

Justice Committee

Oral evidence: [Prison reform](#), HC 548

Tuesday 28 February 2017

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[Watch the meeting](#)

Members present: Robert Neill (Chair); Richard Arkless; Alex Chalk; Alberto Costa; Philip Davies; Kate Green; Mr David Hanson; and Victoria Prentis.

Questions 449 - 553

Witnesses

I: Janine McDowell, Chief Operating Officer, Justice UK and Ireland, Sodexo; Jerry Petherick, Managing Director Custodial Detention Services, G4S; Julia Rogers, Managing Director, Justice and Immigration, Serco; and Nigel Taylor, Managing Director, Carillion Services.

II: Sam Gyimah MP, Minister of State for Prisons and Probation, Ministry of Justice.

Written evidence from witnesses:

- [G4S](#)
- [Serco plc](#)
- [Serco Justice and Immigration](#)
- [Sodexo](#)
- [Carillion](#)
- [Ministry of Defence \(October 2016\)](#)
- [Ministry of Defence \(January 2017\)](#)

Examination of witnesses

Witnesses: Janine McDowell, Jerry Petherick, Julia Rogers and Nigel Taylor.

Q449 **Chair:** Welcome to all our witnesses. We will come to you very shortly. Do any Members have interests to declare? I am a non-practising barrister and a consultant to a law firm, as per my entry in the register.

Victoria Prentis: I am a non-practising barrister who provided legal services to the Prison Service for quite a long time when I was practising.

Alex Chalk: I am a practising barrister.

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

Kate Green: I am a life member of the Magistrates Association.

Alberto Costa: I am a practising English solicitor and a non-practising Scottish solicitor. Like Victoria, I spent time with what was the Treasury Solicitor's Department, representing the Prison Service.

Chair: Let's make a start. I am grateful to you for the written evidence that your organisations have submitted, which we will take into account. Could each of you introduce yourself? Just say who you are and your organisation, and then we can get straight into the questions.

Janine McDowell: Good morning. I am Janine McDowell, the CEO of Sodexo Justice Services.

Jerry Petherick: Good morning. I am Jerry Petherick, managing director of G4S custodial and detention services.

Julia Rogers: Good morning, Chair. I am Julia Rogers, the managing director of Serco's justice and immigration business in the UK.

Nigel Taylor: Good morning. I am Nigel Taylor. I am the managing director of Carillion's services in the UK.

Q450 **Chair:** We have a situation where there is a mixed economy. The majority of prisons are still run by the public sector, but your organisations, between you variously, are either running prisons or, in Carillion's case, providing services to everybody under a contract.

I will concentrate in particular on the three of you who are directly involved in the running of private sector prisons. We have now seen what is in the Prisons and Courts Bill as well as the White Paper. How do you see the way that you operate changing? It is observed that there are differences in the way private sector prisons operate as opposed to those in the public sector. Do you anticipate that remaining the same, or do you envisage that there will be a moving together of operational modes? If so, which bits are going to change and where?



Janine McDowell: Obviously, it is still evolving to an extent, but we will probably see a moving together of the way the private sector establishments and the publicly managed establishments are assessed. We have a controller on site. We manage under a contract, and I think the three-year agreements that governors will be asked to sign with the Secretary of State will probably move closer to the arrangements the private sector operates under, but there will always be the distinction that we have a clear contractual relationship with the commissioners and the Department. I guess that will always remain a point of difference, but I think there will be a slight moving together of the current arrangements.

Q451 **Chair:** What do you think would change in the way you operate?

Janine McDowell: For us there will be greater clarity of the distinction between what will be HMPPS as the operator and the contract management, alongside the commissioning responsibilities sitting within the Ministry. That is a level of clarification that I believe is welcome.

Jerry Petherick: We would certainly welcome the separation of the HMPPS responsibility for operations and the MOJ responsibility for commissioning. There has been lack of clarity in the past, whereby our customer has also been our competitor in many ways. That is really positive, and it gives more clarity for both the public and private sectors.

Janine mentioned the role of the controllers. That will be a fascinating thing. We have undoubtedly been the most scrutinised part of the industry. I actually think that is right. I support the role of the controller. There needs to be some coming together of the ways in which the public and private sectors are currently monitored. As we get into league tables and more assessment of establishments, we need to be absolutely sure that the right things are being measured and that they are being measured consistently across public and private establishments.

Julia Rogers: I broadly agree with my colleagues. The thing that the private sector has always brought is innovation, and the need to innovate. At its recent supplier conference, the MOJ made much of the fact that it still needed the private sector to be there to challenge it and to innovate. I agree that there will be a coming together in some aspects. Our prison directors, while working inside the Prison Service's instructions and orders, have always been able to bring to bear their own knowledge and their expertise in their own prison environment to add extra things to, say, the education curriculum. There will be some form of coming together, but I still think that the public sector and the private sector are slightly different, and we have more innovation to bring.

In particular on Jerry's point on controllers and scrutiny, we also operate in Australia. They have a system of scrutiny, but it is done at regional level on an audit basis, so those people can still go in and out of prisons and scrutinise fairly, but, instead of quite an expensive model of having embedded controllers three or four at a time in one establishment, they



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are shared across prisons. If you are going to measure both us and the public sector more broadly, that might be a model where the public sector could learn from us.

Q452 **Chair:** In the private sector you have not clustered prisons in the way the public sector has. How can you do that sharing in the UK context?

Julia Rogers: We are part of the cluster. We are still considered part of the cluster.

Q453 **Chair:** You envisage that continuing.

Julia Rogers: Yes.

Q454 **Chair:** One obvious area that is referred to is the difference in pay and terms and conditions in the workforce. Will that be viable, as we go forward, if you have one set of standards? Is it going to be realistic when, as some might say, you are effectively undercutting the public sector in some respects? Is it going to be viable or is it going to have to come together, do you think?

Jerry Petherick: Inevitably, we have to look at local market conditions. We do so in a stronger way than the public sector does with national agreements and so forth. Undoubtedly it is something of the moment. The recent announcement about the increases in the south-east and some other parts of the country will challenge the models by which we work. We need to sit back and look at that because, as I think we would all agree, the most important thing about operating a prison is getting the stability and the staffing—the right numbers—and reducing attrition rates and so forth. We are already inevitably looking at what we will do in response to the recent announcement.

Q455 **Chair:** I don't want to leave you out, Mr Taylor. Although you are not directly running prisons in the same way, you provide services to both the public sector and the private sector. Do you see anything in the Bill and the proposed changes that will change your mode of operation?

Nigel Taylor: As I am sure you know, we provide facilities management services to approximately half the prisons in the nation—54 prisons across the south. From our perspective, I support the comments that have been made. We serve only the public sector currently, but across our business we work very closely with the public sector and the private sector. Innovation is the key, and partnership and working closely with the end users—the operators; in this instance, the governors—is what we are very focused on. I support the comments.

Q456 **Chair:** Are you satisfied with the level of engagement you have with governors at the moment? Are they satisfied with your engagement with them?

Nigel Taylor: There is a mix. There have been dramatic improvements in recent times. We have worked very hard with the governor population. In the early phase of our contractual relationships, kicking off in mid-2015,



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there was a period when everybody was getting used to the new contracts and the new arrangements, but we worked very hard in that early phase, and we are now in a much better place for understanding the arrangements themselves and the services we provide, and the processes we work within with the National Offender Management Service.

Q457 Richard Arkless: In theory, private prisons have greater freedoms than public sector governors, but the safety issues are still prevalent. Why is that the case, given that you have those greater freedoms? Is there scope within your contracts and budgets to address what you see as the problems leading to those safety concerns?

Jerry Petherick: There is the scope. We look at what we are doing and how we are doing it. We work in conjunction with NOMS/HMPPS, because it is important. Prisoners move through the system, and it is vital that we follow that through. Our directors have freedom. We have looked at what we can do, and we talk to colleagues in the MOJ about how we can support it. None of us in the industry is immune to the impact of the new psychoactive substances—NPS—and other issues, which are a major feature.

We are innovating, as Julia says. We have that ability. We are currently running a trial at Altcourse prison in Liverpool to see if there is a technological way in which we can detect more readily the throwovers that bring in many of the drugs. The early indices are very good. We have the ability to use our money in that way should we decide to do so.

Julia Rogers: Equally, in my Doncaster prison, for instance, we have introduced a new concept called the social responsibility unit, which has seen a 36% reduction in violence in the prison in the last six months. That is based on 10% of the population in the prison being those who probably disrupt it the most. Those 10% often just get segregated. We created a unit where we have invested in proper psychologists to come in and address their offending behaviours. We have also introduced a reward concept for the 90% who are still out in the general population. As a wing and as a unit, if they behave well for a period of a week, they can earn themselves benefits. They can be small, but those are the things that we have introduced and paid for. We have paid for the extra psychologists and we have paid for the research. NOMS and the MOJ have been in. Their violence reduction unit came in to assess things after we had been doing that for a number of months. They said that it is best practice. Now that we have established all the protocols, we will be rolling that out in our prisons. It is something that is completely within our gift.

Q458 Richard Arkless: How do your staffing numbers either facilitate or restrict things? Clearly that is a huge concern. It is all very well saying that you have new techniques to identify psychoactive substances, but inevitably you need staff to operate programmes. Sometimes I wonder if it is the psychoactive substances that are the problem or whether it is the lack of staff who have the ability to police them and stop them coming in



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and being used in our prisons. It is a basic question. Where are your staffing levels, now and pre-contract? Are they higher or are they lower?

Jerry Petherick: To take Birmingham as an example, which we took control of in 2011, our staffing levels are currently lower than the pre-existing level. However, as Crispin Blunt recently said in the Palace of Westminster debate, our bid contained 150 more staff than the public sector bid at that time. I have to operate on his knowledge, because I do not have sight of that.

We all operate around the benchmark system. We all know that there is current discussion and that there is an increase of staff under new legislation coming in and so forth—the new offender management model—which we all welcome. Inevitably, the relationship between staff and prisoners is at the core of running a successful, safe establishment.

Q459 **Richard Arkless:** You say that you met the benchmark. Was that benchmark too low, given what we have learned over the last—

Jerry Petherick: With the clarity of hindsight and the change in some of the dynamics—NPS being the major one—there is that question. I have seen, I believe, a lessening of the role of the front-line prison officer. Other specialists have come in to undertake offender management duties and so forth, and that has lessened the quality of the relationship between staff and prisoner. Now that is being addressed, and I am delighted that it is being addressed because, in my 35 years of working in prisons, I have seen time and again that the quality of that relationship is pivotal.

Q460 **Richard Arkless:** Who has Oakwood in Northumberland?

Janine McDowell: I have Northumberland.

Q461 **Richard Arkless:** Could you pass comment on staffing levels before contract and after contract? Are they higher or lower?

Janine McDowell: Absolutely. Post-contract, they are lower. That was part of the outsourcing at the time, in the competitive environment at the time, which, as Jerry alluded to, broadly brought the prison in line with the benchmarking around the entire service.

Q462 **Richard Arkless:** Do you think the benchmarking was at an appropriate level, or was it too low when the contracts were signed?

Janine McDowell: We have invested more staff in the prison, over and above the contracted number we set out to deliver at the time the contract was let. That is in recognition of the fact that we have made further investment to address operational challenges that we faced in that particular establishment. As Jerry pointed out earlier, none of our prisons is immune from the operating environment that the whole system faces. You have to be responsive to that, and I believe we have been. Equally, I welcome the changes around offender management that are being proposed.



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That revisits what we would previously have known as a personal officer type of scheme over many years of my time working in prisons. Moving towards reinvesting in the role of the prison officer having key worker status is very welcome, and it will help to invest in the relationship between members of staff and prisoners. The operating environment has changed. I genuinely believe that. The impact on prison wings of issues to do with psychoactive substances is something that, over 25-plus years, I personally have not seen previously, and my colleagues around the system would say the same.

Q463 Richard Arkless: That is very helpful. There has recently been some discussion with the Government about the fact that they have made some offers, on the face of it, to increase staffing levels and pay. Have those discussions reached you?

Janine McDowell: Yes, they have.

Q464 Richard Arkless: What do you anticipate coming out of them? Are you looking forward to an increase in your staffing levels, and are your staff looking forward to a pay rise?

Janine McDowell: There are two separate issues. First, on the offender management arrangements, we have started discussions with the Ministry on how that might roll out across the private sector provider estate. Those discussions have started. As you know, there are a number of pathfinder sites, where learning is being gathered with the view that the model will be expanded across the estate, including the private sector part of it. We look forward to being very much part of those discussions and those arrangements.

On the salary piece, as we have already mentioned, we absolutely have to take account of the recent announcements on salary rates for particular parts of the country for public sector prison officers, and look at the implications for our establishments. We have always very much operated in a local employment market for each of our prison sites in a way that the national arrangements for the public sector have not afforded the ability to do.

We have always had the opportunity to look at a local employment market, and we will continue to do so. We will have to take on board and reflect the changes or challenges that are brought by the changes to the public sector arrangements and their impact on our ability to recruit and, in particular, retain good-quality, highly skilled staff.

Q465 Richard Arkless: Is there anything different that you would say to that?

Jerry Petherick: No. I support it entirely. It is important that we have a local market approach, remembering that the salary increases that were announced were purely for the south-east of the country, extending to some other small areas. We will look at that. We have to; we would be fools not to and it would be inappropriate not to. We will decide what changes we have to make.



Julia Rogers: Going back to staffing levels, it is easy to try to compare the public and private sectors, but we do some things quite differently. In my prisons, for instance, we have what we call ATM machines. They are units that give prisoners an element of self-service for some basic activities. They can book their own visits, they can book their gym and they can buy things from the shop. They have an element of self-determination. In the model before that, it was a prison officer's responsibility to facilitate those types of things. We have been able to take some of those types of activities and automate them. From a prisoner's point of view it is very important, because—

Richard Arkless: And presumably from the prisoner-staff point of view.

Julia Rogers: Indeed. They have a level of self-determination.

Q466 **Richard Arkless:** Presumably, your walk-out rates are a lot lower than in the public prisons. We have heard that the Government intend to recruit 2,500 new staff, but there have been figures mooted that they will have to recruit 4,000, or up to 8,000, to get the net figure of 2,500. How are your walk-out rates or your staff retention rates? Are they walking out en masse, as they seem to be in the public sector?

Julia Rogers: We do not have en masse walk-outs. My overall staff turnover in the totality of my prisons is 15% across my estate. There is a slightly higher number for newer employees—people in their first year. That is not unusual. It is particularly high at the moment, because we operate in very challenging environments. My colleagues have discussed the issue of NPS, the types of drugs that are now coming in and the effects they have. It is a challenging environment, but we are working very hard to ensure that we retain our staff by supporting them appropriately.

Q467 **Richard Arkless:** Do you have anything different to add?

Jerry Petherick: No. As Julia says, we have differential rates. It depends on the local economy in some ways. We are looking at things such as stakeholder apprenticeships to take people through the first period. As Julia said, it is often the people in the early days of their career who are most challenged, so it is important that we invest time and energy, and give people the training and support to take them through that period, so that they gain the confidence to operate in our environment.

Q468 **Richard Arkless:** The Government are making rehabilitation a statutory purpose of prisons—quite rightly so, I would say. How will that affect your day-to-day operations? Will it go some way to addressing the current problems, generally? Could you be brief?

Julia Rogers: We have contracts, and they have output measures. Some of them already measure things such as purposeful activity—the amount of time that a prisoner has engaged in purposeful activity—which we know is part of the pathway to rehabilitation. What we need a bit more



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information on is what specifically is meant by rehabilitation in the measure.

We all understand that rehabilitation is not reoffending, but for a prison, there are only so many parts of the puzzle that are in our gift. Once they have gone through the gate, research has shown that not reoffending is around having a home or contact with their family and other levels of support, and those are not in our gift. As long as we can be very clear what is meant by rehabilitation and what the prison can actually achieve, it will be fine.

Jerry Petherick: I have always seen it as part of my role and part of my establishment's role. I am delighted that it is being reinforced. It has to play in with the current reconfiguration of the estate, because we need to look at what is expected at every level of someone's imprisonment. What do we expect of a local prison or a remand prison compared with what we expect of a training prison? How do we move people at the appropriate speed from the local prison into the training prison? Some of those dynamics have yet to be worked out.

Chair: Is everybody happy with that? Do you agree?

Janine McDowell: I agree. As Jerry says, rehabilitation has always been part of what we believe we are there to do, both in the public system and the private provider estate. In many ways, helpful reinforcement of that is external from the criminal justice system. The debate about the purpose of imprisonment often exists outside the system in a big way, whereas within the system we have always felt that that is what we are there to do.

Q469 **Alberto Costa:** May I turn to the issue of the commissioning of services such as education and healthcare? What do you think are the key benefits and challenges associated with the model of prisons directly commissioning services, including healthcare and education? In your response, could you touch on how you engage with statutory bodies such as NHS England and local authorities when commissioning those services?

Jerry Petherick: In many ways, I fully support localisation. There are risks associated with it, because you could begin to have disparate provision, particularly of education. We have seen that before. We need to know within what context or parameters people will be commissioning. I am less keen, I have to say, on local commissioning of NHS services. They are incredibly complex and incredibly challenging. I have seen too often that prison healthcare has traditionally been a bit of a backwater. Many of the changes in the central commissioning of healthcare brought huge advantages to prisons, because there was much greater involvement, so I am more nervous about healthcare. I am absolutely supportive of education.



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On the relationships, the process has rightly required us to interact very carefully, properly and constructively with NHS commissioners in the way we would expect to do with any of our commissioners. As I say, however, I am worried about the complexities and costs of healthcare and too much localisation in that area.

Julia Rogers: I very much agree with what Jerry said. Healthcare is a key, vital part of the health of the prison. We have an ecosystem that operates, and without good healthcare provision we would have a problem. That is a great skill. I personally would not want an individual prison to commission its own healthcare.

On education, we do some of that now. Although we work in the overall curriculum that is laid down, our prison directors have the opportunity to add extra elements. For instance, in my Lowdham Grange prison, which Ofsted rated excellent, we had a discussion with prisoners about what would be good for them and what sort of things they would be interested to engage in. I don't know why, but Spanish was one of the things they wanted to do, so we put on Spanish classes. The Spanish classes at Lowdham Grange are the most popular class. A language skill is a great skill to have.

Communication and consultation with the people you are engaging with and trying to get into education is important. Having the ability to add something to the already laid-down curriculum is the key, as opposed to everyone doing something completely different.

Q470 **Alberto Costa:** What about engagement with other stakeholders—NHS England and local authorities?

Julia Rogers: NHS England is very much an important part of our world. The local healthcare manager in our prison sits as part of the senior management team. They come to the senior management team meetings. We cannot operate a prison without them, and they are part of us. We work closely together with them. With commissioners, it is very important, in our world, that the contract we have and the contract they let are back-to-back, so that we have not inadvertently dropped something along the way. We talk closely with NHS commissioners to make sure that that is so. Very close working relationships are important.

Q471 **Alberto Costa:** You mentioned that communication is important. You talked about Spanish as an example. You said that you do not know why. Presumably you would want to find out why prisoners wanted a certain course or courses.

Julia Rogers: I do not know why, but I am fairly sure that my prison director is very clear about why. It was just in case you were asking why it was Spanish.

Alberto Costa: You cited that as an example.



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Julia Rogers: I did. The point I was trying to make was about communication. One size does not fit all in prisons. Different cohorts in prison have different needs. Not least, they present with very complex mental health issues, and healthcare is critical to our being able to manage those issues. They often come in with addiction issues. Healthcare is critical to us in being able to deal with that. I mentioned the SRU concept. Our healthcare partners in the SRU concept, alongside our psychologists, are absolutely critical. It addresses the underlying causes of people's acting-out or offending behaviour. While they are in prison, one of the absolute key outcomes for us is that we try to help them to address those issues.

Q472 **Alberto Costa:** Is there any difference, in your opinion, between the publicly managed prisons and the privately managed ones in the provision and commissioning of mental healthcare services? You touched on mental health. Do you have any comments about that? Are you doing anything better than what is done elsewhere?

Julia Rogers: I honestly do not know what happens in the public sector.

Q473 **Alberto Costa:** Are you doing anything worse than the public sector?

Julia Rogers: No.

Q474 **Alberto Costa:** How do you know?

Julia Rogers: There is one thing, for instance, that we are doing at the moment in our prison officer training. We are talking about complex areas. We deliver the basic prison officer training that is mandated, but we are adding elements to that. Mental health training is important for them. Gang culture is important, as is radicalisation. All those things have not been writ large in the estate for the past 20 years that we have been operating in it. They have happened more recently. It is important that we invest our money, time and effort in ensuring that our officers are trained to deal with those issues. We are tackling things in that way, too.

Q475 **Alberto Costa:** I turn to you, Mr Taylor. We have heard about a number of issues with your delivery of maintenance services in prisons. What are your views on the pros and cons of central contract procurement and delivery?

Nigel Taylor: From our perspective, central procurement has enabled the aggregation of benefits across a number of establishments. I mentioned that we serve 54 prisons across the south of the UK. What we have taken on and what we have been able to implement is more standardisation, consistency and development of processes, whereas what we inherited were 54 prisons that, from a facilities management perspective, had been run differently. There was lack of standardisation, and lack of systemisation. We have been working with governors and the National Offender Management Service to bring forward benefits that are essentially around efficiency and professionalisation—bringing across to



those establishments the practices we use for the benefit of all our customers.

Q476 **Alberto Costa:** The reform prison governors told us that they engage with you directly, and that that helped to improve the service they received. How would you cope with dealing with all governors if they gained greater autonomy in managing your contract?

Nigel Taylor: It is key to the development of our service, and to understanding our obligation and the service we deliver, that we engage directly with all prison governors. We now have regimes in place to do that. Ideally, we have meetings between our site management teams and the governor on a weekly basis. That is not always possible; the governor is not always available, and sometimes deputies or their staff come forward. That is fundamental to an understanding of the contract obligations, the service we provide and the local needs, and how we need to adapt and develop in response to those local needs.

Q477 **Alberto Costa:** I am mindful of the time, Chair. My final question is to all the panel. Our evidence suggests that prisoners could work in facilities maintenance. Have private prison providers and Carillion provided opportunities for prisoners to do that? What would be the benefits and challenges associated with doing so? I think you have already touched on that a little bit.

Janine McDowell: Can I check that I understand the question? It is about prisoners, while they are in custody, being part of the facilities management provision. Is that what you were referring to?

Alberto Costa: Yes—correct.

Janine McDowell: Yes, we do that already. We provide opportunities for prisoners to bring their existing skills and to enhance or learn new skills as part of the prison workforce in a whole range of things, including facilities management. Some of that can be quite low level; some of it can involve one-on-one relationships where they act as an assistant to the professionally qualified staff member. We certainly do that.

We do not formally employ, which I know happens in other jurisdictions outside the UK. For instance, in Chile, where Sodexo provides prison operations, there are prisoners who are formally employed and work for Sodexo as a provider as part of the workforce. That is quite a different arrangement, but it is a very interesting one. It is one that I would like to understand more about if I ever got a chance to go there to see it for myself. In our prisons, it is the more traditional model of a prisoner workforce assisting the staff employee group.

Jerry Petherick: I would very much say the same. We have prisoners working with our FM colleagues. I think we should broaden it out from just FM. I am currently looking at a case from one of my directors. Our catering contractors trained a prisoner and employed him post release on an external contract. They now want to bring him back into my



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establishment at a higher managerial level to manage, or help manage, some of the contract. I am just going through the risk assessment and so on. I am very much minded that this is the right thing to do and the right way to do it, not least to show other prisoners that there is a way forward. Many prisoners are absolutely first class in many skills, and we have to play our part in taking that forward.

Julia Rogers: I would say exactly the same. We do not have any people formally employed, but where we do prison painting schemes and have outside contractors in to keep up the fabric, prisoners who have trade experience from the outside love to use it. They are very skilled, so we use them to enhance our painting parties. That is across a range of skills. It is exactly as Janine and Jerry said. If there is an opportunity, I will watch with interest how Jerry brings somebody in. If there is an opportunity to do that, we will of course look at it.

Q478 **Alberto Costa:** How do you incentivise the prisoners, in the case of painting the walls? If they are not being rewarded financially, how do you incentivise them?

Julia Rogers: We do reward them financially.

Alberto Costa: Sorry. You do reward them.

Julia Rogers: We term it a form of work, as you would in industry or education. Absolutely—they are rewarded.

Nigel Taylor: I am pleased to say that this is increasingly successful within our remit. Painting programmes are very successful. We obviously do not get involved in employing directly, and we do not get involved in remuneration of prisoners. Our role is to supervise and manage the activity—painting programmes, ground maintenance programmes or waste management programmes: we have those running across many of the establishments. It is really on the up, and has stemmed from the governor engagement I spoke about earlier. The latest figure I have is that 7,000 hours of work-based activity is being delivered weekly through the contracts we are managing. That is pleasing.

Q479 **Chair:** Give me one example, Mr Taylor. We went to a prison where you do the facilities management, and I am glad to hear that there are some good things, but I also hear some pretty critical things. In particular, in every prison that I have been to, I have had a complaint about the facilities management that your company looks after—in every single one. Why is that?

Nigel Taylor: During the early phases of the contract we had some difficulties with what we inherited. For example, the asset register was incomplete. The first task we had to undertake, which was a contractual task—an obligation—was to verify the assets and the systems that we were then going to maintain.



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The first few months were to establish the accuracy of the information that supported our contract. Significant change flowed into the contract on the back of that. You can imagine the knock-on impacts of a resourcing level and an establishment to deliver maintenance services to a number of assets that was wrong in the first place. We have addressed that. We worked with the National Offender Management Service to get the registers accurate and up to date, and we increased our resourcing levels to suit. For sure, that had an impact on our performance in the early phase.

Q480 **Chair:** Did the inaccurate asset registers that you got come from NOMS?

Nigel Taylor: Correct.

Q481 **Chair:** That was down to them. Subsequently, one of the issues was about delays in getting the work done.

Nigel Taylor: Response maintenance has been an issue linked to the resourcing issues that I mentioned. We have dramatically increased resourcing in recent months. For the most part, we are now achieving the requirements of the contract.

Q482 **Chair:** Are you able to provide us with some details on that?

Nigel Taylor: Yes. Clearly, cell availability is fundamentally important to prison governors, particularly during the intense period they were experiencing across the regions and establishments that we were supporting. We worked very hard, and returned to service 400 cells over a very intense period—less than two weeks. That went very well for us.

Q483 **Chair:** The example that I was going to quote is this. We went to see a prison, and a prisoner there had been doing a plumbing course. The shower in his cell leaks. He knows how to fix it, but he is not allowed to, because they have to wait until your guys come in to fix it. As it is, he has a duff shower and he is hanging around for your guys to turn up.

Similarly, he could do something with the unlevel paving, but it all has to wait. It goes to your contract, to your advantage, but to the disadvantage of the prison establishment. Why can't there be a bit of flexibility, so that the governor can say, "Okay, this guy is competent. He can go and do that," and they do not need to get you in? Or is the rigidity of the contract such that you would not allow that?

Nigel Taylor: We cannot change the processes that are in our contract. I would love to address that particular example if it has not already been addressed; I am sure that it has been. The contract is allowed to be flexible through the tripartite relationship between Carillion, the National Offender Management Service and the governors and their team, who can work within specific needs. I visited High Down recently, and we did exactly that; we walked on to the wing with the deputy governor, looked at some of the maintenance issues and talked about how to work the contract. It goes back to the point about engagement.



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Q484 Kate Green: A few moments ago, Mr Petherick, you said that you welcomed the greater clarity between the role of customer and the role of competitor, which results from the changes in structure and the creation of HMPPS, with distinct roles for them and the Ministry of Justice. Could you each say a bit more about how you anticipate your relationships with the two bodies will change? What implications will that have for your prisons?

Julia Rogers: It is going to be work in progress. Those are obviously very new changes. As Jerry says, HMPPS will be our main operational manager. Our relationship with them is operational now; they have oversight of the way we run our prisons. They manage the controllers. I think that role will continue.

The big change is to the commissioning role. We welcome the opportunity to work with the MOJ on how they are going to commission new services. As I said, they have asked us to bring innovation and our thoughts on how commissioning could operate and what improvements we could make. Having a relationship with the MOJ as a commissioner, as distinct from the person who holds you to account operationally, is very helpful.

Jerry Petherick: We are already seeing some of that. I am seeing a greater contractual approach from the MOJ. We have always had line management of the contract through operators—through HMPPS going forward. I will be particularly interested in the structure of HMPPS, to see how equal weight is given to the voice of the public sector and the voice of the private sector. Traditionally, it has been a difficulty that around 15% of the prisons are in private sector hands, and I am not sure that we have always had that value of voice. I shall be looking to see how much clarity comes down through the HMPPS structure to give weight to the voice.

Q485 Kate Green: What disadvantages has that created for you?

Jerry Petherick: In the future.

Kate Green: No. Now, which you hope could be rectified in future.

Jerry Petherick: Some of the disadvantage is that we feel, rightly or wrongly, that we are a marginalised sector of prisons. That is wrong. It is a national system, which we give full weight to. As Janine was saying earlier, we are now having discussions about the offender management model. Personally, I would like to have seen a private sector establishment as one of the pathfinders, because there will be differential learning from public and private. The reasons have been explained to me, and I can understand them, but I would still like to see us as an integral part of any new initiative from the beginning.

Janine McDowell: I support the comments that colleagues have made. It brings a helpful clarification, and it will address some of the sense that I have had at times, which Jerry has just outlined too, that we are not at the table in quite the same way as the public sector as the biggest



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provider of prison operations as well as the commissioner of services. It has been a mixed picture to navigate a path through. The outlined clarification is very welcome and very helpful, and will give us a greater sense of knowing how it all fits together in a clear, transparent way.

Q486 Kate Green: You talked a few moments ago about the role of the controllers. I would like to explore a little more what role you think they will play in future in your prisons. Ms Rogers, you described the Australian model, for example. Are there other ways they could operate more effectively?

Janine McDowell: The controller model in our prisons is a well-established one. It has been there from the very beginning, at the first private prison 20 years ago. It brings a valuable and helpful balance, in the sense that we sometimes fight against the view that the private sector has a different agenda and is trying to do things in a way that is not necessarily always for the right reason. I refute that completely, but I think that having a strong governance arrangement, with an on-site presence, is very valuable. It allows the authority, the commissioner and NOMS to have absolute confidence in the way services are being delivered in our prisons.

It is a big investment, and it means that we have a level of scrutiny in private sector-provided prisons that is not replicated across the public estate. It will be interesting to see how that evolves under the new arrangements—the three-year agreements—and how the model of governance and operational oversight and supervision will evolve under HMPPS. There is probably no perfect system, but the controller model provides a level of assurance for the wider audience, if I can put it that way, of what is going on within a private sector establishment, which, by its very nature, is closed. People do not have great access or visibility; the fact that there is that arrangement in place gives confidence.

Jerry Petherick: I support that view. As I said earlier, we are the most scrutinised, quite rightly, because of the private sector involvement. We should be the most scrutinised, but there can be narrowing of the gap. People are people. There will always be very good and less good examples of co-operation between controllers and directors, and we should expect that and work to minimise it. We should look at other models, but I absolutely want a system that gives confidence to observers and the public. We should be prepared for that, and we certainly are.

Q487 Kate Green: The presence of NOMS monitors on site has not prevented incidents such as the problems at Medway, for example. Should it have done? Could it have done?

Jerry Petherick: The answer has to be that it should have minimised the opportunity for misbehaviour and so on. There has to be an understanding of the controller's role. The risk is that it will simply become a tick-box exercise, and that has to be guarded against. They



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should also get into the culture of the establishment that they operate within. That can often be almost a subjective sixth sense of, "What is happening here? Let's investigate it further." That comes down to the quality of the individuals. The answer has to be that it should prevent those things.

Q488 Kate Green: Why didn't it?

Jerry Petherick: The honest answer is that, at that stage, I was not responsible for Medway. I do not shirk from that; I am now responsible for Oakhill secure training centre, and I ask myself the same questions. In any closed environment or establishment, you have to have a group of measures. I expect my directors to get out and pick up the stones to look at what is under them; the controllers likewise. We have to ensure that people approach it in the right way. There has to be openness. We have done a lot of work internally to see how we can improve openness, reinforcing whistleblowing lines and being very clear about our expectations and our abhorrence of behaviour such as we saw at Medway.

Q489 Kate Green: Whose is Northumberland? What is your experience? Why were there incidents there? What was the role of the controller and what do you think went wrong?

Janine McDowell: Like many prisons, Northumberland has its range of operational challenges. Anybody who is familiar with the site will know that it is vast. The propensity for throwovers and so on is very high in that establishment. The controller has a clear role. He is very strong and active in the prison, and he works alongside the operating team there—the director and his team at the prison. Obviously the director manages the prison, but the controller is there checking, supervising and making sure. The controller has been very active in his role at that prison.

Many people here today will have seen the BBC coverage of Northumberland recently. When you put a 30-minute programme together and you draw together a number of incidents and, in my view, concentrate them in quite an unbalanced way that suggests that that is the continuous daily experience of the prison, it does not reflect my own visits there, or indeed what the controller would say about the experience of being controller on site in that particular establishment. Yes, it has its challenges—absolutely. Yes, we have issues with NPS in that prison in the same way as in prisons up and down the country, but the controller's team there is strong and active, and they report to their own management within the NOMS structure proactively.

Q490 Kate Green: You talked a bit about the new staffing arrangements. Could you say something about how far your discussions with the Ministry have gone in relation to the performance management of your prisons in future?



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Julia Rogers: Our performance management regime is laid out as part of our contract already. Serco has not had any specific conversations yet about how it might be amended.

Q491 **Kate Green:** Do you expect it to be amended?

Julia Rogers: I suspect it may be. We have asked the Minister if we can have a meeting to discuss what it may be in the future. In terms of some of the specifics that have been laid out regarding rehabilitative outcomes, as I said earlier, we already have an outcome-based regime where we are measured on some of those things. There may be an extension, or the addition of a few items, but what we have in place already is quite robust.

Q492 **Kate Green:** You do not expect radical change.

Julia Rogers: No.

Jerry Petherick: I would welcome discussions. As Julia says, many of the measures are right; they are appropriate and they are applied correctly. We need to ensure that they are not counter-intuitive in some cases and drive the wrong behaviours. There are other behaviours that we know are important. On family work, for example, how can we bring in a kind of measure to look at what family work is being done in our establishments to reduce the risk of reoffending?

Today, I have been listening to reports about an HMIP inspection report and the lack of completion of recommendations from the previous report. There needs to be a measure to show how an establishment is reacting to and delivering on HMIP and other recommendations, to make sure that they are done. There are heaps of issues about that, but let's have the discussion. We are certainly looking for such a discussion.

Q493 **Kate Green:** The Ministry is reviewing all prison policies with a view to removing a substantial number of them. To what extent can you already deviate from the public policies that the Prison Service applies? To what degree do you centralise or devolve your own policies?

Jerry Petherick: As part of our contract we have to deliver the PSIs and PSOs that are extant. We welcome the review. There are some issues that I think we are disadvantaged by. The one I reflect on is that my directors currently cannot sign off releases on temporary licence. They have to make a recommendation. It is the controller who signs off. I have some very experienced ex-public sector governors, who have authorised ROTL ad infinitum, but they are suddenly not able to take that final decision. That must play into rehabilitation and so forth. I know that the Ministry is looking at changing that, and I absolutely support it. If we are to use all the tools available to us, we need the ability to do so and to be held to account for the final decision.

Q494 **Kate Green:** Worries were expressed to us in previous evidence sessions about consistency. How would you address those?



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Janine McDowell: It is about having consistency of outcome, in a way, rather than—

Q495 **Kate Green:** That may not be how the prisoner sees it, of course. A prisoner may feel that he or she was treated in a particular way in one establishment, moves to another and has a very different experience, and cannot really understand why.

Janine McDowell: That already exists today, to an extent.

Kate Green: Indeed.

Janine McDowell: We already manage the situation where prisoners move between establishments and have a different experience. That could be driven by a whole range of factors, including the physical environment they find themselves in. We already have that.

At the moment, the PSIs can be incredibly prescriptive about process. We probably all think that we need to be able to develop a process that works best in the environment; prisons are so inconsistent in their design, types of facilities and so on that there should be some ability to manage a process that suits the particular environment you find yourself in, but with a set of standards that we should be adhering to so that prisoners can have an expectation of service access, whatever it might be, that is consistent across prisons. That is already a challenge within the system today.

Jerry Petherick: This is one of the pivotal tensions in giving greater devolved powers to governors. As Janine says, there must be clear parameters for people to work in. One of the outcomes of devolving powers and accountability may be to increase inconsistency. That will be one of the fascinating pieces of work going forward.

Julia Rogers: Exactly as my colleagues said, there are about 2,500 PSIs and PSOs that we have to follow, and some of them are probably—in fact, definitively—outdated. There are still some PSOs in existence that relate to things we used to do before CRCs were brought in, for instance. Having a review of all those policies, and perhaps having fewer or simplifying them, is key. There must be a core around which we structure, but having the ability to flex that for local need is very important.

Q496 **Kate Green:** Are you having any input into that review as private providers?

Julia Rogers: We have already had a conversation and a workshop with the MOJ on PSIs and PSOs.

Q497 **Mr Hanson:** Can we look at league tables? Can you give me a view as to whether league tables are, first, practical, secondly, worth while and, thirdly, actually going to achieve anything in improving performance?



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Janine McDowell: I have mixed views on it, if I am honest. Sometimes a bit of healthy competition can be a good thing. I already see that between my prison directors at the prisons we operate. People want to be recognised for good performance and good delivery, so you can see some benefits from that.

The challenge, and a genuine concern, will be about what features the league tables will have and what is being measured. To give an example, if one of the key measures in the league table is family work, family relationships and so on, some prisons, by the very nature of the role they perform in the national system, will be disadvantaged, in that the population they look after might not be one where it is easy to maintain family ties—for example, if the population in the prison comes from some distance away. It is about what it looks like in terms of being able to recognise some of the core differences that prisons will intrinsically have, which may mean that they just do not have the ability to achieve the standards that are possible in other types of environment. How you get apples with apples-type comparisons will be the challenge for the league tables.

Jerry Petherick: I like league tables; I think they drive performance. Inevitably, the devil is in the detail. First, the monitoring of delivery has to be common across all sectors. Secondly, and currently, comparator groups of prisons are known to take those comparisons across. One of the problems is that we have HMP Parc in south Wales, and one of its comparators is 170 miles away, at The Mount prison in the south-east. The drug use between those two areas can be very different, so how do you bring together some sensible correlation of challenges that are localised as well as national? In principle, I support them. It is really about making sure that we do not drive counter-intuitive behaviours, and it is about explaining how we can actively ensure consistent reporting and monitoring.

Julia Rogers: I would agree. One of the other elements is where we bring innovation to bear—I talked about innovation earlier. In my Lowdham Grange prison, we have deployed technology that detects mobile phones. In the time since we employed it, we have doubled the number of finds. If you were to compare that prison with a prison that does not deploy technology to find mobile phones, and the measure was that a lower number is a better number, that is not like for like. Thinking about what the outcome should be, my personal view is that the more we can take out of a prison, the better. You have to be very careful about what you are measuring, what outcomes you are seeking and how the measures are applied across an estate that is not the same.

Q498 **Mr Hanson:** To give an example, one of the measures that the Government included in their White Paper is safety and order, with indicators such as assaults on staff. If I look at the last current figures for assaults on staff and assaults on prisoners, I see that private sector prisons are performing significantly worse than public sector prisons. Is



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that a fair measure for you to be judged on—improvements by establishment on that figure, for example?

Jerry Petherick: I think the measure is correct. We should be measured on assaults on staff, and indeed assaults on prisoners. You have to come back to looking at the levels of reporting. With controllers on site, I think our behaviours are absolutely determined. My attitude is very clear: I expect all my directors to report assiduously and so forth. I do not know that it is the same across the entire estate.

Q499 **Mr Hanson:** Just to help me along, why is it that, in private sector prisons, we currently have 30 assaults per 100 prisoners, and in public sector prisons we have 22?

Julia Rogers: On aggregate across the estate, we tend to run very complex B local prisons, as they are called. In the round, we do not have the open estate, and we do not have the vast majority of the category C estate. In the round, there is a very mixed economy for the type of prison.

We would argue that where you have a D or a certain type of cat C prison, there is a lower amount of assault, by definition. I run a cat C sex offenders prison. The number of assaults in that prison is massively lower than in my cat B local prisons. It is the economy of the prison and the type of prisoners you are holding. You cannot just compare all of them like for like. There are very particular issues, and we tend to have some of the most challenging prisons.

Q500 **Mr Hanson:** With regard to performance from April onwards, have any changes been made to the performance framework that you will be measured against from April this year?

Jerry Petherick: Not as yet. The annual round of discussions is just commencing. I would expect some of those discussions to come into that annual round.

Q501 **Mr Hanson:** Given that we have annual league tables and given that you are contracted by the Ministry of Justice potentially to meet six or seven final areas of measure in due course, what do you expect the sanction regime to be? How are you going to be measured in relation to the sanction regime? On public protection, escapes, safety and order, assaults on staff, or on health, education or work indicators, for example, if you do not meet the performance that is set by the Government, what do you expect the sanction regime to be under the new league tables?

Janine McDowell: Some of the measures you referred to already exist within our contracts. They carry a financial penalty if we breach the measure, and I would expect them to be refreshed in some way to reflect the new league table arrangements. They already exist, however, so it is an evolution rather than a revolution in our current arrangements.

Jerry Petherick: That is absolutely right. There is a system of financial



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penalties, and it is also the system that is used for serving improvement notices and, ultimately, rectification notices, which could lead to the loss of a contract.

Mr Hanson: It is quite a long, drawn-out process to get to that stage, as I know from personal experience.

Jerry Petherick: What I am seeing, properly, with the revised contractual arrangements in the MOJ is that that timescale, which was traditionally very long, is being compressed somewhat. It is appropriate. It will be interesting to see how it plays across the public and private sectors.

Q502 **Mr Hanson:** As it is your responsibility, Jerry, could you give me an example of what sanctions have been put against G4S for the failure at Birmingham—the riots at Birmingham? What costs are you putting forward to cover the costs to the MOJ in Birmingham?

Jerry Petherick: We have already committed to pay the vast majority of the costs of the Tornado arrangements. That has already been done. The cost of rectifying the damage is obviously down to us. We are suffering, for want of a better phrase, the cost of the reduced population, in terms of reduced income and so forth. We have yet to get into final discussions, because investigations are still ongoing.

Q503 **Mr Hanson:** How would that type of incident affect in due course what you would regard as the league table performance of prisons? I am genuinely interested in what happens when something like Birmingham occurs, or indeed Northumberland or any other assessment. How does that impact on the league table and on the sanctions, on the Government and on ministerial accountability for the actions in the prison?

Jerry Petherick: There is still some work going on. At the moment, if an establishment suffers an escape, there is already a process by which the league tables can be overridden, and the prison rating score can be downgraded for that particular establishment. Birmingham was one of a series of disturbances in cat B locals at the time—Lewes, Bedford and Birmingham. The sanctions should be there. I would probably anticipate an overriding mechanism to take note of an incident such as that, as already exists for escapes.

Q504 **Mr Hanson:** If an incident such as that in Birmingham happens in a public sector-managed prison, and if the performance of the public sector-managed prison becomes, on a one-year or two-year basis, the very bottom of whatever league table is set, do you anticipate that the private sector would be able to bid, or do you have any thoughts about whether or not it should be able to bid, for the contract of that public sector prison to rectify those challenges?

Jerry Petherick: My personal view is that we should be allowed to.

Q505 **Mr Hanson:** At the end of this process, do you anticipate that there will



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be greater private sector involvement across the board with the league table system, less private sector involvement, or the same?

Julia Rogers: I do not think it is clear.

Janine McDowell: I do not think it is clear either.

Q506 **Mr Hanson:** It may be a charged question, but is it your view that the process of league tables will lead to failing public sector prisons being open to greater private sector involvement in due course?

Janine McDowell: I have not heard any indication that that is behind it. That is not a view that I have formed from anything I have heard or from any discussions I have been involved in. There are sometimes policy decisions that may choose it—in the past, people have had a view that public sector delivery has been almost challenged by the thought that, if it does not improve, the private sector might have an opportunity to bid to take over a contract.

Q507 **Mr Hanson:** Suppose that the converse is true. At Birmingham, which was a public sector prison and is now in G4S's management control, let's say that the continued failures that led to the riot led to you having a very low league table place. Would you expect the public sector, as one of the sanctions, to review the contract management by G4S?

Jerry Petherick: I obviously have to be careful because of the ongoing legal cases, but my view is that, since handover, Birmingham has been very successful. There was the issue on 16 December, obviously, but if you look at the research by Cambridge University in the longitudinal three-year study, there was a very successful transfer from the public to the private sector. It was not straight-line success, obviously—I would be a fool to expect that—but Alison Liebling and the Cambridge criminology department review is very clear that, across the dimensions they measured, over a three-year period there was statistically significant progress in the vast majority of those measures. I always remember the comment in the final report, which is NOMS research, that at the end of the three-year period the staff at Birmingham had rediscovered their public sector ethos working at Birmingham.

Yes, there was obviously the incident of 16 December. It was one of a sequence. I anticipate that there will be some local issues. There will also be some national issues, be they about the presence of IPP prisoners there and some frustrations, or other issues that we need to look at. I would inevitably encourage people to look at a contract such as Birmingham in the round. It is not about an incident on one day. Whether inspectorate reports or the Cambridge report, there was significant progress. I have experience as a public sector governor and area manager in times gone by. I still remember standing in front of the staff at Dartmoor when there was a process of improvement planning by the public sector for a series of two establishments at a time. It was only when I stood in front of the staff to say, "This is the time you have to improve" that I saw real improvement at Dartmoor.



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League tables can assist some of those discussions, be it public or private sector. Staff have the right to know, and should expect to know, how their work has been successful or otherwise, and the potential outcomes. League tables used in that way could say to a governor and their staff, "This is really the moment when you have to move forward and you have to improve." I saw that happen at Dartmoor, and I was really proud of the work that people there did to take things forward.

Chair: Thank you very much. We have to move on, because we have the Minister coming to give evidence. We are grateful to you for your time and your evidence.

Julia Rogers: Chair, might I say that you and the Committee are welcome to visit the prisons, if it would help?

Chair: We will correspond about that. Thank you very much. We must move on.

Examination of witness

Witness: Sam Gyimah MP.

Q508 **Chair:** Thank you very much for coming to see us. I understand that you may be under some pressure with an urgent question.

Sam Gyimah: Yes. I understand that an urgent question on the POA has been allowed by the Speaker.

Q509 **Chair:** I see. On the POA.

Sam Gyimah: I think so. I will find out when I—

Chair: You are not sure.

Sam Gyimah: I will find out when I leave, so if we could keep to time, to give me time to prepare, that would be helpful.

Q510 **Chair:** Okay, I understand that. It is not about the appalling report that has come out today about HMP Featherstone, is it? It indicates that there have been no improvements at all, and the prison has gone backwards.

Sam Gyimah: To be honest, in terms of the urgent question, I have not seen it, but I know that—

Chair: You have not seen it. Okay. I will not be unfair and tell you, although perhaps you should be aware of it. It is a very damning report of an unannounced visit.

We are grateful to you for coming. We were going to ask some questions about safety as well as other matters, but I think there are certain difficulties about that, if I may be blunt. Ms Prentis, do you want to raise them?

Q511 **Victoria Prentis:** Yes, there are difficulties. As you know, Minister, we as



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a Committee and I personally have been pressing you very hard for data to enable us to question you on what is going on in the Department generally about the situation with prison safety. I understand that while we have been in session an email has arrived from the Department. I do not know if you are aware of it.

Sam Gyimah: You should have received a letter from me.

Victoria Prentis: We have received a letter from you.

Chair: It is attached to the email.

Q512 **Victoria Prentis:** I have quickly seen the email, but it has not yet been circulated to other members of the Committee. This was while we have been in session this morning. The covering letter says, "We ask that the information is treated confidentially." Under those circumstances, I am loth to refer to it, without having had time to read it properly and carefully consider what we are allowed to make public and what we are not. Minister, I am afraid that makes our job this morning very difficult, so would you please agree to come back and see us again about prison safety, when we have had time to analyse the information?

Sam Gyimah: Absolutely.

Victoria Prentis: We have been chasing that information since we met on 29 November 2016, and you repeatedly said that you would give it to us. That may well now have happened, but I am not in a position to tell you whether it has or not, truthfully. We would like to talk to you again. I am sorry to other members of the Committee that you haven't yet been copied into the letter.

Chair: That is fair enough. The Minister has said that he will come back.

Sam Gyimah: Safety is an ongoing concern.

Q513 **Victoria Prentis:** Yes. Given that we have not been able to analyse any data specifically on safety, I wonder if you could tell us what your view is as to whether there has been an improvement in prison safety over recent months.

Sam Gyimah: The situation in prisons is still challenging in terms of safety, specifically if you look at assaults. The latest data on assaults, whether it is prisoner-on-prisoner violence or prisoner-on-prison-officer violence, are still very challenging. There is much that we are doing that I think will help in the medium term. I am loth to be more specific than that, but what we are doing, whether it is drug testing, having more dogs available on wings and so on, is all helping to improve the situation.

Q514 **Victoria Prentis:** Do you think that the situation is improving at the moment?

Sam Gyimah: It is positive, and I am encouraged—that is probably how I would put it—but we are still in a situation where, from week to week,



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things are quite tricky. I would not say anything more than, "It is encouraging," and we will see where we are with the public data later this year.

Q515 Victoria Prentis: From my very quick reading of the letter we received this morning, it does not look as if you intend to publish disorder data. Could I press you again to include that, particularly in the circumstances that we have heard about this morning of the POA threatening to strike in terms of Tornado teams?

Sam Gyimah: On data, I am happy to discuss that in detail with the Committee, although I am cautious about providing data for the public domain that have not been properly audited and verified to a national standard. If the question is whether I can share with you management information privately, I can, but to put that in the public domain when it has not been audited to the standards that you would expect of a Government Department is something I would be quite loth to do.

Q516 Victoria Prentis: Do you have an update for us on Tornado teams, and on the situation with the POA at the moment?

Sam Gyimah: What do you mean?

Victoria Prentis: On whether or not the POA is intending to take further strike action.

Sam Gyimah: Yes. I understand that they issued a circular, which I saw last night. Sorry—it was a bulletin. This morning, they confirmed that they will not be withdrawing that bulletin. In terms of where we are, it appears that the POA is set for unlawful strike action.

My concern is prison officers, who are valued and who do a difficult job in quite challenging circumstances. The Secretary of State and I said so right from the get-go when we started these jobs, and we have been taking steps on pay and so on to make sure that we give them what they deserve, given the challenging job they do. We had a pay and pensions deal that was endorsed by the POA at the end of last year, and was unfortunately rejected. The issue of pay is now with the independent pay review body, but we are not waiting for the review body to come back to us with recommendations.

The Committee will be aware that we announced additional allowances for 31 jails of £3,000 and £5,000. Those are 31 jails where it is particularly difficult to recruit. It is not just that; we have also announced an increase for band 4 prison officers, so that prison officers can take on extra roles, whether it is safer custody roles, Tornado roles or mentoring roles, and earn more money at the band 4 level. That would apply to 2,000 prison officers across England and Wales. We are doing a lot around pay while waiting for the pay review body.

I am very conscious that the POA is important. I engage with them regularly. I have Mike Rolfe, the chairman of the POA, on speed dial. I



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met him last week; I have met him twice so far this year. We are determined to sit down and work with the POA during what is a challenging time in our prisons.

Q517 Victoria Prentis: Do you think you can maintain adequate levels of safety if the industrial action takes place?

Sam Gyimah: We have contingency plans for industrial action, which we have worked on extensively. After this meeting, I will be sitting down with the chief executive of prisons, Michael Spurr, and with Justin Russell, the policy lead, to go through our contingency plan. We have contingency plans. That said, from a cursory examination of the bulletin yesterday, some of the activities that the POA were saying prison officers should withdraw from—for example, ACCT duties where they deal with self-harm and suicide—are pretty serious, but we have contingency plans that we will activate.

Q518 Chair: Thank you. I am sure that we will find out more when you are able to answer the urgent question in the Chamber.

Coming back to the specifics around the reform package—we have the Bill and so on—there is a focus on rehabilitation, and it is accepted by all the witnesses that the proposal is a good thing, and ought to be central to the purpose of prisons. Can you help me to be specific? To get reform, you have to have purposeful activity, you have to have safety and all those things; we are all agreed that they are interlinked. In the six reform prisons, where we started the process, what do we have by way of evidence to show specifically what improvements there have been in rehabilitation in consequence of the freedoms that have been given to the reform prisons? Do we have any evidence?

Sam Gyimah: Yes. Obviously, we have experience of managing private sector prisons, but we also have the six reform prisons, which were launched in June last year. On how they have been approaching the task of enjoying their freedoms, the first thing that all of them said to me, when I met them, was about the idea that, in the community, they are seen as the boss and the decision maker. That is hugely important in running their jails.

Whether it is organising employment activity with their local employer, or getting in a local supplier, they are the ones who can make the decision. That makes a huge difference. They do not have to write to the National Offender Management Service and get someone to get back to them at the time of their choosing to tell them no. That is something that, on the evidence, they have embraced, and it makes a huge difference in how empowered they feel to run their jails.

On rehabilitation, which your question specifically related to, at Wandsworth they got an education specialist in to work with them on how they can implement the Coates review of education in a way that works specifically for that jail and its cohort of offenders. Prison governors in places like Ranby have looked at getting mentors in for prisoners. That is



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one of the things that they are using our reforms for. It is also about how they look at the regime and how they spend the budget. We have some signs that, if governors are empowered, they want to turn around lives and they want to improve their jails. The centre became too big, doing too much, and empowerment is how to enable us to turn around our prisons and offenders' lives.

Q519 Chair: I understand. To achieve that, we have to take the POA with us. I appreciate—leaving aside current issues—that we also have to take the Prison Governors Association with us. Governors have expressed concern that, whatever the intention, they do not feel that they have been fully engaged in the process. Can you help me about what is being done specifically to engage with both governors and operational staff to address any suspicion that this is being imposed without their being properly engaged? Are you conscious of that problem? If so, what are you trying to do to deal with it?

Sam Gyimah: That is a very fair point. We cannot talk about freedoms and empowerment imposed by the centre; we have to take our prison governors with us. I have met the Prison Governors Association at least once this year, and the Secretary of State has met them and written to them.

A lot more can be done as we go through this bit of change. We are doing quite a lot on performance agreements and standards. We have written to many governors, and they will come back to us on the standards and how they feel we should be implementing our reform. Given that the reform will be phased, we need them alongside us. More can be done with both the POA and the PGA and, as you rightly said, prison officers and rank-and-file staff as well. We are doing a lot, as it happens, but I am sure that there is more we can do.

Q520 Alex Chalk: Can I turn to recruitment and retention? On 19 February, the policy was announced, with £12 million for 31 prisons; you adverted to it briefly. There is to be between £3,000 and £5,000 for grade 3 officers, and I have some questions about that. First, is it new money? When you came before the Committee on 29 November you referred to existing strategies for “difficult-to-recruit places,” and you talked about pay supplements and retention bonuses. Is this new, or is it simply a reflection of what you had planned on 29 November?

Sam Gyimah: It is new. That is the first point. Before, we had a system of additional allowances in some establishments, but not in 31 as we do now. Under the previous regime, allowances were all time-limited to a maximum of two years. This package is for staff in 31 jails, but not just them; new staff will start halfway up the pay scale, the scheme will run for four years and there is no cliff edge. It will allow us to gather evidence for the pay review body in four years' time. There will be no detriment to the prison officers who would be receiving those allowances.

Q521 Alex Chalk: This is all about retention, and I am sure the extra money is



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very welcome, but we have seen that the numbers have gone down by 133 in the quarter to December 2016. I have two questions. First, this is for grade 3 officers, but we are losing officers across the piece. What are you going to do about other bands of officers where we are struggling with retention?

Sam Gyimah: Yes, absolutely. The additional allowances apply to band 3 officers on fair and sustainable terms. In terms of other prison officers, I mentioned the other strand of our announcement, which is the new band 4 prison officer role, which will recognise and reward the most experienced band 3 officers who have accumulated additional skills and knowledge so that they gain a higher pay band. We will provide opportunities for them to undertake professional development, which will include obtaining additional skills such as advanced first aid, support and mentoring. They could become Tornado team members or hostage negotiators, or they could perform safer custody roles to get that.

Q522 **Alex Chalk:** What is the evidence base that led you to focus on those areas? Haemorrhaging is an emotive word, but we are certainly losing officers across the piece. What led you to say, "Right, that is going to be the focus of our efforts"?

Sam Gyimah: In 75% of our prisons, as I have said before, recruitment is not a challenge. In those 31 prisons, recruitment is a challenge, which can be because the cost of living is high versus what prison officers receive. This is an explicit policy that recognises that challenge and seeks to deal with it. It is not a novel idea in the Prison Service—as I said, we have paid additional allowances before; for example, in Feltham—or outside the Prison Service, to recognise that pay can be weighted in different ways, depending on the challenges of recruitment. Prisons such as Chelmsford, where retention has been a particular challenge, will benefit from this. We have done quite a lot of work with governors to arrive at this position.

Q523 **Alex Chalk:** On that point, the job of a prison governor is extremely demanding, as we know. On one view, it is about to get even more demanding, as further responsibilities trickle down or pass to those individuals. What does the Ministry plan to do to ensure that there is sufficient resource at governor level to pay for skilled governors, to recruit and incentivise them?

Sam Gyimah: Skilled governors to recruit and incentivise.

Alex Chalk: To recruit and incentivise skilled governors, who are perhaps going to have a more important role than ever before in the history of the Prison Service.

Sam Gyimah: Absolutely. That is a good question. Just to finish off on your previous question, we will be publishing a workforce strategy, which will look at professionalisation of the prison officer role, and ladders of progression and pay. That, in the long term, will help deal with the retention issues.



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The role of governor is even more important in this world where governors are being empowered. They will be running their jails. Security and safety will be their responsibility. They will also be responsible for turning around lives. There will be other things that they will have to do in terms of HR. How do they make use of the fact that they will now be responsible for budgets and can do a lot more with budgets?

Q524 Alex Chalk: We need the brightest and the best. How do we make sure we will have them?

Sam Gyimah: To attract the brightest and the best, first, we launched a programme called “Unlocked” for fast-track graduates to join the Prison Service. As far as governors who are in the Prison Service at the moment are concerned, we are looking at a bespoke leadership programme for prison officers. We are also developing a new structure that will mean that prison governors are not left on their own. In the new structure, there will be a prison governor, but prison governors will be part of a group. The groups will be organised primarily on a geographical basis of four to five prisons. Sitting on top of the group, they will be line-managed by a group director, who will report to the director in Her Majesty’s Prison and Probation Service, which launches on 1 April. Prison governors will get specific training, but they will also get support from a line manager as well as from Her Majesty’s Prison and Probation Service in order to carry out their role.

Q525 Alex Chalk: I have been invited to clarify something—forgive me for going back. In the announcement, the Ministry said that the pay increases would replace existing pay increments in difficult-to-recruit prisons. Can you confirm that the £3,000 to £5,000 that I think was mentioned on 19 February is in addition to those you referred to, amounting to £4,000, on 29 November?

Sam Gyimah: I think it is best if I write to you—

Alex Chalk: Would you mind?

Sam Gyimah: I can set out exactly how it works.

Alex Chalk: Thank you. I would not wish anyone listening to this to be confused in any way.

Chair: That is helpful, Minister.

Q526 Victoria Prentis: On structural reforms, there is an awful lot going on in the Prison Service world at the moment. The reforms were announced on 8 February. What do you see as the key benefits of the proposed new regime?

Sam Gyimah: The single most important benefit that we want to achieve from this structural reform is that prisons are focused on turning around offenders’ lives. The Secretary of State and I have said a number of times that the £15 billion cost of reoffending is too high, and that it is



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unacceptable that so many people go through our prisons and then reoffend.

The way to deal with that is to have a Prison Service that is focused on turning around people's lives. As the Committee will have seen, we have outlined what we see as the four purposes of prison on the face of the Bill. Obviously, offender rehabilitation is one; public protection is another; prisons need to be safe and decent; and prepare prisoners for life after release. That is going to be in statute. It is something to which every prisons Minister will have almost certainly paid lip service, but I do not believe that we have a system geared up to deliver it.

Q527 Victoria Prentis: How do you think the management of the performance agreements will differ from the current line management in a way that helps you to achieve those goals?

Sam Gyimah: There are many aspects to the new regime. Governors are empowered. There is sharper accountability in the form of an inspectorate that will inspect not just against the condition of prisons and prisoners but against the outcomes that were laid out in the White Paper of November last year. Performance agreements will be in place between HMPPS and the prisons. Together, all those things will bring a sharper focus on the things that matter.

Looking from the top down at the way the National Offender Management Service operates at the moment, it is responsible for the Prison Service, public and private, for the National Probation Service, for 21 community rehabilitation contract areas, for electronic monitoring contracts, for bail accommodation and for PECS—the escorting service. That is quite a lot of activity. In the new structure, they will be focused on delivery and actually making sure that they support prisons to deliver on the purposes that are outlined on the face of the Bill. That is the first thing.

The second thing is that the performance agreements you mentioned will very clearly outline what is expected of prisons, but with support, challenge and back-up from HMPPS as well as a line management structure that reinforces that, so that prisons operate in clusters. The whole system is being geared to focus on that in a way that it is not at the moment. That gives a much better chance that we can actually deliver the reforms.

Q528 Victoria Prentis: What will happen if, for example, you set up a management contract and a prison governor says that he cannot deliver according to the terms you set out because he does not have enough money, or because his prison is overcrowded, above the levels that were set out in the original agreement?

Sam Gyimah: When commissioning takes place, it will be done in agreement with prison governors. Prison governors will not be able to say which prisoners and how many prisoners they accept. The performance agreement will be done in discussion with prison governors. On the point



about a prison governor saying that they cannot accept or cannot deliver on that, they would have to have a discussion. If there are real challenges, it will come through the performance management process. There will be a quarterly meeting led by the permanent secretary, which will review the performance of prisons. In addition, there will be an annual review of the commissioning process. If there are problems, whether the problem is leadership or because the ask is too great or the prison has serious systemic problems, we would act on that basis.

In some ways you are right; it is not different from what we have now. I have twice-weekly meetings with the chief executive of NOMS, we discuss prison stability and what is happening and we intervene on that basis. In the new regime, we will create a proper system and a strategic approach to what has evolved as a consequence of our working practices.

Q529 Victoria Prentis: It is really helpful to have that explained to us. When do you anticipate that those structural reforms will be complete?

Sam Gyimah: If you could bear with me one second—I have that information, and I can send it to the Committee. As you have asked the question, to break it down, for workforce planning and recruitment, prison governors will be allowed to determine their staffing structure, hire specialist staff and design the prison day from April 2017, in addition to localised recruitment.

For offender services, joint approaches to health commissioning will start from April this year. The family services budget is devolved from autumn this year. There will be new education contracts from January 2018. The budget for accredited programmes is devolved in April 2017. The reinvesting of income generated from contracts is in April 2017, and finance and commercial contracts from April. There will be an ongoing process until 2019-20, when it will be fully done. I have the information here and I can send it to the Committee so that you actually have it.

Q530 Chair: That will be very helpful, Minister. We are grateful to you. Can I go back to one other matter that we were talking about—stability? Having a proper staffing regime is important for that. A number of witnesses said that they value the fact that greater emphasis is being placed on building better staff-prisoner relationships. That is obviously part of the process of making prison more rehabilitative. We understand that.

At the same time, however, there is a sense that a lot is being put on prison officers—for example, taking on the offender management function, which most officers used to do. There is acceptance that there will be a need for additional staff for perfectly reasonable regimes—searching and so on. Against that, what reassurance can you give people who are sceptical about whether the 1:6 ratio will actually work in practice in genuinely delivering better staff-prisoner relations? Do we have any modelling or any evidence? What can we say to reassure them? It sounds great, but they say they will be overloaded, and they are not going to be able to cope with it in practice.



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Sam Gyimah: Chair, there are two key ratios to bear in mind. The first is the ratio of prison officers to prisoners on a wing, which can currently be around 1:30. That will move down to 1:20. Indeed, HMP Berwyn has opened and is taking its first prisoners today—I think it is in Mr Hanson’s constituency—and it will be operating on a ratio of 1:20.

The second ratio—the 1:6—is to deal with supporting and doing casework for actual prisoners. It is based on a lot of modelling that we have done, and supported by the work of Lord Toby Harris. His publication, the independent review of self-inflicted deaths in custody, recommended the key worker model, which is what we are implementing, and based on the research that we have done from his work, and on internal modelling, a ratio of 1:6 is just about right for the case load of a prison officer.

Q531 **Chair:** Perhaps we can return to that once we have more detail.

Sam Gyimah: In terms of evidence, a further point is that we are trialling this in 10 prisons. It is not something we are going to implement across the system. We have identified 10 prisons; in addition to Birmingham there are Leeds, Nottingham and a number of others.

Q532 **Chair:** Perhaps you could let us have details of where it is being trialled. That would be helpful.

Sam Gyimah: Yes—absolutely.

Q533 **Chair:** We can perhaps review it in due course. That is useful. Thanks for clarifying that. The other thing that is raised about stability in prisons is the quality of facilities—facilities management and so on. I think you felt the need to meet senior executives of Carillion recently, because of concerns about the performance of facilities management. What was the upshot of that?

Sam Gyimah: Yes. Carillion and Amey manage the facilities contract for the prison estate. You are absolutely right. I am sure the Committee picked up that piece of information from your own visits to prisons. Governors have been frustrated with the level of service. I summoned the management to the Department in September. I have met them three times since, and we went through a detailed action plan.

Things have improved. What has driven the improvement is moving from a situation where Carillion was supposed to respond to a set of tick-box targets that were determined in the contract from the centre, but with the activity driven by the needs of governors. Allowing governors to have more traction with the contract has begun to turn the issue around. We spoke to every governor, and they submitted a list of the key priority works that needed to be done.

We then discussed that with Carillion, and they had to go through the list and report back to us when actions were completed. We have had an open discussion with Carillion. That has told us that giving governors



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more traction, rather than Carillion having a contract with targets agreed with someone in finance, has begun to improve the situation.

There is a broader question around facilities management contracts in the 200 or so contracts that we have in the Prison Service, and what we do with them in the context of governor empowerment. We will be reviewing those contracts as and when they come due, to figure out which ones are best devolved, and, for those where it makes economic sense to have a national agreement, how best we can give governors more power to drive and determine what happens in their jail.

Chair: Thank you. That is helpful.

Q534 **Kate Green:** I want to know about roll-out plans. As far as I understood from what you were saying, Minister, most of the changes start in April 2017, in a few weeks' time. How confident are you that there is a cadre of governors ready to move into the sophisticated leadership role that executive governors will have to take on as envisaged in the White Paper?

Sam Gyimah: There is a lot starting in 2017, but not every jail will have to start everything in 2017. It is carefully thought through. As I said, they will be in this phase, and we will be going through this process, until 2019-20.

Your question relates to the quality of the governors and the support they are getting. I am confident that we have a good set of governors. The important thing is that the governors stay in post long enough to see this reform through. We are looking at governor tenure, to make sure that governors, where appropriate, are in post for three to five years to give them time to bed in the new process.

Of course, you cannot stop a governor saying, "My family are based somewhere else and I want to move," but when they are appointed, the expectation will be that they stay for a certain period of time. There is also performance to allow for.

The key thing is training and support. We are looking at a number of training programmes for our governors in the whole structure that we will be rolling out. There will be geographical clusters, as I said, but we will also have some functional areas of expertise among governors. The high-security estate will sit in one group, the women's prisons will sit in another group and the youth estate will sit in a separate group. There are also the sex offenders' prisons.

Governors will operate in a group where they can share best practice, but they will be line-managed by someone who can see what is happening across the group and support them. Prisons that fall out of those categories will be organised on a geographical grouping basis of four to five prisons. There will be the same line management structure sitting on top of the governors, with support from HMPPS. I am confident that we



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are putting in place support for governors, in addition to a training programme to help them deliver the reform.

The key to it, which is implied in your question, is an element of trying before we roll out—not rolling out everything across the entire estate immediately. To take education, the budgets are devolved as of April, but the contracts allowing governors to commission their own education will not happen until 2018 at the earliest. That is an example of how we will take time to get to this new world of full empowerment.

Q535 Mr Hanson: Can we look at league tables, Minister? You helpfully indicated in the White Paper last week six areas of precision measurement, or league tables to measure prisons by. Can you give us more detail on how you intend to do that, so that we can get some understanding of how prisons will be measured against the six areas of potential measurement?

Sam Gyimah: There is always a sense of trepidation when a former prisons Minister asks you a question. The first thing to say about league tables is that the intention is to publish the data so that prisons can see how they are doing against other prisons, rather than its being the main way in which prisons are held to account. As you know, Mr Hanson, the first thing about prisons is that the mix of offenders will hugely impact where a prison ranks in a league table. We recognise that, and we would not use league tables in that way.

At the moment, we have no transparency on prison versus prison performance, so we will be looking to publish those data. There will be a hub where you can see the data, just as there is for the Department for Education—the Department for Education does not put together league tables. Others will take the data and put together league tables, or make the data available so that prisons can compare their performance.

Q536 Mr Hanson: What weight are you putting on each of the six identified measures? For example, when Birmingham prison has a riot and there is great cost to G4S and to the state, and there are prison officers injured and Tornado squads are brought out, is that going to put them bottom of the league or not?

Sam Gyimah: No. To be clear, the first things in terms of measuring prison performance are the performance agreements, which will be signed by the Secretary of State and the governor. The agreements will have protecting the public as a key measure. Under protecting the public, we will look at the number of escapes, which is zero; the number of absconds, if it is an open prison; and compliance with key security processes such as searching.

The second key measurement will be around reforming offenders. Around that, we will be considering time spent out of cell, progress made on getting offenders off drugs, progress made on health, starting with a



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measure on medical appointments, progress made in maths and English, and progress in maintaining and developing family relationships.

We are also preparing prisoners for life on release. We will be looking at the number of prisoners who are getting suitable accommodation and rates of sustainable employment. The final one is improving safety, where we will be looking at assaults on prison staff and prisoners, disorder and self-harm, and staff and prisoner perceptions of safety. Those will be in the agreements.

Q537 Mr Hanson: Last Tuesday, in Liverpool, there was a hospital visit that led to an escape from a prison, which you will be aware of. Does that put the prison at the bottom of the league? What weight do you give that?

Sam Gyimah: We will not publish league tables; we will make the data on prison performance available.

Q538 Mr Hanson: Why do you call them league tables? How do the public know?

Sam Gyimah: It is performance data. That is a better way of looking at it.

Q539 Mr Hanson: The White Paper includes proposals to introduce a league table. That is what it says.

Sam Gyimah: The best way to describe it is as performance data. We will not—

Q540 Mr Hanson: Why have you called it a league table in the White Paper?

Sam Gyimah: We will not rank prisons from the best performing to the lowest performing based on their performance. It is about data. We will put the data out there, not least because, even if we wanted to do that, Mr Hanson, it is something that would take time to get right. We will be putting our performance data in the public domain.

Q541 Mr Hanson: I am interested in how we will be able to interpret that. Are you going to introduce it in clusters of prison types? Are you going to look at it regionally? Are you going to look at it in relation to different prisoners? How are you going to measure it?

Sam Gyimah: We are working internally on a prisons data hub, which will provide the data in a number of ways to make it accessible to the public, but that is not the same as ranking prisons from the best performing to the worst performing, because, as we all know, prisons are very different. If you have a local population and you have a higher remand population, levels of violence tend to be a lot higher than if you have long-term prisoners and a more settled population.

Q542 Mr Hanson: Let's put it this way. We had the private sector prisons people just before you. What would it take for a private sector prison to be put into special measures or for you to issue sanctions against a private sector prison? Vice versa, if a public sector prison is failing, what



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are the measures that tell you that you have to take action, as the Minister, on that public sector prison?

Sam Gyimah: There are very clear ways in which you intervene. The first, as I said, is the performance agreement and whether the prison is in any way in breach of the performance agreement.

The second way, as outlined in the Bill, is inspection. If, after an inspection, the chief inspector of prisons highlights significant concerns in a prison, that will trigger the Secretary of State's intervention. That is the second way in which it can happen.

The third way it can happen is that we have regular meetings where we consider prison stability and safety and other concerns in prison, and if we see data that require intervention, the Secretary of State can intervene at any point in time. You do not need to wait for a league table. You do not need to wait for the inspection.

Q543 Mr Hanson: Would the prison riot in Birmingham or a prisoner escaping from a hospital visit in Liverpool trigger a Secretary of State intervention?

Sam Gyimah: That is why we have HMPPS, which is focused on delivery. We have the commissioning team, which sits within the MOJ. Based on discussions and advice from HMPPS and the commissioning team, we decide what the course of action is. To take what happened in Birmingham as an example, the first thing was dealing with the incident. I was in the Department all day, and we and the National Offender Management Service worked with gold command locally to deal with the incident.

Subsequent to the incident, as a Minister responsible for prisons, I visited the prison and spoke to all the staff who were involved in the incident on the day, questioning them about how they managed the incident and how the incident came about. I also spoke to the management of G4S, and we put together an action plan with them, which G4S has to implement, as per its contract, as a private sector prison. None of those things changes in the new world; if anything, we have multiple ways of triggering an intervention.

Q544 Alex Chalk: That is very true, but if the triggers for intervention are a report from the inspector or any of the metrics that come up on your desk, what is the point of league tables? If they are difficult because you have apples with apples, and if there are other factors that trigger your intervention on special measures, why are we wasting powder and shot on things that could be so misleading?

Sam Gyimah: As I said, some transparency is better than no transparency. It is helpful for prison governors to see their performance data as against that of other prisons—say, the other prisons in their group. That is incredibly helpful. Those data will be published periodically. If I went back to the office today and there was a specific problem with a



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specific prison, we would act. We would not wait for the performance data to come up before—

Q545 **Alex Chalk:** But would a drop down the league table be something that in and of itself, regardless of any other data, was likely to trigger an intervention from your Department?

Sam Gyimah: It depends on the indicator. I have a prison stability matrix, and if I see that self-harm or suicides are up in one prison versus another I want to know what is happening, but that is not the same as looking at prisons and saying, “That prison is top and that prison is bottom.” It allows you to have a sensible analytical discussion by having the performance data out there and being able to compare.

Q546 **Mr Hanson:** How regularly are you going to be publishing that information?

Sam Gyimah: I cannot give you the answer to that. I will have to get back to you. Our approach at the moment is just to put some data out there. We are going to put a data hub out there and see how it develops.

Q547 **Mr Hanson:** Genuinely, Minister, I am not trying to destroy your idea; I just want to know what information is going out, when it is going out and what it means in practice. If it is detrimentally poor performance, what action do you take, what triggers it and what weight do you give to each of the six criteria you indicated?

Sam Gyimah: I totally understand your question. I do not want the Committee or anyone watching to leave this hearing with the idea that league tables are what will drive the Secretary of State’s intervention in a prison. We have a Bill, and the Secretary of State’s intervention in the prison will be triggered, first, if there is an HMIP inspection that raises urgent and significant concerns.

Mr Hanson: That happens now.

Sam Gyimah: Secondly, it will be if the performance agreements that we have with prisons are breached and, thirdly, if during quarterly or regular performance reviews, there is a reason to intervene. As well as doing that, we are committed to putting performance data out there for the public. It is similar to the discussion in education a long time ago—“What is the point of this?” It has been incredibly helpful for lots of parents to have data about schools, and for others to do things with the data. It does not necessarily need to drive a management response.

Q548 **Mr Hanson:** Would you be able, on reflection, to tell the Committee when and how often you expect to put that performance data out into the community?

Sam Gyimah: Sure—absolutely.

Q549 **Mr Hanson:** Would you be able to give the Committee some indication of what weight you give the improved or removed performance in each of



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those criteria? The Committee might be interested as to whether the disorder of a prison riot is given greater weight than underperformance on placing people in employment. I do not get a sense from the White Paper as to what weight you put on each of the issues.

Sam Gyimah: The Bill says that the key purpose of prison is turning around offenders. If a prison governor had a major disorder, it would be a pretty serious thing. I should make it clear that, as far as security and safety are concerned, that is an area where the centre will be driving things a lot more.

Q550 **Alex Chalk:** On that point, there is concern that if the trigger for intervention is, as you have indicated, some report or other, unless the league tables coincide broadly with what you are seeing through the inspections, there is danger of a complete disconnect. A prison could be high up in the prison tables, but then a report comes out saying that it is actually a disaster and there needs to be intervention. We would be assisted to know the extent to which factors that are likely to be picked up in a report would be reflected in the league tables.

Mr Hanson: Or indeed the prison could be performing very well on placing people in employment and maintaining family contact, but then, for a range of reasons, perhaps a single cohort of prisoners coming in, there is a prison riot.

Alex Chalk: Exactly.

Sam Gyimah: Let me just take a step back. Safety and security is an area where we are not leaving it to governors. The centre is still going to drive that. Safety and security, serious organised crime, extremism and counter-terrorism is all going to be driven by the centre, through the security, order and counter-terrorism directorate. If anything happens in those areas, or we have reason to believe that it will, we do not need league tables in order to intervene. One of the most important things about prisons is public protection. You do not need a league table, if you have concerns about safety and security, to intervene.

The area of turning around lives, which is where the empowerment lies, is down to governors. It would be good to see whether one prison is better, versus another prison, at getting people into employment and, when they leave, getting them accommodation.

Q551 **Chair:** Can we take it that league tables, in the old sense that they were referred to in the Department for Education, are not what you are talking about?

Sam Gyimah: No, they are not.

Q552 **Chair:** That is what has got out there, rightly or wrongly. This is quite a significant move. Do I take it, therefore, that the phrase "league tables" is not going to be used again by the Department?



Sam Gyimah: I prefer “performance data,” which is more managerial and perhaps less politically charged terminology. That is what I would prefer in this context.

Chair: You may find a lot of sympathy for that. It is interesting to get that clear, given the history. That is very useful.

Sam Gyimah: On Mr Hanson’s point about what has changed, what will have changed is that we will still have put governors in the driving seat in a way that they are not at the moment. That is a significant change.

Chair: I understand that.

Q553 **Mr Hanson:** You indicated in your written evidence that you are going to “continually attempt to identify and mitigate potential perverse incentives,” and that measures will be tested over their first year of operation. Could you give us some idea of what consultation and what testing you expect to have on those measures?

Sam Gyimah: We are in discussion with the Prison Governors Association on all of this at the moment.

Chair: All right. That is—

Mr Hanson: At the moment? Minister, we have got—

Chair: I am going to draw this to a close, because the Minister has to get to the House. He has duties to the House, and he has agreed to return to us on a future occasion, so fairness dictates that we give him time to be available to the whole House. We have had some useful information. If you are happy to come back, Minister, there are one or two other matters that we will follow up, if that is okay. Thank you for your time, Minister.