HMP Brixton

Independent Monitoring Board

Annual Report to the Secretary of State

1 September 2014 to 31 August 2015
Section 1  STATUTORY ROLE OF THE IMB

1.1 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.

1.2 The Board is specifically charged to:

a. 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.

b. inform promptly the Secretary of State, or any official to whom he has delegated authority as it judges appropriate, any concern it has.

c. 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.

1.3 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.
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Section 3 DESCRIPTION OF PRISON

3.1 During the year under review, HMP Brixton held Category C and D prisoners, with the aim of focusing on training and resettlement. The prison’s certified accommodation was 528, the operation capacity remained 810.

3.2 There are five residential areas (Wings) and a Care and Separation Unit (CSU). A, B and G Wings held Cat. C prisoners; D Wing functioned as a Drugs Recovery Unit (DRW) and held Cat. C prisoners. C Wing held Cat. D prisoners, not all cleared for Release on Temporary License (ROTL). The capacity during the year under review was:

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<th>Category</th>
<th>Wing</th>
<th>Capacity</th>
<th>Cells</th>
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<tr>
<td>C</td>
<td>A Wing</td>
<td>240</td>
<td>135</td>
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<td></td>
<td>B Wing</td>
<td>150</td>
<td>88</td>
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<td></td>
<td>D Wing &amp; DRW</td>
<td>47</td>
<td>26</td>
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<tr>
<td></td>
<td>G Wing</td>
<td>240</td>
<td>149</td>
</tr>
<tr>
<td>D</td>
<td>C Wing</td>
<td>133</td>
<td>70</td>
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3.3 The CSU had 6 cells, one holding room and one special cell.

3.4 During the reporting year, the criteria for accepting prisoners were: Cat. C and D prisoners from London, within the M25 only; no sex offenders, no prisoners from a CSU or Healthcare. Only prisoners sentenced to between 12 months and 4 years, or those with between 3 and 12 months left to serve of longer sentences, would be accepted. Admission numbers varied, but were not subject to unusual variation.

3.5 Around 30 prisoners, transferred to Brixton with outstanding criminal charges against them, are taken to court each day. There are no early unlocks, and prisoners going to court need to clear their possessions from their cells, both of which circumstances create difficulties for staff and prisoners.

3.6 Privacy locks were installed on the fourth floor of C Wing at the end of the last reporting year. Funding for privacy locks throughout the rest of the Wing has been found, which will bring some fairness and consistency to the regime of Cat. D prisoners. Nevertheless, the poor fabric and cramped conditions of the prison militate against the creation of a truly open Cat. D regime. The prison’s location in the centre of London is a significant mitigating feature.

3.7 Material changes to prison accommodation were largely cosmetic. Some areas were painted, some floors repaired. There remain many areas of dilapidation which are in
very great need of remedial attention. Some flooring in the Wings, particularly on the stairs and landings, is broken. Showers, toilets, on the Wings and in the CSU, remain below acceptable standard. Nothing has been done to improve the performance of the aged boilers.

3.8 The vast majority of prisoners share very cramped cells with just enough room for a bunk bed, two small cupboards, a toilet and basin. Prisoners therefore encounter significant issues of privacy, decency and health, which often have a detrimental effect on their rehabilitation.

3.9 The prison was staffed by 109 Officers, when the prison’s quota was 115, and 40 Operational Support Grades (OSG), when the prison’s quota was 40. There were 16 Senior Officers (SO), which met the quota but which the Board considers inadequate. Overall staffing figures mask the deplorable results of staffing levels which are far from optimal and result in delays in the work of, for example, the Offender Management Unit (OMU), the mandatory drug testing and equalities teams, and the ROTL spotters.

3.10 At the end of August, the ratio of staff to prisoners on Wings A, B, C and G was 1:30, and on D Wing, there were two staff for 47 prisoners.
Section 4 EXECUTIVE SUMMARY

4.1 HMIP gave an improved rating to Brixton in their announced visit in November 2014 and the IMB agrees with their judgement that the prison had made good progress in consolidating its training and resettlement objectives. The Board commends the prison in a number of areas, including:

- the range of accredited training now available, much of it leading directly to local employment opportunities;
- the prison’s success in keeping the wings open during the working week in spite of pressures on staffing;
- the continued low level of use of force throughout the reporting period, in spite of the increased volatility of the prison;
- the continued presence of Cat. D prisoners at Brixton and the success in finding work placements for those eligible for Release on Temporary Licence (ROTL);
- the work being done in the revitalised Drug Recovery Wing to assist desistence and the unit’s new, separate location.

4.2 However, there were significant problems:

- The safe operation of the prison has been tested this year by the high level of availability of NPS (New Psychoactive Substances), which has made the prison a more violent and unpredictable place and significantly increased the number of emergency hospital visits.
- Debts arising from drug-trading and the prevalence of local gangs have, together, led an increasing number of prisoners to segregate themselves for their own safety, cutting them off from the resettlement regime.
- Throughout the year the board has observed the increasing stress under which staff operate, and the degree to which prisoners feel less well-supported. We feel that the majority of staff in the prison do a very worthwhile and under-valued job professionally and well. But staffing levels have been reduced to a point where the complex population is hard to manage and that takes too little account of emergency hospital visits and admissions (bed watches). The important work of sentence management, drug testing, equalities monitoring and safeguarding is adversely affected by cross-deployment of staff to maintain basic security on the wings. This has a negative impact on rehabilitation.
Issues Requiring a Response

For the Minister

4.3 As the Board made clear in its report last year, the staffing profile of the prison is inadequate to meet the challenges and functions of a resettlement prison. There is insufficient slack in the system. Cross-deployment of officers exacerbates an already difficult situation (see 5.10, 5.19, 5.38, 5.43, 5.44, 5.46, 5.47, 5.51, 5.55, 5.66, 5.67, 6.21, 6.26).

4.4 The Board very much regrets the reduction in funding for education and training leading to the loss of several courses funded under OLASS4, including Business Administration, Food Hygiene and Health and Safety, which led to qualifications useful for prisoners on their release (see 5.2).

4.5 The Board regrets the increasingly risk-averse policy of the Ministry of Justice in relation to resettling prisoners through resettlement day release. The current policy impedes Brixton’s resettlement role (see 5.36, 5.37, 5.38).

4.6 The Board regrets the significant scaling back of CBDT (Compact Based Drugs Testing), as it was a vital tool for the monitoring and addressing of drug use across the entire prison. The Board urges the Minister to take seriously the detrimental effect of the withdrawal of basic drug testing on the security of the prison and its resettlement objectives (see 6.8).

For NOMS

4.7 The Board asks NOMS to make provision for completion of OASys reports in advance of sending prisoners to Brixton, so that all prisoners can benefit from their contribution to rehabilitation and resettlement (see 5.35, 6.19, 6.20, 6.21).

4.8 Cross-deployment of staff continues to have a negative effect on the central purpose of Brixton as a resettlement prison (see 5.10, 5.19, 5.38, 5.43, 5.44, 5.46, 5.47, 5.51, 5.55, 5.67, 6.21, 6.26).

4.9 The Board notes that many prisoners transferred to Brixton do not meet the agreed criteria and asks that greater care be taken in ensuring that the profiles of prisoners transferred to Brixton are commensurate with the prescribed profile for Brixton prisoners. For Category D prisoners, we ask that prisoners sent to Brixton should have sufficient time left before HDC eligibility to be able to benefit from ROTL day release (see 5.13, 5.14, 5.37).

4.10 Prison clothing and linen should be sufficient to cover the decent requirements of prisoners, especially those serving longer sentences, who are unable to have clothing sent in under the Incentives and Earned Privileges (IEP) policy (see 5.15).
4.11 A more robust system should be developed to list, account for and transfer prisoner’s property between establishments (see 6.1, 6.16).

4.12 When the transfer of a prisoner to Brixton is being considered, regard should be made for any care needs he might have in a prison with very little capacity to provide for those issues (see 5.13, 5.14).

4.13 The Board considers that NOMS should be more proactive in giving direction on identifying and addressing inequalities among the various age, ethnic and religious groups within the prison (see 5.16).

4.14 The Board urges NOMS to ensure that Community Rehabilitation Companies (CRCs) are able to provide prisoners with access to relevant help and information in order to improve their chances of resettlement (see 5.34).

4.15 The Board would welcome tools and policies within the Prison Service that would enable men who threaten or organise extortion or violence to be more easily identified and removed from resettlement prisons such as Brixton (see 5.44, 5.45).

4.16 The Board would welcome the implementation of a national policy to protect prisoners from sexual harassment (see 5.52).

4.17 The Board urges the Prison Service to put high priority on the development of generic tests to identify NPS and on measures to curtail the easy ingress of drugs into the prison (see 6.5, 6.6, 6.8).

4.18 The Board believes that Brixton’s new staffing profile does not adequately recognise the difficulties in managing a population with an ongoing level of threatened and actual violence. The IMB urges NOMS to increase the staffing levels, and in particular to ensure that each wing has an on-duty Senior Officer in order to support and structure possible enforcement action (see 5.10, 5.19, 5.43, 5.44, 5.46, 5.47, 5.51, 5.55, 5.67, 6.21, 6.26).

4.19 The Board believes that the transfer of prisoners for self-protection or who have been recategorised to Cat. B should be made more expeditious (see 5.63).

4.20 The Board continues to feel that cells in Brixton’s Category C wings are too cramped for the decent housing of two prisoners, leading to significant issues of privacy, health, and rehabilitation (see 5.41).

4.21 The Board considers that prisoners should not have to wait longer for their monies to be available when transferring from a private prison to one in the public estate (see 5.49).

For the Governor

4.22 The Board regrets the lack of privacy for those held in the constant supervision cell on A Wing (see 5.58).
4.23 The Board is concerned about the use of the special cell overnight, especially for prisoners on an open ACCT, in view of the lack of on-site healthcare overnight, and limited sightlines into the cell (see 5.65).

4.24 The Board acknowledges the prison’s achievements arising from searches and would welcome their more frequent use in order further to reduce drug availability and use within the prison (see 6.6, 6.26).

4.25 The Board would welcome monitoring of the population of the DRW to ensure prisoners who are not engaging with the programme do not remain on the wing (see 6.9).

4.26 The Board regrets that there does not seem to be an appropriate exit plan for those who pass through the DRW to maximise the chances that those prisoners remain drug free in the longer term (see 6.9).

4.27 The Board regrets the diminution of the role of the Personal Officer, who is integral to the needs of a prisoner in a resettlement jail. Their valuable oversight of the prisoner is currently being lost, because of cross-deployment and lack of sufficient staff (see 5.47, 5.55, 6.12).

4.28 The Board urges the Governor to ensure that proper assessment of prisoners’ training and resettlement needs will be reflected in the allocation of their courses and activities (see 5.5).

4.29 The Board urges the Governor to devise mechanisms both to identify and punish the instigators of threats of violence against other prisoners, and to enable “self-segregators” to take part in at least a minimal daily regime (see 5.44, 5.59).

4.30 The Board asks the Governor to ensure that Brixton staff do more to help prisoners whose property has been left in a previous prison, lost in transit, or is not recoverable after an unplanned move between cells, and to escalate late responses to property complaints sent to other prisons (see 5.48, 6.2, 6.16).

4.31 The Board would welcome the provision of tables and seating on all Cat. C wings, to enable prisoners to eat meals out of their cells (see 5.42).

4.32 The Board urges the Governor to apply for additional resources in order to implement the new requirements for the granting of ROTL to higher risk prisoners (see 5.38).
Section 5 CORE REPORTING AREAS

Education, Learning and Skills

5.1 During the reporting year, Brixton continued to develop its education and training programmes in line with its role as a training and resettlement prison. In addition to those outlined in last year’s Annual Report, a number of additional activities, including music production and damp coursing have come on stream. The Board commends the clustering of training opportunities, particularly in the building and decorating areas, which it is hoped will result in prisoners achieving the CSCS (Construction Skills Certification Scheme) card necessary to work in the building trade.

5.2 These positive developments were, however, tainted by the withdrawal late in the reporting year of a number of courses, including Business Administration, Food Hygiene and Health and Safety qualifications. While the Board appreciates that difficult decisions need to be made in accordance with the continued drive to reduce costs across the prison estate, it views the discontinuation of these courses as regrettable.

5.3 Manchester College took over the OLASS4 contract from the previous provider, A4E, in February. It is to the credit of both Manchester College and the prison management that the transfer was seamless, with no noticeable impact on the day-to-day provision of education classes, or courses managed under the contract. The transfer did, however, impact on the administration of learning and skills, in particular the process of sequencing. A curriculum review planned for November/December 2014 was temporarily suspended in order to provide a transition between A4E and Manchester College.

5.4 Enrolment in courses increased across the year, rising to 82% in August 2015. Nevertheless, there remains a significant number of prisoners who refuse to attend classes or activities that they have been enrolled for, choosing to remain on the wing instead. While staff have been instructed on a number of occasions to ensure that prisoners attend their classes, the attendance rate remains comparatively low at around 75% of those enrolled, which is only 60% of capacity. The Board notes, however, that Manchester College have set meaningful and achievable targets to increase attendance rates, which the Board hopes will continue into the next reporting year.

5.5 The prison continued to make progress in sequencing – the administrative process developed to allocate prisoners to education and activities. However, the impact of the HMIP/OFSTED inspections, coupled with the change in education provider meant that the focus on sequencing slipped during the second half of the reporting year. While the prison has recently made this a renewed priority, the Board nevertheless regards it as essential that full and proper assessment of prisoners’ training needs is met, and their
allocation to courses and activities is made with a view to furthering their sentence plan and resettlement needs.

5.6 Activities such as The Clink (restaurant), KeepOut (diversion from crime), and Bounce Back (painting and decorating) have continued to be popular among prisoners. The Board very much welcomes their presence as a necessary and positive element in prison life.

5.7 The prison has continued to support prisoners’ rehabilitation through the provision of a range of arts and creative subjects. In particular, the Board welcomes projects led by external providers, including a project led by Unlock Drama in November 2014, and debating training through the Vocalise scheme. Courses run by the prison to encourage creativity, Graphic Design and Fashion, remain extremely popular. However, it remains the case that there is too little commitment to creative writing and arts programmes, because of a continued lack of central funding.

5.8 Throughout the reporting year, the prison has continued to exercise its discretion under the IEP scheme to assist those on distance learning courses. The changes to the National IEP scheme, introduced at the end of the reporting year, are considered by the Board to be a positive improvement and will greatly assist in accessing books and educational materials.

5.9 The library is small and increasingly cramped as the amount of stock and range of materials increase. Despite these restrictions, the library continues to welcome an increasing number of prisoners – around 800 a month, up from 300 a month in the last reporting year. While there is still no on-site access to Lambeth’s TALIS system, prisoners are able to request books from the borough’s stock through the librarians. There are now library reps on each wing, as well as library orderlies. The library continues to host programmes including a reading group run by Roehampton University, Story Book Dads, a reading aloud group, and work with the Prison Radio. The Shannon Trust is training new mentors for prisoner to prisoner literacy training. It is hoped that a group targeting prisoners over 55 will come on stream soon. The Board considers that a larger and better placed library would be desirable in order to support this increasingly popular area.

Equality and Inclusion

5.10 As for last year, lack of staff resource meant that there was a basic service, provided by one officer often cross-deployed, until toward the end of the reporting period. For the first three quarters of the year, there was no proactive management intervention, and
only one meeting. Foreign national (FN) prisoners, 30 to 40 men, continued to benefit from weekly visits from the Immigration Service.

5.11 By August 2015, however, the situation had improved, with positive management. There was a full complement of prisoner representatives on all wings, focus groups had been set up and responses given to the issues raised at them. Requests for prisoners from a particular group to be housed together were, properly, refused. Data from prisoners self-reporting at induction were organised better: 18% reported a disability, including mental illnesses. Over half identified as Christian, a third as Muslim. No prisoners self-reported sexual orientation, although it was possible to provide the information confidentially.

5.12 The number of complaints about discrimination (DIRFs) continued to be low. This had been considered an indication of lack of confidence in the system, in an audit by the Zahid Mubarek Trust, and a further audit is planned. The procedure for dealing with DIRFs was improved, to be consistent with that for request complaints generally, and these complaints were also checked for aspects of discrimination.

5.13 Although around 17% of prisoners reported reduced mobility by the end of the year, the system for ensuring their safe evacuation in emergency, the PEEP plan, was not working. On only one wing were PEEPS consistently kept up to date, despite successive efforts to improve this. It was to be addressed regularly at the daily "Residence" meeting. The number of men with mobility problems, in an establishment with very limited ability to provide for them, is further evidence that prisoners for whom Brixton is unsuitable are being sent there. One of the original criteria for Brixton as a resettlement prison was based on its limited capacity for men with disabilities.

5.14 A learning disability was reported by 8% of prisoners. In terms of the statistics on the prison population generally, this and the reporting of mental illness are probably not an accurate reflection of reality. Although there was provision for literacy classes, and regular meetings between Healthcare and the local authority on the Care Act, the standard of provision for prisoners with such disabilities was not equivalent to care in the community. For instance, there was no specific provision for one disabled prisoner who had had a dedicated carer outside prison.

5.15 In another example, older prisoners asked at their focus group for warmer clothing and more blankets. Because prisoners are not normally allowed to have clothing sent in after the first month of their sentence, there is more pressure on the availability of prison clothing for the population generally: lack of footwear, T-shirts, and worn out towels have all been pointed out to the Board this year. So, although the older prisoners’ request was agreed, fulfilling it would not be possible until there were a new clothing issue in the autumn.
5.16 Inequalities for protected groups with disabilities are the most obvious at Brixton, although there is good healthcare and psychology provision for mental illness and some personality disorders. However, it is disappointing that, despite the central collection of data, and the existence of a decade’s worth of evidence in NOMS, there are not enough resources to consider, let alone act on, identified discrepancies, for instance among discipline procedures between younger and older, or black and those of other ethnicity.

Healthcare and Mental Health

5.17 During the reporting year, Care U.K. held the contract to provide healthcare in Brixton. Primary and Secondary mental health services were provided by Barnet, Enfield and Haringey NHS Trust. Other subcontractors were: Time for Teeth (dentistry); Premier Therapy (physiotherapy and podiatry); Liberty Glasses (optician); Certitude (peer mentoring).

5.18 The Care Quality Commission inspected healthcare provision in Brixton on 3rd and 4th November 2014, issuing its report in December. For the most part, the report was very positive, the only significant negative observation being that there were no dedicated healthcare complaints forms and posting boxes on the wings to ensure prisoner privacy. The report of HMIP echoed that concern. This has been rectified, and from the beginning of February, appropriate forms, envelopes and boxes have been available on every wing.

5.19 In-prison medical provision, both in the range of specialisms and in the number of sessions, was adequate, as were waiting times. Efforts to lower the rate of missed in-prison appointments have had some success. The general shortage of prison staff continued to be exacerbated by the need for escorts to and from hospital, as well as for bed watch in hospital. There were two extended periods of bed watch in February and July. Emergency escorts to A&E increased over the spring and summer, largely due to prisoners’ adverse reactions to New Psychoactive Substances (NPS) and other illegal substances. Ambulance response to calls from the prison was adequate. Missed hospital appointments were attributable to prisoners’ refusals, transfers and releases, with some appointments cancelled by hospitals. The use of Telehealth, allowing consultations between consultants and prisoners via videolink, has increased after a period of insufficient use.

5.20 Acute and urgent mental health problems have increased with the use of NPS and other illegal substances, and led to more pressure on mental health care. The lead psychiatrist has been working closely with the healthcare staff at HMP Pentonville to ensure the
seamless transfer from Brixton to the Pentonville inpatient unit of mental health patients requiring more specialist care.

5.21 Prisoners transferring to Brixton generally arrived with healthcare packages. All arrivals were assessed at Reception. A self-assessment mechanism called the Well-being Wheel, will be introduced for use during induction, as a supplement to Reception procedures.

5.22 The prescribing and distribution of medication generally ran smoothly, although in February and April prisoners were given the wrong medication, and in June a prisoner was given the wrong dosage of medication. After concerns were raised by staff on C Wing, Healthcare clarified that medications distributed by staff to prisoners returning from ROTL were never controlled drugs but only prescribed repeat medications. It was made clear that staff are restricted to a “holding” role.

5.23 It was also confirmed that healthcare provision within the prison is provided for prisoners only. Although Healthcare would attend to emergencies involving staff and visitors, it would not provide intermediate care or first aid to them. There was, however, an increased level of first aid training of staff and arrangement for a nominated first aider among staff during core hours.

5.24 The number of complaints to Healthcare averaged 16 per month, the majority concerning medication. Almost all were acknowledged within 5 days and responded to within 25 days. Health-related applications to the IMB averaged 5.7 per month and were dealt with expeditiously. Healthcare were invariably helpful in providing information to assist the IMB.

5.25 There were prisoner Healthcare representative meetings every Friday afternoon. The representatives, one or two from each wing, train in first aid and promote healthcare surveys and initiatives.

5.26 At night, non-emergency telephone advice was given to Oscar 1 by Care U.K. Emergencies, including those requiring more than one escort, were adequately dealt with.

5.27 Conscientious efforts were made to establish links between prisoners about to be released and addiction and social care services. Prisoners under secondary mental health care were transferred to the care of a local mental health team. RAPt (the Rehabilitation of Addicted Prisoners Trust) liaises with local RAPt and DIP (Drug Interventions Programme) drugs teams. Information about prisoners' medication is faxed to the relevant outside agencies. One month before a prisoner is released, Healthcare enquires if he has or needs to find a GP, and makes arrangements for GP
care on his release. However, it remains difficult to know what percentage of released prisoners are registered with a GP.

5.28 However, Lambeth, Lewisham and Southwark Health and Wellbeing Boards do not identify the needs of released prisoners in their Joint Strategic Needs Assessment (JSNA), the key document for setting local priorities for health and wellbeing.

5.29 Rule 45 reviews took place at fixed days and times, making it possible for a Healthcare representative to attend reviews consistently.

**Purposeful Activity (includes work)**

5.30 Due to the integrated nature of purposeful activity and resettlement provision in HMP Brixton, this topic is considered below under the heading of ‘Resettlement’.

**Resettlement**

5.31 In many ways, over the course of the reporting year, Brixton settled more fully into its role as a resettlement prison. Issues outside the prison’s control, however, presented significant challenges to the aim of providing successful resettlement services to prisoners.

5.32 Building on last year’s successes, this year saw the implementation of a wide range of new activities, continuing to make progress towards Brixton being a fully operational resettlement prison. Qualifications in bricklaying and paving and dry lining all came on stream, and a furniture recycling workshop was set up. Prisoners achieving qualification in The Clink restaurant were set up with jobs in restaurants in the community after release. The prison hosted a jobs fair to supplement those efforts. All of these contribute towards providing prisoners at Brixton with transferable employment skills to help with their resettlement, and the Board commends Brixton’s management and staff.

5.33 At the end of the reporting year, Brixton had around 760 full time equivalent activity places, although only around 500 were routinely filled. A priority of the new Governing Governor is to increase the uptake of activity places over the next reporting period. The Board agrees that this must be a priority if Brixton is to fulfil its resettlement brief.

5.34 A key challenge was the implementation of the government’s Transforming Rehabilitation (TR) agenda, the restructuring of the Probation Service into two distinct entities – the National Probation Service and newly-created Community Rehabilitation Companies (CRC)s. Local issues arose because of delays in the awarding of the CRC
contracts, which meant that there was a lack of clarity around the areas of responsibility taken on by the CRCs. Existing contracts expired before CRC provision was in place, necessitating time spent extending contracts as an interim solution. The Board is concerned that the telephone-based finance and debt advice available to prisoners through the CRC is not easily usable by prisoners whose only access to a phone is on a public landing.

5.35 The problem of prisoners arriving without an OASys assessment and sentence plan continued to have a significant impact. However by the end of the reporting year, some significant progress had been made by the OMU in clearing the backlogs relating to HDC (Home Detention Curfew), recategorisation, and ROTL applications.

5.36 The reporting year saw changes to the ROTL policy which resulted in fewer men going out on ROTL. At points during the year, there was concern that ROTL numbers did not properly reflect Brixton's role as a resettlement prison.

5.37 The IMB is very supportive of the Prison Service locating Cat. D prisoners in the centre of London. There is no shortage of ROTL jobs available, including a number that can be retained after release from prison; this and the opportunity to reintegrate into the local community and with family must improve the chances of successful rehabilitation. For this reason, we regret the fact that so many Cat. D men who arrive at the prison will never achieve ROTL clearance, because their HDC dates are imminent or because they have insufficient time left in prison under the new tighter ROTL eligibility rules. The prison has struggled to have more than about a third of the Cat. D population (of 120 men) cleared for ROTL at any time during the reporting year. In the words of a prisoner at a recent wing consultation meeting, “Brixton could be the best Cat. D prison in the country if it could select men who had enough time left to serve to benefit from the ROTL opportunities.”

5.38 The new requirement for high risk prisoners to be afforded a minimum of 3 accompanied ROTL outings before going out unaccompanied puts severe pressure on staffing. The Board understands the need to ensure public safety, but views it as essential that the prison should be properly resourced to deliver the requirement.

5.39 For several months during spring 2015, it became clear that the Prisoner Movement Unit with NOMS was sending more Cat. D prisoners to Brixton than they had room for on C Wing. A “waiting list” developed that contained over 30 men in May 2015. The Board could see no justification for subjecting this number of Cat. D prisoners to a Cat. C regime, especially at a time when there were said to be spare Cat. D places available nationally.
5.40 A frequent complaint of prisoners, particularly those who were Cat. D, was that Brixton is unsuited to its status as a Cat. D prison. While the fabric of the building means that it is difficult to mimic the feeling of more traditional open prisons, the Board considers that the location of Brixton may outweigh some of the more negative physical points and that all possible efforts should be made to retain the Cat. D population. During the reporting year, funding was agreed for the installation of privacy locks on Cat. D cells, which the Board welcomes.

Residential Services

5.41 An ongoing issue is the poor fabric of the prison, which has had no significant investment for years. Cells, particularly on the Cat. C wings, are small, crowded and with inadequate toilet screening to be decently shared by two men. Services are antiquated, and difficult (and costly) to maintain. Problems with the boilers led to there being no heating or hot water on G Wing for six days in January 2015; the prison installed what (few) freestanding heaters it had and distributed spare blankets. Staff worked hard to organise showers off-wing, but the conditions were clearly unsatisfactory. In August 2015 a problem with the drains led to A and B Wings and the CSU being without consistent hot water for over a fortnight. In summer, wings are not well-ventilated and can become very hot. The prison management has introduced a welcome additional time-slot for outdoor exercise during the summer to make this more bearable. The outside areas of the prison are significantly enlivened by the flower beds and planters maintained by the prison’s horticulture workforce.

5.42 Food is tasted by members of the Board. We have observed that the meat content of stews and casseroles is sometimes very low, but we receive very few complaints about the food, and we hear often from prisoners that it is better than at other establishments. Catering for Muslims during Ramadan was carefully planned and efficiently executed. The Board would welcome the provision of tables on the Cat. C wings so that prisoners can eat their meals in more hygienic conditions than are available in cells with inadequate toilet screening.

5.43 The weekend regime has been curtailed for a number of months in order to focus staffing on the working week. Prisoners complain that this, and the early lock-up on weekdays, limit telephone access to family members.

5.44 In general, prisoners get plenty of opportunities to be outside their cells during the working day, but those who choose not to participate in a full regime spend much of their time in cell, which is neither healthy nor good preparation for release. Many of the men who choose not to participate do so out of fear of violence, as a result of debt, extortion or gang rivalries. The Board has pressed for closer management of these “self-
segregators”, but Brixton has difficulty giving them a decent regime and appears to have too few tools available to identify and punish the instigators of the threats. Even if not self-segregating, vulnerable men have been subject to financial extortion, often inheriting debts from previous cell occupants and losing their canteen to bullies. Keeping prisoners safe in these circumstances is difficult, especially when staff on the wings are cross-deployed from elsewhere and not knowledgeable about the men they are temporarily responsible for.

5.45 The men who threaten or organise extortion or violence are clearly not intent on rehabilitation and lawful resettlement and are damaging the chances of many other men to do so. The IMB would welcome tools and policies in the Prison Service that would enable such men to be more easily identified and removed from resettlement prisons such as Brixton.

5.46 The prevalence of NPS in Brixton for much of the reporting year has made a significant contribution to the level of violent and unpredictable behaviour in the prison. The IMB hears from men with addiction problems how hard it is to remain drug free, when drugs are so readily available on the wings, “easier to obtain than tobacco”, according to a prisoner at one wing consultation meeting in June. The large number of NPS-related hospitalisations has put severe pressure on staffing levels, with consequent effects across the prison’s operation.

5.47 The Personal Officer system is not functioning evenly across the prison, possibly because of the level of cross-deployment of wing staff; this is particularly concerning for men who do not otherwise attract case notes from off-wing staff.

5.48 Prisoners’ property is too often mislaid or lost within HMP Brixton when a prisoner has an unplanned move, e.g. from a wing to the CSU. Too often, in this circumstance the prisoner is held responsible for “in possession” property in circumstances where he cannot exercise that responsibility.

5.49 There have been ongoing problems with money transfer when men arrive at Brixton from private prisons, which do not operate the same system for prisoners’ monies as the public estate. The result is that men do not have access to their monies for making phone calls to family or for making canteen purchases, sometimes for weeks after transfer. This seems to the Board to have been a contractual oversight which should be remedied.
Safer Custody

5.50 Safer Custody is monitored at monthly meetings, usually chaired by the Governing Governor or his deputy and attended by most relevant governors, and staff from Security, Healthcare, Substance misuse, Chaplaincy, IMB, Samaritans and two prisoner Listeners (for the “open” first half of the meeting). These meetings include an analysis of relevant statistics for Assessment, Care in Custody and Teamwork (ACCT) documents, violent incidents, self-harm, etc. for the previous month and for the past year, and there is detailed discussion of individual prisoners who are causing concern.

5.51 The meetings are characterised by a commendable concern for prisoners’ welfare, but the implementation of actions agreed at these meetings can often be slow. This is in part the result of staff shortages in the already small Safer Custody team: in a typical month, the SC team has effectively had only 35% of its allocated manpower.

5.52 We have seen several examples of these delays: in October 2014, there was agreement on the need for measures to encourage prisoners to report sexual abuse. This was prompted by a questionnaire to prisoners which indicated that 15% had experienced sexual abuse in Brixton. It appeared that there was nationally no current policy on supporting the victims of sexual abuse or managing the perpetrators. By the end of this reporting year, detailed instructions had been drafted by Brixton staff, drawing on regional (GLPS) advice, and were to be issued in September.

5.53 There have been 124 recorded instances of use of force. IMB members have witnessed 6 of these and have had an opportunity to speak to the prisoners concerned afterwards. We have on these occasions judged that the force used had been proportionate and necessary and have noted that care has been taken to minimise the likelihood of prisoners injuring themselves if they resisted. Relations between prisoners and staff are generally good and have usually enabled confrontation to be defused without violence: national teams (negotiator, C&R etc.) have been called in on two occasions for relatively minor incidents which were concluded without violence.

5.54 Throughout the year, there have been on average 15 ACCTs open at any one time, but with higher figures in the second half of the year (currently about 3% of the prison’s population). There have been several new measures aimed at improving the quality of ACCT documentation and at promoting a culture of joint responsibility for the support of prisoners on ACCTs. All ACCT files are reviewed weekly by the duty governor. When put on an ACCT, prisoners are informed of the Listeners on their wing.

5.55 Prisoners who feel suicidal or at risk of self-harm should in theory have immediate recourse to their Personal Officer, to the Listeners (prisoners trained by Samaritans) or by phone to the Samaritans. Phone calls to the Samaritans can be made either from
“public phones” on the wings (using PIN codes) or by special cordless phones which are modified to allow calls only to Samaritans. The reliability of both these phone services has been erratic throughout the year. The Personal Officer system has now broken down, and few prisoners appear to know who their Personal Officer is or have confidence in the system. Over-stretched staff do not appear to have time to fulfil this additional responsibility.

5.56 Agreement in September 2014 that a dedicated Samaritan phone line should be fed into the CSU took until March 2015 to implement. Incorrect installation and faults on the line have, however, meant that until mid-August, it only worked intermittently. Throughout the year, we have noted that wing staff awareness of how to set up the Samaritans phone in response to a request from a prisoner has been patchy.

5.57 Listener numbers have fluctuated, a consequence of the turnover which characterises a pre-release prison, reaching a low of 4 at mid-year to a satisfactory 12 at year-end. Calls on the Listeners’ services by distressed prisoners have been at about the same level as the last reporting year. Under the supervision of visiting Samaritans, Listeners have been given greater responsibility for managing their support to prisoners who may be at risk of self-harm or suicide, and they now find it easier to move about the prison to maintain contacts. Listeners are now present at Reception, and there is increased advertising on the wings.

5.58 Brixton is not well-equipped to accommodate men in need of constant supervision (CS), in terms of both the location and number of the CS cells (one in the CSU, one on A Wing where it faces the servery). We regret that there is no budget available to replace the latter with a more discreet CS cell elsewhere in the prison. The construction of the cells means that they are easy to vandalise, leading to opportunities for self-harm. Preparations are in hand to ensure CSU and other selected staff attend an external course in mental health awareness training.

5.59 During the course of the reporting year, and particularly in the second half, Brixton saw increased violence. From numerous conversations with officers and prisoners, it is clear that many feel less safe than a year ago. An effect of this has been the increase in self-segregation, with a consequent burden on wing staff. At the end of the reporting year, there remained a significant number of prisoners self-segregating. However, there has not been a marked increase in Use of Force, despite the increased level of inter-prisoner violence. This reflects very well on the prison staff.

5.60 There were two deaths in custody during the reporting year. One of these prompted action in a notice to staff detailing what should be done if a prisoner appeared to be ill and under the influence of NPS. There are currently 3 inquests outstanding, with a
backlog that includes a death in June 2014. An IMB member was present to monitor the prison’s response to both deaths during the reporting year.

**Segregation**

5.61 The CSU has often been full during the reporting year, reflecting the increased level of violence in the prison as well as the unit’s small size compared with the prison’s capacity.

5.62 An increasing number of men refuse to return to the wings at the end of their time on the unit, many claiming to be unsafe on normal location, usually because of debt.

5.63 The prison has found it very difficult to transfer men from the CSU to another prison, even when they clearly need to transfer for self-protection or because they have been recategorised to Cat. B. During the year, such transfers have occasionally been made to prisons in the area. This facility should become more easy to achieve.

5.64 Too many men in the CSU are on an open ACCT and/or have personality disorders or other mental ill-health issues. The regime there does little to help them.

5.65 The Special Cell, typically used at most once each month until May 2015, has since then been used between 5 and 10 times each month. Few prisoners have been involved and almost all have been on an open ACCT. The Board is concerned about the use of the special cell overnight especially for prisoners on an open ACCT in view of the lack of on-site healthcare overnight, and limited sightlines into the cell.

5.66 Although regular staff have been very skilful at keeping the CSU calm, staffing levels have been a problem, often making it necessary for visitors to address inmates through their doors. This diminishes the effectiveness and privacy of interactions between prisoners and staff, as well as the IMB. On some occasions, the CSU has been left with stand-in staff who have not been able to prepare adequately for internal and external adjudications, leading to charges being dismissed. This clearly undermines the discipline of the prison.

5.67 The relocation of the monthly Independent Adjudicator sessions to the Legal Visits area is clearly beneficial in allowing solicitors to see their clients in some privacy, but the staffing level of the CSU has been inadequate to cover duties in two locations.
SECTION 6 ADDITIONAL REPORTING AREAS

Complaints

6.1 During the reporting year, the prison received approximately 155 COMP1 and COMP1A forms a month. The Governing Governor received approximately 25 COMP2 complaints a month. Property was consistently among the most common topics of complaints, as it was in IMB applications.

6.2 The Board considered that the responses to most complaints continued to be reasonably good. We were, however, concerned that some responses were inadequate, unhelpful or both. There has been a particular problem with late responses to Comp1s sent to other prisons about property lost on transfer.

6.3 The prison has continued not to log general apps, and responses are not filed by most departments, despite forms being on multi-part stationery designed for that purpose. Board members are often told that general apps regularly go unanswered. The lack of record keeping makes this difficult to check systematically.

6.4 As stated in the IMB’s reports for the past two years, the Board consider that there should be formal logging procedures and a formal deadline for responses to the separate forms for recategorisation, ROTL, and HDC appeals, given the impact such results can have on a prisoner’s sentence. Such a need is particularly acute in relation to appeal forms. Additionally, waiting time for responses to these appeals continue to be poor.

Drugs

6.5 Illicit drug use within Brixton remains endemic, with a higher use of NPS as the key notable change from the last reporting year. The shift to NPS has fuelled increased violence within Brixton’s population, and the debt and bullying associated with the trade in any illicit drug. No effective testing regime is in place for NPS, making it very difficult to assess the scale of the problem, or to incentivise prisoners to avoid taking them. NPS does not show up on Mandatory Drug Tests (MDTs) and even Compact Based Drug Testing (CBDT) does not always pick it up, so it is impossible to know the true level of use within the prison. The prison is now using a video to illustrate the health effects of NPS at prisoners’ induction, and some staff feel that prisoners are becoming aware of its significant negative health effects and are reverting to more traditional illegal drugs.

6.6 The easy availability of drugs, and the seeming multiplicity of supply routes, do much to undo any positive effect on reoffending that the prison can achieve in some areas.
MDT failure rates during the reporting year have gradually increased from an average of 0-3% in the first quarter to an average of 26.9% in the final quarter. MDT rates appear to have been low at the start of the reporting year because the drug use of choice had changed to NPS, which is not revealed by MDT. Prisoners' increased understanding of the dangers of NPS may be the reason for MDT failure increases, as other drugs are used once again, but this cannot be certainly known.

There were no CBDT tests completed between October 2014 and March 2015 due to lack of staff available to do the testing. From March 2015, NHS England withdrew their dedicated funding for CBDT entirely. During 2015, resources were found from within the RAPt team to maintain skeleton testing in the Drug Recovery Wing (D Wing), but no testing occurred within the rest of the prison. Testing on the DRW is a vital tool to motivate prisoners and maintain awareness of any ongoing drug use. The Board is pleased that continued testing has been possible here.

The Board is pleased that the Drug Recovery Wing (capacity 47) now physically separates those prisoners held in it from the rest of the population, making it easier to stop drugs getting onto the wing. The Reduction programme started on the wing in October 2014. A waiting list is maintained for prisoners to go on the DRW, which should help ensure only the most appropriate and motivated prisoners get entry. However, early in the reporting year, 25% of prisoners on the wing tested positive for drugs (8 failures), and the wing does not always seem to have housed the most appropriate prisoners. For example, it has sometimes been used to house prisoners who are unsafe on other wings due to drugs debts, and who may not actually be suited to or engaged with the regime. When prisoners leave the DRW, there is no clear path for their progression, and when they return to normal location, the previous pressures to take drugs resume. Prisoners therefore report anxiety about leaving the DRW.

### Incentives and Earned Privileges (IEP)

The deterioration in prisoner behaviour was reflected in the increased number of men on the basic regime, for offences against discipline, although there was an increase of the number of men with enhanced status, as well.

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The right of access to employment, education and gym for prisoners on the Basic regime is unclear and seems to be applied inconsistently.
6.12 Reporting on prisoner behaviour was not consistent. Basic regime entries, intended to be daily, were not always complete, although as a general rule, poor behaviour attracted more entries. Green entries, required for progression, were only sporadically made by employment and education staff, although efforts were made to improve this. Some officers and managers made regular entries and checks, but in the Board’s experience, there was inconsistent oversight by the Personal Officer on CNOMIS. The Personal Officer scheme requires a stable environment with regular contact between officer and prisoner, and it is not surprising that it was less of a priority than dealing with violence and bullying. The increase in Enhanced prisoners suggests that despite the other pressures, prisoners committed to the regime and resettlement were identified.

Induction and Reception

6.13 A first-night unit was introduced on G Wing, in line with HMIP recommendations. Staff and orderlies are well equipped to provide information to new prisoners. Since most arrivals have already served a large part of their sentence, officers and orderlies take a pragmatic approach, focusing on the particular needs of individuals and the particular aspects of the Brixton regime.

6.14 The resettlement-based induction programme runs over three days. The first day consists of assessments in English and maths skills, and one-to-one interviews with tutors and the National Careers Service. The second day consists of presentations from the Governor and agencies and departments from across the prison, including the gym, OMU, PACT (Prison Advice and Care Trust) and RAPT. The Allocations Board uses the third day to assign prisoners to placements on an Industry Skills course or placement in jobs.

6.15 The second day’s presentations have been erratic, with many representatives failing to attend regularly, and failing to inform Induction tutors that nobody would be available for the presentation. The situation has been ameliorated by cutting down the session from a full to a half day, but even so the slots are not always filled. Prisoners are particularly keen to see a Governor, and representatives from the OMU and the gym. A regular commitment from those quarters would be highly desirable.

6.16 Reception processes have improved over the last reporting year. However, there remain significant problems with property. Prisoners frequently arrive without all of their property, having been unable to take all of their bags with them. In a significant number of cases, prisoners have been told that their property would follow them, but it has not done so. Having arrived without all of their property, it is extremely difficult for prisoners to retrieve their property from their previous establishment. The number of applications to the IMB regarding property in other establishments was one of the
highest categories of complaints, which the Board deems unacceptable. In too many cases, previous establishments were reluctant to assist prisoners. Property cards, in particular those received from other establishments, are sometimes not up to date or are incomplete.

**Lifers (including Indeterminate Sentenced Prisoners)**

6.17 Throughout the reporting year, there have been about 25 Lifers and ISP prisoners in Brixton, a considerable reduction on previous years, following the transfer of Vulnerable Prisoners to other prisons. Those remaining in Brixton, aged from 26 to 51, had mostly requested a transfer to Brixton in order to be nearer their families or in the hope of benefitting from ROTL. In some cases, they have been transferred to closed conditions in Brixton to await a Parole Board decision to allow them open conditions.

6.18 Case management of Lifers and ISP is handled by Probation Service officers working within the prison, rather than being a Prison Service responsibility. Of an establishment of 8, only 4 probation officers have in effect been available. There has been a lapse of several months in the meetings between OMU officers and Lifers. The Board is pleased that a decision has recently been taken to reinstate those meetings.

**Offender Management Unit (OMU)**

6.19 A very large number of men continue to arrive at Brixton with incomplete or non-existent OASys reports and sentence plans. Because Brixton is a resettlement prison, the OMU is staffed on the assumption that they will only have to review existing reports, a much less time-consuming task than the creation of a new report. The inevitable consequence is that, despite best endeavours, the backlog is not cleared, and many men are released without a complete OASys report or sentence plan.

6.20 The Board raised this concern in its 2014 Annual Report and in a letter to the Minister in April 2014 and received assurances that benchmarking would ultimately address those problems by introducing more robust offender management systems. Despite those assurances, in August 2015, there were 299 men with incomplete or non-existent OASys reports, a rise of 6 from August 2014.

6.21 Cross-deployment of OMU staff has continued to be high, on occasions none of the on-duty uniformed Offender Supervisors is working in the OMU, leading to a lack of interaction with prisoners and extending still further the delays in completing the required paperwork.
The OMU Governor is to be commended for tackling backlogs pragmatically in order to optimise the use of limited resources. This has led to a reduction in delays to HDC, recategorisation and ROTL applications.

The number of applications to the IMB on OMU-related matters remains high, at 184 over the year, but is much reduced from the 317 received last year.

Security

Intelligence led security meetings are held and are well attended. Recent staff changes have not affected the meetings. The Competitive Analysis meeting gives an overall insight of the behaviour within the prison. Security staff have a close collaborative working relationship with the Police Intelligence Officer.

The issue of drugs, especially NPS, as well as mobile phones and SIM cards, is always high on the agenda. These items are proving challenging to keep out of the prison and remain matters of concern to the prison staff.

There have been more regular searches of staff this year, which the Board welcomes. Searches of prisoners and prison premises have resulted in finding numerous mobile phones, SIM cards and drugs. However, there is no longer a resident sniffer dog, and the level of searching is limited by staff resources.

The introduction of the TRAKA security system for gaining access to sets of keys during the reporting year suffered at first from too few sets of keys appropriate for the use of outreach and volunteer staff, as well as the IMB. However, the problem was quickly solved, and the system has worked well.

Visits

Visits to the prison are allowed on Tuesdays, Thursdays, Saturdays and, for Enhanced prisoners, Sundays. The entitlement depends on IEP status. Visits can be booked online, which families report is easy to do and reliable, or by telephone. Visits booked online are initiated by the visitors and may not always suit the prisoner. The prison is aware of families’ complaints that they are kept waiting too long on the phone and has taken steps to provide additional staff resources for telephone bookings.

The visits centre outside the prison gate is run by Spurgeons, whose staff have impressed the Board as welcoming, efficient and helpful in sorting out problems. Their play-workers make a valuable contribution on family days, not least by fostering play
between fathers and children. The centre will soon be given a face-lift by ROTL prisoners. Lockers for items not permitted inside the prison, which were not fit for purpose at the beginning of the year, have been replaced.

6.30 The visits hall within the prison is adequate, although facilities for the children's play area could be improved. Vending machines and a Bad Boys Bakery counter provide refreshments at reasonable cost. Free fruit and drinking water are available whenever the Bakery is closed. Four times a year, a special family visits day provides additional activities, e.g. a photographer and special refreshments.

6.31 During 2015 PACT and the University of Sheffield have collaborated in piloting a very successful family literacy scheme (FLiP) that teaches fathers in prison more about children's early literacy development and involves them in supporting their children's learning during family visits.

6.32 An inter-prison video link is available to enable contact with partners who are also in prison. Accumulated visits or temporary transfer to a prison nearer family are possible on a case by case basis, when compassionate factors (e.g. great distance or ill health) impede normal visiting. There does not appear to be much use of these options, or of the Assisted Prison Visits scheme. Visits can be “cashed in” for stamped envelopes to facilitate written communication with families.

6.33 The Governor responsible for visits is available to families each month, and these sessions are much appreciated by the families who take advantage of them.
SECTION 7  THE WORK OF THE IMB

7.1 For much of the year the Board has been operating well below capacity; six members have left the Board and three are currently on sabbatical leave. Three new board members have recently joined the Board after a protracted recruitment process.

7.2 In spite of low numbers, Board Members have worked well together to cover duties: at least 2 Board Members have visited the prison each week in order to carry out a rota visit and to respond to prisoner applications. Segregation Review Boards have been observed where possible. Monthly Board meetings have been attended by the Governing Governor or Deputy.

7.3 The Board has worked with three Governing Governors this year: Ed Tullett (who retired in December 2014), Sally Hills (who was Acting Governor until May 2015), and Giles Mason. The Board thanks all three for their open and helpful attitude to the IMB.

7.4 The Board is also grateful to prison management and members of staff who have facilitated the work of the IMB, whether by attending Board meetings, by making time to explain their roles to the Board or through more general assistance.

7.5 The total number of applications to the IMB during this period was 779.

Anne Rogers
Chair
IMB Brixton
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