

Background Information – Independent Monitoring Boards in Prisons, Immigration Removal Centres and Short-term Holding Centres

What are Independent Monitoring Boards?

There is an Independent Monitoring Board (IMB) in every prison, immigration removal centre and short-term holding centre in England and Wales, making a total of about 1800 unpaid volunteers attached to more than 150 establishments. Members are appointed under Prison Rules 1999 (as amended), Young Offender Institution Rules 1988 or the Immigration and Asylum Act 1999. Although appointments are made by Ministers, each Board operates independently of the Ministry of Justice, the Prison Service, contractors who run private prisons and the Immigration Service.

Appointments

Applications are invited from members of the general public from all walks of life. In making appointments, the Minister of Justice likes to see a range of applicants who have the necessary skills and experience to work as a team member. Particular emphasis is placed on a wide diversity of members within Boards. Political views are neither a qualification nor disqualification.

Historical Origin

Although IMBs are of relatively recent origin, the principle of independent inspection of prisons has been established for several centuries. Since Tudor times magistrates of the County Quarter Sessions had a hand in the administration and regulation of local prisons. They appointed 'Visiting Committees' for specific responsibilities.

In the case of immigration removal centres, Boards were borne out of the inspection of the Harmondsworth Detention Centre conducted by Judge Tumin in 1989. A Board for the first Short-term Holding Centre at Heathrow Airport was set up in 2007 to monitor those held at the airport on arrival pending investigation or awaiting deportation.

By the end of the 18th century arrangements had developed to such an extent that the visiting magistrates enjoyed extensive powers relating to regimes, maintenance of buildings and the ordering of staff and prisoners. However, standards were lax, allowing for a good deal of corruption, and it was not until the great reforming statutes of the 19th century that there was any effective control.

In 1877 the whole prison system, local prisons included, fell under the direct control of central Government. It was during this time that Visiting

Committees took on the more familiar look of IMBs. Members were appointed by the Home Secretary and their duties included the inspection of the establishment and discipline.

In the light of this change it was recognised that convict prisons should benefit from similar developments. Accordingly, unpaid inspectors were appointed to complement the official Government inspectors. These volunteers, only some of whom were magistrates, were ordinary members of the community and their duties very much reflected those of the modern IMBs. However criticisms were frequently voiced about their lack of effectiveness.

In 1895 the Gladstone Committee drew attention to the lack of effectiveness of the previous regime and helped to prepare the way for the substantial changes made by the Prisons Act of 1989. This Act introduced the title 'Board of Visitors' and stated that all convict prisons should have a Board containing at least two magistrates. The Board was required to meet eight times each year and organise regular visits to the establishment. The Act also addressed the role of Visiting Committees in local prisons. By the end of the 19th century Boards of Visitors were substantially in place in all prisons, although the title 'Visiting Committee', together with magisterial membership, persisted in local prisons.

In 1971 the Courts Act abolished Quarter Sessions, and with them Visiting Committees. The Co-ordinating Committee of Boards of Visitors, the first national body, was created in 1985, along with a Liaison Officer in Prison Service headquarters dedicated to servicing the needs of Boards.

During 1996, following a Review of the Role of Boards of Visitors, a National Director was appointed by the Home Secretary and a National Advisory Council (NAC) was democratically elected to represent Boards' common concerns to the Director. In 1999, under new working arrangements, the role of National Director was replaced by that of Head of the Boards of Visitors Secretariat and the NAC assumed broader powers, which included a responsibility to guide and oversee the work of Boards.

Lloyd Review

Furthermore, in July 2000 a Working Group under the chairmanship of Sir Peter Lloyd was established to review the legal context in which Boards of Visitors operated in prisons and to develop proposals for enhancing the performance of the system. When it reported in March 2001, one of its key suggestions was that the name 'Boards of Visitors' should be changed in order to avoid confusion with other bodies and better reflect the independent monitoring role. Visiting Committees in immigration removal centres were also to be incorporated into the structure of Boards and supported by the same Secretariat in order to provide a more imaginative and complete



programme of training and advice. The new name was agreed as 'Independent Monitoring Boards' and has been in use since April 2003.

Creation of the National Council

IMBs have also benefitted from the creation, in December 2003, of a National Council which is chaired by a non-executive President appointed by the Secretary of State.

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