



Justice Committee

Oral evidence: [Prisons: planning and policies](#), HC 309

Tuesday 2 December 2014

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Written evidence from witnesses:

- Andrew Selous MP, Ministry of Justice [PPP 33](#)

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Members present: Sir Alan Beith (Chair); Christopher Chope; Jeremy Corbyn; Nick de Bois; John Howell; Mr Elfyn Llwyd; Andy McDonald; and John McDonnell.

Questions 369-406

Witnesses: **Andrew Selous MP**, Minister for Prisons, Probation and Rehabilitation, Ministry of Justice, and **Michael Spurr**, Chief Executive, National Offender Management Service, gave evidence.

Chair: In the first part of our session this morning we have Andrew Selous, the Prisons Minister, and Michael Spurr, the Head of NOMS and a regular visitor to this Committee. I do not think we have any interests to declare at this stage. I am going to ask Mr Llwyd to open the questions.

Q369 Mr Llwyd: Good morning, gentlemen. We have encountered concerns that large prisons cannot effectively meet the needs of particular groups of prisoners, and that prisons are being built to a standard security level, so that if there is a change of use there is no need for a refit. Is a one-size-fits-all approach to building new prisons an inevitable consequence of a policy of reducing per capita costs of the prison estate?

Andrew Selous: Good morning, Sir Alan. It is good to be with the Committee again. We are modernising the prison estate. We have a new-for-old policy, which is the right one for a number of reasons. It is better for our staff who run the prisons; it is better for prisoners themselves, and it also means we can run prisons at a reduced cost for the taxpayer. The cost per place has reduced by 18%—it is still £34,000—and the design features of modern prisons help in a number of practical ways. They are going to make it more difficult for drugs to get in, and they are going to make it easier for prison officers day to day, in terms of lines of sight and so on, which should help with reducing violence. The designs for the new prisons or the designs for the houseblocks, which have many of the same features I have just described, are sensible. They are better for prisoners, better for staff, and better for the taxpayer.

Q370 Mr Llwyd: Why are they closing the larger prisons in America now, believing that they do not work?

Andrew Selous: The National Audit Office report in 2013, “Managing the Prison Estate”, said there is no evidence that smaller prisons are better at reducing reoffending than larger ones. Our focus is on reducing reoffending in order to keep the public safe, preventing victims. What we need to concentrate on is the internal organisation of the prisons, so that the individual houseblocks within the prisons are where good staff-prisoner relationships can be developed. If you look at the prison we are building in north Wales at Wrexham, which is of particular interest to you, Mr Llwyd, I draw to your attention the flexible use of space, which will help us a lot in terms of purposeful activity and work, an area I am extremely keen we carry on improving. We want active prisoners modelling a working day for the rest of the community. That is our aim and I believe that the new prison at Wrexham will help us to achieve it.

Chair: We will return to the working in prison issue later, I assure you.

Andrew Selous: Of course.

Q371 Mr Llwyd: What regard do you have for the decency agenda? How important is that in planning?

Andrew Selous: Absolutely vital. We take equality and decency issues extremely seriously. It is right to do for ethical reasons anyway, but it also helps us keep well ordered, secure prisons that are safe for prisoners and safe for prison officers to work in.

Q372 Mr Llwyd: Part of that is prison cell sharing, isn't it?

Andrew Selous: If you look at crowding, 22.9% of the total population is crowded. That is lower than in the past: crowding is the lowest since 2001-02. I understand it would take around £900 million to do away with crowding, and I am not aware of any political party offering to put close to £1 billion into the prison system at the moment.

Q373 Mr Llwyd: Why is it that the Wrexham prison plans are actually for 56% shared cells, which offends the decency principle?

Andrew Selous: I think we are looking a little way into the future. The capacity of Wrexham is 2,106 places, as I said, divided into smaller blocks in, I would argue, a much better operational environment. It has not even been built yet—it is not due to open until 2017—so I would argue that discussion around whether it will be crowded or not depends on quite a large number of factors.

Mr Llwyd: It is not a question of crowding. One of the fundamentals of the decency agenda is that prisoners should not have to share unless they choose to do so.

Andrew Selous: Yes.

Q374 Mr Llwyd: It is a simple question. I am asking you why over half of those prison places will offend the known decency agenda across the European prison estate.

Andrew Selous: I am going to let Mr Spurr in.

Michael Spurr: I do not accept that planned sharing of a cell offends the decency agenda in the way that you have just described. There is sharing across most prison systems. In Wrexham it is true that 56% of cells are designed for sharing. That means they have enclosed toilets, not open toilets, and they are designed for two people, not one person. A lot of establishments have a mixture of single and shared accommodation. Shared accommodation in itself is not indecent if that accommodation is designed to be shared, which is what is happening at Wrexham. There was an issue about the right mix of shared and single accommodation, and, of course, in taking that into account you have to balance ideal conditions, whether we have all single cells, the affordability of all single cells compared with some shared cells, and the fact that sometimes shared cells are a protective factor in terms of harm and self-harm. The decision that was made at Wrexham balanced all those factors and came up with 56% of the cells being shared. I think there is an important distinction between shared cells and cells that are crowded, designed for one with two people in them, where the toilet is not generally separated and can be screened sometimes just by a shower curtain.

Q375 Mr Llwyd: Is there a saving to be made by building a prison with shared cells from the beginning?

Michael Spurr: Yes. You have a footprint for a prison, and there is a question about how that footprint is used: what is the balance of the regime facility and cell accommodation? You can have more cells for two and accommodate more people than if you have cells for one, but there is a balance because not all the cells in Wrexham are shared cells. Some are single cells and some are shared cells.

Q376 Mr Llwyd: Is the estate now simply cheaper to run, or better organised and fit for purpose—for example, in terms of the provision of sufficient activities and geographical proximity to prisoners' homes and families?

Andrew Selous: The cost per prison place has come down by 18% between 2009-10 and 2013-14. It is down 17% per prisoner. That is still a figure of £36,000 per prison place, £34,000 per prisoner, so we have a duty to provide value for money for the taxpayer at a time when Government spending is still ahead of its income.

Q377 Mr Llwyd: You have closed 18 prisons and the prison population is higher than you anticipated, yet levels of overcrowding have not risen, according to your statistics. Can you explain the approach you have taken to ensure that there is sufficient operational capacity in the system? Do you have any concerns about the levels of overcrowding in the system, and if so, what is being done to address them?

Andrew Selous: We have a current operational capacity of 88,000. We have about 2,100 spare places at the moment, so we have enough capacity for all the prisoners the courts send to us. We have closed 16 prisons since 2010, and, as I said in my earlier remarks, we do not apologise for that. It was the right thing to do. Many of those prisons had conditions that were not ideal. They were older prisons, less ideal to keep prisoners in, for all sorts of reasons—expensive to run, difficult for the staff to work in. That was the right decision. We are unashamed about having a new-for-old policy, which we are looking to continue.

Q378 Mr Llwyd: How does security categorisation work in relation to the available places suitable for each category if the system is operating on 99% capacity, as it has been over the last year or so?

Michael Spurr: It might be helpful for the Committee if I explain how we use capacity and what terminology we are using. When we talk about capacity in the published figures, it is total capacity and usable operational capacity. Usable operational capacity is 2,000 below our total capacity, so when the Minister said a moment ago that we have 88,000 places, that is usable operational capacity. In total across the system there are 90,000 places. We need a margin between total capacity and what we can use, to reflect the fact that we have different types of population. You cannot put women with men, you cannot put children with adults, so you need a margin, and we always refer to usable operational capacity, which is the 88,000 the Minister spoke about. We have been operating at 98% of usable operational capacity over the last year, and that is tight but manageable. It means that at individual establishment level there is space, because they have the total capacity in individual establishments. If you take different parts of the estate, the local prison estate, where people come from court, has been operating at around 95%-96% capacity; the open prison estate is operating at 89% of total capacity; and training prisons, as I would expect because they keep people for longer and turnover is slower, have been operating at around 98% capacity, which is what we would aim to keep them at, relatively full. We can manage the population in that way and use that capacity effectively; we have been used to doing that over many years. The security categorisation is a very clear policy, with criteria set out for the level where people should be managed in security terms, and I am confident that that system is operating well.

You asked about one-size-fits-all establishments. I would argue that we do not have one size fits all, but it is true, in the way that you have just described, that when we have been building prisons in recent years we have built perimeter security to a level that could hold a range of different categories of prisoner. We now have 54% of the sentenced prison population serving over four years, so it is right, in terms of designing capacity, that we recognise that the long-term trend has been for a longer-sentenced prison population. We have the security to manage that, but our aim is to hold people in security that is appropriate for them, and if that means that we can hold them in lower levels of security we will aim to do that.

Q379 Chair: Could I just press you on your predictions, because the most recently published predictions are much higher than earlier predictions? Where does that leave you in terms of what you have just described? Can you really cope with the increase, if it happens?

Andrew Selous: The central prediction by 2020 I think is 90,200, and, as Mr Spurr pointed out, we currently have usable operational capacity of just over 88,000—excuse me for not having mentioned the word “usable” earlier. If you look at the new places we are planning to build, we have mentioned the houseblocks before, and we have a total of 2,160 places coming on stream in spring next year: 248 at The Mount; 388 in Wales at Bridgend at Parc prison, Mr Llwyd, with which you will be very familiar; 292 at Peterborough; and 332 at Thameside. We are re-roleing Downview and Hatfield Lakes. They will provide more capacity, as will Feltham, Glen Parva and Hindley, so that comes to over 2,000 extra places. We will end up, at the end of this Parliament, with more male adult places than at the start of it, and that is without in any way having to use police cells to lock prisoners up, which, as you will be very well aware as a Committee, happened under the last Government.

Q380 Mr Llwyd: Mr Spurr, you referred earlier to its being inappropriate to place young adults in custody in the mainstream, as it were. The review into deaths of young adults has meant that the Ministry’s plans for abolishing specialist provision for young adults has been put on hold. Is that right?

Michael Spurr: That is right, yes.

Q381 Mr Llwyd: We have heard that the influx of younger prisoners has had a destabilising effect on existing populations. What are you doing to ensure that there is sufficient provision for young adult prisoners, pending the outcome of the Harris review?

Michael Spurr: The Government were consulting on whether or not the distinction for the 18-21 population should be retained in legislation, primarily because the introduction of the new Transforming Rehabilitation arrangements provides supervision for everybody when they leave custody. At the moment 18 to 21-year-olds, whatever their length of sentence, get supervision when they leave custody, because they are sentenced to detention in a young offender institution and that requires supervision on release.

Under the new arrangements everybody, including young people, would have that, so there was a legitimate question about whether we should retain different provisions for those over 18 but under 21, given that we now have a very clear distinction between children under 18 and those over 18. I personally support the move towards ending that distinction, but not necessarily moving away from having specialist establishments for younger people. I would like the flexibility to address the needs of the population that arise. At the moment we have a mixture of different arrangements for young adults, and what we are trying to do is evaluate the evidence for the best approach for what is, I think I have said previously to the Committee, a more challenging young adult population than we have had previously. There are many fewer children in custody, which is a good thing,

but those who are in custody and then make their way through to become young adults tend to be more challenging and complex, and we need to think about how we best manage them.

We have tried a number of different things. You went to Isis, for example, which initially was set up for 18-24. I am not certain that that is the right age group to keep people in. If you are going to mix with adults, there is something about potentially allowing that age group to be up to 30, for example, so that you have some maturity, rather than having potentially an even larger group of younger 20-year-olds who can be particularly attracted to gang involvement and so on. We have work going on to look at what is the best approach, and we are trying out different approaches in establishments. Where we have mixed populations—establishments holding both young adults and an adult population over 21—we are looking again at what works best. Is it better to have an older population or a population more restricted to an age range? I do not have the answers. That is partly the reason why the Government were going out to consult, and why we need to get the evidence from Lord Harris's review. That also should inform what we do; it is not a straightforward issue to resolve and there are different, genuinely legitimate views on the issue.

Andrew Selous: I agree with everything that Mr Spurr has said. We are working very closely with Lord Toby Harris. I met him last week to see how his review is going. I am also impressed with the fact that the National Offender Management Service are developing a tool to assess maturity. I was in Oakwood prison recently, and talked to a very experienced female prison officer there. We were talking about a 26-year-old in the segregation unit, and she made the comment, "He acts like a 12-year-old." Sometimes I think we focus on age in years, but there is a serious piece of work to be done about the level of maturity of the people we are talking about, so I think the Committee needs to bear that in mind as well.

Q382 Chair: The chief inspector of prisons has pointed to 22 prisons operating restricted regimes, and we have discussed with Mr Spurr the reasons for the staff shortages which have generated that, and the number of staff operating on detached duty temporarily in other prisons. Are you monitoring the detrimental impact on regimes that this situation has had?

Michael Spurr: Yes, of course, in a number of different ways. We have an overall assurance board for the changes that we are implementing, chaired by Phil Copple, who was at the session you held at Belmarsh; he is the director of public sector prisons. He chairs an assurance board which meets monthly to look at the impact of our changes, by prison. We have our routine performance data, we have visits routinely by deputy directors of custody, and we have clear expectations that when they visit they look specifically at the regime impact. The evidence, which I think supports what the chief inspector said, is that the more formal system for structuring regimes which we introduced over the summer has helped stabilise the system. Our aim is very much to come off those restricted regimes as we recruit staff. We are on track to do that, and I am certain that things are improving as a result and that we will be in a position to reduce the level of detached duty post-Christmas as we have more staff coming on. We have recruited over 500 already, and we have another 470 due to start training in January. The impact of restricted regimes will reduce post-Christmas.

Chair: Let us be clear: reduced regimes probably mean that the rehabilitation that we want to see happening in prisons has not been fully carried out.

Michael Spurr: Yes. We want to run the fullest regime we can. The changes that we have introduced from benchmarking maintain, and in some areas enhance, regimes, and that is one of the most important things I want to get across. In doing the restructure, we are looking to maintain and, where we can, enhance regimes. There is evidence that where we have the staff we can deliver it, as I think I mentioned; the chief inspector has gone in and seen evidence that it has been delivered. I am confident we can deliver it, but we need the staff in place to be able to do so and we need that situation to be resolved, which we are taking action to do.

Q383 Chair: Mr Selous, in the private sector, the position appears to be different because the companies contracting to run the prisons have normally looked to some staff reductions as part of their cost saving, but that has not involved them in further staff reductions at a later stage because they have a fixed price contract. Have you any comments on how that is working out?

Andrew Selous: I visit both public sector and contracted-out prisons on a regular basis and I see excellent practice in both. I am aware that there is often a slightly higher degree of capital investment in some of the private sector prisons, things like kiosks and so on—

Chair: Yes, we are going to look at that.

Andrew Selous: They can reduce the amount of bureaucratic work that prison officers have to undertake. I think they can help reduce the level of stress, because prisoners can find answers to questions more quickly, more easily, and it helps the prison officers as well, so that sort of thing is perhaps the difference. I know the National Offender Management Service is keen, in time and budget permitting, to try to roll out that level of capital investment within public sector prisons too.

Q384 John McDonnell: On the staffing issues, have you seen or read the report by Dr Gail Kinman, Dr Andrew Clements and Jacqui Hart from the University of Bedfordshire on work-related stress and wellbeing?

Andrew Selous: I am aware of it, yes.

Q385 John McDonnell: It basically says that the Prison Service is failing on virtually every benchmark of health and safety in relation to the wellbeing of their staff, and that 37% of staff, over a third, have been clinically diagnosed with a stress-related illness since they have been working in the Prison Service. What is your view on that?

Andrew Selous: I am the first person to acknowledge the challenge that all our prison officers have faced in recent months, and no one is prouder than I am of the work they do and have done under extremely challenging circumstances. That is the first thing I want to

get on the record very clearly indeed. I do not think we should be under the illusion that these issues are new ones. If we look at sickness rates of staff in adult prisons, in 2013-14 we lost 10.8 working days, something I am hugely concerned about. I talk regularly to Mr Spurr about how we manage that; it is two weeks of officer time, but if you look back a decade ago it was 14.7 days at a time when budgets were much higher. Turnover of staff within NOMS is about 2% a year. Over 90% of the officers who work for NOMS choose to stay. The average length of service is 14 years.

We take the wellbeing of our staff extremely seriously. We run wellbeing events for them, and a large number of staff attend. We have an employee assistance programme, which includes access to counselling therapy, health promotion, support services and so on. There are peer support teams in prisons as well, so as an employer we try very hard to support our staff. There is a clear leadership role for governors as well, and I have seen some excellent examples of that working in practice. But look, I am the first to acknowledge that our staff have been under huge pressure. That is absolutely the case.

Michael Spurr: Can I say a word on the survey? I think it is important we take note of what is being said, and that survey—I have read it—is important, but it was a survey of POA members. In the survey itself the POA say they have 30,000 members. The survey involved 5% of their membership, compared with a survey we have just done across the system, where 44% of staff responded. That is not to say that some of the issues in it are not real issues for us; they are real issues, but I do not think it presents a full picture of what is going on. I was disappointed that the doctor who did it did not talk to us about some of the arrangements, which could have made the survey questions rather better—for example, asking people whether they had contacted our staff welfare service, which is available 24 hours a day. It was not a question that was there. We could have made that survey rather better if we had worked with the trade unions on it.

Q386 John McDonnell: With the greatest respect, 5% of a qualitative survey done in that way is quite significant by any proportion, rather than an in-house survey done by yourselves. It is an independent survey by a university and recognised specialists. I suggest that, rather than complacently respond as you are doing, you meet with them and with the POA and bring forward information to us—

Michael Spurr: We have already. I said I was taking it seriously and I did not suggest that I was not. All I am saying is that I do not think it presents a full picture. I made the point very clearly, and I repeat it because it is important, that I do bother about what our staff say, and I said that right at the outset of that survey, but it does not present the full picture and it is important that we try to do that.

John McDonnell: No survey can do that.

Andrew Selous: May I add, Mr McDonnell, that every time I go to a prison I make it a point that I meet with the POA on their own without the governor there, in addition to meeting the chairman and general secretary? I meet the POA on a very regular basis to hear what is happening establishment by establishment, and will continue to do so.

Q387 John McDonnell: That is helpful. You quoted figures with regard to NOMS overall. This quote is with regard to the Prison Service itself. I point to the fact that one of the survey results is that 65% of the staff have considered leaving the service as a result of stress. I leave it at that.

Can we move on to safety overall? Safety levels have deteriorated rapidly over the last year, with rates of assault and self-inflicted deaths rising dramatically. We have visited these numbers before, but let me remind you: the number of self-inflicted deaths rose by 69% in 2012-13, and up until 2013-14, the number of incidents of self-harm rose by 7%, and assaults in adult male prisons by 38%. When we raised this with you before, in response to our questions you repeatedly attributed it to factors external to Government policy, despite all the expert evidence we have had to the contrary. In your last appearance, you told us that the problems reflected “a 40% increase in the number of people sent to prison for violent offences in the last decade”. The reality is that in the last few years those numbers have been falling. What is being done to take this crisis in safety seriously? Others have pointed to issues around staffing reductions, low levels of purposeful activity and the pace of change in policies applied to prison managers. Is it that you have simply been trying to change too much too quickly? Did you end up cutting staffing levels too dramatically? Has the Ministry been insufficiently proactive in addressing issues of safety to address what is clearly a safety crisis?

Andrew Selous: Shall I start, and then Mr Spurr can come in after me? The first issue in your remarks that I want to address, Mr McDonnell, is self-inflicted deaths, because it is an absolutely terrible tragedy that any prisoner should take their own life. To mention one name, I think of Vince Morgan, a constituent of the right hon. Member for Hull West and Hessle, I believe, whose case I have looked into in some detail, purely because I answered an Adjournment debate on it. I am determined that we will learn the lessons as much as we can. We investigate every death very thoroughly internally—the police, the Prisons and Probation Ombudsman, the chief inspector. We continually try to learn from them. It is something that you are right to hold us to account on and that we continue to take very seriously. The numbers have fluctuated a little bit over the years, but each death is a tragedy. I do not want to focus on the numbers per se because each death is an individual tragedy.

John McDonnell: But it is a 69% increase.

Andrew Selous: There have been fluctuations up and down. In the last couple of months, we have seen slightly fewer. One of the things we wish to do is to try to further improve mental health services within our prisons. The Secretary of State made a major speech on mental health. We work very closely with NHS England in terms of mental health provision within prisons, but it is an issue on which we need to do more. Also, in the community we now have liaison and diversion services within police stations to see whether people should be in prison or whether they should be receiving mental health care in the first place, and that, I think, is a new and significant development.

I could talk further on that, but shall I move on to the assault issue? Again, this is something that causes me personally huge distress, as someone responsible for the safety and wellbeing of prison officers. It is wholly and utterly unacceptable. That is the first thing I want to say very clearly. Since we last met we have introduced a new protocol, Mr

McDonnell, between prison officers, the police service and the Crown Prosecution Service. In my view it was wholly unacceptable that the Prison Officers Association had to go to judicial review in order that a prosecution should be mounted against a prisoner who threw excrement in the face of a prison officer. They had to do that, and on judicial review they won the right to take that case to prosecution. If you look through the detail of the protocol we announced two or three weeks ago, that type of incident would be taken as a matter of course to the Crown Prosecution Service for consideration, as would many other wholly unacceptable incidents. That is a significant extra tool. I think it will add a deterrent effect. The bottom line is that I want to see any prisoner who assaults staff behind bars for longer, because it is absolutely not acceptable. Some members of the Prison Officers Association have called for us to do that, and they have welcomed the fact that we have now managed to do it.

Chair: They did so in front of the Committee.

Andrew Selous: I am pleased to hear that.

Q388 John McDonnell: Can I bring you back to the central issue, which is about staffing reductions? In all that we have learned from the experts we have had before us there is the importance, in terms of safety, of the relationship between prison officer staff and the prisoners themselves. A number of witnesses criticised the policies that have led to the breaking of such relationships, which include significant staffing reductions and the changes into restricted regimes. What are you doing to compensate for these difficulties and ensure that relationships can be established again?

Andrew Selous: The first thing we are doing, as we have said to you a number of times, is recruiting 1,700 extra prison officers. You heard from Mr Spurr already. That is on track.

Q389 John McDonnell: You cut quite dramatically, then you experience a crisis of safety and now you are recruiting again. Is that a failure to predict the problems that we are going to be reporting on?

Andrew Selous: I will let Mr Spurr come in; just let me respond briefly. As we have already said earlier in our remarks, we have closed 14 old, not fit for purpose, expensive to run prisons. That was the right thing to do and I do not apologise for doing it. In its place we are creating new fit for purpose better accommodation for both prisoners and staff. Not every prison officer will want to move from one part of the country to another, to where we are creating the new capacity. It is also true that there was an unexpected rise in the prison population. We said that to you the last time we were in front of you.

John McDonnell: But it was within your range of predictions.

Andrew Selous: I still think we were right to go for a new-for-old policy, because the prison officers we are all rightly concerned about—

Chair: We are not questioning that. We are just trying to establish how you got into a situation, which we have discussed with Mr Spurr before, where you allowed a lot of

redundancies to take place and then found you did not have enough prison officers.

Michael Spurr: I have talked about it before. I think the decisions that we took at the time, in 2013, were reasonable and proper decisions based on the facts and evidence we had at the time. The prison population had been following the medium projection for the previous three years. We had planned on the medium projection and I was open about that, and we took decisions based on it.

John McDonnell: So you made a mistake in the sense that you planned on the medium rather than your full range.

Michael Spurr: There is a medium, a high and a low projection. We planned on the medium projection, but we had contingency to be able to manage if it went to the high projection. For a period, it went above the high projection, and that is why we had the difficulty in the autumn of last year, but the fact was that we responded with our contingencies and were able to cope with it. That demonstrates, I think, good planning.

John McDonnell: But you responded too late, because in the meantime suicides had increased by 69%.

Michael Spurr: I accept that there was pressure on the system. I think making a direct causal link is difficult, and I think the Prisons and Probation Ombudsman made—

Q390 John McDonnell: But it has been identified as a factor, hasn't it?

Michael Spurr: I think the Prisons and Probation Ombudsman said that it was difficult to make that direct causal link, and I agree with him.

John McDonnell: But the chief inspector said that is a factor.

Michael Spurr: I have accepted that there is pressure. I just think it is very difficult, as the Prisons and Probation Ombudsman said, to make that direct link, and he has looked at the individual cases on that basis.

John McDonnell: The inspector has identified it as a factor though, hasn't he?

Michael Spurr: Yes. I am not disputing that. In terms of the staffing, you asked did we get our safety position wrong. In making the changes—it is major change—we have a several stage process to review how we are implementing that change. We have put 700 posts back—nothing to do with the population—in response to establishments saying, “This needs this year's additional people.” I think that was the right thing to do. We said all along that we would work with trades unions, and if we were identifying areas where we needed more staffing we would do that. That was the right thing to do, and we did that. Then we had the prison population issues, and we have had turnover in the south-east. In London, for example, out of well over 4,000 staff in Greater London, we allowed 99 people to go, at the point when we were making decisions on voluntary redundancy—99 out of over 4,000. The problem of staff shortages in London was not about allowing

people to go on redundancy in 2013; it was the turnover rate that then came more quickly than we had anticipated.

Q391 Chair: I think we are rerunning a discussion we have had with you before. I want to ask Mr Selous, on a point he made earlier, why he finds it so difficult in the public sector to do things the private sector is doing by using technology to reduce the pressure on prison officers, things such as the kiosk system. Why are you finding it so difficult to do it in the public sector?

Andrew Selous: Sir Alan, that is a very good question, which I have asked myself as I have gone round both contracted and private sector prisons. I am not sure I have a particularly good answer for you, which is probably not something I should be saying in front of you, but it is something I will consider further. I want all prisons to have good investment. I am aware of the advantages that the technology brings in the contracted prisons, and I would, of course, like that to be available across the prison estate.

Michael Spurr: We are trialling the use of kiosks in some public sector prisons, but to roll it out across 100-plus prisons is a significant capital investment. We do not have a huge amount of capital to invest, and that is a problem for us, because of public finances. May I add one other point which I think is really important? Mr McDonnell rightly talks about the pressures on the system and staffing shortfalls in the public sector. It would be wrong for me not to make the point that the issue is cross-sector. On the issue of assaults, I have said before that the total level of assaults and the rate of assaults are not dramatically different. They are in different parts of the estate—more in the adult estate, when they used to be in the young people's estate—but I have accepted and said that serious violence is higher than it used to be, which reflects a change in the dynamic of the population, and it crosses the public and private sectors. Indeed, there is as much of an issue in the private sector as there is in the public sector, which has not been through, as you have just pointed out, the same changes as the public sector. That means we have to address it across the sectors, and that is exactly what I am doing with a cross-sector group involving the private and public sectors, looking at the whole range of things we can do in terms of our response to what I think are higher levels of serious violence than we have seen previously, because of the nature of the population, in addition to the pressures we are managing more generally.

Andrew Selous: As a small rider, every individual assault is unacceptable, but just by way of context, I ask you to note that the rate of assault per thousand prisoners has been lower in each year of this Government than it was between 2006 and 2009. It is a bit inelegant in a sense to trade statistics on this point. I say that merely by way of context, because I make the point again that each—

John McDonnell: The overall level of assaults in adult prisons has dropped by 14%.

Andrew Selous: If you look at the rate per thousand prisoners—we have a higher prison population—it is lower in each year under this Government than it was under the Government between 2006 and 2009.

Q392 John Howell: May I turn to the role of governors, please? There seems to have been a change, in that they no longer have direct responsibility for what is being delivered in their prisons in terms of education, health care and catering, for example. What is NOMS doing to ensure that the increasing range of non-core custodial services that are outsourced are well integrated within each prison, that governors have sufficient control over the running of their establishment, and that they are sufficiently supported in operating in such conditions?

Andrew Selous: You are absolutely right to ask about the role of the governor. It is a critical leadership role in any prison, but I do not apologise for the fact that we have contracted out health care and education, because I think they were both the right things to do. The NHS are the people who know the most about health. It is right that NHS England and the NHS in Wales run health care within our prisons. You do not want a situation where teachers are becoming detached from their profession, not keeping up with continuing professional development, and so on, and I think it is right that OLASS runs our education and training within prisons, so the governor has a critical partnership management role as well, overseeing partners who are bringing high quality provision within the prison. However, the governor is essentially someone who is out and about in the prison, going around talking to prison officers and talking to prisoners on a regular basis, with that key leadership role, but he or she also has a key management role in making sure that that high quality provision from outside dovetails into the overall prison regime.

Q393 John Howell: How are you supporting governors in operating in such conditions?

Andrew Selous: We are undertaking a project on the role of the governor in conjunction with the Institute of Criminology at Cambridge university. Whether you could describe it as a staff course for governors I am not sure. Mr Spurr might want to term it slightly differently. One of my earliest conversations with him was partly about what we could do to equip governors but also about the role and status of governors. I am conscious of the national professional qualification for headship for head teachers in schools, and what we are doing with the police college with senior police officers, and I was hoping and wanting to explore whether we could do something similar as far as governors are concerned, but I will let Mr Spurr add to that.

Michael Spurr: This is something that has been developing over a number of years. Health and education became the responsibility of the NHS and what is now BIS 10 years ago, so it is not new that governors have had health delivered through a whole range of different NHS measures, previously through primary care trusts who were the commissioners, and now through NHS England, which is a central commissioner. From our perspective that is more helpful because they get expertise in commissioning in the prison world. It is the same with education, and that has allowed us to have much better provision.

Chair: We are familiar with its history. It is simply that governors sometimes say to us, "There is a limit to what I control in this prison."

Michael Spurr: Yes, indeed, and I think that issue has become more prominent for them because of Transforming Rehabilitation, where resettlement services will be delivered by

community rehabilitation companies. Again, the rationale for that—the community responsibility—is very strong, but it does change the role of the governor. As Mr Selous says, we have been addressing that directly with them. There is, as the Minister says, a whole project about what is the role of the governor and how we support them going forward. We are also, at the behest of the Minister directly, looking at creating a diploma course for operational managers—not when you become a governor but when you come first of all on a junior governor grade—on what is the new role that you now have to manage compared with the old one, which was just about everything within your control.

Q394 Jeremy Corbyn: May I take you to the question of working prisons? It seems that the shortage of staff and staff numbers mean that many prisoners who want to work, even where there are contracts available for them to work to, simply cannot do it. Contracts cannot be fulfilled because prisoners cannot be released from their cells. What monitoring are you undertaking of this?

Michael Spurr: As I was saying, we record numbers of hours in workshops, we look at the overall figures at a management board level, and the expectation and requirement is that that is done, as I mentioned before, through the assurance board that Mr Copple chairs, through individual deputy directors of custody who visit establishments and at local establishment level. Where there are regime restrictions, that may impact on work, although the aim of our revised management guidance for regimes is to maximise the number of people in work, because maximising activity helps to maintain stability where you have a shortage of staff. One of the things we did in the summer was look at revising regimes to ensure we could maximise the number of people in activity. Whilst there are shortages on occasion, which mean that not everybody is working to the extent we would want them to, that is a short-term impact where there are shortages of staff. Our aim is to continue to increase the amount of work that prisoners are doing. There is evidence that we have been achieving that, and I am confident we will be able to return to improving those—

Q395 Jeremy Corbyn: Can you provide this evidence? For example, a new laundry put in at Wormwood Scrubs has not been able to work properly because the prisoners cannot get out to work it, and others have not been moved to resettlement prisons where they could have been working. Surely, if it is a core point of Government policy that prisoners should gain some experience of work and be able to work in prison, it is up to you to facilitate it.

Chair: I would like Mr Selous to answer that question, to give us some feel of how much of a priority it now is.

Andrew Selous: It is a huge priority to me personally. I think I said to you last time I was here that I am so struck by the difference in atmosphere in a prison—I think of my visit, say, to Bad Boys' Bakery in Brixton—and the sense of purpose that you see in prisoners when they are going about a full job of work. There is a huge difference from seeing prisoners lounging around on pool tables, and I want the former, not the latter, as much as possible. We are making progress. There are 3.6 million more hours of work under this Government. We have a larger number of prisoners working. I am not satisfied. I want us

to go further. I go round prisons now. I meet directors of business development, which you might think—

Chair: We meet them too.

Andrew Selous: You might think it is an odd title for someone in a prison, but it is an extremely important job. This is someone who is tasked with getting more work into the prison. We are co-operating with other Government Departments. There has been some really good work with the Ministry of Defence recently. I think I mentioned the Halfords training academy at Onley prison in Warwickshire—a fantastic initiative. I pay tribute to Halfords publicly for doing that. I hope it will be the first of many that they will run. There is a proper four-month course. They start at 8.30 in the morning and do a full day's work. They go out on day release. Again, they leave the prison at 7.30 and start at a Halfords store at 8.30. If they complete the four-month course they get a job at the end of it.

Q396 Jeremy Corbyn: We are hoping to visit one of those. Because we are short of time, could you give us a short note on the progress of prisoners working, the conditions and so on under which they work, and what the problems are over movement and resettlement? We want to include that in our report on this discussion.

Andrew Selous: We would be very happy to provide that.

Chair: One of the problems we are aware of is that, if you do not have enough prison officers, the transfer of prisoners from cells to work becomes unmanageable.

Andrew Selous: I accept that, but with 1,700 officers on track I am looking to see more work in our prisons as a result.

Q397 Nick de Bois: Because of the pressure on time I am going to focus on incentives and earned privileges, the IEP scheme, and perhaps a bit of an interim report-back on it. I wonder how you are monitoring the impact of the changes to the IEP programme, and specifically whether you could give any assessment of the impact, for example, on prisoner morale, levels of compliance with prison regimes, and the impact on staff. I am sorry to wrap up these questions but I should like you to explain a bit more. Do governors now have more discretion to operate the scheme as they see fit within their own model rather than a complete, one size fits all? Underlying my thinking, Minister, is how you balance what many would have seen as a political priority against an operational need.

Andrew Selous: I think the IEP scheme was the right thing to do. It puts an onus on prisoners to take personal charge of their own rehabilitation, and it aligns good, positive, pro-social, engaged behaviour with privileges and better conditions within a prison. It is trying to say that, if you put in the effort and do the right thing, you are rewarded for your responsibility in working towards your rehabilitation, so it is a key part of our rehabilitative agenda within prisons and it is important as far as the mentality of the prisoner is concerned. It has settled down well, I would say. Prisoners do not like being moved down to lower levels of IEP. That is not something they want to happen. I think that helps us, as I was saying earlier, because the incentives are aligned in the right way.

To answer your final point, this is something which governors are able to adjudicate and have a reasonable amount of discretion on, but I will hand over to Mr Spurr for some of the finer operational details.

Q398 Nick de Bois: It has been running for about a year now, has it? I may be wrong.

Michael Spurr: November of last year.

Q399 Nick de Bois: And there were some modifications. The Minister said that people do not like being downgraded. Do you have any numbers on how many people have been downgraded, and can you point to the impact of that?

Michael Spurr: We have the percentages at my level—national level—of people on enhanced, on standard and on basic. I do not have those with me, but I can let you have the percentages and the changes. It is always a relatively small percentage of people on the basic regime. It used to be less than 2%. It is above that now. I think 3% to 4% is probably where it is, but I will give you the accurate figure. The important thing is that the aim is not to have people on basic for long periods. The aim is that you go on to basic, you become compliant and accept that your behaviour has not been good enough and you come off that and move back, so, although the numbers at any one time are relatively low, the turnover is higher. The number on enhanced has reduced because it is tougher to get an enhanced level; you have to demonstrate the additional requirement around supporting your rehabilitation. We made some adjustments after about six months in response to governors and feedback and things that were unintended consequences of producing not only a revised incentives scheme but also a national facilities list, which we have taken, in consultation with governors and others but did not get it all right first time, so we allowed people to come back—

Q400 Nick de Bois: Can I clarify that point? Was the IEP something that was formed after consultation with governors, or was it imposed as a priority and then feedback was taken on its implementation?

Michael Spurr: We have had an incentive and earned privileges scheme since the late 1990s, so the scheme itself was there prior to November.

Q401 Nick de Bois: When were the changes?

Michael Spurr: There was a very clear policy from Ministers to change the scheme, which you are aware of. We provided operational advice to Ministers about how we would change that scheme and, yes, we consulted with a range of governors about how it would be applied and, through that process, did so. It was not an open, public consultation, but we also talked to other interested parties, including the Prison Reform Trust, the prisons inspectorate and others as we went through the process of devising a scheme to meet ministerial requirements for us to have a greater emphasis on rehabilitation, and for us to

address in particular the first period in custody. We have created an entry level so that people can demonstrate that they are prepared to comply with the regime and not go straight on to the standard regime. There was consultation, not an open public consultation, but an internal one.

Chair: We are running very short of time, because we have the Secretary of State coming in at 11.15.

Q402 Andy McDonald: The chief inspector told us that the internal prison complaints system did not have the confidence of prisoners. This is at a time when legal aid cuts are forcing prisoners to utilise the internal system more heavily. What oversight is there of internal complaints procedures?

Andrew Selous: There is quite a significant one. Complaints are scrutinised by the independent monitoring boards, by the Prisons and Probation Ombudsman, as well as the chief inspector. We have increased the ombudsman's budget for 2014-15 by 7%. We are trying to give better quality replies. There is also the right for the Prisons and Probation Ombudsman to intervene after the internal process has been exhausted. It is an area we are addressing, because we realise it is important.

Q403 Andy McDonald: The end of the line, in terms of the complaints system, is indeed the Prisons and Probation Ombudsman. I have been told that complaints have increased by 35% during his tenure, and others have complained that the backlog is such that it is unworkable. Is sufficient attention being paid to this?

Michael Spurr: There are in the prison system over 200,000 complaints made by prisoners in any year. The ombudsman deals with around 4,000 to 5,000 complaints a year, and, yes, there was an increase. The number of complaints went down a year or two ago, and it then went up. We have to ensure that the ombudsman has the right resource to deal with those complaints, which is why his budget, unlike most of the rest of us, has been increased. We changed the system to try to make it more effective and to bring confidence. It used to be a three-stage system. We have reduced it to two, but we have provided more time for a response to try to get higher quality responses. We had our own internal audit organisation review the whole system last year to ensure that it was operating effectively after we had implemented the changes. We are, as you have just described, going through a period of pressure, and it is not surprising that you get complaints through that period when things are not right. It matters that we have an effective complaints system, because legitimacy in prison is important in terms of maintaining order, and people feeling that they are being treated fairly.

Q404 Mr Chope: Minister, what has been the impact of recent prison policy changes on reducing racism and radicalisation in the prison estate?

Andrew Selous: We do not tolerate racist behaviour within prisons. Any staff who demonstrate racial intolerance will be subject to a disciplinary hearing, which, if it turns

out to be a case of gross misconduct, will lead to dismissal, and rightly so. We take our equality and diversity duties extremely seriously. We want to look after all prisoners properly.

Mr Chope: So things are getting better.

Andrew Selous: We have been through a period of challenges, but, yes, I think things are getting better. We are getting more staff. We are getting newer, better capacity. There is light at the end of the tunnel after a period of considerable challenge, so, yes, I believe they are.

Q405 Mr Chope: How are you coping with the enormous increase in the number of Muslims among the prison population?

Andrew Selous: We have 100 Muslim imams as part of our chaplaincy service, so their needs are taken very seriously. The imams are well integrated into the chaplaincy service as a whole. I see good co-operation with the Christian chaplains across the estate.

Q406 Mr Chope: The HMP report on Whitemoor prison said that there was a real problem there of gang-related activity and Muslim prisoners convicted of terrorist offences who were having an adverse influence on others. What has been done as a result of that?

Andrew Selous: We have a variety of programmes to try to deal with radicalisation, part theological, part motivational, part behavioural. The imams have a role in de-escalating and dealing with radicalisation, and operationally we move prisoners around the prison system if we think that is the right thing to do.

Chair: Thank you very much indeed. We are very grateful to you both for your help this morning. There are one or two other points we might want to pursue with you.

Andrew Selous: Of course, and we will send you the note Mr Corbyn asked for.

Chair: Thank you.