

Public Accounts Committee

Oral evidence: Improving resettlement support for prison leavers, HC 1329

Thursday 8 June 2023

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[Watch the meeting](#)

Members present: Dame Meg Hillier (Chair); Olivia Blake; Dan Carden; Sir Geoffrey Clifton-Brown; Peter Grant.

Gareth Davies, Comptroller and Auditor General, Jenny George, Director, National Audit Office and Marius Gallaher, Alternate Treasury Officer of Accounts, HM Treasury, were in attendance.

Questions 1-126

Witnesses

I: Antonia Romeo, Permanent Secretary, Ministry of Justice, Amy Rees, Chief Executive, HM Prison and Probation Service, James McEwen, Chief Operating Officer, MOJ, and Jim Barton, Executive Director, HMPPS.

Report by the Comptroller and Auditor General
Improving resettlement support for prison leavers to reduce
reoffending (HC 1282)

Examination of witnesses

Witnesses: Antonia Romeo, Amy Rees, James McEwen and Jim Barton.

Chair: Welcome to the Public Accounts Committee on Thursday 8 June 2023. Today we are revisiting work we did on improving resettlement support for prison leavers. Thank you to the National Audit Office for their Report.

We all know that reoffending has significant costs to society: there is obviously the loss to victims directly, and there are the costs of running police investigations and court hearings, but if people are not resettled well, there can also be wider costs to society through the impact on their lives, the health service and so on. We know that prison leavers are much more likely to reoffend if they are not resettled well into the community.

It is very depressing reading the Report; it feels like groundhog day—like we have gone backwards on some of the resettlement issues, and we will delve into those. In particular, differences based on ethnic background and gender can be quite substantial in terms of some of the resettlement scores, and we will be probing the Department and HMPPS on that.

I would like to welcome our witnesses. From the Ministry of Justice in Whitehall, we have Antonia Romeo, who is the permanent secretary, of course, and James McEwen, who is the chief operating officer. We are also pleased to welcome, from His Majesty's Prison and Probation Service, Amy Rees, the chief executive, and Jim Barton, the executive director, who was with us only on Monday—he loves coming to this Committee so much. I would say to our witnesses that Mr Barton and his colleagues were very candid on Monday, so we hope you can be as candid today.

Before we go into the main session, I am going to ask Sir Geoffrey Clifton-Brown to ask a question about the accounts, Ms Romeo.

Q1 **Sir Geoffrey Clifton-Brown:** Good morning, Ms Romeo and the rest of the witnesses. This is not a trick question; it is just to get this issue on the record. I understand that your accounts could normally be audited by the summer recess, but you have chosen to delay them until November because of a technical qualification. Would you like to explain your reasoning for that, please?

Antonia Romeo: I certainly have not chosen to delay the laying of our accounts; in fact, I am very keen to lay them before the summer recess. Unfortunately, we are dependent, in the MOJ group accounts, on the

HMPPS accounts, the CAF/CASS accounts and a number of other sets of accounts. Those are being delayed because they are waiting for assurance from the local government pension scheme audit, which I understand is not going to be completed until the autumn. As a direct result, unfortunately, our group accounts will be delayed until then. Thanks to the NAO, we are quite well progressed in the audit of our accounts, subject to that local government pension scheme audit.

Q2 Sir Geoffrey Clifton-Brown: The Comptroller and Auditor General has briefed us on this, as you can imagine. He says he is quite happy to audit the accounts with a small technical amendment relating to these pensions, and that is quite common elsewhere. We are well aware of the issues with local government. Would that not have been a better solution, so that the accounts could be audited in good time?

Antonia Romeo: I took very seriously a conversation that happened in front of this Committee about the potential for a qualification due to limitation of scope. I understood that the Committee might—but no commitment—look benignly on such a qualification, on the basis that there was a clear path to that not persisting in perpetuity. In practice, I have not been convinced that there is a clear path to resolve the local government pension scheme audit. As a result—not wanting to kick off a regular series of qualifications of the MOJ accounts—I do not feel able to accept that limitation of scope.

Were it the case in the future that there was a clear path that meant that, perhaps for one year, we might be in a position to accept a limitation of scope, I would obviously consider this again in discussion with the NAO and others—and, of course, it is also Amy's accounts, as the chief exec and AO of HMPPS. But, currently, there does not seem to be a clear, enunciated plan, which makes it quite hard to make that commitment.

Chair: Comptroller and Auditor General, do you want to make a comment about this? As a Committee, we are obviously very concerned about what is happening in local government, and this is another example of why we should be concerned.

Gareth Davies: It is, and as the permanent secretary says, this is a direct result of delays in the local public audit world. It is really good that the prospect of a qualification is not taken lightly. That is important generally as well, but the underlying issue is restoring good discipline into the audit of local authority accounts, including local authority pension funds. Until that is fixed, we will continue to see problems like this emerging. In fact, I was giving evidence to the DLUHC Committee on Monday on exactly this point.

Chair: We wanted really to hear your thinking about this. It is quite worrying that you are having to consider all these things, and it is delaying your accounts. It is not a good situation, but we completely appreciate where you are as an accounting officer. It is helpful to have your rationalisation of why you have taken that decision. We will leave that there for now, but we will be watching this with you and other colleagues.

Sir Geoffrey Clifton-Brown: Chair, with your permission, I am sure Ms Romeo is well aware that this Committee has been doing a lot of work on delays in local government accounts, and we have been pressing very hard for DLUHC to come up with solutions to that problem.

Antonia Romeo: Thank you.

Chair: I fear it is not happening very fast, despite the efforts of your colleague, permanent secretary, who is doing a good job trying to get it moving. Before we move into the main session, I need to ask Dan Carden MP to declare a number of interests.

Dan Carden: As part of my work on addiction recovery, I am patron of Adfam, a charity that supports family members of people suffering with addictions. I am also director of the not-for-profit company Addiction Recovery Now. I am chair of the drugs, alcohol and justice APPG, and vice-chair of the APPG on alcohol harm. I also have two prisons in my constituency.

Q3 **Chair:** I am sure, Ms Romeo, that you will be very welcome to visit with Mr Carden, but we will see where we get to by the end of the session.

I mentioned in my opening marks that reading the Report feels a bit depressing somehow; it feels like groundhog day and we have gone backwards in some areas. It would be helpful to start if you, Ms Romeo, could tell us honestly from your perspective, looking at all these outcome measures—housing, employment, drug addiction and so on—which ones are you most concerned about at the moment? What is top of your list of worries? I will come to Ms Rees as well.

Antonia Romeo: The first thing to say is that one is always looking at a whole range of things, as you have identified. You are looking at the top measure and then the intermediate measures. One of the single most important things that has happened in this space in recent years is that over a decade, the 12-month reoffending figure has fallen from 50% to 38%. That is a really significant change over a decade. Obviously, these things take time and doubtless we will come on to lags, evaluation and how difficult it can be to identify what is driving things. But the first thing to say is that the overall top-line metric is very encouraging—unusually encouraging, actually, for work in this space.

On the individual metrics, I am sure we will be getting under the skin of lots of this, but we are looking at three things. We are looking at employment, accommodation and substance misuse. On employment, there are very encouraging recent results. We are now in a position where we have 30% employed six months after release, according to most recent data. That has gone up from 23% last year and 14% the year before. Again, that is really significant progress. It is hard to identify exact causality. There are a number of factors, but this is always what happens in these very complex systems with multiple players, and obviously with the wider economy at large.



HOUSE OF COMMONS

On accommodation, it is pretty static. We are trying to look at that. We are doing lots of evaluation, which Amy and Jim will want to talk about, of how we can ensure we understand what works in accommodation. We have a lot of significant programmes, in particular the community accommodation service tier 3 programme; with the Committee's agreement I will call it CAS3, because it is just easier. In a measure that we did last year, we saw a 7.6 percentage point increase in the number of adults who had left prison in accommodation on the first night in CAS3 areas than those who were not in CAS3 areas. Again, that is significant, and accommodation on the first night is very important.

Broadly, there are some positive things and some areas where we need to understand more what is working. You asked about areas of concern. Obviously, there is a lot of pressure at the moment, as the Lord Chancellor has said. We are in exceptional times in terms of pressure on the prison system. Police are being recruited by the Home Office, and Amy and her team are recruiting huge numbers of not only prison staff but probation staff, which is really important because we have got to manage these case loads as we get flow through the system.

We know that the impact on demand is going to put pressure on prison places, but also the flow through into probation, and that is crucial. One of our number one priorities is ensuring that we will not be in a position where that pressure is making some of the good work that is happening on resettlement tail off.

The final thing I will say is—I know Amy will want to add to this—post-covid, there are quite a lot of apples and pears going on here. There are two big things that have happened: there was the pandemic and there was also probation unification. In some cases, it is quite hard to look at evaluation figures now versus evaluation figures from before.

Q4 Chair: We also realise, of course, that the inspectorate has changed the way that it is measuring on probation. It is apples and pears; we are alert to that issue.

Antonia Romeo: Indeed. Finally, it is quite difficult in an inspectorate system where you are inspecting different prisons or probation areas each year, because while you can look at the aggregate and get a sense from trends, you cannot look exactly at those numbers because it depends on the type of institution and organisation that you have been inspecting in those years.

Q5 Chair: Ms Rees, do you have anything to add to that, and what are your biggest worries?

Amy Rees: I think my boss has given a really good summary. We would say, at a basic human level, we need to get people a job, a home and then try to support them with substance misuse. We are really focused on those things. I think we have made some impressive innovations and seen some impressive progress.

In terms of concern, I think our vision for all of those services is right, but what we need to work on is consistent delivery in every patch and in every corner. That requires us not just to recruit staff—where I think we have made good progress—but for staff to be embedded and experienced, which will take us a little bit of time.

- Q6 **Chair:** We are going to come on to some of the staffing issues. On accommodation, I will agree to CAS3, because I cannot now remember what the initials stand for—you have beaten me down on that. It is interesting what Ms Romeo was saying on the issue with housing, and how we see that some of the figures are different in different areas where that has been implemented. What is the plan, Ms Rees, to ensure that is consistently applied across the whole of the prison service?

Amy Rees: I am really pleased to say that it will now roll out to every probation region, and we are already in commencement. Each one will be done by April of next year.

- Q7 **Chair:** You are confident that we will see a consistent approach?

Amy Rees: Yes. We had five pilot regions, then we rolled out to Wales and now we are rolling out to the remaining regions.

- Q8 **Chair:** We think pilots are a good thing here. You have obviously learned from the pilots, but have you set milestones for the figures you need to achieve for consistent accommodation?

Amy Rees: Yes. We certainly have a trajectory, and we have learned a lot from the regions about the way that we commission the services. Obviously, we are using providers, and they have to actually get housing—that is a challenge in some parts of the country, without a shadow of a doubt. We have also done some different commissioning models with Wales and Greater Manchester, for example, and we have learned from those. We have also learned a bit about volumes—how they work and how they need to fluctuate. We have learned a lot. The big thing we still have to do is work out how to get the highest possible conversion rate, after those 85 nights of temporary accommodation¹, into permanent, settled accommodation. Progress has been made, but we need to do that more. We have to work in partnership to get that done.

- Q9 **Chair:** How are you going to set the metrics from 84 days to, say, six months or a year? How are you going to measure success? There is always a danger with an arbitrary number of days—whether it is 84 nights or whatever—that you measure up to then and then it drops off a bit. How are you going to ensure you measure that consistently?

Amy Rees: The key measure that we will look at in that sense is how many people we get into settled accommodation at the end of those 85 nights². Some people get released straight into settled accommodation,

¹ After those 84 nights of temporary accommodation

² At the end of those 84 nights



HOUSE OF COMMONS

but if people are using that service, we will measure how many we manage to transition into settled accommodation.

- Q10 **Chair:** Will you also be looking at some people who have, perhaps, moved back into family homes, which is conceivably easier when compared with those people who have come out with absolutely no resources or connections? Even a settled home for them is more challenging, because they are having to manage a tenancy or whatever.

Amy Rees: Obviously, a variety of different people end up in different circumstances. On the whole, the people who end up using our CAS3 services are people who did not have any alternatives at that time.

- Q11 **Chair:** So you think that is a good measure.

We have talked a bit about accommodation. One of the other issues that we have looked at a lot before is the employment statistics. One of the things that jumps out from the Report, for both accommodation and employment statistics, is that it is very different depending on whether you are a woman or you are black, compared with if you are white. Could you unpack that, because it is a big concern, especially if you look at the make up of the prison population?

Amy Rees: Of course I will. I will get to that question, Chair, but if I may, it is one of the things we are most proud of. We have gone from a 14% to a 30% employment rate, which we think is really significant. We might chat about that more in a minute.

In terms of what we are doing to address inequalities, there is a variety of things. You will remember that we produced the target operating model for probation, in which we were very clear what data we wanted to collect, because obviously you've got to have really good data for this stuff in order to then address the equalities. We have invested in probation leads—in dedicated equality leads. We also have a probation equality monitoring tool.

We have done quite a lot of specific things for women. For example, we were just talking about CAS3: 10% of that CAS3 accommodation is dedicated only for female offenders. We have a female strategy, so we are doing a lot of different things. We also have the race equality plan that we are trying to work out right across HMPPS, but it is clear that there is more to do in this area, and we are going to have to keep working and keep defining.

I suspect another thing we will talk about quite a lot this morning is evaluation and how we evaluate it. What we've got to do is try and get really robust data on this evaluation—we are in the early days of lots of these things, as you know—to make sure we can then tailor specifically for different people in different parts of the country. We also have some different outcomes in different parts of the country, so we will need different approaches. There are different job opportunities in different parts of the country. All of that will need tailoring as we try and develop these services.

Q12 **³Chair:** Ms Romeo, do you want to come in?

Antonia Romeo: Amy has set it all out really well. I was just going to add that of course, we have accepted the NAO's recommendation that this is an area where we need to improve our insight into this, and that is the work that Amy and her team are leading.

Q13 **Chair:** I remember that when the probation changes were effectively reversed, in simple terms, I did actually speak to Ministers about why they were doing it at the pace they were doing it. We might not always agree with them, but there were logical—more political or geopolitical—reasons for doing it that way. But that does mean that some of those contracts that were let, but the lower-level contracts—the more localised, specialist ones—were not let in the same way.

With some of the things we were just highlighting there, Ms Rees, we have looked before at women particularly. There are very few women prisoners in any area, so sometimes that has to be national; we will get on to some of the substance issues, but there is some very specialist support that certain prisoners will need in terms of rehabilitation that has got to be very local. Have you yet got that balance right? Maybe Mr Barton would come in on that, on making sure that all those really local supports are there and are properly funded, because sometimes they get the crumbs from the table. They did under the old probation regime.

Amy Rees: If it is okay, I will pass on to Jim to talk about contracts, but there are a couple of overall things I would like to say about that. One, it is my firm belief that if you want those really tailored services, you do need to do that as locally as possible. It is one of the reasons that I am leading the One HMPPS programme, which is to try and introduce area executive directors in England like we have in Wales, so that we can bring together probation and prison services in regions to try and do exactly what you are talking about.

We have also had innovations like the regional outcomes and innovation fund, which our probation leaders run. That is to try and do exactly what you are talking about: to invest in very local services. As I also mentioned, we are trying to do things specifically and differently, docking in where we can—things like Greater Manchester and Wales, where we are trying to look at commissioning differently to try and really get into those local services.

Q14 **Chair:** That is interesting—the commissioning is quite interesting. Mr Barton, do you want to come in next?

Jim Barton: Just to acknowledge, you are absolutely right. We had to make some hard prioritisation choices during probation reform as to which contracts we prioritised putting in place for what we called day one—so, the first day of the new service. We took those choices with senior operational leaders in prison probation to prioritise accommodation,

³ [Correspondence from Amy Rees, Chief Executive, HM Prison and Probation Service, re transforming electronic monitoring services, dated 3 August 2023](#)



employment, personal wellbeing, and then a holistic service for women. I am proud of the fact that we managed to get those contracts up and running for day one, and also deliver the IT tool that was necessary for those contractors to be able to work together with probation. Neither was perfect; I think the NAO rightly highlights that we had further functionality that we had to deliver into the IT system that we have since delivered.

Once we got over that initial position, there was a further wave of work where we were putting in place a second tranche of national contracts, predominantly around finance, benefits and debt. That got us to a total of 131 contracts that we had let through the national project. You are absolutely right, Chair: at that point, we then shifted to a position of essentially vesting control with our regional probation directors about what they commissioned and how they chose to do it—so, what route to market they wanted to pursue. Did they want to commission directly? Did they want to instead co-commission, or perhaps just contribute funding to an existing service that might have been put in place by the PCC?

I think that is the right thing to do. I think it is on the trend that Amy describes, of trying to vest more control with those operational leaders, and the picture across the country is now changing. It looks different in Greater Manchester from how it does in the midlands, for example. And I think that is success.

The final thing I will reference relates to your point, Chair, about smaller services where they are sometimes needed. We have set aside £8 million a year for what we call the regional outcomes and innovation fund. One of the former crop of PCCs referred to it as the pot of gold. It's quite a small pot of gold, but I think, in their conceptualisation, this was money that was not tied to specific, nationally prescribed things: "You must spend it on x."

Q15 Chair: The DWP do something similar in jobcentres.

Jim Barton: Yes, and it's interesting to see how regional probation directors are now using that. On the point Amy made, "Do we know which of those services is working and having best effect? Which of those commissioning models is right?", at this stage we don't and we are investing heavily in evaluation.

Q16 Chair: I'm quite interested in this, because certainly the DWP find that it can be effective at jobcentres, but the challenge is that as you go out and provide it, it could be spent loosely, in some places. Equally, you have some areas of the country where you will only have one tiny specialist provider. You could go out to tender for it, but realistically, if you're in Cornwall, somebody in Cumbria is not really best placed to provide, so you are not going to get competition.

How are you making sure, from where you are sitting, that this money is being spent well for the taxpayer—that you are taking into account those complicated variations but keeping all the protocols in place, so that some local organisation isn't getting it just because they are in a small community where everybody knows who they are and everybody knows

everybody?

Jim Barton: James is making very sure that we do spend that money well. Regional probation directors are not making those decisions in isolation; they have commissioning and contract management teams that work directly to them. But in order to make a contract award—whether that is through a procurement process, a direct award, a grant or something different—that decision needs to be agreed with the commercial team that sits as part of James’s function within the organisation.

Q17 **Chair:** You are doing direct awards and grants—

Jim Barton: Yes.

Q18 **Chair:** Because realistically, some of those very small organisations will not be able to go through a procurement process.

James McEwen: And some of the day one contracts had to be direct-awarded because either there was a failed procurement in an area or there simply were no bidders and so we have direct-awarded for neighbouring region contracts, to make sure there is coverage.

Q19 **Chair:** How do you make sure that you keep them honest, non-fraudulent and all the rest of it? I am sure you can talk us through the protocols that are in place. I’m talking about just making sure that they are absolutely the best they can be where there is very little competition, which is the case in some areas.

James McEwen: We might go on to talk about this. Our contracts have two key activity-based measures in them. For many of the contracts, we then have two other, more outcome-based or qualitative measures, where we have the right to audit.

For the larger contracts—this goes back to the balance in relation to specialist providers and very small, local providers—we have an audit regime in place and financial penalties attached. For smaller contracts, we have strong data collection, but we don’t put the financial penalties across them and the audit is less onerous, because for those very small, specialist providers, that is the quickest way to locking them out of the market.

So we are having to find a risk-based approach to making sure that we have a clear line of sight on to the activity that’s going on. That goes to your point about making sure that we could see if there were any abuse or fraud, although we haven’t seen anything in these areas. Then, for the larger contracts, there is the right of audit and the prospect of financial penalties if our contractors are not providing the services that we wanted.

Q20 **Chair:** We are going to come on to addiction services, but we have looked before at the issue of women. Of course, there are not many women prisoners in an area. So that is national now, is it?

Jim Barton: The contracts are let at area level.

Q21 **Chair:** Can you talk us through something, just to put a bit more of a



HOUSE OF COMMONS

human face on it, if you like? As I said, we will come on to addiction, but you have prisoners with literacy issues, prisoners who are neurodivergent—there are other disability and equality issues where the specialist support that people will need will be quite intense. Can you give us examples of small, local groups or larger contracts that have been able to provide that well, of where there is a good news story on that, and of where there are perhaps still challenges?

Jim Barton: May I correct what I just said? Apologies, Chair. The women's contracts are let at police force level, so there are 42 of those across England and Wales. First of all, there was a very conscious decision to let all those services for women together. Rather than embedding accommodation support within the wider contract for men, we have chosen to group accommodation, employment, personal wellbeing—all those things—together into a single contract.

We took that decision in large part off the back of dialogue with the sector, including with organisations like Anawim, Advance and others that we have worked with for many years—since the first investment of funding in about 2010 to try to improve outcomes for women in the community on release from prison. I am really proud of the fact that most of the organisations we have worked with over that time have been successful in securing contracts with us.

Anawim is a service that operates in Birmingham. It has a long track record of working with probation, and it has its own sites. We locate probation staff with Anawim on those sites, rather than expecting women to come into probation offices, which they might not feel are the right environment—the right safe space. That allows the women who access that service not only to engage in the statutory elements of probation supervision, but to access therapists, family support workers and others, not all of which will be funded through our contracts. It is that kind of approach; we are trying to create a bespoke service for women.

On the point that the NAO makes about the differential outcomes for men and women from a resettlement perspective, we are aware of that. That is why we chose to contract for women's services in the way we have. What we can't say at this stage, because the contract is too new and immature, is whether our approach will correct that. That is why we are investing heavily in the evaluation of those services.

Q22 **Chair:** We like people investing in evaluation. There are other issues around neurodivergence. Do you have any examples of other very specialist support that is working well and being evaluated?

Jim Barton: We have an evaluation plan around all our activity. I am afraid that a line that you might get slightly tired of hearing today is that the evaluation is planned and has been commissioned, but we do not yet have the outcomes from it.

Q23 **Chair:** We know that good evaluation takes a long time. We are just keen to make sure it is embedded at the beginning. Do you have any other human examples, if you like, of good practice for specialist groups of



HOUSE OF COMMONS

prisoners?

Jim Barton: Yes. Within the north-west, we have a specialist project that works with individuals who have autism. That works within prisons and probation and provides access to specialist knowledge that probation officers can refer into. It gives expertise, in terms of how we engage with those individuals, and potentially a different way to undertake that engagement, rather than it coming through the stony face of the Probation Service, if that is an acceptable phrase.

Q24 **Chair:** Ms Rees, how are you assessing which prisoners are autistic?

Amy Rees: You are asking a big question, which isn't just about the people we commission. One of the things I was going to say is that every single one of the CRS contracts that we let had very specific requirements for those with protected characteristics. We asked for specific additional services.

On your question, I was just going to mention that we have invested in neurodiversity leads in prisons so that we can try to identify people, which is quite a difficult thing to do. To give you a human example, in the prisons in Wales, co-funded with the PCC, we have someone who comes around and tries to do an evaluation of head injury and the impact that might have on someone's ability to engage.

It is also the job of our prison and probation staff—they do it brilliantly—to deal with so many different people and the voluntary sector, which may not be commissioned with us but come and help. That includes everything from the Samaritans to all sorts of voluntary organisations in prisons. There are all sorts of people who try to help us tailor very specific needs for the individual.

Chair: That is really heartening to hear. Over to Mr Dan Carden MP.

Q25 **Dan Carden:** Thank you, Chair. Mr Barton, I want to follow up on housing. I am a constituency MP, and in this place we have had lots of debates on problems in the supported housing sector, where large rents can be charged, and often the support can be very minimal. Are you aware of that problem? If so, how do you deal with that?

Jim Barton: I can probably only speak about the accommodation services that we provide. CAS3, which is a service that we talked about earlier, is in place in half our regions at the moment, and it will be rolled out to all of them. It provides up to 84 nights' accommodation on release for those who otherwise might have been released homeless. That is a service that we fund, so we are not looking to reclaim or recoup costs from individuals either directly or through housing benefit. That feels like the right model to test a service. This is new, and again we are going to be evaluating it.

I would probably feel slightly outside my professional expertise and comfort zone commenting on the workings of the wider housing market beyond that. Clearly, we look to our accommodation contracts to help individuals navigate that. They can't control that local market, but they



have strong networks of knowledge around appropriate landlords—landlords that they would recommend or want to refer people to.

- Q26 **Dan Carden:** Do you think more could be done on that, because homelessness is a persistent problem for prison leavers? Many will require more than simply a physical place to live, which can be quite isolating; they require that additional support. What more can be done?

Amy Rees: Can I just talk you through the three levels of accommodation? It's called CAS3 for a reason. We've also got CAS1 and CAS2; I will just talk you through those quickly, because they all have different levels of support for different people.

CAS1 is approved premises. We have about 2,200 of those beds. That is high-level-intensity support for people who are released, normally for our highest-risk offenders with the most complex needs. They will get 24/7 staffing, requirement to sign in, curfews—lots of on-site support—but obviously that is for a relatively small number of people.

CAS2 is our bail accommodation services. We have a variety of housing that we use where people can have, as an alternative to prison, either potentially bail from court or HDC—home detention curfew—at the end. Again, some support, but not at the same level as approved premises, or APs.

Then, in terms of CAS3, we have in our contract requirements for some support for people to go into the housing and check them. I actually get notification every day of any incidents that happened in CAS3s⁴: people not behaving as they should be or having visitors they shouldn't have on site—that kind of thing. So we do have a pretty good level of check and we check that the fabric of the property is being looked after as we would expect.

Of course, all of these will also be subject to probation support. On top of whatever is going on in the housing, they will also have, if they are released on licence or on a community order, the support of the probation staff in the community.

Going back to your overall question and the question that the Chair posed earlier, our real challenge is how we get people off what is a relatively high level of support, although differentiating in the way I have just talked about, into permanent settled accommodation where there might be less support. That is a challenge.

Antonia Romeo: Just to add to that, the cross-Government reducing reoffending board is the space that brings all this together, jointly chaired by Amy and Ross Gribbin, who is director-general of policy on this. DLUHC is obviously on that board, because, as you are hinting at, this is across Government. Getting prisoners into accommodation and keeping them in accommodation as ex-offenders but also to make a contribution to the

⁴ notification every day of any serious incidents that happened



HOUSE OF COMMONS

community, to make sure they can hold down a job and so on, is absolutely crucial and isn't something that we control all of.

You referred to the wider housing market. There is no doubt that there are a number of difficulties, with things like inflation making a big difference. Cost of living issues are making a big difference to what we can do with money that we are providing to prisoners in order to get themselves into accommodation and keep themselves there, with that support. There are some very challenging headwinds, and it would be pointless not to acknowledge that.

- Q27 Dan Carden:** HM inspectorate of prisons rated 30% of prisons as being good for rehabilitation and release planning in 2019-20. That fell to 3% the following year, and as of February this year not a single prison has been rated as being good for these services. Could you comment on that?

Antonia Romeo: I will say something and then—we were literally just talking about this. As I said earlier, that of course depends on which prisons have been inspected in a particular year as to the overall numbers, because it depends on the type of prison. Obviously, also, the crucial thing about resettlement is that it has become harder. First of all, there is the metrics problem that we talked about—anything measured before unification versus after unification.

- Q28 Dan Carden:** This is separate to that, no—the inspectorate?

Antonia Romeo: Yes but the outcomes, of course, depend on a whole number of things. The inspectorate will be looking at prison services, but a lot of it is still through the gate.

- Q29 Dan Carden:** It is a pretty clear trajectory and a clear drop from 30% to 3% to zero.

Antonia Romeo: Well, what I am saying is that there is the fact of metrics—these things do matter: whether or not you are looking at exactly the same metrics does matter. Also the basket of prisons within a particular year also matters. There is no doubt that there has been a really significant impact. Doubtless, a number of factors will have contributed to that. I am not being complacent about what is happening on the numbers; I am just giving colour to some of those metrics. Amy will want to comment on the specifics.

- Q30 Dan Carden:** Let me bring in another fact from the Report: "In 2022, HMPPS found that of 98 prisoners it sampled, almost one-fifth had no contact with their probation officer in the community before their release; handovers between prison and probation staff were poor; and almost one-third of prisoners' resettlement plans did not sufficiently identify their needs."

Amy Rees: I said right at the start—and I meant it—that our vision for those services is right. We have actually set a more challenging vision. So, for example—

Chair: Sorry; you say "vision", but we have had Through the Gate



HOUSE OF COMMONS

services for a long while, so the vision has been around a while.

Amy Rees: I was just about to explain the specific bit of vision that we have changed, which is that we are trying now to get a handover point 8.5 months before someone is released to give the best possible chance of preparing for it. We are improving on that stat, but we are not yet exactly where we want to be, and that is because we are, as you know, recruiting lots of probation officers—we have recruited more than 4,000 probation officers in the last few years.

Q31 **Dan Carden:** The worrying thing is that it seems that a minority of prisoners can go through the system and not be touched by what your vision is—they are not seeing the probation officer in the community before release, and prison officers are not being linked with probation—so some are passing through the system with absolutely no support whatsoever.

Amy Rees: As I say, we have seen improvements, and since February, we have seen some better inspector scores in resettlement, but I take your point about consistency. We are also managing, for example, to get a full sentence plan within 15 days to 85% of those who are released or who are on a community sentence. We are absolutely trying to move the handover point further back all the time—we are improving in that metric, but there is still a long way to go—and 85% of people do get the full sentence plan within 15 days, even if they have not managed to get it earlier in their sentence.

That is my point about the vision: we have actually pulled that back. We have given ourselves a more challenging target in saying, “We need to give people the longest possible chance”. What we are trying to do through both this and OMIC—as well as, in fact, through one HMPPS programme that I mentioned earlier—is to join up, so that you have a seamless journey and community probation officers are working in prison eight-and-a-half months before the point of release. That is challenging. Then, we have a separate prison for shorter sentences, because of course, some of our people do not spend that long in custody before they are released.

Q32 **Dan Carden:** I know from visiting prisons in my constituency the challenges that they face because of a lack of staffing. I imagine that that has a big impact on the work that probation is trying to do. If you do not have the numbers inside the prisons, how can you have a link between prison and community?

Amy Rees: Staffing has been a challenge for us right across HMPPS. We are seeing good improvements in a number of job applications. As I mentioned, we have recruited 4,000 probation officers in the last three years—that is a record—and we are actually 855 probation officers over the current target, but lots of those are in training, as I have said, so they are not yet fully qualified and able to hold a full case load. Even after they have completed training, it will take them a little while to be completely up



HOUSE OF COMMONS

to speed and experienced. We are seeing positive progress in recruiting both probation and prison officers, but it has been a challenge for us.

Q33 Dan Carden: What about tackling staff retention rates? I know that that is a problem in prisons as well as in the Probation Service.

Amy Rees: The probation officer turnover rates are 7.5%. That is too high, and we want it lower, but it compares quite favourably with the 13.6% rate of the rest of the civil service, for example. Also, HMPSS overall is at 12.5%, and our band 3 to 5 prison officers are at 14.6%. We want that to be lower right across the board.

Q34 Dan Carden: Isn't the problem that it is a very tough and often low-paid job? What can you do to make the job more appealing and better paid?

Chair: You had a big recruitment drive recently, but you still have a 14% vacancy rate in prisons.

Amy Rees: We have had a big recruitment drive; the number of applications is really pleasing.

In terms of what we do, I think there are some stats in the Report on what staff think about the job. One thing that our staff all say—our fantastic, brilliant staff—is that their calling to do the job is really significant. You will see that that scores really well against loads of parts of the civil service, so the purpose and values of the job still absolutely resonate with people. We are doing a lot about wellbeing; we have done a lot of practical things about safety in prisons, including the roll-out of PAVA, body-worn cameras—

Q35 Chair: PAVA?

Amy Rees: Sorry; it is a synthetic spray that you can deploy, as the police do, to have a temporary effect so that you can intervene in incidents. Prison officers now carry it in adult male prisons.

Antonia Romeo: May I just add one point on retention? Recruitment is a really important driver for retention, because case load is directly related to stress levels and the difficulty of the job, despite what Amy commented on about the really high purpose and values-led culture in the Probation Service. The recruitment of the 4,000 new staff, though still not all qualified yet, coming online will make a big difference in retention as well, we think.

Amy Rees: Can I mention geographical differences as well? Obviously, those numbers hide a lot of variances depending on where you are in parts of the country. It does significantly vary in both prisons and probation. Broadly speaking, there is quite a significant difference between the north and the south in terms of both recruitment and retention rates. The other thing I would say about retention is that it can also be hyper-local. There are some things that are national, which we have talked about, but there are some other things we have seen. We go into our sites that are struggling most with retention and we do an audit. There are some big things such as safety and pay, but there are also smaller things such as



HOUSE OF COMMONS

car parking and lockers. We try to now have a system of looking at all of those areas where we are struggling with retention and try to tackle all of it.

- Q36 **Dan Carden:** Ms Romeo, perhaps I can ask when you expect to be able to consistently carry out all intended resettlement activities for all prisoners, so that no one is missed.

Antonia Romeo: Obviously, these things tend to build up over time. When you say “carry out all activities”—

- Q37 **Dan Carden:** So you are working on all cylinders, and no one passing through the prison system is missed by probation.

Antonia Romeo: Obviously, it depends. First of all, we are seeking not to miss anybody at this point. It depends on what particular thing you are talking about. We have a number of initiatives under way. On substance misuse, for example, there are a number of things that we think are going to come on stream by the middle of next year.

- Q38 **Dan Carden:** I will come on to that later.

Antonia Romeo: What I am saying is that there is a slight element of “how long is a piece of string?” to the question, inevitably. We have a very ambitious programme. We have the £550 million in this SR for reducing reoffending. It is complicated, and we might come on to how much of that is for resettlement and so on. There are some figures on the £350 million breakdown for resettlement spend in here. It is hard to exactly identify what to do with resettlement. We have a programme of work, which has really serious initiatives that we are introducing, but they are joint with other departments as well. They are all coming on over the next two years. If I come back in the middle of 2025, I would like to feel that I was able to say, “This is what has happened with the initiatives we introduced in 2022-23” as well as, “Now they are all in place”. They are all coming on stream, but they are not all going to come on this year.

Amy Rees: I have mentioned a few times the 4,000 probation officers, and we expect those to make a significant difference as they qualify. They will qualify at different times depending on where they joined the scheme, but on exactly the same timeframe we would expect nearly all of those to be fully qualified, and therefore operating fully and carrying a case load, either in the community or in custody.

Dan Carden: I think one of the challenges we will come to a little later is the expanding prison population, which could potentially be up by 20,000 over the coming years. I will pass back to you, Chair.

- Q39 **Chair:** I was trying to find figures on the prison inspections. I get where you are coming from, Ms Romeo—that a different group of prisons will have a different outcome. Nevertheless, I think it is important that if any group of prisons inspected in a year is rated as low as they have been, there is still a problem across the system. I want you to be clear about that.

Antonia Romeo: I think you are looking at page 22 of the Report. I think what Mr Carden was referring to was the percentage that is “Good”. As you will see, there is a quite significant block of those that are “Reasonably good”. I am not seeking to parse the difference.

Q40 **Chair:** It goes from 30 to three.

Antonia Romeo: There are three in the “Good” category, but the number goes from 62 to 46 in those two years if you include “Good” and “Reasonably good”. The year 2019-20 was a particularly good year, both on rehabilitation and release planning and purposeful activity. That partly speaks to my point about the difference in what sort of prisons you are looking at within those years.

Q41 **Chair:** Surely the aspiration should be that all prisons are at the top end?

Antonia Romeo: Of course. I would like to come back in 2025 and say that all of this is blue or green. I would be a fool to sign myself up to that, but that is the aspiration.

Q42 **Chair:** To pick up on what Mr Carden was pushing at on recruitment and retention of staff, that must have an impact if you have a prison with a prison officer vacancy rate of 14% and probation gaps. We have had some very good evidence, including from St Mungo’s, highlighting some of these issues. Where you do not have some of those people, it has a big impact not just on the prisoner, but when you pass that prisoner over to some of the other organisations dealing with things, such as St Mungo’s. They have extra workload to try to fill the gap, effectively, but after the event.

Going back to recruitment, if you cannot fill those gaps, will you get as many prisons up to the “Good” level when we still see this persistent 3% continue, regardless of which group of prisons is being inspected?

Amy Rees: Can I respond? First of all, undoubtedly staffing will have an impact. There are also two other impacts that will have happened over this period, one of which is of course the unification of probation—as the perm sec has mentioned, it is absolutely right that when they are inspecting in prisons and resettlement, it is also dependent on the probation provision that is able to be deployed and the custody, and so on. There is also covid, and the changes in regime in both prisons and probation that we all had to adapt to. As you know, we were not able to access prisoners in the same way during all those periods, so there are a number of factors that will have affected this.

To straightforwardly answer your question, you need good staffing levels to deliver the best services. Sitting here, though, I have every optimism that we have come through the most challenging time in terms of staffing, and that we are beginning to see it level off and hopefully improve. The challenges in the workforce market have been universal, haven’t they?

Q43 **Chair:** It is also when people leave. The challenge is that it is not just the numbers; as we are seeing with police officers coming in, it is the experience. Are you really confident that you have got the numbers to



HOUSE OF COMMONS

cross the line? How long will it take until we see what we need to see in prisons—that really good relationship between prison officers and prisoners, and that experience?

Amy Rees: The perm sec was absolutely right that the number of vacancies and the number of people we are able to recruit does have an impact on the people who are there, because obviously it makes their daily working life easier or better. I again refer to the fact that people do tell us that this is a job they feel strongly about, and the purpose and the values are real, therefore it is attractive—not to everyone, but to a lot of people—in terms of the diversity and what you are able to do that benefits society. We are also seeing signs of retention rates improving, and we are seeing a settling. As I think has been universally experienced post-covid, there was a shift in the job market that we were not immune to.

Jim Barton: Just to add a little bit of colour to the point that Amy made, the Probation Service has over 2,000 more staff in post today than it did a year ago. Within that, to up our staffing numbers over 12%, we have 2,600 trainee probation officers, of which about half have started this financial year⁵. At the point that they get through that training programme, which takes between 15 and 21 months, it makes a seismic difference to the number of qualified staff we have able to support individuals in the community but also able to work within pre-release teams.

Q44 **Chair:** You did not have a baseline of staff before you went through the transition, so how do you know what is the right number?

Jim Barton: We absolutely understood the total number of staff in CRCs—community rehabilitation companies—

Q45 **Chair:** The predecessor to the current regime.

Jim Barton: And the organisations that were in their supply chain. We had the total—

Q46 **Chair:** So you went through the supply chain too; okay. That is good.

Jim Barton: Yes. We had staff transfer to us from more than 50 different employers. In June 2021, there were more than 7,000 staff in total who came over to the Probation Service. The NAO is absolutely right. Within that, we had not ringfenced a group of staff to say, “These staff are resettlements.” That is in part in the name, because CRCs had different models around how they went about delivering Through the Gate. Some of them delivered it in-house; some of them delivered it through contractors; some had dedicated teams; and others did it as part of a wider function.

The data that came to us from CRCs had a myriad of different job titles and descriptors attached to it, in terms of roles that may or may not have been linked to resettlement. Prompted by the NAO, we went back through that data. We identified that we had just under 750 staff who were in

⁵ We have 2,600 trainee probation officers, of which about half have started in the 2022/23 financial year



HOUSE OF COMMONS

scope to come over who were doing something linked to resettlement. Of those, more than 90% ended up with us. You will know this, Chair, and the Committee will know it: we cannot force people to transfer, and some of those individuals who were formerly delivering ETTG opted to stay with their former employer, rather than move over to us. I am not sure that it is a failure to have secured the effective transfer of more than 90% of staff who were previously associated with this work.

- Q47 **Chair:** That is not the same as a baseline, is it? You had a plan to take on the staff to deal with resettlement and the rest, but did you know that those numbers were the right numbers in the first place?

Jim Barton: What we were really focused on was making sure that every single employee of a CRC, their parent organisation and their supply chain was managed safely and well through that transfer process.

- Q48 **Chair:** That is the process of the transfer; it is not necessarily what you need to deal with the number of prisoners. Were you confident that the numbers were right in the first place? How were you assessing what numbers you actually needed in the new system?

Jim Barton: The numbers were the numbers, in the sense that we could only transfer the staff who were available to us. Because we were changing the model so significantly, how many staff are working on Through the Gate today was not really the relevant question for us. The question was: how many staff did we need to deliver our future target operating model?

We essentially divided what was Through the Gate into two very separate functions—pre-release activity delivered by Probation Service officers, whether in the prison or in the community, and services delivered via our commissioned rehab services providers. We absolutely knew the staffing numbers that we needed to deliver both those functions. Our challenge was that there were not enough staff transferring to us to do it, which is why we are recruiting at the scale that we are.

- Q49 **Chair:** Going back to the point on contracts, I think it worth highlighting the stuff that St Mungo's has highlighted. You gave a good explanation of some of the contracts and how you were trying to make them local—some quite good news stories. But St Mungo's contends that contracts were administratively demanding and that commissioning arrangements make it difficult for small voluntary sector providers with specific local or thematic expertise to bid for contracts. I am not sure it is entirely a contradiction, but I wondered whether you wanted to add anything to what you were saying earlier about ensuring that those specialist providers can get across those barriers.

Jim Barton: I very much recognise that picture; I am not disagreeing with it. We worked hard to try to remove those barriers to entry. There was a policy intent, when we were setting up the new service, that we wanted to do exactly that. We wanted to attract as many voluntary sector providers as we could. I think it is a mark of success that more than three quarters of our providers are voluntary sector organisations. Post setting



HOUSE OF COMMONS

up the first round of contracts, we commissioned a review. Richard Oldfield came in and identified a number of ways in which we could simplify our procurement route. We are adopting those changes for every subsequent procurement activity that we are undertaking.

- Q50 **Chair:** Okay. I just want to touch on the IT issues. We have gone around this a lot with the previous probation system. It was not all good on day one. There is a danger, to put it dramatically, that people were set up to fail on day one. What do you think went wrong, and what would you do differently? It was all quite rushed. We had to do things quite fast in the end. Where do you think we are at now? What is the trajectory? What happened then, and what went wrong? Be honest with us, Mr Barton, about what could have been better.

Jim Barton: Being honest, I don't think it went wrong, and I don't think we set up our providers to fail. We were very clear on what functionality we could deliver for day one with ourselves, our staff and our providers.

Chair: It was sub-optimal.

Jim Barton: And we delivered that functionality.

- Q51 **Chair:** But you would agree that it was sub-optimal.

Jim Barton: We were very clear that it was what we would call a minimum viable product. It was the minimum necessary to run the service. That is all we could do in the time available, but we did it, and since then we have continued to invest in that system.

- Q52 **Chair:** Where do the smallest providers fit? I am not quite clear on this. If you are tiny voluntary sector provider, do you need to plug into that system? Is there a problem there?

Jim Barton: You need to use that system. One of the things that we changed through the procurement process was the standard that we set around organisations demonstrating their IT standards. That had been identified, particularly by the women's sector, as a barrier to entry. We dropped that level to remove one barrier to entry.

- Q53 **Chair:** You are then presumably opening up a bit of a risk on cyber-security and data.

Jim Barton: We went through that process with firm advice from our own information security team and others. We were satisfied that that was not exposing the Department to risk.

- Q54 **Chair:** And what about the individuals concerned? You have women prisoners. There could be all sorts of issues around domestic violence and lots of personal information. I completely get that, on the one hand, there were major barriers to small specialist organisations, but how do you balance that risk?

Jim Barton: It was not a decision that we took lightly. We spent a lot of time reviewing the pros and cons. We considered it carefully from an

information security perspective, and I am confident in saying that it has not exposed us, providers or service users to risk.

Q55 **Chair:** Not at all? Is there anything you wish to add, Ms Romeo?

Antonia Romeo: Only that I am always a bit nervous about saying that there is zero risk, because one anticipates a time when one is appearing and having to explain why there was actually some risk. There is always risk, but we have absolutely minimised it. As Jim said, the team went through it in a lot of detail with the security teams to ensure that the risk was absolutely minimised. That is all we can do.

May I make one other point about the IT system? There is always a trade-off. Let me turn to Jim's point about minimum viable product. This is true in all systems—I am here in front of the Committee talking about these quite a lot. You can either roll it out and accept that it is a minimum viable product, because you want to do it quickly, and then you refine it, knowing that you will be investing in making those changes. That is what we are doing, and I think that is the right thing to do. Or you delay and wait, and then try to get some more funding and improve it to the nth degree. But, as we know, when that goes wrong, it is much harder to then undo it. Therefore, when you say sub-optimal, in a way nothing is optimal.

Q56 **Chair:** So what you are saying is that Whitehall did not gold-plate it.

Antonia Romeo: Yes, indeed.

Chair: Well, that is slightly reassuring. A good win there.

Q57 **Sir Geoffrey Clifton-Brown:** I did note the parenthesis there in your reply, Ms Romeo.

Back to you, Mr Barton, on staff. We all know that prison and probation work is very tough. I hear what the permanent secretary says about recruitment versus retention, but, as I make the point constantly in this Committee, it is better to retain people than to have to recruit new people. What specifically are you doing to make conditions of service better for your existing staff to try to do better on retention?

Jim Barton: On the probation side, I think Amy has referenced already that the attrition rate for probation officers is 7.5%. That has dropped by 0.6% on the previous year⁶. It is hard to ascribe cause and effect, but one thing that has changed during that period is that we have reached agreement and implemented a three-year pay deal for probation staff that provides certainty for staff around the level of uplift that they will receive in the last financial year, this and the next. Of course, there is ongoing dialogue with staff and our trade unions around the sufficiency of that pay deal, particularly in the context of pay inflationary pressures and the rest, but we are proud of that deal. We think that it represents a good deal for our staff and gives certainty for them going forwards.

⁶ That has dropped by 0.6 percentage points on the previous year



HOUSE OF COMMONS

Beyond those concrete measures, we are obviously focused on the experience of staff working within the Probation Service. Sorry, I am talking more about probation because it is where I am from—Amy may want to say the same about prisons. So, there is lots of focus on staff wellbeing. We have rolled out a programme for probation regions, kind of legitimising carving out days for staff development—so, in clunky terms, closed office days where we provide a minimal cover to ensure that people on probation who need contact can get it, but we give staff and managers the time to focus on their own professional development. There is a range of other measures as well, but Amy may want to add to that.

Amy Rees: I would just add a couple of things. We are only two years old in this new Probation Service, and that has made a significant difference to people. There has been a significant period of change in the Probation Service, plus we had covid combined with the unification, so I think people have really welcomed a more settled period. The TOM has provided a clear vision. When we ask staff the reasons why they are leaving, we consistently get “workload”. There is no doubt that retention and recruitment is a significant part of that in order to drive down the workload and us saying very clearly that our aim and ambition is to drive down that workload to have a manageable, reasonable workload for people. Then it is the stuff that we have already talked about—about staff wanting to feel like they are doing a good job and are helping people, which is genuinely primarily the reason why our brilliant hard-working staff join. Actually, we have touched on some of that today. When I speak to probation officers, one thing they say is that they desperately need accommodation. Providing these CAS3 services, giving everyone access to them right across the system and being able to help people get employment really matters to our staff, because that is why they joined.

Antonia Romeo: I completely agree with that. In purpose-led professions people want to feel they are making a difference. So it is not just the pay packet; it is the investment. The £550 million over the SR investment into reducing reoffending will make a real difference to our ability to be successful and that is going to make a difference to how people feel when they come to work. So we expect that will make a difference to attrition as well, and retention ultimately.

Q58 **Sir Geoffrey Clifton-Brown:** That is fine and I take your point that you have only been in existence for two years and to be fair you are making very good progress, so congratulations for that. But the Report also makes clear—we will go on to this, but it is probably right to ask the question at this stage—the expected growth in prison population. If you are struggling with staff numbers at the moment, what plans do you have over the next five or 10 years to recruit sufficient staff to be able to deal with that growth in the prison population?

Amy Rees: Obviously, that is a good question but you should take a lot of succour from the fact that we have done so well. We have recruited a record number of probation officers over the last three years—1,000 and then over 1,500 in both of the next two years. There are 4,000 people training in the system at the moment⁷; and, as we discussed earlier, that



was against the backdrop of a very challenging few years, with unification, covid and all the wider job market changes. I am therefore genuinely confident that we can continue to make this an attractive job offer for people, leading into exactly what we have talked about: that this is a job that people want to come into to protect the public and reduce reoffending, and we focus absolutely on those things.

One more thing we have not really talked about today that is really important to our staff is that they feel valued—by you and by me, in the widest possible sense. The investment is a sign that we value this work in our society and what people do. Prison and probation staff sometimes feel that they are slightly more hidden from view than other people who do very complex work, and having the right investment not just in them and their pay but all the other things such as the services, offices and buildings—Jim has done some great work on investing in our buildings in probation—make people feel the work they do is valued by wider society.

So I am confident that we can keep pace and keep recruiting people but it is true that we are going to have to make sure that we forecast properly and understand not just the volumes but the case mix, because that affects who we need to recruit and how we train them, and that we invest in very good quality training. A challenge for me is that we also have a different mix than we have ever had before of experienced and less experienced staff. There are some opportunities in that, but there are also some real challenges and we are going to have to work hard at that too.

Q59 Sir Geoffrey Clifton-Brown: We have talked about some of the difficulties with diversity among the clients, as it were, but what is the diversity among your own staff?

Amy Rees: That depends on which bit of the organisation you are looking at. Probation is a predominantly female organisation and we are working hard to try to recruit both more men and more people on second careers. So we get a lot of graduates, which is fantastic, but we are really trying to target people who might have had a career before and are a bit older and perhaps have a bit more life experience. We are trying to improve diversity in that way. In terms of black and minority ethnic staff, it is good in quite a few parts of probation, particularly in London and the south-east, but it is less good in other regions, and we still have work to do on that on the prison side.

Q60 Sir Geoffrey Clifton-Brown: Thank you for that and I totally agree with what you say.

I want to close off on housing. One of the key tests of how successful you are in terms of your housing problem for rehabilitating people when they leave prison is how many rough sleepers you have got. Do you measure that and what is the trend? I am talking about rough sleepers and homelessness.

⁷ There are 2,636 people training in the system at the moment



HOUSE OF COMMONS

Chair: I think Sir Geoffrey is talking about the tent problem. Are there any people still coming out of prison with tents?

Amy Rees: There is a category of “homeless” and there is a subcategory of that that is rough sleeping. So some people can be technically homeless because they are sofa surfing but they are not going out and actually sleeping on the streets or in a tent. To answer the question directly, that was the point of the big investment in CAS3: that we should be able to prevent anyone from leaving and having to have a tent or literally go into rough sleeping because we will provide this accommodation for them for at least the 84 nights.

Q61 **Sir Geoffrey Clifton-Brown:** Finally on housing, what is the percentage of people who once they get beyond the 84 days go into permanent accommodation? Is there a drop-out there?

Amy Rees: There is. We are managing to convert from the regions we have had so far about 38% of people into permanent settled accommodation—so with a tenancy or other. Again, that does not mean everyone else has gone out homeless: some of them might even have stayed in CAS3 accommodation if we had availability for them. But in terms of the end of the 84 days, that is our conversion rate, and that is the thing that I mentioned near the beginning of the hearing that we have to try to improve.

Sir Geoffrey Clifton-Brown: Thank you very much.

Chair: Seventy-six per cent is good, but that leaves a quarter that is not.

Q62 **Dan Carden:** Thirty-seven per cent of people who need drug treatment are staying in it. I think you have a target to improve that. How will you go about that?

Amy Rees: That is a really good question. I think you know from all the declarations you made at the beginning just how complex this work is, so I will not try to pretend about that. One of the big things that I would point to is the probation notification roll-out programme that we have got. You are probably aware that that is a system that will allow us to notify every probation officer if their offender is going to be released and go into treatment. That sounds really straightforward, but of course it is not because of all the data issues that we have to navigate.

Q63 **Dan Carden:** Just explain that. So there are difficulties in sharing patient data between the NHS and probation.

Amy Rees: Exactly, and not just between NHS and probation; every single provider involved also has to sign up and agree. It is not dissimilar to the conversation that the Chair was having with Mr Barton about how you make sure you protect data through multiple systems and so on.

But what I am really genuinely delighted about is that we have made this work, and we have got a project to do it. It is already rolled out in prisons in south Wales, it goes to the east of England in July this year⁸ and we will



HOUSE OF COMMONS

do every region by the end of the financial year—the end of March 2024. We are learning a lot about how to do it—as I say, it is not just about the NHS; we have to get every individual provider to sign up—but this genuinely will be game-changing for us when we get this all done, because it will mean that the probation professional supervising will know that that person should be in treatment, and they can get information to try to support them and help them through that.

- Q64 Dan Carden:** I understand the focus on this and the historical problems of data sharing. My concern is that focusing too much simply on what happens when someone leaves prison when it comes to drug and alcohol treatment means that there is not enough focus within the prison. Over the last 10 years, the NHS has stopped many programmes that spent money on delivering recovery. The previous Secretary of State, Dominic Raab, was a big proponent of recovery wings in prisons, and I applaud him for that, but I think that only six prisons have managed to roll out recovery wings. You have a policy that that should be up to 18, but that is 18 out of 120-odd prisons across England and Wales. Why isn't the focus on getting people committed to recovery from drug and alcohol problems while they are in prison? Data sharing or not, one of the big challenges is that if you have not done the work before you release someone, there is no chance that they will stay motivated to tackle their drug and alcohol problem on release.

Antonia Romeo: I think you are talking about the drug-free wing angle. In fact, we have 50 incentivised substance-free living units established and we are going to have 100 of those by March 2025, so that is obviously a big push that we are doing. As Amy mentioned, there is the probation notification and actioning project, but there are a whole host of other things like tele-medicine and 650 new laptops that we are rolling out. So there is a combination of focus in prison, but the point that Amy made about the data is absolutely essential, and I know that is a common theme for this Committee. You can do everything you like in prisons, but unless you can join it up with Through the Gate and be tackling it outside and you have proper—

- Q65 Dan Carden:** It is my view that not enough is happening in prisons. I go to prisons where there is next to nothing happening in terms of spaces for recovery—the recovery wings which Dominic Raab was pushing for—and unless there is that space, support and expertise within every single prison, you have not got a chance of getting someone into recovery on their release.

Antonia Romeo: As I say, that is why we are rolling it out and doubling the number. Amy, do you want to say more?

Chair: Ms Rees?

Amy Rees: To be honest, my boss has eloquently made the point. First of all, we are investing in significant changes in prisons, including rolling out the substance-free living units. We will have 50 of those.

⁸ It goes to the south east of England in July this year

Q66 **Chair:** Roughly how many prisoners can those take?

Amy Rees: It will depend slightly on the variant of the wings around the country, but there are quite a few prisons where it would be inappropriate to have those sort of units. In a cat D, for example, someone should be very settled before they are out in an open prison needing any sort of drug support; in long-term high security, while some people might need it, it is much less likely because they are with us for a long time and they will have been stabilised. This is predominantly focused on local prisons, where we get people in and release them.

Also, we are making efforts to try to prepare them for release. We have 650 new laptops, with the idea that they are making direct contact with providers who will help them once they are released. I agree with the point that there is what we do in prison and what is happening in the community. We know one of the big risk periods is when they leave custody and go out to prison, or indeed when they come into custody. That is why we really have to focus on those transition points.

Q67 **Dan Carden:** What more can you do?

Antonia Romeo: There is more that we are doing. The whole role of the health and justice partnership co-ordinators is to join up between prisons, probation, DHSC and the providers. Amy already mentioned the probation notification and actioning project—PNAP—and there is the tele-medicine work and the incentivised substance-free wings. So there is a huge amount under way and we have to be careful of initiative-itis.

There is a big investment here. We have £120 million as part of the beating crime plan⁹, particularly for drug interventions over three years in this SR. We want to get that under way, embed it and really focus on the data, the join-up and the Through the Gate work. There might be more that we have planned—Amy always has many, many plans—but we have to be careful to get the things that we have already signed up to do embedded.

Q68 **Dan Carden:** Is there more that the NHS can do, or even local services within prisons?

Amy Rees: We work in really good partnership with the NHS at a national and regional level, and we have individual commission contracts, as you know, so it is difficult to answer that question with broad brushstrokes. We work well at a national level. We have a vision of where we want to get to. The Government are obviously spending a huge amount of money, across the board, on supporting substance misuse. We have a clear vision of where we want to get to and what we want to deliver. As I say, loads of activity is going on where we are trying to improve things. What we have to do with lots of this is learn about where we can make the best impact, and then go forward from there.

⁹ We have £120 million as part of the cross-government drug strategy From Harm to Hope



HOUSE OF COMMONS

Antonia Romeo: If one had a wish list about what could be done, it would be about more intervention upstream. We are talking about people who are in our system who we are trying to get off drugs, but the bigger issue would be intervening so that people do not end up in our system in the first place. On what more could be done, if I had unlimited amounts of money, I would be giving it to other Departments. Obviously, this is not just in the substance misuse space but in all spaces. We know that with a lot of the triggers that we need to fix when people come through the gate, if they had been fixed earlier in their lives, they would not have ended up in the criminal justice system anyway. That is another area of focus; as Amy says, we are already doing a lot on that front across Government.

Q69 **Dan Carden:** But how much of the work that you are doing will be focused on harm reductions, such as drug replacements, as opposed to recovery and abstinence?

Amy Rees: A lot of that is clinically led.

Q70 **Dan Carden:** That was at the core of the debates that I understand were happening within the Department, and between your Department and the Department of Health and Social Care. Where are we up to?

Amy Rees: The honest answer is that we do both; it depends on the individual patient and the individual presenting issues. Some people want to move off it completely and go to full abstinence, which is the idea behind having the 50 units where people can go if they want full abstinence¹⁰ and where they are supported to do that clinically. There are other people for whom it is about harm reduction. I don't want to speak in broad sweeps, but sometimes it depends on how long they are with us as to which of those is the right option.

Q71 **Chair:** One of the obvious issues around drug addiction is that the figures are incredible high—45% of prisoners need treatment for substance misuse, which is one of the points Mr Carden raises. We have asked about this before, but one of the puzzles is how drugs are getting into prisons. You talk about stopping it upstream and dealing with it in prison, but how are you stopping the drugs getting into prison? What are the hard measures you are putting in place, Ms Rees?

Amy Rees: I think the Committee has probably heard before that we have invested a lot in what we call airport-style security. That is having proper searching—

Q72 **Chair:** We heard about drones dropping drugs in.

Amy Rees: We still have people who throw it over the walls. We do a lot of investment in physical security, in terms of making those things difficult. As you know, we have taken some measures through Parliament that make drones illegal, because that was one of the new methods. Undoubtedly for us, though—

¹⁰ Which is the idea behind having the 50 units where people can go if they want full abstinence from illegal drugs



HOUSE OF COMMONS

Q73 Chair: Mind you, you can make them illegal, and people can still try. I do not know how you actually enforce that. Parliament passes a lot of laws; they are not always very easy to implement.

Amy Rees: It has definitely improved matters. One of the other things, though, undoubtedly for us is the change in choice of drug. When we see a change to synthetic substances, that was quite difficult for us, and we have done a lot of things to try to manage that. We have invested in systems that can scan it, because this stuff can be dipped on to paper. It can be posted, so we have had to invest in systems that can detect all that sort of thing. We have to train our staff to be available all the time. Realistically, though, if we want a balance in our institutions between security and decency, we are never going to be able to keep 100% of this stuff out.

Q74 Chair: Okay. We have also looked in the past, so I think it is worth picking up, at the mental health support. You made a very bold statement about how brilliantly it is all going working with the NHS. Previous hearings have suggested that it is not always as smooth as that. You talked about the national level. Are there big regional variations, and can you point to some of the best practice that is going on where you are working so that the NHS is really supporting prisoners in prison?

Amy Rees: One of the areas I would point to as really good practice, particularly in substance misuse, is in Wales, where we have something called Dyfodol. We have managed to join up an end-to-end system where the same drug workers who are going to work with someone in the community come into the prison. It is not just about joining up the divide; it is the same system all the way through.

Q75 Chair: I know that Wales is where you came from—not personally, but in your career. You are dealing with quite a small prison community in Wales. Does that help?

Amy Rees: We have five prisons in Wales.

Q76 Chair: And that is true, you would say, across all the five Welsh prisons.

Amy Rees: Yes, it is the same system that we have in use. The thing that is really exceptional about that is that it is not just prisons and the community; it is also the police. When they first arrest, they have access to the system right the way through. I accept that there are loads of things that you need to do, but data join-up is a cornerstone that can help with so many things. It can help to deploy staff to the right place, and then try to have this continuity of care, which is the thing that we are all achieving. Straightforwardly, is there a variation in regions? Absolutely, because there is a variation in need and a variation in availability for these services. That can be hyper-local. I would not even want to talk about the south-east or London as a whole. It can really depend on what is available in your locality.

Q77 Dan Carden: You mentioned that some of the decisions, quite rightly, are clinical. Is there anything that you can do to monitor which clinical decisions are taken, and the outcomes from them? It is a bit complex,



HOUSE OF COMMONS

but if a clinical decision is taken to treat someone, say, with harm reduction, or someone goes into a recovery programme with a different organisation, or if there is a trauma-led treatment or therapy, there are various ways in which to deal with drug and alcohol addiction. Can you look at the clinical decisions that are taken and then monitor the results?

Antonia Romeo: That is a matter for the DHSC. The DHSC obviously evaluates different types of intervention and what is successful in getting people off substance misuse.

Amy Rees: It genuinely depends on what outcome you are talking about. Obviously, the high-level outcome for us is reoffending and harm, but there are all sorts of other harms that clinicians would be looking at as well. One of the issues that we have sometimes is people leaving custody and then overdosing because they have not been able to access that level of drugs in custody, and then they are able to in the community.

Q78 **Dan Carden:** There is still a question of how you measure this.

Amy Rees: That is my question: what are we measuring, if you see what I mean? Some of it is measured by us. Some of it is measured by the Department. There is a range of things that you would want to measure in that, and we would all measure slightly different things.

Q79 **Dan Carden:** What are you measuring?

Amy Rees: We would be measuring reducing reoffending and protecting the public. We would be measuring things like whether they are able to turn up at their probation appointment. So much of that depends on them being stable in this sense. Are they able to access the accommodation that we provide? Are they able to be stable? Are they able to get into employment? Those are all the things that we would be measuring, but obviously a clinician might be measuring a slightly different set of things, including maybe taking less drugs.

Q80 **Sir Geoffrey Clifton-Brown:** Ms Romeo, could we talk about employment prospects for people leaving prison? In particular, could we talk about those prisoners who have the equivalent of a jobcentre in prison, those who do not and the difference in outcomes from the two systems?

Antonia Romeo: Employment, as Amy and Jim have already said, is an area where we are actually seeing significant improvements. Again, to Mr Carden's question earlier about when we will be in a position where we have almost everything in place, this is an area where we are quite well advanced. As you know, we have 92 employment advisory boards. We have 91 employment hubs. That is where you have DWP—essentially, jobcentre in prison, which is what you are asking about—and prison employment leads. There is a huge amount of work going on. We do measure regionally, and it is quite difficult to track at the individual level, but we look at those outcomes. That is the thing that gets aggregated into the 30% overall. Amy will want to add on this, but there is no doubt that those with employment leads, employment hubs and employment advisory boards—although we are still in the foothills of exactly what the

results of those will be—are making a big difference and are what is driving up the overall figure.

Amy Rees: To make sure I have understood the question properly, I do not think we would want to put an employment hub in every single prison. That is because, for some prisons, people are serving long-term sentences. For a cat B trainer, for example, it would not be the right place for us to put that kind of resource. On the question of whether it is working, we think the results speak for themselves, although, as we have already said, we will have to prove the direct causality between that and the result over time. I really do not think we would want to resource one in every single prison up and down the country because, for some people, there would not be enough benefit.

Q81 Sir Geoffrey Clifton-Brown: I accept that, absolutely. What are the gaps between the Prison Service and DWP in terms of employment and providing the necessary employment advice and, indeed, benefits?

Amy Rees: You just pointed to one of our major initiatives where we are really trying to close the gap. We are trying to have them in working with us so that we can ensure we are doing that sort of co-ordination. One of the things we are working really hard on is ID and banking accounts. Part of that is because we need to access benefits and that is still quite tricky for our people in terms of when they are released and not having any gap to access benefits. We have managed to get 8,000 pieces of ID and bank accounts out there to people, which we think will make a big difference in employment, but also in being able to access benefits, which is obviously very important to get them through that initial period as they leave custody.

Q82 Chair: Way back during the time of the last Government, somewhere between 2007 and 2010, there was a drive to get prisoners basic bank accounts, and yet you are still talking about that now. What has gone wrong in that, or is it just because you have a constantly changing cohort of prisoners?

Amy Rees: We have a constantly changing cohort of prisoners. It is underlyingly, though, quite a complex thing to do because in order to get them IDs, we have to get them the basic things that a lot of people around this table might take for granted, such as a national insurance number, which they might never have had or they do not know. We have to go back quite a long way to make these things work, and we have to do that often after what might have been a chaotic period in their life when they are with us and they do not have access to documents and things. It is a complex thing to do, but we have made really significant progress in the last couple of years on 8,000 pieces of ID.

Q83 Chair: Do you assess everybody as they come in as to whether they have a bank account?

Amy Rees: Yes. We have talked a lot, interestingly, about through the gate. Day one is also really important for us in terms of securing tenancy for the short term and establishing what ID they have, but also in terms of

what needs they have while they are in prison and keeping them safe while they are with us.

Antonia Romeo: It comes back to Sir Geoffrey's question about what we are doing and what the DWP is doing. What is quite important is, of course, you do not want anything dropped, but you also do not want duplication, so you have to be really clear on roles and responsibilities. DWP does the provision of national insurance numbers. It does the provision within those prisons of advice on jobs and so on. You have to know who is doing what. The other thing to mention, as Amy said, is the importance of the basics as people leave prison. We have a test going on at the moment. We are testing different approaches to ensuring that when prisoners leave—I think it is in 15 prisons, and Amy will tell me if I am wrong—they can get access to universal credit because, of course, that is another example of something you need to be able to do straightaway.

Amy Rees: That is absolutely correct. Just to add to that, we also have five prisons where we are testing a resettlement passport, which at the moment is on paper. But the idea of that is we can write down all these things that have been done from all different Departments so that they can be followed through, and they can have access to a document in the community as well.

Q84 **Chair:** A physical document or online?

Amy Rees: It is a physical document at the moment.

Q85 **Sir Geoffrey Clifton-Brown:** How do you know whether your prison employment leads and ID and banking administrator roles are contributing to improving prison leavers' employment outcomes, Ms Rees?

Amy Rees: The first thing to say is that some of the statistics speak for themselves. We have managed to secure a really important step change in this. We have said many times, though, that it is about saying which thing has really helped people—we are investing in evaluation. We have 40 analysts directly accountable for the £550 million. We have to develop that work so that we can ensure that we have the right evaluation progress, but we did do a bit of analysis after the initial £50 million that we got. In terms of process evaluation, we spoke to staff, and eight out of 10 of our staff said they think this stuff is making a material difference.

Q86 **Sir Geoffrey Clifton-Brown:** Thank you very much. You have very nicely segued me into the next question to Ms Romeo. This £550 million for reducing reoffending is mentioned in the Report. Apparently, the allocation was being reviewed by the MOJ as a result of a wider saving review. Have you any update on that?

Antonia Romeo: Obviously, in common with all Government Departments, we are having to consume our own smoke, in terms of the consequences of inflation and so on, so we have been going through the efficiency and savings review. Inevitably, for an organisation like MOJ, it means we have to find about 7.5% of our budget, essentially, in savings



HOUSE OF COMMONS

and efficiencies. Obviously, one wants to find them in efficiencies, but there will be some areas across our whole business where we are going to have to spend less, and that is more likely to hit some of the discretionary spend than spend that is non-discretionary, by definition. In areas like all the reducing reoffending work, the absolutely crucial thing is to protect the areas that are going to be most effective and to try to be more efficient in the provisions. In those areas where we have got a bit further in what works, that makes it a bit easier, because then you can make sure you are pointing your resource at the areas that are going to be most successful.

- Q87 Sir Geoffrey Clifton-Brown:** So it is being reviewed. Clearly, Ms Rees has got to operate the service. When will she have clear instructions from your Department as to what funds she has allocated to her?

Antonia Romeo: We are talking about allocations. Already, for this year, we have agreed allocations with all the agencies and across the Department. The £550 million was, of course, across three years—this year is the beginning of the second year of that. It is clear that savings are going to have to be made. That is how we are going to live within our means as a Department, and that will come across all sorts of areas.

- Q88 Sir Geoffrey Clifton-Brown:** We understand that, but the question was: when will Ms Rees be clear about what resources she has got? What is the timetable for this review?

Antonia Romeo: The review is completed. Amy is aware, as chief exec, of what money she has been allocated at this point of the year for her spend in the year. Obviously, we will be reviewing in the usual way—with James as COO, me as PAO, and Amy—what we are going to do during the course of the year. Obviously, if underspends emerge in one part of the business, one wants to redeploy them into other areas in the usual way. But allocations are clear, and what Amy will want to be doing is working out—doubtless she will want to speak to this—what are the things that she wants to point the money at in order to ensure that we are achieving all the outcomes we need to achieve. I should also say we have a massive investment in things like prison build going on. That is capital, not resource, but again—

Sir Geoffrey Clifton-Brown: I am coming on to that.

Antonia Romeo: All right. I will let you take us there.

- Q89 Chair:** Ms Rees, you are going to tell us that you can do everything you can for less money, I'm sure. But be honest: what brutal decisions are you going to have to make?

Amy Rees: I cannot do everything for the same money, and inflation has been really significant. In terms of the priority, we are absolutely clear that it is staffing. That is my beginning and end priority. But I think what the perm sec was saying, which I completely agree with, is that for some areas where we are more advanced, we have learned quite a lot more about things like volumes. Take CAS3, for example. We had never done this before. We had to work out, on those initial five areas, what volumes



HOUSE OF COMMONS

of housing we thought we needed in each region. We have learned a bit more about that, which might allow us to be a bit more efficient as we roll out the next six, for example.

Q90 **Chair:** Will there be enough spaces for prisoners? Do you think you will have enough homes for prisoners in CAS3?

Amy Rees: I am confident we can meet the need.

Q91 **Chair:** And if you have an overflow, do you just commission individual private landlords?

Amy Rees: Exactly. We have to try to flex to need, and we have to try to flex to time. We can also sometimes utilise the AP beds for CAS1 or CAS2, depending on the individual and so on¹¹.

Q92 **Chair:** You are really constantly watching that?

Amy Rees: Yes.

Q93 **Chair:** And the metrics are provided regularly to you, Mr McEwen, from HMPPS?

James McEwen: Every manager sets a budget locally, but we have really good relationships. We're trying to ramp up from the first £50 million for these sorts of services provided only in 2021-22, to a £200 million annual delivery ambition for 2024-25. That's shoulder to the wheel, at a time when we are managing pressures in the prison population and managing these significant other big programmes of change, including the prison build programme.

That's a big ask and we've got to be realistic. Part of our job is being really realistic about what the need is at any given point in time and then in-year monitoring that with Amy and the team, and making sure, and then correcting our course.

At the moment, what we are hoping to do is to drive that acceleration of spending up, but being realistic about just how much of that we can get out the door. To Amy's point, we are learning a lot along the way. On some of the initial thoughts about how much we think CAS3 needed to meet all the need locally, we have learned a lot through the initial pilot, and maybe it's not quite as significant as we thought.

Q94 **Chair:** Ms Rees is feeding things back to you—sorry, Sir Geoffrey, I'll come back to you in a moment—but if this doesn't work and you've got prisoners on the streets, there is a much wider cost to the public sector, as basically the Prison Service is cost-shunting to the police, the health service locally and local authorities. You are presumably bearing all that in mind when you are trying to make your bid, Ms Rees, to Ms Romeo for what money she should or shouldn't cut from your budget?

¹¹ We can also use CAS3 beds for CAS1 and CAS2 transition, depending on the individual and specific circumstances.



HOUSE OF COMMONS

Amy Rees: Rest assured that I am always making the most powerful case I can.

Antonia Romeo: Just to add to that, referring back to something that Sir Geoffrey said, these are obviously really difficult choices. The problem is that the easiest place to go is the discretionary spend, and that is actually money like reducing reoffending and on victims, and that is where Ministers have been very clear that these are crucial investments for the long term, so we are absolutely minimising any degree of cut in those areas.

We are balancing a whole host of things. As Amy has rightly said, she can only do so much—you can't do everything for less money, although you want to get a lot more efficient. The point I am making is that these are very difficult choices.

Q95 **Sir Geoffrey Clifton-Brown:** You were about to move on, so I will allow you to move on—or perhaps “enable you to move on” is the better way to put it.

You have committed £3.8 billion between 2022-23 and 2024-25 to increase prisoner capacity by 20,000 additional places. Is that a firm capital commitment?

Antonia Romeo: Yes, that is the money that we've been given for this SR by the Treasury. Obviously, for prison build we will need more money in the next SR, but that is to come and to be negotiated with the Treasury.

Q96 **Sir Geoffrey Clifton-Brown:** Is that purely for new build—increased prison places—or does any of that cover refurbishment of your existing estate?

Antonia Romeo: It's all—it's everything. Well, the £3.8 billion covers a whole host of things for the 20,000 prison place programme. That includes the six new prisons. We've brought on Five Wells, and we've just opened Fosse Way. It includes refurbs. As Mr Carden will know, in Liverpool we've got a whole wing coming back on. We've got new house blocks, with 850 new house blocks, I think, in places like Stocken and Rye Hill¹². So we've got a whole host of things.

What Amy and her team have been very successful in doing is bringing forward some of those things. We have opened 90 places, I think, in High Down. We were able to reopen in April¹³, which would have been later, because obviously we are trying to bring forward the new supply as much as possible. And we've brought on 2,500 new places since September last year.

Of the 20,000, there are 5,200 that we have now got in place. And, as I say, there are 2,500 including from things like bringing cells back online from maintenance, the refurbs, the house blocks, and, if needed, some

¹² 850 places in new house blocks, I think, in places like Stocken and Rye Hill

¹³ We were able to reopen in March



HOUSE OF COMMONS

additional what we call crowding, things like that. The team have very successfully done that.

- Q97 **Sir Geoffrey Clifton-Brown:** Could you just explain that? Does that mean you are going to house more prisoners in existing prisons?

Antonia Romeo: Amy is obviously the expert on this, but on the number of spaces you can hold, we only do it to very, very clear standards. Amy has a very thorough process that she goes through, which is tested by MOJ HQ, for how many prisoners you can fit into accommodation. Obviously, safety and security are paramount in that. Equally, we are very aware of the pressure on the prison population—what the Lord Chancellor has described as exceptional pressure—so we have to do absolutely everything we can. I don't know whether you want to say something about your many red lines, which you talk to me about often.

Amy Rees: Only to say, as the perm sec has said, that we have a well-established existing process for working out what we call the operational capacity—how many people you can safely house in each individual establishment. That decision is made directly through the operational line, so it is the area manager in combination with the governor, and that is then tested at headquarters. We will not and do not exceed anything that we think is safe, reasonable and decent to keep people in, in terms of standards.

- Q98 **Dan Carden:** HMP Liverpool was built in 1855, and in the first couple of years after I was elected there were real problems. It was only once the prison population was halved that the redevelopment and refurbishment work could take place, and that really started to improve things there. Some of the prisons are centuries old—pre-Victorian buildings. I imagine that you must be looking at international best practice on the building of new prisons, but that there are challenges—not least planning and things. Will you tell us a bit about that?

Antonia Romeo: Let me say something, and then others will want to say something too. You are quite right: obviously, if one had unlimited cash and time, one would completely redesign the estate, but we are where we are with the estate we have got. Amy is in the constant process of trying to maintain the estate—refurbs and so on—while building six new prisons.

- Q99 **Dan Carden:** Take HMP Liverpool as an example. If you are under pressure to deliver new places in the coming years, you could start to put more and more people back into a prison that isn't suitable, and we could see numbers increase again. What are you doing to protect against that?

Antonia Romeo: You are exactly right: that is exactly the tension. Obviously, it would be better to have significant additional headroom in the estate, and slowly go around closing down parts of the estate, refurbishing them and bringing them back online. We don't have the luxury of doing that, because we are in a position of, as the Lord Chancellor said, exceptional pressure on the estate.



HOUSE OF COMMONS

You used the word “suitable”, and we are very clear about the standards to which cells must be maintained. We never go below those standards. That is the point that Amy was making. We are very clear about safety and security, and we run a maintenance programme to ensure the cells are at those standards although, as I say, they might not be ideal, because new builds often have more benefits than the older estate.

Amy Rees: To elaborate on that point, I absolutely understand the point you are making, but it is my job to ensure that doesn’t happen. Despite being under significant pressure, we took places out of HMP Swaleside because we did not think they met the standards we needed. Although we are in this period of acute pressure, our standards are absolute and won’t bend.

Q100 **Chair:** If they are absolute and you have more prisoners than you have spaces, who decides on who to release? Early release is the only other option, isn’t it?

Amy Rees: It is our job to ensure that we always have places from the court, and we will always have places for those committed by the court; they will always come in. In terms of wider policies, that would obviously be for discussion with Ministers.

Chair: We will come to the numbers in a minute—I won’t pre-empt Sir Geoffrey.

Q101 **Sir Geoffrey Clifton-Brown:** I come back to this 20,000 places in your prison building programme. You have talked about HMP Five Wells, which was opened last year, HMP Fosse Way, which has just been opened, the modernisation of the house blocks, and the additional 5,200 places that you have already provided. I imagine that critical to achieving those 20,000 places are the three prisons where local councils have failed to give planning permission and you have taken them to appeal. What contingencies do you have if those appeals are not successful?

Antonia Romeo: I need to be a bit careful during the appeal process, but obviously we are very hopeful that we will be able to bring online those three prisons, which were part of the original plan, because we have clear plans for them and they are part of the programme. We obviously have some plan B thoughts about what we would do, including potential alternative sites that we have been scoping out, because we want to have some contingency. Alongside that, there are things such as the rapid deployment cells that we are putting in. We have already brought them in in Norwich and somewhere else as well—

Jim Barton: Wymott.

Antonia Romeo: Wymott. We have a whole contract in place for the number we have ordered. We have additional headroom in the contract, so we would have to go there. Often those things come down to cost per head of producing new space. Something like the rapid deployment cells would be part of a contingency. Not necessarily a contingency for three major new prisons; you probably couldn’t get that full amount, but you



HOUSE OF COMMONS

might do over time. The thing is, it becomes much more expensive. There are always contingencies; the point is that you are trying to manage value as well. That is why these three particular prisons we are very keen to—

Q102 Sir Geoffrey Clifton-Brown: You say that there are always contingencies. What contingencies do you have if, even for a temporary period because of the delays in the planning or building process, you run out of prison spaces? We have already heard that Ms Rees is very clear that there is a safety limit on every single establishment. Other than releasing prisoners early, which, as the Chair has said, is presumably highly undesirable, what other contingencies do you have if you run out of places?

Antonia Romeo: Just to be clear, we will always have enough places for those sentenced to custody. That is clear by definition. We must do—that is the main job. If we have another fail on the planning appeal, it would partly depend on when those places were due to come online as to what contingency we would bring forward. As I said, we are constantly bringing forward, as much as we can, additional places, house blocks, and refurb. Cells are being maintained more swiftly and then brought back, although obviously not if they are not safe or are subject to some statutory requirement to have maintenance. We are doing that all the time.

In addition, there are other things that we have done. There are alternatives to custody that are used. I should say that the decision on sentencing is always a matter for the independent judiciary. However, there is also the use of HDC—tagging and electronic monitoring—and things like that. There are a range of options available to sentencers. Our job is to make sure that we always have enough prison places for those sentenced to custody.

Amy Rees: I will just add that a lot of this conversation is focusing on the national picture, and I wanted to emphasise the importance of the local picture and of local pressures. For example, in the planning appeals that we have got in place, one of the strengths of the application and the appeal is that those spaces are needed in that location. There are contingencies, and then there is what we need in that location. Another similar contingency that is very much about location is Safeguard, which is the use of police cells as a short-term contingency to try and get us through where there is acute pressure locally. We have seen that a lot in the north-west, for example, in the last period.

Q103 Sir Geoffrey Clifton-Brown: That is fine on a short-term basis, but in the longer term you want to try to house prisoners closer to where their families are, particularly if that will give them a better chance of being rehabilitated when they leave prison. Ms Romeo, without alarming any localities—I would not want you to even name the region—do you have a working brief developing other sites for new prisons in case those three fail?

Antonia Romeo: Yes, we are looking at sites all the time. Obviously, in an uncertain situation one needs to have a plan B, and we are always

scoping out what that would be. We have a number of things on that list, but thank you for not expecting me to be more specific than that.

Q104 **Chair:** Are there any local authorities volunteering sites?

Antonia Romeo: Oddly, no.

Could I just make one other point about the situation we find ourselves in at the moment? We have got something like 5,000 additional prisoners on remand than we had in 2019. The number until that point had been roughly flat. Obviously, that is partly a consequence of the pandemic, and has been to some extent exacerbated by the disruptive action. That is something for which we were not planning 10 years ago; if we had looked ahead, we were not planning for that additional weight on the system. We are all the time managing that increase in demand. There are the additional police officers, there is coming out of the pandemic, there is trying to get the court's outstanding case load down and then there is that particular remand issue.

We are very well aware of all of the pressures on the system, and we are bringing onstream as much supply as we can, as quickly as we can, to manage that. However, it does mean that we do not have the luxury at this point of having space to be able to take large numbers offline to do maintenance. We would like to do it, but we just cannot for the time being.

Amy Rees: Just to build on that, if I may, the type of prisoner is really important. Obviously, if people are on remand, we keep them in certain places; if we can categorise them, we can move them to somewhere that better suits their needs at that point. I think, Chair, you asked me last time we were here specifically about the use of the open estate. We have driven that up significantly since September of last year.

Q105 **Chair:** So when you say "driven that up", that means basically more prisoners on the open estate?

Amy Rees: Yes, we are using it at 97% occupancy now.

Chair: Okay, and what was it before? Remind me.

Amy Rees: It fluctuated between about 85% and 88%.

Q106 **Chair:** Right, so you are really sweating that asset, if you like, in capital terms. Is there an impact on prisoners' outcomes there, with more prisoners there? Well, it is lighter staffing anyway, isn't it?

Amy Rees: Yes, it means different staffing, and we obviously select carefully who gets to be a cat D prisoner, because, by their very nature, if they go into the open estate they have met the cat D standards. At the moment, we have seen most of those measures—in fact, all of those measures—remaining stable, but it is relatively new, so I would have to get an answer in a year's time.

Q107 **Chair:** So, you are constantly watching?

Amy Rees: Yes.

Q108 Sir Geoffrey Clifton-Brown: Do you have enough open-prison places?

Amy Rees: That is a really good question, because some of that is a policy choice—not just for me—about the sorts of prisoners that you would like to put into the open estate. That has varied quite a lot over time. Broadly speaking, there are two uses for the open estate. One is for people who are deemed, right from the outset, to be fairly low risk. The other is for quite high-risk people who have been in prison for quite a long time, and it is a step towards going back into the community.

Who exactly we decide is suitable for that is a matter of policy, as well as of operational judgment. At the moment, I would say that we do want some expansion, and it is part of the 20,000. Whether we could expand beyond that would obviously depend on future policy choices and the mix of offenders that we get coming to us, which does change depending on police activity.

Q109 Sir Geoffrey Clifton-Brown: This would probably get shot down by every local community that has an open prison—I have Leyhill—but my perception is that, actually, the current policy is working quite well.

Amy Rees: Yes, as I say, all of our measures have stayed stable at the moment, and it is a really good asset in our estate. I would want to watch any changes that we make and check that that stability remains. And, Leyhill is a very good prison.

Q110 Chair: We actually held a Committee meeting in a prison in Doncaster, and we were interested in who we met. As you say, there was quite a range of sentences—quite serious ones—but people had been in prison a long time and were rehabilitating through the provision of employment in the farm shop and things like that on site. I think we might be the only Committee to hold a meeting in a prison.

Amy Rees: You are always welcome.

Chair: We will bear that in mind next time. Be careful what you ask for! Sir Geoffrey?

Sir Geoffrey Clifton-Brown: I think I am done, thank you, Chair.

Q111 Chair: Okay, thank you very much.

Antonia Romeo: Can I just add something? It is very good to get the feedback, but, actually, one of reasons, I imagine, is because those prisoners who leave and then go into employment are often really focused. Often, in the local area—if they go and get a job in their local community—that is really valued by the local community, so it is good to get the positive feedback.

Sir Geoffrey Clifton-Brown: Or even just the sort of step down of getting out into the local community just to go and have a cup of coffee, supervised in the first instance and then unsupervised. Actually, that sort of step-down process seems to work very well.



HOUSE OF COMMONS

Q112 Chair: We talked a lot about money, and, of course, you always put an optimistic front on how you will keep delivering Government priorities with less money. We know about the inflation impacts and so on. However, in terms of the actual numbers of cells that you are bringing in, you have said quite quickly that you are not doing as much maintenance as you would like on some, in order to keep them in train. But, you have less money and you will have more prisoners coming in. It is a constantly moving juggling act, and I just wonder how you will really deliver that with less resource.

Antonia Romeo: Don't forget that the money—there are two points about “less money”—

Chair: Resource.

Antonia Romeo: I mean, everybody was given an envelope for the SR, and then we all had to consume our own inflationary smoke within that. That is not less than one had previously. We have still had massive investments in really important things. When I was talking about discretionary and non-discretionary, that is an example of something where it is going to cost a certain amount of money to build a prison, but in fact it will cost more because of the impact of inflation. That is not something that can absorb significant cuts if you want to deliver the same result. That is a good example of something that I would say would be non-discretionary.

Q113 Chair: Okay, but it is going to be very challenging to maintain or increase the number of prison places with less resource, isn't it?

Antonia Romeo: It is going to be very challenging to build as many places as we need to build with less money overall in the envelope, and also to staff up those prison places—that is the other key thing—and to staff up probation to deal with the increased case load that it will have as a result. There is no doubt about that, but of course, overall, we did have a big injection of investment in SR '21, so there is a lot of additional money. It is always hard to live within one's means, but it is less money only than we were expecting to get and it is only less money in a real sense, as it were. We have still had significant investment in the justice system in this SR.

Q114 Dan Carden: On that point in particular, that came after years of cuts. I don't think it has even got us back to where we were back in 2010.

Chair: At HMP Liverpool, overcrowding has doubled.

Dan Carden: And staffing levels are still a massive problem in prisons. There are far fewer prison officers on wings and able to deal with situations that occur there. Facilities like libraries in prisons are often unstaffed for far too many hours a day, which means that they are there and there may have been investment in building a library in a prison, but then there are not enough staff there to actually open it up for prisoners. I see those problems often and I don't think the characterisation of “all this extra money” is quite correct.



HOUSE OF COMMONS

Antonia Romeo: I want to be really clear. At one level you are on my hymn sheet, right? But what I am saying is: can I do the job, can we collectively—the team of 90,000 people in the Department—do the job that we have been tasked to do with the money that we have been given? And the answer to that is yes. I am not saying it is easy. I am not saying it is not going to take difficult choices, as per previous conversation. There are things we would like to do; if we had more money, we would have done them. We recognise the fiscal position that the whole country is in, and therefore we will do what we can with the money we have got. We think we will be able to deliver the supply that we have planned, and we think we will be able to also—in addition—deliver good resettlement services, protect a lot of the money that is, as set out in the Report, for resettling prisoners, and deliver some really good outcomes. We are enthusiastic about that.

Q115 **Chair:** Well, Ms Rees has talked about staffing being the priority. If you fill that gap in staffing, you have a lot less money to do other things, haven't you, Ms Rees? On one hand, it is a good thing; on the other hand, you have less money to spend on some of the other—

Amy Rees: It is certainly true that there is a constant balancing act between the number of staff we have and, of course, the rate we pay, because we expect that to go up over the next couple of years, and then what we can do, but I am in no shadow of a doubt about my priority—it is to invest in staff.

Chair: We get that message loud and clear. Thank you very much.

Q116 **Peter Grant:** Ms Romeo, I want to come back to some of the answers you gave earlier to Mr Carden on figure 3, which is about the annual reports of HMI Prisons and the numbers of prisons that were given the different gradings. I think, in part of your answer, you were saying that those annual figures will tend to move, because it depends on exactly which prisons are visited at a time. At the bottom of page 22 of the NAO Report, it says that over the two years we are talking about, 60 prison inspection reports were done. That is, what, just under half the total prison estate? You have 125 or 130—

Antonia Romeo: Yes, very roughly.

Q117 **Peter Grant:** If you took a sample of 45% or 50% of something, you would need to skew the sample quite a lot to get results that did not apply reliably to the ones that you had not looked at. Are you aware of any way in which—did HMI deliberately go to the prisons that it thought were underperforming? Are you aware of any skewing in the prisons that were picked in those two years that would mean that the results for those 60 would be significantly different from the results for the ones that it did not visit?

Antonia Romeo: Sorry, but I am not sure I have understood the question. I definitely do not think, Mr Grant, that there is a skewing—there was any skewing. I was not suggesting there was deliberate skewing. It was more that it does depend on the prisons. If one looks at the numbers,



HOUSE OF COMMONS

the numbers are 38, 37, 30 and 30, so you are looking at, say, a quarter per year, but of course it depends on whether you are looking at a prison that would do resettlement, for example. Some prisons do a lot of rehabilitation and release planning; others do not. So it does depend. I don't know whether colleagues have the breakdown, but you would expect, if you are doing a lot of those prisons serving courts, they are going to be doing a lot less on rehabilitation and release planning than if they were a cat D or a big release into the community prison.

I would also like to point out, in terms of the numbers, that, again, 2019-20—I say this not knowing which prisons were inspected in that year—was a particularly good year. If you look at 2018-19, you have 50% in the top two colours, as it were, and 46% in 2021-22. So it would be interesting to see what the previous timescale shows, but over the trajectory, it looks like there was a particularly good year. I am not saying we shouldn't be aiming for a good year; to the Chair's point, we need to, absolutely, be aiming for the best all the time. I am just saying that the numbers, at aggregate level—when you are thinking about situations like prisons, the numbers sometimes can obscure differences between them. Go on, Jim.

Jim Barton: I have just a minor point to add. I think I am right in saying that due to the timing of this Report, the stats for 2022-23 do not count all the reports received in that year. There were a few final reports that came in after the Report was published, which were more positive on this factor.

Q118 **Peter Grant:** The definition of the third grading—not sufficiently good—is that there is “evidence that outcomes for prisoners are being adversely affected in many areas or particularly in those areas of greatest importance to the well-being of prisoners.” A not sufficiently good grading is something we should be concerned about. How many prisons currently do you think would get a poor or not sufficiently good grading for rehabilitation and release planning?

Antonia Romeo: What you do mean? There is the 2022-23—

Q119 **Peter Grant:** I am not asking about the HMI reports, because I appreciate that they can do only so many at a time.

Antonia Romeo: Oh I see, you are saying overall.

Q120 **Peter Grant:** Out of the prisons that you are responsible for, how many do you think would get a poor or not sufficiently good grading if HMI came in tomorrow to look at them?

Amy Rees: That is a genuinely difficult question to answer. That is why we put so much investment in HMIPs who go in and do this professionally. They look at a lot of things.

Q121 **Peter Grant:** But if you are in charge of the service, are you not responsible for at least knowing where the problems are and how big they are?

Amy Rees: We absolutely know where the problems are. Just as the permanent secretary has said, there is a very real difference between



HOUSE OF COMMONS

what different types of establishment do, and what we expect them to do. As Mr Barton has mentioned, we have already started to see some early signs of improvement. It would also be honest and candid of me to say that there is definitely a link between how well these prisons do and their staffing—their staffing provision and how much of a recruitment and retention challenge they have. To be absolutely clear, we would expect everyone to be in the green and the blue. I don't think it is realistic that everyone is there right now.

Q122 Peter Grant: How long do you think it is going to take, realistically, to get there?

Amy Rees: As I have also mentioned, it depends on different parts of the country. Where there are bigger staffing challenges it will undoubtedly take longer, but we should expect to see significant improvements over the next two years as staffing improves. As we are still coming out of covid regimes, it is relatively recent we have been able to have that stability, and all the good initiatives that we have been talking about today.

Q123 Sir Geoffrey Clifton-Brown: Ms Romeo, can I press you a bit on the prison building programme? I sit on the R&R programme board for this place, which is going to be a huge project. I know only too well the effect of inflation, particularly on long building projects. Are you sure you can build these three new prisons for £3.8 billion? If you can't, will you have to go back to the Treasury for additional money to cover inflation?

Antonia Romeo: I am going to have to go back to the Treasury because the £3.8 billion is within only this SR, and these are prison build programmes that will take us well into the next SR. We think that £3.8 billion will be sufficient, and we have done some reprofiling between years within this SR, not least because of the appeal—the planning situations that you have mentioned. But I am certainly going to need more money in the next SR to do quite a lot of the additional work to bring these prisons online.

Q124 Sir Geoffrey Clifton-Brown: Are you able to tell the Committee positively that whatever sentencing programme the judiciary comes up with, you will have sufficient prison places to meet the number of people who are sentenced? Or is there a real danger that we will get into a situation where some prisoners will have to be released early?

Antonia Romeo: What I am saying is that we will always have enough prison places.

Q125 Sir Geoffrey Clifton-Brown: Safely?

Antonia Romeo: We will always have enough safe places and provision for what prisoners have been sentenced to, as it were. I am not trying to be semantic about it, but if they are sentenced to tags, we will have enough tags.

Q126 Chair: That is coming in—that is the input end. What Sir Geoffrey is hinting at is that if you haven't got enough spaces, potentially you will



HOUSE OF COMMONS

have to get some prisoners released in order to provide spaces. That is what Sir Geoffrey is pushing at, I think.

Antonia Romeo: There is a whole package of things. As you know, what this Government have done for the most serious offences is extend the percentage of a sentence for which a prisoner would be in custody, so that is a longer time despite the original sentence. Obviously, we have to adapt for all of that as well. What I am quite clear about is that we have to bring online enough places so we can meet the outcome of the court.

Amy Rees: There just is not so much of a static boundary between prison and custody. Recalls, for example, are quite significant. People get released then end up back in the system, and how quickly they are re-released post recall depends on the Parole Board. There are lots of valves and mechanisms that go in and out between custody and community, HDC being another.

Chair: Thank you. I think we could go round and round in circles on that. We wish you luck with the optimism. I guess that is where we are at this point.

Antonia Romeo: I hope it is realism, tempered with—

Chair: Realism. Okay. Tempered already; there we go.

I thank our witnesses very much indeed for their time. This is a hugely important issue that we have looked at a number of times before, and we will continue to keep a close eye on it. With these new police officers and the challenges in the courts we are seeing a real pressure on the bit that Ms Rees and Mr Barton deal with in the system. The transcript will be up on the website uncorrected in the next couple of days. Hopefully we will produce a report before the summer recess, but given that you are already producing your accounts after the summer recess, we will use that as our cover excuse if we are delayed for any reason. Thank you very much indeed.