

Harris Review Meeting

10:30 – 16:15, 20 November 2014,

Room LG 2, 102 Petty France

Present:

Chair: Lord Toby Harris (TH),

Panel Members: Meng Aw Yong (MAY), Stephen Cragg (SC), Philip Leach (PL), Matilda MacAttram (MM), Graham Towl (GT) (pm only), Richard Shepherd (RS) (by phone, am only)

Harris Review secretariat: Deborah Browne (DB), Robyn Malan de Merindol (RM)

For item 5: Joel Harvey (JL), Zubaida Haque (ZH), Jorgen Lovebaake (JL) and Ben Harris (BH)

For item 6: Jorgen Lovebaake (JL) and Ben Harris (BH) (apologies from Rachel Tsang)

For item 10: Phillip Novis (PN) and Jason Swettenham (JS)

Apologies: Dinesh Maganty (DM) and Deborah Coles (DC)

Item 1: Minutes of previous meeting

1. TH minutes of the meeting on 30 October 2014 were agreed.

Item 2: Action Log

2. DB updated the meeting on the progress against actions.

Action 83: Secretariat to produce a single record of official questions asked of all sources and answers provided.

Item 3: ‘Today’ programme (BBC Radio4) feedback

3. TH updated the panel on his and Deborah Coles’ interviews with the BBC ‘Today’ programme and the subsequent BBC News item. The programme focused largely on the parents of Stephen Davidson. A key issue that the editors focused on was that some people were being imprisoned inappropriately.

4. TH felt that the media exposure was a helpful opportunity for the Review, particularly because there has been little support with publicising the Review from the MoJ to date. TH received considerable correspondence following the interview.

5. TH updated the Review panel on his meeting with Prisons’ Minister Andrew Selous (AS). The minister showed a genuine interest in the Review. Key items discussed included the value of strong leadership, personal officers, family contact, troubled families, and mental health. AS took a particular interest in problems encountered by young adults trying to phone family, due to PIN phone restrictions. AS undertook to look into this issue as soon as

possible. He also expressed his desire to look into any other practical issues that the Review has come across. He keen to have sight emerging findings and would like to meet TH again in February or March 2015.

6. TH also spoke with the shadow Justice Secretary, Sadiq Khan so that he is sighted on the work of the Review too.

Action 84: Secretariat follow up on the PIN phone issues that are emerging with NOMS.

Item 5: Final Presentation on Literature Review

7. The researchers from the University of Greenwich updated the Review panel on their literature review. Discussion included points around the importance of prisoner well-being, and its links with rehabilitation, and the importance of behaviour therapies.

8. Researchers were asked to note and consider the following points from the panel:

- Physical and environmental factors that may contribute to risk need to be mentioned in the final report;
- The report needs to ensure that due regard is given to the specific developmental needs of young adults;
- Evidence about the importance of professional screening and whether constant monitoring is effective should be considered;
- Evidence about relationships with staff should be included, including staff understanding of how to interpret young adult behaviour.
- It was felt that as currently presented, the use of static versus dynamic risk may not be helpful as the boundaries may be blurred and changeable, constant monitoring may be the way to review these.
- Any meta-analysis in the research reviewed should be highlighted;
- It was felt that, in the absence of more specific research around mental health training for prison staff and the use of CBT and DBT in prisons, it would be helpful to draw on the findings from the Bradley Report and any reports on the effectiveness of the Keppel Unit.
- It was suggested that recommendations around the best mode of screening prisoners for mental health and risk of harm issues, including the work of Prof Louis Appleby should be included in the literature review.

9. The final report is due on 12 December and the researchers would like any additional comments as soon as possible.

(Secretary's note MM joined the meeting)

Item 6: Update on Data Analysis

10. The panel were asked to note the protective markings on the paper, which reflect the fact that the data has not as yet been cleared and is highly sensitive. It must not be shared outside of the panel. The final report will be available in early January 2015 and it is hoped that it will include data up to September 2014.

11. TH said that the work the analysts are producing is valuable, particularly as this has not been done before and so is providing new, interesting data.

Item 7: Discussion of research presentations

12. The research from the University of Greenwich needs to be explicit in how they have reached their judgements and they must fully attribute the research and recommendations they to which they refer to its original source.

Item 4: Policing and Mental Health feedback

13. MM provided the panel with a short update on joint work Black Mental Health UK (BMH UK) and the Home Office, which follows the campaigning work of BMH UK around deaths in police custody. It focussed on current police practice and how it relates to mental health issues, particularly for the African and Caribbean communities.

14. TH said that there were lessons for this Review around Mental Health awareness in prison custody and engagement with communities. The CPS will also pick up learning from the day.

(Secretary's note RS left the meeting)

Item 8: Summary of submissions following call for evidence

(Secretary's note GT joined the meeting during this item)

15. The paper summarising some emerging findings from the call for evidence was discussed and a number of points noted. The panel will need to come up with a description of vulnerability for the final report. There is a risk of suicide for many young adults, and the context of prison adds to vulnerability.

Problems on information sharing were considered a key theme across all aspects of the Review, and this warrants a fuller discussion.

Action 85: Secretariat to arrange for the agenda to include a full panel discussion about the issues of confidentiality and information sharing, this should include what information could be obtained and who owns it.

Action 86: Secretariat to find out if ACCT assessor training is mandatory and if so for whom.

Action 87: Secretariat to get NOMS bullying policy.

Action 88: Secretariat to look into the best means for exploring how to best clarify the situation of care leavers in custody, what improvements might make them less vulnerable, and how the principle of corporate parenting might be best discharged.

Action 89: SC will provide further clarity on what the legal obligations are for care leavers to include if there should be an assumption of immaturity unless proved otherwise.

Action 90: Secretariat to look into statistics about what percentage of remands don't go on to serve a prison sentence.

Action 91: SC to find out if the CPS has a public interest test to assess whether a young person should be prosecuted.

Action 92: Secretariat to print and bind the remaining submissions for the panel.

Item 9: Pre-discussion on prison regime

15. Nothing to note.

Item 10: Prison Regimes

16. PN and JS explained the different Patrol States that relate to prison regime as:

Patrol State A: Prisoners locked up in cell. The assumption is that for every prison at 'night state' everyone is locked up.

Patrol State B: Prisoners are unlocked but confined to residential areas.

Patrol State C: Prisoners are unlocked and have full access to activities.

17. Although the 'Core Day' varies from prison to prison, a typical Cat C prison will unlock prisons at 08:00 on the wing, and at 08:30 they will move to Patrol State C so prisoners can go to activities. Prisoners are usually provided with breakfast packs the evening before, so they will have eaten by the time Patrol State B begins at 8 am (many will eat it the night before, and will be hungry in the morning). While some prisons have dining out facilities, most prisons serve a cold lunch that is eaten in the cell, so the prison may return to Patrol State A at this time. However, fully staffed Cat C prisons usually allow prisoners to remain unlocked at lunchtime. During the afternoon, prisoners either return to purposeful activity or may wait on the wing or appointments or visits. At 16:30, prisoners return to the wing to collect their evening meal, which is usually hot. Prisoners can usually engage in wing activities until 18:30, when they will be locked up again. Some prisoners may have certain activities or appointments until 19:15. Prisoners are taken from cells to go to appointments or to see a Listener. There is a prisoner roll check 4 times a day.

18. A number of prisons operate on 'split regimes'. There may be a number of reasons for this. An example might be a local prison, where part of the population is involved in serving the courts, and part involved in a training prison regime.

19. Adult male prisoners who are over 21 years are categorised depending on the severity of their crime and the risk they pose should they escape.

Category A: These are for prisoners who pose the highest risk, either to other prisoners or to the public, and form the High Security estate. Part of the function of High Security prisons is to disperse these high risk prisoners so they are not all concentrated in one place. There are 5 Cat A prisons, 3 of which also serve the courts. Due to their lower population, there are quite a number of Cat B prisoners accommodated in the High Security Estate.

Category B: Those adult male prisoners who do not require maximum security but who still pose a significant risk should they escape are categorised as Category B. Category B Training Prisons also tend to hold a number of Category C sentence prisoners.

Most local prisons, which serve the courts, have Category B security conditions, even though their main purpose is to hold remand prisoners. They also hold sentenced prisoners who are waiting to move on. The OCA (Observation, Categorisation and Allocation) of prisoners happens in the local prison. While location to home is also considered, population pressures mean that prisoners may be moved further away from home than is ideal. This can be compounded by the need for specialist interventions.

Category C: The bulk of the prison population are categorised as Category C, where they can't be trusted in open conditions but do not present a significant risk of escape. Cat C prisoners may have worked their way down from a Cat A or may have been identified as Cat C at OCA.

Category D (the open estate): Prisoners who are categorised as Cat D do not pose a significant security risk. Many are 'white collar' criminals. It is also an opportunity to test a prisoner in the community without actually releasing them.

20. The Female Estate is divided into either open or closed conditions.

21. The YOI (18-21) estate is also divided into either open or closed conditions, as adult males are not categorised until they are 21. However, increasingly young adults have been absorbed into the institutions designated as both a prison and a YOI in the adult estate as it is has been found that dispersing them helps to reduce problem behaviours. While the young adult estate refers to those who are over 18 and under 21, increasingly young adults are seen as those between 18 and 24 years.

22. There are a number of current problems that impact on regime, particularly around the significant number of prisons that have staffing difficulties. In May 2014 work was undertaken with the DDCs (Deputy Directors of Custody) to identify the prisons with the most problematic staffing issues to ensure that the basic standard of a Safe, Decent and Secure prison was being met. A fourth requirement, identified as Resilience, was the number of staff needed to deliver a limited regime (which means that prisoners would not get access to the full range of activities every day) that was reliable (on the basis that prisoners will accept a limited regime if it is consistent and reliable). A fifth element identified was Sustainable, which is to allow enough resource for each prison so that the regime would not need to keep changing. Sixteen prisons were identified as in need of significant support, so 244 staff from other prisons were put on detached duty to provide this. An additional 9 prisons have some detached duty staff to support them. Prisons from which staff were detached also had to restrict their regimes. This was managed centrally to provide oversight. It is anticipated that, with the significant recruitment drive currently underway, and with the new staff already being trained, the situation should improve gradually and the appropriate regime should be in place again by June 2015.

23. In some Victorian prisons they are just not equipped to allow for enough time for a prisoner to do all that they need to do during the shorter periods for which they are currently unlocked. For example, on average there is one telephone per twenty-seven prisoners. However, if someone has to make a personal call as part of their care plan on an ACCT, this will be facilitated and if necessary the wing office telephone will be used.

24. In London and the South East there are staff retention problems due to pay; each London prison is losing around 4 staff per month. Staff are going to UKBA, for example, as it pays more. The problem is not so bad in the north of England. Being a prison officer is no longer seen as a career for life.

25. One of the reasons for an increase in the number of recorded incidents is because there is now 100% recording of incidents and previously some incidents may not have been recorded properly. However, there is an increase in the severity of incidents. It is hoped that improvements in de-escalation techniques will help reduce incidents.

26. Some prisoners have used video link for family contact in the past, particularly FNOs. Video link is also used instead of inter-prison visits (for example for relatives to speak to each other), but all this is in its infancy. PL and JS said that they are interested in looking at Skype as a mechanism to maintain family ties and NOMS is very keen to get this established. Parc (a private prison) has been piloting this, but there are some security, risk-assessment and other issues yet to be resolved.