

Justice Committee

Oral evidence: [Pre-appointment hearing: Prisons and Probation Ombudsman](#), HC 926

Tuesday 24 January 2023

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Members present: Sir Robert Neill (Chair); Janet Daby; Maria Eagle; Dr Kieran Mullan; Edward Timpson; Karl Turner.

Questions 1 - 61

Witness

[I](#): Adrian Usher, the Government's preferred candidate.

Examination of witness

Witness: Adrian Usher.

Maria Eagle took the Chair.

Q1 **Chair:** Welcome to this meeting of the Justice Committee and the pre-appointment hearing on the Government's preferred candidate to be Prisons and Probation Ombudsman, Mr Adrian Usher. Welcome.

Adrian Usher: Thank you.

Q2 **Chair:** Before we ask any questions we must make our declarations of interest. I am a non-practising solicitor.

Dr Mullan: A close family member is a senior police officer.

Edward Timpson: I am a former Solicitor General with a practising certificate but I am not currently engaged in any court work.

Janet Daby: I have nothing to declare.

Karl Turner: I am a non-practising barrister.

Q3 **Chair:** Will you, Mr Usher, tell us a little about the process you have gone through and introduce yourself to the Committee, giving us a little information on your background?

Adrian Usher: I think it is fair to say that the process thus far has been quite elongated. I seem to remember that I applied for this in November 2021.

Q4 **Chair:** Do you know why that is?



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Adrian Usher: I believe that certainly at one point, due to rapid changes in the Government, meeting the Minister proved quite tricky. I eventually met Damian Hinds about six weeks ago, and I think that was the final hurdle.

There was an initial paper application. There was an interview with a panel, chaired, I think, by Amy Rees from the Prison Service. Having successfully got through that, it was a question of meeting the Minister and being questioned by him before finding myself before you today.

Q5 **Chair:** We are getting towards the end of the process, at least.

You have worked at the Metropolitan Police Service for almost 20 years, so you very much have a police background.

Adrian Usher: I have actually worked for the Met police for 35 years. I joined in 1987.

Part of the reason I applied for this role, if the Committee believes this is relevant, is that within my service there are three key areas against which the ombudsman delivers: investigation of volume complaints; investigation of deaths; and the accretion and delivery of learning that comes out of those investigations. I have performed all those roles within the Metropolitan police and, I think, have brought demonstrable improvements to each of them. I am well able to evidence that.

When I looked at the role, it seemed to be a really good fit for my skillset and something where I can still add value. I am very keen to make a difference.

My life has been in public service and I have some energy and motivation to continue that.

Q6 **Chair:** But not at the Met? You did not want to continue at the Met.

Adrian Usher: I don't like to think I am running away. I am running towards. This was a very attractive role. As I say, I believe I could really add value.

Q7 **Chair:** Are there any other professional or voluntary positions that you will continue to hold during your tenure as Prisons and Probation Ombudsman, should your appointment be confirmed? If so, what is their time commitment?

Adrian Usher: No, I do not have any other commitments. I have resigned from the Met, with a date in March.

Q8 **Chair:** That is very clear.

I want to ask a few questions about conflicts of interest. Do you believe you have any conflicts of interest?

Adrian Usher: I don't.

Q9 **Chair:** Have you undertaken any significant political activity for a political



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party?

Adrian Usher: I have not, and I have never been a member of any political party.

Q10 **Chair:** Have you ever done things like arrange loans or loan facilities for Ministers, or is there anything you feel you ought to mention at this point?

Adrian Usher: No, I have not. I have no relationship with anybody in Government or shadow.

Q11 **Chair:** There is absolutely nothing you feel you ought to mention to this Committee that might, on the face of it, look like a conflict of interest.

Adrian Usher: No, nothing at all.

Q12 **Chair:** Thank you. That is very clear.

What do you see as the key issues currently faced by those in custody or under supervision, whom you will be in charge of overseeing in this new role?

Adrian Usher: One of the key issues—perhaps you would expect me to say this in being considered for ombudsman—is that people subject to the service’s remit have a sense of organisational justice: they have a voice that, despite being convicted, having their liberty curtailed, or other restrictions placed on them by the state, the state is treating them fairly.

It has been my experience in a very long investigative career that a significant proportion of the prisoners I have dealt with, investigated, interviewed or spoken to have an internal narrative that says that the reason they have resorted to criminality is that they are evening the scales—that in some way the state has done them down, whether that be education, housing, health or the police.

If they are in prison and that sense of injustice is aggravated by believing that the Prison Service isn’t treating them fairly, that is only going to increase the chance of reoffending. All parts of the criminal justice system have a part to play in reducing reoffending, whether it is the courts, prisons or the ombudsman’s office. Therefore, prisoners and people subject to probation and community orders have to have a voice.

There are significant issues for the Prison Service that make those things challenging. There is an ageing prison population—a significant issue that will place added demands on the ombudsman’s office. There will inevitably be more deaths with an older prison population.

I was reflecting on a report from this Committee of two years ago that talked about that issue of an ageing population and on the ombudsman’s bespoke report in 2017 on the same subject. Prisons are broadly designed for young, fit people. Therefore, the allocation of resource—of social care, of health care—is sometimes difficult and expensive. An ageing prison population is therefore likely to lead to more deaths for the



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ombudsman's office to investigate and, potentially, more complaints if care is more difficult to assign.

Q13 Chair: You referred to health needs, but there are educational needs as well. What knowledge do you have of the health and educational needs of offenders?

Adrian Usher: I think it is fair to say that there are advantages and disadvantages to appointing somebody from outside the Prison Service not steeped in the prison culture or prison processes.

I have said from the beginning of this process, both in paper application and onwards, that this is an education for me. There is an awful lot to learn. I bring, I think, a whole range of demonstrable skills that will make the ombudsman's office, which I believe fundamentally has an investigative role, stronger.

But there is an awful lot to learn during that journey. I have undergone fairly significant professional development and I recognise that, going forward, there is an awful lot more professional development that I need to undertake fully to understand prisons and processes.

The best way of doing that, which I have already begun, is to contact and develop professional relationships with prison governors to understand their restrictions in budgets, the pressures of those roles and the services that they deliver.

I would not want to give you a detailed answer on educational needs. I recognise, of course, educational needs. It strikes me and, I suspect, many members of the public as a great sadness that you can enter the Prison Service as illiterate and spend five or 10 years in the Prison Service and come out illiterate. That would, again, only seem to lessen your chances or reducing reoffending. It is a key part of prison service delivery, but I'm not an expert on it.

Q14 Chair: Have you begun to visit any prisons?

Adrian Usher: It has been slightly difficult. This was a competitive process. I didn't know who else was involved. Since becoming the preferred candidate a relatively short time ago I have met and spoken to the head of the Prison Service, the head of prison operations. I travelled down to Wales to meet Sue McAllister, the outgoing ombudsman. I met Kimberley Bingham, the current acting role, to understand—to begin to understand, I think it is fair to say—the environment in which I can bring value. Even in those short conversations I identified things that my skillset will help with.

Q15 Chair: You referred to a need to pick up knowledge on issues facing those in custody or under supervision. What about the key issues currently faced by prisons and probation staff?



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Adrian Usher: Indeed. I think I have, in my career, walked that line in between several times, in investigating police officers.

Prison staff do an incredibly difficult job in a sometimes violent, difficult environment. In some environments, they go huge periods of time without a self-inflicted death or without significant complaint. That is not luck. It is due to the talent and dedication of those staff.

Inevitably, though, there will be, as there are in all uniformed services, those individuals who abuse the power the uniform bestows upon them. It is right that any investigation into those organisations is transparently robust and thorough.

I think—this goes to the independence of the ombudsman—it is possible to be both independent and collegiate; I don't think they are mutually exclusive. So, a professional relationship with prison staff associations to understand the world in which they are operating would seem to me to be key, in the same way as when I was investigating police officers I had a good relationship with the Police Federation and other staff associations. It makes sense to understand the world of the people you are investigating.

Q16 **Chair:** Do you have an understanding of the difference between issues in the male estate and the female estate?

Adrian Usher: To a degree. Again, I read a very interesting report into some of the bespoke challenges faced by women in prisons. They are often smaller prisons. Women can be less willing to come forward to complain. I read some interesting material on why that might be. They may well feel, more so than male prisoners, that they would be singled out if they put their head above the parapet and complained. That could be one possible explanation for why we see fewer complaints.

There was quite a long discussion about the effect of taking a mother away from her family and the particular mental trauma that might produce for prisoners, which may not be felt to the same extent by male prisoners.

Yes, there is a difference; yes, there is a job to do to ensure that there is the equity among complaints that you would expect. It is one of those areas of business, a bit like domestic abuse, I think, where actually good is more complaints—really understanding that they have the trust and confidence to come forward and raise issues that they feel they are experiencing.

In the short term, I think it would be an objective to raise the profile of the ombudsman's office and raise the number of complaints you are getting.

Q17 **Dr Mullan:** I want to begin by clarifying that it is correct that you were responsible as head of protection for UK policing in the Met from 2016 to 2021.



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Adrian Usher: That's right.

Q18 **Dr Mullan:** Would David Garrick have served in that chain of command?

Adrian Usher: Yes, he would, among 2,000 other officers.

Q19 **Dr Mullan:** With what has come to light, do you have any learning from your time there that you would apply to the current role?

Adrian Usher: First, I should be clear that I did not know or meet David Garrick. The disgust that the public feel, I can assure you as a serving officer, serving officers acutely feel and are very cognisant of the pain and the hurt that has caused, not just to direct victims but the confidence that women have in policing. It has hurt us all.

I would not want to sound overly defensive, but the learning will be within the professional standards department. I will be careful what I say because this has, quite rightly, been referred to the IPC to determine what should have happened in this case. As has been said, there would appear to have been clear opportunities in which professional standards could have made some different decisions that might have had a different outcome. I can't say more than that.

Q20 **Dr Mullan:** You mentioned that at one point you were responsible for complaints to the Met. What part of your role was that?

Adrian Usher: It was my whole role. I worked as a detective inspector in the professional standards department dealing with complaints against police from across three boroughs. In that role, I both arrested and prosecuted police officers and pursued those who should have been taken out of the service—and they were taken out of the service.

I was successful in the role and I learned a great deal about the priorities of complainants, often, particularly around promptness, timeliness and efficiency. Nobody wants a three-year investigation into an officer who has been rude. A rapid apology—a rapid resolution—is often the best way forward and one which, in my experience, many members of the public were satisfied with. It allows you to concentrate on corruption, misogyny and racism, all of which I did within that role, both prosecuting officers and having them thrown out of the service.

Q21 **Dr Mullan:** You won't be able to comment on individual cases. I take on board the point about it being by the IPC, but you had a direct understanding of how professional standards should operate. You supervised and were responsible for officers about whom there were complaints. You didn't notice or feel privy to the outcomes and the processes. You didn't raise that or feel they weren't operating as they should. What did you do about that?

Adrian Usher: I was not aware of any of the circumstances of the Carrick case.

Q22 **Dr Mullan:** Putting aside an individual, I am talking more broadly about



that role and responsibility. You have a good understanding of how professional standards should operate. You are seeing it from the other perspective. While you are not investigating the officers, you are aware complaints have been made and they are under investigation. Potentially, you would have been aware that some of them were under investigation for a very long time. Did you feel there were issues? Did you raise anything?

Adrian Usher: All branches of the police, certainly in the Met, are aware that professional standards departments were and are under pressure in terms of volume. That can lead to long delays, which is not acceptable for officers or for members of the public.

One of the things that I did in charge of protection that I think made a significant difference was that we have seen, sadly, that culture can be a real driver of some of the worst behaviours we have seen. I ensured—it was long and difficult because it was an unpopular policy—that officers on protection were subject to tenure and would be moved out of the command within this building. Those officers guarding people inside this building are only allowed to remain here for five years. That was to break up that culture.

That was not popular with officers. It was not popular with some Members. It had to be done.

I have a strong belief that culture is something you really need to understand in anything you are investigating, because it does drive it. If you find that, and if I was appointed as ombudsman, I think that is something that falls within the remit to comment on if you are investigating any establishment.

Q23 Dr Mullan: I guess it is about credibility to some extent. If you are going to engage prison governors and comment on their culture, their standards and how they manage complaints, do you have any concerns that, having been in such a senior position in a part of the Metropolitan police that now is under a lot of scrutiny, it might have an impact on that credibility?

Adrian Usher: Trust and confidence are earned. If I was coming from an organisation that had a huge amount of public trust and confidence, it would not say: that's that done. I would pursue trust and confidence and to have credibility with those people with just as much vigour, wherever I had come from.

I believe I have done that as a police officer. I have demonstrated that I raised public trust and confidence when I was a borough commander at Barnet. That metric is really hard to shift, yet I improved it by 6%. I think I know how to gain trust and confidence and improve it. I have done that throughout my career and would continue to do so, were I to be appointed.

Sir Robert Neill took the Chair.



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Chair: Mr Usher, it is good to see you; apologies for not having been here at the beginning. As you gather, there was a rather important statement on a report by the Chief Inspector of Probation in relation to matters to which I had to attend on the Committee's behalf. I am very grateful to Ms Eagle for taking the Chair in my absence.

Q24 Janet Daby: If appointed, what would be your main priorities for the future direction of the PPO? What is your view of the PPO's current strategic plan? Would you consider how equality issues such as race and others may be incorporated into the next strategic plan?

Adrian Usher: I shall start at the end because it is very simple: yes. My experience of diversity and inclusion is that you have to be, first, relentless, and, secondly, proactive.

It is also about the staff of the ombudsman's office having that sense of corporate justice and of a proper focus on D and I. There are probably three lenses that you need to look at it through. I assume that there is an anonymous staff survey in the ombudsman's office. Internally, do the ombudsman's staff feel that it is a place where equality and diversity are welcomed, that it is a fair place to work and that if you have a grievance you will be treated fairly.

The second lens is within the investigations you are doing. You should always have one eye on: "Are we uncovering anything here that would smack of misogyny, racism or any attack on any protected characteristic?"

The third is a more strategic look. Can we see any demonstrable link between outcomes and either ethnicity or gender or any other protected characteristic?

In all those areas, you can only get results if you are looking and asking the right questions, so certainly in terms of the strategic plan I think it should feature.

Your first question was: what do I think the objectives should be? In very simple terms, better investigations, self-inflicted deaths and more trust. All those things are measurable. If a performance regime does not exist, it should and will, to determine where we are, not least because, in my experience, showing you are making a positive difference is an enormous motivator for your own staff. There is nothing worse in public service than seeing the expenditure of a huge amount of energy but not feeling you are getting anywhere. That can lead to demotivated staff, and it is difficult to attract good staff.

Performance measures are important. You are impacting positively, and they work both for prison staff and your own staff.

Q25 Janet Daby: The PPO's race action plan for 2022-23 has the vision to be the most inclusive organisation. What assessment have you made of the work outlined in the race action plan?



Adrian Usher: I haven't, as yet. It is an area that, as I say, is tremendously important. I have been very impressed, looking in from the outside, by some of the work that has been done to attract, for instance, at least one ex-prisoner into the organisation. That is not necessarily race, but what that shows me is an organisation that is thinking differently and is willing to be open to new ideas.

I have no reason to believe, at the moment, that the organisation is in a poor state. There are one or two indicators to believe that it has been run with diversity and inclusion as a priority. What I can say to you is that it will definitely be a priority, were I to be appointed.

Q26 **Janet Daby:** An Inquest briefing was done in October 2022. It published a report on the deaths of racialised people in prison between 2015 and 2022. It analysed the deaths of 22 racialised people in prison. The NGO Inquest argues that the PPO's current approach to investigating deaths is inadequate as there is a lack of consideration of whether racism or discrimination played a role in a death. Is the potential role of racism something that you will be prepared to consider when investigating the deaths of prisoners?

You have already said that you would consider racism, but in the light of the Inquest's report will you respond to that?

Adrian Usher: Absolutely. I said that I would proactively always have in an investigation one eye on the motivation of the players within the investigation. Clearly, if racism, misogyny or any other "ism" is uncovered, it absolutely should form the basis of and be the focus of that report.

Secondly, on a more strategic level—I want to put the caveat in very strongly that this is no criticism of Sue McAllister or Kimberley Bingham, because I don't know that this is the case—there is a danger of treating each investigation individually and not stepping back and saying, "Across any number of investigations that we have conducted into that institution are there any connected thematics that mean that we are concerned about the culture at that institution and that therefore we should dig deeper into it?"

That plays into having a really close partnership with the inspectorate. Information should flow freely between the two organisations to give the maximum chance of making a positive outcome.

Q27 **Janet Daby:** Would you consider incorporating the race action plan as part of the strategic plan?

Adrian Usher: I think I said—apologies if I was not clear on it—I would absolutely consider that.

Q28 **Karl Turner:** What challenges do you think the PPO will face over your term in office?



Adrian Usher: It is a public service, and in my experience of public service resources are always your most precious resource; there is never more money and there is always more work—keeping your staff motivated and fixed on mitigating the biggest risks, being adaptable, being able to change, being set up to be nimble and able to change fairly quickly where your areas of focus are and which risks are best managed in the best way.

I would be very surprised if resources and budgets weren't a key pressure on the office. That can play into the culture of the office, with people feeling overworked. You get the vicious cycle of people being overworked, vacancies being difficult to fill and therefore there are more pressures. I know there is a degree of that and a relatively high vacancy rate currently among investigators. I would work to turn that around.

Q29 **Karl Turner:** What steps do you envisage taking to manage those challenges? Resources is a difficult one for you, isn't it?

Adrian Usher: It is, but the wealth of experience I have in investigations means that on several commands I adopted practices and innovated practices that mean you are more efficient and investigations are more efficient. You break down which investigative interventions have a strong evidence base and lead to the most positive outcomes. You focus resources on those areas.

By being efficient in that way, you can achieve more. It is a key area where I think I could add value. I did that in the complaints system. I took a complaints system where compliance time limits were at the time 120 days but were brought down to 90 days. When I took over, that was around 50%. I got that up to over 98%. There were only a couple that escaped. You do that by being efficient and adaptable. That is the culture I would like to embed, should I be appointed.

Q30 **Karl Turner:** Do you have any concerns about increased demand, due mainly, probably, to the increase in the prison population, which is projected to go up, isn't it?

Adrian Usher: It is, but in my experience I do not think you take that passively. To a degree, you have an ability to manage your demand. Twenty per cent. of all complaints made by prisoners are about property. If you investigate each of those individually, it will not impact on demand, but if you stand back and invest in an intelligence function, which I would plan to, you can identify which institutions—I have investigated property offences and know how to do this—have poor processes and are losing property and those institutions where corruption may be at play.

If you have a good understanding of those things and a good relationship with the inspectorate, you can drive down demand; similarly, if you have a good relationship with the Prison Service. From reading some of the complaints that have been made, I am surprised that they got as far as the ombudsman. Very simple resolutions could have been undertaken



that would have been far more efficient. Mediation is a key area that we know works, or certainly it has worked in my investigative experience.

I like to be data-driven and to have a really good understanding, as with all staff, of what works. You can drive down demand.

Q31 Karl Turner: Do you think there is sufficient awareness of the role and function of the PPO?

Adrian Usher: It is a really interesting point. The key audience that needs to be aware of it is prisoners and those subject to probation orders. I have reflected quite a lot on the word "ombudsman". If you put the words "I am the prison ombudsman" into one of those computer algorithms that tells you what level of education you need to understand the speech being made, it is near-degree level, when nearly 50% of the prison population is illiterate. It is unlikely that an awful lot of people will understand what the office does, so there might be a branding thing to be done around that, but, aside from that as a point, you have to be proactive within that population, which again means a good relationship with HMPPS; otherwise, you will not achieve that.

As for whether it needs to be particularly well known outside criminal justice circles, I think that the public want to know that the criminal justice system is effective and fair, and the ombudsman's office is important in that role. Therefore, a certain amount of publicity would work, particularly when very often negative publicity for the Prison Service swirls around and makes the headlines. I am not naive. There is a limit to what you can do. Personally, I have never pursued a media profile and have no desire to change that now, but it may be that the office should be more widely known.

Karl Turner: That is helpful.

Q32 Dr Mullan: Previous ombudsmen have suggested that it would be better for the ombudsman to be on a statutory footing. I do not know whether you have any view on that.

Adrian Usher: It is a question that I have asked of everybody I have met. As I believe I am a fiercely practical individual, what I want to know is what practical difference it would make. It seems that most of the answers I have received—not all—indicate that it would raise the profile and potentially give the ombudsman's office more teeth, but the inspectorate is on a statutory footing and I think it experiences some of the very same problems of repeat recommendations and a deteriorating uptake of recommendations.

I would like to understand the issue more. I know that many of the staff are very keen for it to be on a statutory footing. My understanding from other individuals to whom I have spoken is that it is in the White Paper and the fact that it is not on a statutory footing may be a matter of parliamentary time and other priorities. I have not heard a strong argument against it, but how much energy I devote to that will depend



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upon my having a real understanding of the practical difference it would make.

Q33 **Dr Mullan:** You are not opposed to it, but it is not a burning priority for you.

Adrian Usher: Not at the moment.

Q34 **Edward Timpson:** In some earlier answers you said that, from your many years of experience in the Met of dealing with complaints and procedures around them, having more complaints was often better than having fewer. You can clarify that if you like.

Adrian Usher: I would be very concerned if suddenly we had none.

Q35 **Edward Timpson:** It is an indication that there is an open and transparent process and people are confident in coming forward and bringing their complaints.

Adrian Usher: Exactly.

Q36 **Edward Timpson:** You also said you like data, which is a good thing. Putting those two things together, 77% of complaints that are ineligible for investigation are due to the complainant not following the correct procedure before submitting their complaint to the PPO. This may be too early in your own research, but from your experience why do you think that might be the case?

Adrian Usher: Please do not hesitate to correct me if I have misunderstood this process. One of the concerns I have is that to a degree that is marking your own homework. As I understand it, it is the ombudsman's office that is determining that those complaints are ineligible and it is that office that would acquire the work where they are not ineligible. You can pretty quickly see a motivation that might creep in there, even unconsciously.

I would like to get right down—this is something I enjoy—into what is going on there. Show me exactly what the process is and what the checks and balances are to ensure we are making morally the right decision. It may be the process has not been followed, but if there is a horrendous complaint about a particular action I do not want it to be timed out, because, if you are hearing about racism, misogyny, assault or violence, not filling in the form correctly will not fly with me.

Q37 **Edward Timpson:** In the over 50% of incoming complaints that are assessed as being either ineligible because the process has not been followed or not accepted for investigation for some other reason, part of what you want to do is to start to disaggregate some of that information and understand what is at play and how those decisions are being made.

Adrian Usher: Yes. I think it is also fair to say that, in the same way as I described police complaints—I have seen some of this in the reading I have done—I am surprised some complaints have reached the



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ombudsman's office. The right and wrong of it is not trivial, because no complaint is trivial, but I am very surprised that the prison has not made some mediative attempt to sort it out without necessarily accepting responsibility.

Equally, it will have been decided not to investigate some of those because there can be almost no positive outcome. It is very unlikely in some circumstances. I am in danger of appearing foolish if I get the analogy wrong, but, if you are saying that the food was not adequate on that day, in the very broadest terms there is nothing positive the ombudsman will be able to do, so let us be clear at the start.

I was talking about trust. Trust is sometimes overthought. If you are clear about what service you will and will not provide and you provide that service to the very best of your ability, communicate clearly what the outcome was and repeat that remorselessly, trust will eventually be gained because you are doing exactly what you said you would do.

Q38 Edward Timpson: To turn that into practice and how it is received by those in prison, those on probation and those working within those environments, how will you go about improving both awareness and understanding of the complaints process, which ties in with your rebranding, as I think you described it, of what the service is there for and people understanding how to access it, and for the right reasons?

Adrian Usher: The reason I referred to the relationship with prison governors is that I was speaking to a former employee of the ombudsman's office who had spent a lot of time in prisons up and down the country and had only ever seen two posters for the ombudsman's service. There will be a whole host of reasons for that; it is hardly a rigorous evidence set, but you require HMPPS to treat the ombudsman's office seriously, and if you have a demonstrably independent but collegiate relationship with them it benefits both of them.

Ultimately, the reasons for the birth into the world of the ombudsman's office was that prisoners did not have a voice and the fairly catastrophic consequences of that on a number of occasions. Therefore, it is to everybody's benefit that prisoners and others within the service remit understand they do have a voice and there is somebody they can turn to who will listen to them. That is good for prisoners' behaviour in prisons; it is there so they feel they have a voice. I think it is enormously important.

As to the levers available to me to improve that, that will take further investigation.

Q39 Edward Timpson: The remit of the PPO has evolved and grown over time and now includes young people who are on the prison estate. Earlier, you alluded to fewer complaints from women and young people. What will you do to try to address perhaps some of the existing barriers that give rise to those statistics?



Adrian Usher: As you would expect me to say, the first thing is to get to the data. I understand that a piece of work has just been done within women's prisons to try to understand it, and the ombudsman's office is analysing that data to determine why there is a low number of complaints from women.

The same process needs to be undergone in young persons' institutions to understand why that is. Do they not know it exists, or is it something to do with length of sentence? Are they being treated differently? Are they being treated better?

All of that needs to be thrown into the pot so that there is a really good understanding of why that is, and then you can address it. Resource is so precious that you do not want to be pouring it into something that is not really well evidenced and will not make a difference.

Q40 **Edward Timpson:** The outgoing ombudsman, Sue McAllister, made it a particular priority to reduce the backlog of some of the complaints, with some good results. If appointed, how will you go about sustaining some of that improvement and making it an essential part of the performance of the organisation?

Adrian Usher: In previous answers I have said I strongly believe I can bring real value to investigative efficiency, which would obviously reduce the backlog.

I also refer to my answer regarding what we will and will not do and being really clear about those things where there is no point in having a protracted investigation.

Those two things aside, my only concern with the backlog is that, as far as I am aware, it is currently the only performance indicator. There are dangers in that. If you have a performance culture that is fixated on time deadlines, in my experience two things happen. First, everything happens at the last minute. If you have six months to do it, activity really heats up at five and a half months.

Secondly, if that is your only performance indicator, where is the indicator for quality outcomes to show you are making a difference? Therefore, reducing the backlog is important because in many cases if justice is not swift it is not just. Equally, it cannot be the only thing we are considering; otherwise, that way danger lies.

Q41 **Edward Timpson:** Does the same apply to fatal incident initial reports, where the timeliness of their completion is, I think, 20 weeks? It has fallen from 70% in 2020-21 to 45% in 2021-22. Clearly, you want to improve that, but you will also be mindful of the quality of the reports and that they address the issues that they raise.

Adrian Usher: Of course, quality is something for which I expect to be held accountable. I would be surprised if that was not covid related.



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There was probably a fairly substantial number of deaths in that period and it is bound to have slowed things down a bit.

I already have some thoughts about natural-cause death investigations. You might be able to improve the efficiency of those investigations without losing quality. It will be an area of focus and one in which I am very much interested.

- Q42 **Edward Timpson:** You talked a little earlier about the danger of investigating each case and not extrapolating and understanding some of the themes that come from them. How will you go about carrying out the thematic work that forms part of the PPO role in a way that will bring out the most learning from across the prison estate and probation service so that we do not lose some of those themes that sometimes form the cultural issues that are holding some of the improvements back?

Adrian Usher: That is, clearly, investing in an intelligence function. Where I have done that in the past, yes, that means fewer investigators, but if that intelligence function is driving down demand—and, in my experience, it always does—it is an investment worth making. It is about being able to say with some degree of confidence, as I said earlier, which of our institutions we think might have a problem with property stores.

It is a hugely data-rich environment. Those annual reports have enormous amounts of data, although it is all rearward facing, and that needs to be flipped by investing in an intelligence function that can bring to bear organisational and individual experience and turn that rearward-facing data into forward-facing data that passes the scientific test of being able to make predictions with a reasonable degree of certainty.

If you do that, demand goes down and all institutions become safer. That is where I would make the investment, and I would make it very clearly. It would be individuals assigned to do that.

- Q43 **Edward Timpson:** You identified earlier that one of the key organisations in that thematic work—and generally as a professional relationship with the PPO—was the inspectorate.

Adrian Usher: Yes.

- Q44 **Edward Timpson:** Would it be helpful to have a similar professional relationship with any other organisations to tap into their knowledge and expertise in this area?

Adrian Usher: There is a huge number. There is more than one Ministry interested in the work of what goes on in prisons, for all sorts of different reasons. There are key third-sector partners such as the Howard League, the Prison Reform Trust, JUSTICE and Amnesty International. My experience is that time and energy invested in partnership in peacetime plays dividends in crisis, and being proactive to listen to those organisations helps. It would be certainly within my 100-day plan to meet all those organisations.



You are not always going to agree, but you are going to have a professional relationship, which means you understand and you have heard that voice, and that will help to shape the way you do things. I would be surprised if all those organisations had 100% trust and confidence in the ombudsman's office. You can professionally disagree but still have a really positive working relationship, and that is, with all those organisations, the kind of relationship I would want to have.

- Q45 Edward Timpson:** May I tentatively suggest you add to that list on which you have started to expand the national Child Safeguarding Practice Review Panel, which looks at child deaths and serious abuse of children, because it would be a useful resource and partnership to build on?

Finally, going back to what you identified as the key challenge, which is always about money, and trying to understand what it is you require as an organisation to perform all your responsibilities to the best of your ability, have you made an assessment yet, or do you have any idea, of whether the PPO has sufficient resources to investigate more complaints this year than it did last year?

Adrian Usher: I have not. Without being overly defensive in this field, until the public announcement was made last week, my ability to engage with the ombudsman's office was fairly hampered because of this process, and I was very keen not—it has been a very long process—to make a mistake in the final weeks of that. I will now be able to acquaint myself with some of those more granular details assuming that I am still within the process after this hearing.

- Q46 Edward Timpson:** Recognising the independence of your role and the need to maintain that, will you be seeking assurances from the Lord Chancellor and his Department that the resources that are needed, having identified what is required, will be forthcoming?

Adrian Usher: Yes. Before you do that, you have to absolutely make sure your house is in order and that you are as efficient as you possibly can be, and that there is no shroud-waving where it is not required, because when it is you have lost some credibility.

- Q47 Maria Eagle:** You have said a lot about prisons—we have all spoken a lot about prisons—but how do you see your role on the probation side? It is a bit different.

Adrian Usher: It is different, and it is part of my professional development to understand those differences. The remit has changed to include the pilot that included deaths within 14 days of release from prison, which undoubtedly will impact on the probation service and its ability to deliver the service. I am sure that within those investigations, within that pilot, probationary service delivery will be a key area. It is a different relationship between a probation officer and somebody who is receiving a service and prison staff and a prisoner.



Q48 Maria Eagle: You said you thought that the numbers that Mr Timpson quoted—about only 45%, in the last year for which there are figures—being sorted within the initial report and the relevant period of time required, as opposed to 70% previously, was something to do with covid, but there was a very small number of deaths in our prison system during covid. Were you just making assumptions?

Adrian Usher: No, I thought, having looked over the previous prison reports, that there were about 300 deaths per year in prison and about 80 or 85 of those were self-inflicted deaths, and that that number had been rising. I thought I had seen one of the ombudsman's reports from 2021 that said that that number was over 400, and it was that that I was relying on.

Maria Eagle: Fair enough.

Q49 Chair: You talked about probation, but, of course, the ombudsman's role is all complaints against the probation service, not simply those who died while under probation and supervision. What is your experience of that probation work? What skillset do you bring? You made a detailed explanation on prisons.

Adrian Usher: I have less personal experience and professional experience of probationary service delivery. I have some experience having investigated and having had other professional relationships with prisoners who were receiving it. This may not be what you are alluding to, sir, but it is not the poor relation in terms of investigation.

If you decide in any sphere that an investigation is warranted, the standard to which I have held my staff for my whole professional career is that you need to be as close to being certain as to what happened because the complainant deserves that, the prison staff deserve that and bereaved families deserve that, and that does not change because we are investigating a probationary complaint or a prison one.

Q50 Karl Turner: The PPO has raised concerns about the extent to which its recommendations have been successfully implemented, and it is fair to say that previous ombudsmen have been disappointed that investigations have identified repeat concerns and failings even after recommendations have been accepted. What steps would you want to take to make sure that there is effective implementation of PPO recommendations?

Adrian Usher: The first part of that is writing the recommendations in such a way that they are able to be implemented. That does not mean that you compromise your independence. I certainly throughout my career—and many people in this room may have—received the gift that is the uncostered recommendation. If you approach it in that way, it is very easy to make a recommendation if you are not cognisant of the resource that will be required to implement it. For that, you need to understand how that prison or probation service is operating and the difficulties they have in resource allocation.



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The first step is to write it in such a way that you make it as easy as possible for whoever is going to have to implement it to implement it.

I am surprised that you get recommendations that seem to effectively say a prison needs to comply with its own policy. Those are matters of governance for the prison. If you are in that position, it is the relationship that the ombudsman's office has with the inspectorate and with the Prison Service itself that could be most effective in making that difference.

Q51 Karl Turner: I do not know whether you have made any assessment of this, but do you think the PPO currently has the levers required to enforce its recommendations?

Adrian Usher: I think, in plain terms, it does not. The question is whether it is desirable that it does.

Karl Turner: Yes. Thank you.

Q52 Chair: You have talked in some detail, Mr Usher, about—my words, not yours—the rigour of the investigatory process being essential to the role and a high priority of yours. Is there any scope for the PPO to be an influencer of policy or practice within the Prison and Probation Service?

Adrian Usher: Yes, there is, I believe, but how that is done is probably the key question.

Q53 Chair: How would you?

Adrian Usher: It would be remiss of me, if I am leading an organisation that is picking up thematics, not to feed those thematics into the right place. Very often, that will be to the Prison Service. It might be to the inspectorate, but it will also be into those areas of Government that can make a difference. It is not an elected office. It is not there to make policy, but it can certainly influence policy by providing the right data in the right way to the people who are making those decisions.

Q54 Chair: That is, in a sense, building relationships with stakeholders, is it not?

Adrian Usher: Absolutely.

Q55 Chair: How often have you had to do that in the course of your work? You may say very often.

Adrian Usher: That is absolutely the case. If you are running a borough—

Chair: Yes, it is the obvious one, is it not?

Adrian Usher:—you obviously have to have a good relationship with the leader of the council, the chief exec, faith leaders and charities. You really have to be terribly well networked. That goes to my point; those



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relationships that you have expended energy in building in peacetime pay dividends when things start to go wrong.

When I was in protection, I had to retain my operational independence while having professional relationships with the most senior stakeholders in the land, and that was not always easy. It required some skill and resilience. Your communication had to be very good if you were saying “no” to people who expected a very high level of service. You had to maintain your operational independence and occasionally say “no”.

- Q56 **Chair:** I understand that. You may have mentioned this at the beginning; forgive me if you talked about it earlier. You are in a role where, essentially, you are, as you rightly said, the person charged with investigating complaints by people who are troubled about their treatment by one or other of the agencies.

Your own background—it has been a distinguished one—is in a uniformed authority-type service rather like the very organisation, certainly in relation to prison, that you are charged with investigating complaints against. Do you think that the complainant will feel that you are sufficiently removed from the culture and hierarchical approach of such a service?

Adrian Usher: Certainly more so than from someone within the Prison Service. We discussed earlier that there are pros and cons.

- Q57 **Chair:** As opposed to somebody who is not from a uniformed authority-type-figure service.

Adrian Usher: I think it is a double-edged sword. There will be ones whose trust you will have to work harder to gain because of that fact. I would say with some confidence that any person who had ended up in prison as a result of my investigation would be confident that, by getting a senior investigating officer of my experience to look at their complaint, once I had convinced them that we were treating it seriously, they were getting an accomplished investigator who knows how to do this, and therefore the chance of them receiving some kind of justice in the outcome is higher.

- Q58 **Chair:** The majority of people will not have had that experience, of course.

Adrian Usher: No.

- Q59 **Chair:** So, how do you do that with the general cohort of investigators?

Adrian Usher: Sorry, I was not just referring to the—

Chair: No, I understand the point that you are making.

Adrian Usher: There will be enough people in prison who believe that, because it is a police officer and it is a detective, that will bring some reassurance. As I said earlier, trust has to be earned, and that means you have to be proactive about it and dedicate energy to it.



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Q60 **Chair:** Is there anything else that you have not had a chance to raise that you think is relevant to us?

Adrian Usher: No, other than to apologise for my slightly croaky voice.

Chair: You are not the only one. I am trying to avoid coughing.

Adrian Usher: Join the club.

Chair: There is a lot going around at the moment.

Adrian Usher: Indeed.

Chair: Ms Daby, do you want the last question?

Q61 **Janet Daby:** A last question from me, and you may want to consider how you wish to answer it. How should we judge whether your tenure as a Prisons and Probation Ombudsman is a success?

Adrian Usher: More trust, fewer self-inflicted deaths and better investigations. I believe that, in the same way as I said that independence does not mean you cannot be collegiate, independence does not mean you are not accountable. I have spent my professional life being held to account for the results I deliver, and delivering them ethically and properly. I expect to be held to account, should I be appointed, in the same way.

Chair: Thank you very much, Mr Usher, for your time and for giving evidence very clearly to us. Our proposal now is immediately to consider our report, which we will make available as soon as we possibly can—in the course of today, I very much hope.

Adrian Usher: Thank you.

Chair: Thank you very much indeed.