HOUSE OF COMMONS

Justice Committee

Oral evidence: Future prison population and estate capacity, HC 29

Tuesday 21 November 2023

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Watch the meeting

Members present: Sir Robert Neill (Chair); James Daly; Edward Timpson.

Questions 1 - 91

Witnesses

I: Charlie Taylor, HM Chief Inspector of Prisons; and Elisabeth Davies, National Chair, Independent Monitoring Boards.

II: Andrea Albutt, President, Prison Governors Association.

Written evidence from witnesses:

- His Majesty's Inspectorate Prisons (FPP0020)
- Independent Monitoring Boards (FPP0016)
- Prison Governors' Association (FPP0031)

Examination of witnesses

Witnesses: Charlie Taylor and Elisabeth Davies.

Q1 **Chair:** Welcome to this session of the Justice Committee. Members must make our declarations of interest at the beginning of every meeting. I am a non-practising barrister and a former consultant to a law firm.

James Daly: I am a practising solicitor and partner in a firm of solicitors.

Edward Timpson: I am a barrister and former Solicitor General with a practising certificate. I am a former chair of CAFCASS and former chair of the Child Safeguarding Practice Review Panel. My brother is chair of the Prison Reform Trust.

Chair: I welcome our witnesses to our inquiry into the future prison population and estate capacity. Perhaps you would like to introduce yourselves.

Elisabeth Davies: Of course—I am happy to. Good afternoon, all. I am chair of the independent monitoring boards. We will, no doubt, talk a little about the role of IMBs, as I often refer to them, but it is important to recognise the "independent" part of IMBs. They are made up of volunteers who frequently go into places of detention, namely prisons.

Chair: There is, broadly, one for each prison.

Elisabeth Davies: That is right.

Charlie Taylor: I am His Majesty's chief inspector of prisons.

Q2 **Chair:** You are a regular witness before us, Mr Taylor, but it is nice to see you again, and it is nice to see you, Ms Davies.

We know that the prison population is at the highest it has ever been and is projected to continue to rise. It is at a record 88,000, but equally striking is the fact that the population pressures were predicted as long ago as 2020. Should more have been done to prepare? You, Mr Taylor, and your team have repeatedly emphasised in your reports the overcrowding and lack of capacity. Was something being ignored?

Charlie Taylor: This goes back a long time. All my predecessors have commented on prison overcrowding and its effect, but this wave was predicted around 2020 and has begun to hit now, although it was slowed a little by covid.

Elisabeth Davies: The message, "It is nothing new," comes through the IMBs' annual reports about pressures that predate 2020. For example, Bedford prison is overcrowded and has been for many years. It has now received an urgent notification by the prisons inspector, with three quarters of prisoners being in overcrowded conditions.

It is fair to say that long-term planning has not got a grip on this in the way needed. My concern is that this is about giving and taking with the same hand. The Government are introducing measures to reduce prison capacity—a presumption against short sentences, early release schemes and extension of home detention curfews—but with the same hand they are introducing measures that will increase the prison population: whole life orders and additional aggravating factors.

Q3 **Chair:** You, Mr Taylor, have referred to the changes the Government are making to take off some pressure. What is your professional assessment of the extent to which they will be of assistance?

Charlie Taylor: We have seen some slight, marginal reductions in the prison population—for four weeks in a row we saw some reductions—but we are still very close to the brink. The bath is very close to overflowing, and although there are now measures in place that are beginning to make a difference we do not yet know what the long term will look like. The concern is that the number of prisoners coming in is going too quickly for the number of places that can be created. I am not sure that has been solved by the recent measures, although we have not yet seen the impact of the move away from shorter sentences and how it plays out.

Q4 **Chair:** We shall come back to that in more detail. On the face of it, none of these measures, jointly or on their own, will make up for the surge in demand.

Charlie Taylor: That is the concern in the future. At the moment, it just seems to be about stopping things tipping over—but only just.

Q5 **Chair:** The other measure that has been announced, with legislation coming before the House, is the idea of renting prison capacity outside the UK, with spare capacity in Belgium, Norway and the Netherlands. From your perspective, as someone whose teams are in prisons on a regular and ongoing basis, leaving aside the efficacy or otherwise of it, which may be a matter for when the measure is debated, some practical issues arise. What might those be?

Elisabeth Davies: IMBs are about regular, frequent independent monitoring, as well as inspection. They work side by side, but they are very different.

Charlie works with paid inspectors who go into prisons. It is fair to say that they do not go in that frequently, but they do a deeper dive when they are there.

IMB members are volunteers. They are there week in, week out. They monitor in their free time. They are effectively unpaid; they are volunteers. There are legal reasons why we cannot go in at present; the legislation does not allow us to do so. There are practical reasons, as well. If you were thinking about replicating monitoring, you would be thinking about how you replicate it on the ground, as distinct from the UK.

The key issue for us will be comparability. Our focus will be on asking, whichever country or prison system is chosen, does it have the equivalent of independent monitoring and scrutiny? That raises questions about what our role is in supporting that, and it might be through access to training, etc. The key issue is comparability: the monitoring and scrutiny that we are able to provide in the UK via IMBs must be provided in places of detention overseas.

Charlie Taylor: It is very early days. We cannot comment in much detail yet, but we have been mentioned in the draft of the legislation. It seems likely that we will be asked to play some role. Meetings are lined up with the Prison Service and MOJ policy to talk about how that might work and what the practicalities would be. We are used to inspecting overseas. We are occasionally invited to British overseas territories to inspect them, so it is doable but the devil will be in the detail.

Q6 **Chair:** The attitude of the host country—a sovereign state—might differ from that of an overseas territory, which has historical links.

Charlie Taylor: Indeed. The status and authority of that country is to be worked out in the future.

Q7 **Chair:** An issue that is often raised in both your organisations' reports is the importance of family contact and family ties. What do we do with people released at the end of their sentences?

Elisabeth Davies: It is worth reflecting on the likely challenges around that issue of comparability. The methodology adopted in the UK—independent scrutiny, independent from inspection—is not necessarily unique but is not replicated in other countries. We are not necessarily looking for a like-for-like model, but that will raise concerns for us around comparability.

Q8 **Edward Timpson:** May we explore overcrowding in a little more detail? We know that it is not a new phenomenon; it has been a long-standing problem within the prison estate and service.

In defining overcrowding, if a prison exceeds certified normal accommodation it is regarded as overcrowding. Is that fit for purpose in trying to establish that?

The reports that you and your teams have undertaken contain lots of examples of overcrowding, such as Pentonville. What proportion of prisoners are currently being held in what would be termed "overcrowded conditions"?

Elisabeth Davies: I can give an IMB perspective on the data, which is based on what IMB members are experiencing on the ground, week in, week out. IMBs' analysis of the population data for October 2023 is that 64% of prisons—77 of 120—had more prisoners in the establishment than the number of usable and decent cells. That is a different way of assessing capacity, but that is the capacity that a number of IMB members will use. In some prisons, we are talking about 400, 500 or 600 more prisoners.

Wandsworth has 612 more prisoners; Oakwood has 503 more; and Leeds 452 more. In total, 37 prisons—48%—had over 100 more prisoners than they had usable and decent cells.

One of the things that IMBs consistently report back is that the operational capacity can be continually increased, even when no additional accommodation is provided. IMBs have consistently highlighted that concern.

Charlie Taylor: The data is similar to what we have. The concern is the ratcheting up of the number of places. We did a reasonably good inspection report on Dartmoor three years ago. We were back there this summer and found that 50 cells have now been doubled up. The cells in Dartmoor are pretty tiny and people are doing long stretches in that jail. There is an attempt to squeeze out as many places as possible.

The other effect is on the jails that are most fragile. Five of the top six are inner-city reception prisons, with all the infrastructure difficulties that those jails have.

Q9 **Edward Timpson:** What are the practical implications of your last point about local adult reception prisons that seem to have the most overcrowded populations in England and Wales? What challenges are they bringing to prisons over and above those that they already have?

Charlie Taylor: The first thing is space. They tend to be crammed into inner-city sites. They were built originally with a set of single cells for individual prisoners. Pentonville was built for around 500 prisoners; it now has about 1,100. There has been a big increase in capacity but the footprint has not changed, so there is not enough space for purposeful activity.

A long-standing criticism of the inspectorate, which has worsened recently, is that there simply is not enough for prisoners to do. The end result is that they are locked in their cells for long periods, doubled up often in poor conditions with simply not enough to do. Our concern is that if prisons have a role in rehabilitation I am not sure where it fits in that model.

Q10 **Edward Timpson:** Doubling up in cells has been deemed necessary. In HMP Leeds, for example, around 80% of prisoners are now doubled up. How do we tackle that, based on what you see on the ground? Should there be a limit to the number of prisoners held in one cell—a hard-and-fast rule? What would be the impact on maintaining the current prison population within the estate? How should it be managed so that we move away from some of the downsides of doubling up?

Charlie Taylor: The only way the inner-city prisons can run effectively is if they have huge reductions in their population. Given the time it takes to build new prisons and the time it takes to refurbish closed wings at places like Norwich, Exeter and Birmingham, it is hard to imagine how we will get away from doubling up cells in Victorian local jails any time in the near future. That means we continue to have prisoners in unsanitary conditions, locked up on the wing for too long with simply not enough to do. That is a

feeder of many of the other problems in prisons, such as the ingress of drugs.

Elisabeth Davies: There are probably five key challenges that IMBs repeatedly identify with local prisons. The first is restricted regimes, which are particularly common in local prisons because of staff shortages. You will see from this five that we are talking about interdependencies, not five separate issues. We have heard from some boards that between 60% and 80% of prisoners are out of work and education, and at weekends even men in work and education can be held in cells for over 22 hours a day. That is what we mean when we talk about restricted regimes.

Drugs are a key problem in local prisons. More than half the boards monitoring local prisons raised this as a concern in 2023.

The third challenge is around violence. More than a third of boards monitoring local prisons reported high or increased violence in 2023.

Charlie articulated the fourth: infrastructure. Over half of local prisons are Victorian.

The fifth issue is staffing shortages and overcrowding. They are major problems. They are not unique to local prisons, but they can be exacerbated and they arguably affect issues in local prisons more acutely.

Q11 **Edward Timpson:** May I pick up on your third point regarding violence? One of the concerning features of our prison estate is that violent or disruptive behaviour is the quickest route out of a doubled-up cell into a single cell. In a sense, it encourages that behaviour by what could be perceived as the reward of moving into your own cell or different conditions. Is that quite common in overcrowded prisons?

Elisabeth Davies: I am aware that in our written evidence IMBs talk about the use of violence to gain access to a single cell. We should have referred to the use of violence with regard to a transfer from prisons.

The quick answer is that it is not common. You might see the use of violence in necessitating a transfer to a different type of prison, but we are not seeing it with any frequency.

Charlie Taylor: I talked to an officer in Exeter last week. He described two prisoners who knew how to work the system and would do enough to get themselves put into single cells and have a risk flag put against them.

The pressure on the system is so much at the moment that even quite risky prisoners are being asked to share cells, which is a cause of increased violence and of increased anxiety among staff. Previously, space would be made available for more aggressive prisoners or those with mental health difficulties, but at the moment that is not able to happen. Prisons cannot even take a cell out of commission, as they would before if there was a problem with the plumbing or it has graffiti all over the walls. We are finding that prisoners are having to be shunted in very quickly.

One of the things that help prisons to work well—particularly receptions prisons—are what are called governors holds, where they are allowed to hang on to a proportion of their prison population who are able to do things like Listener work and are trained by the Samaritans to work with distressed prisoners, to be librarians or to do kitchen work. Governors holds at Bedford and Exeter are very rare, so the population churn is incredibly quick.

Last week, we were in Hewell, just south of Birmingham, which has gone from having 300 receptions a month to 450, which is putting pressure on the early days in prison, when prisoners are at their most risky. The danger of prisoners taking their own lives, detoxing and getting into health difficulties is at its most acute. That is in a prison that continues to have staffing challenges.

Q12 **Edward Timpson:** Another part of the estate has experienced challenges as a result of the churn we are seeing—young offender institutions. An increasing number of over-18s are being placed there because of overcrowding in adult prisons. In some cases, 20% to 30% of over-18s make up the total population in YOIs.

That potentially creates a whole set of new challenges. First, is it correct that that is what is happening? Secondly, what are the challenges that have resulted as a consequence of that action?

Charlie Taylor: We do not have a doctrinal view on over-18s in the youth estate. It makes sense to keep someone who has a few months of their sentence to go in prison rather than shipping them to an adult prison for the last few weeks or months of their sentence—unless people have a lot of risk attached to them.

However, it appears to be becoming more of a default, and we are already talking about prisons that are failing to get kids into purposeful activity, that have high levels of violence and that are locking kids in their cells for far too long. Increasing the population of those jails with prisoners who may be more experienced or may be disgruntled about being there is exactly the last thing that estate could do with at the moment, given the other pressures it is under.

Elisabeth Davies: Charlie is absolutely right: this is not about saying outright that on your 18th birthday you should be moved from the YOI estate, but it is recognising the sheer numbers of prisoners over 18 who are in the YOI estate. They cannot possibly have access to purposeful activity because the estate has not been designed for them. It then becomes an issue of where space meets function, and where it doesn't.

One YOI IMB talks about 20% to 30% of its population being made up of prisoners over 18. That is significant when you think about the proportion in those YOIs and what it then means for access to purposeful education, which just isn't a possibility or reality for so many.

Q13 **James Daly:** I want to ask a few questions about the nature of the prison

population, because, as in all things, it is dangerous to talk about a group of individuals as a homogeneous bloc, as it is with all prisons.

I went to Buckley Hall prison in Rochdale, which is next door to my constituency. I was incredibly impressed. If you haven't seen it, there is a self-help group set up by the prisoners—incredible, articulate men who are doing an amazing job addressing issues such as violence.

Elisabeth Davies: It is conflict resolution, isn't it? They don't think of it being conflict resolution; it is just something that they have developed, but it is conflict resolution and mediation that is deeply impressive.

Q14 **James Daly:** It is the job of the state to keep people in a confined environment and give them meaningful rehabilitative work, but there is also a role for the prisoners, and that is a good example.

The driver in the prison population at the moment is the remand population, which as of September 2023 appears to be—I do not know whether you recognise this figure—18% of the total prison population. There is an interesting fact in my brief that I had not been aware of. The number of prisoners serving a custodial sentence of less than a year is 3,492—a large number that is relatively small compared with the total population—and that cohort has fallen by 42% over the past decade.

Well over 20% of the population are serving very short sentences or are on remand. How does the prison system deal with those prisoners, as against those serving longer sentences? Or is there no difference?

Charlie Taylor: We are very concerned about the diet for remand prisoners, particularly the amount of time they are spending on remand. I met a prisoner at Hewell who had been on remand for three years. He had been given a provisional trial date for some time this year, but it is unusual to find prisoners in those circumstances. We inspected Thameside. I think that 10% of prisoners on remand have been remanded for over a year. Those prisoners do not have sentence plans. They are not necessarily able to access some of the contracted services that are contracted in only for sentenced prisoners.

On top of that, those prisoners are often released directly from court because of the time they have served. Even if they are found guilty, they are released from jail with nothing—a travel warrant and no money at all. They have had no resettlement work or support with finding housing, as a sentenced prisoner would have, and are therefore walking out on to the street with nothing. Some of them are risky men, so there is a concern about public protection as well as about what those prisoners will go on to do.

As prisons flip from being prisons that had at least a portion as a sentenced population, we are finding that in some jails in particular that is getting squeezed and squeezed and there is an incredibly transient remand population. Governors are doing their best to hang on when it comes to those sorts of prisoners in those jails.

Q15 **James Daly:** Another figure stood out to me. I don't know whether the Chair was in the Committee at this time and I am probably doing him an injustice.

Chair: How long ago?

James Daly: I will tell you in a second.

I am not asking you to comment on Government policy, but do you have a comment on what I am about to say to you? The Government are making proposals regarding how we can release people earlier at certain times in their sentences. It says here: "The proposal is similar to the End of Custody Licence (ECL) scheme which ran from June 2007 to March 2010. Between June 2007 and 31 January 2010, nearly 80,000 prisoners were released early on ECL, of which only 3% reportedly re-offended." Is that statistic widely known? I hope it is correct, because it is quite a remarkable figure if it is.

Charlie Taylor: I am not familiar with that. I would like to have a look at it. The normal reoffending rate for adults leaving custody is getting up to about 40%, and 65% for children. I do not know how that relates to that statistic.

Q16 **James Daly:** I have touched on remand. If you are serving five or six years, what work will be done with an offender? You have described the environment, but what happens to them on a weekly basis?

Elisabeth Davies: The key thing to note is that that makes an assumption that if you are that type of prisoner you have access to work or education, and you don't necessarily have that because of our concern that prisons are receiving prisoners they are not necessarily equipped to deal with. That assumption would be valid if you made it into a category C prison—a resettlement or training prison—but you might be released directly from a category B prison or a category D open prison.

Boards are seeing a very different mix in their prison populations, so resettlement and training prisons are no longer necessarily seeing people for whom they can provide access to education and workforce planning. The same is true of category D open prisons, where boards might have seen a marked increase in disruptive behaviour and drug use. Many open prisons are dealing with organised crime groups.

Prisoners are being sent to prisons with unsuitable functions. That is the key message I would ask the Committee to take from this.

Q17 **James Daly:** I am sorry to throw out statistics, but approximately 10,000 people in prisons are foreign national offenders. Do you see meaningful work for that cohort when you go to prisons?

Charlie Taylor: I am inspecting HMP Maidstone tomorrow, which is one of the three foreign national prisons. We have seen that those jails tend to be safer, with more settled provision, partly because it is a longer-term, longer serving population.

In terms of what you are supposed to do with foreign national offenders—particularly those who are likely to get deported anyway—it is fairly flimsy. The last time we visited Maidstone there was not enough activity going on. Similarly, we were at Morton Hall a couple of weeks ago, and in the summer we inspected Huntercombe. In all three of those jails we were very critical of the level of purposeful activity. Not enough thought had gone into the needs of those foreign national offenders and what they could usefully be taught that would help them wherever they ended up—whether they were going to remain in the country or be deported at the end of their sentences.

Q18 **James Daly:** In the 12 months to June 2023, self-harm incidents increased by 65% in the female estate and 6% in the male estate. I assume—it seems obvious—that overcrowding must play a part in that. I wonder whether that is the case. How does HMPPS manage prisoners with poor mental health better, especially in overcrowded situations?

Charlie Taylor: Actually, women's prisons tend not to be overcrowded. Women tend to be held in single cells. The causes of self-harm are obviously complex and multifaceted, but I will name a number of factors.

I think regimes are very poor in women's prisons as well as men's. As with men's prisons, they have failed to get back to normal since covid, so there are still too many restrictions in place. Women are locked in their cells for long periods of time, without enough to do. We do not see the sense of community that you get in the more effective women's prisons—somewhere like New Hall—in other jails.

A proportion of women have some extreme mental health difficulties. We have a thematic report coming out in the new year about something that we often find: we are extremely concerned about women or male prisoners who should be in hospital but are not getting to hospital, and are stuck in the system. Sometimes it is because there are no spaces available. Even more depressingly, sometimes the bureaucracy just gets in the way of moving them on. There are some extremely unwell women who continue to be in prison when they should not be there.

The final thing, which we see less often but which remains an issue, is prison being used as a place of safety, when the courts feel that they have no choice but to send someone to prison because they are worried that that person may end up taking their life, having an accident or dying in other circumstances. Again, that is simply not an appropriate place to put people who are unwell. It is an enormous drag on the resources of the prison. Untrained, unqualified people are looking after some of the most vulnerable and unwell people in the country, and are being taken away from other duties they could be doing to support other prisoners in the jail.

Elisabeth Davies: Can I come back on the issue of mental health? On self-harm, as Charlie has alluded to, you cannot underestimate the impact of population changes in creating unstable environments. For example, you talked about Buckley Hall, which is a category C prison. It has started to

receive category B prisoners. The destabilising effect has been noted, and there has been an increase in self-harm at the prison as a result.

A few IMBs that monitor some of the older Victorian prisons have reported to us that self-harm is now resulting from more cell sharing.

Some IMBs have also reported on paperwork not being completed to the standard that they would expect. That is paperwork in the context of those who are most vulnerable to self-harm.

As Charlie alluded to, staff are generally unable to build meaningful relationships. Nearly all IMBs have talked about an absence of key work. Key work can be critical in doing something about self-harm.

I want briefly to mention mental health, because I am very concerned about it—as are IMBs. Charlie alluded to the specifics of women in prisons. That came out in a thematic review that the IMBs published a few months ago. We are likely to pick up on it again in the mental health context, in relation to segregation units. We will need to come back continually to the issue of prisons being used as places of safety.

Q19 **James Daly:** All three of us have been involved in the sector in one way or another, and the one thing that I took from Buckley Hall, from Forest Bank and every other prison I worked in was the question of how to maintain hope for people. Hope does not shut its door once you go into a prison. On top of mental health, it is all related to hope. Every person I met in the prison environment wanted to hope that there was a better future for them. If we can tap into that and keep it alive, better outcomes can come from it.

Elisabeth Davies: That is the focus on purposeful activity and rehabilitation. You cannot maintain hope if you are locked up in your cell for 22 or 23 hours a day. You are so right.

Q20 **Chair:** That issue of hope arises, too, in the cohort of IPP prisoners.

Elisabeth Davies: IPP sentences are a critical issue. Obviously, we are talking about mental health as well. The work that this Committee has done with regard to re-sentencing on IPP sentences should be remarked on.

Q21 **Chair:** Looking at another side of the same equation, we have these concerns about overcrowding in prisons and you have both referred to the problems with running a proper regime that is genuinely rehabilitative, and at the same time we have heard lots of evidence—and you have picked it up in your own body's reports—about staffing pressures, with shortages of staff in a lot of prisons and, in others, lack of experienced staff and quite high attrition rates. Is the workforce, as it currently is, going to be able to cope with the projected increases in the prison population that are being talked about?

Charlie Taylor: That is an ongoing challenge. For example, Five Wells struggled to recruit enough people. We find there are some microclimates

in certain parts of the country where recruitment appears to be incredibly difficult. Up the M1 corridor there are prisons like Woodhill, Oakhill, Onley, Five Wells—and Bedford is struggling; out on the A40, Bullingdon has a wing closed because there are not enough people there. On the Isle of Sheppey there is competition from things like Border Force. All the jails in Kent, Surrey and Sussex are struggling.

Prisons in remote parts of the country, such as Wayland in the middle of Thetford, really struggle to get enough staff. It is partly about the recruitment of staff. We were recently in Swaleside on Sheppey, where they simply cannot recruit enough staff, and the prison is reliant on detached detail staff coming from the north of England, bussed in for the week. With the best will in the world, and to the credit of that governor, who has done a remarkable job hanging on and keeping that prison going, they are reliant on people who are not brought into the jail in the same way as your own officers who are trained up.

With the recruitment of officers—making sure that people of the right quality come in—the fact that governors have no say in the people who come into their jail as officers seems to me a huge anomaly. I was a headteacher. The idea that I would recruit teachers without having met them is astonishing. People coming into prisons without a face-to-face interview means there is no real opportunity to test their values. Those are the critical things.

That is one of the causes for the pipeline being poor, but it is worse for the fact that the bucket leaks. We lose a lot of prison officers. About 13% go within the first year. A huge resource goes into training people, and some of those people might have been able to make it, and might have been competent and capable, but if the training and support is not there and the prison is a very stressful and dangerous place to work in, as we found with Woodhill, sadly, people will vote with their feet. That just adds to the pressure in the jail, and to the difficulties that prisoners face in those places.

Q22 **Chair:** Do your inspections throw much light on the quality of training?

Charlie Taylor: We do not talk about the quality of training, but we talk about the quality of the officers that we find. Sometimes officers are very young. Some of them may be very good in the future, but it feels like they do not always know what they are doing. Prisoners who, sometimes, have been in prison longer than those people have been alive say they end up having to tell officers what they are supposed to be doing. With some prisoners, that is absolutely fine, but with some prisoners that is not something you would necessarily want to happen.

Q23 **Chair:** You have identified certain areas, and prisons within those areas, that are subject to particular staffing pressures. Are there specific actions that you could recommend to Government that could be taken to prevent yet more pressure being placed on those that are already hard pressed?

Charlie Taylor: The traditional thing you would do where you had a real recruitment issue, or where you had a prison like Woodhill that was in difficulties, would be to close wings down. Woodhill has closed down a small amount of its provision, but because of the pressures across the system at the moment that is difficult to do. We recently inspected Swaleside. Some of the provision was closed. Since we left, and since our inspection has been over, we have heard that they are now filling up that jail again. Similarly, Bullingdon has a wing that is closed, but there is such pressure at the moment within the system that some of the things that you would normally do in response either to problems with recruitment or to a bad inspection are simply not there.

Detached duty is fine for a short time, and sometimes any prison can hit a crisis point, for whatever reason; but where it becomes the default way to staff a prison that has to be a concern.

Q24 **Chair:** It is a short-term fix, isn't it?

Charlie Taylor: It is a short-term fix, but unfortunately it is being used at the moment as a much longer-term fix.

Q25 **Chair:** One of the issues, of course, is that detached duty officers, with the best will in the world, cannot build the relationship with prisoners that is necessary for the good running—the safe running, very often—of the prison.

Charlie Taylor: Absolutely right—and they are being taken away from their own jails. We were in Exeter last week—a prison to which we have given two urgent notifications in a row. It is making some very fragile progress, but officers from there are being sent on detached duty elsewhere in the country, simply because of the pressures. The last thing that Exeter can afford is to lose officers to anywhere else.

Q26 **Chair:** No, I get that. The other thing that struck me, Mr Taylor, was that your annual report for 2022-23 showed that 36 out of the 37 men's prisons that you inspected were either not sufficiently good, or were poor, for purposeful activity. You have talked about the regime before. That is not going to get any better, is it, with the projected increase, unless something else changes?

Charlie Taylor: That is probably my biggest concern as chief inspector. It has always been our worst-performing of our four healthy prison tests, since it began in 2002, but it is worse than it has ever been at the moment. It is not just that it is bad in some of the prisons where you might expect it—some of the Victorian locals. We also go to prisons in the north of England that do not have some of the staffing problems and that have reasonably good facilities, and we still find workshops that are empty, classrooms with a handful of prisoners in them, and prisoners doing what are, ultimately, fake jobs. Someone might have a wing-cleaning job that takes them probably half an hour. Supposedly they are employed for the day, but they spend the rest of the time just hanging around the place. The idea that that is any preparation, particularly in cat C prisons, for that

sense of progress or the hope that Mr Daly talked about, is really just fanciful.

Q27 **Chair:** I get that. In your inspections in that same year, you rated only 5% of prisons as good for rehabilitation and pre-release planning. Again, that is pretty shocking, but were there any characteristics of that 5%—the ones that did manage to do it well—that stand out and should be the basis of learning across the system?

Charlie Taylor: I think the 5% was HMP Doncaster, actually.

Chair: It is the one prison, isn't it?

Charlie Taylor: It is one prison. We found that some good work was being done there with families. There were some good links with the community. It is a reception prison, with prisoners going out. Some work was being done with organisations to try to reduce the number of prisoners going out homeless from the prison. Also, they were making sure that things like family visits were operating in the way they should. There was also access to some support for prisoners, in terms of changing their behaviour; but I am afraid it is fairly meagre pickings.

Q28 **Chair:** One out of the 37 inspected in the course of the year. Ms Davies, from the perspective of the IMBs, I imagine you will not disagree with what Mr Taylor has been saying.

Elisabeth Davies: No, and I was thinking about the reference to Five Wells. A legitimate question—and, Charlie, you have shone a light on some of the issues with Victorian local prisons—would be whether things are better in prisons built more recently, that are more purpose-built. On a practical level it is difficult to open a prison that runs well straightaway. IMBs at both Berwyn and Oakwood have reported poorly in their initial years.

The initial report from Five Wells seems to follow that trend, so let us talk a little about Five Wells. It is intended to be a rehabilitation and resettlement prison, but the IMB found it struggled to fulfil this purpose and that this has negatively affected the progression of prisoners who were transferred there.

So what did they report specifically that picks up on what we have heard from Charlie Taylor? They talked about education provision having a slow start because of difficulties in recruiting tutors, and about vocational training being behind schedule, so that there were limited work opportunities. Only half of prisoners attended vocational workshops and educational provision. There was little evidence of key worker targets. Support targets were not met. The roll-out was behind schedule. Release on temporary licence had been suspended. The plans and resources available for resettlement were good, but not yet fully implemented. That partial picture articulated by Charlie is reinforced by what IMBs observe on a weekly basis.

Chair: That is very helpful.

Q29 **Edward Timpson:** Of the five key areas mentioned earlier, I think infrastructure was the fourth. Looking at the prison estate and, in particular, the shoring up as opposed to replenishment and renewal, and trying to work out the best use of people's money and resources, in 2021 the Public Accounts Committee found that the prisons maintenance backlog stood at £1 billion. It had previously found that "500 prison places are taken permanently out of action each year due to their poor condition." There is this trade-off about building new places as opposed to ongoing necessary maintenance. When you look at the prison estate as it is today, where some non-urgent maintenance work is deferred to meet short-term capacity pressures, what impact is that having on the prison estate? Is it still leading to a loss of provision and places that could otherwise still be in use?

Elisabeth Davies: We have seen urgent maintenance work that has not been completed for a number of years. To use an example from Pentonville IMB, in 2016 a prisoner was killed with a weapon that is believed to have been smuggled through a window. Two prisoners escaped through their cell window shortly afterwards. An urgent investigation recommended that 800 insecure windows and security grilles be replaced as a priority. Seven years later, this has yet to be completed. It seems that what constitutes "urgent" is open to interpretation, and that there are potential consequences that can be very serious.

The obvious point is that non-urgent work can develop overnight. It is not necessarily something that can be planned for. For example, one IMB has flagged that the control room in a prison has been deemed unsuitable, and has flooded in the past. If the control room cannot be used, the prison cannot be used, and the 600-plus prisoners will need emergency accommodation elsewhere. The concern is that the calculated risks being taken by HMPPS are growing.

Q30 **Edward Timpson:** Who is making these decisions? Normally, you would expect a clearly set out programme of works, with who is responsible for what, timelines, costings and so on. How is that managed? Who decides what is urgent and what is non-urgent, and when one may move from one to the other? Can you provide us with any insight into that?

Charlie Taylor: Yes, as to the definition of urgent or non-urgent, I walked into a cell in HMP Bedford two weeks ago. There were three 19-year-old boys in there who were self-isolating because they were worried about being attacked by other prisoners. It was a slightly larger cell. I opened the door and the smell of mould was overwhelming, and the back wall of the cell was covered in black mould. Does that count as a non-urgent or urgent maintenance job? I would suggest it is urgent, as it could make people ill. Nevertheless, that cell and others like it in Bedford remain in service.

We have talked about prisoners in Bristol prison continuing to slop out because the night sanitation system does not work. Similarly, at Long Lartin, Grendon and Coldingley, the infrastructure of those parts that were built in the '60s is also struggling. Whether that is urgent maintenance I am not sure. We go into cells where the floor is peeling up, or windows, as we found in Bedford, are broken and there is glass poking up from them—even in prisons where there are people who self-harm. Is that urgent or non-urgent? To me it feels urgent, but we will wait to see whether it is or not.

There is huge frustration among governors about the time it takes just to get stuff done. We sent you a rather horrible photograph of some showers at Risley—and that was after they had been given a good clean, after our inspectors had arrived. They had been waiting a long time for refurbishment to happen there.

Governors feel trapped. They get criticised by us because conditions in their jail are really poor, but they feel it is out of their hands; it is run by central contracts through the MOJ that then go through GFSL, which takes on the contracting work. They can, in the prison, do very basic things such as unblocking a lavatory, or something like that; but when it comes to anything to do with infrastructure they enter the dark world of MOJ Prison Service procurement, which seems to mean that everything takes an incredibly long time.

Elisabeth Davies: That is reinforced by local IMBs, who will have lots of conversations with local prisons about the difficulty of managing a contract. Whether a contract is about prison education or even healthcare, let alone maintenance, there are real challenges about how it is performance-managed. For example, I visited an IMB and was told about a tumble drier that had broken months earlier; the quote on the maintenance contract—I am just feeding back what I heard, so it is not fact-checked—was for something like £20,000. That was to fix a single tumble drier. One of the prison officers said he might as well do it, because he could go to the local ironmonger and buy the part. That is what we are talking about, in terms of the challenges with contracts.

Charlie Taylor: A newly appointed prison governor told me that she was not able to go to her local Howdens or B&Q to buy a pot of paint. A more experienced governor would have just got on with it, but as a newly arrived governor she felt she needed to follow the rules. She had to go through a procurement exercise, which ended up costing far more money, rather than simply buying the paint from the local shop.

Q31 **Edward Timpson:** It sounds worryingly reminiscent of many of the PFI challenges in the NHS and schools.

Charlie Taylor: I will give you one more example about infrastructure. We inspected Ashfield last month. They have carpeted parts of the jail. It is a sex offender prison with a fairly elderly population. To quieten things down they have carpeted parts of the jail. It is run by Serco. Actually, it is a

decent jail and it is well run. They are doing a good job. As part of the contracting arrangements, they have to return the prison in the state in which it was found, and therefore they have to spend £300,000 ripping up carpets that were doing an excellent job, and were well looked after and maintained by prisoners, simply because of the narrow terms of the contract, with, apparently, no flexibility from the Prison Service or the MOJ. That is another example of money being used in a way that is not in the best interest of prisoners.

Q32 **Edward Timpson:** Does either of you know how recently some of these contractual arrangements were put in place? Are they a legacy problem that is hard to unravel?

Elisabeth Davies: I don't, but I imagine it is a combination of legacy contracts and some signed more recently, based purely on what I am hearing anecdotally. I do not know whether that is reinforced by your experience.

Charlie Taylor: Indeed. Some of the MOJ procurement is unfathomable. As I said, as a headteacher I could recruit my own staff. I could also, with the governing body, tender for building works to be done in the school. Things like that seem to cost a huge amount of money. They seem always to overrun. Often, the quality of the work that is done is very poor, as well. Something is going wrong in the procurement of building works in prisons, certainly.

Q33 **Edward Timpson:** Is this therefore another area where you think more autonomy for governors, and more trust in them to make decisions in their own prison, would be a step in the right direction?

Charlie Taylor: Yes. There are obviously security issues, which need to be taken seriously, and the Prison Service would have a view on that; but, with some bits of work, the idea that you cannot buy a pot of paint seems ludicrous.

Q34 **Edward Timpson:** Can I ask you about the Victorian estate and, in some cases, the 1950s prison estate? Mr Taylor, you said recently that 14 prisons in England and Wales that fall into that category—especially the Victorian era inner-city prisons—should ideally close. In making that statement you clearly thought about the challenges in trying to keep them open as an alternative. What are those challenges, and how were you led to the conclusion you reached?

Charlie Taylor: These are prisons that are the most fragile in the country. We have, sadly, done three urgent notifications in the last year. Those were for Bristol—three repeat urgent notifications for Bristol—for Exeter and for Bedford; but also for Chelmsford as well. They are all examples of Victorian local prisons. In the past, there have been challenges at places like Wormwood Scrubs, Birmingham, which my predecessor reported on, and at Nottingham, Leeds and Liverpool. Those prisons are consistently struggling. They are the most overcrowded. The infrastructure is poor and

there is not enough space. The advantage that they have, of course, is that they are convenient for courts and family visits.

If the population of a prison were reduced to the original capacity—if Pentonville had 500 prisoners rather than 1,000—there is no reason why it should not be a decent prison; but, sadly, I cannot see that any time soon any of these Victorian prisons will reduce their population or be closed and turned into fascinating museums of brilliant Victorian architecture, which is perhaps what they should be.

Q35 **Edward Timpson:** Ms Davies, do you have anything to add? Do you agree?

Elisabeth Davies: I very much agree. I agree with the principle that prisons that have repeatedly been deemed not fit for purpose by the prisons inspector and local IMBs should no longer be used. Obviously, a decision needs to be made about whether it is worth making them fit for purpose—reducing their population, as Charlie has articulated, and spending capital on the old buildings to improve standards. That is an investment question for Ministers to consider.

There are two conditions that I would highlight. This is not just about Victorian prisons. You alluded to the fact that it is not solely Victorian prisons that are not fit for purpose, and that are in need of investment. It is an issue that affects prisons built more recently. An example is Woodhill, which was opened in 1992. One of its wings is not fit for purpose. On a practical level you have to address the issue of where prisoners are going to go. The more prison spaces that are decommissioned, the more cramped the conditions are for people inside. That would need to be addressed.

Q36 **Edward Timpson:** It may be that the convoluted contractual arrangements that we discussed a few moments ago prevent this from being an option, but are there any short-term steps that you think the Government could take to try to improve living conditions in some of the prisons that are well past their sell-by date?

Charlie Taylor: It becomes very difficult when there is such a strain on population that governors are under huge pressure not even to take single cells out of action when they have been smashed up or covered in graffiti. It makes it very difficult at the moment to do anything meaningful with those Victorian prisons.

There are some big refurbishments going on. There is one at Birmingham at the moment. Supposedly, it will end up with refurbished wings with single cells, but there is something about the infrastructure of those jails that makes it difficult. For example, at Exeter the Victorians put in a clever system of ventilation. The idea was that the prison would be reasonably well ventilated. Unfortunately, that does not fit with modern fire practice, so the prison is unsafe. A huge amount of money is having to be spent on undoing work that the Victorians did on ventilation, simply to make the prison fit with the fire regs.

Q37 **Edward Timpson:** Before I hand back to the Chair, Ms Davies, there will be people, hopefully, watching or listening with interest, who want to know more about the independent monitoring boards, and how to volunteer. If people want to inquire about how they might be able to take on that role, how should they go about it?

Elisabeth Davies: The quick reply is to go to the IMB website. We are dependent on people who have intellectual curiosity and do not just want to walk or drive past the four walls of the prison, but who question what goes on behind those four walls: "What assumptions am I making about what goes on there? Am I assuming that the people within those four walls are never going to come back out into the community?"—because they really are. The people with that curiosity are the very people we need, and on whom we are dependent. Please go to the IMB website. You will see all the information about the recruitment rounds that we consistently run.

Q38 **Edward Timpson:** I should probably ask Mr Taylor how one becomes an inspector.

Charlie Taylor: We are recruiting at the moment, so we are looking. We have a proportion who have operational experience. We like to have some who know where the bodies are buried, but we also like to have outsiders with no particular prison experience and simply have, as Elisabeth said, inquisitiveness and interest but also attention to detail and an ability to write reasonably well.

Q39 **James Daly:** What is the mission statement of HMPPS, in the sense of what you are judging? You are chief inspector of prisons, but there must be something on which you are judging the organisation. I am assuming it is the aims of the organisation.

Charlie Taylor: Ultimately, we judge on the treatment and conditions of prisoners. What it comes down to is: what is it like to be a prisoner in HMP X? That is our starting point. What are the outcomes? What is it like to be locked up in Bedford, Manchester or whichever jail we are speaking about? The Prison Service has its own value statement and aims, but ultimately we are about what happens to prisoners on the ground.

Q40 **James Daly:** From that perspective—this is no criticism whatsoever—it is very much the value judgment of the individual inspector. There is no guidance from HMPPS against which you are measuring this.

Charlie Taylor: It has a very good data source, which we use when it comes to things like assaults, levels of violence, self-harm, drug finds and mandatory drug testing. Therefore, those data sources come our way. Another important data source is our survey of prisoners that we do before every inspection begins. Finally, that is triangulated by the conversations with staff and prisoners during the inspection week and with senior leaders, and an assessment of the quality of the paperwork. What is it telling us?

Q41 **James Daly:** In your dealings with HMPPS, essentially does it want to keep prisoners safe and get them through their sentences without any

problems? Given the whole thing it is doing and the fact we are putting in huge amounts of money, from the perspective of the organisation, not you, what does it tell you is the purpose of all this money and all these prisons?

Charlie Taylor: The focus and gravitational pull is towards safety and security. I completely understand why that is, but we report on four different areas in our healthy prison test: safety, respect and what conditions are like in the jail, purposeful activity and rehabilitation. When they are getting all those things right, we know we are inside a good prison.

I do not think people lose sleep over our scores for purposeful activity. If we give out a one, our lowest score for safety, I think there are ripples within the Prison Service. I do not think we get anything like those ripples when we are commenting on purposeful activity, but it is that purposeful activity that will help people to be less likely to reoffend when they come out. Safety is not about protecting the public just by locking people up; it is also about protecting the public by making sure people are less likely to reoffend when they leave at the end of their sentence.

Q42 **Chair:** It remains the case, does it not, that there are statutory purposes of sentencing but no statutory purposes of imprisonment?

Charlie Taylor: Indeed.

Q43 **Chair:** That was a gap that I think Michael Gove picked up when he was Justice Secretary some time ago, but it has never been rectified.

Finally, Mr Taylor—forgive us for one second, Ms Davies—you mentioned Bedford a number of times in your answers, very helpfully so. As to the urgent notification at Bedford to which you refer, it is the fifth one in 12 months. As the Minister conceded in his letter to us, three came fast together. Why do we seem to be getting this proliferation of urgent notifications, because when they were brought in they were a pretty rare occurrence?

Charlie Taylor: We have looked at this. Have we changed our standards? Are our measures different? We are absolutely confident that we are applying the same standards that my predecessor applied when he was part of the initial introduction of urgent notification.

Three of those jails are ones where we have invoked the urgent notification process once before. There is a failure by the Prison Service to make sure those jails are on a sustainable footing.

As for two of those prisons, we know that Bristol made some good progress, because we were there for a little bit during covid. We also saw Bedford's scores had gone from one, one, one, two when we gave it an urgent notification in 2019 to two, two, two, three with an excellent governor who had done a very good job.

What I think worries most of us is that where some of these prisons have an excellent and committed governor they are just about able to keep their heads above water. Because the Pentonvilles, the Birminghams and those

sorts of jails have excellent governors they are just about able to function reasonably well, but if there are big changes in leadership, as we have seen in Exeter and Bedford, quite often things begin to unravel quite quickly.

In the youth estate, our urgent notification of Cookham Wood was an enormously concerning inspection with very high levels of violence, but particularly the isolation of children, which we were very concerned about. That is in a part of the estate that is not by any measure badly resourced.

Finally, Woodhill has been a prison of concern for many years with recruitment and infrastructure issues, as Elisabeth mentioned, and the holding of a long-term, risky population. That prison simply was not functioning in the way it should be. It is a concern for us that we have given out so many of those recently, but it does speak to a system under enormous pressure that is very fragile at the moment because of the population that is coming through.

Elisabeth Davies: I think urgent notifications remain a crucial tool in the independent oversight of prisons and YOIs, but IMBs are raising concerns about the speed and sustainability of progress following an urgent notification. They are looking at the action plans and raising questions around lack of outcomes, timeframes, root cause analysis and resources. That is something all of us need to consider. They are an absolutely crucial tool, but they need to be implemented on the ground to have meaning.

Q44 **Chair:** Mr Taylor, that seems to be the underlying problem. As you say, systemically too much depends on the individual leadership qualities of one person, and those systemic lessons are for the senior managers of HMPPS, are they not?

Charlie Taylor: Indeed. We were in Exeter last week. That was the first return we made after the full inspection with an urgent notification. The governor has a grip. The prison group director who oversees the region has put in some money and resource, so there are more senior staff there doing some very good work, but that is very fragile. Our worry is that we have gone and that prison group director retires at Christmas. I would continue to be worried about returning to Exeter with its high levels of violence and incredibly complex population. We might return to that prison in two years and find it has been another false dawn.

Q45 **Chair:** I understand that. The other quite common factor is that 10 of the 15 are reception prisons. Is there any particular point arising on that?

Charlie Taylor: We have talked a lot about Victorian prisons. It also seems to me that relatively small ones particularly struggle where they are more fragile. Lewes is a prison we have been concerned about, as well as Exeter, Bedford and Bristol.

Q46 **Chair:** There are very high levels of self-harm in Bedford, are there not?

Charlie Taylor: It is really astonishing. Safety in there was poor; assaults on staff had very much increased; conditions in the jail were poor; it was

dirty. There is no reason for a prison to be dirty. That is in the hands of the leadership of the jail, and it was not good to see.

Q47 **Chair:** Do you get a sense that specific actions can or will be taken to reduce self-harm at Bedford?

Charlie Taylor: We will be back, and when we go back we will certainly want to see a change in those numbers.

Elisabeth Davies: One of the really important things is that even with an urgent notification and the prison inspector going back there is a certain passage of time. The IMB for Bedford will be in and out of that prison on a weekly basis. One of the things that I do very carefully with Charlie and his organisation is triangulate the data received from local IMBs. Local IMBs report that self-harm is high in comparison with similar prisons, and they will be able to report back on progress that is or is not made.

Chair: That has been very helpful. We are very grateful to you, as always, for giving your time and evidence today.

Examination of witness

Witness: Andrea Albutt.

Q48 **Chair:** Perhaps you would introduce yourself and your organisation for the purpose of the record.

Andrea Albutt: I am president of the Prison Governors Association.

Q49 **Chair:** Thank you very much. We also thank you for the written evidence that the PGA has provided.

We are looking particularly at the pressures on prison population and the capacity of the prison estate. I believe you have been in the Prison Service as a governor for quite some time now. Perhaps you could just remind us.

Andrea Albutt: I have been in the Prison Service for 35 years. I retire at the end of March. I have governed four prisons, including Bristol, which is one of our most challenging prisons, and women's prisons. I have been around a long time.

Q50 **Chair:** On the back of that experience, how does the situation within our prisons compare over those years? We seem to have greater pressures than before, but how would you put it in context?

Andrea Albutt: Our service has been under pressure for a very long time. While the issues of capacity are the worst we have ever seen, we have been overcrowded for decades. Our reception/local prisons have been incredibly challenging for a very long time. I do not believe this is an acute problem; it is a very chronic problem that needs to be sorted out once and for all. It feels very much as if we have piecemeal policies that allow us to stutter and stumble on for a little bit longer, but we never get to grips with our prisons, their purpose, who we put in prison and what we want to achieve.

Q51 **Chair:** The increase in numbers was predicted in 2020, was it not? Again, was there a failure to adopt a strategic approach, or what drives the inability to deal with that?

Andrea Albutt: From the PGA perspective, we probably do not have a long-term cross-party strategy for our prisons. We have a country that thinks the answer to crime is to lock people up, but those of us who are working in prisons and are involved in criminal justice know that that is not the answer. On average, it costs £46,000 to lock somebody up and we are not in a position to rehabilitate them because our prisons are so full and, in quite a number of cases, understaffed. It will not work. We need some kind of strategy that reduces the population, rehabilitates those who are in prison and thus makes people in the community safer. Our current policy is not achieving that.

Q52 **Chair:** Have you raised those concerns with the senior management of the Prison Service?

Andrea Albutt: Yes. We have very good engagement with HMPPS, but this is not an HMPPS problem; it is the strategy of Government. Prisons are at the end of the road. We have no say in how many people come through our doors; it is policy decisions that decide that.

Q53 **Chair:** What engagement have you had with prisons Ministers recently?

Andrea Albutt: We have not had particularly good engagement with Secretaries of State or prisons Ministers for quite a long time, probably since pre-covid. We never met Dominic Raab, but we did write to him in February with our significant concerns about where the prison population was going. We had a meeting with Alex Chalk last month and that was all about the capacity issues and our significant concerns in that respect. We do write, but we do not meet them on a regular basis.

Q54 **Chair:** I suppose that turnover does not help either.

Andrea Albutt: I agree with that.

Q55 **Chair:** We have seen the changes that the Government are proposing. There are certain reforms, as you are well aware, which are said to be intended, partly at least, to reduce capacity pressures. To what extent do you think they will work?

Andrea Albutt: We have not seen the modelling of the more immediate ones that have been implemented, or what next year will look like. Although we did have a dip, the population is starting to rise again. One of the issues is that people think that some of the announcements by Government have made a difference to the population. The biggest factor to reduce the population has been the de-listing by courts. That is why we have had a dip and reduced the population by a few hundred, but it is starting to go up again because those cases have now been re-listed. HMPPS has informed us that probably in the early part of next year, maybe in March or April, we will be back into the crisis we were in a few weeks ago. I think that in the short term we are not out of this crisis at all.

Q56 **Chair:** One of the measures the Government may want to use in the future is the legal power to rent space in prisons overseas. From your members' perspective as governors, what are the practical considerations—one can talk about ethical considerations—that you see that throwing up?

Andrea Albutt: For a governor in Bristol prison, if we rent cells abroad that probably will not have any impact, but if we are putting our citizens in a foreign country, wherever that may be, what does it mean for their resettlement, their family ties and their language issues? Will they get equitable care? It seems to me to bring up myriad issues. How do we get assurance that British citizens being held in cells abroad are being cared for, and where do we get that assurance?

Q57 **James Daly:** I hear what you have said. I agree. The three of us have been involved in this sector for a long time in one way or another. Overcrowding has always been an issue. With an independent judiciary and the judicial function not being a governmental function as such, I wonder whether we can ever sort out this problem unless we have a revolutionary approach. There are only two revolutionary approaches. One is to build lots of new prisons as quickly as possible. Perhaps I could put a question mark after that in terms of the first revolutionary approach. How have we gone on with that, and what is your assessment of where we are with it?

Andrea Albutt: As for new prisons, our understanding is that three of the sites have failed to get planning permission. Each of these prisons will hold about 1,800 people. If we do not get planning permission for three of these sites, I am not sure how we are going to deal with a prison population that is predicted to go well above 100,000 in this decade. I am not quite sure. It is a big infrastructure building programme. I think it is the biggest one that the Prison Service and Ministry of Justice have ever embarked upon, but it concerns me.

Q58 **James Daly:** The second revolutionary approach is not to send people to prison for lots of offences. There cannot be anything else, can there? There are only two solutions. It will certainly be a brave politician who stands on an electoral manifesto that says, "Let's not send people to prison."

Andrea Albutt: I agree, but I think we need to change the rhetoric on prisons. Government needs to be quite honest about the cost of a prisoner place and how well prison keeps people safe from crime. Obviously, it does while people are in prison, but we have to release them at some point. Are we releasing people into the community who were safer when they went in? There needs to be a conversation. I know we will not change public opinion straightaway, but there needs to be an honest conversation about the purpose of prison and who we need to put in prison. I agree that it does not win votes.

Q59 **James Daly:** What we are talking about is straightforward: the public can understand that this situation will go on and on unless one of those two things happens.

Coming to my last question at this stage—it may well be this figure is

incorrect—do you remember something called the end of custody licence scheme, which ran from 2007 to 2010? Nearly 80,000 prisoners were released on early custody licence.

Andrea Albutt: I know of it.

Q60 **James Daly:** I am not trying to catch you out in the slightest, but we have a figure here showing that reportedly only 3% of the 80,000 reoffended during the period on licence. Was that reported at the time?

Andrea Albutt: It is the first time I have heard of it, but if that was the case it is very positive.

Q61 **Chair:** Can you remember whether at the time it was perceived as a positive thing?

Andrea Albutt: It was perceived as a positive thing by our members. Anything that reduces overcrowding helps to stabilise a prison, so it will always be positive.

Q62 **Chair:** You have talked about big infrastructure projects. As an organisation, have you thought about national infrastructure projects being bogged down in the local planning system? Should they be treated differently in the planning system? You may have heard things like nationally significant infrastructure projects. Is that something you have ever looked at?

Andrea Albutt: I do not think it is really something on which the PGA can comment.

Q63 **Chair:** But are the delays in planning frustrating for your members?

Andrea Albutt: I would not say it is particularly frustrating for our members, because our members hold only the number of people they can hold in their cells. It is probably more frustrating for the Ministry of Justice and HMPPS than it is for our members.

Q64 **Edward Timpson:** We have already heard evidence today about overcrowding in prisons and understand a little more about what that means in practice. From a governor's perspective, what are the greatest challenges in overcrowded prisons, irrespective of the type of prison? There may be different challenges depending on the type of prison.

Andrea Albutt: There are different challenges. Prisons are full every day. Prisons with high churn are generally quite unstable. It is very challenging to keep the feel of the prison calm. They tend to be quite scary places for prisoners, so it tends to increase things like mental health issues, violence, drug taking and isolation. We have a lot of very vulnerable people in prisons with significant mental health problems, so it exacerbates this. It has become incredibly difficult to manage a prison population when you are full.

I was governing a prison when there was significant disorder around the country. We had to increase overnight our population by about 50. That

might not seem very many, but it had a massive impact because we had to double up more; there were more people on each wing. It is quite difficult. Prisons are full every day and we do not have sufficient activity places for the population, so people spend a long time in their cells. There are also pockets around the country where there are significant problems in recruiting and retaining staff. That again leads to very poor regime delivery, with people being locked up for long periods.

If prisons are full, as someone leaves a cell in the morning another person goes into it in the afternoon. Places become very tight and tatty. They are crumbling and are not particularly well looked after. There are myriad issues.

Q65 **Edward Timpson:** One thing that has become apparent is that where decision making lies and how you tackle this is difficult to fathom. Some of it seems to lie with governors, particularly those who are very active and forthright, but in other instances it seems to happen just within the system; it is a systemic part of the operation. Are governors able to play a sufficiently active role in deciding the capacity within their prisons?

Andrea Albutt: No, is the simple answer. They are part of the decision making, but the decision is made by a panel. It decides the operational capacity of the prison, the overcrowding and the number in prison. That is based on staffing issues in the prison, regime delivery in the prison and the stability of the prison. There are a number of things and the panel decides it. The governor is obviously involved, but the governor does not have authority to say, "I don't want to increase my op cap," or whatever. The panel can also decrease the op cap, but that is becoming increasingly difficult because of the need for every single cell to be occupied.

Q66 **Edward Timpson:** Tell us a little more about the panel. Who is on the panel? How are they chosen? How regularly do they meet? What is their legal standing?

Andrea Albutt: They are people within the operational line of the Prison Service—our senior leaders, all of whom are operational experts. I am not sure what you mean by "legal standing", but they are the people who know our business and decide on the maximum safe capacity of a prison.

Q67 **Edward Timpson:** What I am driving at is to understand how it came to that sort of arrangement and why it is that governors, albeit they play a role, do not have, as may happen in other parts of the public service, the autonomy to make decisions around capacity within their own prisons. I understand there is a lot more churn in the prison estate than there was because of the problems of trying to find spaces, but do you think it would be more helpful if governors had a greater and more prominent role in trying to work out what is best for their prisons?

Andrea Albutt: To be quite honest, they're damned if they do and damned if they don't. Our system is so full that nobody is in a position to say, "We cannot reopen this wing; we cannot do it." That kind of flexibility around

decision making has been taken away because there is a need for cells to be full every single night; it is absolutely paramount.

Looking at what you are describing, in an ideal world governors should have more say, but it is not an ideal world. We are in a crisis where we have a capacity gold commander in place trying to keep the system running and prisoners flowing through the system.

Q68 **Edward Timpson:** Do you think that more support could be offered to governors to help them to improve conditions within their own prisons?

Andrea Albutt: It is difficult to say what support could be given, because any support that a governor would need would probably mean money. We have a £1.7 billion maintenance backlog in our prisons, and that maintenance backlog is not to improve our prisons and not to make them fit for purpose in 2024; that is just to make them stand still and not get worse. We are not going to get that money.

I do not know what more governors could be given to support them—maybe a bit more autonomy around some of the things they can do. As an organisation, when things are really challenging, we tend to centralise and become a bit of a command-and-control organisation, and we are a little bit like that around capacity at the moment.

Q69 **Edward Timpson:** If a prison is inspected and one of the findings is that overcrowding is causing the myriad problems that you have already described—violence, drug taking, a lack of purposeful activity and no real regime in place—how would a governor seek to address that so that the inspection next time round showed improvement, and perhaps that is where the support could come in?

Andrea Albutt: Prior to this capacity crisis, we would be able to reduce the op cap in prisons that were struggling to try to make them safer and have an opportunity to refurb some of the areas and things like that. We are not able to do that now, and that is probably why we have seen three prisons, Exeter, Bristol and, more recently, Bedford, getting UNs, because we cannot reduce the capacity any more, whereas Liverpool, which was one of the first prisons that tested urgent notifications, had hundreds taken off its operational capacity to improve it and we saw improvement straightaway. When you are able to do it, you see improvement, but at the moment we are not able to do it because we have nowhere to put the people if we were to reduce capacity. If we closed a wing in Bristol—the wing where they have to slop out at the moment—and reduced capacity, there is nowhere to put those prisoners around the estate. We just cannot do it.

Q70 **James Daly:** My next question follows on from that in a different sense and from my earlier question to you. Forgive me if I have misread your submission, but it states that the Government's decision to build 20,000 extra prison places would have been welcomed if it had involved a "new for old" policy. The question that follows on from what you have just said

is: is closing prisons realistic, given the demand for places and the already overcrowded situation?

Andrea Albutt: No, of course it is not realistic. No, we cannot do it.

Q71 **James Daly:** Obviously, that then suggests—please forgive me if I misunderstand what you are saying—that we essentially need to maintain inadequate buildings to allow us to build more modern, purposeful facilities, and there will be a period when those two things will overlap, but that is essentially the policy we need to go along with as quickly as possible.

I suppose the point I am making is that we hear a lot of evidence on this Committee, and you have given some very articulate evidence regarding the state of some prisons. We would all agree, whether it is the structure or the overcrowding, that they are completely unacceptable and in a perfect world we should not have people housed in them. The question is: how do we replace that capacity?

As I said, your organisation seems to have a "new for old" policy, but to me that seems a little unrealistic in that we cannot have a situation where we are closing some of these buildings that are not fit for purpose, unfortunately, because we just do not have capacity to put people elsewhere. There will be a period when we are building new prisons, but these buildings, unfortunately, that we are using at the moment have to remain open. Would you agree with that?

Andrea Albutt: I would agree with that, and I think they are going to remain open for years. They are going to remain open in the short term, particularly if the predictions are that we could be hitting 106,000 people in our care. It is going to be years.

It is important to say that during the austerity period in the last decade maintenance stopped on prisons—there was no money for maintenance—and the quality of our prisons absolutely plummeted, and we have not recovered from that to this day because we have not had the investment. I said a few minutes ago that we needed £1.7 billion just to maintain the current prison estate, not to make it better.

Some of our prisons have been open for 30 years and now need quite a bit of work on them. If we are going to keep our prisons open and functioning and make them so that they can rehabilitate people, we need a massive amount of investment. The £1.7 billion is probably a drop in the ocean of what we need for the rest of the prison estate if we intend to keep the older, and in some cases quite crumbling, prisons open for the next few decades, which I think is highly likely.

Q72 **James Daly:** Let us hope that the new prisons will be built. There are staffing challenges within certain parts of the Prison Service. Do you think we are going to be able to find the people to staff them adequately?

Andrea Albutt: Most of them apart from one will be contracted out to private companies. Some of the sites are in the leafy shires, which are expensive parts of the country. I suppose it depends what the pay and

reward package will be, whether it be private sector staff or public sector staff.

Q73 **James Daly:** Can you give us a rough idea of what salary package somebody who wants to come into the sector and work as a prison officer is likely to receive?

Andrea Albutt: It depends, because we have certain sites where people get paid more. On average, a prison officer gets about £30,000. It can be slightly more or it can be slightly less depending on how many hours they decide to work.

Q74 **James Daly:** Can I go to another issue now? Following the triggering of Operation Safeguard, the PGA said that a police custody suite should never be considered as an alternative to prison. It may well be obvious, but can you tell us what the logic behind that statement is?

Andrea Albutt: People who are new into custody are probably at the most vulnerable and at the most risk of harm to themselves and mental health issues. We do not know what kind of induction programme they have. We have a very well-rehearsed induction for people who are new into custody. We have systems in place to keep them safe that we have had in place for many years, so we are experts at this.

Police officers do a marvellous job. I am not saying that they would not care for individuals who go into police cells. It just seems to me that to go into a police cell and then the next day to be taken out of that police cell and brought into a prison and go through a further process probably is quite distressing for people.

Q75 **James Daly:** To what extent have rapid deployment cells helped to reduce the demand for prison places?

Andrea Albutt: RDUs, rapid deployment units, take a little while to build. I know they are called RDUs, but they take a little while to be put into prisons. Of course, they will help because it gives us more spaces, but there are issues around RDUs. Quite a few of them are in the cat C estate. Because of the capacity issues that we have had, we have changed how we assess people to go into category D prisons—and I will come back to that in a second.

The RDUs are not secure cellular accommodation like in the normal wings of a prison. They are small units in secure compounds, but, actually, they are insecure in themselves. They cannot be locked at night for fire safety reasons; people have to be able to get out in the event of a fire. The people whom we put into them will have to be low-risk people who can be trusted to be in less secure accommodation. Unfortunately, in order to move people into the cat D estate to make space in the cat C estate, the low-risk people are moved straight into the cat D estate. Cat C prisons are struggling to find suitable cat Cs to go into the rapid deployment units because they are a low-security unit. They bring operational challenges.

When they are put into prisons, you have to increase activity spaces because you have increased the population, but the number of activity spaces in these prisons is not increasing at the same rate as the rapid deployment units. There are staffing issues around employing extra people to deliver the activity places as well. While they are helpful, they bring operational challenges for governors.

Q76 **James Daly:** One of the drivers of the current prison population is the remand population. The remand population has gone up for all sorts of reasons. How is this impacting the way in which you and your colleagues run prisons?

Andrea Albutt: The remand population is about 15,000. Pre-covid, it was about 9,000. It is huge. What it has meant is in our most challenging prisons, which are our reception/local prisons, whereas once upon a time they would have had a 50:50 or a 60:40 split of remands and convicted, that has increased now to about 80% remands and about 20% convicted, which means that the stable part of the prison, the convicted side, is much less than it used to be, so they have a much higher proportion of vulnerable, challenging people in their care who require significant interventions around health, drugs, mental health and the challenges that people new into custody bring.

It is no surprise that most of the prisons that have had urgent notifications are the reception/local prisons because they have a very difficult prisoner population. We do not really do anything specific for remanded prisoners. They stay in there a long time. They have very poor regimes. A lot of them are released from court, when they eventually get to court, with virtually no resettlement in place, so it is incredibly challenging.

Q77 **Chair:** During the time you have been around, Ms Albutt, you will be aware that there is a minimum agreed local level of staffing for each prison, and that if you fall below that level you have an emergency red regime. We have seen some evidence from an FOI that one of the national papers did that prisons had run emergency red regimes 22 times this year. How does that compare with the experience in the past? Is that worse than you expected or about in line?

Andrea Albutt: We have struggled for quite a lot of years. We lost 7,000 prison officers during austerity, and we have never got that number back. The population is slightly higher now than it was then. We have had staffing issues for a long time. The pay and reward package during austerity was significantly reduced, so we were not an employer of choice. It has been really difficult. It has been a mammoth task.

In fairness to HMPPS and the Ministry of Justice, they have worked tirelessly to try to improve our staffing situation, and it is improving. There are still pockets where it is quite dire, but it is improving. We are over-recruiting in some prisons and sending people on detached duty, which is not ideal, I accept. The people whom we send on detached duty are the

more experienced, and the new people are the ones who stay in the prison, and it brings its challenges.

Things are improving, but we have a lot of people who are new in service. We do not train our prison officers as we should. Six weeks' training to go in and do what is probably one of the most challenging roles in this country is a disgrace, and we need to invest in our people. We stopped the prison officer apprenticeship last year, I think. We do not offer any qualifications. You do your training, you come into a prison, and you have to crack on and be a prison officer. Is it any wonder that in some of our really challenging prisons we struggle to retain people and they leave? We are not investing in them and we are not equipping them to be the best that they can be.

Q78 **Chair:** Okay, that is understood. You mentioned some pockets where there are real staffing pressures. Is there anything practical that can be done to make sure that more pressure is not put on those who are already in a bad way staffing-wise? How would that be done managerially?

Andrea Albutt: To try to support the prisons that are struggling?

Chair: Yes, indeed.

Andrea Albutt: They have done things like increase the pay and reward package for prison officers. There are some public interest initiatives to help financially with people travelling or people staying close to these prisons. There are some quite good incentives to try to get people into areas where it is difficult to recruit, and it is bearing fruit. It is early days, but it is bearing fruit.

Chair: It is going the right way. Okay, that is helpful.

Andrea Albutt: It is tentative, though.

Q79 **Chair:** Okay. I understand that. Your written submission, which we are very grateful for, said that the HMPPS response to overcrowding has been impressive and has, up to now, prevented a complete collapse of the system. Equally, you fairly concede that that comes at a cost. You may have referred to it earlier. It is about capacity management instead of system-wide improvements and the outcomes for prisoners. It is containment, in a sense. Do you want to elaborate on that?

Andrea Albutt: We have had various initiatives from Government such as changes in how we do HDC or early custody licences, presumptive cat D, moving people into cat Ds not so much based on risk but on time served, or whatever it might be to try to relieve some of the pressure. All those initiatives have to be implemented.

One of our biggest frustrations as the PGA is that the people who have to make sense of these policies, train people and implement them are our members, because they are the senior leaders in prisons, and for month after month the PGA was asking, "What is the plan?" and nobody would tell

us. It was top secret and nobody could know. That was quite frustrating. These plans, these decisions and these policies would then be published, and governors and their teams would have to get them implemented in the prison to try to keep the system going. All that takes time.

Prisons are very busy, difficult, challenging places just for the normal day job. When you have added pressure of different policies coming in to manage the population, it just takes you away from being strategic because you are actually in the moment having to manage the crisis. While we are incredibly good at it in prisons, as covid showed—we are really good at crisis and command—it means that you are not able to take time out to move your prison to where you want it to be, and it just makes it that much more difficult.

Q80 **Chair:** We are projected to have a long-term increase in the prison population. Given that it is a struggle to maintain meaningful and uninterrupted regimes at the moment, what is the solution? What do you and your members need to make it possible to run a proper and useful regime under these circumstances?

Andrea Albutt: The PGA stance would be that we need to reduce the prison population and to reduce overcrowding. That is what we have to do to make a difference and to be a functioning prison system that really does rehabilitate, really does reduce reoffending and really does make communities safer. The only way to do that, in our view, is to reduce the population. We know that is not going to happen.

Q81 **Chair:** Before we move on, why do you not think that will happen?

Andrea Albutt: I do not think there is a will to do it, because as a country we have always locked up more than the rest of western Europe. It is a cultural thing. As I said earlier in this conversation, we need to change the rhetoric. It might take years, but we need to change the rhetoric about what prison is and what its purpose is. We have called for a royal commission—we went public with that a couple of years ago—to look at prisons and what the purpose of prison is, and come up with something that is better than what we have.

Q82 **Chair:** Until such time as we get to that—I sympathise with you—what are the practical implications that you were about to talk about?

Andrea Albutt: We are not a well-resourced prison service. I know spending money on schools or spending money on health is always a vote winner, but prisons need more investment. If we are going to keep a high prison population, we need to spend money on what we are doing in prisons. We are not experts. Obviously, we have the UNs.

People who come to prison are at the end of the road. They have been let down by other organisations, whether that be education, health or social services, and then they end up—not all—in prison. Now, we are having to pick up people who cannot read or write, who are innumerate, and who have significant mental health problems, and we are expected to do that

work in prisons. We are actually assessed against the same criteria as organisations like Ofsted and the CQC, which should be excellent, but we are not very good at it.

If we are going to be a proper functioning prison service that picks up people who have been let down in society, we need to be funded to be able to do the job or make the difference with them, and we are not. For me, it is about investing. What is the purpose of prisons? If we are going to lock lots of people up, we need to be adequately funded to deliver whatever our purpose is. As things stand now, we are not funded and we are meant to be everything to everybody, and we are not very good at it.

Q83 **Chair:** In 2022-23, the chief inspector gave evidence to us and said that only 5% of prisons are good for prison rehabilitation and release planning. Actually, that was one prison—Doncaster. None of the other 36 adult estates that were inspected came up to it. What role can governors play in trying to improve that? We have heard that a lot depends on the governor. Good governors can make a difference. Perhaps you do not have enough such people.

Andrea Albutt: I would say this, but I genuinely believe it. I think governors are quite amazing people. The role that they carry out is quite a phenomenal role. Governors probably need more autonomy. While budgets are very tight, they need more autonomy to be able to make decisions because they know their prisons and they know what their prison needs.

We are a national organisation. We are by default quite centralised. Over the years, I have seen different White Papers that have used the terms "autonomy", "empowerment" and "freedoms". They are all just the same thing. I have seen those words littered through White Papers, but the end result is we are still absolutely shackled with bureaucracy. The freedoms, the autonomy and the empowerment are not there. Actually, if a governor becomes a little bit too free, they are seen as maverick and a bit scary. We need to unchain them and give them freedom to make decisions around their prison.

Q84 **Edward Timpson:** One of the consequences of capacity pressures, which we touched on briefly, is around the estate and the maintenance of it, and trying to make sure that it enables as many prison places to be available where they equate with the level of living conditions that should be expected. Of course, with all the prisons at capacity pretty much, that puts on ice quite a lot of what is termed "non-urgent" maintenance work, which can either quite quickly or over a period of time descend into something rather more urgent. Apart from the short-term impact that that is going to have, what are the longer-term impacts that it is having on the prison estate?

Andrea Albutt: I said it before, Mr Timpson. If we just look back to when we stopped maintenance when we went through austerity in 2013, 2014, 2015, 2016 or whenever it was, some of our prisons just deteriorated into

absolute squalor, and we have not recovered because we have not had the investment to bring them back up. They have not recovered from then, and now non-essential maintenance is being stopped because of the capacity issues, so they are just going to deteriorate further.

We have appalling FM contracts. It is important to say that Carillion was one of our contractors that delivered facilities management, but it collapsed. Then we have GFSL, which is the Government-owned contractor that does our maintenance. They actually mark their own homework. We see this data in meetings. They say, "We have done X, Y, Z." That is them marking their own homework against the contract. Then the Ministry of Justice gives the assurance, and HMPPS are told things are all tickety-boo. What is being assured and what is being said by the contractors is actually a long way away from the reality on the ground, so the data is flawed.

Planned preventive maintenance—the stuff that should be done—is not being done. We have Legionella in our prisons. There are many things. The environment and fire safety are rated red. It is not good in our prisons at all. There are major concerns. What is non-essential maintenance? All maintenance is essential. We have domestic fire alarms in some of our prisons. That cannot be right.

Q85 **Edward Timpson:** Who decides whether some maintenance is urgent or non-urgent? In doing so, what role does the governor have?

Andrea Albutt: That is a difficult one for me to answer. The decision around what is urgent and what is not urgent will be made by the contractors along with MOJ Property. It does not sit within HMPPS. It is part of the functional leadership model. Estates sits in the Ministry of Justice. It will probably be a conversation between the contractors and Ministry of Justice estates. I am sure the governor will have a lot to say, but the governor has no money. The governor does not hold a budget to do anything with their prison. They may well have a say, but the decision will not be theirs.

Q86 **Edward Timpson:** In the past, has there been a trial, pilot or whatever you want to call it, where the governor does hold some of the budget to try to deal with maintenance issues in their prison? If you have someone who is living and breathing that whole estate, both the planned preventive maintenance and issues that arise on a non-urgent and urgent basis, it would seem to be me that they are in a pretty good position to make the right calls.

Andrea Albutt: I would agree with that, but there are no pilots. There is nothing like that happening in the estate.

Q87 **Edward Timpson:** Do you think it would be a good idea?

Andrea Albutt: Yes, of course. My members would be delighted to have some say in a budget that they can spend.

Q88 **Edward Timpson:** Or at least pilot in an individual prison to prove what I

suspect both of us are getting at.

Andrea Albutt: Yes.

Q89 **Edward Timpson:** We had the chief inspector in previously. He identified, as you will be aware, 14 inner-city Victorian-era prisons in England and Wales that, in his view, have reached the point where they really should close. Do you agree or disagree, and, if so, to what extent?

Andrea Albutt: In the state that some of them are in at the moment, they are fit to be closed. There are some benefits of inner-city prisons. They are part of a community, and, having been governor of Bristol prison, it is good to be part of a community. You get interest, you get resource, and you get people who want to help you and support you. That is really positive. It is very good for family ties in that people can get to the prison quite easily and family can visit prisoners. You have access to other public services. There are positives.

The overcrowding in some of our inner-city prisons means that the state of the prison outweighs the positives. If we can improve the infrastructure of the prisons, there is absolutely a role for inner-city prisons, because there are a lot of benefits to being part of a community.

Q90 **Edward Timpson:** Are there any other prisons on your watch list that have been more recently built? We heard about HMP Woodhill earlier, which was built in 1992 and has a wing with serious issues. Are there others that you are worried about and consider that they should close?

Andrea Albutt: I do not have specific prisons that I am worried about. I just think that we have an estate that is not modern enough to deliver what is expected of prisons, hence why we are being criticised time and time again. If prisons are meant to deliver activity, training and education, and we have to have enough activity for everybody who is in them, we have lots of prisons that are not able to do that because the footprint of the prison and the design of the prison do not allow it. There will be lots of prisons that are not able to do that if that is what we are meant to do.

The 14 prisons that Charlie Taylor is talking about are probably bastions. They are probably well known by people who are not really interested in prisons—Scrubs and Wandsworth and suchlike. If we are going to keep them open, we have to do something with them. We are going to keep them open because we cannot close them. That's the thing, is it not?

Q91 **Edward Timpson:** Yes, that is right. We also need to think about the future design of prisons and making them fit for purpose for the 21st century and beyond. What role have governors had in designing those prisons that the Government have committed themselves to?

Andrea Albutt: There is consultation when they design new prisons. There is consultation with governors and lots of people on what would work and what would not work. There would be psychologists involved. There will be

a whole array of people involved in how to design a prison. We are consulted on the design as well, as the voice of governors.

Edward Timpson: Thank you.

Chair: Ms Albutt, thank you very much indeed for taking the time out to give evidence to us. It is very much appreciated. It has been very helpful. I look forward to seeing you again, no doubt—certainly before March with luck, at any rate.

Andrea Albutt: Thank you.

Chair: All the best.