

22 August 2006

**DBM 05/06**

**TO: MEMBERS OF INDEPENDENT MONITORING BOARDS IN PRISONS AND IMMIGRATION REMOVAL CENTRES**

cc: Governors and Directors at Prison Establishments  
Managers of Immigration Removal Centres  
Clerks to the IMBs in Prisons and IRCs

Dear Member

**BOARD MEMBERS AND LEGAL/QUASI-LEGAL PROCEEDINGS**

The National Council and the Secretariat have been asked by a number of Board members to clarify how they should respond to requests for assistance and support from prisoners/detainees or prison/centre staff who are contemplating, or involved in, litigation or other legal or quasi-legal proceedings. Such requests for assistance may take the form of providing a witness statement, acting as an appropriate adult for a prisoner/detainee, or as a Mackenzie friend for a member of the prison/centre staff.

It is important that Boards should have an interest in ensuring prisoners/detainees receive the support they require but it is not the IMB's role to provide that support. The role that IMBs play is listed in Prison Rules 77 and 78 and Immigration Rule 61.

Boards and Board members should have due regard to the independent nature of their role and avoid taking any action which could be perceived as aligning themselves with either prisoners/detainees or staff and prison/centre management. This does not prevent IMB members from assisting to put a prisoner/detainee in touch with appropriate advice/assistance (for example the local Citizens' Advice Bureau or other prisoner or detainee legal advice organisation).

We would recommend that where a Board member is witness to an incident that may, or has resulted in litigation and is approached for a witness statement, s/he should ask that the request is made formally, in writing, by the individual's legal representative or prosecuting authority. You should avoid volunteering to provide a statement or responding to an informal or casual request as to do so (whilst your motives might be irreproachable) may be perceived as compromising independence or 'taking sides'.

Where the assistance sought would lead you to become involved with some form of process/system within the prison you should decline politely, explaining your monitoring role and the importance of preserving the Board's independence. Requests to act as an appropriate adult to a prisoner/detainee or Mackenzie friend to a member of staff should always be declined as these are roles which fall outside the IMB remit. The IMB Secretariat is unlikely to be in a position to provide support and guidance to Board members who take on roles beyond that of the IMB.

Board members who are concerned about any aspect of this note are invited to speak to their National Council representative or Anne-Marie Stephens in the Secretariat on 0207 035 2270

Yours faithfully

A handwritten signature in cursive script, appearing to read 'Jo Jenkins', is centered on the page.

**Norman McLean**  
**Head**  
**IMB Secretariat**

**Jo Jenkins**  
**National Council**