

*Return to an Address of the Honourable the House of Commons
dated 29th June 2006
for the*

REPORT OF THE
ZAHID MUBAREK INQUIRY

VOLUME 2

Ordered by the House of Commons to be printed 29th June 2006

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Zahid Mubarek: 1980–2000

Contents

Volume 2

The Preface and first five Parts are contained in Volume 1 of this report

Appendices

Appendix 1: The Inquiry team	553
Appendix 2: List of legal representatives	554
Appendix 3: The Inquiry's terms of reference and procedures	555
Appendix 4: Evidence received by the Inquiry	564
Appendix 5: Delegates at the Inquiry's seminars	569
Appendix 6: Robert Stewart's movements (August 1995 to March 2000)	571
Appendix 7: Systemic shortcomings, and individual failings which were not the consequence of systemic shortcomings	572
Appendix 8: Summary and recommendations	615
Index	667

Appendix 1: The Inquiry team

Mr Justice Keith	Chairman
Lutfur Ali	Adviser
Bobby Cummines	Adviser
Alastair Papps CB	Adviser
Bruce Gill	Secretary
Duncan Henderson	Solicitor
Nigel Giffin QC	Counsel
Neil Sheldon	Counsel
Ian Short	Deputy Secretary
Joyti Manjhadria	Deputy Solicitor
Paul Rees	Assistant Secretary (Communications)
Katie Twomey	Assistant Secretary (Legal Support)
Angela Larbie	Assistant Secretary (Office Management)
Gemma Wilkie	Press Officer
Jason La Corbiniere	Paralegal
Bela Buchanan	Paralegal
Hannah Fitzgerald	Legal Support Assistant

Appendix 2: List of legal representatives

Witnesses	Representatives
The family of Zahid Mubarek	Patrick O'Connor QC and Dexter Dias, instructed by Imran Khan of Imran Khan and Partners, Solicitors
The Prison Service	Nicola Davies QC, James Maxwell-Scott, Rachel Toulson and Alan Maclean instructed by Peter Whitehurst of the Treasury Solicitor's Department
The Prison Officers' Association	Barry Cotter and Ben Cooper, instructed by Anthony Marriott of Lees Lloyd Whitley, Solicitors
Dr Andrew Greenwood	Martin Forde instructed by Michael Brown of Berrymans Lace Mawer, Solicitors
Dr Stephen Jefferies	Simon Eastwood of Eastwoods, Solicitors
Nigel Herring	Charles Bourne instructed by Deborah Lawunmi of the Treasury Solicitor's Department
Duncan Keys	Jacques Algazy instructed by Gordon Turner of Roiter Zucker, Solicitors
Feltham Independent Monitoring Board and Lucy Bogue	Richard Lissack QC and Mark Mullins instructed by Ann Alexander of Alexander Harris, Solicitors
Patrick Dawson,* Stephen Green, Joyce O'Mara, Amy Poulson* and Hilary Thompson*	Alan Evans instructed by Graham Jackson, Solicitor and Secretary to the Greater Manchester Probation Service

* Denotes a witness who provided a witness statement to the Inquiry but was not called to give oral evidence.

Appendix 3: The Inquiry's terms of reference and procedures

Introduction

1. On 29 April 2004 the Home Secretary, the Right Honourable David Blunkett MP, announced the establishment of a non-statutory public inquiry into the murder of Zahid Mubarek at Feltham Young Offender Institution on 21 March 2000. The Inquiry's terms of reference are:

“In the light of the House of Lords judgment in the case of *Regina v. Secretary of State for the Home Department ex parte Amin*, to investigate and report to the Home Secretary on the death of Zahid Mubarek, and the events leading up to the attack on him, and make recommendations about the prevention of such attacks in the future, taking into account the investigations that have already taken place – in particular, those by the Prison Service and the Commission for Racial Equality.”

2. The Inquiry will be carried out by The Honourable Mr Justice Keith. He will have the assistance of Mr Waqar Azmi OBE, Mr Tony Pearson* and Mr Bobby Cummines as expert advisers, but he will have sole responsibility for the Inquiry's report.
3. This document sets out the procedures which the Inquiry has decided to adopt.

Website and contact details

4. The Inquiry will establish and maintain a website, which may be found at the following address: www.zahidmubarekinquiry.org.uk
5. The correspondence address for the Inquiry is as follows:

The Zahid Mubarek Inquiry
PO Box 38560
London
SW1H 9WA

* Mr Azmi and Mr Pearson resigned as advisers to the Inquiry in July 2004 and were replaced by Mr Lutfur Ali and Mr Alastair Papps CB.

6. Other contact details for the Inquiry are as follows:

Telephone: 020 7936 9002

Fax: 020 7936 9119

E-mail: questions@mubarekinquiry.gsi.gov.uk

7. The Secretary to the Inquiry will be Mr Bruce Gill. The Solicitor to the Inquiry will be Mr Duncan Henderson. Counsel to the Inquiry will be Mr Nigel Giffin QC and Mr Neil Sheldon.

Interested Parties

8. The Inquiry will accord to a limited number of parties the status of Interested Parties at the Inquiry. The consequences of this status are set out in paragraphs 13, 23, 30, 32, 38, 43 and 46 below.
9. The Inquiry has contacted a number of parties inviting them to apply to become Interested Parties. Any other individual or body wishing to apply to be accorded Interested Party status should submit that application to the Solicitor to the Inquiry as soon as possible. Each application will be considered and determined by the Inquiry Chairman.

Document gathering

10. The Inquiry requests anyone who holds documents which are relevant to its work to supply those documents to the Inquiry. Specific requests to parties likely to hold such documents have already been made, but the request that relevant documents be provided is of general application.
11. Any person who is in possession of relevant documents should contact the Inquiry as soon as possible so that the necessary arrangements can be made for their delivery. Where necessary, the documents will be copied and returned to their owners.
12. Consideration of the documents received may reveal the need for the Inquiry to see further documents, and additional requests for documents may be made as a result.

The Inquiry Bundle

13. Documents provided to the Inquiry which are considered likely to be relevant to its work will be included in the Inquiry Bundle. Copies of the Inquiry Bundle will be distributed to Interested Parties for use at the Inquiry's hearings and to assist with the preparation of written statements. The provision of the Inquiry Bundle will be subject to a suitable confidentiality undertaking. Particular documents may be provided to persons and bodies who are not Interested Parties as and when appropriate.
14. It may prove necessary from time to time to make additions to the Inquiry Bundle. The Inquiry will make arrangements for the copying and distribution of such further documents as may prove necessary.

Written statements

15. The Inquiry wishes the evidence initially to be in written form. All persons who are known to have relevant evidence to give will be asked to provide a written statement. Other persons who believe that they may be able to give relevant evidence should contact the Inquiry as soon as possible.
16. The Inquiry will produce a preliminary list of the persons from whom it wishes to receive statements and those persons will be informed accordingly. Consideration of the documents and the statements may lead to the identification of other persons from whom statements will be desirable and further requests may be made in due course.
17. Requests for written statements will be made by the Solicitor to the Inquiry. They will identify the topics with which the Inquiry wishes the statement to deal. Persons requested to provide a statement should also have regard to the Inquiry's terms of reference when considering the topics he or she should address in the statement.
18. Persons requested to provide a statement may supply copies of statements made in connection with other proceedings. Should a statement fail to address all of the topics with which the Inquiry is concerned, a request for a further statement providing clarification or focusing on areas of particular concern may be made.

19. There are a number of ways in which a person may arrange for a statement to be provided to the Inquiry. The Solicitor to the Inquiry, or one of his colleagues, can assist with the preparation of the statement. In such cases the person requested to provide a statement will have the opportunity to make such amendments or additions to the draft statement as he or she may see fit prior to the statement being signed.
20. Alternatively, persons requested to provide a statement may prefer to prepare his or her own statement. In those circumstances, he or she may seek the help of a legal or other representative (such as a trade union official) in so doing.
21. In appropriate cases, the Inquiry Chairman may make a recommendation to the Home Secretary that the costs of legal assistance in the preparation of statements be met out of public funds. Applications for such a recommendation should be made, in the first instance, to the Solicitor to the Inquiry. Applications for a recommendation for the public funding of the cost of legal representation at the Inquiry's hearings should be made in a similar way.
22. Recommendations for such public funding are envisaged in cases in which the Inquiry Chairman considers that legal assistance is necessary and there are no other means by which such assistance may reasonably be funded. A document setting out the process by which applications for such a recommendation will be considered, and funding provided, will be made available in due course.
23. Prior to the commencement of the Inquiry's hearings, copies of the statements provided to the Inquiry will be distributed to the Interested Parties. The provision of the statements will be subject to a suitable confidentiality undertaking.
24. Persons requested to provide a statement need not include their addresses in their statements. Where the address of such a person appears in a statement produced in connection with other proceedings and provided to the Inquiry, it will be deleted in accordance with the procedure set out in paragraph 29 below.
25. It is envisaged that the majority of the persons from whom the Inquiry wishes to receive statements will have access to the copies of the Inquiry Bundle held by the Interested Parties. Should persons requested to provide a statement not have such access, and should they consider it necessary to see certain documents before completing their statements, they should inform the Solicitor to the Inquiry accordingly.

A confidentiality undertaking may be required before such documents are provided.

Confidentiality

26. This is a public inquiry and it will be conducted in an open and transparent manner. The Inquiry will normally assume that all the documents and statements which it receives may be distributed to the Interested Parties and referred to at the Inquiry's hearings.
27. Where a person considers that any part of a document or statement should not be treated in this way, he or she should inform the Solicitor to the Inquiry of the reasons for this view when the document or statement is provided.
28. The Inquiry will consider each such representation on its merits and deal with it as it considers appropriate.
29. Should the private address, telephone number or other contact details of any person appear in any of the documents or statements provided to the Inquiry, they will be deleted prior to distribution to the Interested Parties, and no reference will be made to such details during the course of the Inquiry's hearings.

Opening statements

30. At the commencement of the Inquiry's hearings, counsel to the Inquiry and the representatives of the Interested Parties will be afforded the opportunity to make opening statements to the Inquiry. Such opening statements will be subject to the timetable for the Inquiry's hearings, which will be produced and published in due course.

Attending the Inquiry's hearings

31. As stated above, the Inquiry wishes the evidence initially to be in written form. In some cases, however, the Inquiry may also ask a person who has provided a statement to appear before the Inquiry and give oral

evidence. Oral evidence from a witness will only be required for one or more of the following purposes:

- (i) to clarify any matters in the statement which are not sufficiently clear
- (ii) to amplify any matters in the statement in respect of which further information is required
- (iii) to afford the witness the opportunity of addressing matters raised by other statements or documents, or the oral evidence of other witnesses, which are relevant to his or her evidence
- (iv) to test the accuracy or reliability of any matters in the statement
- (v) to explore disputes of fact, controversial issues or questions of opinion
- (vi) to afford the witness the opportunity of responding to potential criticisms to which he or she may be subject in the Inquiry's final report.

32. Counsel to the Inquiry will prepare a provisional list of those persons from whom they consider it appropriate to receive oral evidence. This provisional list will be made available to the Interested Parties who will be given the opportunity to comment upon it. The final decision as to which persons should be asked to give oral evidence will be made by the Inquiry Chairman, advised by counsel to the Inquiry and the expert advisers. A person requested to give oral evidence will be entitled to be represented during his or her evidence.

Notice of matters requiring explanation

33. Before any person is requested to give oral evidence at the Inquiry's hearings, he or she will normally be sent a letter setting out the main topics which counsel to the Inquiry intend to address in the course of questioning. The topics set out in the letter should not be treated as a definitive list as it may be that further issues emerge in respect of which the witness may be able to provide relevant evidence. The letter is designed to assist the witness (and his or her representative) in preparing for the Inquiry's hearings by identifying at least some of the matters about which the Inquiry is particularly concerned.

34. Insofar as it may prove possible to do so, the Inquiry will endeavour to provide witnesses with a list of the main documents to which they are likely to be referred by counsel to the Inquiry in the course of questioning.
35. In some cases, the letter will also include a list of matters in respect of which counsel to the Inquiry consider it possible that the witness might be subject to criticism. It should be emphasised that the matters listed in this way will have been identified during a preliminary review of the documents provided to the Inquiry, and in no way represent the settled view of the Inquiry Chairman on any of the issues to which they relate. Each witness will be given the opportunity to address each potential criticism during the course of his or her oral evidence.
36. Letters of the type described in paragraph 35 above will be confidential between the Inquiry and the witness concerned.
37. If new matters relevant to the evidence of a particular witness come to light after that witness has given evidence at the Inquiry's hearings, the Inquiry will ensure that the witness is afforded the opportunity of responding to those new matters where fairness so requires. Such an opportunity may be afforded by inviting the witness to provide a further statement or (at the discretion of the Inquiry Chairman) inviting that witness to give further oral evidence.

Questioning of witnesses

38. Persons who are requested to give oral evidence to the Inquiry will be subject to questioning by counsel to the Inquiry, the representatives of the Interested Parties, the Inquiry Chairman (and his advisers) and the witness's own representative, normally in that order. Witnesses will not normally be required to repeat orally the evidence contained in their statements.
39. Questions put to witnesses must be related solely to matters within the Inquiry's terms of reference.
40. A list of the witnesses who are to give oral evidence at the Inquiry's hearings will be posted in advance on the Inquiry website.

Transcripts of the Inquiry's hearings

41. Transcripts of the evidence taken at the Inquiry's hearings will be published on the Inquiry website.
42. The statements of those persons who give oral evidence at the Inquiry's hearings will be posted on the Inquiry website on the day on which they give evidence. The statements of those persons who do not give oral evidence will be posted on the Inquiry website after their statements have been introduced into evidence by counsel to the Inquiry at the Inquiry's hearings.

Closing statements

43. Once the evidence at the Inquiry's hearings has been concluded, the Inquiry Chairman will afford counsel to the Inquiry and the representatives of the Interested Parties the opportunity to submit closing statements in writing. A further hearing will be arranged after the receipt of the written closing statements, at which those who have submitted such closing statements will have the opportunity of making oral closing statements. Such oral closing statements will be subject to the timetable for the Inquiry's hearings, which will be produced and published in due course.

Wider representations

44. It may prove to be the case that the Inquiry Chairman will wish to seek the views of persons and bodies not directly involved in the circumstances surrounding the death of Zahid Mubarek on more general matters falling within the Inquiry's terms of reference.
45. In those circumstances specific requests to submit representations to the Inquiry may be issued to particular persons or bodies. Those requests will identify the issues with which those representations are requested to deal. Any other persons or bodies wishing to submit such representations should contact the Inquiry as soon as possible.
46. Any such representations which the Inquiry decides to receive will be distributed to the Interested Parties and published on the Inquiry website.

Flexibility

47. The procedures set out in this document will be applied with such flexibility as the Inquiry Chairman considers appropriate. They will normally be departed from only if unforeseen problems of a practical kind arise.

Publication

48. The Chairman will submit a report for publication in full to the Home Secretary in accordance with the Inquiry's terms of reference.

Appendix 4: Evidence received by the Inquiry

Individuals who gave written statements and oral evidence to the Inquiry

Name	Position/relationship
Amin, Mubarek	Father of Zahid Mubarek
Ashworth, Martin	Prison Officer, Feltham (Swallow)
Atherton, Peter	London South Area Manager, Prison Service (1998–2000), currently Deputy Director General, Prison Service
Barnes, Jamie	Prisoner, Feltham
Billimore, Elizabeth	Prison Officer, Feltham (Swallow)
Bogue, Lucy	Chair, Feltham Board of Visitors (2000–2002)
Byrd, John	Residential Governor and Race Relations Liaison Officer, Feltham
Chahal, Sundeep	Prison Officer, Feltham (Swallow)
Chapman, Susan	Deputy Governor, Onley
Clark, Paul	Principal Officer, Feltham (Reception)
Clayton-Hoar, Helen	Deputy Head of Operations, Feltham
Clements, Judy	Race Equality Adviser to the Prison Service (1999–2003)
Clifford, Niall	Governor, Feltham (April 1999–May 2000)
Comber, Dave	Principal Officer, Feltham (Security)
Cowan, Mick	Head of Operations, Feltham
Darken, Andy	Chairman, Feltham Branch, Prison Officers' Association (1999–2001)
Davies, Graham	Principal Officer, Feltham (audit manager)
Denman, Keith	Principal Officer, Feltham (group manager – Kestrel, Osprey and Swallow)
Diaper, Colin	Senior Officer, Feltham (Operations and Reception)
Diaper, Simon	Prison Officer, Feltham (Swallow)
Dunne, Harold	Principal Officer, Hindley (Operations)
Edmundson, Lee	Prison Officer, Feltham (Swallow)
Fanthorpe, Gary	Senior Officer, Feltham (Osprey)
Farmer, Ross	Prison Officer, Feltham (Swallow)
Gargan, Dave	Senior Officer, Feltham (hiking officer)
Goodman, Julie	Prison Officer, Feltham (Osprey)

Name	Position/relationship
Green, Stephen	Probation Officer, Greater Manchester Probation Area
Greenslade, Keith	Staff Officer to Governor, Feltham
Greenwood, Dr Andrew	Senior Medical Officer, Hindley
Gunn, Professor John	Professor of Forensic Psychiatry, King's College London
Heavens, Jim	Governor, Hindley (1999–2002)
Herring, Nigel	Chairman, Feltham Branch, Prison Officers' Association (2001 to present)
Hodson, Claire (née Bigger)	Prison Officer, Feltham (Swallow)
Hogg, Deborah	Prison Officer, Feltham (Lapwing)
Jefferies, Dr Stephen	General Practitioner, Feltham
Jones, Aiden	Prison Officer, Hindley (Operations)
Keys, Duncan	Assistant Secretary, Prison Officers' Association
Kinealy, Chris	Registered Mental Nurse, Altcourse
MacGowan, Walter	Director, Altcourse
Maden, Professor Anthony	Professor of Forensic Psychiatry, Imperial College London
Marshall, Robert	Prison Officer, Feltham (Visits)
Martin, Lindsey	Nurse, Hindley
Martindale, Steven	Senior Officer, Feltham (Lapwing)
McAlaney, Gerard	Senior Officer, Feltham (Swallow)
Morse, Ian	Prison Officer, Feltham (Swallow)
Narey, Martin	Director General, Prison Service (1998–2003)
O'Mara, Joyce	Probation Officer, Hindley
Pascoe, Nick	Governor, Feltham (October 2000–November 2003)
Penwright, Ken	Principal Officer, Feltham
Prior, Wendy	Healthcare Officer, Feltham
Robson, Tom	Member, National Executive Committee, Prison Officers' Association
Sheffield, Christopher	Governor, Hindley (1997–1999)
Shewan, Robert	Senior Officer, Feltham (Kestrel)
Skinner, Stephen	Prison Officer, Feltham (Swallow)

Name	Position/relationship
Slade, Richard	Prison Officer, Feltham (Swallow)
Smith, Adrian	Head of Feltham's task force
Weir, Douglas	Senior Officer, Feltham (hiking officer)
Welsh, Clive	Governor, Feltham (February 1997–April 1999)
Wheatley, Phil	Deputy Director General, Prison Service (1999–2003), currently Director General, Prison Service
Windsor, Peter	Deputy Governor, Feltham

Individuals who gave written statements to the Inquiry

Name	Position/relationship
Ahmed, Maqsood	Muslim Adviser to the Prison Service
Ahmed, Tanzeel	Cousin of Zahid Mubarek
Arnold, James	Prison Officer, Feltham (Falcon)
Beard, Anthony	Senior Officer, Feltham (Reception)
Berry, Sally	Healthcare Officer, Feltham
Boyington, John	Head of Prison Health Task Force
Butt, Ted	Senior Investigating Officer, Prison Service
Caton, Brian	General Secretary, Prison Officers' Association
Cox, Stephen	Official, Prison Officers' Association
Cross, Andrew	Governor, Feltham (December 2003 to present)
Das, Dr Daya	General Practitioner, Hindley
Davidson, Howard	Residential Governor, Hindley
Dawson, Patrick	Probation Officer, Greater Manchester Probation Area
Duff, Bill	London Area Manager, Prison Service (from 2002)
Faice, Anthony	Senior Officer, Feltham (Healthcare)
Fawcett, John	Deputy Governor, Deerbolt
Ferguson, James	Prison Officer, Feltham (Security)
Gillan, Steve	National Vice-Chairman, Prison Officers' Association
Gray, Ian	Head of Planning Group, Prison Service
Green, Essa	Nurse, Feltham
Gunning, John	Chairman, Feltham Branch, Prison Officers' Association (up to 1999)

Name	Position/relationship
Henney, Paul	Prison Officer, Altcourse
Hinsley, Sharon	Head of Healthcare, Feltham (2002–2004)
Humphrey, Geoffrey	Head of Healthcare, Feltham (1999–2002)
Jones, Allison	Healthcare Officer, Feltham
Kang, Satwant (née Randhawa)	Prison Officer, Feltham (Emergency Response Team)
Knapman, Joan	Probation Officer, Greater Manchester Probation Area
Knight, John	Head of Residence, Deerbolt
Maley, Stuart	Prison Officer, Feltham (Lapwing)
Meek, Gordon	Prison Officer, Feltham (Reception)
Morris, Janine	Deputy Governor, Feltham
Moses, Colin	Chairman, Prison Officers' Association
Mubarek, Sajida	Mother of Zahid Mubarek
Nicholson, Malcolm	Operational Support Grade, Feltham
Parkinson, John	Healthcare Officer, Hindley
Payne, William	Governor, Feltham (May 2000–October 2000)
Pickles, Alan	Principal Officer, Hindley
Pidcock, David	Prison Officer, Lancaster Farms
Potts, Michael	Prison Officer, Hindley
Poulson, Amy	Probation Officer, Greater Manchester Probation Area
Qureshi, Abdul	Imam, Feltham
Rae, Peter	Prison Officer, Lancaster Farms
Robinson, George	Prison Officer, Feltham (Emergency Response Team)
Russ, Claire	Head of Psychology, Feltham
Shaw, Don	Residential Governor, Onley
Skidmore, Paul	Prison Officer, Feltham (Emergency Response Team)
Smith, Alan	Principal Officer, Werrington
Smith, Rodney	Course Trainer, Prison Service
Stewart, Robert	Zahid Mubarek's killer
Thompson, Beverley	Race and Equality Adviser to the Prison Service (2003 to present)

Name	Position/relationship
Thompson, Hilary	Probation Officer, Hindley
Tilt, Sir Richard	Director General, Prison Service (1994–1998)
Ullstein, Pamela	Chair, Feltham Board of Visitors (1994–1996)
Waghorn, Dennis	Deputy Governor, Stoke Heath
Whitelock, Jodi	Prison Officer, Hindley
Wotton, Matt	Deputy Head of Regime Activities, Feltham

Organisations which provided comprehensive written statements to the Inquiry

HM Prison Service and National Probation Service

HM Courts Service

Association of Chief Police Officers

Individuals and organisations who provided written representations to the Inquiry or from whom work was commissioned by the Inquiry

Zahid Mubarek's family

Commission for Racial Equality

Paul and Audrey Edwards

G4S Justice Services

Goldsmiths College

HM Inspectorate of Prisons

Howard League for Penal Reform

INQUEST

International Centre for Prison Studies

National Association for the Care and Rehabilitation of Offenders

Premier Custodial Group

Prisons and Probation Ombudsman

Prison Reform Trust

Sir David Ramsbotham

United Kingdom Detention Services Limited

The Zito Trust

Appendix 5: Delegates at the Inquiry's seminars

19 September 2005: The flow and use of information

Seminar 1	Keith Budgen	HM Courts Service
	Nick Chapman	SERCO (Premier Custodial Group)
	Gary Copson	Metropolitan Police
	Randy Fediuk	NOMS (Prison Service)
	Mike Manisty	NOMS
	Colin Moses	Prison Officers' Association
	John Powls	NOMS
	Shaun Sawyer	Association of Chief Police Officers
	Michael Spurr	NOMS (Prison Service)

21 September 2005: Assessing risk

Seminar 2	Lee Barnes	SERCO (Premier Custodial Group)
	Emma Bradley	Prisons and Probation Ombudsman
	Frances Crook	Howard League for Penal Reform
	Nigel Hancock	NOMS
	Sandy McEwan	NOMS (Prison Service)
	Glyn Travis	Prison Officers' Association
	Steve Wagstaffe	NOMS (Prison Service)

23 September 2005: Safer cells and cell-sharing

Seminar 3	Colin Allen	International Centre for Prison Studies
	Peter Brook	NOMS
	Janine Harrison	HM Inspectorate of Prisons
	Colin Moses	Prison Officers' Association
	Keith Munns	NOMS (Prison Service)
	Michael Spurr	NOMS (Prison Service)

26 September 2005: Relationships between staff and prisoners and other issues

Seminar 4	Lee Barnes	SERCO (Premier Custodial Group)
	Steve Bradford	NOMS (Prison Service)
	Emma Bradley	Prisons and Probation Ombudsman
	Graham Callow	NOMS (Prison Service)
	Jim Gomersall	HM Inspectorate of Prisons
	Juliet Lyon	Prison Reform Trust
	Ian Mulholland	NOMS (Prison Service)
	Michael Spurr	NOMS (Prison Service)

Phil Wheatley	NOMS (Prison Service)
David Wilson	Howard League for Penal Reform
Peter Wrench	NOMS

30 September 2005: Racism and religious intolerance

Seminar 5	Ahtsham Ali	Muslim Adviser to the Prison Service
	Mohammed Aziz	Commission for Racial Equality
	Claire Cooper	Commission for Racial Equality
	Dee Douglas	NOMS (Prison Service)
	Kimmett Edgar	Prison Reform Trust
	Suresh Grover	The Monitoring Group
	Monica Lloyd	HM Inspectorate of Prisons
	Colin Moses	Prison Officers' Association
	Sikander Pathan	NOMS (Prison Service)
	Enver Solomon	Penal Affairs Consortium
	Phil Wheatley	NOMS (Prison Service)

5 October 2005: Mentally disordered offenders

Seminar 6	Colin Allen	International Centre for Prison Studies
	John Boyington	NOMS/Department of Health
	Richard Bradshaw	NOMS/Department of Health
	Kate Caston	Department of Health
	Brian Caton	Prison Officers' Association
	Peter Dawson	NOMS (Prison Service)
	Kimmett Edgar	Prison Reform Trust
	John Harding	SERCO (Premier Custodial Group)
	Tish Laing-Morton	HM Inspectorate of Prisons
	Juliet Lyon	Prison Reform Trust
	Ethel Samkange	Revolving Doors (Penal Affairs Consortium)
	Michael Spurr	NOMS (Prison Service)

Appendix 6: Robert Stewart's movements (August 1995 to March 2000)

Place of custody	Dates	Period of freedom
Werrington	18.08.95–11.10.95	
		11.10.95–14.11.95
Hindley	14.11.95–02.01.96	
Werrington	02.01.96–09.02.96	
Stoke Heath	09.02.96–26.02.96	
		26.02.96–09.07.96
Hindley	09.07.96–20.08.96	
		20.08.96–03.10.96
Hindley	03.10.96–17.10.96	
		17.10.96–14.01.97
Hindley	14.01.97–18.02.97	
Werrington	18.02.97–01.08.97	
		01.08.97–05.09.97
Hindley	05.09.97–24.11.97	
Lancaster Farms	24.11.97–31.12.87	
		31.12.97–23.03.98
Police custody	23.03.98–24.03.98	
Hindley	24.03.98–14.04.98	
		14.04.98–07.05.98
Police custody	07.05.98–09.05.98	
Hindley	09.05.98–19.05.98	
Werrington	19.05.98–30.05.98	
Stoke Heath	30.05.98–26.06.98	
Onley	26.06.98–13.08.98	
Hindley	13.08.98–01.03.99	
Deerbolt	01.03.99–02.03.99	
Hindley	02.03.99–02.07.99	
		02.07.99–27.07.99
Police custody	27.07.99–28.07.99	
Hindley	28.07.99–05.11.99	
Altcourse	05.11.99–02.12.99	
Hindley	02.12.99–09.12.99	
		09.12.99–23.12.99
Hindley	23.12.99–10.01.00	
Feltham	10.01.00–12.01.00	
Police custody	12.01.00–13.01.00	
Hindley	13.01.00–24.01.00	
Feltham	24.01.00–26.01.00	
Hindley	26.01.00–07.02.00	
Feltham	07.02.00–21.03.00	

Appendix 7: Systemic shortcomings, and individual failings which were not the consequence of systemic shortcomings

Paragraph	Establishment or entity	Description
Chapter 6: The night of the attack		
6.8	Feltham	The effect of the night patrol operational order was that night patrol officers could, by timing things right, take breaks of nearly one hour, or nearly one-and-a-half hours if a meal break was included.
6.9	Feltham	The requisite number of switches could be tripped without actually patrolling the whole of the first floor landings in the residential units.
6.12	Feltham	The operational order was deficient in not expressly requiring night patrol officers to look into the cells when they did their rounds.
6.15	Prison Service/ Feltham	The training provided for prison officers may not have been adequate to enable them to deal with an emergency like Stewart's attack on Zahid in the cell they were sharing.
Chapter 7: The paper trail		
7.3	Various	The way a prisoner's main prison file was maintained made it too bulky, and the way its enclosures were filed too haphazard, for it to have been a useful working tool.
7.13	Various	The quality of entries in Stewart's files were unimpressive: they contained many inaccuracies, were often incomplete, and were frequently expressed in too generalised a way. Documents were filed randomly in different files, and many critical documents which might have been relevant to his current management were "buried" in his main prison file.
7.16	Prison Service/ Feltham	Only limited information about prisoners was available on the Local Inmate Database System. Even then, the location of computer terminals at Feltham meant that it was generally not readily accessible to prison officers on the individual residential units.

Paragraph	Establishment or entity	Description
7.17–7.18	Prison Service	The recommendation in the Learmont report (1995) that there should be a national database for holding security information about prisoners had not been implemented by the time of Zahid’s murder. This meant that there was not a database accessible to all establishments, nor was it possible to transfer such information electronically between establishments. Instead, relevant information about a prisoner would have to be abstracted from his security file which was supposed to arrive with him.
Chapter 8: Going wrong		
8.12	Prison Service	None of the documents prepared by outside agencies (for example, Social Services), which indicated Stewart’s potential to harm himself or others, found their way onto his prison files. This was the first of many missed opportunities to address how he should have been managed while in custody.
8.13	Prison Service	Nor were such records as had been generated on Stewart by the Prison Service during his previous spells in custody sent to Hindley when he was detained there in September 1997.
Chapter 9: Hindley 1997		
9.8	Hindley	Although the healthcare centre learned from Stewart that he had been seen by a psychiatrist when he was aged 10, no attempt was made to get a copy of any report which might have been prepared at the time.
9.20	Hindley	The examination of Stewart on 25 September 1997 by Dr Andrew Greenwood was not an adequate one.
9.23	Prison Service/ Hindley	In the light of Stewart’s disruptive behaviour, the possibility that he might be suffering from mental illness was ruled out by the healthcare centre’s doctors at a surprisingly early stage.

Paragraph	Establishment or entity	Description
9.26–9.28	Hindley	It was regrettable that a recommendation by the Inspectorate of Prisons, following its 1995 inspection of Hindley, that “a consultant psychiatrist should have oversight of psychiatric care in the healthcare centre” had not been implemented by 1997. This meant that if the time had arrived for a second opinion to be sought about Stewart’s mental state, the only option would have been to refer him to an outside psychiatrist. That might not have been possible having regard to the resources available and other considerations, but serious thought should have been given to holding a case conference about him.
9.40–9.41	Hindley	A critical security information report written on Stewart on 22 November 1997 after a nurse was concerned about a conversation she overheard between him and a fellow prisoner, Maurice Travis, was not placed in Stewart’s security file. Nor was any response sent to the nurse who wrote it.
Chapter 10: Lancaster Farms		
10.1	Hindley	No record was made of the reason why Stewart was transferred to Lancaster Farms on a “governor to governor swap”. That reason should have been available to those who had to manage Stewart for the remainder of his current sentence, or when he was serving any subsequent sentence.
10.2	Prison Service	Transfers of prisoners between establishments can be inimical to the objectives of the personal officer scheme, and can also be an incentive to a prisoner to misbehave.
10.7	Prison Service/ Probation Service/ Lancaster Farms	It was not usual for the Prison Service to provide the Probation Service with information about current prisoners, whether for the purposes of preparing pre-sentence reports or for supervising them following their release. Also, there was little evidence that probation officers seconded to prisons provided information about prisoners to external probation officers.

Paragraph	Establishment or entity	Description
10.11–10.14	Probation Service	Stephen Green, the probation officer who had to complete a risk assessment on Stewart and supervise him following his discharge from Hindley, should not have relied solely on his impressions of Stewart when speaking to him. Stewart’s discharge report should have prompted him to request further information from the Prison Service. Nor was he justified in thinking that Stewart’s behaviour in prison, which contrasted with an apparent absence of disturbed behaviour outside, did not call for a reassessment of the risk he might have posed. He could not properly have formed a view about how Stewart was behaving outside on the basis of the limited conversations he had with him in the probation office. He should have spoken to the officer who had prepared the discharge report on Stewart.
10.15	Probation Service/ Prison Service/ Lancaster Farms	The Probation Service’s practice of maintaining separate files for every sentence which a prisoner served could result in critical information (for example the discharge report on Stewart) not being seen by subsequent probation officers. And if the Prison Service retained copies of discharge reports at all, they tended to remain at the establishment from which a prisoner was discharged rather than being added to his main prison file. This meant that they might not be seen by subsequent prison officers having to manage that prisoner.
Chapter 11: Back at Hindley		
11.7	Hindley	Vetting of Stewart’s and Travis’s security files by Hindley’s Security Department failed to identify that they should not have been sharing a cell with each other in view of the security information report about them of 22 November 1997.

Paragraph	Establishment or entity	Description
11.8	Werrington	Following Stewart's transfer to Werrington, he was involved in two incidents of "unruly behaviour". The only surviving source of information about those incidents is the inmate intelligence cards based on the relevant security information reports. However, their value was diminished by the wrong dates being stated for both incidents, and Stewart's role in the first not being completely recorded.
11.9	Hindley/ Werrington	Hindley failed to note that Stewart and Travis should not have been transferred together to Werrington, and Werrington failed to notice that they should not be allowed to spend time with each other unsupervised and be transferred to Stoke Heath together.
Chapter 12: Stoke Heath		
12.1	Stoke Heath	Vetting of Stewart's and Travis's security files by Stoke Heath's Security Department failed to identify that they should not be allocated to the same wing.
12.11	Onley/Stoke Heath	Following the decision not to charge Stewart over his involvement in the fatal stabbing of Alan Averill by Travis, there was a failure by Onley's Security Department either to prepare an up-to-date and comprehensive security information report about the incident, or to notify Stoke Heath that Stewart would not be facing any charges in connection with it, so that its Security Department could prepare an up-to-date security information report and send it to Onley for inclusion in his file. Stoke Heath's police liaison officer should have done more to ensure that Stoke Heath's Security Department received sufficient information about Stewart's possible involvement in the stabbing. And a security information report should have said that even though there had been insufficient evidence to charge Stewart, he was still believed to have been strongly implicated.

Paragraph	Establishment or entity	Description
12.12	Stoke Heath	Stoke Heath's Security Department failed to ensure that the security information reports written on Stewart's involvement in the stabbing were entered in his security file.
Chapter 13: Onley		
13.3	Stoke Heath	Stoke Heath's Security Department failed to send Stewart's security file with him when he was transferred to Onley, and to notify Onley of the reasons for transferring him.
13.6	Stoke Heath/ Onley	If Stoke Heath never forwarded Stewart's security file to Onley, that was a failure on the part of its Security Department. In that event, Onley's Security Department was also at fault for not pressing Stoke Heath for it.
13.10	Onley	After it was decided that Stewart would not face any charges over his involvement in the stabbing, he was returned from the segregation unit to ordinary location without consideration being given to the risks he posed to other prisoners. Although formal risk assessments were not part of the Prison Service culture at the time, some sort of informal <i>ad hoc</i> multi-disciplinary risk assessment of him should have been carried out.
Chapter 14: Back at Hindley again		
14.5	Hindley	After Stewart swallowed a battery in January 1999, there was a further failure by medical staff to consider whether his behaviour said anything about his mental state.
14.8	Hindley	There was an apparent failure to relay to probation officers in Hindley, who had to assess Stewart's risk to the public on his release, the information in his security file about his involvement in the stabbing.
14.15	Hindley	Although Hindley was an establishment with double cells, no system was in place for identifying prisoners who should not share a cell.

Paragraph	Establishment or entity	Description
14.20	Hindley	As with Onley, in view of Stewart's manipulative behaviour in 1997 and the events of May and June 1998, an informal <i>ad hoc</i> multi-disciplinary assessment of the risks he posed to other prisoners should have been carried out, particularly after he was sentenced for the arson.
Chapter 15: Hindley sees Stewart yet again		
15.4–15.6	Hindley	Following the interception of a letter from Stewart in which he admitted to having committed a robbery at gunpoint, there were several deficiencies in the way a security information report written on 16 August 1999 was completed by an inexperienced and inadequately supervised officer temporarily working in the Security Department.
15.7–15.8	Hindley	Monitoring Stewart's correspondence would have been an appropriate precaution following interception of the letter. The reason given by Harold Dunne, the temporary Head of Operations, for not doing so – because he thought that Stewart was simply “showing off” in the letter – was insufficient in the circumstances.
15.17–15.19	Hindley	After Hindley was notified on 29 September 1999 that Stewart was being investigated over claims that he had sent offensive and threatening letters to a woman in circumstances which engaged the Protection from Harassment Act 1997, there was a failure to take any of the following steps: <ul style="list-style-type: none"> • completing a security information report or making an entry on Stewart's wing file • warning him about his conduct • referring him to the Potentially Dangerous Offenders' Panel • informing the Race Relations Liaison Officer if the racist element in the letters had been known • monitoring his further correspondence.

Paragraph	Establishment or entity	Description
Chapter 16: Altcourse		
16.1	Hindley	Hindley failed to record the reason for Stewart's transfer to Altcourse on 5 November 1999, either by completing security information reports about the incidents which led to his transfer or by providing sufficient information about them on the personal escort record covering the transfer.
16.2	Altcourse	When details of incidents involving Stewart were entered onto Altcourse's 4x4 system, the information was inadequately summarised. In addition, a consequence code was collectively applied to all the pre-1999 information which indicated that the information had no significant security implications.
16.5	Altcourse	Only sketchy details were entered onto Altcourse's 4x4 system about two incidents which resulted in Stewart's transfer back to Hindley. In particular, the fact that Stewart had used cell furniture as a weapon in one of the incidents was not recorded. This had the result that when Stewart's inmate intelligence card was printed out to accompany him back to Hindley, it omitted to mention that fact.
16.8	Altcourse	Even though Altcourse had received a request from the police for the production of Stewart indicating that Stewart was suspected of having been involved in racially motivated malicious communication and harassment offences, no consideration was given to whether it was safe for Stewart to continue sharing a cell with a mixed race prisoner.
16.9–16.11	Hindley/ Altcourse	Although Altcourse's failure to monitor Stewart's communications was initially attributable to Hindley having failed to tick the "Stalker/harasser" box on his prisoner escort record when he was transferred, his correspondence should have been monitored at Altcourse once it was known that he was suspected of having committed racially motivated harassment offences.

Paragraph	Establishment or entity	Description
16.17–16.18, 16.22	Altcourse/ Hindley	In relation to Chris Kinealy’s assessment of Stewart at the request of Jim Farrell, there were failures by: <ul style="list-style-type: none"> • Mr Kinealy in concluding that Stewart was not a risk to others without having available to him the contents of his security files • Mr Farrell in not telling Mr Kinealy what he knew about Stewart’s past, or after receiving Mr Kinealy’s assessment, in not asking him specifically whether Stewart posed a risk to the safety of others • Hindley’s healthcare centre in not picking up the entry Mr Kinealy made in Stewart’s medical record noting his diagnosis that Stewart was suffering from an untreatable personality disorder.
Chapter 17: Stewart’s last spell at Hindley		
17.5–17.6	Hindley	Following Stewart’s initial return to Hindley on 2 December 1999, and subsequently following his further returns there on 23 December 1999, and 13 and 26 January 2000, Hindley’s Security Department failed to update the 4x4 system with information contained on his inmate intelligence card regarding the two occasions at Altcourse when he had armed himself with weapons. The value of the inmate intelligence card, subsequently generated by Hindley on the basis of that information and which was to accompany Stewart to Feltham, was accordingly greatly diminished.
17.7	Hindley	The inmate intelligence card generated by Hindley for Feltham was also deficient in that it omitted to refer to the security information report written on Stewart on 16 August 1999 about the intercepted letter or to the incidents which had resulted in his transfer to Altcourse.
17.9	Hindley	In the erroneous belief that Stewart’s transfer to Feltham on 10 January 2000 was to be permanent, a security information report prepared on him on 5 January 2000 was closed without identifying whether any action was to be taken on it.

Paragraph	Establishment or entity	Description
17.10	Hindley	No system was in place for routinely informing wings when a prisoner's correspondence had to be monitored in accordance with Chapter 2 of PSO 4400. After it became known on 7 January 2000 that Stewart had been charged with offences under the Protection from Harassment Act 1997, his communications should have been monitored. The fact that this was not recorded on his wing file, nor on his core record, nor on the Local Inmate Database System was a serious failure.
17.13	Prison Service	Although the Security Manual provided that the security files of prisoners should always accompany them when they were transferred between establishments, this was contradicted by an instruction issued in April 1999 by the Prison Service's Security Group that under no circumstances should prisoners' security files accompany them.
17.15–17.16	Prison Service	That instruction had the effect that his security file only arrived at Feltham on 12 January 2000, the day he left; it had only just come back to Hindley by the time he returned to Feltham on 24 January; and it could not have arrived back at Feltham before he left there again on 26 January.
17.15–17.16	Feltham/ Hindley	Feltham's Security Department did not operate a system for recording the movement of security files, and although Hindley's Security Department had a security file booking-out book, it was not used consistently.
17.17	Hindley	Feltham had to open a temporary wing file for Stewart when he first went there on 10 January 2000 because Hindley had failed to send them the new wing file opened for Stewart when he went there on 23 December 1999.
17.19	Hindley	Although a prisoner's medical record should accompany him at all times, Hindley failed to send Stewart's with him to Feltham on the three occasions he went there on 10 and 24 January, and 7 February 2000.

Paragraph	Establishment or entity	Description
17.26	Prison Service	It is questionable whether the need to serve the courts should have been the only or paramount consideration in the decision to keep Stewart at Feltham rather than Hindley following his appearance at court in London on 8 February 2000.
Chapter 18: Stewart's healthcare screening		
18.10	Hindley	<p>Healthcare screening of prisoners arriving at Hindley was not being carried out in accordance with the Prison Service healthcare standard in that:</p> <ul style="list-style-type: none"> • no written statement of screening procedures was available to doctors and healthcare workers • the existing medical records of “new numbers” who had been in prison before were often not married up with their newly opened records • when a prisoner’s previous medical record became available, they were rarely reviewed to see whether any change to the initial assessment of the prisoner was needed • even if a prisoner’s medical record was available when he was examined by the doctor, it would only be looked at if justified by the prisoner’s presentation • the first reception health screen for “new numbers” often lasted less than the 10 minutes considered necessary • the full mental health examination envisaged by the healthcare standard was rarely undertaken, and the full physical examination contemplated by the standard took place only when it was regarded as clinically necessary • on occasions “new numbers” (and, perhaps, transferees as well) were not seen by the doctor when they should have been.

Paragraph	Establishment or entity	Description
18.16	Hindley	The system of maintaining two separate medical reception registers (one for “new numbers”, the other for returnees and transferees) allowed too many prisoners who should have been seen by a doctor to slip through the net. Stewart should have been seen by the doctor when he arrived at Hindley as a transferee on 2 December 1999, but was not, with the result that an opportunity for Mr Kinealy’s note on his medical record diagnosing him as suffering from a personality disorder was missed.
18.19–18.21	Hindley	It was reasonable not to have a system in place for the medical records of “new numbers” who had previously been at Hindley to be available for the first reception health screen, but there should have been one to ensure that they were available by the time of the doctor’s examination within the 24 hours required by the healthcare standard. Because there was no such system, Stewart’s previous medical record was not available to the doctor who examined him on 24 December 1999 as a “new number”, and another opportunity to see Mr Kinealy’s note was missed.
18.24	Hindley	Even when previous medical records were available, Dr Greenwood’s practice was not to look at them except in the rare event that something triggered the need for him to do so. Therefore, even though Stewart’s medical record may have been available to Dr Greenwood when (exceptionally) he saw him following his arrival at Hindley on 6 January 2000 as a returnee, it is unlikely that Mr Kinealy’s note would have come to his attention on this occasion either.

Paragraph	Establishment or entity	Description
18.26	Hindley	It was to be expected that Dr Greenwood's practice would have been adopted by other doctors in the healthcare centre. A further opportunity for Mr Kinealy's note to have been seen and acted upon was therefore missed when Stewart was seen by a doctor following his arrival at Hindley on 13 January 2000, this time because he was both a transferee (having transferred from Feltham to Hindley) and a returnee (returning from court after a change of status).
18.28	Hindley	Stewart was not seen by a doctor following his arrival at Hindley on 26 January 2000, although as a transferee he should have been. Another opportunity for Mr Kinealy's note to have been seen was therefore missed.
Chapter 19: The prisoner escort records for Stewart		
19.4	Hindley	None of the nine prisoner escort records completed at Hindley relating to Stewart's movements during the period 4 August 1999 to 7 February 2000 were completed correctly, and there was no system in place which might have avoided that happening.
19.9	Hindley	Attaching a print-out of Stewart's prisoner security information sheet to his prisoner escort records was not an acceptable substitute for completing the "Additional information" box on the form correctly.
19.8–19.11	Hindley	There was no system in place for telephoning a receiving establishment to warn them in advance about the arrival of a prisoner with a bad security record. Hindley did not give Feltham any such warning in relation to Stewart's transfer there on 10 January 2000, even though he was not to be accompanied by his security file.
Chapter 21: Stewart goes to Feltham		
21.3	Feltham	Feltham's induction process did not address how prisoners should be managed while they were there.

Paragraph	Establishment or entity	Description
21.7	Feltham	The absence of a traditional reception board would have been ameliorated by <ul style="list-style-type: none"> • proper vetting of a prisoner’s security file by the Security Department and relaying any relevant information to those who would have to manage him, and • proper sentence planning, neither of which were happening.
21.9	Feltham	Relying only on information Stewart had provided, the induction processing form was incorrectly completed to show that no self-harm at risk form had previously been opened for him. The need to check for any history of self-harm was therefore not triggered.
21.16–21.22	Feltham	Steven Martindale’s advice to Deborah Hogg to return Stewart’s racist letter to him resulted in Stewart’s racism not being more widely known since it was not retained in Stewart’s security file, nor was a note made about it in the “letters withheld book”, nor was the matter reported to the Race Relations Liaison Officer. Mr Martindale’s response demonstrated an unacceptably relaxed attitude taken at Feltham towards racist language on the part of prisoners.
21.31	Feltham	After looking at Stewart’s security file in the Security Department, Mr Martindale should have done more to warn staff on Lapwing about Stewart’s history and how he should be managed. The entries he made in Stewart’s temporary wing file and in the wing observation book were not sufficient in the circumstances.
21.32–21.33	Feltham	The frequency with which prisoners’ wing files failed to accompany them around Feltham called for wider dissemination of the fact that Stewart was known to have written a racist letter. Moreover, the failure to tell the Security Department about it meant that it was not aware that Stewart’s hostility was currently focused on black and Asian prisoners.

Paragraph	Establishment or entity	Description
21.34	Feltham	In view of his own knowledge about Stewart's history, Mr Martindale should have tried to get the intercepted letter back from him when he saw Miss Hogg's entry in Stewart's temporary wing file, which would have told him that the contents of the letter were both racist <i>and</i> threatening.
21.39	Feltham	Given that it was known that Feltham was not performing well, the entry which Mr Martindale made in Stewart's temporary wing file should have spelt out for the benefit of other units the need for him to be accommodated in a single cell.
21.42	Hindley	It was a serious failing that the temporary wing file opened for Stewart at Feltham apparently never reached his wing at Hindley. It meant that the entries in it never came to the attention of officers there, and therefore appropriate action (such as completing a security information report, informing the Race Relations Liaison Officer and monitoring his correspondence) was not taken.
Chapter 22: Stewart returns to Feltham		
22.3	Feltham	No system was in place to ensure that incoming prisoners who went straight to a residential unit (instead of to Lapwing) nevertheless went through the induction process.

Paragraph	Establishment or entity	Description
22.8–22.10	Feltham	<p>Failures regarding the receipt and flow of information about prisoners in relation to Stewart’s stay at Feltham from 24 to 26 January 2000 included:</p> <ul style="list-style-type: none"> • the fact that Osprey (where he was accommodated on his first night) received any information about him at all rested on the chance fact that Robert Marshall, who had escorted him there from reception, had previous knowledge about him from when he had worked on Lapwing • the information about Stewart which Mr Marshall provided to Julie Goodman on Osprey should have made it clear that what he had been told about Stewart did not relate solely to assaults on staff but also to prisoners • in the entry which Miss Goodman made in Osprey’s wing observation book (which she ought also to have made in his wing file), she should have stated that Stewart was said to be dangerous.
22.15, 22.19	Prison Service/ Feltham	<p>There were no national or local procedures in place at the time to assist officers in making cell allocation decisions, such as the one confronted by Miss Goodman in Osprey on 24 January 2000 when she had to allocate cells to Stewart and two Asian prisoners for the night. However, having regard to the information (albeit limited) about Stewart which she had been given by Mr Marshall, he should have been put in a cell on his own.</p>
22.22–22.23	Feltham	<p>Even assuming that the prisoner with whom Stewart was accommodated in Lapwing on the night of 25 January 2000 was not from an ethnic minority, the decision to put them in the same cell was inappropriate given that:</p> <ul style="list-style-type: none"> • Mr Martindale had been sufficiently concerned about Stewart when he was in Lapwing just two weeks earlier to put him in a cell on his own • further information about Stewart had since come to light about him from the intercepted letter and Mr Martindale’s reading of his security file.

Paragraph	Establishment or entity	Description
Chapter 23: Stewart's last trip to Feltham		
23.1	Feltham	The decision that Stewart should remain at Feltham after his court appearance on 8 February 2000 until he was next due in court on 7 March (thereby ceasing to be an "in and out") may have contributed to the problems which Feltham experienced in dealing with him.
23.3	Hindley or Feltham	When Stewart arrived on Kestrel on 7 February, and on Swallow on 8 February, he was not accompanied by his wing file, either because Hindley had failed to send it with him or because Feltham did not send it on to Kestrel or Swallow.
23.11	Prison Service	When Stewart arrived on Swallow on 8 February without his wing file, Simon Diaper's decision to allocate him to share cell 38 with Zahid was a decision he had to take as an inexperienced officer, having received no training in relation to cell allocation and in the absence of any national or local guidance.
23.17	Prison Service/ Feltham	There was no national or local guidance about what should be done when a prisoner arrived on a unit without his wing file. Although there may have been an "informal agreement" for units to turn away prisoners who arrived from other units without their wing files, that would have been impractical for prisoners arriving from other establishments, and there was nothing to indicate what was supposed to happen. In accepting Stewart onto the unit without his wing file, Simon Diaper may only have been following the practice of more experienced officers.
23.21	Feltham	The senior officer in charge of Swallow should have been informed that Stewart had arrived without a wing file.

Paragraph	Establishment or entity	Description
Chapter 24: Stewart's behaviour on Swallow and his appearance		
24.2	Feltham/ Prison Service	Limited time out of cells for prisoners on Swallow meant that there were few opportunities for officers either to interact with prisoners or to observe prisoners' interaction with each other.
24.6, 24.16	Feltham	Poor "jailcraft" by some of the officers on Swallow may have left them insensitive to the possibility that Stewart might be trouble. In particular, his tattoos and appearance should have suggested to them the possibility that he was a racist who might be hostile to prisoners from ethnic minorities, and who for that reason should not have remained in a cell with Zahid.
24.17	Feltham	The prevalence of racist abuse, which no-one had done anything to stamp out, and which gave the impression that racism would be tolerated, had desensitised staff to such an extent that the signs that Stewart might be a racist did not register with them.
24.18	Feltham	At the very least staff should have realised that most people would have been uncomfortable about sharing a cell with Stewart, particularly someone like Zahid whose culture and background would have made him so different from Stewart.
Chapter 25: Stewart's return from court on 7 and 8 March 2000		
25.2	Feltham	If proper attention had been paid to Stewart on Swallow, and his progress had been monitored between 8 February and 7 March (when, for the first time, he was accompanied by his temporary wing file containing the entries made by Miss Hogg and Mr Martindale), it would have come to light that the unit was not holding any wing file for him.

Paragraph	Establishment or entity	Description
25.9	Feltham	Stewart should not have been allowed to remain in the cell he was already sharing with Zahid after his return to Swallow from court on 7 March accompanied by his temporary wing file. The combination of Mr Martindale's warning about Stewart's dangerousness and Miss Hogg's entries about his racism and the threatening way he had expressed his hostility towards prisoners from ethnic minorities should have caused Ian Morse – who accepted that he must have read the entries – to conclude that he should not wait until he had seen Stewart's security file the next day before doing something.
25.11	Feltham	The culture of allowing racism to go unchecked at Feltham might have desensitised prison officers to the danger which a white racist prisoner – even one not behaving disruptively – might pose to his ethnic minority cellmate.
25.18	Feltham	A further opportunity to read the warnings in Stewart's temporary wing file was lost on 8 March on Stewart's return to Swallow from court when Stephen Skinner did not bother to read it, despite having seen Mr Martindale's instruction to do so.
Chapter 26: Stewart's change of status		
26.3	Feltham	Stewart and Zahid should have ceased sharing a cell with effect from 19 March 2000 when Stewart completed his sentence and became a remand prisoner. He had not been asked – as he should have been pursuant to rule 7(2)(b) of the Prison Rules 1999 – whether he was content to share with a convicted prisoner.

Paragraph	Establishment or entity	Description
26.12–26.17	Feltham	<p>Although there were minor discrepancies in the way documents relating to Stewart’s and Zahid’s discharges were completed, they were sufficient to ensure that at least three officers on Swallow knew about Stewart’s impending change of status. That nothing was done to give effect to Stewart’s change of status was attributable to the following:</p> <ul style="list-style-type: none"> • units were not told what they should do when they received information from Custody Administration about a prisoner’s discharge • Swallow’s desk officer on 6 March (when Swallow first received documentation indicating that Stewart’s status was to change on 19 March) did not make a note in the wing observation book, nor leave a note to remind whoever would be the desk officer on 19 March, that accommodation in a unit for unconvicted prisoners would need to be found for Stewart that day • Swallow’s desk officer on 17 March failed to take any action when Stewart’s discharge sheet arrived that day • there was no effective system in place to identify prisoners whose status was to change to ensure that they were moved to appropriate accommodation.
26.18	Feltham	<p>The governor responsible for the cluster of units which included Swallow erroneously believed that rule 7(2) did not require immediate compliance.</p>

Paragraph	Establishment or entity	Description
Chapter 27: The request to change cells		
27.10	Feltham	On one occasion Zahid asked to move out of cell 38 after Stewart had moved in with him. The officer to whom that request was made should have appreciated that a sense that Stewart might have been hostile to Zahid may have been the reason for that request. The failure on the part of that officer to recognise that possibility further exemplifies the indifference to the safety of prisoners from ethnic minorities which institutional racism breeds. In the circumstances, Zahid should have been asked why he wanted to move, and the request should have been reported to his personal officers.
27.12	Feltham	No system was in place for recording prisoners' requests to move cells.
Chapter 28: The incentives and earned privileges scheme on Swallow		
28.4	Feltham	No documents showing how the incentives and earned privileges scheme was supposed to work on Swallow have survived, and the recollection of staff differed. There is uncertainty about what prisoners had to do to qualify for promotion to the enhanced level.
28.5	Feltham	There was a cap on the number of prisoners who had been promoted to the enhanced level who could enjoy evening association, which was one of the privileges of that status.
28.14	Feltham	More than four years after each establishment was required to have in place an incentives and earned privileges scheme which applied throughout Feltham and which included clear and well-publicised criteria for assessing prisoners' behaviour and determining when they should move to a higher or lower level, that appeared still not to have happened at Feltham.

Paragraph	Establishment or entity	Description
28.15	Feltham	If a board or panel had been in place to make decisions about the level a prisoner should be on, that would have been another opportunity for the warnings in Stewart's temporary wing file to be noticed.
Chapter 29: The table leg and other possible weapons		
29.18	Feltham	It is overwhelmingly likely that Sundeep Chahal found the remains of the crossbar from Stewart's table during a fabric check on 20 March 2000. That should have prompted him to check the tables in cell 38 for signs of other damage. Had he done so, he would have discovered that one of the legs propping up Stewart's table was no longer attached to it, and that the crossbar and one of the stabilisers were missing, as was a large splinter from the other stabiliser. That discovery should have prompted a thorough search of the cell, which is likely to have resulted in the missing stabiliser and a dagger fashioned from the splinter of wood being found.
29.21	Feltham	The likelihood is that Stewart had detached the leg from the table at least a few days before he murdered Zahid. The officers who conducted fabric checks of cell 38 during the intervening period would only have discovered that the leg on Stewart's table had been detached if they had lifted or moved the table, which they would not have needed to do. However, in the course of checking the wall behind the table and the part of the floor it was on, they should have noticed that one of the stabilisers and the crossbar of Stewart's table was missing, and that the missing stabiliser was wedged between the pipes at the head of his bed. This in turn should have prompted them to check the cell more thoroughly, in which case they should have discovered that the table leg had been detached.

Paragraph	Establishment or entity	Description
29.23	Feltham	Swallow was without a senior officer from 15 February 2000. Nothing was done about that. There was therefore no-one in place at the time who might have noticed that fabric checks were not being conducted properly.
29.26, 29.30	Feltham	Full searches of each cell every quarter were not being conducted on Swallow between its re-opening in mid-January 2000 after refurbishment and the night of Zahid's murder. Had they been taking place, other possible indicators of Stewart's racism, such as the "KKK" which he admitted to having written at some point on a noticeboard in cell 38, might have been noticed.
29.27	Feltham	In any event, a system which from the beginning of 2000 required returns setting out the results of the full searches to be submitted to the Security Department only once every three months would mean that any shortcomings in this area could go unnoticed for some time.
29.28–29.29	Feltham	Gerard McAlaney, the senior officer in charge of Swallow until 15 February 2000, had allowed full cell-searching to lapse. After that there was no senior officer in charge who might have noticed that those searches were not being done. And although Swallow's hiking officer drew this omission to the attention of the responsible principal officer and governor, Keith Denman and John Byrd respectively, no action was apparently taken to deploy additional staff temporarily to Swallow to undertake such searches.
Chapter 30: The clues in the documents		
30.5	Feltham	Prisoners were being processed through reception without their prisoner escort records being considered, contrary to instructions from Prison Service headquarters that "appropriate staff" were to be alerted to any significant information contained in a prisoner's record.

Paragraph	Establishment or entity	Description
30.8	Feltham and other establishments	Over-use of some of the warning boxes on the form could diminish their value as an indicator of risk, and in the absence of further information on the form (and invariably there was none), staff on reception would not know why a particular box had been ticked.
30.11	Feltham	On occasions the principal officer in charge of reception kept back prisoner escort records for administrative reasons, rather than sending them on to the Security Department. Failure to file them properly in the meantime could result in them being lost (as appears to have happened with those relating to Stewart's trips to court on 7 and 8 March 2000).
30.12	Feltham and other establishments	Security Departments would not routinely ask other establishments for security files which might have been opened on prisoners when serving earlier sentences.
30.16, 30.20	Feltham	Stewart's security file should have been looked at again when he returned to Feltham on 7 February 2000, but it was not. No system was in place for recording on a prisoner's security file whether it had already been vetted, or whether any concerns it revealed about a prisoner had been passed on.
30.18	Hindley	Even if Stewart's security file had been considered following his return to Feltham on 7 February, the misleading inmate intelligence card at the front of the file, suggesting that he had been trouble-free since January 1999, might have led the reader to conclude that he posed no immediate risk to others.

Paragraph	Establishment or entity	Description
30.19	Feltham/ Prison Service	There were no guidelines in place to indicate when a warning about prisoners should be passed on to their residential units by those responsible for vetting security files. In particular, there was no system in place for identifying which prisoners might pose a threat to the safety of staff or other inmates. The systems which were in place were geared more towards checking what charges prisoners were facing and which prisoners should be accorded category A status.
30.24–30.25	Feltham	The documents in Stewart's core record (which would have accompanied him to Feltham on 7 February) disclosed enough information about him to make anyone looking at them realise that his security file merited particular scrutiny. However, there was nothing to indicate that it had been looked at by the Security Department as it should have been.
30.26	Feltham	Security Department staff were also supposed to look at the warrants authorising a prisoner's detention in custody. Had they done so they would have realised that Stewart's correspondence had to be monitored under Chapter 2 of PSO 4400, and Swallow notified accordingly.
30.27	Feltham	Although there was no requirement for Security Department staff to look at prisoners' main prison files, Stewart's contained much information (not in his security file) which would have given anyone reading them a much fuller picture of his previous problematic behaviour. However, because of its bulk and haphazard compilation, it would have taken far too long to check.

Paragraph	Establishment or entity	Description
30.29	Feltham/ Prison Service	Although Feltham's problems with the flow of information about prisoners had been picked up by the Inspectorate from at least 1996 onwards, the Prison Service did not press Feltham to remedy them. In particular, the recommendation by the Coonan Inquiry – that the Governor, Senior Medical Officer and Senior Probation Officer should periodically review the arrangements governing the receipt and transfer of information received from outside the prison – had not been implemented by the time of Zahid's murder.
30.30	Prison Service	The Prison Service's belief that any shortcoming in this area would be picked up when an establishment's compliance with Prison Service Operating Standards was audited by the Standards Audit Unit was demonstrably misplaced. At Feltham, for example, the unit did not detect any problems with the flow of information from the Security Department, nor about prisoners transferring from one unit to another unaccompanied by their wing files.
Chapter 31: The clues in Stewart's correspondence		
31.3	Hindley	Feltham did not realise that Stewart was subject to Chapter 2 of PSO 4400 because his personal escort records for 10 and 24 January 2000, and 7 February, did not state that he had been charged with offences under the Protection from Harassment Act 1997: either Hindley's Discipline Office had failed to tell its Security Department that, or the Security Department were told but failed to act on the information.
31.4	Feltham	Feltham should have been alerted in any case by the warrants which accompanied him on his return from court on 11 and 25 January, 8 February, and 7 and 8 March, all of which stated that he had been charged with offences under the 1997 Act.

Paragraph	Establishment or entity	Description
31.7	Feltham	A Governor's Order which Clive Welsh issued on 14 January 1999 failed to make clear who was responsible for identifying which prisoners were subject to Chapter 2 of PSO 4400, and who was to notify staff on the residential units of the prisoners whose correspondence had to be monitored.
31.10	Feltham	Senior managers were unaware of the lack of any system for monitoring correspondence under Chapter 2 of PSO 4400.
31.11–31.13	Feltham	The failure to carry forward Mr Welsh's initiative, followed by delay in implementing a proper system as was called for in a report from the Standards Audit Unit which Feltham received on 17 January 2000, resulted in Stewart's correspondence not being monitored at all.
31.19	Feltham/ Prison Service	PSO 4400 required that Stewart's telephone calls, as well as his correspondence, should be monitored. That was not taking place. Feltham's monitoring equipment was defective – a common problem across the prison estate.
Chapter 32: The personal officers in Swallow		
32.2–32.4	Feltham	Although personal officer schemes were introduced in young offender institutions in 1988, the role of personal officers at Feltham was not defined until a Governor's Order was issued in January 1999. Even then, neither the handbook explaining the scheme nor job descriptions for personal officers appear to have been drawn up. So personal officers would only know what the work involved if they had been trained in how to carry it out or told by senior officers what to do, or if they had observed what more experienced officers did.

Paragraph	Establishment or entity	Description
32.5	Feltham	<p>The system in operation at Feltham – whereby personal officers looked after a number of specified cells – suffered from two disadvantages:</p> <ul style="list-style-type: none"> • if an inmate moved cells, the result might be that he would have a different personal officer, and the confidence which he may have in the first would have to be built up again with the next • cellmates would have the same personal officer, which might make inmates less candid in relating to their personal officer any concerns they might have about their cellmate.
32.9–32.11	Feltham	<p>There was no local training for personal officers, and it was left to senior officers to decide what to tell their staff about what personal officer work involved. Zahid’s and Stewart’s personal officers made no entries about them in their wing files, and this, together with the lack of monitoring of personal officer work by senior officers, contributed to it not being noticed for four weeks that Stewart had no temporary wing file.</p>
32.13	Feltham	<p>Although Claire Bigger (now Hodson) and Lee Edmundson – the personal officers responsible for Zahid and Stewart – may not have been exceptional in not properly carrying out their duties, they should at least have known at the most basic level what personal officer work involved.</p>
32.14	Feltham	<p>Although the large amount of time which prisoners spent in their cells gave personal officers less time to get to know prisoners for whom they were responsible, personal officer work was not viewed as something which needed to be done.</p>

Paragraph	Establishment or entity	Description
Chapter 33: Healthcare screening at Feltham		
33.1–33.5	Feltham	Every occasion when Stewart went to Feltham would have been an opportunity for his medical record to be reviewed, and his previous troubling history and Mr Kinealy’s diagnosis of him to have come to notice. However, transferees and returnees were not seen by a healthcare worker as a matter of course, although they should have been. Due to a shortage of staff, “new numbers” were given priority for screening by a healthcare worker. But even if transferees and returnees were seen, it was sometimes the case that a record of that was not made. On the eight occasions when Stewart arrived at Feltham as a transferee or returnee, he was only once recorded as having been seen by a healthcare worker.
33.6–33.7, 33.14	Feltham	Transferees, and returnees whose circumstances had changed, should also have been seen by a doctor within 24 hours of their arrival. This would not have applied to Stewart on any of the occasions when he returned to Feltham from court as his circumstances had not changed. He should, however, have been seen by a doctor following each of the three occasions when he went to Feltham as a transferee from Hindley. That did not happen. But even if it had, he was not accompanied by his medical record on any of those occasions, and it would not have been available for review.
33.8–33.9	Feltham	The practice had also grown up (incorrectly) that transferees who were “in and outs” were not seen by a doctor or by a healthcare worker. Nor was there any system in place to ensure that any such prisoners whom it was subsequently decided should remain at Feltham – as eventually happened with Stewart – would then be seen.

Paragraph	Establishment or entity	Description
33.11–33.12	Feltham	The local protocol did not mention the national requirement that the healthcare worker should review a prisoner’s medical record as part of the screening process. Unsurprisingly, local practice was haphazard.
33.13	PrisonService/ Feltham	Neither the Prison Service’s healthcare standard nor the local protocol provided that that doctor <i>had</i> to review the medical records of transferees and returnees whose circumstances had changed.
33.19	Feltham/ Prison Service	The poor communication between the healthcare centre and residential units at Feltham, and the prevailing culture relating to medical confidentiality, would have inhibited the healthcare centre from telling the units how a particular prisoner should be managed, even if they had picked up the warning signs from the medical record.
Chapter 38: Staff morale		
38.5	Feltham	Staff did not get the reassurance they needed that the downturn in their morale was not something for which they alone should be blamed, or that senior management was committed to arrest Feltham’s decline.
38.9	Prison Service	It would have been better if Niall Clifford’s promotion, and the fact that he would be remaining “in post” at Feltham for some time, had been announced at the same time.
38.11	POA	The local branch of the POA may have been partly responsible for fostering a pervasive culture of resistance to change which may have affected the way in which Zahid and Stewart were dealt with by those officers with whom they came into contact.

Paragraph	Establishment or entity	Description
38.12–38.16	Feltham	In many cases, there were no local procedures to guide officers about how they were to do their work. Neither the production of written guidelines nor formal training was necessarily the answer, though there should have been training about the particular needs of young offenders. Staff would learn how to carry out particular tasks by observing how they were done by more experienced officers. But where those officers had developed poor practice themselves, and the officers supervising them were not alive to that, it would have been regarded by inexperienced officers as the norm.
38.17	Prison Service	The need for newly promoted senior and principal officers to be trained in the skills and responsibilities of middle management was not sufficiently recognised.
Chapter 39: Feltham's degeneration into crisis		
39.2	Feltham	There was a history of unsettled industrial relations at Feltham. However, without straying from its self-imposed starting point, it was not possible for the Inquiry to decide whether that was because the local branch of the POA was behaving unreasonably or because management was trying to push through reforms which the POA could legitimately oppose in the interests of its members.
39.3	Prison Service	Feltham was being asked to do too much with too few resources. It did not have the number of staff it needed to keep pace with its increasing population.
39.4	Prison Service	Feltham operated both as a training prison and as a local prison. But prisoners serving their sentences at Feltham did not benefit from effective sentence planning to prepare them for their release, prisoners awaiting trial were accommodated in overcrowded conditions, and all prisoners had to spend far too much time in their cells.

Paragraph	Establishment or entity	Description
39.5–39.6	Feltham	The “team working” or “strategic management” initiative introduced in the early 1990s, which gave individual units a high degree of autonomy, depended for its success on the calibre of senior officers. It foundered on the inability of some of them to supervise their staff effectively. The result was a proliferation of different work practices throughout Feltham, and an increase in the disproportionate influence which the local branch committee of the POA was said to have over the running of the establishment.
39.7–39.12	Feltham/ Prison Service	Although Feltham’s problems prior to December 1998 were not explored in detail by the Inquiry, it was suggested that Feltham’s senior management team was ineffective, and that they were not provided with adequate support from their superiors at area manager and operational director level. What is not in doubt is that the Prison Service had no real grasp that Feltham was failing badly. It was not disputed either that the Prison Service’s response to the Inspectorate’s report following its 1996 inspection was inadequate or that it should not have taken two critical reports from the Inspectorate before Feltham’s problems were taken seriously. Whether or not the Prison Service had adequate systems for identifying prisons which were failing, it had not yet learned how to turn them round.
Chapter 40: Where the buck stops		
40.4–40.5	Feltham	There was resistance by some elements of Feltham’s senior management team to implementing the recommendations of the task force, and Clive Welsh should have done more to get them to implement the immediate measures which the task force wanted introduced.

Paragraph	Establishment or entity	Description
40.6–40.9	Feltham	Mr Clifford's personal style may not have been right for this critical time in Feltham's history. Although he had the reputation of a man who got things done, he may have alienated some members of staff who he rubbed up the wrong way. He did not succeed in getting staff on his side. Although he had achieved some successes by the time he left Feltham in May 2000, what he had rightly regarded as his priority – the improvement of living conditions for prisoners – had not been achieved.
Chapter 41: Staff shortages		
41.1–41.2	Feltham	Staff shortages were at the heart of Feltham's problems. Apart from the effect on morale, staff shortages on residential units meant that staff working there would have to focus on the core functions of the unit to the detriment of other tasks such as personal officer work, or the routine searching of cells, or attendance at meetings of the race relations management team. Other consequences were that staff might not be released to attend training courses, and would have to be cross-deployed from elsewhere in the establishment (principally the Security Department) to ensure that the core functions of the unit took place. Most importantly of all, staff shortages had a direct impact on the time prisoners spent out of their cells.
41.3–41.6	Feltham	One of the causes of the staff shortages was the high absence levels, of which a disproportionate amount was attributable to staff sickness. The problem required a change of approach by line managers, but nothing was done to force them to take the problem seriously until well after Zahid's murder.
41.7–41.10	Feltham	Staff at Feltham were not deployed efficiently. Despite previous attempts to introduce new staff profiles, it was not until July 2001 that a new profiling exercise devised by Management Consultancy Services began to improve the regime.

Paragraph	Establishment or entity	Description
41.11	Feltham	At times the number of staff in post at Feltham fell well below the number of staff the establishment was said to need. In particular, there was no significant increase in staff in post following the increase in the Prison Service's target figure in July 1999 to reflect the requirements of the Youth Justice Board for staffing levels in Feltham A. But since funding for that was not going to be available immediately, there could have been no expectation that the new target figures would be achieved quickly.
41.13	Prison Service	The Prison Service's reluctance to improve the package which new recruits to Feltham would enjoy contributed to the problems of recruiting staff. Only after "Headstart" was introduced in October 1999 did Feltham become a more attractive place to work.
41.14–41.16	Prison Service/ Feltham	Delays in recruiting staff occurred because of the time it took to arrange for their suitability to be assessed and for places on the basic training course to become available. Although the Prison Service was aware of the staffing problems at Feltham, it was not until 2002 that it arranged for more assessments to take place locally and for training to be devolved to individual establishments. However, local management also contributed to these problems. An improved recruitment plan for 1999/2000 was not drawn up and implemented as the task force had required.
41.17	Prison Service/ POA	As well as the effect of local housing costs, Feltham faced an additional problem of retaining staff in the build-up to the Youth Justice Board assuming responsibility for the funding of the juvenile estate. An establishment was permitted to delay the transfer of a member of staff to another establishment for only six months, and the POA refused to agree an extension of that period. The flow of staff from Feltham B was only staunched when the national agreement was terminated and staff no longer had the right to transfer to new establishments.

Paragraph	Establishment or entity	Description
41.18–41.21	Prison Service	There may have been a lack of imaginative thinking at Prison Service headquarters as to how the abolition in the late 1980s of overtime working might be circumvented. The introduction of “contract hours” at Feltham in the spring of 2001 – which permitted staff to apply to work for a set number of additional hours over a specified period – was equivalent to Feltham getting about 30 additional members of staff.
41.22–41.25	Feltham	The task force attributed Feltham’s struggle to organise an effective recruitment campaign partly to shortcomings within the Personnel Department. Although the appointment of a new Head of Personnel was identified as the first item of what needed to be done to improve Feltham’s recruitment strategy, that did not occur until the summer of 1999.
Chapter 42: Feltham’s prisoner population		
42.1	Prison Service	The high throughput of prisoners at Feltham meant that many did not get the benefit of what induction there was, and it had implications for the flow and use of information about prisoners and the opportunities for staff to get to know them. It also increased the pressure for convicted and unconvicted prisoners to be kept in the same unit. The large number of prisoners also meant that if prisoners were not engaged in purposeful activity of some kind, for which there were enormous demands, and there were insufficient officers to supervise association, prisoners would have to remain in their cells for long periods of time.

Paragraph	Establishment or entity	Description
42.2–42.8	Prison Service	The task force identified the reduction of Feltham’s sentenced and unconvicted prisoners by about 150 as a “quick win” achievable by April or May 1999. The preferred option of creating those places at Chelmsford Prison did not materialise until February 2000. In the event, Feltham’s chronic overcrowding had been reduced to some extent through other means by the time of Zahid’s murder, but not enough – and not for long enough – to have had an impact on the problems which overcrowding created. That reduction might have been achieved earlier if area management and Prison Service headquarters had realised before 1999, as they should have, the real problems which Feltham was facing.
Chapter 43: Financial investment in Feltham		
43.1–43.10	Feltham	The lack of sufficient funding in the years leading up to Mr Clifford’s appointment as Governor, coupled with Feltham’s budget not keeping pace with inflation, resulted in Feltham not having the resources it needed to provide a decent regime for prisoners. Some new money was earmarked for Feltham in the 1999/2000 financial year, but the absence of a proper management information system at Feltham and a perception that resources had not been spent efficiently in the past justified the Prison Service in not committing itself to open-ended expenditure for Feltham for that financial year.
Chapter 44: Industrial relations at Feltham		
44.18	POA	The local branch of the POA opposed management initiatives whenever it could. Its objections to evening association without a full complement of staff were an example of that.

Paragraph	Establishment or entity	Description
Chapter 45: The separation of Feltham A and Feltham B		
45.1, 45.3, 45.7	Feltham/ Prison Service	The relatively generous ratio of prisoners to staff at Feltham A, which was physically separated from Feltham B by 17 January 2000, was achieved at the expense of Feltham B, and was not discouraged by management. The impact could have been lessened by the earlier introduction of initiatives such as “contract hours”, the earlier termination of the national agreement giving staff the right to transfer to new establishments and the earlier consideration of improving recruitment procedures.
Chapter 46: The management of the residential units		
46.11–46.17	Feltham	The staff on Swallow were inadequately supervised by Mr McAlaney, the senior officer in charge of Swallow until 15 February 2000. This was compounded by a break in the chain of command when the unit was without a senior officer at all for the month prior to 15 March. Nothing was done to remedy that, whether by the most senior basic grade officer in the unit taking on the senior officer role temporarily, or by the principal officer responsible for the cluster of units which included Swallow exercising greater managerial oversight of its staff, or by the hiking officer or another senior officer in the cluster assuming managerial responsibility for it.
46.18–46.26	Feltham	There was uncertainty over the role of the hiking officer, arising from the absence of any written job description for the role. There was confusion over what should happen to the checklist and handover sheets they were supposed to complete, and the usefulness of the sheets was open to question: hiking officers had no way of verifying the accuracy of the information provided to them, some of that information was insufficient, and other documents would have been needed if the information contained in the sheets was to be properly assessed.

Paragraph	Establishment or entity	Description
46.27–46.29	Feltham	Keith Denman, the principal officer in charge of the cluster of units which included Swallow, was struggling with his own management responsibilities. His visits to the units were little more than perfunctory, his lack of initiative being attributable to a defeatism about Feltham's problems.
46.32–46.33	Feltham	Ken Penwright, the principal officer in charge of the cluster of units which included Lapwing, was even less pro-active than Mr Denman. He had begun to become idle as his retirement approached.
46.34–46.39	Feltham	John Byrd, the governor responsible for a number of units including Swallow, did not realise that things were as bad as they were. He lacked the vision to take any imaginative initiatives or to set about changing things.
46.42	Prison Service	The Prison Service should have appreciated that the qualities and strengths of Peter Windsor, the Head of Feltham B, were not best suited to that role.
Chapter 47: The management of the reception and security functions		
47.6–47.7	Feltham	The unintended interregnum in line management responsibility for reception at Feltham for several months until the end of January 2000 meant there was no responsible governor who might have noticed that: <ul style="list-style-type: none"> • reception staff were not examining prisoner escort records sufficiently carefully • wing files which arrived with a prisoner may not have been accompanying the prisoner to his unit but instead were being sent to Custody Administration by mistake • staff were not receiving the dedicated training on reception work which the Coonan Inquiry had recommended.

Paragraph	Establishment or entity	Description
47.9–47.13	Feltham	The Security Department at Feltham appeared to have fallen into relatively rapid decline during the course of 1999 and was not being effectively managed. That was partly because its functions were regarded as less important than some of the other functions within Feltham, and partly because the governor given line management responsibility for it, Helen Clayton-Hoar, had very little operational experience. She needed someone to show her the ropes, but she did not get that support from the department's manager, Ken Penwright, who had become complacent as retirement beckoned. Mr Clifford should have realised that and done something about it.
Chapter 48: The management of healthcare screening		
48.1–48.2	Feltham	The Head of Healthcare, Geoffrey Humphrey, failed to ensure that the Prison Service's healthcare standard was being met. In consequence, few (if any) transferees and returnees were being seen by a doctor when they arrived at Feltham.
48.10–48.11	Feltham	Mr Humphrey failed to respond appropriately to concerns which Dr Stephen Jefferies had raised with him about that, and in a memo to the healthcare manager shortly after Zahid's murder, Mr Humphrey implied that he had only just become aware of the deficiencies in healthcare screening.
Chapter 49: The allocation of prisoners to cells		
49.9–49.11	Prison Service	Despite paragraph 14.2 of the European Prison Rules, no system for considering the suitability of a prisoner to share a cell existed prior to Zahid's murder. But even without the European Prison Rules, the need for a national framework to give guidance to staff about the allocation of prisoners to cells is obvious. It should not have taken Zahid's murder to bring about the introduction of cell-sharing risk assessments.

Paragraph	Establishment or entity	Description
49.20	Feltham	Even though the need for a local policy on cell-sharing had been identified at Feltham following a hostage-taking incident in 1998, little was done to take it forward.
49.31	Feltham	The problem of some officers in the units routinely ignoring prisoners' personal preferences regarding cell-sharing was not noticed by the senior officers in charge of the units.
Chapter 50: The management of offenders with personality disorders		
50.5	Prison Service/ Feltham	There was no strategy, whether locally or nationally, for the management of mentally disordered prisoners who remained on ordinary location so as to reduce the risks they posed to staff or other inmates.
Chapter 51: Race relations at Feltham		
51.1–51.19	Feltham/ Prison Service	The shocking state of race relations at Feltham was revealed by the Prison Service's own investigation into racism at Feltham, the Commission for Racial Equality's investigation into racism at Feltham and within the Prison Service, and from what emerged from focus groups organised by the Hounslow Racial Equality Council with prisoners at Feltham between January and May 2001.
51.23	Feltham	There was a disturbing readiness on the part of staff at Feltham (perhaps because of bigotry) to downplay racial tensions, and to regard racist abuse as a slight on a prisoner's character rather than a disparagement of his racial origin.
51.24	Feltham	The lack of intuitive skills on the part of staff to see things against the background of their racial dimension resulted in staff not appreciating the possibility that Stewart was a racist who might be hostile to Asians like Zahid, and the possibility that Zahid might be uncomfortable about sharing a cell with someone having Stewart's appearance.

Paragraph	Establishment or entity	Description
51.25	Feltham	Bearing in mind the Stephen Lawrence Inquiry's definition of a racist incident, the number of racist incidents reported to Mr Byrd, Feltham's Race Relations Liaison Officer, was remarkably small. Mr Byrd did not tackle the problem with any vigour.
51.29–51.34	Feltham	Mr Byrd was singularly ineffective as Race Relations Liaison Officer and must take his fair share of responsibility for the poor state of race relations at Feltham. Successive governors should have realised that he lacked the skills which the job required.
51.35–51.36	Feltham	The race relations management team had no independent existence apart from the meetings which the members of the team attended every couple of months. It appeared to have no appreciation of the poor state of race relations at Feltham, or of the Race Relations Liaison Officer's shortcomings. Its discussions rarely resulted in any definitive conclusions or a suggestion that action of a particular kind be taken.
51.37	Feltham	The race relations management team would have been more effective as a forum for strategic thinking about race relations if: <ul style="list-style-type: none"> • staff shortages had not prevented the regular attendance of unit representatives • prisoners had been properly represented on it • its members had received training • the Governor had taken a more active interest in its work.
51.38	Feltham	The adverse effect of the impoverished regime from which all prisoners at Feltham suffered was compounded for BME prisoners by inaction on the race relations front.
51.39	Inspectorate/ Prison Service	Institutional racism may have been the reason why neither the Inspectorate following its inspections of 1996 and 1998 nor the Standards Audit Unit following its visit in 1999 noted any significant concerns about race relations at Feltham.

Paragraph	Establishment or entity	Description
51.40	Board of Visitors	The annual reports of the Board of Visitors also tended to suggest that race relations were not a concern, and the Board might have been too accepting of explanations it had been given in the past.
51.44	Prison Service	Although the annual checklist submitted by Feltham to Prison Service headquarters for the year ending 31 July 1999 contained a number of entries which should have alerted staff in the area office and the race relations team in the Prisoner Administration Group to concerns over race relations, they were not noticed.
51.45	Prison Service	The reasons for race relations becoming marginalised may have included: <ul style="list-style-type: none"> • the emphasis on security during the mid-1990s • the Prisoner Administration Group had been a very small team • a sense of complacency after the issue of the Prison Service Order on race relations, and the creation of race relations liaison officers and race relations management teams.
51.46–51.47	Prison Service	The initial focus of concern at Prison Service headquarters was on the problems being experienced by BME staff (as highlighted in a report by MaST International Organisation plc commissioned in 1998) rather than those faced by BME prisoners. The Prison Service failed to appreciate that if BME staff were being subjected to ignorance and bigotry by their white colleagues, it was even more likely that BME prisoners were experiencing such treatment. Matters were not helped by the organisational separation of staff issues from prisoners' issues.
Chapter 52: Monitoring Feltham's performance		
52.3	Prison Service	Internal monitoring systems laid down by the Prison Service for monitoring an establishment's compliance with operational standards was labour intensive and did not allow for problems to be solved quickly.

Paragraph	Establishment or entity	Description
52.7	Feltham	Feltham was inundated with action plans. Although they can provide a useful checklist of the problems which need to be addressed, too many of them could have resulted in senior management losing sight of the wider strategic approach which was necessary to resolve Feltham's underlying problems.

Appendix 8: Summary and recommendations

“A preventable death”

In 2000, Zahid Mubarek, an Asian teenager, was serving a short sentence at Feltham Young Offender Institution. He had not been to prison before. While there, he wrote movingly to his parents, admitting his shortcomings and expressing a determination not to let them down again. He was due to be released on 21 March.

But he was never to get the chance to prove that he had put his past behind him. In the early hours of that morning, he was brutally attacked by another young prisoner, Robert Stewart, with whom he had been sharing a cell for the previous six weeks. According to Stewart, Zahid had been asleep at the time, though some prisoners claimed to have heard screams. What is not in doubt is that Stewart clubbed him several times about the head with a wooden table leg. When help came, Zahid was barely conscious. Such was the ferocity of the attack that his father told the Inquiry that when he saw Zahid in hospital, “his head looked like a huge balloon. He was almost unrecognisable. His face was full of blood with bruising all over it.” He died from his injuries a week later. He had been in a coma and never regained consciousness.

Some months before, Stewart had bragged about committing the first murder of the millennium. He was subsequently convicted of Zahid’s murder. He was sentenced to life imprisonment. In convicting Stewart of murder, the jury rejected the suggestion that he should be convicted of manslaughter on the ground of diminished responsibility rather than murder.

Shortly after the attack on Zahid, the police discovered that Stewart had strong racist views. They also learned that he had had a violent past while previously in custody, and that his mental health had been questioned. Much of that had been known to some of the prison officers at Feltham at the time. Not surprisingly, questions began to be asked about how he and Zahid had ended up in the same cell. How had Stewart come to share a cell with someone from an ethnic minority? What exactly had been known about Stewart? Had any information about him been passed to the wing? And had any assessment been carried out of the risk Stewart might have posed to any prisoner who shared a cell with him?

To its credit, the Prison Service never sought to deny that it had failed to fulfil its responsibility to look after Zahid while he had been in its care. On the day of Zahid’s death, the Director General of the Prison Service, Martin Narey, wrote to Zahid’s parents. He frankly stated:

“You had a right to expect us to look after Zahid safely and we have failed. I am very, very sorry.”

And at a public hearing held by the Commission for Racial Equality in the course of its investigation into racial discrimination within the Prison Service, Mr Narey said in terms that Zahid’s had been “a preventable death”.

After protracted legal proceedings which went on for a number of years, it was decided that there had to be a public inquiry into Zahid’s death. This document summarises the report produced as the result of that inquiry. The report identifies the key stages when, had appropriate action been taken, the tragedy which befell Zahid could have been prevented. It also considers what steps should now be taken to reduce the risk of something like this ever happening again.

Zahid’s family were unfailingly courteous to me whenever I met them. They had not wanted to be thrust into the limelight, but their long fight for a public inquiry to find out how Zahid came to share a cell with Stewart has been a compelling story of hope and disillusion. I hope that the Inquiry has proved to be the sufficiently cathartic and informative exercise they wanted.

Setting the scene

What led to the Inquiry

The holding of a public inquiry into Zahid’s murder was initially resisted by the Home Office. It argued that the previous investigations into his death – one by the Prison Service itself and one by the Commission for Racial Equality (the CRE) – had been sufficient to identify the weaknesses in the system. Zahid’s family thought otherwise. They took their campaign for a public inquiry all the way to the House of Lords. And only after the House of Lords had said that a public inquiry was required for the United Kingdom to comply with its obligations under the European Convention on Human Rights was this inquiry announced. Its terms of reference required it to investigate the events which led up to Zahid’s murder, and to address how similar attacks could be prevented in the future. The House of Lords had required a public inquiry focusing only on the former, and so the Inquiry’s principal task was to ascertain the facts culminating in the attack on Zahid. They would form the basis of a comprehensive case study from which the lessons to be learned from his death could be identified.

The course of the Inquiry

Many factors shaped the course of the Inquiry. The Inquiry's terms of reference were sufficiently wide to require it to investigate not merely whether individual officers had been culpable, but also whether systemic shortcomings had existed, and where responsibility for them lay. But they were not wide enough to include sentencing policy. Nor was it appropriate for the Inquiry to investigate how thorough the previous investigations into Zahid's death had been. However, although the Inquiry was concerned with attacks on prisoners in their cells, its terms of reference were wide enough to warrant investigation into such attacks whether they occurred in young offender institutions or in prisons.

The issue of racism was at the heart of the Inquiry. Not simply because Zahid's killer was himself a racist, and his racism may have played an important part in his selection of Zahid as his victim. It was also because of the need to explore whether *explicit* racism on the part of individual prison officers had been the reason for Zahid sharing a cell with Stewart in the first place or continuing to share a cell with him. There were lurid allegations about prisoners of different ethnic origin being put in the same cell to see if violence would ensue. It has been necessary also to explore the extent to which racism might have *unwittingly* played its part in what happened to Zahid. That could not be answered in a vacuum. It could only be answered in its context. And this was that the Prison Service in general, and Feltham in particular, had already been found to be institutionally racist – both by the Prison Service's own investigation into Feltham and the one by the CRE into the Prison Service as a whole. So one of the Inquiry's key tasks was to investigate whether the series of events which resulted in Stewart sharing a cell with Zahid, despite what was known about him, were attributable to the culture of indifference and insensitivity which institutional and individual racism breeds.

The bigger picture

Homicides in custody in this country are relatively rare. The prison population varied in the 1990s between about 45,000 and 65,000. Of the 26 prisoner-on-prisoner homicides between 1990 and 2001, 12 occurred in a shared cell. In all, save possibly for one, the killer was the victim's cellmate. There were another two cell-sharing homicides in 2003, and there was a further death in 2004, which may have fallen into that category. The 26 homicides between 1990 and 2001 can be contrasted with 759 cases over the same period in which prisoners committed suicide. That involves loss of life on a large scale, and explains why the

Prison Service's focus has unquestionably been directed towards those prisoners at risk of self-harm. The relative infrequency of prisoner-on-prisoner homicides in the prison system is, of course, no consolation to Zahid's family.

The paper trail

Computerised information played a surprisingly small role in the Prison Service – even as late as early 2000 when Stewart and Zahid were at Feltham. Staff recorded and relayed useful information about inmates in documents which were meant to be used and maintained in accordance with the Inmate Personal Record System introduced in 1990. The quality of the many entries in the various files relating to Stewart was unimpressive. They contained many inaccuracies, were often incomplete and were frequently expressed in too generalised a way, so that the reader would not know what the writer's view was based on. Documents were filed randomly in different files. And no attempt was apparently made to see whether any files or documents within a prisoner's main prison file had any bearing on how a prisoner should be managed during their current sentence.

Feltham, Zahid and Stewart

“A gigantic transit camp”

Feltham is in West London. Since it opened in 1998, it has operated as both a young offender institution and a remand centre for young unconvicted male prisoners. Unconvicted prisoners awaiting trial present particular problems. Those due to go to court have to be taken from their units and be available for collection by the escort contractors in the morning without delay. That has a knock-on effect at the end of the day. Large numbers of prisoners arrive from court in the late afternoon or early evening. They all have to be processed and sent to the appropriate units.

In addition, Feltham had problems of its own. On the one hand, as the only remand centre for young prisoners covering the London area, it had an unusually large population. On the other, it had always experienced problems in recruiting and retaining its staff. Pay compared unfavourably with local employers with whom Feltham had to compete, and staff tended to stay there for as short a time as possible before they

applied for a transfer to an establishment nearer to where they came from – where housing was more affordable. The result was that Feltham had a high proportion of relatively inexperienced staff.

Feltham's recent history before Stewart and Zahid arrived there early in 2000 had been a difficult one. Following a visit in 1996, the Inspectorate of Prisons noted that Feltham was bursting at the seams, and was

“... a gigantic transit camp in which day-to-day activities are dominated by the process of finding beds for ever-increasing numbers, particularly of young remand prisoners, and ensuring that they get to court on time.”

The Inspectorate thought the movement of prisoners, which was required to service the courts, had a “profoundly unsettling effect” on the establishment, and that far too many prisoners were left locked up and idle with nothing to do.

Things did not improve. Following a visit in December 1998, the Chief Inspector said:

“This report... is, without doubt, the most disturbing that I have had to make during my three years as HM Chief Inspector of Prisons. I have to disclose to the public [that] the conditions and treatment, of the 922 children and young prisoners confined at Feltham are in many instances totally unacceptable. They are, in many instances, worse than when I reported on them two years ago and reveal a history of neglect of those committed to their charge and a failure to meet the demands of society to tackle the problem of offending behaviour.”

Many of the detailed recommendations made by the Inspectorate two years earlier had not been implemented. In some respects there had been a marked deterioration in the provision of care. The Inspectorate repeated its call for a new remand centre for young offenders to the east of London.

This report was not published until March 1999, but the Chief Inspector was so concerned about the conditions at Feltham that immediately after the visit he telephoned the Director General and told him of his intention to raise his concerns with ministers. The Prison Service responded swiftly. A task force was appointed within a few days of the visit. Its purpose was to diagnose Feltham's shortcomings and to identify what had to be done to bring about the necessary improvements.

The Inspectorate's next visit to Feltham was in September 1999. It said that Feltham was a very different place from the one it had left nine months before. But it also referred to its continuing concerns about the need to recruit additional staff against the background of the high cost of housing and comparatively low unemployment in the London area. It was also concerned that the initiatives put in place as a result of the action plan produced by the task force had not yet produced tangible results.

Zahid Mubarek

Zahid was born in 1980. He came from a large and close-knit family who lived in Walthamstow in East London. He was educated at local schools, where he showed a particular talent for art and enjoyed playing sport. But he was thought not to be making the most of his skills, and there was a problem with his attendance at school.

No member of the family, save for a remote cousin, had ever been in trouble with the police before things began to go wrong for Zahid. His brushes with the law occurred to fund a growing dependence on drugs. Over a period of less than 10 months, he committed 11 offences, mostly for breaking into cars and stealing from them. He was given a number of opportunities to co-operate in the search for a suitable community sentence, but he failed to keep many appointments which had been made for him to meet members of the community drugs team and other agencies, and on two occasions he did not turn up at court. Eventually, on 17 January 2000, he was sentenced to 90 days' detention in a young offender institution for a total of five offences, and a few weeks later he received a similar term to be served concurrently for four further offences. He served the whole of his sentence at Feltham.

Robert Stewart

Robert Stewart was born in August 1980 and lived in the Manchester area throughout his childhood. He had the potential to do well academically. At primary school he was top of his class but he was unsettled. There were instances of anti-social and destructive behaviour including setting fires and flooding. An improvement in his behaviour was noted after his mother had been counselled about the need to make him feel wanted and secure. But his behaviour got worse when he went to secondary school. His attendance tailed off, and at the beginning of his second year he was expelled for setting fire to the sports hall.

His first recorded brush with the law was when a supervision order for 12 months for an offence of arson was made in 1993. After that, he was hardly ever out of trouble with the law, and by the age of 17 he had amassed many convictions, primarily for burglary, stealing from cars and joyriding. On 5 September 1997, he was remanded in custody following his arrest for a number of offences. He was detained at Hindley Young Offender Institution near Wigan. His arrival there marks the point from which the Inquiry was provided with more or less continuous records of his time in custody.

The prolific nature of Stewart's offending, an early diagnosis that he had the makings of a personality disorder, a reported lack of care for his personal safety, signs of a tendency to harm himself and his fascination with fires were all indications of someone extremely troubled, who was liable to behave in an unpredictable way. The fact that the materials which documented these features of Stewart's childhood did not get into his prison files was the first of many missed opportunities to address how he should have been managed while in custody. The records on Stewart generated by the Prison Service during his previous spells in custody were not, it seems, sent to Hindley in September 1997. Otherwise, they would have been married up with the documents which were subsequently generated there. We do not know why they did not get to Hindley. They should have been sent there. No-one at Hindley seems to have asked for them and one can only speculate what an inspection of them would have revealed.

“A very strange young man”

Hindley: 5 September–24 November 1997

From the moment of his arrival at Hindley, Stewart proved to be an extremely disruptive prisoner. He regularly damaged or flooded his cell, and as a result he lost his remission to such an extent that he served practically the whole of his sentence. Some attempts were made by prison and probation officers to find out if there was anything in Stewart's background which might explain his behaviour. A recurrent theme was his unwillingness to engage in such dialogue. If Stewart was prepared to talk to staff, he never offered any explanation for his behaviour.

For some of the time, Stewart's behaviour was bizarre. On one occasion, he was seen pacing up and down in his cell and talking to the walls. On another, he claimed to have eaten soap and swallowed a screw. On

two occasions, he placed a noose or ligature around his neck. But the doctors thought that his conduct was manipulative and for the most part a deliberate attempt to get into the healthcare centre to be with a friend of his, Maurice Travis. That view was justified, and although they might have prematurely rejected any suggestion that Stewart was mentally ill, they cannot be criticised for not referring him for assessment by an outside psychiatrist. Their opinion that Stewart was not suffering from mental illness was confirmed by all the psychiatrists who gave evidence at his trial for Zahid's murder. However, it is regrettable that an earlier recommendation of the Inspectorate that "a consultant psychiatrist should have oversight of psychiatric care" at Hindley was not implemented.

Although the possibility that Stewart was suffering from mental illness was rejected, no consideration was given to whether he suffered from some other form of mental disorder which did not amount to mental illness, such as a personality disorder. At his trial, the psychiatrists unanimously agreed that he suffered from a severe form of personality disorder. But the incidence of young offenders with personality disorders is extremely high, and the Senior Medical Officer at Hindley, Dr Andrew Greenwood, could reasonably say that describing a prisoner as suffering from a personality disorder brought little to the exercise. Stewart's offending history and his behaviour at Hindley did not suggest that he was any more of a risk to other prisoners than the majority of Hindley's inmates.

On one occasion while Stewart was in the healthcare centre, a nurse overheard him and Travis talking to each other. What she heard them say caused her to complete a security information report, in which she wrote that she believed that "they will go to great lengths to be kept together and could endanger their lives and possibly others". Her instincts about them proved uncannily accurate. They were both to end up murdering other prisoners. But although the security information report got into Travis's security file, it did not get into Stewart's. That was the first in a relatively long list of problems with the treatment of security information at Hindley.

Lancaster Farms: 24 November–31 December 1997

Stewart was transferred to Lancaster Farms Young Offender Institution in Lancaster on 24 November 1997. Apart from the need to separate Stewart and Travis, a fresh start at a different establishment might have given Stewart a chance to settle down. But there was no record spelling out why Stewart was transferred. That is regrettable. The reason for

the transfer was something which those who had to manage him in the future should have known about.

Apart from on one occasion, Stewart was little trouble while he was at Lancaster Farms. But he was quiet and tended to be a loner. His personal officer on the first residential wing he went to described him as “a very strange young man”. Although Stewart was thought to be odd, there was nothing to suggest he might be a risk to himself or to others, with the exception of comments made by Peter Rae, a prison officer, in Stewart’s discharge report. Mr Rae wrote that Stewart had “no conscience whatsoever”, and expressed the view that “he will re-offend in the near future after his release. He does not think ahead and seems incapable of any cohesive thought. A very disturbed, and in my opinion, dangerous young man.” Mr Rae is now unable to recall Stewart or what prompted him to write what he did.

The reaction to that report by the probation officer responsible for Stewart at the time, Stephen Green, was one of surprise. His own assessment of Stewart did not match Mr Rae’s description of him. And when he saw Stewart following his release, his demeanour was pretty much the same as before, and he showed no signs of disturbed behaviour. So Mr Green saw no need for a psychiatric assessment or any other action. However, Mr Green should at least have spoken to Mr Rae to find out what Stewart had done to make Mr Rae so concerned about him, and he should also have spoken to the probation officer based at Hindley about Stewart.

Back at Hindley: 24 March–14 April and 9–19 May 1998

Following his release from Lancaster Farms on 31 December 1997, Stewart remained at liberty for almost three months. On 24 March 1998 he was remanded in custody. He was held at Hindley until he appeared at court on 14 April and was given a non-custodial sentence. By the time of his arrival at Hindley, his appearance had undergone a dramatic transformation. Prominent on his forehead were two tattoos: a cross and the letters RIP. Stewart was subsequently to say that he had done it to himself using a mirror when he was drunk. His three weeks at Hindley brought little change in his behaviour. His wing manager described him as “still very unstable and volatile”.

Having been released from Hindley, Stewart’s liberty was short-lived. On 7 May he was arrested for robbery and on 10 May he was remanded in custody again. He was kept at Hindley until 19 May when he returned to court and received a custodial sentence. But he did not serve that

sentence at Hindley. Instead, he went to Werrington Young Offender Institution in Stoke-on-Trent following his sentence. He was at Hindley for only ten days, but his short time there did not prevent him from getting into serious trouble. On his second night, he and his cellmate set fire to the mattresses and bedding in their cell. His cellmate was Travis, who had been his co-defendant on the robbery charge. How did Stewart come to be sharing a cell with Travis at Hindley? And how come the security information report was completely ignored? It is astonishing that despite the warnings in it Stewart and Travis ended up sharing a cell. No explanation for that has been offered.

Werrington: 19–30 May 1998

Stewart was not at Werrington for long. He was transferred to another establishment on 30 May because of his “unruly behaviour”, including an incident when he and another prisoner tried to remove the bars from a window in the weights room and put one of the weights through the window. That was regarded as an attempt to escape. The worrying feature is that the other prisoner was Travis. It is certainly surprising that Travis and Stewart had both been transferred to Werrington. It is all the more surprising that they had apparently been allowed to spend time with each other insufficiently supervised in the weights room. An entry made in Stewart’s wing file on the day he got to Werrington said that they had to be kept apart. Despite that and the trouble they caused at Werrington, when they were moved on, they were transferred to the same establishment, Stoke Heath Young Offender Institution in Shropshire. It was here that Travis – allegedly aided and abetted by Stewart – became the first of the two of them to commit murder. They were even allocated to the same wing.

Stoke Heath: 30 May–26 June 1998

We do not know how effective Stoke Heath’s Security Department was at the time. However, the connection between Stewart and Travis, which their security files revealed, should have been picked up. If that had been appreciated, it would hardly have been appropriate for them to have been allocated to the same wing, which resulted in them attending classes together.

On 23 June, Travis fatally stabbed another prisoner during a cooking class. There was an internal Prison Service investigation into the murder, but that focused on how Travis got hold of the knife. Documents supplied to the Inquiry by the police show that there was evidence that

the stabbing had been planned, and that Stewart had put Travis up to it or helped him plan it, or had actually helped him carry it out. Travis told the police that Stewart had passed him the knife. The transcript of Stewart's own interview by the police on 25 June shows that he knew what Travis was going to do, and he let slip clues which suggested he may well have helped Travis plan the attack. No-one knows how much of this was disclosed to the Prison Service at the time, so we do not know whether the security information reports written at the time contained sufficient information about Stewart's involvement in the stabbing.

It was while Stewart was at Onley Young Offender Institution in Rugby, where he was transferred on 26 June, that it became known that he was not going to face charges over the stabbing. So if the Prison Service then knew more about Stewart's involvement in it than the security information reports suggested, one of two things should have happened. The Security Department at Onley should have prepared an up-to-date and comprehensive report, which could have gone into Stewart's security file. Alternatively, it could have let the Security Department at Stoke Heath know that Stewart was not going to face charges, so that the latter could produce such a report, which could then be returned to Onley for inclusion in Stewart's security file. No such report was ever written. Nor did all the security information reports get into Stewart's security file.

Onley: 26 June–19 August 1998

When Stewart arrived at Onley, the governor on duty wanted to know why he was being transferred. The escort staff who had brought Stewart told him that prisoners who had witnessed the stabbing or had been "on the periphery of it" were being transferred from Stoke Heath. The governor on duty the following day spoke to the Security Department at Onley, who had been trying to find out about the stabbing, and to the duty governor at Stoke Heath. She learned "some fairly alarming things about Stewart's past both at Stoke Heath and Werrington". She decided that, in the absence of fuller information, Stewart should be held in the segregation unit. Stewart remained there until 30 July, when he was informed that he would not face charges in connection with the stabbing.

It is clear that the Security Department at Onley did get some information about Stewart while he was there. The security information report, which had been written at Stoke Heath on 27 June, was faxed over to it. On 28 June, a prisoner security information sheet was printed

out, referring to Stewart's transfer having been because he had been involved in the stabbing. It is unclear whether Stewart's security file ever got to Onley as it ought to have. If it never got there, that was the fault of the Security Department at Stoke Heath. And once the Security Department at Onley realised that they did not have it, they should have pressed Stoke Heath for it.

Following the news that Stewart would not be charged, no assessment was made of the risk he posed to other prisoners. He was simply returned to ordinary location. This approach was flawed. Risk assessments were not part of the culture within the Prison Service at the time. And Onley only had single cells. But if an event as rare as a murder in prison, coupled with Stewart's suspected involvement in it and his recent behaviour in custody, was not sufficient to warrant thought being given to the risk he might pose to other prisoners, it is difficult to imagine what would.

Back at Hindley again: 19 August 1998–2 July 1999

Stewart's transfer back to Hindley on 19 August 1998 was his fourth transfer in less than four months. From 20 August, he was to be held on remand awaiting trial for the arson committed at Hindley in May. On 12 October, he was sentenced to 12 months' detention. He served the whole of his sentence at Hindley, and was released on licence on 2 July 1999.

Stewart's violent and disruptive behaviour over the period caused a number of comments about him to be recorded in his files by prison officers. Many are chilling in their prescience. In October 1998 Stewart's personal officer wrote that Stewart could not "be trusted for even a minute". In December 1998, in the context of an allegation of bullying, Stewart was called "a disaster waiting to happen" and described as "constantly a threat to the security of the establishment". And a probation officer attached to Hindley regarded him as "in the high risk of offending category with the risk of harm [to] the public increasing". She did not know about Stewart's involvement in the stabbing at Stoke Heath. Had she known that Stewart had been strongly implicated in it, her concern about the risk he posed would have been even greater.

Hindley had a number of double cells. In such an establishment, some thought should have been given to a prisoner's unsuitability to share a cell because of the risk he might pose to other prisoners. It does not look as if any thought was given to whether Stewart was suitable to share a cell. There was no system in place for identifying those prisoners who

should not share a cell. There should have been. The principal officer temporarily responsible for security at the time must bear the primary responsibility for that.

Such risk assessments as were prepared on Stewart were for a pre-sentence report for the courts and as part of the process for planning Stewart's sentence. The former told Hindley that Stewart was prone to misbehave in prison and that he did not think of the consequences of what he was doing. They told Hindley that his arson was not an isolated act, and that there had been other instances of misconduct in prison. But they did not refer to the stabbing at Stoke Heath, and they told Hindley very little about whether Stewart posed a real risk to the safety of staff or other prisoners. The process for planning Stewart's sentence was based on little more than Stewart's offending history – and but for the fact that the arson had been committed while he had been in custody, it did not focus on his behaviour in custody at all. No thought, it seems, was ever given to whether Stewart posed a particular risk to other prisoners, and his management in the prison was therefore not informed by any such assessment. Such an assessment should have taken place at Hindley. Stewart's manipulative behaviour in 1997 and the dramatic events of May and June 1998 called for nothing less.

Towards the end of his sentence, Stewart changed – outwardly at any rate. A marked improvement in his behaviour was noticed. It was described as “remarkable”, and his personal officer wrote that Stewart “deserves some kind of recognition for the way he has turned himself around”.

Hindley sees Stewart again: 28 July–5 November 1999

Stewart was released from Hindley on 2 July 1999. He was not free for long. On 28 July, he was remanded in custody and returned to Hindley following his arrest for two joyriding offences and an offence of robbery. Stewart's wing file for this spell at Hindley has not survived. There was no recurrence of the disruptive and violent behaviour which had characterised his previous time in custody, but two significant events occurred during this period, which suggest that while Stewart was keeping his head down in prison, he was causing trouble outside it – or at least making plans to.

The first related to a letter which Stewart had written to an inmate at a women's prison. The letter was intercepted. In it, Stewart admitted that he had carried out a robbery at gunpoint. He referred to a friend of his having hidden his gun, and to a plan to rob someone who he knew

carried a large amount of cash on him. He also said that he had got someone to get him the address of the Governor and a few others off the “voting register”. A security information report was written about the letter. The report was incomplete, and the only action it recommended was that Hindley’s police liaison officer should be informed about the gun. What should have happened was that Stewart’s correspondence should have been monitored from then on. The reason given by Harold Dunne, the temporary Head of Operations, for not giving instructions for Stewart’s correspondence to be monitored was that he thought that Stewart was simply showing off in the letter. That was not a sufficient reason for not taking the threats seriously.

Secondly, Stewart sent a number of letters to a woman who worked as a chatline operator. The letters were threatening, racist and abusive. The woman complained to the police about them and about a campaign of harassment of which the letters were part. The only action which the Security Department took was to instruct the wings to forward to it any correspondence addressed to the woman. Nothing else was done, not even the completion of a security information report or making an entry in Stewart’s wing file. What should have happened is that Stewart’s correspondence should have been monitored from then on, and he should have been referred to the panel at Hindley which decided how potentially dangerous offenders should be managed.

We can only speculate about what would have happened if Stewart’s correspondence had been monitored. But letters retrieved by the police in the course of their investigation into Zahid’s murder from the people to whom they were sent show that Stewart had strong racist views. Undated letters – but from their context probably written in August and September 1999 respectively – refer to “niggers” and a “Paki bastard”. Later on, he described Feltham as a “tru niggaz jail”, and he concluded one letter with a swastika and the letters KKK. Had these letters still been written after Stewart knew that his correspondence was being monitored, and had they been read as they should have been, his racism would have been apparent for all to see. He should not thereafter have shared a cell with anyone from an ethnic minority unless they were plainly good friends.

Altcourse: 5 November–2 December 1999

Stewart was transferred to Altcourse Young Offender Institution in Liverpool on 5 November 1999. Again, the reason for the transfer was not documented. Stewart remained at Altcourse until 2 December 1999, when he was transferred back to Hindley. Until the last few days, he caused no trouble. However, shortly before he left he and his

cellmate, who was of mixed race and was also from the Manchester area, armed themselves with metal tubes and a confrontation took place on two occasions with local prisoners. The tubes had come from a chair in their cell. The need to remove Stewart from a prison where inmates from Liverpool were in the overwhelming majority was almost certainly the reason for his return to Hindley, but the actual reason for his transfer was again not documented. The fact that Stewart had used cell furniture as weapons did not get into the Security Department's computerised system, and that could potentially have been a highly significant omission in the light of how Stewart was subsequently to attack Zahid.

On 15 November the police faxed to Altcourse a request for Stewart to be taken to a local police station in connection with an offence of racial harassment. It related to the letters Stewart had sent from Hindley. This information did not lead to any action being taken at Altcourse. The fact that the harassment was alleged to have been racially motivated should have caused Altcourse to think about whether Stewart should continue to share a cell with a prisoner of mixed race. At the very least, the police should have been asked what form the harassment had taken, and what the woman's name, address and telephone number were, so that Altcourse could protect her from further harassment while Stewart was still there. And his correspondence should have been monitored to prevent him from harassing anyone else.

While Stewart was at Altcourse, the manager of the unit he was on, Jim Farrell, was surprised by how quiet Stewart was for someone whose security file suggested he was a "problem prisoner". So he mentioned Stewart "in passing" to Chris Kinealy, a registered mental nurse. He asked Mr Kinealy to speak to Stewart with a view to getting a further insight into his behaviour. After seeing Stewart, Mr Kinealy made the following entry in Stewart's medical record:

"In my opinion he has a long-standing, deep seated personality disorder. He shows a glaring lack of remorse, feeling, insight, foresight or any other emotion. He has an untreatable mental condition and I recommend no further action. Only time will have any influence on his personality and behaviour."

There is no criticism of Mr Kinealy's diagnosis of personality disorder, nor can he fairly be criticised for describing Stewart's condition as untreatable. Personality disorders *per se* cannot be treated: all you can do is work on the personality defects which are the manifestation of the disorder. Given Stewart's age and the absence of any really serious offences on his record, there was no chance of him being transferred

to a secure hospital or dedicated unit. That was what Mr Kinealy had in mind when he recommended no further action, but it would have been better if he had spelt that out.

Although Mr Kinealy did not mention it in Stewart's medical record, he did not think that Stewart was a threat to others. He should have said that. But he had not read Stewart's security file, and it looks as if he did not ask Mr Farrell to tell him what the file revealed. He was at fault in concluding that Stewart was not a risk to others, without having asked Mr Farrell to tell him what Stewart's security file revealed. Mr Kinealy's own evidence was that, in the light of what he had since discovered the security file on Stewart revealed, he would have concluded that Stewart posed a risk to himself and to others.

Mr Farrell must also bear some of the brunt of this criticism. For sure, he has to be commended for looking at or being briefed on Stewart's security file, for noting the contrast between Stewart's past and current behaviour, and for wondering whether Stewart's mental state needed to be assessed. In all of Stewart's time in prison Mr Farrell was the only person who took any steps to obtain psychiatric advice about Stewart. But Mr Farrell should still have told Mr Kinealy what he knew about Stewart's past so that it could have informed Mr Kinealy's own assessment of Stewart. And he should have asked Mr Kinealy specifically whether Stewart posed a risk to others. If Mr Kinealy's response had been that Stewart did not, Mr Farrell should have checked whether that response had taken into account Stewart's past behaviour.

Stewart's last spell at Hindley: 2–9 December 1999 and
23 December 1999–7 February 2000

Stewart was transferred back to Hindley on 2 December 1999. He was only there for one week before being released on 9 December. On 23 December he was back, having again been remanded in custody – this time for a number of offences after he had “hot-wired” a car and been chased by the police at high speed. He was eventually sentenced to 25 weeks' detention for these offences. This was the sentence he was in due course to serve at Feltham.

While Stewart was at Hindley, he was charged with four offences under the Malicious Communications Act 1988 and the Protection from Harassment Act 1997. Hearings in connection with these charges took place in a court in London on 11 January, 25 January and 8 February 2000. Since Stewart was brought to London for them, he was away from Hindley on the nights of 10, 11 and 12 January, 24 and 25 January,

and 7 February. He spent all these nights except 12 January at Feltham. Following his appearance at court on 8 February, he went back to Feltham. That was where he remained until he attacked Zahid. He was never to return to Hindley.

Once Hindley knew that Stewart had been charged with harassment offences, all of his outgoing letters had to be monitored. Staff no longer had a discretion in the matter. But that did not happen because Hindley had no system in place for routinely informing wings of when a prisoner's correspondence had to be monitored. The failure to monitor Stewart's correspondence at Hindley was a serious matter.

Prisoners' security files had to accompany them when they were moved to another establishment. In April 1999, a different instruction was circulated by the Prison Service's Security Group saying that under no circumstances should prisoners' security files accompany prisoners. That change in the process was not a good idea as it meant that the receiving establishment would be without the information contained in the security file for at least a day or two, as it was sent by post. Following Zahid's death, establishments were told to revert to the previous policy. As it was, when Stewart first went to Feltham, his security file only arrived there on the day he left. The file followed him back to Hindley – although it is not clear when it arrived – and when he returned to Feltham on 24 January it was sent there by post. However, it could not have arrived there in time to be seen before Stewart left Feltham again to go back to Hindley, two days later. This is where the trail goes cold. We know that the file was back at Feltham by the time of the attack on Zahid, but we do not know whether it had gone back to Hindley and been sent to Feltham for a third and last time when Stewart went back to London on 7 February.

Stewart's medical record should have accompanied him on his three journeys to Feltham on 10 January, 24 January and 7 February. It did not. It had arrived at Feltham by 7 March, but when exactly is impossible to say. There was clearly a serious flaw in Hindley's processes. Prisoners' medical records were meant to accompany them at all times. However, because of Hindley's failings, Stewart's medical record was not available for consideration by Feltham's healthcare staff when they came to check his health on the three occasions he went there.

Healthcare screening

New and transferring prisoners had to be seen by a doctor within 24 hours of their arrival. At Hindley many prisoners slipped through the net.

Dr Greenwood was to admit that this was an area they had struggled unsuccessfully to get right. This was particularly serious after Stewart had been at Altcourse because Mr Kinealy's report would have been in Stewart's medical record.

But it was never seen by a doctor. Stewart was not seen by a doctor at all when he went back to Hindley from Altcourse on 2 December, nor when he returned there from Feltham on 26 January. He was seen by a doctor following his return to Hindley on 23 December, but the doctor did not have his medical record at the time. That was because there was no system at Hindley for the existing medical reports of former Hindley detainees to be retrieved for use by the doctor. There should have been. He was seen again by a doctor when he went back to Hindley from Feltham on 13 January, and although the doctor had his medical record by then, it was not looked at because the practice at Hindley was not to look at a prisoner's medical record unless his behaviour warranted it.

The prisoner escort record

A form known as the prisoner escort record travelled with prisoners whenever they were moved somewhere. Its principal function was to give relevant information about prisoners, to enable them to be appropriately managed at the receiving establishment. Nine such records were completed at Hindley for Stewart. Two were written at Altcourse for him. The ones completed at Altcourse were properly completed, but none of the ones written at Hindley were. They contained a variety of omissions and inconsistencies. This might not have mattered so much if the Security Department at Hindley had warned Feltham in advance about the sort of prisoner they were getting. It did not. It was no thanks to Hindley that Feltham's Security Department picked up on Stewart's dangerousness when it vetted his security file.

What happened at Feltham

Zahid's time at Feltham

Zahid spent his first night at Feltham on Lapwing, the induction unit. He was then moved to Nightingale, where he spent four nights. Following that, on 22 January 2000, he was transferred to Swallow. Swallow had 38 cells, 19 on each side of the interconnecting office. Zahid was allocated to cell 38, which was on the upper level. It was a double cell.

He and Stewart shared the cell together from 8 February 2000 until the night of the attack. During these six weeks, they spent almost all of their time in their cell. Stewart says that he spent 23 hours a day there.

Stewart goes to Feltham

Stewart's first stay at Feltham was between 10–12 January 2000. He spent both nights in the induction unit, Lapwing. An important part of any induction process is the reception and analysis of information about prisoners to inform the way they should be managed while at the establishment. That was not happening at Feltham at all.

The senior officer on Lapwing, Steven Martindale, gave instructions for Stewart to be in a single cell. He had a gut feeling that Stewart needed to be watched. That was why one of the officers decided to read a letter which Stewart had wanted posted. It referred to "niggers" and "Pakis". It should have been confiscated and the Race Relations Liaison Officer should have been informed. Instead, Mr Martindale wrongly advised the officer to return it to Stewart. She did that, but she also made an entry about the letter in Stewart's wing file.

Shortly afterwards, Mr Martindale was asked by the Security Department to look at Stewart's security file. It was thought to show him to be a danger to staff and other prisoners. When Mr Martindale did so, he agreed with that assessment, and made an entry about it in Stewart's wing file. But he did not tell the Security Department about Stewart's racist letter, nor did he spell out in the entry he made in Stewart's wing file that Stewart's racism and dangerousness meant that he should not share a cell with anyone, let alone with someone from an ethnic minority.

Stewart returns to Feltham

Stewart spent the nights of 24 and 25 January at Feltham. He spent the first night on Osprey in a double cell with an Asian prisoner. It was not uncommon for white prisoners to share cells with prisoners from ethnic minorities. The officer on duty, Julie Goodman, was told that Stewart was very dangerous and had a history of assaulting staff. In fact, Stewart did not have a history of assaulting staff. He had a history of assaulting or bullying other prisoners. This illustrates a tendency on the part of staff to think in terms of the risks which prisoners pose to *them*. But since Miss Goodman did not know whether Stewart also posed a risk to other prisoners, she should have taken steps to ensure that, for that night at least, Stewart was in a cell on his own.

Stewart's last trip to Feltham

Stewart's last trip to Feltham was on 7 February 2000. He spent the second night on Swallow, after it had been decided that he was not to return to Hindley. A prisoner's wing file should accompany the prisoner, but Stewart's did not. This meant that no-one on Swallow knew of the entries in the wing file which had been made on Lapwing. When Stewart arrived on Swallow, the only available space was in Zahid's cell, and that is where the officer on duty, Simon Diaper, put him. Mr Diaper should have let the officer in charge of Swallow know that Stewart had arrived without a wing file. He did not do that.

The various decisions about which cell Stewart should be put in were made by individual officers exercising their own judgement at the time. There was no guidance, whether national or local, to help them. Nor was a prisoner's suitability to share a cell ever considered in a systematic way, even though the need for such a policy had been identified at Feltham following a serious incident there in July 1998. It should not have taken Zahid's murder for cell-sharing risk assessments to be introduced nationally, but that is what happened.

Stewart's behaviour on Swallow and his appearance

Stewart remained on Swallow for the next six weeks. His behaviour gave no cause for concern. There was no evidence that he and Zahid gave the impression of not getting on – apart from one prisoner who told the police that he recalled them arguing once. No-one recalls anything which suggested that Stewart might have been unusually aggressive. The CRE concluded that there was no evidence to indicate any “demonstrative and open” expression of racism by Stewart while he was on Swallow. But he was unusually taciturn and reserved. Given the kind of tattoos he had, and their prominent position on the shaven head of a guarded and uncommunicative young man, it should have occurred to the officers on Swallow that there was something menacing about him to make most people uncomfortable about sharing a cell with him. And it should also have occurred to them that there was a real possibility that he might be a racist, and should not have been sharing a cell with Zahid.

Stewart's return from court on 7 and 8 March 2000

Stewart was next due at court on 7 March. When he returned to Swallow that evening, he arrived with his wing file containing the entries about

the intercepted racist letter and his dangerousness. No-one appears to have realised that Swallow had not had it before. The officer who recorded Stewart's return to Swallow that evening was Ian Morse. Although he read the entries, he did nothing about them. Even though Stewart's behaviour had been unproblematic, he should have concluded that he and Zahid could not continue to share a cell even for one more night. He should either have moved Stewart to a single cell by getting someone else to double up, or had Stewart moved to another unit.

Stewart went to court again the following day. His wing file went with him. The officer who recorded his return to Swallow that evening was Stephen Skinner. He did not read the wing file which returned with Stewart. He should have done, especially as Mr Martindale had given a prominent instruction on the front cover that it was to be read. Had he done so, he should have done what Mr Morse should have done the previous evening.

Stewart's change of status

During the time that Stewart shared cell 38 with Zahid there was one specific occasion when he ought to have been moved out of the cell. That was on 19 March when Stewart completed his sentence, but remained at Feltham as an unconvicted prisoner on remand awaiting trial on the harassment charges. He should have gone to a unit for unconvicted prisoners. But there was no effective system at Feltham for ensuring that convicted prisoners whose status had changed were properly identified, and for ensuring that they were moved to a unit for unconvicted prisoners.

The request to change cells

Zahid told his family that Stewart was "a bit weird" and kept staring at him. He added that he had asked to be moved from his cell. I have no reason to disbelieve them, and there is no sensible reason why Zahid would have said that if it was not true. But we do not know who Zahid made the request to, and it is not possible to say now why his request was not met.

The night of the attack

It was Stewart who alerted staff to his attack on Zahid by pushing the switch in the cell which activated a buzzer in the unit's office. It was 3.35 am on 21 March 2000. Medical assistance was called for, and

Stewart was taken to an empty cell. An officer saw Stewart washing himself in the basin, presumably to remove Zahid's blood. The officer said: "It's a bit late for that", but Stewart's response was that it was obvious it was him. When he was asked why he had attacked Zahid, Stewart said: "I don't even know myself." His clothes were removed for forensic examination, and after he had been given new clothing, he was taken to the segregation unit. While there, he used the heel of his boot to scrawl a swastika on the wall, along with the words "Manchester just killed me padmate". Within about 30 minutes of the attack, he was apparently asleep in his cell in the segregation unit. When he was woken up and told that the police had come to speak to him, he said: "Why? What have I done?"

The table leg and other possible weapons

When Stewart beat Zahid to death, he used a table leg. It came from Stewart's table in the cell and plainly had not been taken off that night. But after the attack, a makeshift dagger made from a splinter from one of the table's stabilisers was found under a pillow on Stewart's bed, and both the table's crossbar and the other stabiliser were missing. The stabiliser was eventually found wedged between some pipes behind Stewart's bed, but the crossbar was not. In fact, what was left of the crossbar – after Stewart had cut it up and disposed of much of it – had been found in the cell on the day before the attack by one of the officers on Swallow, Sundeep Chahal. He did not report it, but it should have prompted him to check the table. Had he done so he would have discovered that one of the legs was no longer attached to it, and that the crossbar and one of the stabilisers were missing. The table leg would have been removed from the cell when it was discovered, and that would have meant that Stewart would not have been able to use it to club Zahid with. It is likely that such a discovery would have prompted a thorough search of the cell, resulting in the missing stabiliser and the dagger being found. And the overwhelming probability is that Stewart and Zahid would not have shared the cell that night.

The fact is that standards had slipped on Swallow, although Swallow was not necessarily any worse than the other units at Feltham. It was without a senior officer from 15 February 2000, and nothing was done about that. And its senior officer before then, Gerard McAlaney, had allowed things to lapse. For example, cells were not being properly searched every three months as they should have been. Mr McAlaney had in Keith Denman a principal officer who was struggling with his own managerial responsibilities, and in John Byrd a residential governor who

was unable to provide the forceful and decisive management which was needed.

The clues in the documents

There were documents which could have told staff in reception and in the Security Department at Feltham that Stewart was a young man with a troubled past who needed to be watched. Prisoner escort records were prepared at Hindley for each of Stewart's three visits to Feltham. They flagged up Stewart as a possible source of trouble. Instructions issued by Prison Service headquarters required this information to be passed on to the appropriate staff in the units. But this was not being done by reception staff at Feltham, probably because they were not looking at the information themselves, and that may have been because there had been an unnoticed gap in line responsibility for reception until shortly before Zahid's murder.

The flow of information from the Security Department was no better. Stewart's security file had been at Feltham for some time before he murdered Zahid. It had been looked at during Stewart's first visit to Feltham, and Mr Martindale had been told about its contents. If it had been looked at again, after Stewart came back to Feltham for the last time on 7 February, the warning Mr Martindale had been given could well have been repeated, and the staff on Swallow would have been alerted to what Stewart had got up to in the past. The strong likelihood is that no information about what Stewart's security file revealed was relayed to the staff on Swallow, and that was because no-one looked at it when it eventually came back from Hindley.

One of the problems facing those responsible for vetting security files was that there were no guidelines for when warnings about prisoners should be passed on to the units. At the time there was no system in the Security Department for identifying which prisoners posed a threat to staff or other inmates. In addition, there was no system to ensure that all incoming security files were vetted. As a result, management did not pick up on the fact that there must have been some security files which were just not being read. Regrettably, Stewart's was one of them. Thus, his name was not put on the list of dangerous prisoners kept on a board in the Security Department.

The truth is that the Security Department was in poor shape. That was partly because the governor given line responsibility for it was Helen Clayton-Hoar, who had very little operational experience and who needed someone to show her the ropes. She did not get that help

from the manager of the Department, Ken Penwright, who had become complacent as his retirement beckoned. Niall Clifford, Feltham's Governor, should have realised that and done something about it.

The clues in Stewart's correspondence

Prison Service rules required the correspondence of prisoners charged with harassment offences to be read. The prisoner escort records were supposed to inform receiving establishments which inmates faced such charges. The records generated at Hindley did not do so. But such prisoners could also be identified from the warrants for their detention which accompanied them. Confusion reigned at Feltham about who was supposed to check the warrants for that information. The result was that it was not being done at all, and Stewart's outgoing letters were not being read.

Some of the letters Stewart wrote while on Swallow were retrieved from the people to whom they had been sent. They revealed his virulent racism. And in one of them he actually talked of killing his cellmate to get transferred to another establishment. Had he still written these letters if he thought that they were going to be read by prison staff, and had they been read by staff as they should have been, the threat Stewart posed to his cellmate, especially one he regarded as "a Paki", could not have been plainer. Not only should he not have shared a cell with someone from an ethnic minority. He should not have shared a cell at all.

The personal officers on Swallow

Personal officer schemes give prisoners ready access to a specified officer for advice and guidance, and help with personal problems. The two personal officers responsible for Stewart and Zahid, Claire Bigger and Lee Edmundson, claimed to have a narrow view of the role. They regarded it as no more than a prisoner's first point of contact if he wanted to raise something. They did not think they needed to familiarise themselves with the prisoners they were responsible for, or to see how they were getting on. Personal officer work was low on Feltham's list of priorities, and Miss Bigger and Mr Edmundson were probably doing no less than other officers were doing. But I am sceptical about the assertion that they did not know what personal work was supposed to involve – at least at its most basic level. Whether Zahid would have confided in them if they had worked at getting to know him is questionable, but being Stewart's personal officer should have been the prompt for Mr Edmundson to read Stewart's wing file. That does

not apply to Miss Bigger, who was never on duty after Stewart's wing file arrived on Swallow. If Mr Edmundson had read it, he would have seen the warnings about Stewart made on Lapwing.

Healthcare screening at Feltham

Stewart was not seen by a doctor on any of the three occasions he arrived at Feltham from Hindley. This was because it was believed by staff that he was only going to be there for a very short period of time. But that should not have prevented him from being seen by a doctor. And when it became clear that he was going to stay at Feltham for longer than had been anticipated, he was still not seen by a doctor. This was because there was no system for ensuring that prisoners who were no longer at Feltham temporarily would be seen by the doctor. These systemic failures should have been addressed by Geoffrey Humphrey, the Head of Healthcare. He had only taken over the role in September 1999, and he was struggling with too few staff, but he could have prioritised things better. As it was, had Stewart been seen by a doctor, Mr Kinealy's note would still not have been read. That was because Hindley did not send Stewart's medical record with him on any of those occasions. It should have done.

Romper Stomper

Two nights before Stewart attacked Zahid, Channel 4 showed *Romper Stomper*, a film about racist violence in Melbourne. It included a scene which depicted white skinheads attacking Vietnamese refugees with wooden clubs. Whatever Stewart may have got out of it, it is a serious film, whose message is one of anti-racism and the futility of violence, although it may require some level of sophistication to appreciate that. Stewart watched the film on a battery-operated television in his cell. His correspondence shows that he strongly identified with the gang leader. It is impossible to say what impact the film had on what he was to do to Zahid, but nothing could have been done to prevent him watching it, apart from removing all television sets from all prisoners on all the units where they had battery-operated sets before the units went on patrol state for the night. The trouble with that is that in-cell television is universally regarded as reducing the tensions which arise from the boredom experienced by prisoners when confined to their cells with little to do. In the end, it is better to let one unsuitable programme be watched than forgo the benefits which come from prisoners having televisions in their cells.

The “Gladiator” allegations

In May 2004 the CRE received a telephone call from someone claiming to be a prison officer at Feltham. He would not give his name. He alleged that officers at Feltham were playing a “game” called “Coliseum”. It involved putting unsuitable prisoners in a cell together. The caller was subsequently identified as Duncan Keys. He was not a prison officer at Feltham at all, but an assistant secretary of the Prison Officers’ Association (the POA) – although he had worked as a prison officer at Feltham between 1982 and 1988. He claimed that it was because of this “game” that Stewart and Zahid had ended up in the same cell. He said that Zahid “was killed because people thought it would be funny to see what would happen when they put a young Asian lad in with someone who wanted to kill Asians”. Mr Keys was subsequently to say that he had heard about the practice from one of his colleagues, Tom Robson, a member of the POA’s Executive Committee, who had told him that he had heard about it from the chairman of the Feltham branch of the POA, Nigel Herring, who had also called it “Gladiator”. Mr Keys told the Inquiry that Mr Robson had told him that officers would bet on the outcome. If the prisoners were of equal strength, the bet would be on who would win. If they were of unequal strength, the bet would be on how long it would take for an assault to happen. Mr Robson claimed to have little memory of the conversation, and Mr Herring denied that he had said anything of the kind to Mr Robson.

Mr Keys subsequently accepted that even if such a practice was going on, it had had nothing to do with the attack on Zahid. Indeed, the only space in Swallow when Stewart went there for the first time was in Zahid’s cell. Although the possibility cannot be excluded that Stewart was left in the cell for the next six weeks to see what would happen between him and Zahid, there is no evidence for that whatever.

I am sure that Mr Herring told Mr Robson what Mr Keys claims. But Mr Herring has a fertile imagination and an offensive turn of phrase. There were rumours going around at the time about unsuitable prisoners being put in the same cell – either to wind them up so that they misbehaved when they were let out or to see whether they would argue with each other. I cannot say whether these rumours were true. Mr Herring’s talk of betting on the outcome was his own embellishment of the rumours, but putting that aside, the possibility of the practice existing cannot be excluded, even though no hard and fast examples of such a practice have been given.

The reason for the attack

No definitive reason can be given for Stewart's attack on Zahid. Stewart himself claimed that he did it to get out of Feltham, which was a place he loathed. That resonated with one of his letters in which he had talked of killing his cellmate if that was what was needed to get him transferred. Maybe it was his ultimate attempt to get on equal terms with Travis, whom he had always looked up to. Maybe it was his virulent racism which made him see Zahid as a target, his prejudice being fuelled by his time at Feltham. Maybe he was re-enacting scenes from *Romper Stomper*. Maybe it was simply that because he had not got bail, he was not going to let a "Paki" like Zahid enjoy his freedom. It could have been a combination of all these factors. And it may be that he had no motive at all. His lack of concern for other people or for the consequences of his actions meant that he was not constrained by the things which would restrain a normal person. At his trial, he said that he just felt like attacking Zahid. Perhaps it was as simple as that.

The wider picture at Feltham

Staff morale

Many of the things which led to Zahid's murder were down to the failings of individual officers. But they have to be seen in the context of Feltham as a whole. By 1998 staff morale was low. What made staff dispirited was that they could not see Feltham changing, nor were they reassured that the downturn in morale was not something for which they alone should be blamed.

Matters were not helped when staff learned that Niall Clifford, the Governor brought in to turn Feltham around in April 1999, had secured promotion just seven months after having been appointed. Mr Clifford had a reputation for getting things done, and although it would have been unfair to deny him the promotion he deserved, it made little sense for him to move on from Feltham shortly after he had been brought in to drive through a programme of change. In the end, he remained at Feltham until May 2000.

Feltham's problems were not simply the product of low morale. There was an enormous amount of written guidance for staff to read and assimilate, but in many areas there were no procedures in place to guide staff about how they were to do their work. Officers were sometimes

left to work out for themselves how to do things. Increased training was not necessarily the answer. The best way to learn how to perform a particular task was on the job: being told what to do and watching how it was done by others. The problem arose when the officers being shadowed had themselves picked up bad habits. The absence of a structure for ensuring that new officers were told how to do their work was a serious failing of Feltham's management. It was also the consequence of a failure to recognise the need for newly promoted senior and principal officers to be trained in the skills and responsibilities of middle management.

Feltham's degeneration into crisis

The major problem was that Feltham was being asked to do too much with too few resources. It did not have the staff it needed for the number of prisoners it held. As a result, its inmates got a raw deal. Convicted prisoners had no sentence planning. Unconvicted prisoners were housed in overcrowded conditions. And all inmates had to spend far too much time in their cells. A further problem was the high degree of autonomy which individual units enjoyed. That contributed to a proliferation of working practices and the disproportionate influence of the local branch of the POA. The inability of the Prison Service at the time to identify those prisons which were failing badly was highlighted by the fact that the Director General did not know just how bad Feltham had become. The fact that Prison Service headquarters did not pick up sufficiently on the establishment's problems is not something which can seriously be contradicted.

Feltham's Governors

Mr Clifford's predecessor, Clive Welsh, was only in post for four months or so between the Inspectorate's visit in December 1998 and Mr Clifford's arrival. Although some "quick wins" were secured during Mr Welsh's last few months at Feltham, too little was achieved. He should have picked up on the pockets of resistance to its work which the task force was to identify, and been more pro-active in motivating his management team to drive through the immediate measures the task force wanted introduced.

Mr Clifford arrived at Feltham a few weeks before the task force was disbanded. He challenged what he found unacceptable and did what he could to get across his message that standards at Feltham had to improve. But he was forthright and may well have alienated some

members of staff whom he rubbed up the wrong way. In an establishment where staff morale was so low, what was needed was a Governor whom was able to get people on his side. Mr Clifford did not manage to do that. He did not have all that much to show in terms of achievement by the time he left the establishment. What he regarded as his priority – the improvement of living conditions for prisoners – had not been achieved. But it would be wrong to judge Mr Clifford's tenure at Feltham simply by results. The core problems which he inherited – too few staff, too many prisoners, too little investment and a supposedly militant local branch of the POA – could not be changed overnight.

The core problems

Staff shortages

Some initiatives could have been commenced during Mr Clifford's time to deal with the problem. They related not merely to the recruitment and retention of staff, but also to reducing the levels of absence through sickness and encouraging staff to work longer hours. Mr Clifford did all he could to improve the deployment of staff. It was not his fault that a more efficient deployment of staff occurred after he left Feltham.

The problem was exacerbated by the assumption of responsibility on 1 April 2000 of the Youth Justice Board for obtaining secure accommodation for juveniles. From then on, juveniles and young offenders at Feltham had to be separated. New funding streams resulted in a marked improvement in the care of juveniles – in part because of a relatively generous ratio of staff to prisoners. This was achieved at the expense of young offenders, because many of the more experienced staff transferred to the juvenile side or were deployed there temporarily to make up shortfalls.

Overcrowding

The task force recommended that the number of prisoners held at Feltham should be reduced by about 150. That was eventually achieved by creating 150 places for young offenders elsewhere. This could have been achieved more quickly and in any event some reduction in the establishment's population had occurred without that option. So by the time of Zahid's murder, Feltham's chronic overcrowding had been reduced to some extent, but not enough and not for long enough to have had an impact on the problems created by overcrowding.

Investment

Along with many other establishments, Feltham was under-resourced in the years leading up to the time when Mr Clifford became Governor. But the funding it received depended on the resources made available to the Prison Service by central government. Some extra money was earmarked for the establishment in the year Mr Clifford was there, but it is not possible now to say whether it was enough to arrest Feltham's decline. It was not enough for the regime to be improved to a level which would be regarded as acceptable.

Industrial relations

The perception at Prison Service headquarters was that the Feltham branch of the POA was a bar to good industrial relations. There is little to suggest that industrial relations at Feltham were going through a particularly bad patch during Mr Clifford's time as Governor. But overall the branch committee opposed management initiatives whenever it could, and in 2001 the branch chairman was to praise his predecessor for having "unsaddled" more Governors at Feltham than at any other establishment.

Race relations

The Prison Service's own investigation into racism at Feltham found that "a small number of staff sustained and promoted overtly racist behaviour". But not all the racism was overt. The report talked of "more subtle methods" of discriminating against black and ethnic minority (BME) prisoners, which was a reference to discrimination which only became apparent when ethnic monitoring revealed worrying trends, such as the disproportionate number of BME prisoners on whom force was used to restrain them. BME staff were also the target of racist attitudes. They could only be accepted as part of the team by enduring racist banter. And many prisoners displayed racist attitudes. Racist language was common. Staggeringly few racist incidents were reported to the Race Relations Liaison Officer or recorded in the race relations incident log, and the low number of complaints of racism suggested that prisoners had little confidence that complaints would be investigated properly. The report attributed these shortcomings to a lack of training and management's lack of commitment to the promotion of good race relations.

Much the same comments were made by the CRE. Its overarching point was that Feltham's shortcomings had been there for all to see if anyone had chosen to look for them. But there was a culture within the Prison Service – and maybe on the part of the independent watchdogs as well

– of treating race relations as being divorced from the basic operational requirements of prison work. It was noteworthy that the Inspectorate had been devastating in its condemnation of Feltham’s many failings, but it had not mentioned the problems with race relations at all. That omission suggests the possibility that, using the definition of institutional racism adopted by the Stephen Lawrence Inquiry, the Inspectorate was itself guilty of institutional racism. And Feltham’s excellent Board of Visitors only began to have concerns about race relations in the months leading up to Zahid’s murder. The Board’s chairman acknowledged that it might have been too accepting of the explanations given to it in the past. The consequence was that concerns about race relations at Feltham were not sufficiently brought to the attention of Prison Service headquarters, and clues in the information about race relations which the establishment had to provide were not spotted.

The Inquiry discovered that explicit racism on the part of individual officers was found to be prevalent at Feltham from a series of focus groups held in 2001 by the Hounslow Racial Equality Council. For example, BME prisoners were called “monkeys” and “black bastards”, and were told that “they should be sent back to their own country”. BME prisoners were sometimes accused of racism themselves in order to divert attention from what was going on. And BME staff would sometimes turn a blind eye to what was happening in order to fit in. Indeed, the Inquiry also discovered that the problems faced by BME officers throughout the Prison Service had been highlighted by a critical report from outside consultants commissioned in 1998, which contained disturbing findings about the blatant discrimination on the part of some white officers which BME staff had to endure.

Responsibility for the poor state of race relations lies in many places. Mr Byrd, the residential governor who was also the Race Relations Liaison Officer, must take his fair share of it, although he could not have been expected to change things overnight. He had no experience of this kind of work, and his strengths lay elsewhere. Feltham’s race relations management team did not think strategically about how race relations could be improved, probably because it had little appreciation of how bad race relations were, and some of its members had surprising views on what constituted discrimination. Mr Clifford had a sense that race relations were bad, but he was lulled into thinking that things were not all that bad by the absence of any real concern about the topic on the part of the independent watchdogs. The trouble was that Feltham was not alone in having poor race relations. Other establishments were in the same boat, and they would have been under the spotlight as well had a similar tragedy occurred there.

The way forward

The six years or so which have elapsed since Zahid's murder have given the Prison Service a real opportunity to address the systemic shortcomings which the attack on him has exposed. Much of what would have been recommended is now in place – or plans are well advanced for their introduction. Examples include a computerised system for information flow, the new cell-sharing risk assessment and the introduction of other risk assessment tools. But it is all very well having proper systems in place. They need to be working properly on the ground. At present, there is a disconnection between aspiration and reality because insufficient attention has been paid to “outcomes rather than processes”. The challenge for the Prison Service is ensuring that its policies and procedures are matched by good practice on the landings and the wings.

The Inquiry's report makes 88 recommendations for reducing the risks of violence in cells, although many of them have wider implications. A complete list of them is given in the next chapter. What follows is a brief outline of them.

Cell-sharing

The principle which underpins the Prison Service's decency agenda is that offenders go to prison as punishment, and not *for* punishment. Prisoners have to conform to so many rules regulating their behaviour when out of their cells that they need their personal space when in them. That is why the elimination of enforced cell-sharing should remain the goal of the Prison Service, and its achievement should be regarded as a high priority. The Prison Service should set a date for realising this objective, and further funds should be allocated to it to enable more inmates to have their own cells. But while prisoners continue to share cells, an unconvicted prisoner should never share with a convicted prisoner, unless the unconvicted prisoner specifically consents to do so. And attempts should be made to match prisoners with cellmates with whom they will be more at ease, recognising that many people will be more comfortable sharing with those who come from an ethnic or religious background they find it easier to identify with. The Prison Service should publish guidelines to assist officers in allocating those prisoners who have to share a cell and in handling requests by prisoners to share with a particular person.

Mixed wings

Some wings hold unconvicted and convicted prisoners together, and sometimes young offenders and adults as well. Wings holding convicted and unconvicted prisoners should be kept to a minimum, and should only be used when there is no operational alternative. But holding young offenders and adults on the same wing, as happens in some prisons, is an interesting initiative, and research should be done on whether the disadvantages outweigh the advantages.

Reducing risks in cells

The debate over bolted-down metal furniture, which cannot be broken up and used as weapons, and free-standing wooden furniture, which gives cells a feeling of homeliness, continues. The Prison Service is currently trialling bolted-down furniture made from white wood. Its popularity should be assessed. In addition, the opportunities for officers to find concealed weapons in cells need to be increased. That will require exploring the balance to be struck between less frequent fabric checks and more frequent full cell searches.

Although not limited to violence in cells, all establishments are now required to have their own strategy for combating violence. The strategy should be used as a vehicle to encourage prisoners to feel that they have a stake in making their prison safe – in particular, by encouraging them to think that they have let other prisoners down if they resort to violence, and by letting them have their say in the running of their prison through prisoner councils.

The flow of information

A new computerised system for the flow of information – the National Offender Management System or NOMIS – is due to be implemented shortly. It will eliminate many of the problems associated with the current procedures which are predominantly paper-based. Its most significant limitation is that it will not initially include security information. The report contains a number of recommendations for the sharing of security information, for training in the use of NOMIS, and for transitional arrangements until NOMIS is fully operational. Every establishment should appoint an officer not below the rank of governor to be responsible for the oversight of the flow of information. In addition, the handbook giving guidance on how to complete the prisoner escort

record needs to be revised, and officers who are tasked to complete it should be instructed on how to do so.

Assessing risk

The cell-sharing risk assessment is the principal tool now used for identifying the risks which prisoners pose to any cellmate. The form has been revised since its introduction in the aftermath of Zahid's murder, and the report makes a number of recommendations for improving and reviewing the assessment. Other tools have applications which can be used for assessing risk. They are OASys and MAPPA. The core function of OASys, which stands for Offender Assessment and Management System, is to identify how prisoners can best be managed in order to protect the community from them when they are discharged and to reduce the risk of them re-offending. MAPPA, which stands for Multi-Agency Public Protection Arrangements, requires the Prison Service to work with other agencies to manage the risks posed by dangerous offenders when they are released. OASys has a function for identifying the risk of harm which prisoners pose to others. And the Prison Service has introduced a risk management model for establishments to adopt for the management of those prisoners to whom MAPPA applies. The report contains recommendations for the wider use of these tools.

Skills in prison work

Two of the key attributes required of a prison officer were at the heart of the Inquiry's work. The first is the officer's ability to notice what is happening on the wing. Their antennae must be sufficiently attuned to the complex rhythms of prison life. They must be able to put themselves in the prisoners' shoes and see things from their perspective. The second is the officer's ability to earn the respect of prisoners on the wing. It is not enough for inmates simply to trust an officer to put them on report only as a last resort, not to be too rigid in their enforcement of rules, and to use their discretion fairly and humanely. Prisoners must also realise that they can confide in officers if they want to, knowing that they will get sound and disinterested advice and that their confidentiality will not be compromised. The report makes recommendations about the basic training officers undergo and about how the role of personal officer can be improved. The report also makes recommendations for building on the work which the Prison Service has already done to encourage officers to rise above misplaced loyalty to their colleagues and report wrongdoing when it occurs.

Mentally disordered prisoners

The care of prisoners with mental health problems was unacceptably poor at the time of Zahid's murder. They were shuffled between the segregation unit if they misbehaved and the healthcare centre where they were dumped if they were difficult to manage. There they were housed alongside other inmates who had been classed as vulnerable, often in banks of cells with little or no recreational association. Two factors contributed to this state of affairs. The first was the high level of psychiatric morbidity in the prison population. The second was that mentally disordered prisoners did not represent a static group. Very many of them were serving relatively short sentences, and those serving longer sentences were often moved from one establishment to another in the hope that a change of scene might calm them down.

Much work has been done in the last few years to improve the lot of such inmates. All prisons now have multi-disciplinary mental health in-reach teams. The report contains recommendations for improving the ways in which mentally disordered prisoners can be identified, identifying the risks they pose, improving mental health awareness training for officers, managing such inmates on the wings, and improving the procedures for sharing information about such prisoners.

Racism and religious intolerance

It was not possible for the Inquiry to embark on an exercise similar to that carried out by the CRE to determine whether the scourge of institutional racism has now been eradicated from the Prison Service. A five-year action plan has been produced by the Prison Service working in partnership with the CRE, with the CRE monitoring the extent to which race equality is being implemented in prisons. And in December 2005 the Inspectorate published a review of race relations in prisons, in which it highlighted what it saw as the key areas which needed to be developed in order to implement the action plan effectively.

But the Inquiry was still able to make a number of recommendations of its own, relating to the training of officers to improve their awareness of how BME prisoners see things, the role of race relations liaison officers, the publication by each prison of a race equality scheme, and the investigation of complaints of racism. One of the Inquiry's recommendations is that complaints of racism should follow the definition of a racist incident adopted by the Stephen Lawrence Inquiry. Another is that the Prison Service, the Inspectorate and the CRE should consider whether there is a need for the investigation of complaints of

racism – and other serious complaints for that matter – to be carried out by an independent body, or at least to be carried out with a strong independent element built into the process.

The increase in the number of Muslim prisoners, and the suggestion that they are experiencing the backlash of what many observers believe to be an increased level of Islamophobia in society in the wake of recent terrorist outrages, highlighted the fact that the definition of institutional racism adopted by the Stephen Lawrence Inquiry focused on discrimination and prejudice because of a prisoner's colour, culture or ethnic origin. The definition did not refer to the person's religion. Without suggesting in any way that the Prison Service should be regarded as institutionally infected with religious intolerance, thought should be given by the Home Office to recognising the concept of institutional religious intolerance, suitably adapting the Stephen Lawrence Inquiry's definition of institutional racism. The report also recommends increasing the pastoral role of Imams in prison.

Conclusion

The focus of the Inquiry has been on violence in prisons, specifically attacks on prisoners in their cells. But one of the recurring themes throughout the report is that such attacks are more likely to occur in prisons which are performing badly. Many factors contribute to a prison's poor performance, and it was, of course, not possible for an inquiry of this kind to address them all without becoming an investigation into a root and branch reform of the Prison Service, going far beyond its limited terms of reference. Having said that, the report considers the factors which contributed to Feltham's degeneration into an establishment which was performing badly and in which prisoners were therefore more likely to be exposed to attacks by their cellmates. There are many lessons to be learned from Feltham's decline, but the most important is that population pressures and under-staffing can combine to undermine the decency agenda and compromise the Prison Service's ability to run prisons efficiently. When that happens, it is important for the Prison Service to tell ministers that, and they should listen very carefully to what the Prison Service has to say. The Prison Service will no doubt continue to strive to do the best it can with the resources it has. But if those resources are simply not enough, and the prison population continues to increase, ministers must find the extra money to enable it to deliver a proper regime for the prisoners it is required to hold. It may not be a vote-winner, but if more resources are needed to ensure that our prisons are truly representative of the civilised society which we aspire to be, nothing less will do.

Recommendations

Recommendation 1

The elimination of enforced cell-sharing should remain the objective of the Prison Service, and the achievement of this goal should be regarded as a high priority.

Recommendation 2

The Prison Service should review whether the resources currently available to it might be better deployed towards achieving this goal, without compromising standards in other areas, and should set a date for realising this objective.

Recommendation 3

If the resources currently available to the Prison Service are insufficient to produce a significant decrease in enforced cell-sharing, central government should allocate further funds to the Prison Service to enable more prisoners to be accommodated in cells on their own.

Recommendation 4

The Prison Service should retain its practice of placing prisoners who are at risk of suicide or self-harm, but who are not so vulnerable as to require being on suicide watch at all times or accommodated in a safer cell, in a cell with another prisoner who they can talk to in times of crisis. The practice should be extended to women's prisons to the extent that it is not already happening.

Recommendation 5

The Prison Service should retain the present practice of not asking new prisoners at reception or in the first night centre or during induction whether they would prefer to be in a cell on their own or to share a cell with another prisoner.

Recommendation 6

Subject to recommendation 7, the rule that an unconvicted prisoner should not be required to share a cell with a convicted prisoner should always be complied with.

Recommendation 7

The sole exception to that rule – namely when the unconvicted prisoner consents to share a cell with a convicted prisoner – should be regarded as applying only when the unconvicted prisoner consents to share a cell with a particular convicted prisoner, not with convicted prisoners in general.

Recommendation 8

All establishments should have a system for ensuring that immediate effect is given to a prisoner's change of status, by making certain that they do not share a cell with a prisoner of a different status.

Recommendation 9

The Prison Service should publish guidelines to assist officers in allocating cells to those prisoners who have to share a cell.

Recommendation 10

The guidelines should proceed on the assumption that the lack of privacy which cell-sharing entails is more likely to be ameliorated if prisoners with a common ethnic and religious background share cells. But that should only be the starting point for the process. All prisoners should be interviewed on their arrival, either in the first night centre or during their induction, to enable them to explain their preferences for the type of prisoner they would prefer to share a cell with.

Recommendation 11

All decisions about who a prisoner should share a cell with should be made, if possible, by a senior officer. If that cannot be done, the decision should be reviewed by a senior officer at an early opportunity. The suitability of the two prisoners to continue to share with each other should be reviewed at regular intervals, with the prisoners' personal officers being consulted over the issue.

Recommendation 12

The Prison Service should publish guidelines to assist officers in handling requests by prisoners to share a cell with a particular prisoner. Practical problems should not be treated as an insuperable hurdle preventing an otherwise suitable move of a prisoner from one cell to another.

Recommendation 13

The guidelines should require officers to keep prisoners informed of the progress of their requests, and if the request is refused, to notify prisoners of the reason for the refusal, unless security considerations or issues of confidentiality make that inappropriate.

Recommendation 14

The guidelines should contain guidance on how such requests should be recorded, but there is no need for such requests to be treated as formal applications under the requests and complaints procedures.

Recommendation 15

Wings holding convicted and unconvicted prisoners together should be kept to a minimum, and should only be used when there is no operational alternative.

Recommendation 16

The Prison Service should review whether the advantages of holding young offenders on the same wing as adult prisoners outweigh the disadvantages, and whether the practice should be extended to other establishments.

Recommendation 17

If the practice of holding young offenders on the same wing as adult prisoners is to continue, the law should be clarified to put its legality beyond doubt.

Recommendation 18

As soon as practicable, the Prison Service should assess the popularity of the bolted-down furniture made from white wood which is currently being trialled. It should then formulate a policy about the most appropriate form of furniture for use in cells, balancing the need to keep prisoners safe from their cellmates against the need for prisoners to live in cells which have a measure of homeliness, and taking into account prisoners' preferences and cost.

Recommendation 19

The Prison Service should consider whether dedicated searches of cells for concealed weapons would be tantamount to a full cell search.

Recommendation 20

In any event, the Prison Service should assess the resource and security implications of less frequent but random fabric checks against more frequent and more random full cell searches, bearing in mind that different strategies may be required for different establishments.

Recommendation 21

Senior officers should ensure that their staff know how to carry out fabric checks. They should ensure that officers realise that in order to check the walls of a cell, it will be necessary to look behind or under the furniture next to them. If that can only be done by moving the furniture, the furniture should be moved. If in the course of doing so they discover that the furniture is broken, they should check whether any parts of it could be used as a weapon.

Recommendation 22

An establishment's written cell-searching strategy should require each cell to be fully searched at least once in every three months. Senior officers should ensure that full cell searches are taking place as regularly as the strategy requires. Returns showing which cells have been fully searched, and when, should be submitted monthly. The department which is supposed to scrutinise the returns should do so speedily, and notify the senior officer of the unit and its principal officer if that is not happening.

Recommendation 23

The violence reduction strategy should be used as a vehicle to encourage prisoners to feel that they have a stake in making their prison safe – in particular, by encouraging prisoners to think that they have let other prisoners down if they resort to violence, and by letting prisoners have a say in the running of their prison through prisoner councils. Every prison should be required to have a functioning prisoner council made up of elected representatives which meets at regular intervals.

Recommendation 24

Information about a prisoner's convictions and outstanding charges held on NOMIS should include a short statement of the facts of each offence or charge.

Recommendation 25

If a convicted prisoner is not due to be released when they complete their sentence because they were remanded in custody awaiting trial on other charges, NOMIS should flag up the date on which their change of status is due to occur.

Recommendation 26

Although there are no plans for security information to be entered onto NOMIS in its first phase, Security Departments should enter any information which can be shared with the majority of staff when the first phase of NOMIS becomes operational.

Recommendation 27

NOMIS should include a facility for an alert to appear if information is held by the Security Department on prisoners which could affect their management but which is too sensitive for wider dissemination. An officer at the grade of senior officer or above should be able to ask for that information, and the request should be considered by the governor with line management responsibility for the Security Department. The governor should be able to refuse the request, or grant it on condition that the senior officer does not reveal the information to anyone, or on condition that the senior officer can tell their wing staff about it on the understanding that it is not to go any further.

Recommendation 28

Information overload should be avoided by enabling officers to get to the information they need quickly and to bypass the information they do not need. The technology should be up to date, and sufficient terminals should be provided to ensure that staff have ready access to NOMIS at all times.

Recommendation 29

The training which staff receive on NOMIS should not merely address how to log on, enter information and retrieve it. It should reinforce the need for any information which is to be entered to be accurate, comprehensive and unambiguous. It should also reinforce the need for all staff to be aware of the background and offending history of the prisoners in their charge, as well as their previous behaviour in prison. Staff should learn that the system will be useless if they do not use it properly.

Recommendation 30

To avoid prisoners leaving court without being accompanied by bail information reports or pre-sentence reports, the probation officer should ensure that a copy of the report is available for the escort contractor, and there should be someone in court whose responsibility it is to ensure that the dock officer gets it. Escort contractors should have a list of the documents which should accompany prisoners when they leave court, but if a prisoner leaves court without all the documents, the court should ensure that they are sent on to the prison without delay.

Recommendation 31

There should be someone in court whose responsibility it is to ensure that the dock officer gets copies of the warrant authorising the prisoner's detention, the list of their convictions, and the indictment or charge sheet.

Recommendation 32

When a judge asks for any remarks which they make to be brought to the attention of the Prison Service, the court should assume responsibility for commissioning a transcript of what has been said and sending a copy to the prison.

Recommendation 33

In the light of such legal advice as the Courts Service receives, it should publish a policy on the disclosure to the prison of medical or psychiatric reports on a prisoner submitted to the court.

Recommendation 34

The list of a prisoner's convictions sent to the prison should include a short statement of the facts of each offence and the charges the prisoner is facing.

Recommendation 35

The Police National Computer should be linked to the whole of the prison estate. In the meantime, any intelligence the police may have about prisoners which could affect their management in prison should be sent to the police liaison officers for the establishments at which the prisoners are being held. A decision can then be made whether the intelligence can be disseminated widely within the prison or given to a governor for their eyes only.

Recommendation 36

Whenever a prisoner is transferred to another establishment, the receiving establishment should be told what the reason for the transfer is. If the transferring prisoner is a particularly problematic one, the receiving establishment should be warned beforehand.

Recommendation 37

To ensure that all files accompany prisoners on their transfer to another establishment, they should be ticked off at the reception of the sending establishment against a checklist. Prisoners should not be allowed to leave unless all their files have been ticked as present, except with the permission of a governor. Staff on reception at the receiving establishment should notify the department responsible for chasing up files which do not arrive with a prisoner, entering the action they have taken in a "missing file book". Consequential action and the eventual receipt of the files should also be entered in the book.

Recommendation 38

Prisoners should not be admitted to a wing without their current wing file, save with the permission of a governor or the approval of the night orderly officer. Important entries in it should be made in red.

Recommendation 39

If prisoners arrive on a wing without a copy of the cell-sharing risk assessment form, they should be placed in a single cell until the form is found or a new one completed.

Recommendation 40

All establishments should have a procedure for notifying wings in writing that a prisoner is currently charged with, or has been convicted of, an offence under the Protection from Harassment Act 1997.

Recommendation 41

Each Security Department should establish a proper system for vetting security files to ensure that they are read by the end of the working day following their arrival, that any relevant information is relayed in writing to the wings, and that a record is kept of who vetted them, with the date and time.

Recommendation 42

Since security information is not to be included in the first phase of NOMIS, there remains a need for a national database for security information. Establishments should have their security intelligence systems upgraded if that has not already been done, and the systems should be networked across the prison estate.

Recommendation 43

Where prisoners have served a sentence before, the Security Department should always obtain their security files from the establishment from which they were discharged.

Recommendation 44

Documents held in an establishment's administrative section should be vetted by staff from the Security Department, and each establishment should have a protocol for that work along the lines of the system for vetting security files.

Recommendation 45

The senior officer on a wing should ensure that information arriving on the wing about a prisoner is recorded in the wing observation book. Particularly important information should be in red. When coming on duty, staff should read any entries in the wing observation book made since they were last on duty.

Recommendation 46

The discharge report which used to be prepared on prisoners on their discharge should be completed as a matter of course, and a copy included in their main prison file. It should be accessible on NOMIS when NOMIS becomes operational.

Recommendation 47

The Prison Service should publish a model procedure dealing with how establishments should bring Prison Service Orders and other instructions, whether national or local, which affect the management of prisoners to the attention of staff. The model procedure should be regarded as having been adopted by any establishment which does not produce one of its own.

Recommendation 48

Governors should ensure that any relevant comments or recommendations in external reports about their establishments which have implications for the safety of prisoners be brought to the attention of the workforce.

Recommendation 49

Every establishment should appoint an officer not below the grade of governor to be responsible for overseeing the flow of information. Such an officer should ensure that systems are in place for the transfer of information within an establishment and that the systems are being followed. They should take action when they find that they are not, and should review the arrangements periodically to ensure best practice is being maintained.

Recommendation 50

The handbook giving guidance on how to complete the prisoner escort record should be revised to make it clear that it is not merely of use while a prisoner is in transit, but it is also intended to inform the prisoner's management in the receiving establishment. It should give clear guidance to staff as to when a box should be ticked. Staff who are tasked with completing the form should be instructed on how to complete it by senior officers in their department. They should each be provided with a copy of the handbook, and they should be reminded of the need to spell out the reasons for a particular box being ticked.

Recommendation 51

Staff who are tasked with initially completing the cell-sharing risk assessment form should be instructed on how to complete it by a senior officer. In particular, they should be reminded that they are only assessing the risk prisoners pose to other inmates. They should not automatically assess prisoners as a high risk simply because they claim, for example, to be prone to lose their temper, but should ignore such claims if they believe them to be untrue, and they should guard against being over-defensive.

Recommendation 52

The instructions for completing the form should give duty governors guidance on how to exercise the options available to them when dealing with prisoners who are both at risk of self-harm and a risk to their cellmate.

Recommendation 53

The first review of the initial assessment should take place within one week of the initial assessment, and should take place in every case. It should be a multi-disciplinary review, with representatives from the prisoner's wing, healthcare and the team responsible for implementing the establishment's violence reduction strategy all contributing to it. The documents set out in paragraph 59.15 of the report should be considered, and the participants should have been briefed on the contents of the prisoner's security file if there is one.

Recommendation 54

The role of the duty manager or duty governor in the review process should be clarified.

Recommendation 55

Wing officers should be reminded of the need to call for a review of an assessment when the necessity for one is triggered by some occurrence which might affect the prisoner's emotional well-being.

Recommendation 56

The officer responsible for monitoring the processes for implementing measures outlined in risk minimisation plans should also be responsible for monitoring their actual implementation.

Recommendation 57

The register of prisoners assessed as high or medium risk should identify what proportion of the establishment's population those prisoners represent.

Recommendation 58

OASys should be used by all establishments to identify the risks posed by prisoners to staff and other inmates, and the risks which are identified should be fed back to the wings.

Recommendation 59

OASys assessors should have access to information relating to prisoners' behaviour while serving previous sentences and to information held in security files.

Recommendation 60

All adult prisoners serving sentences of less than 12 months' imprisonment who had an OASys assessment before being sentenced should have that assessment reviewed during the induction process. The review need only address the risk of harm which the prisoner poses to staff and other inmates. If resources permit, adult prisoners serving sentences of less than 12 months' imprisonment who did not have an OASys assessment before being sentenced should have one during the induction process.

Recommendation 61

The risk management model for the management of prisoners to whom MAPPA applies and who have been identified as posing the greatest risk to the public should be adopted by all establishments. Prisoners who have been identified as being a high risk to their cellmate on any review of the cell-sharing risk assessment, or posing a very high or high risk to staff and other inmates on the OASys assessment, should be referred to the inter-departmental risk management team envisaged by the model.

Recommendation 62

It is neither necessary nor desirable to introduce a risk classification, similar to the security classification, which identifies the degree of risk which a prisoner poses to staff and other inmates.

Recommendation 63

That part of the basic training course for new prison officers which focuses on the development of their inter-personal skills should be reviewed in the light of this report and the lessons to be learned from Zahid's murder. In particular, two of the key attributes required of the prison officer should be stressed. They are the ability to pick up on what is happening on the wing, which prisoners pose a risk to other inmates, and what prisoners might be worried about, and the ability to earn the respect of the prisoners on the wing so that they are prepared to confide in them without fear of it getting out.

Recommendation 64

Ex-offenders should be used to give trainees an insight into prison life from the perspective of prisoners.

Recommendation 65

It should be mandatory for all establishments to have a personal officer scheme. That includes busy local prisons, although if time for personal officer work is limited, it should be used constructively.

Recommendation 66

Personal officers should be assigned to individual prisoners, not to a group of cells. They should be members of a small team, so that when a prisoner's personal officer is not on duty, the prisoner can approach another member of the team.

Recommendation 67

The role of the personal officer should be clearly defined in each establishment's personal officer scheme. The Prison Service should publish a model scheme, which should be regarded as having been adopted by every establishment which does not produce one of its own.

Recommendation 68

Before officers begin personal officer work, they should receive training locally on what the work involves.

Recommendation 69

The Prison Service's policy on whistleblowing should identify the most appropriate way for staff, in an exceptional case, to get confidential advice from an independent outsider and to raise their concerns outside the Prison Service. It should also ensure that the members of staff of companies who contract with the Prison Service, such as escort contractors and those responsible for the running of the contracted-out establishments, have access to the Prison Service's whistleblowing policy.

Recommendation 70

Making a false and malicious allegation that wrongdoing has taken place should be expressly stated to be a disciplinary offence, for which dismissal from the Prison Service may be an appropriate sanction.

Recommendation 71

Research should be conducted on how effective the obligation to report wrongdoing – and the designation of a failure to do so as a disciplinary offence – has been. This should be done by comparing the number of instances of reported wrongdoing before and after these measures were implemented.

Recommendation 72

A comprehensive review of the quality of care provided to prisoners with mental health problems and its effectiveness should be conducted once the changes introduced since Zahid's murder have had a chance to work.

Recommendation 73

The first reception health screen questionnaire should be revised so as to trigger a referral to a mental health professional on the healthcare team even if the prisoner has only self-harmed in prison. A referral should also be triggered where the prisoner's behaviour is such that the healthcare officer completing the questionnaire considers it desirable.

Recommendation 74

When prisoners are referred for a mental health assessment, the assessment should address the risk which they pose to staff and other inmates.

Recommendation 75

The responses of those members of staff who have attended the mental health awareness training course should be analysed to determine whether the course can be improved. The number of front-line staff attending the course should be increased, resources and staff deployment permitting.

Recommendation 76

Profiled time should be set aside for staff to read the booklet explaining the main components of the mental health awareness training course. The booklet should include advice given on the course about how prisoners with particular disorders should be managed on the wing. That advice should be published and made freely available.

Recommendation 77

The measures which should be taken to minimise the risk which a mentally disordered prisoner on ordinary location poses to staff and other inmates includes:

- not placing such a prisoner in a shared cell
- if such a prisoner is to share a cell, carefully selecting their cellmate
- ensuring that, whatever difficulties there may be in operating a proper personal officer scheme, such a prisoner has a personal officer who is fully aware of their background and who makes a particular effort to get to know them and keeps an eye on their state of mind
- checking the correspondence and searching the cell of such a prisoner more frequently and carefully than would otherwise have been the case
- ensuring, again regardless of the difficulties which might be faced in providing a good regime for all prisoners in the establishment, that such a prisoner is appropriately occupied with, for example, work, education or offending behaviour programmes
- keeping a closer watch over material such as films, to which such a prisoner has access, and exercising control over their suitability
- checking on NOMIS or with the Security Department about the existence of any useful intelligence about such a prisoner and what is known about their previous behaviour in prison.

Recommendation 78

The Prison Service should prepare a readable guide, which explains the circumstances, in which personal information about a prisoner should be disclosed by healthcare staff to officers on the wing. The guide should contain practical examples of situations where disclosure should or should not be made.

Recommendation 79

The Prison Service and the CRE should address the key areas for development identified by the Inspectorate in *Parallel Worlds*, its recent review of race relations in prison, in managing the action plan, *Implementing Race Equality: A Shared Agenda for Change*, which the Prison Service has produced in partnership with the CRE and is the blueprint for the progress which the Prison Service needs to achieve.

Recommendation 80

The diversity training which prison officers receive as part of their basic training should stress the need for them to put themselves in the position of BME prisoners and see things from their point of view. They should be told about the techniques they can use to develop that skill.

Recommendation 81

The training of any officer responsible for investigating complaints of racism should stress that corroborative evidence of a complaint, though desirable, is not essential. Officers should be reminded of the need to guard against falling into the trap of seeing as decisive the existence of a possible racially neutral reason for treatment which would otherwise be discriminatory.

Recommendation 82

Prisoners should not be used under any circumstances to assist in the investigation of complaints of racism, or to act as an intermediary between the complainant and the investigating officer.

Recommendation 83

The definition of a racist incident adopted by the Stephen Lawrence Inquiry should be used to identify what constitutes a complaint of racism, so that a complaint of racism is one where the action complained of is perceived to be racist by the victim or any other person.

Recommendation 84

The Prison Service, the Inspectorate and the CRE should consider whether there is a need for the investigation of complaints of racism and other serious complaints to be carried out by an independent body, or at least to be carried out with a strong independent element built into the process.

Recommendation 85

The Prison Service and the CRE should investigate the desirability and feasibility of race relations liaison officers being recruited from outside the Prison Service.

Recommendation 86

Without suggesting in any way that the Prison Service should be regarded as institutionally infected with religious intolerance, thought should be given by the Home Office to recognising the concept of institutional religious intolerance, along the lines of the definition of institutional racism adopted by the Stephen Lawrence Inquiry.

Recommendation 87

The Muslim Adviser to the Prison Service should consider how the role of prison Imams can be expanded – without in any way compromising their religious role – so as to make them readier to assist with the non-religious needs of Muslim prisoners.

Recommendation 88

The Home Office should promote legislation to add each prison to the list of bodies required to publish race equality policies or race equality schemes under the Race Relations Act 1976.

Index

Numbers refer to paragraphs in the report. Roman numerals refer to the preliminary pages. Paragraph numbers with asterisks refer to footnotes. “Inquiry” with an initial capital letter always refers to the Zahid Mubarek Inquiry.

- 4x4 system *see* Security Intelligence System:
4x4 system
- 5x5 system *see* Security Intelligence System:
5x5 system
- ## A
- adjudication records (F2050E), 7.8, 57.34, 57.46, 57.47, 59.7*, 59.15, 59.25
- Ahmed, Maqsood (Muslim Adviser to the Prison Service), 62.27, 62.30
- Ahmed, Tanzeel (cousin of Zahid Mubarek), 24.14, 27.7–27.8
- Ali, Lutfur (adviser to Inquiry), iii, 2.1, 2.2, 2.6, 62.4, 62.14
- Allen, Elizabeth (Prison Service’s Inquiry Liaison Officer), 63.3
- Altcourse Young Offender Institution (Liverpool), 2.33
- healthcare centre, 16.12, 16.19*, 16.26
- Melling unit, 16.12
see also Farrell, Jim (Manager of Melling unit at Altcourse)
- Robert Stewart, 15.2, 15.22, 16.1–16.30, 36.9, 37.2
- failure to monitor correspondence, 16.9–16.11, 20.4
- handling of security file of, 16.2–16.3, 17.5–17.7
- police request for production of, 16.6–16.8
- prisoner escort records, 19.3, 19.4
- wing file, 16.29–16.30
- Security Department, 16.5, 16.11, 16.12
- young offenders and adult prisoners, 55.35, 55.38
- Amin, Imtiaz (uncle of Zahid Mubarek), 1.13, 1.15, 2.8, 2.51
- Amin, Mubarek (father of Zahid Mubarek), xvii, 2.51, 5.2, 27.7–27.8
- anonymous sources to Inquiry, 2.12
- arson in Stewart’s cell (Hindley), 11.6–11.7, 11.9, 12.1, 12.13, 13.6, 13.12, 13.13, 14.8, 14.19, 20.1
- Stewart prosecuted for, 11.6, 13.10, 14.1–14.2, 14.16, 14.21
- Ashford General Hospital (Middlesex), 6.19
- Ashford Remand Centre (Middlesex), 4.2, 39.2
- Ashworth, Martin (Prison Officer, Feltham, Swallow), 25.9, 26.7–26.9, 26.12, 26.13, 26.16–26.17, 27.3, 27.5, 27.6
- Asian prisoners, 62.1, 62.7
see also prisoners: black and ethnic minority focus groups, 2.31
- Assessment, Care in Custody and Teamwork (ACCT) assessors, 61.15
- ASSET (assessment tool for juvenile offenders), 59.23
- Atherton, Peter (London South Area Manager, Prison Service, 1998–2000)
- Feltham Young Offender Institution, 3.15, 40.10, 42.5, 43.2, 47.13, 52.11, 52.12
- Headstart scheme, 41.13
- profiling exercises, 41.10, 44.7, 44.8
- race relations at, 51.14, 51.43, 51.44
- staffing levels, 41.19, 41.24, 41.25
- views on Mr Welsh, 40.2, 40.4
- visits to, 4.15, 41.24, 52.11
- Averill, Alan, murder of, 12.2–12.13
- Stewart’s involvement, 12.2–12.3, 13.1–13.2, 13.5–13.9, 13.10, 13.12–13.13, 14.14, 20.1, 36.7–36.8
- Altcourse’s information, 16.16
- Feltham’s information, 57.1, 57.21
- Hindley’s information, 14.18, 14.20, 19.5–19.6
- security information, 12.4–12.13, 14.8
- ## B
- Barnes, Jamie (prisoner, Feltham), 24.4, 24.7, 24.13, 24.14, 26.10–26.11, 29.4, 29.6–29.9, 29.13, 36.15
- claim of request to share cell with Zahid Mubarek, 27.1–27.4, 27.5–27.8
- Zahid Mubarek request to move into cell of, 27.9–27.12, 35.11
- Beard, Anthony (Senior Officer, Feltham, Reception), 2.14*
- Benford, Robert (Senior Officer, Feltham), 2.12**, 21.26–21.28, 21.30, 21.31, 21.32, 21.34, 21.36, 30.13, 30.16, 30.19, 30.22

- Berry, Sally (Healthcare Officer, Feltham), 6.19, 6.20–6.21
- Bhartti, Sunil (prisoner, Feltham), 29.6–29.9, 29.13
- Bichard Inquiry (into the Soham murders), 63.5
- Bigger, Claire (now Claire Hodson) *see* Hodson, Claire
- Billimore, Elizabeth (Prison Officer, Feltham, Swallow), 6.3–6.5, 27.11
- black prisoners, 62.7
see also prisoners: black and ethnic minority focus groups, 2.31
- Blunkett, The Rt Hon David (MP), iii
- Boards of Visitors
Feltham Young Offender Institution, 3.15, 3.21, 4.20–4.22, 38.9, 39.10, 40.7, 41.14, 43.7, 49.16, 49.25
see also Bogue, Lucy (Chair, Feltham's Board of Visitors, 2000–2002); Independent Monitoring Board for Feltham Young Offender Institution
Feltham's separation, 45.4
identifies low staff morale, 4.21, 4.22, 38.5, 38.10–38.11, 39.10
incentives and earned privileges scheme, 28.13, 28.14
Martin Narey and, 52.14
race relations issues, 51.40, 51.42, 51.43, 62.31
Onley Young Offender Institution, 13.7
- Bogue, Lucy (Chair, Feltham's Board of Visitors, 2000–2002), 2.37, 38.5, 38.10–38.11, 40.4, 45.3, 46.2, 51.40, 51.42
views on Feltham branch of POA, 44.1
- Booth Hall Children's Hospital (Manchester), 9.8
- Bournemouth, University of, 61.15
- Boyington, John (Head of Prison Health Task Force), 61.6, 61.9
- Breaking the Cycle of Rejection* (National Institute of Mental Health), 61.17
- Bricks of Shame* (Stern, 1989), 60.22*
- Brixton Prison (London), 35.38, 43.9, 51.2, 62.3*
- broadcasting of hearings, 2.23
- Buchanan, Bela (paralegal to Inquiry), 63.2
- Butt investigation, the, 1.2–1.4, 1.11, 1.12, 3.20, 35.4, 51.1–51.10, 51.18, 51.25, 51.30, 51.33
evidence, 6.12, 21.11, 21.12, 24.6, 30.11, 48.3
impact on Inquiry, 1.15, 1.17, 2.11, 2.13
Mubarek family role, 1.9, 1.14, 3.20
statistics, 49.19
views expressed in, 6.20, 6.22, 39.11
Feltham "institutionally racist", 3.6, 51.39, 62.31
- Butt, Ted (Senior Investigating Officer, Prison Service) *see* Butt investigation, the
- Buttar, Satvinder (Feltham Race Relations Management Team), 51.16
- Byrd, John (Residential Governor and Race Relations Liaison Officer, Feltham), 21.27, 31.9
cell searches, 29.27, 46.25
cell-sharing regulations, 26.18
incentives and earned privileges scheme, 28.13, 46.37
personal officer scheme, 32.12, 46.37
Race Relations Liaison Officer, 21.21, 21.22, 21.37, 51.8–51.9, 51.19, 51.25, 51.28, 51.29, 51.31–51.35, 51.44
reception responsibilities, 47.4–47.5
role on Swallow, 46.4, 46.13, 46.25, 46.31, 46.34–46.39
- C
- Cabinet Office, 58.6, 58.8
- CARATS (Counselling, Assessment, Referral, Advice and Throughcare Scheme), 21.2, 21.8
- Cardiff Prison, 40.6
- Carroll, Paul (Prison Service Head of Employee Relations), 35.22
- cell 38 (Swallow unit), 5.14, 55.28
see also Mubarek, Zahid: cell-sharing with Stewart
cell searches (19 and 20 March 2000), 29.13–29.18
cell searches prior to 19 March 2000, 29.19–29.23
inadequacy of, 29.21–29.23, 38.1, 38.11, 46.10
inspection after the attack, 29.30
night of the attack on Zahid Mubarek, 6.2–6.5, 6.9, 6.11, 6.13–6.17, 6.19–6.22
personal officers for, 32.6–32.8, 32.9, 32.11, 32.13, 32.14, 32.17*, 46.12
photographs of, 29.3
weapons in, 29.1–29.5, 29.6–29.9, 29.13–29.18, 37.7, 46.10
photographs of, 29.3
cell furniture, 29.24–29.25, 56.1–56.5
recommendation, 56.5

- use as weapon by Stewart, 16.4–16.5,
17.5–17.7, 29.1–29.5, 37.2, 56.1
- cell searches, 56.6–56.13, 61.20
see *also* cell 38 (Swallow unit): cell searches;
Feltham Young Offender Institution: cell
searches
recommendations, 56.11, 56.13, 61.20
- cell-sharing, 49.6–49.13, 55.1–55.31
see *also* Feltham Young Offender Institution:
cell-sharing
allocation, 55.14–55.31
convicted and unconvicted prisoners, 55.14,
55.15–55.22
prisoner status change, 55.22
enforced, 55.1–55.3
- Prison Service
absence of cell allocation procedures,
22.15, 23.11, 49.1–49.2
guidelines needed, 55.26–55.27, 55.29,
55.31
national operating standards (1994), 49.27,
49.29
objectives on, 49.3–49.5
prisoners' preferences, 49.26–49.28,
55.28–55.31
risk assessments, 3.18, 14.14–14.15, 20.2,
22.20, 35.39, 49.13, 49.22, 54.2, 55.26,
57.34, 57.37, 57.39, 57.40, 59.1–59.21
working group on, 59.11–59.14
prisoners at risk of self-harm, 11.4,
55.4–55.9, 55.13
prisoners from different backgrounds,
55.23–55.27
prisoners' requests, 55.28–55.31
prisoners who prefer to share, 55.10–55.13
recommendations, 55.3, 55.9, 55.13, 55.22,
55.27, 55.31, 59.6, 59.9, 59.16, 59.17,
59.18
risk assessment, 59.1–59.21
initial assessment, 59.3–59.10
problems with, 59.5–59.10
register, 59.14, 59.21
reviews, 59.10–59.12, 59.15–59.20
risk minimisation plan, 59.12–59.13, 59.21
risk assessment form, 57.34, 57.37, 57.39,
57.40, 59.2–59.5, 59.7, 59.10
replacement form, 59.11
- Chahal, Sundeep (Prison Officer, Feltham,
Swallow), 29.19, 37.7
cell search of cell 38 (20 March 2000), 29.15,
29.16, 29.17–29.18
- Changing the Outlook* (Department of Health
and the Prison Service, 1999), 61.6, 61.8
- Channel 4 television programme, 35.7–35.9,
35.13, 35.41
- Chapman, Susan (Deputy Governor, Onley),
13.2, 13.3, 13.6, 13.7, 13.16
- Charing Cross Hospital (Central London), 6.19
- checklist and handover sheets, 6.1, 6.3, 6.4
- Chelmsford Prison (Essex), 4.4, 4.18, 19.1,
42.4–42.6, 42.8, 49.13
- Clark, Paul (Principal Officer, Feltham,
Reception), 30.11, 47.4–47.5
- Clayton-Hoare, Helen (Deputy Head of
Operations, Feltham), 21.27, 21.36, 31.10,
47.3–47.6, 47.9, 47.10–47.11, 47.13
Strategic Development Plan (Feltham), 52.6,
52.8
- Clements, Judy (Race Equality Adviser to the
Prison Service, 1999–2003), 3.6, 51.2, 51.22,
51.45–51.46, 51.47–51.48
evidence to CRE investigation, 1.10*
- Clifford, Niall (Governor, Feltham, April 1999–
May 2000), 4.8, 40.6–40.11, 46.16
cell allocation issues, 49.25, 49.31
cell-sharing risk assessment tool, 59.2
evidence to Inquiry, 5.18, 21.4, 21.31, 28.7,
31.13, 39.9, 41.16, 41.24
level of in-cell assaults, 49.19
staff training, 38.15, 38.16
on “strategic management” initiative, 39.6
- Feltham branch of POA
conflicts with, 44.4, 44.5–44.18
views on, 44.1–44.2
- Feltham's Board of Visitors, 4.22, 40.7, 43.7
- Feltham's self-auditing procedures, 52.1,
52.2, 52.3
- finances of Feltham, 43.2, 43.4, 43.6, 43.7,
43.8–43.10
- Headstart scheme, 41.13, 41.16
- healthcare screening at Feltham, 48.5, 48.14
- incentives and earned privileges scheme,
28.7, 28.13
- management style, 40.6–40.8
- Order on monitoring of correspondence,
31.12–31.13
- Personnel Department, 41.22, 41.24, 41.25
- Prison Service oversight, 52.9, 52.11, 52.12
- promotion to area manager, 4.22, 38.8–38.9,
40.6
- race relations issues, 51.14, 51.30,
51.33–51.34

- awareness of racism, 51.21
 Governor's Order on racist incident
 reporting, 21.21, 51.27
 responsibility, 51.37–51.38
 reception, 47.3, 47.6
 role of principal officers, 46.30
 role of senior managers, 46.35, 46.39, 46.41
 Security Department, 47.9, 47.12–47.13
 staff
 absence levels, 41.4–41.6
 morale under, 38.6–38.9
 profiling exercise, 41.8–41.10, 44.5
 recruitment and retention, 41.13, 41.16,
 41.17, 41.18
 task force briefing of, 4.17, 40.4, 41.16, 45.4
 views on John Byrd, 46.35–46.36, 46.38
 views on Peter Windsor, 46.41
 cognitive behavioural programmes, 16.24,
 16.25, 16.26
 Coliseum see "Gladiator" allegations
 Comber, Dave (Principal Officer, Feltham,
 Security), 27.13, 30.19, 30.26, 47.9, 47.13
 absence from work, 31.14, 47.9
 monitoring of prisoner correspondence,
 31.11, 31.13–31.14
 prisoner escort records, 30.10, 30.11
 Stewart's core record, 30.23, 30.24, 30.26
 Commission for Racial Equality (CRE)
 confidentiality issues, 2.41–2.48
 evidence to Inquiry, documents, 2.10
 "Gladiator" allegation telephone call,
 35.1–35.2, 35.4–35.5, 35.16, 35.22,
 35.23, 35.24, 35.25–35.26
 *Implementing Race Equality: A Shared
 Strategy for Change* (with Prison Service),
 62.4
 informants, 2.41–2.48, 24.3, 24.4, 24.11,
 24.12, 24.13, 24.19
 investigation (Prison Service and Zahid
 Mubarek murder), xviii, 1.5–1.6, 1.11,
 23.20, 27.13, 35.41, 49.3, 51.1,
 51.11–51.15, 62.3
 cell searches, 29.20
 complaints system at Feltham,
 51.12–51.13, 51.25
 fairness of, 3.20–3.21
 impact on Inquiry, 1.15, 1.17, 2.11, 2.13
 informant at Feltham, 2.48, 24.3, 24.4,
 24.12, 24.13, 24.19
 institutional racism conclusions, 3.6, 3.7,
 3.10, 62.31
 Mubarek family role, 1.10, 1.12, 1.13, 1.14
 night of the attack on Zahid Mubarek,
 6.12, 6.25
 prison staff racial attitudes, 51.11
 public hearing (September 2001), 1.10
 staff race relations training, 51.30
 Stewart's evidence to, 29.5, 36.4, 36.10,
 36.18
 televisions in cells, 34.5–34.6
 terms of reference, 1.5, 1.10
 monitoring of implementation of Inquiry
 recommendations, 63.5
 monitoring of race relations in prisons, 62.4,
 62.26
 The Murder of Zahid Mubarek (report, July
 2003), 1.6, 23.20, 51.1, 51.11–51.15
 Prison Service
 five-year action plan, 3.10, 62.4, 62.11,
 62.19, 62.25
 race relations culture, 51.14
 Racial Equality in Prisons report (December
 2003), 3.7, 3.10
 confidentiality issues, 2.10, 2.14, 18.20, 33.19,
 57.15, 57.41
 CRE, 2.41–2.48
 prisoners with mental disorders, 16.30, 18.17,
 61.22–61.26
 Control and Information Room (Feltham Young
 Offender Institution), 5.14, 6.15–6.16, 6.19,
 6.21, 23.11, 25.14, 25.15
 Coonan Inquiry (death of Christopher Edwards),
 19.1, 30.29, 47.7, 49.13, 57.32
 Copson, Commander Gary (Police Adviser to
 the Prison Service), "Gladiator" investigation,
 35.22–35.23
 core records (F2050), 7.5, 8.13, 30.23–30.25,
 30.26, 31.12, 57.34, 57.46
 correspondence of prisoners, monitoring of,
 31.3–31.17, 31.18, 46.19, 46.37, 50.6, 53.3,
 61.20
 see also correspondence of Robert Stewart:
 failure to monitor
 Prison Service Standing Orders, 15.18, 17.10,
 17.11, 17.12, 21.16*, 21.18, 30.26, 30.30,
 30.31, 31.1–31.19, 47.8
 correspondence of Robert Stewart, 5.19, 16.1,
 36.7
 see also Hogg, Deborah: interception of
 letter; Hogg, Deborah: temporary wing file
 on Stewart

- failure to monitor, 16.9–16.11, 20.4, 30.26, 30.31, 31.1–31.17, 37.4, 47.8
 at Hindley, 15.7–15.8, 15.18–15.21, 15.23, 16.11, 17.10–17.12, 20.3, 21.42, 31.1
- harassment memo (29 September 1999), 15.16–15.21, 16.8, 16.11, 17.9, 19.4
- harassment of woman, 15.15–15.20, 15.21, 16.2, 17.12, 19.5, 20.3, 31.16
- prosecution for, 16.6, 16.9–16.10, 17.3, 17.9, 18.24–18.25, 21.1, 26.2, 30.26, 30.31, 31.1–31.4, 36.21
- intercepted letter at Feltham, 3.3, 21.10, 21.12–21.16, 21.19–21.25, 21.32–21.39, 37.3, 38.1, 38.11, 46.32–46.33, 51.23–51.24, 51.25, 51.26, 51.27
- intercepted letters at Hindley, 14.3, 15.4–15.8, 15.9, 15.12, 15.14, 16.2, 37.2
- racism in, 1.12, 15.22–15.23, 17.11, 20.3, 20.4, 25.9, 31.15–31.17, 36.9, 57.9
 intercepted letter at Feltham, 3.3, 21.10, 21.12–21.16, 21.19–21.25, 21.32–21.39, 37.3, 38.1, 38.11, 46.32–46.33, 51.23–51.24, 51.25, 51.26, 51.27
 letters to woman, 15.15, 15.18, 15.20, 15.21, 16.6–16.11, 17.3, 17.12
- Swallow unit, 30.26, 30.31, 31.12, 37.4
 summary of letters, 31.16
- counsel to Inquiry, 2.7, 2.25, 3.26–3.27, 10.17, 15.11, 29.25, 35.34, 35.40, 38.11, 50.6, 63.2
- Court of Appeal, 1.14
- Courts Service, 2.28, 57.27–57.29
- Cowan, Mick (Head of Operations, Feltham), 31.10, 31.11, 31.13–31.14, 47.2, 47.6, 47.9
- Cox, Stephen (POA official), 35.21
- Crime and Disorder Act (1998), 17.3
- Criminal Justice Act (2003), 57.49, 59.23, 59.28
- Criminal Justice and Court Services Act (2000), 59.28
- criticism of individuals, 3.22–3.25
- Cronk, Dick (Head of Healthcare, Feltham, until September 1999), 33.2, 33.10, 33.11–33.12, 48.2, 48.6–48.8, 48.9, 49.20
- Cross, Andrew (Governor, Feltham, December 2003 to present), 35.35
- Crown Prosecution Service, 1.7, 17.3
- Cummines, Bobby (adviser to Inquiry), iii, 2.1, 2.3, 2.6, 29.13, 55.35
- custodial documents files (F2051), 7.6, 30.26, 57.34, 57.46
- Custody Administration (Feltham Young Offender Institution), 23.17, 26.6, 26.14, 30.3
- Stewart's change of status, 26.12, 26.13, 26.15
- Stewart's records, 7.2, 23.8, 30.26, 30.28, 37.5, 47.6
- Stewart's warrants, 31.6, 31.7, 31.9, 31.12
- Custody, Care and Justice: The Way Ahead for the Prison Service in England and Wales* (White Paper of September 1991), 49.3
- Custody Plus initiative, 57.49, 59.27
- ## D
- Dangerous and Severe Personality Disorder Programme (Home Office), 50.2, 61.1
- Darken, Andy (Chairman, Feltham Branch, POA, 1999–2001), 27.13, 44.2, 44.3, 44.6, 44.8, 44.12, 44.16, 44.17, 44.18, 51.14
 “Gladiator” allegations, 35.21–35.22, 35.26, 35.27, 35.29, 35.35
 transferred from Feltham, 43.4*
- Das, Dr Daya (General Practitioner, Hindley), 9.9, 9.10, 9.23
 examinations of Robert Stewart, 9.22, 9.24, 9.25
- Data Protection Act (1998), 61.26
- Davies, Graham (Principal Officer, Feltham, audit manager), 6.19, 6.23–6.24, 52.1–52.3
- Dawson, Patrick (Probation Officer, Greater Manchester Probation Area), 14.16–14.18, 15.1
- Deerbolt Young Offender Institution (County Durham), 14.2
- Denman, Keith (Principal Officer, Feltham, group manager – Kestrel, Osprey and Swallow), 22.4, 46.6, 46.12, 46.13, 46.34, 46.39
 incentives and earned privileges scheme, 28.14
 responsibilities on Swallow, 46.4, 46.16, 46.20–46.21, 46.22, 46.27–46.31
- Department of Health, 50.2, 61.6, 61.7, 61.9
- Diaper, Colin (Senior Officer, Feltham, Operations and Reception), 23.4, 23.6, 23.9, 23.18
- Diaper, Simon (Prison Officer, Feltham, Swallow), 23.11, 23.12–23.21, 24.13, 35.9
- Director of Health Care Services for Prisons, 18.7
- discharge documents, 10.6–10.17, 26.6–26.8, 26.12–26.13, 57.49, 59.15
- documents and records see records and paperwork

- Duff, Bill (London Area Manager, Prison Service, from 2002), 41.14
- Dunne, Harold (Principal Officer, Hindley, Operations), 14.13, 14.14, 14.15, 17.17, 17.24, 19.10, 21.43
 prisoner escort records, 19.4
 Stewart's correspondence, 15.18–15.19, 16.8, 16.10, 17.9, 20.3
 intercepted letter, 15.5–15.6, 15.8, 15.12, 15.13
- Durham Prison, 2.4, 40.6
- E**
- Edgar, Dr Kimmett (Head of Prison Research, Prison Reform Trust), 56.14*, 56.15, 62.10*
- Edmundson, Lee (Prison Officer, Feltham, Swallow), 6.4–6.5, 24.6, 26.9, 26.15
 personal officer for cell 38, 32.6–32.8, 32.9, 32.11, 32.13, 32.14, 46.12
- Edwards, Christopher, 19.1, 30.29, 49.13, 57.52, 59.1
- Equal Opportunities Officer (Feltham Young Offender Institution), 51.8
- ethnic monitoring, 62.9
see also Feltham Young Offender Institution: race relations at: ethnic monitoring
- European Convention on Human Rights, 1.1, 1.14, 1.16, 3.13, 3.15
- European Prison Rules (1987), 49.6–49.9, 55.3
- evidence to Inquiry *see* Zahid Mubarek Inquiry: evidence to
- F**
- Fanthorpe, Gary (Senior Officer, Feltham, Osprey), 46.9, 46.15, 46.18, 46.28, 49.23
- Farmer, Ross (Prison Officer, Feltham, Swallow), 24.6, 32.16
- Farrell, Jim (Manager of Melling unit, Altcourse), 2.12**, 16.12, 16.13, 16.16, 16.17, 16.18, 16.23, 16.29, 24.5, 30.13
- Feltham A (juvenile offenders), 4.4, 4.5, 28.14, 30.3, 41.11, 45.1–45.3, 45.5–45.7
- Feltham Young Offender Institution, 4.4–4.12, 4.5, 4.6, 53.1–53.5, 62.3*
 action plans, 31.10–31.11, 52.5–52.8
 Board of Visitors *see* Boards of Visitors: Feltham Young Offender Institution; Independent Monitoring Board for Feltham Young Offender Institution
 capacity, 4.7, 22.13, 23.12, 26.5
 cell searches, 4.9, 29.10–29.23, 29.26–29.29, 41.2, 46.19
 cell 38 (19 and 20 March 2000), 29.13–29.18
 cell 38 prior to 19 March 2000, 29.19–29.23, 38.1, 38.11, 46.10
 fabric checks, 29.12, 29.15–29.23, 46.17, 56.12
 full searches, 29.11, 29.26–29.29, 29.30, 46.25, 56.12
 Swallow unit, 29.28–29.29, 29.30, 46.17, 46.28
 cell-sharing, 26.18
see also Mubarek, Zahid: cell-sharing with Stewart
 absence of cell allocation procedures, 22.15, 23.11, 38.12, 49.1–49.2, 49.14–49.25, 53.3
 prisoners of different races, 49.23
 prisoners' preferences, 49.29–49.31, 55.10–55.13
 risk assessment form, 59.6, 59.10
 “churn” factor, 42.1–42.2
 computer terminals, 7.16
 construction and design, 4.5, 4.6, 28.1, 39.5
 departments
see also Custody Administration (Feltham Young Offender Institution); Security Departments (prison): Feltham Young Offender Institution
 Control and Information Room, 5.14, 6.15–6.16, 6.19, 6.21, 23.11, 25.14, 25.15
 Detail Office, 29.29, 44.12, 46.5–46.7, 46.8, 46.9, 46.13, 46.14, 46.17, 46.21, 46.23, 46.25
 Education, 40.9, 51.3
 Observation, Classification and Allocations, 17.24, 23.1, 33.9
 Personnel, 41.4–41.6, 41.15–41.16, 41.22–41.25
 reception, 19.6, 23.1, 30.3–30.5, 30.7, 30.10, 30.11, 31.8–31.9, 31.12, 47.1–47.7
 division into two sites, 4.4, 38.7, 40.9, 40.11, 45.1–45.7, 52.15, 53.3
 “doubling up”, 4.7, 4.20, 4.22, 22.17, 23.12, 23.13, 42.1–42.2, 42.7
 Equal Opportunities Officer, 51.8
 evening association, 44.10–44.18

- Governors *see* Clifford, Niall (Governor, Feltham, April 1999–May 2000); Cross, Andrew (Governor, Feltham, December 2003 to present); Pascoe, Nick (Governor, Feltham, October 2000–November 2003); Welsh, Clive (Governor, Feltham, February 1997–April 1999)
- Governor's Orders
- on monitoring of correspondence, 31.5–31.7, 31.10, 31.12–31.13, 31.14, 31.18
 - on racist incident reporting, 31.12–31.13
 - on role of personal officers, 32.2–32.4
 - staff unaware of, 38.14
- Headstart scheme, 41.13, 41.16
- healthcare screening, 17.21, 33.1–33.19, 48.1–48.14
- local protocol (23 June 1999), 33.2, 33.6, 33.8, 33.11, 33.13, 48.1
 - of Robert Stewart, 17.21, 33.1–33.5, 33.7–33.10, 33.12–33.19, 37.4
- history of, 4.1–4.3, 39.2–39.12
- in-cell prisoner-on-prisoner attacks, 49.14–49.19
- incentives and earned privileges scheme, 28.1–28.15, 46.19, 46.36–46.37, 51.11
- Robert Stewart's status, 28.6–28.8, 28.15
 - Zahid Mubarek's status, 28.6–28.8, 28.15
- inconsistencies in working practice, 38.12–38.17
- industrial relations, 4.14, 39.2, 44.1–44.18
- information flow within, 22.10, 30.28–30.31, 53.3, 57.1–57.2
- Inquiry
- staff witnesses, 2.25
 - starting point, 3.14, 39.1, 39.2
 - visited by Inquiry team, 2.32
- Inspection of 1996, 3.11, 3.15, 4.13, 4.20, 39.2, 39.9–39.10, 52.5
- flow of information, 30.29
 - incentives and earned privileges scheme, 28.11
 - induction process, 21.2
 - personal officer scheme, 32.2, 32.11
 - race relations, 51.39, 51.42, 51.43, 62.31
 - staff attitudes, 38.3–38.4
- inspection of 1998, 3.11, 4.14–4.15, 4.21, 39.1, 39.7, 39.9–39.10, 40.2, 52.5, 52.10
- incentives and earned privileges scheme, 28.12
 - induction process, 21.2
 - race relations, 51.39, 51.42, 51.43, 62.31
 - staff attitudes, 38.3–38.5
- inspection of 1999, 4.18–4.19, 4.22, 30.29, 40.9, 44.4, 45.4, 52.6
- inspection of 2000, 4.15, 40.9, 44.3, 44.4
- institutional racism, 3.3, 3.5, 3.6, 3.8, 3.9, 24.16–24.17, 25.11, 27.10, 51.1, 62.2, 62.31
- juvenile offenders, 4.4, 4.19, 4.21, 38.7
- monitoring of correspondence, 31.3–31.17, 31.18, 46.19, 46.37, 53.3
- murder of Zahid Mubarek *see* Mubarek, Zahid: murder of
- Operational Order on night patrols, 6.7, 6.8, 6.10, 6.12
- overcrowding, 4.4, 4.12, 4.13, 4.14, 4.20, 39.4, 40.11, 42.1–42.9, 45.7, 53.1–53.2
- easing of, 4.4, 4.18, 42.6–42.8
- overtime policy, 41.19–41.21
- personal officer scheme, 32.1–32.17, 41.2, 46.17, 46.19, 46.28, 46.36–46.37, 60.15–60.16, 60.17
- personal officers for cell 38, 32.6–32.8, 32.9, 32.11, 32.13, 32.14, 32.17*, 46.12
- role of personal officers, 32.3, 32.5, 32.6–32.8, 60.17
- training and instruction of personal officers, 32.9–32.10
- POA branch, 27.13, 28.12, 38.8, 38.11, 39.2, 39.6, 40.11, 41.10, 41.17, 44.1–44.18
- see also* Darken, Andy (Chairman, Feltham Branch, POA, 1999–2001)
- Prison Service, 39.2, 39.9–39.10
- failure to react quickly enough, 3.15, 39.9–39.12
 - oversight, 52.9–52.15
 - Standards Audit Unit audit (1999) *see* Prison Service: Standards Audit Unit
 - task force *see* task force (Prison Service), Feltham Young Offender Institution
- prisoners
- induction process, 21.2–21.7, 21.17, 42.1, 53.3
 - movement of, 4.10, 4.11, 4.13
 - processing of, 4.11
 - status change procedures, 26.17
 - suicides of, 30.28
 - time out of cells, 4.9, 4.21–4.22, 32.14, 39.4, 39.10, 41.2, 41.12, 42.1, 44.10–44.18, 46.19, 46.41
- race relations at, 51.1–51.48

- see also Butt investigation, the;
 Commission for Racial Equality (CRE):
 investigation (Prison Service and Zahid
 Mubarek murder)
 complaints system, 51.10, 51.12–51.13,
 51.25–51.28, 51.32, 51.38, 53.3
 downplaying of tensions, 51.20,
 51.22–51.24, 51.36
 ethnic monitoring, 51.4, 51.7, 51.31, 51.32
 external oversight, 51.39–51.48
 Inquiry focus, 62.2
 institutional racism, 3.3, 3.5, 3.6, 3.8, 3.9,
 24.16–24.17, 25.11, 27.10, 51.1, 62.2,
 62.31
 managerial shortcomings, 51.7, 51.15,
 51.29–51.38
 prisoner racism, 21.23–21.24, 51.21,
 51.22, 51.38
 Race Relations Liaison Officer see Byrd,
 John: Race Relations Liaison Officer
 race relations management team, 41.2,
 51.7, 51.16, 51.19, 51.35–51.37, 51.42,
 51.44
 racism of officers, 51.22, 51.24, 53.3
 recording of incidents, 21.21, 21.22–21.25,
 51.9, 51.25–51.28, 51.39, 51.40
 religious intolerance, 62.2
 staff training, 51.6, 51.7, 51.30, 51.33,
 51.39
 “Raven Three”, 35.15, 35.38
 records and paperwork
 cell-sharing risk assessment form, 59.6,
 59.10
 checklist and handover sheets, 6.1, 6.3,
 6.4, 46.19, 46.21, 46.23–46.25
 night patrol sheets, 6.23–6.25
 prisoner escort records, 47.6
 roll and movements sheets, 5.14, 23.12,
 25.13
 security files, 21.7
 SPAR Bs, 46.9, 46.13, 46.25
 warrants, 31.6–31.9, 31.12
 wing files, 23.17, 32.6–32.8, 32.11, 32.13,
 35.10, 46.12, 46.36, 51.28
 wing observation books, 21.29, 21.36,
 21.39, 22.6, 22.8, 23.6, 26.16, 30.14,
 46.19**, 46.28, 46.36, 51.9, 51.28
 religious intolerance at, 62.2
 remand centre, 4.4, 4.10–4.12, 4.13
 resources available
 increases, 43.4–43.10
 underinvestment, 39.3, 40.11, 41.12,
 43.1–43.3, 53.4–53.5
- Robert Stewart
 see also security file of Robert Stewart:
 Feltham’s handling of; temporary wing
 file of Robert Stewart (January 2000);
 wing file of Robert Stewart: Feltham’s
 handling of
 January 2000, 21.1, 21.8–21.9, 21.15, 22.3
 February 2000, 17.3, 17.5–17.7, 17.22–
 17.26, 22.3, 23.1, 23.2, 23.11–23.21
 March 2000, 25.1–25.24, 26.1–26.18
 behaviour on Swallow, 24.1–24.9, 25.2,
 25.10, 25.11, 25.16, 37.5
 cell allocation on Lapwing, 49.1
 cell allocation on Osprey, 22.10–22.21,
 49.1
 cell allocation on Swallow (8 February
 2000), 23.11–23.21, 35.9–35.11, 49.1
 discharge documents, 26.6–26.8,
 26.12–26.13
 failure to monitor correspondence, 30.26,
 30.31, 31.1–31.17, 37.4, 47.8
 failure to monitor telephone calls,
 31.18–31.19
 failure to move from cell 38, 25.9–25.11,
 25.21, 26.3–26.5, 26.12–26.13, 26.18
 handling of core record of, 30.23–30.25,
 30.26
 handling of prisoner escort records,
 30.2–30.11, 30.28
 healthcare screening, 17.21, 33.1–33.5,
 33.7–33.10, 33.12–33.19, 37.4
 Hindley’s failure to notify about,
 19.10–19.11
 incentives and earned privileges scheme,
 28.6–28.8, 28.15
 induction of (10–12 January 2000),
 21.8–21.9, 21.11, 21.15, 21.31
 induction of (24 January 2000), 22.3
 induction of (7 February 2000), 22.3, 23.2
 interception of racist letter, 3.3, 21.10,
 21.12–21.16, 21.19–21.25, 21.32–
 21.39, 37.3, 38.1, 38.11, 46.32–46.33,
 51.23–51.24, 51.25, 51.26, 51.27
 on Lapwing, 21.8, 21.10–21.26, 21.28,
 22.5, 22.22–22.23, 24.6, 33.8, 38.1,
 49.1
 medical records missing (January/February
 2000), 33.14
 records and paperwork on, 16.22

- remains at (8 February 2000), 17.22–17.26, 23.1
 - status change (19 March 2000), 26.1–26.18, 27.5, 27.6
 - self-auditing procedures, 52.1–52.4
 - sentence planning (behavioural programmes), 4.10, 21.7, 39.4, 46.41, 53.3
 - separation of *see* Feltham Young Offender Institution: division into two sites
 - staff, 3.14, 4.13, 4.14
 - absence, 4.9, 41.1, 41.3–41.6, 45.3, 46.37, 53.2
 - deployment, 41.7–41.10
 - desk officers, 26.14, 26.15–26.16
 - Equal Opportunities Officer, 51.8
 - hiking officers, 4.9, 5.18, 44.10, 46.9, 46.18–46.26
 - morale, 4.21, 4.22, 38.1–38.17, 39.1, 39.10, 40.7, 41.1, 53.2
 - night patrol officers, 6.6–6.12, 6.23–6.25
 - personal officers for cell 38, 37.5, 37.6, 38.1
 - principal officers, 4.8, 46.16, 46.27–46.33
 - profiling exercises, 4.18, 4.22, 38.7, 40.9, 41.7–41.10, 41.16, 44.4, 44.5, 44.6–44.9, 45.2
 - Race Relations Liaison Officer *see* Byrd, John: Race Relations Liaison Officer
 - recruitment and retention, 4.12, 4.19, 39.3, 41.13–41.17
 - senior management, 3.12, 4.8, 20.10, 39.8, 40.1, 40.4–40.5
 - staffing structure, 4.8
 - supervision of, 4.8, 38.16, 46.12
 - training, 38.15, 41.2, 41.3, 51.6, 51.7, 51.30, 51.33, 51.39
 - staffing levels, 4.10, 4.12, 38.7, 38.10, 39.3, 39.10, 40.11, 41.1–41.25, 53.1–53.2
 - effect of separation into A and B, 45.2–45.3
 - night of the attack on Zahid Mubarek, 6.1, 6.3
 - Security Department, 4.9, 30.20, 41.2, 47.12
 - on units, 4.9, 4.18, 4.21, 32.14, 41.2
 - Strategic Development Plan, 52.6, 52.8
 - “strategic management” initiative, 39.5–39.6
 - systematic shortcomings, 3.11–3.16
 - Inquiry starting point, 3.14, 3.15
 - responsibility for, 3.12, 3.13
 - televisions in cells, 34.1–34.8
 - CRE criticisms, 34.5–34.6
 - units, 4.5, 4.6, 25.23, 29.12, 39.5, 39.6, 46.1–46.42, 46.4
 - see also* Lapwing unit (Feltham Young Offender Institution); Swallow unit (Feltham Young Offender Institution)
 - Albatross, 39.2*, 40.4
 - Kestrel, 6.1, 23.1–23.8, 33.9, 40.9, 46.4, 46.9, 46.15, 46.28, 47.1, 47.8
 - Lapwing, 30.22
 - Mallard, 6.10, 46.31
 - Nightingale, 5.13, 46.31
 - Osprey, 6.1, 22.4–22.21, 23.3, 23.5, 30.6, 33.8, 46.4, 46.8, 46.9, 46.15, 46.28
 - Partridge, 49.16
 - Quail, 42.6, 49.16, 52.9
 - Raven, 29.20, 29.26, 46.5–46.7, 46.11, 46.17, 46.31, 49.16
 - Teal, 4.5*
 - Waite, 4.5
 - Ferguson, James (Prison Officer, Feltham, Security), 30.20
 - films, suitability of, 61.20
 - Romper Stomper*, 34.2–34.5, 34.7, 36.17
 - First Avenue House (Holborn, Central London), 2.16, 2.22
 - Fitzgerald, Hannah (legal support assistant to Inquiry), 63.2
 - focus groups, Inquiry, 2.30, 2.31, 35.41
 - FOCUS (Prison Service information pack), 61.23*
 - Frankland Prison, 2.4
 - Freeman, Mark (POA Deputy General Secretary), 35.22
 - Fresh Start initiative (Prison Service), 39.2, 41.19
- ## G
- Gargan, Dave (Senior Officer, Feltham, hiking officer), 46.18, 46.19**, 46.22, 46.24, 46.25
 - Gate/odge* (POA magazine), 35.34, 35.41, 44.18
 - Giffin, Nigel (QC, counsel to Zahid Mubarek Inquiry), 2.7, 2.25, 3.26–3.27, 10.17, 15.11, 29.25, 35.34, 35.40, 38.11, 50.6, 63.2
 - Gill, Bruce (head of Inquiry secretariat), 2.7, 63.1
 - Gillan, Steve (POA National Committee Vice-Chairman), 35.20, 35.22
 - “Gladiator” allegations, 2.37, 3.2, 22.15, 22.18, 23.13, 35.1–35.42
 - Channel 4 television programme, 35.7–35.9, 35.13, 35.41

Metropolitan Police investigation, 2.8, 35.2, 35.6, 35.8, 35.18, 35.22, 35.28, 35.36
 “wind up” practice, 35.7, 35.13, 35.41–35.42
 Goggins, Paul (Home Office Minister), 1.19
 Goldsmiths College (London), 2.31
 Goodman, Julie (Prison Officer, Feltham, Osprey), 22.5–22.21, 23.20, 49.1, 49.23
 Greater Manchester Probation Service, 8.9
 Green, Essa (Nurse, Feltham), 6.19
 Green, Stephen (Probation Officer, Greater Manchester Probation Area), 9.7, 10.6, 10.9–10.16, 11.4, 36.6
 Greenslade, Keith (Staff Officer to Governor, Feltham), 6.24, 17.16, 44.2, 51.33
 Greenwood, Dr Andrew (Senior Medical Officer, Hindley), 9.21, 9.22, 9.23, 9.27, 9.31, 9.36, 14.5, 33.18
 evidence to Inquiry, 9.8, 9.13, 9.19, 9.32–9.34, 17.20, 18.7, 18.11, 18.13*, 18.16, 18.21, 18.23
 examinations of Robert Stewart, 9.14–9.20, 9.25, 18.9, 18.24
 physical examinations on reception, 18.11–18.12, 48.12
 practice of not looking at medical records, 18.10, 18.22, 18.26, 18.27, 18.28
 psychiatric referrals, 9.28
 Grendon Prison (near Aylesbury), 16.26
 Grover, Suresh (director of Monitoring Group), 35.8
Guardian, the (newspaper), 35.40
 Gunn, Professor John (Professor of Forensic Psychiatry, King’s College London), 9.3, 9.4, 9.34, 9.35, 13.14, 16.14, 16.25, 16.26, 37.1
 need for psychiatric referral of Stewart, 9.29, 9.31, 16.20, 16.21
 Stewart’s motives for murder, 36.2, 36.11, 36.14, 36.17, 36.18, 36.22

H

Hampton, Michael (prisoner, Feltham), 29.4, 29.6–29.9, 29.13
Having Their Say: The Work of Prisoner Councils (Solomon and Edgar, Prison Reform Trust), 56.15
 Headstart scheme (Feltham Young Offender Institution), 41.13, 41.16
 Health and Safety at Work Act (1974), 1.7
 Health Care Services for Prisons, Director of, 18.7
 healthcare, Prison Service
see also Feltham Young Offender Institution: healthcare screening; Hindley Young Offender Institution (near Wigan): healthcare screening
Changing the Outlook (with Department of Health, 1999), 61.6, 61.8
 Director of Health Care Services, 18.7
 healthcare screening, 18.2–18.29, 48.1–48.2, 48.5, 61.1–61.13
 24 hour requirement, 18.2, 18.8, 18.21, 18.24, 48.6, 48.11
 dangerousness level assessment, 18.5
 medical records, 18.8, 57.15
 nature of, 18.3–18.6
 recommendations, 61.9, 61.12
 status of, 18.7
 suicide or self-harm risk, 18.3–18.6, 18.12
 national requirements, 33.2, 33.6, 33.8, 33.9, 33.11, 33.13, 48.1, 48.5–48.6, 48.7, 48.11
 partnership with NHS, 61.7
 personality disorders, 50.1–50.6
 Prison Health Task Force, 61.6
 working group on mental disorders, 61.6
 hearings, Inquiry, 2.16–2.23, 2.25
 Heavens, Jim (Governor, Hindley, 1999–2002), 15.12, 17.10
 Henderson, Duncan (solicitor to Inquiry), 2.7, 2.11, 63.2
 Herring, Nigel (Chairman, Feltham Branch of POA, 2001 to present), 44.16, 44.18
 “Gladiator” allegations, 35.1–35.3, 35.4, 35.5*, 35.11, 35.12–35.13, 35.14–35.19, 35.25–35.41
 evidence to Inquiry, 35.20, 35.40
 hiking officers, 4.9, 5.18, 44.10, 46.9, 46.14, 46.16, 46.18–46.26
 Hindley Young Offender Institution (near Wigan)
 Discipline Office, 15.16, 18.19, 18.20, 31.3
 Education Department, 17.8
 healthcare screening, 18.9–18.29
 problems with, 18.10–18.13, 18.15–18.23, 18.26–18.29
 of Robert Stewart, 18.9, 18.13–18.23, 18.24–18.29
 Inspectorate of Prisons inspection (1995), 9.26
 personal officer scheme, 60.17
 Potentially Dangerous Offenders system, 15.9–15.14, 15.18–15.20, 16.22, 17.9, 18.17, 18.23, 20.2–20.3, 59.1, 59.29
 psychiatric care, 9.26–9.28

- Robert Stewart
 see also arson in Stewart's cell (Hindley)
 1995 remand, 8.5
 1997 remand, 8.7
 September–November 1997, 9.1–9.42,
 18.10, 18.11
 March–April 1998, 11.1–11.4
 May 1998, 11.5–11.7
 August 1998–July 1999, 13.5, 13.11,
 14.1–14.21
 July–November 1999, 15.2–15.23
 December 1999–February 2000,
 17.1–17.12, 17.15–17.21
 cell-sharing risk assessment, 14.14–14.15
 disruptive behaviour, 9.6, 9.7–9.11, 9.15,
 9.21, 9.23, 9.25, 9.29, 9.31, 11.7,
 14.3–14.7, 14.9, 20.1
 failure to monitor correspondence,
 15.7–15.8, 15.18–15.21, 15.23, 16.11,
 17.10–17.12, 20.3, 21.42, 31.1
 failure to notify Feltham about,
 19.10–19.11, 31.3, 37.2
 handling of medical record of,
 17.19–17.21, 18.14–18.15,
 18.17–18.23, 18.24, 18.26–18.27,
 18.28–18.29, 33.14
 handling of security file of, 17.15–17.16,
 22.5, 37.2
 handling of temporary wing file,
 17.17–17.18, 21.40–21.43
 handling of wing file of, 14.20,
 17.17–17.18, 21.42
 harassment memo (29 September 1999),
 15.16–15.21, 16.8, 17.9, 19.4
 health assessment of, 9.5, 9.8, 9.14–9.31
 healthcare screening, 18.9, 18.13–18.23,
 18.24–18.29
 improved behaviour, 14.9–14.12
 information on, 14.17–14.18
 need for outside psychiatrist, 9.29–9.31
 prisoner escort records, 19.4–19.9, 58.9
 records on, 8.13, 17.5–17.9
 risk assessment, 14.19, 14.20, 14.21
 security information report (22 November
 1997), 9.37–9.42, 10.2, 12.1
 Security Department see Security
 Departments (prison): Hindley Young
 Offender Institution
 violence problems, 15.12, 15.13
 visited by Inquiry team, 2.33
- Hodson, Claire (formerly Claire Bigger, Prison
 Officer, Feltham, Swallow), 25.19, 27.11,
 27.13, 46.11
 personal officer for cell 38, 32.6–32.8, 32.9,
 32.11, 32.13, 32.14, 32.17*, 46.12
- Hogg, Deborah (Prison Officer, Feltham,
 Lapwing), 21.28*, 21.31
 evidence to Inquiry, 21.12–21.14
 induction of Stewart, 21.8–21.9, 21.11, 21.15
 interception of letter, 21.10, 21.12–21.16,
 21.25, 21.35, 51.23
 temporary wing file on Stewart, 21.14, 22.8,
 22.21
 entries in, 21.14–21.16, 21.19,
 21.40–21.43, 22.5, 23.7, 23.10,
 25.3–25.4, 25.6, 25.9, 25.20, 32.17,
 37.5
- Home Affairs Committee (House of Commons),
 Rehabilitation of Offenders Inquiry, 2.3
- Home Office, 42.9
 archives, 2.50
 co-operation with Inquiry, 1.19
 Dangerous and Severe Personality Disorder
 Programme, 50.2, 61.1
 deaths in custody, 63.4
 Feltham, problems at, 4.13
 ministers, 1.10*, 1.11, 1.12, 1.13, 1.19, 2.39,
 2.40
 police to prison information transmission,
 19.1
 Prison Service an agency of, 4.4
 prisoner-on-prisoner homicides research,
 6.26
 Research, Development and Statistics
 Directorate, 59.2
 resistance to public inquiry, 1.1, 1.11–1.14,
 1.19
- Home Secretary, the, 1.13, 1.14, 1.19, 2.26,
 2.37, 3.5, 35.2
 announcement of Zahid Mubarek Inquiry,
 1.15
- Hooper, Mr Justice, 1.13, 1.14
- Hounslow Racial Equality Council, 51.43
 Feltham race relations survey, 51.16–51.19
- House of Lords, 1.15, 52.15
 Inquiry terms of reference, 1.16–1.18, 3.15
 ruling on Public Inquiry, 1.1, 1.9, 1.10, 1.14,
 2.38, 2.39, 3.13, 3.15, 35.2
- Hughes, Beverley (MP, Prisons Minister in 2001),
 49.3
 evidence to CRE investigation, 1.10*

Humphrey, Geoffrey (Head of Healthcare at Feltham from September 1999), 2.14*, 33.10, 33.12, 48.2–48.3, 48.5, 48.6–48.14

Imam, role of (in prisons), 62.29–62.30

Implementing Race Equality: A Shared Strategy for Change (CRE and Prison Service), 3.10, 62.4, 62.11

Imran Khan (solicitor to Mubarek family), 35.8, 35.40

incentives and earned privileges scheme (Prison Service), 28.9–28.10, 62.18

see also Feltham Young Offender Institution: incentives and earned privileges scheme

Independent Monitoring Board for Feltham Young Offender Institution (formerly the Board of Visitors), 2.15, 57.51

see also Boards of Visitors: Feltham Young Offender Institution

legal costs of Inquiry, 2.37

Independent Monitoring Boards (formerly Boards of Visitors), 62.31, 63.5

see also Boards of Visitors

Independent Television Commission, 34.2

informants, CRE, 2.41–2.48, 24.3, 24.4, 24.11, 24.12, 24.13, 24.19

information on prisoners see prisoners: flow and use of information on; records and paperwork on prisoners

Information sharing: challenges and opportunities (NACRO), 61.24

information technology, 2.19, 2.20

role of in Prison Service, 7.15–7.18

inmate intelligence cards, 11.6, 12.1, 14.4, 16.5, 17.7, 19.7, 30.18, 37.2, 57.43

see also Security Intelligence System (4x4 system)

Inmate Personal Record System, 7.2, 7.4–7.14, 21.16*, 57.10

replacement of by NOMIS, 57.3

INQUEST (body providing legal advice over deaths in custody), 63.4

inquest into death of Zahid Mubarek, 1.8

non-resumption of, 1.8, 1.12, 1.13

Inquiries Act (2005), 2.38, 2.40

Inquiry Bundle, 2.10, 31.16

Inspectorate of Prisons, 2.32, 2.50, 57.51, 60.7
Feltham Young Offender Institution

inspections, 4.13–4.16, 40.9*, 52.14

see also Feltham Young Offender

Institution: inspection of 1996; Feltham

Young Offender Institution: inspection

of 1998; Feltham Young Offender

Institution: inspection of 1999; Feltham

Young Offender Institution: inspection

of 2000

healthcare, 61.7, 61.9

Hindley Young Offender Institution inspection (1995), 9.26, 18.11

monitoring of implementation of Inquiry

recommendations, 63.5

Parallel Worlds (race relations review,

December 2005) see *Parallel Worlds*

(Inspectorate of Prisons race relations

review, December 2005)

race relations advisers, 62.31

young offender estate review (1997), 54.1

institutional racism, 3.3, 3.4, 3.6–3.7, 3.8, 3.9

definition of, 3.5

Feltham Young Offender Institution, 3.3, 3.5,

3.6, 3.8, 3.9, 24.16–24.17, 25.11, 27.10,

51.1, 62.2, 62.31

Prison Service, 3.3, 3.5, 3.6–3.7, 3.8, 3.10,

62.1

Stephen Lawrence Inquiry, 3.4, 3.5, 3.6, 3.10,

51.39, 51.41, 62.28

Interested Parties, 2.15, 2.20, 2.21, 2.23, 2.25,

2.33, 3.8, 3.19, 6.21, 36.2, 63.2

International Centre for Prison Studies (King's

College London), 49.7

evidence to Inquiry, 2.29

International Dispute Resolution Centre (Fleet

Street, London), 2.8, 2.16, 2.22, 2.34

intolerance, religious see religious intolerance in prisons

Islamophobia, 62.1, 62.27

J

“jailcraft”, prison officers’, 24.6, 32.13, 49.21, 60.9

Jefferies, Dr Stephen (General Practitioner, Feltham), 33.19, 48.2, 48.4–48.11, 48.14, 49.15

evidence to Inquiry, 9.16, 33.10, 33.12, 33.13, 33.16–33.18, 48.8

Joint Committee on Human Rights, 63.4

juvenile offenders, 57.14

ASSET (assessment), 59.23

K

- Keys, Duncan (Assistant Secretary, POA)
 “Gladiator” allegations, 35.1–35.6,
 35.12–35.13, 35.17, 35.19, 35.22,
 35.22–35.30, 35.33, 35.38, 35.40–35.41
 evidence to Inquiry, 35.5, 35.14–35.16,
 35.21, 35.40
 legal costs of Inquiry, 2.37
- Kinealy, Chris (Registered Mental Nurse,
 Altcourse), 16.12–16.30, 16.29–16.30, 20.5,
 30.13, 33.1
 concludes that Stewart not a risk to others,
 16.15–16.19, 18.29, 50.4
 entry in Stewart’s medical record,
 16.13–16.24, 16.27–16.29, 18.27–18.29,
 33.18, 50.1
 not seen by others, 17.21, 18.14, 18.17,
 18.19, 18.21, 18.23, 20.5, 33.12,
 33.15–33.16, 37.4, 48.1, 50.4
 evidence to Inquiry, 16.15, 16.16
 paper about psychopathic personalities
 (1999), 16.26
- King’s College London, 2.29
- Knapman, Joan (Probation Officer, Hindley), 9.7,
 10.6, 10.11, 10.15, 10.16
- KrollOntrack, staff of, 63.1
- Ku Klux Klan, 15.22, 17.11, 24.11, 29.30, 31.16

L

- La Corbiniere, Jason (paralegal to Inquiry), 63.2
- Lancaster Farms Young Offender Institution
 (Lancaster)
 personal officer scheme, 60.16
 Robert Stewart, 9.11, 11.1
 behaviour at, 10.3–10.5
 discharge report, 10.6–10.17, 57.49
 transfer to (November 1997), 8.10, 9.7,
 9.40, 10.1–10.2
 visited by Inquiry team, 2.33
- Lapwing unit (Feltham Young Offender
 Institution), 30.6, 30.16, 30.22, 37.2, 46.31,
 48.8
 function as induction unit, 4.6
 induction process, 21.2–21.3, 21.8
 night of 24 January 2000, 22.1–22.4
 night patrol officers, 6.10
 nights of 7 and 8 February 2000, 23.2
 Robert Stewart on, 21.8, 21.10–21.26, 21.28,
 22.5, 22.22–22.23, 24.6, 33.8, 38.1, 49.1
 Zahid Mubarek on, 5.13
- Larbie, Angela (Inquiry administrative assistant),
 63.1
- Lawrence, Stephen (Inquiry) *see* Stephen
 Lawrence Inquiry
- Learmont report on prison security (1995), 7.17,
 57.43
- Leeds Prison, 59.2
- legal costs of Inquiry, 2.36, 2.37
- Legal Services Commission, 2.36
- Local Inmate Database System, 7.15, 7.16,
 17.10, 18.21, 26.12, 31.7, 31.12, 49.20,
 57.19, 58.8
 replacement of by NOMIS, 57.3

M

- MacGowan, Walter (Director, Altcourse), 16.7,
 21.18–21.19, 51.27
- Maden, Professor Anthony (Professor of
 Forensic Psychiatry, Imperial College
 London), 9.3, 9.34, 13.12–13.13, 14.18,
 16.14, 16.16, 16.24, 37.1
 need for psychiatric referral of Stewart,
 9.30–9.31, 16.20
 Stewart’s motives for murder, 36.2, 36.11,
 36.19, 36.23, 36.24
- main prison files of prisoners, 57.34, 57.46,
 57.49
 Robert Stewart, 7.3, 7.13, 30.27
- Malicious Communications Act (1988), 17.3,
 30.26
- Management Consultancy Services (Prison
 Service), 41.8, 41.9–41.10, 45.2
- Manchester Prison, 59.2
- Manjdadria, Joyti (deputy solicitor to Inquiry),
 63.2
- MAPPA (Multi-Agency Public Protection
 Arrangements), 59.28–59.29
- Marshall, Robert (Prison Officer, Feltham, Visits),
 22.5–22.10, 23.4–23.6, 23.9–23.10, 23.20
- Martin, Lindsey (Nurse, Hindley), 9.11,
 9.37–9.41, 10.2, 11.7, 14.13, 18.18–18.19,
 18.21, 18.24, 33.18
 evidence to Inquiry, 18.23
- Martindale, Steven (Senior Officer, Feltham,
 Lapwing), 21.29–21.32, 22.7, 22.22–22.23,
 25.23–25.24
 evidence to Inquiry, 21.21, 21.22–21.25
 identifies Stewart as a risk, 21.11, 22.7,
 22.22, 24.6, 30.6, 49.1
 note on temporary wing file, 21.29–21.30,
 21.33–21.34, 21.39–21.43, 22.5, 22.7

- not acted on, 23.10, 25.3–25.10,
25.16–25.22, 25.23–25.24, 37.5
not seen by others, 23.7, 23.9, 23.19,
32.17, 37.5
sees Stewart's security file, 21.28, 22.22,
30.13
Stewart's racist letter, 3.3, 21.12, 21.13,
21.16–21.25, 21.32–21.36, 37.3,
51.24–51.27
- MaST International Organisation plc (1998
report), 51.46
- May Report into the prison services (1979), 49.3
- McAlaney, Gerald (Senior Officer, Feltham,
Swallow)
evidence to Inquiry, 6.16, 6.20, 46.5, 46.7
hiking officer, 46.9, 46.18
management style, 46.11–46.12
moves to Detail Office, 29.29, 46.16–46.17,
46.21
night of the attack on Zahid Mubarek,
6.16–6.17, 6.18, 6.20, 6.21
supervision of Swallow, 23.21, 46.5–46.14,
46.31
- McKeiver, John (Prison Officer, Hindley), 9.7
media interest in Inquiry, 2.22
- Medical Officer, Senior (prison), 7.10*, 30.29
see also Greenwood, Dr Andrew (Senior
Medical Officer, Hindley)
- medical records of prisoners, 7.14, 18.8, 57.15,
57.34, 57.41, 58.2, 58.4
- medical records of Robert Stewart
see also Kinealy, Chris: entry in Stewart's
medical record
at Feltham, 33.1, 33.3, 33.7, 33.12,
33.14–33.16, 37.4
at Hindley, 9.9, 9.13, 9.22–9.23, 18.14–18.15,
18.17–18.23, 18.24, 18.26–18.29
non-arrival at Feltham (2000), 17.19–17.21,
33.14
- Meek, Gordon (Prison Officer, Feltham), 25.23
- Melling unit (Altcourse Young Offender
Institution), 16.12
see also Farrell, Jim (Manager of Melling unit,
Altcourse)
- mental disorders of prisoners see prisoners: with
mental disorders
- Mental Health Act (1983), 16.23, 61.2
- Metropolitan Police, 29.28–29.29, 35.17–35.19,
35.27
evidence to Inquiry, 24.11
documents, 2.10
investigation into the "Gladiator" allegations,
2.8, 35.2, 35.6, 35.8, 35.18, 35.22, 35.28,
35.36
investigation into the Prison Service, 1.7
investigation into Zahid Mubarek's murder,
1.7, 1.11, 21.26, 25.6, 29.5–29.6, 29.28,
35.4, 46.7–46.8
request for production of Robert Stewart,
16.6–16.8
- Millard, Katy, report into hostage taking incident
at Feltham, 49.15–49.20, 49.22, 49.24, 49.25
- Monitoring Group, the, 35.8
- Morris, Janine (Deputy Governor, Feltham),
40.10
- Morse, Ian (Prison Officer, Feltham, Swallow),
25.19, 46.14
cell change requests to, 27.2–27.3, 27.5
failure to move Stewart, 25.9–25.11, 25.21
"Gladiator" allegations, 35.20, 35.22*
receives Stewart on Swallow (7 March 2000),
25.3–25.11, 25.13
Stewart's change of status, 26.10–26.11,
26.15
temporary wing file, 35.10, 35.33, 37.5, 57.1
- Moses, Colin (POA National Chairman),
"Gladiator" allegations, 35.21–35.22, 35.35
- Mount, the (Hemel Hempstead), 42.4
- Mubarek family, 2.8, 2.26, 2.38, 2.42–2.47,
23.13, 35.6
apology to from Martin Narey, xvii
background, 5.1–5.2
Butt investigation
concerns about, 3.20
lack of participation in, 1.9–1.10, 1.14
campaign for public inquiry, 1.1, 1.11, 1.12,
2.51
appeal to House of Lords, 1.14
judicial review, 1.13
counsel to, 2.18, 2.29, 3.19, 22.15, 23.13
CRE investigation, lack of participation in,
1.9–1.10, 1.12, 1.13, 1.14
- Inquiry
evidence to, 2.29
Interested Party status, 2.15
legal costs of, 2.37
statutory footing request, 2.39
- Mubarek Amin (Zahid Mubarek's father), xvii,
2.51, 5.2, 27.7–27.8
respect for privacy of, 2.23
solicitors to, 2.39, 2.42–2.43, 2.47, 35.8,
35.40

- Tanzeel Ahmed (cousin of Zahid Mubarek), 24.14, 27.7–27.8
- Mubarek, Sajida (mother of Zahid Mubarek), 2.51
- Mubarek, Zahid
- appropriateness of sentence, 3.19, 5.12
 - background, 5.1–5.2
 - cell-sharing with Stewart, 1.9, 5.13, 5.18, 5.19, 20.2, 20.3, 25.9, 28.8, 35.9–35.11, 57.1, 60.3
 - the Butt report, 1.3
 - cell allocation, 23.11–23.21, 49.1
 - cell allocation (8 February 2000), 23.11–23.21, 35.9–35.11, 49.1
 - cell allocation (8 March 2000), 25.14
 - cell change requests, 24.7, 27.1–27.13, 35.11, 37.6, 38.1, 38.11, 55.28
 - issue of racism, 3.2–3.3, 3.9
 - opportunities to prevent, 20.2, 20.3, 37.1–37.7
 - concerns about Stewart, 24.7, 24.14
 - conduct at Feltham, 5.16–5.17
 - custodial sentences, 5.10–5.11
 - death of, 6.19
 - discharge documents, 26.7
 - at Feltham, 5.13–5.18
 - inquest, 1.8, 1.12, 1.13
 - murder of, xvii, 2.25, 52.9, 59.1, 60.6, 62.2, 62.14
 - see also* Zahid Mubarek Inquiry
 - “Gladiator” allegations, 35.4–35.11
 - institutional racism, 3.9
 - Metropolitan Police investigation, 1.7, 1.11, 29.5–29.6, 29.28, 35.4, 46.7–46.8
 - possible motives for, 36.1–36.24, 36.1–36.24
 - previous investigations into, 1.1–1.10
 - see also* Butt investigation, the; Commission for Racial Equality (CRE): investigation (Prison Service and Zahid Mubarek murder)
 - Stewart’s post attack behaviour, 6.15, 6.17, 6.18
 - weapon used, 29.1–29.5
- night of the attack on
- alarm raised, 6.13–6.14
 - post-attack staff response, 6.13–6.20, 6.21, 6.22
 - roll checks, 6.2, 6.3, 6.5, 25.13, 27.11
 - staffing levels, 6.1, 6.3
- offending history, 5.7–5.12
- upbringing, 5.3–5.5
- wing file, 32.6–32.8, 32.11
- Multi-Agency Public Protection Arrangements (MAPPA), 59.28–59.29
- Murder of Zahid Mubarek, The* (CRE report, July 2003), 1.6, 23.20, 51.1, 51.11–51.15
- Muslim prisoners, 34.7, 62.27–62.30
- see also* prisoners: black and ethnic minority
- Myant, Chris (Head of CRE Press Office in 2000), 35.41
- ## N
- Narey, Martin (Director General, Prison Service, 1998–2003), 1.9, 39.7, 44.7
- apology to Zahid Mubarek’s parents, xvii
 - cell-sharing issues, 49.4, 49.28, 49.29
 - Christopher Edwards Inquiry, 49.13
 - evidence to CRE investigation, 1.10*
 - evidence to Inquiry, 2.5, 2.25
 - Feltham Young Offender Institution, 4.18, 39.2, 43.8, 45.3*, 51.48, 52.9–52.15
 - critical of prefaces to Inspectorate’s reports, 4.15, 40.9*, 52.14
 - views on POA branch, 44.3
 - visits to, 42.7, 54.1
 - institutional racism in Prison Service, 3.6
 - race relations issues, 51.45, 51.48
 - Zahid Mubarek’s murder a “preventable death”, xviii
- National Association for the Care and Resettlement of Offenders (NACRO), 2.31, 61.24
- National Association of Ex-Offenders, The (Unlock), 2.3
- National Front, the, 24.11, 24.12, 24.14, 51.46
- National Health Service (NHS), 61.6, 61.7, 61.8
- National Institute for Mental Health in England, 61.8, 61.17
- National Offender Management Information System (NOMIS), 57.3–57.24, 57.42–57.43, 57.47, 57.49, 58.5, 61.20
- cell and wing allocation, 57.12
 - cell-sharing risk assessment, 59.2, 59.7
 - data migration, 57.23
 - information from Police Service, 57.9
 - information from Probation Service, 57.8, 57.14
 - information generated in prison, 57.10
 - limitations of, 57.14–57.18
 - juvenile offenders, 57.14

- medical and psychiatric information, 57.15, 58.5
 security information, 57.16–57.18, 57.42
 prisoner change of status, 57.13
 recommendations, 57.9, 57.13, 57.17, 57.18, 57.22, 57.49
 risk assessments, 57.11
 training in and use of, 57.19–57.22
 Nicholson, Malcolm (Night Patrol Officer, Feltham), 6.5, 6.6, 6.10, 6.11, 6.12, 6.13, 6.14–6.15, 6.17, 6.21
 Nolan Committee on Standards in Public Life, 60.27
 non-statutory nature of Inquiry, 2.18, 2.38–2.40
- O
- OASys assessments, 57.11, 57.34, 59.15, 59.22–59.27, 59.29, 59.31
 O'Connor, Patrick (QC, counsel to Mubarek family), 3.19, 22.15, 23.13, 27.13
 Offender Assessment and Management System (OASys), 57.11, 57.34, 59.15, 59.22–59.27, 59.29, 59.31
 Office for National Statistics, 61.1
 O'Mara, Joyce (Probation Officer, Hindley), 14.8, 14.11, 14.13, 14.14, 14.19, 17.2
 Ombudsman, Prisons and Probation, 1.14*, 6.27
 Onley Young Offender Institution (Rugby), 15.11
 Board of Visitors, 13.7
 Robert Stewart, 12.8, 13.1–13.16
 failure to assess risk, 13.7–13.16
 Security Department, 12.11, 13.1, 13.2, 13.5, 13.6, 13.10
 Open Book Project (Goldsmiths College, London), 2.31
- P
- paperwork and records *see* records and paperwork
 Papps, Alastair (CB, adviser to Inquiry), iii, 2.1, 2.4–2.6, 55.35
Parallel Worlds (Inspectorate of Prisons race relations review, December 2005), 62.4, 62.6–62.11, 62.12, 62.14
 black and ethnic minority prisoner experience, 62.7
 black and ethnic minority staff experience, 62.6
 formal complaints of racism, 62.10, 62.17, 62.25
 race relations management teams, 62.10
 Parc Prison (Cardiff), 62.3*
 Parkhurst Prison (Isle of Wight), 2.33
 Pascoe, Nick (Governor, Feltham, October 2000–November 2003), 41.12, 42.7, 44.15, 44.17, 46.26, 46.30
 staff absence, 41.6
 staff profiling exercise, 41.9–41.10, 45.2
 views on Feltham branch of POA, 43.4, 44.3
 PCL-R scale (personality disorder measurement tool), 16.23
 Pentonville Prison (London), 2.33, 42.4, 60.11
 Penwright, Ken (Principal Officer, Feltham), 46.31, 46.32–46.3, 47.9, 47.10–47.11, 47.13
 personal officer schemes, 32.2, 50.6, 60.10–60.20
see also Feltham Young Offender Institution: personal officer scheme
 Hindley Young Offender Institution, 60.17
 Lancaster Farms Young Offender Institution, 60.16
 recommendations, 60.14, 60.19
 role of personal officers, 60.17–60.19
 personality disorders, 9.1, 9.4, 9.7*, 9.32–9.36, 13.12, 16.13–16.14, 16.20, 16.23–16.28, 17.21, 50.1–50.6, 57.1, 61.2, 61.12, 61.17
 Personnel Policy Group (Prison Service), 41.13
 Police Act (1996), 2.38
 Police, Metropolitan *see* Metropolitan Police
 Police National Computer, 57.9, 57.30–57.31, 57.32
 Police Service, 19.1
see also Metropolitan Police
 documents, 57.30–57.32
 institutional racism (Stephen Lawrence report), 3.4, 3.5, 3.6, 3.10, 51.39, 51.41, 62.28
 NOMIS, 57.9
 Population Management Unit (Prison Service), 42.4–42.5
 Post Office Act (1953), 21.16**
 Potentially Dangerous Offenders system
see Hindley Young Offender Institution: Potentially Dangerous Offenders system
 Poulson, Amy (Probation Officer, Greater Manchester Probation Area), 15.1, 36.5–36.6, 36.10, 36.12–36.13, 36.16, 36.20
 Primary Care Trusts, 7.10*, 61.7, 61.9
 Prince's Trust, the, 5.5
 Prior, Wendy (Healthcare Officer, Feltham), 33.12, 33.14, 33.16, 33.18
 Prison Act (1952), 2.38, 4.7*
 Prison Health Task Force (Prison Service), 61.6

- Prison Officer, The* (Liebling and Price, 2001), 60.2**
- prison officers
 see also Feltham Young Offender Institution: staff
- abuse of prisoners, 35.38, 60.21
- ACCT assessors, 61.15
- attributes of, 60.1–60.5
- criticism of individuals, 3.22–3.5
- focus groups, 2.31, 35.41, 35.42
- “jailcraft”, 24.6, 32.13, 49.21, 60.9
- morale of, 3.28, 3.29, 4.21, 4.22, 38.1–38.17, 39.1, 39.10, 40.7, 41.1, 53.2
- racism, 3.2, 51.4, 51.18, 51.22, 51.24, 53.3
- on Swallow, 60.3
- training of, 3.29, 38.15, 38.17, 60.5
 in diversity, 62.12–62.14
 in inter-personal skills, 60.6–60.9
 mental health awareness, 61.14–61.17, 61.19
- NOMIS, 57.19–57.22
- for personal officer schemes, 60.19
- race relations, 51.6, 51.7, 51.30, 51.33, 51.39
- recommendations, 60.7
- Training College (Newbold Revel, Warwickshire), 60.6, 62.14
- use of ex-offenders, 60.7
- view of violence in prisons, 21.10, 21.31, 22.9
- Prison Officers’ Association (POA), 2.30, 3.21, 35.41, 41.13, 41.17, 42.5, 61.9
- evidence to Inquiry, 2.18, 2.29, 41.12
- Feltham branch, 27.13, 28.12, 38.8, 38.11, 39.2, 39.6, 40.11, 41.10, 41.17, 44.1–44.18
 see also Darken, Andy (Chairman, Feltham Branch, POA, 1999–2001)
- Gatelodge* (magazine), 35.34, 35.41
- “Gladiator” allegations, 35.1–35.3, 35.14–35.16, 35.20, 35.21–35.23, 35.26–35.27, 35.34
- Interested Party status, 2.15
- legal costs of Inquiry, 2.36, 2.37
- NOMIS, 57.4
- Prison Reform Trust, 2.50, 56.14*, 56.15, 61.9*, 62.10*, 62.27
- Prison Rules (1999), 26.3
- Prison Service
 see also Feltham Young Offender Institution; Narey, Martin (Director General, Prison Service, 1998–2003); prison officers; prisons
- absence of wing file procedures, 23.17
- agency of Home Office, 4.4
- apology to Zahid Mubarek’s parents, xvii
- cell-sharing see cell-sharing: Prison Service
- correspondence of prisoners, Standing Orders on monitoring of, 15.18, 17.10, 17.11, 17.12, 21.16*, 21.18, 30.26, 30.30, 30.31, 31.1–31.19, 47.8
- CRE five-year action plan, 3.10, 62.4, 62.11, 62.19, 62.25
- Feltham
 see also Feltham Young Offender Institution: Prison Service
- oversight, 52.9–52.15
- race relations at, 51.44
- steering group, 4.16, 52.9, 52.10, 52.12
- task force see task force (Prison Service), Feltham Young Offender Institution
- financial investment in prisons, 43.1–43.10, 63.7
- “Gladiator” allegations see “Gladiator” allegations
- healthcare see healthcare: Prison Service
- Implementing Race Equality: A Shared Strategy for Change* (with CRE), 62.4
- incentives and earned privileges scheme, 62.18
 see also Feltham Young Offender Institution: incentives and earned privileges scheme
- national framework, 28.10
- information technology, 7.15–7.18
- inquiries
 into Alan Averill murder, 10.1, 12.3
 into Christopher Edwards murder (Coonan Inquiry), 19.1, 30.29, 47.7, 49.13, 57.32
- Inquiry
 co-operation with, 63.3
 evidence to, 2.10, 2.18, 2.28, 2.29, 2.32, 2.50, 9.40
 Interested Party status, 2.15
 seminars, 2.34
- internal performance grading system, 2.32
- Muslim Adviser to, 62.27
- Orders and Instructions, 3.24, 57.50
 Instruction on confidentiality (May 2002), 61.23

- Order on Conduct and Discipline, 60.28
 Order on Professional Standards, 60.28
 Order on Suicide and Self-Harm Prevention (PSO 2700), 55.5
 race relations Order (PSO 2800), 51.28, 51.31, 51.39, 51.45
 recommendation, 57.51
 Standing Orders on monitoring of prisoners' correspondence, 15.18, 17.10, 17.11, 17.12, 21.16*, 21.18, 30.26, 30.30, 30.31, 31.1–31.19, 47.8
 overtime policy, 41.19–41.21
 personal officer schemes *see* Feltham Young Offender Institution: personal officer scheme; personal officer schemes
 prison population, 42.1–42.9
 prisoner transfer practice, 17.22–17.26
 Professional Standards Unit, 60.26
 race relations, 54.2
 see also Commission for Racial Equality (CRE): investigation (Prison Service and Zahid Mubarek murder); Feltham Young Offender Institution: race relations at; racism: in prisons
 Advisory Group on Race, 51.45
 institutional racism, 3.3, 3.5, 3.6–3.7, 3.8, 51.1, 62.1
 Prisoner Administration Group race relations team, 51.44, 51.45, 51.47
 Race Equality among Staff and Prisoners (RESPOND), 51.6, 51.45
 race equality scheme, 62.32
 race relations Order (PSO 2800), 51.28, 51.31, 51.39, 51.45
 racism faced by black and ethnic minority staff, 51.46–51.47
 racism faced by prisoners, 51.47
 records and paperwork *see* records and paperwork
 Records Registry, 30.12, 57.5*, 57.23
 Regulatory Impact Unit report, 58.6, 58.8
 risk assessments, 13.7–13.16, 14.19, 14.20, 14.21, 54.2
 cell-sharing, 3.18, 14.14–14.15, 20.2, 22.20, 35.39, 49.13, 49.22, 54.2, 55.26, 57.34, 57.37, 57.39, 57.40, 59.1–59.21
 Security Group, 17.13
 staff recruitment, 41.13–41.16
 staff training *see* prison officers: training of
 Standards Audit Unit, 30.29, 51.42, 52.4, 52.5
 audit of Feltham (1997), 51.39*, 52.5
 audit of Feltham (1999), 28.13, 30.10, 30.11, 30.30, 31.10, 31.13, 32.9, 33.5, 47.9, 47.11, 48.11, 51.39, 52.6
 support for prisons, 3.29
 systematic shortcomings
 remedial action since 2000, iii, 2.24, 2.27, 54.2
 responsibility for, 2.25, 3.12
 Training College (Newbold Revel, Warwickshire), 60.6, 62.14
 whistleblowing, 54.4, 60.21–60.30
 Prisoner Administration Group (Prison Service), race relations team, 51.44, 51.45, 51.47
 prisoner councils, 56.15
 prisoner escort records, 16.11, 31.4, 47.6, 49.13, 58.7–58.11, 59.1, 59.6, 59.7
 function of, 19.1–19.2, 31.2, 58.1–58.6
 recommendation, 58.11
 Robert Stewart, 16.1, 16.11, 17.7, 18.15, 19.4–19.9, 30.2–30.11, 30.28, 58.9
 list of, 19.3
 prisoners
 abuse of by prison officers, 35.38, 60.21
 black and ethnic minority, 2.31, 62.1, 62.7–62.10, 62.27–62.30
 change of status, 26.1–26.18, 27.5, 27.6, 55.22, 57.13
 deaths in custody, 6.26, 6.27, 30.28, 56.2, 63.4
 flow and use of information on, 3.17, 7.19, 22.10, 57.1–57.52
 see also Feltham Young Offender Institution: information flow within; Feltham Young Offender Institution: records and paperwork; records and paperwork
 court documents, 57.27–57.29
 on discharge, 57.49
 within establishments, 57.37–57.47
 external reports, 57.51
 monitoring of, 57.52
 NOMIS, 57.3–57.24
 police documents, 57.30–57.32
 Prison Service Orders and Instructions, 57.50, 57.51
 Probation Service documents, 57.25–57.26
 transfers between prisons, 57.33–57.36
 within wings, 57.48
 focus groups, 2.31, 35.41, 35.42
 mental disorders, with, 61.1–61.26
 see also personality disorders

- awareness training for staff, 61.14–61.17, 61.19
 confidentiality issues, 61.22–61.26
 identification of, 61.10–61.12
 management of, 3.17, 61.18–61.20
 need for change in care of, 61.4–61.9
 problems faced by, 61.4–61.5
 recommendations, 61.9, 61.12, 61.13, 61.19, 61.20
 risk assessment, 61.13, 61.20
 sharing of information, 61.21–61.26
 prison population, 42.1–42.9
 prisoner councils, 56.15
 racism, 51.5, 51.21, 51.22, 51.38, 57.12
 risk of self-harm, 19.7, 55.4–55.9, 55.13, 57.12, 57.31, 59.6, 59.22, 61.11–61.12, 61.24
 cell-sharing, 11.4, 55.4–55.9, 55.13
 healthcare screening, 18.3–18.6
 self-harm at risk forms (F2052SH), 7.9, 9.9, 9.10, 10.3, 21.9, 57.34, 59.4
 transfers of, 17.22–17.26, 57.33–57.36
 problems with, 10.2, 14.1, 17.25–17.26, 30.3–30.11
 recommendations, 57.36
 wing allocation, 55.32–55.38
 prisons, 4.4, 4.18, 19.1, 40.6, 42.4–42.6, 43.9, 49.13, 59.2, 59.14, 60.11, 60.30
 see *also* Altcourse Young Offender Institution (Liverpool); Feltham Young Offender Institution; Hindley Young Offender Institution (near Wigan); Lancaster Farms Young Offender Institution (Lancaster); Onley Young Offender Institution (Rugby); prison officers; Prison Service; prisoners; Stoke Heath Young Offender Institution (Shropshire); Werrington Young Offender Institution (Stoke-on-Trent)
 factors contributing to poor performance, 3.29
 investment in, 3.29, 53.4–53.5, 54.1, 63.7
 layout of, 3.29
 Feltham Young Offender Institution, 4.5, 4.6, 28.1, 28.1–28.2, 39.5
 overcrowding, 63.7
 see *also* Feltham Young Offender Institution: overcrowding
 racism in see racism in prisons
 records and paperwork see records and paperwork
 staff shortages, 3.29
 staff training see prison officers: training of
 staffing levels, 63.7
 violence in see violence in prisons
 visits by Inquiry team, 2.32, 2.33
 Prisons and Probation Ombudsman, 1.14*, 6.27
 Prisons Board, 2.4
 Probation Service, 8.9, 10.7–10.16, 11.5, 11.8, 14.8, 14.11, 14.21
 documents, 57.25–57.26
 recommendation, 57.26
 evidence to Inquiry, 2.28
 NOMIS, 57.3, 57.5, 57.6, 57.8, 57.14
 Prisons and Probation Ombudsman, 1.14*, 6.27
 probation officers see Dawson, Patrick; Green, Stephen; Knapman, Joan; O'Mara, Mrs Joyce; Poulson, Amy; Thompson, Elvis
 risk assessments, 14.11, 14.16–14.18, 15.1
 Professional Standards Unit (Prison Service), 60.26
 Protection from Harassment Act (1997), 15.18, 15.19, 17.3, 17.10, 21.28*, 30.26, 31.1–31.9, 47.8, 57.37, 57.40
 psychopathic disorders, 1.12, 16.13–16.14, 16.18, 16.23–16.28
 psychotherapy, 16.25, 16.26
 Public Concern at Work (pressure group), 60.27
 public inquiry into Zahid Mubarek's death, xviii, 2.9
 see *also* Zahid Mubarek Inquiry
 Minister's refusal of, 1.11, 1.12, 1.13
 Mubarek family campaign for, 1.1, 1.11, 1.12, 2.51
 appeal to House of Lords, 1.14
 judicial review, 1.13
 Public Interest Disclosure Act (1998), 60.24, 60.25
 publicity, Inquiry, 2.22, 2.23
- Q**
 Qureshi, Abdul (Imam, Feltham), 2.12*, 5.15, 62.29–62.30
- R**
 Race Equality among Staff and Prisoners (RESPOND), 51.6
 race equality schemes, recommendation, 62.32
 Race Relations Act (1976), 2.42, 2.48, 62.32
 Race Relations (Amendment) Act (2000), 62.31

- race relations liaison officers, 14.13, 62.17, 62.20, 62.26
 Feltham Young Offender Institution, 21.21, 21.22, 21.37, 51.8–51.9, 51.19, 51.25, 51.28, 51.29, 51.31–51.35, 51.44
 recommendation, 62.25
- race relations management teams, 62.10
 at Feltham, 41.2, 51.7, 51.16, 51.19, 51.35–51.37, 51.42, 51.44
- Racial Equality in Prisons* (CRE report, December 2003), 3.7, 3.10
- racism
 institutional *see* institutional racism
 in prisons, 3.29, 62.1–62.32
see also Feltham Young Offender Institution: race relations at; *Parallel Worlds*; Prison Service: race relations
 CRE monitoring of, 62.4
 diversity training, 62.12–62.14
 external scrutiny, 62.31
 Inquiry constraints, 62.3
 institutional racism, 3.3, 3.5, 3.6–3.7, 3.8, 51.1, 62.1, 62.2
 investigation of complaints, 62.10, 62.15–62.25, 62.19, 62.20, 62.22, 62.23–62.25
 Muslim prisoners, 62.27–62.30
 prison officers, 3.2, 51.4, 51.18, 51.22, 51.24, 53.3
 prisoners, 51.5, 51.21, 51.22, 51.38, 57.12
 race equality schemes, 62.32
 recommendations, 62.11, 62.13, 62.19, 62.20, 62.22, 62.32
 role of Imam, 62.29–62.30
 of Robert Stewart, xvii, 3.2, 22.10, 22.18, 25.9, 32.17, 36.3, 37.5, 57.1, 57.21
see also correspondence of Robert Stewart: racism in
 at Feltham, 24.4, 24.10–24.17
 at Hindley, 14.13
 outside prison, 8.9
 possible murder motive, 36.9–36.11
 tattoos issue, 24.10–24.12, 24.14–24.17
 systematic, 3.4
- Racist Assessment and Concerns Evaluation (RACE, Wayland Prison), 59.14
- Rae, Peter (Prison Officer, Lancaster Farms), 10.6–10.13, 10.15, 10.16
- Ramsbotham, Sir David (former Chief Inspector of Prisons), 4.13, 4.14–4.15, 4.18–4.19
 evidence to CRE investigation, 1.10*
- recommends new young offender remand centre, 4.13, 4.14
- “Raven Three”, the (Feltham), 35.15, 35.38
- reception boards, absence of at Feltham, 21.4–21.7
- recommendations, Inquiry *see* Zahid Mubarek Inquiry: recommendations
- records and paperwork, 7.1–7.19, 8.11–8.13, 12.1, 12.4–12.13, 30.1–30.31
see also adjudication records (F2050E); core records (F2050); discharge documents; Feltham Young Offender Institution: information flow within; Feltham Young Offender Institution: records and paperwork; medical records of prisoners; medical records of Robert Stewart; prisoner escort records; prisoners: flow and use of information on; security file of Robert Stewart; security files; Stewart, Robert: prison records and paperwork; temporary wing file of Robert Stewart (January 2000); wing file of Robert Stewart; wing files; wing observation books
- Rees, Paul (Inquiry head of communications), 63.1
- Regulatory Impact Unit (Cabinet Office), 58.6, 58.8
- Rehabilitation of Offenders Inquiry (Home Affairs Committee, House of Commons), 2.3
- Reid, The Rt Hon Dr John (MP), iii
- religious intolerance in prisons, 3.29, 62.1, 62.2, 62.27–62.30
 recommendation, 62.28
- Research, Development and Statistics Directorate (Home Office), 59.2
- RESPOND (Race Equality among Staff and Prisoners), 51.6, 51.45
- risk assessments
 Prison Service, 13.7–13.16, 14.19, 14.20, 14.21, 54.2
 cell-sharing, 3.18, 14.14–14.15, 20.2, 22.20, 35.39, 49.13, 49.22, 54.2, 55.26, 57.34, 57.37, 57.39, 57.40, 59.1–59.21
 contrast with probation officers, 14.11
 NOMIS, 57.11
 Offender Assessment and Management System (OASys), 57.11
 risk classification, 59.30–59.31
 risk management model, 59.29
 probation officers’, 14.11, 14.16–14.18, 15.1

risk minimisation plan, cell-sharing, 59.12–59.13
 Robson, Tom (POA National Executive), 35.29
 “Gladiator” allegations, 35.2–35.3, 35.4,
 35.11, 35.12–35.13, 35.14–35.15, 35.20,
 35.24–35.33, 35.36–35.37, 35.41
 evidence to Inquiry, 35.17–35.19, 35.28,
 35.32–35.33, 35.36, 35.40
 Rochester Prison (Kent), 42.4
 roll and movements sheets (Feltham Young
 Offender Institution), 5.14, 23.12, 25.13
Romper Stomper (film), 34.2–34.5, 34.7, 36.17
 Rowland, Robert, report into hostage taking
 incident at Feltham, 49.16
 Royal Courts of Justice (Central London), 2.16

S

Schilling, Susan *see* Chapman, Susan
 Scottish model for public inquiries, 2.38
 secretariat to Inquiry, 2.7
 SECURE (Prison Service information pack),
 61.23, 61.25*
 Security Departments (prison), 7.10–7.12,
 57.42–57.43, 57.45, 57.47, 58.2, 58.8, 58.9,
 61.20
 Altcourse Young Offender Institution, 16.5,
 16.11, 16.12
 Feltham Young Offender Institution, 19.6,
 21.33, 21.35, 21.37, 21.38, 23.1, 30.30,
 30.31, 35.20, 38.11, 47.3
see also Comber, Dave (Principal Officer,
 Feltham, Security)
 cell searches, 56.12–56.13
 core records (F2050), 30.23–30.25, 57.46
 prisoner escort records, 30.4, 30.6,
 30.8–30.10, 30.11, 47.1
 security file vetting, 21.7
 shortcomings, 30.13–30.28, 47.8–47.13
 staffing levels, 4.9, 30.20, 41.2, 47.12
 Stewart’s security file, 16.3, 17.15–17.16,
 19.10–19.11, 21.26–21.32,
 30.13–30.22, 30.25, 30.27–30.28,
 37.2–37.3, 38.1, 47.8
 warrants, 30.26, 31.6, 31.7, 31.9, 31.12
 Hindley Young Offender Institution, 14.20,
 14.21, 15.5, 16.22, 17.8, 17.10, 47.12,
 58.9
 prisoner escort records, 19.4–19.5
 shortcomings, 9.42, 11.7, 15.19–15.20,
 16.1, 16.11, 19.4, 19.10, 20.3
 Stewart’s security file, 9.40–9.42, 11.7
 NOMIS, 57.17–57.18
 Onley Young Offender Institution, 12.11, 13.1,
 13.2, 13.5, 13.6, 13.10
 security file checking, 7.18, 12.1, 21.7
 Security Intelligence System (4x4 and 5x5
 systems) *see* Security Intelligence System
 Stoke Heath Young Offender Institution, 12.1,
 12.11–12.12, 13.3, 13.6
 security file of Robert Stewart, 7.13, 9.40, 16.22,
 19.7, 19.9
 at Altcourse, 16.2–16.3, 16.5, 16.12,
 16.16–16.18, 17.5–17.7
 Feltham’s handling of, 21.36, 25.8, 25.9
 receipt and despatch, 17.15–17.16, 21.26,
 22.5, 30.15–30.16
 Security Department, 19.10–19.11,
 21.26–21.32, 30.13–30.22, 30.25,
 30.27–30.28, 37.2–37.3, 38.1, 47.8
 seen by Mr Martindale, 21.28, 21.34,
 22.22, 30.13
 at Hindley, 17.15–17.16, 22.5, 37.2
 at Onley, 12.11, 13.1, 13.3, 13.5–13.6, 13.7
 probation officers, 14.8
 security information reports, 7.11–7.12
see also Stewart, Robert: prison records
 and paperwork
 at Stoke Heath, 12.3, 12.12
 security files, 30.12, 57.34, 57.41–57.45, 58.2,
 58.4, 59.16, 59.25, 59.26
see also security file of Robert Stewart
 Feltham Young Offender Institution, 21.7
 movement of, 17.13–17.16
 recommendations, 57.47
 Security Department checking, 7.18, 12.1
 Security Group, Prison Service, 17.13
 security information, need for national database,
 57.44, 57.47
 Security Intelligence System
see also inmate intelligence cards
 (4x4 system), 7.17–7.18, 9.40, 12.12, 12.13,
 13.5, 15.5, 16.1, 16.2, 16.5, 17.5–17.7,
 19.6, 30.25, 57.43
 (5x5 system), 57.43, 57.44
 security records (F2058, security files) *see*
 security file of Robert Stewart; security files
 self-harm at risk forms (F2052SH), 7.9, 9.9, 9.10,
 10.3, 21.9, 57.34, 59.4
 seminars, Inquiry, 2.34
 sentence planning (behavioural programmes),
 4.10, 21.7, 39.4, 46.41, 53.3, 57.34, 59.24
 sentencing policy, 3.19
 Shaw, Don (Duty Governor at Onley), 13.1, 13.3

- Sheffield, Christopher (Governor, Hindley, 1997), 9.27, 14.14, 15.10, 15.12, 18.12
- Sheldon, Neil (counsel to Inquiry), 2.7, 63.2
- Shewan, Robert (Senior Officer, Feltham, Kestrel), 46.9, 46.15, 46.18, 46.19*, 46.23, 46.25
- Shipman Inquiry report, 60.24, 60.27
- Short, Ian (deputy head of Inquiry secretariat), 63.1
- Skinner, Stephen (Prison Officer, Feltham, Swallow), 6.2, 25.13–25.22, 26.7, 27.2, 27.3, 29.19, 32.16, 35.10, 37.5
cell search of cell 38 (19 March 2000), 29.15, 29.16
- Smith, Adrian (Head of Feltham’s task force), 4.16, 38.5, 51.43
- solicitors to Inquiry, 2.7, 2.11, 63.2
- Solomon, Enver, 56.15
- Statements Bundle, 2.13
- Stephen Lawrence Inquiry, 2.38, 62.27
definition of racist incident, 51.25, 51.36, 62.13
institutional racism, 3.4, 3.5, 3.6, 3.10, 51.39, 51.41, 62.28
- Stewart, Robert
see also Altcourse Young Offender Institution (Liverpool): Robert Stewart; Feltham Young Offender Institution: Robert Stewart; Hindley Young Offender Institution (near Wigan): Robert Stewart; Lancaster Farms Young Offender Institution (Lancaster): Robert Stewart; Onley Young Offender Institution (Rugby): Robert Stewart; Swallow unit (Feltham Young Offender Institution): Robert Stewart; Werrington Young Offender Institution (Stoke-on-Trent): Robert Stewart
appearance, 11.2, 13.4, 24.5, 24.6, 24.18–24.19, 57.1
tattoos, 24.10–24.12, 24.14–24.17, 24.18, 24.19, 25.6, 25.23
background, 5.19, 8.1–8.2, 8.8
cell furniture use as weapon, 16.4–16.5, 17.5–17.7, 29.1–29.5, 37.2, 56.1
correspondence of see correspondence of Robert Stewart
healthcare screening
at Feltham, 17.21, 33.1–33.5, 33.7–33.10, 33.12–33.19, 37.4
at Hindley, 18.9, 18.13–18.23, 18.24–18.29
- Inquiry
oral evidence not requested, 2.14, 2.37, 36.2
written statement, 2.12, 2.37, 26.6, 29.5, 29.8
mental health of, xvii, 8.3, 8.12, 9.1–9.5, 9.7*, 9.14–9.36, 13.15, 14.5, 14.21, 36.22
see also Kinealy, Chris
personality disorder, 9.1, 9.4, 9.7*, 9.32–9.36, 13.12, 16.13–16.14, 16.20, 16.23–16.25, 17.21, 20.5, 33.19, 50.1–50.6, 57.1, 61.2
psychopathy, 1.12, 16.13–16.14, 16.18, 16.23–16.24
treatability, 16.13, 16.24–16.28
murder of Zahid Mubarek, xvii
criminal proceedings against for, xvii, 1.4, 1.7, 1.8, 1.12, 8.12, 9.3
possible motives for, 36.1–36.24
post-attack behaviour, 6.15, 6.17, 6.18
weapon used, 29.1–29.5
offending history, 8.3–8.7, 8.9, 8.10, 8.12, 11.1, 11.5, 11.6, 15.2, 17.1
involving violence, 8.7, 13.12, 14.4, 16.4–16.5, 19.5
possible motives for murder, 36.22–36.24
dislike of Zahid Mubarek, 36.15–36.16
hatred of Feltham, 36.3–36.5
hero worship of Maurice Travis, 36.6–36.8
jealousy, 36.12–36.14
racism, 36.9–36.11
remaining in custody, 36.19–36.21
remaining on Swallow, 36.18
Romper Stomper (film), 36.17
prison records and paperwork, 3.16, 13.13, 14.6–14.8, 14.9–14.12, 16.12–16.30, 17.3, 17.13, 18.28–18.29, 30.12, 30.25, 32.9
see also medical records of Robert Stewart; security file of Robert Stewart; temporary wing file of Robert Stewart (January 2000); wing file of Robert Stewart
adjudication record (F2050E), 7.8
core record (F2050), 7.5, 8.13, 30.23–30.25, 30.26
custodial documents file (F2051), 7.6, 30.26
information of special importance (F2050A), 7.10
main prison file, 7.3, 7.13, 30.24, 30.27

- missing, 8.11, 8.12, 8.13, 11.3, 11.6, 11.8, 13.4, 13.16, 14.3, 14.4, 15.3
- prisoner escort records, 16.1, 16.11, 17.7, 18.15, 19.3–19.9, 30.2–30.11, 30.28, 31.3, 47.1, 58.9
- problems with, 7.13, 8.11, 8.12, 8.13, 10.17, 13.4, 17.5–17.7
- security information report (16 August 1999), 15.5–15.6, 16.2, 16.3, 17.7
- security information report (22 November 1997), 9.37–9.42, 10.2, 11.7, 18.18
- security information report (5 January 2000), 17.8–17.9
- security information report (January 2000), 16.1
- security information report (November 1999), 16.5
- security information reports (January 1999), 14.3, 14.4, 16.2, 16.3
- security information reports (May 1998), 11.6, 11.8, 12.1
- security information reports (murder of Alan Averill), 12.3–12.13, 13.3, 13.5
- security information sheets, 13.5, 13.6, 19.8–19.9, 30.25
- self-harm at risk forms (2052SH), 7.9, 9.9, 9.10, 10.3, 21.9
- Werrington Young Offender Institution, 8.5, 11.8–11.9
- racism of *see* racism: of Robert Stewart
- risk to others, 16.15–16.23
- Romper Stomper* (film), 34.2–34.5, 34.7, 36.17
- Stoke Heath Young Offender Institution, 8.5–8.6, 11.8, 11.9, 12.1–12.13
- suspected involvement in Alan Averill murder *see* Averill, Alan: murder of
- telephone calls, failure to monitor, 31.18–31.19
- violent behaviour, 8.5, 8.7, 13.12, 14.4, 14.6–14.8, 14.9
- visiting orders, 24.8–24.9
- warrants, 30.27, 31.4, 31.6, 31.7, 31.9, 31.12, 37.4, 47.8
- Stoke Heath Young Offender Institution (Shropshire), 13.13, 14.9, 14.18, 14.19
- murder of Alan Averill at *see* Averill, Alan: murder of
- Robert Stewart
- February 1996, 8.5–8.6
- May–June 1998, 11.8, 11.9, 12.1–12.13
- Security Department, 12.1, 12.11–12.12, 13.3, 13.6
- Strand Palace Hotel (London), 2.34
- Strategic Development Plan (Feltham), 52.6, 52.8
- Straw, Rt Hon Jack (MP), 3.5, 49.28
- Suicide Prevention Strategy Advisory Group, 63.4
- suicides of prisoners, 6.26, 30.28, 56.2, 63.4
- Sun, the* (newspaper), 35.40
- Suri, Dr Sushil (healthcare centre at Hindley) examinations of Robert Stewart, 18.13, 18.21, 18.23, 18.26–18.27
- Swallow unit (Feltham Young Offender Institution)
- see also* cell 38 (Swallow unit)
- capacity, 4.7, 23.12
- cell allocation, 49.30
- cell searches, 29.28–29.29, 29.30, 46.17, 46.28
- see also* cell 38 (Swallow unit): cell searches
- communication with healthcare centre, 33.19
- compared with other units, 46.2–46.3
- incentives and earned privileges scheme, 28.3–28.15
- layout of, 28.1–28.2
- management of, 46.4–46.39
- lack of senior officer in charge, 46.13–46.17
- night of the attack on Zahid Mubarek, 6.1–6.25
- personal officer scheme, 32.12–32.17
- prison officers, 60.3
- see also* Byrd, John; Denman, Keith; McAlaney, Gerald; Morse, Ian
- prisoners' time out of cells, 5.18, 32.14, 44.5*
- race relations, 51.29
- record-keeping, 46.17
- Robert Stewart
- appearance, 24.10–24.19
- arrives on (8 February 2000), 23.1, 23.4–23.8, 23.11–23.21
- behaviour on, 24.1–24.9, 25.2, 25.10, 25.11, 25.16, 37.5
- change of status, 26.1–26.18, 27.5, 27.6
- correspondence, 30.26, 30.31, 31.12, 31.16, 37.4
- security file, 30.13–30.22, 30.25, 30.27, 30.28, 30.31, 37.2–37.3, 47.8

temporary wing file, 21.39, 23.3, 23.7,
23.8–23.10, 23.16–23.21, 24.5,
25.1–25.11, 25.12–25.24, 30.13, 37.5
television in cells, 34.1–34.8
Zahid Mubarek on, 5.13–5.18

T

- Tameside Social Services Department
(Manchester), 8.5, 8.12, 9.7*
- task force (Prison Service), Feltham Young
Offender Institution, 4.15, 39.11, 40.2–40.6,
41.14, 41.15, 41.23, 42.2–42.3, 52.11
appointment of, 3.11, 3.14, 4.16–4.17
briefing of Mr Clifford, 4.17, 40.4, 41.16, 45.4
disbanding of, 40.6, 52.9, 52.10
leader of (Adrian Smith), 4.16, 38.5, 51.43
- Taylor, Peter (principal officer at Feltham), 6.10
- temporary wing file of Robert Stewart (January
2000), 21.36*, 23.13, 30.31, 32.17*, 35.10,
35.20, 35.33, 47.1, 57.1
see also Hogg, Deborah: temporary wing
file on Stewart; Martindale, Steven: note
on temporary wing file; Swallow unit:
Stewart's temporary wing file
absence of, 23.16–23.21, 24.5, 30.28, 32.6,
37.5
at Hindley, 17.17–17.18, 21.40–21.43
photographs of, 25.4, 25.16
- terms of reference, Inquiry, 2.24, 2.25, 3.1, 3.8,
3.13, 3.15, 3.17, 3.26, 6.21, 6.22, 17.26,
55.4, 61.3, 62.5, 63.6
defined, 1.15–1.8
- Thompson, Elvis (Probation Officer, Hindley),
21.40–21.41
- Tilt, Richard (former Director General of the
Prison Service), 2.12*, 39.10–39.11, 45.4,
49.28
visit to Feltham, 4.15, 39.10
- Training College, Prison Service (Newbold Revel,
Warwickshire), 60.6
- transcripts of Inquiry evidence, 2.20, 2.21
- transfers of prisoners, 17.22–17.26, 57.33–57.36
problems with, 10.2, 14.1, 17.25–17.26,
30.3–30.11
recommendations, 57.36
- Travis, Glyn (POA official), 35.21, 35.22
- Travis, Maurice, 10.1, 10.2, 15.22, 18.18
see also arson in Stewart's cell (Hindley);
Averill, Alan: murder of
with Stewart at Hindley, 9.6, 9.8, 9.10, 9.11,
9.37–9.41, 11.6–11.7
with Stewart at Stoke Heath, 12.1
with Stewart at Werrington, 11.9
Stewart's "hero worship" of, 9.8, 9.11,
36.6–36.8
- Tribunals of Inquiry (Evidence) Act (1921), 2.38
- Troubled Inside* (Prison Reform Trust reports),
61.9*
- Twomey, Katie (Inquiry assistant secretary for
legal support), 63.1

U

Unlock (The National Association of
Ex-Offenders), 2.3

V

violence in prisons, 49.11, 56.14*
Hindley Young Offender Institution, 15.12,
15.13
in-cell prisoner-on-prisoner attacks, 3.17,
3.18, 19.1, 49.11–49.13, 49.14–49.19,
49.14–49.19, 56.15, 63.6
factors contributing to, 3.28
prison officers' view of, 21.10, 21.31, 22.9
prisoner-on-prisoner homicides, 6.26, 6.27,
19.1, 49.11
reduction of, 56.14–56.15

W

Wakefield Prison, 60.30

warrants, 30.26, 30.27, 31.4, 31.6–31.9, 31.12,
37.4, 47.8, 59.7

Wayland Prison (Norfolk), 2.33, 59.14, 62.20

weapons in cell 38, 29.1–29.5, 29.6–29.9,
29.13–29.18, 37.7, 46.10
photographs of, 29.3

website, Inquiry, 2.9, 2.20, 2.21, 2.28, 2.31, 2.34,
2.48
address, 2.50

Weir, Douglas (Senior Officer, Feltham, hiking
officer), 29.28–29.29, 46.3, 46.6, 46.13,
46.17, 46.18, 46.19*, 46.22
evidence to Inquiry, 46.14

Welsh, Clive (Governor, Feltham, February 1997–
April 1999), 4.13, 38.3–38.5, 39.6, 39.11,
40.1–40.5, 41.22, 51.33, 51.34
cell-sharing, 49.20–49.22, 49.25, 49.29–49.31
checking of warrants, 31.9
decline of Feltham under, 39.7
division of Feltham into two sites, 45.6
incentives and earned privileges scheme,
28.12

- Order on monitoring of correspondence, 31.5–31.7, 31.10, 31.14, 31.18
- Order on role of personal officers, 32.2–32.4, 32.6
- problems with Feltham branch of POA, 39.2, 41.7, 44.3–44.4
- staff profiling exercise, 41.7
- staffing levels, 41.11, 41.12, 41.13, 41.15
- Werrington Young Offender Institution (Stoke-on-Trent), 8.5, 12.5, 12.7
- Robert Stewart
- 1997, 8.7, 8.10, 9.7
 - May 1998, 11.5, 11.8–11.9
 - escape attempt, 11.8–11.9, 12.1, 12.13, 13.6, 13.10
 - records on, 8.13
- Wheatley, Phil (Deputy Director General, Prison Service, 1999–2003), 19.2, 35.22, 38.17, 41.10, 41.21, 60.7
- Coonan Inquiry, 49.13, 57.52
- Feltham Young Offender Institution, 4.15, 39.9, 43.7, 44.4, 44.8, 52.9–52.13
- views on Feltham branch of POA, 44.3
 - visit to (1999), 52.10, 52.11
 - visit to (October 2000), 44.13, 44.15
- whistleblowing, 54.4, 60.21–60.30
- definition of, 60.23*
 - Prison Service Orders on, 60.25–60.26
 - Public Interest Disclosure Act (1998), 60.24, 60.25
 - recommendations, 60.27, 60.28
 - Shipman Inquiry report, 60.24
- Wilkie, Gemma (Inquiry press officer), 63.1
- Williams, Lord (of Mostyn), 52.10, 52.15
- Wilson, Professor David (University of Central England), 62.10*
- “wind up” practice (pairing of unsuitable prisoners), 35.7, 35.13, 35.41–35.42
- Windsor, Peter (Deputy Governor, Feltham), 32.12, 40.8, 40.10, 46.3–46.4, 46.13, 46.16, 46.25, 46.39–46.42, 47.5
- cell searches, 29.27
 - Claire Bigger’s memo to, 27.13
 - hiking officers, 46.22
 - incentives and earned privileges scheme, 28.13
- wing file of Robert Stewart, 7.7, 7.13
- see *also* temporary wing file of Robert Stewart (January 2000)
 - at Altcourse, 16.5, 16.29–16.30
 - Feltham’s handling of, 23.7–23.10
 - on Osprey, 22.8, 22.21
 - on Swallow, 32.8, 32.11
 - at Hindley, 14.20, 15.3, 17.4
 - at Onley, 13.4, 13.16
 - at Stoke Heath, 12.6
 - at Werrington, 11.9
- wing files, 23.15, 23.17, 25.19, 28.7, 57.34, 57.37–57.38, 57.40, 59.7*, 59.15, 59.25
- see *also* wing file of Robert Stewart
- wing observation books, 21.29, 21.39, 57.48
- at Feltham, 21.29, 21.36, 21.39, 22.6, 22.8, 23.6, 26.16, 30.14, 46.19**, 46.28, 46.36, 51.9, 51.28
 - recommendation, 57.48
- witnesses, Inquiry, 2.24, 2.25
- oral evidence, 2.13, 2.14, 2.20, 2.21, 2.25, 2.35
 - questioning of, 2.18
 - written evidence, 2.11–2.13, 2.18, 2.28, 2.29
- wooden cell furniture, 29.24–29.25
- Wolf, Lord (report of 1990), 49.3, 52.6, 55.3
- Wordwave Ltd, staff of, 63.1
- Wormwood Scrubs Prison (London), 2.33, 60.11
- ## Y
- Youth Justice Board, 4.4, 4.19, 38.7, 41.11, 41.17, 41.18, 43.5, 45.1, 45.5
- ## Z
- Zahid Mubarek Inquiry
- advisers to, iii, 2.1–2.6, 2.32, 2.34, 3.18
 - announced by Home Secretary, 1.15
 - anonymous sources, 2.12
 - confidentiality issues, 2.10, 2.14
 - counsel to, 2.7, 2.25
 - criticism of individuals, 3.22–3.23
 - benchmark for, 3.24
 - mitigating factors, 3.23, 3.24
 - opportunity for response, 3.25 - division into two phases, 2.24–2.27
 - phase two, 2.28–2.35, 3.26–3.29 - evidence to
 - document storage, 2.50
 - oral, 2.13, 2.14, 2.20, 2.25, 3.25
 - transcripts of, 2.20, 2.21
 - written, 2.11–2.13, 2.18, 2.28, 2.29 - focus groups, 2.30, 2.31, 35.41, 35.42
 - funding of, 1.19, 2.36
 - “Gladiator” allegations, 3.2
 - hearings
 - broadcasting of, 2.23

- preliminary, 2.16
- public nature of, 2.20, 2.21
- substantive, 2.16–2.23, 2.25
- Home Office co-operation with, 1.19
- information technology, 2.19, 2.20
- Inquiry Bundle, 2.10, 2.20
- Interested Parties, 2.15, 2.20, 2.21, 2.23, 2.25, 2.33, 3.8, 3.19, 6.21, 36.2, 63.2
- legal costs, 2.36, 2.37
- legal team, 2.7, 63.2
- media interest in, 2.22
- non-statutory nature, 2.18, 2.38–2.40
- private investigators, 2.48
- procedures, 2.9, 2.10–2.14, 2.16–2.18, 2.24–2.35
- publicity, 2.22, 2.23
- recommendations, 54.1–62.32, 63.5
 - administrative section documents, 57.47
 - cell furniture, 56.5
 - cell searches, 56.11, 56.13, 61.20
 - cell-sharing, 55.3, 55.9, 55.13, 55.22, 55.27, 55.31, 59.6, 59.9, 59.16, 59.17, 59.18
 - confidentiality issues, 61.26
 - Courts Service documents, 57.29
 - documents held on wings, 57.40
 - external reports, 57.51
 - healthcare screening, 61.9, 61.12
 - MAPPA, 59.29
 - mental health awareness training course, 61.16, 61.19
 - mental healthcare risk assessment, 61.13, 61.20
 - monitoring of information flow, 57.52
 - NOMIS, 57.9, 57.13, 57.17, 57.18, 57.22, 57.49
 - OASys assessments, 59.25, 59.27, 59.29
 - personal officer schemes, 60.14, 60.19
 - Police Service documents, 57.32
 - prison officers' training, 60.7
 - Prison Service Orders and Instructions, 57.51
 - prisoner escort records, 58.11
 - prisoner transfers, 57.36
 - prisoners with mental disorders, 61.9
 - Probation Service documents, 57.26
 - race equality schemes, 62.32
 - race relations liaison officers, 62.25
 - racism in prisons, 62.11, 62.19, 62.20, 62.22, 62.25
 - religious intolerance in prisons, 62.28
 - risk assessment register, 59.21
 - risk classification, 59.31
 - risk management model, 59.29
 - risk minimisation plans, 59.21
 - role of Imam, 62.30
 - scope of, 54.1–54.4
 - security information, 57.47
 - violence reduction, 56.15
 - whistleblowing, 60.27, 60.28
 - wing allocation, 55.34, 55.38
 - wing observation books, 57.48
- report of, 2.26, 2.27, 2.49
- secretariat, 2.7
- seminars, 2.34
- starting point, 3.14, 39.1, 39.2, 39.7, 39.12
- Statements Bundle, 2.13
- supply of documents to, 2.10
- terms of reference, 2.24, 2.25, 3.1, 3.8, 3.13, 3.15, 3.17, 3.26, 6.21, 6.22, 17.26, 55.4, 61.3, 62.5, 63.6
 - defined, 1.15–1.18
- venues, 2.8, 2.16
- website, 2.9, 2.20, 2.21, 2.28, 2.31, 2.34, 2.48, 2.50