



HOUSE OF LORDS

Justice and Home Affairs Committee

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

Tuesday 14 January 2025

11.20 am

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

Evidence Session No. 5

Heard in Public

Questions 70 - 76

Witness

I: Gavin Miller, National Secretary for Justice and Custodial at Community Trade Union.

USE OF THE TRANSCRIPT

1. This is a corrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.

Examination of witness

Gavin Miller.

Q70 The Chair: Welcome back to this further session of the Justice and Home Affairs Select Committee, looking into prison governance. We are delighted that we have Mr Gavin Miller with us today. Mr Miller, I would be very grateful if before we kick off you could just introduce yourself and your background.

Gavin Miller: Absolutely, and thank you for the warm welcome. I work for Community trade union. I am the national secretary who looks after the justice sector nationally. I have worked for Community for around 13 years now, so I have been around it for a little bit of time. Community's portfolio in the justice estate is primarily within the private prison system and within private operators, so our relationships are with Serco, Mitie and Sodexo. We do have members within the public sector and, as I sit here right now, we are recognised in one public sector jail, but the private sector is really where Community has the body of its membership, which is currently around 6,500 members. Community's justice sector has been in existence for over 20 years and we have grown over the last 10 years—we have doubled in size, actually; we were around 3,000 members this time 10 years ago. We are now a significant amount of the unionised workforce within the justice sector.

The Chair: Sorry, just to help me—I am a bear of small brain—how are some of your members working in state prisons?

Gavin Miller: Lowdham Grange prison went from the private estate to the public estate, and we are currently the recognised union there. Notice has been given on the recognition agreement for that prison but, as of right now, we are currently recognised.

The Chair: Thank you very much. Just before I bring in Lord Dubs, there has been a lot of media coverage recently about corrupt prison officers, but also problems—as we heard today—of drones bringing in drugs and guns into prisons, although we have heard that before as well. How do you react to the current media coverage?

Gavin Miller: Sadly, we are the hot potato within the press at this precise moment in time. Obviously, there are things that are not right within the justice estate. There are some slips in conduct and standards that have been incredibly well publicised that we all know are not accurate reflections of the way the justice sector works. The people who work within the justice sector are proud of what they do. I think they consider themselves to be public servants in terms of the facilities that they provide.

We are in a perilous time. Some of the answers that you are going to hear from me today reflect the role of prison officers becoming a job and moving away from being a vocation. That is a slippery slope that we are on right now. As I say, prison officers are very proud of the work they do and of the protection that they give to the general public, but our current position—on the public and private estate, in

fairness—is leading us to a place where people see this as a job and not a vocation, and we need to reverse that. We need the public and the workforce to consider themselves to be on the same lines as firefighters, police officers, doctors and nurses. That is what they are—they are keeping the public safe.

We have seen a number of issues. Overcrowding is a very long conversation—a years-long problem that maybe has not been addressed. The standards and conduct on the high-profile issues that we have seen are isolated incidents. I still take the belief that the vast majority of our members, certainly, and other people in the justice sector go to work to do the job properly and to protect the public. We have got a number of issues and, as you say, again we have the story about drones and high-profile incidents. The estate needs investment—but proper, targeted investment—to resolve a lot of these issues.

The Chair: We will come on to that. Let us stick, if we can, initially with staffing issues. Lord Dubs?

Q71 **Lord Dubs:** Good morning. I think there is no dispute that, in recent years, there has been more violence, more self-harm and more disorder generally across the prison estate. Do you think that there has been a compensating development in support for the workforce to help deal with this situation?

Gavin Miller: I think there has been. In the private estate, which is our area of expertise, there have been efforts to address that. There have been schemes introduced to give people support.

The private estate suffers from the same issue as the public estate here: they are overrun with issues. The easiest way to put it is that the problems are coming in faster than the solutions. We see more and more people report to prison with underlying drug issues and mental health conditions. So, the role, expectations and work of our prison officers per prisoner—to look after them, to keep them safe and to be their jailer as well—expands every time there is somebody with additional needs. There are a number of people with additional needs within the justice estate.

Within the private estate, I know that work has certainly gone into psychological support for workers and into practical, hands-on support in the form of development and support officers. This has been very good and positive, but demand outstrips the supply right now.

Lord Dubs: And why is that? Why is the support not increasing with the need?

Gavin Miller: I think finding the expertise needed is difficult, and funding this is also a challenge. It is a bigger question around other areas of society. As for mental health provision, for instance, the number of prisoners who report with underlying mental health conditions is staggering. Then there is the question of whether they are in the right place in a jail. It is not news that our mental health provision is not what it once was. That is not an attack on the NHS by any means, but everybody has had to cut their cloth with austerity and funding cuts over the years. That means

that the only place to put some people for their own—and the public’s—safety is within a prison. In some cases, you might have to question whether that is the appropriate place, certainly for somebody’s rehabilitation.

Lord Dubs: Can I just turn to the question of younger people on the adult estate? What are the challenges associated with housing young adult offenders or youth offenders on the adult estate, mixed up with older offenders?

Gavin Miller: The challenges are numerous. I spoke to some of my members about this yesterday and one of the key things that they reported to me, which was a bit of an eye opener, was that while these may be young or youth offenders, they are not young in terms of being ingratiated within crime. You often get people who are members of gangs and who have been committing crimes for a number of years—it is just that this is when the system has caught up.

Obviously, when you are younger, you are more volatile, and when you are incarcerated and you are young, you are very likely to be far more volatile. That leads to our members’ position becoming more dangerous and the need for more staff to deal with these people.

There are also gang-related issues, especially with younger people. You have got people who maybe do not feel a sense of belonging anywhere else in society, but a gang is the thing that welcomes them. It is a way of feeling accepted, albeit not a very good way. You have to break the gang culture there. There are also substance abuse issues on a large scale among the young offenders coming in. All of this raises the danger and the escalation for our members. These young people need more time and attention, which goes into the wider question of resource within the custodial estate.

The Chair: Just before I bring in Lord McInnes, can I just reflect back on something when you were responding to Lord Dubs earlier? I got the impression that what you were arguing was that, within the private estate, there is a growing amount of support available for prison officers and other staff, but that it is simply not coming in fast enough to cope with the rise of problems that are perceived on the estate. Is that a correct analysis? Certainly when we were talking to our previous witness from the POA, the implication was there was little or no support within the public estate. Is there a difference there between the two?

Gavin Miller: I would say so. I would say that the private providers are trying to provide that support. There is not enough support there now, if I am being honest, in terms of experienced staff. One of our providers had a role as a development and support officer. In essence, it was an experienced officer who mentors the new staff. So the staff pass out of training but then that person checks in with them every week, every fortnight. “How are you doing? How are things?” It was an invaluable role, welcomed by us. There has not been enough take-up for that role. But also you have the churn of staff and attrition rates within the sector being a challenge because you have more people coming in than the current level of

development support officers could look after. That is a separate challenge there as well.

The Chair: Okay, that is very helpful.

Q70 Lord McInnes of Kilwinning: Mr Miller, I just wanted to explore this issue of retention. First, it is our understanding that, of those who left the Prison Service—I think this is a global figure for both private and public—almost half were there for less than three years. Can you confirm that those figures are pretty similar for both public and private prisons?

Gavin Miller: Absolutely.

Lord McInnes of Kilwinning: What do you think are the main reasons for those? It is something that we have had the benefit of in terms of witnesses, people who have spent their entire career within the service and so brought to us very much that feeling of vocation that you mentioned. I should be interested to know why you think people are leaving so early in their career. Secondly, what are the cultural issues around vocation against job?

Gavin Miller: I spoke to one of our union reps who has been employed for 12 months and gave me some great insight on this question. Speaking to people who are institutionalised, for want of a better term, within the sector will give you that answer. But speaking to somebody who has been in it around 12 months was really refreshing. This is an engaged and committed young worker who can see a future within the justice sector for her. One of the points that she made to me was that there is an emphasis in recruitment on quantity over quality. We get as many people in as we can. Then we try and shape them into the role. That leads to significant attrition problems because, respectfully, you can put anybody through a course to then put them out on the wings looking after prisoners. The first day you walk into that wing and have a set of keys in your hands, and you are the person dealing with the problems, reality dawns very quickly.

What we are seeing with some of our providers—Mitie is certainly doing some work on this—is that they are being quite blunt in almost a pre-vetting process, speaking to people and saying, “Are you somebody who needs your mobile phone in your hand all the time? Are you somebody for whom not working at Christmas is a vital thing for you?” They put hard truths out there before we go into recruitment. I think they are seeing, certainly in the immigration side, some successes in keeping people who are under three years in service.

So you have the kind of the nuts and bolts parts there. There is the development and support again, once these people go live. Those development and support officers are a key role, but there need to be experienced staff who are institutionalised, because what we are running the risk of at this moment is, as I said in my opening comments, getting to the point of it being a job, not a vocation. I do not want to pick on the youth; it is not universally them who are leaving the sector. However, a lot of our younger recruits are certainly applying for a job because they

see a proper contract of employment. They see a job whereby they have fixed hours and a regular income that they can rely on. That is great and appealing. But that is not the reason for going into it as a vocation.

We are looking for public safety, a commitment to being involved in the service, and that needs to be promoted. We need to reintroduce that. If we lose sight of that vocational aspect of this work, we lose a great deal because culture is so important in any workplace, in any walk of life. If you lose culture, it is difficult trying to get good culture back.

Lord McInnes of Kilwinning: I want to follow that up. In terms of retention, is there any movement between the private and public sector? Do your providers try and recruit prison officers from the state sector or vice versa?

Gavin Miller: There is. A lot of that can come down to salary differences in some cases, but there is also movement across different areas of the sector. For instance, prison escort workers go into the jails, because you have somebody who has completed a large amount of the training and the vetting, most importantly. Then you have people moving on to tagging and electronic monitoring. So there is migration between areas of the sector but once you get people past that three-year period, they certainly seem more prone to staying.

Lord McInnes of Kilwinning: On the interview process by your providers, I think I am right in saying that in the state sector that is done via Zoom. Is that all true in the private sector as well?

Gavin Miller: I think it is a mixture of in-person and electronic means. There is no overriding way of doing it, though. Electronic means are employed, the same as in the public sector.

The Chair: We have already vaguely touched on some of the difference between the private and the public sector but we want to go into that in a bit more detail.

Q71 **Lord Filkin:** First, I should declare an interest: 15 years ago, I was an adviser to Serco. I have no contact with it now and I have not for 15 years. Our inquiry is about the management of prisons. We should be interested to hear your perspective—your members' perspective—of how management in private sector prisons differs from public sector prisons.

Gavin Miller: It is a really interesting question because within Community this is a slight bone of contention. There is a bit of a perception in the wider world that the public and the private sector are two different beasts. The challenges within the two areas we find are far more united in their similarities than their differences. For instance, whether it is a director in the private sector or a governor in the public sector, I suggest that within the justice sector, the direction of travel and the leadership that person shows is vital.

As I say, I have worked for Community for 13 years and we have a number of different sectors within our make-up as a trade union, but I have never seen a

sector where the whole culture of a workplace is dictated so firmly as in the justice sector. If you have a director who is a benevolent, kind, caring, sharing type of person, it goes through the management quickly. If you have a director who is a little harder in the way in which they deal with staff, again, that goes through management quickly.

The differences that we have perceived have been more on logistical issues. We have campaigned for items of PPE—protective equipment—that are in the public sector but not in the private sector. Private sector workers are not eligible for the good service medal. That is a bone of contention because, for instance, there are people working in the private sector today who have been prison officers for 20 years-plus. Let us be clear: they deal with literally the same clientele. They lock up the same people. They deal with the same dangers and the same issues. Therefore, while there are differences, there are also more commonalities and similarities within the public and private estate.

Lord Filkin: That is as one would expect, because the job is fundamentally similar, is it not, although the prisons differ? Let me press you a bit. The implication really is, apart from the interesting but rather tangential issues about medals, that there is not really much difference. We cannot learn much from how private sector prisons are managed in terms of addressing the overall problems we are hearing.

Gavin Miller: I think private sector prisons are slightly more flexible in their way, and that is not said as a criticism of the public sector at all. The directors in private sector prisons get more flexibility to effect change because their leadership flows through that prison. It is the same in the public sector with the governors. In the private sector they have been given more of an autonomous role to introduce change, schemes and support for the workers.

There are a lot of softer skills within the private sector as well. For instance, a lot of the directors will publish good work in newsletters. They will have “director’s hours” and will make a point of mentioning people in front of the entire staffing group. There is more of an autonomous nature within the private sector. Some of its directors have some interesting ideas but, fundamentally, the point you make is absolutely right. The running of the institution is still the same because it is governed by legislation. It is not going to be dramatically different. It is the softer skills around staff, working with them and introducing cultures where I think they are less constrained.

Lord Filkin: Does that imply that the issues your members raise with you about management in private sector prisons are different from those that are raised in public sector prisons? This is rather a hypothetical question because you only see one half of the story.

Gavin Miller: I could not answer confidently because my public sector experience, compared to other speakers that you have addressed, is far more limited. Within the private sector, I can say that the way we work with the providers that we deal with—Serco being one—is that we always engage in dialogue. We look to have a

healthy and active dialogue that is led by our reps on site, and by and large that is very successful. We believe that the point of us as a trade union is that we are there to get resolutions for our members, and you do that through active dialogue. Yes, you will have disagreements about certain things but, as in any walk of life, if you do not work your way through that then you will not reach a conclusion that supports your members, and that is what it is all about. So we foster constructive dialogue. We have positive relationships with the directors that we deal with and the managers above them within Mitie, Serco and Sodexo. I am pleased to say that if we said there was a problem or a serious issue that we needed to address then the companies we deal with would take that seriously and look at it, because they know we have quite a pragmatic way of dealing with things.

Lord Filkin: You have partly touched on this in answer to previous questions, but staff turnover and long-term sickness is an issue in private sector prisons as well as public sector ones. I do not know if you have any data to show whether there is any significant difference. Probably the key questions are: first, what can we learn from private sector prisons on reducing those problems, and, secondly, what more could be done to reduce them in the private sector prison estate?

Gavin Miller: As I have previously said, levels of support in terms of contact with people when they are away from work and quicker referrals to things like occupational health—the arrangement of these things is different for private providers—help to manage those issues. However, the private sector has the same problems as the public sector when it comes to sickness levels. Something that the private sector may be a little more engaged in than public sector prisons is looking at alternate work for people. If they have a long-term issue, they cannot come back into the role they were employed in; they will look at alternate roles around the jail that may fit. That has pros and cons. Obviously it gets someone back to work in the first instance, but you run the risk of that person never returning to the role for which they were employed. Also, while it is a temporary measure, that position is still open, so you are not really dealing with the root issue. I am not saying that that is widespread, but that approach potentially leads to the situation where you have got individual circumstances that take a lot of time and effort to resolve.

Q72 **Lord Tope:** My questions are on the appraisal system. Can you tell us a bit about the appraisal system as it is now? I think the previous one was suspended during Covid and, as far as I can gather, it has not been reinstated. What is the system now?

Gavin Miller: Again, from speaking to my members in advance of this session—after all, it is not my views that you need to hear but theirs—the appraisal system is an area that they clearly identified needs work, because it is sporadically happening across the estate and in some areas it has not been picked back up yet.

Lord Tope: Are you saying it is not happening at all in some areas?

Gavin Miller: In some jails it is but in some it is lacking, so I would not like to tar everybody with the same brush, but in terms of retention it needs to be picked back up. It is certainly an area for improvement.

Lord Tope: What is it and what should it be?

Gavin Miller: I will tell you what it should be. I will give the example of development and support officers. That should be an experienced officer who is not a prison officer at this moment in time; the development and support officer is a stand-alone role on its own. They should make regular contact at the latest monthly with the new recruit, speaking to them about what their experiences are and listening to them. I know that sounds a little soft in terms of formal appraisals, but those softer skills are what is needed. The person speaking to the experienced officer needs to have faith and confidence that that officer is both experienced and listening. That is how you develop that person, by saying, “Well, have you tried doing it this way?” and, “I’ve experienced what you have experienced”. They need to be listened to in the first instance.

Formally, you have the process of appraisals through PDRs—personal development reviews—but that is a little hit and miss and, even where it is happening, I question what benefit it is providing right now. To my mind, peer support is more valuable for the retention of staff.

Lord Tope: So that is how you would like to see it changed and improved?

Gavin Miller: That is what would effect the most positive change, and that is what we are all here for, is it not? We all want positive change within the justice sector. So in the retention of younger workers in particular and their vulnerable nature, with the potential for conditioning, smuggling things into jails, corruption and that kind of thing, I suggest that measures like that go some way to policing those situations as well.

Lord Tope: Your first response to me was, rightly, that it is about not what you think but about what your members think. Would your members share your view, do you think?

Gavin Miller: I think they would. As I say, the conversations I have had in advance of this session have been quite complimentary about that peer support, and they have encouraged the softer skills. Jails are interesting places—we all know that—in that they have the greatest rumour mills in the world. If you want something to get around fast, tell someone in a jail; it goes round like wildfire. People talk, and the positive out of that is that people talking means there is a support network there. Formalising that support network with the people who have experience would give us positives within the sector.

Lord Tope: We have heard some people say that they never see their line manager. Is that an experience that you hear about?

Gavin Miller: It would depend on the various jails, staffing levels and so on. It would be fair criticism across the estate. In some instances where you have short staffing, the line managers are going and doing the day-to-day job, which means they are then under pressure to deliver as a line manager, so the impact of the short staffing

and overcrowding passes on. Then there are the other issues that I have described with the inmates. The demand from the issues that the inmates are presenting with means that these people have to be a little more hands-on than I suppose they should be within the structures that we have. That is not everywhere, but it is certainly a criticism that we have heard.

Lord Tope: In the current situation, are there achievable ways of easing that pressure?

Gavin Miller: The easy answer is more staff, but—

Lord Tope: I said achievable.

Gavin Miller: If we were just to look at it and say “More staff” as a knee jerk, it would go against what I have said to you this morning. It is about introducing systems that bring the right staff into that institution, staff who are aware of what their role is going to be within that justice sector set-up. That is the key. It is not a quick fix. If we just throw people at it, we will continue with the same levels of attrition that we currently have, and to my mind that is fuelling the problem, not the solution.

Q73 Baroness Hughes of Stretford: This is a quick follow-up. Forgive me if I have missed something and I should know the answer to this, but you have mentioned a couple of times the important role of development support officers. Are these posts particular to the private sector or are they throughout the prison estate? I have not heard them mentioned in relation to public sector prisons, for instance.

Gavin Miller: That is a good question. Given that we have temporary custody—pardon the term—of a public sector jail, it is not one that I could comment on. The jail in the public sector that we deal with is transferred over to the public sector, but it has been a private sector jail for the 25 years that it has been in existence and in February we will lose the recognition of that jail. At the moment, culturally, that jail is still in the position where it is running in the private sector. So I could not really answer for the public sector.

Baroness Hughes of Stretford: And it has a development support office post for that reason?

Gavin Miller: Exactly. In fact, it is one of our reps, who is very well thought of and who has managed the transition from private to public estate in a superb manner, because it is a very difficult circumstance as a union rep. You can imagine the number of questions that the members have asked our reps there, but this rep in particular, who is our lead rep on site, is the person who has fulfilled that role. I know, after years of speaking to her about it, that it has provided support for people and has had tangible benefits.

Baroness Hughes of Stretford: But, as far as you know, that is not common practice among public sector prisons?

Gavin Miller: As I say, I could not comment on the public sector. It may be that plenty of public sector prisons have it in operation, but I could not really comment. I would not be answering with any authority.

The Chair: Baroness Prashar can take this a little further.

Q74 **Baroness Prashar:** Mr Miller, you support the prison officers through performance reviews, sickness reviews and other disciplinary matters. Do union members experience these interactions with management as positive or negative?

Gavin Miller: I think we have to put disciplinaries to one side. If I were to ask any of my members who had been given a live warning through a disciplinary process, they would probably say it was a negative, but that is a little bit of sour grapes.

In terms of performance and sickness reviews, our experience in the private sector is primarily quite good. There is investment from people. When managers are taking people through processes, it is well thought-out. Obviously there are times when performance falls below expectations and we take those issues up on behalf of our members, but that is the exception, not the rule. The private sector is quite good in that regard.

Generally speaking, disciplinary and grievance procedures are dealt with in a professional manner; they are well evidenced and investigated. Yes, people might not get an outcome that they want at the end of it, particularly in disciplinary cases, but generally speaking in the private sector it is done quite well. Falling below standard is the exception, in my view, not the rule.

Baroness Prashar: In your view, what are the key factors that encourage a healthy relationship between senior management teams and union representatives?

Gavin Miller: Engagement. It is as simple as that. Where we have the best relationships, it is no surprise that we also get the best results for our members. It is about seeing the union as a partner at the table, working with the union reps and not treating changes in decisions or policy as an afterthought. It is about keeping away from a “We have made this decision and we are now going to inform you” culture and staying in an engaged, positive culture, with regular dialogue between the reps and senior management.

The longest time between meetings should be a month, and often there is dialogue between the meetings too. That is really useful because everyone needs to be on the same page. Our reps would say that they do not see problems as the sole role of management to fix. They see themselves as having a role in that process. At the monthly meetings, the first thing we will do where we have an effective meeting running is run through the minutes of the previous meeting, look at the action points and task our reps with doing things. Our reps will gladly be part of the solution, because sometimes the message you need to get out is better delivered by the union reps. We work in partnership with the employers that we work with. That is not to say we do not have our disagreements—we do—but, as I mentioned previously, you need a healthy dialogue to get healthy outcomes for your members.

In any walk of life, marriage or anything else, if you are not speaking to the other party then it is not really going to work, is it?

Baroness Prashar: When you say “engagement”, do you find that management engage positively with you?

Gavin Miller: Yes. There are two elements to this. Part of it is that a lot of the managers within the private jails know and work with us but partly it is our reputation, which has been built over a long time. I think they know that we are reasonable when we approach the table, which then brings a sensible response. Obviously you get exceptions to that. Not everything is perfect and wonderful but, by and large, when we engage in these processes with independent directors on the contract—and with management above those directors, the people running the contracts—it is a positive and meaningful dialogue. That is the point: every party is listened to. In my experience, the private sector takes on board the suggestions that we put forward. It does not always deliver or agree with those suggestions, but that then leads to respect at the table with our reps. We foster good relationships.

Baroness Prashar: My other question is about Oakwood prison. The director of Oakwood prison has been praised for developing a positive and progressive culture. What are the key factors that have contributed to the success of Oakwood?

Gavin Miller: I think it would be the points that I have already mentioned: a positive culture, and getting long servers to engage with more junior members of staff and explain to them why they saw it as a vocation and why they have lasted within the sector. Oakwood is a good example but there are also examples within the jails that we have. There is a director at Doncaster right now who is very experienced; I can tell you that every jail that director has been to has been well run because of the culture that has been introduced. They are a very well-respected person.

This goes into the areas I have already mentioned: engaging with the staff and leading a positive and clear management culture. People need to have defined roles and to know what the expectation, beginning and end of their role is. Engaging with the union reps to talk to the staff is key. As I said earlier, the softer skills as well, such as recognising people when they have done good work, are important. It is a symptom of British workplaces that we are keen to mention what we do not like but we are not keen to mention what we do. When good examples have happened, we should champion that. That builds pride back into the workers within the jails, and it builds the sense of vocation, not job. That is where we need to travel to.

Baroness Prashar: You have mentioned soft skills several times. We know what they are, but what specific soft skills required in prisons would you single out?

Gavin Miller: Take our prison officers. They are not just prison officers: they are social workers, friends, support workers, court confidantes and family workers—the number of hats they wear is unbelievable. That leads to a challenge for delivery in the sector, because people are doing so much. They are not just jailers. Our longer-serving employees have been dealing with some of these inmates for 10, 15 or 20

years, so they know them very well. So many softer skills are needed in that regard, to wear that many hats and be effective in that many areas, to deliver things for people and signpost things for them. The work that those people do is hugely undervalued in society.

Go back to when we had Covid, when people on Thursday evenings clapped for carers. Fantastic, they should have been clapped for—but we also should be clapping for people who throughout the pandemic were turning up to what is, let us be honest, a bit of a breeding ground for disease; if someone is ill in prison, it spreads through the institution. These people work hard and are proud of what they do, and I think society needs to reflect that a little more. Forgive me, I have tangented slightly at the end of that answer.

The Chair: Before we move on to the women’s estate, in everything you have said where you have described the relationships between senior management—the directors, as they are called—and staff, you are painting a picture that is much more rosy than we hear about in, for instance, the public estate. The level of support activity may not be enough, but you describe it as there and, in some cases, good. Yet, at the same time, the private estate has as much difficulty recruiting and retaining staff as the public estate. Why is that?

Gavin Miller: Obviously there is a salary difference between the private estate and the public estate. Salary constraints are part of the private estate’s issue, and it is not necessarily particularly rosy. It is a tough job and a difficult environment. Where the public estate may have problems is the shock factor, because of where we are recruiting from. The old cliché used to be that people coming out of the military or retired police officers would go on to be prison officers. That is not the case now; we have a diverse workforce within the jails. There is no getting around the fact that when people walk on to a wing as a prison officer when the training process is finished, there is a shock element.

Something that is been happening in the private sector is the blunt pre-vetting assessment of “This is what the role is”, and I think we need to see more of that. Maybe the public sector needs to engage with that a bit as well. We need to be very clear about what the role is and what its demands are—the fact that people are going to be dealing with very difficult circumstances, such as people who have done a dirty protest.

The Chair: I am sorry to interrupt you, but you are describing yet another example of where you are arguing that the private sector is providing better initial vetting procedures. My question was: given all these things you described as better, why does there seem to be little difference in the crucial issues of staffing and the retention of staff? I do not know, and clearly, we will check that. I am just trying to explore, with all these benefits, what the outcome improvements are.

Gavin Miller: I could not sit here and give you the chapter and verse about the public sector; I think your previous speaker was probably the person to speak about that. You have slightly better conditions on one side and better pay on the other.

They probably cancel each other out, which is why you have similar numbers across the two.

The Chair: That is very helpful.

Q75 **Baroness Meacher:** According to your members, what are the main issues specific to the women's estate?

Gavin Miller: The women's estate is very complex. I have spoken to our members working in women's prisons about this. One of the things they reported to me was that the majority of people they see coming through the doors report with a number of issues. They may have come from a situation of domestic violence, or where substance abuse is an issue—they may not have come from the best of backgrounds.

This was an interesting conversation. There are different challenges. Violence levels are not the same within a women's prison. However, one of our members said to me that you have to give female prisoners time. While you can say to somebody on the male estate, "I can't deal with you now—I've got something else to deal with, but I will come back", you cannot do that on the female estate.

Baroness Meacher: What happens if you do that on the female estate?

Gavin Miller: There tends to be self-harm or some sort of outburst because you have not dealt with that person and given them the time. The way it was put to me was, on the male estate, if somebody is going to do something, they try and do it against you. On the female estate, they do it against themselves, and you have then got to deal with it.

Staffing levels are also an issue on the female estate. HMP Peterborough is a good example of this: there is a male and female jail on the same site. When there are staffing shortages, there are never staffing shortages on the female side, because you need the level of staff to provide that engagement. If you do not provide the engagement, you will get problems. I was also told that if female inmates threaten something, they are far more likely to go through with it.

So staffing levels are an issue. Time and investment in the inmate themselves are also an issue. It is a different set of challenges to the male estate.

Baroness Meacher: Sure. What do you think are the main challenges in dealing with self-harm specifically by women? As you say, they do tend to go for that, do they not?

Gavin Miller: It is a very big question, because there might be people who have self-harm issues when they report to the institution. The remedy there is around the rehabilitation side. On the female side, people engage more with rehabilitation and with work within the jail. Maybe that is the way to go forward in terms of remedies.

In engaging with self-harm, the only way around it is doing the hard yards, spending time with and investing in that prisoner. From what our members told me, there are

more root problems which you need to get into to effect any sort of positive change. It is a very different scenario.

Baroness Meacher: It is, is it not? Thank you very much, that was really helpful.

Q76 **The Chair:** Just before we come to an end, I have two or three quick questions if I can and then an opportunity for you to advise the committee. In terms of quick things, what is the view of your union on the amalgamation of the prison and probation services in HMPPS? Is it working?

Gavin Miller: It is very difficult. I cannot sit here and say that it is working but, that said, I do not see a structure to make it work.

The Chair: What is the evidence that it is not working?

Gavin Miller: Reoffending levels are the evidence that it is not working. Our members will say that there are certain people walking out the door that they know are going to come back. That is the whole point: we are meant to rehabilitate in prison and probation is meant to manage so we do not have reoffenders.

The Chair: But some would argue that there is very little rehabilitation happening in prison and that there is little educational or training opportunity for prisoners, and so on. That falls within the prison side, not the probation side.

Gavin Miller: Yes. On the probation side, we are the union that looks after the workers in the area of electronic monitoring and tagging. Obviously, the engagement of probation officers is key, but electronic monitoring is an area earmarked for growth at this moment in time because of the overcrowding issues we have got.

There is a lot of effort going into fixing the tagging contract right now, because it is a long way from being fixed. Looking to extend the licences from six to 12 months needs the integration of probation, and tagging and probation are probably the two that need to work very closely together. If the proposal to go from six to 12 months on licence with tagging goes through, we need serious consideration of the role of people going out and performing the tagging. You are going to need to double the workforce and the equipment. It will be a huge logistical issue that needs to be considered before anything happens.

Our perspective is more on the tagging side of that than the probation side, but I am aware that tagging and probation probably need to work more closely together.

The Chair: What is your confidence level within the MoJ?

Gavin Miller: The people I have come across seem fine. Whenever I have reported issues, they seem to want to have a conversation about it, so they seem keen to engage. I have been in this role for around a year now.

The Chair: Do the people you talk to know what they are talking about?

Gavin Miller: They seem fairly confident, unless they are very good actors. I could not really rightly say about the MoJ's performance, underperformance or anything in between, because I have never worked a day in the MoJ. I can only speak as I find it, in that when we have brought issues to their door they have responded. Sometimes we have had to chase for a response, and we have had to harangue and harass a little bit. But when we have gone to the MoJ, there has been a response—

The Chair: Responding by saying, "Thank you, we're very grateful to hear that view", or responding by actually doing something?

Gavin Miller: Engaging and getting involved in the conversation. I think that getting people to the table is sometimes quite difficult, but in my limited experience of the MoJ—

The Chair: That is still talking. I am talking about whether they do something.

Gavin Miller: Yes. They have always gone and action things that we have asked for in the time that I have been in the role. There have not been any significant asks to date from myself, so ask me again in some length of time and the answer may be different.

The Chair: A very small question: we were advised by the head of the POA an hour ago that he believes that nobody should enter the Prison Service until they have reached the age of 21. Do you share that view?

Gavin Miller: It is a difficult one, because I can give you an example of a 19 year-old prison officer who is fantastic. I do not necessarily think it is your date of birth, I think it is your maturity. I can point you to 45 year-olds and above who are not mature. I think we would be on a bit of a slippery slope with an age restriction, because then there are discrimination laws and potential discrimination on the grounds of age. I would not necessarily say 21. I can see the point that is being made, and I am not unsupportive, but I think it is more about an honest evaluation of what the role is and a pre-vetting process about someone's character, maturity levels and whether they are the right fit for that role. I agree to a degree, but not as bluntly as to cap an age off.

The Chair: Finally, you will appreciate that as a committee we wish to be helpful and to improve the situation. Therefore, we need to make recommendations that have the possibility of implementation. Clearly, in the current climate, finances are tight. Ignoring things that require vast sums of money, what would you hope our committee will be recommending to Government to improve the situation on your estate?

Gavin Miller: The first thing on my list were significant pay rises, but we will put that to one side. As I have mentioned on a number of occasions today, the role of senior prison officers in supporting junior prison officers is a quick win. If we introduced that sort of role and put it in place formally, we would resolve a lot of problems, both in terms of—

The Chair: Sorry, I am being really difficult in understanding this. Your directors have got a contract which presumably already includes a responsibility for the staff under them.

Gavin Miller: It does, but it is the peer—

The Chair: What are you adding?

Gavin Miller: It is the peer support of somebody who is experienced. This person is also not only there to speak to people to retain new members of staff and give them confidence in the role, but in some cases they are there for that person to have a continuous assessment. They can identify people who are not fit for purpose within the role, who have got to a place and thought that maybe this role is not for them.

I think that one-to-one peer support is vital. I do not think it is as widespread as it could be—on the private estate as well—but it is vital if we are to build a quality of staff first and a quantity of staff second. There is no point in us going for quantity if we do not have quality.

Baroness Hughes of Stretford: Just a quick question for Mr Miller: do you have any regular dialogue, formally or informally, with the POA at national level?

Gavin Miller: No, not really. We swim in the same circles occasionally and we have the same kind of debates and conversations but there is nothing formal. We have different remits, really. There is some overlap in that I know they have some private jails, and there are some areas that overlap into ours, but it is very much managed in a silo. We have our area; they have theirs.

The Chair: With the exception you gave us of members of your union who are currently in a public prison because it is converted, generally speaking, is the union not represented on the public estate?

Gavin Miller: No. We have members in the public estate because people know we have a justice sector within our union and they make a choice to join us. However, we do not have a great deal of crossover with the POA in terms of what we do.

The Chair: And you do not seek members in the public estate particularly?

Gavin Miller: We do so on individual issues. We have represented people on a number of individual issues over the years but in terms of collective issues, with the exception of Lowdham Grange, which is an anomaly at this moment, we have not done a great deal of collective on the public estate.

The Chair: Finally, because obviously we are about to take evidence from the Chief Inspector of Prisons—we have already had some conversations with him—do you have confidence in the chief inspector?

Gavin Miller: I am not the person who is line-managing him. I see no reason to not have confidence in the chief inspector. I listen to the reports and they seem fair and

fairly blunt, which is what is needed. They also have recommendations attached, which leads me to believe that there is no reason for me not to have confidence. There is nothing that I have seen that would question my respect for the position.

The Chair: I am enormously grateful to you for the wide range of issues that you have answered. We also should like to give you the opportunity whereby if there are things you wish you had said and you have not had the opportunity to do so, please feel free to write to us. I suspect we may be writing to you with one or two additional questions, which I hope you will be able to respond to. However, on behalf of the entire committee, thank you very much indeed for your time.

Gavin Miller: Thank you very much.