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**HM Chief Inspector of Prisons  
PETER CLARKE CVO OBE QPM**

Date : 16 August 2018

The Rt Hon David Gauke MP  
Justice Secretary  
Ministry of Justice  
9<sup>th</sup> floor  
102 Petty France  
London SW1H 9AJ

Dear Secretary of State

**Urgent Notification: HM Prison Birmingham**

In accordance with the Protocol between HM Chief Inspector of Prisons and the Ministry of Justice, dated 30 November 2017, I am writing to you to invoke the Urgent Notification (UN) process in respect of HM Prison Birmingham.

An unannounced inspection of HM Prison Birmingham took place between 30 July and 9 August 2018. This inspection identified many significant concerns about the treatment and conditions of prisoners. Below, I have set out some of the evidence that underpins my decision to invoke the UN process, and the rationale for why I believe it is necessary. In addition, I attach a summary note which details all the main judgements that followed this inspection. The summary note is drawn from a similar document provided to the prison's Director at the end of the inspection last week. You will be aware that HMP Birmingham is a privately-managed prison operated by G4S. The Director and other representatives of the company, along with officials of the MoJ, have been informed of my intention to invoke the UN process. I shall, as usual, publish a full inspection report in due course.

***The requirements placed on HM Chief Inspector of Prisons under the Protocol***

The UN process requires me to summarise the judgements that have led to significant concerns, and to identify those issues that require improvement. A decision to invoke the UN process is determined by my judgement, informed by relevant factors during the inspection that, as set out in the Protocol, may include:

- Poor healthy prison test assessments (HMI Prisons' inspection methodology is outlined in the HMI Prisons Inspection Framework);

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-birmingham

- 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;
- The Inspectorate's confidence in the prison's capacity for change and improvement.

The Protocol sets out that my letter to the Secretary of State, with the accompanying note, will be placed in the public domain. It is my intention to publish the letter at 10am on Monday 20 August 2018. The Protocol also sets out that the Secretary of State commits to respond publicly to the concerns raised within 28 calendar days. The response will explain how outcomes for prisoners in the institution will be improved in both the immediate and longer term.

### ***HMP Birmingham – a dramatic deterioration in 18 months***

We last inspected HMP Birmingham in February 2017, shortly after the major disturbances of December 2016. At the time, we found there was still a palpable sense of shock at what had occurred, but also a clear determination to move on from the disorder and re-build. This inspection, in sharp contrast, found that there had been a dramatic deterioration. The prison was in an appalling state. Against all four of our healthy prison tests – safety, respect, purposeful activity and rehabilitation and release planning – we judged outcomes for those detained to be ‘poor’ (1), our lowest assessment rating. This is only the second time the Inspectorate has given its lowest assessment score against all four of its tests, a fact that clearly shows the seriousness of my concerns.

I was not surprised to find that of the 70 recommendations we made at our last inspection, only 14 had been achieved. None of the four main recommendations, concerning violence, staff-prisoner relationships, poor regimes and a lack of focus on education, training and work had been met.

### ***Safety***

The first priority of any prison should be to keep those who are held or work there safe. In this regard, HMP Birmingham had completely failed. Levels of violence had increased and, when measured over the last 12 months, were the highest for any local prison in the country. Many of the assaults were serious and the number was rising. Prisoners and staff frequently required hospital treatment. In our survey, 71% of prisoners told us they had felt unsafe at some time in Birmingham, an extraordinarily high figure. Thirty-seven per cent felt unsafe at the time of the inspection and many reported being bullied and victimised by other prisoners. The prison's response to this was wholly inadequate. Most violent incidents were not investigated. There was inadequate analysis or understanding of the violence. In short, the prison's strategy for confronting violence was completely ineffective. It did not, for example, even address the potential impact that the widespread availability of drugs had on the violence.

There were no formal or structured means of confronting violent prisoners and many did not even face sanctions. As a result, those perpetrating the violence could do so with

near impunity. Despite the high levels of violence and delinquency the number of adjudications opened was lower than in similar prisons and far too many were dismissed or discontinued, often for procedural reasons. Referrals to the police were delayed too long to have any impact and schemes to incentivise positive behaviour were similarly ineffective.

We found prisoners isolating themselves in their cells, refusing to emerge because of their fear of violence. The prison did not know how many men were in this position and virtually nothing was being done to support them. All of those we found were locked up for over 23, sometimes 24 hours a day, occasionally being unlocked to have a shower. Some told us they felt unsafe even behind the locked cell door, and described ongoing intimidation including other prisoners squirting urine or throwing faeces through their broken observation panels.

The day-to-day vulnerability of some prisoners was typified when the Deputy Chief Inspector met an obviously distressed man sitting on some scruffy material on the springs of his bed, who said, repeatedly, 'they stole my mattress.' The theft, committed by other prisoners, had taken place three days earlier.

One of the most disturbing cases involved a clearly troubled man who was struggling to maintain personal hygiene. An offensive poster carrying the message 'Say No to BO' was stuck on his door, along with offensive comments on his cell card. We were told that on at least two occasions other prisoners put a nearby fire hose through his observation panel and 'hosed him down', soaking him and his cell. It took repeated interventions by the inspection team to have him moved to a place where his needs could be met. We struggle to understand how staff could have allowed this appalling bullying to take place.

### ***A lack of control***

Throughout our inspection we observed a prison where control was tenuous. For instance, accounting for prisoners was poor, with wing staff often not knowing where their prisoners were at any given time. There was a general lack of order on some wings and the movement of prisoners from place to place within the prison lacked sufficient control. In at least one case, a prisoner who had been removed from a wing where he had been intimidating others managed, inexplicably, to find his way back to the same wing.

### ***Drugs***

We saw many prisoners under the influence of drugs and the smell of cannabis and other burning substances pervaded many parts of the prison. Testing suggested a third of prisoners were using illicit drugs and half the population thought drugs were easy to obtain. One in seven said they had developed a problem with illicit drugs since they had been in Birmingham. Our own observations confirmed to us that the use and trafficking of illegal substances was blatant. I have inspected many prisons where drugs are a problem, but nowhere else have I felt physically affected by the drugs in the atmosphere – an atmosphere in which it is clearly unsafe for prisoners and staff to live and work. In light of this, it was shocking that many staff did not seem to be prepared to tackle the

drugs misuse. When inspectors at one point raised the fact that drugs were clearly being smoked on a wing, the response from staff was to shrug.

We were made aware during the inspection of the recent death of three prisoners and although the circumstances were still subject to investigation by police and the Prisons and Probation Ombudsman (PPO), it was likely that the misuse of synthetic cannabinoids was involved.

### ***Self-harm***

In the 18 months since we last inspected HMP Birmingham three prisoners were known to have taken their own lives. Not all investigations by the PPO are complete but early indications suggest significant concerns about the standards of care at the prison. This inspection supports those findings. Case management of prisoners at risk of suicide and self-harm was poor, the response to previous PPO recommendations had not been sustained and prisoners at risk of self-harm we spoke to did not feel well cared for. The poor conditions in which they were held, the lack of anything purposeful to do and their inconsistent access to peer support added to their risks. While it was true that recorded levels of self-harm were lower than at other similar prisons, we did find some evidence that suggested there was under-reporting of such incidents.

### ***Low staff confidence and poor support***

Many staff lacked both confidence and competence in key prison skills. This was compounded by ineffective front-line management and leadership and lay at the heart of the prison's problems. On a minority of wings, we evidenced staff-prisoner relationships that were reasonably effective but many staff were anxious and indeed fearful as they went about their duties. Wings were poorly supervised and prisoners routinely disregarded rules, even to the extent of open drug use. We saw prisoners behaving poorly or intimidating staff and other prisoners without challenge and staff were ineffective in maintaining even basic standards. It was often difficult to find officers, although we did find some asleep during prisoner lock-up periods. On more than one occasion we found groups of staff who had locked themselves in their own offices. We were told this was to prevent them, when busy, from being distracted by prisoners – an explanation that was neither plausible nor acceptable.

There had also been a series of incidents when staff were targeted. These included an arson attack during the week of our inspection that destroyed nine staff vehicles (seven belonging to staff and two being used by the inspection team) in a car park adjacent to the prison. This was supposedly a secure car park for staff. It can come as no surprise to anyone that this and other incidents took a toll on staff, many of whom told us they felt unsafe.

### ***Respectful detention and living conditions***

Birmingham is a very large prison and comprises older Victorian wings and newer accommodation built in the last 15 years. We found living conditions as poor as we have seen anywhere in recent years and staff and managers appeared to have become inured to the decay in standards.

Communal areas in most wings were filthy. Rubbish had accumulated and not been removed. There were widespread problems with insects, including cockroaches, as well as rats and other vermin. We saw evidence of bodily fluids left unattended, including blood and vomit. I saw a shower area where there was bloodstained clothing and a pool of blood that had apparently been there for two days, next to numerous rat droppings. Many cells were cramped, poorly equipped and had damaged flooring or plasterwork. Most toilets were poorly screened, many were leaking and we saw cells with exposed electrics.

In the older part of the prison (primarily A, B, C wings), virtually every window was damaged and many were missing. We met several vulnerable or newly-arrived prisoners who were placed in accommodation that was squalid and unfit to be used. Conditions on the newer wings were generally better but ventilation was poor across the prison. Observation panels in cell doors were frequently smashed and then covered by prisoners and this practice – which meant that staff could not assess the risk of entering a cell – nevertheless went unchallenged by staff. There were also unacceptable delays, sometimes up to an hour, in responding to cell bells.

### ***Purposeful activity and release***

Our findings on safety and living conditions would on their own have justified invoking the Urgent Notification process. But a prison is also responsible for delivering purposeful regimes with training and education, as well as an approach to rehabilitation that addresses the risk of reoffending, public protection and preparing the individual for release. HMP Birmingham was delivering very poor outcomes in all these areas. I will limit my comments in this letter about these specific issues, as the inspection debrief note gives more detail. Our colleagues in Ofsted judged the overall effectiveness of education, work and training as ‘inadequate’, citing management weaknesses, inconsistent teaching and indifferent achievements. Only about 40% of prisoners were engaged in activities. Attendance and punctuality were poor. The result was that while many men were out of cells during the day, they were aimlessly hanging about on wings.

In terms of offender management and release planning, we had significant concerns about the confidence and competence of some offender supervisors. Since the last inspection the number of sex offenders in the prison had doubled to more than 200. We were told this had been done as a management device to help stabilise the prison after the disturbances in December 2016. This might have been legitimate had any meaningful work been done to address the risks posed by these men.

Birmingham held and frequently released men who were assessed as posing a high risk of harm to others. Between August and November this year, 50 high-risk men are due to be released and we were greatly concerned that measures to protect the public from those men – while in prison and on release – were very poor.

### ***Conclusion***

I was astounded that HMP Birmingham had been allowed to deteriorate so dramatically over the 18 months since the previous inspection. A factor in my decision to invoke the Urgent Notification process is that at present I can have no confidence in the ability of

the prison to make improvements. There has clearly been an abject failure of contract management and delivery. We were told about ‘improvement notices’, ‘improvement plans’ and ‘outstanding issues’ notices. G4S has also recruited a task force to help the management team deliver improvements, though this is a very recent development.

In my view, however, there can be little hope that matters will improve until there has been a thorough and independent assessment of how and why the contract between government and G4S has failed. Such an assessment is urgently needed if any progress is to be made. To take just one of HMP Birmingham’s many problems, the failure to address the appalling state of the windows is inexcusable. Managers in the prison told us they had been assured that a government-funded programme would begin in the summer of 2018 to replace the hundreds of broken windows. By mid-August this work had not started and within a matter of weeks many prisoners will be forced to use blankets, towels or clothing to keep the cold out.

The inertia that seems to have gripped both those monitoring the contract and delivering it on the ground has led to one of Britain’s leading jails slipping into a state of crisis that is remarkable even by the low standards we have seen all too frequently in recent years. I have already described the near-total failure to address our previous recommendations. The Action Plan published in September 2017 to address those recommendations remains a collection of largely unfulfilled aspirations.

For HMP Birmingham to improve, the causes of failure need to be understood and addressed as part of an honest appraisal of what has happened. I hope that you, as Secretary of State, will be able to initiate such an appraisal, which is of course beyond the scope of this latest inspection.

First, however, there is an urgent and pressing need to address the squalor, violence, prevalence of drugs and looming lack of control that currently afflict HMP Birmingham.

Yours sincerely

A handwritten signature in black ink that reads "Peter Clarke". The signature is written in a cursive style with a horizontal line underneath the name.

**PETER CLARKE**



Debriefing paper by HM Inspectorate of Prisons

Full inspection of:

HMP Birmingham

30 July – 9 August 2018

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## Healthy prison assessments

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# Healthy prison assessments

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Outcomes for prisoners are good against this healthy prison test.

There is no evidence that outcomes for prisoners are being adversely affected in any significant areas.

Outcomes for prisoners are reasonably good against this healthy prison test.

There is evidence of adverse outcomes for prisoners in only a small number of areas. For the majority there are no significant concerns. Procedures to safeguard outcomes are in place.

Outcomes for prisoners are not sufficiently good against this healthy prison test.

There is evidence that outcomes for prisoners are being adversely affected in many areas or particularly in those areas of greatest importance to the well-being of prisoners. Problems/concerns, if left unattended, are likely to become areas of serious concern.

Outcomes for prisoners are poor against this healthy prison test.

There is evidence that the outcomes for prisoners are seriously affected by current practice. There is a failure to ensure even adequate treatment of and/or conditions for prisoners. Immediate remedial action is required.

# 1. Safety

Reception and first night procedures were good and prisoners were well supported. Too many prisoners felt unsafe. Levels of violence were exceptionally high and many incidents were serious. Many perpetrators of violence did not face sanctions and not enough was being done to make the prison safer. Too many adjudications were not proceeded with. The regime in the segregation unit was poor. Use of force was relatively low and well governed. There was a lack of order and control on some wings. Drugs were easily available. There had been three self-inflicted deaths since we last inspected and a further three deaths likely to be linked to the misuse of NPS. Prisoners at risk of suicide and self-harm were not well cared for. Outcomes for prisoners were poor.

## Early days in custody

- Reception was exceptionally busy but staff were welcoming and processes were efficient.
- Since the last inspection Insider prisoners had been appointed and they supported and provided reassurance to new arrivals.
- First night processes in the dedicated first night centre were well organised and accommodation was clean and well equipped.
- Staff interviewed prisoners before they were locked away with an appropriate emphasis on safety concerns but these interviews were not sufficiently private.
- New prisoners received useful information about prison processes from Insiders, supplemented by relevant agencies on the day after arrival, but attendance at induction was not tracked.
- Prisoners were moved on promptly from the induction wing but there was poor introduction to their new location.

## Managing behaviour

### Encouraging positive behaviour

- Levels of violence had increased since our last inspection and were very high. When measured over 12 months, levels of violence at Birmingham were higher than at all other local prisons. Many incidents were serious and this figure was rising. Both staff and prisoners attended outside hospital for treatment.
- In our survey, 71% of prisoners said they had felt unsafe at some time at Birmingham and over a third said they currently felt unsafe. Too many violent incidents were not investigated. The analysis of violence-related data included a useful range of demographic information but failed to identify causal factors. As a result, the violence reduction strategy and supporting action plan were too limited, failing to consider the impact of drug activity, lack of staff supervision and control, and lack of purposeful activity on rising violence. Some actions had been taken to make the prison safer but too many actions had yet to be implemented.
- There was no formal process to challenge perpetrators of violence. Too often prisoners did not face any sanctions, such as the use of incentives and earned scheme (IEP) and adjudications to deter and manage their poor behaviour.
- We found a number of prisoners across the prison self-isolating due to fears for their safety. They were entirely unsupported and there were no processes in place to manage them or provide them with any form of regime.
- The IEP scheme was ineffective and inconsistently applied.

### Segregation and adjudications

- Monitoring and oversight of segregation was satisfactory but did not include those self-isolators segregated on wings.
- Most stays were relatively short, but the regime, especially for those staying for lengthy periods, was extremely poor.
- Despite particularly high levels of violence, the number of adjudications was fewer than in similar prisons.
- Too many adjudications were dismissed or not proceeded with and charges referred for police investigation were delayed for too long, which undermined the challenge to poor prisoner behaviour.

### Use of force

- Despite the high levels of violence and poor prisoner behaviour, recorded use of force had reduced since the last inspection.
- Managerial oversight was good, and records we viewed were comprehensively completed and evidenced a focus on de-escalation.
- Use of special accommodation was rare and appropriately justified and authorised.

### Security

- We were concerned at poor accounting for prisoners, lack of order and control on some wings and some poor control around prisoner movement.
- Intelligence was quickly and effectively analysed and had led to some successful operations and outcomes, including the disruption of organised crime groups (OCGs), and significant drug and mobile phone finds. The prison was suitably focused on the risks posed by extremism.
- Drugs were too easily available. The number of prisoners testing positive for drugs under the random testing procedures was over 33%. In our survey, half of all prisoners said that it was easy to get illegal drugs at Birmingham and one in seven said that they had developed a drug problem at the prison.
- We witnessed many prisoners under the influence of drugs and prisoners openly using and trafficking drugs around the site. Incidents involving new psychoactive substances (NPS) were routine and we frequently smelt cannabis on the wings. Shockingly, staff were too often ambivalent and accepting of such incidents.
- There had been three recent drug-related deaths and although the Prisons and Probation Ombudsman (PPO) investigations into these deaths had been suspended pending completion of police investigations, early indications suggested it was likely that misuse of synthetic cannabinoids was involved.

### Suicide and self-harm prevention

- Recorded levels of self-harm were lower than at the last inspection and lower than in similar prisons, although we observed, and Listeners told us, that some incidents of self-harm were not recorded.
- Analysis of self-harm incidents at the monthly safer custody meeting was not good enough to identify patterns and trends which would inform action.
- The management of ACCT (case management for prisoners at risk of suicide or self-harm) procedures was poor in most cases. In many, care maps had not been completed and where they had, issues identified in assessments had not been included. Recorded contact was not sufficiently interactive and was often not complying with planned intervals.

- Care was undermined by the extremely poor living conditions and lack of constructive activity, and prisoners we spoke to did not feel well cared for.
- There had been three self-inflicted deaths since the last inspection. Although not all the PPO investigations were complete, early indications suggested significant concern about standards of care at the prison.
- The action plan in response to PPO recommendations was incomplete and not kept under review so some actions were not sustained.
- Investigations of serious incidents of self-harm were not sufficiently detailed and did not identify lessons learned.
- In our survey only 31% of prisoners said it was easy to speak with a Listener when they wanted to, which was significantly worse than similar prisons and Listeners told us that prisoners were often refused access to them.

## 2. Respect

**Staff-prisoner relationships had deteriorated markedly. Many staff lacked confidence and did not exert appropriate authority or challenge blatant poor behaviour. Some staff ignored vulnerable prisoners being openly bullied. The prison was dirty and many prisoners were living in exceptionally poor cells, some of which were not fit for habitation. Consultation arrangements were patchy and applications were poorly administered. Some serious complaints were not adequately tracked or progressed. Equalities was given insufficient priority and more needed to be done to meet the needs of disabled prisoners. The food was adequate, but some servery areas were filthy. Health and substance misuse services were reasonable overall but there were some significant gaps. Outcomes for prisoners were poor.**

### **Staff-prisoner relationships**

- Staff-prisoner relationships had deteriorated since the last inspection.
- Some staff were clearly competent and we observed some relaxed and effective relationships.
- Relationships on a minority of wings were reasonable but elsewhere, a lack of confidence and inexperience in the workforce was clearly impacting on relationships.
- A series of incidents, most recently an arson attack on cars in the staff car park, had inevitably taken a toll on staff, many of whom told us they felt unsafe.
- Some wings were very poorly supervised. At times it was difficult to find staff and some were found locked in wing offices. We saw examples of staff asleep during patrol periods.
- Boundaries between staff and prisoners were blurred and some prisoners undertook roles which were clearly the domain of staff.
- Some prisoners routinely disregarded rules and appropriate standards of behaviour, without challenge from staff.
- We regularly saw evidence of open drug taking, blocked observation panels, prisoners expected to endure intolerable living conditions and some vulnerable prisoners being openly bullied with staff failing to take action.

### **Daily life**

#### Living conditions

- Living conditions in most wings were very poor, and some of the worst we have seen.
- External areas and most exercise yards were stark. Debris that had been thrown out of cell windows in older wings was gathering in gullies and on lower rooftops.
- Common areas in most wings were filthy and access to cleaning materials was problematic. Rubbish was not always removed promptly and there were problems with fleas, cockroaches and rodents.
- Many cells were cramped and overcrowded. Many were poorly furnished and had broken windows and observation panels, damaged flooring and plasterwork. There was much graffiti, some of it offensive. Most toilets were poorly screened and some were filthy. We saw cells with exposed electric wires.
- Some particularly vulnerable prisoners were living in squalid cells which were not fit for habitation. Blood had not been cleaned from the cell floor of a prisoner who had self-harmed two days previously. Vomit had been left overnight on the landing of one wing.
- Many showers were poorly maintained and shower facilities were dirty.

- Conditions in some newer wings were better. Some were reasonably clean. Cells there were often in better condition, but many were poorly ventilated and uncomfortably hot.
- Monitoring data, and our observations, showed unacceptable delays in answering cells bells. A prisoner on an ACCT waited almost one hour, and another 45 minutes.

#### Residential services (catering and shop)

- We found the quality of the food to be reasonable but we received numerous complaints about the standard of the food during the inspection and only 31% of prisoners said the food was good or very good. Food trolleys were dirty and the central servery area was in a deplorable state with dirty standing water and utensils in sinks, extensive uncleared rubbish and filthy toilets adjacent.
- Most prisoners said they could buy what they needed from the canteen using the kiosks.

#### Prisoner consultation, applications and redress

- Consultation arrangements with prisoners were patchy. Prisoners had made some interesting and creative proposals, but there was little evidence that these ideas were being put into practice.
- Only 55% of prisoners said it was easy to make an application, which was significantly poorer than the 71% previously. There were some significant delays in responses.
- Most complaints related to property and other administrative problems and replies to them were timely and most were helpful. A number of serious allegations had been generated through the confidential complaints system but we were concerned about the lack of tracking and progress in these cases.

### **Equality, diversity and faith**

#### Strategic management

- Equality and diversity was not given sufficient priority or prominence.
- The equality and diversity committee met regularly, but senior staff with designated lead roles for protected characteristics did not always attend.
- Discussion at the committee was descriptive rather than analytical. Equalities data was available but not used effectively.
- Prisoner equality reps provided useful individual support to other prisoners, but there were no focus groups to help extend the range of their work.
- While discrimination incident reporting form (DIRF) investigations were usually carried out reasonably well, many of them were completed late.

#### Protected characteristics

- In our survey, prisoners from minority groups generally reported similarly to mainstream prisoners.
- Men from a black and minority ethnic background made up around a third of the overall population. There was no formal support for this group but we did not see and were not told of evidence any obvious direct racial discrimination.
- Some helpful work was being carried out with travellers and LGBT prisoners.
- Foreign national prisoners, who made up just over 12% of the population, had regular access to Home Office officials but many did not have access to free independent immigration advice. Little help was provided for men who did not speak English and they were potentially very isolated.

- Arrangements for older and disabled prisoners who were located on the social care wing and who presented higher levels of need were good. Other prisoners with disabilities struggled to get their needs met. There was still no formal prisoner carer scheme and the personal emergency evacuation plan (PEEP) arrangements were badly organised and unreliable. Wheelchair users continued to have difficulty accessing services, such as the chapel and the dentist.

#### Faith and religion

- Prisoners had good access to religious services and their spiritual needs were adequately met.

#### Health, well-being and social care

- Health care services had improved since our last inspection but there were still some areas of concern, including the complaints process and medicines management
- An appropriate range of primary care services met patient need, but did not attend (DNA) rates were very high and the management of long-term conditions required improvement.
- Health care staff regularly responded to a high number of NPS incidents, which impacted on their routine activities.
- Too many outside hospital appointments were cancelled by the prison and we found examples of prisoners with broken bones not receiving prompt hospital treatment.
- Some aspects of medicines management, including in-possession risk assessments, required improvement. Medication administration was not confidential and the quality of officer supervision was poor.
- A well-integrated mental health team offered an appropriate range of primary and secondary support. Referrals were seen promptly and care planning was generally good.
- The inpatient unit provided an impressive environment for up to 30 physically and mentally unwell prisoners. Dental provision was good and waiting times had reduced.
- The eight men receiving social care from an external provider were very complimentary about their care.
- Clinical management of drug- and alcohol-dependent prisoners had improved but observation of drug-dependent prisoners during their early days remained problematic.
- Most prisoners with drug and alcohol problems were located on B wing, where drugs were easily available and which therefore did not provide a recovery-focused, safe environment.
- Psychosocial services provided a reasonable range of interventions and joined up working had improved, but more needed to be done to encourage prisoners using NPS and other drugs to engage with services.

### **3. Purposeful activity**

**The core day was complicated and unreliable. Time unlocked was reasonable for a minority but far too little for some. Library and PE facilities were good but access was not adequately monitored. The provision of education, skills and work was inadequate. Too many prisoners did not have an education, work or training place and those who did often failed to attend. The quality of teaching and learning required improvement. Too few prisoners completed their courses or achieved their qualification. Outcomes for prisoners were poor.**

#### **Time out of cell**

- Time out of cell was adequate, at around nine hours for the minority of prisoners in education, training and work. Most prisoners had four to five hours unlocked on the wings with nothing purposeful to do, spending most of their time milling around and associating in groups in cells.
- Prisoners who were self-isolating were sometimes unlocked for a shower but even this was not guaranteed.
- The core day was confusing, unnecessarily complex and often not followed. There were regular delays in the regime that had an impact on prisoners' access to activity places.
- In our spot checks, 32% of prisoners were locked up during the core day.
- Exercise was sometimes cancelled and only 27% of prisoners said they could exercise more than five days a week.

#### **Library and PE**

- The library was well run, welcoming and offered a wide range of material. Prisoners valued the facility.
- Attendance was variable due to problems with the redeployment of escorting staff, although this had improved recently.
- An appropriate range of gym equipment and facilities were provided.
- The range of planned activities and sports was adequate, including activities for the over-40s and for those recovering from injury.
- Monitoring of access and usage of both the library and gym was weak and it was difficult to determine who used them and whether access was equitable.

#### **Education, skills and work activity**

##### **Leadership and management of education, skills and work activity**

- Prison leaders and managers gave insufficient strategic priority to the promotion of education and its role in reducing reoffending.
- Leaders and managers had been slow in taking effective actions to improve provision and achieve the recommendations from the previous inspection. Formal quality assurance measures required further development.
- There were enough full-time equivalent activity places for about two-thirds of the population. Places were not used effectively, leaving many prisoners without an activity at all.
- Prisoners allocated to an activity often failed to attend or attended late. We found only 40% of prisoners in work, training or education at any one time.
- Training and education were often interrupted due to regime demands, including significant numbers of prisoners leaving work or education to attend PE.



- The range of higher level qualifications was too limited and there was insufficient accredited training in work settings. Not enough programmes were structured to meet the needs of short stay prisoners.
- There was inadequate provision of careers advice.

#### Quality of teaching learning and assessment.

- Teaching, learning and assessment were not consistently good enough.
- A large proportion did not receive a suitably timed assessment of their English and mathematics development needs. Consequently, a small minority of prisoners were on inappropriate education courses or receive delayed help.
- The quality of support for the small number of learners with self-declared learning disabilities or difficulties had improved; but the formal identification of additional support needs was insufficient.
- In the better sessions, tutors designed and used teaching strategies and exercises that helped learners gain confidence and achieve to their potential. However, prisoners' personal and social development needs were not routinely established and used to aid their successful rehabilitation.
- Tutors' management of peer mentors was not consistently effective. Too often tutors did not sufficiently direct mentors' work to ensure they removed barriers to prisoners' learning.

#### Personal development and behaviour

- Good, respectful behaviours were observed in work and education. Rapport between the prisoners and staff during activities was good. However, a small number of prisoners behaved badly.
- Prisoners in education and vocational training made appropriate improvements in their speaking and listening skills. This helped them participate more effectively in their activities. Prisoners' development of literacy and mathematics skills in work settings required improvement.
- Work and lessons did not start and end at the planned times, undermining the development of employer-desired behaviours.

#### Achievements and outcomes for prisoners

- The proportion of prisoners who completed their courses and achieved their qualifications was too low.
- Mathematics qualification achievement rates had improved since the previous inspection, but required further improvement. Achievement of English qualifications was very low.

## 4. Rehabilitation and release planning

Visits provision was adequate. The strategic management of reducing reoffending was very weak. Too few prisoners had an up to date offender assessment system (OASys) assessment. Too many offender supervisors lacked the confidence and skills to undertake their role, particularly with high-risk offenders, and contact with prisoners was poor. Opportunities for progression were far too limited for the many sex offenders. Public protection arrangements were very poor. A few hundred prisoners were released each month but their release planning was often weak. Some good support was provided for prisoners requiring help with finance or finding accommodation, but only if their need was identified. Outcomes for prisoners were poor.

### Children, families and contact with the outside world

- The visits centre continued to provide a supportive and helpful service for people visiting the prison and this was reflected in positive findings from a recent visitor survey.
- The visits hall was large and spacious and the atmosphere was relaxed, but the furnishing and decoration were poor and in need of refurbishment.
- Family days continued to take place monthly, but there were no formal programmes or interventions or family engagement staff to help men who had problems maintaining positive relationships with their family.
- It was encouraging that a support group had recently been set up to support men who did not receive visits.

### Reducing risk, rehabilitation and progression

- Strategic management had deteriorated and was poor. The reducing reoffending committee did not meet, the strategy was unfinished and there was no action plan to measure progress.
- Joint working between the offender management unit (OMU) and community rehabilitation company (CRC) was extremely limited.
- The prison held a complex population. Most prisoners stayed at Birmingham for three months or less but about 350 men were assessed as high risk of harm and 50 of these were due for release in the next three months.
- A third of eligible prisoners did not have an initial or up to date OASys assessment and 60% of men were transferred without one, so progression was not informed by risk and need.
- Uniformed offender supervisors were managing the vast majority of high risk men and lacked confidence to undertake this role effectively.
- The recorded level of contact with prisoners, including high risk of harm men due for release, was poor and offender supervisors often failed to encourage and motivate prisoners to address their offending behaviour.
- Not enough men were being released under the new home detention curfew (HDC) processes and the reasons needed to be explored and addressed.

### Categorisation and allocation

- The number of sex offenders had increased. We were told that numbers had been increased to try to stabilise the prison, but there had been no consideration of their needs. Progression opportunities were much too limited and many had been stuck at

the prison for over a year without any intervention to challenge their offending behaviour.

#### Public protection

- Overall public protection arrangements were very poor.
- The scope and effectiveness of the inter-departmental risk management team (IDRMT) was too limited.
- There was too little contact with community offender managers to inform risk management planning for prisoners due for release.
- Mail and phone monitoring and child contact arrangements were poorly managed and potentially exposed victims to further contact from perpetrators.

#### Interventions

- Delivery of accredited programmes to prisoners from the general population was appropriate and sustained, but the lack of interventions for long staying sex offenders remained a significant gap. There was very little other work around attitudes, thinking and behaviour.
- Support for prisoners around finance, benefit and debt was reasonably good but very few men were able to open a bank account before release.
- Where need was identified, there was very good support in place to help prisoners secure accommodation, but the prison still did not monitor closely enough the proportion of prisoners going to permanent and sustained housing on release.

#### Release planning

- Many men were serving short sentences and the demand for resettlement services remained very high with around 200 releases each month.
- Support for men approaching release had deteriorated. Staff shortages made it difficult for the CRC to cope and resettlement plans were either not completed or completed too close to release to be effective.
- Pre-release courses and resettlement fairs were very poorly attended, which were significant missed opportunities.