

Stakeholder Engagement 4

Her Majesty's Inspectorate of Prisons (HMIP)

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Background on HMIP

Her Majesty's Inspectorate of Prisons is an independent inspectorate. Its main statutory remit is to carry out inspections of prisons in England and Wales, court cells and places of immigration detention throughout the UK. It reports to relevant Ministers about the treatment and conditions of detainees. The Inspectorate also conducts studies into specific custodial issues and published thematic reports.

HMI Prisons is the co-ordinating body for the National Preventive Mechanism (NPM) required by OPCAT (the United Nations' Optional Protocol to the Convention against Torture).

HMIP inspections may be announced or unannounced and will inspect prisons against the following areas:

- **Safety:** prisoners, even the most vulnerable, are held safely.
- **Respect:** prisoners are treated with respect for their human dignity.
- **Purposeful activity:** prisoners are able, and expected, to engage in activity that is likely to benefit them.
- **Resettlement:** prisoners are prepared for release into the community, and helped to reduce the likelihood of reoffending.

HMIP RESPONSE TO THE HARRIS REVIEW

HMIP welcomed the review and stressed the distinct needs of 18-24 year olds. HMIP feels this age group has been overlooked and is pleased this review is treating it as a discreet group that is being looked at separately from under-18 year olds.

The review is happening at a critical time for NOMS because there has been a recent increase in the number of self-inflicted deaths. HMIP stated that this increase is entirely consistent with other published safety statistics and inspection findings, which makes this review particularly urgent.

HMIP INSPECTIONS OF ESTABLISHMENTS ACCOMMODATING 18-24 YEAR OLDS

Following an inspection, HMIP provide immediate detailed feedback and a subsequent report that includes any recommendations to the establishment for the governor and/or NOMS. Where recommendations are accepted, the establishment produces an action plan to address the issue and HMIP will check progress at the next inspection of the establishment. HMIP is not a regulator so they have no regulatory powers. It was felt it

would be helpful if the requirement to respond to recommendation was in statute. 90% of recommendations are accepted and around two thirds are implemented.

Overall the dedicated young adult establishments (accommodating 18-20 year olds) score the worst in HMIP inspections. Two dedicated young adult establishments, HMYOI Feltham and HMYOI Brinsford, were inspected in March 2013 and November 2013 respectively, and received the worst ever reports from HMIP. Brinsford scored poorly in every area of the inspection and the physical environment was particularly poor.

CHARACTERISTICS OF 18-24 YEAR OLDS

As the numbers of children and young adults in custody has decreased (which is welcomed by HMIP) those that remain may be the more troubled and challenging. This should be further explored and it may be helpful to disaggregate this age group from the safety statistics.

18-24 year olds are accommodated in a range of establishment types and no one model was fully effective. However, HMIP believes effective treatment is more important than where a young adult is accommodated, although a good regime, the physical environment and the amount of time out of cell all contribute to safety.

The biggest difficulty is managing 18-24 year olds who are both challenging and vulnerable. HMIP feels there are adequate systems in place for those who are either challenging or vulnerable, but the prison system is struggling to manage when both characteristics present together.

MANAGING VULNERABILITY AND ACCT

HMIP believes the implementation of ACCT is poor. The care planning and oversight is poor, and staff members do not consistently follow ACCT processes. ACCT needs and IEP decisions can be contradictory and where proposed actions conflict this can make a vulnerable person more vulnerable.

There needs to be a balance between security and safety and HMIP do not believe this has been found.

TRANSFORMING YOUTH CUSTODY

HMIP believes the proposed Secure Colleges do not sufficiently consider the changing young offender population –as the number of young people in custody has reduced, those who remain are more challenging and would be particularly difficult to manage concentrated in a large group. HMIP welcomed the higher expectations for education in custody but questioned how this will be accessed by an increasingly troubled group of young people.

ORGANISATIONAL CULTURE

HMIP felt that many different organisational cultures are present among the range of staff working in prisons and inspectors often observe distinctively different styles of relationships between uniform staff/prisoners, non-uniform staff/prisoners and uniform/non-uniform staff. Strong governor leadership is critical to manage this range of relationships effectively

and productively. HMIP felt that Governors changing and moving on as frequently as they do is not helpful.

HMIP noted the increasing amount of prison work that is contracted out, which could make the Governor feel disempowered. However, the Governor remains responsible for the establishment and should address areas of concern and ensure collaboration between different providers.. Staff should like working with the younger age group and be able to cope with the typical behaviours that they present with.

There needs to be a balance between central direction and local autonomy. Governors need to be able to have the autonomy to adjust the regime to meet the needs of their population.

Based on the definition of racism used in the Lawrence inquiry, BAME prisoners consistently report more negatively about their treatment to the Inspectorate.

OPERATIONAL CHALLENGES

HMIP is concerned about data that shows a rise in self-inflicted deaths and an increase in violent incidents - this may point to a lack of control and supervision for which there is no short term fix. HMIP observes multiple changes impacting the prison system. Fair and Sustainable has seen NOMS lose experienced managers in establishments and HQ. The Voluntary Early Departure Scheme (VEDS) has resulted in vacancies, which has directly affected managers. Benchmarking is not complete yet and some establishments may have more resource following benchmarking but staff have left under VEDS and so there is a recruitment gap. HMIP views the prison system as still being in a state of transition in responding to these multiple changes and preparation for the Transforming Rehabilitation reforms are likely to have a further impact.

HMIP believes there is a risk that there will be insufficient space in the system for plans to have all prisoners in their home area for the last three months of their sentence, which means they may be unable to access local Through The Gate services

The current pressure on prison places means that although enough space to accommodate the number of prisoners is being found, there are insufficient activity places. This impacts on safety, possibly disproportionately with this age group, as more time is spent in cell. Cell Sharing Risk Assessments advising on single cells where only double cells are available put further pressure on places. HMIP feels the changes to Release on Temporary License (ROTL) and the Incentives and Earned Privileges (IEP) scheme will lead to more frustrated prisoners.

HMIP view IEP as an ineffective behaviour management tool. Some prisoners may not have regime opportunities to demonstrate the behaviour required to get the enhanced level of IEP and it is vital that the system is perceived as being fair. Standardisation of the facilities list may give governors fewer opportunities to incentivise the rewards for good behaviour for this age group.

HEALTH AND MENTAL HEALTH

Creating a healthy environment should be the responsibility of the whole prison; all staff should work with healthcare on this and it should include, physical health, Mental Health, learning difficulties and disabilities