

Written evidence submitted by the National Chair of Independent Monitoring Boards (FPP0016)

Introduction

1. Independent Monitoring Boards (IMBs) have a statutory duty to monitor conditions in prisons across England and Wales and to report on whether proper standards of care and decency are maintained. Their role includes observing and reporting on outcomes for prisoners in relation to their safety, fair and humane treatment, health and wellbeing, and progression and resettlement.
2. IMBs are also part of the UK's National Preventive Mechanism (NPM), set up under the UN Optional Protocol to the Convention against Torture, to prevent inhumane treatment in places of detention.
3. This submission is based on recent findings and observations of over 30 IMBs monitoring in prisons across England and Wales. It seeks to support the Committee in addressing the following terms of reference:
 - How effective is the Ministry of Justice's current strategy for safely and effectively managing the prison population?
 - What are the implications of the rise in the prison population for the resources required to manage prisons safely and effectively?
 - What is HM's Prison and Probation Service's current capacity to manage overcrowding safely and effectively?
 - What is the impact of an ageing infrastructure and are Victorian prisons fit for purpose?

Key points

- The rising prison population and lack of space in certain categories of prisons has meant prisoners have been moved around the estate in order to find the empty spaces. Allocating prisoners to establishments based on space and not based on the function of the establishment or the prisoners' needs has sometimes been ineffective. In some cases, it has disrupted establishments and other prisoners and negatively impacted on safety and stability.
- Crowding has had negative impacts on the conditions and treatment of prisoners, particularly in relation to decency, privacy, safety, progression and resettlement.
- IMBs reported widespread issues with the ageing infrastructure and physical condition of prisons. Older prisoners and prisoners with disabilities were most impacted by this and were often put in isolated or unsafe conditions due to inaccessible prison buildings.

Managing the rising prison population

4. The government's approach to managing the rising prison population has included moving prisoners into different category prisons to utilise empty spaces. Allocating prisoners to establishments based on space and not based on the function of the establishment or the prisoners' sentencing or resettlement needs has sometimes meant that prisoners are in the wrong prisons at the wrong time.
5. Several Boards of category C prisons noted that they were receiving prisoners shortly after sentencing, who should have spent time at a category B prison first. Some category C prisons did not have the resources to effectively manage category B prisoners and they often had a destabilising effect on an establishment – for example, Buckley Hall IMB noted an increase in violence, self-harm and use of force. In some prisons, there were difficulties transferring prisoners found unsuitable for category C conditions back to category B prisons.
6. IMBs monitoring in category D prisons similarly noted disruptive behaviour in prisoners who were transferred to the open estate as 'presumed category D' under the Temporary Presumptive Recategorisation Scheme (TPRS).¹ The open estate usually houses a stable population, who have been risk assessed as suitable for prisons with minimal security and are focused on employment, education or other resettlement plans and progressing towards release. Those in open prisons have usually served considerable sentences. Under TPRS, IMBs reported that in some instances, these prisoners were very different to the usual cohort and were unsuitable for the culture and regime offered in open conditions. Several IMBs noted the rise of violence and drug use and a higher proportion of prisoners associated with organised crime groups (OCGs) in open conditions following TPRS. Some TPRS prisoners were sent back to closed establishments.
7. While some Boards reported that population pressures had meant prisoners moved more quickly through the system to open conditions, for others it caused delays to their progression. Some category C Boards observed prisoners struggling to obtain transfers to open prisons, even after successfully receiving category D status by progressing through their sentence plans or evidencing changed behaviour, as the open estate became increasingly full (partly due to TPRS). For example, Pentonville IMB noted that a small number of category D prisoners were demotivated as they couldn't access the enhanced routine that they were entitled to there, and were under stress, as they had no certainty as to when a space would become available in the open estate so that they could be transferred.
8. Due to population pressures in adult prisons, over-18s can now be held in the youth estate. IMBs at some YOIs reported that young people over the age of 18 made up an average of 20-30% of the overall population at any one time. The presence of some of these young people, who are more challenging and don't have access to age-appropriate purposeful activity, contributed to the lack of stability within the youth estate. A small number of prisons are now limiting the age of prisoners they will hold.

Managing crowding

Accommodation and living conditions

9. Population pressures often made routine maintenance difficult or impossible. At Kirklevington Grange, the Board reported that when the prison was at capacity and a cell had to be taken out of use (for example during a bedbug outbreak) there was nowhere to rehouse them except in a holding room, which was detrimental to prisoners' wellbeing. At Pentonville, a window-replacement scheme deemed extremely important for escape prevention had to be halted because the prison was too crowded for the cells to be taken out of use. Wormwood Scrubs IMB reported concerns over prisoners living in cells which required repair, who could not be relocated for the maintenance work to be carried out.
10. Many Boards noted the extreme toll that sharing small cells had on the prisoners who lived in them. Several IMBs described them as indecent or unfit for purpose. A previous decision not to double-up cells due to decency had been overturned at one prison, due to crowding, despite no change in standards. Five Boards commented on missing or inadequate screens for cell toilets, which are often in close proximity to where prisoners eat their meals. Cells lacked the space for the furniture which should be provided, leaving prisoners without chairs or cupboards. These cramped conditions and lack of privacy exacerbated the strain of some prisoners spending up to 23 hours a day in a cell.
11. Crowding and capacity pressures meant that single cells were oversubscribed. This was even the case when it was acknowledged that prisoners needed a single cell for healthcare reasons; for example, Birmingham IMB described a prisoner who was still sharing a cell despite a GP declaring him unfit to do so. At Coldingley, over 70 prisoners were on an eight-month waiting list for a single cell. Boards such as Woodhill and Coldingley reported that many prisoners believed that violent or disruptive behaviour was the quickest or only route to gaining a transfer, which had become increasingly difficult to obtain due to lack of space elsewhere in the estate.

Cell sharing and safety

12. A serious consequence of crowding has been prisons' lack of capacity to separate prisoners who are vulnerable or pose risks to one another. IMBs reported that some vulnerable prisoners were being held on main location or in induction units long-term, leading to fears for their safety. Boards monitoring at prisons with high numbers of OCG members, such as Pentonville, Birmingham and Woodhill, reported significant difficulties in keeping prisoners apart when necessary for their safety. Several Boards highlighted that where prisoners could not be safely accommodated within the prison due to conflict, and where transfers could not be arranged to a different prison, prisoners were frequently located in segregation units for extended periods of time. For example, Wealstun IMB noted one prisoner awaiting a Category B transfer who was segregated for 72 days before being transferred, due to a lack of space in the prison estate.
13. Cell-sharing arrangements were a serious concern for many Boards. Several Boards noted an increase in violence, fights, adjudications and self-harm. Risk

assessments were not always carried out appropriately, due to the pressure to move prisoners off induction wings in some establishments, to reduce the number of those designated as 'high risk', or simply to double-up as many cells as possible. Dartmoor IMB observed vulnerable prisoners sharing with known aggressive prisoners, and Lancaster Farms IMB received complaints from Muslim prisoners who were made to share cells with prisoners who held Islamophobic views. Wormwood Scrubs IMB raised concerns over the lack of space to separate prisoners who were in conflict in their cell. At Birmingham, the Board reported that a high-risk prisoner was allocated a shared cell due to the lack of information received by the sending prison; the prisoner is now facing trial for allegedly murdering his cellmate. At Bristol, a man had also recently been charged with murdering his cellmate.

Time out of cell and purposeful activity

14. Limited time out of cell remained an issue at some prisons. For example, at Pentonville and Bristol, many prisoners spent up to 23 hours a day in their cells on average. Time out of room was a particular concern in the youth estate. All four IMBs monitoring at YOIs in England reported that staffing shortages had either caused or exacerbated these restrictions. Time out of cell was particularly limited on weekends across the adult and youth estates.
15. The already insufficient number of employment, education and training places in some prisons has worsened with current levels of crowding and has been further compounded by the impact of staff shortages. The problem was not limited to the closed estate: the IMB at Kirkham, an open prison, observed that regime activities were cancelled every week due to the pressure of increased numbers. Severely restricted regimes were particularly common for vulnerable prisoners and those segregated on wings, and the pressure of managing these cohorts had a knock-on effect on the regime of the main population.

Progression and release

16. Several IMBs reported on obstacles to progression throughout the estate, with many prisoners unable to secure progressive transfers in order to progress due to lack of space. High Down IMB described the 'frustration and hopelessness' these prisoners felt. Prisoners frequently struggled to access the offending behaviour programmes that they needed to complete due to long waiting lists and were unable to transfer to more appropriate prisons which offered these programmes due to lack of space elsewhere.
17. Prisoners who were released directly from local or training prisons were disadvantaged, as these prisons were not well-equipped for resettlement work. IMBs monitoring in the category D estate had concerns about the similar disadvantages that TPRS prisoners faced. As these prisoners were transferred to open conditions so close to the end of their sentences, they could not take advantage of many of the resettlement opportunities offered and staff were often left scrambling to draw together a release plan in time. Thorn Cross IMB commented that finding meaningful rehabilitative work for these prisoners was 'virtually impossible'.

18. Due to capacity issues, some prisoners were held outside of their local area, which created specific challenges for release. For example, Bristol IMB reported that due to insufficient capacity in prisons in the North, prisoners from the Midlands had been moved to Bristol, which created issues for probation and community services on their release, as they had no links to the local area. The majority of IMBs monitoring at prisons in Wales also noted a greater number of out-of-area prisoners being held in Welsh prisons.
19. Several IMBs reported that there was insufficient probation staff and offender management unit (OMU) staff to support progression (such as parole hearings) and resettlement. There was a lack of keywork and release on temporary licence (ROTL) opportunities at some prisons partly due to increased prisoner numbers and staff shortages. It was unclear to IMBs that were monitoring at prisons where additional places were being created (such as through rapid deployment cells) if extra resource, including OMU staff, would be put in place to accommodate more prisoners.

Staff shortages

20. Many IMBs reported that staffing shortages were compounding crowding issues, as the lower staff-prisoner ratio created additional difficulties for prisoners to access a full regime. Some prisons that were not crowded still experienced many of the issues outlined above (such as lack of purposeful activity, progression and resettlement support) due to staff shortages. For example, Bullingdon IMB, where the operational capacity of the prison has recently been lowered, reported that issues with prisoners accessing education was due to staff shortages.

Ageing prison infrastructure

21. While issues with the physical condition and standards of prisons are more acute in ageing and Victorian prisons, this was an issue across most of the estate, including prisons which were built in more recent decades (70s, 80s and 90s). The physical condition of the estate and its suitability for purpose was criticised by almost two-thirds of responding Boards. The range of issues was wide: problems with showers, ventilation, heating and vermin were particularly common, with Boards describing intolerably hot or cold temperatures, flooding and frequent sightings of rats and cockroaches. Too many prisons, such as Bristol, Coldingley, Long Lartin and Isle of Wight, still did not have sufficient in-cell sanitation, which meant prisoners rely on an electronic call system at night to use communal facilities. At Long Lartin, pots are used at the weekend, effectively 'slopping out'.
22. The toll of the ageing prison estate was felt most heavily by elderly prisoners or those with disabilities, who were referenced by over a third of Boards. Wheelchair users faced particular challenges, as cell doors and beds were usually not accessible to them. It was common for elderly or disabled prisoners to be accommodated in healthcare units, and in some cases in segregation units, due to a lack of appropriate accommodation elsewhere. This resulted in prisoners missing out on socialisation, purposeful activity and domestics, or resorting to

unsafe methods to move around the prison. A lift at Pentonville was almost always out of service, resulting in prisoners needing to be carried up and down stairs; the Board witnessed a prisoner with an amputated leg hopping up the stairs. Two Boards, Dartmoor and Lancaster Farms, reported prisoners sleeping on the floor because neither they nor their cellmate could climb onto the top bunk.

October 2023

¹ The Temporary Presumptive Recategorisation Scheme (TPRS) is a HMPPS measure designed to facilitate the presumptive recategorisation of prisoners from category C to category D to best utilise prison spaces.