

Public Accounts Committee

Oral evidence: [Improving the Prison Estate](#), HC 244

Monday 29 June 2020

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Members present: Meg Hillier (Chair); Sir Geoffrey Clifton-Brown; Maria Eagle; Shabana Mahmood; Mr Gagan Mohindra; Sir Robert Neill; James Wild.

Also present: Maria Eagle, member of the Justice Committee, Sir Robert Neill, Chair, Justice Committee

Gareth Davies, Comptroller & Auditor General; Oliver Lodge, Director, National Audit Office and Marius Gallaher, Alternate Treasury Officer of Accounts, were in attendance.

Questions 1-122

Witnesses

I: Clive Beard, Deputy Director, Prisons and Maintenance Change, HM Prison and Probation Service, Dr Jo Farrar, Chief Executive, HM Prison and Probation Service and Sir Richard Heaton, Permanent Secretary, Ministry of Justice.



Report by the Comptroller and Auditor General

Improving the prison estate (HC 41)

Examination of witnesses

Witnesses: Clive Beard, Dr Jo Farrar and Sir Richard Heaton.

Q1 **Chair:** Welcome to the Public Accounts Committee on Monday 29 June. I am pleased to welcome everyone here today to discuss the National Audit Office Report "Improving the prison estate", which is something we have looked at before. I am pleased to welcome to the Committee Sir Bob Neill, the Chair of the Justice Committee, and Maria Eagle, who is a member of that Committee and was a Prisons Minister in the last Labour Government. A warm welcome to both of you.

The prison estate has 117 prisons, but more than 40% of them have been judged as not safe enough in the last five years. There have also been serious increases in assault and self-harm. In 2016, to try to tackle this, the Government introduced its Prison Estate Transformation programme, with the aim to make things better for both prisoners and staff. Since then, the Government has pledged 10,000 extra prison places but has so far only delivered just over 200 of those.

A lot of the money that was supposed to be spent on prisons has gone on basic maintenance, facilities maintenance and such improvements rather than building new prisons because of the unsafe situation in many of our prisons. So we have a lot to cover, and there are issues around the impact of covid-19 on our prison estate and the number of prisoners in there, which we will also touch on.

I welcome our witnesses. We have: Sir Richard Heaton, the permanent secretary at the Ministry of Justice; Clive Beard, the deputy director for prisons and maintenance change at Her Majesty's Prison and Probation Service; and Dr Jo Farrar, the chief executive of the service. Welcome to the three of you. We will ask questions of you, but we will not need you all to answer everything; we will try to direct our questions to each witness as we go.

Sir Richard Heaton, I will kick off, if I may, by asking about your position as permanent secretary. We are seeing a lot of shuffling around in Whitehall, with the Cabinet Secretary going. Are you expecting to stay at the Ministry of Justice?

Sir Richard Heaton: Thanks for that opener, Chair. It is always an honour to get a front-page mention in *The Times*, which reported that I will not be staying on. I cannot quite say that; what I can say is that my tenure, like every permanent secretary's, is for five years, and that comes



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to an end at the end of August. Whether or not I will continue beyond that will, I dare say, be the subject of an announcement in due course. There has not been one to date, so I think we had better regard the newspaper reports as speculation, but I am sure there will be news, one way or the other, to follow shortly.

Chair: We will be watching that closely. Sir Geoffrey Clifton-Brown has a couple of quick questions before we get into the Report.

Q2 **Sir Geoffrey Clifton-Brown:** Good afternoon, Sir Richard. I have a few factual questions about your recent announcement about the building of four new prisons. First, can you confirm that two will be in the north and two will be in the south?

Sir Richard Heaton: Yes.

Q3 **Sir Geoffrey Clifton-Brown:** Can you tell us where they will be yet?

Sir Richard Heaton: I can confirm the location of one, which is next to the existing prison at Full Sutton. We are looking for sites for the other three, of which one would be in the north-west and two in the south-east, but I cannot tell you the locations of those.

Q4 **Sir Geoffrey Clifton-Brown:** Will they be publicly financed or privately financed?

Sir Richard Heaton: Publicly financed.

Q5 **Sir Geoffrey Clifton-Brown:** All four will be publicly financed?

Sir Richard Heaton: Correct.

Q6 **Sir Geoffrey Clifton-Brown:** And do you have Treasury approval for that?

Sir Richard Heaton: Yes. Those prisons are part of a new 10,000-place programme announced by the Government, so, yes, this is a down-payment on that programme.

Q7 **Sir Geoffrey Clifton-Brown:** Given the previous record of the Prison Service, with Glen Parva being 31 months overdue and Wellingborough being 14 months overdue, what is your best estimate of when these four prisons are likely to be completed?

Sir Richard Heaton: Something like '25, opening in '26—that sort of timescale.

Q8 **Sir Geoffrey Clifton-Brown:** And finally, how many places will all four of these prisons provide towards the 10,000 figure?

Sir Richard Heaton: Just one second: the precise numbers for the prisons, I have written somewhere—

Clive Beard: Richard, can I jump in? It will be around 6,500. It depends on the size of each prison, but it will be around 6,500 of those places.

Q9 **Chair:** Thank you. Before we go into the main session, I just wanted to



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touch on the probation reforms; I am not sure if it is Dr Jo Farrar who I should be directing these questions to. Obviously, we have seen a major change of position announced recently by the Government. What is your expectation of the timetable for delivery of this programme, Dr Farrar?

Dr Farrar: We are aiming for June 2021.

Q10 **Chair:** Right. That is what I was probing, because I remember when this was first announced a number of us on this Committee were very concerned that that was a very fast timetable. That was for one set of proposals; the proposals have changed, but the timetable has stayed more or less the same. Are you confident that you will be able to meet that schedule and do that procurement—although it is bringing the procurement in-house, will you be able to achieve the management of bringing it in-house properly?

Dr Farrar: We are working really hard to make sure we do that. The latest announcement was obviously only for a very small part of the proposals, but we have been working on the larger part for some time now. We remain optimistic that we will meet that timetable and, as I say, we are working very hard to do that.

Q11 **Chair:** What are the biggest risks to that timetable?

Dr Farrar: I would say that the biggest risk is making sure that we can continue during the current pandemic; we have prioritised it and been able to do that. Obviously, if we have a second wave, that might be difficult for us. However, at the moment we are confident that we do not have many of our probation staff off work, and we have a programme that we prioritised during the covid pandemic. So I am still confident that we can deliver by June 2021.

Q12 **Chair:** Will you be TUPE-ing over existing probation staff from the private sector, or will you be trying to go back and re-recruit people who left, which I know a number did as a result of the changes implemented a few years ago?

Dr Farrar: We are in discussions with the trade unions about that at the moment. I am very hopeful that we will be able to come to an arrangement and that will be able to make an announcement shortly.

Q13 **Chair:** When you say “shortly”, do you mean weeks or months?

Dr Farrar: Within months, but I am more hopeful of weeks.

Chair: This Committee has a long-standing interest in this subject, so no doubt we will look at it again. I am sure that the Justice Committee will also have an interest. As you can see, we have now joined forces to work together to hold you to account in the same meeting, so thank you for that.

I will now pass over to Shabana Mahmood: we move over to the main session on how the Government are improving the prison estate and what has been going wrong with that. So, Shabana Mahmood MP—over to you.



Q14 **Shabana Mahmood:** Thank you very much, Chair. If I may, I will start with some questions about how the Department has been responding to the pandemic. Sir Richard, could you tell us how many covid-19 cases in prisons have been recorded, both for your staff and for prisoners?

Sir Richard Heaton: I want to get this number absolutely right, so I am just looking for the precise number. The number of deaths is in the low 20s and I have the number of cases at my fingertips somewhere—forgive me.

Dr Farrar: I can give the precise numbers, if you like, Richard.

Shabana Mahmood: Thank you, Dr Farrar.

Dr Farrar: We publish statistics now on a weekly basis. On 19 June, we had 500 prisoners and 10 children in custody who had tested positive for covid-19. And for staff, the number I have for 24 June is 992 staff who have tested positive.

It is really important to say that that is the cumulative total. If we look at prisoners at the moment, that is a figure that we do not publish, but we have a handful of open cases—that is, people who have tested positive for covid and who we are treating: less than 12. We have around 107 prisoners with some kind of symptoms—that does not mean that that they are covid symptoms, but they have some kind of symptoms—out of 79,500. The 500 figure for prisons is cumulative since the beginning of the outbreak.

Q15 **Shabana Mahmood:** Thank you. Sorry, did you say how many deaths you have had? I have the number of cases. Did Sir Richard say it was in the low 20s?

Sir Richard Heaton: It is 23, I think.

Q16 **Shabana Mahmood:** Thank you. Are you able to tell us how many infections and deaths among staff and prisoners are of BAME people?

Dr Farrar: I do not have that figure with me; I can certainly find it out for you. We have been concerned about that, and have been working with our staff and our trade unions. The figures, as I understand it, are not disproportionate, but we are certainly doing some work with staff to make sure that they are adequately protected.

Shabana Mahmood: The national figures are very disproportionate, so I would be very interested to see what the figures are.

Sir Richard Heaton: We can certainly give you the figures for both staff and prisoners. We are tracking both. You are right that the discrepancy is quite a considerable concern. I think I am right in saying that you can spot the discrepancy among staff numbers, but not prisoner numbers, but it is a salient point.

Q17 **Shabana Mahmood:** To confirm, you are definitely recording ethnicity both for deaths and for infections?



Sir Richard Heaton: Yes.

Q18 **Chair:** Can I ask, off the back of Ms Mahmood's question, how granular the data on ethnicity is? Is it as simple as "black", or do you break that down further? Is it as simple as "Asian", or do you break that down further?

Sir Richard Heaton: Jo will know whether we break it down. I would just say that some of the numbers are very, very small, so it is difficult to draw statistical conclusions from them because of the smallness. I think I am right in saying that we record it within the overall BAME number. Is that right, Jo?

Dr Farrar: Yes, we do break it down.

Q19 **Chair:** How granular do you go? Do you do it by nationality as well as by ethnicity, for example, where perhaps they are foreign national prisoners?

Dr Farrar: We have not had any foreign national prisoners who have died, but where we have had prisoners who have died, we use the information that we have on our systems for the prisoner, which goes into quite granular detail.

Q20 **Shabana Mahmood:** The early release scheme has not met your initial expectations in terms of how many prisoners would be released back into the community. Why is that?

Sir Richard Heaton: When the epidemic started, we were faced with very worrying projections from Public Health England indeed, and you do not have to be a penal historian to know that when infections take hold in prisons they are really serious. We were looking at some fairly dramatic numbers suggesting that in order to contain the infection we would need to release many hundreds of people.

As we worked further with Public Health England on issues and measures such as compartmentalisation and reverse cohorting, making sure that people were separated from others if they had an unknown infection, it became clear that we did not need that number of early releases.

The early release scheme is a small part of the armoury of measures that we are taking to protect our prisoners through compartmentalisation and other steps, but it is only a small part of the armoury. The overall fight against covid has been very successful in prisons. Early release, as it turns out, has needed to be a very small part of it.

Q21 **Shabana Mahmood:** You say that it is a small part of the armoury. I understand that the scale of the pandemic in prisons has not met some of the worst predictions at the outset, but your prisons are overcrowded—60% are overcrowded—so in the context of a scale of overcrowding that is just par for the course in the Prison Service, should this not have been a bigger part of the armoury?

Sir Richard Heaton: I think it would have been had the population not fallen. The population has fallen because the number of cases coming



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through from the courts has fallen. We might get on to that later. That has given us a bit of really necessary headroom, which enables us to create distance between prisoners and therefore not have to rely on early release. That is probably the missing part of the equation that we did not anticipate at the beginning.

- Q22 **Shabana Mahmood:** Of the prisoners who have been released from prison during the pandemic, how many have been moved without any settled accommodation to go into on release?

Sir Richard Heaton: Another reason why this has become quite a small programme is that we had very strict conditions: people would not be released if they had a history of domestic violence, for example, or if there was not a housing solution for them on release. I think I can say—Dr Farrar can correct me—that in 100% of cases, accommodation has been available. Is that right?

Dr Farrar: Yes, that is right. We made sure that everybody had accommodation on release.

- Q23 **Shabana Mahmood:** Who are the general providers of that accommodation? Have you released them into council accommodation, or is it other providers?

Dr Farrar: Quite often, it was their own arrangement: they had settled accommodation to go to. However, we have also been working with our local authority partners and other voluntary sector partners to make sure people have secure accommodation to go to on release.

- Q24 **Shabana Mahmood:** So in every case where the prisoner did not have their own accommodation to go back to, local authority provision was available.

Dr Farrar: There was some provision available, working with local authorities or the private and voluntary sectors. We made sure there was funding available for that accommodation.

- Q25 **Shabana Mahmood:** There is a big difference between the accommodation provided by councils and that provided by the private sector, as some of your constituents—like mine—can attest. What is the breakdown between those placed in local authority accommodation and those who have gone into the private sector?

Dr Farrar: I would have to check that out. From my understanding—this is only my understanding—we have not put anybody into local authority housing; we have just been working with our local authority partners to make sure people have secure accommodation. Some of the councils have been helping us to provide temporary accommodation for people leaving prison, which we have been funding.

- Q26 **Shabana Mahmood:** Is any of that temporary accommodation hostels or hotels?

Dr Farrar: I would need to check that out for you.



- Q27 Shabana Mahmood:** Yes—could you write to us? Thank you. Obviously, many of the measures you have taken as a result of the pandemic to try to control infection rates in prisons are very stringent when it comes to prisoners' ability to live within the prison system, and that has a big impact on their mental health. How are you addressing what is happening with the mental health of prisoners during the pandemic?

Dr Farrar: During the pandemic, we have seen some positive indicators of mental health. We have seen the number of self-inflicted deaths in custody reduce, particularly initially, although we have had some very sad deaths in May.

We have also seen the rates of self-harm reduce. We have been doing quite a bit with people in prison to make sure their mental health is looked after—for example, by giving people distraction packs, making sure we have an exceptional delivery model for key work, and working really closely with our health partners on mental health provision—because we recognise how difficult it is for people to be in their cells for longer than they would expect to be.

- Q28 Shabana Mahmood:** I am very pleased to hear that the situation has improved. Obviously, we have previously reported on mental health in prisons when the picture was considerably more bleak. Have you learned lessons from this pandemic as to how you might deal with mental health within prisons going forward?

Dr Farrar: Yes, from the pandemic and previously as well, because we saw some slight improvements before the pandemic. In our last set of figures, self-inflicted deaths reduced by 10%, so we have a new procedure to ensure proper care and assessment of people, and we also believe that the introduction of key work has had an impact.

These are the things that we want to continue, but we also have a team that is looking at all the lessons we are learning through covid to make sure we can build those in as we start to reopen the estate, particularly when it comes to prisoners' safety and security and how they feel about the activities they undertake. We are learning all those lessons.

- Q29 Shabana Mahmood:** Thank you, Dr Farrar. Sir Richard, the National Audit Office states that 60% of prisons are overcrowded. How worried are you about conditions in the prison estate?

Sir Richard Heaton: Conditions in the prison estate are one of the main driving reasons for us wanting to renew the estate. Our strategy will be for the prison estate to be decent and secure; at the moment, it does not meet those sufficient standards, so we are worried. We are determined to reduce crowding where we can: that is to say, cells built for one should accommodate one, not two. We have quite a lot of crowding at the moment, and we would like to reduce that. Every one of the prisons we are building will be decent, uncrowded and sanitary. In an ideal world, those prisons will be coming on stream and replacing the accommodation that we are currently living with. At the same time, we have to spend money on maintaining the existing fabric of the estate, because the



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current estate is in the state that it is because it has been under-invested in in maintenance terms. We have to both build new accommodation and restore our existing accommodation. I am determined to house prisoners in satisfactory conditions.

Shabana Mahmood: That's it from me. I will return to the issue of maintenance later.

Q30 **Chair:** I want to pick up on the issue of a backlog of maintenance in Her Majesty's Prison Durham. Mary Kelly Foy, the MP for the City of Durham, has passed on concerns about the frustration at the disrepair of the building. Apparently funding for a new floor and generator was approved 18 months ago, but no date has been given for when the work will take place. I am not necessarily expecting you to know the ins and outs of everything, although Mr Beard may know what is happening at Durham prison, so perhaps I will throw the question to him. Is that a fair summary of some of the problems that a lot of our prisons are facing—a backlog in repair and no certainty about when the work will be done?

Clive Beard: It is a fair observation that we are struggling with more maintenance than the moneys that we have. I am not familiar with the Durham example. I would be surprised if we had identified the funding and not proceeded with the scheme. More often, the problem is that we have identified the scheme and the solution that need to be delivered, but we do not have the money forthcoming that we would need to progress the scheme because of other priorities.

Chair: The whole point of today's hearing is to discuss the money. On that point, I will go to Sir Bob Neill MP, Chair of the Justice Committee.

Q31 **Sir Robert Neill:** Nice to see you again, Sir Richard. You mentioned that there was some headroom, if you like, because of a reduction of receipts into prison at the present time, because new arrivals are not coming through, but prior to that backlog building up in the Crown courts, you were running at 98% capacity. The odds are, as we both know, that once the Crown courts move back fully into session, the headroom that you currently have will disappear again.

The overcrowding that we have discussed in the Justice Committee is made worse by the fact that you have to regularly take cells out of permanent use because of the state of disrepair. The expectation is that about a further 500 places will be lost annually, and about 1,700 have been taken out over the past two years, so there is a gap even before we get anything new on stream in the timeframe that you gave us.

What is the plan to deal with that? It cannot be acceptable that we have a permanent situation of taking cells out of use when you are trying to, as you say, remove overcrowding, which is a fundamental pressure on the system.

Sir Richard Heaton: Thank you, Sir Bob. Not only are we trying to remove overcrowding, but we are having to anticipate what we think will be—we are sure—a rising prison population.



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Let us assume that covid has passed and the graph continues upwards in the way that the NAO Report illustrates, because of the increasing complexity of crime and increasing police numbers. We have to be able to accommodate safely a rising prison population. It has become an imperative—the Government have accepted this—that we have to build new prison places.

The crucial difference between our proposal to build now and the proposal back in 2015 to build then was that now it is accepted by everyone that those places need to be additive places; they are not some new-for-old replacement. We need those prison places to cope with rising demand.

At the same time, we need to cover the maintenance backlog that has allowed capital maintenance to atrophy over the last few years. If you look at the graph of maintenance spending from 2010 to 2017, we went down to the low tens of millions of pounds, whereas we should have been at more than £100 million. We under-invested in the estate and we are paying the consequences.

The population crisis really came home to us when we started, exactly as you say, Sir Bob, to project on to our figures the loss of 500 places each year just through lack of maintenance. It brought it starkly home to us, and to the Treasury, that we need to invest in this to overcome the problem. We were not going to get there simply by scratching around for a boiler here and a new roof there. We needed a fundamental investment programme, which, I am pleased to say, is what we are now embarking on.

Q32 Sir Robert Neill: It is not a complete surprise, is it? The chief inspector of prisons has been reporting on the conditions in his inspection reports, and there has been a consistent pattern of concern about maintenance, and backlogs of maintenance, over a number of years, has there not?

Sir Richard Heaton: Yes indeed. The only consolation is that we are not alone in the public estate. The public estate has been under-invested in over the 2010 to 2015 period, quite considerably. You would see the same in schools and, I dare say, in other sectors. But it is absolutely clear to us that it cannot continue, and that is why we are so pleased to have built the consensus—the coalition—with No. 10 and the Treasury that this needs investing in, to stave off problems like this in the future.

Q33 Sir Robert Neill: What I see at the moment is an emphasis either on taking cells out of use, with the downsides that you have already told us about, or on emergency maintenance, with things coming out of the revenue budget. As you say, there is nothing on the capital side. Where is the overall strategy to tackle what is about a £900 million backlog that has built up over the years?

Sir Richard Heaton: The strategy is to build new places and to invest in the capital maintenance. It is fair to say that the elements of the strategy to do with building new prisons are more visible, because, by definition, you need a multi-year package and settlement. That is what we've got: £2.5 billion to build 10,000 new places. At the same time, fiscal event by



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fiscal event, we are winning the battle to make good the other part of the strategy, which is to invest in the existing places. There is simply no point in building new prisons if we allow 500 places a year to fall out of use at the other end; it is a waste of public money. The strategy—we are fighting to absolutely land this in the spending round—will contain both elements: new places, and refurbishment of old places.

Chair: We are coming on to the strategy in more detail later.

Q34 **Sir Robert Neill:** We have also noticed that, over the period that you have been talking about, Sir Richard—you gave me some of the figures around the maintenance budget—there has been a net underspend of about £24 million on the capital maintenance budget because of the postponement of major maintenance works. How does fit with the shift towards more major maintenance that you are telling me about? At the moment, you have been going in the reverse direction.

Sir Richard Heaton: Clive Beard may be able to help me on that, but I think—Clive might tell me I'm wrong—that it is, as I have discussed with both Committees over the years, part of the necessity that we had, in order to keep the lights on across the Ministry of Justice, to divert our capital resource into our resource maintenance costs, our RDEL. It involved putting capital money into admin money in order to balance the books. That all stems, as you well know, from our 2015 spending settlement, which was fundamentally unbalanced, and our admin spend was undercooked. In order to get through the spending period without excessive reserve claims, the Treasury agreed that we should divert money from our capital column into our resource column. That is not something that any of us wanted to do, but we needed to do it in order to balance the books and to avoid an overspend in our financial control totals. What you have identified is probably part of that, but can I ask Mr Beard to correct me or fill in?

Clive Beard: I think that where we have been allocated money to do maintenance, we have spent that money. I do not recognise that we have failed to invest the capital that we have had for maintenance. The challenges that we have are twofold. The first is that most of our maintenance investment programmes are multi-year programmes and we need certainty on future funding. That has given us some challenges going forward. The second challenge is the time and the complexity of the scheme given the population, which we have already touched on.

Q35 **Sir Robert Neill:** Forgive me, Mr Beard. You say you don't recognise that. The NAO Report gives us details of the spend from 2016-17 going forward. Over the same period, the NAO Report says you have a £24 million underspend against the capital maintenance budget. Is the NAO wrong?

Clive Beard: I need to check that. I am saying I don't recognise it; I am not saying they are wrong. I need to check that.

Q36 **Chair:** I remind you—I say this also for the benefit of our witnesses from the Ministry of Justice—that the Report is agreed between the



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Department and the National Audit Office, so the figures are not a matter for dispute. Sir Richard, do you want to comment on that before I go back to Sir Bob?

Sir Richard Heaton: No, I was just going to say that we did not see the figures. We just cannot [*Inaudible.*] where the underspend was.

Q37 **Sir Robert Neill:** Can you perhaps help me with the broader picture? Given that it is accepted that there was an underspend, why was it that that underspend could not be applied to the pretty dire situation with maintenance that you have fairly recognised?

Dr Farrar: You are right. We have been working really hard to put any underspends into prison maintenance. We are also really pleased to have received the £156 million that we will spend this year, which is already bringing some places back into use. Also, I have had some very positive feedback from prison governors about the spending that we have been doing on maintenance last year and into this financial year, which shows the difference it is making. We have been able to solve some really difficult problems such as the leaking roofs in Leicester, which were taking some facilities out of use.

We believe that the £156 million that we have for this year will now stabilise the situation so that we will not continue to lose the 500 places per year. As part of our spending review bid, we will look at what we need to bring more places back into use. Also, some of the 10,000 places will be places that we can spend capital on to bring back into use, as well as new build prisons.

Q38 **Sir Robert Neill:** You talk about a mismatch, which is a fair point, and how the cells are out of use. We know that that mismatch at the moment means you have prisoners in the wrong prison, in effect—that you have people who ought to be in training and resettlement prisons being held in the local prisons and vice versa. What is the strategy to overcome that mismatch? You have a strategy for the maintenance, but what about the mismatch that, I'm sure you would agree, has profound long-term consequences for the regime itself to run in the prisons, the maintenance of order in prisons and also the resettlement plans for offenders going forward?

Dr Farrar: That is a good question. I think you are referring to our reconfiguration plans. We are working really hard to reconfigure our prisons to make sure that people are in the right environment for their sentence and for the time that they are in prison. You are right that we did have to put some of this on hold because of the covid-19 situation, but we hope to be back on track now. We expect to see further delivery by September. We have had some success. In January 2020 we re-rolled Haverigg, for example, from a cat C to a cat D, which increased the number of places available. Also, in February 2020, we changed Manchester to a local cat B training prison with cat A remand functions. So we are working hard on this, and we will resume now with a hope to bring more places into the right configuration in London and the south-east and the east of England.



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Q39 **Sir Robert Neill:** When do you expect that mismatch, which is about 18,000 in surplus in locals and was about 16,700 back in November 2018 figures, in the training prisons to be in balance?

Dr Farrar: We always said that that would take us another two years to do, but we hope to get back on track now so that we can meet our timetable.

Sir Robert Neill: Thank you very much, Chair.

Q40 **Chair:** For both maintenance and reconfiguration you will need some headroom. Given the answers you have given us and Sir Bob on crowding and the early release scheme, how will you create that headroom?

Dr Farrar: We have been looking to create headroom recently. We have needed headroom to help us cope with covid-19 and put our compartmentalisation strategy in place. We have been doing that by introducing temporary accommodation into our prisons. We have had some real success with that, with 986 temporary units now in our prisons. We have 506 installed and 369 in use, and a number in the private sector prisons; in Oakwood we have 80 being delivered and installed and 25 in use. That gives us the opportunity to compartmentalise as a result of covid, but it also, because we have purchased some of these units, gives us the opportunity to move them around the estate to create headroom for maintenance. So we intend to do some of that as well as continue with our reconfiguration programme.

Q41 **Chair:** You say, "move around the estate," but the estate is quite far-flung. We see the impact in London, where people are now sometimes sent further afield. Do you have a view on the impact of moving prisoners on them and their families? Do you have a strategic central oversight of that or is it down to individual prison governors?

Dr Farrar: We have central oversight of that. Our aim is to keep people in the place most appropriate for them. Often, that is where they can be near their families or where they have the best training to help them with their offending behaviour. We have a team that looks at that.

The benefit of temporary accommodation is that you can move it quite large distances in order to create capacity. Obviously, that is not possible in every prison, because we have to have the space to do that, but where it is, it means that we can create some capacity and free up places so that we are able to do maintenance.

Q42 **Chair:** Okay, but some prisons are hugely over capacity. Wandsworth is at 152%, Brixton is at 135% and Durham is at 157%. With that level of overcapacity, can you find the ability to do that transformation locally? How do you manage it with prisons that are that overcrowded, and you have to move prisoners around?

Dr Farrar: If we have temporary accommodation, we can move people there, so we don't have to move them to other prisons, but I accept that there are some areas of concern. That is why it is important that we get on with reconfiguration, particularly in London and the south-east, so that



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we ensure we have space to carry out maintenance as necessary. Additional prison places help us with that reconfiguration. It will mean that we can have less crowding—we do not have overcrowding in our prisons, but we do have crowding—by moving people into our new prison places. We are making good progress at Wellingborough and Glen Parva.

Chair: That is two, and the new four will not be in place until 2025.

- Q43 **Mr Mohindra:** Following on comments made by Sir Robert, my question relates to a different part of the justice system: the transforming rehabilitation programme and how we ensure that those individuals who enter prison do not come back in the weeks, months and years ahead. You will be aware that there was a report by the Ministry of Justice last year, “Economic and social costs of reoffending”, which gave a monetary figure of £18.1 billion for the cost of reoffending. That does not include the emotional wellbeing of victims of crime and wider society. Dr Farrar, could you update us on the transforming rehabilitation programme and what you have done since last May?

Dr Farrar: We are keen to help people to address their offending behaviour. We have a number of programmes in prisons that are specified around the needs of the individual. That is one of the reasons for creating resettlement and training prisons, so that people can go in and have help with their offending behaviour.

Recently, we introduced a new director for reducing reoffending, specifically to help us look more widely at how we reduce reoffending. This is not just an issue for HMPPS or the Ministry of Justice; it is a whole Government issue. There are now things in place, such as a prison leavers project, where we are working closely with the DWP and our colleagues in MHCLG, to look at how we can provide the proper support for people leaving prison. That is aligned with our new “Through the gate” programme, which looks at the needs of people leaving prison and starts working with them a few weeks before they leave prison to start addressing their needs.

We also have a new programme of offender management, where we work closely throughout the sentence with the prisoner and the probationer involved in looking at their needs. So we are working really hard to make sure that when people leave prison, they have the right support in place, so they can continue to lead purposeful lives and not to reoffend, because we do recognise the cost on society.

- Q44 **Mr Mohindra:** Sir Richard, can I get your views on that? Dr Farrar referred to a cross-Government approach, and I agree that it needs to be cross-Government, but who would be the relevant accountable officer? Would that be you? Do you believe you have the bits in place to ensure we break the cycle of incarceration?

Sir Richard Heaton: I hope so, and I think we are in a better position than we were before. As Dr Farrar said, it has been realised across Government that if you want to tackle crime, the best way to do it is to tackle reoffending, because most crime is reoffending.



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There is a strong Prime Ministerial lead on this, and the prison leavers' project is cross-departmental. Transforming rehabilitation was mentioned, and other part of this is delivering a probation service that is absolutely world class and up to the mark. We need to escape from the troubles that the transforming rehabilitation programme left the probation service in. That is why, as Dr Farrar explained at the top of the meeting, we are working so hard to ensure that this latest transition is smoothly delivered, because a decent probation service is undoubtedly part of the task of tackling reoffending.

So yes, we have good mechanisms across Government; there is good realisation and increasingly there are cross-cutting spending initiatives. We are working well with the Home Office, the Housing Department and DWP in particular. It is a good cross-Government effort—certainly better than in recent years.

- Q45 **Mr Mohindra:** Sir Richard, you will be aware that the Committee has asked for that cross-Government strategy to be published. Is that likely to be forthcoming?

Sir Richard Heaton: I am not sure if there is an imminent publication, so I do not want to promise something that may or may not appear. Can I take advice on that and get back to you?

Chair: Please do. We have asked for it before—a while ago; indeed it was before a recent general election—so it should not be a surprise that we are keen to see it.

- Q46 **Mr Mohindra:** Sir Richard, part of the initial strategy was reduction of the prison estate, first to reduce the cost of running the prison service, but also to allow investment in new build or improvements. To date, we have had only one prison closure, and there is a perception that over the last four years the system has not worked. Colleagues have referred to the lack of capacity in the system. We know there is a bottleneck of criminal cases in the courts system. What is to stop the whole system falling over in the weeks and months ahead?

Sir Richard Heaton: There are a few strands there. You are right that back in 2015-16 the Government said, "Right, we're going to build new prisons and close down old ones," and that was a fantastic idea, but it never really happened for a number of reasons. First, the prison population started to go up rather than being flat, which helped to defeat expectations. Secondly, our maintenance backlog caught up with us, as we have described, and places fell out of use for that reason. Thirdly, the Treasury—I am not blaming them—became a bit suspicious of the programme, because we had a spending settlement that fundamentally did not work and they thought, "Well, these guys need the capital to fill their resource spending," as I have explained. For all those reasons, the programme slowed right down. It became no longer new for old, but a case of begging for money from the Treasury two or three times a year to do it prison by prison, as opposed to a six-prison project.



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The reason we feel more confident this time round on prison building is, as I explained earlier, we are not pretending that this will be a new-for-old programme and we are not promising to close lots of prisons; we are promising to build some really good-quality new prisons, because we need those new prisons. If, at any time in the future, the population falls, we would be delighted to close some of our bad prisons, but that is not part of the spending deal at the moment. That is fundamentally why we are in a more optimistic position now than we were in 2016. I think that helps answer part of your question.

You also mentioned the head of work in the Crown courts. You are absolutely right. We—the Ministry of Justice and the justice system, including the judiciary—are absolutely determined to get the Crown courts back running to a proper capacity, and this part of the system needs to respond to that. One part does not drive the other, so we need courts to start trying people; otherwise the justice system does not work.

We are keen for that to get up and running, and that means we need to respond to it by providing the places that the courts will undoubtedly need when they start sending people to prison again. You are right that the two things are connected, but all arrows point towards the imperative to get these prison builds happening to schedule, and these ones will be to schedule.

Q47 James Wild: I want to focus briefly on the levels of assault within the prison system. I think in the past five years there has been a 110% increase in prisoner assaults on staff, which equates to more than one assault every hour. These levels are completely unacceptable, so my question to Dr Farrar is why you are tolerating this within the prison system.

Dr Farrar: That is a good question, and we are really concerned about the number of assaults; we have been working hard to bring the number down through the increase in staff numbers, the introduction of key work, the offender management programme that I mentioned earlier, and numerous other activities. We were pleased that in the 12 months to March 2020 we saw assaults down by 4%, and, although this is informal and not yet published, we are seeing a further drop in the latest quarter.¹ I am encouraged by that, although we need to ensure that we go even further. Serious assault is only 3% of the total: well, 12% of incidents. Serious assaults are 12% of incidents, and we saw those serious assaults on staff reduced by 4% and on prisoners by 2%. So 3% reduction in serious assaults—

James Wild: I certainly have not seen the figures for the period to March this year, but any reduction is obviously welcome.

Q48 Chair: To be clear, Dr Farrar, are those updated figures that you are quoting? We need to be clear what period we are talking about.

¹Witness correction: These assault statistics are based on 12 months to December 2019, not March 2020.



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Dr Farrar: They are for the 12 months to March 2020.

Q49 **Chair:** May I check with the National Audit Office? Mr Lodge, can you remind us where the Report got figures up to, and whether you recognise the figures Dr Farrar is talking about?

Oliver Lodge: The Report covers figures from 2015 to 2018. More recently, there have been slight declines in violence, both prisoner-on-prisoner assaults and prisoner assaults on staff. If you were to update the trends in our report from 2015 to 2019, for example, the long-term trend would look like a 100% increase in prisoner assaults on staff, rather than a 110% increase. Over the long term it is still an increase, although the numbers have started to fall more recently.

Chair: Thank you very much for that clarification. Mr Wild, back to you.

Q50 **James Wild:** That is helpful. Rory Stewart, when he was the Prisons Minister, led initiatives in 10 prisons that I think were successful in reducing the level of assault. What were the key lessons from those, and how are they being rolled out across the prison system?

Dr Farrar: We learned a number of lessons from that programme. In fact, we are now using a similar programme to look on a rolling basis at the 10-12 prisons that we have the biggest concerns about in terms of assault. That means specific work with the individual prisons, looking at contraband that comes into prison and ensuring that we have mentoring and coaching for staff, proper amounts of key work and the right staffing levels in those prisons. We are taking the lessons from the 10 prisons project into a rolling programme that we now use for the prisons that we are worried about. However, I completely accept that this is an issue that we must be very concerned about. The safety of our staff and the people in our care is paramount.

Q51 **James Wild:** In what proportion of the serious cases do you pursue charges against the prisoners who carried out the attacks?

Dr Farrar: If anyone carries out an attack, we report it to the police and we rigorously pursue charges. We think it is important that people are held to account for their actions and that our prison staff feel confident that we will support them if they have been assaulted in the workplace.

Q52 **James Wild:** One final question from me. As well as the assaults, the figures in fig. 2 on page 15 of the Report for self-harm by prisoners show more than 50,000 cases. Again, the bar chart shows an alarming increase over the last five years. What are you doing to bring those figures down, and bring them down rapidly?

Dr Farrar: We are really worried about self-harm. As I mentioned earlier, we are putting in place a number of things to help people with their mental health and to feel safe and secure in prison, including new procedures and processes for people who are of concern. We have a number of people who are prolific self-harmers, so we have individual programmes of support around them. We have also been really concerned, during the covid period, to make sure that people are able to continue with links that



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they had previously, so we have been rolling out a number of telephones, for example, to make sure that people can continue contact with their families. We also have a Samaritans helpline, to make sure that people are safe and secure. Self-harm is something we continue to be worried about. Informally, we have seen some very small improvements just in the last few months, but we know we have so much more to do on that.

James Wild: Thank you, Dr Farrar. I have no more questions.

Q53 **Shabana Mahmood:** Sir Richard, you seem to have had a rather unhappy time dealing with the Treasury in relation to your budgets. I notice that you had to submit a number of business cases for new prisons to the Treasury—in fact, you had to do that four times. What has gone wrong?

Sir Richard Heaton: I do not want to blame the Treasury. By now, we have a good, open and trusted relationship with the Treasury. We absolutely share where we are with them, and they understand where things have gone wrong for us and where we need investment. And by and large, where we evidence our need for investment, they help us get it. So I really do not want to blame the Treasury.

Chair: Yes, it is not a good idea to blame the Treasury when you are about to go through a spending review!

Shabana Mahmood: I was not trying to get you to blame the Treasury; I was asking you what had gone wrong in your Department.

Sir Richard Heaton: Okay. What went wrong, I think, was the 2015 spending settlement, and that was an agreement between my Department and the Treasury, so I think we are both to blame. It is now really clear that our resource spending was vastly undercooked in the 2015 spending settlement, that the expectations of income receipts were unrealistic and that the expectation that we would drive money out of the legal aid system was unrealistic—a previous Secretary of State reversed one or two of those. So it rapidly became clear that the whole 2015 spending settlement was insecure, and from that moment onwards we had to be hand in hand with the Treasury at every step of the way, because they were having to bail us out by increasing our main estimates and increasing our supplementary estimates. So twice a year we had to go cap in hand to the Treasury, and it was not a great position for the Department to be in.

We are now—I am pleased to say—several fiscal events later, in a better and more sustainable position. The 2019 one-year settlement, broadly speaking, gave us the money we needed to keep the lights on, as I said earlier, and gave us a good slug of capital—the biggest slug of capital we had been given for years. So we have put ourselves on to a decent footing now, which means we are less prone to, as I say, twice-a-year bail-outs.

That is the position that we have been through, and we have been living through it all the years that I have been permanent secretary—that is to say, five years. The 2015 settlement was really the root of it.



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Tough spending decisions were made before 2015 as well. The savings baked into the prisons FM contract, which we might talk about in a minute, turned out to be unrealistic as well. Some of our big structural reforms, again, were characterised by over-ambitious and unrealistic savings targets or spending targets, and Transforming Rehabilitation was one of them.

There was too much over-optimism. We are an unprotected Department. We took a hit time and time again, and we had to live through a few painful years, but as I say, we are in a more sustainable position now, I hope—I think.

- Q54 **Shabana Mahmood:** Thank you, Sir Richard. I appreciate that the politics of the 2015 settlement period and the MoJ being an unprotected Department have all played into things, but there was a lack of realism, as you have said yourself, and over-optimism about receipts that might come into the Department. What are the reasons for that? We are trying to establish what steps you have taken, as a Department, to try and make sure that you do not get into the same mess again. What would you say are the reasons—lack of experience, maybe you do not have quite the right personnel or were warnings ignored? Can you please be more precise about how the Department got into this mess?

Sir Richard Heaton: I will, although they are probably slightly cultural reasons. I came in at the end of 2015, when the ink was just about to dry on the spending settlement. What went wrong?

- Q55 **Shabana Mahmood:** When you saw that ink drying, were you horrified?

Sir Richard Heaton: I wish I had been more horrified. I think part of it was that there was such a desire to get the crown jewels, which was the announcement about the new prisons, that that became the thing, and we sacrificed some other things in order to get it. That is partly officials going for the big prize and partly a political thing as well, so we ended up with something very unbalanced.

We had too much capital, which in the end the Treasury would not let us spend because we had not enough resource spending. Maybe we suffered from groupthink at the time, maybe we were not rigorous enough, maybe our forecasting was not good enough, but without a historical exegesis about the time I do not think I can be more precise than that. We are certainly much smarter at projecting our needs and costing our programmes than we were then; I can confidently say that.

- Q56 **Shabana Mahmood:** So I can take it from that that we will not get into that situation again? Are you confident you have learned all the lessons you need to, given what has happened?

Sir Richard Heaton: We as a Department, yes, absolutely. I am confident. In the 2019 settlement we did not get everything we asked for, but we made the case for investments, particularly on capital, and we got it. The Treasury, with No. 10's help, have helped to put investment in our



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direction, because they know it is money well spent, and that we are a smart Department, and we know how to spend it.

Chair: Go on, Ms Mahmood. You pick that up.

Q57 **Shabana Mahmood:** I think that will be for further NAO reports and for us to look at in the future.

Sir Richard Heaton: I am feeling bullish in the light of the Chair's first question to me.

Chair: Sir Richard, I would say that you did inherit a challenging Department that has featured in my annual report every year as a Department to watch, because every single corner of it is a challenge. I am glad to hear you are so upbeat after five years. Certainly, things could not have been worse than when you took over, so that's a muted congratulations from the PAC.

Q58 **Shabana Mahmood:** We will certainly hold your successor to account for that as well, Sir Richard. There is still, as you will know, a substantial gap between forecast costs and available funding for the prison estate transformation programme. How are you going to reconcile that?

Sir Richard Heaton: The size of the capital allocated to the prison programme is £2.5 billion. We do not know what the final number will be, but we get allocated it project by project, if you see what I mean. We are confident that the Treasury will back the programme, because they always have done, and they are with us every step of the way. They have sight of all our numbers. If, for example, construction inflation outpaces what we are expecting, we would expect the Treasury to support us.

Broadly speaking, we are currently building two prisons, as you know. We are planning to build four more, as you just heard. We do proper cost forecasting on each of them. We know where the financial risks are. Of course, the final numbers are not inked in—they never are at this stage. We are confident, broadly speaking, in the quality of our forecasting and we are confident that the Treasury will back us, because this is such an important investment programme that they have backed consistently.

Q59 **Shabana Mahmood:** Dr Farrar, I wanted to ask about the reconfiguration project, which is now more than two years behind schedule and is not expected to complete before February 2023. How do you account for that delay?

Dr Farrar: There has been a delay in that project. I completely accept that. Some of that was to do with the prison population, which meant that we were not able to move prisoners as freely as we had wanted to. As I said earlier to the Chair of the Justice Select Committee, we have had to delay slightly now because of covid, but we want to reinstate that programme. We are starting again in September. That will allow us to make movement in London and the south-east and east of England, so I am confident that we will get back on track and start to really see the benefits of that. As I outlined earlier, we have had some projects this year



that are making a real difference, such as the one in Manchester that I mentioned and the one in Haverigg.

Q60 Shabana Mahmood: How would the greater roll-out of the technology have helped to support the remote working that was needed during the pandemic?

Dr Farrar: Could I just clarify: do you mean “to staff”?

Shabana Mahmood: Yes.

Dr Farrar: We have been rolling out technology to help people work remotely. The vast majority of our staff who are off work due to covid, which is only a small proportion—under 10% of prison staff—work operationally, so there is a limited amount that we can do to help them work from home. A large number of our probation staff are working at home, and we have been able to provide them with the facilities to do so. We are receiving between 50 and 100 laptops a week, and we have been deploying those to help people work from home wherever possible. My prison group directors have really welcomed that: they have felt that it has helped them bring staff back into work in some form. However, as I say, at the moment the vast majority of our staff who are shielding or self-isolating are operational staff, so there are a few more limitations there.

Q61 Mr Mohindra: My question is to Dr Farrar, and it is a continuation of my previous question to Sir Richard about the courts. The Lord Chancellor, Robert Buckland, has said that he is expecting the historic court cases to be up to date by April next year, I think. If we refer to page 18 of the NAO Report, section 1.11, based on some conservative-with-a-small-c modelling—this was obviously before covid—there was an expectation that new prisons would have needed to be ready from late 2022. Given the likelihood of continuing pressure on prison places, how will you be able to close old prisons that are not fit for purpose?

Dr Farrar: Because of covid-19, the demand for prison places has actually been pushed back slightly, so we think the curve that the NAO mentioned will be lengthened slightly. That does not mean we are not worried about it: we have a team that works on demand and supply across the MoJ, so that we can make sure we have enough places to house people. The new prisons are an important part of that.

In the shorter term, covid-19 has meant we have had to create additional prison capacity to ensure we can isolate, shield and receive people into prison in reverse compartmentalisation units, so they can be kept apart from the rest of the prison population for 14 days. We have been managing that through a combination of measures, but mainly by introducing new temporary accommodation, which we now hope to keep in order to help us manage any maintenance issues so we can bring more places online and continue to have capacity until our new prisons are built.

Q62 Mr Mohindra: Just following on from that, is that going to delay your programme of disposals?



Dr Farrar: At the moment, we do not have plans to dispose of prisons. We know that we need the number of prisons that we have to cope with capacity, so we are not announcing any new closures. We continue to monitor demand and supply; part of our long-term strategy will be to keep building prisons, and we hope that we will be successful in the spending review. As Sir Richard said earlier, if that allows us to close some prisons, we would welcome that. However, while we are keeping prisons open, we are focused on making sure we maintain them so that they are fit and decent for the people who are living in them.

I should say that we would not want to close all of our older prisons; some of them are really ideally placed in localities where people can be near their families, and can leave prison and go into work and accommodation. So, we need to think really carefully about our estate. But at the moment, we have we have no plans to close any further prisons.

Q63 **Shabana Mahmood:** Sir Richard, I would like to explore with you the facilities management contracts if I may. When I was reading the National Audit Office Report, I was reminded strongly of the same experience that your Department had when it was contracting out probation services. Why does the MoJ keep making the same mistakes when it comes to contracting-out processes?

Sir Richard Heaton: I think you are right; there are similarities between the two. There are a couple of similarities, really. First, in both cases, the Department—this was a decision, let us put it mildly, that was shared with Ministers—was outsourcing for the first time. It was a first-generation outsourcing of a complicated business. And I think our main lesson with prisons FM and with Transforming Rehabilitation is that you really need to know, to a level of granularity, what it is you are outsourcing.

With prisons FM, we outsourced hundreds and hundreds of small contracts or in-house services for maintaining prisons, and we put them all out to the sector without—it now seems clear—really, really knowing what it was that we were asking the sector to do. So, how many boilers needed fixing and how old were they, and how many roofs and how many gates, and so on? So, the companies took on the FM contracts without really understanding what they had taken on. So, that was one mistake.

I think that on Transforming Rehabilitation you see something similar—first-generation outsourcing of a really complicated business, and a human business, which is probation services, to a market that was brand new, with contracts that were complicated, with cost incentives that were in the wrong place, and with assumptions that were not properly tested.

So you get those patterns across both those really big outsourcing programmes. There is nothing wrong in outsourcing, but you do not outsource a problem; that is just what you must not do. You must not outsource a problem. You must work out what the problem is, fix it, and then outsource it. So I think that is the single thing that those two programmes have in common.



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I think the whole of Government is much better at outsourcing FM than it was. There is now an outsourcing playbook, which has been promoted heavily from the Cabinet Office and the Crown Commercial Service. So, we are no longer in the positions that we were in during '13, '14 and '15, where you outsource and you just assume you can make a 20% cost saving, because you can. Everything was driven by cost savings and by price. And that, combined with the uncertain nature of the work we were contracting out, meant that the contracts were kind of doomed to the unhappy life that it turns out they had.

That is not to say that all the work done in those contracts was bad. Amey performed reasonably well and is now performing well; Carillion is a different story all together. But fundamentally the first-generation outsourcing contract needs a bit more time and care. I think that is the main lesson.

- Q64 **Shabana Mahmood:** Thank you, Sir Richard; I appreciate your rather long answer, with lots of hints about the lessons that have been learned. But why would you move forward with contracting if you do not fully understand what it is that you are contracting out? I do not need to hear what happens as the standard with first-generation outsourcing of contracts; it just seems common sense to me that before you contract out, you need to know exactly what you are dealing with before you put it out to tender.

Sir Richard Heaton: And that is exactly what we are doing. So, for example, we are—

- Q65 **Shabana Mahmood:** No, that is not what you did, with respect, Sir Richard.

Sir Richard Heaton: Okay. I find it hard to explain exactly why we did something in 2013-14. I can tell you what Government was like at the time and I can tell you the huge incentives to go quickly and do big, muscular things on the contracting-out circuit, and lots of bad mistakes were made across Government. And I am afraid that back then this Department fell prey to that.

I am accountable for how the Department is now and I can tell you that we will not do that when we let the next generation, if we let the next generation, of contracts in the space. With the next generation, we are taking our time, we are doing a really comprehensive asset inventory, we are pricing it correctly, we are incentivising quality not cost, and the contracts will be best in class.

So, that is the bit that I can say with some reassurance. I find it hard to explain greater than I have done what happened in '14 and '15 when these contracts were designed and let. But, as I say, we have lived with—

- Q66 **Shabana Mahmood:** I think many of us find them somewhat inexplicable. Maybe you can—

- Q67 **Chair:** I think, Ms Mahmood, that it is also about, once a mistake is made, how long it takes a long time to unpick it, which is a salutary



lesson for Whitehall and Westminster, indeed.

Sir Richard Heaton: It is. And another aspect of those contracts—we knew, for example, that the Carillion contract was going quite badly wrong, and certainly in my time we looked at whether we could just exit it, and it turns out that we could not. We were locked in. It was going to be very expensive to exit it and bring the services in-house. It is another lesson: we were stuck with those contracts well beyond the date when they were going wrong. As I say, we turned one around and we are pleased with the performance of Amey, but the Carillion contract was not good.

Q68 **Shabana Mahmood:** Sir Richard, how can we be confident that you have learned those lessons—not you personally, as you were not there in 2013-14, but the Department? How can you assure us that things are much more robust now and that we will not see a repeat of that experience?

Sir Richard Heaton: I am trying not to shrug off accountability for things before my time, because you are right that it is about whether the Department has learned. The Government are better at it. We are better at outsourcing. The Crown commercial function is stronger, so we have a much, much better commercial function, which is run from the centre. Our senior commercial people are part of the Government-wide function, and it is skilled and smart and capable, so they are better at that.

We are better at contract management within Dr Farrar's area. Within HMPPS there is an FM group that cares about the contracts and manages them really smartly, which I am afraid did not happen before.

As I say, we will take our time and will not be rushed. We are facing something similar on our shared services with the provider that provides us with payroll services. We are not rushing into the next generation of those contracts. We are going to take our time and do it right. That is the biggest assurance. It sometimes goes against the litany for pace, but we are going to do it correctly.

Q69 **Shabana Mahmood:** My next question is probably for Dr Farrar, or possibly for Mr Beard. I want to explore what is happening with the conditions surveys and the asset registers. How do you account for the amount of time it has taken before you have started? On the conditions surveys, it has been four years. Why has it taken so long?

Dr Farrar: I will start off and then pass over to Mr Beard, because this is probably one for him to answer. From my perspective, I am really pleased that the asset surveys are under way. They will be comprehensive and they will form an important part of our strategy, because they will allow us to know where we need to spend our money to stop us losing prison places. I will hand over to Mr Beard.

Clive Beard: The primary responsibility, under the first generation of contracts, was for the providers to do a detailed asset survey themselves. We ended up with mixed quality results on what was captured. About two



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years ago, we decided that we could not continue with that, particularly if we were looking to let out for a second generation of contract, so we decided that we would do a centralised asset capture. It has not been four years since we have done nothing. The contractors and providers did some asset capture, but the quality of the data was not as detailed as we needed it to be.

We have started that piece of work now. When we tendered for it the first time, there was not that much interest from the market, so we needed to go again. We have had to refine how we capture the information better.

It has also been delayed slightly by the impact of covid. The prisons, rightly, did not want too many unnecessary people going into prisons, so there has been a slight pause on some of the work there. We intend to resume as soon as we can to finish that work off as a matter of priority.

Q70 Shabana Mahmood: Was it somewhat naive to expect the contractors to come up with better asset registers than the Department could?

Clive Beard: Again, it was before my time—I know that is slightly repetitive—but the contractors bid a certain price for delivery of service, including the asset capture. To deliver that service, they needed to know what assets they had under their control to ensure that they could hit the price point. It was an expectation that they should do it and there was a view that the risk was the contractors' if the costs were higher than forecast. It might have been a bit naive, which is why we are learning some of those lessons, why we have taken the decision to do the asset capture ourselves, and why we are driving it and owning that data—recognising those concerns and criticisms.

Q71 Shabana Mahmood: Could you tell me a bit more? You have done a pilot survey in, I think, two prisons. In which two prisons have you carried out that work?

Clive Beard: There might have been two prisons at that point. I think we are now about two thirds of the way through the asset capture survey, and we have gone live at Birmingham and Onley. Those are the first two sites that went live with the data, but we are now rolling that one out much more broadly. We have done about three quarters of the sites that we need to do the capture data for. Those sites, which I have mentioned, have now gone into live operations, and they are using that data day to day in order to do their facilities management. It seems to be going well at the moment. As with any new and detailed survey, there will be issues and snags that we need to deal with, but broadly both major providers and the smaller Mitie contract seem to be doing well on the delivery of those.

Q72 Shabana Mahmood: Before the pandemic hit, you were on course to meet your target for completion of the asset register.

Clive Beard: We had revised the timeline from the original estimate because, as I said, the first time around we did not get the right sorts of bids to give us the data that we needed, so we had to back out again. We were delayed on that side but, as Richard has already alluded to, we



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needed to get it right rather than do it quickly. It was really important that we got the right information, the asset capture, and the mechanism to put it into live operation. We spent quite a bit of time making sure that was right. We are delayed from our original plans, but up to the covid point we were moving quickly to deliver against the timeline that we had shared with the National Audit Office.

Q73 Shabana Mahmood: What is the scale of the discrepancy between what you thought you were dealing with in your initial set of data and what your new process for the asset register has shown? Are there very big differences?

Clive Beard: It is not so much about the differences. When we let the original FM contracts, they were captured on a system-wide approach, and we are now looking at the actual detail of the assets themselves. The difference would be, for example, whereas previously we would have talked about a heating system for the whole prison, we now talk about the number of boilers and the number of plant that go with that system. It gives us much more granular information about which plant is likely to fail and how long that individual plant will last for. It gives us much more granular information about where we need to make our investments and where we are carrying our greatest risk. In terms of assets, hopefully you will be unsurprised to hear that there is not a huge increase of assets, but we have got much greater detail and granularity about their age and condition, and some of the areas that we need to be concerned about.

Q74 Sir Geoffrey Clifton-Brown: I would like to pick up one or two of the threads that we have already been over and draw them together. It is in relation to the provision of new prison places, which we know has an effect on prisoner behaviour. I am sure that, despite covid, it will not be long before we have an increase in new prisoner numbers. You are taking 500 places out a year. The Report makes it clear on page 9 that demand for prison places could exceed supply by 2022-23. Will the four new prisons that you have recently announced come on stream quick enough, or will there be a crisis in the meanwhile?

Sir Richard Heaton: The first two prisons to come in line will be the ones that are already being built—Glen Parva and Wellingborough—so they are in advance of the four new ones. Wellingborough is going really well. There has been a slight slowdown through covid, but that will come on stream with Glen Parva behind that. The object is that we will not hit the pinch point; we will bring capacity in line in time to avoid that scenario.

We have various contingency plans that we will fall back on if the pinch point for some reason was brought forward, was more severe, or there was a spike in sentencing, but our objective is to forecast as well as we possibly can and to bring places on line. At the moment we think we can avoid the pinch point that you have identified by the building that we have announced and committed to.

Q75 Sir Geoffrey Clifton-Brown: In answer to my question at the beginning of this session, you said that all four of these new prisons will be built by



public funding. Does that mean that you do not consider private funding in any form could form a useful adjunct to your budget?

Sir Richard Heaton: That is a very good question. There are two programmes. One has stopped. On the original 10,000 programme—PETP, as it is called in the Report—I described how the Treasury withdrew their backing for it, because they needed us to spend the capital on resource. We had a plan B at that stage, which was to fund the prisons from private finance. Indeed the last iteration of the plan was to build one public capital prison and five via private finance, but private finance was retired by the Chancellor in the 2018 autumn statement, so it is literally no longer available to us. Yes, it might have provided an answer, but it is no longer on the table, so we can't use it. That is why we have negotiated with the Treasury a package consisting entirely of public money. PF2 is simply no longer a Government device at the moment.

Q76 Sir Geoffrey Clifton-Brown: Sir Richard, there is all the difference between the private sector building prisons and operating them. Can I suggest a different model to you? That is sale and lease-back, whereby the private sector builds the prison and the public sector rents it off them for a period of years. Has the Treasury considered that in its review?

Sir Richard Heaton: I think that is similarly off the table, but there may be someone on the call or behind me who can confirm that or correct me. I think that, too, is not available to us.

Chair: We can perhaps get that confirmed while we move on to further questions. Sir Geoffrey, is that you nearly complete?

Q77 Sir Geoffrey Clifton-Brown: I have one final question. Could I take you to figure 6, on pages 24 and 25, and ask you why it has taken so long since Carillion collapsed for GSFL to get on track with its KPIs in relation to reactive maintenance—for vandalism and so on? It still seems to be behind track. What is being done about that?

Sir Richard Heaton: Mr Beard can come in on this, I think. Broadly speaking, GSFL was put in very quickly, so it was an immediate overlap response. I am proud of what we did, because we did not drop a stitch and the work continued. Let's be honest: they inherited a bit of a mess from Carillion. Carillion was a badly managed contract with very poor invoicing, very poor-quality paperwork and a very poor-quality workbook, and GSFL struggled because of that. Culturally it was quite a difficult thing to stand up, in any event, from a standing start. We had not done one of them before. That took a bit of time as well, but its inheritance was a bit of a mess. I do not know if my colleague, Mr Beard, can amplify that or correct me again.

Clive Beard: I think Richard has summed it up very well. They came in at very short notice. They have had to work really hard, and we have been working alongside them, to make sure that they have a chance of success. The challenges at those prisons that they face had built up over a number of years. The true scale of the problems was not necessarily entirely visible to us or to them, and it has taken us a bit of time to get on top of



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it. We are moving in the right direction, but it has taken probably a bit longer than we would have hoped; but I think that is to recognise the scale of problems that they inherited.

Q78 Sir Geoffrey Clifton-Brown: Mr Beard, can I just press that question again? While GSFL got on top of routine maintenance, it appears that they haven't got on top of reactive maintenance. Can you tell us when those KPIs will be met, in reactive maintenance?

Clive Beard: No, but we are making improvements. I think the view on the reactive is that we are focused on those things that are most urgent. We are focusing on making sure that our estate is safe, compliant and legal, and GFSL are working really hard on that. I think, in terms of reactive—part of the challenge has been getting back on top of it, so I think that we would hope to see improvement within the next year, to get it broadly in line with where we are with the Amey contracts. That is the expectation from their chief exec. We are not going to be complacent about it. We are working with them to make sure they do what they can to improve it.

Chair: Sir Richard, earlier in an answer you talked about joint responsibility with Ministers, so it is delightful to bring in the last Prisons Minister in the last Labour Government, Maria Eagle, who is a member of the Justice Committee.

Q79 Maria Eagle: Sir Richard, of the 117 prisons that you have in England and Wales in the system, how many of them hold women?

Sir Richard Heaton: It is one of those numbers I ought to know.

Q80 Maria Eagle: It is 12. What percentage of the people that you hold in prison are women prisoners?

Sir Richard Heaton: Doing a sum in my head it is 3,000 out of—

Q81 Maria Eagle: It is about 5% or so. I am not putting you on the spot like that just to be unpleasant, Sir Richard, although I did have a bit of a reputation for doing just that the last time I was on this Committee—it is a very long time ago, and I have mellowed. Do you accept that the part of the system that holds women offenders is a bit of a Cinderella part, and that the prisons that they are held in are not at the top of the list of priorities?

Sir Richard Heaton: You are right that the Government's strategy for women offenders is not the same as their strategy for offenders overall; it takes particular account of the different nature of women offending and the positions in which women find themselves when they get into trouble with the law. That is why the emphasis is not actually on prison-building at all; it is on building women's community services, supporting service provision and the development of women's centres. The reason you probably do not hear much from us about women's prisons is that we are putting our effort and energy into supporting women's community services, including residential women's centres.



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On whether our women's prisons are, room by room, worse than our men's prisons, I think I would ask Dr Farrar to comment. But, as I say, there is a women's prison strategy, and it focuses on community provision, not on building women's prisons, which is why you have not heard us talking about building women's prisons. That is not to say that we would rule it out forever and a day, but they are certainly not part of the four that we have announced. The emphasis is on building decent community provision as an alternative to custody.

- Q82 **Maria Eagle:** Am I right in thinking that the prison estate's transformation programme does not apply to the women's estate? If so, is there an equivalent in respect of either the transformation programme or the maintenance schedules that you have, to make sure that the women's prison estate does not deteriorate because it is forgotten?

Sir Richard Heaton: The women's estate is not out of scope of our current strategy on improving our custodial estate. When we finally publish the strategy towards the end of the year, there will be a passage there on women.

I have just been handed a note. Five of the 12 women's prisons have in-cell technology, and four more will receive it this year. That means that all closed women's prisons will then have in-cell telephony. So I do not think it is true to say that on every measure the prison establishments have fallen behind the pack. We are investing in them. Two of them are contracted out to tender in the public sector. It is not perfect in women's prisons and there have been many incidents that we have been unhappy about. You will read more about our efforts on the women's estate when you see our strategy later this year, but we have not neglected it.

- Q83 **Maria Eagle:** I look forward to seeing that. A woman who is sent to prison from my constituency would probably go to Styal. Mr Beard, could you tell us how much money has been spent on Styal? I ask that because recently, when I visited one of my constituents there, it looked pretty much the same as it did when I used to visit it as the Prisons Minister, over 10 years ago. Has there been much money spent on Styal?

Clive Beard: I am sorry but I cannot tell you what the specific figure is for money spent on Styal. We are prioritising spend on maintenance where there is the biggest risk to health and safety, and risk of lack of compliance. I could not answer you specifically on Styal, but we look at investment in the female estate similarly and alongside the male estate. We are not ruling out investment in the female estate.

Maria Eagle: I am glad that you are not ruling it out, Mr Beard; I would be concerned if you were.

Clive Beard: Of course.

- Q84 **Maria Eagle:** Sir Richard, I think that Holloway is one of the main prisons that has actually been sold during this period of time, is it not?

Sir Richard Heaton: Yes.



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Q85 Maria Eagle: It used to be the biggest women's prison; I think it had a capacity of 590 or so at the time it was sold. It was closed in 2016 and sold thereafter for—I think I am right—£81.5 million. Does that sound correct? Dr Farrar, perhaps you will have the figures at your fingertips.

Dr Farrar: I do not have the figure that it was sold for.

Sir Richard Heaton: I thought it was £104 million, but I may be wrong.

Q86 Maria Eagle: I think £104 million was the capital receipt from selling prisons, but I read in the newspapers at the time that it was £81.5 million. It would be interesting to know. Perhaps we could have a note on what the receipt actually was. Can you tell me, Dr Farrar, how much of the money that has been received from the sale of Holloway has been reinvested in the women's estate?

Dr Farrar: The money that Sir Richard referred to earlier, and the amount of money gained from Holloway, went back into the MoJ. It was used for a number of purposes. Some of this was for use in the prison estate. There was an exact figure put into the women's estate. You are right. We do need to think carefully about the women's estate. We have put some investment into it recently but a lot remains to be done. Some of the 10,000 prison places—we haven't yet decided how or where we fund that. Some of that will be investment in our existing accommodation to bring places back into use, and to add house blocks to existing prisons. We do not know that; we haven't decided yet whether that will be all in the male estate or in the male and female. We are very excited about the announcement on introducing a women's centre in Wales as an alternative to custody. As Sir Richard said, that is where we really want to focus our attention.

Q87 Maria Eagle: Because, let us be clear, actually there is no women's prison in Wales at all, and any woman who is sentenced to imprisonment in Wales has to leave the country—that is right, isn't it?—probably to go to Styal.

Dr Farrar: A number of prisons, actually, yes, but that is right; there is currently no women's facility in Wales, so the women's centre will be really important. We try to place women as close to their home as possible, but we recognise that for women in Wales that is difficult and family relationships are important. We prioritise the women's estate for in-cell telephony so that they can maintain contact with families, but we recognise that the distance away from home is very difficult for women. We are pleased to have some provision that will be coming in Wales.

Q88 Maria Eagle: By the way, let me make it clear that I approve of diverting women from prison if at all possible. The vast majority of women who are sentenced to imprisonment have not committed offences of violence, and would be better dealt with, in the main, outside prison, so I do not dispute that, but you have sold Holloway. Is it not the case, having sold HM Prison Holloway, that women from London who used to go there now have to be imprisoned outside London?

Dr Farrar: Yes, some are just outside London.



Q89 Maria Eagle: Is it not the case that Holloway, despite the fact that it obviously had its problems—it was a very old building and there is no doubt about that—none the less had a good reputation for therapeutic interventions?

Dr Farrar: It did, and we have tried, obviously, to keep some of the good practice that we had from Holloway. I have seen that in a number of prisons that I have been to. I have met some former staff from Holloway who are really keen to make sure that we continue to have that really strong relationship with women and help them to focus on their offending behaviour. We have different types of therapeutic activities for women. Also we have been very concerned, as I said earlier, about self-harm in women, so that we have the right support for people to help with mental health and other concerns that they might have. I have got the figure now for Holloway. It was £81.5 million—you were right—but, as Sir Richard said, £104 million was the total income from Holloway and other income that year.

Sir Richard Heaton: Apologies. I got that wrong.

Q90 Maria Eagle: That's okay. You mentioned self-harm, Dr Farrar. Do you think there is any link between the fact that Holloway was closed in 2016, scattering its therapeutic provision to the wind, at least for a period of time, and the fact that in that year 22 women died in prison—12 of them self-inflicted deaths? That was the highest level on record. Do you think there is any causation between those two things?

Dr Farrar: I have seen no causation; I have not seen any studies that show that there is causation, so from my own knowledge I have not had that information. What I can say is that we are concerned about women and self-harm, and ensuring that people in prison have the right support. That is why we have been introducing a number of new procedures to help us to manage self-harm, and in particular to work closely with women—or men, in fact—who might self-harm on a number of occasions, to ensure that they have the right support. I am very pleased that, during covid, we have been able to provide handsets for people who have not had in-cell telephony, but also that we have been able to facilitate video calls, to allow people to keep in touch with their families. That is something that women in particular have said has been hugely beneficial, so we want to keep it going in the future. Those family contacts are important in helping people to feel more secure in prison.

Q91 Maria Eagle: Sir Richard, what we see here is that the vast majority of the capital receipts that you have had, which were in part supposed to fund this transformation programme, have come out of the women's estate, but the vast majority of that money has been spent on the men's estate. I think that is probably a fair way of looking at it, don't you?

Sir Richard Heaton: We have not built any new women's prisons, that is correct, so the money went partly to the building programme I have described and partly to the Department's general overspend. On those terms, you are correct, yes.



Q92 Maria Eagle: Given that the women's estate is a small part of the estate and a small percentage of the overall prisoners, but with needs that are very great and different from those of the male offenders in the system, do you not think it is important to ensure that some of the reinvestment benefits women prisoners in the system? Otherwise, they can become even more marginalised. Could you undertake to ensure that in future that is taken into account in your considerations?

Sir Richard Heaton: I think that is a really well-made point, and I can absolutely give an assurance that we will ensure that the right amount and proportion of the money available to us is invested in the women's estate—and in community provision to women; I do not want to focus only on women's prisons. But yes, I can give you that assurance.

Q93 Maria Eagle: I agree with you about community provision—it is by far the best way of handling these things—but there are still some women in prison whose needs must be met. May I make a further suggestion? The women's estate being a small part of the estate and the percentage of prisoners in the system being relatively small, it would make a perfect pilot—would it not, Sir Richard?—for your arrangements. You could use the women's estate and investments in that system as a pilot, which, if it worked and was effective, would have implications for making improvements across both the youth estate and in particular the more vulnerable end of the male estate. Do you not think that is worth considering?

Sir Richard Heaton: I think that is an interesting idea. I wonder whether, to some extent, that is happening by virtue of the fact that so many women's prisons have in-cell technology. I do not know whether we have consciously set out to pilot that in the women's estate, but I certainly think it is an interesting idea, not just on the technology side but for other therapeutic interventions. On behalf of the Department and HMPPS I will certainly take that forward.

Maria Eagle: Thank you.

Chair: There you go, Ms Eagle. Once a Minister, always full of good suggestions. Did you want to pass the question about whether the telephony is being piloted in the women's estate deliberately to Dr Farrar?

Q94 Maria Eagle: Yes. Dr Farrar, perhaps you might have a view on whether anything is being done that can be piloted in the women's estate, but may also have a broader application across particularly the more vulnerable prisoners across the male estate.

Dr Farrar: Yes. We prioritised women for video calls, for example, to see how they work. We prioritised that over the male estate, exactly as you say—first, to help women, but also to see whether they would work and be beneficial. Some of the trauma-informed work that we have also done started in the women's estate, so there is a good case for looking at what we can do with women and then looking at the application across both children and the adult estate.



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Maria Eagle: Thank you, Chair, that is all from me.

Chair: Thank you very much, Ms Eagle; it is a pleasure to have you on the Committee.

Back to Sir Bob Neill, Chair of the Justice Select Committee.

Q95 **Sir Robert Neill:** Thank you very much, Chair. Sir Richard, there is a bit of a theme here, isn't there? Facilities management contracts, women's estate, overcrowding—ever since the 2015 financial settlement, which was clearly an unsatisfactory one for the Ministry, it has been living from hand to mouth. There is no overarching strategy for dealing with any of these issues, is there? It has been crisis management, in large measure. When are we going to move away from that?

Sir Richard Heaton: I agree with half of that, Sir Bob. Unquestionably, we have a strategy to emerge from the transforming rehabilitation story, so our response is not just hand to mouth: it is putting in place a really good probation service for the future, and we are confident that that is the right direction strategically.

What you have heard are the ingredients of a prison strategy. The NAO is correct to say that we were slow, partly for the reasons you give, because we were responding to a population crisis, backlogs, violence, and drugs coming in. We were responsive, but I think you have heard the ingredients of a strategy that will come together at the spending round. You are right to spot the absence of one to date, but the ingredients are coming together, and FM and our approach to contracts is much more strategic than it was. I hope you would not observe a lack of strategy if you were to revisit this, let's say, in six months, after the spending round, when we knew what our spending envelope was and had persuaded the Treasury to back us on strategic objectives. That is what we are aiming for, and I think we are two thirds of the way there.

Q96 **Sir Robert Neill:** For the Treasury to back you on strategic objectives and to get to where you want, that has to involve a proper multi-year settlement, hasn't it? It has to span more than the current spending period.

Sir Richard Heaton: You are right, particularly for prison building. One of the things that set us back in the last prison building programme was that when the sector started to spot that we were not building quite as many as we said we would and it got a little bit stop-start, it gave up on us and we lost a bit of supplier confidence, which we are now getting back. In order to really get the benefits from a decent supplier market—getting them to build factories, make concrete panels for us, and so on—we need a programme that goes beyond even the one we have described.

I am not going to tell you in advance what we are going to bid for in the spending round, but our ideal would be a multi-year, pan-spending-round approach to prison building and maintenance, as if it were Building Schools for the Future or that sort of thing. That would finally allow us to get out of this hand-to-mouth position we have been in.



Q97 **Sir Robert Neill:** But you have to take the Treasury with you on that, so what progress do you think has been made? What is the state of your discussions with the Treasury?

Sir Richard Heaton: Quite a good measure is that, whenever the Treasury or the Prime Minister make an announcement on investment in the economy or infrastructure, we want the penal estate and the justice system—because courts maintenance is another part of it—to be part of what is announced. We can make the case economically, in terms of jobs; we can make the case in terms of outcomes and reoffending; and we can make the case in terms of a decent justice system we can all be proud of. Increasingly, we are winning that case on most of those grounds, so I am pretty confident that the next few announcements you will hear about in this sort of space, either from the Treasury or from No. 10, will include us.

Q98 **Sir Robert Neill:** We have talked a lot today, rightly, about the impact that this has on the prison population: restrictive regimes, some mental health pressures, and the difficulties that this already stretched system has faced in dealing with covid-19. There are impacts on staff as well, aren't there? What progress is being made towards the development of a proper workforce strategy to go with this overall strategy on the estates development side, to make sure that we do not just recruit people but retain them? As the Justice Committee has stressed on a number of occasions, the inability to retain experienced staff—those who are often best able to deal with situations of disorder—is a key gap in the current situation.

Sir Richard Heaton: That is partly about pay, and partly about training. Could I ask Dr Farrar to come in on that one?

Dr Farrar: That is an important question. We have some very dedicated staff working across prisons and probation, and I want to make sure they have the best working environment and can continue doing the jobs they love and do so well, as we have seen in particular throughout the covid pandemic.

We have recently published a people plan, which looks at all aspects of our workforce. It looks at how we will train and develop our staff, give them great careers, and focus on diversity and make improvements there. It has been received really well within the organisation. It is part of our wider strategy that we published just at the end of last year, which talked about the things that were important to us, with people and proper workforce planning being one of those things. You will be pleased to see that improving our estate and technology was another strand of our strategy. So, we are determined to follow these things through and make sure that we are providing an HMPPS that is fit for the future.

Q99 **Sir Robert Neill:** Going back to 2015, on the more positive side, of course, Michael Gove made that big speech when he was Justice Secretary about looking for a statutory basis for prison, which would have given some overarching picture, if you like, upon which you could hang the various elements. Would you regard it as helpful for there to be an



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overall statutory purpose for prisons, and an overall strategy for both the prison estate and the workforce, drawing things together?

Sir Richard Heaton: I will have a go. Clearly, it is for Ministers and ultimately for Parliament to decide whether that is a priority. There are certainly things we need to put on a statutory footing that I think I would prioritise. So, we have got some measures on keeping drugs out that need a bit of statutory backing. I think there is quite a large body of opinion that we should put the ombudsman on to a statutory footing, and so on. Prison purpose in statute? Yes, it might be helpful, in a declaratory sense. I am not sure that it will be a game-changer, but it might be helpful.

Q100 **Sir Robert Neill:** What about simply in terms of doing some more joined-up thinking, in a way that you perhaps have not had the space to do so far? What can you do—what recommendations would help you—to create that space to pull things together?

Sir Richard Heaton: I think the multi-year spending deal would be hugely helpful, as it would allow us to divert some of our own energy. It takes a lot of money to constantly make business cases and try to win fiscal events. So, putting that behind us would be amazing. Having a really clear prime ministerial and ministerial push on reoffending as the root of preventing crime would be really helpful. As I say, it is kind of there, but it would be really good for that to be reinforced at every opportunity.

As I say, I do not think that statute helps Government to join up particularly. But we are open to other ideas as well, Sir Bob.

Q101 **Sir Robert Neill:** Dr Farrar, anything from your point of view?

Dr Farrar: Not on the statutory changes, but definitely in terms of our—

Q102 **Sir Robert Neill:** The practical things?

Dr Farrar: Yes. That is why we have brought out a strategy for all of our staff. Again, that was launched in November 2019. It was really well received across the organisation, and it talks about the things that we want to prioritise as an organisation, in order to improve outcomes for the people in our care and under our supervision, but also for the people who work for HMPPS. So, it is comprehensive. It is in the public domain, so I can share a copy—

Q103 **Sir Robert Neill:** Yes indeed; I think I may already have seen it. One final thing. Certain things have had to be paused, of course, because of the covid situation; some of the regimes and other things. But an important part of the staff side of things was, of course, the development of the key worker arrangements. Is the key worker programme operative at the moment during the covid crisis?

Dr Farrar: Yes, it is. We have an exceptional delivery model for key workers. It cannot operate in the same way. Before covid we would allocate members of staff to certain prisoners, but because we have had to restrict movement, that is not possible. However, we have an exceptional



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delivery model, which allows one-to-one contact with prisoners. It flexes the system, so that people are still getting that support.

We are now starting to move out of our restricted regimes, as the Government make more announcements. From 4 July, we will be looking to open up our prisons a bit more. That will mean expanding the key worker provision and starting to move back to the system that we had in place before. But we were really keen to keep something going during the covid crisis, because we recognise the benefits this work has.

In fact, we have had some really positive comments from people in prison about the support that they have had from staff during this period, which has been really encouraging. As I say, during this period we have seen a reduction in self-harm and some anecdotal evidence from prisoners that they have benefited from the support of staff.

Sir Richard Heaton: Just to reinforce that point, the stories we hear of Dr Farrar's staff on the wings have been extraordinary: the quality of the conversations, the quality of one-to-one care and the managers, key workers and chaplains. It has been quite extraordinary, and it has been remarkable that the prison population—touch wood—has been so stable. We have not seen outbreaks or trouble at anything like the scale that some people predicted, and that is in large part due to the quality of care and staffing provided by HMPPS staff. I just want to put that on the record.

Chair: Thank you, Sir Richard. I am sure they will appreciate that.

Q104 **Sir Robert Neill:** I am grateful for that; we mentioned that in the Justice Committee. Can you assure me, then, that resource will not be a problem in moving back to normal regimes once the medical advice around covid has resolved itself? Or will that continue to be a problem because of the capacity pressures that we have talked about today?

Dr Farrar: We are really keen to move back to a proper regime. At the moment we are working with our health partners and locally to make sure that arrangements are in place so that we can start to open up our regimes as soon as possible. We hope to see some movement after 4 July when regulations change in the country as a whole.

Q105 **Chair:** Thank you, Sir Bob. Sir Richard, in answer to Sir Bob you talked about a possible skills for the future programme in terms of a long-term multi-year settlement to build prisons and do long-term maintenance. Was that a hint that the Government's approach to funding capital programmes is to be partly about job creation, or are you pitching to the Treasury that this could be a great solution to some of the challenges coming out of covid-19?

Sir Richard Heaton: It is a sort of pitch. It is no secret that—

Chair: Use us as a pitch, but tell us a bit more about the idea.



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Sir Richard Heaton: It is no secret that the Prime Minister wants to, in his phrase, kick-start the economy. I am sure that will include building and job creation. Investment will help employment, local sectors and trades. The construction industry is a prime example of that. Building or maintaining prisons creates loads and loads of jobs in all different sectors. There is a huge supply chain, geographically spread, in every part of the country. So, yes, it is a pitch.

Chair: There you go. You have had your chance to lay out the groundwork. I am sure numbers will be added as we speak. Gagan Mohindra next.

Q106 **Mr Mohindra:** My question is to Sir Richard. Dr Farrar spoke about the need for temporary accommodation and also about how there are no planned disposals of any further prisons. Sir Richard, you spoke about the Treasury giving you the right mood music in terms of funding. What reassurance can you give the Committee that it is not just their saying things to appease you, but that it will be a reality?

Sir Richard Heaton: In a sense, it is a question for them. First, the conditions that we fell foul of last time do not exist. We promised to sell loads of prisons and close them, and we are not making that promise. That is not part of the deal. They have given us rapid turnaround and go-aheads for when we have wanted to get shovels in the ground or continue projects, so we are not sensing the slowdowns that we got before. They are not, to use the Whitehall phrase, holding our spending bid to ransom because they want to pursue another area of spending. As long as we have the political will to invest, which we have in spades, this looks green to go. I don't think I can give you a more technical assurance than that.

The Treasury knows, and everyone accepts the argument, that we will only build these things if we start to build them and then continue building and keep the momentum going. If we stop and start again, the whole thing will stop, so there is a vested interest if you want these things to continue and to keep the momentum going. Once we have got Glen Parva up and running and started work on Full Sutton and the thing gathers momentum, we would like to put it even further beyond reach by having a multi-year settlement. As I say, this is way beyond the spending round. I cannot give you a more technical assurance than that.

Mr Mohindra: I want to follow up on that. Are we expecting further announcements similar to the one that we received yesterday? Is there anything else that you are able to divulge to this Committee to say, "Actually, we are going to build on the momentum for a 21st-century prison estate"?

Sir Richard Heaton: I certainly do not have any announcements to pre-announce; that would be quite wrong. The big announcement was yesterday—in other words, how many of the 10,000 places will be made up from new prisons. We have announced those four. I do not think there is anything else coming in that space. If there is anything else,



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supplementary to investment in the economy, then I hope you will see prisons in it, but I am not going to pre-guess anything.

Q107 Mr Mohindra: Thank you for that, Sir Richard. Before I ask a question of Mr Beard, may I place on the record my thanks to the staff at the Mount in Bovingdon, in my constituency? I know that they have done first-class work ensuring prisoner safety and the like.

Mr Beard, my question is about covid-19. It has shown that you need to maintain distances between prisoners and staff. Obviously, the prisons were built several years or decades or even multiple decades ago. How are you going to amend the prison estate to be practical during the covid-19 period to ensure that people remain safe but secure?

Clive Beard: Can I just clarify something? Is that during the construction phase or once the construction is complete?

Mr Mohindra: Once it is complete.

Clive Beard: We have made a commitment that the vast majority of whatever we do with the 10,000 places will be uncrowded places, as Richard said earlier. This is partly in recognition that holding people in crowded conditions is not decent, but it is also partly in recognition that actually—well, we had made that commitment before covid came along. Covid coming along means that it is more important than ever that we have uncrowded conditions, but as we have shown, even with the conditions that we have, we have been able to manage the population carefully and well, through effective staffing. We are learning lessons about how we build the estate for the future, but that is not to take away from the hard work and good work that has been done quite effectively on the existing estate during the covid crisis.

Q108 Mr Mohindra: This Committee, or definitely the Justice Committee, will look forward to seeing future-proofed plans on new prisons and how we have adapted to reflect covid-19.

My final question is probably a bit of a tricky one, so I am going to ask Sir Richard and Dr Farrar. What would be the acceptable overcrowding rate during this period, to manage covid-19? The Chair alluded to some prisons being seriously overcrowded. We have to be realistic: we do not have much capacity in the system. So where would you feel comfortable, in terms of an overcrowding level, before it gets totally unsafe?

Sir Richard Heaton: In order to deliver a safe covid regime—I think at the beginning we were aiming at a headroom of between 3,500 and 5,000, and I think we have got pretty close to that, by virtue of bringing on additional accommodation and a reduction in Crown Court receipts, so we are pretty close to where we need to be. I am looking at Dr Farrar: can you be more precise than that, Jo?

Dr Farrar: That is right, yes: we did need to create headroom of up to 5,000 or 5,500 places to deal with covid. We are not doing that by overcrowding; we don't overcrowd our prisons. We do have an element of crowding, but during this period we have had to create a larger number of



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single cells, so we have 5,359, I believe, fewer people sharing cells since February. A high proportion of the over-50s are not sharing. We do need to create opportunities for people to shield; we need to isolate people with symptoms; and we need to have reverse cohorting units. I am quite confident that we can keep this going through the period of covid. As I said earlier, we are introducing up to 1,000 temporary places, to make sure that we do not have to overcrowd our prisons. We can cope with the level of headroom that we need through these measures. We have also opened Medway, for example, which will be our secure school but in the interim is an adult male prison to create some more capacity for prisoners who are currently in Rochester. So yes, I believe we can cope through this pandemic, and we are certainly working really hard to do that.

Q109 Mr Mohindra: Dr Farrar, if there is a second wave in the autumn, what plans do you have in place to ensure that we are as prepared as possible for any spike in the prison system?

Dr Farrar: We are making sure that we keep the headroom that we need. We are working closely with Public Health England to see whether we can do things such as manage our reverse cohorting units more efficiently and move people out more quickly than 14 days, for example. We might be able to do that as we make more use of testing, but at the moment we are trying to work out whether there are any other options open to us. I am quite confident that we can cope with a second wave, as we have with the first wave.

Q110 Chair: I wanted to go back on the issue of self-harm. We have had some very good evidence from colleagues around the House about prisons in their area. Liz Saville Roberts in Wales—I cannot even begin to pronounce her constituency—said that in her view there did not need to be a women’s prison in Wales, but there could be two centres for women: rehabilitation community facilities. Is that something that you are looking at, Dr Farrar, or is the plan still to provide prison for most women prisoners from Wales?

Dr Farrar: That is the model we are looking at. We have recently announced that we will be able to build or create one of those centres in Wales. That is exciting news, and it will allow us to test that model and give an alternative for women.

Q111 Chair: That picks up on Ms Eagle’s point. She also highlighted the issue of self-harm. A number of colleagues raised this point, particularly the MP for City of Durham, Mary Kelly Foy, who raised the issue of self-harm in Durham prison, where there are large numbers of mental health prisoners. The governors have reported that it is quite challenging and that, if more prisoners with serious mental health problems arrive, they will struggle. When you are allocating prison places, do you take into account the numbers of prisoners with severe or otherwise mental health problems, and how a prison can cope with the percentage of people? We have looked before—I think Ms Mahmood touched on it—at how you know what mental health problems someone has when they go to prison. Do you make any attempt to do that?



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Dr Farrar: We always look at where we place prisoners. We would probably look to some prisons that have facilities for helping people with trauma, or other prisons that help people with personality disorders. We take all that into account when we allocate prisoners. We have been worried about self-harm; as I said, we have recently seen a very small fall, so we hope we will continue to see that trend. We are working hard on a programme to ensure that we give people the support they need while in custody. We are pleased that, with women's prisons, we have not seen a death in custody in our latest statistics, which is really good news, but we continue to watch this area closely.

Chair: Thank you. I am going to pass now to Sir Geoffrey Clifton-Brown, pretty much to conclude. Sir Geoffrey, over to you.

Q112 **Sir Geoffrey Clifton-Brown:** Sir Richard, I would like to ask two questions on the Report on the prison service, and then one question about the delay in the courts caused by covid. On the Report itself, may I take you to appendix 1, page 41? In the bottom box, there are two pretty critical statements—and this is an agreed Report by your Department and the NAO. The first critical statement is right at the bottom of the page: "Achieving value for money will ultimately depend on HMPPS working with the Ministry of Justice and HM Treasury to develop a long-term, deliverable strategy that will provide a prison estate that is fit for purpose." When can we look forward to a prison estate that is fit for purpose where enlightened management starts to make significant inroads into the very high rate of reoffending that we have in this country?

Sir Richard Heaton: If we had our way, we would build far more than 10,000 places, because the key to what you have described is really good, high-quality, decent prison places that are built for modern conditions and to deliver decent outcomes. Short of that, you will see a prison estate that is properly configured and has a large amount of decent new accommodation by the end of our 10,000 prison places programme. But, as I say, I am absolutely sure that when that is done we will want to go further and build more, and take out more of the inadequate accommodation. I don't think we are going to rest until we have an estate that is in every respect fit for purpose.

Short of that, we are always going to be compromised. We have a good strategy for radically improving what we have got, by building and refurbishing along the lines I have suggested—and re-roling it, understanding the purpose of a prison and having the right balance between training prisons and long-term prisons, and so on. That is all part of it, but a decent estate, properly maintained, that is uncrowded, is what we are aiming for.

Q113 **Sir Geoffrey Clifton-Brown:** That is an aspiration. This Committee looked at this problem in 2013, since when, in the last seven years, the problem has got considerably worse. When could this Committee examine this problem again and start to see some real progress in the aspirations that you have just outlined?



Sir Richard Heaton: The programme that we are embarked upon will deliver in a way that the PETP programme did not deliver, because it is not built on a false assumption. As I said earlier we are not promising to close down old prisons as soon as we build new ones. We are committed to building new places because that is what we need. It is on a different footing. It has got a different drive behind it. I am confident that you can revisit this programme at any stage of its duration and you will see it coming to pass. You will see these decent new prisons being built. They are actually happening. You can go and visit the building site in Wellingborough and the prison is taking shape, and very soon the one in Glen Parva will follow—and then four others. Bit by bit, the estate will be replaced by decent, modern accommodation.

Q114 **Sir Geoffrey Clifton-Brown:** The second statement is at the top of that box: “HMPPS has committed to providing a safe, secure and decent prison estate, but its plans to achieve this are failing. It has not been able to provide enough prison places, in the right type of prisons, and at the right time, to meet demand.”

Given what I was saying earlier—that we are likely to have an increase in demand because of the number of sentences that are going to be handed out, and because you are having to take prison places out, when are we likely realistically to see this imbalance corrected? Glen Parva is 18 months late and the other one is 41 months late. What are the lessons that are being learned there so that we do not have a delay on your estimated target of 2025 for the four new prisons announced yesterday?

Sir Richard Heaton: I really want to make one point clear. The prisons are not late because we are somehow slow or bad at building prisons. The prison build projects are absolutely spot on. They are not late. They are late compared to the original forecasts because the Treasury held up the programme in the way that I have described, because the finances did not suit the Department’s overall financial picture. That is the only reason they are late. They are not late because somehow we do not know how to hire contractors. They are late because of the stop-start nature of the original programme; and that is due to the Department’s funding position. We are in a better position now so we will not face that problem again, Sir Geoffrey.

Q115 **Sir Geoffrey Clifton-Brown:** So are you confident that HMPPS has sufficient people to supervise these contracts, which are for a pretty big amount of money, so that they are delivered on time?

Sir Richard Heaton: I am totally confident in the project management, construction and commercial skills that we are deploying on these. I have sat round the table at Wellingborough with all the key people involved in prison building. We have brilliant people who know how to build prisons. They have built prisons before. On the contractor side, there are people working on the project who have built prisons in Sweden. It is a really smart operation. We are really good at building prisons. We just have not been successful in the past about getting finance to build prisons. That is



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why this programme, with a stronger guarantee of funding, is so promising.

Q116 Sir Geoffrey Clifton-Brown: Can I take you to a different part of your Department's responsibility? We perhaps should have asked this at the beginning, but we didn't. I am going to ask it now. *The Times* report of 22 June says that the backlog of cases has now reached almost half a million—483,000 in the magistrates courts and 41,000 in the Crown courts, and that this is increasing by up to 3,000 cases a week. The situation before covid was not brilliant in our criminal justice system, so what plans and timing are you anticipating to improve this backlog?

Sir Richard Heaton: I do not want to jump the gun. You are about to see published by the Lord Chancellor, I am sure very shortly, a proper comprehensive court recovery strategy, which will contain numbers, so I really do not want to pre-announce that. The Court Service, with the judiciary, is working really hard to get jury trials up and running. Jury trials, in every jurisdiction that uses juries, have more or less stopped during covid. We have been one of the first jurisdictions to get them going again. The Crown courts have been hearing plenty of pleas and plenty of sentencing cases, so the courts have not stopped; but you are absolutely right that there is a backlog that we need collectively to address. That will need everyone mucking in with new solutions, with technology. As you know, solutions have been looked at, including so-called Nightingale courts or the use of remote juries. There are lots of solutions out there being experimented with. We will choose the right ones, the Lord Chancellor will announce them and we will get going on reducing the backlog.

Sir Geoffrey Clifton-Brown: With all those honeyed words, give the Committee an idea of when you expect the backlog to be cleared.

Sir Richard Heaton: Sir Geoffrey, if I give you a month, it will be the wrong one. I would much rather—

Sir Geoffrey Clifton-Brown: I don't want a month; I want a year, because it will take you several years, I expect, to clear the backlog.

Sir Richard Heaton: I cannot say when we will clear the backlog. I do not want to give you an answer with false precision.

Sir Geoffrey Clifton-Brown: Okay, we will have to leave it there. Thank you.

Q117 Chair: In evidence to our sister Committee, the Justice Committee, the head of the Courts Service, Susan Acland-Hood, talked about a couple of hundred extra court buildings being needed to achieve what the Lord Chancellor set out as clearing the backlog by April 2021. Do you have any comment on those figures, because that is quite a lot of extra court buildings, and does that include the Nightingale buildings?

Sir Richard Heaton: Yes, I think the chief executive was including the Nightingale buildings. I have nothing to add to what she told the Justice



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Committee, if I am honest. She is much better placed to see the problem and to see when the likely solutions are going to come on stream.

Q118 Chair: We will have some quite interesting times between our two Committees looking at this, given the evidence that we have had so far from the Courts and Tribunals Service, but that is for another day.

You were talking, in answer to Sir Geoffrey, about some of the new prisons that you are building. You said that there is a lot that you can get going on now if you have steady funding, and that that has been the problem in the past. The Howard League for Penal Reform and Liz Saville Roberts have highlighted a number of things.

On the Berwyn Prison in north Wales, the Howard League for Penal Reform said it, "demonstrates how even the newest prisons simply exacerbate problems in the prison estate". Obviously, it comes from a particular point of view, but it talks about how the prison is housing only 1,200 and a few, which is only half of the prisoners it was set up to the house—just over 2,000 men. Despite that low population, however, there were a number of serious problems in that prison: violence against staff was high and almost half of prisoners said that drugs were easy to get. New does not necessarily mean solving all the problems.

Dr Jo Farrar, are there any particular issues there or lessons that you are learning about new prisons and problems as you move into this major new prison building programme?

Dr Farrar: We have learned a lot of things from Berwyn and we have built them into the new prisons. It is about not just the design but how we roll it out and how we bring prisoners into the prison. We have learned a lot of lessons from Berwyn. I am really pleased that it is now making good progress and we are upping the prison population numbers. We hope to bring that much nearer to full capacity soon.

Q119 Chair: Are you confident that you have enough staff to tackle some of the problems that were highlighted by two separate witnesses, who did not talk to each other beforehand, as far as I am aware, but raised very similar points?

Sir Richard Heaton: I think in HMP Berwyn, there was a staffing problem at the beginning. There were lots of new staff. Ideally, one would have staffed it with a greater balance between existing and new staff, but that was a particular problem in a particular prison at a particular time. We certainly learned from that.

Q120 Chair: So part of it is about getting that balance of staff. That is helpful.

One final quick question. The MP for Exeter, Ben Bradshaw, is concerned about the antiquated Victorian prison in Exeter. He said that the only answer is a good new prison on a greenfield or brownfield site. Can you give him any hope that the prisons that were unveiled yesterday, or were hinted at, might resolve the problems for Exeter prison?



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Sir Richard Heaton: I do not think we can realistically go beyond what was in the carefully crafted statement yesterday about where they are going to be.

Chair: Worth a try.

Sir Richard Heaton: We are looking at sites across the country. We have been talking to planning authorities and examining sites, but I do not think we can be more geographically precise than that.

Q121 **Chair:** To follow up on that, will you be looking at sites that you can close and the value of those, and then trying to look at a prison close to an existing prison, or is that not part of the consideration?

Sir Richard Heaton: We are not planning on the basis of closing, as Dr Farrar has said. If we can close, so much the better, but we must not fall into that trap again. All that happens, if we cannot close because of the numbers, is that the business case is destroyed. So we are not planning on the basis of closures.

Q122 **Chair:** But you still have those old Victorian prisons that are still inadequate.

Sir Richard Heaton: And for the time being, we are going to have to keep them going, unless the population changes.

Chair: There are so many questions left hanging whenever we talk about prisons. I thank you all very much for your time. I thank our witnesses for our virtual meeting today. We will hopefully be producing a report—it depends when our summer recess is; it may be delayed until September—and we will obviously let you have a copy. The transcript will be up on the website uncorrected in the next couple of days, thanks to our colleagues at *Hansard*.