

## **MINUTES OF THE NATIONAL COUNCIL MEETING HELD ON WEDNESDAY 5<sup>th</sup> DECEMBER 2007**

Present:

Sir Peter Lloyd (Chair)	- President, National Council.
John Weightman	- North East, Yorkshire & Humberside
Sheila Royle	- North West
Richard Brown	- South West
Sue Simkin	- Eastern
Jo Jenkins	- Wales and West Midlands
Richard Gully	-Thames Valley, Hampshire & Isle of Wight, London
Jane Wright	- East Midlands
Peter Booth	- Immigration Removal Centres
Dencer Brown	- Co-opted for Diversity
Steve Reeves	- Co-opted for Training
In attendance:	
Norman McLean	- Head of the IMB Secretariat
Anne-Marie Stephens (Secretary)	- IMB Secretariat
Dr Peter Selby	- President-designate
Barbara Bradbury	- Wales and West Midlands (elect)
Lesley Harvey	- South Central (elect)
Mike Davis	- North West (elect)

### **Item 1 – Apologies for Absence**

1.1 Apologies for absence were received from Jane King, Kent, Sussex and Surrey, and Steve Kilbey, Deputy Head of the IMB Secretariat.

### **Item 2 – Minutes of the Previous Meeting (7<sup>th</sup> November 2007)**

2.1 The minutes of the previous meeting have been circulated and approved via e-mail and issued to Boards under cover of DC 20/07 and IMM 16/07 on 26<sup>th</sup> November 2007.

### **Item 3 – IRC Forum Report**

3.1 The IRC Forum met on 13 November and the annual IRC Study Day was held on 14 November. Current issues of concern include deportation delays in regard to sentence expired prisoners and frustration over the increase in cancelled court appearances, medical and dental appointments. Peter Booth attended a meeting with G4S to discuss how the problem of cancelled appointments might be addressed.

### **Item 4 – Matters Arising/Update Report (paper NC 29/1)**

4.1 Paper NC 29/1 was noted and the following items updated:-

- *April 2007, Item 16, New Chair's file* – issued at new Chairs Course in November 2007 and well-received by participants.

- *July 2007, Item 13 & November 2007, item 16, Monitoring STCs* – Norman Mclean has spoken to Graham Robb, interim Chair of the Youth Justice Board, about the perceived gap in independent monitoring of STCs. Mr Robb is keen to have a meeting with Norman and John Weightman. Action on writing to the Secretary of State to await outcome of further fact-finding.
- *September 2007, Item 6, Training Manager* – Trawl for Training Manager to be issued in early December.
- *September 2007, Item 8, IT Scoping Study* – no longer an issue as overtaken by events.
- *November 2007, Item 10, DWG* – sampling annual reports to be discussed at next DWG meeting.
- *November 2007, Item 16, use of Pava spray and POA proposal to use extendible batons in YO establishments* – Peter Lloyd has written to David Hanson

#### **Item 5 – Industrial Action (paper NC 29/2)**

5.1 A draft DC providing guidance to Boards on their role in the event of industrial action taken by prison staff was circulated after the last meeting. It was agreed that the 10 point summary should form the basis of the guidance to staff and that a reference should be included on when intervention may be appropriate on humanitarian grounds.

**ACTION: Draft DC to include additional guidance on when intervention may be appropriate on humanitarian grounds.**

**ACTION: DC to be sent to the DG of the Prison Service and Chair of the POA for information before its issue to Boards.**

**ACTION: Reference to DC contents to be included in IMB Reference Book and DC itself to be included in the Chairs resource folder.**

#### **Item 6 – Usefulness of Area Meetings**

6.1 It was apparent from members' experiences that, with 2 or 3 exceptions, IMB relationships with Area Managers (and also ROMs) are very good and that Area meetings are well attended both by AMs and by Boards. It was noted that some Boards in the High Security estate do not see a need to attend Area Meetings and the NC expressed concern over this, given that the population in High Security establishments is not restricted to category A prisoners.

#### **Item 7 – Update reports**

7.1 **High Security Estate** A meeting of Boards in the High Security estate took place on the 3<sup>rd</sup> and 4<sup>th</sup> December. Issues raised included concerns over the monitoring of SIRs; the effects of budget cuts; and the increase in the number of sentenced terrorists and alleged terrorists held on remand, a few of whom have to be held in segregation for

their own protection. Indoctrination of other Muslim prisoners and the selection of, and relationships with, Imans are also key issues at present.

**7.2 Juvenile Estate** A meeting of Boards in the juvenile estate was held in early November. Principal concerns include capacity; instability; distance from home; transfer from the juvenile to young adults estate; late arrivals; and a lack of offending behaviour courses. The next juvenile groups meeting will take place in May 2008 and will be attended by Stephen Shaw and Ellie Roy, Chief Executive of the YJB.

7.2.1 The Prison Service and YJB share Boards' concerns but they have limited resources to address them and therefore welcome Boards raising these issues in their reports.

7.2.3 The Prison Service has invited the National Council to contribute to its review of better ways of managing violent children in the penal system.

**ACTION: John Weightman to recast paper on use of extendible batons in the YO estate and circulate draft to NC.**

**ACTION: Response to Prison Service to be copied to Lord Carlile.**

**7.3 Women's Estate** A meeting of the Boards in the women's estate was held in mid-November. Unfortunately only 8 of the 14 chairs were able to attend. Chairs have been invited to comment on the draft Gender Specific Standards for Women Prisoners by 1<sup>st</sup> January 2008 which has been prepared in response to recommendations in the Corston Report and criticisms by the Chief Inspector regarding the lack of gender specific treatment of women in custody.

7.3.1 15 Women were locked out on the night of 14<sup>th</sup> November. Talks between the Women's & Young Persons Group and Prisoner Management Unit have taken place to ensure that it does not happen again.

**7.4 Contracted Estate** Biannual meetings are attended by the 14 Boards in the contracted estate. This is a disparate group reflecting the various contracts involved and has a wide geographic spread. The NC must ensure that all documents it drafts reflect the differences in the contracted estate.

7.4.1 In future each Board Chair will have to develop a relationship with their own ROM as the only centrally placed link at strategic level.

7.4.2 There continue to be problems receiving timely responses to annual reports.

**7.5 Open Prisons** Sue Nicholas has already organised a meeting of Chairs in the Open Estate and another has been requested and will probably take place in the Spring.

**7.6 Inter Board Exchange (IBE)** The aim of IBE is to ensure that Boards have a mutual support network from comparable parts of the IMB estate in order to improve the quality of monitoring through the sharing of best practice. The Boards in the High Security, Juvenile, Women and Open estates have already formed their own groups (see above) but the aim of the IBE project is to help Locals, Category Bs and Cs find a way to exchange views and information. Although some work has been done in respect

of Locals, the response has been poor and further thought needs to be given to how IBE might be taken forward for these larger groups of Boards.

**7.7 NOMs** Since Christine Knott, the National Offender Manager, left NOMs it has proved difficult to maintain a good and consistent line of communication at a higher level or identify any individual responsible for dealing with IMB issues.

### **Item 8 – Joint Projects**

**8.1 Retail Project Programme** Implementation will be late summer/autumn 2008. The six bids received are being reviewed. The potential to scan prisoners' orders rather than key them in on receipt as at present is being investigated. Additional lists will be available for groups such as vegans, women and BME prisoners. The present range extends to 1000 different items and confectionary is now cheaper from a prison canteen than from High Street retailers.

**8.2 IPP Review** The Prison Service review concluded over the summer, but the outcome of the Carter review of the future of the Prison Service, which will examine many of the same issues, is currently awaited - meanwhile the problem continues to grow. **[Secretary's Note – Carter Report published on 5<sup>th</sup> December]**

**8.3 Property** The Working Group, which includes representatives of the Ombudsman and HMCIP, decided to focus on prisoner property issues in the High Security estate with the intention of looking at the rest of the estate at a future date. Steve Wagstaff has welcomed its initial observations and nominated Chantel King, Deputy Governor at Long Lartin, to join the working group. Another meeting is to be arranged.

### **Item 9 – Policy Areas Review**

**9.1 Learning & Skills** The Learning & Skills survey is currently with pilot establishments and due to be returned to the L&S Support Group by 14<sup>th</sup> December. Both the L&S Support Group and some individual Boards have responded to a consultation document from the Learning & Skills Council. A particular concern has been the decision not to fund provision of courses to prisoners sentenced to 12 months or less even though assessments of their learning and skills needs continue to be conducted.

**9.2 Healthcare** The Healthcare Support group meets again on 14<sup>th</sup> December. Ongoing issues include:- completion of research on the Segregation Project and good practice guidelines issued for consultation; draft guidance on immunisation sent to Offender Health for review with comments awaited; guidance on involuntary medication to be discussed with Offender Health.

**9.2.1** The transfer of responsibility to PCTs is now complete for public sector prisons. Private healthcare is provided in contracted prisons although some receive their mental health services from their local PCT. The complaints procedure in the contracted estate is not sufficiently transparent but Offender Health is working to develop a Memorandum of Understanding with contracted prisons which should address this.

**9.3 Safer Custody** As of 30 November there have been 83 self-inflicted deaths (the figure for the whole of 2006 was 67). Of these, 7 were women. It is difficult to identify links and trends and there doesn't appear to be any simple relationship to overcrowding or the rising prison population. However, the 2007 data has shown that some prisoner groups appear more vulnerable than previously. These include long term prisoners, particularly lifers and IPPs, and foreign prisoners.

9.3.1 At the last 'Ministerial Roundtable on Prison Suicide' on 13<sup>th</sup> November David Graham, representing the NC raised two issues:- concern that the practice of carrying the "Big-Fish" cut-down tools differs within the contracted estate compared to the public sector and the problem of "medical in confidence" being a barrier to information sharing, mainly between healthcare and discipline staff and the risk this could feature in some deaths in custody. Regarding the "Big-Fish" cut-down tools, Maria Eagle, confirmed that the differences between the contracted and public sector establishments will cease as of April 2008. David Graham provided examples of useful practice in information sharing at The Mount and Norwich and this issue will be reviewed more fully at the next Roundtable meeting.

**9.4 Foreign National Prisoners** Draft guidance to Boards on monitoring the current situation was circulated to NC members for comment. Sue Simkin and Peter Booth met officials at CCD (Criminal Casework Directorate) in the BIA (Borders & Immigration Agency). The meeting had been very useful and further information was being obtained from CCD in particular about the implementation of the UK Borders Act 2007. Sue Simkin informed the NC that CCD's reported improvements are not being reflected in the number of SED still in the system which has increased from the same time last year. Sue Simkin will be writing to NOMs on behalf of the NC, copying the Deputy Director-General, to highlight continuing concerns about the management of FNPs.

**9.5 Diversity** The next meeting of the DWG will be on 11 December and will be attended by the 4 new members of the working group. A meeting with Bilkis Malik is planned to discuss progress on the clustered recruitment campaigns.

**9.6 Mubarek** Sir Peter Lloyd is drafting a DC letter reminding Chairs that the Chairman of the Inquiry asked that Boards monitor prison service implementation of the Inquiry recommendations. Input has been received from the Healthcare Support Group, the Diversity Working Group, the IT Scoping Study Group and David Graham on safer custody issues.

**9.7 Recruitment & Retention** The next meeting of the R & R working group will be on 11 December. Priorities include appointing a lead Independent Interviewer. It is recognised that the work of the R&R Group, the DWG, Training Support Group (TSG) and Communications Working Group is complementary and a meeting of the Chairs of these Groups is therefore proposed for the new year.

**9.8 Probationary Year** The probationary year arrangements have been in place since January 2007 but many Boards have been following it as good practice for new members who took up post before the scheme's implementation date. The signs are that course members attending new members training are much better prepared than in earlier years and the R & R Group will be looking at whether it has made a positive difference to retention rates. The issue of whether members on probation may hold Board office was raised on the recent New Chairs Course.

**ACTION: National Council to consider whether members on probation may hold Board office and issue guidance.**

**9.10 Annual Reviews & Quinquennial Reappointments** The National Council was pleased with the constructive comment and criticism received from Boards asked to comment on the draft procedures. Contributions will be used to fine tune the proposed process. The National Council was, however, concerned that a small number of Boards were failing to follow good practice e.g. “we don’t keep records of when we come into the prison”. Nor did it accept the view that Chairs should not be reviewing how Board members are carrying out their role; the Council is of the opinion that such a review should be conducted on at least an annual basis. It was agreed the issue should be revisited in the new year.

**9.11 Training** The trawl for the Training Manager will be issued in December with a view to making an appointment early in the new year. A new approach to module development for training courses was trialled for the recent New Chairs Course and will be evaluated over the coming months. The possibility of introducing an NVQ for IMB work is being researched by the Training Support Group (TSG).

**9.12 Authority of Chairs** A paper identifying key issues was prepared by Jane Wright over the summer. It was agreed that the TSG should now take this work forward with a view to discussing the subject with Chairs who will be invited to a workshop following their attendance on the recent New Chairs Course.

**ACTION: Steve Reeves to add ‘Authority of Chairs’ to the TSG agenda.**

**9.13 Communications & Website** Jane King’s report was noted, in particular the excellent response to the trawl for a network of speakers. Because of their high calibre, all 80 will be appointed for a period of 3 years from 1<sup>st</sup> January 2008. A sub-group of the Communications Working Group is looking into alternative scenarios to capitalise on publicity surrounding Peter Selby’s appointment.

**ACTION: NC members to provide Norman McLean with topics that Peter Selby might focus on when speaking to the media.**

**9.14 Annual Conference** After visiting a variety of possible venues for next year’s annual conference the favoured option remains Keele University, probably on the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> September. A number of planning meetings have already been scheduled for the new year.

**9.15 IMB News** The next edition of IMB News will be published during the week commencing 17<sup>th</sup> December. It was agreed that the time was right to review the purpose of IMB News and whether its current content and format continued to be appropriate.

**ACTION: Communications Working Group to review IMB News.**

**ACTION: John Weightman to write to Editor of IMB news to invite his participation in the review.**

**9.16 Annual Reports** Most Boards are now using the template and at a recent meeting with Phil Wheatley and staff in his briefing unit it was clear that the new format has been fully welcomed by the Prison Service. It was agreed that Boards might find it helpful to know exactly what is done with their reports once they are received by the Prison

Service, Office for National Commissioning, BIA and other stakeholders. It was also agreed that better use should be made of annual reports to provide broad based information on national issues and opportunities to put collective weight behind the representations of individual Boards. **[Secretary's note: a new member of staff will be joining the Secretariat to work exclusively on managing and analysing annual reports].**

**9.17 Reference Book** The Reference Book Working Group continues to meet regularly and is currently updating the current version of the Reference Book (which can be found on the IMB website [www.imb.gov.uk](http://www.imb.gov.uk))

**9.18 Segregation** The final draft of revised PSO 1700 has been sent to Operational Publications Group with a probable publication date of Spring 2008.

**9.19 Conduct & Discipline** A paper on proposed amendments to the conduct and discipline procedures will be put to the National Council in February 2008. In the meantime it is important that newly elected NC members receive training from Jacky Erwtman.

**9.20 Amendment to Prison Rules** The list of proposed amendments to the Prison Rules drawn up by Jo Jenkins and Sue Simkin will be put to Legal Advisers following clarification by Sue and Jo of issues raised by the Secretariat.

**9.21 Deportation with Assurances** The initial sift for the Escort Monitor role will take place soon..

**9.22 OPCAT** Norman Mclean, Sue Simkin and Jo Jenkins attended a conference on OPCAT organised by the Ministry of Justice and Sue gave a presentation on implications for IMBs. The requirement for employment of professionals is being given less emphasis but the NC will need to address a number of other issues which may affect IMBs.

**9.23 IMBs for Holding Rooms** The Heathrow Board is working well although lack of clerical support and accommodation for Board meetings has to be resolved. 28 applications have been received from current Board members to join the North and Midlands Board.

**9.24 Transport** Long distance journeys, late drop-offs and inadequate refreshments and facilities, especially for young people and women, continue to be of serious concern to Boards. Prisoners who have applied for compassionate or accumulated visits are being slotted in on an 'as and when' basis because single journeys are no longer being arranged.

**9.25** Peter Selby asked NC members to give some thought to which portfolios they would like to retain and which they would be happy to pass on to another member. He will be telephoning all 2008 members in early January to discuss the allocation of special interest areas. An official IMB email address will be set up for Peter in the new year which will be available to all IMB members. In the meantime, NC members were asked to advise members to send any message for Peter via Anne-Marie in the Secretariat. He was happy for his personal contact details to be used by NC members, but they were not for wider distribution.

### **Item 10 – Meetings Next year**

10.1 Over the past year the NC has invited outside guests to a couple of meetings and this has been mutually informative. Regular meetings between Phil Wheatley and Sir Peter Lloyd, accompanied by one or two NC members, to discuss key issues have also proved useful. David Hanson, the Prisons Minister, plans to meet the National Council at its February meeting and Maria Eagle, the Minister who deals with IMB matters on a day to day basis, has accepted an invitation to attend a meeting later in 2008.

### **Item 11 – Quality of Work**

11.1 It was agreed that this was an issue for future consideration.

### **Item 12 – NC Business Plan (paper NC 29/3)**

12.1 The Business Plan was noted.

### **Item 13 – Secretariat Report (NC 29/4)**

13.1 The Secretariat report was noted.

### **Item 14 – Issues Arising from Constituency Meeting**

14.1 The following issues were discussed:-

#### *14.1.1 Updated Chairs list*

**ACTION: Updated Chairs list to be sent to all NC members**

14.1.2 *Board budgets*: Concerns that Board budgets are based on historical data and do not necessarily reflect increased membership levels; this often leads to budget overspends. Norman McLean pointed out that Board expenditure, by the very nature of IMB work, is demand led and, whilst the Secretariat accepts this, budgets cannot be increased in-year because there are no contingency funds. However, there is no question of Boards being told not to go into their prison or IRC because of budget overspends.

14.1.3 *Touch Screen information*: If touch screen information is to be rolled out to establishments Governors should be made aware that IMBs are to be included in all information provided to prisoners

**ACTION: Sheila Royle to speak to Mike Spurr.**

14.1.4 *Low risk prisoners*: Concerns over the number of low risk prisoners including lack of proper administration, the effects on regimes and overcrowding, and potential self-harm issues.

**ACTION: To be noted for the future with other sentence related matters.**

14.1.5 *Prisoner Information Book*: Request for NC review of PIB from Offender Policy & Rights Unit of the Prison Service.

**ACTION: John Weightman to conduct preliminary review.**

**Item 15 – Any Other Business**

15.1 Jane Wright thanked NC colleagues for their support during her recent period of ill health.

**Item 16 – Date of Next Meeting**

16.1 The next meeting will be held on 5<sup>th</sup> and 6<sup>th</sup> February 2008 at the Menzies Cambridge Hotel.

December 2007