



Justice Committee

Oral evidence: Prison safety, HC 625

Tuesday 1 December 2015

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Members present: Robert Neill MP (Chair); Alex Chalk MP, Philip Davies MP, David Hanson MP, John Howell MP, Dr Rupa Huq MP, Andy McDonald MP, Victoria Prentis MP, Marie Rimmer MP.

Questions 1–89

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

Chair: Welcome, everyone, to today's session. I welcome in particular the Minister and Mr Spurr. We are very grateful to you both for coming to give evidence to us on this topic. This is a particular inquiry that we wish to do in relation to prison safety. Mr Selous, I am very grateful for the letter that you sent to the Committee not long ago. There has been some coverage around that and around the reports, which we have seen and will ask some questions about. On the basis that we have all seen that correspondence, it is best that we start by getting a sense of where we really are with the current position. The Secretary of State was very frank with us when he came—*[Interruption.]* I am reminded that we need to do some interests. It is tedious, but it has to be done. I do not have any.

Victoria Prentis: I do, in this context. I am a non-practising barrister. During my 17 years in the Treasury Solicitor's Department, my main client was probably the Prison Service.

Chair: Mr Chalk and I may have visited prisons in certain professional capacities, but not as users or anything else.

Mr Hanson: I may have had something to do with them in the past.

Chair: I do not think that there is anything that will bias anybody's approach to the inquiry.

Andy McDonald: I am a one-time criminal practitioner.

Chair: Absolutely. As you know, some of us were in practice in the criminal law before, but I do not think that it creates a difficulty.

Marie Rimmer: I was a chairman of Red Bank secure children's community home.

Q1 Chair: Hopefully that will make us all better informed, but we cannot guarantee it.

Minister, all of us were struck by the fact that when your Secretary of State came before the Committee he was very open about the fact that, frankly, things were not satisfactory, in terms of where we are with the state of safety in prisons and a number of other things. He was clearly very willing to look at a range of options and potential changes to the way we deal with both the estate and the management of offenders. Against that background, we are interested in the reports that we have now seen about current levels of safety, some of the issues that may or may not exist between NOMS and the Prison Officers Association, and how we seek to resolve those matters.

What strikes you pretty clearly to begin with when you look at the latest custody statistics is that it seems that there has been a decline over a number of years; it is not something that has happened suddenly. In the light of all that has been done and the evidence that was given when we had a previous report on this, we would have hoped that there would at least be a stabilisation, but we do not seem to have seen even that. Assaults and serious assaults, on prisoners as well as staff, are at very high levels, and at the moment they seem to be on an upward trajectory. Why is that? What sense do the Government have as to what is causing it? How do we deal with it?

Andrew Selous: Thank you, Chair. It is good to be before you again. Looking at a reasonably high level, three things have come together to cause this situation. The first is that a couple of years ago we were going through a major change, with the introduction of benchmarking, and that coincided with an unexpected increase in the prison population. We have been quite honest about the fact that that left us slightly shorter on officer numbers than we would have liked. We addressed that immediately with a sustained recruitment campaign, which has borne considerable fruit. It has been a period of huge change, with slightly increased prison numbers.

In the mix of prisoners, we have to remember that over the last decade there has been a 30% increase in the number of prisoners sent to prison for violent offences. Those prisoners are being sent to prison for longer, so the mix of prisoners has got more toxic, at a time of change. On top of that, probably starting about two years ago or more, we had the terrible influx into prisons of Spice and Black Mamba, the psychoactive substance drugs. I was appointed only in July 2014, but it was probably only towards the end of that year that we fully realised the impact, particularly on violence, that Spice was having across the estate.

We have taken considerable action to deal with all those issues, including prison officer numbers. We have done a lot of work on violence reduction; I am very happy to go into the detail in further questions. There has also been considerable action to combat Spice. If you want a high-level overview of how we have got where we are—we absolutely agree that it is not a satisfactory situation and it is one we are working very hard to improve—that is what has happened.

Q2 Chair: It is obviously a matter of concern that on 12 November we had a situation where the POA felt that there had been further deterioration. I understand the explanation, which may well be borne out by the evidence, but if the POA are saying on 12 November that there is further deterioration and they want to give NOMS 28 days to put its house in order—they talk about “failure to provide safe, secure and decent prisons” and make a veiled reference to

what further steps they will have to take to protect their members—a pretty serious situation has developed. Frankly, Mr Spurr, I do not get any sense of urgency at all from your officials on this.

Michael Spurr: That is very unfair. It has been the major priority for us, certainly over the last two years. I was very disappointed with that letter from the POA, because we had been working with them. They sent a similar letter in March last year. The letter coincided with the outcome of the pay review body, with which they were unhappy. We met them and dealt with the two areas of concern that they had, which were health and safety and issues around, particularly, the morale and motivation of closed-grade staff—people who were on old terms and conditions. In March, we reached an agreement with the POA to address the motivation issue through a recognition of the particular pressures that group had faced. In order to encourage retention, we made a non-consolidated payment to those individuals and agreed a process where we would address their concerns about health and safety, which are actually shared concerns.

Health and safety is a matter for all people working in any organisation, certainly in prisons. We committed to working with them to address those concerns, including, at their request, a joint approach to visiting establishments that they had determined had particular problems. We followed that through. We did a proper, frank review with our health and safety staff and POA NEC officials to look at those issues. I chaired the national Whitley with the POA in July, where there was recognition of the work that we had done jointly to address those issues, and thanks from the vice-chair—the chair of the POA. The report from that work was provided to the POA NEC in September. We have not had a substantive response to it, but we have taken action in response to that report, through governors.

Clearly, the statistics that were released are not what anybody would want in terms of outcomes on violence, but we had been working constructively with the POA. The letter that came in November, which coincided with our evidence to the pay review body this year—with which the POA is not happy, because we make no recommendation for additional remuneration for closed-grade staff—was a disappointment, because it gave us a 28-day notice of concern, when we had been working with the union on those concerns for the previous several months. It was a surprise and it was not a fair reflection of the work that we had been doing.

Q3 Chair: It is very difficult to square what you have just said about constructive working with the reference in the letter to “wholesale failure”. Are they exaggerating?

Michael Spurr: Yes. I have described where we had been. The minutes of the national Whitley in July were agreed and were published in September; they said that there was recognition of the work we had been doing together and that it had been well received by the POA. I am not denying the issues at all; in fact, I have been public about the pressures that we have been facing, for the reasons the Minister has gone through. The idea that we are complacent or have no sense of urgency about it is completely unfair. You cannot just take a solution off the shelf and sort out a change dynamic to the prison population that is real.

As the Minister said, the issue of NPS escalated in an unprecedented fashion over the period from early 2014 through this year. I think we are getting on top of it now, but we

are not yet at that position. That has changed the dynamic, both in the way individuals behave in response to those drugs and in the illicit economy that operates in prisons to supply them. They were almost tailor-made for prisons. You can buy them on the streets legally and relatively cheaply and get them into prisons in a whole range of ways, including throwing stuff over the wall, which is why Ministers took a decision to make that a criminal offence. You would not believe that that was such a problem, but it was; a huge amount of stuff was coming over the wall. That led to a significant change in the way the illicit economy worked. It sounds too simple to say bullying; it is more like extortion and violence. We have been trying to tackle that. We have developed a whole range of measures to do that, including training dogs. Psychoactive substances are really difficult to detect. There are 300 different types—

Q4 Chair: We will have some specific questions on psychoactive substances in a minute.

Michael Spurr: My point is that the idea that we have not been tackling it is completely unfair.

Q5 Chair: I understand where you are coming from. Minister, do you have anything to add?

Andrew Selous: I hope that we will have an opportunity to go into some detail about what we have done. On increasing prison officer numbers, there is a good story to tell: a net increase of 540 prison officers in the year to 30 September. We have taken a range of significant measures to tackle violence and a range of significant measures to tackle psychoactive substances within prisons, which lead to an increase in violence—an increase in adrenalin and wholly irrational behaviour, leading to violence.

Q6 Chair: That is very helpful. Thus far we have concentrated on the safety in custody statistics and so on, but the Department uses a number of other indicators—for example, internal performance assessments for individual prisoners, where I noticed that the reports highlighted some variation in practice and outcomes between prisons; incidents of concerted indiscipline, which I know are recorded; and complaint levels. Taking all those together, what does that tell you about the state of safety in prisons?

Andrew Selous: It tells us that we have a challenging situation, which the Secretary of State has fully recognised. That is why he laid out a very considerable reform agenda to deal with those issues, some of which are born of frustration. Perhaps the educational opportunities are not all that prisoners would like them to be. Perhaps the opportunities to work and gain meaningful qualifications, to get into employment, are not all that prisoners would like them to be, or perhaps the opportunities to maintain strong family relationships are not where they should be. Those are issues that we are addressing fully in our reform agenda. At the same time, we are introducing a number of specific legislative measures to deal with violence and drugs and a considerable number of practical measures within prisons to deal with those two issues. We have been very active legislatively, and operationally within prisons, to deal specifically with violence reduction and cracking down on Spice in prisons.

Q7 Mr Hanson: Minister, I am interested in how you personally monitor the level of deaths in custody. How personally engaged are you in looking at the causes, the solutions and the particular challenges that you face with the operational decisions that prison officers make?

Andrew Selous: It is a massive issue for me, as is the violence issue. I am made aware of deaths in custody as and when they happen. We track the figures on a regular basis in the quarterly releases. We are putting in place a large number of measures to try continually to learn from what has gone wrong and to improve our procedures, in terms of acting on the Prisons and Probation Ombudsman's recommendations. We are reviewing the assessment, care in custody and teamwork process, with which you will be familiar, and taking a number of other measures.

Q8 Mr Hanson: Is there still such a thing as the safer custody group? Do you chair a ministerially led group of officials to look at the issue?

Andrew Selous: I have regular meetings with Mr Spurr and other—

Q9 Mr Hanson: On this issue? Is there a ministerially led group specifically on the issue of deaths in prison?

Andrew Selous: I sit on the inter-ministerial group on deaths in custody, which meets three times a year, but it is a regular agenda item for me when I meet Mr Spurr and other officials throughout the offender management service. Not so long ago, I spent the best part of a morning with the Prisons and Probation Ombudsman, talking to his staff, where there is considerable experience on these issues. Every time I visit a prison, I talk to governors and staff about what they can do to improve measures.

Q10 Mr Hanson: The figures for deaths in custody for England and Wales show that in September 2011 there were 59 deaths and in September 2015 there were 95 deaths. Last night I looked at the Scottish figures. I accept that comparatively it is a smaller prison service, but in 2010 in Scotland there were 10 self-inflicted deaths, in 2011 there were six, in 2012 there were seven, in 2013 there were five, in 2014 there was one and in 2015 to date there have been no notified self-inflicted deaths. Have you looked at Scotland? What assessment have you made as to why the trajectory in England and Wales has risen from 59 to 95 when, for whatever reason—I do not know the details—the figures in Scotland have fallen from 10 to zero in the same period of time?

Andrew Selous: On the figures, the better comparison—although it has got worse—is that in the year to 30 September 2015 there were 95 self-inflicted deaths, whereas in the year to 30 September 2014 there were 91. It is an increase of four, rather than from 59. Laying that aside, obviously every single death is one too many. I have looked at the Scottish system. We have had a number of meetings with officials and academics involved in the Scottish prison system. We will absolutely learn lessons from anywhere around the world.

Q11 Mr Hanson: I am really interested in this. In your introductory remarks, you mentioned a number of challenges. Mr Spurr mentioned a number of challenges, which are valid challenges. I understand that. Is the Scottish system not facing the same challenges? Are there different challenges, or are they doing something different to have a situation whereby there is a downward trajectory on paper, apparently, at the same time as there is a massive upward trajectory on paper, apparently and in reality, with the England and Wales figures?

Andrew Selous: I am not an expert on the Scottish system, because I am responsible for prisons within England and Wales. I am happy to engage with—

Q12 Mr Hanson: The point I am trying to get to is are there specific factors in England and Wales that are not pertinent in Scotland, in terms of either the challenges or the response?

Michael Spurr: I had an email from the head of the Scottish service only this morning, as it happens. I am not sure that they have had the same impact from NPS that we have had. In terms of suicides, you were right to say that it is a much smaller system. As the Minister said, every death is one too many, but the number of actual deaths makes it very difficult statistically. Every death is one too many, but the statistical position, in terms of relatively small numbers against a turnover of 130,000 people, is difficult when you have a smaller service. That is why we tend to look at rates, and rates over a period of time. There is no question but that our rate has gone up, and it is not the case that Scotland's rate has gone up. Our rate remains below the rate in France, which has traditionally been much higher than ours. We look internationally at what has been creating that. Our self-harm levels have gone up significantly. Tragically, the number of suicides in the community has gone up, and if you look at the trajectory it is not dissimilar to what has been going on in prisons.

We thought that we would reassert the work that we had been doing on early days in custody, which remain a very big area of concern—the largest number of people who kill themselves do so a relatively short time after coming into custody. As part of that review, we are looking again in our processes at sharing what Scotland has done on that, to try to learn lessons, but it is never straightforward. There are different conditions in Scotland; although, of course, there are some similarities, because only a border separates us.

Q13 Victoria Prentis: Minister, I know that you have some excellent officials working on this area. Now that, very sadly, there are greater numbers of people committing suicide, to what extent do you drill down into why that is the case? Mr Spurr just said that most suicides occur very early in a sentence. Obviously that takes us to thinking about the induction processes. Have you considered including in the induction processes asking about people's bereavement issues in the past, which I know are a significant factor? Could you give us further detail? Would you be prepared to share any information that you have or any reports that you have done?

Andrew Selous: Yes, I am very happy to talk about that. On figures, as it may be helpful, there were 4,513 suicides in England in 2012, which rose to 4,727 in 2013. That shows that, sadly, there has been an increase in the community as well. You are absolutely right. I believe that about 20% of self-inflicted deaths happen within the first week and that it can be about 40% within the first month. That is my memory of the last inter-ministerial board meeting that looked at these issues.

We are working very hard to make sure that the induction centres in prisons and the early days processes are as good as they can be in introducing people to the prison. We do as much of the induction as possible with existing trained prisoners, where that is possible, because we find that can often be effective. I am proud of the listener scheme that we have in prisons. These are prisoners trained by the Samaritans, with whom we work extremely closely. They are available to prisoners literally 24/7. If at 3 in the morning—in the middle of the night—a prisoner needs to talk to someone, they have the ability to get a prison officer to bring a listener to their cell so that they can talk to them.

You are right about the early days issue, which we are looking at very closely. To repeat what Mr Spurr said, we implement the vast majority of recommendations on early days care from the Prisons and Probation Ombudsman. We are very keen to learn every single lesson that we possibly can.

Q14 Victoria Prentis: I very much appreciate what you say about the listener system and about prisoners being brought into the induction process. What worries me is the people who come with very significant mental health issues, particularly bereavement issues, of which we think we know there are a significant amount, although possibly sufficient research has not been done.

Andrew Selous: I am very happy to take the bereavement point away. I have not focused on that specifically, but I will go back and raise it with officials following this meeting.

Q15 Victoria Prentis: That would be great. There is a new report, but only 33 people were in the cohort.

Andrew Selous: I am very happy to look at that. Obviously healthcare and mental health colleagues are involved in the induction process, but it may be that we have not looked specifically enough at bereavement issues for people coming in. I am very happy to take that away. Thank you for raising it.

Q16 Alex Chalk: I want to make sure that I understand what is being said. You mentioned that there appears to have been an increase in the rate of suicide in the non-prisoner population, but you are not saying, are you, that the increase from 2011 to 2015, which is something like 60% in the prisoner population, is in any way correlated to that in the wider population?

Michael Spurr: You cannot compare percentages with such small numbers. The point is that there has been a rise. If you look at the overall rise, there has been a trend rise in the community and a trend rise in prison. There is a much higher proportion of people who kill themselves in prison. In the community, the overall rate of suicide is around 0.11 per 100,000, I think. In prisons, it is one per 100,000¹. For men in the community, it is 0.18. Where the rate has been increasing, tragically, is with men in the community.

There is another interesting point. People think that this affects young men. Tragically, sometimes young men take their own lives, but in the community the largest cohort is those in their 30s to 40s. In prison the largest cohort of people who kill themselves is those in their 40s to 50s, and then those in their 30s to 40s. Only last month, I was at a whole-day learning lessons seminar with the Prisons and Probation Ombudsman and people leading on safer custody across prisons, but the ombudsman has yet to find evidence of a particular trend or definitive reason why we have had this increase. It is not consistent. It is across the whole estate and different types of prisons. As I said, the biggest cohort of those in the prison estate who kill themselves is men who are slightly older than you might have imagined. It is still true that a number of people kill themselves early in custody, but equally there are people who kill themselves after having been in custody for some time. Therefore, it has not been straightforward to see what has led to this.

¹ Note by witness: In the community, the overall rate of suicide is around 0.12 per 1000, I think. In prisons, it is 1.1 per 1000

Self-harm has gone up for men. Over recent years, we have had a significant reduction in women's self-harm, although it went up in the last figures, but self-harm among men has increased over a number of years. We had over 27,000 incidents of self-harm last year, so it is a really significant problem. I am simply saying that there are a lot of issues that make it complex for us to deal with. The numbers are higher than anyone would want—every one is too much—but it is difficult to take statistical trends out of those figures.

Q17 Alex Chalk: You mentioned that there were some international comparisons. I quite accept that making comparisons with Scotland, where the sample is so small, is very difficult, but you mentioned France. With that figure of 95 from September 2015, which is a 60% rise since 2011, taking on board your statistical point, can you assist us with where we stand compared with similar-sized countries—France, Germany or Spain—in terms of the percentage of deaths in custody?

Michael Spurr: We do not have all those in the way you have just described; for example, the German system is broken down by Länder, so it is difficult to get a national figure. The last rate I looked at for France was about 1.2 per 100,000; we are currently at one per 100,000². We can write to you with our latest international comparators, where we have them.

Alex Chalk: I would find that of assistance. Thank you.

Q18 Chair: That would be helpful. Of course the Länder publish their figures and you just add them up, don't you?

Andrew Selous: Could I make a general point? I strongly believe that the whole reform process we are engaged on will speak directly to this issue. Right at the start of a sentence, you can sit a prisoner down and say, "Yes, life looks very bleak at the moment, but in your time here we will fill in your educational deficits, maybe teach you the maths that you never learned at school, and try to get you a qualification that will mean that, ideally, you can go through the prison gate with a job"—the model I am most keen on—"so when you get out you will be able to support your family." At the start of a sentence, if you can give someone a hope, a future and a plan that, hopefully, they can buy into, I believe that that whole reform programme will speak as powerfully in this area as all the other things that, quite rightly, we need to have in place in the assessment and care in custody process as well.

Q19 Chair: Can you help me on that? The report on Thameside prison that came out from the chief inspector only last week talked about first-night assessments, which are an important part of the process. It went on to point out that "the first-night assessments at many of the men's prisons we inspected"—not just one—"did not give enough emphasis to vulnerability as they were not sufficiently private, and neither enough time nor resources were allocated to allow staff to conduct the assessments effectively." That is very worrying, isn't it?

Andrew Selous: It is clearly an area we need to do better in. I know Thameside well and have visited it on a number of occasions. It has a good director, who is a very humane man, and there are a lot of very good programmes in the prison. I will go back and look at

² Note by witness: The last rate I looked at for France was about 1.2 per 1000; we are currently at 1.1 per 1000

what the chief inspector said specifically on that issue. We absolutely recognise that we need to give further attention to the first night, the first week and the first month, because up to 40% of self-inflicted deaths take place during that period.

Q20 Chair: We would welcome some further recognition from you that the good intentions—that I do not doubt are there at ministerial and managerial level—are being put into practice. The report seems to indicate the contrary, in some places at any rate.

Michael Spurr: Of course, it is always very pressured when you are taking people in from court, coming in the evening. Thameside is a modern prison, but in some places the facilities for dealing with people coming through are not as good as we would want. Pentonville is a good example. It has the largest throughput in the country, but a very limited reception area to enable it to deal with people.

We have a commitment to ensure that everybody is seen properly by a health professional and that there is an individual interview with everyone coming in on the first night. We are now looking to improve significantly the prison escort custody form—to digitalise it and to ensure that the information that comes from the court is better. Work is ongoing to improve those processes. I do not deny the importance of the area, but it is equally important to say that, when you are coming back from court during an evening period, it is inevitably a stretch to manage that, however well resourced we are. Our emphasis is on ensuring that everybody is seen individually. We have health professionals seeing everyone coming through, and identifying—generally they go into first-night centres, where we hold people separately from the rest of the population. It is important that that point is made.

Q21 Chair: But the chief inspector's report is not wrong on the point that he makes, is it?

Michael Spurr: He is making the point that he feels that some of what he saw was not good enough. We have to respond to that.

Q22 Chair: We have to respond to that. I am sure that you will.

Andrew Selous: One example would be Bristol prison, where a few years ago the chief inspector commented that the induction facilities were not good enough. Recently they were significantly improved and renovated. Of course, the nine new prisons that we are building will give us much better facilities as well.

Chair: Understood.

Q23 Marie Rimmer: Mr Spurr, can we look at transgender prisoners and their treatment? Normally they are placed in accordance with their birth certificate, or their transgender certificate, but discretion is given. Can you tell me how many prisoners who identify themselves as female are held in the male prison estate?

Michael Spurr: No, I cannot tell you that. We do not collect those data at a national level, for a number of reasons. Individually, those cases are managed at local level, where those decisions will be made. In collecting data, you would identify individuals, because the numbers are relatively small, so we do not collect those data in that way nationally. We are looking at introducing a self-declaration position, which would enable us to collect the data rather better. If someone comes into custody, for example, with a gender

reassignment certificate, they are treated as the gender of their reassignment. It is not up to us. In fact, it is a criminal offence not to treat a person in that way, and to disclose their original gender, so the issue of collating such data becomes complicated.

The issue of trans individuals in prison is one that we have had for a long period. It requires sensitive and individual care and case management for the individual, depending on where they are in their individual case. The requirement in law is generally to place someone in relation to either their birth gender or their reassignment gender, but we have within the policy an ability, through case conferences and case management involving health professionals and others, to make alternative arrangements, where that is the right approach for the individual.

Q24 Marie Rimmer: Yes, there is room for discretion, and we are told that senior prison officers will consult medical and other experts before a placement is made. Are you confident that that is happening? Are you saying that you need to have it on the certificate that they are transgender before you go into that?

Michael Spurr: No. Those case conferences happen. What we are saying is that their placement from court will be either to the individual's birth gender or, if there is a reassignment certificate, to the gender of the individual. If the person is clearly in the process of changing gender, we will look to facilitate that. We have clear instructions to do that. Some people who have gender dysphoria or who are going through a change of gender are required to live in the new gender. We will look at where that is best managed—whether, potentially, it would be in a male establishment, if it is a male becoming a female. If that is the case, we will look at the individual circumstances and assess what is the right approach.

It is difficult, because having someone who is transitioning but has not fully transitioned to a female gender in a female establishment can itself cause issues and difficulties. We have to look at the individual case—where the individual is—and assess the risks that individual might pose, linked to their offending as well. All of that has to be taken account of, which is why individual case conferences are the right way of dealing with those individuals.

Q25 Marie Rimmer: Who actually makes the decision on where they are placed? Why did it take a public campaign for Tara Hudson to be moved to a female prison when she had lived all her adult life as a transgender female?

Michael Spurr: Because we had to look at the individual case. It is not appropriate for me to discuss in public any individual case; I am sorry, but I cannot do that. I would simply say that there were and are appropriate case conferences in individual cases involving transgender individuals. Following those case conferences, the governor will make recommendations about allocation. I have been involved in them myself; they happen. They are always complicated.

Q26 Marie Rimmer: Is it the local governor of the prison who makes that decision?

Michael Spurr: It is a Prison Service decision about where we allocate a prisoner in those circumstances. A governor is responsible for determining allocation on the basis of reports, including medical reports. In the end, it is a decision where we have to take

account of a whole range of factors, including the risks to the individual themselves and the risks that they may pose to others. It is our responsibility to look at that.

Q27 Marie Rimmer: Mr Selous, we heard what Mr Spurr said—that in future they will talk to the individual, if what is on the certificate is different from what they actually are. Are you content that that goes far enough to prevent a future incident like the ones we have had recently?

Andrew Selous: It is an issue we are looking at very carefully. We are currently reviewing Prison Service instruction 07/2011, which deals with transgender prisoners. That is an ongoing process, with internal experts and outside stakeholders. We are very open to outside advice in this area. We want to place prisoners where there is the best chance of rehabilitation, but we are guided by the law in this area. There are obviously criminal sanctions in terms of talking about individual cases. We absolutely want to place prisoners in the most appropriate setting as far as they are concerned, but we have to have regard for the safety of all prisoners. Those types of issues can be properly discussed in case conferences, but I will continue to take a very close interest in this area. I do not want any repeats of the tragic incident we had recently.

Q28 Marie Rimmer: It would be good to know exactly how many we have in the prison estate. Then you can look at what provision can be made.

Andrew Selous: Indeed. That is why we are bringing in the equality self-declaration form, which, importantly, will be available at the pre-sentence report stage. We are doing everything that we possibly can legally to get this information, because obviously there are legal requirements in terms of where we cannot go. The equality self-declaration gives us the opportunity to get that information—importantly, at the pre-sentence report stage.

Q29 Marie Rimmer: It would also be about the individual having the confidence to declare it at that stage, going into prison, wouldn't it? That needs to be looked at very sensitively.

Andrew Selous: Yes.

Q30 Marie Rimmer: What arrangements are in place before the revised guidance is issued to prevent tragedies similar to that of Vicky Thompson?

Andrew Selous: We take considerable care to keep them in a part of the prison where often they are apart from other prisoners. They will have contact only with prisoners in whom we have confidence. They are allowed to dress in the gender of their choice, to have appropriate toiletries and so on. As I said when I made the urgent question response to the House, decency and respect are at the heart of what the National Offender Management Service does; those values are fully incorporated. We are putting a specific module on Equality Act training in the prison officer training that we will introduce from the start of next year. From the top to the bottom, equality, decency and respect for prisoners are at the heart of what we do.

Q31 Marie Rimmer: Has any communication on further guidance been given to governors in prisons since the two incidents?

Andrew Selous: Governors know that we are currently reviewing Prison Service instruction 07/2011. As I said, we have outside stakeholders, as well as internal experts,

advising us on that. That work is urgent and ongoing. As soon as it is completed, it will be fully communicated to all governors.

Q32 Marie Rimmer: Mr Spurr, has any communication with governors taken place since these incidents?

Michael Spurr: Yes.

Q33 Marie Rimmer: Could you tell us, please?

Michael Spurr: Yes. We have reminded governors of the sensitivity and importance of dealing with trans individuals, and of the whole issue around suicide. When we have a suicide, the risk of further suicides in an individual establishment or across the estate increases. It is not unusual to have suicides in clusters. Yes, we communicated with governors following the incident that you raised.

It is right that we look at having the best possible policy. It is absolutely right that we are reviewing the policy, but I would not want you to think that we had not taken a great deal of care in producing the policy in the first place. It makes absolutely clear the importance of individual case management, which we have reinforced to governors. That is there in the policy anyway.

Q34 Marie Rimmer: But it is down to the governor. It is the application, isn't it?

Chair: We have to start to move on.

Michael Spurr: It has to be down to the governor, because the governor has care of the individual within their responsibility.

Q35 Andy McDonald: Can I return to the issue of the ongoing deterioration in prison safety? I very much welcome the consensus around evidence-based policy making, but having sat on the Committee for a number of years and having heard the figures on suicides and other incidents, I have to say that the responses that we are getting do not really gel with me. Saying that there is a relationship with the incidence of suicide in the general population is not helpful. Mr Selous, you referred to an increase of 91 to 95 over the last two years. I track you back to 2011, when it was 59. In 2012, it went down, to 57. In 2013, it was 64. Then there was a giant leap, to 91 and 95. Assaults, serious assaults, assaults on staff, serious assaults on staff and incidents of self-harm are all up considerably. I know Mr Spurr's sensitivities around that being classified as "wholesale failure", but at what point do you reflect upon the policies that this Government have introduced, opposite benchmarking and making people redundant and bringing them back? At what point do you reflect and examine whether the introduction of policies that people have done their desperate best to implement with great professionalism has had a direct correlation to this? We have heard about NPS. Quite frankly, I am getting a little anxious about the clutching at straws about factors going on in the wider community, which does not address the fundamental issues. Could you answer those points and give some sort of overview of exactly what you see as the key reasons for the deterioration in prison safety and whether there is a relationship with policies that have been introduced?

Andrew Selous: What you are entitled to see from Ministers is action on the issues that you have identified. Let me start with staff, because that is critically important to all the

issues you have mentioned. I mentioned the unexpected increase in the prison population in 2012-13, at a time when we had closed 14 prisons. We recognised that immediately, with an intention to recruit 1,700 extra prison officers up to 31 March this year. We overachieved—we actually recruited 1,836. As I said earlier, we have had a net increase in officers of 540 up to 30 September this year. I can also tell the Committee that that recruitment campaign remains in place. We intend to recruit a further 1,700 to 2,000 prison officers up to the end of March 2016, so we are carrying on full steam ahead. I am extremely pleased with the recent spending review, where I argued very hard that there should be no operational reduction in the budget of the Prison Service. That is something we safeguarded within the spending review. The first issue was staff, without which we cannot deal with any of these issues.

Q36 Andy McDonald: On staff, had those redundancies not been made, do you think that you would be looking at a different figure? Was it an error to embark upon such significant redundancies?

Andrew Selous: We have been through this issue a number of times before with the Committee, but I will go through it again. It was a time when we were closing 14 old, inefficient prisons, in parts of the country where it was not possibly physically to transfer or maybe where prison officers did not want immediately to go and work in the prisons or the new house blocks that we were opening and where there was extra demand for prison officers. That is the first thing that happened. Secondly, there was an unexpected increase in the prison population at the same time. We immediately recognised that and took action. I have given you the figures on how many we recruited and the assurance that that recruitment campaign is ongoing and that we are on track to recruit the same number again.

In terms of violence, I do not know whether you will allow me, Chair, but I could go through seven specific measures, legislatively and operationally, that we have taken to deal with violence. They include the introduction of body-worn cameras, the violence diagnostic tool, the psychologically based assessment tool as to why it is happening, five-minute interventions and multidisciplinary case management of more violent prisoners. For the first time ever, we now have a national protocol between the police, the Crown Prosecution Service and the Prison Service. One issue of very great concern to me was to make sure that assaults on prison officers were properly investigated and charged by the Crown Prosecution Service, as they would be in the community. The introduction of the national protocol between the police, the Crown Prosecution Service and the National Offender Management Service is a very significant step forward. It used not to be an offence to have a knife or an offensive weapon without authorisation in a prison. We now have that, as a result of the Serious Crime Act 2015.

Q37 Andy McDonald: Those are the responses, but serious assaults on staff have nearly doubled in four years. It is not about the responses to the assaults that are taking place but why they are happening in the first instance. What is your analysis of that, not how you respond to the ones that have happened?

Andrew Selous: Rightly, we have introduced these measures. Some of them are fairly recent. The offence of throwing items over a prison wall, which is how a lot of Spice gets in, which leads to violence, came on to the statute book only on 10 November, for example. Some of the action that we have taken will take time to have effect, as will the

action that we are taking on psychoactive substances within prisons, where we have been extremely active as well. I could take you through all the specific actions that we have taken in those areas. We will need some time for the measures that we have taken to bring stability to the estate, but I can tell the Committee that we have taken action on all those areas, which absolutely needed to be done.

Q38 Andy McDonald: Can I move on to the issue of restricted regimes? Prisons are reporting that staffing levels have become too low to run existing regimes safely. Isn't the use of restricted regimes a perfect storm, opposite low staffing levels? Are we going to see an increase in violence if restricted regimes are lifted, given the poor levels of staffing? Where are we with that? Do restricted regimes in themselves produce poor outcomes? How would you respond to that?

Andrew Selous: Of course restricted regimes are far from ideal. We want to get rid of them, as far as we possibly can. The increase in prison officer numbers will enable us to do that. Mr Spurr probably has more precise figures on the number of prisons that have restricted regimes now, but the increase in prison officer numbers that I have just been through with the Committee allows us to run a much fuller regime, and that is absolutely the intention. I want prisoners to be in education and in work. The vast majority of prisoners want to be in work. That is exactly what we are trying to achieve by trying to get more employers to provide work within prisons and link it to employment on release. There is the whole education review that we are doing at the moment, to make education more purposeful and relevant and to help prisoners get into work on release. That is exactly what we want to see done. We cannot achieve that with restricted regimes, so they are of huge concern to us, which is why we are carrying on with the very significant prison officer recruitment strategy I have just told the Committee about.

Michael Spurr: To give some detail, I agree that our aim is to provide a full regime, as we would want to do every day in every prison. We are able to do that now in the vast majority of prisons. There are 14 sites where we continue to have difficulties with recruitment. The rest of the estate is largely fully staffed, within one or two people, on operational grades. We are continuing to support those 14 sites—for longer than I wanted to do—with what we call detached duty from elsewhere. That is to ensure that the regime we deliver in those 14 sites is reasonable and predictable. Restricted regime was our term. I wish that we had never used it, given the way it is sometimes—

Q39 Andy McDonald: It is your term.

Michael Spurr: It is our term—I said that. The main point is to have a predictable and not a complete lock-up regime—a regime that gives people an opportunity to be out of their cell and to have engagement in some form of work or activity in the jail. Those regimes—not as full as we would want them and not with everyone doing that—are in place on all 14 sites.

In terms of stability, I am not denying at all the seriousness of what we have been facing. The Minister said that the amount of change that we have gone through, including changes to staffing levels, has been at the same time as we have had an increase in a whole range of external operational pressures. Those operational pressures have been across the estate. The increases in violence have occurred in the private sector, which has not been through the same changes as the public sector, so there are underlying factors in addition. I am not

denying the issues of having to deal with those while the changes were going on—the changes to regimes and the changes to the way we operated with staff through benchmarking. All of that is very true, but there are underlying factors. Some of them are about NPS. Some of them are about the fact that when people—young people, in particular—enact violence today, they tend to do so to a greater degree than they used to. I have talked about that before. Often it is linked back to gang involvement outside, which you see coming into prisons. That has translated to the point where, although it used to be the case that if somebody wanted to settle an argument a punch on the nose might be sufficient, now there is often more than one person involved in settling that argument, to a greater level of violence. That is something we have had to respond to. It is not at all a good situation, but we have been addressing it.

I have a final point. In stability terms, there is evidence from the inspectorate that we have turned a corner. That is not yet entirely consistent everywhere, but there is no question—I met the chief inspector recently and he confirmed it—but that there are now more reports demonstrating that establishments are more stable and are operating better. Where we have staffing at benchmark levels—which is the case for the majority, other than the 14 jails I have mentioned—increasingly we are seeing that the regimes can be delivered fully—

Q40 Chair: Can we interrupt you just a little, Mr Spurr? We are trying to make some progress. Your analysis of private prisons is not at all accurate, is it? Of course, private prisons have also been subject to cost reductions, because they have had to make contractual renegotiations and, therefore, have had to take out costs through that system. Changes to the earned incentive programmes and so on have also been the same. It is not really accurate at all, is it?

Michael Spurr: They have not been through the same process of benchmarking, which was the specific issue about staffing that was raised by Mr McDonald. That is the point I was making. There are some issues that have applied across the whole estate. The change to incentives and earned privileges applied across the whole estate. The renegotiation of contracts occurred in the early part of the last Parliament. I think that my point is valid. In tackling violence, we have deliberately put together a group that involves both private and public sector prisons, because it is an estate-wide problem. It is not an issue that is just about public prisons—it is an estate-wide problem.

Q41 Chair: I think we've got your point. Can you tell me how many prisoners are doubled up, with two people in one-person cells, and how many are trebled up, with three in two-people cells? Simple factual question. Quick answer?

Michael Spurr: I can tell you the number of people in overcrowded conditions, which is around 25% of prisoners—around 20,000 people. That will be two prisoners who are in a cell designed for one, or three prisoners in a cell designed for two. I do not have that breakdown in my head.

Q42 Chair: I understand. Perhaps you will be able to supply it to us.

Andrew Selous: In terms of the new prisons that we are building, recently I visited Wrexham. I would point out that 65 of the cells are designated as double cells. We do not intend to crowd Wrexham. We are certainly not building crowding into the design of the other nine new prisons that we are building.

Chair: I have got that.

Michael Spurr: On a factual point, I think 65% of prisoners at Wrexham will be in double cells—not 65 cells.

Chair: Thank you very much.

Andrew Selous: I am sorry. I meant that 65% of the cells are designated as double cells; 35% are single cells.

Q43 Dr Huq: I want to turn to the subject of drugs and violence. The Minister has mentioned Spice quite a few times. I understand that originally that was a legal high but that it is now a controlled substance. The word on the street is that it is rife in prisons. Recently the Prisons and Probation Ombudsman did a study on psychoactive substances, and there are links with suicides—all the stuff we have talked about. They talk about “debt, violence and intimidation” as being by-products.

We know that the drug rehabilitation charity RAPt, which works in 26 prisons, says that in the last year it has had a seven times increase in prisoners asking its staff for help with psychoactive substance problems. At the same time, it looks like mandatory drug testing is going down. In 1996-97—admittedly, a long time ago—the figure for mandatory drug testing in prisons was 24%. The last figure that we have, for 2013-14, is just 7%. The figures for Spice are that seizures were 133 in 2012 and 430 last year. It begs the question, do staff have sufficient time, with everything else on their plate, to dedicate to testing and cell inspections to control the use of illegal substances and psychoactive drugs?

Andrew Selous: I understand exactly the point that you are raising. At the moment, the mandatory drug test, for which you have given us the figures, does not enable us to test for psychoactive substance drugs. I prefer the term lethal highs. They will be made illegal very shortly, through the Psychoactive Substances Bill.

The very good news is that from early next year we will be able to test for psychoactive substances. The even better news is that the Psychoactive Substances Bill has now made possession of psychoactive substances an offence within prison. Of course, there will be civil orders for the sale and supply of psychoactive substances. You can add to that what we are doing to strengthen perimeters, the 320 drug dogs that we will have trained to detect psychoactive substances by the end of this year and the fact that on 10 November it became an offence to throw or in any other way project any item over a prison wall, which is significant. The reason it is significant is that up to now the police have often said, “It might not be worth our time investigating this, because not every item in the package will be illegal. We are not going to give officer time to doing this if we don’t get a result.”

We are also doing a lot to try to reduce demand, through peer workers, videos that are shown to new prisoners on arrival, national prison radio, leaflets in the canteen, food order items that prisoners get every week and posters on the walls. We are trialling a drugs scanner, which we have in a London prison at the moment. We are just waiting to get full authorisation for that from the Department of Energy and Climate Change. Recently we did a three-day lock-down of a major prison, with 70 staff, to do a major search, which uncovered a lot of drugs, mobile phones and so on. Those are eight significant measures that we have taken that give me confidence that we will begin to make inroads into this

very serious issue, which is so detrimental and leads directly to violence, bullying and some of the self-inflicted deaths that we have seen, through the fear and intimidation that the supply of these drugs in prisons is causing.

Q44 Dr Huq: The common perception is that there are more inside than out.

Andrew Selous: A week or so ago, I was in Manchester, where I talked to people in a charity who said that, sadly, Spice is a drug of choice among homeless people as well. As Mr Spurr said earlier, it has particular appeal within prisons, not least because we have not been able to test for it effectively up to now, which has been unbelievably frustrating. Thanks to the good folk at the Centre for Applied Science and Technology in the Home Office and the work that our scientists have done, we now have the ability to test. I think that will be a game changer. With the legislation that we are bringing through in the Psychoactive Substances Bill, I genuinely believe that we should be able to get on the front foot on this issue. That will be hugely beneficial, as far as we are concerned.

Q45 John Howell: I would like to move back to the response from NOMS to the POA, particularly to its concerns about the impact of prison safety on its members and the extent to which those concerns have been addressed. The Secretary of State made the following comment: “Prison officers operate in uniquely challenging circumstances. Anyone who works with offenders will be in an environment where the risks are often under-appreciated.” What is your response to the POA’s assertion that NOMS has failed seriously to address the situation in prisons?

Michael Spurr: I said to the Chair earlier that I did not think that that was fair, and that we had been working with the POA to address really serious issues. It matters as much to me every time an individual member of our staff—their members—gets hurt doing their job. I still go around prisons regularly and walk the landings, talking to staff directly. I understand and have been present when incidents have occurred; I have seen them for myself. I am not in any sense complacent or not concerned about the impact on our staff and POA members.

As I have just said, there is no simple solution. There is a whole range of complex factors that have led us to where we are. The way to approach it is to work together to address it. I remain absolutely committed to doing that, with our trade unions, and have responded to the POA’s letter in that light. We are meeting them again—this week, I think—to look at it. If they have other things that we should be doing, I want them to let us know what they are and we will work with them. We worked with them on introducing body-worn cameras. We have worked with them as part of the violence reduction programme. There is no way that this is something that should be just a management issue; it is a whole-service issue. Our trade unions are critically important to the response that we make to the challenges that we face.

Q46 John Howell: The POA has accused you of not fulfilling your duty of care towards its staff. Would you like to respond to that?

Michael Spurr: I do not accept that. I think that we are managing, in a difficult operational environment, for the reasons that I have just described. All governors are responsible for running their establishments, and have a duty of care to their staff. We have arrangements in place to manage establishments safely. Increasingly, the inspectorate is recognising that

stability in the estate is improving and the performance of establishments is getting better, although I accept that there is still some variation in that. There is some way to go to get on top of the issues—the violence statistics make that very clear—but I do not think that there is a short-term solution. We have to tackle this rigorously and consistently, with resilience, because the dynamic in prisons, in terms of the people we are managing and the risks we are managing, has changed quite significantly over recent years.

Q47 John Howell: It is quite a major thing for the POA to have accused you of failing to fulfil your duty of care. Why, given what you have said, do you think it has done that?

Michael Spurr: It is for the POA to answer that. I explained at the start the background to that letter. My concern is to take the trade unions' concerns seriously and genuinely work with them to address them. That is absolutely what I want to do and what I have said to the POA. It is why we are meeting them again this week. It is important to address this. A 28-day notice does not make any sense when there is a long-term issue about reducing violence overall. No level of violence is acceptable. It was not acceptable when we had fewer serious assaults than we have now. It is certainly not acceptable that the number has gone up. We have to work together. An operational prison environment requires constant vigilance around risks, safety and order for prisoners and for staff. That is something we should always work on jointly with the trade unions.

Q48 John Howell: Let me take you back to the reports in March and September 2015. What capacity is there to implement the safeguards that were set out in those reports?

Michael Spurr: Which specific reports?

Q49 John Howell: The reports agreed between NOMS and the POA in March 2015 and September 2015.

Michael Spurr: The agreement that we reached with the POA in March was in response to their then concerns about health and safety, which came on the back of the outcome of the pay review body. We have implemented part of that agreement. We made a retention payment to closed-grade staff, so we implemented that part. We implemented the commitment to work with the POA on health and safety and to engage in further discussion to see what we could agree in terms of evidence for this pay round. We were not able to agree on a joint position for this pay round. Our evidence makes that clear and sets it out.

The work that we did on health and safety jointly identified some good practice going on in jails and in the development of regime management plans, which were the two areas we had agreed to work on, but it also identified areas in the six establishments we went to that were not working properly or as well as we would have wanted. It made recommendations about how we might improve regime management plans. In those areas, we have individual, detailed responses from each establishment we were in, to put right the issues of concern. That is happening. We shared the wider report with the POA NEC. I am waiting for a formal response to that report about what we do together—next steps. What we might do in next steps is not really referenced in their letter, and I hope we will be able to discuss that this week. Our response to the issues was not to put our head in the sand and pretend that they are not there but to work with our trade union to try to address them.

Q50 John Howell: How would you characterise the extent to which individual prison establishments have been able to implement the agreement between the POA and NOMS?

Michael Spurr: In terms of taking health and safety seriously and engaging with their trade unions, I believe establishments are working on that. We said to the NEC that if they had issues of concern about lack of engagement at a local level they should raise them. Where they have raised them, we have addressed them. We have been working to the basis of that agreement, in good faith.

Andrew Selous: I probably meet the POA locally a couple of times a month. Every time I go to a prison, I meet the POA on their own, without the governor, so they can raise any issue that they want. In the overwhelming majority of cases, they tell me that they have a good relationship with the governor and that they manage exactly these issues well. They have concerns that they raise with the governor and, by and large, those are dealt with. That is the overwhelming response that I get from the POA locally.

I would point out that the POA nationally was broadly supportive of the work that NOMS has done to provide support. I will home in on one particular thing that we are doing. Our trial in 23 prisons of body-worn cameras is a very practical demonstration of our commitment. I saw that most closely when I visited Glen Parva, although I have seen it in Parc, Manchester and other prisons, too. The staff at Glen Parva told me that they felt a level of reassurance and felt safer. The prisoners told me that they felt safer. They felt that body-worn cameras had the ability to dial down situations—to prevent them from developing and getting worse. Obviously they capture evidence that can then be used in adjudications or in court, if necessary. Generally they were having a very positive effect. We will evaluate that trial in January and we will have to see what the evaluation says. If it is positive, I hope we will be able to move them much more extensively across the prison estate. Again, that is a very practical thing we are doing to help with these issues and to dial them down in every prison.

Q51 Alex Chalk: I am interested in what you said about some of the causes of criminality in prisons being to do with new psychoactive substances, but also with actual weapons. You mentioned that you have introduced some measures to criminalise the possession of weapons. Before we get to that, what evidence exists to suggest that weapons are adding to the danger in prison and, therefore, the threat to prisoners?

Andrew Selous: Sadly, they are used all too often. The Serious Crime Act 2015 made it an offence to possess without authorisation a knife or any other offensive weapon within a prison. It is an amazing oversight that that was not the case beforehand, but we have plugged the gap with that piece of legislation. When prisoners come in, they are sat on BOSS chairs so that we can check whether there is any item of metal on them. Obviously this is something staff keep an extremely close eye on. Having said that, it is possible for prisoners to manufacture weapons from everyday items that they have with them in their cells. Their usage has been all too common, but we have an absolute zero-tolerance policy on them.

Q52 Alex Chalk: Of course. Are there any statistics on the extent to which weapons have been involved in attacks, so that we as a Committee can get an idea of the extent of the problem? Do those figures exist?

Andrew Selous: We record every violent incident, but I am not aware of whether we do so for weapons specifically.

Michael Spurr: We do not publish national statistics in that way, because of the difficulty of collating all that evidence. We have management reports on every incident and would be able to check which incidents involved weapons. That is management information that we would collate, because we collate information on all of our incidents in order to analyse that.

Q53 Alex Chalk: It would assist us to know whether these measures are going after a straw man, as it were, or whether they are seeking to tackle an actual issue that is contributing to the extent of the problem.

Michael Spurr: There is absolutely no question but that prisoners use weapons to engage in violence in prisons. I see incidents every day where prisoners use weapons—more often than not, against other prisoners, and sometimes against staff.

Alex Chalk: I will not continue on the remaining issues, because you have talked about them a lot.

Chair: You have been very helpful on a number of the other matters already.

Q54 Victoria Prentis: Mobile telephones are probably not dangerous in themselves, but they are definitely involved in the violence, drugs and organised crime that goes on in prisons. The Prisons Act enables governors to turn off the mobile signal. How often has that been used?

Andrew Selous: Do you mean turning off masts within an area?

Q55 Victoria Prentis: To interfere with the way wireless technology is used in a prison building.

Andrew Selous: We have a number of things that we can do. Some of our prisons are very close to housing, which causes us an issue at the moment with the solution you are suggesting, but we employ blocking technology. We have detection poles, which can detect phones whether or not they are turned on. We search cells regularly. I told you about the three-day lock-down in a prison recently, when we brought in 70 prison officers from outside the prison, which captured over 30 mobile phones.

It is a constant battle for us. Is it an area we continue to look at to see whether there are other things we can do? Yes. There was a piece of legislation last year—the Serious Crime Act 2015—that compelled mobile network operators to disconnect the phone numbers of illicit mobile phones if they were found being used in prisons.

Q56 Victoria Prentis: You have to get a court order to do that. Have you sought any court orders?

Michael Spurr: The legislation only got Royal Assent in March and commenced on 10 November, so we are pretty early—

Q57 Chair: It is early days yet.

Andrew Selous: Give us time.

Chair: We will give you time. That is fair enough.

Q58 Victoria Prentis: Do you know how many prisons block mobile signal routinely?

Andrew Selous: We have blocking technology—

Michael Spurr: We have the facility to block mobile phone signal in all establishments.

Q59 Victoria Prentis: I know that. I am trying to find out how often it happens.

Michael Spurr: I do not have figures for how often it is used. Again, it is for local governors to deploy the technology to block signals. I do not have a figure for how often it is used in that way.

Q60 Victoria Prentis: It would seem, given the extent to which mobiles are used in activities that you do not want to go on in prison, that it would be sensible to block them routinely, as long as other members of the public are not affected.

Andrew Selous: Some prisons have blocking technology that is on all the time. In addition, we have mobile blockers, which we can move around on the basis of intelligence that we have received. We employ both fixed and mobile blocking within prisons, as well as the detection poles, which we can move and put in different parts of the prison to try to capture mobile phone use, and the constant searches that we do and the BOSS chairs that we use on prisoners' arrival in prison help us to prevent them coming in. It is still an issue of very great concern to us, because of the ability for victims to be threatened and for further criminal activity to be organised from within prisons. It is something that we take extremely seriously.

Q61 Victoria Prentis: Is there anywhere we can look for evidence about this?

Andrew Selous: If you are happy, Chair, I would be happy to write a letter to the Committee with further information on what we are doing in this area.

Chair: That would be helpful.

Andrew Selous: I will follow up with a letter, if you are agreeable to that.

Chair: I am very grateful to you; that is useful. Decisions are taken locally, but maybe some of the statistics are collated. There may be other information that, understandably, you do not have to hand immediately but that we can get. That would be very helpful.

Q62 Victoria Prentis: My final question is about drones. They may not be an enormous problem yet; I understand that we had two issues last year and eight in the first 10 months of this year. As they are sold as Christmas presents, they may become much more of an issue for us. Do you have plans to block them or to deal with them in any way?

Andrew Selous: The over-the-wall legislation that came into effect on 10 November this year also includes drones, so it would be an offence for anyone to fly a drone into a prison. You are right; there were eight drone incidents from 1 January to 31 October where

confirmed contraband was brought into prisons. That is absolutely an issue we are focused on. I am engaged in talking to officials about it at the moment.

Chair: That is very helpful.

Q63 Mr Hanson: We have covered a bit of this ground, so I would like very speedy answers. Minister, does the recruitment drive for 1,700 prison officers that you mentioned mean that there is now, as of today, a net increase of prison officers over what there was prior to the recruitment drive, or at what stage do you expect there to be a net increase?

Michael Spurr: There is. There is a net increase of over 500 this year.

Andrew Selous: Of 540.

Q64 Mr Hanson: That is fine. The reserve prison officer scheme is under review, I understand. What are the reasons for that? Do you anticipate increasing the use of that scheme?

Michael Spurr: We should review it. We are reviewing it to see whether it still makes sense to retain it. We have a relatively small number of people—

Q65 Mr Hanson: It has fallen, hasn't it? Between June and September, it fell to 10 full-time equivalents.

Michael Spurr: Yes, but there may well be a long-term benefit in retaining a scheme such as that, particularly as people may choose to leave the service with some potential option for return under normal retirement rules. Having the option to recall staff during periods of particular pressure may well be useful to us. That is why we are reviewing it.

Andrew Selous: We have introduced something called a first deployment scheme, because we have 740 applicants on healthy merit lists in the north of England. This is a scheme whereby they commit to spending two years in harder-to-recruit prisons in the south, with an option to go back to the north. I believe that we have had 18 move to Bullingdon—60 in total so far. I am hopeful that that scheme will also help with the pressures.

Q66 Mr Hanson: Is that the same as the national detached duty scheme that was mentioned earlier?

Andrew Selous: No, it is separate. The first deployment scheme is separate from detached duty. It is in addition to it.

Q67 Mr Hanson: How many people are currently on the detached duty scheme?

Michael Spurr: I do not have the precise figure now, but it is less than 200. It was over 200 for a long period of time.

Q68 Mr Hanson: Is that something you expect to continue?

Michael Spurr: I want to end it. It is on 14 sites now. We have specific arrangements in place to target those sites, including recruitment and retention allowances targeted at them. The first deployment scheme is a permanent deployment of people to those sites. I anticipate that over the next six months that will enable us to recruit locally—or recruit

permanently—and reduce the detached duty. I do not want detached duty as a norm on that type of scheme.

Q69 Mr Hanson: This is my final question, because of timing. The resignation rate is still pretty bad, isn't it? We have the figure of 40% of prison officers to September 2015.

Michael Spurr: I would need to check what that figure covers. It must include—

Q70 Mr Hanson: The figures we have show resignations of 1,120 staff to September 2015, versus retirement, medical retirement, death and redundancy—40% were resignations.

Andrew Selous: Of course it is regrettable. What I would say is that the voluntary leaving rate for prison officers is 5.5%. In the public sector as a whole, it is 10%. In the private sector, it is 8%. I regret every single competent prison officer leaving—I do not want that—but if you look at comparable figures, we are not doing too badly, notwithstanding the very real challenges that we are facing.

Michael Spurr: The majority of resignations were in the first year of recruitment. We have halved that rate to 8%, I think. Again, I can write if you want the figures.

Mr Hanson: From our point of view, to get behind the figures is to know who is resigning, when they are resigning, why they are resigning and whether or not the lack of skill level at the level of resignations is adding to the problems we are talking about today.

Q71 Chair: If you were able to provide more of that, it would be helpful.

Michael Spurr: We can provide the figures on that.

Q72 Chair: Lovely. The Minister makes a fair point. We recruit 1,800, which is good, but the net increase is about 540.

Andrew Selous: It is 540.

Q73 Chair: The churn is the problem, isn't it?

Andrew Selous: Indeed—although I would point out that staff turnover has decreased. It was 4.1% in 2013-14 and has gone down to 2.6% in 2014-15. That indicator is better than it was, but I do not want to lose a single competent prison officer.

Q74 Chair: That is helpful. There is one quite specific reason why people sometimes leave the service. About a fifth of those who left up to September '15 were dismissed. That is up from the previous figures. In previous years, it was about 460 or 470. It has gone up to 560, which is a bit of a leap. You were very frank about that on “Channel 4 News”, Mr Spurr, when they talked to you about it. You said that corrupt officers, basically, were part of the problem with contraband. You reckoned that about 100 staff had been disciplined or excluded and 34 had been convicted of offences. How deep a problem do you think it is?

Michael Spurr: In any organisation, there will be those who are bad staff. Corruption is an issue we are live to. I have not tried to hide it, as you have just indicated. We have a very strong focus on people acting professionally and properly. How do you prove a negative? The vast majority of our staff are good, decent, hard-working public servants. There is a very small minority who breach that. If you say, “What is your number?”, our view is that

we do not want any and we will take action where we find it. The convictions effectively demonstrate that. We have had a number of those recently.

Q75 Chair: Do you have specific programmes to try to tackle it?

Michael Spurr: We have a constant professional standards programme that is reinforcing the importance of professional standards and highlighting, where people have breached those standards, what led them to breach—small things leading to larger things, and suddenly finding yourself in a web of corruption.

Q76 Chair: It is the eternal vigilance point, isn't it?

Andrew Selous: We are also increasing the length of prison officer training. It will be 10 weeks from next year, which is a quite considerable increase from what it was.

Chair: There are a couple of final points we wanted to touch on. You stressed the value that you hope will come from modernising the estate, which is valuable. Does anyone have any questions on the modernisation programme, or are we satisfied with the evidence that we have had?

Q77 Dr Huq: You mentioned Wrexham and the double cells. Given the design of the new prisons coming on stream, is there any evidence that all of the problems we have talked about—bullying, drug taking and violence—will be lower or are being lowered already?

Andrew Selous: I went up to look at Wrexham. It is still under construction at the moment, but it is reasonably far advanced. Of course, building a new prison gives us the opportunity to build in sufficient workshop space, really good education space and good space for exercise. All of those will be very important in leading to a healthy, purposeful and productive regime in which, hopefully, there is less violence and fewer self-inflicted deaths, because of the purposeful nature of the prison. We are designing cells that will have the latest technology, in terms of in-cell telephony, computer screens and so on, which will increase the ability for education to take place on a 24/7 basis. That will be a considerable advantage to us.

Q78 Chair: That is the sort of in-cell technology that the previous Committee recommended.

Andrew Selous: Correct. It is already there. If you look at the new house blocks at Thameside and Peterborough, for example, it is already in place, but we will replicate that.

Philip Davies: My question is on a slightly different issue. It is a subject that will be of great interest—

Chair: Are we still on the estate?

Philip Davies: It is not on that, no.

Q79 Chair: I have one question on the new estate, which is simply this. I am intrigued that there was a report about restrictive covenants on Holloway. I do not know whether you saw in the Twittersphere a suggestion that there were restrictive covenants that limited the use of Holloway to a prison or similar establishment. It was being used to question the developability of some of the old Victorian sites. We all know that restrictive covenants can

be bought out, effectively, under certain circumstances and sold, but have you done an analysis as to what planning constraints there might be, because they might undermine or delay the programme of disposal?

Andrew Selous: Would you allow us to send you a further letter on that, once we have checked with our estates department?

Chair: Of course. I am perfectly happy with that. Can I bring in Mr Howell?

Q80 John Howell: I have a quick question about the amount of savings that the Ministry of Justice is expected to make. How much of that is expected to come from prisons?

Andrew Selous: Overall, it is a 15% reduction throughout the SR period. We have managed to protect the operational budget for the Prison Service, which is something Mr Spurr and I fought extremely hard for. We are extremely pleased that that is the case, given the pressures we have discussed this morning.

Q81 John Howell: The Secretary of State said that he wanted to see whether benchmarking was the shoe that had pinched too tightly—I think that was the expression he used. Do you think it has?

Andrew Selous: We will continue to review benchmarking on an ongoing basis. We reviewed it recently. From memory, Winchester prison was the prison that got additional officers as a result of the benchmarking exercise. We will continue to keep it under review.

Chair: Mr Davies, you wanted to come in.

Q82 Philip Davies: Yes. It is a subject that will be of great interest in my particular area. It is in the papers today that Peter Sutcliffe has been recommended for a move back to the prison estate. When will that decision be taken formally, when will he be likely to move back into prison and, in the context of this session, what implications will that have for safety in the prison of staff and other prisoners?

Michael Spurr: I cannot say when the decision will be finalised. Again, I do not think that it would be right to talk about an individual case. The process is that clinicians outside make a determination about whether an individual still requires detention in a hospital. They have determined that this individual does not, as is now a matter of public record. We will consider that. The decision about whether or not to move the person back to prison will be made by the Secretary of State. Then we will make decisions about—

Q83 Philip Davies: What is the timescale for that?

Michael Spurr: I do not have a timescale for that.

Q84 Philip Davies: Most people will welcome the fact that he should go back to prison. I am sure that my constituents think that that is where he belongs. The question in relation to this is whether or not, in your view, a decision like that has any implications for safety in prisons.

Michael Spurr: We have a number of decisions such as this made every year. We often have to transfer prisoners—sometimes dangerous prisoners—from prison to hospital, and

sometimes from hospital back to prison. It is not an unusual circumstance. The publicity is about a particular individual, but it is not an unusual circumstance to end up transferring prisoners back to prison from hospital. We will manage individuals as we need to manage them, to match their individual needs and to ensure that we maintain security for the public, as we are required to do.

Q85 Chair: Finally, just pulling a few things together, we talked about a number of flexibilities in the system and the need sometimes to look at things from a local perspective and the pressures there. Minister, the Secretary of State has made a great deal of the freedom that he wants to give governors. The previous Committee asked whether some of the contracting-out issues and other centralised decisions on incentives were making it harder to take decisions at governor level on things such as lights-out policies. The Secretary of State told us that he was exploring how more autonomy and discretion could be given to governors. Whereabouts are we on that? When are we likely to hear some proposals? Do you think that safety and the related issues we have been talking about today might be addressed in that way?

Andrew Selous: It is true to say that we have a very centralised system at the moment. The Secretary of State believes that governor autonomy could well bring advantages to the Prison Service. We are working on those proposals at the moment and will have more to say in due course.

Q86 Chair: Okay. When he looks at proposals, do you think that he is prepared to look, too, at the size of the custodial population itself?

Andrew Selous: We will always have sufficient prison space for the people the courts send to us.

Q87 Chair: But the ultimate cost pressure on your Department comes from the number of people who go into custody, doesn't it?

Andrew Selous: Indeed. That is correct. We are also looking carefully at all the evidence around what is most effective in reducing reoffending, which is ultimately what we are about in terms of keeping the public safe.

Q88 Chair: That is very helpful. I will press you on one final point, as we realise that there are a lot of detailed matters. The Harris report relates to a number of the issues we have been talking about—safeguarding, security of younger adults and so on. I think we all accept that it was an important piece of work. When can we expect to see the formal response from Government to the Harris review?

Andrew Selous: I do not believe that it will be too long now. We are considering it seriously. Since the report was written, just before the election, we have had the Secretary of State's reform agenda outlined. There is a serious piece of work to be done to make sure that the reform agenda meshes with some of the recommendations in the Harris report. At the moment, we are looking at those two issues together, but we will have a full response in due course. We have appointed Kate Lampard as the interim chair of the Independent Advisory Panel on Deaths in Custody. I have met her, and she will do good work in the interim period.

Q89 Chair: Lord Harris suggested that certain of his recommendations were urgent. Is work going on towards the implementation of some of those recommendations in advance of the full formal response to the review?

Andrew Selous: We look at this issue all the time, not least on the basis of what the Prisons and Probation Ombudsman recommends to us. As you know, we are reviewing the assessment, care in custody and teamwork process. The fieldwork for that has been completed. We should be in a position to roll out the new form of ACCT shortly, so it is not as if we have stood still in the interim.

Chair: Gentlemen, thank you very much for your time and for undertaking to come back on some of the more detailed matters, which I understand that one cannot be expected to have immediately to hand. We can then follow up on those. I am very grateful to you.