (including managers)
- lack of confidence in successive senior management teams
- very strong POA (Chairman) who has dominated for most of the time
- a percentage of unprofessional staff
- poor behaviour
- banter/terminology – fine line
- staff's absolute reluctance to engage with prisoners
- life is dull, no long terms plans, no hope for prisoners.

The report confirms some of this and makes fascinating reading. It is available by email from your Editor.

Old and jailed

There are almost 7,000 people over the age of 50 in our prisons. Those over 60 are the fastest growing age group – up from 700 to 2,500 in the last ten years. There are even 454 over 70s. Yet a recent Prison Reform Trust report (*Doing Time*) reveals the isolation and discrimination they face as their special needs are not met. One detail: incontinent prisoners locked in education without easy toilet access.

Overcrowding

What are the 20 most overcrowded jails? From the top (183% overcrowded): Shrewsbury, Swansea, Leicester, Preston, Dorchester, Lincoln, Usk, Altcourse, Canterbury, Durham, Exeter, Bedford, Northallerton, Wandsworth, Doncaster, Winchester, Bristol, Cardiff, Forest Bank and Lancaster (145%). Even worse: 16 prisons are over their operational capacity – the total that can be held 'without serious risk to good order, security and the proper running of the planned regime'. They are Bedford, Belmarsh, Brixton, Cardiff, Elmley, Forest Bank, Gartree, Hewell, Highdown, Holme House, Lowdham Grange, Swansea, Wandsworth, Winchester and Woodhill. Why only four prisons are in both groups is a brain-teaser. Altogether 87 jails, two-thirds of the total, are over their certified normal accommodation; we have 10,000 more prisoners than we have proper places for. And things look like getting worse before they get better – if they ever do.

Rye Hill

Not for the first time, the *Monitor* asks what is going on at Rye Hill prison. A recent inquest into the knifing of a prisoner, Wayne Reid,



blamed the jail's security and inexperienced staff. This confirmed the gist of the prison inspectorate's report at the time. The Ministry of Justice says that GSL, the company that runs Rye Hill, is still subject to a 'rectification notice'. It certainly sounds as if much needs to be rectified at this troubled category B prison.

Getting rid of them

There's something chilling about the way the UK Border Agency measures its performance in terms of how many people they can 'remove' from this country. Lou Lockhart-Mummery's piece on page 10 gives some idea of what this process means for the people removed. Many readers will know how tough life can be in immigration removal centres. And a very recent report from Anne Owers has highlighted the downright squalid conditions in a London police custody suite used by the UK Border Agency to hold immigration detainees. So it's not reassuring to hear the minister, Liam Byrne, saying recently: 'We now remove an immigration offender every eight minutes – but my target is to remove more, and remove them faster.'

Call for cheaper calls

Like many organisations with an eye for prisoner welfare, the *Monitor* has banged on about the unfair costs of phone calls from prisons. Now the National, Scottish and Welsh Consumer Councils have joined in. They point out that calls from prison still cost seven times as much as those from public payphones, at a time when call charges have gone down generally. So they have issued what is called a super-complaint to Ofcom. Having meanly blocked a pay rise for prisoners, the government should at least negotiate a better contract with BT.

AMIMB statement of purpose

AMIMB works to maximise the effectiveness of its members by providing:

- encouragement in the robust and efficient performance of their duties
- training support
- best practice advice on the treatment of prisoners and the administration of prisons
- information on relevant developments in penal affairs
- support for members who seek advice in times of difficulty.

AMIMB also helps to enhance public awareness of the work of Independent Monitoring Boards.