



Ministry  
of Justice

The Right Honourable  
**Robert Buckland QC MP**  
Lord Chancellor & Secretary of  
State for Justice

Peter Clarke CVO, OBE, QPM  
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14 September 2020

Dear Peter,

Thank you for your letter of 26 August 2020 in which you outlined a number of serious concerns following your Scrutiny Visit to HMP Erlestoke. I am grateful that you brought these issues to my attention. The position you found is clearly unsatisfactory, and I have been assured by senior HMPPS officials about urgent actions that have been taken following your visit and plans that are in place to address your findings. I summarise the actions and plans below.

#### **Lack of leadership and oversight of the segregation unit**

An investigation into the circumstances surrounding the individuals detained in the unacceptable conditions in segregation unit is underway and will complete at the end of September 2020. Weekly inspections by the Deputy Governor and Facilities Management (FM) provider have commenced, with refreshed managerial support in the Care and Separation Unit. I can confirm that all cells currently occupied have working fixtures and fittings and no residents are held in rooms without sanitation.

#### **Poor living conditions**

I can report that an action plan has been implemented to prioritise repairs relating to decency and living conditions, with the majority scheduled for completion by the end of September 2020. Steps have been taken to address the poor living conditions you reported with regular cell and communal area checks, cleaning inspections and appropriate cleaning equipment issued. An Enhanced Service Delivery Manager (SDM) is now on site two days per week to improve oversight, scrutiny, accountability and support to the FM provider. The FM provider will also bring in an additional Site Manager to specifically oversee the immediate improvements required to showers. The Head of Prison Maintenance will be attending the prison in September along with the Government Facility Services Limited (GFSL) Operations Director to ensure an improvement in living conditions.

#### **Safeguarding concerns and lack of social care provision**

The Senior HMPPS Co-Commissioner has visited the establishment and seen evidence that all outstanding referrals have been resubmitted to the Local Authority, and direct engagement with Wiltshire Adult Services has taken place.

Initial findings by the Senior HMPPS Co-Commissioner indicate that both staff and prisoners are working to support men with additional needs, however this was taking place outside of a formal governance process. Peer support has now been implemented under staff supervision, pending formal Buddy training. The Senior HMPPS Co-Commissioner, along with NHS Commissioning colleagues, will complete a follow up visit by the end of September to assure progress, and support a Task and Finish Group to revisit Governance around Social Care and Safeguarding, review partnership working arrangements with the Local Authority and Healthcare and develop a Local Operating Model. The Senior Co-Commissioner will also sit on the Safeguarding Board and refresh the Local Delivery Quality Board to assure the meeting provides robust and thorough oversight of social care.

All men subject to social care arrangements at HMP Erlestoke have been seen by prison management and have had their immediate requirements met, including cell cleaning. Both prisoners highlighted by the Inspectorate have had bed guard rails ordered and a shower chair has also been issued to the prisoner requiring this support. The piece of wood referred to by the Inspectorate was provided to the prisoner as a bed board to provide additional back support to the bed frame and orthopaedic mattress already provided, following consultation with Healthcare.

### **Lack of care for prisoners at risk of suicide and self-harm**

I was gravely concerned about your reports that there was inadequate care for prisoners at risk of suicide and self-harm. A full safety review has been commissioned which will be completed by the end of September 2020. The outcomes and actions taken as part of this review will ensure that appropriate care and support is provided to vulnerable prisoners.

All prisoners at HMP Erlestoke subject to assessment, care in custody and teamwork (ACCT) processes have now received a full case review by an Operational Manager. The Group Safety Team will up-skill local managers to provide supervision to all ACCT Case Managers to ensure the ACCT process is robust. Keywork provision has now been reviewed to prioritise support for high priority individuals and groups, which will be monitored weekly to ensure effective oversight.

### **Safer custody support line**

An additional local dedicated safety support line for prisoners was introduced during Covid-19 and had been well used. I can confirm that for some periods between 13-19 August 2020, the message facility was not operational. This has been rectified and assurance checks are now completed three times a day, alongside test calls from the SMT to monitor response times. I am pleased to report that the safer custody support line for families has now been published on the establishment's Twitter Account and is also advertised in the visit hall and visitors centre. Arrangements have been made with the website team for this to be advertised on the main government establishment page.

### **Increase in the use of force and lack of managerial oversight**

I am disappointed that use of force has increased at HMP Erlestoke. The establishment will analyse further the evidence around the reasons for this increase, supported by the safety review work and its recommendations. As you noted, use of force governance meetings were reintroduced during the week of your visit and there are plans in place to hold additional meetings to address any backlog of reviews. The control and restraint (C&R) Instructors are planning how to further incorporate de-escalation strategies into local refresher training. Although local strategic safety meetings had ceased for a period, the management of violence for both victims and perpetrators has continued through the Challenge, Support and Intervention Plan (CSIP) activity and actions allocated through the weekly Safety and Intervention meeting.

## **Behaviour management, staff and prisoner relationships, keyworker scheme and incentives scheme**

HMP Erlestoke manages a complex group of prisoners serving long term sentences with a relatively inexperienced staff group (24% of the staff group are in their first year of service and 41% of staff are within their first two years of service). I was concerned to hear that some prisoners reported feeling victimised by staff, and that inspectors identified evidence of staff failures to challenge and manage poor behaviours. Supervisors have been allocated to residential units to support staff decision making. The Prison Officer Guide will be widely distributed and used as a tool to model and coach behaviours and support will be sought from the Standards Coaching Team to continue to build staff confidence.

Business as usual keywork was suspended under Covid-19 however has been re-introduced as an Exceptional Delivery Model (EDM), prioritising support for high risk vulnerable groups. The establishment is now detailing two main shifts per day to deliver keyworker sessions prioritising those who are most vulnerable. The further provision of keywork under Stage 2 regime delivery will be critical to building effective relationships between staff and prisoners.

In respect of other behaviour management processes, the Basic Level under the Incentives and Earned Privileges (IEP) scheme was suspended at all prisons under Covid-19 due to concerns for prisoner well-being. HMP Erlestoke has however implemented a Super Enhanced Status to incentivise positive behaviour and progression and IEP arrangements will remain under review as prisons progress to Stage 2 regime delivery.

## **Equality and diversity**

I was disappointed to note that the promotion of equality was poor. The Group Diversity and Inclusion Lead will support the prison to improve outcomes in this area by working at pace through a revision of the establishment's Diversity and Inclusion Plan which will commence mid-September 2020. Equalities meetings will take place monthly and will be attended by the Governor or Deputy Governor. These meetings will be minuted and will include analysis of local equalities data to identify and address any areas of disproportionality. The establishment will ensure protected characteristics are represented through regular staff and prisoner forums and engagement on equality and diversity.

## **Maintaining family contact for prisoners**

Visits were implemented at HMP Erlestoke within two weeks of the visits EDM being approved under Stage 3, with the first social visit taking place at the beginning of August 2020. As you noted, the short duration of the visits appears to have impacted on the uptake of these. The Head of Residential is in discussions with the Prison Council to discuss and consult on a review of the visits provision to see if longer sessions would improve uptake.

Following discussion with the Prison Group Director and Regional team, HMP Erlestoke have reviewed the penalty awarded to individuals who frequently breach the non-contact rules and remove masks during visits. These penalties will now take a more proportionate and staged approach in the future, whilst still maintaining the important emphasis on social distancing. The three month bans that were issued to three visitors have been reduced to one month and they will be permitted to visit again from the beginning of September 2020.

The preparatory and testing phase of introducing Purple Visits video calls was underway at the time of the Inspection. I am pleased to report that the facility is now available to prisoners. All prisoners have been in receipt of the additional PIN credit to maintain contact with loved ones during the pandemic. To ensure there is capacity for more prisoners to maintain contact during association periods, calls have been limited to 15 minutes. Management attention will be given to ensure that the current regime opportunities for phone calls are not impacted by unnecessary delays.

### **Sentence progression and programme work**

Due to the impact of Covid-19 and adherence to Government workplace guidelines, decisions were taken to pause the commencement of new programmes work, delivery and facilitator training in all prisons. While some regime restrictions remain, as recovery efforts progress, HMPPS have launched proposals on how accredited programmes can be reintroduced in line with Government guidance following recent support from the Correctional Services Accreditation and Advice Panel. Accredited programmes (in custody) have been reintroduced via Alternative Delivery Formats (ADF), which allows for small group, one to one and (in exceptional cases) remote delivery. The directive on delivering programmes to prisoners from the regime cohort has also now been reviewed and Guidance has been issued to all accredited programme delivery sites that enables sites to deliver groups across cohorts subject to local risk assessment and implementation of safe systems of work. Delivery plans will be reviewed in line with the revised guidance and information on prisoners who have been identified as potentially benefitting from a programme is being collated nationally to assist with prioritisation of places.

HMPPS Interventions Services are currently developing a recovery plan to re-introduce facilitator training at the earliest opportunity, when it is safe and feasible to do so. This may see events run in different ways, incorporating the use of online/digital resources to supplement the face to face delivery of training, in which priority of local need will be taken into account.

Sentence progression has continued throughout Covid-19 in terms of parole hearings and categorisation reviews, with some prisoners transferring to open conditions from HMP Erlestoke. I am also pleased to report that the Community Rehabilitation Company provision returned to site in July 2020 and has been engaging with the Homelessness Prevention Taskforce to support prisoners in finding suitable accommodation.

### **Regime and time out of cell**

The establishment has implemented the majority of the Stage 3 EDMs and will shortly begin to plan for Stage 2 implementation which will provide greater access to the regime. Off wing employment under Stage 3 in all prisons has been limited to essential workshop activity, however the establishment has continued to employ prisoners undertaking daily essential work and some prisoners have been able to achieve English and Maths qualifications and continue to study with the Open University during Covid-19 via distance learning arrangements. Milton Keynes College will also provide more targeted, structured and curriculum based in-cell work for both existing and new learners.

HMP Erlestoke carefully considered whether additional activity could be provided under the structured wing activity EDM, but none were assessed as within the scope of infection control measures. The establishment has largely provided additional periods of unlock and time in the open air over and above the minimum requirements of a daily regime within the available resources, including popular outdoor exercise sessions facilitated by the PE Instructors. A checklist has been introduced for isolating individuals to provide assurance that these prisoners have access to the minimum requirements of regime, including time in the open air, and a record if they decline exercise.

The local management team are committed to addressing the immediate concerns raised with additional senior Governor support during some planned SMT absence. This will be closely overseen by the Prison Group Director and his team and additional support has been mobilised from Prison Maintenance Group, the National Safety Team and Health and Social Care Co-Commissioning.

I will ensure that priority is given to addressing the key concerns at HMP Erlestoke and that urgent improvements continue to be made to the regime, programmes and facilities.

Yours ever

A handwritten signature in black ink that reads "Robert Buckland". The signature is written in a cursive, slightly slanted style.

**RT HON ROBERT BUCKLAND QC MP**