

Justice Committee

Oral evidence: Recent urgent notifications on the prison estate, HC 398

Wednesday 13 December 2023

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Members present: Sir Robert Neill (Chair); Tahir Ali; Rachel Hopkins; Edward Timpson.

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Witnesses

I: Rt Hon. Edward Argar MP, Minister for Prison, Parole and Probation, Ministry of Justice; and Phil Copple, Director General Operations, HM Prison and Probation Service.

Examination of witnesses

Witnesses: Edward Argar and Phil Copple.

Chair: Welcome to this session of the Justice Committee. We are looking today at the recent use of urgent notification procedures on the prison estate.

I welcome our witnesses, the Minister and Mr Copple, Director General Operations, HMPPS.

First, as always, we have to make our declarations of interest. I am a non-practising barrister and a former consultant to a law firm.

Edward Timpson: I am a practising barrister, not currently undertaking any direct court work. I am a former Solicitor General, a former chair of CAFCASS and former chair of the Child Safeguarding Practice Review Panel. My brother is chair of the Prison Reform Trust.

Q1 **Chair:** There are no other relevant interests for anybody.

Perhaps I may start with a preliminary, and you, Mr Copple, can come in as appropriate.

We know by way of background that urgent notification procedures were introduced in 2017. The Committee has dealt with them on a number of occasions, and the statistics show that they vary from year to year. In the past 12 months, however, five have been issued. Surely that must be a matter of concern, with that number of URNs coming sometimes quite fast one after the other. Are we at a pressure point or crisis point of some kind in some prisons?

Edward Argar: Thank you for inviting me this afternoon.

The short answer is that the urgent notification process is hugely valuable. As you say, it came in during 2017. For me, one urgent notification is one too many and we should not be seeing them. When, as you highlight, we have five concurrently—Exeter, Bedford, Bristol, Cookham Wood and Woodhill—I am concerned.

Bedford has perhaps most recently been the subject of public debate. The fact that it is a recurrent UN gives me cause for concern. I do not believe it reflects systemic problems across the system, but there are lessons we can draw, particularly from the nature of some of those establishments subject to UNs at the moment. But I do not want to pre-empt your further questioning.

Q2 **Chair:** Mr Taylor, chief inspector of prisons, talked about the Prison Service's failure to make sure that prisons are on a sustainable footing. He has seen some evidence of a number of prisons moving forward but falling back, with the same errors being repeated and lessons, including action plans, not being embedded on a sustainable basis. He is probably right, isn't he?



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Edward Argar: I met the chief inspector relatively recently. I will not go into the detail of our conversation a couple of weeks ago, but I listened very carefully to what he said and we did talk about the urgent notification process, about his concerns, and about why he had triggered a number of them.

I don't think he is right in that, but I acknowledge that there are genuine challenges across the prison system, particularly for some of these sites. A piece of work that I am doing at the moment is to see whether there are commonalities among those that regularly get urgent notifications—the type of prison or other factors.

One thing you will see with the current five is that three of them are reception prisons, with certain similarities—the nature of the buildings and the nature of the work that they do. One of the challenges in those establishments is the short duration of prisoners' stay before they are moved to other prisons, which can make the provision of services—mental health and other services—or meaningful engagement very difficult. That can create a less stable environment for looking after prisoners and doing the things we want to do with them.

There are other factors that I suspect we shall come on to—the physical environment and the estate. I do not entirely accept the chief inspector's point about a failure to make sure that prisons are on a sustainable footing, but a number of the 120 or so prisons give me cause for concern and each and every one of these concerns me. There is a reason for the process and the fact that they are coming to me and to your Committee means that we are rightly concerned about them.

Q3 **Chair:** Mr Copple, you might be able to help. There seems to be a pattern: there is a URN and in response you bring in fresh or additional leadership. You bring in people from the centre to try to spice things up. You might bring in various specialist groups to improve training. You use detached staff for a period of time, and you might give them priority for recruitment. All of that is not embedded for the long term. All too often, that has a short-term impact but it falls back and we are back to square one. What is that if it isn't a failure to make it sustainable? The improvements do not seem to be sustained. The hit squad, for want of a better word—the elite team you have brought in—are moved on again. Why is that?

Phil Copple: It is worth taking a step back and thinking about the history of urgent notifications since they were introduced and looking at all the sites that received them.

To some degree, I would include Liverpool and Wormwood Scrubs, which had very poor inspections in late 2017. The previous chief inspector was very clear that he would have issued urgent notifications had the protocol been in place.



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Prisons at Liverpool, Wormwood Scrubs, Nottingham—which has been inspected twice since its urgent notification in 2018—and Birmingham, which had an urgent notification in 2018, have made sustained improvements. We have also seen that in the youth estate at Oakhill and Feltham.

There is a pattern, as you would expect, of our throwing a great deal at prisons that have had an urgent notification. In some cases, that has been sustained over quite a period. That has been encouraging. It is fair to say that we saw improvement in some of the other cases. Bristol, Exeter and Bedford all saw improvements. That was seen in the inspection of Bedford early last year. It was seen at Bristol in a scrutiny visit that the inspectorate did in 2020, and the inspectorate noted some progress at Exeter when it did a scrutiny visit in 2020.

I accept that there has been a deterioration since. Some establishments—and those are among them—have greater challenges than others, as the Minister outlined. When the system starts to face headwinds and there are perhaps local compounding factors, they are much more vulnerable to deterioration than other establishments, and, unfortunately, we have not been able to prevent all of them having urgent notifications.

We have done well in supporting some places to avoid that. Winchester and Swaleside spring to mind. They had faced major problems, but we have managed to avoid urgent notifications. Bristol had significant staffing problems, as did Bedford—as the general system was having problems—from mid-2021 to late 2022. We have seen an improvement over the past year or so, which has been very helpful, but they had less resilience to a generalised tightening of the labour market, which had a big impact on them.

We have seen challenges with safety across the system, and those are prisons that are more vulnerable to that than some others. I don't think that is the only part of the story. It is important that the Committee acknowledges that we have made sustained and significant improvements in some cases. It is fair to acknowledge from my point of view that we do not have the scope that we did four or five years ago. We took out a lot of accommodation to help places like Liverpool and Birmingham.

Q4 Chair: You can't do that now, can you, because of the numbers?

Phil Copple: No. We spent a great deal of money on those establishments to improve physical conditions, but we have not been able to do quite as much of that more recently.

There are some constraints on us as well as local compounding factors—often linked to staffing.

Q5 Chair: What Mr Copple is saying, Minister, but I address it to you



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because it is a policy decision, is that because of the numbers in prison he, as Director General, and his team have less flexibility to try to put things right, frankly. He cannot reduce the accommodation numbers; he cannot cut down the number in prison X because overall it is bursting at the seams.

Edward Argar: I would not disagree with you, Chair, that the current capacity challenges we face constrain the levers at our disposal, but it is important to note that of the 11 UNs since January 2018 only three are recurrent UNs; the others have come out of it and have sustained improvement.

But you are right to say that the current constraints—prison capacity and the high level of the prison population—limit the levers that in the past Mr Copple and Ms Rees had at their disposal.

Q6 **Chair:** We will come to individual prisons in a moment.

We have talked about Bristol and Exeter in the past—with Mr Copple and others—but is there a particular issue around the south-west? Those two prisons are very close to each other. Are there similar labour market or other issues causing problems? Are there managerial issues?

Edward Argar: I will give my initial response, if I may, and then Mr Copple will be very much closer to the detail.

As I alluded to earlier, the greater correlation, including Bedford, is around the type of prison—an old Victorian county town reception prison—and that is the broader driver or broader consistent factor.

The one thing I would say from my reading across all three of these sites is that there are pressures in the south-west in the workforce but also in healthcare provision. Bedford has significant workforce challenges as well, but Mr Copple may have more regionally specific comments to make.

Phil Copple: There have been concerns in respect of some important provision that we contract in or that the NHS contracts in for us in healthcare and education and particular providers. There have been changes there and we are seeing improvements.

Q7 **Chair:** That was common to those in the south-west.

Phil Copple: We are seeing improvements, which is encouraging, in respect of those two establishments. There were labour market challenges for both, to some degree, albeit not as great for Exeter as for Bristol. Again, we have seen generalised improvement across the whole of the system, including in the south-west, over the past 12 months or so, but they were factors as well.

Q8 **Chair:** As the Minister says, you have a lot of reception prisons, but 10 or 15 of them are what might be termed adult male local prisons, with a lot of Victorian stock. What makes those prisons particularly problematic? I



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understand you have churn and turnover in reception prisons, but are there additional issues with the local prisons? Is it the physical state of the buildings?

Edward Argar: The state of the estate is a factor, but some—and Phil will be able to talk about them—continue to do well. We must be careful about drawing a consistent or general theme throughout.

It is a relatively small establishment compared with a lot of the other prisons, which can cause challenges with resilience and ability to deal with these things.

For me, the state of the estate is a concern, but the churn point that you referenced, Chair, makes it challenging when paired with the state of old Victorian prisons and workforce challenges in some of them. Overall, we are seeing numbers go up—retention goes up—but in some areas we are seeing localised challenges.

If you put those together you start to see common themes in the recurrent urgent notifications. That is one of the pieces of work I am doing with the team to see whether there are common themes. I spoke to the chief inspector about that recently.

Chair: I get that. It is all compounded by the lack of headroom that we talked about.

Q9 **Rachel Hopkins:** Bedford Prison has had 533 self-harm incidents in the past 12 months, the third highest across the prison estate. What steps are you taking to reduce that level of self-harm?

Edward Argar: I shall give a headline and Mr Copple may want to give more detail.

You are right to highlight those instances of self-harm. One of the things we have done is to seek to help staff to identify the risks and triggers for self-harm among people entering Bedford. We have included coaching and upskilling on assessment, care in custody and teamwork—the ACCT case management model—and are providing it through the national safety team as a specific intervention.

NHS England is working specifically with HMP Bedford to review the self-harm pathway and particular intervention points to help the prison to understand the reasons behind self-harm and, hopefully, improve understanding and escalation and oversight when there is a heightened risk.

We are also providing temporary funding for 12 months to help to embed the new ACCT processes and learning. I take the point made by the Chair and extrapolate from it, but I suspect his concern will be what happens after those 12 months. The purpose of that funding is to embed those processes in business as usual and it is part of the day job. Mr Copple may have further comments, but we will keep that under review.



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Incidents of self-harm are too high across the entire estate, particularly—I will be honest with the Committee, as I will always seek to be—in the female estate. That is not for this session, but I am looking at it very carefully with Mr Copple.

Phil Copple: The only thing to add is that we are investing in the senior management team, to strengthen it, and creating a couple of additional posts. Some of that will be directly helpful, because one of them is around violence reduction, and tackling factors around violence often helps with self-harm as well, because some of the drivers are the same, in establishments, and because it will increase the capacity of the safety team. They will have fewer other general operational duties to cover, because we have a bigger senior management team in place in the establishment.

There is a big drive to try to improve standards and to double down on that, as the Minister has touched on. That will include considering standards coaching team deployment. That is a central resource that we organise, of experienced and skilled staff to support staff in other establishments where they are struggling. Bedford has particular challenges because of a high proportion of inexperienced staff. We have a much higher proportion of inexperienced staff across the system than we did have; 30% of our officers now have less than two years' experience, and it is a job where experience really counts. It is a problem I would rather have than not, because it reflects success with recruitment. We have also improved retention, so, hopefully, we can build up the experience base of our staff, and make a difference in that, but we need to support those places—and establishments like Bedford where the proportion of inexperienced staff is above the national average need a lot of help to drive forward the improvements.

Q10 **Rachel Hopkins:** You have pre-empted a couple of my questions, so I might probe a little further. What more can be done with regard to people who are vulnerable? As you say, there is discussion on entry, but you alluded to the link between violence and self-harm, and some vulnerabilities come up while someone is in prison. Is there anything else that you would focus on to reduce the level of self-harm?

Phil Copple: I think the overall action plan in response to the UN, and to the whole inspection, is focused on a range of key concerns, including trying to improve staff-prisoner relationships, and trying to improve the regime as well. We need further gains in the staffing position to be able to do more, but we are hopeful that we can do that. Even in prisons like Bedford that have had chronic challenges with staffing over recent years, we have a pipeline going into 2024, and that is much more encouraging.

It is fair to say that there are system pressures that make it more difficult currently for reception prisons. I was at Bullingdon in Oxfordshire last week and was told that staff in reception still work late into the night, with late arrivals and so on. I recognise that there are system challenges like that at the moment that make things more difficult and increase



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some of the risks; but, obviously, we are having to do everything we can with the more vulnerable sites like Bristol, Bedford and Exeter—to try to do the basics as well as we can and to raise the skill level of our frontline staff. We are also investing in the development of first-line managers to try to support those staff in turn. We have had very positive feedback from new staff about the system we have introduced of new colleague mentors and buddies—experienced staff to new staff. Those factors seem to have helped to improve retention in the last year.

- Q11 Rachel Hopkins:** In the Adjournment debate a couple of weeks ago there was mention of 15 new prison officers. Are they new bums on seats, so to speak, or experienced officers? You have said that there is a level of inexperience, with 30% having under two years' experience. The Chair was talking about this: where have the staff come from? Are they new recruits? Are we just pushing the bubble in the water around the tube so that, by drawing staff in, issues are created elsewhere?

Edward Argar: Mr Copple is right to highlight that in a sense the problem of having 4,400 more prison officers than there were in 2016 is a nice one to have; but, quite rightly, as you will know, Ms Hopkins, from the Prison Service, the police and similar things, it is important to get the mix of experience and numbers correct. Our retention rates are improving and, if I am honest, that has been helped by the 7% pay increase for bands 3 to 5 in the last year, and by the salary essentially going up from £23k in 2019 to £33k in 2023. That helps, but it does not solve all the problems.

On your specific question about the 15 posts, which are vacancies that need to be filled to boost the workforce, we have approved four national detached duty staff, who are currently experienced officers from HMP Bure, to give support, and a further three prison officers on mutual aid—again extant prison officers—from HMP Littlehey. We have just gone through the approval for operational support payments for the final eight full-time equivalent band 3 detached duty to come in, in the short term, as well. That is roughly the mix.

- Q12 Rachel Hopkins:** Okay, thanks. You have talked about retention. The level of violence against staff at Bedford has been the highest in England and Wales. What will your emphasis be, so as not to hinder retention generally, but also given the specific improvement needed in Bedford?

Phil Copple: It is a big focus right across the system, but we recognise it particularly in places where we have had big gaps before, where we are making a bit of progress; we do not want still to be recruiting the same volumes. We want to be able to retain people. They gain capability and skill with experience and it makes a big difference to the performance of the prison overall.

As I mentioned, there are a couple of things we have done with the retention toolkit that we issue to governors. Lots of governors have run with that and done great work on the basic housekeeping—looking after



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people better when they first start, and having mentors and buddies assigned. That has made a big difference and there is a lot of positive feedback about that.

The resignation rate for officers 18 months ago was about 12.5% and it has reduced by about 3% from that now. It is now better than in a lot of other public services, and it is better than where we are across the labour market as a whole. We are retaining people much better. I think it is a combination of looking after people better than we were and, as the Minister said, a significant improvement in where we pitch salaries in the labour market, as a result of the recommendations of the independent Prison Service Pay Review Body, compared with two or three years ago. That helps as well, but we need to get some of the basics of leadership and looking after people right, to exploit to the full the advantage that we have from pay rates, compared with where we were.

Edward Argar: I will say one thing on that, Ms Hopkins, which I should have said in answer to your earlier question. As I suspect every member of the Committee would, I want to take the opportunity to pay tribute to the work that prison officers do in very difficult conditions at the best of times. That is just in the nature of the work that they do. I also put on record my gratitude—I suspect Mr Copple would agree—for the constructive approach that the POA has taken with us. It has aired what its members want aired, but equally it has worked constructively with us. On occasion we can in this place be at loggerheads with various people, but it is important that we recognise when relationships are constructive and positive.

Mr Copple is right: pay is of course important, but equally important in answering your question are conditions and safety from violence, etc. That is why for me tackling violence is a hugely important issue in our prisons. It remains a challenge, and there are, as we know, many drivers of violence on the estate. We are keen to do what we can in supporting prison officers and keeping them safe.

Q13 **Rachel Hopkins:** On that point about violence, what sort of measures do you think need to be taken, or are in train, to reduce violence? There are the pay and rations, as you say, but if the work environment is very difficult—

Edward Argar: The drivers of violence are varied. There are a number of things. We have to make sure we address low-level bad behaviour, as it were, before it escalates or before people see it as acceptable. Mr Copple and the team have done a lot of work on, for example, getting X-ray scanners in gates of prisons, and on getting better searches, to make sure that we can crack down on things like illicit substances that can fuel violence, either in themselves or through the trade that goes with them. That remains a work in progress, and I suspect that in the nature of things keeping illicit substances out of the custodial estate will always be one of Mr Copple's top priorities.



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The other challenge we face is twofold, and we have talked about one aspect of it: that is the experience to numbers ratio among staff. When I first got this job I was working on female prisons and the youth estate back in the day in 2018-19, and Mr Copple was still there. He told me about the importance of what he termed “jailcraft”, the innate experience that officers have from having seen and dealt with things before, and having learned. The numbers going up is a good thing, but we have to continue to build that.

Another factor is that as the prisons—particularly Bedford, but also the others with urgent notifications—are reception prisons, there are a lot of people there who have just come in, straight from court. They are not settled and have not got into a routine. I suspect the staff are still getting to know them. Alongside that, there will be a significant number of complex cases with serious mental health conditions. All of that coming together makes them challenging environments.

Phil Copple: In some respects we have two main strands of focus at the moment to improve safety, in terms of violence, self-harm and self-inflicted deaths. We recognise that the scale of the challenge varies a bit. In some places, like Bedford, it is greater. One of the areas of focus is to try to do the basics much better and more reliably day in, day out. That is the focus on building up the capability of frontline staff and first-line managers, which I have touched on. On violence, we are trying to use the mechanism we have for more intensive case management of people we identify as at raised risk of harming other people. Challenge, support and intervention planning is something we do for those people. That is a big part of our effort.

A lot of what I said about mentoring, buddying and standards coaching is all relevant to that effort. We are trying to focus on those basics and on doing them very well, and making sure that inexperience or recent staffing gaps do not spill over into poor practice day to day. We try to raise our game in those areas.

We are also actively looking at how we may reconfigure some of our current spend so that we spend more on staff training and development, recognising the initial training and trying to improve that as well as people’s continuing professional development—particularly for first-line managers. We are also looking at reducing their spans of command. We may find ways to do that across the system, but we will target some of the prisons to be in the first wave of those measures. Some of that stuff to do with these challenges is very relevant to safety as a whole.

Recognising what the chief inspector has said, and the capacity challenges, I do not feel pessimistic when I look forward, because there are fundamental things about whether we have enough people to run the system properly. We had about 21,600 officers a year ago. We have more than 23,000 now. It is a fundamental thing. If you do not have that, you are struggling with the foundations, and so many places start to



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deteriorate. Some of the more challenged deteriorate faster and to a greater degree. What we have in the pipeline, looking forward, gives me grounds for hope: plus we will invest in some of the basics and first-line managers as well.

Q14 Rachel Hopkins: There was a UN for Bedford in 2018 and things improved, but now here we are again. You have portrayed a vision of hope. What assurances can we have about the maintenance of a positive outcome from this UN?

Edward Argar: You are right to highlight this. It is interesting to look, again, at the three that have had repeat UNs—Exeter, Bedford and Bristol. I spoke earlier about some common characteristics that we are going to focus on. The Chair has said, and it would be wrong of me not to acknowledge, that we are in a context of sustained national pressures. I openly acknowledge that they pose a challenge. That has brought a higher churn at Bedford, with about 78% now on remand. That presents its own challenges. What we have done, and what I hope you have seen so far, is additional resourcing and funding. I do not want to pre-empt the response that the Lord Chancellor is obliged to send to the chief inspector by, I think, the 15th. We will of course, in advance of that, write in confidence to the Chair of the Committee to let him know what is happening.

I want to highlight two things that are important to sustain the improvements. One is leadership and building resilience in leadership. Back in the day I became a school governor—of a school that was in special measures. We got it to “good”. One of the biggest things was having the right leadership team with the right approach in place, working with the rest of the team. That is an important part of sustained improvement in any prison.

Also, Charlie Taylor highlighted some “state of the estate” issues at Bedford. We recognise that the movement of the segregation unit remains a priority. We have an ongoing project to redevelop a new seg unit on B wing. It is due for completion in the new year, at which point the existing segregation unit—which, I will be honest, has been much criticised by the chief inspector—will close and be replaced. It has taken longer than we hoped, and I acknowledge that, but it is important also to recognise the constraints we have run up against. It is a listed building, and that does not always make planning concerns easy, as the Chair, from his previous life in local government and beyond, will know. We are working through those, but, as I say, I commit to write in advance to the Chair on behalf of the Committee, setting out the full measures that the Lord Chancellor will set out in response to the UN.

Q15 Edward Timpson: I am going to take you to HMP Exeter—an adult male prison. It is a cat B, local resettlement prison with a capacity of about 321. First, do you know whether it is at capacity at the moment?



Phil Copple: Yes, all of the prisons in the estate that serve the courts, like Exeter, are running at their full operational capacity. The whole adult male system is still above 99% occupancy at the moment. Exeter has a wing closed, as well, and has had for a while, during refurbishment and fire safety improvement work. Its full operational capacity will be close to 500 when that work is finished.

Q16 **Edward Timpson:** When do you expect that work to be completed?

Phil Copple: Not for a good period yet—a couple of years or so—because they are going from wing to wing to do the works.

Q17 **Edward Timpson:** Exeter was mentioned before as one of the recurrent urgent notification prisons. In 2018 it was described as “unequivocally poor”. That was followed up by a raft of recommendations. By the time of the latest urgent notification, in November 2022, it was noted that against the recommendations in the 2018 report there had been insufficient progress on 31% and no meaningful progress at all on 23%. I suppose the first question is what your understanding is of why there was a failure to act on the recommendations, which led to the second urgent notification at the end of last year.

Edward Argar: Can I say a few words, Mr Timpson, and invite Mr Copple to come in subsequently? As you have highlighted, the urgent notification was given in May 2018. Exeter received an independent review of progress visit in April 2019, which acknowledged some, albeit slow, progress against that. The oversight was removed in April 2019, and that was followed by a scrutiny visit, which took place during the pandemic in March 2021. It was noted that the use of force was well managed, and that during the pandemic violence had reduced. I mention that, but I also caveat it: it was a very odd time, as we all know, so I am cautious about drawing too many conclusions. As you say, it was highlighted that there was little progress in addressing the long-standing deficiencies in the care of prisoners at risk of self-harm or suicide.

One of the biggest challenges at Exeter, I think, was the target staffing figure, which since 2018 had not been achieved until May this year. Working with reduced staffing for such a prolonged period inhibited the ability of the prison to make the improvement and the required changes. That target was hit in May 2023, and, notwithstanding the points that Ms Hopkins made about the mix between numbers and experience, I am confident that we will see changes from the increased staffing, reflecting the overall staffing numbers.

To answer your question directly, I acknowledge that one of the key factors was not having as many staff in place at the prison as we would have wished during the action plan and the attempt to recover. I also acknowledge that throughout that period there was a degree of instability in senior leadership roles, including changes of governor, deputy governor, and head of safety. The challenge with that is that if you need to turn something around you need a team who will see it through from A



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to B and sustain it. If there is churn, coupled with a pandemic and staffing challenges, it is not an excuse, but I think it is an explanation of where we have got to.

Q18 Edward Timpson: In fact, since the first inspection there have been eight deputy governors and eight heads of safety, which is a monumental turnaround in that short space of time. Any organisation would find it difficult to provide strong and stable leadership, as the phrase goes. What is being done now to improve the stability of leadership? What is the current situation?

Phil Copple: A new governor was appointed earlier this year, so we are obviously hopeful that we will have the top leadership of the establishment in place for the next period. There has been some further churn, because we made a decision to strengthen the senior management team and increase the seniority of the grades of some of the key posts, so that we have higher paid, more senior people coming into some of the key roles. Those posts have been filled now. Again, the intention is that a new governor and some key new appointments will provide stability for the senior management team in the establishment, going forward. We have obviously developed the action plan, which sets out a range of responses to the key concerns identified by the chief inspector.

Q19 Edward Timpson: Let me just turn to that action plan. It came, obviously, off the back of the urgent notification and the letter from the then Lord Chancellor, Dominic Raab. There was a 28-day action plan. Within that were due dates when all the actions should have been completed. Looking through it, apart from CCTV in April 2024, the latest action I could see laid out in the plan was in December 2023, which, lo and behold, is where we are today. Have all the steps set out in the action plan now been completed to your satisfaction and the satisfaction of those responsible for them?

Phil Copple: I need to reserve judgment on that because we have a further scrutiny meeting next month to judge where we have got to by the end of the calendar year against the timetable; but we have a strategy—an action group that is chaired by the relevant director, who reports good progress against the actions we have committed to. Then there is a senior board. That is part of the post-UN scrutiny that we put in place as an organisation. The board has been content with the progress that has been made in recent months, since the inspection, but we will look again after a lot of the dates in late 2023 to see where we are. We have been pleased with progress to date, and with what the new governor has put in place. We have certainly delivered the support from the centre for the wider organisation that is set out in the plan.

Edward Argar: At the risk of promising something in Mr Copple's name, would it be helpful if, in the new year, after the assessment of what was due to be done by year end has been completed, we were to write to the Committee with a brief update?



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Chair: Yes, that would be very helpful. Thank you.

Q20 Edward Timpson: I was not proposing going through every single action, but I did note that a large number were for early 2023, so there should already be a fair reflection on whether there are any outstanding actions from that period.

As with Bedford, there is also the troubling issue of self-harm at Exeter. Between the 2018 and 2022 inspections 10 self-inflicted deaths and one non-natural death were recorded. Clearly, there is an ongoing difficult issue. Could you say more about what work is being carried out to try to understand what is driving the self-harm in Exeter prison, and what further work is being done to try to address that?

Edward Argar: Shall I give an outline answer to that? Then if Mr Copple wants to add to it he will do. You are right to highlight this. All the data relating to self-harm is analysed by the local safety analyst and scrutinised further at the monthly safety meeting. As you alluded to, a safety and self-harm reduction action plan is in place, and it is now reviewed regularly. We are also undertaking regular reviews of the action plan of the Prisons and Probation Ombudsman, in consultation with the head and deputy head of healthcare.

We are undertaking targeted interviews with the repeat and prolific self-harmers in the prison to understand the drivers and triggers of self-harm, and what drives their behaviours. We have put in place a safer custody hotline, allowing them and their families to raise concerns and highlight particular issues.

In one sense I would say that we should recognise that the rate of self-harm there has decreased by 41% in the 12 months to June 2023, but you would quite rightly point out, and I would agree, that it was too high in the first place, and remains too high. The numbers are now 996 incidents per 1,000 prisoners. That is still very high and we need to continue doing the work. It is lower than it was prior to the first urgent notification. I would highlight that self-inflicted deaths have also decreased following the first urgent notification and have remained at a lower level than the pre-first UN level.

Highlighting that fact is not in any way to hide the fact that there is a challenge there. The number remains extremely high and we continue, through the work I have set out, to seek to drive it down. The trajectory is in the right direction, but I do not want for a moment to sound complacent or not to acknowledge that there is still a huge amount to do.

Phil Copple: The only things I would add are that there is a big push to improve the regime and time out of cell, now that the prison is fully staffed. That should help us in terms of self-harm risks. There is a big emphasis, as well, on additional training for staff in self-harm procedures and, as we touched on earlier, there are efforts to drive up standards of day-to-day practice. One of the measures we have taken is to have a



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couple of additional staff who are like floorwalkers. They literally go around the prison all day coaching some of the staff on managing people who are identified as at risk of self-harm, and trying to make sure that the planning process and the care and management of those individuals is as per procedure and has been done well. So we are taking a number of practical steps.

There is a big improvement, and good co-operation, with health partners. Mental health services are improving. You may have noticed from the action plan one step that we took: we were concerned because prisoners who had been sectioned under the Mental Health Act, and who were being returned to prison when their conditions improved, were being sent via Exeter from quite a large catchment area. It was then difficult to move them on to other prisons. Exeter ended up holding a disproportionate number of those people, so we took the step of saying that for a period of time they could not be returned to Exeter and that other more suitable prisons must be identified for them. That should also help, because a lot of those individuals were prolific self-harmers when they returned to prison.

Q21 Edward Timpson: An HMIP survey showed that 77% of prisoners at Exeter said they had a mental health condition. Is that percentage now falling as a result of some of the actions you have described, or is it too early to say?

Phil Copple: It is too early to say, in the sense of not having data from another independent survey for comparison; but the last measure that I referred to will have the effect of reducing that proportion significantly. Quite a number of people had been returned from secure psychiatric facilities and had built up at Exeter as part of the population.

Edward Argar: I would just highlight, in the context of what we are doing about this, that you may be aware that last December—a year ago—we changed the healthcare provider from PPG to Oxleas and as part of the recommissioning and specification we included a very clear review of mental health services and a focus on that. As Mr Copple says, it is probably too early, absent another survey, to come up with any hard and fast conclusions, but I am hopeful that those changes and that increased focus will be beneficial. I would be hesitant to draw any statistical conclusions in the absence of statistical data to draw on.

Q22 Edward Timpson: I said I would not go through every aspect of the action plan, but I will ask about this in relation to mental health provision. A new mental health services model was to be set up by March 2023. Was that achieved? How has that changed the type of provision and support that prisoners receive?

Edward Argar: I will say a bit, but I suspect that Mr Copple will probably add more light to this one than I will. What we have done with the new model is to ensure that healthcare outcomes are monitored through the



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local delivery quality board, which takes place monthly. That covers healthcare outcomes more generally.

There is much stronger engagement between the governor, commissioners and the Oxleas senior team to ensure that the service is responsive, particularly around mental health, and we have healthcare—again, with the focus on mental health—attending daily operational governors’ briefings and providing input into necessary interventions.

Phil may have more up-to-date data, but the latest I had is that there has been 100% healthcare attendance at all ACCT first case reviews around this, looking at the mental health stuff. So, the engagement is working. It is a much more active engagement, it is fair to say, than may have been the case previously. Again, without prejudging any future surveys, I am hopeful that that proactivity is making a difference.

Phil Copple: I do not have much more to add. I mentioned what we were doing with healthcare and mental health services as part of the improvement in self-harm efforts, in response to the last question. That has been important and the Minister is correct about the healthcare input to the case reviews of people who are managed under ACCT, the system for people who are identified as at higher risk of harming themselves. That has come through.

New arrangements have been put in place earlier this year in the way that we committed to doing. We are seeing improvements from that. One thing I would acknowledge, going back to an earlier question from the Chair, around some of the issues in the south-west is that sometimes our partners have significant recruitment and retention problems as well, and the mental health service providers are in that position. We would like to be further on. We would like the service to be even better but we are on an improving path. It is just that they have staffing challenges too.

Q23 Edward Timpson: On 16 December last year, the then Lord Chancellor, Dominic Raab, said in a public letter dated that day to the Committee, “I am committed to ensuring that prisoners” at Exeter “should have the necessary and appropriate time out of cell to engage with a consistent daily programme of activity”—so, purposeful activity as it is sometimes known. But, at the time of the inspection, only 29% of prisoners were in purposeful activity. What improvements have been made to that regime to encourage purposeful activity and time out of cell, which is so important as part of the rehabilitation process?

Edward Argar: I can say a little bit, if you want, if that is helpful, Mr Timpson, and Mr Copple may want to come in. We undertook a review of available activity places, as reflected in what the former Lord Chancellor highlighted. Exeter is now working on the provision of 278 part-time activity spaces, some of which can be doubled up to, effectively, create full-time work, depending on the nature of the activity or the role.



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In C Wing, which is by far the largest wing, we have now put in place a mirrored am/pm regime, giving the opportunity for time in the fresh air and domestics for those who engage in purposeful activity. For those not engaging in the regime, the core day links with the incentives policy framework.

Delivery of the construction skills certification scheme was planned for October and November 2023. As I understand it, it has gone ahead. Our employment and education boards are, as you will be aware, now combined to review and allocate prisoners to clearly defined pathways. So, there has been progress there.

You will hear me say this a number of times this afternoon, I suspect. I think we are on the right trajectory and we are making progress. I would rather it went faster and further, and we are determined to do that, but we have put in place what I think are the foundations that will enable us to do that.

Phil Copple: We have seen more than a doubling of the proportion of prisoners in the prison who are taking part in activity for at least half of the day from where we were previously. That has been linked to the efforts but also the improving staffing position of the prison over the course of this calendar year. That is pleasing progress, but we intend to go further.

In the way the Minister has described, Exeter is one of those old reception prisons. One of its disadvantages is that there are not enough activity places and facilities to occupy all of the prisoners all of the time, even if it was fully staffed and so forth. What we have seen is a big increase in part-time attendance at activity. We are trying to have an even bigger proportion of people—over half now—but a bigger proportion in the near future who are attending activity at least half of the time.

Edward Argar: It goes to the point we made throughout, Mr Timpson: three key points about the nature of the three reception prisons that are in that double notification bracket. One, which Phil has just alluded to, is space—the physical environment and the constraints of that. Two is staffing. Now we are getting staffing to a better position, which is one of the factors driving the improvement. The other one is the challenge in the nature of that type of establishment, which is the churn. Often, you do not have someone there necessarily for a prolonged period during which they can embed themselves and get on to a course and sustain that engagement. Again, those are not excuses, but it is an explanation of my understanding of the factors constraining what we are doing and the things we are doing to try to improve them.

Q24 **Edward Timpson:** On the constraints of the physical environment and the physical structure of the prison, Exeter has been known for a very long time—you can go back 25 years or more—as a prison that suffers from overcrowding. The inspection found that 85% of prisoners were living in shared cells designed for one person. But there is nothing in the



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action plan that I can see that directly refers to how the improvements around living conditions and overcrowding will be addressed. Could you say what is being done?

Edward Argar: I will say a couple of things. Phil will know the detail, I suspect, more. You are right that crowding has consistently been around 83% to 84% there, so roughly in that space, and you are correct to highlight that. One of the challenges with the site is that it has a capacity reduction in place due to the ongoing fire safety improvement works. We are getting through those rapidly. Our expectation is that, when they are done, that will help address these issues. A Wing was completed in July this year. C and E Wings should complete in a bit over a year's time, hopefully in early 2025. That is a constraining factor but we are doing those works. In a sense, we make no apologies for doing the necessary works but it does pose a challenge.

It comes back, if I am being very frank with the Committee, to the point made by the Chair at the start of this meeting. I would take you back to that broader context of the capacity pressures across the entire prison estate and the impact that is having.

So, there is that macro challenge, which we are seeking to address, but at a local level we are working through those improvement works to bring those cells back into use, which will hopefully help ease that overcrowding and that capacity challenge on a local basis.

Phil Cople: In terms of the context of the system, as the Minister has touched on, we are not in a position, even where it might be desirable, to reduce crowding or temporarily to close wings, other than when it is essential. The fire safety works at Exeter are an example of essential upkeep, maintenance work and fire safety improvement work. We have a public commitment that, by the end of 2027, we will have every prison in the country meeting current fire safety standards with those modernisation works done, and not having mitigations in place, as we do at the moment, by using domestic smoke detectors, for example. That is an enormous programme.

Despite the capacity and population pressures, we have maintained that programme. We currently have around 1,500 places out of use. The wing at Exeter is an example of that because it is so important that the work is done. It reflects critical safety commitments that we have made as an organisation and that Ministers have made. So we are not stopping the works and we are not filling up those wings, even though the places would obviously come in handy.

We have reviewed crowding across the whole system and we have challenged ourselves to ensure that we are maximising the crowding on the same basis across the system. We have not been in a position to reduce crowding but have actually increased it by around 900 places across the whole system over the last year or so. A number of prisons have that additional challenge from having more prisoners in them



because of those situations and the overall capacity position for the system.

In response to these UNs, we have not been in a position to try to reduce crowding or close wings over and above. We have only done that where it is essential. We have closed accommodation more recently at Woodhill. That was after the urgent notification and it was not really because of the urgent notification. If we had been applying those measures in order to try to avoid urgent notifications and because it was desirable, we would have closed it a lot earlier because of the chronic and acute staffing problems at Woodhill. However, we got to the point where it was not just desirable but we regarded it as unsafe to continue as we were. So, we closed two wings in recent weeks at Woodhill. We now have 240 places out of use there.

This is in contrast to what we were able to do a few years ago when we had UNs. At Wormwood Scrubs, for example, we took out 250 places. At Birmingham, we took out 350. At Liverpool, we took out 500 places because we had headroom in 2017-18 to do those kinds of things. We have not been in a position to do that.

Q25 Edward Timpson: We will come on to Woodhill in a moment. Finally, when the chief inspector, Charlie Taylor, came in to give evidence to the Committee two weeks ago, he said in relation to Exeter that he felt it was making some very fragile progress. Of course, we spoke earlier about 2018 and some very fragile progress that was made then, which unfortunately went backwards and led to a second urgent notification.

How can you give the Committee the confidence it needs to believe that it will be different this time?

Phil Copple: We have the lessons learned from the places where we made sustained progress and how much of that we can do now within the constraints that we have talked about. We have learned from Birmingham, Nottingham, Liverpool and Wormwood Scrubs about a range of measures to improve leadership, management and a focus on the basics. As we saw between 2017 and 2020, before the pandemic, we had an improving staffing position across the system and we saw improvements that we were able to sustain. We are in the position now that we are seeing staffing improvements. So, we have more confidence about being able to sustain the progress now.

We also have some reception prisons that we can share some good practice from, which we touched on earlier. Again, they are not places that have wonderful facilities but they have not had the same staffing challenges and have been able to make good progress with good leadership—places like Swansea and Preston. They have had good inspections this year. So, we have that to learn from as well.

I feel more confident looking forward. Exeter will have much better physical conditions. When the fire safety works are finished on a wing



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and it moves to the next wing, those wings are also being refurbished and they are much better conditions. We have a new leadership team in place that we hope will be there for a good time to come. The staffing position is much better than it was a couple of years ago, as the deterioration affected lots of prisons across the system.

Chair: Thank you very much. We are going to move to Mr Ali and Bristol.

Q26 Tahir Ali: Bristol received its first urgent notification in 2019. It showed signs of improvement following two inspections. Then it received a second urgent notification earlier this year. Why did the 2019 action plan fail to deliver the long-term improvements at the prison?

Edward Argar: Shall I kick off, Mr Ali, and then Mr Copple may wish to come in? There were a number of specific events and circumstances at Bristol that affected the long-term delivery of improvements and the sustainability of them. The covid pandemic, as we all know, provided a unique set of circumstances that meant the prison was able to demonstrate stability and progress. I would suggest here that, in a sense, that provided a degree of false comfort because of the unique experiences the whole country was going through at that time.

At that time, because of a restricted regime at the prison, by necessity during the pandemic, it meant prisoners were managed in small groups without mixing across the prison and so reducing violence levels. Staff absence improved, save where there was an outbreak of covid, so there was more stable working. Staff retention stabilised because, as we know from what we saw then, the nature of the employment market externally and other opportunities were significantly diminished. Drug ingress reduced, partly, I suspect, due to a lack of social visits and the other restrictions that were put in place; and there was a reduction of operational capacity.

We saw improvements at that time but they were not stress-tested in normal conditions, if that makes sense, potentially providing a false sense of where it had got to. We felt it was going in the right direction. The reality was that, once the prison progressed out of covid restrictions in 2022, the job market picked up again, which had an impact on the prison's retention of staff. We saw the prison increasing unlock levels by opening up its regime, which was a good thing, but then we saw levels of violence increase and a similar increase in drugs and illicit substances, which are some of the drivers of violence and instability in a regime, leading to an increase in self-harm as well. Equally, pressures in the different community service provision post pandemic as other services recovered meant that we saw an increased vulnerability in the prisoners coming into Bristol.

The short answer, Mr Ali—and Mr Copple is entirely at liberty to contradict me if he thinks I have got it completely wrong—is that you saw progress during the pandemic, but it was in a unique set of circumstances, possibly masking the fact that that was not actually long-term sustained



progress. We are now at a point where we are seeing those challenges still extant, hence the second UN. There is work to do to address those in normal times and in normal circumstances—i.e. now. If I am being honest, I suspect there was a sense that we had made more progress than we actually had because of the unique conditions pervading the country at the time, but Mr Copple may wish to add to that.

Phil Copple: We touched on some of this already. Taking a step back from thinking about the whole system, certain establishments and institutions within it, as we have talked about, were more vulnerable and less resilient. Bristol is a good example of that. We saw significant improvement at Bristol after the urgent notification. A lot of effort was made to support the prison. We had good leadership, good initiatives and good support from the wider organisation in that scrutiny visit in 2020 that the Minister referred to. The chief inspector described it as a much-improved establishment. As a system, as the Minister touched on, we saw a tightening of the labour market and a general deterioration of the staffing position across the Prison Service. Some places experienced that to a much greater degree and had much more deleterious effects than others. Bristol and others in the south-west were an example where it hit harder and their staffing deterioration was significant.

There was also a degree of discontinuity in leadership, which was quite natural. The governor and some other managers moved on. They were promoted and got bigger jobs, and some new people came in to take the place forward. Then we experienced significant challenges in the labour market, as we have touched on. We have seen some challenges in safety across the system as a whole during this period. As I say, I am hopeful about the future because the fundamental building block of the staffing position is improving significantly. We are supporting that prison again, but we have some big safety challenges, and we need to try to build capability with frontline staff because a lot of them are new. But I am confident that we can do that and we can share good practice from similar prisons that have been doing well in other parts of the country, south Wales and the north-west being examples with Swansea and Preston.

Q27 **Tahir Ali:** The action plan stated that the review of the ACCT process for prisoners identified as being at risk of suicide or self-harm was due to be completed this year by September. What were the findings of the review?

Edward Argar: I will start and Mr Copple will probably add the detail that may be more interesting to you. We undertook an independent peer review of the ACCT documents within the prison as we had said we would. At the time of their visit, there were 39 open ACCT documents across the prison. Seventeen of those were reviewed as a sample, and the issues identified were: ongoing records not being subsequently updated; key risk factors not always being identified; support via access to family members for those in need not always being clear; support action not always being identified or updated; for those with specific



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needs invites to case reviews for relevant departments not being routinely made; and reviews for those segregated not always on the correct documentation.

In terms of the improvement actions we have undertaken, which is where you were going with this—i.e. what we have done—they included floorwalkers, which, in a sense, is an understatement. They are trained specialists who conduct daily checks of all open ACCT documents; they collate assurance and compliance and check that. Any findings were immediately challenged and addressed, with upskilling and support given to those staff identified. The senior management team did weekly checks to provide further assurance. The national safety team attended, as you alluded to, HMP Bristol in July 2023 and October 2023, where upskilling around risk and triggers was provided to all case co-ordinators within the establishment. We have put in place and reinforced process improvements for quality assurance. Multidisciplinary attendance at case reviews specific to individuals' needs has been reinforced. Safer custody has daily oversight of all open ACCTS and has assigned case co-ordinators.

What remains a concern, notwithstanding all those actions we have taken, is that Bristol is now effectively—and this is a concern to me—potentially, a cluster site for self-inflicted deaths, having experienced, sadly, two in the previous eight weeks. That is a summary, Mr Ali, of what we found and what we are doing about it. Again, Mr Copple may want to add to it.

Phil Copple: No.

Q28 **Tahir Ali:** The chief inspector found that Bristol was one of the most unsafe prisons in the country. What will you do differently to ensure that the proposals in the action plan drive change?

Edward Argar: I will give a headline, if I may, Mr Ali, and then, again, Mr Copple may want to come in. The prison safety strategy takes a holistic approach to improving safety outcomes at Bristol, including a focus on things like staff training and development, going to the point quite rightly made by Ms Hopkins about experience and that understanding of jailcraft. Safety and security are two sides of the same coin. They cannot be separated. Security is not a dirty word in this context. It has to be front and centre of what we are seeking to do. There is a further focus on effective communication, purposeful activity and reducing reoffending and, crucially, to some of the points made by other members of the Committee, mental health and healthcare services for prisoners with a focus and a prioritisation on key work. Also—and this is an element of it—we have invested in staff to help support that regime and safety in the prison to help drive down incidences of violence. I do now know if Phil wanted to add anything to that.

Phil Copple: Not too much; just to acknowledge that—



Q29 Tahir Ali: The chief inspector said that the strategies currently employed to reduce high levels of violence, self-harm and drug misuse were not having the intended impacts. Are things being done differently now to make sure that they are having an impact?

Edward Argar: I will make three points, if I may, Mr Ali. One of them, which has been a running theme throughout what we have spoken about today, is investment in staffing and additional support to manage safely activities out of cell. Those increased staffing numbers across the system are one of the key drivers of improvement, and we are starting to see those coming through now. I suspect that they have come through too late for them to be recognised in the context of the chief inspector's comments there, but they are driving improvement.

We are increasing the scrutiny for continuous improvement at regional and area executive director level, so there is that strategic oversight. We are also ensuring that the process for a future exit from the prison performance support programme—the intensive support that is there—is as robust as possible to ensure that before a prison can exit from it improvements are genuinely embedded as specific, focused resources extracted back out again once the immediate issues are dealt with to make sure it is embedded in that business as usual.

Taken together, I believe that they will start seeing changes to reflect what the chief inspector wants to see. They probably have not had enough time to come through before he made his comments. That is my assessment, Mr Ali. I do not know if Mr Copple wants to add anything.

Phil Copple: There is a similar theme in some of the places. There is a big focus on some of the day-to-day delivery and adherence to good practice in what we are doing, which are facilitated and supported by the mechanisms that the Minister outlined. There has been a lot of support from the centre of the organisation and the wider organisation to try to improve practice at Bristol, and we will monitor it very closely in the way that the Minister has outlined.

Q30 Tahir Ali: My final question is about overcrowding. The chief inspector's report found that almost half of all prisoners lived in overcrowded conditions. That is true within the prison estate generally, but specifically what is being done to address this at Bristol?

Edward Argar: I do not think you can entirely separate what is happening in Bristol from the overall picture of capacity and the challenges on capacity in the overall prison estate. As to the demand changing how we do things, you will have seen the Secretary of State's statement on 16 October with a different approach to short custodial sentences and a presumption of strong community sentences, subject to the will of the House, of course, in the legislation currently being debated.



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On supply, in the long term we have committed to building an additional 20,000 prison places. We have delivered about 5,600 of those already. Two of those prisons have been built. One is currently in build. One very recently was given planning permission after a lengthy delay by the Secretary of State. I will be slightly cautious because I do not know if we are still in the period in which a JR may or may not be possible about that.

There are two remaining prisons of those six that will make up the 20,000 that are still subject to planning disputes. The Secretary of State has one in front of him; there is another one due to be considered, we heard, from March of next year. We are making progress in terms of the long-term investment. Alongside that—

Q31 **Tahir Ali:** What about prisoners abroad?

Chair: What about Bristol?

Edward Argar: I can talk about Bristol or prisoners abroad.

Chair: You will need to speed up a bit.

Edward Argar: I will answer the Chair's point. You may want to come back on that one. Alongside that, we are also creating thousands of additional places through the expansion of prisons with additional house blocks, refurbishments and by rolling out rapid deployment cells across the estate, with the first 380 or 400 already delivered at six sites. We are doing shorter-term capacity increases, but there is also that long-term strategic increase in the capacity. You will have seen, Mr Ali, the announcement by the Secretary of State that, subject to legislation, that is something he wishes to consider and reflect on.

Phil Copple: The crowding level at Bristol is not typical of the whole system. Half the prisoners there are living in crowded conditions. The whole system is about a quarter of the population. It is no coincidence that six of the seven adult prisons that have had urgent notifications are reception prisons, because that is where the crowding is concentrated. It is one of their challenges. It is one of the reasons why they are more vulnerable to the performance challenges that we are talking about.

Q32 **Chair:** I am anxious that we move on because we are going to get votes before too long. I see someone on the Front Bench is already speaking. Let us move on pretty sharpish. We mentioned Cookham Wood already. Cookham Wood is different, is it not? It is a modern prison, comparatively. It is not overcrowded. It was not overcrowded at the time of the URN, and, as you say, Mr Copple, it has even fewer people in there. That is not its issue. Its physical condition is not its issue. When we had the URN, some 71% of the prisoners in Woodhill said that they felt unsafe, and it had very high rates of self-harm and disruptive behaviour. Almost half said they are currently unsafe, and the IMB says that violence and self-harm has got worse since the URN. It seems to be



going in a bad direction, but without those aggravating factors that we have identified in the previous prisons. What is the problem with Woodhill?

Phil Copple: Among the adult system Woodhill is an outlier. To date, it is the only adult prison that received a UN which was not a reception prison. It was previously a reception prison, and it was re-roled to a category B training prison last year. I visited the establishment shortly after the inspection, and I have been involved with others in formulating the action plan. My honest view is that, in terms of what we need to do with Woodhill and the main driver of the problems, virtually all the roads go back to staffing.

Q33 **Chair:** Chronic shortages were referred to by the inspector.

Phil Copple: Woodhill has been one of the prisons with the most acute and chronic staffing challenges. Earlier I touched on the fact that we have 240 places out of use at Woodhill at the moment. That is in the middle of our capacity challenges. We have closed that many places at Woodhill. That is how worried I was about it. It demonstrates how severe those challenges are.

If the management team had not been so consumed with just trying to manage the day to day, I am sure we would have been doing better work and had more focus on cleanliness and so on. I accept that. Particularly for the long-term population that it is managing, the regime that we have been able to offer has just not been good enough, and it is not consistent with safety or stability. That is why we decided to close two more wings.

Again, I am not without hope, though. Bullingdon is another one like that; I was there last week, as I mentioned. We have a pipeline going into 2024 that is much more encouraging and much healthier than we have had in the past. We are starting to see some benefits from a combination of the pay awards and what we are doing with the big spend on recruitment and advertising. It is the first time we have ever had a national TV advert campaign as well. So I am hopeful about the future.

Q34 **Chair:** Staffing is a big issue. The inspector was concerned that it was not actually fulfilling its function as a training prison because of the lack of purposeful activity, lack of education and so on. What is being done to address that?

Phil Copple: Closing the two wings was felt to be essential. That gives us the building block to start trying to move forward rather than just firefighting day to day without enough staff to run the number of places that we are trying to run there. We can start to make it safer and provide a better regime for a smaller population at Woodhill.

Chair: That is great.

Q35 **Edward Timpson:** The education in Cookham Wood came in for quite a lot of criticism. In particular, there was a lack of qualified teachers,



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especially on vocational courses, and the skills and work opportunities were also inadequate. What is being done to address this, alongside the issue of time out of cell, which will obviously be part of the solution to improving education, skills and work provision within the YOI?

Edward Argar: I will give a headline and then Mr Copple may want to come in.

To take your second question first, Mr Timpson, increasing time out of room, particularly time out of room spent in education, is a key objective, and we have redeployed staff from other establishments to help facilitate this, creating an interim staffing profile to respond to the current staffing level, reduced the population and living areas in the establishment, and revised the resourcing model to make the very best use of the staff we have to maximise the time out of room.

We are undertaking a further resource review to explore opportunities to make better use of the staff to improve a more stable daily out-of-room timetable. That is due to commence at Cookham in early 2024.

We are also reviewing “keep apart” to improve the regime, with a focus on reducing the number of smaller groups operating in each living area. One of the challenges that we face with the youth estate is that, with a much smaller number in a smaller number of institutions in the youth estate, it is harder to have “keep apart” in different establishments, and therefore that impacts on the regime within a given establishment.

In terms of improving the quality of education, which I know you are also concerned about, which was the first half of your question, senior leaders in the contracted education provider and YCS headquarters are working collaboratively to improve the allocation process so that all children have the opportunity to access a wider range of activities and learning opportunities. The YCS head of learning and the head of learning skills manager are working with the YCS heads of education skills for each site to try to work with those providers to develop knowledge within, and delivery of, an effective curriculum. The starting point for that is English and maths, and the basics there.

Where a provider consistently fails to meet the required performance standard, we are entirely open and willing to use formal contractual levers and remedies such as improvement notices to drive up specific performance, be that related to staffing, quality of education outcomes or the mix.

Phil Copple: There is a big focus on the behaviour management strategy at Cookham Wood as well, which will enable more children, more safely, to spend time out of their rooms and in personal activity—particularly in education—as well as making it safer more generally. That is a big focus for us.



Edward Argar: That is a challenge because, as you will be aware, the numbers have gone down—it is a positive thing—from about 3,500 in the youth estate to fewer than 500 now. There is a concentrated cohort largely in there for very violent and challenging offences, which, especially with a smaller estate, can make it challenging. That is exactly why—and I should have mentioned earlier—Mr Copple is focused on the safety and violence reduction work.

Q36 **Edward Timpson:** Based on the urgent notification in 2023 where safety was rated as 1, which is poor, clearly that needs to be the focus with levels of violence increasing, and also very worryingly the weapon making becoming a prominent issue with 228 weapons found in the last six months, which I think anyone who is not involved in the prison estate would find quite shocking, as well as violence against staff.

One of the responses to that was a commitment by HMPPS to recruit experts to identify the causes of the increasing use of weapons. What were the findings of that, and what is being done in response?

Phil Copple: We are still in the process of doing that work with partner organisations. We have taken steps to try to have a much more rigorous searching regime in the establishment. We locked down the institution in the summer and carried out a full search, with a big emphasis on intelligence gathering and acting on intelligence about any weapons being manufactured across the establishment, for the safety of everybody.

Part of the improvement plan for Cookham is to work with the experts, as you say, to try to inform the behaviour management strategy in the round as well as some of the cultural drivers that often sit in the community about why children feel the need to be armed with a weapon. It is habitual for them in many cases in their day-to-day lives in the community, and it has been translated into custody as well.

Edward Argar: Part of that has been undertaking a safety summit to listen to the staff and the young people to understand better what those drivers are. That has driven a local safety strategy within the context of which we have implemented a weapons strategy. Phil talked about the search that took place in June 2023, which I think is important.

I would highlight three other things. One is a more regular and greater use of search to find any illicit weapons. The second is the reduction of the population from 120 places to 90, allowing, hopefully, a more consistent regime to be delivered and helping to take the temperature down, which can often rise when a regime is unpredictable or expected time out of cell or similar is not delivered. The third is greater use of the incentives and earned privileges scheme in this context for good behaviour.

Taken together, you have, in a sense, the tougher side of it, the supply side of it—finding any weapons and doing those regular searches; you have the incentive for better behaviour through the IEP scheme; and you



also have focus on a more consistent regime to try to remove some of the drivers, the frustrations or tensions that, in an establishment like that, can boil over.

Q37 Edward Timpson: On managing children's behaviour, the UN report also found at Cookham Wood that there was an increased use of solitary confinement, which was deemed to be a serious concern. Based on what you have just said, is it your expectation that that will now decrease?

Edward Argar: Phil is the technical expert. It will appear a little pedantic, but I want to be careful about terminology. We do not use solitary confinement as a way to manage children's behaviour in the estate. There may be circumstances where young people cannot mix with other young people on the basis of risk to or from others, and therefore they are separated, but we are making all efforts we can to reintegrate these young people as quickly as possible to broader interactions to a normal regime so that maximum access to that regime is possible.

We have appointed a site lead to oversee those children and young people who are separated, and they have supported oversight and reintegration planning for each of those children, which has shown in those cases where they have directly intervened a downward trend in the number of separations. So I am hopeful that we can see that more consistently applied and continue that downward trend.

Edward Timpson: We will have to leave it there, Chair.

Q38 Chair: I think we have a Division now. Realistically, there will be two Divisions. There are just a couple of factual issues that we want to raise about Cookham Wood in relation to retention support and what is happening with that, and the general issue about education provision across the YOI estate. Perhaps if we put those to you in writing you could update us on those.

Edward Argar: I am always happy to respond.

Chair: That is a sensible way forward. We have identified some of the thematic issues around staffing, overcrowding and so on. We have probably touched on those matters. Gentlemen, I am very grateful to you for your time and your evidence today. The session is concluded. Indeed, as this is the last session of this Committee for 2023, I wish everybody here a very happy Christmas and new year, and we will see you in 2024.