

DC15/04

cc. The Governor
Directors and Controllers of contracted prisons
Clerks to the IMB

30 June 2004

Dear Colleague,

UPDATED PRISON RULE: GENERAL DUTIES OF IMBS

The Minister has accepted the National Council's proposal for an updated prison rule setting out the general duties of IMBs. The Lloyd Review had pointed out that the present rule which puts administration and buildings before prisoners reflected the priorities of 19th Century visiting committees of Magistrates rather than the current responsibilities of Monitoring Boards to ensure prisoners are properly treated and prepared for release.

2. The National Council felt that it was essential to have clear agreement on the role and purpose of Boards before it could consider and implement coherent policies on recruitment, training, reporting and communicating; all are items high on its agenda.

3. The new rule can not be put before Parliament until there is a suitable legislative opportunity, but legal advisers confirm that Boards do not have to wait before following its clearer focus. Meanwhile, the Minister has endorsed with immediate effect the proposed new rule on which Boards should now focus and the explanatory statement drawn up by the NC to show in greater detail how Boards should discharge their responsibilities.

4. Of course, most Boards are already working along the lines of the statement, but it has the merit of reminding everyone in the prison service and outside that any matter which affects prisoners is the Board's business.

5. Although Boards do not have, and never have had, any responsibility for staff, the statement makes clear that staff issues which have an impact on prisoners are their proper concern and of course where it is appropriate, and they can do so usefully, Boards may raise matters informally which help to resolve any difficulty faced by a staff member.

6. The statement also emphasises the often unremarked but essential contribution that Boards can make to the atmosphere of their prison and the quality of its regime by performing their regular duties in the prison visibly, courteously and with well informed inquisitiveness.

7. The statement makes the obvious point too, that to monitor successfully a Board must have a very good grasp of what its prison ought to be delivering in all important aspects of the regime – a necessity with direct implications for the way the National Council will be developing policies on training.

8. The new rule and explanatory statement are set out in full in the attached Annex.

Yours faithfully

Norman McLean
Head of the Independent Monitoring Boards' Secretariat

New Prison Rule

It is the duty of each IMB

- (1) to satisfy itself as to the humane and just treatment of those held in custody within its prison and the range and adequacy of the programmes preparing them for release.
- (2) to inform promptly the Secretary of State, or any official to whom he has delegated authority as it judges appropriate, any concern it has.
- (3) to report annually to the Secretary of State on how well the prison has met the standards and requirements placed on it and what impact these have on those in its custody.

Explanatory Statement (to apply to both prison and IRC IMBs)

- (1) In fulfilling these duties any matter which directly or indirectly affect an individual held in custody or detention, or affect the prospects for his successful resettlement on release, is of relevance to the Board. That includes the state of the establishment's buildings and the efficiency of the administration where they have an impact on prisoners or detainees.
- (2) Although Boards have no comparable responsibilities for staff, staff problems which affect those held in custody or detention are the Board's proper concern. It is also important for Boards to build a professional relationship with staff and where they can assist in resolving any difficulties a member of staff may have, the Board, where it judges appropriate, should do so.
- (3) Board members should regularly engage with prisoners or detainees and staff and do so with a courtesy and interest which earns their trust and draws out their hopes and concerns. Members should note the quality of the interaction between staff and those held in custody or detention. They should be conscious at all times that their own demeanor and approach can have an important impact on the atmosphere of the establishment and the readiness of prisoners or detainees and staff to confide in them.
- (4) To be able to carry out their monitoring and reporting duties effectively, Boards must have a wide knowledge of what is expected of their prison or removal centre in all its activities. This includes familiarity with the rights of prisoners and detainees and established standards for their welfare and treatment. It also includes a sound appreciation of what those responsible for the quality of the various aspects of the regime and associated services regard as good practice. It is this knowledge which enables Boards to report confidently and accurately when establishments are falling short of what is required of them or, just as importantly, where they are reaching high standards.
- (5) Knowing how, when and with whom Boards should raise their concerns is crucial to their ultimate effectiveness. Where Boards are critical, the matter should be raised as soon as it arises with those to whom authority for that aspect of the regime has been delegated. In reporting to the Secretary of State, Boards should ensure that the issues they highlight are sufficiently explained so that not only Ministers but other interested parties can fully appreciate their significance.
- (6) Most importantly, the Board's duty is not only to report on how well an establishment is measuring up to accepted standards but to look with clear and fresh eyes at the prisoner's or detainee's total experience of custody or detention and preparation for release or removal. Boards should also express, where they judge necessary or desirable, their commonsense opinion on the humanity and utility of the policies and practices that the establishment is obliged to follow.