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Robert Neill MP  
Chair, Justice Select Committee  
House of Commons  
London  
SW1A 0AA

Dear Mr Neill

### **HM Chief Inspector of Prisons report on HMP Lewes**

Thank you for your letter dated 1 July 2019. In your letter, you ask for my views on the quality of the support provided by Her Majesty's Prison and Probation Service (HMPPS) to prisons in 'special measures', and whether I am satisfied that the plans HMPPS has in place for both HMP Bristol and HMP Lewes are robust enough to improve their performance. My response below covers both of these points in turn.

### **Support to prisons in special measures**

HM Inspectorate of Prisons (HMI Prisons) has inspected 14<sup>1</sup> of the 18 prisons<sup>2</sup> that have been placed in special measures by HMPPS. Of these 14 prisons, special measures had been in place for less than six months at six.<sup>3</sup> The changes in scores between inspections for the remaining eight, are set out below:

Prison	Date entered special measures	Inspection dates	Inspection scores <sup>4</sup>
Bristol	April 2017	March 2017	1 2   2
		May – June 2019	1 2   2
Guys Marsh	June 2017	Dec 2016	1 2 2

<sup>1</sup> Both Hewell and Winchester have been counted as one prison for these purposes but are both dual purpose sites which receive two separate sets of inspection scores.

<sup>2</sup> Figure provided by HMPPS.

<sup>3</sup> We have not included the scores for prisons where special measures were in place for less than six months in recognition that the impact of special measures on outcomes may take time to emerge.

<sup>4</sup> The numbers in this column refer to the scores each prison received in relation to the four healthy prison assessments – from left to right these are safety, respect, purposeful activity and rehabilitation and release planning. A score of 1 is outcomes for prisoners are poor, 2 is outcomes for prisoners are not sufficiently good, 3 is outcomes for prisoners are reasonably good and 4 is outcomes for prisoners are good. For more information see paragraphs 3.30-3.32 of the Inspection Framework, available at <https://www.justiceinspectors.gov.uk/hmiprisons/wp-content/uploads/sites/4/2019/03/INSPECTION-FRAMEWORK-2019.pdf>.

		Dec 2018 – Jan 2019	2 3 2 3
Hindley	September 2016	July 2016	1 2 1 2
		Dec 2017	2 2 1 3
Lewes	January 2017	Dec 2014 – Jan 2015	2 3 1 3
		Jan 2019	2 2 1 2
Nottingham	December 2016	Feb 2016	1 2 2 2
		Dec 2017 – Jan 2018	1 2 2 2
Rochester	October 2016	Sept 2015	2 2 2 2
		Oct – Nov 2017	3 2 2 2
Hewell (local) <sup>5</sup>	August 2018	Aug – Sept 2016	1 2 3 3
		June 2019	↓
Hewell (Hewell Grange - open)		Aug – Sept 2016	4 3 3 3
		June 2019	↓
Winchester <sup>6</sup>	December 2017	July 2016	2 2 2 3
		June – July 2019	↓
Winchester (Cat C site)		July 2016	3 3 3 3
		June – July 2019	↓

As can be seen from the above, scores improved at three sites, remained the same at two sites and declined at three sites. Changes in scores may come about due to a range of factors, which may include actions taken as part of special measures. The Inspectorate does not assess the impact of special measures in isolation but rather looks at outcomes for those detained. Therefore, although we do not directly assess special measures, we do take account of the impact special measures have had when considering issues such as the capacity and capability of a prison to improve. Sometimes this will involve coming to a view as to how well formulated and implemented related action plans are.

At a number of prisons, including Lewes and Bristol which will be referred to below, I have questioned what impact special measures have had. Our findings in relation to HMP Hewell and HMP Winchester will be reported in due course, however, it is fair to say that the decline in scores at both inspections was of particular concern given the length of time that each prison had been in special measures.

At both the inspections of HMP Hindley and HMP YOI Rochester, although outcomes in relation to safety had improved, we found that uncertainty about the future of each prison after the announcement of their closure was clearly having an impact. At both prisons, it was the strengths in local leadership that I highlighted in my introductory remarks, while noting the need for greater external support. At Hindley, I commented:

It was clear that uncertainty about the future of the prison had undermined efforts to improve outcomes at the jail. That said, they had made some significant strides forward. The governor was heavily invested in the prison and had taken a pragmatic stance, working on the premise that he would not be able to rely on significant external support and the leadership and staff at Hindley would have to find solutions themselves. While this was laudable, there was clearly a limit to what they could achieve on their own. The prison had been left in a state of limbo and it was unclear whether any of the investment

<sup>5</sup> No inspection scores have been provided for the most recent inspection as the report is not yet published.

<sup>6</sup> No inspection scores have been provided for the most recent inspection as the report is not yet published.

necessary to make the prison sufficiently safe, decent and purposeful would be forthcoming. We would strongly urge that investment is made or that the prison's future is clarified.

At Rochester, I noted:

Uncertainty about the prison's future was having a huge impact on outcomes and well-being at Rochester. The prison was, however, very well led, and had clear and achievable plans to mitigate the impact of the uncertainty and improve areas within the governor's control. Commendable progress had already been made in this regard. We would encourage whatever support or clarity can be provided to ensure any potential deterioration is avoided, and we leave the prison with a number of recommendations which we hope will assist.

The Urgent Notification process has been invoked at three prisons that were in special measures at the time of inspection. A decision to invoke (or not invoke) the Urgent Notification process is not a decision about the effectiveness of plans put in place or actions taken as a result of special measures. The decision to invoke the Urgent Notification process is a judgment taken on the basis of a number of factors, one of which is the Inspectorate's confidence in the prison's capacity for change and improvement.<sup>7</sup> The assessment of this aspect will incorporate consideration of any special measures plans (where in place) but also considers factors such as what change can be made at a local level, what resources are needed to drive improvement and the capacity of staff and management at the local level. The fact that I did not invoke the Urgent Notification process at some prisons that were in special measures at the time of inspection, including HMPs Wandsworth, Chelmsford and The Mount, should not therefore be interpreted as satisfaction with the impact of special measures.

## **HMP Lewes**

HMP Lewes had been in special measures for two years when we carried out an inspection. We were provided with a copy of the 45-point action plan, the 'Improving Lewes (Special Measures) Action Plan' that had been agreed with senior HMPPS management in August 2018. At the time of our inspection in January 2019, 39 actions had not been completed, and the majority were described as requiring 'major development'. Much of the plan focussed on reviewing activity rather than putting in place hard targets. In terms of our own recommendations, 49 of the 54 recommendations we made at our previous inspection had been fully accepted but we found only 10 of our recommendations had been achieved in full and 15 partially achieved. Inspectors were very concerned about levels of self-harm and learning from self-inflicted deaths – there had been five self-inflicted deaths since the previous inspection and over 300 incidents of self-harm in the previous six months. Despite this, the prison did not have a clear plan to reduce self-harm and most actions to implement recommendations made by the Prisons and Probation Ombudsman following deaths in custody had not been satisfactorily implemented. My conclusion was that a realistic action plan which focused on clear, measurable outcomes was required in order to arrest the decline at Lewes. The Inspectorate has not yet received an action plan from HMPPS following the inspection.<sup>8</sup>

<sup>7</sup> Other relevant factors include poor healthy prison test assessments; the pattern of the healthy prison test judgements; repeated poor assessments; the type of prison and the risks presented; the vulnerability of those detained; the failure to achieve recommendations, see paras 7.9-7.13 in the Protocol between the Inspectorate and the Ministry of Justice, available at <https://www.justiceinspectrates.gov.uk/hmiprison/wp-content/uploads/sites/4/2017/11/HMIP-MoJ-protocol-amend301117.pdf>.

<sup>8</sup> In accordance with the Memorandum of Understanding between the Inspectorate and HMPPS, HMPPS will ensure that an action plan is put in place by the establishment within three months of the publication of the

## HMP Bristol

HMP Bristol had been in special measures for just over two years at the time of our inspection in June of this year, having been placed in special measures in April 2017. Despite repeated requests, the prison failed to provide inspectors with any meaningful assessment of the impact of special measures. Only 20 of our own inspection recommendations (from a total of 76) had been achieved in full. The lack of a meaningful action plan, when the prison had already been in special measures for two years, was part of my rationale for issuing an Urgent Notification. I received a letter from the Secretary of State in reply to the Urgent Notification on 11 July, which contains welcome acknowledgement of the need to urgently put a strategic recovery plan in place at Bristol. The letter also notes that a review of special measures is being undertaken and we look forward to providing input to this review in due course.

In light of the above, it remains my view that the impact of special measures has been, at least in a number of prisons, questionable. The support provided has not been sufficient to prevent worsening outcomes in some prisons. At the time of the inspection of both Bristol and Lewes, I was not satisfied that robust plans were in place to improve outcomes. However, I hope that the recent response from the Secretary of State in relation to Bristol will lead to swift action being taken to make improvements. I would also hope that a similarly robust response in relation to the Lewes inspection report will shortly be forthcoming. The invoking of the Urgent Notification procedure at Birmingham and Exeter ahead of the prisons being placed in special measures added to my concerns about the timely identification by HMPPS of prisons that require support and the adequacy of the assessment of the support required, an issue recognised by the Committee following the inspection of HMP Liverpool. However, the review of special measures by HMPPS may provide an opportunity to further address this issue.

Thank you again for your letter. I look forward to giving evidence to the Committee on 16 July and answering any further questions you may have.

Yours sincerely



**Peter Clarke CVO OBE QPM**  
**Chief Inspector**

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inspection report. This plan should be provided to the Inspectorate no later than six months after publication of the inspection report. See paragraph 29 at <https://www.justiceinspectorates.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2014/02/HMIP-NOMS-MOU-signed-Sept-2016.pdf>.