



Ministry  
of Justice

Lord Timpson  
Minister of State for Justice

Chair, Independent Monitoring Board  
HMP/YOI Foston Hall  
Derby  
DE65 5DN

MoJ ref: SUB126680

22 September 2025

Dear Chair,

**HMP/YOI FOSTON HALL: INDEPENDENT MONITORING BOARD ANNUAL REPORT  
FOR 1 DECEMBER 2023 – 30 NOVEMBER 2024**

Thank you for providing your Board's annual report on HMP/YOI Foston Hall. I am grateful to you and your colleagues for your hard work that has been put into capturing your helpful observations, especially as ended the reporting period with several vacancies. Please relay my thanks to all the Board members for their endeavours.

I was very sorry to learn that a woman died during the reporting year, shortly after release. I offer my sincere condolences to all her friends and family and would like to reassure the Board that recommendations made by the Prisons and Probation Ombudsman are taken very seriously.

I appreciate the Board's ongoing concern about mental health services. I can advise that the Mental Health Bill was introduced to Parliament on the 6 November 2024 which introduces several flagship reforms to improve access to mental health care and treatment. These include a new statutory 28-day time limit for transfers from prison and other place of detention to hospital; preventing courts from temporarily detaining people with severe mental illness in prison as a place of safety; and ending the use of remand for people's own protection under the Bail Act. The Ministry of Justice is also working to intervene early and divert offenders with mental health needs away from prison where appropriate through several means. These include working with NHS England to strengthen Liaison & Diversion pathways, as well as piloting a regional North East Health and Justice Hub, with His Majesty's Courts and Tribunal Services and NHS England. In addition, the Women's Justice Board has been launched with the clear goal of reducing the number of women going to prison, with more managed in the community.

I am aware that in March 2025 the Care Quality Commission's regulatory report on the Mental Health Act 1983 (MHA), covering 2023/2024, found inpatient services in the UK lacked sufficient beds. It is worth noting that across the NHS England Midlands Region, senior leaders from across Health and Justice Commissioning, Specialised Commissioning and Provider Collaboratives are looking strategically at what changes can be made to improve access to secure mental health beds. In recognition of the demand on mental health services at HMP/YOI Foston Hall, a business case is in development for submission to NHS England commissioners to consider an increase to the mental health team staffing resource.

I recognise your concerns around the impact on the prison environment of high numbers of remand prisoners, short-sentence prisoners, and prisoners recalled for 14 days and we are addressing this. This Government is working to reduce court backlogs that have contributed to a high remand population. In March the Lord Chancellor announced record funding for Crown Courts to enable more sitting days. The Leveson Review has also been commissioned to review criminal courts to ensure a more efficient

system. You will be aware that the recently published Independent Sentencing Review recognises the adverse impacts on women of short custodial sentences. It therefore recommends that short custodial sentences are only used in exceptional circumstances. The review also recognises that short fixed-term recalls are ineffective and disruptive to individuals, recommending a new recall model that tightens the threshold and replaces short-term recalls with a longer fixed-term recall period for the most serious non-compliance and risk.

In terms of how we are addressing the impact that debt can have on the safety and stability of a prison, HMP/YOI Foston Hall has been participating in a research study into the nature and effect of debt in prisons with the final report due later in 2025. A Debt Framework has also been developed for Governors, alongside other operational resources, to equip frontline prison staff to better support prisoners with this issue. Specifically, within women's prisons, HMPPS Women's Group and HMPPS Safety Group plan to convene a forum with partners to identify and share promising practice for the delivery of safer outcomes. In January 2025, HMP/YOI Foston Hall successfully hosted a Safety Summit, which has resulted in an action plan being developed to make further improvements and the prison is continuing to analyse intelligence to intercept illicit items. I also welcome the opening of the incentivised substance free living unit and I am heartened by the positive feedback that the Board has collated from prisoners on this. I am pleased therefore that the capacity has recently been increased to offer further opportunities to prisoners.

Please be assured that the Ministry of Justice continues to raise awareness of the specific issues faced by women who offend, including pregnancy, through the completion of pre-sentence reports and briefing materials to court staff. However, sentencing it is a matter for the judiciary who have a statutory duty to follow all relevant sentencing guidelines, developed by the independent Sentencing Council for England and Wales. The mitigating factor for pregnancy, childbirth, and post-natal care came into force on 1 April 2024 and sets out that courts should consider the effect of the sentence on the physical and mental health of the pregnant offender and on the unborn child.

Mothers and pregnant women in custody do need the best possible care and I am pleased that pregnant prisoners feel supported at HMP/YOI Foston Hall. Dedicated Pregnancy and Mother and Baby Liaison Officers have been recruited in all women's prisons and there is mandated multidisciplinary care planning for pregnant women including additional welfare observations in their third trimester. We have also introduced additional training for new Prison Officers on the care of pregnant women and are piloting a dedicated prison-based social worker role, with four currently in post.

Despite your concerns, I was pleased to read that staff are dedicated to ensuring the safety of prisoners and that there has been a significant reduction in self-harm incidents. It was also encouraging to note the positive interactions between prisoners and prison staff and the considerable care that is provided.

I note you have raised some local issues of concern in your report which the Governor will continue to keep you aware of as work continues. HMPPS's comments in response to the three concerns raised in your report for its consideration are set out in the attached annex.

The Lord Chancellor and I continue to value the important role played by members of Independent Monitoring Boards throughout the estate. We thank you for your continued hard work on behalf of HMP/YOI Foston Hall.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'James', written in a cursive style.

**Lord Timpson**  
**Minister for Prisons, Probation, and Reducing Reoffending**

## HMP/YOI FOSTON HALL: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 DECEMBER 2023 – 30 NOVEMBER 2024

### **HMPPS comments on matters raised in the report**

#### **Accommodation**

Further to last year's response, it is recognised that the fabric of D Wing and the Care and Separation Unit buildings at HMP/YOI Foston Hall required attention. Significant additional requests will be submitted to address these, but as previously indicated HMPPS is having to prioritise works very carefully to make best use of the funding available, by focusing on risk to life and risk to capacity and decency. In the interim, cosmetic improvements have been seen in these areas and a Clean Rehabilitative Enabling and Decent (CRED) programme is being reintroduced across the prison. The three person rooms on D Wing have been removed and the new shower block has been installed, but this has not been used yet due to legionella concerns. However, works are planned to install bacteria filters to ensure all outlets have another layer of protection, along with two new boilers to service the water system. Additionally, an integrated fire alarm system has recently been installed to improve fire safety.

#### **Prisoners' Property**

We recognise that limited progress has been made around this concern and careful consideration is being given to the findings in the IMB national thematic report on how property loss impacts on prisoners, as well as those received from Independent Prisoner Complaint Investigations following a thematic review of the property complaints they have received in the last five years. As the Board identifies, a common area for problems is when excess prisoner property is forwarded on when a prisoner transfers. We know that when Prisoner Escort and Custody Service (PECS) suppliers transfer property within the volumetric control limits of the Prisoners Property Framework there are few complaints for lost property overall. During the 12 months up to 31 March 2025 there was one complaint received from HMP/YOI Foston Hall, although this was not in relation to the loss of property attributed to PECS. It is therefore key that prisoners comply with volumetric control limits, since anything within those limits will transfer with them. HMPPS is focusing on what more can be done to ensure compliance with the requirements of the Framework.

Locally at HMP/YOI Foston Hall, it is recognised that an increase in reception and discharge numbers has had an impact, with some delays for prisoners accessing property. However, the reception function has continued to be staffed daily to the prison's profile and additional assurance processes have been introduced to maximise the distribution of property for prisoners. Every effort is also being made to obtain excessive and missing property from the sending establishments, with the prison Business Hub continuing to communicate with prisons that have not sent on the property of a prisoner.

#### **Body Scanners**

The current X-Ray Body Scanner Policy Framework which governs use of the technology only applies to the adult males. The decision to scan women has been under review at a national level and advice was submitted to Ministers, with an intention to roll out to x-ray body scanners into women's prisons.