

From the Desk of the Editor

# THE PRISONS HANDBOOK

The Definitive Annual Guide to the Penal System of England and Wales

PRISONS ORG UK LTD

PO BOX 823

HIGH PEAK

DERBYSHIRE SK22 9AL

Tel: 0845 474 0013

[www.prisons.org.uk](http://www.prisons.org.uk)    [directors.office@prisons.org.uk](mailto:directors.office@prisons.org.uk)

Dame Anne Owers  
Chair: IMB  
102 Petty France  
London  
SW1H 9AJ

## OPEN LETTER

9<sup>th</sup> November 2017.

Dear Anne,

It is of course customary in these situations to say '*congratulations*' on a new appointment, in this case as the first Chair of the Independent Monitoring Boards (IMB), and it would be churlish of me not to do so – so welcome and congratulations.

That said however I admit, given your previous roles, to being completely confused as to whether your appointment as IMB Chair fills me with genuine confidence or with real and serious concern; my instinct is very much the latter; please let me take a moment to explain why before addressing the IMB issues that now lay ahead of you in greater depth.

My belief, having watched you over nine years in your role as the Chief Inspector of Prisons between 2001 and 2010, is that you, and you alone, were primarily responsible for muting and muzzling the effectiveness of the Prisons Inspectorate.

Your immediate two predecessors as Chief Inspector, HHJ Stephen Tumim and David (now Lord) Ramsbotham, fought tirelessly to confront Ministers with the misery they found in our prisons, constantly going public and refusing to accept that the failures they consistently found and reported on were not corrected – it is salient to note that they each had in excess of 90% of their recommendations implemented.

When you became Chief Inspector of Prisons all that changed.

The fierce and forceful independence of the Prisons Inspectorate that Tumin and Ramsbotham fought so hard to assert suddenly disappeared. No longer were press conferences held by you – indeed the only time I recall you 'going public' was when you felt Patrick Carter – architect of the now defunct National Offender Management Service (NOMS) – had in some way offended you when he did not consult you in a manner you clearly expected when preparing his Carter Report, and you criticised him publicly for that. But your record on publicly confronting and criticising Ministers with public press conferences about suicides, self-harm, violence, drug and alcohol misuse, mental health issues, staff and prisoner assaults, and a decaying and collapsing prison system, are notable for being next to non-existent.

Nick Hardwick, your successor as Chief Inspector, fought hard to repair the damage you caused when you quietly tip-toed the Prisons Inspectorate back inside the same Ministry of Justice that Tumim and Ramsbotham had fought so hard to break it out of.

Indeed Hardwick had the courage to say 'enough was enough' and leave when he felt that the executive pressure placed on him, that sought to groom him to behave in a way that impinged unacceptably on his Independence as a Crown Appointee, became too much – and who could blame him when he was faced with the disgraceful prospect of having to re-apply for his job to the very Minister whose prisons he would have to independently inspect and report on?

That took guts and courage and I whole-heartedly commend Nick Hardwick for it.

The damaging consequences of your years as Chief Inspector are shockingly obvious today – Peter Clarke the current Chief Inspector has a recommendation implementation rate of just 37%; no one bats an eye-lid now when the latest shocking figures are revealed: suicides at record levels, self harm incidents running at over 40,000 a year, assaults on prisoners and staff running at almost 30,000 a year.

That is down to you and the manner in which you discharged your role as Chief Inspector of Prisons.

That is why I say your appointment as Chair of the IMB fills me more with dread than delight.

So, now to your new role.

Your new appointment as Chair of the IMB came as a result of the Karen Page Associates Review of IMBs ([www.prisons.org.uk/KPA.pdf](http://www.prisons.org.uk/KPA.pdf)) commissioned by the Ministry of Justice that concluded this organisation was in need of 'root and branch' reform.

Why are you the person to deliver this?

The shocking dismissal of Faith Spear as the Chair of the HMP Hollesley IMB, for simply having the courage to speak out publicly about prison conditions (something you never found the courage to do in your nine years as Chief Inspector) is a scandal – [www.prisons.org.uk/wbwaw.pdf](http://www.prisons.org.uk/wbwaw.pdf)

My disclosure yesterday that Mr Patsy (appropriate name?) McGonagle, the IMB Chairman at HMP Magharberry has agreed – despite an objection from at least one on his Board – to give the prison governor 24 hours notice of any night visit, not only revealing what time they intend to visit but further detailing specifically what parts of the prison they wish to visit, is an outrage.

By virtue of Rule 126 of the Prison Rules Northern Ireland, all IMB Members have the legal right enshrined in law to have free, full and unfettered access to a prison at any time – this unlawful agreement between the IMB and the Governor seeks to exercise powers and waive legal statutory rights of unfettered access that neither the Board nor the Governor in law possess.

This is not some minor issue: do you know the case of Colin Bell?

HMP Magharberry prisoner Mr Bell, who had made numerous attempts to self harm, was on heightened Suicide Watch, in a CCTV-covered cell, at Magharberry, when he killed himself during the night.

An examination of the CCTV coverage later showed the officer, Daniel Barclay, who was supposed to be monitoring him *had rolled out a mattress and was trying to sleep while Mr Bell, who had made four suicide attempts in the previous 90 minutes, lay slumped dead against his cell door* (full details: <http://www.prisons.org.uk/tpheditorial2016hl.pdf>)

In 2014 the officer concerned was given a 15 month suspended jail sentence. Cf: <http://www.bbc.com/news/uk-northern-ireland-26971485> and [www.converseprisonnews.com/imb-cowardice](http://www.converseprisonnews.com/imb-cowardice)

How much longer we have to tolerate the currently constituted second-rate, disorganised, 'watchdog' in our prisons is now down to you.

The Magharberry night visit notice decision is one ripe for a Judicial Review and I am aware that it being actively considered.

Of course people do not have to go to the Courts at all if the new Chair of the IMB (that's you by the way) steps in and puts a stop to it.

Will you?

Or will you simply refuse to take any action or cognisance of it, as your past history of not 'rocking the boat' implies this is what the IMB future holds?

The IMB fulfil a vital supervisory role inside our prisons, it is not about its abolition, it is far too important for that – instead it is about dragging it into 2018 and beyond. There are many IMB members, professional, dedicated, unpaid, hard-working people keen to do a worthwhile and vitally important job but who have been gagged by grooming to shut up, sit down and be quiet.

Nationally the IMB is more of a lapdog than a watchdog as it currently stands: sit, paw, walkies, they are told to shut up, be quiet, or be sacked.

Are you the right person to put a stop to this, the person who can give Boards the confidence that they can speak to the local and national media without the Secretariat 'Stasi' subjecting them to discipline procedures and dismissing them?

Then prove it.

The IMB are part of the National Preventive Mechanism [www.nationalpreventivemechanism.org.uk](http://www.nationalpreventivemechanism.org.uk), the 21-strong group of statutory bodies that owe obligations to the United Nations and discharge the OPCAT responsibilities. These are not a group of 'do-gooders' they exist and are each appointed to their statutory office to monitor what happens inside our prisons and speak out about it.

The IMB as part of the NPM are independent, law protects their independence, but in practice they are all scared out of their wits that if they speak out of turn or do not do as they are told they will be sacked.

Our IMB system is too important to be led by someone who does not have the courage to fight its corner.

The lead body for the NPM is of course the Prisons Inspectorate, as you of all people know so well. Your first move therefore must be to move the IMB lock stock and barrel away from the MOJ and its Secretariat 'Stasi' where it does not belong, and place it inside the Prisons Inspectorate where in principle, practice and plain old common bloody sense says is its rightful home.

The IMB as a national organisation is a laughing stock – much like the Prisons Inspectorate today following your tenure as Chief Inspector as I recently reported in The Independent.

See <https://tinyurl.com/ybo55brk>

IMB Annual Reports are constrained by a meaningless and hopelessly restrictive 'template', that prevents Boards saying what they want to say, and in many cases where text is simply cut and pasted from one annual report to the next – the reports are all online at [www.imb.org.uk](http://www.imb.org.uk) so compare the reports for yourself.

The shocking issue of fire safety in our prisons, which I recently revealed, where every single prison inspected by the Crown Premises Fire Investigation Group (CPFIG) in the year to June 2017, all failed fire inspections and were issued with statutory fire safety notices shows how bad things have become. In official minutes of IMB meetings I have obtained, post-service of the fire failure safety notices, make it abundantly clear that IMBs were either not told about these statutory fire safety failure notices at their monthly meetings with the Governor or, if they were told, they were given such a sanitised version of true events that they were hopelessly misled: see <https://tinyurl.com/ycj8bazp> and, also for the full story, [www.prisons.org.uk/firesafety-hotels/](http://www.prisons.org.uk/firesafety-hotels/)

In one way I am pleased you have been appointed to this new role. It means that we will be able to see for the first time who the real Dame Anne Owers is. Unconstrained by previous occupiers of this newly-created Office, you have a blank sheet.

Have you got the courage of Nick Hardwick, or the complicity and lack of courage that cemented a view of you as Chief Inspector of Prisons that may no longer be right or appropriate?

Time will tell.

I along with many others will now be watching closely: the care of 86,000 prisoners and 32,000 staff depend on you getting it right this time, and I desperately hope that you do.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mark Leech'. The signature is fluid and cursive, with the first letter 'M' being particularly large and stylized.

Mark Leech FRSA  
Editor  
The Prisons Handbook