



Public Accounts Committee

Oral evidence: Managing the Prison Estate, HC 1001

Monday 10 February 2014

Ordered by the House of Commons to be published on 10 February 2014

Watch the meeting: <http://www.parliamentlive.tv/Main/Player.aspx?meetingId=14871>

Members present: Margaret Hodge (Chair); Mr Richard Bacon; Stephen Barclay, Guto Bebb, Jackie Doyle-Price, Chris Heaton-Harris, Meg Hillier, Stewart Jackson, Fiona Mactaggart, Austin Mitchell, Nick Smith, Ian Swales, Justin Tomlinson.

Amyas Morse, Comptroller and Auditor General, Gabrielle Cohen, Assistant Auditor General, Aileen Murphie, Director, National Audit Office and Marius Gallaher, Alternate Treasury Officer of Accounts, were in attendance.

Witnesses: Dame Ursula Brennan, Permanent Secretary, Ministry of Justice, Mandie Campbell, Director-General for Immigration and Enforcement, Home Office, and Michael Spurr, Chief Executive Officer, National Offender Management Service, gave evidence.

Chair: Welcome. We have somebody new from the Treasury—Madeleine Smith—so I thought I should welcome you as well. Is this the first time you have been here?

Madeleine Smith: It's the second.

Chair: Welcome to you.

Madeleine Smith: Thank you.

Q1 Chair: On the whole, this is a good Report, in that you are building these things on time and in budget, and securing savings. Anything we ask is in the context of a genuine recognition across the Committee that the programme is going well, so well done on that. I asked this before, but tell me, out of interest, as it is going well, who is running it?

Dame Ursula Brennan: Michael is running it.

Michael Spurr: With support from the MOJ estates.

Q2 Chair: So it's run in-house?

Michael Spurr: Yes. Obviously we contract out the building and so on, but we manage it in-house.

Q3 Chair: So you manage it all in-house. Have you been at this for ever?

Michael Spurr: It feels like for ever, yes. Over the past few years, we have had the opportunity to do some things that we have been planning to do for a long time, to try to take a rather more strategic approach to managing the prison estate—that has been really good. We have been fortunate to be able to do that because the prison population has been stable over that period.

Q4 Chair: But how long have you been in the job doing this?

Michael Spurr: Thirty years.

Q5 Chair: Thirty years?

Michael Spurr: In this job, it's not 30 years—I have been in this area for 30 years.

Q6 Chair: But you have had responsibility for this programme since it started—you haven't moved on from it.

Michael Spurr: Yes.

Q7 Mr Bacon: Have you learned any lessons, Dame Ursula, from having someone with deep domain expertise running things? Is there anything that you think you might be able to learn elsewhere in your Department or, indeed, elsewhere in Government?

Dame Ursula Brennan: Deep domain expertise is absolutely vital, you are right. This Committee has discussed before the advantages of not moving people on so that they lose domain expertise. I think Michael also acknowledges that, in addition to deep domain expertise, you have contractual and commercial expertise and estates expertise. To run this programme, there is an estates group and there is estates expertise that is brought in alongside of that. But this is an operational delivery, and without operational expertise it would be a problem, so I acknowledge that that has been a great advantage here.

Q8 Chair: Having said all that—we accept all that—can you be clear to us on this? In paragraph 1.9 on page 16, you set out three objectives for this programme. Is there a hierarchy?

Michael Spurr: It's possible to achieve all three, and our aim is to try to achieve all three. There is no question but that over the past three years we have been trying to reduce

cost as our priority, because our savings requirements have necessitated that. But, as the Report makes out, we have managed to build durable accommodation that will be of good value for years to come, and I think we have built in strategically important places. We have therefore been able to make progress on all three.

Q9 Chair: I thought that would probably be your answer. Looking at it, cost seems to be the priority here. What you are now building are big prisons. The Report says they are cheaper to run. Probably the interesting question for us is that they are cheaper, but if you look at the cost-benefit over time, do they achieve all your objectives, even some of which are value-for-money objectives?

Michael Spurr: We have got to make the big prisons work well, and that is a fair and valid point made in the Report. I am confident that that can be done if they are designed well. The point is to break down a large prison, so that it does not feel like a large prison when you are in it, but feels like a number of smaller prisons with shared facilities, which is actually what the design at Oakwood gives us. Certainly for Wrexham, we shall be looking at how to design that prison, so that it feels differently—on a greenfield site, being able to look at individual units within that prison. That can mean that we can deliver good performance. We do deliver good performance in some large prisons already, so I think that it is a balance that we have to strike going forward.

Q10 Chair: When Lord Woolf did his seminal work on the prison system, he said that prisons “should not normally hold more than 400 prisoners...the evidence suggests that if these figures are exceeded, there can be a marked fall off in all aspects of the performance of a prison.” That was him. HMI, when it looked at prison characteristics that predict prisons being assessed as performing well, said: “Prisons holding 400 or fewer prisoners were...four times more likely to perform well...than large prisons holding more than 800”. The Prime Minister himself admitted in 2009, before he was in government: “The idea that big is beautiful with prisons is wrong.” So you have quite a body of evidence. I would certainly take Lord Woolf and HMI seriously—I could take the Prime Minister seriously, too, but it was when he was in opposition. The evidence suggests that this building big is clearly cheaper—you have proved that—but it may not be the way to get the best performance in terms of safety, recidivism and all those sorts of things.

Michael Spurr: The Report deals with that very well. It is clear that we have no evidence base, in reducing reoffending, that size can be demonstrated to have made a difference. Very often, people prefer to be in smaller sites, rather than larger sites, which is why when we build larger sites, we have got to try and replicate some of the good things that happen in smaller sites—

Q11 Chair: Can I just stop you on the evidence? The reason why I mentioned both Lord Woolf and HMI is because it struck me that Lord Woolf’s was a pretty seminal work on prisons, and HMI is who you would look to for evidence in developing your policies. I know that your answer is, “We haven’t got any evidence,” but I think that those are pretty important bits of work or statements that suggest to me a conflict.

Michael Spurr: I was separating reducing reoffending from wider performance issues, as the Report does. I think that Lord Woolf and the inspectorate were talking about how it feels for prisoners, with order and control and relationships, and there is evidence—

Q12 Chair: So safety?

Michael Spurr: Yes—well, safety relationships. The difficulty is that when you control for offender characteristics, that does mean that you can replicate some of those issues in larger establishments. Many of the small prisons that we have closed had niche populations, as the Report makes out; they were looking after life-sentence prisoners or sex offenders. There is an issue—again, not denying any of that—about whether we can replicate that with units in larger prisons that get the benefit of feeling that this unit is its own entity, with the benefit of having services such as catering provided centrally, which reduces cost. That, I agree, is a challenge. With Lord Woolf in particular, obviously, but looking at order and control after the Manchester riots in 1990, now we are designing prisons that can be broken down into smaller units within the larger walls.

Q13 Chair: So are Oakwood and Thameside designed in that way? Or are you just looking forward to Wrexham and to doing it there?

Michael Spurr: Thameside is a prison of 600, so not a huge one. The Report makes the point that it is therefore more expensive as a result. We are going to expand Thameside by another 300 places, which I think will be reasonable. We need those places in London, and there is now planning permission and space to do that—which we did not have previously. Oakwood is designed with units that are separate and with a lot of activity space actually on the units. We are going to go further with Wrexham to try to improve the design. It is a different approach. The chief inspector, though criticising Oakwood, did praise the design of it, so the question is, can we make that work with that design?

Q14 Chair: When was Oakwood opened?

Michael Spurr: It was opened in April 2012. It went to full capacity in February 2013.

Q15 Chair: Is it true that you insisted that G4S should start taking prisoners into Oakwood before it was ready?

Michael Spurr: No.

Q16 Chair: It is not true.

Michael Spurr: We wouldn't have asked them to take prisoners before they were ready.

Q17 Chair: I know it is early days on Oakwood, and we hope it will improve, but there is quite a lot. Ofsted failed it on all three areas of inspection. You had quite a lot of problems there with rooftop protests and the stuff in January. You had the HMI unannounced inspection in June '13, where he said, "There is a lot to do before Oakwood is operating anywhere near effectively." There are high levels of violence. Staff-prisoner relationships are not respectable. There is failure to tackle abusive or delinquent behaviour, a wide range of illicit drugs activity and one in seven prisoners said that they had developed a drug problem while in prison. It is early days, but that is a pretty damning record from the first inspection and those early days.

Michael Spurr: It was a very early inspection.

Q18 Chair: June '13. It had been open a year.

Michael Spurr: Yes, it had been fully open only from February '13. That is the point. Our own internal assessment said that Oakwood was not performing where we wanted it. We rated it level 1, before the inspectorate went in. It has improved. It will continue to improve. It is up to level 2 now in our performance assessment. I anticipate that it will get to level 3, which is "good standard of performance", this year. There is a whole range of areas that need to improve. You are right to pick up on education, which is not delivered by G4S, but by Milton Keynes college. It was rightly criticised for not delivering enough education. We are working that through with BIS, which is responsible for further education, and with that college. We are working with the health provider—Worcester health trust—and G4S to address all those issues, which are all important. The chair of the independent monitoring board at Oakwood has confirmed, and confirmed to the Minister who actually went a week or two ago, that that improvement has been occurring, and that reflects what we have seen in the data and from the people who I send onsite to Oakwood to monitor that.

Q19 Chair: Three people want to talk about that. Can I ask two questions on Oakwood specifically? First, how are you monitoring performance? Secondly, what penalties are in place to punish underperformance, particularly where private sector providers are providing prisons?

Michael Spurr: So the answer to the first one is that we have onsite operational public sector managers, who have run prisons, onsite at Oakwood, to be able to monitor daily what is going on there. We have the full range of performance data that we require all prisons—public or private—to be able to—

Q20 Chair: And the data is quality data? It is not just cost and—

Michael Spurr: No, no. It is a whole range of data, including quality data, measuring the quality of prison life. That is undertaken on our behalf. We developed it with the Cambridge Institute of Criminology. It looks at quality of provision. It is subject to the same wide range of quality measures as all prisons, public and private. It also has a very specific

set of contract delivery requirements, and if it does not meet contract delivery requirements, there are service credits, fines and penalties. Some of those were imposed last year in the early build-up, but have not been more recently, because it has been improving its performance.

Q21 Chair: How much can you fine them for—service level or whatever it is called? What penalty have they had?

Michael Spurr: I haven't got the total figure. We are into thousands of pounds overall, but they are actually around very specific requirements: "What is your drugs rate?" and "What is your level of violence?" There are other very specific performance measures. If they are not being met, we instigate service credits.

Q22 Chair: So things like the one in seven prisoners who said they developed a drug problem while in that prison.

Michael Spurr: It is obviously important, because the inspector would do what I do when I go round prison: try to pick up what prisoners are telling you. They often will tell you a lot of truth. I am slightly sceptical about people who say they developed drug problems in prison, given that 70% of people who come into prison have been involved in drugs. Equally, one of the issues is about type of drugs used in prison, which is often what they mean, because hard-drug users in the outside who are using things like cocaine can't get it in prison, and therefore they switch to something like heroin. They say, "I have picked up heroin in prison," but they have been using hard drugs outside. It is not my experience that people who are clean coming into prison easily pick up drug problems, but it is true that people switch their drug use in prison. For obvious reasons, we try to battle that and stop it happening.

Q23 Ian Swales: Following on from the Chair's points and still on Oakwood, I want to pick up on "purposeful activity" on page 28 of the Report. It states: "The contractor now running the prison, G4S, agreed to provide a high level of purposeful activity with the current facilities...but has struggled to do so." Why has it struggled?

Michael Spurr: G4S is providing 24 hours of workshop and other activities, for which it is currently directly responsible, but they are not yet of the quality that we would want. There is too much cleaning and not enough better-targeted activities that can support offenders to get employment on release. Like anything that is starting up or like any bid, you think you are going to be able to deliver to a particular standard, but it takes a while to get the right people delivering to the right standard. The actual failing at the moment is on education provision, because G4S is required to provide 24 hours of activity, which it is just about managing. That is why, in terms of contract service delivery, we are fine, but Milton Keynes College is not yet delivering the eight hours of education that it is required to deliver. It is currently delivering four hours of education only.

Q24 Ian Swales: Can I ask an obvious question? Is G4S, as a result, making more money than it would were it providing what you expected?

Michael Spurr: No, because it loses money when it does not meet its targets due to the penalties that are set out. We pay a fixed rate for the number of places that G4S has to provide.

Q25 Ian Swales: But it presumably has to finance this provision. If it has got people in to deliver and so on, it would be paying for that.

Michael Spurr: It is, but, as I say, it is now delivering 24 hours of activity, but it is not yet of the quality that I am happy with.

Q26 Ian Swales: I suppose this is another obvious question. Are the penalties greater than the costs that it is saving by not providing what it is supposed to provide?

Dame Ursula Brennan: On education, it is worth being clear that G4S is not providing the education, so the fact that Milton Keynes College is not yet delivering as it should does not save G4S money.

Q27 Ian Swales: Who is paying Milton Keynes College?

Michael Spurr: The Skills Funding Agency and Business, Innovation and Skills.

Q28 Ian Swales: So not G4S.

Michael Spurr: No.

Ian Swales: Okay. That's helpful.

Q29 Nick Smith: I have a couple of questions that flow from Mr Spurr's testimony. You talked about Thameside prison and the possibility of 300 extra places. I understand that Thameside is presently very expensive at some £50,000 a year per prisoner. What would the average cost per prisoner be with the extra 300 places?

Michael Spurr: I haven't worked out the cost for the 300, but I can do that and write to you. We decided to do something unusual at Thameside, which is strategically important. It is next to Belmarsh prison and the site is limited, but we decided that we could use those places in London, because we are short of good-quality, modern places in London. We overcrowded Thameside from the outset, and in doing so we negotiated a contract with the provider that built in the regime required for that level of overcrowding right from the outset, which brought the costs down. The overall cost per place of £51,000 is not the cost per prisoner, because it is overcrowded now by 300. The additional 300 places will take them to

1,200 in total. If we were looking at cost per prisoner and if we took off interest payments, because that prison was a PFI prison, it is currently £27,000 per prisoner.

Q30 Nick Smith: I understand that you are talking about the possibility of more workshops at Thameside. Can you tell us more about that? I understand that there are no workshops at the moment.

Michael Spurr: There is limited space for workshops. Thameside was designed on a relatively small footprint and it was to focus on education, not least because 70% of the prisoners are on remand and are going to court everyday, so you would not normally provide significant workshop space. By increasing the numbers there and by building an extra house block, we have required that workshop places are built as part of that expansion. We are able to do that now because we have been able to get some additional land. We will demolish some existing buildings there and we have got planning permission to expand, which in the long term will be good, because we do need modern facilities in London.

Q31 Chair: Dame Ursula, I want to go back to the previous question. The only way you get the £51,000 down is by institutionalising a policy that offends against all sorts of international agreements and conventions and that also goes against, I assume, the MOJ's own policy. Is that a sensible way forward?

Dame Ursula Brennan: Michael Spurr said that, from the start, we had crowded Thameside prison. There are some prisons where, right from the beginning, we know that it is going to be possible to have two people to a cell and to be able to manage that in a reasonable way. We do not aim to have overcrowding, but we know we have crowding in our prisons and—

Q32 Chair: But in Thameside you are, sort of.

Dame Ursula Brennan: And we know that reducing crowding would be very expensive. Taking out all the crowding across the system would be very expensive. We are perpetually having to manage the relationship between the size of the prison population, the location of the prison population and the type of prisoners. To build the space to have the spare capacity everywhere to be able to manage that is expensive, so for a very long time the Prison Service has managed a regime in which, where necessary and where the prisons are of an appropriate nature to do it, we do crowding. Some of the prisons we have closed were ones where the crowding was not appropriate—where you could not crowd reasonably within cells. There are prisons where it is possible to put two people to a cell without major problems. Because it would be so expensive to get rid of that altogether, we do do it.

Q33 Chair: We can come back to the contract. My real question on Thameside is this. The figure is over £50,000 per prisoner under a PFI contract, presumably signed years ago.

Dame Ursula Brennan: Per place.

Michael Spurr: Per place. Could I just add something? *[Interruption.]*

Q34 Chair: I know, but that seems a silly way of institutionalising it.

Michael Spurr: It was exceptional. I was the SRO; I took over being the SRO for that particular project and made a decision, because of the need for places in London, that almost inevitably, at the time we were building Thameside, it was going to be crowded. We were therefore recognising where we were at that time, because Thameside was built slightly before Oakwood and before the changes we made in 2010. We decided that it was better to build that in from the outset and get a regime for it. If we had had the luxury of being able to reduce overcrowding, I would have reduced it at Pentonville or Wandsworth, where there were worse conditions. But that was exceptional. I just want to make this absolutely clear: that is not our policy going forward. There is no crowding built into Wrexham. There is a mixture of single and double cells, but the double cells will be large enough for two prisoners. That will not be overcrowding built in from the outset. It will be a mixture of single and double cells, as we build in most prisons now.

Q35 Fiona Mactaggart: I think that what this Report says is that you are good at saving money through capital and buildings, but you are not doing very well with people, and that is what I want to focus on. I want first to follow up the Chair's point about whether smaller prisons work better. According to figure 17, smaller prisons outscore larger prisons on every single feature and particularly on relationships between staff and prisoners and on dealing with drug use. This is in each kind of prison. That makes me concerned about the consequences of this drive to save money through bigger prisons. It seems to me that one could save money in other ways. For example, we still see an appalling record on dealing with foreign national prisoners and removing them. There is something like 10,000 foreign national prisoners. I am looking at the figure in the Report, which says that about 20% of a sample were not referred within 30 days to the Home Office, although nowadays most of them seem to me to be in specialist prisons. Am I right in thinking that most are in specialist prisons?

Michael Spurr: They're not necessarily all in specialist prisons, but they're in—

Q36 Fiona Mactaggart: No, I didn't say "all"; I said "most".

Michael Spurr: I was going to say that we have a large number of foreign national prisoners in a limited number of prisons, some of which are all foreign nationals. In some cases, there are large populations in other prisons that are not all foreign nationals but have a significant proportion.

Q37 Fiona Mactaggart: Exactly. You would expect, in those circumstances, that there would be a level of expertise, yet I think that what this Report is saying to us is that

there aren't any algorithms or processes among staff to ensure that they ask the right questions first to see who can be removed efficiently. The first right questions are, "Do we know your nationality? Are you able to get a passport?" They are two very simple questions, and it is not clear to me that that is actually happening. In fact, the Report seems to say that a lot of effort is put into dealing with prisoners whom we will never be able to remove, probably because you do not know the answers to those two questions. Why hasn't that been sorted out? I worked in this field 10 years ago, and I banged on a lot about this being the question that you need to start with on foreign national prisoners, "Do I know what nationality you are? Have you got a travel document?" You need to ask those questions before you do anything to remove such prisoners. Reading the Report, I am not convinced that you have solved those two questions, which are the ABC. Have you solved them?

Dame Ursula Brennan: I was only going to say that establishing someone's nationality and identity is not always simple.

Q38 Fiona Mactaggart: I understand that, which is why I'm saying that you should pick first the ones that you can establish.

Dame Ursula Brennan: There are prisoners who do not want to be clear about their nationality and identity. It is not just a question of our not bothering to ask so we don't find out; it is not always straightforward to establish that fact.

Q39 Fiona Mactaggart: I absolutely know that, which is why I used it as an example. I know that, if you start there, you know the ones who are in a relatively slow lane and the ones who are in a relatively fast lane. One of the things that strikes me is that there are a number of prisoners who want to be removed yet do not get removed efficiently. It seems to me that more efficient processing could save thousands of pounds. I do not see any effort being put in to more efficient processing.

Michael Spurr: I think our relationship with the Home Office has grown, and a huge effort is going in to trying to identify and remove foreign national prisoners. I am in no way undermining what the Report says. More can be done on that basis, so I take your points. Mandie may wish to say a word about where the Home Office is, but we are concentrating more foreign nationals on a smaller number of prisons. We have Home Office staff based in some of those prisons who are able to support prison officers. We are doing more work with the Home Office to try to identify those people before they hit the prison reception, because the earlier that we can start the process, as you rightly say, the more success we will have at being able to remove people quickly.

Mr Jackson: Can I just press you on that?

Q40 Chair: I want to bring in Mandie Campbell first.

Mandie Campbell: It is exactly as Michael has just suggested. Effort is being made much earlier in the process, so we are changing a lot of the work-flow processes.

Q41 Chair: You are changing, or you have changed.

Mandie Campbell: The roll-out of the new work-flow tool started in the middle of last year. The tool reprioritises things in a more logical sequence to get as much of the data needed for documentation and to deal with human rights claims right at the start of the process. The tool was built originally for asylum casework, but it has been developed for foreign national offenders. Because of the complexity of foreign national offender cases, which often stretch back tens of years in terms of family ties and length of being in the UK, it has taken a long time to get it fully developed. That has been rolled out from the middle of last year, and we hope that the roll-out will be complete throughout the casework operation by this April. That will enable us to prioritise things in a much more sequential way.

Q42 Chair: I think this is a crude figure, but the Report says that you are 18% down on the number that you are sending home to their country of origin from where you were in 2009.

Dame Ursula Brennan: Is that not related to the big backlog prior to 2010? Some of the flow has equalised, so there are actually fewer people.

Q43 Chair: You still have a backlog, haven't you?

Mandie Campbell: The number of removals is said by the Report to be down by 14% over the period.

Q44 Chair: I have it as 18%. I apologise, but 14% is still pretty bad.

Mandie Campbell: There are reasons for that. First, the number of appeals lodged by foreign national offenders has risen by 13%.

Q45 Fiona Mactaggart: If you start early enough, it should not delay their removal.

Mandie Campbell: We are now removing about 48% of people during their early release scheme period. That is a period prior to their earliest release date, so we are moving the removal process as early as possible in the prison sentence. I recognise that we are not there yet and we do not have all those people through that process, but the movement is to an early release period.

Q46 Mr Jackson: It is 18%—page 42, paragraph 4.8. You are quite rightly focusing on the micro, day-to-day management issue. I know that we are not looking at policy per se, but a lot of this is about bilateral arrangements with foreign Governments. Are you required to report on a regular basis, and are you made aware of the status of the negotiations for

bilateral arrangements—for instance, to take prisoners from Nigeria or Jamaica? That is the first question.

Secondly, I may be missing something, but about 1,000 prisoners in our prison estates are Irish nationals. Why don't you put them all on a coach, take them to Anglesey, put them on a ferry and send them back to Ireland? What am I missing here?

Austin Mitchell: They might not want to go.

Mr Jackson: Well, they probably don't want to go. Perhaps that is a flippant example, but there are 1,000 of them and it would be relatively easy to remove them to the Republic of Ireland. Why aren't they moved? Why is it taking such a long time?

Chris Heaton-Harris: The European Union has an agreement on prison transfers. Why aren't we operating it to the level that we possibly could?

Mandie Campbell: Michael might want to talk about prison transfers, then I will come back to the point about the bilateral relations.

Michael Spurr: On prison transfers, until recently, we had voluntary agreements, which required the agreement of the prisoner to be transferred. We have now got the European position, which means that we can compulsorily transfer to other European states, but not every European state has yet ratified that; it has to be ratified by December this year. My understanding—forgive me if I am wrong—is that Ireland has been exempted from that, in terms of where we are operating between the UK and Ireland.

We have just been negotiating a compulsory transfer agreement with Nigeria, and we have been negotiating a compulsory transfer agreement with Albania outside the EU. I anticipate that we will compulsorily transfer some Albanians this year. That will be important, because although the European agreement has now been reached, there have been very few prisoner transfers across Europe on that basis. We will be aiming to do some of that this year, probably with Albania to begin with. Where we have got a ratified opportunity to do that across other European countries, we will be looking to transfer as many as we can.

Q47 Chair: Mandie Campbell on the other question.

Mandie Campbell: There is a range of ongoing programmes with a number of the countries to which we have the most difficulty removing prisoners, and we are looking to improve our relationship with them, particularly in terms of documentation. What we find is that different countries have very different requirements. With some countries, simple biographical details are sufficient to get a travel document. Other countries require personal interviews by members of the embassy or home visits in the home country to the person's house in their village to determine that they once lived there before a travel document can be agreed to. We are working systematically across government, drawing in partners from the Foreign Office, DFID, colleagues from NOMS and the Ministry of Justice to do everything we can collectively to negotiate with various counties to improve the speed of the documentation process.

Q48 Chair: Can I just say that para 4.8 on page 42 does say 18%, and then it says, “Removals and new convictions are currently roughly equal to one another”? So you are not making any inroads into your backlog. I accept all the difficulties you are facing, but I can’t understand why a one-off drive at it could not give everybody the comfort that you are getting the overall figure down, rather than matching in-out?

Meg Hillier: Can I come in on that specific point? The Magee review of the information services in the Home Office looked at what data is collected, and at what point in the system it is collected. I don’t know where it has got to—perhaps you can update us. It looked at collecting useful data almost at arrest stage, so you are well ahead by the time someone gets to prison. We are still talking about getting it a bit earlier than the prison gate. How much earlier are you getting information about people’s nationalities? Are Home Office officials still embedded in police stations so they can pick up immigration issues at that point?

Chair: Two sets of questions there.

Mandie Campbell: So, in relation to the second point, we have officers based in a number of police stations, particularly in the Metropolitan area in London under Operation Nexus. That is looking, exactly as you say, at getting foreign nationals at the earliest stage in their criminal process, and removing them if possible at that stage. We are rolling out Nexus to a number of other forces around the UK, with the intention that it will be in all forces in England and Wales.

Q49 Meg Hillier: Have the numbers gone up or down of embedded immigration officers the past five years?

Mandie Campbell: We have had officers embedded in police stations for two years. Over that two-year period under the Operation Nexus arrangements there have been about 1,500 foreign nationals removed through that process, as a direct result of having them embedded in police stations. That is why we are looking to roll that out.

Q50 Meg Hillier: But they were embedded before two years ago, so I was wondering whether the numbers have gone up or down.

Mandie Campbell: That was on a more ad hoc basis. This is now a recognised relationship with the Metropolitan police, where officers are there routinely for referrals of all foreign nationals who come in.

Q51 Ian Swales: Figure 23 says that 44% of prisoners are not even rated for removability. What are you doing about that? It is one thing to say, “We can’t remove this prisoner.” This is saying, “We don’t know in 44% of cases.”

Mandie Campbell: That's to do with where they are in their prison sentence. If somebody is sentenced to nine years' imprisonment, we would not necessarily rate them at that stage, because they would not become removable until—

Q52 Fiona Mactaggart: Maybe you should be rating them at that stage, because you know. You could sort out their travel documents and so on.

Meg Hillier: That was what we were just saying about Nexus. What is Nexus about?

Mandie Campbell: Yes. The idea is that, of course, we will get as early in the process as possible, but, with the resources that we have, the early-release scheme only enables us to remove somebody at a maximum 270 days before their earliest release date. So if somebody has been sentenced to a very lengthy time in prison, we would not prioritise those.

Q53 Chair: Is that a resource or policy issue?

Mandie Campbell: It's both. We are working within a budget.

Q54 Mr Bacon: You have separate agreements with foreign Governments for exchanging prisoners, so that they can serve their prison sentences overseas. We actually looked at that on the Committee some time ago. The evidence was clear then that the UK would benefit because there are more foreigners here committing crimes than there are British people abroad committing crimes, and both groups being in prison. So if you exchange them, we end up net better off. You mentioned an example of nine years and said that, until they came nearer to the early-release date, you would not get round to rating them. Why not?

Mandie Campbell: That's the prisoner transfer agreement arrangements.

Michael Spurr: I am responsible for the prison transfers.

Q55 Mr Bacon: It doesn't sound as if you are talking to each other, if they are capable of being transferred long before. I am not clear, Mandie Campbell, why the period of their sentence in this context is relevant. If they have a sentence of 13, nine, 22 or 16 years, if you are going to exchange them and have them serve that sentence overseas, why does the length of the sentence matter?

Mandie Campbell: The removability rating does not impact on our ability to transfer them through a prison transfer arrangement. This is about a deportation process assessment. The removability figures in figure 23 are about deportation as opposed to a prison transfer.

Q56 Mr Bacon: So if a transfer were going to occur, it could occur anyway regardless of whether this rating had taken place or not?

Mandie Campbell: That's right.

Michael Spurr: Yes, we will do that once we have the ability to do it, because we have ratified compulsory agreements. We have been stymied a bit because up to now it has been voluntary agreement, which meant that the prisoner had to agree to the transfer. That is not the case in the EU in future. There are exemptions, I think, for Poland for five years, and I think there is an exemption at the minute for Ireland. But for other European countries, we will be able to transfer back on a compulsory basis, without prisoner agreement. That's the point.

Q57 Mr Bacon: There's an exemption for Poland?

Michael Spurr: It was negotiated for five years for Poland; that is my understanding.

Q58 Chair: I am going back to Fiona. I just want you to answer my question: why have you not done a special surge at this instead of just maintaining the same figures? Why did you not have a go at it to get those figures down?

Mandie Campbell: As I mentioned, we are now removing almost half of people from prison within their early-release period. That is a significant improvement.

Q59 Chair: You're removing only the same as you are getting in. That is what that para says.

Mandie Campbell: Slightly updating that, we are now removing more people than are coming into the system. I accept that it is a slow process, but the actual stock is now reducing, as the flow is increasing.

Q60 Chair: By what?

Mandie Campbell: Forgive me, I have been in this role for five days.

Q61 Chair: Well, they should have sent the previous person. I don't know why you are giving evidence to us. Where is the person who was previously in your role? I don't know how we've ended up like that. We hate that.

Mandie Campbell: I am sorry, but I am very happy to write to you—

Q62 Chair: Who was in the role before? Are they still in the Home Office?

Mandie Campbell: They are. They were in the role temporarily before my appointment.

Q63 Chair: What does “temporarily” mean? How many years?

Mandie Campbell: Just a few months.

Q64 Chair: Who was in the role before that?

Mandie Campbell: It was a newly created role.

Q65 Chair: Who did this work?

Q66 Mr Bacon: The first person was temporary. Is that what you are saying?

Mandie Campbell: The first person in the role as head of immigration enforcement was temporary. The Border Agency was split—

Q67 Mr Bacon: So they were replaced by you, and you are the first permanent one.

Mandie Campbell: That’s right.

Q68 Mr Bacon: How long did the temporary person, who was there as the first appointment temporarily, hold the post before you were appointed?

Mandie Campbell: They came in on 1 April.

Q69 Chair: Who did the job before 1 April?

Mandie Campbell: It was a part of the Border Agency, so—

Q70 Chair: Who did the job?

Dame Ursula Brennan: I suspect these jobs were reorganised in terms of precisely who did what and there was not an absolute match for this role in a previous existence.

Q71 Chair: This is hopeless if you do not get the person who was actually responsible.

Mandie Campbell: Can I make it clear that I am responsible for this area, so I am happy to be here giving evidence? If there are certain things that I am not able to answer

because of the amount of time I have been in the role, I will of course write to the Committee and answer the question.

Q72 Chair: You have not answered the question. If you are trying to get the overall figure down, you just give it a spurt.

Jackie Doyle-Price: I think the changes are reflecting that, to be fair. This has not been managed properly in the past; that is why we have instituted the change to the structure, and that is why we are where we are.

Chair: That may be right, but it may not be.

Q73 Ian Swales: Your CV says you were the chief operating officer of the Border Force from May 2012. Is that right?

Mandie Campbell: That's right.

Q74 Ian Swales: So wasn't this part of your role under a different name?

Mandie Campbell: No, I was responsible for the controls at ports of entry.

Q75 Fiona Mactaggart: We are pressing this because 1,000 prisoners cost £28 million a year. Finding ways for their not being inside prisons saves the taxpayer £28 million. We have just heard about this new across-EU arrangement for prisoner transfer, which could have a big impact on the number of people in our prisons, and which is coming into effect at the end of this year. What preparation for that is in place now, and how can we know that you are actually going to make the most of that, because, at the moment, I think this Committee is not convinced that there is someone with their foot on the accelerator to start training people and make sure that that happens?

Dame Ursula Brennan: This question of foreign national offenders is a source of great concern across Government. Between the Home Office and the Ministry of Justice, and also with colleagues in the Foreign Office—I cannot remember where else—there is a cross-Government programme to address these issues. People have looked at all the headings to do with prisoner transfer agreements, voluntary departures, compulsory departures and asylum-related departures, and how we capture information about people. I can assure you that this is taken very seriously.

Q76 Fiona Mactaggart: We keep being told that, but if you look at figure 22, the number of removals is going down. We are trying to focus on the facts, not on what people wish would happen. We understand that people wish to remove more foreign national prisoners within a proper legal framework as effectively as possible. We understand that that

is what people want to do. What we are concerned about is that you are failing to do that, at a cost of £28 million per thousand foreign national prisoners a year.

Dame Ursula Brennan: I think there is a question about stocks and flows in relation to the work that was undertaken in the Home Office to reduce the backlog that existed, and that is now getting to a steadier state. There is also the question—it has been successful, as I understand it, in relation to the Home Office—of actually stopping the flow of prisoners coming in in the first place. The most important thing of all is being able to stop people at the border, to stop them even getting into prison. There is a range of things happening, and I am not sure that that figure for removals is necessarily the most—

Q77 Chris Heaton-Harris: Last week, as you will no doubt be aware, in my constituency, a nice young Albanian man was arrested. He has done three terms already in British prisons. We have got rid of him three times, so he has been recycled in that number several times already. We nicked him for cocaine—he went down for cocaine sales and stuff like that last month. Judge Bray said that our borders must be “leaking like a sieve” and there is no joined-up thinking through the top of Government on this issue, and you have to think, “Actually, maybe the bloke has got a point,” because it is really frustrating. You say that foreign national offenders cause great concern and there is cross-governmental working. There is cross-party concern, but there is more than anecdotal evidence that things are not working properly out there. What is the big change that will stop my Albanian friend coming back a fifth time?

Mandie Campbell: There are changes coming in the Immigration Bill that will restrict appeal rights significantly. As I mentioned before, there has been a 13% increase in appeal rights. The Bill will make that much more difficult. It will also put in statute the requirements for article 8 as they refer to foreign national offenders, and therefore, show that public interest actually is more important if somebody is a foreign national offender—and particularly, a very serious foreign national offender—than the rights of the individual who is making those challenges.

Q78 Mr Jackson: I had a similar case last week. A Romanian was committing crime—theft and robbery—in Essex, and was ejected from the UK last September, but came back and lives in Enfield in north London. The person was travelling up on the train to Peterborough, shoulder surfing with a gang and robbing older people and has gone to prison again. We are not asking about the Immigration Bill, because we know about that. We are asking what practical measures you are taking at bus stations, coach stations, airports and ports to stop the criminal dregs of Europe repeatedly coming into our country and committing crimes against our constituents—in practical terms? That is the thing that concerns us—not article 8 of the European convention on human rights, because that is an irrelevant issue.

Mandie Campbell: Part of the programme of work that Ursula mentioned is about foreign criminality data and how we better take criminality data from overseas jurisdictions so that it is available at ports of entry. Part of that information comes with the advent of CIS 2—the European information system—which will be available to officers at ports of entry from this time next year.

Ian Swales: What about UK criminality data?

Q79 Mr Jackson: Why is it this time next year? We have had free movement since 1 April 2004. Why have we not shared criminal records data with Lithuania, Poland, Latvia and these countries? This is 10 years on. Why do we have to wait another year before we can share data?

Jackie Doyle-Price: It will make no difference, because they are coming in the back of lorries. If we are talking about Albanians and Romanians who have been convicted of criminality, they are not coming through legitimately—they are coming in the backs of lorries.

Dame Ursula Brennan: We have rather moved off the question of removal—

Q80 Chris Heaton-Harris: We have, but if you would very kindly write to us about the number of people—

Fiona Mactaggart: You did say, Ms Brennan, that part of the action that you were taking was stopping them coming in in the first place, which opened the door to this conversation.

Mr Jackson: You opened that door yourself.

Dame Ursula Brennan: I was trying to make the point when you asked us what we were doing that we are addressing the issue across the piece. The thing that is in this Report relates to removals. One of the points that we have been making in relation to removals is that in many cases, we are constrained by the fact that the agreements we make with countries refer to voluntary removals rather than compulsory removals. That is a reason why we also have—

Mr Jackson: This is really important. People can only come from these other 26 countries if they are exercising their treaty rights under the free movement directive. They cannot tick a box saying, “I am a criminal. I am coming to commit crime.” They are here to work or to study, or they are actively looking for work or are self-employed—that is exercising their treaty rights. Border officials at every conceivable border into the United Kingdom are quite within their rights to say, “You are a criminal from Lithuania. You have just come out of prison for burglary. We don’t want you in this country, because we don’t think you are going to be exercising your treaty rights.” That has nothing to do with bilateral agreements at a high level of the European Union. It is about practical policing and border security. Both of you should be addressing that issue and not waiting another year before putting into action things that are desperately needed now.

Q81 Ian Swales: Since we are talking about the prison estate, do you know how many UK criminals are likely to be repatriated here as a result of the transfer agreements?

Michael Spurr: I do not know the total, but it is much smaller than the number that can potentially go elsewhere.

Q82 Ian Swales: But how many? Is it tens, hundreds, thousands—you need to know, don't you?

Michael Spurr: I am sure that colleagues know, but I do not have the figures with me today.

Q83 Ian Swales: Perhaps you could write to the Committee on that, along with the other things, so that we have the picture of that side as well.

Michael Spurr: Yes.

Q84 Chair: Two more questions on removals—one from me and one from Guto. First, do you have removal targets?

Mandie Campbell: We do not. We are working to remove as many foreign prisoners as we can, as early as possible. That is our target.

Chair: So there is no target.

Q85 Guto Bebb: You mentioned that the Republic of Ireland and Poland are exempted under the EU terms of agreement for removal.

Michael Spurr: I think that there is an exemption for Poland and that there was an agreement that we have bilateral relations with Ireland. That is my understanding.

Q86 Guto Bebb: Could you expand on why the decision was made that there would be an exemption in relation to 1,000 Irish prisoners?

Michael Spurr: I cannot—that is not within my remit. I understand that there is continuing dialogue with Ireland, but I am simply reporting to you what I currently understand the position to be.

Q87 Fiona Mactaggart: Perhaps someone could write us a note about what preparation is in place for the EU mandatory removal transfer. We need to know that there is a training plan and preparation for it.

Michael Spurr: I am happy to do that, and yes, there is. I have an individual, Graham Wilkinson, who has been very much involved from our end in looking at how we will respond. It is, of course, dependent on other European countries allowing it to happen.

Q88 Fiona Mactaggart: I absolutely accept that, but our anxiety is that doing things as and when is a little unfocused. There is another group of prisoners who are stuck in prison and could be removed: those who are unable to follow courses that are usually required before the Parole Board decides that they are safe to release. The Report tells us that there are probably some 5,000 or so indeterminate prisoners under the old sentencing regime, many of whom do not get access to courses, some of which have been cut. The proportion of courses to be offered this year is something like 5% fewer than was the case two years ago, despite the backlog. What is happening in order to save money by enabling such prisoners to become safe so that they can safely be released by the Parole Board? How big is the current backlog of cases to be heard by the Parole Board?

Michael Spurr: It is obviously a priority for us to be able to progress indeterminate-sentence prisoners through their sentence. We made the decision three years ago that we would not reduce the overall resource in programmes, and we have not done that. It is true that while closing some prisons, we should have been sharper on making sure that we were able to relocate some programmes—that is brought out by the Report and I accept that. Overall, however, just short of 90% of all IPPs who are post-tariff—

Chair: IPPs?

Michael Spurr: Sorry, indeterminate public protection cases—those who do not have a formal release date and are released only once the Parole Board determines that their risk has reduced. Of those who are post-tariff—that is, they could be released if the Parole Board felt that that would be correct—90% have done at least one programme, and many have had more than that. Of the total number of indeterminate public protection prisoners, 79% have had a programme. So it is not just about the fact that we have people post-tariff; we are now in the position where nearly 80% of all IPP prisoners have had programmes.

It is really important to say that a programme on its own is not necessarily the way through to being released. It is only one of a range of interventions that you do with an individual. Not everybody is going to be suitable for programmes. We are also looking to target our programmes better. That means, particularly for sex offenders, looking at who gets the biggest benefit from the different types of programme we have. That means that we are reducing our shorter programmes and having longer ones. That is one of the reasons there is a difference in the number of completions even though our resources are largely the same; because all the evidence is that the shorter programmes have less impact than the longer ones.

Q89 Fiona Mactaggart: So what is the average waiting time for a programme?

Michael Spurr: We do not have an average waiting time. We are going to collate that. What we did put together, in terms of that, was a board to oversee what was happening to indeterminate prisoners. So each prisoner has their own sentence plan and what we made clear was, although most prisoners could benefit from a whole range of interventions, our aim is to do what is necessary to get to a point where they go before a Parole Board, and the

Parole Board can make a judgment about whether what has happened to them is sufficient to be able to convince them that the risk is reduced.

We took the point from the Report that, actually, we should know what waiting lists are, but we have to be clear that those waiting lists are the ones we have approved. Very often offender managers will effectively say a person could benefit from a whole range of different things, and then we have to prioritise what it is that we are actually going to provide for the individual, and we need to get, again, sharper on that.

Q90 Fiona Mactaggart: I also asked what the waiting time is for people to appear before the Parole Board. It is costing us millions at present.

Michael Spurr: Again, I am sure we can tell you the backlog and waiting time for the Parole Board, but I don't have that information at my fingertips today.

Q91 Fiona Mactaggart: Do you accept that this Report says that you have done a decent job in terms of the capital arrangements—although I don't agree necessarily with the assumption that big prisons are good—but nevertheless that you have managed to save a substantial amount of money in those ways, but there are huge savings to be made if you got the management of the lives of prisoners more efficient, through removing foreign national prisoners and through enabling prisoners with indeterminate sentences, or other sentences where they have to be approved by the Parole Board before they are released, to be able to do that efficiently and effectively?

Michael Spurr: The Report says there is more we can do on that area, and of course I accept that. In terms of indeterminate prisoners I think we have done a huge amount over recent years because that population built up very quickly. We had to restructure our resources.

Q92 Fiona Mactaggart: We all know now that it is shrinking, after the sentencing—

Michael Spurr: Sentence is now shrinking, but, equally, there are now, after a number of years, three-figure releases every year from the Parole Board. There were 440, three hundred and something, and I think it will be above 300 again this year, which means that people are now progressing through the system and being released. That is important, obviously. So I agree that that is right. I think it is a bit simplistic to link it all to programmes, and I have argued internally, an awful lot, that that is only one issue. Yes, you get a tick if you have been through a programme, but a risk assessment should be much wider than just putting somebody through a programme.

Q93 Fiona Mactaggart: Indeed, but one of the things that a risk assessment is about is the relationship between staff and prisoners and the continuity of care. One of the things that we have learned from this Report is that that is one of the things that is less successful in the big prisons that we are building.

Michael Spurr: This Report says that the performance at Oakwood and Thameside has not yet matched the performance of some of the places that we closed, and rightly, I think, identifies that we have to urgently address that. We will urgently address that. I do believe the performance can be improved. I have accepted in performance terms that, as this Report makes clear, smaller prisons are places that people like to be. Once you control for prisoner characteristics, my own view is that we can replicate that in larger prisons.

Q94 Chris Heaton-Harris: Just to finish off a previous point, would you be so good as to write to us about the number of EU nationals in our prisons and other foreign national prisoners in our prisons, and those that have been there more than once, like my Albanian friend? How much do you spend on interpretation within the Prison Service, as well?

Dame Ursula Brennan: We will let you have what information we have on that subject.

Q95 Chris Heaton-Harris: I am going to be very complimentary, actually, because I thought the Report was really good. I have in my constituency Onley and Rye Hill, and Rainsbrook secure training centre, so I try and follow what you are doing as closely as I possibly can. I have noticed on my visits to those places the influence of the flow of prisoners from London. I notice in the Report, in your estates strategy, one of them is the first point that the Chair was talking about: “provide an estate that meets offenders’ needs better, allowing more to work and be kept closer to their homes.” But equally, I have seen in the two prison establishments I mentioned, a huge number of people who were there because they got involved in gangs, so, for them, maybe being close to home is not the best thing. How does your estates strategy match your reoffending strategy?

Michael Spurr: I was actually in Onley and Rye Hill only last week, so I was able to see for myself what prisoners were there. You are right that Rye Hill is a longer-term prison with longer-term prisoners serving some very long sentences, such as 32 years—big sentences. Those people we do not keep close to home; we keep them in the right security category.

Increasingly, we have determined that a number of sites will take a proportion of London prisoners. That is because as we move through the transform and rehabilitation reforms, one of the responsibilities we will have will be to designate individual prisons as resettlement prisons and aim to get prisoners into those prisons for the last six months of their sentence. Ideally, in most parts of the country, they will be within a geographical area close to their home, but we still have a deficit of places in London. In recognising that, we will therefore designate some prisons not in London that will have services from London put in to support some of the prisoners there. Onley is likely to be one of those sites which will have, therefore, some prisoners from the local area but also services to support prisoners returning to London.

Q96 Chris Heaton-Harris: I have spent a lot of time seeing examples of what the National Grid young offenders scheme has done. I believe that that has grown, with 80 companies working with them, and I believe that you are very much engaged with what they

do. Perhaps the problems we find in education provision, which are highlighted in the Report, such as the Milton Keynes College contract that you mentioned, could be amended in such a way that progress towards exit from our prisons has more hands-on rehabilitation work, like that in the National Grid young offenders scheme. Perhaps that could be offered in more institutions.

Michael Spurr: I agree with that. I would love to do that, and I have met with National Grid several times about that scheme—it is a fantastic scheme. We want to do more of that. I am going to see Ofsted and Sir Michael Wilshaw about what we can try to do in terms of linking education with resettlement and work. I take the point that this is about capital building and so on, but you are quite right that trying to provide better support for resettlement is critical.

The idea of moving to resettlement establishments, if we can have some stability and get people from the community working in those establishments, I believe is the right thing to do. It is better to have people from the community working in the prison and seeing them through the gate than the other way round.

Q97 Guto Bebb: I will also be fairly parochial in my questioning. The Wrexham development is obviously big news in north Wales and, generally speaking, it is welcome. One of the issues highlighted in the Report is the difference between small and large prisons and one of the key findings, which gave me some confidence, is that no difference is shown between offending rates in larger and smaller prisons. Is that related to the activities that can be offered? I notice in relation to Wrexham that there is confidence that the number of purposeful activities on offer will be significant. To what extent was that designed into the Wrexham development?

Michael Spurr: We certainly take the point that the NAO make, which is that we need to be more flexible in providing activities. That is made in this Report. We did provide decent activities at Oakwood, but we will do more at Wrexham to make sure that there is the right range of facilities necessary for training, support and resettlement for individuals.

The issue about reoffending is largely around the characteristics. Once you control for characteristics of offenders, it is difficult to find a statistical difference. But I do think, as I was saying earlier, that the trick will be to design Wrexham not as one large, 2,000-place prison, but as a number of 400-place prisons that happen to be on the same site. That is absolutely what we are looking to do.

Q98 Guto Bebb: Are you following a pattern for the design principles, or is this a first?

Michael Spurr: No. We have been evolving our design principles, because obviously we have been building and building with private sector partners, etc. So we have developed our design from Oakwood. This is rather better; it is a much larger brownfield site, but it is a site that we can design. Oakwood was on a particular footprint that limited what we were doing. It was a very long site, whereas this is a very good site for being able to design exactly what we want.

Q99 Guto Bebb: I do not want to sound too ignorant on this issue, but I think the figures in Wrexham will be 2,100 inmates roughly.

Michael Spurr: Yes.

Q100 Guto Bebb: Does that reflect the 58% of cells that will be dual capacity, or would that dual capacity result in a larger number of inmates?

Michael Spurr: No, that is the total. There will be no overcrowding. There will be a mixture of single and double cells, and the maximum number we will hold there is 2,100.

Q101 Guto Bebb: What is the rationale behind having dual occupancy cells, given that this is a new build and this is going against recommendations from the UN and the Council of Europe? If it is a new build prison, why are 58% of rooms holding two inmates? What is the rationale?

Michael Spurr: Balance of cost regime. Also, I have talked to a lot of European colleagues and I don't know a prison system that does not have a mixture of double cells and single cells. There is actually some advantage in having double cells as well as single cells. It is a question of balancing a sensible arrangement, value overall and regime. The key thing is we will design the cells to be big enough to have space for people to be able to be separate within the double cell, and we will have enough regime and activity for all of the prisoners.

Q102 Chair: I agree with Guto on this one. It just seems to be short-sighted to build in something that five or 10 years down the line—we hope that we are building for the longer term—may well become redundant, because it does not meet any of the international standards. I can see why you want bigger cells. The other thing is that bigger cells cost you a bit more, and the floor space itself will cost.

Michael Spurr: But it is a guideline; it is not a requirement.

Q103 Chair: But 58% in Wrexham—it's a lot.

Michael Spurr: It is the mix of double cells. 58% of people will share; it is not 58% of cells.

Q104 Chair: So you will go for overcrowding before you start?

Michael Spurr: It's not overcrowding; it is a mix of double and single cells. Many countries culturally would automatically have people sharing cells. If you talk to some prisoners—NAO colleagues talked to some prisoners—many of them would prefer to be on their own. It depends where you are. Sharing is normal across many jurisdictions, and some

people prefer to share. Indeed, in some cultures being in a single cell would be seen to be a much greater punishment than being in a shared cell. So it seems to me that there is a balance to be struck around that.

Q105 Austin Mitchell: Can I just ask about the deportation of foreign prisoners? The NAO says it examined some cases, and the Home Office looks to be inefficient from that examination. The cases are not quantified, beyond the fact that there were about 20 cases that were being dealt with. Paragraph 4.13 of the report says: “Some cases were left for many months...Most files were bulky with no effective indexing system”, so that whenever there is a change of staff people find it difficult to catch up with what is going on. Paragraph 4.13 continues: “Some records were poor, making progress difficult. Problems included files incorrectly linked and files with unacknowledged duplicates.” It looks like you are pretty inefficient at the Home Office.

Mandie Campbell: This was a small file sample, but we absolutely recognise the problems found by NAO colleagues. I think I mentioned before that some of these cases are cases that have been involved in the immigration system over very many years, so they are big files, they are complex and they are added to as people come in and out of the country and commit additional offences. There is an issue with those files, but they are very complex cases, often with people with multiple families and multiple children by different partners, so it is very difficult to keep them.

Q106 Austin Mitchell: I see the problems, but the files are still in a mess, aren't they?

Mandie Campbell: The files are chronological, but they are bulky, so people need to work through them to understand the chronology of the individual offender before they can obviously ensure that they make the right decision later in the process. We need to get better at the things that the NAO has highlighted. We have taken those lessons on board and we are working our way through them and, as I said, improving our processes where we can to make sure that we become more efficient.

Q107 Austin Mitchell: I have a further question on that. Paragraph 4.7 of the report states: “Prisoner transfer agreements’ exist with a number of jurisdictions to allow prisoners to serve their sentences at home.” How many of those agreements are there? Can you just give us a number on that? How many people have been transferred under those agreements?

Michael Spurr: That is the conversation I was having earlier. It is primarily now the EU where there will be compulsory transfer agreements. I do not have the figure on the number of agreements.

Q108 Austin Mitchell: Can you give us the figure on the agreements in writing?

Michael Spurr: Yes. We have been asked to write to you on that, and we will.

Q109 Austin Mitchell: That gives rise to a further question. Most civilised countries send fewer people to jail than we do and they usually send people to prison for shorter periods than we do. We are a fairly vindictive society in that respect. Can you quantify how many cases could not be transferred because in their home country the offender would not have gone to prison for that offence?

Michael Spurr: I cannot quantify that. The agreement will be that if we transfer the prisoner, they will serve their sentence in that country as they would have here. We will write to you about that. The point I was going to make was that up to now we have had voluntary agreements with a number of countries, but a voluntary agreement with a country requires the prisoner to agree to going, which often does not happen.

Q110 Austin Mitchell: I have a question for Ursula Brennan, because it looks to me, from what we said earlier, that the Home Office is adopting inhumane and unreasonable systems to save money. Both the UN's minimum standard rules and the Council of Europe's rules say that people should have a single cell. Surveys indicate that only a minority of prisoners want to share cells. The majority cite privacy and some cite safety to explain why they do not want to share a cell. You are planning to carry on shoving them in, two to a cell or, in some cases, three to a cell.

When we went to Wandsworth prison, where two Labour MPs have been sent to serve their sentences—as we know, it is only Labour MPs who are sent to prison for expenses fiddles—the governor told us that he suggested to the two Labour MPs that they share a cell. One of them said, “I’m not going to share a cell with that left-wing bastard.” He was far too far to the left for him. I give that as an example of the undesirability of people having to share cells. You are planning to go on with that inhuman system, just for economy.

Dame Ursula Brennan: Michael Spurr has already explained that the UN aspect is a guideline and not a binding requirement on countries. As Michael Spurr has explained—

Q111 Austin Mitchell: Is it not better that they do not share cells?

Dame Ursula Brennan: We would not be building Wrexham with two to a cell if we felt that we should not be putting people two to a cell. As Michael Spurr has explained, there are circumstances where it is a desirable thing to do, and we will continue to do it. He has also explained that—

Q112 Austin Mitchell: As a general rule, should they not be allowed to be in a single cell?

Dame Ursula Brennan: The question of prisoners' personal preferences is of interest, but it is not, frankly, the priority in managing the prison system. We have to take account of safety, cost and decency. We balance those things in determining the best way of proceeding. Moving to one person to a cell would be prohibitively expensive.

Q113 Austin Mitchell: The more you have to cut costs, and you are under pressure to do that, the more people will be sharing cells.

Michael Spurr: We differentiate the estate. For a person serving a long sentence in a high security prison, they would generally have a single cell. For people who are coming in for relatively short periods, a lot of the time it is a protective factor to be with somebody else. There is a balance to be struck, as I say, about what the right provision is. The important thing for Wrexham is that we will build the cells large enough, with enclosed toilets, so that they allow somebody to have space for themselves within a cell they are sharing with another.

Q114 Chair: How many are three in a cell at the moment?

Michael Spurr: There are no cases of three prisoners in a cell designed for one. There are a number of—

Q115 Chair: How many? Obviously, I hope to goodness there are not three in a cell designed for one.

Michael Spurr: There are no three prisoners in a cell designed for one. It does not exist.

Q116 Chair: And how many three in a two?

Michael Spurr: I do not know that figure. Some prisons that have got a double cell with an enclosed toilet may, if they are crowded in building terms—we would not ever choose to do this—have a third prisoner in a double cell.

Q117 Chair: Do you collect data on that?

Michael Spurr: We will have the number of people that are in that, yes, and we can let you have that.

Q118 Chair: The only other thing on numbers is: how many people are being kept in police cells at the moment?

Michael Spurr: We have got nobody under Operation Safeguard, which is the normal amount of police cells. Each night there may be a handful of prisoners—sometimes it can be higher than that on an individual night because we could not get them into a prison—but there is no formal Operation Safeguard, which is use of police cells, at the moment.

Q119 Mr Jackson: Like Mr Heaton-Harris, I think generally this is quite a good Report. It is quite positive, although there are aspects of it, as we have discussed, foreign prisoners, that cause concern. Can I just ask you about the decision not to insist on the provision of meaningful work at Oakwood and Thameside, which seems to be a cost imperative? By contrast, Wrexham is obviously putting in more meaningful work. I am particularly concerned about Thameside not having a workshop. I just wondered how you came to that decision, given that there is plenty of evidence from over the years, across the world and in the UK, that if you give people meaningful work, you are contributing significantly to the rehabilitation side of the punishment rather than just retribution.

Michael Spurr: I agree with that. Just to clarify, with Thameside that decision was made because of the type of prison it was going to be. It has 70% remand prisoners, so they are in and out to court routinely, and the footprint for the prison was very tight, so the focus on the regime was primarily around education at Thameside. Since then, we have been able to acquire additional land that will enable us to build workshops and have more space. That was the rationale behind Thameside, and it was unusual. Our view was—I stick by this view—that it was worth having the places in London because of the pressure we have on places in London. It is good-quality accommodation.

At Oakwood, the provision is 32 hours of purposeful activity, which, compared with most category C prisons, is higher than most will achieve. There was an issue about whether we should have gone further, and an extra £5.5 million was identified by the NAO. It was a balanced judgment at the time about whether we should spend that extra £5 million or not. But 32 hours of activity, once that gets delivered—

Q120 Mr Jackson: But let us stick to the facts. The NAO is not usually that equivocal in its views, and it does say that the contractors have struggled to meet that 32 hours per prisoner per week. Are you now saying that that is being met?

Michael Spurr: As I said in the conversation we were having earlier, G4S are meeting 24 hours a week, although I repeat that the quality of that work is not yet where I want it to be. There is too much cleaning and not enough purposeful activity. The extra eight hours is education provision, which is only being delivered at half the required level at the moment. We are working with the education provider to increase that level.

Q121 Mr Jackson: My final question, like Mr Bebb's, is a parochial one. You will be aware of the early success of the social investment bond at HMP Peterborough, which we are all pleased about and which, in fairness, was started under the previous Government, and this

Administration have continued it. Do you have any active plans to capture all the information you can from that pilot scheme—which it effectively is—and what is the time scale for potentially rolling that out across the entire prison estate? Because we think it will pay for itself and will, over time, accumulate significant savings for the entire Ministry of Justice.

Michael Spurr: Yes, the Peterborough pilot is being evaluated, so we are collating what has gone on there and the outcomes which are positive. In terms of expansion, that is being expanded across the estate through the Transforming Rehabilitation reforms, which will build in payment by results as part of the mechanism for dealing with medium and low-risk offenders in the community and—

Q122 Mr Jackson: Sorry, just for my own benefit: is that consequent upon the Offender Rehabilitation Bill or were you doing that anyway before that legislation came through?

Michael Spurr: It is part of the LAPSO Bill, in the sense of extending provision to prisoners for under 12 months, who at the moment do not get support when they are released, but under the new arrangements will. Part of whether or not providers get paid will be on a payment-by-results basis. That was the point I was making earlier, about community providers coming into prisons to support them, like they are at Peterborough.

Q123 Mr Jackson: One more. You did not mention the time scale across the estate.

Michael Spurr: The aim with the Transforming Rehabilitation reforms is that contracts will be let and in place by the end of this year. So the aim will be that, by the next calendar year, we will have implemented that across the estate.

Q124 Ian Swales: On Stewart's point, you gave a good answer, but can you explain why, in para 2.23, it says you have stopped collecting the data on purposeful activity? There is a comment saying, "Statistics that the agency no longer collects centrally." So how are you going to do what you have just told Mr Jackson you are actually going to do?

Michael Spurr: We do not collect the data in the way that we used to—quite properly so—because being able to validate the data in that way is not sufficiently accurate. We collect data now much more directly; we collect data for activity in workshops and for education, which you can absolutely nail and say, "That's actually happening."

Q125 Ian Swales: So not just the hours. Okay. **Michael Spurr:** The purposeful activity hours that we used to produce as a key performance indicator. When that has been looked at and validated—because lots of individual people were filling in forms, that is not a good way of doing it. We now say, "How many people have been in a workshop for a length of time?", "How much time has a person been in a classroom?" and we collect that data.

Q126 Nick Smith: I just want to try to get further information from Mr Spurr about Oakwood. He said they are supposed to be getting 32 hours of activity. Is that right?

Michael Spurr: That is right. Yes.

Q127 Nick Smith: And then you said that you have to take away eight hours for education, but they are only really getting four. Is that right?

Michael Spurr: Yes.

Q128 Nick Smith: Okay.

Michael Spurr: At the moment. The expectation is, we will have eight hours of education.

Q129 Nick Smith: Okay. I am just trying to work out what we have at the moment. So that takes us down to 24. And you said that, of the 24, a lot of it was on cleaning. So how much purposeful activity are they really getting, then?

Michael Spurr: Oakwood are currently delivering 24 hours of activity, including cleaning. I do not have the breakdown of how much that is. I was simply saying that, looking at the last reports from my colleagues who visit there, there was too much cleaning and not yet enough work. They have not got enough workshop instructors to be doing all the work we will want them to do in the future, but they are delivering activity for prisoners, including cleaning, up to 24 hours. Milton Keynes college are delivering four hours, on average, of education per prisoner. That is 28 hours that is being achieved at the moment.

Q130 Nick Smith: But how many hours' cleaning are they doing, out of those hours that are left?

Michael Spurr: I do not have that figure. I did not quote the amount of cleaning; I simply said that I was not pretending that all of the activity that is going on at Oakwood is as yet how we would want it.

Q131 Mr Bacon: You said there was too much cleaning. If you do not know how much cleaning there is, how do you know if there is too much?

Michael Spurr: I quoted one of my deputy directors, who had been there and written a report on the point. He said that he was not yet satisfied that they had got enough activity. So I was quoting him.

Q132 Chair: I am going to go to Meg, but just one final thing on purposeful activity. We have talked about the two prisons in here, but I looked at the Her Majesty's Inspectorate of Prisons report for 2012-13 and in that report, looking at purposeful activity and how HMI judges that, on 2008-09, it found 71 of the prisons had good or reasonably good grading on purposeful activity. In 2012-13, that was down to 50%. So it is quite a drop. The narrative says, "Our judgments about the quantity and quality of purposeful activity in which prisoners are engaged plummeted over the year." So it was not just the two. "Put simply, too many prisoners spend too long locked in their cells with nothing constructive to do, and when they are in classes or work, these are often of insufficient quality." That is a pretty strong indictment.

Michael Spurr: The chief inspector's standards for purposeful activity are high. He has made that very clear, and I recognise his judgment. In overall activity hours, we have more activity in workshops than previously. The figure has gone up to 13.1 million hours from 10.6—

Q133 Chair: Yes, he is talking about good or reasonably good.

Michael Spurr: I would love to have the best quality activity all the time, and I want to have prisoners at work—

Q134 Chair: I agree, but it is bad that it has gone down. You must acknowledge that. In 2008-09, not very different people, I assume, assessed it at 71%, which is good or reasonably good, but there has been a sudden drop to half.

Michael Spurr: I think the chief inspector's view of what we should be doing in relation to purposeful activity is different from his predecessor, although both wanted us to have good-quality activity. The hours of activity in workshops have gone up over the last 12 months.

Q135 Chair: You don't accept his criticism.

Michael Spurr: There is not enough purposeful activity in prisons. I absolutely accept that. Too many people do not have enough to do in prisons, and we are trying to reduce that number. That is why increasing—

Q136 Chair: That is quantity. Quality?

Michael Spurr: That is why increasing activity in workshops is important. There is a quality issue about education—I am going to see Ofsted about that—which also plays into those figures from the chief inspector, quite properly. He is looking at the whole and at what quality of education we are getting. The chief inspector of education has said that it is not yet good enough, which is why I am going to see him. We must work with our partners, colleges and BIS to improve that area as well.

Q137 Meg Hillier: On purposeful activity, private prisons are run by private companies. Do you require those that win prison contracts on take on ex-offenders as part of the deal of running the prison?

Michael Spurr: We try to encourage people to take on ex-offenders, but we would not require everyone we contract with to do so. We obviously want to promote people, and many companies we work with indeed do that because it is in their interests and ours, but we would not constrain ourselves by saying that it is an absolute requirement to take on an ex-offender.

Q138 Meg Hillier: There's a thought. I want to mop up a couple of quick points. First, on Irish prisoners in British prisons—this is to Mandie Campbell—we have had a special relationship with Ireland for a long time and Irish citizens have equal rights in most respects with those of British citizens in the UK. Is there any difference in prison population terms from the normal common travel area and other arrangements between Ireland and the UK?

Mandie Campbell: I do not believe there are any different provisions, but as you have suggested, there are very complex relationships between people's entitlements to nationality, and the fact that we have no border between the two countries means that if we remove people to Ireland, they can cross over to the north.

Q139 Meg Hillier: It is not so much removal, but in terms of prisoners, you could have an Irish passport and have been born and brought up in the UK and have every other right that your next door neighbour with a British passport has. As a prisoner, if you have committed a crime, would you then face prisoner transfer?

Michael Spurr: No, is the answer.

Q140 Meg Hillier: Okay. On the issue touched on earlier, I asked for figures on the number of immigration officers embedded with the police. However the figures are presented, could you give a breakdown from around 2008 to now, and by police authority area? We heard you talk about the Met, but there are obviously foreign prisoners—

Mandie Campbell: Yes, we obviously have a—

Q141 Meg Hillier: I know from local experience in my borough that you can get people early and deport them at an earlier stage sometimes if that is the case.

The substantive question I want to ask is that in paragraph 2.3 on page 30 the NAO questioned the Department's assertion that performance in prisons fluctuates over time, which goes back to the point about good prisons being closed. I will not repeat the figures

that are laid out clearly. Ursula Brennan, do you agree with the NAO's view that quality should be a bigger factor, if not the only factor, in decisions about prison closures?

Dame Ursula Brennan: We did note the NAO's recommendation on that. Where we have been, in relation to prison closures, is looking at prison closures in relation to the buildings, because the regime in the prison is partly driven by whether the physical building is unsuitable. Many of our very old prisons are difficult to run with a decent regime. The point we were trying to make earlier is that, in general, the questions of culture and leadership are the critical things in relation to prison performance. Therefore, to say that somewhere is a good prison and factor that into whether you wanted to close it, you could find yourself saying, "Let us keep open a prison that is maybe in the wrong place or of the wrong physical quality because it happens to have good management." Our view is that we are better to concentrate our efforts and improve the management of the better physical environments and make our closure decisions on that basis. I think that is the basis on which we have done that.

Q142 Meg Hillier: On the face of it, that sounds fine, but what the NAO is saying is that prison performance does not fluctuate over time as much as your answer suggests.

Michael Spurr: It does say 44% kept their ratings, which suggests that 56% did not. Therefore, the majority fluctuated.

Q143 Meg Hillier: Well, okay. It does indicate, as it says here, "The inspectorate's reports also indicate that performance is often slow to change." I have some sympathy with your position, but the danger is not to throw out the baby with the bath water. I think that is what the NAO is driving at.

Dame Ursula Brennan: Indeed, and on the business about performance being slow to change, our view is that we are better to say, "Where do we need prison estate? What quality of prison estate do we need?" Then concentrate our efforts on improving performance. The "slow to change" is sometimes to do with the point about new prisons taking time to build up.

Michael Spurr: You are right about being able to do that. That is why we said we would consider what the NAO said. Of course, performance does matter. We don't at this point involve that at all. We have said we will consider whether there is a way to do it. My view is that we can make the performance of any prison up to the level we want it. I do believe that; it is my job to believe that, that you can improve performance in many ways.

Q144 Meg Hillier: Finally on this, when you close a prison you obviously have staff movements. It is a time for people to take early retirement or redundancy and so on. Do you work hard not to offer voluntary redundancy to people? Because, if you do, the best people can go elsewhere. Do you try to keep the best staff working in some of the prisons that you are closing, so that they are in the estate?

Michael Spurr: We work very hard to do the right thing for the agency and individual members of staff. It is largely driven by location to be frank.

Q145 Ian Swales: Do you track any to see whether they then join private sector prisons?

Chair: Yes. I was going to say that you have spent £57 million on voluntary redundancies. Could any be re-employed?

Michael Spurr: It is possible that people can be re-employed, but it is largely around location.

Q146 Chair: Do you track it?

Michael Spurr: No, we don't track it, because once a person has left the organisation, it is for them to determine where they are going to go.

Q147 Chair: We found in the health service that they pop up again.

Michael Spurr: I doubt there will be many people leaving the public service and going to work for a private company.

Q148 Meg Hillier: That is not necessarily so, Mr Spurr. I have visited detention centres and people in the private system say, "We believe that we are public servants because we are delivering a public service." Many of them had careers in the Prison Service.

Michael Spurr: The point is that, where we have got a place that is closing, we look to redeploy them if we can redeploy them ourselves. That is the first point: can we redeploy them to another public sector prison? If we can't redeploy them and they are willing to go on voluntary exit then we let them go on voluntary exit, because we have closed the site and don't need them any more. We haven't therefore tracked what has happened to them. Most of the people if we had been able to redeploy we would have done. So we were able to redeploy Latchmere House in London because there are plenty of prisons in London. But if you are on the Isle of Wight, it is not so easy to redeploy.

Chair: Yes, Mr Spurr, you meet some cynicism here, because we have seen in other parts of government where people have gone on voluntary redundancy and pop up again. I think, with you, it will be whether any of the private prison providers re-employ, or they pop up again in your service after they have done their six months out.

Q149 Meg Hillier: Can I just ask what the levels of pay-off are? What is a typical voluntary redundancy? Are you under the same civil service rules?

Michael Spurr: It is civil service rules.

Q150 Meg Hillier: So it has gone down from what it used to be.

Michael Spurr: Yes.

Q151 Chair: Okay. Amyas.

Amyas Morse: I want to avoid a purely inadvertent misunderstanding in the minutes. As I understand it, our Report says in section 2.20 that 50% of the cells in Wrexham will be double cells, which means that 73% of the prisoners will be sharing. I just want to make sure the record reflects that.

Chair: 73%?

Amyas Morse: 73%. That is what the Report says. Otherwise we will have to correct the record later.

Now I would like to ask a question, if I may. It goes back to your not having a target for removal. Having then listened to the discussion and the very eloquent explanation of what is going on, may I just ask this? Although I would not say that setting targets and objectives is the answer to everything, it can be, particularly for some difficult or complex tasks, quite an effective way of getting things to move forward. Do you have a philosophic view of that? What is your view of it?

Michael Spurr: Of setting targets?

Amyas Morse: For example, there is no target for removal. You told us that you do not have a target for removal of—*[Interruption.]* I understand that; I'm asking this question over the whole thing, not just removal.

Michael Spurr: I have a lot of targets.

Amyas Morse: And what is your view of that? Do you think it is right to have a target for some of these difficult-to-achieve matters, such as the levels of removal that you would like to get to, or do you think that is not appropriate?

Mandie Campbell: I think it is right that we should pursue every single case as vigorously as possible and remove them as early as possible in the process. What we don't want to do is find ourselves in a situation in which we are doing well and getting towards a target and people ease off.

Amyas Morse: That can be a downside. I can see that, but on the other hand—

Q152 Chair: Are you against targets, then, Ms Campbell?

Mandie Campbell: I think that targets have a place in certain areas. I think that in this area, where we are dealing with people who have committed crime, who are foreign national offenders, we should do everything we can to remove them from the country. We have explained some of the reasons today and the Report is quite clear that a number of these

offenders frustrate that process as much as they possibly can, through hiding their identities and by not co-operating with documentation processes. What we can't do is let them think that, by their failing to co-operate, we will in some way not continue to pursue them vigorously.

Chair: You have just set yourself a very high target.

Amyas Morse: Of course we do not want to do any of those negative things, but it is worth just making the point. The reason why I say this to you is that if you have an intractable problem and you are not making the progress that you thought you would make, setting a target, which may be a stretch, can sometimes be quite effective. I won't labour the point any more than that. Thank you.

Chair: Jackie doesn't agree with that.

Q153 Jackie Doyle-Price: I am going to take exactly the opposite view, because I would say hurrah for outcome-based objectives. I think that numerical targets often get in the way of outcomes and I was delighted to hear that your objective is to remove as many people as possible. However, you do need to be able to measure that, and those measures are not simple numerical targets that accountants like to impose on you. How, then, will you measure your effectiveness against that objective?

Mandie Campbell: Key for us, as we were discussing earlier, is to eat into the stock, and we are starting to do that. We have some way to go, but we are already seeing that the stock is starting to reduce as we are dealing with the flow. The number of foreign national offenders being detained in prison is falling. The number of foreign national offenders being detained post completion of their sentence has fallen significantly, because we have become more efficient at removing offenders earlier in their prison sentences. For us, how we measure it is by making sure we remove people as early as possible in the process and reduce the stock of those that we have to detain post completion of their sentence.

Q154 Jackie Doyle-Price: You see, you are now undermining my confidence in you, because that all sounded very process-y. Presumably, part of the measurement would involve analysing why you cannot remove certain prisoners and then you end up with a policy route to tackle that.

Mandie Campbell: That is exactly the process I described in terms of the work we are doing across Government to tackle particular nationalities; it is for exactly that reason. We have looked across the system. There are certain nationalities that we can remove very simply. There are others that we know take a longer time, particularly because of the documentation process. It is in relation to those nationalities that we are working collectively to try to break through those barriers, to ensure that we can remove people more simply.

Q155 Jackie Doyle-Price: To what extent does the appeals process get in the way of removals? The reason why I ask the question is that a number of people who have come through my surgery have done time for immigration offences. It seems to me a slam-dunk

that you would remove them as soon they had completed their sentence, but four and five years later they are still here. Is that due to appeals?

Mandie Campbell: Certainly, the number of appeals being lodged has increased significantly. That is why I mentioned the Immigration Bill, which is designed to reduce those numbers, so that people cannot continue to put in multiple appeals and frustrate the system. Appeals are certainly a problem in relation to removals, as are other means by which individuals try to frustrate the process through multiple applications for judicial review and other methods to frustrate the removal, often at the last minute. When we have gone through a very protracted process, we find that people will go for various forms of litigation to try to abort the removal.

Q156 Jackie Doyle-Price: We have all agreed that this is a positive Report. On occasions like this, I like to extract the lessons that we can learn, because, to be honest, the public sector being what it is, there are not many examples of good practice that we tend to see. I was really struck by the fact that you, Mr Spurr, have had 30 years' experience in the field. What struck me more about that was that it was actually 30 years' experience of operational delivery, as opposed to 30 years in a policy function, which tends to be the practice in our civil service. I am interested in the lessons you reflect on with regard to that, Dame Ursula.

Dame Ursula Brennan: As I said earlier, in relation to the delivery of front-line services, absolute depth and understanding of operational delivery is critical. If you look at this Report, one of the things that it effectively says is that the estates strategy has evolved over time. People have learnt the lessons. Some things we did not get right. There were periods when we were constrained and did things that were less efficient than now. People have learnt from that. So, yes, it is true that depth of operational experience is critical. If you look at the operational parts of Government—the Court Service, for example—there are people working in the Court Service who have decades of experience in terms of delivery.

I come back to the point that in relation to the estates strategy, it seems to me that where it works best is where you can marry that complete depth of understanding, huge amounts of experience and an intuitive understanding of the operations with people who can tell you the latest, most efficient and effective way of building buildings, for example. Something we have not touched on is that our sustainability has improved, and that has come about by having people who have looked at what is the best that you can do and what is the most modern thing. You need to marry the two things together—operational and technical expertise—in programme management or building, or whatever the area happens to be.

Q157 Jackie Doyle-Price: That enables evidence-based policy making.

Dame Ursula Brennan: It does.

Q158 Jackie Doyle-Price: It seems obvious—a no-brainer. My final reflection is that the MOJ and NOMS have got it right. Where it has fallen down is on this issue with foreign

prisoners, which is where two Departments come together. It shows again the weakness of our silo culture between Departments.

Finally, can I get your reflections on paragraph 4.15 of the Report? It talks about the Huntercombe prison, which was meant to be for foreign nationals only. Policy decisions were taken to establish it, but it has fallen down in the execution, because the Home Office has not treated it seriously. It seems to be an example of “not invented here, therefore we will not pay attention to it.” What are your reflections on what has gone wrong, and what is being done to fix it?

Dame Ursula Brennan: Can I make an observation first before Mandie comments? You talked about the relationship between different parts of Government, and it is true that that is always more difficult, but, in relation to foreign national prisoners, what you are dealing with is a seriously intractable problem. With prisoners, you are always dealing with people who do not want to do whatever it is you want to do for them.

Q159 Jackie Doyle-Price: You will not fix it if you cannot work effectively together.

Dame Ursula Brennan: I am just saying it is not simply a matter of “We don’t work well together, so it doesn’t work.” This is an area where—between the police, the prisons, probation, across the piece—we are trying to work better, but it is always going to be incredibly difficult to do this, because you are dealing, first, with the prisoners who frequently do not want to go, and, secondly, with countries that do not necessarily want to receive them. So you do not start from a presumption that, if we were fantastic and really brilliant at working together, 100% of these people would go, because that is never going to happen.

Q160 Jackie Doyle-Price: I quite agree with that, but we could be better at it.

Dame Ursula Brennan: Yes, absolutely. We agree that we could be better at it. I am just saying that you have hit on an area that is always going to be intractably difficult to manage. In relation to Huntercombe, I do not know—

Mandie Campbell: There have been specific problems with recruiting permanent staff at Huntercombe. We have been dealing with that by using mobile officers who go to the prison from Monday to Friday and run surgeries and so on. We have now started to recruit permanent staff. We have one permanent staff member in and the recruitment process is under way for another.

The problems with IT took too long to resolve, but they are now resolved, so there is now Home Office IT into the two FNO-only prisons, and also to the six main hubs where we have the bulk of foreign national offenders.

Q161 Jackie Doyle-Price: Is the way that you interact with the offender management service now a higher priority for immigration enforcement?

Mandie Campbell: Completely. We absolutely see it as a partnership. We are working very well together to try to facilitate the removal of foreign national offenders. The foreign national-only prison gives us an opportunity to move people in there as they are coming towards being removable because they are at that point in their sentence. We have seen big inroads into removability by focusing and concentrating, together with the National Offender Management Service, on those prisons in that way. All our collective effort—with the prison management side of NOMS and the Home Office immigration enforcement officers—is about working together to encourage those individuals to leave the country and to do everything we can to get them through the processes that we must get them through in order for them to leave. It is a joint effort for us both.

Q162 Jackie Doyle-Price: What do you think about Huntercombe, Mr Spurr?

Michael Spurr: I think it is a good prison. The inspectorate said that it is working well with the foreign national offenders it is looking after. I recognise that there have been issues around getting additional support, but, as Mandie said, those have been resolved. I am sure that it will work there. It is sensible for us to try to ensure that we brigade resources between the Home Office and ourselves and make the best use of a joined-up approach. That is what we are trying to do at Huntercombe, at Maidstone and in the hub prisons, as Mandie was talking about.

Q163 Nick Smith: May I ask quickly what is going to be happening with women's prisons? It seems that cost reduction has so far been the key criteria for estate management. When you look at women's prisons, are you going to look more closely at performance, and perhaps at improving the balance of performance in your thinking?

Michael Spurr: We had a separate review of the women's estate, because there is a relatively small number of women's prisons and we had to look, I think rightly, at that particular group. A range of recommendations came out of that review, primarily around ensuring that we have resettlement facilities in all the women's closed prisons so that we can try to better support women back into the community, with a view that, if that were achieved, the two open prisons would not have a future role. The point there was that we could do better for women by having more open units attached to existing units, rather than one in York and one in Kent, which are a long way from most women's homes. However, we will not close those open prisons until we have demonstrated that we can deliver the additional services for women through resettlement facilities in each of the closed prisons. My point is that it is not being driven by cost; it is about the best outcomes for a relatively small population within the population as a whole.

Q164 Fiona Mactaggart: May I ask a question that follows on from that? Have you discussed with local authorities the costs of caring for the children of imprisoned women?

Michael Spurr: I have not personally discussed that with local authorities. As you will know, a whole range of work has been done by Baroness Corston and others that demonstrates the range of issues that result from women's imprisonment. From my perspective, I absolutely get that: I would like to see women diverted from custody wherever possible.

Q165 Nick Smith: Do you think you are going to have more mother and baby units?

Michael Spurr: Our mother and baby units are under-occupied. I would rather not have babies in custody. Where we have them, it is about how we look after the child, predominantly. We are looking to reduce our total number of places because they are under-occupied, which is a good thing.

Q166 Chair: Two questions arise out of that, then I have one last thing I want to raise. We have talked about women. What I picked up from figure 12 was that young offender institutions are among the ones that are getting most overcrowded. That is worrying, because that means you are unlikely to have the sort of regime that tries to rehabilitate. I am talking about figure 12 on page 27.

Michael Spurr: So young offender establishments are crowded at 10.6%.

Q167 Chair: It is going up. Can you see? In 2010-11, it is 10.6% and it goes up to 15.3%.

Michael Spurr: I see what you mean. They are in the wrong order, aren't they?

Q168 Chair: If you look at the others, you are cutting prison numbers, but young offenders—have I read this right?

Michael Spurr: Yes, that's right.

Chair: So it has gone up from an overcrowding level of 10.6% in 2010-11 to 15.3% in 2012-13.

Michael Spurr: Yes.

Q169 Chair: And that is worrying because of the nature of it. It is kids and the last thing you want kids in is—that is where you probably want less doubling up, if I was honest.

Michael Spurr: Yes, there is a consultation on how we are going to operate in the future with young adults. At the moment—

Q170 Chair: But it's not good. You accept that it is a worry.

Michael Spurr: I agree with you that I do not want to have young adults and young people in crowded conditions. I will need to get underneath what that is, actually, in terms of the reasons why.

Q171 Chair: Maybe you would like to write to us about that. If you are going to go for larger prisons—you talked about resettlement and there was a great commitment to establish more resettlement prisons, as I recall. Presumably with the large prisons, are you having to rethink that commitment?

Michael Spurr: No, we will have a number of prisons designated as resettlement prisons. They will be linked to whatever the contract package area is under the transforming rehabilitation reforms, and the providers who will operate in the community and in prisons will be based in those prisons, providing support to offenders whom they are going to work with in the community. Overall, we would have three or four prisons in each contract package area under the new transforming rehabilitation reforms.

Q172 Chair: Okay, my memory of this was that you promised 71 resettlement units.

Michael Spurr: That is about right, yes.

Q173 Chair: I just thought that if you are changing the settlement, are you going to meet that promise?

Michael Spurr: Yes, we will meet that and it is a proportion of people. Some prisons will be full resettlement prisons—Brixton is now doing that job for London—but in a lot of prisons, providers will be working with a proportion of their total prisoners. That is why we have so many—in order to get the geographical coverage, because for the majority, with the exception of London, which we struggle with, we want to be able to make sure that the prisons are within the geographical area for the new providers.

Q174 Chair: The final question is about private providers. You have three, basically—G4S, Serco and Sodexo. What are you doing to encourage more private providers, given the record of G4S and Serco, particularly with the MOJ?

Michael Spurr: That last competition had a wider range of providers that bid, including MTC/Amey, Interserve and a range of others. So there is a wider field, but we do not have any existing competitions at the minute for prisons. We are obviously in the middle of a competition for the probation service. You are going to look at that separately, but we are not, at the moment, competing whole prisons.

Q175 Chair: Are you working to increase your provider—

Dame Ursula Brennan: As part of the transforming rehabilitation programme, we have indeed been working to increase the provider base. We took activity at the early stage of that programme to make sure that we identified people who have not bid for this kind of work before, who might be interested in doing so. We have tried to take steps to make it easier for them to do that, learning from previous experience with contracts.

Q176 Chair: And with some of those PFI contracts that you got into, did you consider terminating them when you were looking at the whole estate? Did you actually get into negotiation? The figure for Thameside, which we talked about, is over £50,000. Did you look at terminating that?

Michael Spurr: It wasn't on the agenda to terminate Thameside, given that we only opened it a year or so ago. As I said, I think there is a really good value-for-money case for Thameside now that we are going to expand it and it is in the right place. For the other PFI contracts, the oldest of which go back to the 1990s, we have reduced the cost, as the NAO recognised, and we have taken savings out of those contracts. The NAO rightly said that we should look at whether we can do more, and we will look at whether we can do more, but terminating or closing modern facilities does not make a lot of sense.

Q177 Chair: But you might terminate a contract if it has a high unit cost.

Michael Spurr: You can only terminate a contract if the provider is not delivering what it agreed to provide.

Q178 Chair: I agree. We may have got into a lousy contract—we have found that before. It might be sensible, as you get more experienced in contracting, to look at—

Dame Ursula Brennan: They certainly aren't off limits, if I can put it that way. Taking cost out of our private sector prisons has been, and will continue to be, part of our strategy for reducing the cost of the Prison Service.

Michael Spurr: The Wolds prison, which was run by G4S, has been terminated. We brought it back into the public sector in the last round of competition, so we did look at that when the contract was completed. We were not satisfied that the bid we got would be sufficient, so we brought it back into the public sector and we are now combining it with the prison next door to drive savings by bringing the two prisons together. That is what we are doing with that particular contract.

Chair: Okay. Thank you very much indeed.