

Justice Committee

Oral evidence: [Prison population 2022: planning for the future](#), HC 483

Tuesday 11 September 2018

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Members present: Robert Neill (Chair); Mrs Kemi Badenoch; Ruth Cadbury; Alex Chalk; David Hanson; John Howell; Victoria Prentis; Ms Marie Rimmer.

Questions 188 - 267

Witnesses

I: Mark Fairhurst, National Chair, Prison Officers Association; Nick Pascoe, Vice-Chair, Prison Governors Association; and Julia Rogers, Managing Director Justice and Immigration, Serco.

Examination of witnesses

Witnesses: Mark Fairhurst, Nick Pascoe and Julia Rogers.

Chair: Good morning, ladies and gentlemen. Thank you very much for coming to give evidence to us. Welcome to the latest session of our prison population inquiry. Before we start, we have to make our usual declarations of interest as Members. I am a non-practising barrister and a consultant to a law firm.

Victoria Prentis: I am a non-practising barrister, married to another barrister.

Alex Chalk: I am a barrister, married to a barrister.

Q188 **Chair:** That's it. Can we ask each of you to introduce yourselves and the organisations that you represent? Thank you for submitting written evidence, which we have read. It will come up in some of the questions we are going to put to you.

Nick Pascoe: I am Nick Pascoe, the vice-president of the Prison Governors Association. My daytime job is as a group director for a number of prisons in the south-east.

Mark Fairhurst: I am Mark Fairhurst. I am the national chair of the Prison Officers Association. I am still a serving prison officer, based at HMP Liverpool.

Julia Rogers: I am Julia Rogers. I am the managing director for Serco's UK justice and immigration business.

Q189 **Chair:** I will start off by looking at the written submissions you have done. One of the things you talk about is crowding impacts on prison regimes. I understand that. Can you give me some examples, from your experience, of how it operates in practice?

Mark Fairhurst: The thing about overcrowding is that, ever since the Woolf report, when he recommended that no prison should go above its certified normal accommodation, we have had pressures placed upon us. You have to look at it from a prisoner's point of view. If he or she is getting placed in a cell designed for one, but it houses two and, on some occasions, more, it is very frustrating for them.

With regard to regime, the more overcrowded a prison is, the less purposeful activity you can offer. If your prison is only supposed to hold 1,000 prisoners, you plan for work and education spaces for 1,000 prisoners. If you then hold 1,500, you have to restrict activities and regimes, because you cannot have everyone unlocked at the same time. You do not have that plan in place, because your prison is not supposed to hold that many people.



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Inevitably, the frustrations spill over into violence. The latest stats highlight that 58% of public sector prisons are overcrowded. Even worse than that, 86% of private prisons—12 out of 14—are overcrowded, but they are overcrowded by choice, because the more prisoners they have, the more profit they make. We do not get a choice. We get people sent to us from the courts.

Q190 Chair: I do not know whether you have seen the study that has been done on behalf of HMPPS by Professor James McGuire, from Liverpool University.

Mark Fairhurst: I have touched on it, yes.

Chair: You will have noticed that he says, “Perhaps surprisingly, evidence that crowding in and of itself was a direct cause of violence was fairly weak.” That is his phrase. He seems to suggest that the three main studies all found that there were other factors that moderate it. Do you accept that?

Mark Fairhurst: That finding really does not surprise me. What you have to understand is that a lot of people in prisons are repeat offenders. They are used to the conditions we place them in. They are used to sharing cells that are not designed for two people. They are institutionalised. What we are saying is that if it has been a recommendation since the early 1990s, and if we are talking about decency, respect and going towards a rehabilitative culture, surely, out of humanity alone, we should be placing prisoners in single cells.

We had the perfect opportunity to do so at Berwyn, the biggest jail in the UK, which can house 2,100 prisoners. We had the perfect opportunity to make every cell a single cell—it was a new-build prison—yet only 30% of the cells are single cells. The rooms are tiny; I have seen them. To expect two people to live in a cell that is so small, even though it is a modern jail, is a disgrace.

Q191 Chair: That is the pressure. Ms Rogers?

Julia Rogers: We have what you would call overcrowding—the difference between the certified accommodation and the number of prisoners we have in it—but I would pick up what Mr Fairhurst said. That is not a matter of choice. We operate equally as part of the prison system, so people flow to our prisons, which are a national resource, directly from the courts. The movement of prisoners in the system is managed by the prisons management unit, so that is not something we choose to do. We are contracted to have a certain number of places available.

This is not a new phenomenon. The biggest difference for us between a prison’s CNA and its operating number is at Doncaster, but that has been in place for 18 years. It is not a new phenomenon that we have been holding that number of prisoners when the certified number is lower. Indeed, when Thameside was built in 2013, the certified number was for



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single occupation, but the cells were built to be able to take two men and have facilities in the cell to support living for two people.

Q192 **Chair:** What impact do you find that has on people? That is what we are really interested in.

Julia Rogers: It is around running the regime. I agree completely that it is about purposeful activity and making sure that the men—in our case, we only look after male prisoners—have the opportunity to go to work or education and to get their visits. It is about the plan.

My argument would be that, if we know that we are going to receive a certain number of prisoners, it is our responsibility to make sure that we have a plan that supports them. We work very hard to make sure that we have the maximum number of purposeful activity and education spaces available, and we work very hard on our visits—we do family days—to give the men some purposeful things to do. I agree with Mr Fairhurst about idle hands. If people do not have something purposeful to do or do not want to engage in the regime, that is when issues can occur.

Q193 **Chair:** Mr Pascoe, before I bring you in, I want to put one point that comes from Professor McGuire's inquiry. He says that the studies suggest that, rather than crowding itself being the issue, there are other factors, such as what he calls transiency: the rate of turnover in prisoners is a big issue. Maybe that links to Mr Fairhurst's point about people who are used to the system having one attitude, but there may be lots of changes. Does that make sense to you?

Nick Pascoe: It does.

Q194 **Chair:** What do you think are the other issues?

Nick Pascoe: The Prison Service is moving towards creating reception prisons, which will have a higher churn of prisoners. I would call them remand centres. I vividly remember "grisly Risley". There is a move back towards that, which I think is a mistake.

Activity is the critical point. You may have read the chief inspector's report on High Down, which is being changed to a category C prison. He says, "We started off with 300 unemployed prisoners, who will have nothing to do." James McGuire says that having a purposeful regime helps.

Crowding itself is in different formats. You could have two in a cell with a toilet in a cubicle, or with a shower curtain to cover it or with no shower curtain. You could find a double cell that is very small, if you went to Brixton. They have very small cells there. Crowding itself has to be looked at in a bit more detail. What do we mean by crowding?

Most prisons do not have the activity levels to support the population. I look after Coldingley, which has a full regime. Not surprisingly, it is a pretty reasonable jail. Prisoners buy into a regime where they are



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unlocked for long periods because they have something to do purposefully in the period when they are unlocked.

Q195 Victoria Prentis: It has long been a matter of concern for us that we cannot measure the regime in different prisons, because the figures are not available. Do you have those figures sent to you daily, weekly or monthly on behalf of the prisons you look after?

Nick Pascoe: No. Our new performance plan, which we are just about to sign up to, will require the governor to put in what the minimum regime is. In some prisons, you will see the regime published for prisoners. In recent times, the issue has been our being unable to deliver that regime. I am sure that is at the heart of some of the instability. We know what we aim to do, but we have failed to achieve it.

Q196 Chair: The other pressure, of course, is the question of spending, which we have talked about, and the choices that have to be made. To start with the point of view of a manager in the public estate, Mr Pascoe, how much of the spending on prisons is it possible for management—for the leadership of the service—to deploy as they choose, and how much of it is fixed, so that you are stuck with it anyway? What, realistically, would you do to be more transparent about the flexibility you have on safety issues, for example?

Nick Pascoe: Seventy per cent. of our spend goes on staffing. Then you have some almost fixed costs for energy. They are not totally fixed costs, but there is a central contract, and the governor cannot change it. There is a daily food allowance for prisoners, which he can vary slightly. The governor's ability to flex money comes only if he has an underspend, and an underspend usually arises because he does not have a full staff, frankly.

Chair: So he has more pressure.

Nick Pascoe: What does he do with that underspend? There are strict rules about it. First, the centre will probably pull it back. Secondly, if you want to buy a piece of drug equipment, for example, to try to detect drugs, it will almost certainly be over £10,000, and you cannot convert what is known as resource into capital. I am not picking on prison officers, but if you do not have two prison officers for six months, you think, "At least, I can spend that on doing something that will have a practical impact on the drug issue." Because of Treasury rules, you cannot convert resource into capital. The governor has a very small pot of capital, which he bids for each year.

Q197 Chair: Ms Rogers, you wanted to come in.

Julia Rogers: We have a different opportunity. I can tell you what regime we run because, contractually, we have to report on it every day. We have to tell the MOJ how many purposeful activity places we have, how many people have attended education, how many people have been unlocked, how many cells are available and what condition they are in.



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Q198 Victoria Prentis: Do you do the unlock period? Can you tell me what time someone was unlocked and what time they were locked up, for everybody, every day?

Julia Rogers: Yes. It is a contractual requirement for us to report that. Part of the way we are measured, quite correctly, is on the regime that we provide. It is a requirement for the private sector prisons to provide all of that information.

One of the benefits of having a mixed economy is that we are able, and have been able, to innovate, exactly as Nick was describing, more easily, because we do not have to seek permission. Clearly, we have to make sure that whatever we want to introduce does not cut across any of the rules. We run prisons to PSIs, and PSIs are instructions and orders. Just this week the Secretary of State has been talking about in-cell telephony and its benefits. I note that he went to Germany to see it, but he could have come to every single one of my prisons, because we have in-cell telephony. Serco introduced that 10 years ago.

Victoria Prentis: In all of your cells.

Julia Rogers: In all of my cells, in all of my prisons. We have been able to take the best of technologies from around the world. We also operate in Australia and New Zealand. They do things slightly differently. We are able to take the best practice from there and bring it here.

We have a number of technological advantages. We have been able to invest our money in order to bring new benefits to prisoners. Take in-cell telephony as an example. It is very well regulated; prisoners have to nominate telephone numbers and things like that. Imagine that you have been locked up at night; if you are feeling vulnerable or afraid, or you just want to talk to your family and keep a connection, or you want to seek help, you have the ability to pick up a telephone to talk to somebody. We know that is of benefit, because prisoners have told us that it is of benefit in terms of their mental health overnight.

Q199 Victoria Prentis: I am sure that prisoners have told you that it is of benefit. Has anybody done a proper academic study of the difference it has made?

Julia Rogers: I am not aware of any academic body that has done a study. We can show that our self-harm numbers tend to trend below those in local prisons similar to the ones that we operate and others. As far as I am aware, no actual study has been done, but it would be a very interesting thing to do.

Q200 Chair: You are at Liverpool, Mr Fairhurst. When we heard evidence about the Liverpool situation, which was appalling, one of the things we heard was that really difficult spending decisions were having to be made about security versus decency in cells. That is one of the examples that was given to us. On behalf of your organisation, can you give us some more examples of those sorts of tough choices, and the consequences that you



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find in practice?

Mark Fairhurst: The biggest issue from a shop-floor point of view is procurement, where you are tied into a national contract and cannot deviate from it. I will give you two examples. The first is that we used to be quite self-sufficient and run our own canteen, which is a prison shop where prisoners can spend what they earn or their private cash on food or, back in the day, when smoking was allowed, tobacco and stuff like that. That was privatised. It is now under DHL. The prices are astronomical. Prisoners are getting ripped off. What they are getting charged for the purchases they make is disgraceful.

We could make so much profit by going back to the old system. Scrap this private contract, because all they are doing is making money from people who are incarcerated. The profit we used to make was ploughed back into the prison, so prisoners benefited from it.

The other issue is being tied into a national contract with BT for all prison phones. A prisoner purchases a phonecard, with credits on it, but the price the prisoner pays BT is again astronomical. Where is the competition? Why can't governors bid or procure and get prices from different providers to reduce call charges for prisoners, which would further help them to maintain family ties?

Why can't we be self-sufficient? We have had this debacle with Carillion, Amey and repairs not getting done. Why can't a prison just phone a local building firm down the road to get a plumber in and sort out the issue within hours? Why do we have to go off to these private contracts?

Q201 **Chair:** The monolithic nature of the thing seems to be the issue.

Mark Fairhurst: It has a knock-on effect. Prisoners get frustrated because of the phone prices. They get frustrated because they cannot spend as much as they would like, because the prices are too high. We are at the frontline. We bear the brunt of that.

Chair: I understand that.

Julia Rogers: Again, we have a different model, because we can. Exactly as Mark is describing, where prisoners pay for their phone calls or, indeed, for the canteen—we have our own canteen provision—any money made from that is put into the prisoners amenity fund, which is managed by the prisoners. We have a prisoners council. The spending of that money is a matter for discussion with the prisoners about what they would like to see in the prison that would enhance their lives. We have a different opportunity there.

Q202 **Chair:** I appreciate that there are different models within the system. I want to go back to another issue. Mr Pascoe, perhaps you can pick this up, along with anything else. The Ministry says that it intends to review the funding formula for prisons. Are there things that you think it could do differently?



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Nick Pascoe: Let's take a simple example. A lot of prisoners have no pay. They are unemployed in prison. If an unemployed prisoner has no private cash, and quite often they only get private cash by putting pressure on families to send money in, they earn £2.50. They have earned £2.50 for many years. There has been a marked reluctance to increase that, partly because staff have suffered low pay rises. They get £2.50. If they are in a double cell, 50p will go on a television. We have prisoners who just cannot afford it. We wonder why they get into debt. It is not surprising, because we do not give them any money that is survivable on. There could be some flexibility about that. It might be said that governors could put more into it, but where would they get the money?

We have benchmarked prisons, so staffing levels are set on a national formula. Although we are in the process of increasing them, that increase is also on a national formula. Governors have freedom to change that, after consultation with trade unions. They have freedom to change the mix, but it is quite a limited freedom, in the sense that it is at the margins. It will never be a huge percentage.

Q203 **Chair:** In the state sector, the question of flexibility is important. Ms Rogers, for you it depends on the way your contracts are written, but, from the state sector's point of view, that is what both of you are saying.

Mark Fairhurst: The problem is that the budgets that are available are not sufficient. Rehabilitation is just a word. Nick's jail is very good. The open estate is very good. It is the true rehabilitation model, but you are preparing people who are just about to enter society.

Our vision in the POA is, let's be serious about rehabilitation. Give us the funds, and let's give prisoners a 30-hour working week, but pay them a half-decent wage. Then, when they are released, they will not have to rely on a £45 release grant or on the state; they will have savings to go out with, and maybe they can put down a deposit on a flat. At least they will be able to get by until they are sorted out. Make them work 30 hours a week or educate them for 30 hours a week. Give them vocational skills that can help them to gain employment on release. But that takes a major investment. People are just playing with words at the moment.

Nick Pascoe: I can think of a real example. When I was a reform governor, a company came to me and said, "We will put solar panels on your prisons, for no cost, and we'll split the saving." That sent the Ministry of Justice into a spin. They could not cope with the idea of innovation. It was a 15-year contract. We were going to make roughly £100,000 a year, which we could have invested. I said, "I bet in two years' time this will still not happen, because you will not let me do it. We will have an open-book policy and share the savings. We will green the planet, and we will save some money, which we can reinvest." It never happened.

Chair: That is the culture of central management.



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Nick Pascoe: The company said, "We have raised the money. We could do every prison. We have done hospitals and schools. We could do every prison in the country, if you wanted. We will prove the concept."

Q204 **Chair:** But HMPPS did not want to know.

Nick Pascoe: It was the Ministry of Justice.

Chair: The Ministry itself? That is interesting. There is a distinction. We need to know where the obstacle was. It was in the Ministry. It is helpful to have that.

Q205 **Ms Marie Rimmer:** In the public sector, we are implementing a new way of supporting prisoners, known as the offender management in custody model. How is the model working in practice? How does it differ from the previous regime?

Nick Pascoe: For many years, we played with the idea. We had what was known as the personal officer scheme. A prison officer had a number of prisoners for whom he was the personal officer, but we did not actually provide any time for the prison officer to do that; it was going to happen as if by magic. You will read one inspection report after another that says, "It is a name on a cell door, but in most places, it is not reality."

In this case, we are actually profiling staff time to do it. Every prisoner will get contact time with a nominated prison officer over the week. That is a sea change. We are making a significant investment of frontline staff—prison officers. We are increasing staffing levels on units to make them safer, but they are not just there to police; they are there to have time to interact with prisoners and to be the role model, the mentor and the signposter to other services. That is a sea change. It is the first time I have seen anything like it in my 38 years in the system.

Q206 **Ms Marie Rimmer:** The time is meant to be about an hour a week. Is it actually working?

Nick Pascoe: About 45 minutes is profiled in. It is on a formula. It will be flexible. In some weeks, some prisoners will not need all of that time, but there is time enough. Some prisoners may need a bit longer. Some prisoners are more complex.

Q207 **Ms Marie Rimmer:** What is the outcome of this new way of working? Is it showing improvement?

Nick Pascoe: It is early days, but I am told there are green shoots in some practical outcomes on levels of violence. I do not think that those statistics are in the public domain yet, but I was told last week that there is evidence of green shoots. It is common sense; if staff have more time, they have more time to spend on prisoners.

Staff get frustrated because they are under pressure. I did a day back on the floor 18 months ago, in uniform. The thing that struck me was the time. I knew the answers to lots of the queries, or I knew where to go,



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because I was the regional manager, but I just did not have the time to do it. I really felt for prison officers, because they do not have the time to do the right thing. This is a change.

Q208 **Ms Marie Rimmer:** How are prisoners reacting to it?

Nick Pascoe: It is early days. None of my prisons is at that point yet, although one of them has a fairly well-established offender supervisor model. Where that exists, the prison is definitely more settled. There is a relationship between staff and prisoners that goes beyond order. There has to be order and control—you have to tell prisoners what to do sometimes—but it is a much more positive relationship than just that.

Q209 **Ms Marie Rimmer:** Mr Fairhurst, would you like to give me your opinion on that?

Mark Fairhurst: We have to be honest about this. The offender management in custody model was brought in because the POA has pressurised the employer and Government for years, ever since benchmarking in 2012, that we need more staff. This was a way of getting more prison officers on the landings.

We are just reinventing the wheel. When I joined 26 years ago, I was on the same wing, on the same landing, day after day. I knew every prisoner by their first name and knew what made them tick. We had good relationships with them. That is what settled the prison down, because we had the staffing levels and the time to engage. That was all taken away from us. Now they have brought in the offender management in custody model, where each band 3 prison officer will get a case load of six prisoners and engage with them for 45 minutes each and every week. Hopefully, we can go back to the days when you are on the same wing, you are not redeployed, you know your prisoners and can get to engage with them.

Liverpool is one of the 10 prisons where it is fully implemented. There have always been good prisoner-staff relationships at Liverpool anyway; this just gives us more of an opportunity to meet prisoners' needs. That is the big thing. We have never had that opportunity before. There has been a reduction in violence at Liverpool, but you have to understand part of the reason why. We have reduced the roll at Liverpool from 1,300 to 700, and we are going through refurbishment. As Nick said, it is early days. Will it reduce violence? We await the outcome. How long do we give it? I do not know, but it has to be a positive that we have more staff on our landings.

What people have to realise, especially Government, is that there are some people in custody who just do not want to engage. The career criminals do not want to go straight. They do not want to get a job. They want to go back to criminality because they earn more money. There are some feral young violent offenders who will sit down with their key



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worker and say, "I'm not interested." People have to accept that there are people in prison who do not want to turn their lives around.

Q210 **Chair:** What percentage do you reckon that might be, from your experience?

Mark Fairhurst: Honestly, probably about 5% of every prison population causes you the most problems.

Chair: That makes sense.

Mark Fairhurst: There are very few old-school prisoners, as I call them, who are career criminals. Most of them are big gangsters. They show staff the utmost respect. They just want to keep their heads down and get on with their sentence. What you have now is a society issue. You are getting feral young kids who have no respect for authority, have no respect for themselves and have bullied their way through life. They have no language other than violence and they do not like the word no. We need the protections to help us. That is why we are badgering David Gauke to make a decision about the national roll-out of PAVA spray. We need it desperately.

Q211 **Ms Marie Rimmer:** Is it possible for you to say how much of the change in the environment in Liverpool is due to the new personal custody model?

Mark Fairhurst: It is due to the reduction in the roll and the fact that we are now cleaning up the prison and refurbishing cells. There is a better atmosphere around the place. As I said, it is too early to judge, but it has to be a positive that there are more of us around to meet prisoners' needs.

I just wish that people would take us seriously about mental health in prisons. They give a prison officer three hours of mental health awareness training, which is just not enough. We are not trained to deal with people with mental health issues. We have an increasing elderly population. I am not trained to deal with someone with dementia. If you are serious about training prison officers to deal with prisoners with mental health issues, why don't you send us to a mental health hospital for three, four, five or six months to shadow professionals, so that we can recognise the signs and know how to deal with them? Three hours of mental health awareness training, if you are lucky, is not sufficient.

Chair: It is not enough.

Q212 **Alex Chalk:** Can I pick up something you said, Mr Fairhurst? You seemed to be talking about a cohort of prisoners now, compared with your experience when you first went into prisons, which is more complex, to use a neutral term. We hear a lot about the role of Spice and that sort of stuff. Putting that to one side, are you saying that, in and of itself, because of social changes or whatever, the current cohort of prisoners in the UK's prisons is more violent than it was before?



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Mark Fairhurst: Without a shadow of doubt. If you ask any serving frontline prison officer, they will tell you the same. We are getting a different type of prisoner. That different type of prisoner is violent and has no respect.

Q213 **Alex Chalk:** That is something you have noted in the course of just your career.

Mark Fairhurst: It is something I have noted over the last 10 years, but now it is worse than ever.

Alex Chalk: Interesting. That is what I wanted to establish.

Q214 **Ms Marie Rimmer:** Ms Rogers, what is your approach to providing personal officer support to the prisoner?

Julia Rogers: We are exactly the same. We will provide the OMIC model in each of our prisons. We will be required to provide 45 minutes of personal officer time for each prisoner in our care. We have just started the roll-out of that in our Doncaster prison and our Lowdham Grange prison, so I cannot honestly tell you whether it is having an effect yet; it is far too early, but we believe that it is very important that prisoners have time to have their needs dealt with.

One of the innovations we have brought into the service is the ability for prisoners to self-serve on a number of things where, broadly, with my colleagues, they have to ask a prison officer for assistance. For instance, we have a computer system on every landing, and, indeed, around the prison, where people can book their own visit, book gym time, check their bank account and order from the canteen. It is self-service. Where that is not available, the only route they have to get all those requests dealt with is to talk to a prison officer. That has taken away a burden from some of the contact we used to have, so it is very important that we have these 45 minutes of time to spend with prisoners, to make sure that we are dealing with all their needs. We are doing the same.

Chair: That is helpful.

Q215 **Mrs Kemi Badenoch:** My questions are around prison officer retention and recruitment. Given the context of the increased number of prison officers hired, as well as the issues with their retention and with attrition, can the panel tell the Committee what support new officers are given following their basic training?

Mark Fairhurst: I can answer that from a public sector point of view: virtually zero. Although HMPPS will tell you that they have a mentor and are shadowed, I can only tell you about the experience our members tell us about. They go away for 10 weeks, when they are trained. In their opinion, that training does not adequately prepare them for the reality of life on the landings, particularly dealing with prisoners with mental health issues and dealing with violence. They come back to their prison, where they are supposed to have an induction week when they are shadowed



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permanently by experienced staff. Quite often, they are shoved straight on to a landing, with no supervision. They are left in the wilderness and do not know what to do.

If you look around a landing or a wing, quite often there will be an experienced prison officer with all of six or nine months in the job. That is the reality. In some prisons, an experienced prison officer with nine months in the job is trying to run a wing with three other staff who have all just come out of college. That is the reality of the situation, because we lost all our experience. There are very few of us left.

Q216 Chair: Do you recognise that as a manager, Mr Pascoe?

Nick Pascoe: There are some prisons with a high percentage of new staff. I have prisons with 40% in their first 12 months.

We appoint mentors. Most governors have gone beyond the national scale for the ratio. Clearly it is more challenging, but I am an optimist, rather than a pessimist, about that. A lot of governors have extended the period of time when staff come back from the training school and have provided an extra week. That is a local initiative, but most people see value in it.

I am here representing the PGA, not the Prison Service, but the Prison Service has extended the length of prison officer training. It is probably still too short, but every extension costs money, in reality. If you do not have somebody because you are paying them to go on a training course, you have to fund it from somewhere. More money has to go into it. Forty per cent. is quite challenging. You walk on to a unit, and there is not the level of experience we once had.

Part of the change with the OMIC model is that we are increasing the number of managers, particularly custodial managers, so the ratio will go down. There will be more supervision. That bit is important, because it was not just frontline, band 3 officers who were cut, but staff at every level in the chain. A lot of uniformed managers and, in particular, residential governor grades, who supported the staff and dealt with a lot of the more complex issues, went as well. It was not just one thing; it was a whole combination of things.

Q217 Mrs Kemi Badenoch: Mr Fairhurst, you mentioned mental health as one area where you would like to see six-month shadowing. You also talked about the initial inductions. Is there anything else you think prison officers should be trained in that they are not getting at the moment? Is there anywhere else you would like to see something specific happening?

Mark Fairhurst: The training itself has all the elements that are required to do the basics of the job. The problem is that it is not preparing them for the reality of the situation. I know that there is a pilot scheme ongoing at the moment where they have extended the 10 weeks to a 20-week period, and they have breaks between the residential elements of



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the course when they go back into the jail and learn on the job, in a practical sense.

It is a bit of a double-edged sword, isn't it? If you spend three weeks in residential, learning theory, and when you go into the jail for another two weeks to put that into practice, you face violence, abuse and threats, you may not return to training college.

Yes, it is a good idea, but you have to look at the type of people we are recruiting. They are trying their best, but quite often they are young. It is their first job, or they have just come from university after getting their degree. They have very limited life skills and life experience. They do not have the benefit that I had when I walked on to the landings for the first time and had someone with 25 or 30 years in the job showing me how to deal with people who are antisocial.

We would like an incentive for people to stay in the job and to join the job. All of that changed under benchmarking and fair and sustainable in 2012. We used to have prison officers, senior officers and principal officers. That was abandoned. If you are a prison officer now, you are a band 3. The senior officers used to be the manager on their wing and used to run the jail. They became supervising officers. All their management tasks were taken away from them. They were deskilled. Then we had principal officers, who are now custodial managers.

I know what Nick is saying: the OMIC model gives you more custodial managers and there will be custodial managers on each wing. That is great in theory, but let me tell you something now. It will never happen. It will never happen because the workload on our custodial managers is such that they will never see a wing. They will be at meetings, running the jail as OSG1 or dealing with incidents. They will never be wing based. We need to go back to basics. I am a prison officer. If I want promotion, I become a senior officer. Give those management tasks back to the senior officers.

Q218 Mrs Kemi Badenoch: My next question is on the approach to reducing violence and self-harm in prisons. Mr Pascoe, two key measures have been identified: increasing staff and improving training, which we have talked about. Budgets for recruitment have been devolved to governors in public sector prisons. What is your assessment of that approach?

Nick Pascoe: On recruitment particularly?

Mrs Kemi Badenoch: On the devolution of budgets and those two areas being the things that we will use to reduce violence and self-harm.

Nick Pascoe: The budget may have been devolved, but there is limited flexibility, because most of the costs are fairly fixed. In a whole-prison budget, you cannot do much about some of the maintenance costs, the heating, the lighting or the water costs. Unless you are going to starve prisoners, the only flexible pot is in the staff group. You can only be



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creative if you run short. That is the honest truth. It is very difficult to see how governors can be tremendously imaginative when they do not have any real funding that they can spare. There is no spare money. If there were, the centre would take it back.

Q219 Mrs Kemi Badenoch: My final question is to Ms Rogers. What proportion of operational prison staff are unavailable for work, typically, due to sickness, training or deployments to other establishments?

Julia Rogers: There are different numbers for different ones. Contractually, we have to keep our sickness down to nine days per person per year. In our staffing model, when we create the number of staff we think we need to operate the prison, we build into it the presumption that people will not be available 100% of the time for a year. Unlike what has been described, that is in our gift. As long as we do not fall below the numbers we bid for, it is up to us to keep the prison safe and decent. In every one of our prisons, we have increased the number of staff—almost year on year, in some—in order to manage the issues. We have a situation where we build in the time so that we know people.

Q220 Mrs Kemi Badenoch: Basically, you are managing it from the other perspective. Does that mean that the figure is much higher than nine days?

Julia Rogers: It can be, in some places. For individuals, it can be a blend, but the blended rate needs to be that.

Q221 Mrs Kemi Badenoch: What about for training or deployment to other places?

Julia Rogers: It is a blended number. We assume that 20% of the time per annum of every person we recruit will not be available for us to deploy them in the prison. Therefore, when we determine the number of people we need, it is on the premise that every person will not be available for 20% of their time, to manage training, sickness, absence, leave and stuff like that.

The other thing that is helpful for us is that our training is not through the national scheme. We must absolutely deliver the same core syllabus, but we have the opportunity to add things, as we have, around exactly your point, Mark—mental health—and de-escalation techniques. Our guys and girls are recruited locally and train at the prison they will work in.

We run our training courses on a shift system. I know that sounds a bit strange, but when we talked to people about the reasons why they do not stick at the role, one of them was that they had not really worked shifts before and did not know how that feels. The prison in night state feels very different from day state.

Their training is on the job. Absolutely, there is an element of classroom training and understanding, but throughout their eight to 10 weeks they



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spend time in the prison. They know the landings, the people, the systems and where to go. For us, that works very well, because they have already cleaved to the place of work they will end up in.

Mark Fairhurst: May I expand on the retention issue? This is really important. We are finding that we have big retention issues, specifically in certain jails, where the figure is as high as 35%. More concerningly for us, a lot more experienced staff are leaving the job. We cannot afford to lose experience.

Do you know why we cannot retain young and experienced staff? It is because we are expected to work until the age of 68. We had our retirement age of 60 taken away from us. We need that retirement age to be reinstated, because there is no way on this earth, physically or mentally, that prison officers can work in that violent, hostile environment in their 60s. That is a major, important issue. We need to get our retirement age of 60 reinstated.

Chair: Mr Howell wanted to come in on the retention issues.

Q222 **John Howell:** You have covered some of the issues on retention. I would like to give you the opportunity to make one of those magisterial statements about what needs to be done in order to get retention right.

Mark Fairhurst: Pay us what we are worth. The starting salary for a prison officer is probably the same as for a shelf-stacker in Sainsbury's. It is £22,000 a year, with no guaranteed increments, so there is no incentive to stay in the job. We have just received the highest pay rise we have had for eight years—2%. That is the highest pay rise that prison officers have had for eight years. My council tax has just risen by 6%. How do you expect people to stay in a job when other public sector bodies pay more? The NHS pays more, the police pay more and the Border Agency pays more. We need a decent pay structure.

Nick Pascoe: I would not disagree with that, but some other factors come into it. It is about how staff feel valued, because their attrition rates vary. We measure those rates now and have a sort of league table for them. We have to accept that the attrition rate will be higher than it was historically, because it is a different type of workforce. People do not join a job for life any more. Clearly, you cannot run a good prison on a 25% turnover rate. We have probably upped our rate; 10% seems to be what we might have to live with. That is what the world is like now; it is a different workforce. It is about making staff feel safe and valued.

The pay is clearly important. There will be regional pay differences and areas where it is harder to recruit because there are other jobs people can go to, but a good jail seems to be able to retain people. If you are at a difficult jail, it is a downward spiral, isn't it? People say, "It's a difficult jail, with violence. I don't feel safe. I don't want to get hit for this amount of money. It's not a very good job for me to do. I'll leave." The jails that have a virtuous cycle seem to be able to recruit and retain more people.



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Julia Rogers: I violently agree with everything that Nick has just said. Pay is pay. We pay broadly in line with what the public sector pays. It is about caring for our staff. The job is very challenging. The people in my organisation are extraordinary, and very vocational. As far as I am concerned, prison officers are as vocational as police officers or nurses. Most people have no idea of the complexity of the job they do and how compassionate they are. It is very important that our role is to keep them safe, to put care around them and to keep them engaged.

We are very conscious of the need to talk to our staff when we are changing things, and about what they think we should do. Recently, we invested in patrol dogs. We borrowed some patrol dogs from the high-security estate in the MOJ to try them out. Our staff told us universally that that made them feel safe. I have now invested in patrol dogs in our prisons. It is about the contract you have with your staff. It is about engaging with them, listening to what they say will make a difference to them and acting on it. Pay is one thing, but I do not think it is everything. It is about the contract you have with your people, the care you show and the fact that you keep them safe.

Q223 **John Howell:** You have commented on some of the training needs. I want to go beyond the individual training requirements on the job, as it were, of the prison officer to look at how you train for things like leadership.

Julia Rogers: Each grade that we have in our prisons, whether they are an operations manager, an assistant director or a director of a prison, has a formal training package. If you are a custodial operations manager, for instance, you go through an 18-month assessment for competence when you are first promoted. You have to pass each of the modules. It is an on-the-job learning module and is signed off by your first line manager. At the end of that, we will deem you competent to carry out your role.

We do that at every level of our organisation. For our senior managers—our directors and above—Serco runs a residential course at Oxford, with the Saïd Business School. Our guys get the opportunity to attend that, which is all around broader management, engagement, innovation and skills of that type.

We make sure that we do refresher training. I call it “fire and forget” training when you train someone once and expect it to last. We have all said that prisons have changed over time. It is not credible to think that you can train somebody once and that will last forever. You should have in place the opportunity for people to receive refresher training or new training. In the public sector, they introduced five-minute intervention training as a de-escalation technique. We thought that was great, so we made sure that we trained all our staff in that technique. It is about keeping abreast of the best interventions and making sure that we invest in and train our staff appropriately throughout their career.

Q224 **John Howell:** Mr Fairhurst and Mr Pascoe, do you have anything to add?



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Nick Pascoe: I think the Prison Service has a fixation with assessment and not development. We put far too much of our resource into assessing people—the hurdles they have to jump over. Then we wonder why some people fail, but we do not invest enough in developing their managers. That is a PGA view that we hold strongly.

Mark Fairhurst: Most of the managers in the Prison Service are temporarily promoted. These days, it is feasible for someone with 12 months in the job who has just come out of their probation to be running a wing as a custodial manager, on temporary promotion, because that gives them a 10% pay rise. For someone like me, with 26 years in the job, it is not worth the hassle. You can keep your 10%, because the workload is so great and there is so much responsibility. They do not get paid enough. That is a major issue.

Nick has just touched on a very valid point. We do not develop anyone. You go through an assessment centre to become a manager. When I first joined, you had to have four years in the job before you could get promoted, before you could even sit the exam. To me, that seems a sensible approach, because you have operational experience before you go to the next rank. Once you are at the next rank, you do not get any training to be a manager in the Prison Service. You might get a workbook to go through, but you do not get any development.

Q225 **Victoria Prentis:** My question is about Spice and similar drugs. Do you think that smoke-free prisons have contributed to the increased use of Spice in prisons?

Mark Fairhurst: No. That is a convenient excuse.

Q226 **Victoria Prentis:** Lovely. That is the answer we were hoping for and expecting, but it is worth fleshing it out. What measures to stop Spice coming into prisons are you taking that are working?

Mark Fairhurst: Do you want the honest view or the MOJ spokesperson view?

Victoria Prentis: The completely honest view.

Chair: You are here to give your view.

Victoria Prentis: While you are on it, Mr Fairhurst, I wouldn't mind knowing how many ambulances you call a day to get prisoners taken out because of their use of Spice and similar drugs.

Mark Fairhurst: The number of ambulances a day varies depending on how much Spice is in the jail at any one time, but there have been occasions throughout the estate when every single ambulance in an area has been at a prison. Winchester springs to mind. It had a really bad problem a few months ago with Spice.



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How does it get in? It gets in very easily, because we have no security measures. Rory Stewart can announce a 10-prisons project, £10 million of investment and this, that and the other, but let's be honest: when you go into a prison, you should be searched in the same way as you are searched at an airport. We should have X-ray machines, body scanners, rub-down searches, metal detector wands and BOSS chairs. It should be secure. Decent staff do not mind getting searched. I want to get searched every time I go into a jail.

That is one route in. Another route in is the throw over the wall. We used to have dog sections in the majority of our closed male estate. An Alsatian can get to a parcel over a wall a lot quicker than a prisoner can. It is a major deterrent. Why don't we use that resource? Because it costs money.

We have the technology to block a drone signal. Why don't we introduce it? They use mobile phones to organise the drops. We can block mobile phone signals. Why don't we introduce that? Then you have prisoners who are released and deliberately get recalled, because they are plugged with drugs when they come back in and know they can make a lot of money out of them.

Q227 **Victoria Prentis:** What about photocopying mail?

Mark Fairhurst: It is a must. Some jails are doing it.

Q228 **Victoria Prentis:** Is there proof that it works?

Mark Fairhurst: Without a doubt, it works. In jails where they have had problems with mail coming in soaked with Spice, and they have found out about that and started photocopying mail, it has significantly reduced Spice incidents.

Q229 **Victoria Prentis:** Mr Pascoe, do you agree?

Nick Pascoe: Yes. People look for an easy solution to drugs. I wish there was one. It will take two things: reducing supply and reducing demand. If you reduce supply alone, it could have an interesting consequence for levels of violence, so you have to do both at the same time.

We could have netting, which is very basic. Drones are sexy, but I am not certain that they are the biggest threat we face currently. I have a local prison in a town that does not have a single piece of netting, because we cannot find any money to put it up. You can get machines costing about £30,000 that will make a small pinhole in an envelope and test mail for Spice. That is a capital spend. A governor does not have that flexibility.

I know there is a push to recruit more drug dogs, but their availability is mixed. We have talked about staff corruption. When we did the benchmark, we took out prison officers from the security department. We left the managers and prison band 2s—OSGs. We took out the people



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who actually searched and said they would come from somewhere else, in a flexible pool. Frankly, it did not happen.

Q230 **Victoria Prentis:** Earlier, you told my colleague that this is the most difficult cohort we have ever had to deal with. We know that from our visits to prisons and from the evidence we hear. How much do you think Spice is adding to the problems in prisons at the moment?

Mark Fairhurst: Drugs have always been around in prisons, haven't they?

Victoria Prentis: Yes, but not this sort.

Mark Fairhurst: It is getting used as an excuse for the rise in violence. Undoubtedly, it contributes to violence. It is big business and it creates misery inside. It creates debt and bullying. As Nick said, we can act on intelligence and use the police model of disruption. We have to manage the situation robustly.

Q231 **Victoria Prentis:** Ms Rogers, I now realise that you are very good at measuring evidence. Do you measure how much Spice is used as a bullying tool by one prisoner against another?

Julia Rogers: No, we do not measure specifically what is used. We have mandatory drug testing, so we measure the amount of drugs in the prison—how many people are passing or failing—but not specifically, as you have described, what is used as a tool to fuel debt threats and so on.

Nick was describing something called a Rapiscan machine. We have those. In Lowdham Grange prison, for instance, where I happened to be last week, we introduced Rapiscan, which you scan mail through, in March. There has been a 75% reduction in drugs in that prison. That is from the mail source.

Q232 **Victoria Prentis:** Do you have one of those in all your prisons?

Julia Rogers: Not yet, but we will. They are being rolled out as we speak. We have all the usual countermeasures. We are not dreaming up anything these guys do not know about. We have invested in netting, we buy our own dogs and we do training—all the usual things. There are countermeasures. We have BOSS chairs and BOSS poles. You might have heard about small phones called Beat the Boss. The BOSS pole, which is the latest piece of technology, can detect those.

Q233 **Victoria Prentis:** How much is one of those?

Julia Rogers: I don't know. I can't remember.

Q234 **Victoria Prentis:** Presumably, Mr Pascoe, all your governors would like one.

Nick Pascoe: Most prisons have a BOSS chair and a pole. The Rapiscan machine costs about £30,000. That is over our capital limit of £10,000,



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so they cannot buy one themselves. They can only bid for capital to buy one.

Chair: They do not have that flexibility.

Q235 **Victoria Prentis:** Moving on to failing prisons, we have heard about the difficulties in HMP Nottingham, Exeter and, indeed, Liverpool for some time. We knew that HMP Birmingham was getting worse before the most recent revelations. All those prisons have received the poorest assessment possible from the chief inspector. Some of them have been put into proper special measures, as at HMP Birmingham recently. What do you see as the key solutions in prisons such as those? You have talked very frankly about the challenges you face. Is there anything we are not talking about in Government that we should be talking about?

Mark Fairhurst: Yes. When you talk about failing prisons, you never seem to mention the levels of violence. If you are talking about failing prisons, four of the most violent prisons in the country are private prisons. Why is that never mentioned?

You referenced the urgent notifications. The urgent notifications are no surprise. If they had been out when Liverpool was inspected, we would have got one as well. It is no surprise when you have a Victorian building that has been lacking investment under successive Governments. Now the accommodation is crumbling, you do not have enough staff because of budget cuts and you cannot run a stable regime.

What you will notice is that urgent notifications seem to be brought in because there has been a raft of deaths in custody. Exeter had a raft of deaths in custody, as did Nottingham. A great governor at Nottingham was removed. A great governor at Liverpool was removed and made a scapegoat. There is a great governor at Exeter. I hope he is not removed. I went into Birmingham last week. It was brought back into the public sector, where it belongs. Already, in just two weeks, there has been a major improvement.

Q236 **Victoria Prentis:** Mr Pascoe, do you see the problem as a private-public one?

Nick Pascoe: No. the problem goes across both public and private prisons. Private prisons had their contracts squeezed. Public sector prisons had their finances squeezed in a different way.

This is not going to be fixed overnight. The governors I represent realise how difficult it is. I do not know whether you are familiar with French cricket. At the moment, it feels a bit as though we used to play on the front foot, then we played on the back foot, and now it is French cricket, where somebody is throwing a ball at you from all angles and expecting you to fix it tomorrow. It is not going to happen like that. We shook the system up in a very short period. We had massive change. We took out 20% of our staffing and dipped below the new benchmark. Most prisons aspired to get there, because staff left in droves—more than we wanted



to leave. Putting that right will not happen overnight. We need some time.

There is a sense of hope. The people I represent—the leaders—recognise that the OMIC model provides a sense of hope. They realise that people are now focusing on drugs and violence, and the two are interlinked as our priority. You cannot have 10 priorities. You can only have a small number.

Q237 Victoria Prentis: Do you feel sufficiently supported by the centre during the process of special measures, or do you still feel that too much is being asked by way of assessment and priorities?

Nick Pascoe: I have a prison in special measures. With 29 days to work until retirement, I can speak freely. I do not think that I have had a huge amount of support. I have tried to provide support to the governor, with more frequent visits, but those visits are not to mark his homework. That is not going to help him. I am there to try to find solutions, to fight his corner and to give advice and an independent view. Nobody has thrown a pot of gold at me and said, "Go and fix it." If you are in the top 10 priority prisons, you will get some money. If you are No. 11, you do not get anything, frankly.

Q238 Chair: It is that arbitrary cut-off. Do you want to add anything from your point of view, Ms Rogers?

Julia Rogers: It is easy to say what we are bad at. I would point out that, in the prison rating scheme this year, two of the 13 top-performing prisons are private prisons.

We read all the inspector's reports avidly, because when people are going through difficult times, we can learn the lessons. One should never become complacent. Equally, where he finds best practice, we can learn from the prisons that provide best practice. We are on a learning trip all the time. We make sure that is what we do.

The three issues that the inspector identified, primarily, were drugs, violence and management. It was no secret that Serco had Doncaster prison, which a couple of years ago was going through very tough times. We invested £2 million in that prison to turn it around, and we did some very innovative things. The last time I was in front of the Committee, we talked about our social responsibility unit and how it had a 36% reduction in violence. We have rolled that out in other places. When we put it into Lowdham Grange, for instance, it had a 47% reduction in violence. There are things you can do.

I agree with Nick that, in some ways, we are in control of our own destiny. We invested very heavily in making sure that we gave the leaders of our prisons what they needed to be successful. Three of the five people in England and Wales who run our prisons—our directors—are former public sector governors.



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Q239 **Alex Chalk:** Can I ask about leadership? Mr Fairhurst, you have powerfully and trenchantly made observations about issues of pay and how it can make a big difference for retention and that sort of thing. Could you just focus on the issue of leadership? Does the personality and skillset of the governor in a prison make a big difference as to whether it is a safe and well-run prison?

Mark Fairhurst: What makes a big difference is if the governor of an establishment has operational experience, has worked his way through the ranks and understands the problems we face.

Q240 **Alex Chalk:** To focus on that, are you saying that good leadership does make a difference in a prison?

Mark Fairhurst: Massively. Undoubtedly, good leadership will lead to good industrial relationships, and it will lead to good staff morale.

Q241 **Alex Chalk:** I want to focus on this issue. One of the things that concerned me in respect of Birmingham was that, in January 2018, G4S announced that it was going to move the director of HMP Birmingham to Oakhill STC. It was moving that director to a facility that was struggling and had been rated as inadequate by Ofsted. There is a concern, I suppose, that governors who are not performing at the level we would expect are just getting shuffled around. What would you say about that, Mr Pascoe?

Nick Pascoe: There are two things. First, it is quite difficult to fill our most challenging prisons. There is not a long queue of people who want to take on our most challenging prisons. Governors perceive that their pay has been eroded. They earn substantially less than private sector prison directors. I was a director of a private sector prison, so I can speak with some authority. They feel that they are now under close scrutiny, the reward is not huge and the task is enormous. It is a big challenge.

I do not believe the myth of the super-governor. I have been a prison governor, and I do not believe that myth. It is about good teams. The idea that you can just parachute a new leader in and it will all get better is a woeful error. It is about building teams, having some continuity and putting a team together that will stay the distance. Quick wins and quick fixes do not last, in my experience. They do not get embedded. You need people who are prepared to stay, and that is about a team of people, not an individual.

Q242 **Alex Chalk:** When it comes to a lot of the concerns that are raised about prisons and, thereafter, concerns about whether they are being acted upon and implemented, as we saw with Liverpool and others, do you say that it is all about the fact that prison governors are not being given the support they need to turn their prisons around, or is it actually that there is concern that the individuals in post do not have the skillset they need to do what is required?



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Nick Pascoe: That is a very difficult question. Most prison governors would say they want more resource. That is a given.

Q243 **Alex Chalk:** But what is the honest answer? Do we have the calibre of governors to do what is required?

Nick Pascoe: We have pulled some people through very quickly—much more quickly than we would have wanted to—because of a shortage of people. They have had to move very quickly through the grades. They have not necessarily had the time to embed that, and that has not been helpful. We did not operate an external recruitment scheme for many years, either fast-tracking or bringing in people with management experience. We have started that again, but we had quite a long period when we did not bring people in, and that has created a legacy, I am afraid.

Chair: Ms Prentis, do you want to come back on another point, or shall we move on to rehabilitation?

Victoria Prentis: No, I am fine.

Q244 **Ruth Cadbury:** I want to move on to performance, particularly rehabilitation and provision for specific cohorts of prisoners. Mr Fairhurst and Ms Rogers, how do you assess whether provision made in prisons for mental health treatment, drug and alcohol treatment, offender behaviour programmes and work and training is adequate to give prisoners sufficient access to the opportunities they need to stop offending?

Mark Fairhurst: It is inadequate, quite clearly. It goes back to the obsession with outsourcing. We used to have hospital officers, fully trained nurses who were also prison officers, working in our healthcare units throughout the country, so you were never short of staff. You always had discipline and control and you could meet prisoners' needs.

Now health authorities are bidding for contracts in prisons and quite often not living up to their expectations. As Nick will tell you, regimes run late because prisoners are still waiting for medication to be issued, and that is because the staffing levels they promised when they bid for the contract do not materialise once they get the contract. They have difficulties recruiting nurses for prisons.

Drug treatment in prisons is quite good, but are we doing prisoners any favours by giving them addictive medication such as methadone at great expense to the taxpayer? Surely the ethos should be to get them off addiction and treat them in prison before they are released. We seem to be just appeasing prisoners with addiction problems instead of addressing what they really need to get off drugs. It is a mixed bag, depending on what type of prison you are in. Predominantly in the male cat B estate, between 70% and 80% of the population require medication in some form.



Julia Rogers: The provision of mental health care is lagging behind the requirement in prison. We operate the same model; we do not provide our own healthcare, it is commissioned by NHS England. Local commissioners even have different views about what the requirements in a prison are.

We have invested in healthcare business partners. We have employed healthcare professionals—because clearly we are not that; I am not one—to help us bridge the operational requirement in the prison and what the health service is providing us, because they speak the same language.

Q245 **Ruth Cadbury:** You are funding that as an add-on to your costs within your contract.

Julia Rogers: Yes. We believe that role is vital in enabling us to deliver the safe and decent prisons we have said that we will deliver. That person in my Doncaster prison, for instance, has been working with the commissioner to review what mental health care is required in that particular prison. They have written a paper, and now we are trying to co-commission those services to work more closely with the healthcare professionals, so that they understand what we believe we require.

There is no doubt that the number of people coming into prisons who present with mental health problems is definitely increasing. Some of that is to do with the ageing population. We have many more elderly people, who come with underlying conditions, and indeed underlying health conditions. The commissioning of healthcare very much needs to keep up with the changing cohort we are looking after, and in certain areas I do not think it does.

There are some people who, frankly, I do not think should actually be in prison. With their mental health condition, prison is not an appropriate place, but it is difficult for us to work with local community mental health beds, because they are such a drain in society. At the end of the day, a prison is effectively just a reflection of what is happening in society. We were talking about Spice. Manchester is the nearest city to my home, and if you walk in Manchester on any given Saturday, you see numbers of homeless people who are clearly using Spice. I do not remember that being there two years ago. They are the people who come to our prisons.

Violence is going up in society, and it is going up in prison. I do not think that is a big shock. We take people from the community into prison, so we are a reflection of it, but we need to do more to link up more closely so that the healthcare provider understands what is needed.

Nick Pascoe: I would comment only that I have an education person who manages the education contract and is a specialist. I have nobody who manages who has health experience, and I am not certain there is anybody in the Prison Service. We are dealing with a provider and a commissioner, but I think a prison governor feels unskilled and uninformed about what they should be looking for, what they should ask



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for and what is unacceptable. I can tell that there is a dirty cell in an in-patient facility, but I can't go beyond clinical care into prescriptions, treatment and that stuff.

Q246 Ruth Cadbury: I will move on from health, as the joint inquiry is taking place and will be reporting in due course, to some other specific cohorts. What impact has the Lammy review had on the way BAME prisoners are treated? What impact has that report had in the service?

Nick Pascoe: Clearly, it highlighted that BAME prisoners have disproportionately worse outcomes. There are two areas we have been asked particularly to focus on. One is the use of force and closer monitoring of that. The second is the incentives and earned privileges scheme, where BAME prisoners seem to do worse.

There are other areas. I think prison governors would say we have disinvested in equalities management. We took resource from our equalities teams, both locally and regionally. Frankly, we took our eye off the ball, and we are now having to put that resource back. My ability to monitor and get data is worse than it was 10 years ago.

Q247 Ruth Cadbury: That is across the board.

Nick Pascoe: Yes.

Julia Rogers: Similarly, on the recommendations, we have closely considered how we interact with our BAME community. Different cohorts need different types of interactions. A lot of the Lammy report was also about diversionary—before custody—activity. Until we join things up, once you have got to prison, you are a long way down a particular path. We can do more in diversionary tactics in society before people get to prison, but when they are with us, whoever we look after, we very much think about their individual needs and how we can fulfil whatever needs they have.

Mark Fairhurst: We were involved in the Lammy review, with the employer, in relation to the new IEP scheme; they are going to consult us over that.

I would like to see a drive from our employer to recruit more BAME staff, because there is an issue. Let's get into those communities and find out what is preventing BAME staff from joining the service and what the obstacles are. Let's overcome those obstacles and reflect the diversity in our prisons in our staff. We would like to see a drive for that.

You talked about use of force. I can honestly say that in 26 years in the job I have never met a racist member of staff, because we treat all prisoners the same. We try our best to meet their needs, and we treat them like we want to be treated: with dignity and respect. You talk about the use of force, but if you are in a prison with a high BAME population, there is a correlation between use of force and the type of prisoner you are using it on. If the population is high and the use of force is high, it



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goes hand in hand that the types of prisoners with mixed ethnicity are going to be more violent because they are the majority in that prison. If you are trying to make a link with institutional racism, I would discount it almost immediately, because I have never seen it.

The other really important thing is the training of staff. There are cultural differences, and we have to deal with every diverse population in our prisons. I have never been trained in the culture of different religions or different BAME cultures. I have never been trained in any of that. An inexperienced member of staff could see someone flinging their arms around and think that they are about to be assaulted or that the person is acting violently, when it could be part of the culture in their society. Unless you are trained to recognise those signs, you are never going to know that.

There are three elements. Let's recruit more diverse staff to reflect what we have in our prisons. On the use of force, there is going to be an inquiry into that aspect of the Lammy review anyway. We are not against someone independent coming in, reviewing the use of force and making recommendations. That is not a problem. The big one for me is training our staff to deal with cultural differences, which can only aid understanding and relationships.

Q248 Ruth Cadbury: The MOJ has announced strategies for the employment and training of prisoners, and a strategy for female offenders. What difference will those make in practice to your work?

Nick Pascoe: One part of the strategy is to have a regional person who links with employers. I am going to be a pathfinder region for that. There will be a manager whose designated task is to go out and press the flesh with employers. That is actually quite difficult. You can have little initiatives, but they do not go very far, particularly with national organisations, because our prisons are not where a lot of the prisoners tend to come from. You can build a good link in some prison 100 miles away from home, but the prisoner goes back and, if it is not a national company, it is a wasted opportunity.

That is why the Timpson initiative worked, because there is a Timpson on every high street, but unless you build more of that it is never going to work. Unless you can engage with national chains, supermarkets and big companies, it is always going to be pushing the ball uphill. The prisoner moves: very often, he doesn't stay near the prison. Our training prisons, the prisons they get released from and the open prisons are in the sticks.

Mark Fairhurst: Yes, that is a big issue. Again, it is a big investment. If you are going to prepare people for release and you want them to work in a Timpson's shoe shop, for example, you have to have a Timpson's shoe shop in your jail to train them. There are very few prisons with that facility. If we are going to train someone to get employment at one of the multinationals, are we going to release them from a London jail even though they live in Liverpool? We need to release them into their own



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community so that they can get a chance of employment with a multinational in their own community. But how do we attract people into our prisons to provide not only that level of investment but the training in skills? That is a major issue.

I know there is going to be a review of the female estate. In the female estate, small is best. Askham Grange and East Sutton Park are fantastic places for female offenders. They all get released to go into the community and work. They have some good therapeutic schemes in place, too.

The big question for me for female offenders is, why are we locking up so many females for petty crime? Why are we taking their children off them? I do not want to see any female offender get a custodial sentence if they have a family, unless it is the most serious offence. Why can't they serve that sentence in the community?

I feel we are missing a trick. The Prison Service is very insular. The best people to look after offenders in the community are prison officers, not community rehabilitation companies. I would like us to look at the Scottish model, where they have community officers who deal with offenders who are serving less than 12 months. The most vulnerable time is when you are released. For those first 12 months in the community, you are vulnerable.

In Scotland, they have had a 78% success rate: within the first 12 months, 78% of prisoners do not reoffend, because prison officers look after them in their community. We can do a similar thing with females. If we are going to employ people or give them hope, we have to release them into communities where they can get a job when they have learned skills in prison. Again, it is all about investment.

Julia Rogers: It is about investment, so we have a person who is dedicated to going out and working with organisations outside to create employment opportunities. We are a big employer ourselves, so we look for opportunities in our other businesses. For instance, three people are now working in our marine services. We help them with accommodation and that type of thing. We have a leisure business where, for many people, readiness for work and being trained is something they can use. A lot of people choose to do something in sport and leisure—personal training—so we can then flow them into other Serco businesses.

In my Thameside prison, we have been running open days, when we bring employers in. We ask the employers what they need us to train people in to get them ready for work. We call it Passport to Work. In the past six months, we have successfully placed 267 people in full-time work or employment outside the prison, through that scheme, and they get onward support.

We do not run any female prisons, but there is a fabulous little charity called Working Chance, which works on mentoring for women when they



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are coming out of prison, to help them to be successful—CV writing, interview preparation and that type of thing. As an organisation, we partner with them to help provide mentors who can support women in getting back into work.

All those things take a lot of time, effort and energy, but you can make the connections with businesses outside and, more importantly, you can train people with the skills that someone specifically needs—forklift truck driving comes to mind; I don't know why. With some people we have been able to get them a forklift truck licence while they are still with us, so that when they go through the gate they are immediately ready. There are also things like learning how to manage bank accounts and all the other peripheral things that people need support with. We have set up a scheme that supports them.

Q249 Chair: We are familiar with that. I want to ask one specific thing about the private sector. ROTL sometimes plays a role; some say it should perhaps play a bigger role, but it is one of the means of getting people out. In the private sector, as we understand it, the prison director cannot themselves sanction release on temporary licence, and it has to go up to HMPPS.

Julia Rogers: That is correct.

Chair: Why is that, and does it cause a problem in practice in the use of ROTL in the private estate as opposed to elsewhere? You do not have that discretion at the local level, it seems.

Julia Rogers: No, we don't. The way in which private prisons are monitored for performance is that members of HMPPS live and work on our contract. They are called controllers, and there is a team of them. Their job every day is to be in the prison, monitoring our performance as private providers.

The people who report every day, for instance, on our range of KPIs are controllers, and they will ensure that we have done what we say we have done. They are the people who are charged with the ability to sign off a release on temporary licence.

Q250 Chair: They do the ROTL.

Julia Rogers: They are in the prison.

Chair: It is somebody in the prison at the time.

Julia Rogers: But it is curious. Three of our directors were former governors—governing governors. They have come from being a governing governor who could do ROTL for themselves to being a director in our prison, and suddenly they cannot do that. It is curious, but that is how the system works.

Q251 Chair: What is the reason for that? Do you know?



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Julia Rogers: I honestly do not know why the Ministry felt that we could not do it. It might have been at the genesis, perhaps back in 1999, when first there was outsourcing but, 20 years later, we have probably worked out how to do it successfully.

Chair: It is a matter for the Ministry, rather than for yourselves as witnesses today.

Q252 **Ruth Cadbury:** This should be a quick yes or no, given the timing. Do you think there should be a strategy for older prisoners?

Julia Rogers: Yes.

Nick Pascoe: I think there is a strategy, but the growth is exponential, and our prisons are not geared up for it, either in the physical environment or in the level of care that many of them now need. It is the real growth area. You only have to look at the number of prisoners who die in custody from natural causes in a hospice or hospital, or in prison. There are palliative care units and older prisoner units, but there are insufficient facilities for the population we look after.

Mark Fairhurst: Yes.

Q253 **Ruth Cadbury:** I think you touched on training and support earlier.

Julia Rogers: We run one category C sex offender prison. The cohort is very much more elderly now. There is a question, especially for those who are very debilitated, of whether custody is still the right place for them. There is almost a version of what the NHS used to call bed blocking, where people who are very ill are still incarcerated. Many more people are now kept in a non-sex offender estate or in other places where they cannot get to category C conditions from category B jails, because there simply are not enough places. Having something purpose-built or some way of having care facilities for older prisoners that still keeps them secure, but that is perhaps not as strict or not under the same strictures as full prison conditions, would be a sensible move, I think.

Q254 **Chair:** There are some particular issues with people who develop Alzheimer's, for example, or dementia and so on. Many of us know from our constituents or from personal experience that it is a real burden on the people looking after them, whoever they are.

Mark Fairhurst: The other issue that nobody has considered yet is that the elderly prison population with mobility issues need to be on the flat. Most of our prisons have landings and stairs. The perfect prison for an ageing population would have been Haslar, which was closed. That was an ex-immigration removal centre, which was all on one level. You need a totally different environment.

Q255 **Chair:** I get the sense that, generally, not enough has been done at all around this.



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Mark Fairhurst: Nothing at all. I don't think it has even been considered.

Q256 **Chair:** Is there a strategy, Mr Pascoe?

Nick Pascoe: There is something, but it is insufficient, I think. The growth has been exponential.

Chair: That is the important point you made.

Nick Pascoe: You have to catch up with it.

Chair: Perhaps that has not been picked up enough. As a barrister, I sometimes used to have prisoners write to me after I had acted for them, saying, "I'm still here, my appeal hasn't come through yet, but I still maintain my innocence."

Alex Chalk: They might not have been convicted.

Q257 **Chair:** Yes, sometimes when they were convicted as well. That is perfectly true. Does that cause difficulties in the sense of getting them on to some of the offender management courses and so on? I get the sense that it is suggested that you have to show remorse and therefore have to admit guilt. If they cannot do that, they cannot get on to some of the purposeful activity. That must create some practical problems.

Mark Fairhurst: You will remember that, a few months ago, a report came out saying that sex offender treatment programmes are a complete waste of time. They do not work, so what is the point anyway?

Q258 **Chair:** What is your take on it, Mr Pascoe? Do you take that point at all?

Nick Pascoe: It is difficult to manage somebody who protests their innocence, because the governor has to go with what the court said. You cannot second-guess a court.

Then it is about whether a prisoner behaves badly because of that, or whether they refuse to participate in an offending behaviour programme. They will get access to the regime, but it is usually about offender behaviour programmes. If they are a sex offender and they protest their innocence, they will not take part in whatever programme. If they are violent, they will not take part in a programme. Then they come up against, "Well, you didn't participate in something that would have reduced your risk." I think that is a Parole Board issue and something for Ministers; I am not certain it is something governors can get involved in.

Q259 **Chair:** You have to pick up what you are given. Does it cause much of a day-to-day issue from your point of view, Ms Rogers?

Julia Rogers: I do not think that the protestation of innocence does necessarily. It is a question of whether people are prepared to engage in the regime or not, and there can be a number of reasons why they might not choose to.



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Chair: And that might be one of them.

Julia Rogers: Yes, that is right.

Chair: I guess that is the general view.

Q260 **Ms Marie Rimmer:** Can we turn to the evidence to enable spending decisions? Is it sufficiently robust for prison leaders to make the appropriate or correct decisions on the deployment of finances to the most effective programmes or policies in prisons? Is the evidence they are given to use robust enough?

Mark Fairhurst: I do not think it is. Nick will probably answer this better than me. The budgets are not big enough, for starters. Every prison is unique. It might be the same category and it might be an inner-city jail, but every prison is unique, with its own unique problems. Why don't central Government or the hierarchy of HMPPS listen to individual governors and give them the resources not only to make their jails safe and decent but to give them adequate staffing levels?

There is an element of autonomy at the moment where you can use your pot of gold for whatever you choose, but, "Don't overspend." That is not good enough, because it does not help anyone. We need a major investment, but we need to listen to people who are telling us what the issues are and what it will take to resolve them. You are not getting that at the moment.

Q261 **Ms Marie Rimmer:** What do you see as the role of the Ministry in generating, robustly testing and disseminating ideas of best practice?

Mark Fairhurst: It does not happen at all. There are lots of jails doing a lot of positive stuff that does not get shared or, if it does get shared, it never becomes policy.

Q262 **Ms Marie Rimmer:** You think it should be.

Mark Fairhurst: If it is working in one jail, there is no reason why it cannot work in another, especially when you are thinking about violence reduction measures.

One of the biggest things that we have just negotiated with the employer is the implementation of regime management plans. When you do not have the staffing resource to do something, you restrict the regime. That will eventually come in the private sector as well, because they have an obsession, highlighted in the Birmingham report, of running regimes at all costs. I know some of their staff. Two staff to look after a wing of 90 is not safe, but they get fined if they restrict the regime, and the shareholders shout at them. It is no wonder they do it—I don't blame them for it; that is just a fact of private sector life.

In the public sector, we have now hit the nail on the head. Guess what, governors? You can't unlock everyone if you don't have adequate staffing levels.



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There are areas of good practice, which RMP is—it is an example that is being rolled out nationally—but there are other jails that have not only fantastic work schemes but violence reduction schemes and therapeutic schemes, which can all help not only with security but with decency, too. Why don't we roll them out nationally?

Q263 **Ms Marie Rimmer:** It is not being rolled out at all.

Mark Fairhurst: There seems to be reluctance to take somebody else's idea and implement it.

Nick Pascoe: There are a couple of things. There is research on what works, on what is evidence-based. Governors are encouraged not to go off on a tangent with their latest fun or newly thought-out idea. Research is published, which will tell you what actually works.

A governor has limited discretion because, centrally, we have to deliver a number of targets in terms of programmes. The dividing up of that is a central task, so that you commit to delivering so many programmes, and you are resourced to deliver that. There is something evidence-based on what works, and governors are not encouraged to go off and freelance, and I understand why not.

Regime management plans have been around for a few years. They have not just appeared this month; they have been there for a long time. We have a waiting list for programmes. People identify that a prisoner would benefit from a programme, and there is then a waiting list. They may have to wait quite a while to get on it, and they may have to move prisons to do it. It is always somewhat of a disincentive if they have to go further away from home. There are various reasons why some prisoners do not do them. There may not be enough courses laid on and, secondly, they may not want to go where the course is.

Q264 **Ms Marie Rimmer:** Could they be out of prison before they have a place on a programme?

Nick Pascoe: Yes, or it could delay them getting out. When it comes to a Parole Board decision, the board will say that they have not done the offender behaviour course, and therefore the risk has not been reduced, and it could delay their release.

Julia Rogers: Basically, we have to deliver our OBPs—our offender plans. Depending on the type of prison, we have a number of types of courses available. We have the same problem occasionally; there is more demand than we have ability to deliver. All the courses we deliver are nationally accredited, so we have to fall in line with what is mandated for certain treatments, because they have been evidence-based.

On Mark's point about unlocking or managing the regime, yes, we are encouraged at all costs to keep the regime running, but, as with every prison in the country, our governors have to do a stability assessment of the prison every day. If the prison is assessed as unstable, we would not



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unlock willy-nilly because that is what we are told we have to do. Clearly, our responsibility is to run safe and decent jails, so under no circumstances would we do that, and we do not do that if it is not safe so to do.

We do the same types of programmes but—again on resources—it is our responsibility to create enough resources to deliver them, and that is what we do.

Q265 Mrs Kemi Badenoch: Reoffending is estimated to cost about £15 billion per year. The Secretary of State has put together a cross-departmental reducing reoffending taskforce, because many of the levers for dealing with the issues are outside criminal justice. What are the key things you would all like to see the taskforce address?

Julia Rogers: Some things are well known. People need stability in their life, and access to a job or to education. They need the stability of their family, so there is the role of families in keeping people on the straight and narrow. If people are returned to the place where they came from, and if they are surrounded by people who have been negative influences in their life before, it is unsurprising that they continue to associate with those people and potentially go back into criminality.

Diversionary work needs to be done. That can be through better co-operation between us with people coming through the gate, and from the people who receive those people—the CRCs and the probation service—on the other side.

Q266 Mrs Kemi Badenoch: And that is not happening at the moment.

Julia Rogers: It is. Through the Gate is a joined-up service, but we can control things literally only up to the point at which a person is released. They are released to the CRC. I do not run CRCs and I cannot comment on how they operate. Once the person is gone, our responsibility to them ends.

Using Passport to Work as an example, when people come into the prison to hand-hold things before someone gets through the gate, as we have done with Passport to Work, it creates a better opportunity for people, but once you have come into prison you have already lost an opportunity. Perhaps it is about the opportunity for diversionary work before people become criminalised and giving them opportunities before they come into jail.

Mark Fairhurst: I would like to see every released prisoner going into housing of some sort, instead of sleeping rough on the streets. That used to happen. Prison officers used to have the task of getting prisoners housing before they were released, but guess what? It was outsourced, and now we have the shambles of prisoners sleeping rough on the streets. I would like to see that as a must: before they are released, they go into some sort of accommodation.



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Give them hope. Give them a chance of employment on release. You can only do that if you teach them the skills while they are inside. There is the treatment issue, too. Who monitors them when they are released? Who gives them the treatment they need? Who guides them? It is supposed to be the CRCs, but we all know what a complete failure that has been. You need to reinvest in probation, and you need to get those services back in probation. Like I keep saying, you're missing a trick. Prison officers can contribute to that work in the community, too.

There is one thing I want to add. There has been much publicity around whether we should be releasing prisoners on a Friday, because Jobcentre Plus, where they can get grants, is not open. The housing associations are closed, and this, that and the other. That should not be an issue. People work seven days a week these days. Why can't those services, which prisoners rely on, work seven days a week, too? If they are not open when we release people, bring those services into prisons.

I know that Joe Bloggs is getting released on a Friday. It might be late because there has been a mix-up with his licence. "Well, I can give you your grant now. Here's the lad from Jobcentre Plus. What are all your details? I know what accommodation you are going to. Probation will see you on Saturday morning." Why can't we do that?

Q267 **Chair:** Is there a reason why so many are released on a Friday?

Mark Fairhurst: It is down to the licence. If we hold someone until Monday morning, we are acting illegally, because their licence says they have to be released. If we release someone a day early, we have to have a reason. Would you say, "Well, ROTL them a day early," and then they are released on the Friday? There are a lot of legal issues around that. Bring the services in-house.

Nick Pascoe: Accommodation is a critical issue. It used to be a key target for prison governors, because they commissioned a housing contract with a provider to find accommodation for prisoners on release. It is not a key target for governors, and they do not manage the CRCs. That is a huge gap.

Chair: Unless colleagues have further questions, I thank all of you very much for your evidence. Ms Rogers, Mr Fairhurst and Mr Pascoe, it is much appreciated.

Mr Pascoe, given that, as you said to us, you are retiring from the service very shortly after 38 years, I thank you, first of all, both for the evidence that you have given on this occasion and for the assistance that you have given the Committee in the past, and for the 38 years' service you have given to the service and the country. We are all very grateful to you, not just this Committee but society as a whole.

Nick Pascoe: Thank you.

Chair: We wish you well for the future.