

Parole Board Chief Executive's blog – October 2021

The fact that many prisoners have mental health problems is no secret. The whole criminal justice system must do better to ensure those individuals experiencing mental health issues do not become stuck in the system and are given the treatment they need.

Parole Board members do see prisoners who clearly need mental health support and often require treatment, and yet remain in prison, where access to such services and support can often be limited or delayed, and as a result their wellbeing can deteriorate further. The Board recently made a number of submissions on the Reforming the Mental Health Act White Paper and I gave evidence to the Justice Select Committee around this important issue, which I feel strongly about. I write this in the same week the Justice Committee published its report into mental health in prisons with no surprises in its conclusions.

The number of prisoners dealing with mental health issues is anecdotally quite prevalent, however, there seems to be little data available to properly assess the scale. One of the fundamental problems is that the term “mental health” is often ambiguous, can get confused with emotional wellbeing, and there are unclear thresholds of diagnoses to gain access to treatment needs.

All too often, mental health concerns are identified far too late in the parole process, which makes it very difficult to put in place measures to support the prisoner to engage meaningfully in their parole review, and can cause delays.

The Parole Board strongly supports the aim to reduce delays for prisoners to be transferred from a prison establishment to a hospital setting where that is deemed appropriate, either by way of the Mental Health Act or for specific treatment. Transferring prisoners as swiftly as possible out of the prison setting to one where they can receive the treatment they need is critical.

It is often difficult for prisoners to engage in their parole review whilst their treatment needs are not addressed. Whilst it is appreciated there are limited resources, these prisoners tend to be very vulnerable and sometimes need to be transferred to a hospital setting far more quickly than currently happens. In some cases, it would be more beneficial for a prisoner to have a period of assessment in hospital, and not necessarily treatment. However, it is acknowledged that the current Mental Health Act does not facilitate this.

The Parole Board is doing a great deal of work to improve policy and process around prisoners affected by mental health issues or where mental capacity may be a concern.

This year, we launched a project to streamline cases for prisoners transferred from prison to hospital under the Mental Health Act. The project

aims to improve the timeliness and effectiveness of the parole process once the prisoner has been discharged by a Mental Health Tribunal (MHT) and it then falls to the Parole Board to determine whether the prisoner can be released back into the community.

Currently the average length of time between the MHT hearing and the Parole Board decision is around 12 months, however sadly in many cases it is longer. Significant concerns were raised by the Mental Health Act Review, undertaken by Professor Sir Simon Wessely and published in December 2018, in relation to the length of time between the MHT hearing and the Parole Board decision.

The Mental Health Streamlining Project involves a review of all relevant existing cases by a team of specialist members with expertise in the field, to ensure they are assessed and progressed efficiently and effectively. The ongoing management of existing cases has already resulted in 17 cases reaching a conclusion since the project recommenced in the six months between February and August 2021. As a comparison, for the previous reporting year there were 21 cases concluded across the whole 12 months in total.

Following on from this early work, the Board will be launching a pilot to continue and test the process for all new referred cases later this Autumn. The HMPPS Public Protection Group and the Board have been working on developing implementation plans and guidance for those who will be involved in the pilot. As part of this, there have been meetings with the MHT and other interested stakeholders.

The issue of prisoners' mental capacity and litigation friends in the parole process is also one of growing prevalence. This was explored in a 2019 Judicial Review, with the judgment being handed down in June 2020. The judgment has been very helpful in providing a steer to assist with our thinking in how to support such prisoners.

The key to success, as ever, is cross-agency co-operation. That is why we established a working group with the Official Solicitor, HMPPS, and others to map out the role of a litigation friend of last resort; and worked with the Ministry of Justice to develop measures to assist in identifying cases where capacity may be an issue as early as possible in the parole process. The guidance is now in its final stages of approval and we are hoping to publish by the end of October.

Difficulties in obtaining specialist reports where there are mental health concerns is an issue that can delay parole reviews. We have been working closely with HMPPS on improving timely compliance with directions for these reports. We are working closely with partner agencies to tackle issues to support the progression of psychology risk assessments, compliance with directions and effective evidence giving at oral hearings. We are also working with HMPPS on the timely provision of other specialist reports, such as psychiatric reports.

We plan to launch a dedicated multi-agency working group before the end of the year to look at wider mental health of prisoners in more detail.

The Parole Board's primary focus is protection of the public. However, we have a responsibility of fairness to prisoners and must ensure the most vulnerable, and those who need psychiatric treatment, do not become lost in the system.

[Call for bids in Thailand: Magna Carta Fund 2021 to 2022](#)

World news story

The Magna Carta Fund for Human Rights and Democracy (MCFHRD) is the FCD0's dedicated strategic fund supporting our global human rights and democracy work.



The British Embassy Yangon has £65,000 GBP available for work in support of human rights for fiscal year 2021 to 2022.

Themes/objectives

All project bids must aim to promote, protect, and improve human rights and

the rule of law in Myanmar. Issues on which we welcome bids include, but are not limited to, the below:

- countering hate speech
- freedom of religion or belief and cultural rights
- freedom of expression, including media freedom and academic freedom

We welcome bids from organisations based in Myanmar and internationally. Projects do not have to implement inside Myanmar.

Selection criteria

Bids will be assessed against the following criteria:

- project impact: delivering sustainable, meaningful change to human rights in Myanmar
- project viability: including the capacity of implementing organisation to deliver outcomes
- project design: there must be clear links between the proposed activity and the project outcomes
- risk management: robust analysis of key risks, and a plan of action to manage and mitigate those risks
- value for money: including the number of direct beneficiaries and the scale of achievable outcomes

We draw your attention to the below key points:

- proposals can be up to £65,000 (approximately \$89,000)
- the entire project must begin and complete in the period 01 December 2021 and 31 March 2022
- all funding must be activity-based (ie: not for general staff costs, office rental etc.)

How to bid

Published 1 October 2021

[Climate change brought to life at COP26 with over 200 events in Glasgow](#)

- Tickets will be available shortly for the Green Zone at COP26 in Glasgow
- Singer Ellie Goulding announced as a COP26 Advocate

COP26 will open its doors to the British public throughout the international climate summit, with more than 200 events being hosted in the UK-run Green

Zone in Glasgow between Monday 1 November and Friday 12 November.

The Green Zone, hosted in the Glasgow Science Centre, will bring together young people, indigenous leaders, businesses and grassroots communities who will showcase cultural performances, exhibitions, talks, film screenings and technical demonstrations to a global audience.

Tickets will be available free of charge to the public with most events also streamed live on the COP26 YouTube channel so people across the UK and the globe can join in.

Global singer/songwriter Ellie Goulding has also been announced as a COP26 Advocate. Ms Goulding will be raising awareness about climate change to audiences in the UK and around the world, promoting the importance of climate action to young people and will also be attending COP26 in Glasgow.

Over 300 organisations will take part including:

- Musicians in Exile, Glasgow's asylum seeking and refugee musicians will perform music from their homelands with new songs created for COP26 about the impact of climate change on refugees now, and in the near future
- An immersive multimedia IMAX experience, Can I live? from Fehinti Balogun sharing how, as a young Black British man, he has found his place in the climate movement. It weaves his story with spoken word, rap, theatre, animation and the scientific facts
- ActionAid, featuring 'Earth Observers', a women-led debate on climate justice from space frontiers to frontline farmers. Female leaders including Nicole Stott (Veteran-NASA Astronaut) from the worlds of science, space exploration, activism and the arts will discuss how they've witnessed climate change from unique vantage points, and what they've learned about solutions, collaboration and ambition
- Tron Young Theatre, featuring 'Retro/Future', a documentary film about the River Clyde made by six young Glaswegians who have been engaging with young activists in Colombia and exploring ideas around climate change in their countries

COP26 Principal Partners (Unilever, SSE, Sky, ScottishPower, Sainsburys, Reckitt, NatWest Group, National Grid, Microsoft, Hitachi and GSK) will have a strong presence at the COP26 Green Zone to share their experiences, showcase their commitment to fighting climate change, support and encourage others to do the same, and make a difference in a global issue of paramount importance.

They will all be hosting exciting interactive exhibition stands in the Green Zone, and running a host of diverse and interesting events and premieres covering a range of themes relevant to tackling climate change alongside other world experts and interesting speakers.

The Green Zone will also feature some of the individuals, businesses and organisations in all four nations of the UK who are all going one step greener to protect the planet, as part of the Government's Together for our

Planet campaign.

From a British FormulaE race car showcasing the power of electric vehicles, to the artwork created by children across the country to inspire climate action, the Green Zone will convey the passion and innovation of the UK's fight in tackling climate change.

COP26 President-Designate Alok Sharma said:

COP26 is our last best hope for the world to come together and tackle climate change. So the eyes of the world will be on Glasgow when global leaders arrive in November.

As well as the crucial climate negotiations, COP26 is a fantastic opportunity for businesses, civil society, academia, indigenous groups, and young people to showcase what they are doing to tackle climate change to both a local and a global audience.

Tickets will be available shortly and I would encourage the UK public to use this unique opportunity to engage with this momentous event.

Ellie Goulding, COP26 Advocate said:

I've taken on the role as an Advocate for the UN climate change conference COP26. I believe that COP26 MUST be the moment global leaders listen to the scientists and tackle the climate crisis for all our sakes. We have to keep 1.5 alive.

There's going to be an incredible energy and focus in Glasgow in November and I think it's important that as many people as possible take part in deciding their future on this planet. I'm encouraging as many people as possible to get involved.

Background

- For Green Zone programme see [here](#)
 - Tickets will be available via the COP26 website on 11 October 2021.
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Rainsbrook Secure Training Centre branded inadequate by inspectors

A new report from Ofsted, HMI Prisons and the CQC lays bare the extent of failings at the secure training centre (STC) near Rugby, currently run by MTC.

Inspectors found poor practice was placing children and staff at risk of harm, as well as failing to give vulnerable children – some as young as 14 – adequate care and support.

Children and staff told inspectors of their concerns that a child or adult would be harmed or die as a result of poor practice and management in the centre. The report describes a 'volatile culture' where children carry weapons 'just in case'.

While children felt cared for by most staff, many said they lived in an environment where they felt anxious and unsafe. Children told inspectors "Of course we are not safe. That's just how it is" and "Somebody is going to die in here soon." This was echoed by staff, who said they feared for their own safety as well as children's.

Inadequate staffing levels placed staff in 'an impossible position' and unable to care for children safely, with staff resorting to leaving children unsupervised and locking them in their rooms in order to take a break.

Inspectors also found:

- Children aren't always taken to planned healthcare appointments on time, if at all, and sometimes aren't given prescribed medication. One child, who health staff suspected had a head injury, wasn't taken to hospital to be assessed.
- Education is weak – children aren't given access to a timetable and often don't know what lessons they would be doing on a given day. Instances of aggression in the classroom take too long to de-escalate, leading to an unsafe learning environment.
- Conditions at the centre are poor in some areas. Staff had failed to notice that an unused child's room had faeces in the toilet, resulting in a fetid, unpleasant smell in the living unit, while elsewhere inspectors found gang-related graffiti on walls.
- Staff lack skill and experience, leading to unsafe practice. There is too little oversight from leaders, with staff telling inspectors that they didn't feel supported, and that poor practice is not readily identified or challenged.
- There is a disconnect between the senior leadership team and centre-wide staff. Staff and children told inspectors that the director – the third since the last full inspection – isn't sufficiently visible.

The findings follow a series of negative inspection outcomes for the centre.

After visits in October and December last year highlighted serious concerns – including children being kept in their rooms for up to 23.5 hours a day – the inspectorates issued an Urgent Notification (UN), requiring the Ministry of Justice to set out an action plan for improvement at the centre. While a monitoring visit in January this year showed some improvements, a second UN in June highlighted further serious issues.

There are no children currently living at the centre after the Ministry of Justice ordered their removal in June, but the centre remains open.

Amanda Spielman, Ofsted's Chief Inspector, said:

Today's report reveals a litany of failures. Rainsbrook has once more fallen drastically short in caring for especially vulnerable children, despite being warned about poor practice last year. These children need the highest quality training, care and support to get their lives back on track. It's vital that there is long-term, sustainable improvement at the centre.

Charlie Taylor, HM Chief Inspector of Prisons, said:

In spite of the previous concerns we raised in our visits to this centre, it remained a place where children, some very damaged, were neither being kept safe, supported nor given the boundaries and education that they need in order to go on to lead successful adult lives.

Dr Rosie Benneworth, Chief Inspector of Primary Medical Services and Integrated Care at CQC said:

In a setting such as this, the interplay between health care staff and the centre staff is vital to making sure that children get the care they deserve. It can only happen if both are supported, trained and able to perform their complementary roles in enabling and providing care. Sadly, along with concerns about their general treatment and wellbeing, we saw that vulnerable children did not always have their health care needs met and they were exposed to unnecessary risk at Rainsbrook. When the joint inspectorates visited in June, there was much to be addressed before this service could safely provide care in the future.

Inspections of Rainsbrook STC since 2015

Inspection judgements 2015 to 2020

Date	Overall effectiveness (before 2019) or overall experiences and progress of children and young people (after 2020)	Effectiveness of leadership and management (introduced to the inspection framework from September 2015)
February 2015	Inadequate	N/A
September 2015	Requires improvement to be good	Requires improvement to be good
October 2016	Required improvement to be good	Inadequate
June 2017	Requires improvement to be good	Inadequate
October 2018	Requires improvement to be good	Requires improvement to be good
February 2020	Requires Improvement to be good	Requires improvement to be good

Due to COVID-19 (coronavirus), Ofsted, HMIP and CQC suspended inspections of STCs in March 2020. As part of a phased return to routine inspection, we carried out assurance visits to STCs in the period until 31 March 2021.

Visits 2020 to 2021

Date	Type of visit	Visit outcome
October 2020	Assurance visit	Serious and widespread concerns
December 2020	Monitoring visit	Urgent notification invoked
January 2021	Monitoring visit	Some early signs of improvement. However, much of the action plan yet to be implemented.

Update on Open Banking

The OBIE is an independent organisation that, following an Order by the Competition and Markets Authority (CMA), was set up in 2017 by the 9 largest retail banks in Britain and Northern Ireland to implement Open Banking.

Open Banking enables consumers and SMEs to share their bank and credit card transaction data securely with trusted third parties who are then able to provide them with applications and services which save them time and money. The UK has been a global leader in this area and it is estimated that half the UK's small businesses and over 4 million consumers now use services powered by open banking technology.

In September 2020, Alison White (a non-executive with experience in corporate governance and with no prior involvement with the organisations concerned) was appointed to lead an independent investigation, with support from the law firm Mishcon de Reya, following receipt of a complaint setting out a number of allegations relating to the OBIE; to the Open Banking Implementation Trustee, Imran Gulamhuseinwala (the Trustee); and to certain current and former senior staff members of the OBIE.

The investigation considered the issues raised under the following five themes: corporate governance; late delivery of accounts; management of conflicts; procurement and value for money and human resource issues. The findings of the independent investigation were reported to the CMA in August 2021.

The investigation considered serious allegations regarding bullying, harassment, discrimination and victimisation. It found that inaction and failures by the leadership of the OBIE allowed a culture of bullying and intimidation to prevail. Separately, it found there was a failure properly to manage conflicts of interest at the organisation and though it did not find any evidence that this was exploited for private gain, there was an unacceptable risk that it might have done so.

The investigation concluded that the Trustee did not ensure that the OBIE was properly managed in accordance with the Retail Banking Market Investigation Order 2017 (the Order).

The investigation also found that a lack of appropriate corporate governance had contributed directly to what happened at the OBIE. It found that the Order set out very little detail about the governance arrangements for the OBIE; that too much power was vested in the Trustee personally with too few checks and balances; that there were failings in the system of risk management and internal control and in the management of culture and values and failure to engage in effective workforce engagement, including when complaints were made; and that no steps were taken to improve the governance when the Open Banking project extended in time and scope.

The investigation therefore also concluded that the CMA, and the nine retail banks who helped establish OBIE, must accept their share of responsibility for not putting in place stronger governance mechanisms from the outset, for lack of attention to issues of governance throughout the programme and for not improving the governance when it became clear that the project was becoming more complex and far longer than originally anticipated.

The CMA is today announcing the following actions that are being taken following the investigation:

- Imran Gulamhuseinwala has tendered his resignation as Open Banking Implementation Trustee and Chair
- Charlotte Crosswell has been nominated as the replacement Implementation Trustee and Chair, to lead the planned transition to the future arrangements for Open Banking
- New non-executive Directors will be appointed to the OBIE board as a priority, to provide appropriate independent scrutiny and oversight
- Kirstin Baker, an independent non-executive Director of the CMA, has

been appointed to lead a review to identify the lessons for the CMA in its approach to designing, implementing and monitoring remedies in its market investigations. The findings of this review will be published

- The findings of the Alison White investigation will be taken into consideration in relation to the future governance arrangements for Open Banking, alongside responses received to the CMA consultation earlier this year. A further update on this will be published as a priority

CMA Chair Jonathan Scott said:

I would like to thank Alison White for her report. The investigation has identified significant failings that require a swift and substantial response. It found that serious allegations – including of bullying, harassment, discrimination and victimisation – were not investigated properly by the OBIE and it concluded that this reflected failures in both the management and the governance of the OBIE. This is simply unacceptable and we agree with Alison White that everyone involved needs to accept their share of the responsibility for this and act on the lessons learned.

It is clear change is needed. I have accepted the resignation of the Implementation Trustee, Imran Gulamhuseinwala, and I am today pleased to announce the nomination of Charlotte Crosswell as Implementation Trustee and Chair of the OBIE. Her authority and expertise make her well placed to take on the leadership of the OBIE.

The CMA has a responsibility to learn lessons from the failings identified in the governance of the OBIE. I am therefore today announcing a review of the lessons to be learned for our approach to designing, implementing and monitoring remedies in market investigations.

I would like to thank the complainants who raised these issues for doing so as without them these serious issues may have remained unaddressed. The report raises questions about the complainants' right to compensation and I would expect these questions to be considered carefully and with an open mind by the new leadership of the OBIE.

Open Banking is a pioneering intervention that is helping millions of people and small businesses save money and time. The UK is recognised as an international leader in this space. All those who have helped deliver it over the last few years, including the Trustee and all the people currently working at the OBIE, have played an important role in this achievement.

Charlotte Crosswell said:

Since joining the OBIE in my initial role as Transition Lead earlier this year I have already been impressed with the professionalism, dedication and innovation from the open banking team and believe the organisation is in a strong position to successfully take open banking mainstream. Given my background advising the industry on fintech and innovation I am excited to bring my experience to the OBIE Trustee role. The success of open banking, and what the OBIE team has already achieved with the industry and policymakers, has played a critical role for consumers and SMEs across the UK. We must look to leverage this in offering openness and competition in financial services and be ambitious on our journey towards open finance and smart data.

I look forward to the CMA's consultation announcement into the future governance of the OBIE and I hope that this will give us greater clarity and enable us to implement fully the kind of leadership, governance, structure and culture that is important for a progressive and permanent organisation.

Charlotte Crosswell OBE was appointed as Transition Lead at Open Banking Ltd earlier this year. Charlotte has been involved in capital markets and technology throughout her career – as CEO, Board Advisor and Non-Executive Director. She is the Former CEO of Innovate Finance, where she worked closely with Fintech entrepreneurs, government and regulators in addition to working on the Independent Strategic Review into UK Fintech that was published in February 2021. Charlotte also represents UK Fintech on the Department for International Trade's Financial Services Trade Advisory Group.

1. You can view [Alison White's report](#) on the CMA's website.
2. Open Banking was part of a package of remedies adopted by an independent Inquiry Group of the CMA in 2017 designed to increase rivalry in the provision of banking services. It requires the 9 largest banks and building societies in Britain and Northern Ireland (the "CMA9") to make transaction data available through a common set of routines, protocols, and tools for building software applications.
3. To implement Open Banking, the CMA made an Order which came into force in February 2017 and required the CMA9 to create and pay for an implementation entity – known now as the Open Banking Implementation Entity ("OBIE") – and to appoint an Implementation Trustee, approved by the CMA, to oversee the process.
4. The OBIE was established by the CMA9 as a limited company, Open Banking Limited ("OBL").
5. The CMA9 are: AIBG, Bank of Ireland, Barclays, Danske, HSBC, Lloyds

Banking Group, Nationwide Building Society, NatWest Group and Santander.

6. The Open Banking implementation phase will complete in 2022. In 2021 the CMA consulted [on what arrangements should be put in place for its governance in the next phase of its development](#). Responses received to this consultation have been published and the CMA is considering these.