



Justice and Home Affairs Committee

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

Tuesday 11 March 2025

10.30 am

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Members present: Lord Tope (in the Chair); Lord Bach; Baroness Cash; Lord Dubs; Lord Filkin; Lord Henley; Baroness Hughes of Stretford; Baroness Meacher; Baroness Prashar.

In the absence of Lord Foster of Bath, Lord Tope was called to the Chair.

Evidence Session No. 10

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Questions 134 - 144

Witnesses

I: Helen Berresford, Director of External Engagement, Nacro; Andrew Neilson, Campaigns Director, Howard League for Penal Reform.

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Examination of witnesses

Helen Berresford and Andrew Neilson.

Q134 **The Chair:** Welcome to the meeting of the Justice and Home Affairs Committee in the House of Lords, particularly to our guest witnesses today. I will ask you to introduce yourselves for the record. The meeting is now being recorded and filmed. Helen, would you like to go first?

Helen Berresford: I am the director of external engagement at the charity Nacro. We are a charity operating across England and Wales. We support around 28,000 people every year across our services in criminal justice. Our services include resettlement services, including housing. We run the CAS-2 service for the Ministry of Justice and we run a criminal record support service.

Andrew Neilson: I am director of campaigns at the Howard League for Penal Reform, which is the oldest prison reform organisation in the world—at least we have never been corrected by anyone from anywhere else on that claim. We campaign for less crime, safer communities and fewer people in prison. We also have a legal advice line, which is free and confidential for children and young people in custody. We have been particularly interested for many years in the crisis of overcrowding in prisons, which I am sure we will touch upon today.

The Chair: Thank you very much. I am going to start with a very general opening question to get us under way and then we will go around the room and ask some other questions. Can you tell us what your key proposals are for prison reform?

Andrew Neilson: There are many problems in prisons when we look at the prison system. It is easy to get lost looking at all those problems and trying to think about what needs changing and how to prioritise what needs changing over other things that need changing, because a lot needs changing. I mentioned that for many years the Howard League has been very concerned about the crisis in overcrowding in prisons. Broadly speaking, I think there are two crises in prisons. It is perhaps useful, when we consider all the other problems that are within the system, to think about those two separate types of crisis.

The first crisis—which I think has been in the news quite a lot, particularly over last summer—is what I would call the quantitative crisis: the crisis in capacity, the shortage of prison cells and the very real prospect at points of the Government not having the prison cells to accommodate everybody that the courts are sending to the prison system.

We also have another crisis, which is very much interlinked with that, but is worth separating. That is the qualitative crisis of prisons. That is the impact of overcrowding on the day-to-day regime of prisons, on the way the system operates and on the toxic cocktail of overcrowding and underresourcing.

At the Howard League, in recent times we have also been talking a lot about the concept of sentencing inflation, which we see as the driver of the prison population.

We do not believe that any of the problems—the two crises I have talked about or any of the many issues we could talk about in terms of self-harm or self-inflicted deaths, the stain of the IPP sentence and the system’s inability to progress people; there are so many issues—will be effectively addressed until we can find a way of easing pressure on prisons and the numbers of people that prisons hold. To do that you need to find some way of reversing the trend of sentence inflation that has taken place over several decades. That, of course, is why the sentencing review that the Government are currently undertaking is so important.

I will just say a couple of other things. In our view a smaller prison system would very much be in a better position to offer the positive regimes that would rehabilitate people and make reoffending less likely, not more likely, and it would certainly be a more humane system. As an aside to that, I do not think that there can be prison reform without probation reform. A lot of the attention is on prisons. Prisons loom large in the public’s imagination in a way that probation does not. It is in some ways an invisible service. However, the Probation Service needs to have investment in order for a transfer of demand away from prisons to the community. That is just as important as the need for reform in prisons. Indeed, there is an overcrowding problem in probation, as well as the visible overcrowding problem that we see in prisons.

Helen Berresford: In our view, the prison system needs rehabilitation at the heart of it. That has to be the driver of the focus of prisons. The vast majority of people who go to prison will be released at some time, so it is in all of our interests that they come out able to make better lives for themselves and do not go on to commit further crimes.

I agree with Andrew that part of the biggest challenge at the minute is the numbers. Rehabilitation is a distant dream in many places when prisons are overcrowded to the level that they are now. We know that prisons are facing a huge range of challenges with high rates of self-harm, high rates of violence and low participation in purposeful activity. We want to see a system where people are engaged, active and productive, and moving towards being rehabilitated and released. Everything is focused on that because, as I said, the vast majority will be released at some point. Reducing the population is absolutely crucial to that. The sentencing review is one of the most important things that we see at the minute, and we all have hope that that will start to change things.

There is currently a pattern of inactivity across prisons. In HMPPS prisons alone, only around 50% of the population are in work or education, and when they are it is often just part time—a few hours a week. That is a huge amount of wasted potential and opportunity to help people build better lives and build the skills, training and patterns of work and education for release.

We think that there is much more that can be done within the prison system to learn from good practice, because there is good practice out there, both within our own prison system and in other prison systems. There is an opportunity to learn

from those as well. What we and I think lots of partners working within the justice system say is that we would like to develop better partnership working with prisons and different parts of the justice system, where voluntary sector and other organisations are able to work collaboratively with prisons. Prisons rely on a lot of those organisations to help them. Certainly, with the challenges of the population at the minute, it is really difficult to make that work.

I agree with Andrew that there should be a real focus on reducing the population. Having a smaller prison population and being able to put in place the rehabilitation focus and work that we need would have a much better effect.

The Chair: Andrew, you mentioned the upcoming sentencing review and you also talked about the public perception of prisons—a perception of the public who have probably never been anywhere near a prison. Their perception comes mostly from the media. We all share your ambitions for the sentencing review; how are we going to encourage public perceptions to make it more acceptable for the Government, any Government—the current Government as they will be—to implement the recommendations? We do not know exactly what they are likely to be, but I think we all know the direction in which they are going to go. How will we make those acceptable to Government and, more particularly, to the public?

Andrew Neilson: This is the enduring challenge, and it is one of the reasons why the sentencing review, in its first report, described it as “penal populism”. It is very attractive to appeal to knee-jerk public views on these issues. There is quite a lot of evidence that, when somebody is presented with the individual facts of a case, they can be quite understanding. Unfortunately, though, a lot of people’s encounter with crime, if it is not direct, is through the media. If it is the tabloid media, they are going to read about the most heinous crimes, because that is what makes the national headlines. That is not necessarily representative of the reality of crime elsewhere.

The Howard League is very much thinking about this and about trying to speak to the Government, and potentially the review itself, about some of these issues. At the moment, we are doing some work on public opinion and sentencing with the review in mind. We hope to present some findings privately to the review on that and perhaps say something a bit more publicly when we can.

We saw last week, in the row around two-tier justice and what it is, when the Sentencing Council published its revised guidelines on custodial and community sentences, how party politics can very quickly distort what should be a positive policy discussion on trying to solve these issues. It is important that we find ways of looking at that.

The Government and the Ministry of Justice have a part to play in making the prison system more visible to the public. For example, there have been previous Administrations of different political stripes that have been very reluctant, to let journalists into prisons to report on conditions. I think we have seen a bit of a sea change there recently. Indeed, we have seen it from time to time in other

administrations. It is not a blanket approach, but often there has been a risk-averse direction towards engaging with the media. Ultimately, there is a public education piece that needs to be engaged, part of which is showing people what the reality of life in prison is.

Helen Berresford: I agree with what Andrew said. The other to add is that we need to look at what the evidence shows us. We know that the evidence around community alternatives to prison for low-level offences shows that they are more effective than a prison sentence. Of course, that can still get caught up in a different narrative when that plays out, but we need to try to create that space for a more evidence-led justice system. We need bold political decisions to support that.

Lord Filkin: You said something, Andrew, about giving David Gauke's organisation some information. This is perhaps an unfair question, but had you not better do it pretty soon? From what we hear and see, it is going to happen pretty quickly. We want to have your views.

Andrew Neilson: Absolutely—suffice to say the relevant fieldwork on this has been done and we are waiting for the final write-up before we do this. We have submitted separately to the review and policy proposals as part of the consultation that it had. Over the last couple of months, we have been doing some more in-depth work around focus groups and polling, but I cannot say any more than that, at this stage.

Q135 **Baroness Meacher:** Given the very high rates of substance misuse among incarcerated individuals—driven by trauma and abuse, of course, as they are—do you agree that high-quality drug and alcohol treatment does need to be improved within custody and post release? Indeed, I would say pre-custody this should be the first thing that people think about. Do you agree with that?

Helen Berresford: I am happy to start on that. Yes, absolutely we know that there are high levels of substance misuse and mental health need within the prison population. Again, part of that would be better served out of prison, as support given before people end up in prison. In our view, there are certainly alternatives to prison. We know that already with community sentences. There are different models that you can look at, which include substance misuse treatment and mental health treatment, and community sentence treatment requirements are one of those. Historically, community orders have been underused. We are starting to see an increase in the use of those, but we need to look at how we increase them and learn from the evidence that we are seeing.

With substance misuse often you need to look at why people are taking substances. Substance misuse often correlates with mental health, so it is important to look at those things as well.

There are different models. There are other opportunities in the community as well as community sentence treatment requirements. There are things like deferred sentencing, where you can look at putting in place some treatment or some support

for people and then monitoring that engagement before you decide what the sentence is going to be. There is a real opportunity for us to use that model more, with the intention of reducing the number of people who then end up in prison.

There are other things as well. To Andrew's point earlier about probation and the increased pressure on probation, there is a real opportunity to look at what support model we need in the community for people. We have heard recently that probation will be focusing more on high-risk individuals because of capacity constraints, and that that is where supervision will focus. For people who are at low risk of offending, it does not automatically correlate that they are low need. In fact, it is quite often the opposite. Looking at what their needs are and putting in place a real package of support around that in the community is one of the most important things that we can do for that group.

There is an opportunity at this stage to look at what that can be. That includes substance misuse support, mental health support and wraparound holistic support. Very rarely do people just have one issue; there is quite a lot going on for people who are caught up in this cycle. We think there is the opportunity around a community hub model, where you can start to look at a more holistic place-based approach. We have done this with women's centres previously, as there are opportunities there. There are lots of things we can look at in the community.

You also asked about prison and release. I think that is absolutely right: substance misuse services and mental health services in prison are crucial. One of the big challenges in prisons is the prevalence of drugs. Substance misuse services are essential in dealing with that volume. People will go into prison with those issues, but people also go into prison without those issues and come out with them because of the prevalence of drugs and the impact of the prison environment on mental health. A lot of focus needs to be put on that.

We published a report recently with members of our Justice ExChange, who have been through the prison system, around mental health in prison and the support available. They felt strongly that it was insufficient; there was not enough awareness of mental health needs, there was insufficient support and there were long waiting lists for help when people are in prison. They told us about the tendency to overrely on medication because there were not the services to help people and that that had a huge impact. Mental health was worsening as a result.

Equally, there are challenges around mental health services in the community as well. Of most concern is the transition point from custody to community; in many ways that is one of the highest risk points. It is often assumed that release is a positive experience for people, but it can be incredibly stressful with high levels of anxiety. If people do not know where they are going, particularly if they do not know where they are going to live, if they do not know if they are connected to services and if they are clean, the risk of returning to drugs is high. That is one of the highest risk points that needs to be looked at.

Baroness Meacher: I am sure that is right. Was it the Minister who wants to focus

on the higher level, whereas there are vast numbers of people taking drugs who have suffered abuse and trauma and so on, who need a much more sensitive treatment approach rather than punishment?

Helen Berresford: That is right, yes.

Baroness Meacher: I would hope that that would be pervasive across the system in future.

Q136 **Baroness Hughes of Stretford:** In response to the first questions, you both stressed the importance of thinking about probation and community options. Lots of people do this, but it is almost as if we do not always think about what that means in practice. There are very large numbers of people who are currently going into prison, rather than not going into prison but having some community option—I am just questioning whether you think this too—when there are no resources at the moment in the probation and in the voluntary sector to take those people in.

It is not just a matter of scale and capacity; it is also a matter of the robustness of those community options to give confidence to the courts and also confidence to the public. If we are going to persuade the public that this is a reasonable option, they need to have confidence that the level of supervision will be robust and will make a difference to those people's behaviour. Do you have any quick reflections on that?

Helen Berresford: I agree. Again, back to Andrew's point, we absolutely need to focus on probation as well. Quite often it comes secondary to prisons. We need to resource probation, but putting the resource into that wraparound support is as important. There is support there. Currently, we deliver services commissioned by HMPPS, which are available to people on community orders. That includes support to find accommodation and what we call personal well-being, which we think is an incredible service that lots of people who we work with find transformative. What it looks like in practice is talking: it is an opportunity for people to come together in a group and talk about what is going on for them. Most people say that they have never had that opportunity before and that can be quite transformative.

I would agree with you that, if we are to increase the number of people who are going to be on community orders, the resources have to follow that. I would just reiterate the point that, yes, it is probation, but it is also all the services that the voluntary sector run.

By its nature, the voluntary sector tends to work in quite an integrated way, in a partnership working approach. Much more of that is required to be able to look at all the things that a person needs, whether that is the punishment element of a community sentence and the unpaid work side of this—making sure that those things are productive as well.

There is an opportunity with unpaid work. Parts of community centres say, "Yes, people are doing this, but can we make it useful for them as well? Can this be about

skills development? Can it lead to employment at the end of it? What more can we do to make all of these different parts rehabilitative?"

Andrew Neilson: I agree with all of that. Ultimately, part of the problem here is that we all know that the more personally tailored centres are and the more relational work is put in by staff, the better the outcomes are likely to be. That is very difficult when, in prisons and in probation, the volume of case load is so overwhelming.

I will very quickly add one other point about structures. This is a difficult point, because I think the Probation Service has been restructured many times and it would be a huge challenge to restructure it again, particularly at this crunch point that we are talking about, where we are asking the service to do so much more. Nonetheless, I think the Howard League continues to be very sceptical of the merger between the Prison Service and the Probation Service. We do not see the HMPPS model as a positive for probation practice.

I gave evidence to a previous inquiry of this committee on community sentences. I expanded a little bit on that, both in oral evidence and in writing, that we would much rather see an independent Probation Service with a local structure, much more like the old probation trusts that we had in place prior to the part-privatisation that happened about a decade ago, where those trusts were taken away. Unfortunately, when the probation was brought back into the public sector after that part-privatisation failed, economies of scale I think dictated the much bigger regional HMPPS approach that we see now.

There are also cultural issues between the Prison Service and the Probation Service, which I think are never going to be solved as long as they are wedded together in this way.

Q137 Lord Dubs: Helen, in answer to an earlier question, you used an interesting expression; you said rehabilitation was a dream. I would like to ask you both a bit more about rehabilitation. How does the prison environment affect staff attitudes towards rehabilitation and what sort of changes, including cultural changes, might be needed to help with this?

Andrew Neilson: I am going to take this first, because I have a very broad answer to that. I am sure Helen will have something a bit more specific to say.

Not to harp on about overcrowding and the size of the prison population, as long as the prison system is facing a day-to-day crisis of handling volumes of people in the way that it is, where literally the priority is whether we have the beds for them, it is perhaps no surprise that rehabilitation gets lost and is a dream, as Helen said.

The broader point that I want to make, which I thought might be helpful first, is that there is a philosophical aspect to this too. Section 57 of the Sentencing Act 2020 sets out the five statutory purposes of sentencing. They are the punishment of offenders, the reduction of crime, the reform and rehabilitation of offenders, the protection of the public and the making of reparation by offenders to persons affected by their offences.

A point that we and I believe others have made is that Parliament has not determined a hierarchy of these priorities, nor has it properly defined what each of those purposes mean. That is partly why punishment gets promoted almost as a default ahead of the others. I know that this was touched on in oral evidence that you received from some academics from Cambridge, but I think there is little understanding of the tension and conflict that ultimately sit between punishment and rehabilitation. The former can actively work to make the latter more difficult. I do not think there is any consensus on the proper balance to be struck between these two things. As I say, that is a point that we have made to the sentencing review; we think it is something on which the review could shed some light.

Helen Berresford: In terms of your question, we know that people often join the Prison Service with the ideals that you would want people to join with: they want to help people change their lives; they want to contribute and make a difference. There is an inevitability in a system under so much strain as it is that, sometimes, that will be lost when you are faced with high rates of violence, constantly firefighting against lots of different challenges. You are right that there are cultural changes that are needed, but the environment needs to change as well. So without repeating the earlier points, tackling that environment, reducing overcrowding and tackling violence is important.

In terms of culture, members of our Justice ExChange who have been through the system and have been through Nacro services, tell us that they want to help and they want to give back. They have very much informed the submission we put into this inquiry. They tell us about the staff who made a difference to them, what that meant and that people came in and they were enthusiastic. They also tell us that that enthusiasm and that positivity sometimes means that everybody goes to them, because that is the person they want to go to who will help them. That can lead to those members of staff feeling overwhelmed.

The staff also felt that that was not always rewarded: that extra mile that was gone in, that extra conversation, that extra bit of support for somebody was not seen or recognised as a positive thing. That led to staff leaving when they felt that their values were not in alignment or they would stay and feel quite disillusioned and think, "What difference can I make?" That is a real shame when people come in with those values. There are lots of committed people, but the system is working against them.

To quote one of the members of the Justice ExChange, they said to us, "Some officers do care but they are not given a platform to care by the failing system". They absolutely recognise that officers come in with those ideals, but the system can work against that.

One other point I want to mention is that a lot of people talk about the impact and the importance of the visibility of leadership within the cultural impact of the environment. Most people that we talked to as part of this inquiry evidence told us that they very rarely saw a governor in an establishment. When they did it was

because of something negative happening in the prison; it was never a positive reinforcement.

Having said that, there was one good example from somebody in one prison who said that the governor every day recorded a video. It went out to the TVs in the cells. It told them what he was doing during that day. It brought in other people and members of staff across the prison, to introduce them and say what was happening. They felt that that was positive; it made them feel that they understood what was going on, that they were part of a system that was working and that they had a more direct engagement with that.

They felt that the governors should be much more visible, not just for them but for the staff. They felt that the staff needed that positive reinforcement. Being there and engaging with prisoners positively is a demonstration of the commitment to the vision and mission of the prison. Staff could see that and realise that was how things were expected to be done. Staff also felt that they were all in it together and that they were not left without that. Governor visibility was an important part of that.

My final point is that the people we spoke to felt that, as well as the governors and leadership and staff having an impact on the culture, prisoners impacted the culture as well and that there was an opportunity to make that much more positive by listening to them, by involving them more and by giving them more of a stake in the prison environment. At its most basic it is just listening to the views, but they also felt that it was about enabling them to take on informal leadership positions within the prison environment. We all know that, when you have a stake in the place that you live, you are more engaged, more likely to care and more likely to give back. They felt that that was important.

Lord Dubs: I will turn to one of the possible aspects of rehabilitation and that is the high levels of illiteracy. I hope I am not taking anybody else's subsequent question, but is rehabilitation made more difficult by the high level of illiteracy and what could be done about it, if anything?

Helen Berresford: Yes, it is an important factor. When you look at the characteristics of people in prison, as you say, their level of educational attainment can be quite low.

The education provision in prisons is an important part of rehabilitation—being able to give people skills to get back in the workplace or just to skill up and build confidence. Some of that is formal, but some of that should be informal as well. Organisations do a lot of this work. The Shannon Trust does a lot of this work; it is about building people's ability to read and those basic skills, but it is also about communication skills. All those things impact on each other, on how you operate in the world and on your confidence.

Yes, I absolutely agree; education and training are incredibly important in prison. It is an opportunity. When somebody is in prison, something has gone wrong to get to that point, but we should look at that period as an opportunity to try to make the

best difference and give people the best chance when they are released. Certainly, education and skills training are part of that.

Andrew Neilson: I have one other point on rehabilitation, if I may. Already when you see questions being asked in the House of Commons as to many of the issues in the prison system, the answer is, “We have a sentencing review. Wait to see what it says”. We risk putting all the eggs in the sentencing review basket.

The sentencing review potentially also has an opportunity to clarify the nature of what we want from a sentence, particularly vis-à-vis this question of rehabilitation. The Howard League’s submission to the review talked about envisaging prison sentences as two distinct sections—a section that is served in custody and a section that is served in the community under licence. It might be more transparent to the public—to the point about public understanding—if we were clear about that. The phrase that we suggested—but it was just a suggestion—is thinking about prison sentences as detention and supervision orders, because that is the reality for the vast majority of people in the system, those who have not committed the most grievous crimes.

Then we can start to think about what those elements should involve. The custodial element of the sentence, we would argue, should be reserved for addressing the causes of offending and providing people with the support they need to rehabilitate safely while protecting the public. Then the time spent on licence in the community functions as a stepping stone and supports people to achieve that rehabilitation in “the real world” while they are being supervised.

The crucial point we argue there—and this speaks to the prison cultural issue—is that the custodial proportion of the sentence should be focused on achieving a successful and safe release in the quickest time possible because that does not happen how the prison system is currently configured at the moment, because of all the pressures it is under. If anything, the system actively works to keep people behind bars unnecessarily because of regime failings and this emphasis on warehousing people rather than on timely sentence progression. People are in a prison that has an empty bed rather than in a prison that offers the courses that they need. That is a problem.

It seems to me that if sentence progression could be better delivered with that mission of trying to get people out safely as quickly as possible, you would run the system differently to how it is currently run. That would be good.

Q138 **Baroness Hughes of Stretford:** I do not want to hog this, Chair, but I want to take up what Andrew said earlier. He posed a dichotomy between punishment on the one hand and rehabilitation on the other and he said that the former can make the latter more difficult.

I feel uncomfortable with that, because the other element in our conversation, which we have not mentioned so far, is the victims of crime. Accepting that many offenders have trauma in their backgrounds, the experience of all sorts of crime

depends the lives of many victims and many victims' families and communities.

I put to you that it is important that sentences demonstrably, for everyone to see, involve some punishment and that has to sit side by side with rehabilitation in comprising a sentence. It is not right if it does not and, also, the public and the courts would not wear it.

Andrew Neilson: I am certainly not suggesting that one should completely trump the other. I am merely observing that the reality of the situation is that, by punishing somebody, you take away their job. You take away family connections. A lot of the rehabilitation will be about undoing the damage that the punishment has done, rather than necessarily addressing the reason they committed the crime in the first place.

Also, the question is: what is the punishment in the system? Our understanding of punishment when it comes to prison is that it is the deprivation of liberty. Unfortunately, part of the problem is that that is not every member of the public's understanding of punishment. Some members of the public feel that prisons should be overcrowded, because overcrowding is part of the punishment. We have to find a way to get past that because, absolutely, the deprivation of liberty is the punishment and, as we know, that is harmful. If that is what society deems as the appropriate response to a crime, so be it. But overlaying other ideas about punishment and lowering our expectations of what prisons can do because that is also part of the punishment is unfortunate and sad.

Baroness Prashar: I agree with you that one should not put all the eggs in one basket in saying that the sentencing review will solve everything. It is an opportunity to make a broader comment. The sentencing review may say—I agree with you—that the fact that people are being imprisoned is itself a punishment, because their liberty is being taken away and the purpose of the prison is to rehabilitate people. People forget that eventually most of these people will come out, in any event, and that, if they come out reformed and better, it is better for society and for them and there is less likelihood of reoffending. It is a question of making that bold statement.

It goes back to the point about public education, because I find it difficult to understand why people think that taking people's liberty and putting them in prison is a punishment in itself. If you accept that and that the purpose of prisons is rehabilitation, the staff you appoint, how you run the prisons and everything else follows. We are saying that, because there is confusion, we are doing things half-heartedly and therefore, falling between different stools.

I would like to check what you said about how they are sent into a prison wherever there is a bed is available. I have held the view for a long time that there should be a triaging service to see what their needs are and allocate them to prisons with the facilities that meet them. I would like a comment on that.

Helen Berresford: Yes, I agree with what you stated at the beginning and that was my point from the start: a prison sentence is the deprivation of liberty; that is the

punishment. Once somebody is in prison, we should be focused on rehabilitation. That is the core of our belief at Nacro.

Yes, we see lots of challenges about sentence progression and progression through the prison system at the minute. People should go through different prisons for different needs, and that includes ones that are focused on resettlement and ones that are focused on training, but the reality of the numbers and the overcrowding at the minute is that people are not necessarily going into the right prisons or the most appropriate prisons for them. They are not necessarily able to take part in the interventions that would help them and are set out in their sentence planning. They are not necessarily able to do those as well, so there is a real challenge.

Q139 Lord Henley: I will move on to governance in UK prisons, which is, after all, the main focus of our particular inquiry. I was, therefore, grateful for what Helen said about the importance of visibility of leadership, which fits in with all that we know about leadership in schools, in the Army and all that. Small things like visibility—well, they are not small things—make an enormous difference.

How effective are the existing oversight mechanisms in ensuring accountability and transparency in the prison system? What more could you say to continue what you said about leadership and visibility?

Andrew Neilson: We agreed beforehand that I would start this answer. On the existing governance, the independent monitoring boards and the Inspectorate of Prisons perform important roles, but the limitations that they face have been obvious as the situation in prisons has got worse.

For example, the inspector announced the urgent notification process some years ago, in effect ringing an alarm bell when a prison is particularly bad. Traditionally, when prisons got bad inspections, even before the urgent notification process formalised that with a label, we would see that money and staffing would be found from elsewhere in the system and it would suddenly magically be poured into the prison in question. Also, interestingly, we would see the number of people in that prison reduced, which was a tacit admission that overcrowding is a major problem in the system as a whole.

That would work for a time, then problems are likely to develop somewhere else in the system because, ultimately, the system as a whole gets no extra resource at all. What has happened is that X prison has had a bad report and Y prison has shifted some resource to X prison so that it gets a better report next time and Y prison gets worse.

Lord Henley: The sticking plaster is being moved around.

Andrew Neilson: Yes, it just deals with the problems developing. Most alarming about recent times—and this is the point that I make about the limitations of, say, HMIP—is that we have seen many urgent notifications issued and nothing improving because no extra resource is available now. Things are so stretched that you cannot just take something from one prison and put it into another.

Increasingly, it has felt like the chief inspector has been reduced to ringing an alarm bell that has no clapper in it and does not make any sound.

A lot of eyes in the sector are on Wandsworth prison, for example, because that has had widely publicised problems. The inspectorate has clarified that those problems are not just media stories and that this prison is in major crisis. The Ministry of Justice has a stated ambition to try to turn that prison around and so all eyes are on Wandsworth to see whether that can happen. If it cannot, it is a verdict not just on Wandsworth or the new governor at that prison but on the system as a whole.

The Howard League has had different ideas about how we might improve governance in the past. We have looked, for example, at whether individual prisons could have individual boards with non-executive appointments. This almost happens in that many prisons can have employment boards where people from the outside now provide some support to prisons that are looking to get people leaving their gates into work. In many institutions—hospitals, for example—you would expect to see some board of non-executive support and oversight. Perhaps that could be more formalised with prisons in mind. I have to say we have not particularly pushed that idea of late, because it feels like a bit of a luxury now.

Lord Henley: Have you sounded out the Ministry of Justice about such an idea?

Andrew Neilson: This was a few years ago in response to another committee looking at some of these issues. It was some years ago now. We have not revisited it ultimately because the day-to-day crisis of prison regimes, of violence and of self-harm, has felt so pressing that this issue of governance has not been high on our list of priorities, which is not to say that it is not important. It is just that we are a small charity that has only so much resource to focus on things.

Helen Berresford: Equally, Nacro has not done a lot of work in that area.

The independence of the inspectorate is an important feature of the system, particularly as it is a very closed system. As you say, the public does not know what goes on in prisons. The inspectorate and the independent monitoring boards play an important role in that independent ability to come in and shine a spotlight on what happens within prisons.

Ultimately, this comes down to political will within the current system. Many of us operating in the space have to keep on pushing the policy and political arguments around the need for reform. We have not done extra work on this, but we could probably look at some alternative arrangements.

Q140 Baroness Hughes of Stretford: A dominant strand of interest of this inquiry has been women in prison. We have heard a lot about the additional challenges of women in prison. From your point of view, what are the biggest challenges facing women in prison? How far do the current policies address their distinct needs compared to those of male prisoners?

Helen Berresford: As you know, many women who are in prison have experienced significant trauma, high levels of physical and sexual violence, very high levels of declared substance misuse and mental health problems. Women in the prison system face a large range of multiple and complex challenges. Women make up around 4% of the prison population, so it is a small proportion but with very high need. The structure of the estate means that often women are placed far from home, which brings its own challenges.

We do not currently operate in any women's prisons, but we hear from people after they have been released, and certainly we have heard and seen from the inspectorate reports high rates of self-harm. They are at record levels at the minute within the women's prison estate.

Women's prisons have not been immune from the challenges of the male estate as well, in terms of numbers and staffing. We can see a big difference among different establishments, but we have also seen a limited regime, high levels of time spent in cells and limited opportunities to take part in training and other opportunities.

Also, like the male estate, the women's estate has a significant number of women remanded into custody and that places a different level of challenge on the system. In one prison, around 68% of women are on remand. Instability comes with that, and it can be much harder to get the right services to them.

Ultimately, we would say that the majority of women should not be in prison; they would be much better served by community support and community sentences. Most offending by women is non-violent and most women are in for short sentences. We hope to see some outcome from the sentencing review that will change that. We have already had the commitment from this Government to reduce the number of women who are sent to prison and the establishment of the Women's Justice Board. That is a positive step, and we hope that will deliver that.

In terms of the specific support for women who are in prison at the minute, we certainly hear from women we have spoken to about a feeling that there is not enough support around mental health or an understanding of trauma and the impact that trauma has on how people react and behave. There is not necessarily enough support or understanding and awareness of those things.

On some of the practical points, one woman told us that the understanding of women going through the menopause was limited. She felt that that was dismissed by staff in the prison but was having a big impact. Equally, for women to obtain sanitary products, they need to ring a bell and ask for sanitary products. That can be difficult when they have to ask from a male prison officer in particular. We definitely hear that it is not meeting the needs of women at the minute, but my bigger call would be that most women should not be in prison.

Andrew Neilson: I do not demure from anything that Helen has said on the issues. If I was to give a one-word answer to the question, I would say "inertia". I say that because the first thing I was ever asked to do when I joined the Howard League was

to write a press release in response to the publication of the Corston report. That review was published in March 2007, exactly 18 years ago. That is how long I have been in Howard League.

When I reflect on that, I do not see that much has changed. Baroness Corston's report was so important. It made crucial recommendations in response to a spate of self-inflicted deaths and high levels of self-harm in prisons. We have just heard that these are still issues. The recommendations at the time had a broad cross-party consensus. The feeling was that they should be expedited yet here we are, all these years on, and it does not feel like much has changed.

Holloway prison closed and all that meant was that women in London have to go to Bronzefield further away. The last Government had a female offender strategy; we have not seen much come out of that strategy in terms of actual outcomes. Women are still being held in prison. The current Justice Secretary's ambitions to do something about the numbers are welcome, but I will believe it when I see it because it has been 18 years of lots of warm noises around this but not a lot of action.

I will add that we were pleased to see the recent review on the placement of girls and its recommendations to ensure that girls are no longer placed in young offender institutions or secure training centres. The Howard League has been pressing both the last Government and this Government on that. It was allowed to drift. What was going on at Wetherby YOI was not just failing the girls; it was failing the staff who were being asked to care for them. That review is a welcome sign that these issues are getting the appropriate attention.

Baroness Hughes of Stretford: And the boys, I should say. I had a lot of contact with Wetherby in my previous role in Greater Manchester and it is a difficult institution. Anyway, I was going to touch on issues about caregiving roles for women, but that is my colleague's next question.

Q141 **Baroness Prashar:** I hear, Helen, you say that women should not be in prison, but a distinct group of women are primary caregivers. What support should be given to women who have caring responsibilities and how can the sentencing policies better consider the needs of their children?

Helen Berresford: For women who are in prison, one of the most important things that they find is how they keep in touch with families. If they are the primary caregivers, how can we facilitate them to keep engaged and keep those relationships going? Prisons do things on this: we hear of family days that have been organised and lots being put into those, but more definitely can be done.

One basic thing is being able to call your family and your children, but using the phone in prison is very expensive. We launched a campaign on this last year, because people were telling us all the time that family contact is so important but, with the cost, phone credit runs out within minutes. You can early only so much while in prison if you are lucky enough to be able to get a job. That is a real

challenge about that. Reducing the cost of phone calls, making video calls much more available to mothers, parents and families generally, and more and longer visits would help, as we heard.

For those women who are in prison, smaller custodial units that are closer to home would be much more effective than these long distances that families and children have to travel. There is also a strong case to make for more use of release on temporary licence so that women can go out and meet their families outside of the prison as well. Prisons do things around this, but more can be done.

Baroness Prashar: What about the sentencing policies? How can they better consider the needs of children? What would you like to see in the sentencing review for that matter?

Helen Berresford: As I say, it would make one of the biggest differences if we stopped using ineffective short prison sentences. That would impact this group of women, but also men who are sent in on ineffective short sentences.

An important part in the sentencing process is about knowledge and awareness of a woman's caring responsibilities. We saw this last week also around pre-sentence reports. Having a pre-sentence report so that the judiciary know and understand what is going on for that woman and that she has caring responsibilities and the impact of those is an important tool as part of that. They can make an informed decision about whether a custodial sentence is the right option. Is it better that we keep this family together and that we are able to look at an alternative in the community?

Having the information is the first point. As I say, what we would like to see more generally is a reduction in the use of short prison sentences. That would make a huge difference to women.

Andrew Neilson: To go back to the Corston review again, Helen mentioned the small, local custodial units for those few women who need custody. The other side of it was very much about having that network of support in women's centres in the community that women can attend as part of their sentence. If we see a reduction in or indeed a presumption against short prison sentences—wherever we might see it—I hope that that aspect of support, which is tailored to women and can often be offered by women's centres in the community that have that specialism, is not forgotten and that it is not simply a case of expecting everyone to have a one-size-fits-all community response.

Baroness Prashar: Will you highlight the question of this in the sentencing review evidence you will give? Do you intend to highlight this in the evidence you will give to the sentencing review?

Andrew Neilson: We have written to the sentencing review with that submission already.

Baroness Prashar: Did you make these points?

Andrew Neilson: We cited the Corston review in that submission, yes.

Q142 **Baroness Prashar:** Moving on to the question of training and development of prison officers, do you believe that the current training for prison officers is sufficient and equips them to work with vulnerable groups such as women and those with complex needs?

Andrew Neilson: In a word—sorry to have another question where I give a one-word answer—no. The common comparison is to look at our 10-week training and then compare it to Norway, where it is a two-year degree. I know the committee has taken oral evidence from the Norwegian perspective.

The Howard League has advocated in the past for the role of the prison officer to involve a degree and proper continuous professional development. We have to acknowledge that, as long as our prison system is as large as it currently is, ambitions in this regard might be difficult to achieve.

The Prison Reform Trust recently published an interesting paper that I recommend to the committee, which looks at some pragmatic steps to move towards the direction of better professional development for prison officers. The Prison Service is looking at piloting a new training scheme, Enable, so the need for more training is broadly accepted. The idea of it being a two-year degree in the Norwegian style might be more difficult to achieve in the short term, but we should ultimately be going in that direction.

Helen Berresford: It is critical that people who work in prisons understand the needs of their population. It is important, as we have said already, to understand the high rates of trauma, violence, substance misuse and mental ill-health.

The people we speak to, and have spoken to as part of this submission, told us that they did not feel that that initial training prepared people to take on the multifaceted role of prison officer. You have to be lots of different things at lots of different times: you are an enforcer and a relationship builder; you are first on the scene to deal with whatever it is. That role has so many parts that are challenging and should be rewarding, but that is a skill set that needs building. People need to be able to balance those different parts of the role.

I know that the Justice Select Committee looked at some of this and did a survey of prison officers. That found that a third of people who responded felt that the initial training was not sufficient for them. That clearly is a challenge and this is about ongoing development as well.

The people we spoke to were clear on what makes a good prison officer and all the different aspects of that. They told us that it is important that prison officers are consistent and well informed. That consistency is an important part of this; they might be consistently quite strict, but consistency and knowing where you stand is important for people in prison.

They highlighted respect and honesty, people skills and life experience, empathy and a caring attitude, and being approachable and having a willingness to listen. For them, these were the important factors. One person talked about how a prison officer used to sometimes come and have a cup of tea with them; that made them feel seen and that they had potential for a bit more personal interaction. They felt that was important for them to see a future.

There is an opportunity also to listen to prisoners' experiences and where the relationship works best to help them move on and build a positive life, and to build that into the training itself. Not everything has to be formal training, as well. One big challenge that we have seen is that the change in the staffing and the loss of experience within staffing in prisons makes it much more difficult for prison officers to learn from more experienced prison officers. Inevitably, it was always part of the mix that you would learn on the wing and that is where the majority of learning happened. When that is not the case and you do not have more experienced officers there, there is an even greater need to embed other learning.

Baroness Prashar: Given that we are talking about vulnerable people with high emotional needs and evidence about physical abuse against women, it shows a lack of training. Is there merit in having someone in the group or team with some specific skills? It is a complex job. Would you recommend that at least two or three people in that particular team of governors or prison officers have those skills? No one person can deal with all the complexity.

Helen Berresford: Yes, that may be a model to look at. All prison officers need a base level of training and understanding. As I said earlier, part of what we hear from people is that they did not feel that there was an understanding of mental health or trauma and that that needed developing. All those prison officers will be in contact with them at different points, so a level of skill and training is necessary for all prison officers, even though having some leads or experts on certain elements is definitely an option to look at. That would be interesting.

Q143 Lord Filkin: Lord Henley reminded us that probably the central focus for our inquiry is the leadership of prisons. Baroness Prashar has well covered the question of training and development of staff. I would like now to focus on the leadership and the governor cadre of prisons.

We have received an enormous amount of evidence of different forms, and that of our own experience, that this matters greatly so, in a sense, we do not need you so much to rehearse whether it matters or not because it is clear it does. Why would it not in a closed institution like that? Perhaps you could most help us on your thoughts on a strategy to improve the quality of leadership for the future. We do not need to make a judgment about whether it is good, bad or mediocre because we want it to be better. We do not need to categorise everybody negatively but to say that there is a need, from all we have heard, for better leadership of prisons.

Given that this is not a new question for a public service reform, as many of you know—this question has been faced by school leadership, hospital leadership or

army leadership—normal people probably say three things: you have to recruit talent, you have to train and develop it persistently and you need an effective performance review system with some pretty good rewards and sanctions. For the sake of argument, taking those three legs, what would you do? What do you recommend should be done?

Andrew Neilson: I know that at the evidence session you had with officials, the committee heard evidence on the training that is available and the monitoring of performance that governors face from the Ministry of Justice. There is how things work on paper and then there is how things work in practice. On how things work in practice, the closed, institutionalised system of prisons is under all this day-to-day pressure that we have talked about where, in theory, everything is meant to be transparent but, with the reality of prisons and what they are like, not everything is transparent. What does that mean, culturally, to the way that things play out?

To try to get to what I mean by that, it seems to me that the first challenge with prison leadership is that good governors often do not stay for long at the prison where they have become a good governor. In our experience of working with governors in prisons, we often see a good governor crop up at a particular prison and then they are moved on somewhere else pretty rapidly. I assume that is because of this constant demand on the system from prisons that are in crisis. The system itself is in crisis, but individual institutions go through waves of crisis; good governors get plugged into wherever they are needed, just as they are perhaps getting to grips with the building and the regime they wanted at the prison that they were in. Ultimately, there are also probably not enough good governors to go around.

Lord Filkin: That is the question that I am asking you to address. How do we get more?

Andrew Neilson: Consistency of placement is part of the answer. The merry-go-round of governors is not helpful. The private sector poaches good people for its own prisons as well, which is also a challenge for the Prison Service.

As we know, being the governor, like any job in the prison system, is a stressful job. It is difficult to retain people, so the second thing I would say is that that question of retention is important. That comes back again to the issues that the system has.

The other thing that would help with retention and developing people is a question that I know the committee has some interest in and which has been talked about over the years, which is this question of how much autonomy governors have. In theory at least, the more autonomy a governor has, potentially the happier they are in the role and the more in control they feel over all the levers that they need to do the job that they want to do. As a charity, we have historically been in favour of more autonomy for governors, within an appropriate framework so that there is consistency across the piece. Nonetheless, we think that that is a good thing. There have been attempts to look at this in the past. I know that, when he was Secretary of State for Justice, Michael Gove was interested in governor

autonomy; he talked about it a lot, but it never got far in terms of concrete proposals that would give governors that extra control.

Part of the problem there, for example, when the buzzword in government was “payment by results”, was that it was quite difficult to apportion a result to an individual governor or a prison to pay them for their results. Again, when you have people being shipped around the system because of reasons of space, people are not in prisons long enough or under a particular governor long enough so that you could confidently say, “This person’s reoffending was reduced by that governor. Therefore, this prison needs a bonus” or whatever. That was the attempt at that point to look at the autonomy question. It is a challenge.

Lord Filkin: You have said nothing about recruitment.

Andrew Neilson: Again, various attempts to recruit governors without prison officer experience in the past have not tended to work. They have tended to run aground of—

Lord Filkin: Tell us what would work, then, in your view.

Andrew Neilson: Generally speaking, the problem of governor recruitment does not lie within the Ministry of Justice’s recruitment processes or the calibre of candidate that it is looking for. It comes back to the reality of what it means to be a governor in an overcrowded and underresourced system. The biggest challenge is retaining people and keeping them within the service when the job is so difficult.

Helen Berresford: We do not have a lot of expertise in this, so I do not want to take up too much time with ideas that I can think of right now, but I will add a couple of points.

The autonomy point is important and, for us, is probably about a level of autonomy matching what you are held accountable for. If you are being held accountable for something as a governor, then you need to have the levers to pull to deliver on that. There also needs to be a consistent framework. We hear this from the people that we support as well. They tell us about the huge variance in prisons that they have experienced, on everything from culture to regime to even the rate of pay for work. Our staff tell us that there is massive variance.

I was speaking to somebody the other day who works across two prisons, and she was telling me they were like chalk and cheese in how they operated and how they were run. One was incredibly well run and welcoming. It wanted organisations like us in there; it recognised the work that we did and it felt safe. The other one was a different experience indeed. There is clearly a difference.

Learning is important in this system. Where things are going well, how is good practice shared and learned? I do not know; I am not an expert on what happens within the Prison Service, but we know that there are good governors. There are prisons that work well; it is not all doom and gloom. The system is up against

incredible challenges, but there is good work as well. I would say it is about how we learn from that.

On recruitment, the only point that I will add is that, again, it is a closed system. Encouraging people to apply for a prison governor role when they have potentially never thought about a prison in their life is quite a big jump. How do we open up the conversation about our justice system and the opportunity to help achieve change through that?

Andrew Neilson: To add to that, it feels ambitious from where we are right now, but thinking about governor autonomy alongside a broader view of the criminal justice system has some potential. In 2009, the Commons Justice Select Committee published an important report into the concept of justice reinvestment, which is an argument for a more localised justice system, broadly speaking, with accountability for prisons and probation devolved to local government. That is not what we have at the moment.

Within that framework, we could start to see the local prison governor as more of a public figure within the community than they are at the moment—to talk to Helen’s point about it being a closed system. Somebody could have a relationship with their local council and with their local chief constable; they could forge relationships directly with local businesses.

Some of that happens at the moment, but it is certainly not particularly encouraged in the Prison Service as it is currently run, because it is run in a centralised way, led through Whitehall. As you will have heard from the evidence, governors do not have control over a lot of their procurement contracts or over very much. The idea of them striding around the local community, saying, “I am the governor of your local nick, and I want to know how you can help me help you”, seems quite far away from where we are but, if we had a more localised system, that would be possible.

If we can step out of the immediate framework of the crisis that we are in, this idea of justice reinvestment would have a lot to recommend it. Elements of that concept are already happening in cities like Manchester and London around the role of the mayor, but we have not seen prisons or probation devolved from justice budgets.

Lord Filkin: I have a final question. Given the importance and quality of leadership in prisons, would you expect HMPPS to have a clear leadership strategy to improve it? Are you aware of whether it has? Short answers are fine.

Helen Berresford: I am not aware. It is not an area in which we have particular expertise.

Andrew Neilson: I am not aware, either. The Chief Inspector of Prisons has made leadership a priority and a key way to judge prisons, and that move has been welcome, but I am not aware of any formal response to it from the Ministry of Justice.

Q144 **Lord Bach:** This time last week, the committee was looking at letters from prisoners.

It was a very interesting exercise. Going back to what Lord Dubs was asking you, we know that 57% of adult prisoners taking initial assessments have literacy levels below those expected of an 11 year-old. There is a problem. Are the prisoners' letters we are reading—all of which are fascinating and some of them are really, really helpful to the committee—are we really looking at a representative sample of prisoners? This must be a problem that affects both your organisations because you have such close relationships with prisoners and ex-prisoners. Of course, it is a problem that other organisations have as well.

Can you help us a little bit on how we should receive these letters and what we should do about them, when we consider evidence from serving and ex-prisoners, to ensure that their experiences meaningfully inform both the experiences of other prisoners and policy recommendations that may follow? I am asking you if you can help the committee with how your organisations deal with an obvious problem.

Helen Berresford: Yes, I am happy to start off on that. A lot of what we do at Nacro is consulting, listening and going out and talking to the services we work with across the piece. It is always a challenge to reach a representative sample. There is no doubt about it. Some people will always be more willing to put forward their views. Some people will always be more willing to engage and contribute.

Those receiving letters will want to look at different methods. We use a lot of different methods to engage with people. Some of that is through filling in surveys or through conversations. There is a range of different approaches. To your particular point about literacy, it is important to have the conversations and to go out and talk to people.

You also need to be careful when you go out and talk to people, as there may have been an element of selection in that sample, so we need to overcome that. We do this in a range of different ways. We have a national group that helps us, but they are people who are much further along in their resettlement journey: they are more confident; they are ready to give back and want to give back and help shape things. But we know that they are not representative, so we also go out to our services and talk to people at different stages.

The reality is that somebody who is coming out of prison without somewhere to live will not want to talk to us at that moment, because the only thing on their mind is finding somewhere to live. It is about finding the right moment. When you are in those conversations, try to recognise that people may not want to engage on the things you want to engage on. They have other priorities in their minds. Be prepared in those conversations to be open to what people want to talk to you about, to be able to build that relationship and to be able to have those conversations, which will probably lead to what you want but you need to be able to listen because they will give you other insight that is important.

My offer would be to work with organisations like us. We do this all the time. Other charities like Nacro do this as well. People we work with will have come through the prison system; they will be ready to feed that back. They will not fear any potential

repercussion. Whether that is a real fear or not, sometimes people in the prison environment do not necessarily feel that they can speak openly or that people will listen to them. The offer is there; I would be happy to facilitate anything for the committee.

Andrew Neilson: We face the same challenges. We have a free membership for prisoners and their families. One key way that our prisoner members will contact us is through correspondence and that leads to a question of how representative that is, although it is always a wealth of information. Broadly speaking, prisoners writing letters on issues of the day in prisons are often speaking not just for themselves but for some of their fellows, who are not necessarily able to write as articulately as they can. Indeed, we often get people citing the experiences of other people in the prison as much as their own experiences. That is helpful.

We try to visit prisons as well to speak to people. As I mentioned at the beginning, we have a free and confidential legal advice link for young people in custody, which is another way that we can gather views, but it is a challenge. There is no perfect way of doing it.

Other than Nacro and the expertise that Helen outlined, I recommend speaking to other organisations and individuals in the sector—Paula Harriott of Unlock, for example, or User Voice, which has a track record of working in this area.

I might say one other thing about this. Think about whether it is possible in the policy recommendations that you make to the Government to build in some form of mechanism of consultation with people in prison for the Government to do. For example, I mentioned the Prison Reform Trust report on prison officer professional development. Interestingly, one recommendation in that report was that prisoners should be consulted on the improved training that officers receive, and it should be an ongoing consultation. Indeed, that report came partly out of focus groups with prisoners. In that way, you can also put the onus on the Government to do the same thing and find good and responsible ways of making sure that prisoners' views reflect and help to develop policy and practice.

The Chair: That is the end of our questions. Thank you very much indeed for a useful and interesting session. As Lord Bach said, we read some letters from some prisoners last week—a relatively small number. Most of them were unusually articulate and not necessarily representative, but they were still very useful and helpful. I was reminded, particularly in your last answer, that some of the letters were quite forthcoming on what they regard as a good prison officer and, for that matter, contrarily, a bad prison officer. In some senses, it seemed like common sense, but common sense is not always realised.

Anyway, thank you very much for your evidence and all you have done. If either now or later you think of something we have not covered or that you wish you had said—or maybe even wish you had not said—please feel free to write to us. However, do not leave it too long because we are now coming towards the end of our inquiry and will have to start focusing our minds even more on what we will say.

That will now be after the Easter Recess, but we are starting to focus. If you do want to add anything, do so relatively soon, please. Otherwise, thank you very much indeed.