

## **MINUTES OF THE NATIONAL COUNCIL MEETING HELD ON WEDNESDAY 23<sup>rd</sup> MAY 2007**

Present:

Sir Peter Lloyd (Chair)	- President, National Council.
Mrs Jane Wright	- East Midlands
Mr John Weightman	- North East, Yorkshire & Humberside
Mr Richard Brown	- South West
Mrs Sue Simkin	- Eastern
Mrs Jane King	- Kent, Sussex and Surrey
Mrs Jo Jenkins	- Wales and West Midlands
Mr Richard Gully	-Thames Valley, Hampshire & Isle of Wight, London
Mr Peter Booth	- Immigration Removal Centres
Mr Dencer Brown	- Diversity Representative

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
Laura Armstrong	- IMB Secretariat

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

1.1 Apologies for absence were received from Mrs Sheila Royle, North West, Mr Steve Reeves, NC Training Representative, and Mr Steve Kilbey, Deputy Head of the IMB Secretariat. The Chair welcomed Laura Armstrong, the new Communications Manager, who was attending the meeting as an observer.

### **Item 2 – Minutes of the Previous Meeting (4<sup>th</sup> April 2007)**

2.1 The minutes of the previous meeting had been circulated and approved via e-mail and issued to Boards under cover of DC 09/07 and IMM 06/07.

### **Item 3 – President: Arrangements for succession**

3.1 National Council had been asked for their views on how to fill the post of President of the National Council temporarily between the end of July (when Sir Peter was due to step down) and the end of December 2007 (when Dr Selby, the new President, takes up his appointment). The National Council's preferred option was to seek Sir Peter's agreement to extend his appointment until the end of the year. Sir Peter replied that he appreciated being asked and would respond shortly. [Secretary's note: Sir Peter has agreed to continue in a caretaker capacity until the end of December. The Minister has approved the extension of his appointment.]

### **Item 4 – Forum Report**

4.1 The Immigration Nationality Directorate (IND) moved to shadow agency status on 1<sup>st</sup> April and was renamed the Borders & Immigration Agency (BIA); full agency status will be achieved in 12 months. The new agency will remain within the Home Office.

4.2 The Forum meeting on 12<sup>th</sup> April was attended by Lin Homer, formerly Director General of IND and now redesignated Chief Executive of BIA. The movement of sentence expired prisoners to the IRC estate has increased, with implications for IRCs. IRC Board Chairs expressed concern that nearly all centres are full to capacity and most reported an increase in the use of C&R and drug finds on site. Casework remains unsatisfactory although improvements were reported in a few centres.

4.3 The IRC IMB Handbook needs updating and a discussion on the possible amalgamation of the IRC and Prisons handbooks would be timely.

**ACTION: Peter Booth and Jane Wright to discuss the possible amalgamation of the IRC and Prisons handbooks.**

4.4 Khalid Pritchard has resigned from the Chair of Harmondsworth IMB and as a consequence the chair of the Forum has become vacant. Anna Thomas-Betts, Chair of Colnbrook IMB, will chair the Forum pro tem.

#### **Item 5 – Independent Interviewers**

5.1 This item was dealt with under the Recruitment update report.

#### **Item 6 – Responsibility and Authority of Board Chairs**

6.1 Jane Wright, Richard Gully and Steve Reeves have held an initial meeting and Richard is compiling current role descriptions to provide a baseline from which to develop more accurate and informative descriptions. There remains concern about Chairs' increased workload but there are some signs the focus on delegation over the past year is beginning to bear fruit.

**ACTION: Jane Wright, Richard Gully and Steve Reeves to prepare a paper for the July NC meeting.**

#### **Item 7 – Board Development Officer (paper NC 25/3)**

7.1 Paper NC 25/3 explained that the Training Strategy Group (TSG) had recommended changing the title of Training Coordinator on Boards to that of Board Development Officer and expanding the role accordingly. The proposed title is more modern and meaningful and reflects the actual duties carried out, which are not simply to do with training but broader Board development.

7.2 The NC agreed the change of title and the wider range of responsibilities to be taken forward by the Board Development Officer.

**ACTION: Rodney Bowles to provide Steve Reeves with a list of Boards which do not have Training Co-ordinators (Board Development Officers).**

**ACTION: Steve Reeves to prepare an item for IMB News on Board Development Officers.**

**ACTION: Steve Reeves and the Secretariat to prepare a DC letter explaining the change of title and offering guidance on the new role.**

#### **Item 8 – Optional Protocol to the Convention Against Torture (paper NC 25/4)**

8.1 The objective of the Protocol (OPCAT) 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. The U.K. signed this Protocol in June 2003 and ratified it in December 2003. It came into force in June 2006 and there are now 33 states who are party to it.

8.2 Within twelve months of the Protocol coming into effect – i.e. by 22 June 2007 – states falling under its jurisdiction need to have in place one or several, independent monitoring (visiting) bodies for the prevention of torture, etc. to be known as national preventive mechanisms (NPMs). When the Protocol was discussed with interested parties last year, the U.K.'s preventive mechanisms were identified primarily as IMBs, HM Inspectorate of Prisons and the Prisons Ombudsman. Since then lay observers in courts and lay visitors to police stations have been added to the list along with those monitoring children's homes and elderly care centres. An international sub-committee on the prevention of torture, etc, has been set up under the auspices of the United Nations and has the power to visit states, inspect places of detention and advise on the operations of the NPMs.

8.3 National Council and IMB Secretariat representatives attended a conference on the Protocol at Bristol University on 19-20 April. A number of issues were discussed and next steps identified. The Ministry of Justice is the lead Government Department for the Protocol in the U.K and appears to be satisfied that it can leave the NPM in the U.K. to the various agencies involved – mainly IMBs, HMIP, and the Prisons Ombudsman – without any particular need to co-ordinate their activities.

8.4 The NC agreed that if this work was taken forward properly it would give added protection to prisoners as well as greater credence to IMB work in this area.

**ACTION: Norman McLean to write to John Kassane of the Ministry of Justice for further information on the implementation of OPCAT.**

8.5 Attention was drawn to the importance of the work of Independent Custody Visitors, especially in the light of Operation Safeguard. It was agreed that they should be invited to the Annual Conference and that an invitation to attend the July NC meeting should be extended to the Chief Executive of ICVs.

**ACTION: Sir Peter Lloyd to write to the ICV Chief Executive.**

**ACTION: Laura Armstrong to invite ICVs to Annual Conference.**

#### **Item 9 – Lifers & IPP Prisoners Review (paper NC 25/5)**

9.1 NOMS is conducting a priority review of services and systems for Lifers and IPP sentenced offenders. This work will be undertaken by a Specialists Group, with some dedicated support, and an interim report with recommendations is planned for the end of June. This will be the first of a programme of service reviews to be conducted by NOMS Commissioning and Partnerships Directorate. The Chair of the Lifers and IPP Specialists Group, Kevin Lockyer (NOMS Regional Offender Manager, South West

England) has invited a representative of IMBs to attend the Group's meetings in the role of observer and provider of information. John Weightman of the NC attended the group's first meeting on 26<sup>th</sup> April and reported that the review is being driven by pressure, not least from IMBs and the Inspectorate and the expectation of a number of judicial reviews. The review group was particularly interested in the knowledge and concern of IMBs based on their direct contact with prisoners and staff across the estate. **ACTION: John Weightman and Laura Armstrong to arrange for an edited version of NC 25/5 to be included in IMB News.**

### **Update Reports**

Update reports were provided on the following issues. Where additional comments have been made, these have been minuted. As with other NC papers, update reports can be provided on request to Boards.

#### *Prison Rules*

Baroness Stern has agreed to table an amendment to the Offender Management Bill at Committee Stage in the Lords to change the name of Boards of Visitors to Independent Monitoring Boards and to remove the requirement for 2 JPs on Boards.

**ACTION: John Weightman and Laura Armstrong to include relevant Hansard extract in IMB News.**

Despite weekly reminders the Secretariat has been unable to obtain sight of the Prison Service's proposed draft amendment restricting access to sensitive information. It was agreed that the NC's requirements for amendments to the Prison Rules should be revisited and if necessary updated before being sent to the Prison Service.

**ACTION: Jo Jenkins and Sue Simkin to review requirements for amendments to the Prison Rules.**

**ACTION: Norman McLean to send amendment list to Prison Service.**

[Secretary's note: The Prison Service's proposed amendments have now been received and they go beyond restricting access only to CHIS records.]

#### *Recruitment*

The NC and Secretariat met on 22 May to discuss recruitment and retention. Recruitment clusters have been established in Kent and the South-East. Further clusters will follow in other NC areas. One of the outcomes of the meeting was agreement that an action strategy for retention should be developed.

**ACTION: Peter Booth to circulate developed strategy to NC.**

The issue of tenure of appointment for independent interviewers and the need to ensure they are sufficiently diverse will also be addressed.

#### *Training*

The first pilots of diversity training at national training courses had been well-received.

Eight new members of the National Training Team (NTT) had been interviewed and appointed in May. The NC agreed that it would be helpful if the new tutors attended areas meetings in order to meet Chairs.

**ACTION: John Weightman and Laura Armstrong to arrange for new tutors to be listed in IMB News along with the current tutors.**

**ACTION: Laura Armstrong to invite new tutors to Annual Conference.**

#### *Foreign Nationals*

The NC report on foreign nationals had been sent to the Prisons and Immigration Ministers on 23 April informing them that it would be placed on the IMB website at the end of May. A response had been received from NOMS and BIA (Borders & Immigration Agency) proposing a meeting and requesting deferral of publication until the meeting had taken place. [Secretary's note – meeting subsequently arranged for 15 June 2007].

#### *Communications*

Refreshing the membership of the Communications Working Group has been beneficial. Members are enthusiastic and working on a variety of projects.

A DC will shortly be issued informing Chairs that the prisoner information leaflet now exists. Clerks will be expected to add local information to the leaflets prior to them being printed and photocopied.

Mike Davis of Hindley had reported that a working group from his Board had identified the gaps on the Board, flooded the areas with posters, given talks, written articles for the local press and had received 82 applications for their efforts.

The NC agreed that ministerial responses to Board Annual Reports should be placed on the website.

**ACTION: Laura Armstrong to include ministerial responses to Annual Reports on IMB website.**

The NC also asked that individual NC members be sent copies of relevant ministerial responses.

**ACTION: Norman McLean to consider resource implications of NC's request.**

#### *Annual Conference*

All slots are full apart from healthcare.

#### *Diversity*

Some concern was expressed on the part of the Diversity Working Group (DWG) that monitoring diversity related issues is somewhat ad hoc and not sufficiently standardised. However, work to help Boards address this has already commenced. The DWG will also be looking at the implications of the Disability Discrimination Act.

Unfortunately, despite a number of invitations, Beverley Thompson, head of the Prison Service's Race Equality Action Group, has yet to attend a meeting of the DWG.

**ACTION: Sir Peter Lloyd to contact Beverley Thompson**

#### *Mubarek Inquiry*

Only about a dozen of the Inquiry recommendations have direct implications for IMBs but it will be important to clarify what Boards need to do by way of monitoring recommendations that are the responsibility of the Prison Service. Prison Service progress on implementation will need to be ascertained. The contributions from various

NC colleagues are being drawn together and a report will be prepared for the next NC meeting.

**ACTION: Jo Jenkins to report on implications and implementation of Mubarek Inquiry recommendations at July's NC meeting.**

#### *Healthcare Support Group*

The healthcare questionnaire and first edition of the healthcare bulletin had been issued at the beginning of May. A handful of Boards had complained about being overburdened with requests for information. The NC agreed that there was a balance to be struck between not overburdening Boards and getting a representational sample. However, Boards had to understand that if they want a profile and a voice that carries weight and authority then contributions to exercises such as the healthcare questionnaire are necessary.

#### *Learning & Skills Support Group*

A questionnaire to identify the reality of current provision in key areas (including foreign nationals, vulnerable prisoners, contracted prisons, recalls and lifers/IPPS) will be piloted in the establishments of Support Group members.

#### *Short Term Holding Centres*

The Heathrow Board's first meeting was held on 22 May. Visits are being planned to Birmingham, Liverpool, Manchester and Leeds to scope the work of the North and West Midlands Board. Input from the Heathrow Board on lessons learnt from the first start-up will also be sought.

#### *Complaints & Discipline*

Dates for training recent NC members have been circulated.

An approach to legal advisers to review proposed amendments to conduct and discipline procedures has been delayed as a consequence of matters outside the Secretariat's control. As soon as these are resolved advice will be taken on how to make the process less vulnerable to delaying tactics by some Board members. There is concern that too many Boards are being distracted for unnecessarily long periods from their prime purpose by minor disputes dragging on.

It was noted that the complaint cases report was not up to date.

**ACTION: Norman McLean to review the process for dealing with complaints in the Secretariat, including updating case information.**

#### *Safer Custody*

The NC approved David Graham's draft protocol on dealing with deaths in custody but noted with concern the Ombudsman's comments that some Boards have refused to co-operate with his investigations.

**ACTION: Peter Booth to IRC-proof the draft and feed comments back to David Graham.**

**ACTION: David Graham to prepare final version of protocol and covering letter for issue as a DBM. Covering letter to include reminder to Boards to co-operate with Ombudsman investigations.**

**ACTION: Reference Book Working Group to take cognisance of the protocol once the DBM letter has been issued.**

*Deportation with Assurances*

A meeting with Framework partners and the Home Office will take place on 7 June. The purpose of the meeting is to discuss processes and identify next steps.

**Item 10 – Business Plan (NC 25/6)**

10.1 Sir Peter Lloyd concluded that the issue of overcrowding was so broad that it could not sensibly be allocated to one Council member. Aspects of overcrowding are already covered in members' special interest areas but a mechanism was needed to ensure that any that were not could be identified and appropriately actioned. He would give further thought to how this might be done.

10.2 Norman McLean asked NC members to send him any updates or amendments.

**ACTION: NC members to send Norman McLean update/amendments to draft business plan by 9 July.**

**Item 11 – Secretariat Report (NC 25/7)**

11.1 The Secretariat report was noted.

**Item 12 – Matters Arising (paper NC 25/8)**

12.1 It was agreed that the report will be redesigned so that unactioned items are clearly identifiable and are carried forward to future reports.

**ACTION: Anne-Marie Stephens to redesign Matters Arising report.**

**Item 13 – Issues Arising from Constituency Meeting**

13.1 The following issues were discussed:-

13.1.1 Electronic copies of the Reference Book to be lodged within the Secretariat.

**ACTION: Rodney Bowles and Laura Armstrong to liaise with Jill Berliand and Mandy Millward.**

13.1.2 Standard scripts for use when hosting foreign delegations

**ACTION: John Weightman to contact Mike Paice regarding script used for Japanese delegation visit.**

**Item 14 – Any Other Business**

14.1 Richard Brown reported on a meeting he attended with the Prison Service on the Aramark contract. A new national strategy for Aramark will commence next year. The volume of goods is equal to a Tesco Metro which is why buying power is relatively poor. The Prison Service acknowledge this and will try to address the problem. A group has been established to work up contracts for next year and IMB interest is welcomed. Richard will be the liaison.

**Item 15 – Date of Next Meeting**

15.1 The next meeting will be held on 24<sup>th</sup> and 25<sup>th</sup> July in Ashley House.

June 2007