

Justice Committee

Oral evidence: The work of the Secretary of State, HC 620

Wednesday 7 September 2016

Ordered by the House of Commons to be published on 7 September 2016.

[Watch the meeting](#)

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

Questions 1 - 112

Witness

Rt Hon Elizabeth Truss MP, Lord Chancellor and Secretary of State for Justice

Written evidence from witnesses:

Examination of witness

Witness: Rt Hon Elizabeth Truss MP

Q1 **Chair:** Good morning Lord Chancellor, Secretary of State. Thank you very much for coming to see us so promptly after the House returned. We were grateful to your predecessor for coming very soon after his appointment too. We gave him the chance to set out his vision before we went into questions, so I thought it would be right and proper to give you the chance to tell us how you see things are going.

Before we do that, does anybody have any interests to declare? We have to go through this procedure. I am a non-practising barrister. My consultancies are declared in the register of interests.

Alex Chalk: I am a practising barrister.

Victoria Prentis: I am a non-practising barrister.

Alberto Costa: I am a practising Scottish solicitor and an English solicitor.

Richard Arkless: I am a non-practising Scottish and English solicitor.

Chair: I am sorry that they are all just legal declarations of interest, Secretary of State. I hope you won't hold it against us.

You are the first female appointment, as we know. You have said some things about how you see the agenda going forward theoretically.



HOUSE OF COMMONS

Perhaps you could tell us what you think are the key priorities. What is your objective as Secretary of State and Lord Chancellor?

Elizabeth Truss: Thank you, Chair, for welcoming me to the Committee so quickly. It is a fantastic opportunity to set out my agenda and priorities. Of course, I spent two happy years serving on the Justice Select Committee myself. This is a very good opportunity to have a positive relationship with the Committee. I have read your recent reports with interest and I look forward to working with you, as well as being scrutinised by you, over the coming months and years.

There are really three key priorities I have in my role. The first is making sure our prisons are places of safety and reform. As everyone knows, we have some very difficult violence statistics; for example, violence against officers increased by 40% in the last year. I believe we also have a great opportunity to reform our prisons and make sure they are places where offenders get the help they need to get off drugs, improve their educational skills in areas like English and maths and get the employment and attitude required to live a law-abiding life in the future.

Those two things—a reformed prison and a safe prison—go hand in hand. If prisoners are engaged in purposeful activity and are motivated, you are creating a safer and more productive environment. We cannot continue with our reform programme without addressing those basic issues of safety. If a prison is not safe, it is harder to recruit staff but it is also more difficult for prisoners and offenders to engage in the positive activities we want them to engage in. I see those two things as absolutely critical to the future of our prisons.

What I am working on at the moment is bringing together the evidence and looking at the system and how it works overall. My predecessor Michael Gove has done a fantastic job of developing the idea of reform prisons—prisons where governors have much more say over what goes on in their prison. That is vitally important. It is the frontline that needs to lead reform, but we need a system that backs them up, holds them to account and rewards the right type of behaviour. I am looking at the broad system as a whole, at how it promotes safety and low levels of violence as well as how it promotes reform prisons within the system. That is the most pressing issue I face as Justice Secretary.

Another very important priority is looking at the overall justice system and making sure it works for everyone. We have the Lammy review coming up. That is due to report next summer. I am shortly to meet David Lammy. We also have a very ambitious programme of court reform. Sir Oliver said yesterday that he had already got rid of a Shard's-worth of paper, but we have ambitions to go far further. There are huge opportunities to engage people much more in the justice process, to make the system simpler and more understandable for those who use it, to make it swifter and to make sure that justice is done. I see the court reform process as a core part of that.



HOUSE OF COMMONS

I have been very impressed at how supportive the senior judiciary are. I have already had meetings with them to discuss it. For example, judges on the ground are using the casework system in criminal cases to great effect. I have already seen it have a positive impact. As part of that, making sure that victims are at the centre of the justice system and that the victim's voice is listened to is very important. I see that as a key part of the court reform process.

The final area I want to talk about is the Bill of Rights. That is a manifesto commitment with which we are proceeding, and it is the third priority I will be looking at. Of course, there are many other areas that I could talk about, but one thing I am keen to do is to make sure our programme is deliverable. Some of these issues are very big—prison reform in particular—and, although there are many excellent things that we could do as a Department, what is really important is for us to make sure it works.

As well as looking at the evidence and making sure that we have the right data and analysis in place, I want to see a really good delivery programme. I have tasked officials with coming up with that as soon as possible so that we all understand what the programme is and can measure the steps along the way.

Q2 Chair: You have come to an immediate point. The vast bulk of the spend is on prisons. You are an unprotected Department. It has already taken very significant reductions in expenditure, and your key element of spend on the prisons is largely demand-led. How are you going to be able to guarantee the resource to carry out that reform agenda at pace, to use your word, against those constraints?

Elizabeth Truss: Chair, you are of course absolutely correct that it will require resources, as any reform programme does. We have secured £1.3 billion from the Treasury for new builds. I am keen to progress that as soon as possible, because trying to achieve the safe and reformed prisons we want to achieve in dilapidated buildings is extremely difficult. Making sure that the estate programme is a core part of the safety and reform plan is something I am very much looking at. We have additional capital funding, which in the longer term can help drive down costs and reduce inefficiencies in the estate, but I am looking at the overall funding levels to make sure they are sufficient to deliver those priorities.

Q3 Chair: They are also taking out about 50% of the administrative budget, which I know from my experience can be done in a Department, but that is also going to create pressures. How are you going to square the reduction in the admin budget while maintaining the resource and managerial capacity to deliver on those reforms within the MOJ? Do you have to look outside for some expertise?

Elizabeth Truss: I am in favour of looking outside for expertise in any case, because I think we need to look internationally at what has worked best. We need to look at what the voluntary sector, the charitable sector



HOUSE OF COMMONS

and think-tanks are saying. I am in favour of being open in terms of our policy making.

What I would say about admin reductions is that I had a similar experience as Secretary of State for DEFRA. When we brought functions together we transformed the Department. It can make things more efficient. It can reduce the number of silos in a Department, which can mean that information does not pass freely from one person to another. If anything, I would say that the point about criminal justice is that it is a system.

You have to look at the system as a whole. You have to look at the way people flow through the system and the way the system works together. Having a strategic core in the Department developing that can be very effective. Making admin savings is about reducing paper-based work that is not delivering value. We must make sure that our excellent civil servants in the Department are working on high-value activities that are really going to deliver impact on the ground.

We talked briefly about reform prisons. The whole concept of a reform prison is that there is more going on at local level and more decision making at local level. Yes, we need the data, information and analysis to help the decisions to be made. It means that there needs to be less going on at the centre. That is the corollary.

Q4 Chair: Those are important and valuable things, but at the same time your key driver of costs are the 84,000-plus people we lock up in prison. That is not something where, in a sense, you can totally control the demand. Are we getting to a stage where we ought to be looking at ways in which it might be possible to reduce demand on the criminal justice system, including the prison population?

Elizabeth Truss: It is a role of the Ministry of Justice to put in prison those the courts have sentenced. That is the role of our Department and I will not fail to do that. That is the core thing we are there for. What I would say is that there are a lot of opportunities for closer working with the Home Office. I have met the Home Secretary to talk about how we look at the system overall and how we divert people earlier. I think that is where the opportunity lies, but it is about making the public safer by doing that. It is not about reducing the prison population in an arbitrary way.

Q5 Alex Chalk: Judges, of course, decide whether to send people to prison by applying a statutory framework set by Parliament. Do you think that under that framework it has led to too many or too few people being in our prisons?

Elizabeth Truss: I want to have a further look at issues such as sentencing. We live in a democracy. Ultimately, decisions made by Parliament and politicians set those frameworks. As Justice Secretary I need to work with what I have. The framework works pretty well. I



HOUSE OF COMMONS

remember that when I was on the Committee we looked at those issues. I want to make what we have work as well as it can, of course, looking towards the future.

I do not think there is even an answer to the question of whether it is the right or wrong level. It is the level we have at the moment. We need to look at reform in the future. What I am interested in are outcomes. Do people reoffend when they leave the justice system? How can we prevent them from entering the justice system in the first place? That is where work with the Department for Education and the Department of Health is very important.

I have already spoken to the Education Secretary and the Health Secretary because we know there are strong links to educational background and to health issues, particularly mental health issues. That is why I say we need to look at the overall system. I do not think we need arbitrary measures to say that there are too many or too few people in prison. What we need to address is the root cause.

Q6 **Alex Chalk:** The Justice Select Committee went round HMP Wandsworth. Some prisoners there are being kept in custody for 23 hours a day. If you are going to try to achieve rehabilitation it is very difficult in those circumstances. One solution might be to reduce the number of people in prison, and therefore the ratio between prison officers and prisoners improves and you can do more of that stuff. Is that something that holds any attraction for you?

Elizabeth Truss: My approach would be to improve the way we are running our prisons. We have people who are in prison; they have been sentenced because they have committed a crime and they are serving their sentence. What we need to make sure is that we are not wasting that time in prison and that the time in prison is spent in purposeful activity, getting the education that they potentially lack, getting off drugs if they entered prison when they were on drugs and in getting employment. That is what we have to do.

Of course, it will take time to achieve those reforms. There are positive things happening across our prisons. I visited HMP Norwich last week and saw some very good English and maths classes with very motivated offenders. It is not the case that nothing is happening at the moment. We obviously have the six reform prisons in place. There is more we can do. I think the prison Bill programme is a very important part of that. Giving the space and modern facilities, and making sure we have the right complement of staff and that the staff are deployed in the right way are things where, while it will take some time, we can make significant progress over the next Parliament.

Q7 **Chair:** Since the new Government was formed there has been some talk that the Chancellor of the Exchequer is going to revisit some of the spending plans that were set in place in the last autumn statement. We know that your Department has probably taken a bigger set of reductions



HOUSE OF COMMONS

than virtually any other because of its unprotected nature.

A lot of people have given evidence to us to say that on some aspects—things like court fees, legal aid and other issues—the pips have been squeezed so far that there is precious little room that you can take out and that if an opportunity arises we should think about loosening the strings again. Are you prepared to go in and make the case for that in Cabinet and say to the Chancellor, “Actually, if there is more resource, this is an area where we need it back”?

Elizabeth Truss: The important thing is that we look at the evidence and put together a plan, which I am working on at the moment. I am hoping to announce that relatively shortly, in terms of prison safety and reform. Of course, we need to look at the resourcing of that plan.

Q8 **Chair:** Do you accept that there is a particular risk that when so much of the budget is placed on prisons, unless the cost of prisons and imprisoning people is dealt with, other areas in the justice system itself are potentially always going to be squeezed? Have we perhaps seen a bit too much of that?

Elizabeth Truss: We have a £700 million programme to modernise our courts, so we are prioritising other areas as well. I said that modernising our justice system is a key priority, but there is no doubt that the prison reform programme is something that needs investment; absolutely.

Q9 **Chair:** I have a final question before my colleagues come in. In your speech when you were sworn in, you very properly made a reference to the particular role that the Lord Chancellor has in upholding the independence of the judiciary. Do you perceive any potential threats or challenges to the independence of the judiciary? What have you done to set about making sure that you maintain the particular linkage that the holder of your post has to have with the judiciary, in a way that other Cabinet Ministers do not?

Elizabeth Truss: I was absolutely delighted to be appointed to the role by the Prime Minister. It is a special and unique role in the Cabinet with responsibility to uphold the rule of law as well as the independence of the judiciary, and to make sure that the justice system is properly funded and that justice is done in this country.

I have met the Lord Chief Justice and some of his senior judges, although I am due to meet a number of them over the coming few weeks. There are a number of important areas of reform. I am due to see Sir James Munby to talk about family law, for example. What I would say about the senior judiciary is that there is a very large appetite for reform and a positive programme is already under way. We are looking at what more can be done. Sir Oliver Heald is also working very closely on that.

Independence of the judiciary and the rule of law are freedoms and protections that we often take for granted. You can see what has happened in other countries that have had the rule of law and then a



HOUSE OF COMMONS

dictator comes in, or there is a situation where those protections are removed, and just how devastating it is. It is something about which we need to be constantly vigilant.

We need to watch out for threats to the independence of our judiciary and the rule of law in this country. If you do not have those basic protections, you are not a free country any more. Everything on which we build our prosperity, our society and the rules by which we live is affected. It is something I take extremely seriously.

Q10 **Chair:** That must include making sure that there is access for people to those protections.

Elizabeth Truss: Precisely.

Q11 **Chair:** Do you see any threats around that area at the moment?

Elizabeth Truss: That is something I am looking at in relation to making sure that we have a justice system that works for everyone.

Q12 **Dr Huq:** I want to add my congratulations to the first girl-power Lord Chancellor. It is very good to have you in place.

I want to follow up on that question. There is a set of measures that both this Government and the Government before seem to have put in place. We have seen swingeing cuts to civil legal aid and restrictions on what can be claimed. The number of cases that you can have legal aid for seems to be shrinking. Social welfare law is now excluded. We have seen a lot of court closures up and down the country, in their hundreds.

We had an evidence session where it was said that there had been a 70% reduction in tribunal claims. You said you would look at figures. For legal aid cases it is 258,460 on the last lot, but before the 2012 Act it was 724,243. Can you appreciate why, to some people, this just looks like a denial of justice for those who are unable to pay? How can you reassure us that you are doing something about it?

Elizabeth Truss: You mentioned the issue of court closures. We are investing in a better court system where people are able to use electronic means and where victims can, for example, testify remotely, which is very good in cases involving vulnerable victims. Having a system that is more modern and online, reflecting the way that we carry out a lot of our transactions today, whether we are banking or accessing health services, is a good thing. It is the way people in a modern society want to operate. Of course, we need constantly to make sure that everyone has access to that system.

In terms of legal aid, we have a generous system in this country if you look at us in comparison with other countries.

Q13 **Dr Huq:** Several pressure groups have asked for a review of the 2012 Act to look at what the effect of it was. Would that be on the cards?



HOUSE OF COMMONS

Elizabeth Truss: We are committed to the court reform programme. I will look at specific areas. We are shortly due to do a report on tribunals and we are about to release that. In principle, we have a system that is generously funded.

- Q14 **Dr Huq:** Peter Thornton QC, the Chief Coroner, who is about to retire, said there is a case for families in inquests that are Government-related—where organs of the state are involved—being allowed legal aid. Would you consider that?

Elizabeth Truss: Of course I will look at all issues. Oliver Heald and I are discussing the overall court and legal system reforms that we are carrying out.

- Q15 **Dr Huq:** The second thing I want to ask about is connected. It relates to diversity. On this Committee I always seem to get the diversity question whenever it comes up. There is a sense that law students are scared off taking on legal aid if it is shrinking so much. It is also not paying very well either. Some surveys show that 50% of legal aid solicitors are on £20,000 a year or less. Those are figures from 2013. You said in your speech on taking office that diversity was an important thing. In Theresa May's speech—the Ed Millibandesque thing outside Downing Street—she made a point about diversity. You have a statutory duty on this point. The Sutton Trust has shown that 74% of judges are educated at private school. How are you looking at increasing diversity?

Elizabeth Truss: I agree with you that we do not have enough diversity within the legal and judicial system. That is an issue, because the justice system has to represent or reflect the communities it serves. That is important. It is true both in the Bar and in solicitors' professions. I am shortly due to meet the Law Society and the Bar Council. It is one of the things that will be on the agenda.

I also think it is an issue with the senior judiciary. The situation is improving in the junior ranks. It is something that the Lord Chief Justice is very keen to address and I am also discussing that with him. There is a big appetite among the legal professions to take this very seriously.

We have a £25 billion legal services industry in this country. It is incredibly successful and it has grown, but if we do not make sure that everybody has access to it from whatever background, and if we are not using all the talents in our country, there is a huge problem. It is something that I am very keen to address. Making sure that the Department is collecting and publishing better data on it is a very important first step.

- Q16 **Dr Huq:** Would you encourage the Judicial Appointments Commission to look into increasing the diversity of the judiciary specifically?

Elizabeth Truss: I am going to be speaking to them about that, among other issues, very shortly.



HOUSE OF COMMONS

Q17 Dr Huq: Lastly, in 2010 the coalition Government scrapped the training contract scheme. There were bursaries for legal aid solicitors that helped a lot of aspiring lawyers from poorer backgrounds. It represented only a small percentage of the Legal Services Commission budget. Would you consider reopening that scheme?

Elizabeth Truss: What I will be looking at is entry to the profession and how people progress through the pipeline. I will identify with the profession where there are any particular issues or bottlenecks.

Q18 Alex Chalk: On access to justice, one of the vexed issues you will be familiar with is court fees, which have gone up. As an issue of principle, Secretary of State, is it proper to use court fees as a revenue raiser for central Government?

Elizabeth Truss: I have looked at the issue of court fees. We are still making decisions in this area and I will be discussing it further. For me, it is important that people who take cases to court and who can afford it contribute.

Q19 Alex Chalk: Is that to contribute within the Ministry of Justice budget or to central Government expenditure more generally?

Elizabeth Truss: I would have to look at that.

Q20 Chair: You have a report on this, I think, which the Government are due to respond to in the next week or so.

Elizabeth Truss: Yes; I am aware of it.

Chair: That might give us a chance to address Mr Chalk's point and others specifically. It was a matter about which we had a degree of evidence.

Q21 Victoria Prentis: Once again, my congratulations on your new post. We were very pleased in this Committee with your initial remarks when you were appointed about your intention to pursue at pace the radical prison reform that your predecessor set up. You answered Mr Chalk's questions earlier about numbers not being, in your view, a blockage to reform. What do you view as the main blockages on the path to reform in prisons?

Elizabeth Truss: I am looking at the overall system and seeing how it operates and how governors are held to account for what they deliver. There are issues in the system and I am in the middle of examining it, so forgive me if I do not give you a full answer.

We need to make sure that the people on the ground are held to account but are also empowered to deliver that reform, whether it is improving educational, health or employment outcomes. At the moment that is not fully happening, so the question is how you deliver that. For me it is how we change the system on the ground. A lot of officers do it off their own bat. They are incredibly brave and hard-working people and have come



HOUSE OF COMMONS

into the profession because they want to turn lives around. I want that to be DNA'd into the system so that it is seen as the primary role.

Clearly, we need new buildings. All building programmes inevitably take time. We have to secure planning permission. As with any public service reform, we have to make sure that we have aligned all the various elements.

Q22 Victoria Prentis: Are you particularly concerned by the new sorts of drugs that are prevalent in prisons at the moment?

Elizabeth Truss: We now have legislation to be able to deal with those.

Q23 Victoria Prentis: Are you confident that is being used properly?

Elizabeth Truss: It is certainly being used in some prisons, and I want to see it used across the prison estate. It is certainly the case that we now have tests to be able to detect them. Where those tests have been used, we have succeeded in reducing the level of those substances.

Q24 Victoria Prentis: When you come to the end of what we hope will be a successful period of prison reform in your new role, will you feel you have done the job well if prison numbers remain about what they are at the moment?

Elizabeth Truss: That is not the metric on which I would judge myself. The metric I would judge myself on is whether we have seen a change in what happens in prisons. Are offenders purposefully employed during the day? Are they securing jobs on release? Are they free of drugs?

You can often tell when you walk into a prison if it is a purposeful prison, where people are motivated and want to achieve within the prison so that they can secure release and lead a law-abiding life outside. We might be talking about some time to perform fully, but we want to see in each prison one walks into a sense of purpose, with prisoners fully engaged and real progress being made. From the time of entering a prison to leaving, if half of all offenders coming in do not have basic English and maths, they should have basic English and maths when they leave. That is how I will judge myself.

As Justice Secretary, I deal with the prisoners that the courts decide to sentence. There is a role in sentencing policy, but ultimately it is driven by all kinds of factors in society. What I am responsible for are the people within the justice system. Are they getting fair and just treatment in the courts? Are they getting swift justice? In the prison system, are they getting the reform they need to live a law-abiding life outside? Forgive me, I have not mentioned the probation services. Of course, that is also a very important part of making sure that people can go on and lead law-abiding lives. That is what is important to me.

Q25 Mr Hanson: Congratulations, Lord Chancellor; it is a tough job. We had Ian Acheson in the Committee at the end of July. He presented a very



HOUSE OF COMMONS

damning report on the extent of extremism in prisons. He said it was a growing problem; intelligence was poor; the National Offender Management Service lacked capacity; prison staff had poor training; and imams were poorly picked and did not have support.

You produced a response to that in August, indicating that you accepted eight of the 11 recommendations. One of the things that you have established as one of the key aspects of the response is a new security, order and counter-terrorism directorate to look at extremism in prisons. I would like to have from you some indication of who is running that, what the objectives are, what the budget is and how you are planning to respond in meaningful terms to the severe criticisms that Mr Acheson brought forward in July.

Elizabeth Truss: That directorate is being run by a former high-security prison governor. I have regular meetings with her. She is responsible for security across the prison estate. That encompasses a number of different areas, but of course extremism is a very important priority. The directorate was established following the Acheson review, so it is one of the things that we have implemented as part of the Acheson review.

An important part of the role is actually making sure that officers on the ground and governors have the authority and the skills to deal with extremism wherever they find it. We will make sure that all officers have training by the end of this year.

Q26 **Mr Hanson:** Is there a budget attached to the directorate, and what is it?

Elizabeth Truss: I do not have the figures for the budget attached to the directorate. I can try to get those for you. The fundamental point is that the directorate is about gathering intelligence and making sure it is relayed across the system. It is a hub and spoke model, but the point I really want to make to the Committee is that there are going to be officers in our prisons on the frontline dealing with people peddling extremist narratives, and they need the knowledge and training to be able to deal with that. The purpose of the directorate is to make sure that link is there.

Q27 **Mr Hanson:** One of the recommendations you rejected was for an independent counter-terrorism adviser. Could you explain why you rejected that recommendation?

Elizabeth Truss: We are working extremely closely with the Home Office. We have an overall strategy to deal with extremism and counter-terrorism across Government. What I am keen to see is a more integrated approach with the Home Office. There are regular meetings between the security Minister and the prisons Minister to make sure that co-ordination takes place.

The recommendation was for a specific adviser to the Secretary of State. Let us be clear: we have some absolute experts in that security directorate who, for example, are able to look at different texts and



HOUSE OF COMMONS

assess which ones might be extremist texts. We have a really strong level of expertise within the directorate. It was a question of whether there needed to be a separate security adviser from the Home Office's security adviser.

Q28 **Mr Hanson:** Could you supply the Committee with some more detail about the staffing and budget of the directorate?

Elizabeth Truss: Certainly. I am very happy to do that, yes.

Q29 **Mr Hanson:** One of the other issues in the Government response to Acheson was the establishment of some specialist units to house extremist prisoners. Could you give some update to the Committee on how many units there are intended to be, and what the assessment is of the number of extremist prisoners who would be dealt with by those units?

Elizabeth Truss: The specialist units are for a small number of highly subversive individuals. That is why we are training officers across the mainstream estate to deal with the wider issues. Those are some of the most difficult individuals who, if they were in the mainstream population, we feel would cause huge problems.

We have some capability to deal with that at the moment and we are developing plans for further capability. I am not willing to go into the detail of those plans for security reasons, but there will be sufficient capacity to deal with the issue. We are talking about a small number of highly subversive individuals. We are not talking about the wider population who might be vulnerable to extremism.

Q30 **Mr Hanson:** Currently, there are three other reviews that either you or your predecessors have commissioned. You touched on David Lammy's BME over-representation recommendation. You also have Dame Sally Coates on education in prison and Charlie Taylor on youth justice. Could you give the Committee an update on when you anticipate them finalising their work and the timescale for a response by Government?

Elizabeth Truss: With respect to the education reforms that Sally Coates proposes in her review, that will be an integral part of the prison safety and reform plan. What I am keen to do is to look at the overall system and the way it operates together. We will be incorporating changes to the way that we educate prisoners as part of that plan.

Both Phillip Lee and I have met Charlie Taylor. We are planning to respond with concrete proposals later this autumn. We clearly need time to think about it. There are some very difficult issues in the youth estate, as I am sure the Committee is aware, and we are taking immediate action; we are not waiting to respond to the Charlie Taylor review. We need to get it right. There are some major reforms that need to be looked at in response to the Charlie Taylor review.

I am due to meet David Lammy shortly. He is reporting next year.



HOUSE OF COMMONS

Q31 **Alberto Costa:** Good morning, Lord Chancellor, and welcome. May I add my congratulations to you on your new role?

Elizabeth Truss: Thank you.

Alberto Costa: I want to turn to the issue of the Government's policy to build nine new prisons, with five of them to be completed by the end of this session. We have just touched on that, and in answer to the introductory questions by the Chair you said that as part of your overriding core objectives you want to see those new builds as quickly as possible and that it is a core part of safety in terms of the reform programme.

Indeed, in answer to questions by Ms Prentis you added that all building plans take time. For example, you mentioned the problems that one would encounter with planning permission. Could you tell the Committee today what progress has been made with the Government's plans, specifically to build at least five of those new prisons within the next 44 months? Is it a realistic policy?

Elizabeth Truss: It is a realistic policy. We are working on plans at the moment. It can be done, and it needs to be done in order to achieve our overall objectives of taking offenders out of some of those dilapidated prisons.

Q32 **Alberto Costa:** It is achievable; it is realistic, but there are only 44 months to go. You will by now at least have allocated sites for the five prisons. Could you perhaps inform the Committee which sites will host the five new prisons?

Elizabeth Truss: I do not yet have that information. We are working on that at the moment, but I am sure that I will be able to inform the Committee in due course.

Q33 **Alberto Costa:** Are you aware that one of those sites is potentially Glen Parva in my constituency?

Elizabeth Truss: I think you have made me aware of that already, Mr Costa.

Q34 **Alberto Costa:** I would be very grateful if you could update the Committee as soon as possible, given that we are only 44 months away from the opening of those five new prisons, so that we can at least confirm where the sites of the five new prisons will be.

Elizabeth Truss: Very good; thank you.

Q35 **Chair:** We are a year into the Parliament, of course. That is the point. Are you satisfied that there is the technical capacity within either the Ministry or the Prison Service to deal with large-scale commercial property transactions?



HOUSE OF COMMONS

Elizabeth Truss: Yes, I am. In terms of prison building, of course, we are due to open HMP Berwyn shortly. I am confident that we have good expertise in prison building as well.

Q36 **Richard Arkless:** The proposed expenditure driving the new prisons, as Mr Costa has alluded to, is in the region of £1.3 billion. That sounds absolutely fantastic and of course I welcome such investment in the prison area. Lord Chancellor, of course some of this money will be coming from the Treasury.

You mentioned that the Department has secured £1.3 billion from the Treasury. Some of it will come from the sale of existing prisons that seem to be on prime real estate. Wandsworth, up the road, is one of them. Can you give us an indication as to how much of that £1.3 billion will be new money coming from the Treasury and how much will come from the sales of the existing prisons that have to be closed?

Elizabeth Truss: I would need to look into those details and get back to you.

Richard Arkless: I would be very grateful if you could; thank you.

Q37 **John Howell:** I want to raise a number of issues about prison safety. I want to start with Lord Harris's report. That may sound like a very technical issue, but Lord Harris looked into deaths in custody among 18 to 24-year-olds and was very unhappy with the Government's response to his recommendations. Have you looked at that report and have you spoken to him about that?

Elizabeth Truss: I have looked at the summary of the report but I have not yet met Lord Harris.

Q38 **John Howell:** What are you going to do about the recommendations that he has put forward?

Elizabeth Truss: I have heard about the recommendations. I will look at those as part of our prison reform and safety plan.

Q39 **John Howell:** Your predecessor responded to our report on prison safety immediately with a number of recommendations that he was going to put into effect. One of those was £10 million extra spending to improve safety, and also greater Government autonomy. Are you going to go ahead with those, and where do you stand on the recommendations that the Committee made in that report? I know it is due, but we are still awaiting a response to that.

Elizabeth Truss: The £10 million has already been allocated across the prison estate to some of the prisons with the most issues of violence. At the moment I am looking at how that money is being spent and what lessons can be learned from that. We are also rolling out body-worn cameras across the prison estate. I have read your report. We are working on the response, which should be with you very shortly. I think the Committee makes some excellent points in the report.



HOUSE OF COMMONS

Q40 **Chair:** You referred twice to a prison reform and safety plan, Secretary of State—a specific document. Is this a new document that we are going to see; and if so, when and in what format?

Elizabeth Truss: I am not quite sure about the format, but it will be a plan and I will be launching it this autumn.

Q41 **Chair:** We will have the opportunity to scrutinise it in due course.

Elizabeth Truss: Absolutely. That is where I will lay out my overall vision for prison safety and reform and how all the elements fit together. How the safety elements fit together, how the system reform fits together and how the reform prisons fit in with that will all be part of it.

Q42 **Chair:** Is there going to be a consultation or is it going to be a finished article when it comes out?

Elizabeth Truss: There will always be consultation.

Q43 **John Howell:** Your predecessor committed to frequent reports back to Parliament on the situation of prison safety. Are you committed to that as well?

Elizabeth Truss: Yes.

Q44 **Chair:** Are we still going to see legislation?

Elizabeth Truss: We are looking at that at the moment. It will be in the plan.

Q45 **Chair:** Your predecessor took the view that some of the statutory framework would need to change to achieve some of the reforms.

Elizabeth Truss: That is certainly something I am looking at very closely at the moment.

Q46 **Chair:** There seems to be a bit of rowing back from where we were. Your predecessor was thinking quite strongly that we would need to recast the legislative framework to achieve some of the reform prisons. How are you going to do that if you do not have reforms to the statutory framework under which the prisons operate?

Elizabeth Truss: My predecessor was specifically focused on reform prisons, which I think are an excellent idea, and we are moving forward on that. I am looking at the overall system in which they operate as well. That necessitates looking more widely at some of the structures in which prisons operate. What I am not committing to are any specific pieces of legislation at this stage, but I will be outlining my plans in due course.

Q47 **Victoria Prentis:** Would you consider, for example, getting rid of the current categorisations of prisons as a part of that review?

Elizabeth Truss: I will certainly take that into account.

Q48 **Chair:** I am a bit perplexed, because in the Queen's speech 2016 we had



HOUSE OF COMMONS

as a centrepiece the prison and courts reform Bill. What has happened to it?

Elizabeth Truss: As I said, I will be laying out my plans in due course.

Q49 **Chair:** Are we not going to get one?

Elizabeth Truss: I am not saying that at all, Mr Chairman.

Q50 **Chair:** It is just surprising, given that it was such a key part of the Queen's speech and the legislative programme, that you cannot say if it is going to come in this session or not, Secretary of State.

Elizabeth Truss: What I want to do is lay out the plan that will outline exactly what legislation is required and when it will happen.

Chair: I understand.

Elizabeth Truss: It is a bit difficult to say at this quite early stage, I am sure you will appreciate. I reassure the Committee that reform is incredibly important. The pace of what is happening on the ground will not slow. In fact, I want to look at how we can get things done as quickly as possible. The key thing is that it has to be deliverable. We have to do things in the right order and that is what I am looking at.

Chair: I think I understand where you are coming from, but you will understand, given the emphasis that was placed on legislation in the Queen's speech, that we are particularly interested in any changes around that and why we want to follow it closely.

Q51 **Richard Arkless:** I am quite confused. We are 44 months away, as Mr Costa has repeatedly said. You say it is your No. 1 priority, but we do not know where the money is coming from, we do not know where the prisons are going and we do not know if there is any statutory legislation that will be required. Are we up against it? Is it going to happen in this Parliament?

Elizabeth Truss: It absolutely is going to happen and I will be laying out my plans very shortly.

Q52 **Philip Davies:** You mentioned the importance of prison safety. One factor that never seems to get raised with regard to prison safety is the impact of a change in the law under the last Labour Government, which was automatically letting prisoners out halfway through the sentence, irrespective of whether or not they were causing mass disruption in the prison and irrespective of whether they were safe to release back into the open.

What effect do you think it has when you say to prisoners when they go to prison, "No matter how you behave, you will by law be released halfway through your sentence"? What impact do you think that has on prison safety?

Elizabeth Truss: There are a variety of factors affecting prison safety. Of course, I will look at the evidence behind what you say, Mr Davies,



HOUSE OF COMMONS

and I will take that into consideration. Fundamentally, the chief inspector is very clear that NPSs have had a significant role, for example, and there are a number of factors that we need to look at.

- Q53 Philip Davies:** You said that you did not believe in reducing the prison population in an arbitrary way, which I am very pleased to hear. Letting out prisoners halfway through their sentence automatically, which the Conservative party was apoplectic about when the Labour Government did it—as I am sure Mr Hanson can remember—demonstrates no better example of reducing the prison population in an arbitrary way. If you are against that, why will you not commit to stopping the automatic release of prisoners halfway through their sentence, irrespective of how they behave?

Elizabeth Truss: Because I want to look at the evidence of what works in the system and what is not working, and come up with a comprehensive plan. The issue in the past is that sometimes things have been done in a piecemeal way. My priority is making sure the public are safe and making sure that when people are in prison they use their time effectively and that we have probation services that reform people.

What we have to look at are all the different pieces of the jigsaw. I am reluctant to commit on one area and not another. I sense the Committee's frustration with that, but it is early days and I do not want to say something that a few weeks later we find won't work.

- Q54 Philip Davies:** When I raised this in the House of Commons yesterday, the Minister said in reply, which I do not think many people would disagree with—"If somebody in prison has been assessed, is deemed not to be a risk to society and has been properly rehabilitated, it is in the best interests...for that person to be released."

I am not aware of anyone who would disagree with that, but we are not talking about people who have been assessed, deemed not to be a risk to society and rehabilitated. We are talking about people being released irrespective of that. Surely you cannot be in favour of releasing people from prison halfway through their sentence even though they are still considered a risk and they have been a disruptive influence in prison. Surely you do not support that, do you?

Elizabeth Truss: I will need to look at what the policy is now and where we need to get to.

- Q55 Chair:** I can understand your desire to have a holistic approach to this. I do not think we are at odds with you over that. What we are concerned about is that we have as much detail as soon as possible, not least because we had a sense that when the Government, which you and I both support, came into office, prison reform was a centrepiece of the social reform agenda. We would be concerned if there was perhaps a change of emphasis—"Events, events," to quote a former Prime Minister—to push that back.



HOUSE OF COMMONS

Elizabeth Truss: There is absolutely not a change of emphasis. We are very committed to prison reform, but there needs to be a delivery plan to get it done. At the moment, I am working on that delivery plan, which we do not currently have. It will obviously take time to put that into place and make it happen. I am reluctant to commit to steps further on before we have the plan in place.

Chair: That is helpful; I am very grateful to you for that.

Q56 **Philip Davies:** I want to ask about the freedom of governors at prisons and the people on the ground. You are very keen about giving people on the ground more freedoms. That was something that your predecessor was very keen on too, and which I broadly support. I wonder how far you are prepared to go with that agenda.

If a prison governor thought that it was in the best interests to—for example—allow visitors to have sex with inmates in their prison and that was something that would be a positive move, would you be prepared to give them the freedom to allow that to happen, or are these freedoms going to be curtailed in some way?

Elizabeth Truss: In any system, some powers have to be reserved at the centre and some are devolved. At the moment, that is exactly what we are looking at: which things the governor should be responsible for, because it is important that they are held to account only on the outcomes that they can achieve, and which things should remain at the centre. We have just been talking about the security directorate, and collecting intelligence about extremists and making sure that we act on that intelligence.

It is very important that that role continues, because if you do not have that collection, the risk is held by the Ministry of Justice, the Secretary of State and the Government. There are some things that will need to be done at the centre. You talked about education. I would like to see measurement on outcomes and governors being responsible for how they deliver education in prison. We need to look at each of those areas and make sure it works as part of that structure.

Q57 **Philip Davies:** If a governor said, “In my prison I want to allow prisoners to have sex with visitors,” as they do in Denmark, for example, would you overrule that or would you be happy to allow it? What is your view on such a fundamental issue?

Elizabeth Truss: We will be setting out a framework that says which types of decision can be made at local level and which ones cannot.

Q58 **Philip Davies:** You have not decided on something like that as yet. You have an open mind about it. Is that what you are saying?

Elizabeth Truss: I am not saying that at all.

Q59 **Philip Davies:** But you are not telling us what your view is.



HOUSE OF COMMONS

Elizabeth Truss: I am not entirely in favour of the Danish approach, put it like that.

Q60 **Chair:** We have managed to get sex into the Select Committee's proceedings for the first time in this Parliament, so we should note that. I get the sense that you are saying, "I want to look at the evidence and have a package around this."

Elizabeth Truss: Exactly, but it won't include that.

Chair: We might revert to the topic if it did, but I understand where you are coming from. I think we get the sense of what we are seeking to achieve.

Q61 **Marie Rimmer:** I would like to look at the transforming rehabilitation reforms. They have changed the structure of the service significantly. The programme was intended to create more flexibility in delivery to foster innovation, drive reductions in reoffending, improve efficiency in probation and through-the-gate services and increase the diversity of the providers. What is your assessment of the extent to which it is achieving those objectives?

Elizabeth Truss: One very positive thing from transforming rehabilitation is the fact that people serving sentences of below one year are now supervised in the community, whereas before they were not. We have brought in a new group of people. That is reducing the risk to the public and improving rehabilitation, and that is a good thing. We are going to be looking at the overall performance of those contracts and what we can do now, following the reforms taking place. It is quite a detailed process, as I am sure you can imagine.

Q62 **Marie Rimmer:** The National Audit Office has identified that the NPS is supervising more offenders than was originally predicted, and the community rehabilitation companies fewer. The prediction provided a baseline both for the necessary split of resources, including staffing, and for the CRCs to devise and cost their new models of delivery.

Nacro was critical of the transforming rehabilitation programme during its development and in the early implementation stages, and has highlighted concerns about public safety that have arisen in the early implementation stages. What impact is this having on the capacity of CRCs and the NPS to deliver the services that were planned?

Elizabeth Truss: It is something we are looking at and reviewing at the moment.

Q63 **Marie Rimmer:** You do not have any answers on that at this stage.

Elizabeth Truss: Not yet, no.

Q64 **Marie Rimmer:** Do you have concerns about whether the CRC operating models are financially sustainable? Do you know that yet?



HOUSE OF COMMONS

Elizabeth Truss: This is what we are looking at at the moment. The reforms are now beginning to bed in. We are looking at how they are operating. I think they bring big advantages in terms of making sure there are more offenders being supervised, but we need to look exactly at how we are working. We have an open mind on that point.

Q65 **Marie Rimmer:** Is there a risk that the CRCs' losses could be such that they may not wish to continue operating the contracts?

Elizabeth Truss: I cannot answer that question at this stage. We are looking at how the operations are working.

Q66 **Chair:** There is a problem, as you know, about the volumes in some of the outputs coming through—

Elizabeth Truss: I completely appreciate the issue that is being raised, but we need to do a detailed assessment of how it is working.

Q67 **Marie Rimmer:** Do you have confidence in the model of delivery that underpins the transforming rehabilitation programme? You obviously do not have any plans at the moment to change it fundamentally.

Elizabeth Truss: Fundamentally, it is the right approach, but I want to have a deeper look at how it is working. We are looking at that at the moment.

Q68 **Marie Rimmer:** Are you aware that the chief inspector of probation, Glenys Stacey, told us that designed into the model there was a "fault line" between community rehabilitation companies and the National Probation Service? Are you aware of that and how do you think it should be dealt with?

Elizabeth Truss: I have spoken to Glenys Stacey and we have discussed the system and the way it is working. It is important that we look at how the contracts are operating and then make an assessment about the best way forward on that basis.

Q69 **Marie Rimmer:** Will you discuss it with the National Audit Office as well?

Elizabeth Truss: I will look at that; yes.

Q70 **Chair:** Do we have a sense as to the timeframe for the review? I understand the desire for review, and the whole system approach you talked about.

Elizabeth Truss: We are looking at how they are operating. The contracts have now been in place for a while. This is not a review. Any good contract manager makes sure that they are managing a contract effectively to get the outcomes they are looking for, and that is what we are doing. It is good practice.

Chair: Rather than anything formalistic.

Elizabeth Truss: Precisely.



HOUSE OF COMMONS

Chair: We have done a report on restorative justice, which I am not going to press you on because we have only just published it. I am sure we will have the report in due course, but it was something that has been talked about a great deal. Part of that was the victims' law. Mr Davies, do you want to come in on that area?

Philip Davies: No.

Q71 **Chair:** Do you have any plans to introduce any changes to victims' rights under the victims' code, Secretary of State, if that is put into statute? Is that still a likelihood?

Elizabeth Truss: Yes, we are going to be putting in place a victims' law. It is a manifesto commitment. I have read the restorative justice report.

Q72 **Chair:** Are there any observations that you want to hazard to us at the moment?

Elizabeth Truss: I approve of the approach in principle. It has clearly been operating very effectively in some parts of the country. What I think we need to do is get a really good evidence base on it and assess how it is working and what the potential could be. That is what I want the Department to do.

I am very much focused on building up the Department's analysis and evidence function so that we can look at things such as restorative justice, or problem-solving courts which also have a lot of potential, and make sure we get the data and can then use that elsewhere in the country.

Q73 **Chair:** That is a fair enough approach. I am sure we will come back to the topic of restorative justice in due course. As you mention problem-solving courts, there has been speculation in some of the media that they were no longer seen as being as central to the vision going forward as might have been the case. Is that the case, or are they still entirely on the agenda?

Elizabeth Truss: We are very interested in a problem-solving approach. Indeed, Oliver Heald is going to be visiting the St Albans court, which is using that approach. I want us to be able to collect good evidence to show how it is working.

Q74 **Dr Huq:** Are the proposed pilots for the problem-solving courts still going ahead?

Elizabeth Truss: When you say proposed pilots, which ones specifically are you talking about?

Q75 **Dr Huq:** We were talked to about that by your predecessor. He was very big on it and there is a lot of speculation that it is about to be junked.

Elizabeth Truss: We are interested in trialling the approach.

Q76 **Chair:** That is perhaps something you will be discussing with the Lord



HOUSE OF COMMONS

Chief Justice.

Elizabeth Truss: Yes, exactly. We already have a number of items on the agenda.

Q77 **Chair:** This Committee published a report on some of those issues. You or your officials are probably aware of some of work done in the United States, at Red Hook and places like that, which is well known. That is helpful to know, so we can say that perhaps some of that speculation was premature.

Elizabeth Truss: Absolutely. I was very clear at the start of this that I want the Department's plans to be deliverable. What I am looking at is making sure that we have a programme that fits together and that works, and that we can deliver everything by 2020. I sense an appetite in the Committee for certain things to be delivered on time, particularly new build prisons. I need to make sure that it can all happen.

Q78 **Chair:** That is very helpful and I am grateful to you for that. There are a couple of other issues we are going to move on to, if we may, Secretary of State. I am conscious that we have had your evidence for some time.

One of the things I used to do was serve on the Parliamentary Assembly of the Council of Europe. You have told us that there is a commitment to a British Bill of Rights.

Elizabeth Truss: Yes.

Q79 **Chair:** That is going to come forward. Are we going to see that as a consultation document? Is it going to be a draft Bill? Are we going to have pre-legislative scrutiny? Are there any basic parameters for it?

Elizabeth Truss: We are still looking at the parameters at this stage, but clearly there would need to be very thorough consultation.

Q80 **Chair:** Given its constitutional significance, is this a case where a draft Bill and pre-legislative scrutiny might be the appropriate way forward?

Elizabeth Truss: That is certainly something that I will be looking at.

Q81 **Chair:** The Prime Minister has made it clear that she does not seek to withdraw from the European convention on human rights.

Elizabeth Truss: That is correct.

Q82 **Chair:** Can we be clear that the Bill will not seek to do that?

Elizabeth Truss: Precisely.

Q83 **Chair:** Can you help us at all as to how, therefore, you are going to make any significant change, if we remain signatories to the convention but replace the Human Rights Act? What will the difference be?

Elizabeth Truss: There are changes that can be made, but this is really a matter that we need to develop in the proposals that we will be putting forward in due course.



HOUSE OF COMMONS

Q84 Alex Chalk: What is the point of repealing the Human Rights Act if you are going to stay in the convention? It would be perfectly legitimate to say on one view—I do not agree with it—"Let's ditch the convention" and just scrap it. If you are going to stay in the convention, what is the point of repealing the Human Rights Act?

Elizabeth Truss: We were members of the convention before the Human Rights Act. The Human Rights Act is a fairly recent phenomenon. It came in in 1998. The British Bill of Rights will protect our rights but in a better way. That is fundamentally what we are saying. There have been problems with the Human Rights Act. We have had the European convention on human rights. The problems have emerged since the Human Rights Act came in.

Q85 Alex Chalk: The Human Rights Act allows you to exercise your rights in a British court, whereas previously you would have had to toddle over the water to Strasbourg to do that. Would you be looking at removing the right for British citizens to enforce their convention rights in a British court?

Elizabeth Truss: Those are precisely the kind of details that will be discussed in the proposal. We are in danger of discussing what the proposal might be. Let me be very clear. The Department is still working on it and we do not yet have the details of that proposal.

Q86 Richard Arkless: The name "British Bill of Rights" would infer directly that it ought to have application to Scotland. Is that your position, or will it be left to the consultation to decide whether the British Bill of Rights will have application to Scotland?

Elizabeth Truss: We want it to be a UK-wide Bill of Rights.

Q87 Richard Arkless: Are you telling me that you think human rights are now reserved to Westminster? Is that your position?

Elizabeth Truss: My position is that the Human Rights Act applies across the UK and the British Bill of Rights—

Q88 Richard Arkless: So human rights are reserved.

Elizabeth Truss: I did not say that. There are specific issues. The Human Rights Act itself is a UK Act.

Q89 Richard Arkless: You will be aware, of course, that they are intrinsically wired into the Scotland Act and the Good Friday agreement. The Governments of the devolved Administrations would say that human rights, because they are not listed in schedule 5 to the Scotland Act for example, are not reserved and are devolved. Is it the case that the Government simply cannot reconcile the issue and we are going to be looking at an English Bill of Rights as opposed to a British Bill of Rights?

Elizabeth Truss: I am very keen to make sure that we fully engage with the Scottish Executive on that. These are matters for further discussion.



HOUSE OF COMMONS

Q90 **Chair:** The Select Committee visited the ECHR. From my experience of serving on the Parliamentary Assembly, we have one of the best rates of compliance with ECHR judgments of any of the signature states. Something like 99.7% of complaints against the UK are dismissed. Do we have much to fear from the operation of the ECHR under those circumstances? If we took out prisoner voting, beyond that, is it a real problem for our day-to-day processes in criminal justice?

Elizabeth Truss: We are now talking about the substance of what would be in the British Bill of Rights. We are considering the details of that matter and we will be bringing forward a proposal in due course.

Q91 **Alberto Costa:** We often hear, particularly from non-lawyers, that a proposed British Bill of Rights should include provisions concerning responsibilities. Do you envisage that your proposed Bill of Rights might include responsibilities and, if so, what would be meant by that?

Elizabeth Truss: I am being pressed again to put forward the contents of what we are going to be putting forward in due course. We are not at that stage yet.

Chair: You are resisting the pressure determinedly and very courteously.

Q92 **Mr Hanson:** I want to turn to Europe and Brexit. We all voted different ways but we are where we are. The question to you, Lord Chancellor, is: what is the plan in relation to your Department's responsibilities? There are some big issues such as the prisoner transfer agreement, the European arrest warrant and the relationship between our courts and European courts. What is the plan?

Elizabeth Truss: We are working closely with the Brexit Department, feeding in on the issues that specifically affect the Ministry of Justice. As you correctly say, there are a number of very important areas and those are being taken into account as we work up our negotiating position as a Government. By the way, I am also working with the Department for International Trade, because it is very important when we seek new trade deals that legal services are well represented in that discussion.

Q93 **Mr Hanson:** Does that mean, for example, that British citizens imprisoned in Spain can be brought back to the UK under European regulations, or that we can deport Italian, French, Polish or any other prisoners from here back to their country for their sentence to be served out? Is your objective to maintain a prisoner transfer agreement whatever the outcome of the Brexit negotiations?

Elizabeth Truss: At present, the Department of Brexit is collecting the issues, the data and the information. That is what we are feeding into the Brexit Department. The objectives are a matter for when that initial analysis has been conducted. The question you are asking will follow the analysis taking place.

Q94 **Mr Hanson:** Let me be blunt about it. When I was the prisons Minister, it took us six years to negotiate the prisoner transfer agreement with the



HOUSE OF COMMONS

European Union. What is the plan between now and 2019 to make sure that at the end of that period we have a prisoner transfer agreement, so that people who are committing offences in the United Kingdom and who could serve their sentences in France, Italy, Spain or Poland do so? Is sufficient energy being put in by your Department with the Brexit Department to make sure that whatever the outcome, that is still in place?

Elizabeth Truss: Very much so; absolutely.

Q95 **Mr Hanson:** Otherwise your prison population issues may well be even higher.

Elizabeth Truss: I am well aware of that. These issues are being analysed and discussed at the moment, but of course we need to negotiate with the remaining EU 27 on all the specific issues. As I am sure everybody is aware, there is a huge range of those issues right across Government.

Q96 **Mr Hanson:** What about the next three years or two years or one year, whatever it might be? If there are further UK measures proposed by the European Union prior to the eventual leaving of the United Kingdom from the European Union, such as for example the new Eurojust regulation coming down the track very quickly, what is the plan? Are you going to look at it case by case? Are you going to sign up? Are you going to try to opt out now?

Elizabeth Truss: I will look at the specific regulation you refer to. Clearly while we are still members of the European Union we are subject to European Union law.

Q97 **Mr Hanson:** I do not know the time it will take and the Government have still not given a final date for leaving the European Union, but presumably it will be some time before 2020. If there are proposals brought forward in the next one, two or three years on co-operation issues such as the forthcoming Eurojust regulation, will the Government sign up to that and then try to renegotiate it separately?

Elizabeth Truss: It will be on a case-by-case basis on any new regulations; you are absolutely right.

Q98 **Chair:** Mr Hanson has referred to a lot of the important criminal and security co-operation around these matters, but there is also the issue of civil justice co-operation. These are things like mutual enforceability of judgments and access to the legal services sector, which you rightly highlighted as a valuable sector in terms of recognition of qualifications and so on, and the ability to train into the market. How high a priority do you make of pressing that case with your colleagues in the Brexit Department?

Elizabeth Truss: You are absolutely right that that is extremely important. It is the basis of a lot of our other trade as well. It is important in itself, but it is important for the platform that it provides.



HOUSE OF COMMONS

English law is a fantastic asset to many of our companies operating overseas.

There are various areas, all of which are important. At the present stage, we are doing the analysis, as you would expect, in advance of agreeing. In any negotiation, there will be a number of different things to balance.

Q99 **Mr Hanson:** Looking at the Isle of Man, Jersey and Guernsey, the Ministry of Justice has overall responsibility for those areas. What is the plan in relation to their response to the European Union? What is the plan for discussion with them? What is the plan if they say they would like to retain some of the measures that the UK will potentially, in one or two years, opt out of?

Elizabeth Truss: Oliver Heald has already been in touch with the Crown dependencies. We are very determined to work with them to make sure that their interests are looked after in these negotiations; absolutely.

Q100 **Mr Hanson:** It is all very complex, isn't it? Whatever the timescale—

Elizabeth Truss: I think the one thing we can all agree on is that it is complicated; yes.

Q101 **Mr Hanson:** What is your anticipation of the timescale that would be satisfactory for the Ministry of Justice to achieve resolution of those issues?

Elizabeth Truss: The Government as a whole have set out their approach to Brexit. You will have heard David Davis's statement on Monday.

Q102 **Mr Hanson:** There was not much in that, was there?

Elizabeth Truss: The work is being developed and I will do my best to keep the Justice Committee as informed as possible at every stage of developments.

Q103 **Mr Hanson:** Would you welcome the Justice Committee looking at the implications for the United Kingdom of withdrawal from the European Union, without discussing the merits of the decision—the implications, timescale and issues relating to that?

Elizabeth Truss: I think that would be an excellent idea.

Q104 **Chair:** A bid for our ongoing work programme, Mr Hanson.

Elizabeth Truss: I am not sure that the Chair agrees with me.

Q105 **Chair:** Secretary of State, since you, I and Mr Hanson probably did not want us to be in this position, we have to make constructive use of where we are.

Elizabeth Truss: Absolutely. It is important to say that the British public have made that decision. We now need to put our shoulder to the wheel



HOUSE OF COMMONS

and make sure that we get the protections we need and that our industry is successful following Brexit, when we have a global Britain.

Q106 **Chair:** Involving the professions and their representative bodies in developing that agenda going forward is a key point.

Elizabeth Truss: Absolutely. I am working on that and very much committed to it. In fact, I have been in touch with the professions on that subject already.

Q107 **Alberto Costa:** In July last year your predecessor, in answer to my question, confirmed that there would be a full review of the Legal Services Act 2007. He went on to express a very short view that he thought there was a risk that front-line regulators could be seen to be “tripping over themselves.”

Do you have a view at this stage—I appreciate you are very early into your role as Lord Chancellor—on the question of making the front-line regulators independent from their respective representative bodies—for example, the Solicitors Regulation Authority and the Law Society of England and Wales? Do you have a view at this stage?

Elizabeth Truss: I do not. It is something we will be looking at.

Q108 **Dr Huq:** Earlier, on the question of access to justice you said that the court reform programme is going to modernise all the old clapped-out, out-of-date and not-fit-for-purpose buildings. Large-scale Government IT programmes do not have a great record of achieving their objectives. The court reform programme is a £700 million programme. There is all the complexity of different users; you have to balance the judiciary, the Courts Service, the lawyers and the CPS. How can you ensure that those objectives are met this time around?

Elizabeth Truss: You are absolutely right about managing complex IT programmes. One positive aspect of this programme is that it is being rolled out in chunks. For example, I have seen it already in place in the criminal courts, where it is working effectively in making case file management much easier. It makes things like pre-trial hearings much easier. We are recruiting a new chief executive of HMCTS, which is clearly an important role, to make sure that that programme remains on track. Certainly what I have seen so far seems to have worked well, but I agree with you that it is an important risk to the Department and we are very much alive to it.

Q109 **Dr Huq:** There will be no repeat of the things we used to hear about when a floppy disk would get lost with everyone’s records on it.

Elizabeth Truss: I do not think there are any more floppy disks anywhere in Britain.

Dr Huq: Or a USB thing, or whatever it is now.

Chair: Mr Chalk wants to have the last word.



HOUSE OF COMMONS

Q110 Alex Chalk: No, no, the last word will of course go to our esteemed Secretary of State. I want to go back to the subject of prisons. Forgive me for doing so, but it is obviously an important priority. Of course, you will be aware of the conditions in prisons and concerns about violence. Your predecessor referred to the level of deaths in custody and violence in prisons as being terrible, and that precipitated a £10 million payment. Since then it does not seem to have stopped the rot. Is there anything that can be done in the short term to address the immediate problems in our prisons before the reforms ultimately take effect to deal with them in a sustainable way?

Elizabeth Truss: We are taking immediate action in the short term. I have already announced the measures we are taking on extremism, which is a factor. I have talked about NPSs and what we are doing about that in terms of rolling out testing so that we can tackle NPSs in our prisons. We are also working with the mobile phone companies to get phones blocked in prisons. There is an ongoing work programme and that money, the £10 million, is currently being used.

What I am talking about is looking at the overall system and seeing how it operates together. Yes, there are things we can do to protect against violent incidents, but reforming and improving the regime will help us create safer prisons as well as reformed prisons too. We are actively delivering measures at the moment, but the level of violence is unacceptable and we need very strong action to turn that tide. It is going to take time. It is not going to be something that we do overnight. We are recruiting staff. Those staff need to get into the roles, but we are taking action now as well.

Q111 Chair: The other thing to understand that can influence this is the maintenance of family contact for prisoners. In terms of their attitude, if they are in contact with family and have some support from outside, they are less likely to be prone to some of the gang behaviour and substance misuse that we see. It improves their chances of rehabilitation if they have more settled lifestyles outside. Is Lord Farmer's work going to be carried on in terms of trying to develop further procedures around this?

Elizabeth Truss: I am due to meet Lord Farmer very shortly to talk precisely about this issue and how we factor it into our overall programme.

Q112 Chair: Secretary of State, there has been a range of questions. Unless there is anything you feel we have missed out and that you would like to add, we are grateful for your time.

Elizabeth Truss: Thank you very much.

Chair: We look forward to seeing you again before too long. Thank you for your evidence.