

Justice Committee

Oral evidence: Work of the Ministry of Justice, HC 750

Tuesday 28 April 2026

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Members present: Andy Slaughter (Chair); Pam Cox; Warinder Juss; Tessa Munt; Vikki Slade; Tony Vaughan.

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Witnesses

I: Dr Jo Farrar CB OBE, Permanent Secretary, Ministry of Justice; Nick Goodwin, Chief Executive and Director General, HM Courts and Tribunals Service; Adrian Hannell, Director of Financial Management, Control, Risk and Governance, Ministry of Justice; and James McEwen, Chief Executive and Director General, HM Prison and Probation Service.

Written evidence from witnesses:

– [Add names of witnesses and hyperlink to submissions]

Examination of witnesses

Witnesses: Dr Jo Farrar, Nick Goodwin, Adrian Hannell and James McEwen.

Chair: Welcome to the Justice Committee. This afternoon, we are looking at the work of the Ministry of Justice, which is one of our most important annual sessions. We have the senior management of the Ministry here; I will ask them briefly to introduce themselves after we have done our declarations of interest, starting with Pam Cox.

Pam Cox: Good afternoon. I am Pam Cox, MP for Colchester. My interests are as declared.

Chair: I am Andy Slaughter, the Chair of the Committee and the MP for Hammersmith and Chiswick. I am a non-practising barrister, a member of the Unite and GMB trade unions and a patron of two justice-related charities: the Upper Room, for ex-offenders, and Hammersmith and Fulham Law Centre.

Vikki Slade: I am Vikki Slade, MP for Mid Dorset and North Poole. My interests are as per the register, but I have none relevant to this Committee.

Tessa Munt: I am Tessa Munt. I am the Member of Parliament for Wells and Mendip Hills. Everything is as per the register, but I point out that I am a director and the vice-chair of WhistleblowersUK, which is a not-for-profit organisation. I am also the vice-chair of the penal affairs all-party parliamentary group.

Tony Vaughan: I am Tony Vaughan, the Member of Parliament for Folkestone and Hythe. I am an associate tenant of Doughty Street Chambers, and I draw attention to my entry in the register of interests.

Warinder Juss: Good afternoon. I am Warinder Juss, Member of Parliament for Wolverhampton West. I am a solicitor, but am not practising at the moment. I am a member of the GMB executive council and various APPGs, as well as being an officer of the First Do No Harm APPG.

Chair: Thank you. Could the witnesses introduce themselves briefly?

Dr Farrar: I am Jo Farrar, the permanent secretary at the Ministry of Justice.

Adrian Hannell: I am Adrian Hannell, the director of financial management and control at the Ministry of Justice.

Nick Goodwin: I am Nick Goodwin, the chief executive officer of His Majesty's Courts and Tribunals Service.

James McEwen: I am James McEwen, the chief executive of HMPPS.

Q94 **Chair:** I will open with a general question to you, Dr Farrar. You returned to the Department about nine months ago during a period of great



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change—a lot of legislation, including the Sentencing Act and the changes to the criminal courts, and the reporting of various inquiries. At the same time, your budget is being constrained by your having to make efficiency savings over a period of time. How do you see your job at the moment and what do you think are its main challenges?

Dr Farrar: I am absolutely delighted to be back at the Ministry of Justice. It is a real privilege to be here as the permanent secretary. We run some incredibly important services. We have some brilliant staff working across a range of areas. Yes, it is a big and challenging job, but one that I am really glad to be in.

You are right: I took over the Ministry of Justice when we have a number of big, transformational changes—probably the biggest in a generation—to things like sentencing and the criminal courts. We have just passed the Sentencing Act; that will lead to significant transformational changes. Similarly, the Courts and Tribunals Bill is currently going through Parliament. We also have part 2 of the independent review by Brian Leveson, which looks at efficiencies throughout the criminal justice system, so there is lots to deliver.

In our finances, we have seen an uplift in our budgets. You are right that we have to make some administrative savings. We are on track to do that. We have a good track record of delivering those types of saving, but we did have an uplift to fund some things, for example the £700 million in probation for the Sentencing Bill, so despite the huge agenda I feel confident that the Ministry of Justice will be able to deliver some really important and significant changes to the justice system.

Q95 Chair: You have some major strategic reports, like Brian Leveson's report. As far as I am aware, you have not produced a response to part 2 of that report. It makes a huge number of recommendations, covering all aspects of the criminal justice system, but we do not really know, except by what is in the Bill, what the MOJ's view of it is. At the same time, you are dealing with firefighting exercises like the Dame Lynne Owens review of releases in error. Do you feel that you are in charge of that process?

Dr Farrar: Yes, certainly. With Sir Brian's reviews, we felt that it was really important to progress part 1 early. The Government have responded to that, which has now led to the Bill that we have in Parliament. Ministers are keen to respond to part 2 and will do so as soon as they can. In the meantime, we are getting on with some important things from part 2, which we can talk about later. We are supporting the judiciary so that they can do a national listings pilot, which will make a significant difference. We have agreed funding to allow for unlimited sitting days. We have even recruited a second permanent secretary to help us to join up the criminal justice system, which was a recommendation from Sir Brian.

We have welcomed Sir Brian's report. We are getting on with some of the things that we can get on with. The Government will publish a response. Some of those things will take a bit longer and may require another



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spending review, but generally we are all really committed to making a difference in the criminal justice system.

Chair: Okay. As you say, we might return to some of those subjects, but I will leave it there for now.

Q96 **Warinder Juss:** I have some questions about the criminal courts. The measures in the Courts and Tribunals Bill are supposed to come into force by March 2028. What operational and workforce changes will need to be implemented for that?

Dr Farrar: Nick may want to say a bit on this, but the Bill is significant, so it will lead to a number of changes, and we are making sure that we are ready for that.

I would summarise it as some changes to the workforce, such as the recruitment of magistrates and of legal advisers, some digital system changes, such as amendments to the common platform, which will take time and which we are working on, and new digital and AI tools to support things like transcripts. So yes, there will be a number of operational changes. We can elaborate as we go through, but the Department is aware of what they are. We are working on those and we will deliver them so that once the Bill has passed, we will be able to start the implementation.

Nick Goodwin: I can dig into some of the detail. With the workforce changes for the courts—the permanent secretary has already covered them—there are three cohorts that we are concerned about.

There are the general administrative staff. We have more volume and we can adjust our admin staff up and down. We are not overly concerned. We have good training in place, and we need to make sure that Crown court clerks, back office staff and so on are there. I am not very worried about that.

Legal advisers are more difficult. If we have not got legal advisers, we cannot sit the magistrates courts. We therefore need to recruit about 100 a year over the next three years. The good news is that that was our challenge last year and we exceeded it: we got about 108 last year. We are good at attracting legal advisers; the trick is to retain them. Sir Brian has highlighted in his report that one of the difficulties is that our legal advisers are not quite on the same level of pay as other legal professionals around the courts space, so unfortunately we have lost a few over the years.

Retention has really improved recently—our attrition rate has come down—but we want to build on that by responding to Sir Brian's recommendations. We are working with the unions on how we can augment pay and how we can make the career progression offer better for legal advisers. I am feeling fairly optimistic about that. We have a staff survey every year in HMCTS, and last year we had a really good result: we went up 3%, and our legal advisers were the most positive cohort within



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that. I think we are doing the right things with legal advisers, but we need to keep the pressure on. We will get there.

The permanent secretary has spoken about this, but there is a big challenge to recruit more magistrates. What we know about magistrates is that once they are in, they like the job and they do not tend to leave, so the challenge is attraction. We are going into a marketing campaign—that is great news—but to make people want to be magistrates, we have to reduce the aggravation of the application process. At the moment, one of the problems is that people want to be magistrates, but there is not a competition to be a magistrate soon enough, so they give up and go home. Then, when they are in a competition, it has historically taken about a year to run.

We are changing all that. We are moving to a process that we trialled in the north-west and the south-west, in which the recruitment process takes not 12 months, but 12 weeks. From here on in, we will effectively have something close to a rolling recruitment process, so magistrates will have opportunities.

Those are the main workforce challenges. There are technical challenges, which the permanent secretary has covered, but broadly speaking they are about changing IT systems, getting microphones in the courts and getting them linked up to the IT systems so that information is effectively stored in the right place, so we can send trials to the right forum in a seamless way, be that the Crown court, the bench division or the magistrates court. None of those things are beyond our wit, by any means, but we need a lead-in time to get them in place once we have parliamentary assent.

Q97 Warinder Juss: You need 7,000 more magistrates over the next three years, but in the last recruitment campaign in 2022, only 52% of the targeted recruitment happened. What are you doing differently this time that will enable you to get the 7,000 magistrates you need?

Dr Farrar: It is an ambitious target. You will have seen our recent campaigns; they are very different from how they have been in the past. We have put £4 million into recruitment campaigns. We are also moving to an always-on campaign, which means that you will be able to apply to be a magistrate maybe not in every area, but somewhere, so that when people register, they will find the process simpler and will find somewhere they can apply.

We also have a national taskforce looking specifically at the recruitment of magistrates. Through our Justice Performance Board, the Deputy Prime Minister and I are regularly told about the recruitment of magistrates, so that we can keep abreast of whether we are keeping up with our targets, and if not, we can adjust accordingly. We are also doing other things, such as reviewing magistrates' expenses. We have been talking to magistrates about what would help with retention. We have not made any decisions on that yet, but that is certainly something that we are thinking about and gathering ideas on.



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Q98 Warinder Juss: What about contingency plans? If you do not manage to recruit 7,000 magistrates, have you given any thought to perhaps recruiting district judges to sit in the magistrates court?

Dr Farrar: Nick, you might want to pick up on this, but yes, we constantly look at contingency plans. At the moment, because we still have a while and we are putting a lot of money into magistrate recruitment, we are really hopeful that we will recruit the number of magistrates. But if we do not, there are other options that we can consider.

Nick Goodwin: The alternative to a lay magistrate is a district judge (magistrates courts). Work is ongoing to get the throughput of the DJMCs alongside the magistrates. That is really important.

There are also things within the magistrates process that we can look to streamline, so they will be doing the higher-value work rather than some of the more aggravating parts of dealing with single justice procedure. We want to get that as slick as possible so that they can focus their resource on what we need them to do.

Q99 Warinder Juss: Once the measures in the Bill are in force, are you worried about some defendants not being eligible for legal aid and perhaps being unrepresented in court?

Dr Farrar: This is a very live conversation at the moment. It is something that is being discussed as part of court reform, but it is too early to pre-empt those discussions. We do think that the majority of people whose cases are triable either way will still be eligible for legal aid, but we are continuing to monitor that and are looking at how the debate is moving in Committee at the moment.

Nick Goodwin: The other thing to remind your Committee of is that at the moment the magistrates courts deal with a lot of litigants in person, as you would expect. The legal advisers in the magistrates court—this is partly why they are so important—have a duty under the Criminal Procedure Rules to provide assistance to litigants in person. That is quite an involved and skilful process, so it is worth knowing that that is an important part of the current system that will continue.

Q100 Warinder Juss: Sir Brian Leveson recommended increasing the income thresholds for legal aid in the magistrates courts, in the same way that has been done in the Crown court. Is that something you are thinking of taking forward?

Dr Farrar: That is one of the recommendations that we will consider, and that will be a decision for Ministers, but it is certainly something that Ministers are considering with the other recommendations. We remain committed to the provision of legal aid, and Ministers are committed to the provision of legal aid, so we will continue those discussions.

Q101 Warinder Juss: The impact assessment that accompanied the Bill suggested that the number of sitting days for magistrates courts would increase by about 8,500. The caseload currently is nearly 380,000. With that increase, do you think that there is a risk of Crown court work being



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transferred to the magistrates court? How do you feel the magistrates court would be able to cope with that?

Dr Farrar: As I think the DPM said when he was in front of this Committee, when we are looking at the Bill and its implications, we need to think about three things: structural reform, investment, and modernisation and efficiency.

That is certainly how we are looking at both the Crown court and the magistrates court. You are right that there will be more cases heard in the magistrates court; that is why we are recruiting such a large number of magistrates. As Nick says, we are thinking about how the magistrates court works. The magistrates court is still relatively quick, compared with the Crown court, but we need to make sure that we are not just shifting a burden. We are thinking really carefully about that. We are seeing a trend of demand rising, so we are looking at sitting days in both the magistrates and Crown court to help with that. The trajectory on magistrates is up: we have just agreed 125,800 sitting days. We have also agreed uncapped sitting days this year for the Crown court.

We continue to think about investment, structural reform, modernisation, efficiency and how we can do things differently so that the justice system works effectively for everybody. We are aiming for a much more efficient and swifter justice system.

Q102 **Warinder Juss:** I have a couple more quick questions. First, magistrates will be dealing with more complex cases, with increased sentencing powers. Are you thinking of giving them any extra training to deal with those complex cases?

Secondly, I am concerned about the shortage of magistrates. Can anything more be done to recruit them? I am even thinking about whether, when people like me go around our constituencies, we could say to constituents, "Have you thought about becoming a magistrate?"

Dr Farrar: Absolutely—please do. We are all doing the same: encouraging people to become a magistrate. It is a great thing to do. It is a great thing to do for society, but it is also really interesting and important. As I say, we have a huge recruitment campaign. We are looking at how we reward and retain magistrates. We are also looking at how magistrates work in local areas; it is something that you can do in your local area.

Nick, you might want to say something briefly about the training that we offer, but yes, we are going to give magistrates the right level of training and support.

Nick Goodwin: For a long time, the magistrates I talk to have been quite keen on doing more and heavier work. It is a great vote of confidence in them. As you are going around drumming them up, I would be emphasising that point.

The question of training sits with the Lady Chief Justice, who is in charge of the Judicial College and judicial training, but it is very much part of an end-to-end programme under the Ministry, and that is being considered.

We have lots of very experienced magistrates out there and you would expect them to be the first in the firing line, in terms of taking on more serious cases. That is clearly part of what is being addressed.

Q103 Vikki Slade: I will go on to a couple of other bits, but I am still extremely bothered about magistrates, and I do not feel that reassured by what you have said. You have just said, Mr Goodwin, that there are lots of really experienced magistrates out there and that they are the ones who are most likely to come and take those cases on. They will also be the older ones who are retired. If you are taking that many more cases into the magistrates court, and you already need to massively increase the number of magistrates, what are you doing differently to attract a different type of person who is willing to give up what may be days on end? I would make the comparison with a parish councillor who does an evening once a month in local government and a council leader who has to give day after day in a unitary authority.

There is a real shift. By their very nature, cases in which you are taking someone's liberty away for up to two years are going to be longer and more complex. Volunteers are being asked to do something very different from issuing a fine for speeding, are they not? Where is the evidence that there are that many volunteers out there who are willing to give that much time?

Nick Goodwin: At various points in time, we have had many, many more magistrates than we do at the moment. There is quite a strong appetite to join the magistracy. There is good feedback from those within the magistracy. We are not talking about trials that go on for days and days. As you were talking about before, Leveson says that broadly speaking a trial for a triable either-way offence heard in the magistrates court is likely to be about four and a half hours. It is a commitment, and it is different by nature.

Q104 Vikki Slade: Are you seriously saying that someone could spend two years of their life in prison after a four-hour trial? That same trial, at the moment, is taking days in a Crown court. That cannot be just because of juries—it just is not.

Dr Farrar: It is not necessarily taking that long. Our modelling shows that the cases we will be referring to the magistrates court will still be the less complex cases, and we are really confident in the magistrates that we have. As Nick said, a large number are keen to do more. We are being really careful about our recruitment; the Lady Chief Justice, as Nick said, is very committed to training and developing magistrates so that they are able to take on this different role, and we are supporting them in that. At the end of the day, we need to reduce the court backlog and make sure that we people get access to justice. There are real victims at the end of this process.

Vikki Slade: There are also defendants who need justice.

Dr Farrar: Yes, absolutely. There are lots of real people at the end of the justice system who we need to support, so we need to make sure that we



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are running the justice system in the most effective way. Obviously, the Bill is going through Parliament at the moment, and there is lots of debate on this, so we need to see where the Bill comes out. When it is passed, I am confident that this will be a really good measure that will bring quicker justice, and we are doing all that we can. We have time to recruit and train more magistrates to make sure that we can service the different system.

Q105 Vikki Slade: I remain to be convinced—I just cannot see it.

Sir Brian Leveson said that the 180 recommendations of part 1 and 2 need to be progressed “in tandem”. Can you give us an update on the progress on the efficiency recommendations to change the system?

Dr Farrar: We have started on some of the efficiency recommendations. As I said, the Government have yet to respond formally to Brian Leveson, so there is a number that we will progress after—

Vikki Slade: But he said that they are supposed to be done in tandem.

Dr Farrar: You are talking about part 2.

Q106 Chair: Brian Leveson asked for a response to each of his recommendations. Are you going to do that?

Dr Farrar: That would be for the Government, but the plan is to respond to Leveson part 2 in some detail later on this year. Brian Leveson was actually really clear that we should get on with part 1 and make sure that the legislation is passed so that, when we respond to part 2, we are ready to do things in tandem.

There are some things that we brought forward because we are actually able to do them now, and Ministers have agreed that we should do them now. Our commitment to support the Lady Chief Justice in the first ever national listing framework is really important. These things take time to set up, so we are helping to do that. We are also piloting an AI listing assistant, so we are moving on with things like that. I mentioned the second permanent secretary, who is now looking across the criminal justice system to see where we can have better join-ups. There is a number of things that we have started to do. Once the Bill is passed, and we have responded to Brian Leveson part 2, we will be able to roll things out in tandem.

Q107 Vikki Slade: Apart from an AI listing system, what other efficiencies are actually happening within the court system at the moment? Obviously, you must have read part 2, and there are 180 recommendations. Why would you not get on with some of them? We have all visited courts where people are sitting twiddling their thumbs because the systems are just not working. Can you point to any specific efficiency recommendations, or changes you have made off your own back in response to efficiency?

Dr Farrar: I will bring Nick back in now, but I have already listed three or four that we are getting on with. We want to thank Sir Brian and the review team because their report is thorough, and there is some ambition



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to see some improvements, which we support. As I said, I have already listed three or four efficiencies that we are taking forward, but it is not just about efficiency; Brian is also about improvement and modernisation.

Vikki Slade: Those are other questions. This question is about efficiency.

Nick Goodwin: Capacity and efficiency go hand in hand, to a degree, so we have massively built the capacity of the Crown court over the past few years, and that continues. The announcement that we will have uncapped sitting days is important. That allows us not only to sit more cases, but to be more efficient in how we run the courts. With capped sitting days, we constantly have to make sure that we do not overshoot; uncapped sitting days allow us, basically, to bring forward cases. That is important, because if we can bring forward cases, we can get some that have been stuck in the backlog for a long time, and it allows us to innovate.

The ability to bring forward some cases allows us to do things like blitz courts. The judiciary controls listing, but when we say to the judiciary, "You've got more days," they are then able to stack cases of a similar sort together. A good example is what is happening in the Old Bailey at the moment, where over a course of weeks, we are putting 600 assault on emergency worker cases together. If they are herded together, a great deal of those will then say, "Right, I've got a trial. I will plead," and that case will come out of the list. We are seeing that sort of activity in lots of areas up and down the country; we are seeing a lot of domestic abuse lists and so forth in the north-west and north-east. We can do that, which is really good.

The other thing we can do, because we do not have capped days any more, is say, "Well, let's hear more cases virtually." We will be able to be more innovative with some virtual cases, because we are not trapped by the fact that we are using a notional day. We can put judges, frankly, in something that feels a bit more like a broom cupboard than a full court, and they are able to get through the cases. That is getting us greater throughput.

We had a look at our disposal rate, which is how we measure how many cases we get through in any given day, and that disposal rate at the moment is about 1.06. Without being too technical, we assumed it would be 1.0. Even in that marginal increase, you are seeing us using sitting days to get both more sittings and a higher disposal rate. That is a really powerful thing.

The permanent secretary has already mentioned listing. That was a specific Leveson recommendation, and it goes hand in hand with the remote hearings. The judiciary are looking both at a national listing practice and at remote hearing practices, and that is important, because that means that rather than every court doing their own thing, the judiciary is effectively taking the best listing practice from the best courts and saying, "We will have that universally applied," which means much more consistency in terms of what legal professionals and so forth can expect.



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We are seeking to underpin that with better data in the form of an AI tool, which will allow us, basically, to give judges a greater power to understand what they should list and when, and then look at effectiveness. That is already being piloted in two places, Isleworth and Preston, and looks to be a really good initiative as well.

We can do some other things, and we are already on to them. Sir Brian made recommendations on case co-ordinators in every Crown court, who will take on some things that judges would otherwise do. Effectively, they will really focus on making sure that cases are ready and coming to trial on time. That is an important way of augmenting what should be happening in the system, whereby different parties are effectively working together.

The other thing to say—sorry, I should have said a bit more about remote, but maybe in this context—is that Sir Brian is basically saying it is the system as a whole; it is not just what we can do in the courts and it is not just on the judiciary, but it is everyone in the courts who needs to play their part. We are beginning to see that in earnest, in response to Brian's recommendations: a new second permanent secretary to drive that; and the national Criminal Justice Board and the Criminal Justice Action Group focused on that sort of work.

Between James and I, therefore, we are focusing much more on how can we make sure that in the PECS, the prisoner escort contract is working in the best way we can make it work. That is not just James and me sharing information about where we have rubbing points; it is also looking at things like getting bus lanes cleared for escorts.

Q108 Vikki Slade: I was going to ask that question. Is that in train? Are you making much progress?

Nick Goodwin: There is already a focus on that in several cities in the UK. There is much else as well. In the criminal justice system there is always a bit of give and take, but we are having a really mature conversation between parties across the criminal justice system about how to make the best of virtual remote hearings. That is a much more mature conversation than it was before. There are lots of small things clicking into place, aside from the things that we are really trying to push at the moment within the court service.

Q109 Vikki Slade: On that broader piece, the maintenance of the court estate obviously has an impact on the ability to sit—if the roof is falling in or it is full of asbestos or whatever. Sir Brian highlighted that that is a particular barrier to efficiency and suggested that long-term, stable funding needs to be directed towards the estate. What is changing in that space?

Dr Farrar: The concordat that we recently agreed with the judiciary puts £287 million into capital for next year. That is for buildings and digital. We recognise the work that needs to go into the maintenance of an ageing estate with big maintenance backlogs. That is why we are investing this money into the fabric of the HMCTS estate. Essentially, it is to deliver vital repairs and digital upgrades.



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Through the concordat, we have started to look at longer-term funding for the court. For things like maintenance projects, it gives a bit of longer-term stability so that people can start to plan ahead. You cannot do all your maintenance in one year. That is a new innovation that we have just introduced, but we do really recognise the issue.

We should also look at some of the recent high-value projects that we have been introducing in courts, including the new London tribunals centre—a new modern flexible tribunals centre. We have been doing work at Bexley magistrates court and Hove trial centre. Some of the big projects that we have been running recently are transforming those courts and introducing new courts. That is where we really want to get to; that is our ambition.

Q110 Vikki Slade: Finally, you talk about those specific courts, but is the vision for fewer, bigger, more modern courts? Obviously, Tessa Munt and I are both from the south-west, and we have already lost the majority of our courts. People have to travel a long way to access justice. Is there a vision to maintain the existing spread of the estate, or are you looking to direct it into fewer places? That would cause some real issues, particularly in more rural areas.

Nick Goodwin: On the court maintenance issue, I have sat in front of the Committee a few times now. The backlog was £1.3 billion. Our spending review capital settlement for the court estate effectively allows us to arrest the decline in the court estate over the next three years. That is that is absolutely massive; it is a really big deal for us.

Particularly for the Crown and magistrates courts, that will be really helpful. We are turning on more capacity, but physical capacity is not our No. 1 constraint, when we think about how many cases we need to get through the courts. Actually, the main reasons for ineffective trials are over-listing, poor case preparation, defendant and witness availability, and counsel availability. The court estate is way down the list. Under 2% of Crown court cases are ineffective because we have to move them out of the estate.

Now, that hides a lot of inefficiency behind it. We are effectively juggling people around the estate to make it work within quite a difficult physical environment. The investment is really important for efficiency reasons, and frankly for morale reasons as well.

We are not currently looking at closing any of our criminal court estate, because we need capacity. We have capacity in the Crown court estate for about 125,000 sitting days or thereabouts, and we need that. Even with big money, you cannot just replace criminal courts very quickly, because the courtroom is quite complicated. You need four different circulation routes and cells, and they are incredibly expensive buildings. Our strategy is not to close two Victorian courts and build a mega-court, because it is so expensive and it takes so long.



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The better strategy is where we have, for example, civil family and tribunal cases in a courtroom that is suitable for a criminal case, then we can create a criminal, family and tribunal courtroom quite cheaply, and then maximise the space where we have access to cells and so forth. That is the sort of rationalisation we are looking at. It is not really about changing the geography of our courts at the moment.

If you have a city with six courts, all with one or two courtrooms covering all sorts of jurisdictions, of course it makes sense, if you can, to have three better-quality things. That is what we are looking at—not saying, “Newcastle? Sorry, go to Sunderland.”

Q111 Chair: Could I press you on the point about the response to Leveson? Are you going to respond to all the recommendations in the sense of saying, “We will do this, we will not do that, we accept this,” in the same way that the MOJ responds to our reports, recommendation by recommendation?

Dr Farrar: That will be a judgment for Ministers, but certainly the Deputy Prime Minister is really committed. You will have seen in the initial response to the Dame Lynne Owens report that he is committed to responding to Leveson thoroughly. We certainly will look at it thoroughly. How that is set out at the moment, I cannot tell you. We are having active discussions about that.

Q112 Chair: When can we expect to see it?

Dr Farrar: You will see it this year—hopefully before the summer recess, if not just after.

Chair: I do not see why it is such a mystery, because Leveson has requested that.

Dr Farrar: There are a lot of recommendations in there, so we are working through them all and discussing that with Ministers. The Department intends to respond thoroughly. I am sure you will be pleased with the response.

Q113 Chair: We will be watching the bus lanes every day to see if there are any prisoner escort vehicles in them.

One of the ways you are trying to modernise the criminal courts is by removing lay elements. We know about the Crown court bench division and the restriction on jury trial. We know that, contrary to Leveson, you are not intending to have wing members on appeals. You are professionalising the courts; you are making them judge-only. You are recording magistrates courts, which is a sensible idea, but appeals from magistrates courts will not, as they do at the moment, include magistrates on the panel.

You are doing all that, but why are you trying to recruit thousands of lay magistrates rather than recruiting district judges, who will be doing the same thing as Crown court bench division judges—that is, sitting alone, but for less serious offences?



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Dr Farrar: We have modelled the impact of the Courts and Tribunals Bill, and we are putting the investment where the modelling shows it is needed. Actually, there will be a need for a larger number of lay magistrates. That does not mean we are not recruiting elsewhere. We have large recruitment programmes across the justice system, but we are very much being guided by the modelling and we will put the resources where they are needed. As I say, this is all a live debate at the moment as the Bill goes through Parliament.

Q114 **Chair:** Well, surely there must have been some discussion. As I understand it, at the moment the district judges you have are likely either to do lists, because they are quick and get through all the pre-trial stuff, or to be doing more complex trials. As one of my colleagues said, there are going to be more complex trials. You have clearly got nothing against the principle of judges sitting alone, so why are you not prioritising that as a way of clearing the backlogs?

Dr Farrar: These are decisions for Ministers. We believe that the package we have put forward in the Courts and Tribunals Bill is the best package for reducing the backlog. That is the one we are committed to, funding and preparing for.

As I said, there is also a large amount of recruitment going on across the justice system. Our aim is to make the justice system as efficient and effective as possible, so that victims see the swifter justice they deserve, and, as you quite rightly say, defendants also have a quick justice system. Our aim is better justice and lower backlogs, and our modelling has shown that this is the best way to deliver that. We are very committed to the measures we are putting forward.

Q115 **Chair:** Given the urgency and the speed with which the legislation is going through, I would have thought that you would have considered these matters and had answers to them now, whether it is you or Ministers.

Dr Farrar: We are considering all options around the Bill, as I said. The package that we put forward is the one that we are committed to and that we feel will make the greatest difference. Nick might want to say something about judicial recruitment, but in terms of the measures in the Bill—I hope I am understanding you correctly—these are the ones that we know will be the most effective for the justice system.

Nick Goodwin: As I think I said before, there is obviously recruitment of Crown court judges, circuit judges and magistrates going on. We are also focusing on district judges (magistrates courts). DJMCs are all stipendiary magistrates. How they are deployed is a different issue, but all classes of judges and magistrates are being recruited quite actively.

Q116 **Chair:** But you know they work, because they are a long-established part of the criminal justice system. You do not know that the Crown court bench division is going to work, because it is entirely new. I do not see why you do not use the things that you know do work.



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Dr Farrar: That is obviously a policy decision for Ministers. We put forward a package that we feel will be the best one in terms of reducing the backlog, and we are confident in the modelling that sits behind that. We feel that we need to do things differently if we are to turn the tide of the backlog, which has been rising for some time now.

Q117 **Chair:** Mr Goodwin, in the lengthy letter you sent to the Committee, you answered quite a lot of questions about reform programmes. There is a lot of detail in that about how individual processes and types of cases will work their way through the system. What I am not seeing is the overview, which ironically was in the original and incomplete reform programme over 10 years, of whether you intend to fully digitalise the county court, when you intend to do that by, and a timetable for each of the different phases to happen. Do you have such a document?

Nick Goodwin: To step back from the detail of the letter, there is effectively a lot of digitalisation already in place through new or legacy products. By the time we have done possession, around 91% of those cases will be digitalised. The problem, as you know, is that we had to descope bulk claims from the reform programme. Bulk claims translate from that small percentage of cases into quite a lot of paper. In the spending review and the concordat process we secured funding to complete the job on that main area of difficulty, along with another area of difficulty, which was the very complicated end of county court work. We have that funding in place.

We have just finished what we call a discovery piece of work, which was quite involved, about how we are going to do that. I have been going through that with Ministers and the Master of the Rolls. There is funding to complete the job by the end of the next three years. Enforcement is very difficult, and there may be a very small tail around the last end of the process. There will also be one or two quite niche case types that might need following up, including some of the special tribunals. But broadly speaking, the plan for the county court is that we will be pretty much fully digitalised by the end of the spending review period.

Q118 **Chair:** I hope you are right, but given that you spent hundreds of millions of pounds on digitalising a minority of the work, and you are now proposing to spend what I guess will be tens of millions of pounds to do the rest, that seems optimistic.

Nick Goodwin: We actually digitalised a huge amount. If you have a look at what we succeeded on, we digitalised 12 big, big services, which is the vast majority of what we needed to do. There were a few areas that fell out of scope, including bulk claims in civil, where we had to take quite a brutal decision about where we were going to spend our remaining pounds. We wanted to spend it on those cases that were most likely to take up judicial and administrative time, because we knew if we reduced the aggravation of that for those coming through the courts, we would get the most bang for our buck. That regrettably meant that bulk claims, such as utilities suing individuals and so forth, we had to deprioritise. It is really good that we are getting that back.



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The other area where we had to do some deprioritising was in the criminal jurisdiction. This was a very pragmatic decision. We decided to keep our key Crown court system that displays evidence in place, because it was so beloved by the judiciary and legal practitioners. We did not want to upset the apple cart as we were looking to recover, and we could do it more cheaply by linking it to our other systems. That was a very pragmatic decision.

The only other real area of significance that came out was in relation to the special tribunals, where you have very low volumes but high levels of complexity and bespoke needs. I hope very much that we will get that job done as well. We are on track to do some of that. We have a lot of policy change that is going through Parliament, or that has gone through Parliament, so we are reforming possession. We are reforming the tribunal so that it can take on rental reform, and we are digitalising that. We are ticking off the areas that we did not get through.

Having heard the criticism from the Committee and the Master of the Rolls about the amount of paper, we are putting in place tactical solutions to take paper out of the court. We are doing it through something I wrote to you about called CAFS, which effectively takes a lot of paper out of the court—those bulk claims. We are a long way on. We have achieved a lot.

Q119 Tessa Munt: James, my questions relate to prisons. When you came before us last time, you were the chief operating officer of the MOJ. Now you are the chief executive of HMPPS. Amy Rees and Phil Copple, both of whom had leadership roles, have moved away from the MOJ. Do you feel that your team has the necessary skills and experience to deliver the significant reform facing the high-risk Prison and Probation Service, which is very often in the public eye?

Dr Farrar: James, can I come in first? As permanent secretary, I recruited James into this role. Yes, we have lost some senior leaders, but there are a lot of senior leaders in HMPPS with a large amount of experience. As you say, Amy has moved on to another role and Phil is retiring. We have to make transition plans for that. James is a massively experienced leader. He has great knowledge of the criminal justice system. He is already making a huge difference in HMPPS. I am really confident in his leadership, and I am really pleased to have him in post. We have already been talking about succession planning and how to make sure he fills his most critical roles as people move through the service. Before James spoke, I wanted to express that confidence in him.

James McEwen: The operational team in the agency, and in our broader support services and HQ, has a depth of experience. When I was before the Committee previously, you would have taken evidence from Jim Barton and Kim Thornden-Edwards, while Michelle Jarman-Howe has been an inspirational leader in the Prison Service for a number of years—they are all around. We have depth in our key regional roles at prison, probation and pan-prison-and-probation levels. I am really pleased with the team I have inherited. Losing Phil and Amy is big. That is many, many years of experience in the system. I spent 10 years working alongside



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Amy and Phil, and I learned a lot along the way. They are on my “phone a friend” list if things get tricky. I had good handover tips from both of them, for which I am really grateful.

I feel we have a really good team. The challenges are ahead of us, but we now have a plan. We have legislation through the Sentencing Act. We are looking forward and looking up at how we are going to take the opportunities through the Sentencing Act and, to the conversation earlier, some of the provocations that Brian Leveson has set for the system so that we can do better. That is as relevant for me as it is for Nick and other parts of the system. We are optimistic.

Q120 Tessa Munt: I referred to the fact that the Prison Service is pretty high risk. The data we have shows that a third of band 3 to 5 prison officers have less than three years’ experience, which I would say—I do not know—exposes one to greater risk. I think that presents quite a challenging environment. It looks as though the number of people who leave is very high—I think it is 10.8%, but you will correct me if I am wrong. How are you going to stop that level of attrition, particularly when so few people have many years of experience?

James McEwen: That is a great set of questions. In every week in the job, I have a huge focus on workforce and supporting our teams. You are quite right that around a third of officers have less than three years’ experience, so two thirds have more. On the absolute numbers, in December 2025 we had about 1,000 more officers compared with March 2024. The proportion is masking the fact that we are recruiting lots of new people into the service. If you look at it the other way, the raw numbers of people with over three years’ experience are growing; it is just that we are recruiting quickly as well. About two thirds of people—14,700 officers—have over three years’ experience. If you go back to March 2024, it was about 13,800. We are moving the dial slowly, but we are having to bring new people through.

Our resignation rate is not quite as high. There are different ways of counting different things, but the resignation rate fell by 1.5 percentage points in the year ending December 2025. As of December 2025, we are at 6.7%. That is the lowest it has been for four years, and that is because of a lot of hard work at local level to try to understand the drivers. People typically come to us with a sense of vocation and purpose. How do we continue to harness that, even in our toughest operational environments? We are doing a lot of work on that.

The big thing, particularly in the Prison Service, is having the possibility of investing more in our staff. Currently, if you join the service as a band 3 officer, you will have somewhere between nine and 10 weeks of training, and then you will be supported in a prison in your operational duties. In some prisons, there are robust follow-ups; in others, less so. We have created a programme called Enable. It does lots of things, but the key thing, and the thing I think is most exciting, is that it will look at moving away from a nine or 10-week training programme to thinking about how



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we support a band 3 officer over the first 12 months of their career, in a much more structured way.

We have lots of other things around that. As you would expect, we buddy new recruits with more experienced officers. A key part of our workforce plan is to try to get that experience: those years of walking the landings and getting those miles in your legs, and the jailcraft that comes with that, make a real performance difference. We know with reasonable confidence—you can look at the data—that after two or three years there is a very positive correlation between prison officer experience and safety metrics in prisons. That is a major part of the leadership effort in the organisation. That is true for probation as well.

Dr Farrar: Having been chief exec of the Prison Service and second permanent secretary, and coming back here, I am so pleased with the Enable programme. One of the criticisms we used to have was about the difficulty of new recruits going straight into a prison. Having this more modular approach, which allows people to understand the prison and the jailcraft—and looking at the couple of pilots in individual prisons—will make a big difference to retention and the confidence of officers.

Q121 Tessa Munt: The annual statement said that, last September, staffing levels stood at 95% of the national target. Is that still accurate? This is focusing on band 3 to 5 prison officers again.

James McEwen: That has fallen. We were at 95%, and we are now between 92% and 93%. A number of issues impacted that. A lot of it is because we have had some delays in our vetting procedures, so the flow of recruits has not been as smooth as it had been in previous years. A big focus for the year ahead is to get that target staffing figure back up.

That number is before overtime. We have a “payment plus” system, so that, at a local level, we will be able to support regimes by incentivising colleagues to work additional hours. However, that cannot sustain us, so we are trying to get the target staffing figures back to where we want them to be, which is much closer to 100%.

Q122 Tessa Munt: If you have a gap of 7% or 8%, how are you going to fill that gap without using inexperienced staff? This is a compounding problem. In a moment, I will ask you about sickness absence, which will rise as people are under greater pressure.

James McEwen: Inevitably, part of that will be bringing in new officers. Some of them will have very little experience, and some will be returning to the service having spent some years away. We have had success recruiting experienced people from foreign national backgrounds who have good experience in other systems, and that is translating well.

It is a very hard structural issue. We need to find a way to support people to come into the service, equip them to do their role and give them the confidence that we are going to invest in them. Confidence breeds confidence. It is important that people are confident that they are part of a team in which they know where to go to get that experience.



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We are not always getting that right. That is what the Enable programme is partly designed to do. It is about making sure that our training offer is much more structured, while also taking account of local circumstances. It is not just driven from a national perspective. You are completely right that it is a big structural problem, and that is why we are focusing so much on recruitment. I am sure the Committee will have seen some of the “Extraordinary Jobs” campaign we have been running to encourage more people into prison and probation roles. The evidence coming through suggests that it is having a great effect.

People want to come and join us. We need to smooth the process of getting someone in once they have expressed an interest, because it is a very competitive labour market, and leaving people hanging around for vetting to complete is not very smart. We are looking at all of that, as well as at the experience once they get here. We take the positive energy and the sense of vocation and purpose that brought people to our door, and we harness that in a really positive way so that people can grow with us into their career. It is a challenge for the system, and we have to get better.

Q123 Tessa Munt: I have no doubt. I would not be asking you about it if it was going super smoothly. If I were a retired prison officer, or if I had resigned from being a prison officer at some point, and I were coming back, would I be put through the Enable programme, or would you think, “She knows something about it—she can go in”?

James McEwen: I would encourage people to go through the programme, because a lot has changed in prisons. There is a lot that people might not have done in a busy prison environment for a while, or they may have let their skills wane. Cuffing is a really good example. I would be making sure that anyone coming back to the service was doing some robust training on cuffing so that our escorts are safe. Yes, obviously, common sense prevails—if someone was with us six to nine months ago and had a career break, we will make sure that the training offer wrapped around them is sensible.

Q124 Tessa Munt: Can I ask you to write to the Chair of the Committee to let me know how many retired prison officers, or those who have resigned, have come back into the service over each of the last three years?

James McEwen: Yes, we can do that. We are trying to encourage even more. We will write to you to set out some of our activity and how our recruitment process works for those people.

Q125 Tessa Munt: Thank you. Lastly, there is quite alarming sickness absence. Again, from my experience—not in the Prison Service but in other areas of life—sickness absence is something that one needs to watch like a hawk because it is an indicator of all sorts of other things. Very often, it is a precursor to departure. What are you doing to sort out sickness? I think the figures we have—please correct me if I am wrong—are that 15.7 working days are lost on average for Youth Custody Service staff, 13.8 are lost in the Probation Service, and 12.4 are lost in public sector prisons.



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Those are really significant.

James McEwen: The macro picture is that the Sentencing Act and the pressure it takes out of the system will help most immediately in prisons. But we are doing some work around probation, as we have spoken about, to match the capacity of our workforce to the work that they are being asked to do, and to address the stress and burden. A lot of our sickness absence particularly in probation, is mental health and stress-related. I think it is reasonable to assume that caseloads are a significant driver, particularly in probation. That is the big picture: thinking about how we create a sustainable criminal justice system for prisons and probation.

At a much more local level, we are doing a lot of work. We have tailored programmes where you can go in and support an individual PDU head or a governor to look at the issues that are driving sickness absence in their areas and the improvements that can be made. If we look at the Youth Custody Service, I agree with your figure of 15.7 days from December 2025, but if you roll back the clock to August 2022, that number was closer to 23 days. Our programme of deep diving, working with individual sites, managers and individuals, looking at the root cause of issues and trying to put in place constructive solutions to support people back to work has got us going in the right direction. But it is very site-specific; the issues at Feltham will be different from the issues at Wetherby, Pentonville or a PDU in Croydon.

We are investing in occupational health. We have support teams in place that follow up a traumatic incident, even in a probation office or a prison. We can improve in those areas, and that is what I am hoping to do. We have some really good pilots under way. In the female estate, there is a lot of trauma, and there are a lot of very vulnerable people. A lot of our staff also bring trauma to work. People who have suffered trauma are working with people who have suffered trauma, and that is really challenging.

In different settings like healthcare and education, you would expect to receive some clinical supervision, given some of the issues that you are facing. That is not routinely available across HMPPS, but we are trying to change that. At Styal, we have a pilot in place so that all staff can have an hour of supervision, I think once a month. That is a start, but it is not an end point.

We need to take much more seriously, as a service, some of the situations that we are putting people in. We need to make sure that support is there, and that is what we are trying to achieve. There is a lot further to go. We hope to invest more in those sorts of service over the course of this spending review.

Dr Farrar: In the Ministry of Justice, we do not simply leave our chief executives to manage sickness absence; it is something that we really worry about across the Ministry. We were talking about it at our executive committee today. We are going to think about other things that we can do. We are putting a lot of effort into line management training, for



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example, particularly for people who are managing people in the challenging frontline roles across the justice system. As I said at the beginning, we have some brilliant frontline staff, but they are doing some very difficult jobs, and we really need to value them. Across the Ministry of Justice and as an executive team, we take this really seriously.

Q126 Tessa Munt: I can offer an example. Decades ago, I worked with Childline. In every four-hour shift I did, dealing with young people, the last half an hour was downloading time. That was absolutely critical. I do not remember a thing that I spoke to anybody about, and I didn't the next day, literally, or even that evening on the way home. It is a fantastic model. It is very difficult to do, but well worth the investment in people.

Dr Farrar: Yes. I certainly managed something similar with social care in local government. Looking at how people can download after some really traumatic experiences is really important.

Tessa Munt: Every shift.

Dr Farrar: Yes. I can see that that was really valuable.

Q127 Pam Cox: Let's stay with prisons but move on to demand for prison places. The annual statement on prison capacity for 2025 suggests that the reforms in the Sentencing Act 2026 will reduce the prison population by about 7,500 by February 2028. It also notes that those projections are uncertain and liable to change. Are you confident that the reforms will achieve the level of reduction expected?

Dr Farrar: We model this very carefully. We have a capacity group that meets regularly to adjust the numbers and to make sure that we adjust what we do accordingly. But yes, we are confident that the Sentencing Act will have a big impact. We are already starting to see that. We have 3,150 headroom spaces at the moment, compared with only 1,791, which was obviously a lot lower, in December at the height of the prison capacity crisis.

We are cautiously optimistic. We are starting to see the impact of the sentencing reforms, but we have to keep monitoring it. We have a capacity group that looks across courts, prisons and probation and continually analyses the data to make sure that we are taking the right steps.

Q128 Pam Cox: Thank you. I am sure that the Committee will come back to that as time goes on.

One way to reduce the prison population is to reduce the reoffending linked to drug-related crime, say. The Committee published a report on the drug crisis in our prisons, and you responded to it. We interviewed and heard from a lot of very experienced witnesses and made lots of recommendations. You rejected or only partially accepted most of them. Do you agree that there is a drugs crisis in prisons? If so, why did you reject or only partially accept our recommendations?



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Dr Farrar: Reducing reoffending is really important to us. There are a number of reasons for reoffending: one is addiction, but others include homelessness and the different circumstances that people face when they are outside prison. Our commitment is to reduce reoffending. The Deputy Prime Minister has asked us to start looking at it again. You will remember that a few years ago we were quite proactive in the area of reducing reoffending, and some really good work has continued.

We always worry about the impact of drugs coming into prisons. We are seeing some really good initiatives such as drug-free wings and the work that we are doing with the NHS. I think your report probably predates me and James, but drugs will be one of the issues that we look at as part of our new reducing reoffending programme.

Chair: I think the report was in October last year, and the response was in January.

Dr Farrar: Okay, so it was just within my time.

Q129 **Pam Cox:** Given that there is a drugs crisis in prisons, do you think we might revisit those partially accepted conclusions?

James McEwen: As an observation, I think between these formal hearings, when we are apart, we spend a lot of time writing letters to each other. The outcomes that we are trying to pursue are common. There is no disagreement about the fact that we want to reduce the availability of drugs, improve the possibility of recovery in prison and make sure that sustains in the community. There are challenges with how, in complex operations, we implement a change to those ends and where some of those responsibilities fall within the system, between Health and prisons.

I will very happily bring my team, who are brilliant, with our Health colleagues, who are equally brilliant, to talk specifically about some things we are working on where we agree with the spirit of the recommendation but, as to the means, we might need to get there in a different way and have an honest exchange of views about how to move forward. I am happy to facilitate that.

Q130 **Pam Cox:** I defer to the Chair, but that is certainly something that I would welcome. In the meantime, Chris Whitty has produced this weighty tome, "The health of people in prison, on probation and in the secure NHS estate in England". There is quite an overlap between the sentiments of our two reports, and who tops Chris Whitty in matters of health recommendations?

One of his recommendations, which seems eminently sensible, is that prisoner engagement in approved health activities and interventions should count as meaningful activity. Currently it does not, so prisoners have no incentive to engage in meaningful activity, because it can cut across their other commitments. What is your response to that? If approved health activity—which could include a proper assessment of somebody's drug dependency on arrival, a proper prescribing of alternative and substitute substances to wean people off addiction, and proper release activity planning so that people are not released straight



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back into addiction—were classed as meaningful activity, would that make an impact? If so, why is it not classed as meaningful activity?

Dr Farrar: Chris came to talk to us about his report. I agree with you that there are some really important lessons in there. You are right that he really understands the subject matter. James is right that if you go back to the report of the Committee, the sentiment is the same; it is just a question of how we achieve that aim. I think a further talk with the Committee and the relevant people would be good.

We are discussing the Chris Whitty recommendations with our colleagues in Health. As you know, there is quite a lot going on in Health at the moment, but we are trying to find a way to provide really strong healthcare in prisons. I have been really impressed with the healthcare teams and have been out with them. We are thinking carefully about how we implement the Chris Whitty recommendations, work with Health and bring together the changes that James and Lord Timpson want to make on security and safety in prisons, but they would probably be worth further examination at some point.

Q131 Pam Cox: Dame Lynne Owens recently published her independent review into releases in error, in which she made 33 recommendations. The MOJ has said that it accepts her recommendations that are covered by this spending review period. Are you able to tell us which specific recommendations they are?

Dr Farrar: We have accepted, in principle, all the recommendations in the review. We are also accepting that some of them are as yet unfunded. We are working through that at the moment and will be able to come back with a more detailed response. For example, Dame Lynne has recommended biometric testing, and we are committed to rolling that out. We are starting the programme, but we are not sure that we can deliver it all within the funding that we have in this spending review, so it might take a bit longer than the time that she has recommended.

At the moment, we are taking forward things like the rapid response unit deploying AI tools to deal with releases in error, work to simplify the process, and the recommendation that she makes about joining up data. There are some recommendations that go across the criminal justice system. In our criminal justice action group, which I currently chair and which the new second permanent secretary will take over, we are exploring when and how we can deliver the across-criminal-justice recommendations.

We have accepted, in principle, all the recommendations, because they are very sensible. Dame Lynne did a thorough review of releases in error. That is something that we all want to stop. As you have seen in the coverage in various media, we are working with really antiquated systems, quite often on paper. We are all committed to tackling this as quickly as possible. The Deputy Prime Minister himself is putting a lot of personal effort into it. We just need to work through all the recommendations, pilot some of them and then decide which we can roll out first and most quickly.



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Pam Cox: That is reassuring. It is such a powerful symbol when you have a release in error, as I am sure you will agree: it undermines public confidence in the system in an extremely visceral way.

Q132 **Chair:** Are you going to let us know which recommendations will be implemented now and which are for the future?

Dr Farrar: We are working through that at the moment. We can write quite quickly to tell you which ones we are rolling forward now. At some point we will have worked through them all.

Chair: Thank you. We were going to have a separate session on that, but if you can give us that information we may not need to.

Dr Farrar: We could probably write to you on that, rather than having another session.

Q133 **Warinder Juss:** Can I follow up on Pam's questions? I understand that 80% of people in prison are reoffenders, so it seems quite obvious that if you reduce reoffending, you will reduce the prison population. When we did the inquiry on drugs in prison, I remember asking a witness—I cannot remember their name—the main reason why we have so many drugs in prison. The answer given to me was "Boredom." Our sixth recommendation was to have more purposeful activities to take away boredom in prisons, and that recommendation was accepted by the Ministry of Justice. I am interested to know how much work is being done to increase purposeful activities. How much influence and input do you have in ensuring that we have increased purposeful activities, to take prisoners away from boredom?

James McEwen: Every year, we work with governors on regime plans for the year ahead, to set out some of their aspirations for their establishments. There is a particular focus this year on safety and security, as you would expect. Safety and security are driven in lots of ways, including by making sure that there is good purposeful activity, good time out of room and enrichment activities available.

All governors want to achieve that. What are the barriers? One of them is staffing levels at particularly difficult sites. You often find—particularly with reception prisons, where there is a lot of drugs use because there is a lot of movement through the prison and higher availability—that there is a downward spiral that is very difficult to get out of. You can talk to a governor of a busy reception prison and they will talk about the weeks when they have had a throw-over, something has come in or there may even have been a drone drop, and it has led either to people becoming intoxicated and needing hospital or to violence, so you then have more staff issues. You might have staff who have been injured through restraint techniques or have been assaulted, and you will have other staff on hospital escort duties. The prison therefore does not have the staffing complement. You might have others on sickness absence, which we have talked about. You do not have the complement available to run the regime that you would want and that you would take pride in.



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As we take heat out of the prison system, through the measures that we are taking in the Sentencing Act, we have the opportunity for a more consistent regime in which we can be really clear with prisoners and work with them: "This is what we are going to deliver, and this is what you can expect from the regime." We can have much more confidence that we can do that. We are trying to get out of that negative spiral and have a much more positive experience.

I am with you. It is quite hard to achieve, particularly for the most impacted sites. I spent a lot of time with Minister Timpson and the DPM in particular to work through how we can make our sites more secure, including through better drone countermeasures and multi-layering to do what we can to stop drugs getting in in the first place.

Boredom is a factor, for sure, but debt, extortion and people bringing in their addiction issues in the community all play a part. We have to look at drugs and drug use in prisons in a number of ways. It is always hard to see a trend, but in more recent inspections, HMIP has come in and we have seen some better outcomes on purposeful activity through the inspections, and long may that continue. It is certainly something Michelle Jarman-Howe and I are talking to governors about, and something we hope to see more of.

Q134 Chair: I think we all understand that, particularly at the moment, day-to-day pressures can make rehabilitation work more difficult and perhaps sometimes impossible. You were talking about co-operation with other Departments, such as Health, and you mentioned housing. We see that there is a target to reduce by 50% the number of people leaving custody homeless. I am interested to know how you think you are going to achieve that. We have also seen reports of a 25% to 50% reduction in the basic education available, depending on the institution. Against that background, how are you working with other Government Departments to achieve some improvement in rehabilitation?

Dr Farrar: I think there is so much potential, through the Criminal Justice Action Group and the Criminal Justice Board, to work more closely together. We have recently started a number of taskforces that are looking at particular issues. We are doing some work on London, for example, and some work on reducing the Crown court backlog. We have a real ambition to bring reducing reoffending to that group, to test some new ways of working, because it is really important to have support across the system. In that group are the police, the Home Office, us, the Crown Prosecution Service and various other people, so it will be really important.

You are right that we need a package of measures. There are some things that we will probably mention later when we talk about probation; for example, the additional funding that we are putting into supported accommodation for people on release is really important. The group that Lord Timpson is leading to look at how we can get more people into housing is important.



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What we really need to do, as you say, is work with people in prison to help them with their addiction and the various other issues that they might be facing, to allow them to have a proper transition back into the community. They need the proper wraparound support of not only the Probation Service but other services, so that they can go back with aspirations and live a successful life. As we will probably talk about later, some of the stuff that we are doing around housing and work is really important.

Q135 Chair: Where will the “first night out” accommodation come from?

Dr Farrar: We have already announced funding for that; we have the provision. It is called CAS3 accommodation. We will give people supported housing for more than the first night—over two months—so that they can have some support before they are able to move on to more stable housing situations. That is a work in progress, but it is our ambition. We are already seeing good progress, and we have had some funding through the spending review to put into that service.

Q136 Tessa Munt: I think my questions are to you, Jo, but you might want to refer to Adrian as well. I would like to talk about the supply of prison places. The National Infrastructure and Service Transformation Authority has rated three of the Department’s six prison construction programmes “red”, after ISG became insolvent. Are you confident that the Department is on track to have its extra 14,000 prison places by 2031?

Dr Farrar: Yes, ISG has been an issue. We might want to come back to that in a second, but I will give you the bigger picture first. We have delivered 9,100 new places through three new prisons in Millsike, Five Wells and Fosse Way. With the commitment under the current Government, about 3,100 places have been delivered. We have a really active programme. We broke ground with HMP Welland Oaks, which has 1,700 places, in November 2025. We have full planning permission for a new prison in Buckinghamshire, which will have about 1,500 places, and we have outline planning permission for a new prison in Lancashire. We are on target to meet the commitment, and we have a prison capacity strategy, which we are following and are very confident in.

We should talk about the ISG situation. It went into administration in September '24 and that impacted the delivery of 85 projects across the Department, including the delivery of 3,600 prison places across 13 sites. We have in place really good contingency plans to partially mitigate a range of scenarios, and we were able to activate them. We have engaged with the market and undertaken re-procurement processes, and replacement contractors have now been successfully appointed. Adrian is steeped in this, so I will hand over to him.

Adrian Hannell: I will say a bit, and James will probably want to say a bit as well. The overall prison build programme had a level of contingency in it anyway, in terms of the number of places we were working towards. That means that when we have an issue like this, it allows us to still be on

course to deliver by when we thought we would, so by 2031. James, do you want to add anything?

James McEwen: I think you have covered it. Once contracts are signed and we are out of the ground, we have a really strong track record of delivering to time and to budget. An increasing number of our projects are in main construction, and that gives us increased confidence.

There will be bumps along the road. As we all experienced, we had a really difficult winter this year, and the number of days of rain, concurrently, meant that we could not make some of the progress that we wanted to on individual sites, so we were not able to spend everything we wanted to. The year just gone was a massive year in terms of our capital investment: it was the biggest year we have ever had on the prison build, which is great. We are working with the teams on the ground to make sure that they are being ingenious and entrepreneurial in how to get time back and catch up, and our main contractors are great.

There will be bumps along the way, but we have a credible plan to complete the 20k programme and meet the Government's commitments on the 14k programme. As Adrian said, we knew there would be issues on some sites, so to deliver the 20,000 we planned for 21,000. We are making use of that contingency in a smart way.

Q137 **Tessa Munt:** I think I heard you say that you have planning permission for the sites in Leicestershire, Lancashire and Buckinghamshire. What you are saying, James, is that once you have planning permission, whoosh—up they go.

Dr Farrar: It is once they come out the ground, so once you do the groundwork. When you start a new programme, you often come across some difficult issues that you would not know about if you just looked at the site. Once you have done the groundworks, they happen very quickly. You are right that planning permission is important, as that can take a while, but then doing the groundworks is important.

James McEwen: The caveat is that there is one with outline planning permission.

Tessa Munt: Which one? Is that the Leicestershire one?

Dr Farrar: That is the Lancashire one. Full planning permission is in place for Buckinghamshire.

James McEwen: Yes, for the new site in Buckinghamshire. We have broken ground at Welland Oaks, we have full planning permission for Grendon Springhill in Buckinghamshire, and we have outline planning permission for the site near HMP Garth in Lancashire.

Q138 **Tessa Munt:** Thank you. Can you explain how the additional places will be allocated? Will the new residents come out of the places that are most crowded, which we would recognise as Leeds, Durham and others?



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James McEwen: Partly it will come through flow into the system. Despite the Sentencing Act—I think someone referred to the impact assessment—the prison population is still going to grow, but it will be lower than it otherwise would have been. Partly, this is people flowing through the system, and we will need to open new places to deal with the volume of people coming through.

We will work with new prisons as they are established to think about what cohorts of prisoners we first put into them. Opening a new prison is difficult: there is no culture and no experience, you are not learning from prisoners, and you are bringing in a new prison staff group and asking them to work together. That is really tricky.

For different prisons at different times, we will do it in different ways, but we will think carefully about the population we want to move there, to the degree that we have some influence on that. Hopefully we will have, because we are trying to use the Sentencing Act to take some of the heat out of the system. We will try to find prisoners who want to go to a new site, are more likely to be compliant, have some experience, and want to progress with their sentence plan, particularly in the early weeks and months of opening, to give the staff group a chance to set the right culture, build their confidence and then build out from there.

Some of the prisons you listed are some of our reception prisons. Some of the crowded conditions there are because we have lots of people on remand who need to be moved around the courts. People will flow through, be convicted and then move through to different parts of the estate. These are all cat C prisons apart from one, which is a cat B. So it will help because it will allow us to move people more smoothly through the system, but we will not be able to take a very difficult reception prison and say, “You’ve got the new prison down the road; we can lift and shift,” because each prison serves its role in the sentence plan and progression, if that makes sense.

Q139 **Tessa Munt:** I am not sure which one of you I asked, but there was certainly a commitment from the current Government that new land should be found for new prisons. How is that going?

James McEwen: We are actively searching, so the prison population—

Tessa Munt: You’re still searching? So you have not got any land yet.

James McEwen: For the 20k programme, we have used all the parcels of land available where you could build a new prison. Nearly all the parcels of land on existing prison sites where we could put either a small secure house block or what we call rapid deployment cells—better than temporary, but not quite permanent places—have been used up. Prison places and the prison population are going to grow, so we are actively searching for sites that would allow us, subject to spending review agreements with the Treasury, to build whole new prisons. That search is under way.



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Dr Farrar: We have identified the land for the 20k programme, the 14k programme and beyond. That will take a number of years, so now is the right time to be looking at new sites—where might be suitable—and planning for the future. As James said, it will depend on a new spending review to acquire the money to purchase those sites. We are looking at the options at the moment, but this is the right time to do that.

Q140 **Tessa Munt:** Okay, thank you. It does not sound as though getting new land for building prisons is going to be very easy in future if you are going to have to have a punch-up with the Treasury.

Dr Farrar: The Treasury has been very supportive of the prison build programme. We are looking beyond the current build programme, so well into the future. We have really constructive conversations with the Treasury. We need to identify the options so that we can have proper discussions but, as it works in Government, all these things are then considered as part of the spending review. We are very comfortable with that.

James McEwen: I have a practical point. There is the land acquisition and there is planning. The time at which you need to turn on the tap for the money to build will be in another spending review period. At the minute, there is a question mark over what the budget is going to be, so that will naturally be part of the conversation. But the Treasury has been extraordinarily supportive in recent years, and we hope that continues.

Tessa Munt: I don't literally mean a punch-up, of course.

James McEwen: We try to avoid that.

Q141 **Tessa Munt:** Can I move to one of my favourite subjects, which is Dartmoor? I am completely foxed by Dartmoor. As I understand it, we have a £16.8 million impairment, as they call it, against the accounts, and we have a commitment for another £13 million or so to pay before we get to 2031. Does that £16.8 million mean that Dartmoor is not viable for reopening?

Dr Farrar: No. At the moment, we are liaising with the HSE, which is doing policy work and looking at the regulations. As you know, radon has been found at Dartmoor and it is no longer considered safe to use as a prison. HSE agreed to look at the regulations and some international comparators. We need to wait for that work, then we will give advice to Ministers. Until then, we cannot make any sensible decision. The reference in the accounts is quite technical.

Adrian Hannell: Because the site is empty but we have a commitment to carry on paying for it—I think the first break clause is after eight years—and we do not yet have an agreed plan for going back in, or what we are going to do with the site, from an accounting perspective we have to treat it in the way that we have done. Effectively, it shows through as a loss, which is not the same as the lease payments but is basically very closely related. It is just a reflection of the fact that, at the moment, we do not have the plan in place. Once we have decided what we are doing with the



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site, if we decide we will go back into it, the impairment can be reversed back out. It is just a reflection of where we are at the moment.

Q142 **Tessa Munt:** Okay. It is a very expensive nothing—no places—isn't it? I accept that probably none of you were involved in the commitment to being locked into a lease—I do not know, but I assume not. The HSE started their investigation some while ago, did they not? Was it not in 2024?

Dr Farrar: It was a while ago.

Tessa Munt: Or 2023, even.

Dr Farrar: We hope the HSE will reach a decision soon. It is actually quite complex, so they have had a number of things to consider. As soon as we receive their advice, we can provide advice to Ministers. You are right: the new lease was entered into in 2022, so before—

Q143 **Tessa Munt:** Forgive me for interrupting you. When are they going to put something on paper and hand it to you?

Dr Farrar: Hopefully soon.

Tessa Munt: Soon!

Dr Farrar: We do not have a date; that is up to the HSE.

Tessa Munt: Yes, but it could do with a bit of nudging, couldn't it?

Dr Farrar: We are nudging them. Lord Timpson in particular is also thinking about how we would use the site if we could in the meantime, and whether there are other options. We continually think about Dartmoor and how we can use it. We are in very active discussions with the HSE. We just need to wait until they have reached a decision, and then we will reach a decision on Dartmoor. I know it is frustrating for all of us.

Q144 **Tessa Munt:** It is frustrating. I have visited people in Dartmoor, and I had in my constituency Shepton Mallet prison, which the Ministry of Justice closed in 2013. They were probably not particularly dissimilar in structural terms. They are different prisons, and hard to get out of in either case, but they are not very comfortable places. I know we are not meant to make them luxurious, but I wonder how much it is going to cost to get them working. It strikes me that if Dartmoor is to come back into play, it will cost squillions of pounds to make it habitable. If we are working on the basis that Shepton Mallet had to be closed—I rue the day that that happened—because of its lack of facilities, the same surely must apply to Dartmoor.

Dr Farrar: We will have to look really closely at Dartmoor and weigh up, first of all, what the HSE says and how much we would need to spend on Dartmoor. Obviously, although we are putting mitigations in place and spending money on Dartmoor to make sure we can bring it back into use if we need to, it has been empty for a while now. We will have to look really closely at that site.



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Our ambition is to continue with the new build programme to make sure that the Sentencing Act is successfully rolled out and that we move to a position where we have better prison facilities. That is the ambition of the new programme. I take your point, but we will have to look at Dartmoor once we know the decision we have yet to see.

Q145 Tessa Munt: Has somebody made an estimate of how much it would take to bring it up to standard or build a new one on the site?

Dr Farrar: No, we haven't.

Tessa Munt: Why not? This is not your decision—I know this predates you—but, good grief, somebody signed that lease ages ago. Was it not in '21 or '22?

Dr Farrar: It was 2022.

Tessa Munt: Did somebody not think about this? It is not fit for purpose now. If we use old prisons as a measure, and they are closed down because they are not fit for purpose, why did somebody not think, "This is going to cost £x squillion"?

James McEwen: If you wind back to 2022, there are a couple of factors. First, we were in the teeth of a prison capacity crisis at that point, and these were places available to us. We had some understanding of the radon issues, but we learned a lot more about how challenging it would be to fully mitigate the radon issues post signing the lease. Obviously, looking back, that is a matter of irritation and regret and was very expensive.

Tessa Munt: I understand that—

James McEwen: That is the history. We are doing all the due diligence you would expect. When we have a view about whether HSE are going to change their regs or not, we will look at the economic case for whether it is value for money—as you would expect, that will be a major consideration for Jo and I, as it will be for our Ministers—to try to open it with mitigations or not. If the answer is not, we will obviously enter into discussions with the duchy about the lease break and whether there are different approaches to managing that. All that work is planned, and we hope to make a robust decision once we have that information.

Q146 Chair: When is the lease break?

James McEwen: In 2033.

Chair: You can get out of it at that point, but not before.

James McEwen *indicated assent.*

Dr Farrar: If we give notice in 2028, we can leave in 2033.

Q147 Tessa Munt: A five-year break clause. Let's put the radon to one side and look at what the cost would be of turning Dartmoor into a prison of today. I might invite you to write to the Chair, because I would like a ballpark

figure. That probably comes back to you scribbling on the back of an envelope—

Adrian Hannell: I was going to say!

Tessa Munt: But I would like to know that figure. I invite you all to write to the Chair with that ballpark figure, please.

Dr Farrar: At the moment, access to the site is quite difficult. We will do what we can, but to give a full evaluation would be quite difficult at this point.

Tessa Munt: I am not asking for a full evaluation. I am asking for something on the back of a fag packet—not that we have fag packets any more.

Dr Farrar: We will ask Adrian to look at that.

Tessa Munt: Thank you.

Q148 **Chair:** We have a few more things to cover and we do not have a lot of time, but I want to briefly ask about automatic fire detection, which I am sure you are familiar with from correspondence. We are seriously worried about this; I am sure you are as well. There was a date of 2027 for completing this work. There is now no date. We are talking about 20,000 prison cells—over 20% of capacity—that do not have automatic fire detection. There has to be more than just saying, “We will do this as quickly as we can,” doesn’t there?

James McEwen: I take this extremely seriously. It was one of the first issues that I got to grips with on taking the role, and I had been working with predecessors on this beforehand as well. We are in a really difficult position. I agree with you, but the fact is that our mission and our legal obligation is to move as quickly as we can, and the circumstances will change that might allow us to go quicker than our current plan. I think it is respectable to say that putting an end date on that work is difficult, borderline meaningless, because our commitment is to go as quickly as we can within the capacity constraints we are operating in.

We are in the process of making a decision to look at accelerating automatic fire detection in our overall fire safety programme. That will mean that we will be able to introduce AFD to around 10,000 cells much more quickly than in our current plan. AFD is important because that is the fire safety aspect that supports all others. If you are focusing on safety rather than compliance—and we have tested this with the CPFSI and others—what you would try to do is roll out AFD as rapidly as possible, and we are pivoting our programme towards that. That is going to make us more safe more quickly. It probably means that some of the measures that have less material impact on the risk of loss of life or injury are slightly delayed. We are looking at a programme that will probably continue to deliver into the early 2030s, but we are going to try to be much more AFD-compliant by as soon as the end of 2027.

As we get more confidence in the plan and the capacity we are going to have in the estate to work with, we will keep the Committee updated on our sense of the trajectory. As with the 2027 date, if we put another line in the sand and we cannot meet that, it is not going to please anyone. That is what we are keen to avoid.

Q149 **Chair:** All I would ask today is that you keep us informed as you develop your work programme and your targets, because it is something we want to keep under active review.

James McEwen: Absolutely.

Dr Farrar: I agree. This is something we have been increasing our allocations for, with around £275 million already scheduled for '26-27. It is something we are really committed to. As James said, it is something we have been thinking about really carefully since he became chief executive, so we will keep the Committee informed.

Q150 **Pam Cox:** It is very concerning, because we are sending potentially thousands of people to spend long amounts of time in unsafe buildings.

James McEwen: There are mitigations in place to help. Beyond the measures around fire detection, ventilation and suppression, we are doing a lot of really good work in the estate. There is no complacency here. A really good example is that we have designed a specific vape that is much safer to use. For a high proportion of fires set in the estate, the ignition is through a vape. We created a safer vape. We have not yet had a full year of its roll-out, but it has already reduced incidents of fire by 46% in the estate.

Our staff are much more capable and better trained than they were if you rolled back the clock five, six, seven or eight years. We meet relevant fire safety British standards. We are working really closely with CPFSI on other measures. We are the riskiest part of the public sector estate, but our response to that for the last few years has been helping to meet that issue. Do talk to CPFSI, but I think what they are seeing is much more constructive engagement of a much higher quality from HMPPS. We are meeting the risk as well as we can, but there were years and years of under-investment that we have to catch up with.

Q151 **Pam Cox:** I am going to take us to PFIs now—another cheery subject. Many justice-related PFIs are expiring soon; at least six PFI prison contracts will end in the next two years. Can you talk us through how you will manage those competitions?

James McEwen: We have built a team who are expert at working through PFI expiry. There are, on my count, up to 10 ahead of us, but if you look at what is behind us, there is a similar number, so we have learned a lot along the way. We have worked with NISTA and its predecessor organisation to make sure that we are building the teams with the right level of training and experience, so we have a good team who know what they are doing.



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We tranche up clusters of PFI prisons that expire in a contemporaneous period, and then teams are deployed on those tranches. We are in tranche 3 at the moment, and tranches 4 and 5 are to follow. That allows us to bring some project discipline to that work. We are currently in the process of re-competing our prison operator framework. As those PFIs expire, we will have a healthy, competitive and quick route to market. Having got the framework in place, we can then have mini competitions to award those sites to our private sector partners.

Q152 Pam Cox: I have a connected question about procurement. I remember being very surprised to hear, as a new MP last year, that the MOJ was handling more than 1,000 contracts of various types. Can you talk us through how the Government's changes to procurement practice are impacting your procurement practice, in terms of getting better value for public money?

James McEwen: The procurement regulations provide more flexibility in thinking about how we set out competitions and allow us the scope to have, for example, more dialogue with bidding partners through a competition, so we can try and drive better value and raise quality. They allow us to take better account of suppliers who have—by the way, this is not about any of our current suppliers—acted in bad faith, have not delivered or have a sustained record of poor delivery. They allow us to take better account of that in some of our decision making.

Public sector procurement is founded on a sense of transparency and open competition: making sure that there is no provider lock-in and that there is equality of opportunity for people to take part. That brings more overhead and more scrutiny than it might if you were operating in other sectors. It does not sweep all of that away, and nor should it, because we should set high standards for ourselves.

Q153 Chair: The final issue—I am afraid we are very short of time to deal with this important subject—is probation. Let me put it to you in these terms: we are all aware that probation will have to do a lot of heavy lifting for the sentencing proposals, and that is reflected in additional funding. Do you know how many more people are going to be in the community, subject to probation, and what that is likely to do to casework levels?

We are interested in three aspects. The first is this new regime, where you have lighter-touch probation. That sounds good, because it is for less serious or less dangerous offenders, but those can often be some of the more prolific and reoffending offenders. How is that going to work? Secondly, how is the relationship between probation and monitoring services going to work? That has not had a good reputation to date. Thirdly, what happens if, as a consequence of this, we simply put people back into prison through the greater use of recall?

Dr Farrar: I do not know the exact number who will move into the community. There was an NAO study, which we agree with, that said that the demand would mean that we would be short of about 3,700 places. That is not all due to the Sentencing Act—about 500 of those people are due to the Sentencing Act. That is why we have this programme under



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way to recruit probation officers. James mentioned the innovative adverts that we have had, which have already led to 1,000 onboarded in '24-25 and 1,389 onboarded in '25-26. The programme that oversees this is Our Future Probation Service, which is tightly managed in the Ministry of Justice.

We are changing the supervision model. That does not mean it being less tough for everybody; actually, there is tougher, more targeted supervision for higher-risk offenders. It is putting the supervision on the offenders who are of the greatest risk. It also involves, as you say, expanding the use of electronic monitoring. We are trying to make sure that probation resources are put where they are going to have the best effect. There will be some structural changes to the Probation Service, but there will also be additional staff.

We are also making some new and innovative digital changes to probation, such as the roll-out of Justice Transcribe. We are rolling that service out at the moment, and it is already having a big impact on the probation officers who are using it—up to two and a half hours a day saved. The system allows the probation officer to engage completely with the person in front of them and listen to them. It not only transcribes the interview, but turns that into the probation officer's notes. It begins to understand the techniques that they are using, and then the probation officer will check that and sign it off, but they do not have to take copious notes while they are engaging with the client. That means better supervision of quite risky offenders.

As well as that digital tool, there are various other digital tools: online check-ins, and a tool that assesses risks, needs and strengths, which helps us to identify where we supervise people and various other things we are doing. Lots of support is going into probation, because we recognise that this will be a different system that will lead to more people in the community. We will continue to monitor that. We have not rolled out the whole of the Sentencing Act yet; we are doing that in a staged way so that we can evaluate it and make sure that the resources are in place and that people are coping with the additional capacity.

James McEwen: On electronic monitoring, we are doing a lot of preparatory work with our main supplier, but also across all parts of the system, making sure that we are ready for some of the changes that will come in the autumn. As you know, there were some challenges when Serco took on the contract. I am happy to report that, in March, the key performance indicators that we monitor, showing whether the contractual obligations are being met, were all green. On some of the changes that we have seen in the last few weeks on recall, the response from our tagging partners was really strong, and performance was good, so we have a much more resilient base now in place.

We also have plans. We are working closely with system partners, including Serco, to think about the autumn and what happens as sentence changes start to come in. We have ambitious plans on tagging capabilities for perpetrators of domestic abuse, and plans to further expand our



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acquisitive crime pilots. We have also committed, by the end of the Parliament, to looking at something called proximity tagging, which, again, if we can make it work, would be of benefit to victims of domestic abuse and other similar crimes, but we will do that sensitively and with victims' groups.

There is a lot of work going on. In terms of how that is working in the Department, the implementation of sentencing measures that impact on the capacity of the criminal justice system is being led by a single group, which I chair. We also have cross-Government groups that then look at how that is going to work beyond the boundaries of the Ministry of Justice and into the criminal justice system more widely; we are trying to make sure that this is a pan-MOJ, pan-CJS implementation programme, and that we can get the design right.

There is a lot to do, but we feel that the steps that we are taking thus far have been successful. We have a strong plan for the autumn, when we will see another sort of moment, so we are as confident as we can be at this stage that we will be ready for EM.

Q154 Chair: Who is policing the offenders? Is it the Probation Service or is it the companies? Is it Serco—and who is policing Serco?

James McEwen: It depends on the circumstances of the individual. It is different if you are tagged on bail or on licence in the community, and we also do some tagging services for the Home Office for immigration cases, so who the responsible officer is is different in different circumstances. Typically, it will be a probation officer or a police officer, but the data suggesting a breach would be provided to them via Serco. We can set that out for you it is of interest.

Q155 Chair: Yes, I think we are interested in that. What happens about recall now? If you have a lot more people who are susceptible to breaching the terms of their release, their probation or their non-custodial sentence, and we have already seen that there is a huge increase in recall, why won't that just carry on?

James McEwen: Our models assume a rate of re-recall. We are carefully monitoring that. If you think about the up to £700 million investment that we are making, a lot of that is in probation officers, probation services officers and other colleagues in probation. A lot of it, though, is going into community services, towards tagging and towards accommodation. That goes to the conversation earlier; we are trying to release people in a way that means their needs are better met in the community, so we can break the cycle of reoffending. That has to develop over time.

We are monitoring closely some of the recall rates. That will be a key part of our scrutiny inside the Department to see whether the assumptions and hypothesis that we set when we started to model the impact of the Sentencing Act bear fruit—whether they are right or wrong, and whether we will have to course correct. It is too early to say at this stage what we think that experience will be. This is a brilliant system, but it is also a

weird and wonderful system that reacts in slightly different ways when you put new challenges at it. We will be watching that really closely.

Dr Farrar: We have done the modelling. We are now doing the evaluation. As we roll out and tag more people, we will continue to evaluate so that we can see if we need to adjust. EM is a key tool for us to use. As James says, it is part of a number of things we use to keep people safe in the community.

Q156 **Chair:** Once we have 56-day recall, do you see that being used more or less than it is at the moment?

Dr Farrar: Are you asking whether I see 56-day recall being used more?

Chair: There has been an increase in the use of recall overall. Temporarily, we have gone for the 28-day option, but that is going to be replaced under the new legislation.

James McEwen: Yes, that is now in. That change has happened.

Q157 **Chair:** Do you think that is going to reduce or increase the use of recall?

Dr Farrar: We hope it will reduce, because we will have 56 days to work with people. With the shorter recall, by the time somebody came into prison—they might come into a reception prison and then move—there was very little time to work with them. With a couple of months, there is more time to work with those people to make sure that, for example, they are released into housing, they have the right community support in place, or there has been work with a probation officer.

I was in the north-east a few weeks ago talking to prison governors from a number of prisons, who were talking about some of the innovative programmes they are putting in place now to support 56-day recall. It is very early days; it has only just been introduced. We will want to monitor it carefully, but we hope it will allow time to do some meaningful work with people, which will then reduce the chance of reoffending, particularly very quickly after release from prison.

Q158 **Chair:** What is your definition of a high-risk or highest-risk offender?

Dr Farrar: First, there is a tool that allows us to identify the people who are most at risk of serious harm. There are different things: their sentencing, their behaviour and other factors come into that. Probation officers are also allowed to use a judgment. We will use that judgment if someone is at risk of—

Q159 **Chair:** That is based on an assessment of an individual offender according to—what, a set of criteria?

Dr Farrar: There are criteria, and there is also individual discretion by the probation officer, so it is both.

James McEwen: We tier cases. Part of the changes we are introducing, as Jo is explaining, is the new algorithmic tool. That is hoping to bring a more evidence-based, more consistent assessment of risk and how that



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risk can be best supervised and managed in the community. It is really important that we use probation officers, with that human-to-human contact, and their judgments.

Having seen an individual and assessed their vulnerabilities, needs and how they are presenting, there should be an ability for probation officers to say, "For the following reasons, this tiering is inappropriate." That will also, for example, help us catch domestic abuse cases, because there is a wide variety of offences and sentences given out that may or may not cover domestic abuse. That human insight will allow us to make sure that there is appropriate oversight and supervision.

That is how we tier it in probation. There are obviously other definitions of serious offending. The Parole Board will have a different view, and part of our sentencing frameworks will have that use of language and it will mean different things. It is context-specific.

Dr Farrar: The important thing is that we make an assessment and then release people with different levels of supervision, but we also allow an individual judgment so that people can assess the person in front of them.

Chair: Understood. That is all I have.

Q160 **Warinder Juss:** I am just trying to understand what your definition of a high-risk offender is. My assumption is that it would be someone who is most likely to reoffend. Is that the same as your definition?

Dr Farrar: Shall we send you tiers 1 to 3?

Chair: I think that would be helpful. You say there is a matter of discretion, but we would like to see the criteria.

James McEwen: We will set out exactly how we risk assess. It is, as ever, more complicated than we have time to explain. It is not just about the propensity to reoffend; it will be about the harm, the types of harm and the extent to which we can control that reoffending behaviour. It is a mix of things, but we can set that out for you.

Q161 **Pam Cox:** Could that also include any variance with Parole Board definitions?

James McEwen: Yes. If the Clerks give us the definition, we can talk about how it is used in different parts of the system and where there may be differences.

Chair: Thank you very much to all our witnesses. I am sorry to have kept you a little bit over time; it was very good of you to stay. Thank you to members of the Committee, as always.