



## Justice and Home Affairs Committee

### Corrected oral evidence: Prison culture: governance, leadership and staffing

Tuesday 19 November 2024

10.35 am

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Members present: Lord Foster of Bath (The Chair); Lord Bach; Baroness Buscombe; Lord Dubs; Lord Filkin; Lord Henley; Baroness Hughes of Stretford; Lord McInnes of Kilwinning; Baroness Meacher; Baroness Prashar; Lord Sandhurst.

Evidence Session No. 1

Heard in Public

Questions 1 - 23

#### Witnesses

! Tom Wheatley, President, Prison Governors' Association; Carl Davies, Vice-President, Prison Governors' Association; Vanessa Frake-Harris MBE, Author and Former Prison Governor.

#### USE OF THE TRANSCRIPT

1. This is a corrected transcript of evidence taken in public and webcast on [www.parliamentlive.tv](http://www.parliamentlive.tv).

## Examination of witnesses

Tom Wheatley, Carl Davies and Vanessa Frake-Harris.

**Q1 The Chair:** This is the first of our evidence sessions looking at governance in prisons and their culture. We are grateful to our three witnesses for joining us for this first session. I would be grateful if each of you could introduce yourselves, your organisations and your backgrounds.

**Carl Davies:** I have been employed by HMPPS, the Prison Service, since 1991. I joined as a prison officer and have progressed through the rank structure. My substantive position is deputy governor. I had a protracted period in charge of Foston Hall Prison, which is a women's prison in Derbyshire. I am currently the vice-president of the Prison Governors' Association, which I am giving evidence on behalf of today.

**Vanessa Frake-Harris:** I am a retired prison governor and author. I joined the Prison Service in 1986 as an officer, and I worked my way up to a governor for head of operations and security at Wormwood Scrubs. I have worked at male and female jails, cat B jails and open jails.

**Tom Wheatley:** I am currently president of the Prison Governors' Association. I also joined the Prison Service around 30 years ago as a prison officer and have governed or led prisons in the public and private sectors on seven occasions. My last post was as governor of HMP Wakefield, which I left just over a year ago.

**Q2 The Chair:** Thank you all very much. There has been a lot of media coverage about prisons in recent weeks. There are obviously issues of overcrowding and more recent reports about allegations of prison officers being engaged in illegal activities—the supply of drugs, for example. Even today, there are reports of consideration of reducing prisoners' security risk so that they can be moved from more secure prisons to less secure prisons to help with overcrowding and other things. Can you give your thoughts about that coverage and what is going on?

**Tom Wheatley:** Our prisons are in crisis. That is clear. The media coverage reflects that. We have tried to reveal the crisis in the media and to get it into the public consciousness, because the problem that prisons have tended to have is that, by their very nature, they are closed establishments and people do not understand or know what happens there. So it is about getting them into the public consciousness. We think that making the public interested in them will have benefits for the Prison Service and for members of the Prison Governors' Association.

**Vanessa Frake-Harris:** Seeing the incidents throughout our jails is greatly saddening. I spent nearly 30 years in the Prison Service, and the service now is not the one I joined. The mainstream media focuses on the negative sides of prison; you never see anything in the media on the positive sides. There are an awful lot of hard-working and dedicated staff in our prisons who want to make a difference. Negative reporting is very detrimental to how they feel about working in jails.

**Carl Davies:** I echo exactly what Vanessa said. The state of our prisons is disheartening and saddening. Overcrowding is not new: members of the panel will remember Lord Woolf's review into the disturbances across the prison estate—overcrowding was a significant theme then. There was much play in the media over the summer about capacity in prisons. The real issue was prisons running out of space and not being able to accept anybody else into custody. Even with the early release schemes, we have around 20,000 people living in overcrowded conditions.

It is really sad. As Tom mentioned, although the media interest is disheartening and saddening for the people who turn up day in, day out to make a difference in our prisons, there is some positivity that it is getting into the public psyche.

**The Chair:** You say that there have been these problems over a long period, but are the allegations of prison officers carrying out illegal activity a new phenomenon, or are they also something that we have seen over many years?

**Carl Davies:** It is difficult to give a specific figure or rate for the corruption in prisons, because HMPPS and its predecessors have not reported this accurately. But certainly during my period of employment in the Prison Service, there have been instances of corrupt staff and prisoners corrupting staff. It is not a new phenomenon, and I suspect that it will be a risk that HMPPS will continue to manage to a lesser or a greater degree, and manage better on some occasions than others.

Q3 **The Chair:** I will use that to move on to the main issue of our inquiry, which is the governance and the culture that the governors create in our prisons. I bear in mind that, very recently, the relatively new Prisons Minister, Lord Timpson, commented that governors are “working every hour, under extraordinary pressure, to run safe and secure regimes”, “dealing with self-harm, deaths and the scourge of drugs on a daily basis”, and supporting their teams and “trying to nurture them in an environment more stressful than most could imagine”. What do you think is the role of a prison governor, how has it changed in recent years, and what are the main challenges currently being faced by governors?

**Carl Davies:** We do not necessarily have enough time to describe the role of a governor. There are a number of different roles. The governor has statutory obligations: the Prison Act stipulates that every prison must have a governor by law. The postholder has certain roles and responsibilities for signing release documents for prisoners, for how we segregate prisoners and for how budgets are managed. They are the accountable person for health and safety, fire safety and other legislative issues that apply to any workplace.

Governors have an undefined leadership role. They are the figurehead of the establishment, and to some degree they set the tone and culture of a prison. How you define the way they achieve that could be debated for hours on end. They are all things to all people, and different things to different people. Ultimately, the governor has to have the answer to whatever question anybody asks them at any

given time. Some of those roles and responsibilities are delegated to members of their team. In a prison, there is a governor, a deputy governor, and governor grades.

Being a governor is a complicated and difficult role. People often say, "Running a prison isn't rocket science, is it?" It is not. It is far more complicated than rocket science. There are 88,000 moving parts in the prison system, and it is not as simple as lighting a touchpaper and seeing the rocket shoot off.

It is a complex organisation where, over a sustained period, decisions by previous Governments to disinvest are coming home to roost. We have disinvested in the workforce, in the prison built environment, and certainly in the learning and development of prison governors.

**Vanessa Frake-Harris:** I would echo that, particularly in the investment in, training of and support of prison governors at every level down in your senior management team. We do quite a bit for officers on the ground, but we do very little for those who take serious life-or-death-situation decisions. Speaking from my own experience, a governor cannot manage a prison from behind a desk, answering emails and attending meetings. He has to be visible, and that visibility should come down the line to all SMT members, because the ability to communicate to prisoners and staff is imperative in any governor. It makes staff feel safe. It makes prisoners feel safe, and, at the end of the day, if prisoners do not feel safe, they start to take the law into their own hands in the prison, and you get outbreaks of violence, assaults on staff and assaults on prisoners.

Also, the governor has to be prepared to take criticism. I think the health service has got it right. It has accountability boards, whether that is an ICB or whatever, where the governor is an accountable person in the community. Most prisons are in the community, but there is very little of that. At the end of the day, a governing governor is really only middle management, because there is a whole layer above him. That is important to note that. The ability to learn from serious incidents must be put in there, because—

**The Chair:** I just want to stop you on the middle managers. It is very interesting that the Prisons Minister, in the speech I referred to, compared a prison governor to the chief executive officer of a major company. From what you are suggesting, that analogy is incorrect.

**Vanessa Frake-Harris:** I think it is. The governor answers to the area manager—I do not know whether they are still called that—and above, and ultimately to the director-general, Ministers and the Prime Minister. When his or her jail is under the spotlight, why something has happened comes down to the governor. The governor has to be able to answer that, deal with it and make recommendations from said incident.

**The Chair:** That is very helpful. Mr Wheatley, could you answer the same question? At the same time, could you quickly respond to Ms Frake-Harris's comment, which seemed to imply that the training for governors is inadequate?

**Tom Wheatley:** Formal training for prison governors is very limited. There is a reliance on people having learned from experience in their move through the prison system and having had opportunities to gain a range of experience in a range of different settings, so that they are experienced prison managers at the point when they become a prison governor. There is some specific technical training on things like incident management and the Regulation of Investigatory Powers Act, but it is limited.

Times have changed, perhaps. At one point, given the pressure that prison governors were under, they were not dealing with issues as thick and as fast as they currently are. That allowed them to stand back, to take advice, to ask other people, to seek expertise. That has narrowed. Potentially, governors have not had sufficient preparation for their roles.

**The Chair:** Can you say something on the role of the governor more generally?

**Tom Wheatley:** The role of the governor has changed. I first governed a prison in 2006. The change came with austerity. In the pre-austerity world, I had a confident and capable workforce of prison officers and others. I managed them all from a line management point of view. I was responsible for my own finance, HR, IT and estates management. They were all under my leadership. My workforce was experienced, competent and capable, and they required less management than the current workforce. There might have been more of them, but they required less managerial intervention.

Post austerity, and post the introduction of the prison restructuring in *Fair and Sustainable* that came in response to a reduction in the then Government's drive towards prison privatisation, we flattened management structures significantly. There are now only four layers of management in a prison. We let lots of our experienced staff leave. Around 2013, lots of staff left. That experience has yet to be replaced, because the people who have replaced those staff over time are not joining the Prison Service with the idea that they will serve the rest of their career working for a single organisation. The current workforce might work in prisons for five or six years and move on and do something else. We are not recreating the real bedrock of expertise that we once had. and I do not think we realised the value that we lost when we let it walk away.

**The Chair:** Thank you. You referred to privatisation, so it is perhaps appropriate for me to call on Lord Henley.

Q4 **Lord Henley:** The private sector has been involved in prisons since 1992. My question is probably directed at you, Mr Wheatley, because you have operated in both the private sector and the public sector. How does the role of the governor differ between public prisons and those in the private sector? Again, has that changed over the years?

**Tom Wheatley:** My experience in private sector prisons goes back to 2011. In many ways, the role was different and more difficult. It was certainly more difficult for

me, as a public servant who joined as a prison officer, to grasp the increased complexity of the commercial element of my role. I was managing a contract, and the prison that I worked in was a PFI prison, so there were complexities around the fact that there was a special purpose vehicle. The management and arrangements for running that added complexity to my job.

The thing that helped me were that I had a contract to deliver and that I could be fairly bullish about its delivery. If the commissioning authority, the MoJ, wanted me to do something different, it could absolutely get me to do something different, but we had to enter into negotiations on contract change, and there had to be financial recompense if it was going to cost more for me to deliver.

Over the same period, in public sector prisons, we moved from a position where there was inefficiency in prisons and a lack of understanding about how we used our resource. We absolutely came through that period pre austerity. The hard-edged nature of managing our budgets is absolutely there in the public sector, but we do not have the benefit of a contract. So if we are asked to do something different or more expensive and we almost have to retool in order to enable us to deliver, there is no recognition of the cost of that. We are just expected just to get on with it and make it happen.

Operating in public sector prisons means that, these days, we have many of the same issues that I experienced in charge of a private prison but without the protections you get from that commercial arrangement.

**The Chair:** We will pick up in later questions the issues that you refer to with the contract requirement and conditions, so we will perhaps come back to that matter in a minute.

**Q5** **Baroness Meacher:** I am supposed to ask about the qualities of a good prison governor. I was fascinated by Crewe and Liebling's statement that the best governors actually like prisoners. What do you think about that? Sitting here as somebody who does not regularly see prisoners, I would have thought that it is very difficult to like them, but am I wrong about that? I would be fascinated to know what you have to say about that.

**Carl Davies:** Absolutely not. What stands out with good people in good prisons is their relationship with prisoners. There are lots of analogies and phrases, including, "There go I but for the grace of God". We are looking after and caring for people. We are a people organisation. The best leaders get on with people.

**Baroness Meacher:** You are saying that they get on with the prisoners.

**Carl Davies:** They get on with people in general. We are locking people up. They have done bad things—some people in prison have done horrendous things—but we are not there to judge; we are there to help people improve their lives and to protect the public. In the majority of cases, we help people to lead law-abiding and more useful lives. It can be very frustrating, and you get a lot of setbacks in your career because not everybody wants to change their lives, during their time in

prison. However, the best leaders absolutely enjoy their job. They enjoy going around and talking to people, whether they are prisoners or staff.

One of the significant issues you have now as a prison governor, or indeed as any manager in a prison, is that it is difficult to get out and about because it is a multi-million pound business. The smallest prison in the country has a budget that is probably in excess of £15 million. Some prisons have an excess of £50 million. The size and complexity of the prisons absolutely prevent some governors from going out and about and seeing what is happening in their prisons. We have some prisons where they are locking up over 2,000 people. We have some sites that are vast, so how on earth can the governor be expected to go out and about and then run a multi-million pound outlet for HMPPS?

**The Chair:** I will come back to that point. We on this panel do not know enough. Instead, all three of you have experienced this first-hand. Do prison governors, given the nature and size of the “business” that they operate, have sufficient secretarial and administrative support for their work? We will talk about the number of prison officers and staffing more generally later, but do they have enough of the basic admin, so that they can go out and talk to people, as you put it? Is that a problem?

**Carl Davies:** There is no such thing as basic admin. One of the other cost-saving initiatives of the Government during austerity was to introduce a functional leadership model, in order to centralise a lot of business functions, such as finance, human resources or maintenance.

The result for prisons, as Tom alluded to earlier, was that the governor does not have direct control and cannot recruit or employ a HR specialist. The only administrative support that the governor is resourced for is a PA—a business manager. However, with the amount of complexity in running a multi-million pound business, it is ludicrous to think that the governor cannot not employ, recruit and appoint their own finance manager, their own business partner or their own organisational development (OD) manager or training manager.

When you hear about some of the challenges in prisons, a lot of it revolves around prison maintenance and that the Government do not employ enough people.

**The Chair:** I will stop you there, because I know that Baroness Buscombe will want to go into a bit more detail on this issue. I turn to Mr Wheatley on Baroness Meacher’s basic question about the qualities of a good prison governor.

**Tom Wheatley:** A prison governor must be able to exercise reasonable judgment, to communicate effectively, to engage people, including staff in their duty to look after prisoners, to be motivated to follow procedure that maintains security, and to motivate prisoners to start to make the changes to their lives that they need to make before they get out of prison.

A governor must be even-handed, be seen to be reasonable and take the time to communicate the reason behind decisions. We cannot expect that the decisions that we make as governors will be the decisions that the prisoners would want—or, sometimes, the decisions that the staff would want—so it is necessary to take the time to explain the reasons for those decisions, including what we are trying to achieve and what the parameters are. Having the time and space for that, and the ability to communicate, is useful in a prison governor.

**Q6** **Baroness Meacher:** Do you think that most prison governors are able to turn this very punitive organisation into a positive experience for prisoners?

**Tom Wheatley:** With the right resource, yes, it is possible. There are prison governors out there now running prisons that are doing an excellent job of providing places where prisoners can effectively work on their rehabilitation. However, there are some equally capable prison governors in prisons where that is nearly impossible.

**Baroness Meacher:** I totally understand. Thank you.

**Vanessa Frake-Harris:** I will go back to your first question about whether I like prisoners. We are discussing those of us who are passionate about the Prison Service and its values of rehabilitation and keeping in custody those sent by the courts, and who want to work with people who are prisoners. The question I get asked more than anything is: did you actually talk to prisoners? Yes, of course I did, because being a prison officer is about far more than just locking and unlocking a door. You can put on a dozen different hats a day, from counsellor to marriage guidance counsellor. The list is ad infinitum. Unless you talk to prisoners, your dynamic security will go out the window, because that is how you find out things.

**Baroness Meacher:** Absolutely. Generally speaking, prisoners have had the most appalling childhoods, have they not? You have to get under all that and understand that.

**Vanessa Frake-Harris:** Yes, there are those who have had abuse et cetera, but there are also those who have not. As my colleague said, our role is not to judge. They have been judged and they have been sent there by the courts. Our role is to ensure that they address their offending behaviour and go on to lead law-abiding lives outside.

**Baroness Meacher:** Absolutely. Thank you so much.

**Q7** **Baroness Prashar:** When we look at leadership in prisons, there are qualities that any leader requires, but is there anything distinctive that you would pull out? What are the qualities required of governors over and above the core qualities that any leader should have?

**Tom Wheatley:** That depends on what a particular prison needs at a particular time.

**Baroness Prashar:** That is the point I am getting at.



**Tom Wheatley:** I have governed a number of prisons, some more successfully than others. That was not necessarily due to the fact that my leadership style changed over those times. It was because I was a better fit on some occasions for some of those places. Sometimes you need people who will bullishly drive towards an individual goal, not let anything get in the way and be fairly ruthless about that. To try to get there, sometimes you need somebody who will ensure that the staff and the prisoner group are taken with them on that journey. Different things are needed at different times.

It is important that you are a leader who exercises understanding, that you can show that you understand your institution, and that you can evidence that to the people who work and live there. The staff will ask, "Does the leader of my organisation understand my job, what I am trying to do, the pressures I feel, and what bits of my job I like and don't like?". A governor who understands that is far more likely to be effective.

When I look at my colleagues, I see that there are a range of different people from all sorts of backgrounds and with all sorts of strengths and weaknesses. They are successful at various places at various points in their career. Could we create a model prison governor, and would that be desirable? I am not sure that it would. Diversity is part of the thing that makes us successful.

**Q8** **Baroness Prashar:** If that is the case, when they are placing governors in different prisons, do they do a proper assessment? Do they say that these are the core qualities and this prison will require these qualities. Is that assessment made when the jobs are allocated?

**Tom Wheatley:** Not to a significant extent. Just to elaborate on that a little, the ability of leaders above governor level to move people around the country is significantly limited, including by finance. The availability of what we used to call public interest transfers, where additional housing costs are paid and everything else so that you could literally move people around the estate, is gone. Before that, we had prison quarters. I grew up in prison service quarters where a house was provided that enabled you to do that. It enabled you to shift people around the country. Not only has that gone but, as part of the diversity of our members, many prison governors now are single parents with young children. If you want to move from, say, Nottinghamshire to central London for a job, you may need to move your children out of two different schools.

People are more tied to a geography now than once they were. The Prison Service is limited in who it can encourage to move into a particular role. We have seen that recently with some prison governor appointments to prison sites that are known to be difficult. They are known to be problematic and there is insufficient flex in the current pay and reward package to make them attractive to the people the Prison Service would like to put there.

**The Chair:** Baroness Hughes might well pick that up and develop it in a minute.

**Q9 Lord Dubs:** Just one question please. Would you regard a good prison governor as somebody who has the time to find out about the background of the prisoners? Is that a sensible question?

**Tom Wheatley:** Our smallest prisons probably still have less than 200 prisoners in them. Depending on the type of prison, that is still eminently possible and is happening; governors know the background of those prisoners. Our largest prisons, as Carl Davies just pointed out, have over 2,000 prisoners in them but still one governor. A larger team sits with them. In those circumstances, it would be unreasonable to expect the governor to know the 2,000 prisoners he has, because that number, because of the routine movement of prisoners, is much larger now because it changes.

In some places, it is a reasonable expectation, it is the right thing to do and it happens. In other places it is impossible. However, at that point, you are reliant on the rest of your team and there will be individuals who know the background of the prisoners in their care. Where that is most difficult is when the population moves very quickly. In local prisons serving the courts, where the population of prisoners moves through fairly rapidly, that is incredibly difficult to do. But you are right that, where you are more able to do that, those prisons are better at achieving their aims.

The Chief Inspector of Prisons recently went to Hatfield, which achieved a maximum score against the chief inspector's expectations. I have previously governed Hatfield. It is a relatively small prison with prisoners who are present for some time and a dedicated and capable staff group. In a place like that, it is possible to know your prisoners and their backgrounds.

**The Chair:** Mr Davies, I slightly interrupted you when you were answering an earlier question. Baroness Buscombe wants to probe a little further.

**Q10 Baroness Buscombe:** First, we all pay massive tribute to all that you do. I am sorry that the media is very negative, so it is helpful to take that on board. I turn straight to you, Tom, on PGA views on autonomy. Reading through our papers, the thing that disturbed me the most was the concept of upward bullying in the Prison Service. The definition of autonomy is making your own decisions, you deciding what to do, and not being influenced by others. What is it, who is it, that is creating this atmosphere in some circumstances?

**Tom Wheatley:** The honest answer is that I do not know. My best guess, my best assessment, is that there are generational factors at work and that, because we have gone through this huge change in workforce in prisons where we have been recruiting hard for a long time, we have a greater proportion of staff from my children's generation—in their 20s. They have been taught, perhaps more than my generation were, that if you do not understand why something is happening, you need to challenge it, and that you are absolutely clear what your rights are. Sometimes, on the extremes, that can display as an inability to accept the judgment of somebody else.

I have to make judgments every day. I do not expect everyone to agree with them all the time. The people I work to also have to make judgments every day, and I do not agree with them all the time, but I understand that they have to be able to make them and that, providing they follow a reasonable path to making those decisions, whether I agree with them or not is irrelevant. It was their judgment to make. They made it on the best information available.

There is a bit of a change in that people are less able to accept that position. They think that if a judgment made has a negative consequence for me as an individual, it is because the individual who made it is trying to attack me in some way, and they fight back using legitimate means to protect them. We have a grievance process as most organisations do. I came across a governor who informed me that a member of staff in their prison had submitted 80 grievances in a short period. That renders it very difficult for anybody trying to manage that individual. I do not know the nature of the grievances or the reasons behind them, but it was the volume. I have been 30 years in the Prison Service and have never raised a grievance.

**Q11 Baroness Buscombe:** This is hugely important, because most of us around this table, I suspect, have a different image of the governor as being somebody who is strong and seriously in control—the boss. You are alluding to a different culture coming from a different way in which people, as they are growing up, have been disciplined or not, or felt about their position in life. Can I ask about the prisoners themselves? Perhaps one of you would like to respond with regard to the control of the prisoners. Is that proving to be more difficult now for a governor to be able to do? When the governor says X, it is X.

**Vanessa Frake-Harris:** I refer to my colleague, because I am now retired. Just to go back, in any organisation you are going to get some bullying because it is a large organisation. There are over 20,000 staff in the Prison Service. The point of the matter is that, yes, things have changed and moved on. Staff do not like what they hear, the introduction of social media and TikTok, and information at the point immediately. The role of the governor should be to manage that and manage staff, and filter down the line that the bullying of anybody is unacceptable. At the end of the day, do not forget that a prison only mirrors society.

**Baroness Buscombe:** Yes, that is a very good point, and the point about visibility is also critical.

**Carl Davies:** As Vanessa said, prisons are a reflection of society. Expectations of people in society are far higher than they were 10, 20, 30 years ago, and rightly so: we should expect more from our lives, and we should be more fulfilled. That has drifted into prisons in some way. The Chief Inspector of Prisons' expectations of the outcomes for prisoners are really high and really difficult to achieve, and so they should be, because we are incarcerating people and taking their liberty away from them.

Expectations of staff of their employers is high, as it should be. There are pockets of our colleagues who we manage who are disenfranchised with their employer, are vociferous in their complaints, and make illegitimate complaints, but the vast

majority of colleagues in HMPPS do not. However, we do not get the right outcomes for prisoners.

**Baroness Buscombe:** Incidents throughout our jails were referenced. Is that in relation to a lack of real autonomy?

**Carl Davies:** The word “autonomy” is frequently used, but it is misunderstood. Governors would love to be autonomous and empowered, but they do not have the tools or freedoms to be either.

**The Chair:** On that whole issue—you, Mr Davies, alluded to some of this earlier when you talked about not even having proper secretarial support, and so on—it would be enormously helpful if each of you could write to us after the session with further notes on it, and on your clear answer that prison governors do not have autonomy in the way you have described.

Q12 **Baroness Hughes of Stretford:** When I was a Home Office Minister—that was 20 years ago, so things may have changed—I visited a lot of prisons, and some of the most serious challenges to prison governors at that time came from the branches of the POA in those prisons, which held a great deal of power to an extraordinary extent. How far do you feel that, across the Prison Service now and in individual prisons, there are still issues with the degree of control and challenge with which the branch officials of the POA in prisons circumscribe the governor's decision-making power? How much is that still a problem?

**Tom Wheatley:** It is to a much lesser extent than at the beginning of my career. That is not to say that the Prison Officers’ Association is not still powerful; it still represents the vast majority of prison officers. Its approach is professional. It aims to get the best for its members. It is not trying to hang on to the past in the way it once was; it is trying to drive forward a better future for prison officers working in prisons in the UK. So it does not feel like it is trying to hold back good work by our members in prisons, in the vast majority of cases. We are much closer now to working in partnership with it to deliver something that is good for prison officers, association members, prisoners and the wider prison. It is rare, in my experience, that we enter into real dispute. It still happens—that is the nature of industrial relations—but far less often.

Q13 **Lord Filkin:** It is good to hear some positive news as well at this point. Thank you. I declare an interest: my stepdaughter was a prison governor for many years, and she now works in the MoJ. I think we all very much recognise the context in which you and your members work. It is extremely challenging, with overcrowding, drugs and systemic issues that you have talked about. Nevertheless, I am sure you would agree that leadership has to be held accountable for performance, so in a sense my question is explicitly about that. How should prison governors be held accountable for the results of their prisons?

**Tom Wheatley:** Honestly, I can see how that is difficult to do. I will try to elaborate. If you are giving someone a job to do that is impossible—this is in effect what is happening to some of our governors—and they fail to deliver in that job, it is very

difficult to hold them accountable for that, because you are not able to point to what they could or should have done in those circumstances to make it work.

In situations where governors are held to account in a well-resourced environment where they could make a decent fist of it, the Prison Service is relatively effective at holding them to account. The difficulty is that so many of our prisons are in such a poor state now. The last prison that I governed had 140 workshop spaces in the middle of the prison that were derelict. The building was locked off and falling down, and it could not be repaired or demolished because we could not afford it. I was trying to provide a full regime for all the prisoners there. Nobody tried to hold me to account for failing to provide a full regime for the prisoners, because it was quite obvious that it was not in my gift. That is now probably the case in, if not a majority, then a very large minority of our prisons.

The various performance management measures that are in place have changed over time but were around during the course of my career as a prison governor. Occasionally, we have a different set of performance criteria, but we are held to account against them. There are clear performance management conversations and concerns, but only where they are achievable. At the moment, those targets are set not on a prison-by-prison basis but as a sort of stretch target based on the previous year's performance. If you have done really well, you end up with a more demanding set of targets to achieve next year, whereas the governor of the prison down the road that is theoretically doing the same thing as you, who perhaps did not do as well last year, has a less challenging set of targets to meet.

**Q14 Lord Filkin:** Hearing that, it is hard to disagree that the system is in crisis in the way you described, with overcrowding, drugs and churn. Nevertheless, assuming that we are moving towards a better world in five years' time—there is a hope—what would the elements of a good performance system be? Are the objectives clear enough, or are they too multitudinous? Is the evidence of performance clear enough? Have you got those elements clear?

**Tom Wheatley:** I do not necessarily think that we are clear enough about the expectations. There is a tendency for those expectations to change, and change in year, so if we have a change of leadership, either political or organisational, it is difficult to set targets that we then stick to for a year. It is not impossible, and it should be possible for us to do.

There are potentially insufficient incentives and disincentives. Having worked in the private sector, I know that one benefit of working for a private company as a prison director, as I was, is that there are very clear performance targets that are clearly linked to financial rewards. If you do not hit your performance targets, you do not get your financial rewards. There are not the same arrangements in the public sector: governors are rewarded regardless of how they do against their targets.

In a world where we are perhaps struggling to fill some of our prison governor places, the really difficult places to run are not attractive places to work, because you have to work exceptionally hard and they are sometimes not in the right parts

of the country for people, as I described. The Prison Service is unable to incentivise that, for the governor and for others working in the prison, so that we get the people who are really effective in the places that need really effective people.

**Vanessa Frake-Harris:** I do not think that tables are a good idea. They show the poor-performing prisons and high-performing prisons, but they do not give support to the lower-performing prisons. You start almost with a grievance from that prison, because it is looking at everybody else. Publishing those, and sort of naming and shaming those, does not help. Everybody knows what prisons are going through at the moment.

I once worked for a governor who bought every member of staff a Mars bar because we got a really good inspectorate report, and that was the staff's incentive. There is no incentive for staff on the ground floor to ensure that the regime runs fully—to ensure that prisoners are in the right place at the right time, that visits run on time, that they get the full amount expected, that exercise runs on time, et cetera. There is nothing like that in the Prison Service for staff.

**Lord Filkin:** I should have asked what the experience is of support from above to governors.

**Carl Davies:** In terms of performance, league tables and measuring things, there will always be somebody at the top and somebody at the bottom. Where you are will reflect on the individual's performance, stamina, perseverance or creativity. Some of our prisons are significantly more challenging and difficult than others, for a whole range of reasons, so there are issues with league tables.

In terms of support, the governor knows best, to coin a phrase: "Why should we be telling the governor how to run their prison?" is a common phrase used. That is fine if we are in 'peacetime' and not in constant crisis; but we are in crisis. One of the precursors to austerity was having specification, benchmarking and costing, where the Prison Service risk-assessed and stopped doing things. The only real scrutiny we get now is the valued scrutiny from HM Inspectorate of Prisons. We used to scrutinise ourselves and have internal audits. The Prison Service had a whole fleet of standards. For virtually every process and system in the prison there were some standards, which everybody knew about. Those went as far down as cleaning recesses and shower areas, and everybody had access to those standards.

**Lord Filkin:** Can I check that I have understood what you said, as it sounded important? I heard you say that the only really effective information about performance and support that you get is from the inspectorate.

**Carl Davies:** If you were to ask anybody external to HMPPS who did not have a really active interest in prisons how they judge the performance of a prison, I suspect they would cite Charlie Taylor and HM Inspectorate of Prisons. Internally, there is a whole suite of measures that cover a range of things, including how quickly we answer public correspondence.

**Lord Filkin:** Putting the inspectorate to one side, are those internal information systems good or bad? Do they need development?

**Carl Davies:** I think they are indifferent and do not help to improve performance, because they do not necessarily in themselves explain what needs to happen to achieve those targets. There is no underpinning process or standards beneath.

**The Chair:** We want to explore the whole issue of assessment, accountability and so on in much more detail than we have had the opportunity to do now. Could you write to us, individually and formally through the Prison Governors' Association, in much more detail about the current way in which judgments are made about prisons and, much more importantly, your view about how it should change and what your recommendations are for change? That would be enormously helpful.

Q15 **Baroness Hughes of Stretford:** We are interested in what is in place, if anything, around planning for the succession of current governors. Do you perceive that there is a system in place, and do you have any role in that, particularly in the context of retention among prison officers being a real problem for the Prison Service? There are also the chief inspector's findings, from staff surveys, that 30% of those in front-line operation roles reported to the inspectorate that they met a manager or a mentor only once a year or less. There seems to be a real disconnect between the leadership in prisons and the experience of front-line staff. Do you have any views on that? If you do not think it is efficient and well managed, how could succession planning in prisons be better? How could that be more efficient and better managed?

**Tom Wheatley:** It is currently deficient, so I would agree. I think that is a symptom of an organisation that was used to having people who wanted to stay in it for the whole of their career, so the systems and procedures in that organisation were all based on that assumption. That is now not where we are.

There is work under way. Teresa Clarke, a former prison governor and former prison group director—a governor's line manager—has been commissioned to do a review to make some suggestions on how HMPPS might improve succession planning, particularly for governors and deputy governors. We have had some sight of what she is suggesting, and it looks to be the kind of sensible things that you would expect.

There is also a point that goes a bit wider to do with what happened due to the flattening of those management structures. When I joined the Prison Service, we were quite a hierarchical organisation. We had senior officers, principal officers and five grades of governor, all of whom could in effect manage each other in a chain. We have moved to this much flatter structure, which has people with too great a span of control and insufficient resilience. The circumstances that you described are not a surprise to me, because we have flattened that structure.

At the same time as we flattened it, we introduced a hierarchy-based IT system for managing personnel. It means that if I line-manage Carl and I am not here today,

because I am on holiday, Vanessa, who is the same grade as me, cannot access any of Carl's records. So we flattened the structure and introduced the IT system at the same time, which has led to a lack of grip on those line-management arrangements and a lack of resilience in them. Something that improved the resilience in line management in our organisation would undoubtedly be helpful. It would help leaders to translate their strategy and have clear lines where they ensure that people do it and deliver it.

**Baroness Hughes of Stretford:** At its most basic level, does each prison have a robust appraisals system at all levels for staff? Are those appraisals actually undertaken and recorded, and does their outcome go up to the governor so that they can identify people who need to be developed and people who show potential for possible promotion and succession?

**Tom Wheatley:** The answer to that is no.

**Baroness Hughes of Stretford:** There is no appraisal system.

**Tom Wheatley:** There is an appraisal system that is used by exception. It is not used for everybody. On the idea of all that information going up to the governor, the appraisals are not done routinely. They are done for new staff, so people on probation go through a formal appraisal system, and for others if the manager deems appraisal appropriate for them, or if that individual wants to go through an appraisal process. There is a sort of agreement to that.

In terms of everything coming up to the prison governor, one issue we have is the variation in size of prisons. HMP Frankland in County Durham has around 800 staff who the governor line-manages. There will be prisons around the country with a tenth of that number and still only one governor. So we have maintained this hierarchical line-management arrangement, some of which is to do with statutes, as Carl pointed out earlier, that say every prison must have a governor.

That means that in some places the governor is spending an awful lot of time on HR process and management around their staff. In other places, he is able to do less of that and spend more time focusing on other things going on in their prison.

Q16 **Baroness Hughes of Stretford:** Many large organisations, particularly in the public sector—local authorities, hospitals, and so on—have a routine appraisal system. The execution of those appraisals and the communication of the outcomes is delegated down through the managerial structure. So I do not think that the size of the prison is an issue, because it happens elsewhere. I find it astonishing that ordinary prison officers are not routinely subjected to any appraisal once they get through their induction period.

**Carl Davies:** There was a time when we had an effective staff appraisal system. I do not want to harp on about austerity and the drive to remove resources from prisons, but one of the consequences of "fair and sustainable" was to flatten out management structures, and the spans of control increased exponentially. There was a time when you would have a prison officer who was line-managed by a senior



officer. Routinely, the senior officer would line manage six prison officers or thereabouts. A senior officer would be line managed by a more senior uniformed grade, a principal officer, who would probably line manage six senior officers.

Now, or post “fair and sustainable”, the first line manager went to a custodial manager, which was equivalent to the principal officer grade. Rather than managing six senior officers, they were routinely line managing upward of 20, in some cases 30, individuals. It was a shocking situation where lots of people left at the same time “fair and sustainable” was introduced. We had lots of new staff, and it was an impossible task for the CM to line manage all those people. We have never recovered from that.

We tried to run the staff appraisal system that was in place before, but it just did not work. It was falling down. They replaced it with an alternative system, which kept the poor performance element and the probation part of the staff appraisal system, and a very light-touch process involving a touch-point meeting that does not necessarily have to be documented. It invariably does not happen, and if it does happen it is no more than a chat, a passing conversation.

To introduce an effective staff appraisal system would be resource-intensive, because there are more people who need to be line managed. That first line management is being done, we would argue, at a grade that is too high.

We believe that supervising officers have a more meaningful role to play in the line management and development of prison officers. But the organisation, like most organisations, is not mature enough to say, “We’ve got that bit of ‘fair and sustainable’ wrong, and we need to unravel that”. It is also about cost, because if you are going to say to a senior officer, a supervising officer, “We want you to take on more line management responsibilities”, the staff are rightly going to say that they need rewarding for that.

**Q17 Lord Bach:** This is a fairly direct question. There are such things as “bad” governors, largely for the reasons you have stated, which are that sometimes it is impossible to do things in particular prisons because of the circumstances. Are there sufficient checks in place to prevent “bad” governors being rotated around different prisons as a substitute for doing something better?

**Vanessa Frake-Harris:** That has been a thing in the Prison Service over the years. If you had bad managers, they would find themselves being promoted or moved to another jail. It is difficult to say that there are no bad managers. I am sure there are, but there are also a lot of good ones who by far outweigh the bad. This goes back to managing people. The manager of the governor used to be the area manager. His responsibility is to look at the prisons in his or her area and ensure that the governor is doing everything possible that they could do to manage a healthy prison.

**Lord Bach:** Thank you. Can I ask Carl next for his response?

**Tom Wheatley:** In answer to the same question, certainly there are governors who we represent and who get things wrong. The Prison and Probation Service has effective line management arrangements and policies to deal with that. In terms of performance management, conduct and discipline there are sets of rules that apply to prison governors in exactly the same way as they do to everyone else. Those are effective.

Where you are talking about an individual's performance—

**The Chair:** Sorry, can I ask you to pause there? You have all been critical of the appraisal system of prisons. You have been critical of the appraisal system of staff. You have just said that the appraisal system of governors is okay. Is that so? I want to be clear.

**Tom Wheatley:** What I was trying to say is that we have a good process for dealing with conduct and discipline—dealing with somebody who is committing an offence, doing something wrong, doing something crass. We also do performance management. So the system exists, but it does not link back to appraisal. The only people who end up with an appraisal—apart from those on probation—if they are deemed not to be performing effectively, will be put on a performance management plan. So there will be an appraisal process. It is one of the few exceptions to not having regular appraisals. The real difficulty is that that happens very rarely, probably because of the complexity of the job of a governor and running a prison. The various pressures on them mean that they would have to be really bad to trigger those measures.

**The Chair:** Okay, that is very helpful. The whole use of appraisal systems and so on means that it is very difficult in the area that Lord McInnes wants to address.

Q18 **Lord McInnes of Kilwinning:** Thank you. I was going to ask about the pipelines. I want to be a bit more specific about the appointment of governors and the lack of pipelines. All three of you have struck me: you have given 30 years to public service and risen to the highest echelons of your profession. That would seem to be the normal means of progression for a prison officer with 30 years of experience becoming a governor. With, I think, 46% of prison officers leaving in the first three years and real issues in the media to do with perception and getting people in, as we have discussed, that must mean, because presumably the retention rate is much worse now than it was 25 years ago, that the pool of experience from which prison governors are being appointed is reduced.

How do you think the Government are dealing with that issue? That might not mean the quality: there might still be a hard core of people who come up through the service and build experience, so the numbers are similar to before. But it seems to me that the experience, in terms of appointment, must have changed over that 30-year period. I would be interested on your reflections on that.

**Tom Wheatley:** Your description is accurate. Due to the delay—that is, the time it takes you to get into the ballpark where you might be applying for governor-grade

jobs, deputy governor and governor—we are still in a lag period. We have a problem coming over the hill, which you have accurately described. The Prison Service is cognisant of it and is starting to look at how it might try to do something about it, but those plans are at a fairly early stage.

There was some concern about the announcement of the last Budget that if that involved changes to taxation on pensions and lump sums, for instance, it would lead to a number of our members—the people we represent—exiting the organisation. I know that would have been a huge worry for HMPPS, because a volume exodus of people at a particular time would probably expose the hole earlier.

The options that are available are the ones you would expect. They might involve us looking outside the organisation and looking at how we might attract people in, but our pay and terms and conditions would have to be attractive. If you compare the governor of a prison to a school head teacher, for example, governors have fallen quite a long way behind; compare governors of big prisons to heads of multi-academy trusts. It is similar in health. So there will be a limitation to the people we would attract, but that must be something HMPPS looks into.

It is also about looking at what we can do at the front end, ensuring that we retain prison officers so that we can continue to develop our own people as well.

**Carl Davies:** The Office of Manpower Economics did an income data report, with comparisons of similar professions, in 2019. Even then, the varying grades of prison governors were significantly below those in comparative organisations. That gap has significantly changed but it has gotten worse, not better.

On recruiting into prison governor positions, there has always been a mixed route into governor grades. There is the traditional route: a prison officer, senior officer to Governor Gradea (going through the ranks steadily but surely (SBS) Then there are various fast-track routes, which have been tuned in on different occasions to fill gaps. Some have been used specifically to recruit at bands 7 and 8, which are junior governor grades, while others have targeted more senior governor grades.

There have been direct entrant schemes, where governing governors have been appointed, as well as a supportive development scheme. At the moment, I believe that HMPPS is looking at a cross-hierarchical scheme where existing managers can, with some support and development, transfer across to other grades.

**The Chair:** To save time, I am sure that the PGA, in its job of protecting its members, has done work on the salary differentials for all levels of prison staff and comparable jobs. If you have, we would be grateful to receive that.

Q19 **Lord Dubs:** We often hear the expression “prison culture”. What do you understand by that expression? How does the prison culture differ between prisons? What role do governors play in determining the culture?

**Carl Davies:** You are looking at me to give the easy answer, are you not? It is a really difficult question. To some degree, it is one of the things that we got wrong with

benchmarking, because that applied a standard staffing model and a standard management structure across a system that is completely different. You can have two identically built prisons and they can have a completely different feel about them.

To some degree, the culture or feel of the prison is set by the governor's personal values and experience of working in the prison system. Some of it is set by the organisation; some of it is set by government. The culture of a prison can shift depending on who the Prisons Minister or the Lord Chancellor is. We had an occasion where the culture of reading significantly shifted when the Government wanted to ban books being sent into prisons. There can be a positive culture and a subculture in prisons; it is difficult to articulate.

**Vanessa Frake-Harris:** I agree with Carl. It is the governor and the senior management team who set the culture, going down. Prisoners expect to feel safe in prison. A subservient culture aids that not happening. If you do not manage the culture in a prison, you will not manage a healthy prison, because everyone—prisoners, staff, visitors, whoever—deserves to be safe in a prison. If you have a negative culture, it certainly affects that. The governing governor, by far, sets the culture of his or her particular jail.

**Q20 The Chair:** In the light of some of the answers given earlier about the lack of autonomy for governors and the lack of assessment procedures—all those things—is it actually possible for a governor to have the power to set a culture that you just described in answer to Lord Dubs?

**Vanessa Frake-Harris:** Obviously, there are issues there coming from the MoJ itself, but I was referring to the culture of graffiti around the jail and naked women being hung up in cells, for instance, being acceptable. In poor rehabilitation programmes and poor regimes, those sorts of things are acceptable. That is the sort of culture I was focusing on.

**The Chair:** I reflect on an answer that Mr Wheatley gave earlier, when he talked about a prison that he worked in where the whole classroom block was derelict. It was falling down and could not be used; it could not even be demolished because the prison did not have the funds. Presumably, that denied him the opportunity—there will be many similar cases—to create the sort of culture that you would want to see.

**Vanessa Frake-Harris:** If you want prisoners to become rehabilitated, you have to treat them with humanity and decency. You must run regimes. Like my colleague, I have worked in prisons where the floor moved because of the rats and the cockroaches. That does not provide a healthy prison. You have to set your boundaries and know what is and is not acceptable in the culture of any prison.

**Q21 The Chair:** Finally, can you—you have written about all this—describe the culture that you would like to see, at least in terms of the broad framework in all our prisons, if we could solve the financial issues, the staffing issues and all those

problems? Would that be possible?

**Vanessa Frake-Harris:** I would love to see all prisoners treated with humanity, decency and respect. Although we lock up the most prisoners in western Europe and we have the worst reoffending rates in western Europe, I would like us to turn those things completely around. That would be marvellous.

**The Chair:** The fundamental question is: what are the key elements of a prison that would achieve that?

**Vanessa Frake-Harris:** Investment, in one word—in staff and in buildings. I do not believe that there is any quick-fix solution to the crisis in our prisons.

**The Chair:** One of the other changes taking place is in relation to the Probation Service.

Q22 **Baroness Prashar:** I declare that I am a member of the All-Party Parliamentary Group on Penal Reform. My question is about the HMPPS, which was formed in 2017, as you know. What has been its impact on the Prison Service, if any?

**Tom Wheatley:** I think we all go back far enough to remember prisons and probation being fundamentally separate. The introduction of the National Offender Management Service brought prisons and probation together under one management. The latest changes in HMPPS are to introduce the national Probation Service and move away from a locality-based approach to probation. They have not been felt as greatly for us as the changes that came with the National Offender Management Service, but I am sure they have been felt very greatly for those probation colleagues who have been used to being very much in a county-based system. So it has been more greatly felt by probation colleagues than it has by us.

It has changed the way we run our prisons to some extent. We have working in prisons probation officers who are line managed by prison governors—they are delivering offender-management work in the prisons. That happened on occasion before the HMPPS arrangements: when I was governor of Nottingham in 2006, my senior probation officer was a member of my senior management team, and she managed my staff. But we did not have the computer system that we now have, and that would not work now. It was done because she was the right person in the right place at the right time, and it helped us to deliver effective resettlement. The change perhaps in focus has made some difference—

**Baroness Prashar:** Do you mean the focus moving towards rehabilitation?

**Tom Wheatley:** No, not that as such but the focus of the whole thing as a system under one management. So in our attempts to reduce the prison population temporarily because we ran out of capacity, we introduced the end-of-custody supervised licence. We in HMPPS are also responsible for the people making decisions on breaches of license to send people back into custody. So the leadership of HMPPS has control of the whole system, rather than just elements of it.

We have just restructured and introduced what are called area executive directors, who are responsible for both prisons and probation in a large geographical region. We are yet to see how that will change things because it is still relatively new. But that means that senior leaders from prisons and probation in a locality are working together to achieve shared goals, which will probably have some benefits.

When you are in crisis, none of those things happen well. I am conscious that the measures that government has had to take to reduce the prison population now, because we have run out of capacity, have piled on to our colleagues in probation the risk and the work that came from releasing those prisoners. We might be sitting here today thinking that we have a couple of thousand prison spaces now that we did not have, but those people are out in the community and many of them are being supervised by probation colleagues who are under significant pressure.

Having the two things together potentially allows you to look at the whole. If we are clear about the purpose of imprisonment and the wider purpose of punishment, and if we have one organisation that has responsibility for both prisons and probation, that potentially means that we will be able to respond more effectively to things such as the sentencing review that are coming through.

**Q23 Lord Sandhurst:** Mine is a cultural question. You have all worked for about 30 years. It is nearly 20 years since 2006, when the Prison Service was transferred from the Home Office to the Ministry of Justice. Has that change of overarching ministry had any longer-term impact on the Prison Service? If so, what?

**Carl Davies:** Who knows, and, at this juncture, who cares? We are in a system that has been decimated by the decisions of previous Governments. We were not a protected department when austerity came in. Would it have been different if we were part of the Home Office? The Ministry of Justice is by far a policy-driven department. It oversees the judiciary, and there are lots of other smaller departments in the MoJ. We are by far the largest cash cow for it. If we had been in the Home Office, would the cuts have been so severe? Would the focus have been more on operational delivery, as opposed to constantly shuffling policy and paper around, which is what it sometimes feels like? My remark about not caring was flippant, and I apologise.

**Lord Sandhurst:** Do not apologise. I wanted a frank answer about how you feel. I am asking about policy on the one hand and delivery focus on the other.

**Carl Davies:** There were policy decisions to change the way probation was delivered. Probation is social work and social care, and it is as much about keeping people out of prison and diverting them from custody as it is about getting people risk assessed and safely out of custody.

**Vanessa Frake-Harris:** Briefly, from my own point of view, the Prison Service moving from the Home Office to the MoJ watered down its importance. When we were under the Home Office, we came under the Home Secretary, who was quite consistent and usually did a term of government. When we moved to the MoJ, we

were given Prisons Ministers and, in the last 10 or 15 years, we had about 14 or 15 different Prisons Ministers, each of whom thought that they would make a difference and change policy. We ended up on a roundabout where we were literally doing one thing one minute and, when we came in the next day, it had all been rewritten. Also, the Prisons Ministers were more junior than the Home Secretary, which had an impact on the prisons.

**Tom Wheatley:** I have a similar view. My first governor post was in 2006, and we had already moved into the Ministry of Justice. There was some positivity about that at the time: we were a bigger and more substantial part of the ministry, so we thought we might get more focus. That has probably happened to some extent. The real issue is not being a protected department. One thing I have pointed out recently is that, as we are not a protected department in financial terms, and as we go through a period of austerity—

**Lord Sandhurst:** For the record, and for my benefit of and that of those watching, can you remind me whether the Home Office is protected?

**Tom Wheatley:** I am not sure.

**Lord Sandhurst:** I did not think it was, which is why I was asking.

**Tom Wheatley:** The issue we have had is that going through austerity in an unprotected department has been difficult. The point I often make to people is that, quite often, we intervene internationally in countries where the rule of law has fallen apart. We do not intervene internationally where healthcare is not free at the point of use—but the NHS is absolutely protected. There is something about our values and our approach there. Because the justice system and the administration of justice are not a universal service that everybody feels they access, they are undervalued. I would like to see that change, rather than just prisons. Due to the lack of available prison capacity in the summer, we came very close to having a justice system that failed to function effectively.

**The Chair:** That is an unhappy note on which to end. I thank all three of you for this illuminating session. We have learned a great deal. We have given you a clear indication that, if you want to let us know further things that you wish you had said or that you want to comment on in light of subsequent evidence sessions, you should feel free to do so.