

## **Stakeholder Engagement 19**

### **The Zahid Mubarek Trust**

**Represented by Imtiaz Amin, Chief Executive with Ray Bewry ZMT  
Trustee and Khatuna Tsintsadze - ZMT Project Manager**

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#### **Background**

The Zahid Mubarek Trust (ZMT) is an independent charity that aims to advocate reforms and challenge discrimination within the Criminal Justice System (CJS). It was founded by the family of Zahid Mubarek who was killed at Feltham YOI in 2009 when he was 19 years old by another prisoner who was known to be racist.

Imtiaz Amin (IA) is the Chief Executive of ZMT and is Zahid Mubarek's uncle. ZMT's expertise is firmly rooted in equalities within prisons. Through its project work the ZMT has viewed over 1500 complaints of discrimination across nine prison establishments, and supported prisoners and their families. ZMT recommended that the Review should look into the HMIP Report of a review of the implementation of the Zahid Mubarek Inquiry recommendations (June 2014) which is the follow up to the Zahid Mubarek inquiry, there are still a lot of areas of concern such as mental health, risk assessment, information sharing, that are relevant to the Review from the report.

#### **SELF-INFLICTED DEATHS**

ZMT said that most suicides and self-harm incidents occur during lock down. Current regimes operated in most prisons due to severe staff shortages do not help to improve the situation in many ways.

#### **CHARACTERISTICS OF 18-24 YEAR OLDS**

A high proportion of complaints to the ZMT come from young adults in adult prisons where they don't feel fully supported, complaints are about a lack of specialised provisions and support mechanisms for their age.

#### **STAFF AND CULTURE IN PRISONS**

ZMT said that BAME young adult prisons have low confidence in the IMB and explained that the IMB does not scrutinise discrimination complaints which is disappointing because they have such good access to prisoners. ZMT felt that in most prisons there are very few complaints to the IMB about religious or race issues. IMB membership doesn't reflect the prison population demographic.

ZMT told the panel that many prisoners are wary of lodging a formal complaint as they fear the consequences, particularly if they have parole coming up as they don't want to risk affecting the outcome and that this is true even when the complaint is on an issue as serious as having been beaten up by an officer. ZMT said they have known a number of cases where a prisoner who has made a serious complaint

against staff has been transferred without prior notification to another prison so that the complaint can't be investigated.

Focus groups that have been facilitated by ZMT have identified prisoners who say that they believe that their ethnicity and religion affect how they are treated on a day to day basis, including, for example, whether they are able to have a shower or not. Local policies allow for discretion by staff and this causes unequal treatment which is often perceived as discriminatory by prisoners.

ZMT said that 92% of Discrimination Incident Report Forms (DIRFS) from prisoners are about racial and religious discrimination. There should be more parity in the diversity of staff and prisoners. Investigations of DIRFS are carried out by officers on the wing, sometimes about fellow officers and ZMT had little confidence in the independence of the process. ZMT said that where a complaint is about a member of staff, sometimes the report will be given to the staff member by the manager to respond themselves. ZMT have a sense that an incidence of violence against a prisoner by a member of staff has to be proven and if a prisoner is the witness they don't count as independent and the investigations are likely to be delayed or prisoners involved be transferred out.

Use of force is the issue that the ZMT hear most complaints about from young black people. ZMT feel that the new equalities monitoring tool that replaced 'SMART' is not working effectively and prisons were not able to record data appropriately which may mean that the centralised data does not reflect 'reality'.

ZMT told the panel that in 2005 the then Director-General Martin Narey said that he was operating in the institutionally racist prison system.<sup>1</sup> NOMS is yet to comment if this is still the case. A lot of stereotyping is still going on and ZMT is getting a lot of complaints about negative comments that staff make about prisoners. Although there is less direct racism there will always be discrimination of minority groups. ZMT expressed concern that the phrase 'unconscious bias' is now used now instead of racism.

It is the view of ZMT that there should be a more robust system in place to protect staff training. Training and recruitment need revision in the longer term. Staff should be trained in conflict resolution so that they can deal with the issues on the wing. 'Challenge It Change It' training is no longer mandatory, it has been replaced with on-line discrimination training that staff have to do in their own time.

ZMT felt that local groups and voluntary organisations, including the Samaritans, are not getting as much access to prisons as they used to and the Listeners are not always able to see prisoners when requested due to staff shortages.

ZMT believe that offenders themselves can be a useful tool for the prison to learn from and a training resource for staff and each other. There should be prisoner focus groups to help identify issues for staff and prisoners which could be very useful, since benchmarking there are fewer group meetings which is a retrograde step.

It is the view of ZMT that there is a lack of stability; the best governors move on too quickly and instead they should stay longer. Instability is also a factor in local prisons, where the population is by definition transient.

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<sup>1</sup> <http://www.independent.co.uk/news/uk/this-britain/prison-service-admits-it-is-institutionally-racist-710902.html>

Time spent with prisoners should be used more effectively and where information is shared it should be used appropriately.

Resettlement needs to be local to the community that the offender will return to. ZMT felt that community resettlement prisons will lead to fewer discrimination issues for ROTL.

ZMT feel that to learn the lessons, it is vital that the personal officer scheme is in place; staff and prisoners need to know each other. Mental Health awareness training and cultural training are vital, but no longer mandatory. ZMT and HMCIP say that 57 of the 88 recommendations from the original enquiry are not working effectively, although this is rejected by Ministers. It would be good for NOMS to be independently monitored to ascertain how well the recommendations are being met.

### **IEP**

ZMT said that the IEP scheme has a disproportionate effect on vulnerable prisoners. If they are on ACCT, a young adults' Care Plan is not taken into account for IEP. They may have a mental health issue that means that they don't realise they have done something wrong and that it will lead to punishment.

### **HEALTH AND MENTAL HEALTH**

ZMT told the panel that Zahid Mubarek had a drug problem and the community rehabilitation programme that he had been attending hadn't worked; it was felt by the courts that the only place left for him was prison. There is not enough effective support available in the community. There is a lack of diversion and referral available. Sometimes mental health problems may be over looked due to physical health issues.

It is an accepted fact that a high proportion of crimes for which short sentences are awarded are directly or indirectly drug-related. These short sentences do not allow enough time for prisoners to get any effective help to address their problems of dependency and addiction so they are given substitutes such as methadone which allow staff to manage the problem. ZMT reported that statistics show that one third of recorded deaths in custody for HMP/YOI Norwich were of prisoners who had died of a drug overdose within seven days of release. The death of a released prisoner within seven days of release is classified as a 'Death in Custody' after seven days the death no longer counts as a Death in Custody.

ZMT felt that there is not appropriate support available for prisoners feeling desperate who might be acting inappropriately and/or wanting to take their own lives. They just get put in the Segregation Unit for their behaviour because healthcare can't or won't deal with them; these are mental health issues and staff need training to recognise this.