



HMP Birmingham
The Annual Report of
The Independent Monitoring Board
to
The Secretary of State for Justice
2015

1st July 2014 to 30th June 2015

Section 1

STATUTORY ROLE OF THE IMB

The Prison Act 1952 and the Immigration and Asylum Act 1999 require every prison and IRC to be monitored by an independent Board appointed by the Secretary of State from members of the community in which the prison or centre is situated.

The Board is specifically charged to:

- (1) 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) inform promptly the Secretary of State, or any official to whom he has delegated authority as it judges appropriate, any concern it has.
- (3) 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.

To enable the Board to carry out these duties effectively its members have right of access to every prisoner and every part of the prison and also to the prison's records.

CONTENTS		PAGE
SECTION 1	Statutory Role of the IMB	2
SECTION 2	Contents	3
SECTION 3	Description of the Prison	4
SECTION 4	Executive Summary	6
4.1	Overall Judgement	6
4.2	Issues raised in the previous report and not resolved	6
4.3	Issues requiring a response from:	7
4.3.1	the Minister	7
4.3.2	the CEO of NOMS	7
4.3.3	the Director	8
4.3.4	the CEO of Birmingham and Solihull Mental Health Trust	9
SECTION 5		
5.1	Equalities and Inclusion	10
5.2	Education, Learning and Skills	12
5.3	Healthcare and Mental Health	14
5.4	Purposeful Activity	15
5.5	Resettlement and Offender Management	17
5.6	Safer Custody	18
5.7	Segregation: Care and Separation Unit	19
5.8	Residential Services	20
5.9	Food, Catering and Kitchens	21
SECTION 6	Other areas of the prison's regime	22
6.1	Time out of cell and Rule 45 prisoners	22
6.2	Visits and Visitors' Centre	22
6.3	The Chaplaincy	23
6.4	Drug Strategy	23
6.5	Complaints	24
6.6	Prison Council	24
6.7	First Night Centre and late arrivals	24
6.8	Violence Reduction	25
6.9	Foreign Nationals	25
6.10	Leadership and Management	25
SECTION 7	The Work of the Independent Monitoring Board	26
7.1	General Duties of the Board	26
7.2.i	Board Statistics	26
7.2.ii	Applications Statistics	27
7.3	The Chairs' Comments	28

SECTION 3**3.1 DESCRIPTION OF THE PRISON**

3.1.i HMP Birmingham is a local, category B prison for adult men. It has an operational capacity of 1450. In the course of a typical year the prison will deal with more than 9000 different prisoners.

HMP Birmingham is a Victorian prison with additional modern accommodation including a health care centre, a gymnasium, an education centre and workshops. The prison has a total of 11 residential wings, including an older prisoners unit, a drug recovery unit, a vulnerable prisoners unit and a First Night Centre.

It holds prisoners both convicted and on remand, including those who are serving life sentences and indeterminate public protection (IPP) sentences.

G4S Care and Justice Services assumed responsibility for HMP Birmingham on 1st October 2011 and will manage the contract for the following 15 years. HMP Birmingham was the first ever public sector prison to be transferred into the private sector estate.

Since 1st May 2015 under the new legislation of Transforming Rehabilitation and “Through The Gate” most prisoners who come from the local area and are serving under 2 years or who are within their last 6 months of sentence will complete their sentence in HMP Birmingham or come back from the training estate to HMP Birmingham.

3.1.ii Prison population

The prison population as on 30th June 2015 was 1439

Sentenced -	970
Un-sentenced -	469
Life sentenced -	31
FNP Population -	144 (10%)
	31 different nationalities excluding British
	4 beyond sentence

The Category breakdown on 30th June 2015 was:

Category A	0	0.0%
Category B	141	9.8%
Category C	719	50.0%
Category D	19	1.3%
Unclassified	91	6.3%
Un-sentenced	469	32.6%

The Ethnicity statistics as on 30th June were:

Asian or Asian British	225	15.6%
Black or Black British	195	13.6%
Mixed Race	83	5.8%
Chinese, or other ethnic group	10	0.7%
White British	804	55.9%
White Irish or White Other	82	5.7%
Not Stated	40	2.8%

3.1.iii Contractors and Agencies

An extensive range of contractors and external agencies work with the prison to make an invaluable input to the breadth and quality of provision and experience of the prisoners. In some cases this extends beyond release. The following list names some key providers:

Birmingham and Solihull Foundation Training Mental Health Trust
Milton Keynes College
South Birmingham College
Aramark – Food and Catering
HALOW – Help and Advice Line for Offenders’ Wives, Family and Friends
Border Force
SWM Community Rehabilitation Company
Job Centre Plus
Citizens Advice Bureau

SECTION 4

4.1 EXECUTIVE SUMMARY

4.1.i HMP Birmingham is a large and complex organisation set in an equally large and complex environment. The senior management and staff work hard to provide a clean and safe environment. The Board continues to be impressed with instances of care and support for very difficult individual prisoners and prison-wide initiatives aimed at developing a world class prison.

4.1.ii OVERALL JUDGEMENT

The overall judgement the Board has of HMP Birmingham is that it is generally a good establishment, with managers and staff working at full capacity on an ongoing basis. That does not mean that there is not room for improvement – there is; or conversely, that there are not areas of excellence – there are many such areas.

Examples of excellence:

- low numbers of prisoners held in the CSU
- violence reduction work with prisoner representatives and wing forums
- prisoner and staff surveys (MPQL/SQL) both indicate a year on year increase in levels of satisfaction
- The Prison Council is an exceptional initiative and challenges many long-held negative perspectives.

Examples of areas requiring improvement:

- increase in the use of NPS and related incidents of violence, MDT appear to be a relatively unreliable measure of drug abuse in the prison
- high levels of staff sickness impacting negatively on regimes
- insufficient number of purposeful activity places

Despite these challenges there is much excellent work being delivered on a daily basis. It is the view of the Board that strong and effective leadership and management at HMP Birmingham instill a collective sense of optimism and pride. Strengths are highlighted in the following report.

In summary, the prison on the whole provides a good service to those in its care and is committed to continuous improvement in the areas highlighted for attention.

4.2 ISSUES RAISED IN PREVIOUS YEAR'S REPORT AND NOT YET RESOLVED

4.2.i Learning and Skills

Again there are too few spaces for prisoners to avail themselves of learning and skills opportunities particularly as South Birmingham College is due to pull out 112 places due to funding issues.

4.2.ii Prisoner complaints

Again we do not feel this is resolved. Some of the responses we see are quite unacceptable and do not deal with the problem. It is pleasing to see that the Prison has started a Complaints Assurance Panel (led by the Director) with prisoners as members to tackle this problem.

4.2.iii Transfers

More thought should be given when moving re-categorised prisoners from Cat C prisons back to Birmingham as there are no follow on Cat B spaces available for them and the local prison regime is not fit for purpose for these prisoners.

4.2.iv Kit

Action is needed when there are shortages of kit. Prisoners have made regular complaints on this subject during the reporting period.

4.2.v Meetings

Encouragement to staff to attend various meetings would be helpful, and certainly the Equalities Action Team meetings, as raised in the last report, are often cancelled at short notice.

4.2.vi Internal escorts

A system is needed which ensures that all prisoners who wish to attend the Library can do so.

4.3. PARTICULAR ISSUES REQUIRING A RESPONSE

4.3.1 FROM THE MINISTER

4.3.1.i The Board is concerned about the quantity of drugs, particularly NPS, coming into the prison. The percentage decrease in positive MDT tests does not reflect the increase in the use of NPS which currently cannot be tested for. It seems that the MDT is not a fully reliable measure of actual drug use.

4.3.1.ii There needs to be an integrated governmental approach to funding education in prison e.g. Courses in bricklaying, decorating, carpentry, plumbing and fitted interiors will not run from July 2015 as South Birmingham College do not have funding to cover this, which will result in a loss of 112 training places.

4.3.1.iii The creation of Prison Councils should be supported and promoted as a policy initiative

4.3.1.iv Modern technology such as SKYPE or (within the UK) video link should be investigated as a cost effective way for foreign national prisoners and those far from home to maintain contact with families.

4.3.2 FROM THE CEO OF NOMS

4.3.2.i The Board understands that the current contract allows for no betterment of the current physical environment, however the Board would like to see a capital investment programme that recognises the needs of a prison of this age e.g. replacing the kitchen and old portacabins.

4.3.2.ii The Board believes that the Quality Assurance Panel reviewing responses to prisoner complaints is an initiative that would benefit the whole prison estate.

4.3.2.iii The system of transferring prisoners around the estate under the new local

prisons framework needs reviewing to ensure that it is not counter productive. E.g. many of the courses in the workshops are long courses making it difficult for prisoners to complete a course before leaving HMP Birmingham. In addition some prisoners who have completed a course which enables them to work productively in the prison are moved, leaving the establishment short of workers in specific areas and the removal of retainers has had an impact on the training of Listeners and Peer Mentors, as they are often transferred to other prisons after training, and their skills lost to HMP Birmingham.

4.3.2.iv It is a concern that it remains difficult to transfer sex offenders to access more suitable programs not available to them in HMP Birmingham. As stated in the last 2 reports, the prison is not a suitable environment for these prisoners because it cannot offer the range of courses needed.

4.3.2.v There are significant delays in recruiting new nursing staff. This can be attributed, in part, to the time required to obtain NOMS clearance.

4.3.2.vi It is a concern that HMP Birmingham receives transferred prisoners without sentence plans.

4.3.2.vii Out of area prisoners, from Wales and the North-West, are often trapped at Birmingham as it can be difficult to secure a transfer back to their home area.

4.3.2.viii The Board is very concerned that on occasions prisoners arrive so late from the courts that a full first night process is not possible even with the best will of the First Night Staff who show a great deal of flexibility by staying on past their shift finishing times to ensure as much as possible is completed.

4.3.2.ix Lost property matters remain a concern to the Board. Members have had reported to them instances of property going missing, either between prisons, from courts to prison, or from within the prison itself. There have been occasions when prisoners who are entitled to compensation have initially been refused it or have had to wait an unacceptably long time to receive it.

4.3.3 FROM THE DIRECTOR

4.3.3.i Attendance and retention of prisoners on training courses is a real issue with average attendance running below 70% and daily up to 200 places not used.

4.3.3.ii The number of prisoners using the library for reading and reference is in decline, or at least variable.

4.3.3.iii The recent introduction of part-time work has not been well received by either the prisoners or the officers, and qualifications are no longer available in textiles.

4.3.3.iv ACCT documents continue to be completed at precise and predictable times which is not in line with recommendations of the Prisons and Probation Ombudsman.

4.3.3.v The very restricted regime, including the lack of exercise, available to prisoners located for long periods on the FNC breaches their legal entitlement.

4.3.3.vi The portacabins housing the Offender Management Unit and resettlement teams are poor.

4.3.3.vii Staff sickness levels remain very high and clearly have the potential to impact negatively on daily prison life.

4.3.3.viii Lost property matters remain a concern to the Board. Members have had reported to them instances of property going missing, either between prisons, from courts to prison, or from within the prison itself. There have been occasions when prisoners who are entitled to compensation have initially been refused it or have had to wait an unacceptably long time to receive it.

4.3.4 FROM THE DIRECTOR AND CEO OF BIRMINGHAM AND SOLIHULL MENTAL HEALTH TRUST

4.3.4.i There are significant delays in recruiting new nursing staff.

4.3.4.ii The Board is concerned that the beds on Ward 1 (primary care) identified as not fit for purpose a number of years ago are to be retained.

SECTION 5

5.1 EQUALITIES AND INCLUSION

5.1.i The department operates through three meetings: the Equality Action Team (EAT), the External Scrutiny Panel (ESP) and the prisoner Equalities Representatives Meeting. The ESP includes 2 prisoners and 3 external members of the community and considers all Discrimination Incident Report Forms (DIRFs), once they have been rendered anonymous.

Concern: Several of these monthly meetings have been cancelled.

5.1.ii There are structures in place for SMT to lead on protected characteristics and although the management team demonstrates commitment to equality in all they do, staff see little involvement of SMT in leading on separate protected characteristics as designated.

5.1.iii Strength: Good use is made of the electronic kiosk where prisoners can update or amend their details confidentially. This resolves the issue of a lack of privacy for prisoners when self-disclosing a protected characteristic in reception.

5.1.iv Strength: The partnership work between the equalities team and health care is particularly effective. Prisoners who disclose a disability have individual care plans with processes to ensure regular review and updates.

5.1.v A new Equalities Monitoring Tool went live in April 2014. There are 6 specific reports prepared and reviewed on a regular basis.

Security monitoring for equality: In response to BME prisoners feeling disproportionately targeted via cell searches, subsequent prisoner forums resulted in new procedures for monitoring cell searches in relation to ethnicity.

Strength: Monitoring is rigorous and reporting systematic. It continues to be a focus for development.

5.1.vi Training. G4S's "Acting Inclusively Training" is delivered to all new employees and an Equalities refresher course exists for staff. However there are not enough trained trainers in Equalities to ensure refresher courses for all.

5.1.vii Events and Raising Awareness

Strength: The prison makes excellent provision for various groups throughout the year. Many prisoners attend these events and speak well of them. They include Black History Month, Holocaust Memorial Day, Eid-ul-Fitr, The Birth of the Prophet Mohammed, Gypsy Traveller Romany Month, A Night of Inspiration (mainly for Muslim prisoners) and many more.

5.1.viii The Damascus "Second Chance" Programme.

Strength: This externally run course for disaffected men deals particularly with issues facing the BME population. It focuses on value-based changes and the organisation remains in contact after release with a view to reducing the risk of re-offending.

5.1.ix Protected Characteristics

Age: J wing is a dedicated older prisoner and social care unit which links effectively with the Equalities Department and Healthcare. It has access to a small garden maintained by the prisoners and which benefits the prison and the local community in Winson Green.

Strength: When Board members visit the Wing, prisoners invariably report high levels of satisfaction.

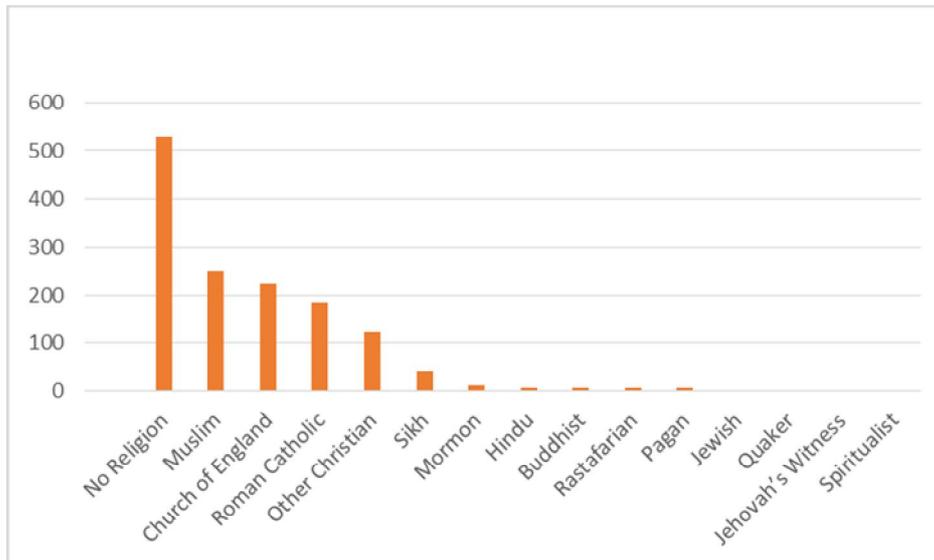
Sexual orientation: Equalities and Healthcare are working on a new initiative with Summit House Support, a local group, to provide a day's training for staff on sexual health issues and on LGBT in the community.

Race: Birmingham Prison is racially diverse with the BME population averaging 40.8%. This reflects the diversity of the local community.

Religion and Belief: Birmingham prison is religiously diverse and has the highest Muslim population of any prison in the UK.

Faiths in the prison:

No Religion	528
Muslim	250
Church of England	224
Roman Catholic	184
Other Christian	124
Sikh	41
Mormon	13
Hindu	6
Buddhist	6
Rastafarian	6
Pagan	6
Jewish	2
Quaker	2
Jehovah's Witness	1
Spiritualist	1



5.2 EDUCATION, LEARNING AND SKILLS

5.2.i As in previous reports, prisoners avail themselves of the courses offered and speak well of tutors and instructors.

Strength: Workshop staff and teachers work hard to develop good, productive working relationships with prisoners and in all areas there remain positive environments. Prisoners' comments and attitude in workshops underline their appreciation of the support that they receive from the staff.

5.2.ii The core day is promoted on every wing and cancellations are infrequent, but attendance in activity is below the target expectations.

Concern: Education staff advise Board members that attendance and retention of participants is a real issue with average attendance at courses running below 70% and daily up to 200 places not used.

For example:

- Vocational Workshops average attendance is approximately 65% and up to 130 places not used daily.
- Industrial Workshops average attendance is approximately 75% and up to 111 places not used daily.

This is not a new concern, as in the 2013 report, in the week prior to 30 June, attendance was 672 (75%) and below that required by HMIP.

5.2.iii The prison continues to have insufficient activity places for the number of prisoners accommodated. There are 825 full time activity places and 71 sessional or part time places.

Further efforts will need to be made to increase activity places in line with government expectations regarding the Incentives and Earned Privileges (IEP) scheme implemented in 2013.

It is therefore disappointing to the Board that South City College has pulled out of providing courses at the prison from 1st July 2015 due to a 24% cut in Adult Skills funding budget this year.

Concern: courses in bricklaying, decorating, carpentry, plumbing and fitted interiors will not run from July 2015 with a loss of 112 training places.

5.2. iv Birmingham struggles to provide meaningful training to many prisoners who are moved from the prison within a few months of sentence, often part way through a course which means they do not achieve certification and have to restart a course at a new establishment, if such a course exists. On occasions the unfinished course is a mandatory part of the prisoners' rehabilitation requirements for the Parole Board.

Concern: The removal of retainers has also had an impact on the training of Listeners and Peer Mentors, as they are often transferred to other prisons under the new local prisons framework after training. The Board notes that the loss of retained prisoners has had a detrimental effect locally.

5.2.v In the past year Learning and Skills Assessments have been introduced as part of the induction process on the First Night Centre, which is welcomed. Assessments indicate that many prisoners have low education and literacy achievements, the equivalent of a National Curriculum level 4.

Prisoners with limited English and English as a second language have benefited from the teaching provided. The board has on occasion had contact with prisoners who are genuinely pleased to finally be able to read and write.

Higher qualified prisoners cannot access level 3 education unless they pay for the courses or find funding from a charity or take out a student loan, with the risk of transfer prior to course completion such that the Board is unaware of any prisoner entering third level education.

Strength: The prison has been proactive in offering suitable prisoners other options including training as Peer Mentors, the equivalent of Teaching Assistants in the classroom, and Listener courses.

Concern: It disappoints the board that these well trained prisoners are often transferred out of area under the new local prisons framework and their skills lost to Birmingham Prison.

5.2.vi During the year the Virtual Campus, which has a bank of 24 computer work stations, has not been available to students for over 6months (since Dec 2014) due to a failure by the contract holder to pay the telephone line rental for 3 months and the Education provider failing to provide a server for 3 months.

Concern: This was a waste of resources.

5.2.vii Attitudes Thinking and Behaviour. This resettlement course has proved highly popular with good take up and retention. However it will be phased out shortly due to lack of resources.

Concern: There are still no specific sex offender programmes running at HMP Birmingham.

5.3 HEALTHCARE AND MENTAL HEALTH

5.3.i On arrival at reception, all prisoners are screened by NHS nurses for physical and mental health issues. They attend a Wellman Clinic within 24 hours of arrival. Occasionally large numbers of very late arrivals, after 21:00, have impacted the efficiency of arrival screening.

5.3.ii Full healthcare provision is available at all times, incorporating a 15-bed mental health ward, a 15-bed primary care ward, a Community Psychiatric Team and the IDTS/DART facility. GP, Optician, Podiatry, Sexual Health and Physiotherapy clinics are available on a regular basis. Since the last report, all these functions are now collocated on the Healthcare Wing with consequent improvements.

Strength: B Wing has introduced a weekly GP surgery. This was initially delayed by insufficient nursing staff availability with some of this delay a direct result of the considerable length of time NOMS requires to security vet new staff. It is hoped this can be significantly reduced in the future. However, once implemented, it appears to have had a positive impact on the B Wing did not attend (DNA) rate.

Concern: There are significant delays in recruiting new nursing staff. This can be attributed in part, to the time required to obtain NOMS clearance.

Concern: Staff sickness levels can impact negatively on the regime in Health Care including when a multiple unlock is required.

5.3.iii The two busiest clinics are the GP and Dentist, seeing some 550 and 140 patients per month respectively. Did not attend (DNA) levels are running at around 30% generally and for sexual health clinics at 45%. IEP sanctions introduced earlier had some impact although less punitive measures are now being investigated.

Concern: The high levels of DNA remain a concern across all clinics.

5.3.iv The Boards' observations confirm that there is generally a high level of satisfaction with the treatment and care received.

Strength: It is clear the wing health representatives perform a valuable function within the prison.

5.3.v Strength: The IMB welcomes the appointment of a forensic clinical psychologist for 2 days per week and the appointment of a full time occupational therapist.

5.3.vi The outstanding question on the hitherto unused X-ray machine has been resolved.

Strength: Staff have been trained in its use for routine X-ray work (fractures etc) with the scans being read remotely by a qualified radiologist in a local hospital. This eliminates the need for many external escorted visits saving time and money, with the machine still being available for TB scans when required.

5.3.vii Strength: Ward 2 (mental health) has been fitted with new beds that are positioned to minimise the risk of self-harm.

Concern: The Board is concerned that it is not planned to repeat this on Ward 1 (primary care).

5.3.viii The Board often receives complaints about the removal of certain analgesics and the prescribing of alternatives considered less effective by the prisoners. It is known that they can be used illicitly as a tradable commodity within the prison. Medical staff use a graduated pain relief protocol and the Board do not believe prisoners are being unfairly treated.

Complaints are periodically received regarding the rapid reduction in dosage of detox medicines. The Board does not believe that individual prisoners are being unfairly treated.

5.3.ix The Board has received fewer complaints regarding long wait times for dental treatment in the period.

5.3.x The Board would like to draw attention to the case of one particularly challenging patient who effectively refused to look after himself. Although it is doubtful that the prison was the appropriate place for such a case, it proved impossible to transfer him.

Strength: The treatment and care of this prisoner was extremely difficult but staff are to be commended for the care and support given to him until his death in October 2014 – it was not a pleasant task. Similarly a prisoner who refused to eat for months received extremely high levels of care and support. It is a tribute to the efforts of staff that he was still relatively well when he was transferred to another prison.

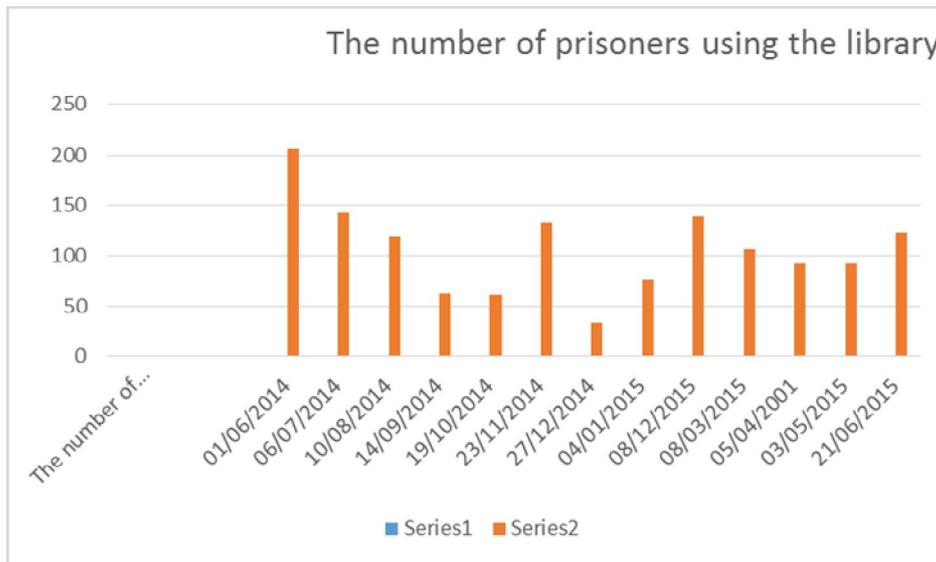
5.3.xi Strength: The presence of a fully staffed internal Pharmacy is advantageous in terms of rapidly filling prescriptions as well as flexibility of provision. In a typical month 2700 in possession prescriptions and 2000 prescriptions are provided.

5.3.xii The Board is informed that waiting times are comparable to those in the external community. However, the extremely high “Churn Rate” among prisoners in HMP Birmingham and its impact on providing the best health care should not be underestimated.

5.4 PURPOSEFUL ACTIVITY

5.4.i The library, run by the Library of Birmingham, is adequately stocked and plays a large role in purposeful activity. Each wing has one visit a week of either 45 minutes or one hour.

Concern: The number of prisoners using the library for reading and reference is in decline, or at least variable: (See 5.8.ii)



As a meeting place the library serves a useful purpose. It is both clean and light and the displays are frequently updated.

5.4.ii The Gym is in constant use but it tends to be the same prisoners using it regularly with others choosing not to use the gym at all. The equipment is well maintained and clean. The excellent Toe to Toe, (Shannon Trust) is based here. There are two good quality all weather pitches.

5.4.iii The workshops and laundry are busy. The retail shop has an excellent range of goods. However it is becoming increasingly difficult for the establishment to find a market for the goods and services produced in the workshops.

Concern: The recent introduction of part-time work has not been well received by either the prisoners or the officers, and qualifications are no longer available in textiles.

Strength: There is a good working relationship between the officers and the prisoners in the workshops. The prisoners appreciate the support they receive from the officers, who show a commendable interest in the prisoners' standard of work.

5.4.iv The kitchens are run by Aramark who provide a range of courses and qualifications for the 30 prisoners allocated work here. Aramark are ready to embrace the changes that will be inevitable as the establishment makes the transition to a Resettlement Prison. Aramark believe they will be able to structure the courses available in catering in a productive manner leading to better offender employment.

5.4.v Since becoming a local Resettlement Establishment all retainers have stopped and this creates a challenge for the prison to continuously train Listeners.

Concern: Much of the excellent work in workshops 1, 2, and 4 are long courses making it difficult for prisoners to complete a course before leaving HMP Birmingham. In addition some prisoners who have completed a course which enables them to work productively

in the prison are moved, leaving the establishment short of workers in specific areas. The remaining courses are relatively short, such as fork lift truck driving and the training for “Toe to Toe” and “Insiders” so most prisoners can complete the course.

5.4.vi The Board has **concerns** that those returning to Birmingham to serve the last three months of their sentence will not have suitably stimulating work nor find purpose in the activities currently on offer in Birmingham and this area needs developing. The establishments’ strengths lie in the dedication of the officers supervising the work and purposeful activity and the affable atmosphere this produces in the buildings which are fit for purpose.

5.5 RESETTLEMENT AND OFFENDER MANAGEMENT

5.5.i The Reducing Re-offending Partnership became the contract provider of resettlement services with effect from 1st May 2015 and Community Rehabilitation Company (CRC) are responsible for Resettlement of all Low and Medium risk offenders with services for High and Very High being available in accordance with an NPS rate card.

5.5.ii The pressure on prison accommodation posed by sex offenders and vulnerable prisoners continues. G Wing represented the primary accommodation for the category with overspill onto D Wing (First Night Centre).

5.5.iii Concern: It is difficult to transfer Category B sex offenders to access more suitable programmes not available to them in HMP Birmingham. The significant number of sex offenders being held at HMP Birmingham remains of concern to the Board. As stated in the last 2 reports, the prison is not a suitable environment for these prisoners because it cannot offer the range of courses needed.

5.5.iv There have been delays with OASys often arising from the arrival of prisoners from other establishments who do not have, but who should have, an OASys in place.

Concern: It is a concern that HMP Birmingham receives transferred prisoners without sentence plans. This has continued to put added pressure on OMU staff.

5.5.v Concern: Out of area prisoners, from Wales and the North-West, are often trapped at Birmingham as it can be difficult to secure a transfer.

5.5.vi Concern: The portacabins housing the OMU and resettlement teams are poor.

5.5.vii Accommodation

HMP Birmingham continues to maintain good links with local housing providers and the accommodation rate is at 95%.

However it is a **concern** that despite external provision being good there are still a number of prisoners released to no fixed address.

5.5.viii Finance and Debt

The CAB continues to provide timely advice to those that seek it via the Nforce kiosk. On average only 25-30% of all prisoners who are contacted by JobCentre Plus whilst at

Birmingham Prison actually respond, resulting in issues with non-payment of benefits on release.

5.5.ix HDC

During the reporting period there was a varied backlog for processing applications. It is a concern that HDC responses from the Probation Service are sent by fax rather than electronically which causes delays.

5.5.x IEPs

The Board is **concerned** at an apparent lack of consistency, at times, in applying the conditions of the IEPs. This is not only unfair but causes frustration to the prisoners who perceive unequal treatment. A weekly summary of IEP is monitored by the SMT to ensure reviews are conducted.

5.6 SAFER CUSTODY

5.6.i The Safer Custody team meets monthly and attendance is generally good. The team seeks to ensure that the prison is a safe environment for prisoners and staff and looks at a range of issues impacting upon this.

5.6.ii Violence Reduction

The main issue that has faced the prison in this area during the reporting period has been an increasing number of serious incidents of violence – in particular, those where there are unexplained injuries. Work was done early in the period to identify the top perpetrators and ‘hot spots’ within the establishment.

Strength: Further into the reporting period, the Director and senior management introduced a Violence Reduction Scheme. The main elements of this Scheme were:

- The appointment of Violence Reduction Representatives on each wing to reinforce a No Drugs/No Violence message. Appropriate training was given.
- The use of incentives on a wing-by-wing basis, e.g.; the provision of a toaster, extra gym time.
- Extra or reduced association time on a wing-by-wing basis

The Scheme had an initial and marked success and lead to a reduction in serious violent incidents. Although serious incidents of violence did then increase slightly, the Scheme has been subject to weekly reviews and continues to be refreshed so as to be focused and relevant. This has been a very positive strategy.

5.6.iii Listeners/Samaritans

There was a concern earlier that more Listeners were needed and that not all areas of the prison (Healthcare in particular) were being covered by the programme. Population turnover was identified as an issue in this regard. New Listeners were trained and all areas of the prison are now covered.

5.6.iv ACCT

There have been concerns expressed by the Safer Custody team regarding the quality of ACCT documents, reviews not being done on time or at all and the quality and attendance at reviews. This was especially so in Healthcare.

Concern: The Board notes that ACCT documents continue to be completed precisely and predictably on an hourly and half hourly basis which is not in line with recommendations of the Prisons and Probation Ombudsman.

5.6.v First Night Centre

The Board remain very concerned that over the course of the year the First Night Centre is being used as a longer term location for vulnerable or “difficult to locate” prisoners. This has been caused largely by the pressure for space in the prison estate.

One example was of an E-list prisoner who was located in the FNC for 3 months due to him stating he was under threat within the prison. He was in his cell for 23+ hours per day and only received exercise once per week.

Although, earlier in the reporting period, the Board was told that this would be stopped the Board again became aware that the FNC was being used to locate prisoners undergoing drug rehabilitation and those under Rule 45 when the relevant wings were full. This has impacted on the ability to run the wing as a FNC.

Concern: The very restricted regime, including the lack of exercise, available to prisoners located on the FNC breaches their entitlement by law.

5.6.vi Deaths in Custody (DIC)

There have been five DIC in the reporting period. Subject to the Coroners’ inquests, indications are that three of these deaths were from natural causes, one self-inflicted and one the result of substance abuse.

Strengths: Observations close to the time of death show prison staff acting with professionalism and appropriate skill and subsequently with compassion. The prison has also implemented actions recommended by the Ombudsman in previous reports.

5.7 SEGREGATION: CARE AND SEPARATION UNIT (CSU)

5.7.i The CSU is a well run unit, and is used as a last resort for the most difficult and demanding prisoners. Where possible problems are dealt with on normal location and there are a number of preliminary mechanisms in place for managing prisoner behaviour on the wings before the CSU is considered.

5.7.ii The staff within the CSU engage well with the prisoners and this produces positive results. The CSU is often used as a place for prisoners to cool down, immediately after an incident, and they are there for very short periods of time before returning to normal location. Generally, prisoners are held between 3-7 days before an exit strategy is implemented. There has only been one occasion during the past 12 months where a prisoner has been held in excess of 3 months, however the Board notes that this was a particularly challenging individual and staff worked hard to try and ensure his exit from the CSU was as timely as possible.

Strength: The CSU is only used where it is deemed necessary and this is evidenced by the low numbers that are housed in the CSU at any one time, with an average of 4 and rarely going above 7 in total. This enables the staff to work closely with each individual within the CSU.

5.7.iii It remains prison policy that no prisoner will be transferred from the Unit and this seems to work well as a means of engaging prisoner co-operation.

5.7.iv The Board attend all regular reviews and wherever possible the 72 hour reviews; however, notification of 72 hour reviews from CSU staff is haphazard, and the Board are rarely informed of moves to the CSU.

The Reviews are well conducted and there have been no occasions on which the Board has disagreed with the decision to continue segregation. Prisoner involvement is always sought and encouraged.

Whilst it is pleasing to note that the Reviews are often multi-disciplinary, on occasion, the absence of residential staff from the review has led to inconsistencies between formulating and implementing exit strategies causing frustration of objectives and sometimes delays.

5.8 RESIDENTIAL SERVICES:

5.8.i ACCOMMODATION

In general, given the age of the prison, the Board is satisfied with the appearance, cleanliness and maintenance of prisoner accommodation. Wings and cells are cleaned on a regular basis by prisoners, and there is an ongoing programme of repainting and refurbishment which helps to ensure that the overall appearance of the wings is good and that the prisoners doing the work are usefully occupied. However, occasionally items of maintenance (e.g. temperature of showers; broken N Force kiosks) are brought to the attention of board members. Repairs take longer to resolve than appears reasonable. The Board is pleased that rodent and cockroach infestation reported previously now appear to be under control.

5.8.ii Concern: Staff sickness levels remain very high and clearly impact negatively on daily prison life. Frequently, prisoner applications to the Board and observation have indicated that accompanying prisoners to the library, dentist and collecting clothes that have been handed in on visits, has suffered as a result (See 5.4.i). However there is now little evidence of low staff morale, and there is a much clearer impression that staff feel settled and are engaging with management and prisoners positively. Leadership at Birmingham Prison is clear, strong and focused on continuous improvement.

5.8.iii Each prisoner should have on display outside their cell a cell card for identification. Board members have reported both missing cards and instances of cards showing personal officers who no longer work on the wing or who have left the service.

5.8.iv Lost property matters remain a **concern** to the Board. Over the reporting period, members have had reported to them instances of property going missing, either between prisons, from courts to prison, or from within the prison itself. There have been occasions when prisoners who are entitled to compensation have initially been refused it or have had to wait an unacceptably long time to receive it.

5.8.v Prisoners frequently tell the Board about lack of kit, including clothing, cleaning materials, toilet rolls towels and razors. The board is concerned that even though some

wings operate a kit amnesty, a programme of cell searches to recover hoarded kit, or amnesties to hand in excess kit is not in place.

5.8.vi The Board was pleased to see a multi-gym available on K Wing.

5.9 FOOD, CATERING AND KITCHENS

5.9.i Catering services are the responsibility of Aramark. They continue to provide a good choice of hot and cold food for prisoners. Different ethnic and religious groups are generally well catered for, though no extra funding is made available for their needs. Aramark fund religious events.

5.9.ii Malfunctioning of kitchen equipment and leaks and spillages on the kitchen floors remain an issue. Matters such as necessary repairs to equipment are logged regularly by Aramark staff and are reported on a weekly basis to the relevant department so that they can be dealt with. It is the Board's impression that kitchen equipment and flooring are currently in a rather better state of repair than they have been in recent years, though at some stage major investment will be needed.

SECTION 6

OTHER AREAS OF THE PRISON

Strength: There have been a number of visitors over the period who have commented without any prompting about the positive experience within the establishment. As first impressions are important the Board is pleased to hear this feedback from a variety of sources.

6.1 TIME OUT OF CELL

6.1.i Time out of Cell and Rule 45 prisoners

Rule 45 prisoners are accommodated in cells on D Wing, the First Night Centre when the Rule 45 wing is full. As in previous reports provision of exercise to prisoners on D wing (FNC) and G1 landing (where vulnerable prisoners are housed) was very poor, on occasion non-existent during the core week, with exercise only on a Sunday, resulting in some prisoners being locked in cell for 23 hours a day. This was also noted in the last HMIP report.

6.1.ii On all other wings time out of cell is given priority and prisoners have their entitlement to association

6. 2. VISITS and VISITORS CENTRE

Visits

6.2.i The Visits Hall is well run and during the reporting period has been kept clean and tidy at all times. It is well decorated and maintained and the children's play area is usually in good order. Older children are now allowed to bring school homework with them.

6.2.ii The biometric security system is efficient. Some first time visitors find the security procedure intimidating but staff work hard to overcome this.

6.2.iii The ventilation system in the hall is adequate but poor in other areas so that mobile fans have to be deployed to improve ventilation.

Visitors' Centre

6.2.iv The HALOW team provides a welcoming environment to families and the centre provides a valuable service to the Community. It is well decorated and clean. HALOW also run a monthly Family Day in the Visits Hall and this is well supported.

6.2.v During the reporting period the Board has noticed an improvement in the external maintenance of the grounds and car park.

6.2.vi A Breast feeding Policy and Searching of Pregnant Women Policy was produced. As a result domestic visits and the Visits Centre have improved to accommodate breast-feeding mothers, hygienically and respectfully in an area with privacy blinds.

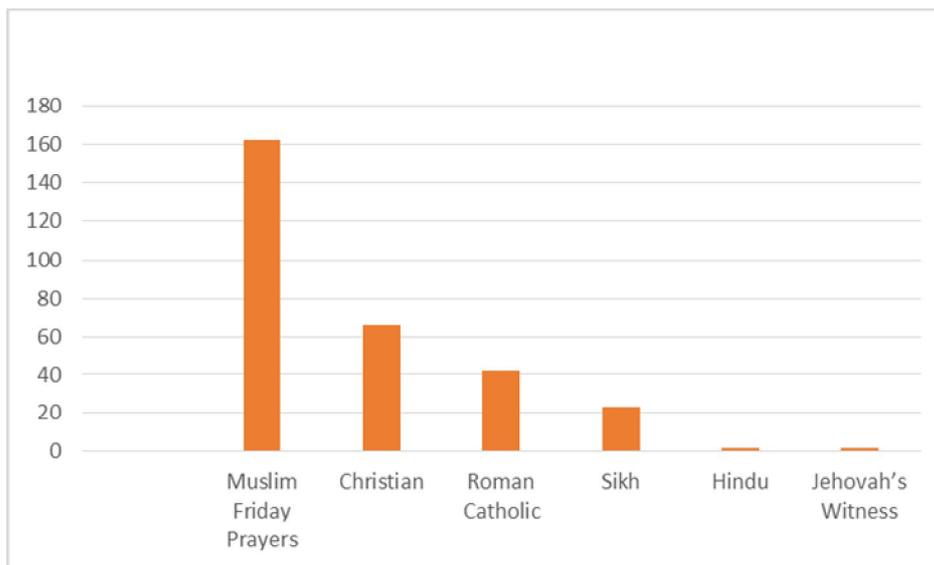
6.2.vii “Storybook Dads” is a popular initiative whereby fathers record an audio story for their children to listen to at home. It is a concern to the Board that this is only available to enhanced prisoners.

6.2.viii Positive parenting programmes have been conducted in the community to support families whose relatives are at HMP Birmingham. There is a dedicated Family support worker who liaises with local families in order to help maintain family ties. Fathers are also able to assist their children with their homework during visits.

6.3 THE CHAPLAINCY

6.3.i The chaplaincy caters for the many faith groups (See 5.1.ix). In addition to this, the chaplaincy works closely with the prisoners on the ground, providing an excellent support service on both a short and long term basis, as dictated by the needs of the individual prisoner. This support often goes beyond what is required, reaching out into the wider community.

Corporate Worship Attendance



6.4 DRUG STRATEGY

6.4.i Concern: The Board is concerned about the quantity of drugs, particularly NPS, coming into the prison. The percentage decrease in positive MDT tests does not reflect the increase in the use of NPS which currently cannot be tested for. It seems that the MDT is not a fully reliable measure of actual drug use.

The Board sees a link between the use of NPS and some incidents of individual violence, erratic behaviour, physical collapse, or in one case, death.

The effects of NPS are sometimes immediate and serious and this raises the concern not only about the safety of the individual but also about the pressure on staff resources and the emergency services.

6.4.ii IDTS, DART and G4S interact to provide extensive group work and care planning including day-to-day contact on landings. Monitoring of medication is strictly controlled and any prisoner suspected of not taking the medication is likely to be removed from the list. This is a source of regular complaint with prisoners claiming not to have concealed (for later sale) medication while NHS staff are equally clear that they have.

6.4.iii On a monthly average, some 350 prisoners engage with the DART psychosocial programmes part of which is to help prepare them for release back into the community. This involves probation OMU and external drug workers working to ensure adequate support on release and signposting to external drug treatment providers.

6.4.iv Although drug rehabilitation constitutes a significant part of the overall NHS care programme there are no data to indicate the success rate of these programmes. The present absence of a low cost, easy to use, test for NPS does not help this understanding.

6.5 COMPLAINTS PROCEDURE

6.5.i Complaints responses are running at 95% but the quality of replies was an issue, addressed in part by the novel solution of having 20% of replies reviewed by a Complaints Assurance panel, chaired by the Director which has prisoners on it.

Concern: The quality of replies was an issue with around 25% including a need for more explicit information, and some responses being curt or abrupt.

6.6 THE PRISON COUNCIL

6.6.i In October 2014 the prison held the third Prison Council elections. For some prisoners, this is the first time in their life that they have voted, or even understood the voting process. The Prison Council has helped the progress of the prison over the last 3 years, by giving prisoners a legitimate way to make proposals for the benefit of the running of the establishment. The Council is taken seriously by the Director and his senior management team and the Council has effected positive changes in the prison.

6.6.ii Members of the Board attended 4 of the monthly Prison Council meetings and were impressed by the positive efforts and actions that ensued.

Strength: The Prison Council undoubtedly improves the atmosphere and the levels of safety at the prison and challenges many long held negative perspectives.

6.7 FIRST NIGHT CENTRE / LATE ARRIVALS

6.7.i Concern: The Board is very concerned that on frequent occasions too many prisoners arrive so late from the courts that a full induction is not possible. Health-screening may not be possible, and those who are vulnerable may encounter serious health issues over their first night or beyond. Sometimes unsuitable allocations result

from the induction of late arrivals due to the relevant staff not being available at that time. Risk assessments for cell sharing may not be as thorough as during regular induction hours. Late arrivals repeatedly put a great deal of pressure on reception.

6.8 VIOLENCE REDUCTION

6.8.i Strength: Wing forums, prisoner violence reduction representatives and the prison council focus on prisoner engagement, consultation and problem-solving. Prisoners and management work together to resolve the problem. The process is dynamic and responsive, seeking alternative strategies as the need arises.

6.8.ii The Board is pleased that offences within the prison can also incur extended sentences. The police work effectively with the prison in this respect.

6.9 FOREIGN NATIONAL PRISONERS

Virtual visits for Foreign Nationals and prisoners far from home have been discussed. The Board considers the use of SKYPE or (within the UK) video link would be beneficial and a cost effective use of technology.

6.10 LEADERSHIP AND MANAGEMENT

It is the opinion of the board that the leadership and management of the prison is outstanding. There is a vision for the future and this is translated into policy and practice. Leadership is dynamic, innovative and forward-looking. Only the highest standards are accepted and underperformance is rigorously challenged.

Some internal promotions of senior officers to junior managers have ensured both continued drive, commitment and motivation at all levels and sustainability for leadership in the future.

The relationship between the G4S management and the NOMS representatives in the prison is collaborative, positive and effective in securing continuing improvement.

Harmonious and productive relationships at leadership and management level filter through to operational staff where respect, trust and mutual support feature widely throughout the prison. This in turn is reflected in staff relationships with prisoners in general. Staff have confidence in the leadership of the prison and only occasionally individuals tell the Board that they do not always feel their efforts are acknowledged.

The SMT give full and detailed feedback at monthly IMB board meetings and respond promptly to any issues raised by the board.

Strength: All of the above positive aspects of leadership and management instil a collective sense of optimism and pride in Birmingham Prison.

SECTION 7

THE WORK OF THE INDEPENDENT MONITORING BOARD

7.1.i. General Duties of the Board:

Applications

Attendance as observer at independent adjudications with the District Judge

Observation of internal adjudications

Attendance as observers at establishment committees

CSU review boards

Presentation of an induction programme to new members of staff

Weekly rota visits

Producing an annual report

Meetings attended by the Board:

IMB Annual Conference

Midlands Area Chairs Meeting

Meetings within the prison

7.1.ii IMB Board Statistics

	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
Recommended Complement of members	20	20	20	20	20	20
Number of members at start of period	13	11	8	8	10	17
Numbers of members at end of period	13	9	8	10	17	14
Number of members joining during period	5	2	1	6	11	2
Number of members leaving during period	5	4	1	6	3	5
Total number of visits to prison by members	586	412	263	327	340	468
Total number of Applications received	747	636	544	372		428
Total number of Segregation reviews attended	170	214	72	132	100	133
Number of Board meetings held	12	12	12	11	11	12
Date of Annual Team Performance Review			03.02.12	12.01.13	N/A	17.01.15

7.1.iii Application statistics

Code	Subject	2011/12	2012/13	2013/14	2014/15
A	Accommodation	23	17		18
B	Adjudications	6	5		5
C	Equality and Diversity (inc. religion)	16	7		4
D	Education/employment/training(inc IEP)	25	20		13
E1	Family/visits (inc. mail and phone)	31	37		36
E2	Finance/pay	25	24		15
F	Food/kitchen related	13	13		11
G	Health related	87	68		58
H1	Property (within current establishment)	52	26		40
H2	Property (during transfer/in another establishment)	27	23		24
H3	Canteen, facilities, catalogue shopping, Argos	13	10		11
I	Sentence related (inc. HDC, ROTL, parole, release dates, re-cat. etc.)	63	27		82
J	Staff/prisoner/detainee concerns (inc bullying)	28	12		23
K	Transfers	20	28		20
L	Miscellaneous	115	55		26
	Total number of IMB applications	544	372		386
	Of total: No. of confidential access	33	85		42

CHAIR'S COMMENTS

This is the first report since 2013. The lack of a report last year was a direct consequence of not gaining agreement to the extension of tenure of two experienced members while the Board trained and recruited new members. In January 2014 the Board comprised of ten members, four of whom were still in probation, while three had commitments that reduced their ability to attend HMP Birmingham. This left three members to undertake all aspects of the role, no vice Chair and no Board Development Officer. The Board decided it had to focus on the core elements. During the year seven new members joined, of whom 5 completed their probationary training. The experienced member who had volunteered to coordinate the Annual report took a sabbatical in May 2014 and resigned in July 2014. Given the priority to train new members and increase the Board's involvement at the prison over and above the minimum the Board decided to make no report.

In editing and collating this Annual Report, my request to fellow Board Members was to report by exception - to concentrate on matters that were new, issues causing concern and evidence of good practice. It is not easy and can result in a report that concentrates on concerns. My hope is that readers have got a true and accurate view of an organisation achieving much within an exceptionally difficult and complex environment.

The challenges facing a lay person joining any Independent Monitoring Board should not be underestimated. HMP Birmingham is a dynamic environment where no two days are the same. In undertaking our monitoring duties a good, professional relationship with staff and managers is critical. I feel that we have that relationship and that it is ongoing. In a Local Prison with a high level of 'churn', I continue to be impressed by the level of day to day stability.

The objective I set myself when I took the chair was for the Board to survive and grow into a modern Board with the people, knowledge and skills able to achieve and demonstrate the best possible practice. We have recruited excellent new members, modernised our ways of recording and created a duty system that means that the prison always has a single point of contact when an IMB member is needed.

However, there is one element which remains a problem – that of attracting new diverse candidates to the role of IMB member. The task has become more difficult of late. It is not work experience and is too dangerous for close relatives of serving prisoners; it is a public appointment with responsibilities for monitoring some of the most vulnerable and challenging members of society. We need to find a better way of attracting candidates with time, commitment, interest and integrity, who are prepared to learn and gain experience in undertaking this important unpaid role.

Rodger Lawrence
Chair
Independent Monitoring Board
HMP Birmingham

SECTION 8 GLOSSARY OF TERMS

ACCT	assessment care in custody teamwork
CSU	care and separation unit
DART	drugs and alcohol recovery team
DIC	death in custody
FNC	first night centre
FNP	foreign national prisoner
HDC	home detention curfew
IDTS	integrated drug treatment strategy in prisons
IEP	incentives and earned privileges
MDT	mandatory drugs test
MPQL	measuring the quality of prison life - survey
NPS	new psychoactive substances
OASys	offender assessment system
Rule 45	remove from association either in own interest/protection or in the interests of good order or discipline
SQL	staff quality of life survey
VP	vulnerable prisoner