

MINUTES OF THE NATIONAL COUNCIL MEETING HELD ON TUESDAY 4th & WEDNESDAY 5th APRIL 2006

Present:

Mr John Weightman (Chair)	- North East, Yorkshire & Humberside
Mrs Sheila Royle	- North West
Mr Simon Nieboer	- South West
Mr David Graham	- Eastern
Mrs Sue Nicholas	- East Midlands
Mrs Jane King	- Kent, Sussex and Surrey
Mr Richard Gully	-Thames Valley, Hampshire & Isle of Wight, London
Mrs Jo Jenkins	- Wales & West Midlands
Mr Peter Booth	- Immigration Removal Centres

In attendance:

Mr Norman McLean	- Head of the IMB Secretariat
Mr Steve Kilbey	- Deputy Head of the IMB Secretariat
Miss Anne-Marie Stephens (Secretary)	- IMB Secretariat

Item 1 – Apologies for Absence

1.1. Apologies for absence were received from Sir Peter Lloyd.

Item 2 – Minutes of the Previous Meeting (7/8 February 2006)

2.1 The minutes of the previous meeting had been circulated and approved via e-mail and issued to Boards under cover of DC 03/06 and IMM 03/06.

Item 3 – Draft Terms of Reference for Training Strategy Group

3.1 At its previous meeting the National Council acknowledged that one of the priorities to come out of the training review was to establish a Training Strategy Group (TSG). The National Council was now asked to consider draft terms of reference for the TSG which had been drafted by members of the National Council and the Secretariat and agreed with the National Tutors. The proposal is that training strategy should be driven by the monitoring needs of the Boards and should be the responsibility of the National Council, to whom the TSG will be accountable. The TSG will include representatives from the NC, the Secretariat, National Tutors, a training co-ordinator and ad hoc specialists as required. In this way there will be input to both national and local training needs and a more coherent link between the two.

3.2 The role of training co-ordinators will be enhanced, especially in respect of new member training. The training co-ordinator representative on the TSG will be selected following a national trawl.

3.3 The TSG will delegate to sub-groups a range of issues concerning training. Some of these sub-groups already exist or are in the process of being established e.g. the Diversity Working Group, the Healthcare and Education & Training Support Groups. Others will be established to consider the training needs of, e.g. new members, established members.

3.4 Particular note was taken of items 5 and 11 of the proposed terms of reference. Item 5 concerned clarifying and communicating the standards of each part of the prison regime against which Members should monitor. Reservations were expressed over the possibility that this suggested Boards were taking on an inspection or an audit role. It was agreed that this item should be clarified. Item 11 concerned deciding which training courses should be mandatory. It was agreed that certain courses must be attended and appointment as a member or a Board officer should be conditional on attendance.

3.5 The National Council agreed that the TSG should be established at the earliest opportunity and that the proposed terms of reference should be adopted, subject to the above amendments and reference to IRC IMBs.

ACTION: Simon Nieboer and Peter Booth to establish TSG with support from the Secretariat.

Item 4 – Immigration Holding Rooms

4.1 The Minister, Tony McNulty, has now approved the proposal to create four new IMBs to monitor the 34 immigration holding rooms. It is proposed that the new Boards will consist initially of up to six experienced members seconded from existing prison and IRC Boards, who will then recruit new members to join the Boards. Each Board is likely to have a complement of around twelve members. The locations at the ports and airports and the short term residential holding facilities are likely to be monitored at least weekly, and the internal reporting centres are likely to be visited monthly. The standards against which the Boards will monitor the welfare of detainees have been obtained from the Immigration and Nationality Directorate (IND) and will be included as part of the training to be given to members monitoring these new locations. The highest profile area and the one which IND would like to see monitored first is Heathrow. It is likely therefore that a Board for that location will be in the forefront of the planning and it is hoped that it might be operating by the Autumn. Establishment of the other Boards will follow closely behind and they might be operating by the end of 2006/beginning of 2007. The newly completed “Commissioning new Boards” paper (J Jenkins/D Graham) will be used as a standard procedure to set up the above new boards.(see item 15).

Item 5 – Annual Reports

5. 1 The National Council noted paper NC 17/3, a draft of the Annual Report template and guidance. The draft was well-received but it was agreed some further work was required. There was concern over replication of sections and that Boards were being required to express an opinion on the general performance of the prison which, it was thought, some would find difficult to do. It was suggested that inclusion of an “overview” should be optional but at the same time the NC agreed that “taking the temperature” of

the prison was essential and that this should be reported on by Boards. The NC also agreed that statistics should not be included indiscriminately but only used as supporting evidence. It was recommended that once a final draft was agreed, it should be shown to key stakeholders to ensure it meets their needs. It was also recommended that the finalised template and guidance should be issued to all Board members since the whole Board, not just the Chair, is responsible for producing the report.

5.2 It was noted that a member of the Communications Working Group has agreed to prepare advice on handling the media which will be included in the guidance.

ACTION: NC members to provide further feedback of style and content to Anne-Marie Stephens by 30 April.

ACTION: Sir Peter Lloyd, Sue Nicholas and Anne-Marie Stephens to amend draft in the light of comments received.

ACTION: Draft to be shown to key stakeholders for their input.

ACTION: Agreed template and guidance to be issued to all Board members.

Item 6 – Probationary Year

6.1 To conform to Cabinet Office rules, all new policy developed by the Home Office must now undergo an equality impact assessment. To this end, the probationary year paper has been reviewed by the Diversity Working Group and also by Abdul Rob who leads on diversity issues in NOMS. Mr Rob has not offered any comment but the Diversity Working Group will be making some suggestions about presentation.

Item 7 – Independent Interviewer Scheme

7.1 Analysis of the questionnaires returned by Independent Interviewers and Chairs who have used the scheme shows that it is generally working well and has been welcomed by Chairs. Some operational matters need to be addressed including ensuring that all those in the independent interviewer pool have an opportunity to carry out the role; that dates are mutually agreed between the Chair and the allocated independent interviewer; and that sufficient time is allowed for the interview process.

7.2 There was also the question of whether the independent interviewer's remit should include the wider recruitment process or just the interview as at present and it was finally agreed that responsibility for ensuring that a proper recruitment and advertising campaign has been conducted should lie with the Secretariat. One proposal was that when a Chair contacts the Secretariat to allocate an independent interviewer, she or he should be asked a series of questions about how the Board has handled the recruitment process up to that point. If the Secretariat is not satisfied that the recruitment process has been conducted in accordance with the guidance issued, it may defer the allocation of an independent interviewer. This process will ensure validation of the work that the Board puts into the recruitment process but clearly they will need to know what is expected of them by the Secretariat. Once the Secretariat allocates an independent

interviewer, the interviewer and Chair should negotiate interview dates between them. Further consideration will be given to this proposal as part of a wider review of the appointments process which is currently being undertaken.

7.3 Concern was expressed that the same Board members who are accompanying applicants on the tour of the establishment should not also sit on the interview panel but should brief the panel on how the applicants interacted with prisoners/detainees and responded to the prison/removal centre environment. It also needed to be made clear that applicants' references should only be looked at after the Panel has made its selection.

Items 8 – Optional Protocol to the Convention Against Torture

8.1 The UK signed the Optional Protocol to the Convention Against Torture in June 2003 and ratified it in December 2003. Seventeen states have now ratified it and it will come into force when it has been ratified by twenty states. This is likely to be around May/June 2006. The objective of the Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. Within twelve months of the Protocol coming into effect (by May/June 2007), states falling under its jurisdiction need to have in place one or several visiting bodies for the prevention of torture, etc, to be known as national preventative mechanisms. An international sub-committee on the prevention of torture, etc, will be set up under the auspices of the United Nations and will have the power to visit states, inspect places of detention and advise on the operations of the national preventative mechanisms. The national preventative mechanisms of the UK are likely to embrace:

- IMBs
- HM Inspectorate of Prisons
- Prisons and Probation Ombudsman
- Lay observers in courts
- Independent custody visitors to police stations

Of these, the principal mechanism in the UK is likely to be IMBs, because of their independence from Government, the nature of their duties, the regularity of their attendance in places of detention and their coverage of prisons, immigration removal centres and (soon) immigration holding rooms. They are therefore likely to come to the attention of the U.N. Sub-Committee on Prevention of Torture as a major feature in the UK's preventative mechanisms and as a possible model to be followed by other states. If so, it is an opportunity to make clear that there should be a quid pro quo in terms of support and resources for Boards and the Secretariat and the National Council will ensure the Minister is made fully aware of this.

Item 9 – Memorandum of Understanding with HM Chief Inspector of Prisons

9.1 A memorandum of understanding has been reached with HMCIP over the working relationship between the Inspectorate, the National Council and Secretariat, and

individual Boards. Whilst there is, generally, good co-operation between the Inspectorate and Boards, it was felt it might be helpful to place this on a formal basis and create a framework for working in partnership which both sides would fully understand. It sets out what is expected of each other, and is essentially an arrangement for sharing information. Given that the purpose and objectives of the Inspectorate and Boards are the same, it seems sensible to share information and does not, in any sense, compromise the independence of Boards.

9.2 A Dear Chair letter will be issued to both prisons and IRC Boards explaining the purpose of the memorandum of understanding and encouraging Boards to share information with the Inspectorate. A similar memorandum of understanding will be discussed with the Prisons and Probation Ombudsman, the Youth Justice Board and other agencies with whom Boards inter-act in prisons and IRCs.

9.3 Steve Kilbey explained the role of the Scrutiny Group which includes representatives of the Inspectorate, Ombudsman and Audit services and which is looking at how information useful to all participants might be pooled and made commonly available. The National Council agreed that IMBs should not contribute data to the Group but that the summary data report being piloted by the Scrutiny Group would be of interest to IMBs.

9.4 Concern was raised that prison audits are taking into account the work of IMBs, for example the frequency of Board visits to the CSC, attendance at training events.

ACTION: NC members to provide examples to Steve Kilbey of areas of Board work which have been/are subject to audit and/or where prisons are being penalised for the Board's performance

ACTION: Steve Kilbey to draft a letter on behalf of Sheila Royle and Richard Gully to make clear that IMBs should not be part of the audit process.

ACTION: Steve Kilbey to ascertain how frequently the Scrutiny Group summary data report will be produced and whether it can be disseminated to Boards.

Item 10 – IMB Expenses

10.1 A recent letter sent to all members explained that expenses will no longer be paid locally but centrally by Home Office Accounts Branch in Liverpool. The Secretariat therefore has migrated all IMB data from the Prison Service accounts system to the Home Office system. The Secretariat has negotiated with Accounts Branch the introduction of a specific expenses form for all IMB members, National Council members and national tutors. This form will shortly be available from the IMB website.

ACTION: Steve Kilbey to provide a report for the next edition of IMB News.

Items 11 & 12 – Draft Action Plan on Diversity & Presentation by the Diversity Working Group

11.1 The NC was told that agreement of the diversity action plan was essential in order to take forward various strands of work. It was recognised that for both the NC and Boards generally the issue of diversity can be problematic, especially in the light of the diversity training experience a few years ago. However, the subject had to be approached with a positive frame of mind.

The five key components in the draft plan were:

- the suggestion that the National Council consider the appointment of a person to the National Council to advise on diversity;
- the appointment of a diversity co-ordinator (as a consultant) by the Secretariat to assist the Diversity Working Group and, more particularly, IMBs on the subject of diversity and how to recruit a more diverse membership;
- training on diversity to be designed and delivered as a module on national training courses (initially by specialist diversity training consultants and then by national tutors);
- diversity to be closely linked to plans for the probationary year;
- guidance on how to monitor diversity in prisons and IRCs.

NC members were invited to consider the draft diversity action plan. In order to explain the context of the action plan, Bilkis Malek and Dencer Brown of the Diversity Working Group gave a presentation which defined diversity for IMBs e.g. age, gender, race, disability, and sexual orientation. The presentation was informative and very well-received and the National Council unanimously agreed the diversity action plan.

Item 13 – Action Plan on Communications

13.1 The Communications Working Group has drawn up an action plan which includes the objectives set for the group, the dates it is working to and what tasks have been completed. It is hoped the plan will prove helpful to National Council members when they are asked about the Communications Working Group at Area meetings and when visiting Boards.

13.2 The Communications Working Group will be considering the data collated by HMCIP on prisoners' knowledge of IMBs. This data will be rolled out to Boards later in the year, probably at the same time as the new posters etc. are issued. In the meantime, feedback on the 8 key messages has been positive.

Item 14 – Aramark

14.1 A meeting is being set up with the Prison Service official who has overall responsibility for Aramark. The purpose of the meeting is to find out about the contract, pricing structure, and who, how and when the contract is monitored and refreshed. A key issue is how profits made are used to benefit prisoners and detainees. It was noted that in the contracted estate and in IRCs, contracts are not restricted to Aramark.

14.2 The issue of prisoners' property, which also appears to be a national problem, was raised and it was agreed that evidence of the extent of the problem was required before the matter could be raised with the Prison Service.

ACTION: Anne-Marie Stephens to add Prisoners' Property to the agenda of the next NC meeting.

ACTION: Sue Nicholas and Sheila Royle to draft a questionnaire to IMBs on prisoners' property.

Item 15 – Commissioning New Boards

15.1 The final version of the guidance on Commissioning New Boards had been circulated outside the meeting. The main changes to the previous draft were that the planning team will be chaired by a NC representative and that the new Training Strategy Group will have a role on the planning team. The proposed application form will be used both for current IMB members transferring to new Boards and for members transferring to existing Boards. The guidance was formally agreed by the National Council.

ACTION: New guidance to be followed when the next new Board is commissioned.

15.2 There was some discussion of whether application and other forms should follow a corporate model, e.g logo at the top, strapline at the bottom.

ACTION: The Communications team to give consideration to a corporate format for forms.

Item 16 – Russian Visit

16.1 Steve Kilbey reported on the latest visit by a group of inspectors (the equivalent of independent monitors in Russia) and prison governors. The purpose of the visit was to look at the role of IMBs and how they monitor prisons and Bullingdon, Aylesbury and Holloway were visited by representatives of the group. The future of this project, which is funded by the Global Opportunities Fund, is uncertain. Russia now has a cadre of inspectors and an Inspectors School has been established but it is not yet known whether IMBs will continue to have a partnership role in helping to develop the project further.

ACTION: Steve Kilbey to write an article about the project and the IMB's role in it for IMB News.

Item 17 – Draft Business Plan

17.1 The draft business plan was noted and updated.

Item 18 – Secretariat Report

18.1 The Secretariat report (NC 17/10) was noted. A request was made that the report should indicate which NC members have attended meetings listed in the report.

ACTION: Norman Mclean

18.2 Norman McLean added that he had attended a meeting with Immigration and Nationality Directorate (IND) officials about the treatment of children in IRCs. The Children's Commissioner (England) believes that the rights of children being held in these centres are being ignored and that IMBs should perhaps receive training to foster a greater understanding of children's needs. The IND Children's Champion had spoken at the IRC IMB Conference and had indicated that there might be some merit in the Commissioner's remarks.

18.3 NC members were concerned that they are not always notified of new conduct and discipline cases in their area.

ACTION: Norman McLean to establish a process for advising the relevant NC member when a new conduct and discipline case arises in their area.

ACTION: Norman McLean to decide who should produce conduct and discipline update reports in future.

Item 19 – Issues arising from Constituency Meeting

17.1 The following issues were brought to the full meeting:-

- The status of the pocket book was queried.

ACTION: Norman McLean to check with Rodney Bowles, secretary of the Handbook Working Group.

- The Secretariat was asked, and confirmed, that Home Office 20 day turnaround target for public correspondence applies to Board correspondence.

Item 20 - IRC Forum

20.1 The IRC IMB Conference in Brighton in mid-March had been excellent although attendance had been disappointing.

20.2 Current issues for IRCs include detainees being released without any form of support and complaints received from former detainees about their treatment.

Item 21 – Matters Arising

21.1 The National Council noted the report on actions arising from its last meeting (paper NC 17/11). It was also noted that:

Item 3 – Norman Mclean will join Sir Peter and Phil Wheatley for their bilateral on the 27th April to discuss clerical support for Boards.

Item 6 – The NC agreed the draft trawl letter seeking members of the Healthcare Support Group.

Item 17 – The draft conflict of interest guidance had been re-issued to NC members following the previous NC meeting.

ACTION: NC members to re-read draft and send comments to Anne-Marie Stephens by the end of April.

– Sir Peter’s meeting with the Minister has been rescheduled for 18th April.

Item 22 – Any Other Business

22.1 David Graham commented on the amount of paper accumulated by NC members and proposed that consideration be given to smarter ways of working, for example greater use of laptops.

ACTION: NC members to send to Jo Jenkins a wish list of what is required to enable them to work more effectively.

ACTION: Jo Jenkins then to compile wish list and forward to Norman McLean for consideration.

22.2 Sheila Royle commended to the NC the recent PSI 03/06 drafted by Prison Health and entitled ‘Transfer of prisoners to and from hospital under sections 47 & 48 of the Mental Health Act 1983.

Item 23 – Date of next meeting

23.1 The next meeting will be held in Ashley House 23rd and 24th May 2006.

April 2006