

Director General Prisons HM Prison and Probation Service 8th Floor Ministry of Justice 102 Petty France London SW1H 9AJ

HM Prison & Probation Service

Mrs Rachael C Griffin Senior Coroner for Dorset Bournemouth Town Hall Bournemouth BH2 6DY

20 December 2022

Dear Mrs Griffin,

Thank you for your Regulation 28 report of 24 October 2022 addressed to **Exercise**, Director General of Operations for HMPPS, and the Governor of HMP Portland following the inquest into the death of Bradleigh Barnes at HMP Portland on 28 December 2019. This response addresses both concerns you have raised in relation to HMPPS. I understand that NHS England are responding separately.

I know that you will share a copy of this response with the family of Mr Barnes and I would like to express my condolences for their loss. Every death in custody is a tragedy and the safety of those in our care is my absolute priority.

Following evidence heard at the inquest you have raised a concern that there was no local operating policy on the use of force between the prison and the healthcare provider. There is a new healthcare provider at the prison, Oxleas NHS Foundation Trust – Offender Healthcare Services. When healthcare providers are commissioned, part of the contract refers to the fact that they must adopt HMPPS policies and be guided by them. The contract began on 1 December 2022 and a memorandum of understanding (MOU) has been produced by the Governor of HMP Portland and the Service Director of Oxleas NHS Foundation Trust, setting out the role of healthcare during planned and unplanned use of force incidents as well as post incident actions to be followed to ensure the wellbeing of prisoners and staff. This MOU complies with the directions of Prison Service Order (PSO) 1600 which details the circumstances in which force can be used and the framework for justifying the use of force. The Use of Force policy document covers not only control and restraint techniques but also de-escalation skills, personal safety techniques and medical procedures including the role of healthcare staff in use of force incidents.

I am aware that NHS England are providing a separate response relating to issuing national Use of Force guidance for healthcare staff so I will not comment on this further but I wish to assure you that we continue striving to improve joined up working between prison and healthcare staff. The national use of force policy is currently being reviewed and updated, and healthcare colleagues are engaged as part of this process. I fully appreciate the important role that healthcare play in ensuring the safety of all prisoners and staff.

The second concern you have raised relates to the quality of mattresses provided by HMPPS which can lead to prisoners obtaining more than one for comfort and you have

asked that consideration be given to providing alterative better quality mattresses and issuing national guidance on prisoners accessing additional mattresses.

I can confirm that a review of Prison Service Instruction (PSI 11/2015) *Fire Safety in Prison Establishments* was carried out in March 2022. The policy sets out the fire retardancy standards for furniture and upholstery in prisons which are assessed as being a very high hazard for fires. For reference, hospitals are classed as medium hazard and hotels and residential homes for the elderly as high hazard. For this reason there are very stringent regulations that HMPPS are required to comply with when considering the beds, mattresses, and bedding to provide to prisons to ensure the safety of prisoners and staff.

The mattresses issued by HMPPS are 100mm thick and are produced to a very specific standard with each batch scientifically tested to ensure that they meet the very rigorous fire retardancy standards. It is unfortunate that, in order to achieve safety standards, the mattresses can be quite hard, however the safety of those in our care must be paramount.

I can confirm that the metal bedframes at HMP Portland have been replaced by new whitewood furniture beds and am assured that the feedback received from the prison is that there has been a positive response to the new beds from prisoners.

In order to reduce the risk of mattresses being used as a barricade, prisons must manage this locally in the same way that they monitor the potential use of other cell furniture as a barricade, and staff must challenge prisoners who have additional mattresses and remove them. This is monitored through daily accommodation fabric checks which are recorded and assured locally to ensure safety and security.

Thank you again for bringing your concerns to my attention. I trust that this response provides assurance that action is being taken to address the matters that you have raised.

Yours sincerely



Director General of Operations, HMPPS