



Justice Committee

Oral evidence: Radicalisation in prisons and other prison matters, HC 417

Wednesday 13 July 2016

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

Resolved, That the Committee take part of the evidence to be given by Ian Acheson at this day's sitting in private.

Questions 1 – 78

Witness: **Ian Acheson**, Head of independent review of Islamic extremism in prisons and probation, gave evidence.

[Resolved, that the Committee should sit in private. The witness gave oral evidence. Asterisks denote that part of the oral evidence which, for security reasons, has not been reported at the request of the witness or the Ministry of Justice and with the agreement of the Committee.]

Q1 Chair: Good morning, Mr Acheson. Thank you very much for coming in. We understand that there are some matters that you feel we ought to be aware of which are not appropriate to deal with in a public session. If you are happy, we thought we would have this private session first, and then there will be some matters for the public record.

Ian Acheson: I fully understand that. Thank you for indulging me. It is a rather odd situation where I am telling you about aspects of the report that I understand, at least from my discussions with Committee staff, you have not seen either in full or the summary.

Chair: We have not seen the report in full or the summary, no.

Ian Acheson: Be that as it may, that is one of the reasons why I wanted this opportunity to speak to you. It is slightly cart before horse, because I guess in the public session I will be explaining a bit more about how and why we went about what we did. Suffice it to say that a significant part of our review was about establishing the nature of the threat that was posed by Islamist extremism in our prisons and probation. *** We drew on a variety of sources, some of which we could not disclose in open forum in any case.

When we had received quite a lot of that intelligence we set about describing in a series of scenarios the threat that we saw emerging. The purpose of my discussion with you this

morning is to talk about one of those scenarios. *** Many of the recommendations that I made—in the report we made 69 recommendations—focused on a tactical response to, for example, hostage-taking in prison, police primacy, equipment and tactics and so on, which again it would not be appropriate to talk about.

The reason I wanted to highlight that aspect of the report and our conclusions is that I have a genuine concern, which I have made clear to the Secretary of State and in the body of my full report, that I do not have confidence that the National Offender Management Service, if not subject to fairly close forensic scrutiny by an independent outside source, has the capability or, indeed, if I may be frank, the will to implement some of the recommendations that I have made.

It is obviously for the Secretary of State to decide which of those recommendations to take forward. I was told informally at a briefing a couple of weeks ago that that 68 of the 69 recommendations have been accepted. Obviously, there is a bit of wiggle room between accepted and implemented. It is not for me to tell the Secretary of State what to do, but I have such concern about the capability of the organisation, which we really did subject to quite forensic scrutiny, to drive the change that I believe is necessary to protect prison staff, prisoners and national security inside custody that I needed to draw this to your attention.

Q2 Chair: That is very helpful, and it mirrors some of the comments made by the Prison Officers Association. In a different way, in slightly more political language, they suggested that there was a bit of denial and of putting heads in the sand. You are putting it more forensically and saying that you do not think NOMS has the capacity or the will.

Ian Acheson: I think there is a question of will, frankly. This is an exceptionally difficult subject to engage NOMS with. There was a degree of defensiveness about their current response. There was no obstruction, but there was degree of lawyerly sword-crossing when I was trying to gather evidence from senior officials about what the position was. I detected quite a lot of complacency at senior level.

Q3 Chair: Does this go right to the top of NOMS?

Ian Acheson: Yes, it does.

Q4 Victoria Prentis: Is it because they do not think there is a problem?

Ian Acheson: It is not that they do not think there is a problem. It is the quality of the analysis of the problem and the robustness of the response to the problem that I was particularly concerned about—and the dissonance, frankly, between what was happening operationally inside some prisons. There are some prisons—a small number—which are under significant pressure in relation to Islamist extremism and how it manifests itself, and there is a disconnect there operationally between what was happening and what was perceived to be happening at the centre.

Q5 Victoria Prentis: It is easier to manage people in shared cells, because it is all going on behind the door. Do you think prison officers on the ground find it easier to manage extremist prisoners if they are locked up together?

Ian Acheson: That is an issue that I know you want to talk to me about—the dispersal or concentration issue—which I am happy to touch on, if I understand your question correctly, in the open session. It was something that we spent a huge amount of time talking about. What I am trying to say is that at an operational level in individual prisons, staff felt unconfident about confronting Islamist extremism. They perceived that, if they were to challenge openly on the landings behaviour that was blatantly and floridly anti-British or anti-democratic, they would be accused of racism. I saw that and it was corroborated, incidentally, by a survey that we then carried out of all 43,000 NOMS staff, which had a response rate of about 2,600. We were told that that was certainly statistically significant, and quite a high level of response. We got that absolutely confirmed to us from the feedback that we were getting: staff did not feel equipped or confident to challenge manifestations of Islamist extremism, and they were fearful to get involved simply because they would be accused of being racist.

Q6 Chair: On your point about the lack of capacity or will of NOMS, is that just around the particular scenario you identified—the murder—or is it more general in tackling extremism?

Ian Acheson: Looking at capacity, we discovered a number of quite concerning things when we started collecting evidence. For example, there was no strategy to deal with extremism worth the name frankly. There were a number of responses to extremism. There were individual initiatives. There was obviously some work to create offending behaviour programmes, such as the Healthy Identity Intervention, to challenge it. There was a quite good screening process *** in operation, which you may have heard about, but there was no overall strategy. The extremism unit in NOMS headquarters was much more of a briefing unit; there were virtually no operational staff in it.

One of the most worrying things that we discovered—it was actually jaw dropping—was that at the centre they had no means of looking at intelligence relating to Islamist extremism that was generated from individual prisons to see whether individual prisons were under pressure. I describe it quite bluntly in my report, because I am fairly blunt, as a basic lack of intellectual curiosity about what was going on at operational level.

Q7 Mr Hanson: I do not know if this is a question you can answer in public, but I would be genuinely interested in what the percentage is of prisoners who enter prison radicalised versus the prisoners who do not enter prison radicalised but are subsequently radicalised in prison, and what your assessment is of that interaction and how people are responding to it. In the absence of your recommendations, that is a critical factor. We know who goes in radicalised, potentially, but it is about how that is spread around prisons and whether any of your recommendations address closing off that wound, if I can put it in that way.

Ian Acheson: Yes, very much so, to answer your last point. We believe that there are a small but significant number of people in custody who either have become radicalised themselves in custody or who have been imprisoned for Islamist extremist-related offences—not always, incidentally, via terrorist legislation. *** One of the problems is that they are being imprisoned for less serious offences, in terms. They are the tin rattlers, the inspirers or the peripheral people around plots or significant people. They are not being imprisoned in the high-security estate, where there is a higher level of understanding and surveillance, but in the category B, C and D estates. There is an issue with them.

The routes to radicalisation are very complex. We did not see any one model that said, “If you come in, you will have this percentage ending up radicalised.” However, what we saw

were environments where all the ingredients for radicalisation were there. A number of high-profile Islamist extremists and terrorists in prison are actively proselytising the Islamist ideology and have the capacity to do so around other prisoners who would be susceptible and vulnerable to that ideology. *** In relation to dispersal, we found that was not satisfactory to control the problem.

To answer your question, which I can expand on in the public session, the response that we have recommended is that a very small number of prisoners should be completely incapacitated as regards other prisoners, and completely separated. I cannot quantify the number, but I imagine on the basis of intelligence that it is no more than two or three dozen prisoners, who represent—by intelligence, their custodial behaviour and their offence all taken together—a real and enduring threat to national security.

Q8 Chair: Those are the ones who should be segregated.

Ian Acheson: Yes

Q9 Mr Hanson: I have one other very quick point. We can touch on this in the public session, but I want to get a private assessment. What is your private assessment of the quality of the imams in relation to dealing with the challenge?

Ian Acheson: Poor, for a number of reasons. First of all, I do not discount the work that some prison imams do. I have met some exceptionally brave imams who confront extremism front and centre and suffer for it. However, the way that imams have been recruited, in terms of the seminaries from which they have been selected, and their selection in relation to who makes the choice of successful imams on interview, seems to be down to one person, who is the Muslim adviser. Beyond that, their supervision in individual prisons and the control of their activities all seemed to be very poor to us.

I summarised it as this. First of all, they did not have training. When we asked prison imams, “What do you know about the Prevent duty?” which is obviously the statutory responsibility to promote British values, virtually none of them knew it was a duty. Some of them did not even know about Prevent. None of them had been given any specific training about what they were supposed to do or how they were supposed to detect prisoners who were being radicalised. Our overall assessment was that the selection and supervision of imams had to be radically improved. To be clear, even in private session, I am not saying that there are not some exceptionally good imams; I met some brave people who are confronting this phenomenon head-on, but sometimes there was lack of capability and in other cases there was sometimes a lack of will.

Victoria Prentis: We are going to talk about this in public.

Q10 Mr Hanson: Would that be something you would say in public or not?

Ian Acheson: I am happy to describe that in terms.

Victoria Prentis: We possibly need to talk a bit about the selection process for imams as well.

Q11 Chair: Was it essentially that first scenario that you were concerned about not disclosing in public, or is there anything else?

Ian Acheson: That is a good question. We described a number of scenarios—four, in fact. ***

Victoria Prentis: I suppose we cannot see that.

Chair: That is probably something we need to talk about subsequently.

Ian Acheson: *** As you, the Committee, well know, the threat posed by Islamist extremism is one of a series of major threats that confront the Prison Service and is dwarfed in terms of its operational impact by, for example, new psychoactive substances, I know you have done some work on that. It is a pernicious and potentially lethal threat that sits there, but it is one of a number of threats that the Prison Service faces.

Q12 Chair: Finally in the private session, are you able to help us with this? You say that 68 recommendations have been accepted. Do you know what the stumbling block is at the moment?

Ian Acheson: Yes, the stumbling block is just a detail. I suggested that funding for Prevent co-ordinators, which was received from the Home Office, ought to be mainstreamed to the Ministry of Justice to give the Ministry more control. The response was that they would get more leverage if the Home Office was responsible for that funding pot. Everything else appeared to be accepted, if not implemented.

Q13 Chair: Do you have any sense as to what the hold-up has been? You handed in the report in February or March and I am told that the Secretary of State signed it off.

John Howell: And can we ask you that in public?

Ian Acheson: Indeed. First of all, I obviously commend Michael Gove for his bravery in choosing me to go in and have a look at this phenomenon. To be serious, he gave me absolutely every assistance. It was clear that he wanted to get at the truth. I draw the inference, although it is for him to say, that when he arrived at MOJ he was unhappy at the state of affairs and wanted somebody independently to come in and look at it. There was me, and Charlie Taylor and various others who have done independent reviews. At times it was a thankless task, but we applied ourselves fully to it and we had absolutely full support from the Secretary of State to get on with it.

Many of the recommendations have very significant policy, legal and financial implications. I think that is probably what the hold-up has been, although I sense that the void that has been caused by recent events has to some extent perhaps been exploited by people who are resistant to some of my conclusions, particularly on the issue of dispersal versus concentration. Unlike the media reports, which alarmed me at the start, I have a much more nuanced approach—I think, and we have concluded—in relation to our model of concentration and to whom it might apply than having a Muslim prison or terrorist prison or anything nonsensical like that.

Q14 Chair: You are talking about units within a prison or something like that.

Ian Acheson: Yes. I am talking about a small number of units inside existing high-security prisons.

Q15 Chair: Are you still worried about some of the press reports going around that the report was being toned down because of the criticism of NOMS, which you have confirmed to us exists, or was that media hype?

Ian Acheson: I signed off on the final report. The final report contains all my sentiments. Certainly I have had no interference at all, and that was from the start when I made it clear to officials that I was having an independently led report and we would go where the evidence took us.

Q16 Chair: Is there anything else that you want to say in private or are we okay to go into public session?

Ian Acheson: No, I do not think so. Thank you very much for the time. I hope you understand the reasons for my wanting to do that.

Chair: It is perfectly reasonable and entirely proper. Many thanks.

The Committee continued in public session.

Q17 Chair: Mr Acheson, thank you very much for coming to give evidence. Perhaps you would like to introduce yourself briefly.

Ian Acheson: My name is Ian Acheson. I was asked in September last year to conduct an independent review into the phenomenon of Islamist extremism in prisons and probation, by the Secretary of State, Michael Gove.

Chair: Thank you very much. Are there any relevant declarations? I am a non-practising barrister.

Victoria Prentis: I am a non-practising barrister who worked for the Prison Service in my capacity as a lawyer in the Treasury Solicitor's Department for many years.

Alberto Costa: I am a practising solicitor in Scotland and in England. I formerly worked for the Prison Service as a Government lawyer.

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

Q18 Chair: Mr Acheson, can you give us an overview of the main findings and recommendations that you make in your review that you have just told us about?

Ian Acheson: Yes, I would be happy to do so. The review found that Islamist extremism is a growing problem, particularly within prisons. We found that the National Offender Management Service, the organisation tasked with dealing operationally with the phenomenon of Islamist extremism, lacked a coherent strategy to deal with the emerging threat. There was far too much complacency, we observed, at senior level, and there was very poor understanding of risk and inadequate management of intelligence relating to Islamist extremism.

We found that prison staff lacked the confidence and training to confront and deter Islamist extremist ideology on the landings, and they were often fearful of being accused of being racist if they did so. We found that the recruitment, training and supervision of prison imams

was seriously deficient. We found that the selection of imams was a vague, almost opaque, process that was often controlled by a single person, and there was lack of diversity in the denominations that were represented within the prison imam community.

In prison chaplaincies, we found numerous examples of religious literature that was extremist in nature and that sometimes contained sectarian, homophobic and incendiary information. It was freely available to vulnerable prisoners in many prisons, with no obvious control over it. As you will probably understand, the report ran to 100 pages and it made 69 recommendations, so that is a very swift pen picture of the main findings.

Q19 Chair: Of course, it has not yet been published, but we understand that you are able to talk about it. Your findings about NOMS are very serious indeed. Do you regard NOMS, as currently constituted, as having the capacity operationally or managerially to step up to the mark on this task?

Ian Acheson: It can have the capacity, if I can put it like that, but it needs to make some significant changes to the way it currently operates. I made that very clear in the recommendations that I put forward. There was a disconnect between what was happening operationally in the field in terms of individual prisons dealing with the phenomenon of Islamist extremism and what was happening at the corporate centre. We found that the extremism unit in NOMS lacked an actual strategy to deal with extremism. It seemed more concerned with briefing and collating information than providing robust operational support to the frontline.

There was also a disconnect—I believe it has subsequently been rectified—between the intelligence that was being gathered in the operational field, in prisons, and what was being received and analysed in the centre. To give you one example of that, when we started our review there seemed to be no individualised intelligence assessment at the centre of Islamist extremism in individual prisons. There was aggregated information about intelligence reports relating to it but, as I say, no sense of what was happening in individual prisons. We found that quite worrying, because what we discovered when we did fieldwork were a small number of prisons, particularly outside the high security estate, where the phenomenon was quite serious and was not being dealt with or controlled properly, despite the best efforts of the operational staff on the frontline.

There are very many good people who work at NOMS, and they are very committed to tackling Islamist extremism. However, one of the things we discovered as we were doing our review was that there were very few people, in relation to security counter-terrorism and Islamist extremism, with actual operational experience who were working at quite senior levels inside NOMS. We found that rather unsettling. I certainly would not say that you must have operational experience in order to be good, but there really was a dearth of operational experience. We thought that that fed into the paucity of analysis at the centre of what was going on, and what needed to be done to confront and defeat this very pernicious and serious problem.

Q20 Chair: Do you feel that the management of NOMS have an adequate grasp of the level of inadequacy on their part, or are they in denial about it?

Ian Acheson: That is rather difficult for me to answer. I think they certainly have a more rounded view of what is going on now as a result of the report that I have completed. It would

be fair to say that there has been a bit of reaction to that. There are very many decent people who work in the National Offender Management Service, and I believe that with sufficient political input, and particularly with sufficient independent scrutiny of their efforts, they will get on top of this problem.

The problem is serious, but it is not out of control. There are a number of prisons where the problem is particularly serious. We have developed some threat scenarios, as you will be aware, where we think there has to be immediate action in relation to the protection of prison staff and prisoners in some prisons where this threat is a phenomenon. I was always mindful when we were doing our review that there were very many other serious problems the Prison Service was confronting as a result of the lack of prison staff, for example, and new psychoactive substances and so on. It is one of a multitudinous number of problems the service faces, but it is one that we believe is potentially lethal and must be robustly tackled.

Q21 Mr Hanson: You mentioned NOMS. What is your assessment of ministerial oversight of the analysis, assessment and implementation of the challenges in tackling this problem?

Ian Acheson: I can certainly say that from the start we were given every assistance by the Secretary of State to go where the evidence led us, to open doors and make a full report. My report was not interfered with in any way. We have had a huge amount of support. I put on record—I have said it publicly—that I am not sure any other Secretary of State would have had the bravery, perhaps, to appoint me, or certainly to look into this subject in such depth and to give me permission to go where the evidence led. In terms of how the report was set up, I have had a great deal of support.

I met the Secretary of State on several occasions throughout the report to give him progress updates. Those were thorough meetings. As a result of some of those meetings and what I called a significant finding, which I presented to the Secretary of State on 18 November, about the availability of extremist material in prisons, I know he took immediate action. In relation to another personnel issue that I wrote to him about, he also took immediate action and commissioned an investigation. All the way through, I have had a lot of ministerial support and a lot of scrutiny of what was going on.

Subsequently, I presented my report on 17 March. The Secretary of State was very gracious in saying that he thought it was a thorough report. I have been told by the implementation taskforce for the review that, as I have said to you, 68 of the 69 recommendations have been accepted. I hope that answers your question. There has been a very supportive environment for doing the report.

Q22 Victoria Prentis: Thank you for your frankness this morning. Of course, we have not seen your report but we look forward to seeing it in due course. You explained that there has not been complacency at ministerial level, but do you think there has been at the head of NOMS? This is something the POA mentioned to us—that the higher leadership of NOMS have been burying their heads in the sand.

Ian Acheson: You will forgive me if I do not personalise this.

Q23 Victoria Prentis: I am not asking you to personalise with individuals, but within the organisation that is NOMS. Could you tell us if you are worried by the level of complacency?

Ian Acheson: Yes, I think it is fair to say that I was worried by some of the comments that I heard from individual senior people. The way we conducted our business was that we often had interviews with senior people in NOMS and across the criminal justice system, and then we followed them up with email correspondence. At times, that correspondence got very long and quite lawyerly, perhaps beyond the extent that really it should have been. There was an implicit defensiveness.

NOMS is an organisation that has been battered by publicity. I would not take away from that. It is an exceptionally difficult job corporately to run a prison service that is, in many ways, in crisis. I do not take away from that. In relation to Islamist extremism, the evidence we gathered in a cold and sober way indicated, for example in relation to risk management, that this was something that had really fallen off the radar of the NOMS executive management committee and was not regarded as being as important as it should have been. There was not that level of scrutiny, perhaps because their eye was off the ball simply because of lots of other problems that the organisation was confronting.

If I can give you another example that might illustrate the point, I remember having a discussion with a senior director of NOMS who told me quite blithely that the service had made no provision at all to forecast the return of jihadi fighters from Afghanistan or from ISIS-controlled territory or anywhere else because the service was big enough to absorb that. I found that quite astonishing, frankly. That is an example of the level of complacency that I observed.

Q24 Victoria Prentis: Thank you; that is very helpful. I have a couple of specific questions. Did you find examples of extremists deliberately seeking prison sentences?

Ian Acheson: No, we did not find that. Certainly when we asked the Prison Officers Association to give us evidence, they raised that and we were alert to look for it, but we saw no evidence that it was the case. Indeed, when that sort of infiltration came up at all—with a nod to my right here—it was in relation to undercover journalists infiltrating prison staff. We had no information either from intelligence that the Prison Service had gathered—that we saw—or from the Security Service or the police that this was a phenomenon that had legs.

Q25 Victoria Prentis: Did you find any evidence of non-Islamic radicalisation?

Ian Acheson: No, we did not. We were not specifically looking for that, but surely it has to be the case. The problem with Islamist extremism is a problem of perception as much as reality. I absolutely do not want to over-egg the pudding by saying that prisons are entirely awash with radicalised prisoners; it is not the case. The perception on the ground is that this is a phenomenon that is growing. It is supported by intelligence. It is supported by the throughput and increase of screening for potential Islamist extremists, or screening for extremists, which is done through a system called the Pathfinder process. We can say with some certainty that the phenomenon is increasing. Where you have that phenomenon increasing it is surely common sense to conclude that you may have an opposite reaction to it, as people mobilise against a threat they perceive. That is why it is so important to put this thing back in its box, because otherwise it will infect and pervade prisons.

In fact, one of the threat scenarios that we looked at was that the reality or perception of Islamist extremism was such that it became a powerful counter-force to the rehabilitation culture that the Secretary of State wants to establish in prisons. In other words, it became a

legitimate force that would oppose all the extremely good plans that the Secretary of State has to make prisons places of redemption. That is why it is equally important to get extremism of all kinds under control.

Q26 John Howell: I have a couple of questions on the report itself. Back in May, *The Times* suggested that the delay in the publication of the report was because it was being toned down due to your criticism of NOMS. Would you like to comment on that?

Ian Acheson: I think anybody who tried to tone me down—my comments have reinforced this—would be in trouble. There was no toning down of the report. The report that was given to the Secretary of State from me was by my own hand and was subject to no interference.

Q27 John Howell: Do you have any explanations for why publication of the report has been delayed?

Ian Acheson: Obviously you must ask the Secretary of State that.

John Howell: We fully intend to.

Ian Acheson: I made a number of recommendations, quite a few of which had significant legal, policy and indeed financial implications, so I am not surprised that it has taken quite a lot of time for officials to work through the detail. Now is the time to get on and publish the summary of the review—I will say something about that in a minute, if I may—and get on with implementation, as the Secretary of State desires, of the recommendations that were accepted.

In relation to the fact that the full report will not be published, I have absolutely no problem with that at all. Indeed, I had an early conversation with officials myself to say that because of the nature of what we were looking into, particularly around issues like the tactical management of prison incidents, the primacy of the police, the equipment and the response to terrorist incidents inside prison, and some of the intelligence we were relying on to come up with those conclusions, it would be completely inappropriate for it to be in the public domain, because it would simply give succour to people who want to harm us.

Q28 John Howell: But the summary of the report could be published.

Ian Acheson: I saw the cleared summary of the report some months ago and I see no reason why it should be further delayed, but again that is not for me.

Q29 Dr Huq: As a Committee we occasionally get out and go to visit prisons, most recently Wandsworth. The two most striking things are staffing and overcrowding. It is borne out by the figures; 25 of the 68 public prisons are over capacity—over their certified normal accommodation. Overcrowding is adding extra sentence days to people's sentences; you know all this better than we do. There were 13,000 extra days, up by 27% in the last year. Staffing is not at full complement, although there has been a recruitment campaign. Have those factors impacted on NOMS's capacity to do an initial risk assessment and on the reception and induction stuff that is part of the Prevent strategy and should meet every prisoner when they enter the system?

Ian Acheson: I will answer your question in this way. We were not looking at the phenomenon of overcrowding per se. Dealing with radicalised prisoners, de-radicalisation

processes and spotting prisoners who might be at risk of radicalisation clearly have a relationship with staff numbers. Managing highly dangerous, ideologically motivated offenders is and will always be a labour-intensive business, for good reasons as well as security reasons—security reasons are not bad reasons. There are security reasons and good rehabilitative reasons for that ratio to be high.

What I observed, for example, in one of the most unlikely places—the special secure unit in Belmarsh, where a number of Islamist extremist terrorists are being held for various security-related reasons—is that when you have a stable staff group, with an esprit de corps that operates and a stable, well-trained prison staff, you have at least the possibility of getting a foot in the door ideologically with people who wish to dehumanise you, who frankly need to dehumanise you. I speak as a former prison governor and a former prison officer. In other words, the relationships that were described to me were, first of all, perhaps rolling about on the floor and, secondly, transactional. Beyond that there started to be a relationship; it started to be humanised. We are too early into the timeline, particularly in relation to ISIS-inspired terrorist prisoners, to know what could drive desistance and change. Surely one of the things that will drive it is humanisation of the relationship between prisoners and staff. In that respect, when you are dealing with that sort of prisoner representing that sort of threat, you have to have high staff numbers.

Relatively speaking, you have those numbers in the high-security estate. The concerns that we had were particularly in the category B estate, where there were far fewer staff relative to the number of prisoners and a much less sophisticated understanding of extremism. Those places were busy, and frequently they were destabilised. That could be a factor in perhaps missing the early signs of radicalisation, because there was not sufficient time to develop relationships with prisoners. Therefore, there may in theory have been an issue with having sufficient staff to be able to spot and then understand and deal with early manifestations of radicalisation. That is why, in effect, we recommended that some of the category B prisons, as part of an overall response to this phenomenon, be taken inside the high-security estate, so that there is greater capability and capacity to manage prisoners who do not deserve the highest security conditions but who, on the basis of their offence, represent a threat.

Q30 Dr Huq: We got the sense that the staff are being spread thinner and thinner, so some of the pastoral care things are potentially falling through the net. Have all staff received Prevent awareness training on working with extremist behaviour? I think that is now part of the Prevent strategy. That includes the imams as well as the prison officers.

Ian Acheson: At the time of our review, I do not believe that all prison staff had received Prevent training. In fact, it coincided with the roll-out of the Prevent co-ordinators that the Prison Service were going to employ, although back in September or October it was not clear if they had funding to employ them beyond the end of April this year, which seemed a bit nuts to us given the seriousness of the task. Those co-ordinators also seemed to have a very large area to work in, so I do not believe the training had been rolled out, or could have been rolled out.

In relation to training, there were several things that we observed. We were shown induction training for prison staff that it was proposed to roll out in December of last year. That was training in managing extremist behaviour. When we were shown that—albeit a draft, which we then commented on—the way the training was set out was quite striking; there were about eight different scenarios of extremism, of which Islamist extremism was just one. You may

argue that there are different sorts of extremism, and prison staff need to be aware of all of them, but in a way, I think it illustrates part of the problem. There is a sort of institutional timidity—the phrase I used in my report—that I have observed in confronting this problem front and centre, often I guess from well-meaning motives, but it dilutes the problem in terms of severity. It is much larger than animal rights extremism or far right extremism. I do not resile from the fact that far right extremism is extremely worrying, particularly in current times, but there was a tendency to dilute and obscure the training.

The training itself, in relation to Islamist extremists, talked about al-Qaeda. In fact, I discovered incidentally, in relation to Irish terrorism, that it talked about the Provisional IRA. There was no mention of either ISIS or Daesh or of dissident republican terrorism. It gave a sense of how far behind the curve those responsible for creating the training products were. That is another reason why I am very keen that there is some progress, and that external validation of that progress is made at pace. It is exceptionally important that our prison staff are equipped to deal with this phenomenon and are supported from top to bottom, ministerially to managerially, on the frontline to confront and deal with the problem. It is not the case at the minute, and we are missing a trick by not bringing staff along with us.

Q31 Dr Huq: That is for incoming staff. I guess there is no hope that the existing staff would have had it. You said not everyone has had it.

Ian Acheson: To be fair, there are various bits of training in relation to extremism, and some staff have had it. We surveyed 43,000 NOMS staff. I will see if I can find the feedback.

Q32 Dr Huq: It sounds as though it is not being updated if old terms are being used.

Ian Acheson: I am just giving you an example of the kind of mindset and the quality of training that needs to be significantly improved. We surveyed staff, and certainly the feedback we were getting was that training was not adequate and needed to be significantly improved. Obviously, training is a very crowded piece. There is all sorts of other training that needs to take place, but we think that new entrant prison officers in particular need to be properly equipped to detect and deal with Islamist extremism. It is not simply a question of having the technical skills to do so. It is a question of a clear message that goes down corporately to say, “We do not tolerate anti-British behaviour. We do not tolerate homophobic behaviour dressed up as or masquerading as religious expression. We do not tolerate any forms of behaviour that are inimical to the Prevent duty, and we will challenge those.”

As I mentioned to you, there is a significant fear among prison staff about challenging that behaviour. Some of them do. We have some very brave staff who work in conditions where they deal with exceptionally dangerous people, and they confront them appropriately about their behaviour. There is a responsibility as a service to do what I recall from my days in the Prison Service as pro-social modelling, even with the most dangerous prisoners, and to confront that narrative on the landings where it exists, and where it can grow if it is not challenged. We are not doing enough to equip prison staff to do that at the moment.

Q33 John Howell: I want to push you a bit on a topic that was raised earlier, which is the existing strategy of dispersing extremists in the prison estate. Your view is that convicted extremists should be held together. Would you expand a bit on that so that we can understand your thinking behind it?

Ian Acheson: If I may say so, I have not said that all convicted terrorists must be held together. Of course, you do not have the benefit of the review. We spent more time talking about the concentration of highly dangerous Islamist extremists versus their dispersal than probably any other issue that we dealt with as a review team. I went to three prisons in Europe. You can probably tell from my accent that I am from Northern Ireland, and I have some operational experience of the Maze prison. We went to Maghaberry prison outside Belfast, where dissident republican terrorists are held together in Roe House, which is effectively a prison inside a prison. I wanted absolutely to test our thinking on this to destruction, because it is such an important issue.

The evidence that we gathered led us to conclude that there are a small number of prisoners—we call them a security threat group—in relation to the Islamist extremist threat. They may come from a group of prisoners who have been imprisoned for terrorist offences. They may have developed into extremists in custody. They may not have been convicted of any terrorist offence prior to coming into custody. Nevertheless, there ought to be sufficient intelligence, and I believe there is, that there are a small number of people whose behaviour is so egregious in relation to proselytising this pernicious ideology—this lethal, nihilistic death cult ideology, which gets magnified inside prison, particularly when you have a supply of young, impulsive and often highly violent young men coming into custody—that you have an ideal breeding dish for this. We believe there is justification for saying that that small number of people need to be completely incapacitated from being able to proselytise to the rest of the prison population.

That is a security response, and we do not resile from that. We are absolutely clear about it; the evidence suggests to us that that needs to happen. If it was only that, it would fail, and you would create all the conditions for magnifying the sense of grievance that perhaps fuels some Islamist extremist behaviour. We have a very sophisticated model in mind, which is that these people are placed in units. The units are not in any way punitive, but they are completely physically isolated from the rest of the prison grounds. They are not in new prisons but in existing prisons, probably, we think, in the existing high-security prison estate. The wing is not called anything. Nick Hardwick, the former chief inspector of prisons, gave me a piece of wise advice once, and that was always to try to be ordinary, if I could, in my recommendations. I take that to heart. If you had a prison that had wings A to K, this would simply be L wing. Without any fanfare, there is a unit—probably a new-build unit. I was very impressed when I went to the Netherlands—incidentally, I went to the Netherlands, Spain and France. All three of those jurisdictions, and other jurisdictions in Europe, are starting to isolate their jihadist prisoners. The feedback, operationally at least, is that it has had a beneficial effect on the order and control environment inside their prisons.

Based on intelligence, there is a unit that isolates these prisoners. It is not a place where they will stay. Their movement would be contingent on their tackling offending behaviour programmes. We say quite a lot in the report about the quality of offending behaviour programmes, and much has been made of that, but what we are talking about in broad terms is an individualised response. If a prisoner needs a theological, psychological or behavioural intervention, or if there is a family dynamic that needs to be explored, all those things are brought to bear in an individualised programme to try to reduce the dangerousness of those people. That is necessarily going to be a very long task, and sometimes it will fail. We saw a number of people in custody who we thought would probably never resile from their ideological leanings and their fealty to Islamist extremism.

Over time and with the right amount of interventions, and, as I said to Dr Huq, the humanisation of those relationships, I suspect it can be done. What we need to do, particularly for the 12,500 predominantly young Muslim men in prisons, is to have more Muslim prison officers so that there is more of a frame of reference for Muslim prisoners. That is glaringly missing, and it is emphatically a task for the Prison Service. If you have that sort of arrangement, you will say to people, “If you participate in these programmes, you have the prospect of being returned to a normal location.”

That will do a number of things. It will isolate the problem, and it will allow the Prison Service to act where a vacuum has been created. If the intelligence is correct—and it is not an easy task by any means—it will allow the Prison Service to fill that vacuum and break up some of the structures that were put in place. These people were sometimes managing the de facto segregation of prison wings between Muslims and non-Muslims. It would allow some space for something more hopeful to develop. It is a very sophisticated answer to a very intractable problem, and perhaps I will have a chance to return to tell you more about it. It is emphatically not about prisons for Muslims or prisons for terrorists. It is a very nuanced response to a very serious problem, which holds out the possibility of redemption at the end of it as well.

Q34 Richard Arkless: You have helpfully clarified that eliminating radicalisation in prisons can be a labour-intensive business, and you have made 69 recommendations. We have heard from Dr Huq that there are resource pressures on prisons, so, in simple terms, do you think that the prison estate and NOMS are sufficiently resourced to be able to implement 68 of your 69 recommendations? Did you make any assessment of the extra resources required during your report and your recommendations?

Ian Acheson: That is a very pertinent question. My job was to produce a diagnosis rather than to go into the cure, although in relation to the units we have gone into some detail. A lot of the recommendations are process recommendations. They are recommendations to change behaviour, culture and relationships, and tactics in relation to the police and so on. I have not conducted an assessment of how many staff would be required.

Q35 Richard Arkless: Do you think the prison estate at the moment is sufficiently resourced to be able to implement 68 of your 69 recommendations? Is that an assessment you have made or not?

Ian Acheson: No, I have not made that assessment, but I rely on the fact that I am told that 68 of the recommendations have been accepted as proof that the Ministry of Justice believes that those recommendations can be implemented.

Chair: Mr Acheson, that has been extremely helpful. We are very grateful to you for your very frank and full evidence to us today. As you say, it may be a matter that we return to in due course. Thank you very much.

Examination of Witness

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

Q36 Chair: Secretary of State, welcome, and my apologies for having kept you waiting. You will gather that these are important issues, and you will have heard some of the evidence that Mr Acheson gave. What I would like to do is start on the radicalisation issue, and then we are going to ask about some of the broader prison agenda over which you also preside.

Michael Gove: Thank you; I would be delighted to do so.

Q37 Chair: Could you help us, so far as you are able to at the moment, by giving your reaction to the Acheson review and its recommendations? Are you able to help us with the response you have made or are proposing to make?

Michael Gove: Yes. I heard some of Ian's evidence to you, and I know that you took some evidence in private. In essence, I was very grateful to Ian for undertaking the work that he did. The report that he delivered contains a number of quite sensitive aspects of detail, which means that our view was that it was unsuitable for full publication. In conversation with Ian and with colleagues across Government, we have agreed in broad outline an abstract that goes to the heart of all the arguments that Ian made and sums up the recommendations.

As I think Ian indicated, we have accepted the overwhelming majority of his recommendations and hope to implement them. We also hope to publish that abstract in due course. As I am sure the Committee will appreciate, the reason that it has not yet been published is that we need to secure the agreement of other Government Departments. Although there has been no opposition, there has been a natural desire on the part of other Government Departments, when dealing with such a sensitive matter, to make sure that every "i" is dotted and "t" crossed, but I hope that we will certainly be able to publish the summary and the recommendations in short order.

Q38 Chair: That is very helpful. I do not know if you can help us as to whether or not the point Mr Acheson raised about the Prevent awareness training having been fully rolled out has yet been taken on board.

Michael Gove: Yes. One of the things that Ian may have mentioned, and certainly that I would like to mention, is that we have made some changes at senior level in NOMS. An outstanding former governor, Claudia Sturt, is now taking forward this work, in order to ensure not only that the staff are appropriately trained but that some of the operational recommendations, which are well evidenced and appropriate—I hesitate to say straightforward—are now being implemented.

Q39 Chair: Would that also include making sure that the risk assessment requirements are fulfilled? There was some concern that was not the case.

Michael Gove: Yes, absolutely.

Q40 Chair: There was an issue raised around the situation of imams and some of the programmes that were used. There has been reference to the Tarbiyah programme. Have any steps been taken about that at this stage?

Michael Gove: Yes. There are two programmes that I should mention. One, Ibaana, had been in preparation before I arrived at the MOJ. I had a number of concerns about it, and we sought to replace it. In relation to Tarbiyah, again a number of concerns have been brought to

my attention about that programme, and we are rewriting it. I have talked to colleagues in NOMS, and we are making sure that we have external support, including from the think-tank Quilliam and others.

Q41 Chair: Do you propose to make any changes to reinforce the capacity of NOMS in the light of the findings?

Michael Gove: Yes, I do. Again, I must be careful, because one of the things we know, at a time of political change, is that there will be a new Home Secretary in place in the next 48 to 72 hours. I must allow him or her, because he or she will be the lead Minister with respect to extremism, to have a chance to read the report and come to any conclusions they might about other areas.

Q42 Chair: That is perfectly understood. Mr Acheson talked about the sophisticated model that was postulated relating to the small number of prisoners who may be so dangerous that they need to be incapacitated. Are you in a position yet to say what the Government's approach is to that?

Michael Gove: Again, I am very sympathetic to the recommendations that Ian has made. He gave a very clear and comprehensive analysis of not only some of the dangers and challenges of concentrating the most difficult prisoners but some of the dangers and challenges of allowing them to continue to be in a position where they can proselytise and radicalise. It is our belief that the way in which we currently deal with those prisoners needs to change, but again it is vitally important that I give whoever is the new Home Secretary an opportunity to ensure that he or she is happy with our recommendations as well.

Q43 Alberto Costa: Are you in a position to say, Secretary of State, given the comments Mr Acheson made about the number of Muslim prison officers, whether or not there will be any form of positive recruitment for many more Muslim prison officers?

Michael Gove: Overall, we need to make sure that we augment the capacity of existing prison officers and new recruits to understand the challenges. We also need to make sure that under-represented communities are part of the Prison Service. I am absolutely committed to making sure that we can recruit more people who have a Muslim faith background to work in our prisons, yes.

Q44 Dr Huq: It is good to see you, Lord Chancellor. This time last week we thought you might not be here because you might have other leadership things in mind, but they seem to have fallen like skittles since then. Good to see you this morning.

We are just gathering what we can from leaks from the report so far, because it is not out. I wondered if you had seen the Barrow Cadbury Trust's funded report called "Young Muslims on Trial" and a paper by a theologian called Ryan Williams—not Rowan Williams—from Cambridge University. They have both concluded that people can often jump to wrong conclusions about things like Muslim prisoners praying and reading the Koran. They have come up with conclusions, including the one that Mr Costa put to you, about having more Muslim prison officers. I would caution you to take heed of these academic findings. Often there is wrong-end-of-the-stick-itis. Conversion is often seen as a sinister thing. I know you are a Wham fan from seeing you rap, but Ian Brown, the lead singer of Stone Roses,

apparently converted to Islam for a period when he was in prison because he said the food was better; he got chickpea curry and not spam.

What is your opinion on another recommendation, which was the licensing of imams? That has been floated before in various forums.

Michael Gove: There was an amazingly comprehensive range of allusions in that question, from my being struck out as a skittle in the course of the last seven days to my fondness for 1980s music. At the core of your question are two very important points, if I may say so. The first is that it is often the case that people find faith in prison, and it is often the case that that faith, whether it is Christianity, Islam or another, can be a source of renewal for that individual and can give structure, meaning and purpose to their life. You are absolutely right to say that we need to draw a clear distinction between people who use their time in custody to reflect on their past life and then embrace faith—a wholly welcome thing—and radicalisation.

I have always tried, both in my previous career as a journalist and as a politician, to draw a very clear distinction between religious piety and political extremism. Your question gives me an opportunity to restate that. It is really important that we stress that they are two very different things, and it will often be the case that people will embrace religious piety but absolutely do not cross over into engaging in political extremism. Staff in prisons from a variety of backgrounds can help us to ensure that the decisions of an individual to convert or to deepen their faith are respected and supported, but that the separate path that some may go down of political radicalisation is detected and dealt with.

Related to that was your point about academic research. That is critical too. There is academic research about the impact of incarceration on people as they reflect on the decisions they have made in the past and the new moral path that they might follow. That is important, and so too is academic research into radicalisation and the particular factors that lead some people to go down that path. It will certainly continue to influence the work we do in NOMS, as it has already influenced Ian's work.

On the final point about licensing imams, in the light of some of Ian's recommendations we are reviewing how we do that. The one thing I want to say is that I have met and benefited from conversations with some outstanding imams who are currently working in our prisons. I would not want any cloud to hang over anyone who is currently working in our prison system. Those whom I have met and have had the pleasure of talking to are doing an outstanding job.

Dr Huq: Are you monitoring the rise of post-Brexit racism within prisons? *The Guardian* last week said that it has rocketed there as well.

Michael Gove: I listened to the Director of Public Prosecutions earlier today, who made the point that more hate crime was reported overall in the course of the last 12 months. She made the point that at the moment it was difficult to tell what all the factors were that had led to that increase in the reporting of hate crime. Of course, we monitor all sorts of incidents that occur in prison. As you know, and as we acknowledged in the House of Commons on Monday, there has been a significant increase in serious assaults in the prison estate. We try very hard to ensure that we monitor the reasons why assaults have been on the increase.

Whether or not there is a relationship to outside political events, I will leave to others to decide.

Chair: We will move on to the broader prison reform agenda, but I am grateful for your help on those very important matters, Secretary of State.

Q45 Mr Hanson: In March, we discussed some of the issues around the proposed reform prisons. We now have six reform prisons in place and six governors for reform prisons in place. How did we choose the prisons and the governors?

Michael Gove: We chose the governors in consultation with NOMS. We chose people who were outstanding leaders within the Prison Service. We chose a range of prisons. We did not simply want to choose prisons that were already performing well. We wanted to show that in a variety of different contexts a greater degree of autonomy could bring results. The idea of choosing those six prisons was to ensure that they were as representative a cross-section as possible of the prison estate, in order not to cherry-pick prisons that would automatically prove a particular preconceived agenda.

Q46 Mr Hanson: I genuinely want to get to the bottom of what a reform prison means. Last week when we asked the prisons and probation ombudsman in this very room, and when we asked the chief inspector of prisons in this very room, they did not have much of a clue as to what it meant in real terms—and also what the baseline was from which they were monitoring what it meant in real terms. Perhaps you could help us by giving some indication of what you expect of a reform prison as of 1 July.

Michael Gove: As of 1 July, reform prison governors have been given operational freedom in a variety of areas, over everything from how they allocate their budget to the ways in which they can reward individuals who work in those prisons. The principle is that a greater degree of autonomy should progressively be granted to those prisons. At the moment, the governors are free from a variety of the NOMS regulations that have hitherto ensured that they operate within particular constraints. I hope that when we publish both our White Paper later this year and then legislation in due course, additional freedoms and additional independence will be entrenched in statute.

Q47 Mr Hanson: Why would the chief inspector of prisons, at question 35 last week, when I asked him what he understood a reform prison to be, say, “There is still a lot of opaqueness around that”? If he does not know, how does the estate know, how does the Prison Service know and how do the public know what the benchmark is and what the tests are for the reform prisons?

Michael Gove: I would say two things. The first is that the chief inspector of prisons was absolutely right. There will be more detail to come, as I mentioned. The principle of reform prisons is to give people gradually increasing levels of autonomy. The best answer I can give to your question is to look at what individual governors have done and are doing differently in order to take advantage of the new freedoms they have. For example, one governor is responsible for Kirklevington Grange and Holme House—two individual prisons—and one of the things that he has done is take advantage of the fact that he no longer has to follow the PRS, the prison rating system, which is drawn up by NOMS. As a result of that he has been able to ensure that individuals who otherwise, under the pre-existing regime, would have been incentivised to be in the workshop in the prison, can now work outside the prison in a

way that makes it easier for them to acquire the habits and develop the pro-social behaviour that will make it easier for them to take up work on the outside when released.

I would say that seeing is believing. The answer to what a reform prison is doing that is different is to look at the changes that have been made. It is 12 days since the first reform prison governors were given the opportunity to make changes, and already we are seeing steps being taken in each of the individual institutions.

Q48 Mr Hanson: I accept that, Secretary of State. This is not from somebody who is opposed to the general principle. I am simply trying to get to the fact that, if the chief inspector of prisons and the prisons ombudsman said to us last week that they do not know what the baseline is for measuring the success of the prisons, I am interested to know from you what you think is the baseline. There are changes, but how do you judge whether improvements have been made through the reform programme?

Michael Gove: In a speech that I gave last night to the all-party parliamentary group on penal affairs, I made the point that ultimately there will be long-term judgments that we make about the success that these prisons have in rehabilitating offenders and ensuring that individuals do not go on to reoffend. It is also the case that there are short-term judgments that we can make about how effectively prisons are operating. In our White Paper we will be outlining a new system of accountability designed to ensure that prisons—not just reform prisons but all prisons—are judged more effectively on the impact that they make on the lives of individuals in custody.

Q49 Mr Hanson: Are the current Prison Service instructions centrally issued by NOMS still valid in all reform prisons?

Michael Gove: Not all of them, no.

Q50 Mr Hanson: Which ones are not?

Michael Gove: Individual governors have freedom to depart from some of the PRS criteria, for example, as I mentioned earlier.

Q51 Mr Hanson: I think it would be very helpful if you could publish now—because we need to know, and I am sure the prisons ombudsman and the prisons inspector would need to know—which PSIs, prison service instructions, are not being utilised, or which ones governors could move away from.

Michael Gove: Yes.

Q52 Mr Hanson: Is that an agreement to publish which PSIs governors can now—

Michael Gove: In the reform prisons, absolutely, yes.

Q53 Mr Hanson: Before the White Paper.

Michael Gove: Yes, there is no reason not to.

Q54 Mr Hanson: That would be very helpful.

Secondly, could you tell us whether or not the reform prisons have had extra funding as part of any allocation on Prison Service issues to deal with, for example, prison safety?

Michael Gove: There are two separate things. There has been some additional funding for the reform prisons in order to make the transition, but it is also the case that 69 prisons have received additional funding to deal with security issues. NOMS made an operational judgment about which prisons within the overall prison estate required additional funding in order to deal with particular security problems.

Q55 Mr Hanson: What about other Government Departments? Obviously, from 1 July, reform prisons could potentially commission health, employment and skills services from departments other than the Departments of Health or Business. What is their view of that? What assessment is being made by DH and BIS of the reform prison programme?

Michael Gove: With respect to BIS and Education, BIS have transferred the money that used to be allocated, through OLASS, to particular further education colleges for prisoner education, and that money is coming to the MOJ. Reform prisons are in the vanguard of being able to commission alternative education provision.

As for health, we have been in discussion with Health Ministers about how we can commission or co-commission services in the future more effectively. So far we have found that both BIS and the Department of Health have been hugely encouraging about the direction we wish to go in.

Q56 Mr Hanson: Could you give us some indication of whether there is another jurisdiction anywhere else in the world that currently has that level of local government autonomy on performance metrics, league tables and assessment of individual governor performance, and, ultimately, whether there is a model you are working to or whether this is entirely home-grown?

Michael Gove: It is not entirely home-grown, no. It has been influenced by looking at penal policy in other European countries—I was about to say other EU countries—and by looking at some of the steps that have been taken in similar jurisdictions from Singapore to Canada. Of course, our reform programme has been influenced by what happens in other jurisdictions, but it is also shaped by some of the unique circumstances that prevail in our prison estate.

Q57 Mr Hanson: I have one final point, which links to what the prisons ombudsman and the prison inspector said. Ultimately, when things go well in the reform prison, lots of people will take credit. If things go wrong in the reform prison, where does accountability lie? Is it with the governor, NOMS management or the Minister? Where does accountability lie ultimately?

Michael Gove: With me.

Mr Hanson: That is clear enough.

Q58 Victoria Prentis: Let's hope it stays that way. As a Committee, we are absolutely interested in and keen on the idea of reform prisons. I am sorry to be balls-aching, but we need to look very carefully at how we measure the results that come out of them. With regard to the pilots, you said "vanguard" earlier, which I thought was a telling word. Are they also being used as a test? Are they pilots in the true sense of the word?

Michael Gove: Yes. The point about the choice of those six prisons and the four governors who are responsible for them is to help prepare the way for what we hope will be a greater degree of autonomy overall within the prison system. Analogies have been used, and they are not always helpful even though I have used them myself, but I will deploy them now because they are probably the best way of understanding things. When the first academy schools were established, and when the first foundation hospitals were created, the intent was to ensure that people at the frontline could exercise a greater degree of freedom. Indeed, we learned from some of the—I hesitate to say missed steps—particular policies that were piloted in the early academy schools before we then went on to refine the model. By “we”, I mean the preceding Labour Government, the coalition Government and this Government.

At the moment, the principle is that new governors were appointed. From 1 July they were given a greater degree of operational freedom. The White Paper will outline, and legislation will subsequently outline, how a greater degree of autonomy—

Q59 Victoria Prentis: Can I stop you for a minute? I think you told the House last month that your original intention was to publish a White Paper and the draft Bill at the same time in the autumn. Has that now changed?

Michael Gove: My intention is to publish a White Paper this autumn. I have asked the Department to make sure that it will be ready for publication in October. If it is ready earlier, I will let you know. The Bill will come later than that. It is important that there is an opportunity for people to reflect on and discuss the White Paper before we then produce legislation. One of the things I also want to do is to make sure that the working behind the legislation we produce—the proposed prison and courts reform Bill—is shared with this Committee at the earliest possible time.

Q60 Victoria Prentis: Will we get it in draft?

Michael Gove: I am not sure yet whether or not there will be a draft Bill or whether we will produce a means of allowing a discussion around particular policy areas both in prisons and in courts reform before we then move to producing a Bill.

Q61 Alberto Costa: Ms Prentis has more or less asked my questions, but could you briefly expand your answer in terms of the timetable for the legislative proposals?

Michael Gove: My hope is that we will be able to introduce the Bill in the course of this parliamentary session, but I think it will be at the back end of the parliamentary session. I do not think that we will have a Bill ready to go until the beginning of the new calendar year.

Q62 Chair: Secretary of State, we are embarking upon this immensely ambitious programme of reform as well as estate modernisation, which we will touch on in a moment. At the same time we are doing that against the background, which we were both discussing in the Chamber on Monday, of pressures on prison safety. Are you confident that there is enough capacity in terms of staff and managerial capacity at the moment within NOMS and the Prison Service both to make the reforms and to meet the safety challenges? The concern is that you cannot do the two at the same time.

Michael Gove: I quite understand. Unless we make some of the reforms that we have been talking about, we will not deal with the particular problems that we have with safety and

security. One of the concerns that I have had since coming to office is the way in which prisoners' time is deployed and the way in which prisoners themselves are given a sense of hope and optimism about their future.

I will mention two things in particular. We are proposing to change the incentives and earned privileges scheme to ensure that there is a greater degree of governor control and autonomy, so that behaviour in prison is more closely linked to a governor's judgment about the regime that an individual should enjoy. I was very struck, as I may have told the Committee before, about the way in which the MCTC, the armed forces prison in Colchester, has a very close relationship on the part of the commanding officer between behaviour and reward, or in some cases sanction. That creates a much more positive environment. Some of the problems we have with security and safety come as a result of boredom, frustration and a sense of futility and hopelessness on the part of prisoners, which means that either they resort to drug-taking or their frustrations manifest themselves in violence. If there is a more constructive regime, it can make a change.

One other area, which affects only a small number of prisoners but is one where I am anxious to move, is with respect to IPP prisoners. Yesterday, I had the opportunity to talk to Nick Hardwick, the chair of the Parole Board. It is important that we recognise that, although there are some prisoners who are currently in that regime who must remain in custody because they pose a risk to the public, we must do much better in making sure that we process those cases. If individuals believe that they are going to remain in custody for a significant amount of time and there is very little they can do to influence that, it again creates an atmosphere of frustration that contributes to making the estate less easy to manage. Reform is a necessary aspect of making sure that we provide calmness and order in the prison estate.

Q63 Victoria Prentis: Your Department has very kindly provided us with confidential information about IPP prisoners up to March this year. Do you have any observations about the characteristics of those prisoners—the type of prisoners who are currently held under IPP sentences?

Michael Gove: One can divide it in certain ways. There are just over 650 whose tariff was for two years or less.

Victoria Prentis: It is those who most concern us, as they must you.

Michael Gove: Exactly. Talking to the chair of the Parole Board yesterday, they are the individuals who are the focus of our greatest attention. There are also some who have been in custody for longer than would have been the case if they had simply had a determinate sentence for that crime. There are people who have been in prison for far longer than would have been the case if they had been given the maximum sentence that was not an IPP. Of course, there will always be individuals, some of whom might have been sentenced for a relatively short period, whose previous record of offending and whose risk mean that they should remain in custody. But it is that particular cohort that is the focus of our greatest attention.

Q64 Victoria Prentis: Would you consider changing the release test or other legislative change in order to deal with that cohort?

Michael Gove: I am actively considering what we can do at the moment. I do not want to anticipate what I or the Parole Board will say, but I think you can take it as an absolute yes that we want to make sure that we make progress.

Q65 Victoria Prentis: That in itself is helpful. One other way we could help to deal with this is by the provision of more offender training courses so that prisoners are able to prove that they have done the offender work. Is there a plan at the moment to target such work at IPP prisoners?

Michael Gove: That is one of the areas that I am in discussion about with both NOMS and the Parole Board. We want to make sure that people have an opportunity to demonstrate that they have engaged in such a way as to reduce significantly any risk on their release. We want to ensure that people who are determined to demonstrate that they have turned the corner and wish to make a positive contribution are given the opportunity to do so. You are absolutely right to draw attention to the fact that there are individuals who have been denied the opportunity to prove that.

Q66 Victoria Prentis: Is there going to be extra monitoring of IPP prisoners on their release? Is that something you have considered?

Michael Gove: One of the things that we need to consider is not so much extra monitoring but the rules around recall. Again, I do not want to anticipate what we may say, but you are absolutely right to suggest that, at the same time as taking a potentially new approach to this cohort, we also need to provide people with appropriate reassurance, both that these judgments are being made holistically and in the interests of public safety overall and that individuals on release are going to be treated fairly and given a positive opportunity to demonstrate that they are now making a contribution to society.

Q67 Victoria Prentis: Thank you; that is very helpful. Perhaps we could ask that you come back, if necessary, when the plans are slightly more advanced to discuss it. This is clearly not quite the moment to do so.

Michael Gove: I absolutely hope to, and without wanting to speak for him, I am sure that, once some of the policy detail has been thrashed out, Nick Hardwick would be delighted to come and explain how the Parole Board will help us in that role.

Chair: Indeed. He has been most helpful and frank with us so far.

Q68 Alex Chalk: I want to pick up some of the comments you made earlier, Secretary of State. If I may say so, as context for my question, I and many of my colleagues hugely welcome the agenda that you have come up with—trying to get rid of boredom and frustration, reform prisons, the treasure in the heart of every man; it is all fantastic—but can you achieve any of that where you have prisoners in certain prisons locked up for 23 hours a day? Isn't that really what you have to focus on before you can do all the other exciting stuff?

Michael Gove: To paraphrase, we have to walk and chew gum at the same time. We have to do both. You are right. It is not restricted to local prisons but it is particularly acute in local prisons; there are individuals who are in their own cell for an insupportably long period. That needs to change, absolutely. One of the reform prisons, Wandsworth, is a local prison. It is very big, and because of the nature of its design it is not an optimum place in which to keep

offenders. Nevertheless, there are changes being made by Ian Bickers, the governor there, even now, in order to ensure that there is more purposeful activity for more of the prisoners more of the time. You are right: it is in no one's interests to have a situation where individuals are behind their own door for that length of time.

Q69 Alex Chalk: What I am anxious to ensure is that, while one is focusing on all these exciting ideas, one does not lose sight of the wood for the trees. The wood, if I may respectfully say, is to get people out of their cells and on to courses. That has to be act 1, scene 1, hasn't it, otherwise everything else is doomed?

Michael Gove: Yes. The first thing I would say is that, broadly, making sure that prisoners are engaged in purposeful activity is a sign that a prison is working well. One of the things I have discovered doing this job—I knew it anyway from Education—is that having one target or one metric for what a successful institution looks like skews behaviour. Certainly, if one were to have to choose one, ensuring people were involved in purposeful activity would be just that. One of the things about Sally Coates's education review is that it was explicitly designed to ensure that we did not just improve the provision but changed the culture in all our prisons to ensure that more prisoners were able to acquire the qualifications that would enable them to succeed on the outside.

One of the other changes, of course, that reform prisons are pioneering is making it easier for prisoners to undertake work, and allowing prison governors to use the money that comes from prisoners doing productive work to reinvest in the prison and in the regime, so that we reinforce positive incentives to get people contributing positively.

Q70 Alex Chalk: Fantastic. Can we have confidence that your Department will keep a laser focus on that issue of the amount of time people are inside, because it is such an important metric?

Michael Gove: We focus on a variety of metrics and, absolutely, we are keeping a particular focus on that. Colleagues in the Department know that that is the one metric that I have said I am most attached to, but they have also stressed to me that it is important to balance them all together.

Q71 Dr Huq: I want to ask about prison estate modernisation. The announcements we are getting on prison closures seem to happen on an ad hoc basis once the decision is made. Also, a number of those that have been closed have not been disposed of. There are going to be five new prisons in the four remaining years of this Parliament, if we do not have a snap election. Do you remain committed to that? If so, when will we hear when the new prisons will be built?

Michael Gove: Yes. If I am still in post, snap election or not, I hope the details will be announced in the autumn. I would not say that there has been an ad hoc approach. We announced the closure of one particular prison, Holloway, for particular reasons to do with the reconfiguration of the female estate. We made an announcement about the closure of HMP Kennet, because it was not the best site for holding the prisoners who were there. We will be saying more in the autumn both about which prisons we propose to close and about where new prisons might be built.

Q72 Dr Huq: Is there a clear strategy for prison closures and decommissioning?

Michael Gove: Yes.

Q73 Dr Huq: We are all in the dark about this. We do not know what is in your report on radicalisation, and these prisons are being kept secret.

Michael Gove: There are two things I would say. First, on radicalisation, I think Ian Acheson has been admirably clear and honest with you. More information will be shared in due course. As for the prison estate transformation, work is going on at the moment, including determination to ensure that we have the best commercial advice, to identify which sites would be the best to sell. We have identified prisons that could be closed on the basis of a variety of factors and we will present in the autumn our final decision on which should, and where new prisons should be built.

Q74 Dr Huq: In March you told us that the remainder of the estate, which is seven eighths of the prison population, would continue to be invested in. Is that still the case? I am asking about Wormwood Scrubs, local to me. Two prison officers have been attacked recently and there are staff walk-outs. People want assurances. You mentioned the Sally Coates education review. Will all those things continue? Will digitisation and all those kinds of things go ahead? At the moment it feels like stalemate.

Michael Gove: You are absolutely right to be concerned about Wormwood Scrubs. As I stressed earlier, local prisons tend to pose the greatest challenges for NOMS and governors. There have been particular challenges in Wormwood Scrubs. Funnily enough, it was one of the first prisons I visited when I was Education Secretary. The experience there convinced me of the need for us to change the way in which our prisons are run. What I would say is that we will continue to invest in the maintenance and upgrading of the estate that is not sold.

Q75 Chair: One of the key things for the success of the reform prisons is going to be the monitoring approach. You said very fairly to Mr Hanson that ultimately the buck stops with you as the Secretary of State. Will you be publishing the criteria against which success or otherwise is monitored, and the process by which that is done?

Michael Gove: Yes. There are three different ways in which I would like to see accountability exercised. The first is that there should be certain clear dipstick measures, as I have termed them, which mean that at any given point one can see how well a prison is operating. Following Alex's point, one of them would be, for example, the amount of time spent in purposeful activity—not just out of cell, but in purposeful activity. There will be a range of metrics that anyone could look at and see how well the prison was doing at that point.

Secondly, it is only fair to allow governors themselves to set aspirational targets for their own institutions. We can then say, "Okay, Ian Bickers, you want to achieve X and Y at Wandsworth. That is great, and we will measure you against that."

The final thing—the most difficult—is to draw a direct line between what happens in the institution and the subsequent behaviour of offenders. We know of course that you cannot place direct responsibility on an individual governor for the actions thereafter of everyone who has been in their institution, but we need to try to ensure there is a relationship between what we do in custody and the likelihood of reoffending.

Q76 Chair: You make a fair point about what happens thereafter. That links to the transforming rehabilitation programme. Is the Department reviewing that at the moment, independently?

Michael Gove: Yes, we are. One of the things that we want to make sure of is that we have the right mix between the National Probation Service and individual community rehabilitation companies. The other thing, as I think I mentioned in the House the other day, is that some of the community rehabilitation companies are performing more strongly than others, and it is important that we learn from those that are working well and support those that may be going through difficult times.

Q77 Chair: Perhaps that is a topic we can return to. We are glad to know that there is a review.

The final thing from my point of view, unless any members have other questions, is the Bill—the prisons and courts Bill. Could you help us with what the courts bit of it might be? Might it include, for example, different approaches to sentencing, which might reduce the pressures on the prison population?

Michael Gove: Yes, absolutely. I would say two things, and thank you very much for touching on it. The first is that some of the changes will have been prefigured by Lord Leveson's and Lord Briggs's work. They reflect the broader programme of HMCTS reform, which is secured with Treasury backing. I hope that before Parliament rises we will be able to publish a broad narrative outlining the nature of courts reform. It is my intention, if I am still in post, to do that next week if the new Prime Minister is happy with that.

There is one particular thing that I am very keen to do, and where I have been delighted by the support from the judiciary, and that is to move towards problem-solving courts. This Committee has made the case for just that approach, and we hope that four or five Crown courts will be able to adopt a problem-solving approach. I am sure every member of the Committee appreciates why both in north Liverpool and in the Glasgow drugs court we have seen examples of the judiciary being actively engaged in diverting people away from custody by ensuring that they receive support, whether that is mental health care or drug and alcohol abuse support, to tackle the cause of their offending behaviour. It has been hugely encouraging that the judiciary have been so positive and engaged in this work. It is a move away from the traditional role of the judge as the impartial dispenser of a sentence and the impassive face of justice to a much more personal and engaged approach to try to ensure that an offender's behaviour is tackled effectively. It is great that the judiciary, and the Lord Chief Justice in particular, have shown such leadership on this.

Q78 Chair: You are absolutely right, and I am grateful for that comment about Lord Thomas, because every one of us who has engaged with him, right the way down the ranks of the judiciary, has found how positive this approach is.

Michael Gove: Let me place on record my huge gratitude to the whole judicial executive board, but also to the Lord Chief Justice. He is an outstanding leader of the judiciary.

Chair: We are at one on that. The renewed commitment to radical reform in the area is a very positive note, which I think we all share as members of the Committee. I thank you as

always for your time, your courtesy and your evidence, Secretary of State. We look forward, I very much hope, to continuing to discuss this with you in the future.

Michael Gove: It is a pleasure to appear before this Committee. Thank you very much.