



## Justice Committee

### Oral evidence: Prison reform, HC 859

Wednesday 16 March 2016

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Members present: Robert Neill (Chair); Richard Arkless, Alex Chalk, Alberto Costa, David Hanson, John Howell, Dr Rupa Huq, Victoria Prentis, and Marie Rimmer.

#### Questions 1–62

Witness: Rt Hon Michael Gove MP, Lord Chancellor and Secretary of State for Justice, gave evidence.

**Q1 Chair:** Good morning, Secretary of State, and welcome. Thank you very much for coming to talk to us on what I suspect is a fairly busy day. I will not ask you about anything that you may have been discussing earlier, of course. None the less, I appreciate your making the time.

*Michael Gove:* Thank you very much, Mr Chairman.

**Chair:** We are going to concentrate on prison policy. There have been two very important speeches: your own speech some time back, which many people regarded as very welcome and as setting a new direction; and the Prime Minister's speech in February, which was the first time for a long time that a Prime Minister has spoken on these aspects of policy. That is very important.

Shall we deal formally with any declarations of interest, to get those out of the way? I am a non-practising barrister.

**Victoria Prentis:** So am I.

**Richard Arkless:** I am a non-practising solicitor in Scotland and in England and Wales.

**Alberto Costa:** I am a practising solicitor in Scotland and in England and Wales.

**Chair:** I do not think that any of us does any work around litigation involving prisons, however, so I think we are pretty safe.

**Victoria Prentis:** But I did for a very long time.

**Q2 Chair:** Indeed. Against the background of those two important speeches and a single departmental plan making reference to prisons and so forth, most observers say that there

seems to be a change of direction, with particular emphasis on “rehabilitation and redemption”, a phrase that the Prime Minister quite strikingly used. How would you encapsulate the overall purpose of the thrust of the Government’s prison policy?

**Michael Gove:** In a sentence, it is about turning prisoners from liabilities into assets. At the moment, we all know that keeping people in prison costs the state. We also know, of course, that prisoners are people who, even before they end up in custody, will have not only cost the criminal justice system money but brought misery into the lives of others and will themselves, in many cases, have been heavily dependent on state services. The overwhelming number of people who find themselves in custody are people who have either had mental health problems or been brought up in families that required the support of the state.

I hope that the criminal justice system—prison, in particular—will give those individuals a chance to reflect and to rebuild their lives, and give the state a chance to turn them into people who can contribute. The critical thing is to make sure that during their time in prison there is purposeful activity and a chance for people who may not have made the most of whatever talents they have, and may not have succeeded in the education system, to acquire meaningful qualifications and the habits of work and self-respect that will mean that when they leave, they can be positive contributors to our society—people whom we welcome and, I hope, in due course can be proud of.

**Q3 Chair:** Do you think we can achieve that while still having the current levels of prison population—85,000-plus?

**Michael Gove:** It is a challenge. It is obviously the case that it is easier to pursue rehabilitative activity if you have a prison population that is declining. My hope is that, without changing the sentencing regime in an artificial way, we can work sensitively with the stock of people whom we have in our prisons at the moment. By ensuring that bit by bit—because it is a huge task—we improve and turn around their lives, we can begin to bring the prison population down, not artificially, but by increasing the number of people who do not go back into crime when they leave.

**Q4 Chair:** You said that you wanted to base these proposals very firmly on solid evidence—on learning, if you like. What is the learning that we have so far that deals with that?

**Michael Gove:** I have had the opportunity to look both at some of the successes in our own prison estate and in other jurisdictions. It seems to me that there are certain elements that contribute to success. The first is a greater degree of governor autonomy. When I talked to the chief inspector of prisons, Nick Hardwick, I asked him which he thought was the most successful custodial establishment in the country. Funnily enough, he pointed me towards the MCTC—the military corrective training centre in Colchester—which is, of course, an MOD establishment, not a Ministry of Justice establishment. He said that the reason why it is so successful is that the commanding officer there—in effect, the governor—has total control and discretion over what the prisoners are taught and over the structure of their day, which is crammed with purposeful activity. He also has discretion over what in state prisons we would call the IEP scheme. He has a great deal of autonomy over making life easier and more welcome for people who get with the programme, but also over ensuring that there are proper disciplinary penalties for people who are refractory.

That has been reinforced by my experience visiting other jurisdictions. I was in Germany earlier this week and, of course, I have been to the United States, as I know the Committee has recently. Again, it is about having a strong governor, with the freedom to make a difference, as well as an accountability framework that ensures that, whether through inspections or other metrics, we are clear about what is expected. That combination helps.

It is also about making sure that the programmes prisoners themselves follow while they are in prison are rigorously tested and delivered by people who know what they are doing. If you have programmes—whether they be substance misuse programmes or programmes on thinking skills that encourage people to be less impulsive and more prosocial—that are not delivered either by prison officers or by other professionals who are well trained in the area, they cannot always necessarily yield those results. One of the things I want to do is to work with all the professionals who currently work in our prisons, who are an idealistic group, in order to ensure that we support them with the training that they need.

**Chair:** Dr Huq, do you want to follow up on that?

**Q5 Dr Huq:** Yes. Lord Chancellor, in the speech you made to the Prisoner Learning Alliance in July last year, after taking up your post, you said that, as part of the evidence base, you wanted to look at academic research. As someone who comes from a sociology and criminology background, I think that was welcomed by people in my old profession. I wondered what sources you were looking at. You have a background of dabbling in think-tanks. Sociology and criminology are sometimes sneered at as slightly lefty, mistrusted disciplines, so I wondered how you square that.

**Michael Gove:** When you say that I have a background of dabbling in think-tanks, it makes it seem as though it is a dangerous juvenile delinquent activity that responsible politicians grow out of. I have tried to expand our contacts with the academic community. We have organised seminars where criminologists like Shadd Maruna and Alison Liebling, who is an expert in the positive impact that prison officers can make, have taken part in round-tables within the Department, to help to inform our policy making. We have also set up a specific board to look at how we use data and evidence. It is chaired by Sir Michael Barber, who worked at No. 10 Downing Street when Tony Blair was Prime Minister, and subsequently has a great record of working with McKinsey to help to improve education worldwide. We have also asked Dr Ben Goldacre, who, as well as being a consultant psychiatrist, helped me at the Department for Education to try to move towards a more data-driven approach to evidence.

You are right. Some people look at criminologists and/or sociologists and think that they are all theory and there is very little practical application to some of what they produce. In my experience, in every academic discipline there is good and bad, but I have been impressed by some of the criminologists—people like Alison Liebling—I have heard from so far. It seems to me that the lazy caricature of them is not right.

**Q6 Dr Huq:** Will you look at qualitative and quantitative methods?

**Michael Gove:** Absolutely. You need to do both. The MOJ has a lot of data, but in the past we have not always used it to shape policy as effectively as we could. You are right that, along with the quantitative stuff, we need a qualitative approach. One of the other things I have been talking about in the same vein is how we can use the discipline of things like

randomised control trials in order to ensure that some of the interventions and programmes that we have in prison are the most effective possible.

**Q7 Chair:** That is very helpful. We will not go into whether or not a think-tank is a diversionary activity for politicians.

One thing that we have been promised, as well as that evidence base, is a prison reform Bill. I think it is expected this session. Can you help us on what the main measures will be? Even if you cannot say exactly what will be in the Bill, have you worked out yet what are the main measures where you think legislation is likely? Can you help us at all on the areas that it may touch?

**Michael Gove:** Absolutely. This goes to the heart of prison autonomy. There are a range of steps that we hope to introduce in order to ensure that prisons work better. I am sure we can talk more about some of the administrative changes that do not need legislation.

Ideally, we want to be able to create a free-standing trust or foundation—what we call a reform prison. In order to allow governors to have a significantly greater degree of freedom than we currently grant them, we will need to create a new legal status. In the same way as the Blair Government created a unique status for academy schools, we are looking at what the firm legal foundation should be for prisons that operate in an independent way. We want to ensure that that firm legal foundation can allow, potentially, groups of prisons, which are led by a strong governor who has made a significant difference in one and can then take on others, in the same way as executive head teachers within academy chains have done. We also want to look at how we can have effective governance. One of the things that we want to ensure is that reform prisons are rooted in their community and benefit from having outside support from individuals who are committed to making a difference.

**Q8 Mr Hanson:** Will they still be in the public sector?

**Michael Gove:** Yes.

**Q9 Mr Hanson:** I am interested in looking at the prison league table idea that the Prime Minister floated. Could you tell us what you are measuring, how you are measuring it and what happens when it does not meet the standard?

**Michael Gove:** Yes. Basically, we have worked out—or are working out—three types of measurement. The first is a set of aspirational measurements that will let us know that prisons are doing well in three, four and five years' time. They would link to, for example, the quality as well as the number of qualifications that prisoners are securing. They would link to the success of the prison in achieving basic resettlement goals, making sure that prisoners find and stay in accommodation, find and stay in jobs, and desist from criminality over the long term.

Those are longer term measures. We think that there should also be some dipstick measures, so that anyone visiting a prison or observing how it is operating week by week or month by month can see how well it is doing. One of the headline measures there—it should not be taken in isolation—will be hours out of cell. One of the key indicators that a prison is working well is that prisoners are out and engaged in purposeful activity.

The third part is that we also want to have some measures where governors themselves can play a part in letting us know how they want to be held to account. It is not a case of their marking their own homework, but one of the things that I learned in education is that if league tables are too rigid they can sometimes lead to perverse behaviour. We want to outline, and we will shortly do so, some measures where we want governors themselves to play a part in saying, “These are the sorts of things we want to be held to account for.”

**Q10 Mr Hanson:** Who will ultimately be accountable for that? Will it be governors?

*Michael Gove:* Yes.

**Q11 Mr Hanson:** If they do not meet those targets, what will happen to the governors?

*Michael Gove:* We have a situation at the moment where, if a prison receives a very poor inspection or things go wrong, governors can be managed out. Sometimes they can be given support and training to enable them to return to the profession in a different role. I envisage that in the future, if prisons are not performing well, sometimes stronger prisons may operate as their improvement partner, in the same way as we have seen in schools and, indeed, the NHS, with strong foundation trusts taking weaker ones under their wing.

**Q12 Mr Hanson:** Will you manage like for like? Liverpool prison may be the same as Leicester prison, but it will not be the same as the new HMP Berwyn in Wrexham, for example.

*Michael Gove:* No; you are absolutely right. We were discussing this only yesterday. Take at random three prisons that I know well. Wormwood Scrubs is a big local prison with a lot of remand prisoners and some quite serious offenders. It is a very different prison from Bronzefield, which is just a few miles down the road and is a very successful female prison. In turn, that is very different from the prison in my own constituency, Coldingley. They are all within half an hour or 45 minutes of one another, but it would be unfair to judge them all by the same criteria. We are hoping to have data, with transparency about the performance of each, but also ways of comparing like with like, in so far as that is possible.

**Q13 Mr Hanson:** How will you organise the allocation of prisoners, for example? In the prison system at the moment, prisoners very often move around several prisons in the course of their sentence. How do you manage performance on a prisoner when even a prisoner on a 12-month sentence may serve that in three prisons?

*Michael Gove:* You are absolutely right. I do not want to overstate the comparison with schools, but it is the best one that I have available. We know that in constituencies like Dr Huq’s in Ealing there will be a large turnover of students in any given primary school, yet we also know that we can measure the overall impact of teaching on the cohort and significant improvement. Yes, there will be churn in some prisons, but overall you can look at how a cohort or a group of prisoners has improved over time. You can knock off some of the statistical rough edges and make meaningful comparisons.

We are also thinking hard about how we reconfigure the estate. One thing that struck me when I visited Germany this week was that they have remand-only prisons. They have a clear delineation; on conviction, individuals go to one prison and stay there for the duration of their sentence. There is a stability in the way in which prisoners are looked

after. Two individual prisons that I visited, one modern and one an old building, had a continuity of care that made it easier to measure performance and for the governors there to be held to account. Of course there will be prisoners who need to be transferred sometimes, for security reasons, because of changing family circumstances or because they acquire the right to move towards open conditions. In so far as it is possible, if we can have one individual completing as much of their sentence plan as possible in one institution, it is a good thing in itself, irrespective of whether or not it helps us with the league tables.

**Q14 Mr Hanson:** Isn't the more fundamental challenge for you, if you adopt that model, the idea that preventing reoffending, for example, is dependent on what happens outside a prison? That could be the community rehabilitation company, the national probation service, the availability of housing, the availability of drug treatment services outside prison or the availability of employment. It may be much more difficult to put someone into employment in Liverpool than it is in central London. That is not to knock the idea down, but I am interested in how practically a governor of a prison will be accountable for the performance of the prisoner when so many factors are outside the governor's control.

**Michael Gove:** That is true. I have talked about these as long-term aspirational measures. Given the constraint on the capacity of the governor to make a difference and the range of other agencies involved, it would be unfair to issue an instant and critical judgment. One reason behind the reform prison programme is to involve housing providers, employers and CRCs or the NPS more closely in what happens within the prison, to ensure—building on the reforms of my predecessor—that there is continuity through the gate when it comes to probation, but also that, for example, you have employers in the prison who are responsible for the work prisoners do and then take them on outside. Companies that have local roots should be encouraged to do that.

One thing that struck me when I was in Berlin was the fact that three local employers were responsible for everything from employing prisoners who repaired electronic goods through to those who were involved in motor mechanics. As well as paying the prison for the prisoners' labour and allowing it to reinvest some of that money in better facilities, those organisations would take on the prisoners afterwards, having sucked it and seen, as it were, how good those prisoners were. Obviously, the employment situation is more challenging in County Durham than it is in Surrey, but giving people the opportunity to do that can only make the capacity of the governor to make a positive difference greater.

**Q15 Mr Hanson:** When can we expect baseline information for prisons to be established for the measuring that you intend to undertake?

**Michael Gove:** We should publish a White Paper in the spring. That will outline how we will take forward the process of having appropriate accountability measures. One thing we want to do is to make sure that those accountability measures are seen to be both fair and robust—fair to governors, but robust enough for people to know that it is not simply yet another set of bureaucratic boxes to tick.

**Q16 Alex Chalk:** This may already have been covered, but I want to explore it a bit more. Is it really sensible to roll out the schools comparison in that way? Can you really compare HMP Long Lartin, which often houses a number of terrorists and people with very serious

jihadi pasts, with a category D prison full of people who have been involved in bank fraud? Are there any really sensible comparisons that can be made between the two?

**Michael Gove:** There are some comparisons that you can make. You are absolutely right. With the high-security estate—particularly with some of the prisoners in it—measurements like time out of cell would be inappropriate, given the security risk that some of those prisoners pose; it would be very difficult. Part of the experience that I have had so far in government is that, unless you ensure that you have some form of published sets of metrics that allow some comparisons to be made, you do not generate progress. Even within the high-security estate, we know that there are some high-security prisons that are better at, for example, preventing mobile phones and other contraband from coming in. Even within that limited number of prisons, you can draw comparisons and say, “Why is prison A better at that than prison H?”

**Q17 Alex Chalk:** But it will necessarily be such small issues—for example, how many drones have been going in. You can make those small comparisons, but you will not really be able to make a sensible assessment of whether prison A is better than prison B, because you are dealing with apples and pears and there are so many enormous variables.

**Michael Gove:** There are variables. When previous Governments were thinking about introducing league tables in education, for example, similar but not identical arguments were made. The argument was how can you plausibly compare a school in Tower Hamlets or Ealing, with a large multicultural intake and a large degree of churn, with a school in Herefordshire, which has a very settled population? Of course, on their own, raw data about attainment can tell you only so much, but the experience of school league tables shows that once you start measuring, you generate improvement, and then you can refine those measurements.

More broadly, we know that at either end of the prison population, there are those whose time in custody may be so short that it is difficult to measure. There will also be those who will be in custody for quite a long time or, as Alex Chalk pointed out, who may be guilty of terrorist offences. A large part of the prison population consists of individuals who will be in prison for sufficiently long for us to make a difference. They are people who are likely to go on to reoffend at the moment and for whom we can make a difference, if we intervene in the right way. We have nearly 120 prisons. Many of those could be fairly judged by some of the criteria I have outlined.

**Q18 Alex Chalk:** My last question is on a point you have just touched on. Obviously reoffending will be very important. In your speech, you said, “45% of adult prisoners re-offend within one year.” What does success look like? If 45% is too many, what is acceptable?

**Michael Gove:** Again, it goes to the whole point about metrics and targets. If I said that our target was to get 20%, that would bend behaviour. The experience of public sector reform suggests that too rigid a target can create perverse incentives. If I say that I want to bring the trajectory down, provided we show that we are making appropriate progress over time, that is the right thing to do. In the past, at the Department for Education, I was asked how long it would take to turn the education system around. I said, “If what we are doing brings benefits, it will be 10, 12 or 15 years before we actually see them.” It is quite right for the public to say, “Yes, but we’re not going to wait 15 years before we have a report

back.” That is why, for example, in education the increase in the number of children in good and outstanding schools—1.4 million extra—is an indicator that we are making progress. I hope that there will be indicators. One of them will be a decline in reoffending.

**Q19 Alex Chalk:** Are you able to say approximately what you would consider success to be by the end of this Parliament? Keep it modest. If it is down to 43%, 42%—

*Michael Gove:* I would not want to set a target, but it is a fair challenge. I will reflect on how we can reassure people that we are making progress.

**Q20 John Howell:** I want to pick up a point that was made by the Chair earlier about the number of prisoners who are in the prison population. There are two parts to the question. The first relates to sentencing, the sentencing regime and the practice of that. Does it not make sense to include the sentencing aspects within the reformed system, because this is a system in which one bit is related to the other and it all has a knock-on effect?

*Michael Gove:* The Prime Minister was very clear in his speech—I completely agree with him—that it would be damaging if people thought that we were trying to massage the prison population down artificially by deliberately setting out to tell judges and magistrates that they must reduce sentences. As a general principle, we both think that judges, with all the evidence in front of them and with the advice of the Sentencing Council, which is a judicially led body, should make those judgments in each individual case.

There is at least one area, however, where I think we can make progress. That is the whole idea of problem-solving courts, which I took from this Committee’s previous work. There can be cases where, if you have the right approach, a judge or magistrate—magistrates are judges—can say to a particular prisoner, “We will keep you out of custody if you promise to engage with the following agencies in order to tackle the root causes of offending. I, the judge, will be on your case next week or next month if you do not follow that.” It will have to start in a relatively small-scale way, so initially it will not make a huge impact on global numbers, but I hope that we can build on that approach.

**Q21 John Howell:** We saw some very good examples of that last week in the US. The problem-solving courts seem to be doing extremely well, so I would encourage you to follow that. Can I turn to a broader picture? How successful do you think prison reform will be when we still have such a large prison population and the result of that is extreme overcrowding?

*Michael Gove:* We do have a problem with crowding. I would not say that we have extreme overcrowding. It is certainly the case that the ideal would be one prisoner in each room, and we are very far from that, but there are prisons that still succeed in a number of areas, notwithstanding the fact that they are near capacity. Other prisons that have some slack in capacity do not do nearly as well.

I certainly would not deny that having a prison that is at or near or even bumping at capacity inhibits flexibility—of course it does—but I would not over-fixate on numbers, because there is a danger of being paralysed by the thought that we cannot make any change until we reduce the population. That is the argument put by some. I think that we should make changes within the current population. Let us not oversell those changes or be too extravagant in our expectations. Then, as people gain confidence that the changes

are bringing results, hopefully the rehabilitative activity will work and we can have more slack in the system in order to accelerate the pace of reform.

**Q22 Marie Rimmer:** Secretary of State, 89 people took their lives in 2014 and 89 in 2015, but all that we have really heard from the Ministry of Justice is that it will build new prisons. We have heard nothing else about how we can address this. Can you tell me why you think people take their lives? What are your immediate plans to try to address and reduce the number?

**Michael Gove:** I take it very seriously. Nigel Newcomen, the ombudsman who reviews what happens in tragic cases, has said that there is no identifiable single cause behind this. There are a number of factors, all of which we take seriously. In some cases, people are affected by drugs that have got into prisons, both illegal drugs and drugs that until recently were thought of as legal highs—new psychoactive substances. It is a big worry in lots of prisons that more people are taking those substances. In some cases, they can trigger or reinforce mental health problems.

That takes me to the second thing. One of the big problems, which was under-appreciated in the past but which more and more people are coming to terms with, is that there are lots of people in prison who have quite severe mental health problems. Prison, a noisy and tough environment, is not necessarily the best place for people who, while they may have committed some pretty terrible crimes, are also living with conditions that predispose them to fragility. We have to get better, both as a country and within the Ministry of Justice, at making sure that we effectively diagnose and provide support for people with mental health problems.

There is a third thing as well. We need to make sure that the warning signs are picked up by everyone who works in our prisons. I have been very heartened by the positive attitude that the Prison Officers Association has shown in wanting to work with us in order to provide the right sorts of interventions, to anticipate when prisoners are in danger of self-harm. While I stress the vital importance of mental health and mental health professionals, we also need to support all the professionals in our prisons to be better able to identify them.

**Q23 Marie Rimmer:** How are you managing the effect of what has come out of those discussions?

**Michael Gove:** At the moment, we are in discussion with the NHS about the expansion of liaison and diversion services, so that people who come into contact with the criminal justice system can be better supported and diagnosed even before they are in custody. I am also talking to the NHS about how governors can play a bigger role in helping to provide the right sorts of mental health programmes for prisoners. When it comes to legal highs and the availability of drugs, we are thinking hard—we will probably say more in due course—about how we might be able to improve security in prisons, so that we both stop some of the substances that can cause prisoners harm coming in and put prisoners on the right sort of programme to reduce that risk. It does not begin to justify it, but the group of people in our society who are most likely to take their own lives are young men with troubled backgrounds who have mental health problems. Those three characteristics are true of a very large section of the prison population.

**Q24 Marie Rimmer:** Should those people be going to prison in the first place?

**Michael Gove:** One question that weighs heavily with me is how we can ensure that, whether those people are in custody or not, we have them in the right sort of environment, with the right sort of treatment. Before coming into this job, even though I knew a little about how child and adolescent mental health services operated, I did not know a great deal about mental health. Since doing this job, I have come to appreciate just what a big factor it is in criminality. If we are to ensure that people lead worthwhile lives, we need to be aware that, although of course prison is there to send a clear moral signal to those who have broken the law, it should also be there in order to provide the right treatment for people who have conditions that need attention.

**Q25 Dr Huq:** Over the border from my constituency, we have Wormwood Scrubs, which you mentioned. In a report last year from the now ex-chief inspector of prisons, one staff member quoted said that one cell was so insanitary and unsafe that he “wouldn’t keep a dog in there.” To what extent are the announced prison reforms dependent on modernisation of the whole prison estate?

**Michael Gove:** Modernisation of the prison estate is a key part of what we want to achieve. It is important to stress that some very good things can happen in old Victorian prisons. There are some idealistic people working in those prisons who are achieving against the odds.

I mentioned that I was in Berlin earlier this week. I had the chance to see two prisons there, and it was instructive. One of the prisons was Tegel, which is basically the Berlin equivalent of Wormwood Scrubs. The other prison that I visited, Heidering, is a new prison that has opened just in the last couple of years. One of the key things about Heidering is that the way in which it has been designed means not just that there is one room/cell per prisoner and that they are decent and humane, but also that there are facilities for prisoners to work, facilities for prisoners to receive guests and visitors, and facilities that allow the security team and the warders to move around the prison much more quickly, if there is an incident that requires intervention, than in a conventionally designed prison. The prison governor was involved, along with a pioneering Austrian architect, in the design of it. The fact that it is outside Berlin, on land that was relatively cheap for the Berlin and federal Government to build on, meant that they could invest in an effective design that means that the staff ratio can be maximised to good effect.

I was impressed by that and thought that there was a particular challenge to us. We have made it clear there are some prisons that will close down. I appreciate that, apart from Holloway, none has been named, and I must not name them. With the prisons that close down, we hope, depending on their location, to get a good deal for the taxpayer. Then we can reinvest in more humane and decent, but also more productive, sites elsewhere.

**Q26 Dr Huq:** You mentioned the Prison Officers Association, which has made representations to us. They said that, while it is a good headline to knock crumbling Victorian relics that are hogging prime real estate, it causes uncertainty and is demoralising for staff members. You said that you will not reveal where they are, but they have asked whether we can at least know when there may be a timetable for us to know where these mystery locations will be. Apart from Holloway, it has been very thin on detail.

**Michael Gove:** My officials meet regularly with the Prison Officers Association. I had a very good meeting with the association's leadership just before the Prime Minister's speech, and they made a series of helpful and constructive suggestions about how we might take things forward. I want to involve prison officers and the POA leadership in the reform programme as we go forward. I want to make sure they appreciate that we want their full involvement and to consult with them as we take things forward. We also hope that their members will be able to enjoy a greater level of safety and more freedom to do the great job that they do in new facilities.

**Q27 Dr Huq:** On the money question, I know that you are Lord Chancellor and not the Chancellor of the Exchequer, but is the £1.3 billion for building new prisons all additional funding? Also, what will happen to the capital receipts? Will you keep all of those?

**Michael Gove:** Yes to both.

**Q28 Dr Huq:** Nick Hardwick said that, even after the six pilot prisons are operational and the nine new prisons are up and running, seven eighths of the prison population will be in places such as Wormwood Scrubs. What plans do you have to renovate the bulk of the prison estate? I also want to ask a little about technology. The POA are very keen on body-worn cameras and would like to have wider use of those. There are things that could be done at a stroke to sort out things such as the blocking technologies on mobile phones. There is also satellite tracking. There are two questions. First, is there a clear timetable? These things are flagged up and they sound good, but can we have some concrete stuff about when they will happen? Secondly, what are the plans for modernising the bulk of the prison estate?

**Michael Gove:** We are working on a timetable. We hope to share that not just with the Committee but with the POA. You are absolutely right. Even as we build, we still have to make sure that existing prisons are well maintained. There is a budget for that as well. You are also right that there needs to be capital investment in improved security—everything from body-worn cameras to scanners and the particular investment that you mentioned in mobile phone blocking technology. The Prime Minister said a wee bit about that in his speech, but I hope that we will say more shortly.

**Q29 Alberto Costa:** Secretary of State, you outlined a very welcome vision for the future of the prison estate and the prison system generally. In answer to John Howell's questions, you indicated that the current pressure of the prison population is not a prohibitive factor in progressing with that vision. However, my evidence suggests potentially otherwise.

I am the Member of Parliament for South Leicestershire. In my constituency there is a young offenders institution by the name of Glen Parva. When I became the Member of Parliament last year, there was a project to build an educational establishment adjacent to the YOI, for the purposes of young adult offenders. When you became Secretary of State, I understand that you cancelled that project. I was then informed that Glen Parva might indeed be the location for one of the new prisons, but very recently I was informed by the Prisons Minister that due to prison population pressure, as it currently stands, Glen Parva will house not just young adult prisoners, which is its function, but adult prisoners. The change to the use of Glen Parva is being made due to operational need, as a result of prison population pressure. Is that not evidence that your vision is being inhibited by the current realities?

**Michael Gove:** You make a series of very powerful points. At the moment we are in a situation where not every prisoner is necessarily in exactly the type of environment we would want them to be, and there is a period of transition. During that time there will be prisoners in some institutions that are not optimal; indeed, it will be the case that some institutions are not configured exactly as we would like them to be.

One thing I would say about young offenders overall is that, in the interim report from Charlie Taylor on youth justice, we have a plan to move away from the original idea of concentrating young offenders in one large institution to disperse them to secure alternative provision schools, which first and foremost will be educational establishments—that was always the vision Chris Grayling had—in parts of the secure estate. You can have within one single perimeter a prison and a very successful custodial establishment for young offenders. Parc prison in Bridgend—incidentally, as it happens, run by G4S—is a successful prison in its own right, with a successful custodial establishment for younger offenders there as well, so it is possible to co-locate. The process of moving towards making sure that younger offenders are well looked after is work in progress.

**Q30 Alberto Costa:** But the fact is that what is proposed in the here and now is that a young offenders institution is going to be used to house adult prisoners directly as a result of prison population pressure. The young adult prisoners currently housed in that establishment are not benefiting from the educational vision you have again outlined, given that you cancelled the project to have an educational college located there. I am still a little confused. As the MP for the area, I need clarity from you as to what the intention is for Glen Parva.

**Michael Gove:** Having checked with my team, I will come back on the exact NOMS operational reasons behind what is happening in Glen Parva, but it is absolutely our intention to ensure that we have a vision for young offenders that is focused on education, and we want to make sure that children are kept in secure training centres or homes. Young offenders institutions pose particular challenges to us at the moment, and we will be investing more in young offenders institutions in the next year to ensure that the people in them get the services they need, but I will come back to the Committee and Mr Costa on the specific case of Glen Parva and what is happening on the estate.

**Chair:** That is very helpful.

**Q31 Victoria Prentis:** Sticking with the estate, we are interested in young offenders at the moment. You said some exciting things just now about categorisation. You came back from Germany and you clearly felt there were different ways of holding people. Do you think our current system of categorisation is getting in the way?

**Michael Gove:** Yes, I do. The current system of categorisation of prisoners has been more or less in place ever since the Mountbatten review, when George Blake escaped. The world has changed a great deal since then. One of the things we are doing internally is asking what the best way is of ensuring that prisoners are kept in a location that is as secure as it needs to be, while also ensuring that a prisoner spends as much time as possible on training and resettlement activity. I think that a review of that system of categorisation is long overdue.

**Q32 Victoria Prentis:** That is something we can look forward to.

**Michael Gove:** We are considering it at the moment. Exactly.

**Q33 Victoria Prentis:** Are you also looking at the importance of family to prisoners and the way prisons are located as near people's communities as possible? After all, prisoners are members of their community both before and after their prison sentence.

**Michael Gove:** There are two things. The first is that we want to make sure that prisoners and families can be kept in touch. Sometimes it is the case that for a variety of reasons, as I discussed, you may have to locate prisons slightly further outside city centres than they are at the moment, but that means that it is more important to ensure that there are good transport links, or that we lay on specific transportation for prisoners' families, and that when prisoners' families and prisoners get together there is appropriate time and facilities for them.

One other related thing is that I would like to see, as I think I mentioned in the House of Commons, an increase in the number of prisoners released on temporary licence. Part of that is making sure that they can gain experience of outside work and responsible behaviour, but part of it is also providing prisoners with the opportunity to see their families in such a way that they know it is part of their reintegration into society. If they misbehave or abuse that extra liberty, they know that the consequences will be grim for them, but the reality is that we should not regard it as being a cliff edge between custody and liberty. We should prepare people as far as possible for the time they will be on the outside; release on temporary licence, properly managed by governors in possession of all the facts, can be a real boon.

**Q34 Victoria Prentis:** I have a very specific question about Holloway. You have told us about the value of sites in London, and we can accept that. Thank you for your honesty. I understand that there is a visitors' centre at the front of the prison when you go in. Is there a plan to keep that as a women's community centre? Do you know any more about this? Caroline Dinenage was interviewed about it yesterday.

**Michael Gove:** I know a bit about it. This is a very good idea put forward by, among others, the Prison Reform Trust. Irrespective of whether or not that centre on that particular site should be kept—I do not want to pre-empt the eventual decision Caroline will properly make—we need to think about it. There is one section of the prison population—female prisoners—where we need to think hard about the numbers in custody. We need to think hard about alternatives to custody for a section of the female prison cohort. Of course, there are some women prisoners—a particularly lurid case has been in the press over the past couple of days—who have to be kept in custody for quite some time, but my experience visiting women's prisons leads me to believe that, while there are some who need to be in custody, there are others who could have been diverted away from custody. If we have women's centres that provide the right sort of support for people who come into contact with the criminal justice system, we can enable them to maintain links with their family, in particular their children, and to be effectively supervised and lead better lives.

**Q35 Victoria Prentis:** Following our experiences last week, this Committee would very much hope that you could provide a diversionary court for women prisoners, probably in that venue. Can I go on to education in the context of young offenders? You have told us very wide-ranging things so far. We visited a YOI recently in Aylesbury and were horrified to find

how many hours a day children were spending in their cells. That was a step change from my experience of prisons several years ago. They were being locked up for more and more hours in the day. You said earlier that hours out of cell are an important benchmark in how well prisons are doing. The governor and staff could not have been more helpful or more worried about it, but they were sure this was the only way of keeping those young people safe from each other. Is this something you have a plan for?

**Michael Gove:** Yes. I would not want to second-guess the operational decisions of individual governors, but across the youth estate we have to make sure that young people are engaged in purposeful activity. By definition, young people who find themselves in custody will often have been guilty of violent or gang-related offences, but we should not flinch from the need to ensure that they are undertaking purposeful activity by praying in aid security excuses. It is counter-productive to keep people, particularly young people, in their cells for too long. There will always be people who need segregation and particular interventions, but you have to get young people out and learning and physically active as well; otherwise, you are keeping the lid screwed too tightly on the pressure cooker.

**Q36 Victoria Prentis:** It seemed to us that the education system was there and the staff were doing their absolute best, but simple things like getting the prisoners from their cells to the classroom were impeding those young people's rehabilitation.

**Michael Gove:** One of the things I have been working on with Charlie Taylor, and which Michael Spurr, chief executive of NOMS, has been helping us with, is making sure we have the additional investment specifically in the youth estate to deal with some of those problems. I certainly would not want to do anything other than praise the professionals who work with young people.

**Q37 Dr Huq:** The Charlie Taylor review is quite radical. It suggests changes in the age of criminal responsibility. Are those some of the things being considered?

**Michael Gove:** One of the points Charlie has made is that sometimes premature contact with the criminal justice system can mean that people who have done the wrong thing find themselves in an environment that reinforces rather than diverts them from criminal behaviour. We have not responded to all of Charlie's recommendations; indeed, so far we have had only an interim report. The one thing I am very keen on is the direction of travel he has outlined with respect to ensuring that we have young offenders in secure alternative provision schools. Some of the other recommendations we will need to consider before responding fully.

**Q38 Dr Huq:** We have also had the Coates review, which I think you are quite warm towards.

**Michael Gove:** Yes.

**Q39 Dr Huq:** If academy schools are the new gold standard, as we heard this morning, how is that going to affect prison education? We know that imminently the contracts with OLASS are coming to an end, so if there is to be governor autonomy will they have power to set the curriculum and those kinds of things?

**Michael Gove:** Increasingly, we want them to do so, yes. I do not want to take anything away from the people who currently work in prisoner education, because it is not always

the most glamorous or attractive route for teachers and lecturers. I have seen with my own eyes that some of them do outstanding work, but Sally's review has drawn attention to the fact that the large contracts with the major providers have been drawn up in an unwieldy way, which means individual governors cannot necessarily make the difference they want to. We will shortly be saying more about what is going to happen to the OLASS contracts, but in the individual reform prisons we have talked about we want a far greater degree of freedom for the governor to decide and to design the education regime they think appropriate.

**Q40 Dr Huq:** It sounds like a good headline to free education from the shackles of Whitehall and all this stuff, but won't education provision become more expensive when you lose the financial efficiencies built into regional commissioning?

*Michael Gove:* Economies of scale can sometimes bring benefits, but they can also mean that everyone thinks it is someone else's problem and someone else's responsibility to get value for money. It is often the case that, if you are held accountable, you will buy in quality where it is needed, make savings elsewhere and know that you are overall running a tighter and more effective ship.

One of the things I want to do with reform prisons is to allow governors to work with outside companies to get them employing prisoners and allow governors—they are very limited in their capacity to do so at the moment—to keep the surplus and reinvest it, whether in education, healthcare or other areas. I think that the more enterprising we can encourage governors to be, the more energetic they will be in forging relationships with companies that will not just give them an extra revenue stream but can also help to employ prisoners when they leave.

**Q41 Dr Huq:** There will be more detail on the post-reform education system forthcoming.

*Michael Gove:* Yes.

**Q42 Chair:** I am going to bring in Mr Arkless out of turn, because he has the first question in the Chamber at 11.30.

*Michael Gove:* Of course.

**Q43 Richard Arkless:** Thank you, Lord Chancellor. You mentioned at the opening of your address the general overriding principle of how you approach prison reform, turning people from liabilities into assets. The Prime Minister said something very welcome in his speech. He said he wanted to build a country where the shame of prior convictions does not necessarily hold people back or prevent them from getting jobs that mean they can provide for their families. In relation to that you have the ban the box reform. I am interested to know where it is. Has it happened? What are the future plans for it?

*Michael Gove:* It is happening now. In many cases, the Ministry of Justice itself, as a Government Department, does not ask at application stage whether or not people have convictions, and the Prime Minister wants to roll this out across the whole of the public sector. Obviously, there will be some protected areas where you need to disclose, but the principle that you should not automatically be knocked back before the interview stage on the basis of a prior criminal conviction is a very good one, and it is an idea that we explicitly borrowed from the US.

**Q44 Richard Arkless:** Incidentally, we saw examples of it last week in the US. Many states are moving towards a position where people would not need to disclose a criminal conviction if they were deemed to be reformed by the time they got to the age of 25. In that respect, is a review of the Rehabilitation of Offenders Act something you are considering, and how would that impinge? Is it possible we might see some form of free-from-stigma provision in a new British Bill of Rights?

*Michael Gove:* You are tempting me.

**Chair:** It is a very good try, Mr Arkless.

*Michael Gove:* We want ban the box to be implemented across the public sector and we want to work with private sector companies. There are already a number that do this and are interested in taking it forward. The point about criminal convictions that young people acquire that then stay with them for the rest of their lives is a case well made. We do not have plans at the moment on how to deal with it. I am not dismissing out of court the fact that that strong case has been made, but I do not yet have a proposal that to my mind we have worked up to deal effectively with that situation. It is something I am keen to think more about, but outside the parameters of the Bill of Rights.

**Q45 Richard Arkless:** Given that we are both here and I have seamlessly linked into the British Bill of Rights, can I ask a very simple question? In your opinion, are human rights reserved or devolved in relation to Scotland?

*Michael Gove:* Neither.

**Q46 Richard Arkless:** None of the above.

*Michael Gove:* None of the above. The operation of human rights is quite properly a devolved matter, and the way in which human rights apply in Scotland is different from other parts of the United Kingdom. Some folk would argue, for example, that the capacity to rouse prisoners in Scotland is a slightly—what’s the word?—less progressive approach to human rights than in other parts of the United Kingdom. I take no view on that matter, but the decision as to whether or not the human rights legislation that governs the whole of the United Kingdom should change is a matter for the UK Parliament.

**Richard Arkless:** Interesting. I will perhaps write to you to clarify it.

**Chair:** I think that is as far as we can go today. I am conscious that we need to finish promptly because Members will want to get down to the Chamber. Did you want to come back on some of the points about autonomy, Mr Chalk?

**Q47 Alex Chalk:** Yes. I appreciate that you have dealt with some of this already, Secretary of State, so perhaps you will forgive me for pursuing it. To place it in context, the Prime Minister’s speech said, “We are going to give prison governors unprecedented operational and financial autonomy.” I want to look at both, if I may. Starting with financial autonomy, he said: “They’ll be given a budget and total discretion over how to spend it...they can decide what they want to focus resources on.” Will prison governors be able to choose how many staff they put in their prisons, and how much they pay them?

**Michael Gove:** They will be operating within the nationally agreed framework that guides how the terms and conditions for individual prison officers are set, but within that they will be negotiating with the employees over how they can be deployed.

**Q48 Alex Chalk:** “Total discretion over how to spend it.” That does not sound like total discretion, does it?

**Michael Gove:** Let me take an exaggerated point to try to simplify. Total discretion over how to spend it would mean that you would still have to observe minimum wage legislation and employment rights. The basic principles that would govern any public sector institution or any employer would still prevail. Of course, it would be a good thing if individual reform governors and their local POA branch were able to deploy staff in some cases in a more supportive and imaginative way, but that is for the individual governor and their local branch.

The ways in which prison governors are constrained in how they can deploy their money are numerous. Every prison governor I have talked to is particularly concerned that there are contracts for services that are negotiated at national level that mean they have no direct control over the facilities provided to help run their prison. Education is perhaps the most prominent area, but there are a number of other managed services which prison governors have to accept on a take-it-or-leave-it basis—in fact, just on a take-it basis. More than that, there is no incentive for prison governors to be particularly enterprising in the businesses or outside organisations with which they might be able to work to make a difference in their prison.

**Q49 Alex Chalk:** On the issue of ratios, as long as they comply with the law—the minimum wage and all that kind of stuff—in theory could they halve the number of prison officers and staff and pay them much more than the going rate, if that is what they wanted to do?

**Michael Gove:** I think halving the number of prison officers in any establishment would be taking things a little too far.

**Q50 Alex Chalk:** Could they do it?

**Michael Gove:** One thing I stressed to the Prison Officers Association is that I want to consult with them. Prison reform will work only if we collaborate with all those who work in our prisons. Good prison governors know that good staff relations and industrial relations are key. If in individual circumstances there are particular regimes that local branches and prison governors can negotiate, which suit all the individuals and, at the same time, respect the national bargaining position of the POA, great.

**Q51 Alberto Costa:** In terms of financial autonomy, would it be your intention for litigation budgets to come under the remit of individual executive governors?

**Michael Gove:** No, I do not think it would. That is a very good point.

**Q52 Alberto Costa:** Could you explain why? You talked about performance. In a previous role I was a member of the Treasury Solicitor’s team and had responsibility for a very large number of claims on the Prison Service, as it was then. Performance is key in respect of many lost property claims made by prisoners who have been moved into a segregation unit, for example. Why would you not think, therefore, that an executive governor ought to have

responsibility for the level of claims that might arise as a result of the performance of a particular establishment?

**Michael Gove:** It is a very good challenge. I have asked my junior Minister, Dominic Raab, along with one of our non-executive directors, Sir Theodore Agnew, to look at prison litigation claims. I have had a number of concerns about how they were handled in the past. The work they are doing goes beyond simply the internal handling of them; it is also intended potentially to look at the basis on which some claims are made. I would not want to pre-empt their consideration of that. I can see how controlling prison litigation could be a very powerful performance tool, but at the moment I would not want to commit to anything while they are looking at the whole framework.

**Q53 Mr Hanson:** I want to be clear about your reply to Mr Chalk's question. You mentioned the minimum wage and governors. Do you envisage, therefore, the end of national pay scales for prison officers?

**Michael Gove:** No.

**Q54 Mr Hanson:** Where is the flexibility for governors? Are you saying that governors have the additional capacity to manage their budget to increase salaries over and above the national pay scale?

**Michael Gove:** I want to work with the Prison Officers Association and allow governors to work with their local POA branches to ensure that appropriate provisions are there.

**Q55 Mr Hanson:** Does that mean there is a basic national pay scale, as now, and prison governors can add to that, or does it mean there is no national pay scale?

**Michael Gove:** I do not want to move away from the current national pay approach. The Prison Service Pay Review Body, which I know the Prison Officers Association has not always been a fan of—

**Mr Hanson:** Nor was I when I was the Minister.

**Michael Gove:** It made some recommendations and I have accepted them in full. That has meant there has been a pay rise for prison officers—non-consolidated, but still a pay rise. My guiding principle is to make sure that the elected representatives of the people who work in our prisons are listened to with respect, engaged with properly and consulted along the way. There is some element of flexibility at the moment in the way governors can provide additional rewards, but I do not want to get into a situation where we are anything other than engaged in cordial and constructive dialogue with the POA.

**Q56 Mr Hanson:** I am still not sure what that means, but we will return to it later.

**Michael Gove:** Wait and see.

**Q57 Marie Rimmer:** We have talked a little about Charlie Taylor's interim report. Why are you accepting the recommendations of a review that is not yet complete? It has not been very transparent up to now. For instance, we do not know who has been consulted or the evidence on which his proposals are based. Can you help us on this?

**Michael Gove:** Of course. I have been enthusiastic about the direction of travel towards smaller units with more of an education focus. Charlie's report has not been completed yet. When it is complete, the very strong evidence base that he has been drawing on will be part of the published findings. I think Charlie has appeared before the Committee once, but I am sure that he would be delighted to appear again, and I would be delighted to appear alongside him, if you want us to, whenever we reply to the report to provide you with more information about it. Charlie has spent time in secure training centres and young offenders institutions here in the UK. He has visited sites in Spain and elsewhere to see how other countries develop it. He has looked at best practice among youth offending teams in local authorities in England; indeed, he has given some thought to one or two initiatives in Scotland as well.

**Q58 Marie Rimmer:** I do not disagree; I support the plans coming forward at the moment. Red Bank, a local authority secure children's home in St Helens, was the only education establishment that got an outstanding Ofsted report. It is a new building, but it is not used any more; we did not get the youth justice licence because of accommodation. I agree with the way things are going. It's just that the report has not been tabled and we do not know who has it at this time. The interim report refers to about 30 hours a week of education. I have seen what that education does for young people. Many of them come in with not much education. Education has not been delivered up to now because of staff shortages, overcrowding and rising levels of violence. Does this not mean we have to look at the deep-rooted problems within the custodial system to get that right?

**Michael Gove:** I quite agree, and some of the recent reporting on what has been happening in secure training centres only reinforces that. Every Member of the House, certainly all those on this Committee, will have been disappointed and in some cases horrified by what has been reported.

**Q59 Dr Huq:** Do you have any initiatives for preventing radicalisation in prisons?

**Michael Gove:** We do. I asked a former prison governor, who has done some work on anti-radicalisation for the Home Office, to lead a team. He is going to report to me imminently, and then we will respond to that report with some thoughts about what we can do to counter radicalisation in prisons and make sure that prisoners themselves are kept safe from those dangers.

**Q60 Dr Huq:** Will you share that with us?

**Michael Gove:** We will certainly share the conclusions. Absolutely. By definition, some of the work done in this area is very difficult to share publicly because of the nature of the intelligence, but we would like to be able to share as much as possible.

**Q61 Chair:** That is very helpful. I am sure we will take up your offer in relation to Charlie Taylor as well, because that is helpful too. Would it be possible for his report and his work to extend in scope to young adults, for example?

**Michael Gove:** Absolutely, and I will ask him if he can do exactly that.

**Q62 Chair:** That is also very helpful. I am conscious of time today, and there may be some topics which are not so time-sensitive that we can follow up with a letter and come back to.

**Michael Gove:** Yes.

**Q63 Chair:** We mentioned the prison reform Bill. Are we likely to see it announced in the Queen's Speech?

**Michael Gove:** I hope so.

**Q64 Chair:** Are we thinking of a draft Bill or straight into legislation?

**Michael Gove:** Probably a draft.

**Chair:** That is very helpful, and we look forward to it. Secretary of State, thank you very much for your time on what is a very busy day. This is a hugely important area of policy, and many of us across party welcome the initiatives that you, with the rest of the Government, are taking. I am grateful to you for your time and your courtesy, as ever, and look forward to continuing to work with you on this topic in the future.

**Michael Gove:** Thank you very much, Mr Chairman.