

Justice Committee

Oral evidence: [Prison governance](#), HC 2128

Tuesday 16 July 2019

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Members present: Robert Neill (Chair); Bambos Charalambous; Andrew Griffiths; David Hanson; John Howell; Victoria Prentis; Ellie Reeves; Ms Marie Rimmer; Andy Slaughter.

Questions 312 - 465

Witnesses

[I](#): Dame Anne Owers, Chair, Independent Monitoring Boards; and Peter Clarke, Her Majesty's Chief Inspector of Prisons.

[II](#): Robert Buckland QC MP, Minister of State for Justice, Ministry of Justice; Jo Farrar, Chief Executive Officer, Her Majesty's Prison and Probation Service; and Phil Copple, Director General Prisons, Her Majesty's Prison and Probation Service.



Examination of witnesses

Witnesses: Dame Anne Owers and Peter Clarke.

Chair: Good morning, everyone. Dame Anne and Mr Clarke, welcome to both of you; it is nice to see you again. Thank you for coming to give evidence to our inquiry in relation to prison governance. Before we get into the questions, we have to go through the usual formalities of declarations of interest. I am a non-practising barrister and a consultant to a law firm.

Ellie Reeves: I am a non-practising barrister.

Bambos Charalambous: I am a non-practising solicitor.

John Howell: I am an associate of the Chartered Institute of Arbitrators.

Q312 **Chair:** Many people would think that, between you, you have a key role in relation to oversight of the prison system. Does the oversight role that you have work? If not, why not?

Dame Anne Owers: I think it does and it can. We have complementary roles. Our independent monitoring boards are usually in prisons about three times a week. They provide weekly rota reports to the governor and have monthly meetings with the governor, and there are obviously annual reports to the Minister. I think we complement each other rather well. They are different roles but complementary ones. We should be able to give early warning of things that are starting to go wrong before dramas become crises. We should also be able to provide assurance about things that are starting to get better.

As IMBs, the problem we have is that the Government created a new governance structure because of the role we can play to complement what Peter's teams do, but at the moment it is sitting on fresh air because it does not have a statutory basis and sufficient financial resource to be able to do what we need to do. An independent organisational review commissioned by the Ministry of Justice showed that we simply do not have enough resource. We have about half the amount of resource that our sister bodies in Scotland have in order to do the same work. If we had that resource, we would be able to be a much more effective oversight mechanism and we could escalate things at the right time, to the right places and in the right way.

Q313 **Chair:** I suppose the statutory framework could have been provided by the Prisons and Courts Bill which fell.

Dame Anne Owers: It could.

Q314 **Chair:** When do you detect that percentage decline in resource arose? Can you work out when it started and you appeared to be shrinking?

Dame Anne Owers: It has probably never been enough for the way Government and we would like it to work now. Resource in Government



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and in the Ministry of Justice is severely constrained, but when I have made these points, which I have been doing for the past 18 months, the only response I get is the suggestion that perhaps we should make fewer visits. That does not seem to me a very strong commitment to stronger oversight.

Q315 **Chair:** That is the response from officials at the Ministry, is it?

Dame Anne Owers: Yes, that has been the response.

Q316 **Chair:** Rather extraordinary. Mr Clarke, what is your take on it?

Peter Clarke: In response to your question as to whether oversight of scrutiny works, from the perspective of the inspectorate I would have to say that in the past I had serious reservations about its effectiveness, simply because of the extraordinarily poor response on many occasions to our recommendations. As you have probably seen from my annual report this week, for the third year running I have reported that fewer recommendations are achieved than are not achieved.

Having said that, I would like to think that the last year or 18 months perhaps marks a turning point in the effectiveness of scrutiny, with the introduction of the urgent notification process and the independent reviews of progress. The early indications are quite encouraging, and I hope that in the future we will see a better response to independent scrutiny. When you look at the five prisons that have so far been subjected to the urgent notification process, one of the common factors is an utterly appalling response to recommendations in the past. How that was allowed to happen for so long is still something of a mystery to me, but I hope that in the future transparency and accountability is seen as a strength, not a weakness, on the part of the Prison Service.

Q317 **Chair:** Do you think that has been a problem in the past?

Peter Clarke: Yes.

Q318 **Chair:** It has been perceived as a weakness.

Peter Clarke: I think so, because there is a very strong culture that the depth of knowledge, experience and expertise, which is undoubtedly present in the Prison Service, is so strong that external scrutiny and review has not been particularly welcome, in my perception.

Q319 **Chair:** Dame Anne, you are nodding in agreement.

Dame Anne Owers: It is always difficult to have external scrutiny. It is important in closed environments, which develop institutional cultures where people do not often see what is happening. I have said many times, but I will say it again, that all institutions, particularly closed institutions, develop what I describe as a charcoal filter in reverse, which is that the higher up the chain things go, the more the impurities get sifted out because everyone wants to tell a good story to the person next



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up. That is where what Peter and our boards do can offer a separate expert view that ought to be helpful to good managers, not a hindrance.

Q320 **Chair:** I understand that. Mr Clarke, you have had funding now to do some independent reviews of progress. I know you argued strongly for that and eventually achieved some funding to enable you to do that.

Peter Clarke: With the support of this Committee.

Q321 **Chair:** I am glad that we were able to work on that one. It seemed to many of us, and was pretty obvious to you, that HMPPS should not mark its own homework. You have that funding. I think you have done about 15 to 20. Is that sufficient to deal with the task?

Peter Clarke: To an extent, that depends upon the more general movement in the performance of prisons. We are funded to do about 15 or 20 at the moment. What we have said is that we will return to conduct an independent review of any prison that is subject to an urgent notification. You will have seen that we are using that process very sparingly to reserve it for only the very worst places. In the last reporting year, we have invoked the process three times. That leaves perhaps a dozen or so other opportunities to conduct IRPs. We will do that based on our judgment.

Is it sufficient? Only time will tell, but early indications are that they are being taken seriously. Sometimes the response has been somewhat tardy; they have not necessarily started taking serious action until the announcement letter was sent three or four months in advance of the visit. Nevertheless, it seems to have brought forward a far more focused response than perhaps we have been used to in the past.

Q322 **Chair:** That is welcome and helpful. Dame Anne, you talked about what ought to be the ability of IMBs to give early warnings, but that is as good as they are acted on. Do you find that in practice you are able to act as the driver for improvement that you would like to be, through that early warning?

Dame Anne Owers: No, I do not think so. For example, if you look at prison maintenance, which I know this Committee has also looked at, IMBs for a long time were pointing out that the new contracts simply were not delivering, and there were reductions in safety, decency of establishments and so on. To be honest, it should not have taken the collapse of Carillion for something to be done about it. Similarly, our boards gave early warning about Bedford and Birmingham. I do not think that is always there. They also ought to be able, in prisons where Peter is not able to do an IRP, to look at what is actually happening in terms of inspectorate recommendations as well as their own, so they can do more.

The reasons for that are twofold. In part, it is because people do not always listen in time, which is the same for Peter, but it is also because as central IMBs we need resource to be able better to collate the findings of boards, to escalate things in a proper way in the Prison Service and be



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a bit more public about what we find. That was why we did our first annual report this year, which I know the Committee has seen.

Q323 **Chair:** Yes. Does the fact that each IMB is a separate statutory body complicate your work or assist it?

Dame Anne Owers: It does not help in terms of the new governance structure, as I have just said. As you say, each board is an independent statutory body. What we do not have is a statutory national organisation that brings together all the boards.

Q324 **Chair:** Which you would argue we should have.

Dame Anne Owers: That has issues of accountability; it means we cannot employ our own staff centrally, so that needs to happen. Obviously, you do work-arounds, but those make you less effective than you would be if you had the proper statutory basis.

Q325 **Chair:** Are the individual IMBs treated with enough seriousness and respect by the governors of the prisons and the management of HMPPS?

Dame Anne Owers: In most cases they are. Relationships vary from governor to governor, but in general they are. In most cases, the governor comes to the monthly board meeting. There are lots of opportunities to engage with governors of all grades. I do not detect that as a major problem for us, but I do detect the next bit, which is acting on it, being more of a problem.

Q326 **Chair:** Mr Clarke, in a sense you have greater statutory powers. Do you get the necessary co-operation and transparency when your inspections are being carried out?

Peter Clarke: At a local level, yes. Generally, I find that governors and their teams, surprising as it may seem, very often welcome the presence of the inspectorate. In particular, on the new IRPs we have had some very positive feedback, to the extent that one governor has even asked if they could have one every year because they found it such a useful process in taking stock.

I do not feel that, corporately, the inspectorate is as welcome as perhaps we might be in terms of our findings and recommendations. The take-up is far too low in far too many prisons, and I cannot see where pressure is being applied to respond more positively to what we are saying. Far too many prisons have appallingly low take-up rates.

To take the recent example of Bristol, where we invoked the urgent notification process, that prison has repeatedly been marked as poor for safety, yet between the previous inspection and this one, it achieved only one of the 11 recommendations we made in respect of safety¹. That begs the question: what is happening in terms of support and/or intervention

¹ Note by witness: These figures were subsequently moderated to 2 out of 12 safety recommendations.



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from senior leadership to the local establishment to demand a better, more positive response to what the inspectorate is saying?

Q327 **Chair:** That sits with HMPPS at the top and the Ministry as well.

Peter Clarke: Indeed.

Q328 **Chair:** Should we change the regulatory basis of prisons? Should they be regulated in a different way?

Peter Clarke: You have seen the evidence that Nick Hardwick submitted to the Committee. I have a great deal of sympathy with what he said. Having been a regulator myself in the past—for three years I was on the board of the Charity Commission—I do not think that style of intervention is what is needed in prisons.

The independence of the inspectorate in the standards we set and the origin of those standards in international human rights instruments is very important. We are not looking for compliance with policy. I think that is absolutely vital. We should not become part of the management regime, which being a regulator could imply, or to some extent potentially lead to. There should be two legs. One is independent inspection and the other should be effective line management. It should be unequivocally the role of line management to look at what independent inspection is saying and insist upon it being implemented.

Q329 **Chair:** You are nodding, Dame Anne.

Dame Anne Owers: I absolutely agree. The difficulty of being a regulator, as Peter said, is that you inevitably have to be tied to the standards that that organisation has. You cannot regulate outside that. The strength of the inspectorate and the IMBs is that we can look for better; we can look to our own standards for what is right rather than what is immediately possible.

Q330 **Chair:** Regulation and independent inspection are two different things.

Dame Anne Owers: Yes.

Chair: That is very helpful.

Q331 **David Hanson:** Mr Clarke, I want to go to leadership, which is extremely important. We have had your letter this week dated 12 July. Let me look at HMP Lewes. You said that in HMP Lewes a 45-point action plan was agreed with senior managers in August 2018. Of those, 39 actions have not been completed, and the inspectorate has not yet received an action plan from HMPPS following the inspection. At the same time, there have been five self-inflicted deaths and 300 incidents of self-harm. In your view, who is responsible for managing this position—for example, at HMP Lewes?

Peter Clarke: That is a very good question, Mr Hanson, which I have asked quite a few governors. Who is responsible for the implementation of a special measures action plan? I have varying answers. Some



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governors say, "I suppose it's me." Others say, "It's probably the prison group director." Some think it may be someone further up the chain. There is lack of clarity about it.

Q332 David Hanson: What does good leadership look like in a prison? Who is responsible?

Peter Clarke: I would like to think that the governor could be responsible, but that depends on, to use management jargon, a clear understanding within the broader organisation of the distinction between a dispersed and a devolved environment. When we talked about prison reform and governors having autonomy, I am not sure there was ever real clarity about what that meant.

As for special measures, I kept a copy of the action plan to which we referred in the letter. I use it now within the inspectorate as a model of how not to write an action plan.

Q333 David Hanson: Do you have any evidence of a former Minister pressing senior management, the senior management pressing regional management, the regional management pressing the governor and the governor pressing the staff, to meet any of those improvements?

Peter Clarke: I am not privy to the internal workings of the Prison Service or to communication between Ministers and senior leaders of the Prison Service, so I could not comment on that. What I see at establishment level is a variety of perceptions of what they can and cannot do.

Q334 David Hanson: That is HMP Lewes. In general terms, do you think governors are equipped to meet the challenges they now face in relation to a complex prison system?

Peter Clarke: What they need is absolute clarity about their remit, the parameters of what they can do and the role of those above them in the leadership chain. I get very different answers from different governors as to what they feel they can and cannot achieve. When it comes to thinking about whether an urgent notification is required, for instance, one of the key things I look at is: have the external interventions so far made any difference? I can tell you very clearly that in a recent case my view was that the answers lay not in any externally delivered intervention from the Prison Service, because that was not working, but sat entirely in the hands of the governor and a locally delivered plan.

Q335 David Hanson: What levers do you have in a situation where only 10 of the recommendations at HMP Lewes, for example, were achieved out of the 45-point action plan?

Peter Clarke: I now have new levers, which are urgent notifications and independent reviews of progress, and that brings a level of accountability and transparency that was not there before.

Q336 David Hanson: Can we look at suicide and self-harm? We have had a



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25% increase in the last year. There were 83 self-inflicted deaths last year and a 15% increase overall. In your view, who is accountable for monitoring, delivering and challenging the system when those figures rise?

Peter Clarke: That is the very question I posed last week when I published my annual report. Who is driving and demanding change in respect of that? In one third of the prisons we inspect, we find that the responses to Prisons and Probation Ombudsman recommendations following deaths are not being properly implemented. That must be a corporate responsibility.

Dame Anne Owers: There is a complex thing around suicides. When our boards ask people who are on suicide prevention procedures, one of the things they say is that they want to be able to talk to staff. Obviously, if you are depressed and feeling suicidal, being locked up in a cell for 23 hours a day is not going to help. It is undoubtedly tied to the way prisons are run and the availability of help and support for prisoners.

Following Peter's point, what surprises me is that there is much less public and ministerial concern about deaths in prisons. For example, in my previous role when I was looking at deaths in police custody, I well recall that, when they went up from an average of 15 a year to 17, the then Home Secretary, now Prime Minister, called for an independent inquiry led by the former Lord Advocate of Scotland to find out what was going on. At the same time, suicides in prisons rose to 119. Obviously, the Prison Service was very concerned about that, but I do not think there is commensurate concern, which seems to me to be a problem.

Q337 **David Hanson:** Are either of you aware of any senior management team, ministerial-led committee or regional discussion on the trends in suicide and what needs to be done to reverse that?

Dame Anne Owers: There is the ministerial board on deaths in custody.

Q338 **David Hanson:** That has been there for a long time.

Dame Anne Owers: It has been going on for a long time and could do with a tighter remit.

Q339 **David Hanson:** Do you know when it last met?

Dame Anne Owers: I think it met last month.

Peter Clarke: I was there.

Q340 **David Hanson:** What outcomes of that ministerial group have impacted on the trend in increasing numbers of suicides?

Peter Clarke: From a personal perspective, I would say not sufficient, because the trend is going the wrong way. I entirely agree with Anne's point that we could well look to learn from the decline in deaths in police custody over the years. What has led to that? Last week, when I published the annual report, I posed the question: because of the lack of



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progress in this area, is it time for there to be some sort of formal external review of the whole subject? There seems to be absolutely no progress being made at all. The same problems are arising year in, year out.

Q341 David Hanson: In relation to prison governance, is there any understanding by a prison governor in a prison somewhere in the country of what is happening at the ministerial board and what is happening at the strategic level you are looking at? Does that feed down to them in practical solutions on the ground?

Dame Anne Owers: I do not know. That is a question you might want to ask your next witnesses. I am not sure that that is a vehicle. It was set up, as people may remember, because the parliamentary Joint Committee on Human Rights recommended that there should be a commission on deaths in state custody and the ministerial board was the answer. I am not sure that it drives improvement.

Q342 David Hanson: Do you have any views on segregation and whether appropriate governance arrangements are in place for that?

Peter Clarke: Yes. Segregation is quite a difficult area to look at because there seems to be a complete dearth of centrally held data. If you were to ask how many people are being held in segregated circumstances this morning, I do not believe the data exists.

A fairly new development is self-isolation. Since the problem with drugs has accelerated over the last few years and people find themselves in debt and subject to bullying and violence because of drugs, there are now more people self-isolating than in the past. There is no data on that held centrally, and there is no requirement for those people to be subject to the so-called SMARG meetings held at local prisons. There is no real data on that.

It is not unusual for us to go to a prison, ask how many self-isolators they have and be told there are only one or two, or none at all, but when we go on to the wings we find far more than that. It is an area that could do with an overhaul. I think PSO 1700 is the guiding regulation. It is pretty old, and it seems to me it could do with a revamp.

Dame Anne Owers: Our boards are concerned about the length of time people spend in segregation, particularly those with mental disorders or on suicide prevention. The more ill they are, the longer they are likely to be held in the deepest form of custody. Sometimes they are shunted around between prisons. Sometimes they are shunted around between a prison's healthcare and the segregation unit; sometimes they are let back on the wings for a short period, so the clock starts ticking again when they go back into segregation.

It is a real problem for prisons because the majority of those people ought to be in a different kind of environment, not a prison environment but a mental health one. There are still difficulties and delays across the



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board, but particularly for children and young people, in having sufficient capacity in the right place for people who are being segregated. From the prison's point of view, there is no other choice if they are to be safe, because they are likely to be safer there, have more contact with staff and not damage other people. It is a problem that goes wider than the prison system and needs to be looked at urgently.

Q343 Bambos Charalambous: If a third of the recommendations on deaths in custody and self-harming are not being implemented, that is a real cause for concern. Mr Clarke, you said there was lack of corporate responsibility. The responsibility does not seem to lie with anybody, and that is why measures are not implemented. Who should be responsible for taking those measures or implementing them?

Peter Clarke: As I said in response to an earlier question, there is clearly a responsibility on line management to make sure that there is compliance. If, for instance, cell call bells are not being responded to, you have to ask why. There is clearly a failure of first-line supervision and management, but who sits above that and demands that the processes are in place?

Only two weeks ago, I was in a jail on a wing and seven cell bells were ringing away. I was with a senior officer and asked him, "Don't you think somebody sitting in that wing office ought to respond?" Clearly, culturally, there was no demand that these basic procedures should be adhered to. We have seen some terrible cases, not least the Pagirys inquest at Wandsworth, when ignoring a cell call bell led to tragic circumstances. In that sort of basic procedure, to my mind there is clear responsibility for line management to demand compliance.

Chair: Mr Griffiths, welcome to the Committee.

Q344 Andrew Griffiths: Thank you, Mr Chairman. I have a very simple question on suicides in prison. Do you think it is time that we had a target for the reduction of suicides in prisons? Would that target drive culture change and, if so, who should be responsible for it?

Peter Clarke: I have to say two things. First, I do not think any target in terms of deaths is acceptable. Secondly, in my experience you change culture by changing behaviours. When certain unacceptable behaviours are palpably unacceptable and not tolerated by line management, culture changes follow. It is very difficult to change culture without demanding behaviour change, in my experience.

Q345 Andrew Griffiths: On the other side of the coin, my old mum used to have an adage that what gets measured gets done.

Peter Clarke: True.

Q346 Andrew Griffiths: We are not seeing the change in the culture to reduce deaths and suicides that we would like to see. Isn't that true?



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Peter Clarke: It is certainly true, but I would hesitate to set any target that X number of deaths is acceptable; I simply could not go there.

Dame Anne Owers: Targets can have unintended consequences. I have been in prisons in the US where there are very few suicides. That is because as soon as someone feels suicidal they put them in a straitjacket. I do not know what happens to them when they leave prison, but I doubt they are in a very good mental state, and I would like to see the figures for suicides after custody. You have to be very careful about not getting the behaviours and culture that Peter describes.

Q347 **Chair:** Is perhaps one of the reasons there is so much attention to deaths in police custody that it is an accepted culture that any death in police custody is unacceptable?

Dame Anne Owers: Yes.

Q348 **Chair:** People therefore act accordingly.

Dame Anne Owers: Yes.

Q349 **Ms Marie Rimmer:** Mr Clarke, you said that you are not confident that Bristol will achieve sustainable and meaningful improvements in the future. It has been in special measures and it has had support. What other support could be given to Bristol or other poorly performing prisons?

Peter Clarke: The first support could have been of the interventionist kind. At Bristol, they had been in special measures for two years, yet, in terms of achievement of inspectorate recommendations, they fully achieved only 20 of 76, which suggests that support in the form of demanding a clearer focus on inspectorate recommendations could have helped. Support can take many forms.

Q350 **Ms Marie Rimmer:** Clear focus by whom in the prison? Prison governors?

Peter Clarke: By prison governors and the regional leadership. Some of the failings we pointed out in the urgent notification letter were basic failings of care—for instance, the Samaritans line not being available.

Q351 **Ms Marie Rimmer:** And the crisis helpline.

Peter Clarke: The crisis helpline was not being monitored. There were 21 unanswered recorded calls. Those are very basic issues.

Beyond that, there were all the things we see in prisons. At Bristol, for example, only 50% of the prisoners were allocated to activities. Of those 50%, only 50% turned up, so actually only 25% of the prisoners at Bristol were getting into any form of purposeful activity. That did not seem to be on the radar of the management there. I suggest they need support to understand what they need to do to get a grip on what is happening in the jail. It shouldn't be that difficult.



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Q352 **Ms Marie Rimmer:** It shouldn't be. What support could be given? We have a man in prison in Bristol who is lying in bed. He has a wheelchair to get out; he cannot walk unaided.

Peter Clarke: That's right.

Q353 **Ms Marie Rimmer:** He lies in bed with a urine bottle. He depends on his prisoner colleague to feed him and see that he gets clean clothes. That is basic. It is totally inhuman. What help could be given to make that not be the case?

Peter Clarke: Perhaps I did not explain it very clearly. I think this requires insistence that proper care is given to people in that condition. When our team leader found that man in the conditions you describe in prison, she as an experienced prison governor herself was dismayed that that lack of care should be evident in a prison such as Bristol. The support has to take the form of insisting that leaders and managers are held accountable for what is happening in their area of responsibility.

Q354 **Ms Marie Rimmer:** The governors are held accountable.

Peter Clarke: The governor has to be held accountable because at local level the governor is accountable, but in turn that governor needs to ensure that his or her team is held accountable.

Q355 **Ms Marie Rimmer:** That is not happening.

Peter Clarke: Clearly not, if that sort of lack of care is evident.

Q356 **Ms Marie Rimmer:** It is the governor who needs to be made accountable and held responsible.

Peter Clarke: Yes, but you also have to look at the next layer up.

Q357 **Ms Marie Rimmer:** And the staff down and the staff up. It seems to me that it is not coming right from the top. The Chinese have a saying that a fish rots from the head, the head being the Government or Ministers down. How does the region hold the governor to account, and how does the governor hold staff to account? Have they got the resources to do that? Are there meaningful procedures, not reports to swat flies with?

Peter Clarke: With respect, I think that is a question you have to pose to the panel following this one. As an inspectorate, we look at what we find in the jail. If we can see a very clear linkage between the quality of leadership and management and outcomes, good or less good, we will say so, but we are not management consultants; we do not aspire to be. I have seen the evidence submitted to this Committee by the Prison Reform Trust. I have to say that I think there are a few misperceptions in that evidence as to what we are actually doing when we comment on leadership and management. When it is linked to clear outcomes, I think it is our duty to make a comment.

Q358 **Ms Marie Rimmer:** Do you see differences in procedures in a well-managed and a poorly managed prison?



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Peter Clarke: Yes, very clearly. It is very clear indeed that—

Q359 **Ms Marie Rimmer:** What procedures do you see that we could introduce in a poorly managed prison?

Peter Clarke: Every time I go on an inspection, I always sit down with the governor and the senior management team and have a session discussing the issues in the jail. What is very clear in the better-run prisons is that when I speak to those teams they speak to me as one. They might all have their individual functional responsibilities, but they operate, so to speak, as a team. In the less well-run prisons the silos are obvious; the lack of teamwork is clear.

Q360 **Ms Marie Rimmer:** It is management style.

Peter Clarke: It is a basic leadership function to inspire teamwork, and that is what we see in the better-run prisons.

Q361 **Ms Marie Rimmer:** Are prisons waiting for you to draw problems to their attention, rather than identifying them themselves?

Peter Clarke: Anne may have a view on that because her people are in prisons every day, right across the country, so I suspect it would be very difficult for prisons not to be aware of some of the issues. We visit prisons as an inspectorate less regularly. It is sometimes surprising that what we find was not previously known to the governing teams. For example, I have come across some very extreme examples recently of governors not being aware of the shortfall of activity places in their prisons, or poor attendance rates and that sort of thing.

Q362 **Ms Marie Rimmer:** Does HMPPS depend on you identifying the poorly performing prisons? Do they have any proactive way of identifying poorly performing prisons?

Peter Clarke: With respect, I think you will have to ask the following panel what they do to understand their prison performance. I know they have a range of views.

Q363 **Ms Marie Rimmer:** Can you help on that, Dame Anne?

Dame Anne Owers: They certainly have performance teams looking at prisons. The Committee has already mentioned special measures, and I have a couple of points on that. One is that, if you are going to put prisons in special measures, it has to be more than simply putting them on the naughty step. You have to look at why it has got that way and what support and help they may need.

One of the consequences of the reduction in prison staff until recently has been that people in management roles have been pulled through very quickly. Very often, managers are on temporary promotion, or have been there only a very short period. I do not think that as a society we are nearly good enough at training for management those who manage some



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very difficult institutions, including looking at how other organisations work and manage.

When I first started doing Peter's job, it was not uncommon for people who were going to be senior managers in the prison system to be seconded to another organisation for a short while to see how somewhere else works. I get the impression that that is not happening and people are stuck in a style of management and a culture that is not equipping them very well to find out what is going on in their establishment. In the good prisons, as Peter says, you find that the view coming back from the management team is a single view, and it pretty much aligns with what our boards are finding and what Peter finds, but sometimes there is a very big gap.

- Q364 **Ms Marie Rimmer:** I will read this out to you: "At the time of the inspection of both Bristol and Lewes I was not satisfied that robust plans were in place to improve outcomes. However, I hope that the recent response from the Secretary of State in relation to Bristol will lead to swift action taken to make improvements." Do you think this is going to be something different? Do you feel more confident about it, or not?

Peter Clarke: Is this the Secretary of State's response to the urgent notification for Bristol?

- Q365 **Ms Marie Rimmer:** That is right.

Peter Clarke: For an initial response, the so-called 28-day letter, I was quite heartened by some of the immediate actions being taken, such as fixing the Samaritan lines, the hotline and responding to the comments we made about ACCTs—the documents filled out for vulnerable people in need of special care. The concept of setting in place a strategic recovery plan with short timescales and, I hope, therefore, achievable timescales, properly resourced with individual accountabilities, seemed to me a fairly robust response. I was also pleased that in that letter the Secretary of State said he was going to review special measures as a concept and as a means of improving outcome. That is very much overdue, so that is very welcome.

Overall, I welcome the Secretary of State's letter. As always, when we return and conduct an independent review of progress in due course, we will see how much has actually been delivered in tangible change in the prison.

- Q366 **Ms Marie Rimmer:** Bristol would perhaps be a good one for the Secretary of State to look at, given that it has been performing badly since 2010. Maybe that would be a good case to consider—why that prison has not improved its performance since that time.

Peter Clarke: It will be very interesting to look at what has happened and try to understand why. Certainly, lessons could be learned about other jails.



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Q367 **Ms Marie Rimmer:** Can either of you shine any light on why that should be the case? I know that you are not responsible, but is there anything that comes to mind? You have both had experience of going into prisons. Your hearts are there. Both of you are experienced. Why is this happening, honestly?

Do they have enough resources? When there are special measures and urgent action, more prison officers go in and prisoners come out. Is it a case of more staff and fewer prisoners all the time?

Dame Anne Owers: You cannot underestimate the impact on the prison system of the 30% reduction in staffing that happened and the time it will take to climb out of that. Although more staff are now coming in, they are inexperienced staff. Our boards find that sometimes they do not know how to handle prisoners. They are not confident in dealing with prisoners; they sometimes intervene too late or they over-intervene and put prisoners on report. It will take time to climb out of that.

When I was doing Peter's role, I used to say that prisons had a law of gravity: they go down quite quickly, but it takes much longer for them to climb up again. I think we see that starting. As Peter said, the greater grip that the inspectorate has on charting that progress is important. From our point of view, we look at outcomes and what is actually happening in prisons; we do not seek to try to tell people how to manage them.

Q368 **Ms Marie Rimmer:** Bristol has not been performing well since 2010, and in 2010 we lost 7,000 prison officers. Is that largely why?

Dame Anne Owers: It is one of the contributory factors. I would not say it is the only one, but it is certainly one.

Q369 **Ms Marie Rimmer:** What other factors do you see?

Dame Anne Owers: The arrival of drugs in prisons—NPS has made a difference—and the prevalence of gangs are all things that add to the problems of running a prison. The idea was that resources for the prison system would be reduced, and so would the prison population. The first of those happened, but the second never did.

Q370 **Chair:** Mr Clarke, you made an interesting point about some governors not being sighted as to issues happening in their own prisons. Do you get any sense as to why that was—why there were those extreme examples? Did you get an explanation for it?

Peter Clarke: It varies from place to place. Sometimes governors may not be delving into the data; sometimes, as Anne suggested earlier, some people might not want to tell the governor bad news, or they simply might not be aware of it. When it comes to things like allocating prisoners to activities, to put it crudely, sometimes some pretty good three-card tricks are played around that.



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When we go on inspection, suddenly we find a huge number of people leaning on mops in wings and supposed painters, who do not have much paint or any paint brushes close to hand. They are counted apparently as being in employment. Recently, in a medium-size prison we found 180 prisoners employed on wings for that week. Very recently, I asked a senior officer at a prison, "Will all these people be sweeping this wing next week?" and, much to my surprise, the answer was, "No, probably not."

Q371 **Chair:** Full marks for frankness, I suppose.

Peter Clarke: Yes.

Q372 **Ellie Reeves:** I want to move on to prison safety, which has been a key focus of the MOJ over the past year, but both of you report that the situation has not improved. Recent IMB findings describe some terrible conditions at Winchester and Exeter prisons: showers not working, floors cracked, toilet doors missing and excrement on the floor because of overflowing toilets. Why do you think there has been such a lack of progress in that area?

Dame Anne Owers: Are you specifically talking about maintenance and decency and safety in prisons?

Q373 **Ellie Reeves:** Exactly. Maintenance in prisons.

Dame Anne Owers: There is a long history of insufficient preventive maintenance in prisons, not just in our Victorian prisons but in some of the prisons built more recently. That was exacerbated by the new maintenance contracts that did not allow for preventive work, or all the repair work that is needed. The consequence of that has been, as you say, conditions that are in some cases inhumane and in some cases unsafe.

Workshops are not operating, so purposeful activity does not happen, going back to Peter's point. Our boards still report that, with the demise of Carillion and with the new Government service company, what is coming back is what boards still describe as administrative red tape and labyrinthine procedures where it takes ages to get something done. I think it is a consequence of all of that.

Q374 **Ellie Reeves:** You think a lot of it is about barriers to getting repairs carried out.

Dame Anne Owers: Yes. When I regularly went to prisons in the 2000s, they had their own works departments. If I am honest, some worked better than others, but at least there was someone on site, whereas in some prisons they have had to fill in a docket and send it in to get a light bulb changed. The new maintenance contracts just did not work. The challenge of maintaining prisons is a very great one.

Q375 **Ellie Reeves:** Do you think that bringing it back in-house and having works departments would be a better model for prisons, and would be



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more responsive to broken windows, light bulbs and those sorts of issues, before things escalated?

Dame Anne Owers: I certainly think that would help.

Q376 **Ellie Reeves:** Mr Clarke?

Peter Clarke: I agree with what Anne said. Perhaps a mixed economy could work. At Leeds prison, there is a very good initiative, which I think is called Q-branch, where, to complement the works, contract prison officers and prisoners are working together to do a lot of basic maintenance work. The last time I saw that, 18 months to two years ago, it was making quite a difference. I believe it has grown in impact since then.

There is also an issue of mindset. You will remember when we reported on HMP Liverpool the very poor conditions we experienced there. When I pointed out piles of rubbish and so forth, I remember some senior members of staff saying, "We're not very good on hygiene here, are we?" That is a mindset they have got into. I have seen it elsewhere. There is always a risk of staff becoming inured to what are unacceptable circumstances. In Scotland—I was there the week before last—I am reliably informed that nowadays the culture is completely different. I know that there are only 15 prisons in Scotland and the issue of scale is very different, but the culture is that it is simply not acceptable to have dirty jails.

Q377 **Ellie Reeves:** Is that an issue of morale? Why has that culture built up?

Peter Clarke: In some cases, I suspect that the issues Anne referred to—loss of staff, lack of investment and failing facilities management contracts—probably led to a sense of helplessness.

Dame Anne Owers: In our annual report, we described it as learned helplessness, where people have given up doing things. There have been some very positive things. In Dartmoor and a couple of other prisons, prisoners are working together with maintenance companies. You get two for the price of one, because prisoners are skilled up to do things and you get routine maintenance jobs done properly. There are ways it can be done, but it is one of the things that our boards have been reporting on for years and years, and it took a crisis for it to be taken seriously.

Q378 **Ellie Reeves:** Safety in prisons is another thing that the MOJ say they are prioritising, but both the inspectorate and the IMB say that there has not been any improvement. In local prisons in particular, 12 of 14 prisons inspected last year were not meeting required safety standards in any way, shape or form. What is the issue? Why isn't safety improving?

Peter Clarke: It is a combination of factors. Clearly, drugs have had an enormous impact, and everything possible needs to be done, including technology, effective proactive counter-corruption measures and all the other things, to have a coherent strategy on that. We still find prisons



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where there is no coherent or comprehensive drug supply reduction strategy.

Beyond that, you have to look at other factors. What causes people to be frustrated, annoyed and so on? Across the service, there is a lack of activity places. I do not know—I am not sure anyone does—exactly what the shortfall in activity places is, but we frequently find large numbers of prisoners unemployed with nothing to do.

Q379 Ellie Reeves: And spending a lot of time in cell.

Peter Clarke: To take the example of High Down, which we inspected last year, there were 536 unemployed prisoners and a shortfall in activity places. We made a recommendation that there should be enough activity places for everybody in the prison. The recommendation was only partly agreed, on the basis that there were not the resources available to create that number of purposeful activity places. We also made a recommendation that every prisoner should have at least 10 hours out of cell. That was rejected on the basis that there were not enough activity places, so there is a circularity of despair.

Dame Anne Owers: One of the disappointing things about coming back to look at prisons after a period of not doing so is that some of the lessons learned in early days have been unlearned since. After the Strangeways riot, it was very clear that what prisons depend on is dynamic security, not just the physical bits. It is about the relationship between safety, staff-prisoner relationships and activities. That sort of triangle keeps safe places that are not inherently safe. We are now getting back to the understanding that it is not a simple fix and it requires all of those things working together.

There is one thing that I hope the Prison Service is looking at quite seriously right now. If you look ahead at where some of the safety problems come from, we know that in our juvenile and under-18 prisons we are locking up far fewer young people, but those who are locked up have very often committed much more serious offences, sometimes with gang connections. Those young people are now moving into young offender institutions or adult prisons, where there is far less resource and investment, and where we see some quite bubbly stuff in some of the young offender institutions. I would like to think that the Prison Service is ahead of that curve and is looking at what it needs to do and what resource it needs to ask for in order to deal with that issue that is coming up.

Q380 John Howell: Can I keep you on the subject of purposeful activity? You gave some very good examples of where it does not work. Would you like to give us some examples of where it works?

Peter Clarke: That is a very interesting question. Where does it work? It works well where there is good linkage to future employment prospects. That is undoubtedly a strength where it is available. There certainly



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needs to be more of that. It works where there are good linkages with local organisations and employers and where there are businesses investing in workshops and programmes in prisons to provide training and potential employment activities in the future. All of those are very positive things.

Overall, there needs to be a move away from the mundane towards the purposeful. There should be less putting nuts on bolts to be put into packets to be sold in various stores and so forth, and less dismantling of VHS video cassettes and that sort of thing, and much more attention to things such as bicycle workshops, laundry work or whatever—things that can translate into the wider community on release—but there needs to be enough of it.

Q381 **John Howell:** How do you replicate that across the whole of the Prison Service?

Peter Clarke: I suspect that is a question you need to ask those now sitting behind me, because I am not involved in managing the Prison Service. What I can say is that, where we see good purposeful activity, that tends to be what it looks like.

Q382 **Chair:** Do you want to come in, Dame Anne?

Dame Anne Owers: I can give you examples of prisons that are doing exactly that. At Featherstone prison, for example, purposeful activity has gone up to 10 hours a day, which is great; there is a huge increase in education and vocational courses linked with employers outside, including an academy for commercial tyre repair and so on.

Peter is absolutely right. When there are links with local employers, prisoners can sometimes seamlessly go into a job on release. That is exactly what we want. You are right that too often it depends on the innovation and enthusiasm of a particular prison governor or member of prison staff. I often had the experience of going back into prisons where wonderful things had been happening to find that they had stopped happening because somebody had moved. There is some learning centrally in the Prison Service about what you can do and how you can make it work. When you see it working, it can work well.

Q383 **John Howell:** You mentioned earlier that you thought resources were an issue for getting good purposeful activity. Is that the only challenge?

Peter Clarke: For some prisons, there is also the physical layout of the establishment and whether there is room to have workshops. Some places I go to are crying out for more space to do more things, but they are within a very small perimeter and cannot do much. In other places, there is a lot of space and I have seen lots of empty workshops. Making demand fit the supply is part of the problem.

Dame Anne Owers: Sometimes it is about trying to deliver what prisoners need, which is basic skills, in a workshop setting. When you are



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dealing with a group of predominantly young men who have avoided, or been avoided by, education for most of their lives, sitting them down in a classroom is sometimes not a very effective way of getting them the skills they need. Putting them in a workshop where they have to learn to read, write and count to do the job is often much more effective. Locating skills within workshops is where it seems to work best.

Q384 John Howell: A little while ago, we went to a prison in Berlin where tremendous purposeful activity was taking place. It consisted of a furniture workshop. The sort of work prisoners did there was very exciting to see. They produced very good furniture and I think they gained a lot of skills. If Berlin can get it right, why can't we?

Dame Anne Owers: We do sometimes, but not enough.

Peter Clarke: I saw some very good activity recently in Ashfield prison, where there are some very good workshops. Qualifications are awarded, and there is a clear pathway through to eventual release for many of the prisoners. It can be done; there are good examples.

Q385 Chair: Mr Clarke, you made an inspection of Berwyn recently, didn't you? It is a new modern prison, but there is a lack of training places.

Peter Clarke: There is a lack of training places. There were some contractual issues with the supplier during the build-up to where the prison now is. The prison is by no means full yet. I believe that is at least partly because of the slowness in getting the workshops on stream. I paid an informal visit there about a year or so ago and what was coming on stream looked very promising, but it was very slow because of issues with the supplier.

Q386 Chair: The MOJ does not appear to be terribly fleet of foot in dealing with contractual issues.

Peter Clarke: It has taken a long time to get Berwyn up to speed, and it is not quite there yet.

Chair: That is very helpful. Dame Anne and Mr Clarke, thank you very much for your time and evidence. As always, it is good to see you.

Mr Griffiths, while we do the swap-around for the next panel, welcome to the Committee. We have to make formal declarations of any relevant interests.

Andrew Griffiths: None, Chair.

Examination of witnesses

Witnesses: Robert Buckland, Jo Farrar and Phil Copple.

Q387 Chair: Good morning, Minister, Ms Farrar and Mr Copple. Thank you for your patience.

Minister, it is good to see you, as always. You have two of your senior



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officials with you. Ms Farrar and Mr Copple, perhaps you would introduce yourselves for the record—we all know you—for those who are watching from outside.

Jo Farrar: I am Jo Farrar, chief executive of HMPPS.

Phil Copple: I am Phil Copple, director general for prisons in HMPPS.

Q388 **Chair:** You heard some of the evidence at the end of the previous session, which we will come back to. Ms Farrar and Mr Copple, there was a bit of evidence from Mr Clarke that perhaps you did not hear beforehand. It echoes something we have heard throughout the whole time I have been a member of this Committee, which is that there is a culture of defensiveness in Her Majesty's Prison and Probation Service; outside scrutiny is not welcomed, and transparency is seen as weakness. That is wholly unacceptable, isn't it? What are you going to do about it?

Jo Farrar: I have heard that, and I have spoken to the inspectorate about it, in particular to Peter about some of his concerns. As chief executive, I am keen that we are not defensive. It is important to have good-quality scrutiny. I have had excellent conversations with the inspectorate myself, and with other people. We must be open to criticism. We are putting in place processes to actively monitor inspectorate outcomes and recommendations so that we can make a difference as a result of that. I hope that is not something you will hear in the future.

Q389 **Chair:** This a drive that is going to come from the top. How do we measure your personal commitment to making that change?

Jo Farrar: I will be measuring it through our responsiveness to inspectorate recommendations primarily, and that is something I am putting in place. We are also introducing a culture change programme to help to motivate our staff at all levels across prison and probation. We hope to see a real impact because of that programme.

Q390 **Chair:** It is a level of defensiveness and unwillingness for transparency that when you were in local government you would never have tolerated as a chief executive, would you?

Jo Farrar: I have found since coming in as chief executive that people have not been defensive with me. They have been keen to talk to me about the issues they are facing. I have seen some real enthusiasm right down to frontline staff, so it is not something I am personally experiencing. I need to make sure that we show the same enthusiasm when we respond to scrutiny, that we make sure that we learn from things and, equally, that we challenge when we do not agree with something. In general, I want to see us make real progress.

Q391 **Chair:** Mr Copple, you have been an insider for 23 years. Have you fallen into this trap?

Phil Copple: No. It is longer than 23 years, closer to 30 now.



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Q392 **Chair:** You have come up through the system.

Phil Copple: I have.

Q393 **Chair:** What do you make of that assessment of it?

Phil Copple: I do not agree with the idea that we are defensive and resist transparency. Throughout my whole service, as you would expect, and as is necessary and important, transparency has been embedded in the system. We have always been subject—

Q394 **Chair:** Why is all the evidence we have to the contrary?

Phil Copple: The evidence I would bring forward is the fact that we have always had a very open, transparent process of inspection. We have always had independent monitoring boards. I welcome the fact that independent monitoring boards increasingly publish annual reports, and we now have an annual report from the national chair of IMBs. We have always had that transparency, and more recently in my career we have published reports from the ombudsman into prisoner complaints and after every death in custody. There is a lot of transparency.

In terms of messages from the top, I would like to draw attention to the fact that the PPO recently organised a symposium to look at the challenge of avoiding repeat recommendations after deaths in custody, and how the organisation could do better in responding to those recommendations. I spoke at that symposium with senior managers from both organisations and made it very clear that a challenge has been set for us that we have to rise to, and that we will do that in collaboration and openly with the Prisons and Probation Ombudsman's office. I welcome that transparency. I welcome some of what has been developed in recent years in terms of urgent notifications. In the long run, that could be a powerful force in driving positive change in the service.

Q395 **Chair:** I notice in the chief inspector's report that fewer recommendations have been achieved than not achieved for the third year in succession. What transparency is that? You take it on board and then ignore it.

Phil Copple: I would not accept that there is any ignoring of recommendations.

Q396 **Chair:** Why are fewer achieved than not achieved?

Phil Copple: I think that reflects the challenge of meeting the recommendations in full, or even in part. It is worth bearing in mind that the assessment of recommendations not being achieved is not a reflection of activity and whether there has been an effort. It is actually a reflection of whether the outcomes that are desired are being achieved.

The reality, as we have just heard, about the challenges in prison performance has been that often management teams and their staff are working hard to get better outcomes, but they have not always been



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successful in recent years because of the scale of challenge. That has led to an assessment that recommendations have not been achieved. There has often been a lot of activity and effort behind that. Sometimes, the language of not achieving sounds like managers are not bothering and are ignoring recommendations. That is not my experience at all.

Q397 **Chair:** One of the concerns is that there may be genuine commitment by yourselves and other individuals, but getting that to work through a bureaucratic and sometimes fairly hierarchical system is hard to achieve. Is there a problem in the set-up that makes it harder to deliver your objectives?

Jo Farrar: That is why we need to review completely the way we respond to recommendations. As you heard in the last session, we need to learn from best practice. We need to make sure that we are more systematic about how we respond to recommendations and how we share best practice. We hope that some of the processes we are putting in place will make a difference. As Phil says, it is not lack of effort. We need to make sure that the effort is in the right place and that we are making progress as a result.

Q398 **Chair:** Minister, the buck ultimately stops with you.

Robert Buckland: Yes, it does, Chair. What I hope my colleagues think I am bringing to the job is a sense of urgency and a sense of steer that tomorrow is not early enough when it comes to improvement.

From my long experience of the prison system, one of the greatest frustrations I have seen is that there has been an inability to share best practice across the system. What might be good in one establishment is not necessarily understood across the service. There is a real sense now that that has to change, and is changing, and there is a sense of common purpose that we can do better. As an example, in the first weeks of my appointment the updated report of Lewes came through to my desk, and I was very concerned about the fact that a number of the special measures that had been recommended had not been implemented. Clearly there needs to be an improvement in the mechanism.

What we have now is a performance directorate in HMPPS that reports directly to Jo; that gives a sense of focus to individual challenges such as Lewes. Within that, we are creating rapid response teams to deal with particular situations, either prisons that have gone into the UN procedure or those that might be at risk. There has been important work going on in prisons that we would regard as at risk. Very focused work is going on to make substantive improvements quickly so that, instead of just talking about developing a strategy, we are taking action. There is a real sense of focus that I will continue to bear down upon to ensure that it is maintained.

Q399 **Chair:** Your predecessor took a very close interest in operational management. You told the House and this Committee that you were



going to do it your own way. What is the difference going to be?

Robert Buckland: There will not be a difference in the approach to policy in the sense of urgency and energy. Looking at it from my perspective, I have the advantage of the long view and a historical institutional memory of what works and does not work in the Prison Service. I was struck by the remarks of one of your previous witnesses about the lessons that were learned after Strangeways.

I first came into contact with prisons a year or so after the Strangeways riot. What she said strikes a chord with me about the link between purposeful activity and a reduction in grievance. That in turn makes prisons safer places. Having dealt with the grievances of individual prisoners on a case basis, I know exactly what we are talking about. That link is very much at the heart of my thinking. I am not here to run every prison operationally, but I am here, I hope, to set a clear steer to the civil servants about what I expect to be done.

Q400 **Chair:** That is the functional distinction that you see.

Robert Buckland: Yes.

Q401 **Victoria Prentis:** On that point, I get what you say about effort being made, and clearly we are going in the right direction on staffing. Do you think there is sufficient resource in the system to achieve what we need to achieve in the next year or two?

Robert Buckland: Do you want me to lead on that?

Victoria Prentis: Yes.

Robert Buckland: I think things have improved since the injection of £100 million in 2016. We have seen a significant increase in the number of prison officers. In the year to date, we have had an increase of 1,500 over the last 12 months, which is already yielding fruit in initiatives like the key worker scheme. I am already seeing that. I am talking to prison officers about it, and it is having a beneficial effect on their working patterns and on the lives of prisoners as well. Speaking frankly, we could do with more resource. In particular with regards to repair and to future capital spend, we need to do better.

This might be an obvious plea, but I think it needs to be heard publicly. It is welcome to hear that the future Government will invest more in policing, but that will have a knock-on effect. With more police officers, we can expect to see more arrests. With more arrests, we can expect to see more prosecutions. With more prosecutions, we expect more contact with the Prison and Probation Service. If there is to be an increase in resources, it needs to be met with a whole criminal justice system response. I and my officials are working closely with colleagues in the Home Office and the Attorney-General's office to make sure that when the spending review process begins, instead of being dealt with on a



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departmental basis, it is dealt with on a thematic basis. I am sure that you and your Committee will want to support that wholeheartedly.

Q402 Victoria Prentis: I heard what you said, Phil, about transparency. We find continually on this Committee that we are dealing with a service that is stuck in silos and stuck in bureaucracy, and is unable to provide the Minister, let alone us, with real figures on time out of cell, or knowing for example, as we heard from the previous panel, who is in segregation today and why. Do you feel, Minister, that you have a grip on that issue?

Robert Buckland: The point is well made. What I do not want to do is swamp the service with requests for information that is a substitute for action. It is important that I have a clear overview of important figures like violence—prisoner on prisoner and prisoner on staff—and issues relating to overcrowding. I need a global picture of what is happening in the service.

Q403 Victoria Prentis: Do you think it would be helpful to know how much time out of cell is spent today in Bristol or Bullingdon or Lewes?

Robert Buckland: I do.

Q404 Victoria Prentis: Do you get that information?

Robert Buckland: I don't have granularity of information about that.

Q405 Victoria Prentis: I would love that granularity.

Robert Buckland: So would I. What I do not want is inadvertently to cause needless work. I want things done. I have seen examples of purposeful activity in the many prisons I have already visited in two months. We all know them. We have all seen them ourselves as members of this Committee and as local MPs. We know what works. We want to make sure that that is imported to other parts of the estate.

Q406 Victoria Prentis: That it is happening.

Robert Buckland: Not all of the estate can do that sort of purposeful activity. What we have to understand is the particular challenge, for example, of reception prisoners, with a massive churn that is particularly difficult to manage. In my two short months in post, that has reminded me of the fact that in resettlement prisons there is a lot more opportunity for meaningful employment.

I pray in aid what happened at Brixton. There is a good updated report that you all saw. The governor took a bold decision on employment and ROTL, and stopped it because they had a drug problem. There is not a one-size-fits-all solution. You have to look at which part of the estate can cope and deal with things best, and get a balance between purposeful activity and the need to stop the use of drugs and the need to make prisoners safe.

Q407 Victoria Prentis: In order to do that, we need to know what is going on, and, if we do not know who is in seg and why, we do not know what is



going on.

Jo Farrar: I agree. We have been told by governors that there is a lot of assurance. What I need to look at, and have started to review, is what are the right performance measures and how do we hold people to account. One of the things we stopped measuring a while ago, because I understand it was quite labour-intensive, was purposeful activity, but it is clear to me that that is something we need to know about.

We are looking at how we develop measures in a balanced and proportionate way, and how we do the right assurance but less of it, so that we can put more money into improvement. Hopefully, by the next time we come to the Committee, we will be able to talk to you about the types of measures that we are putting in place and the progress we are making with understanding purposeful activity.

Phil Copple: I do not think the issues with data collection for purposeful activity and time out of cell are a reflection of a cultural issue about bureaucracy and lack of transparency. It goes back more to the first questions about resourcing levels; effectively, we need to develop a proper, accurate technological solution to measure those things properly.

As Jo says, we used to have a very labour-intensive, burdensome and inaccurate system of doing that, which is why we stopped it. It was a huge manual data collection exercise that was not accurate. We could not rely on those figures publicly, but we wanted them and we still want them. This has not been a decade in which it has been easy to develop investment proposals for technological improvements like that. We hope to be able to do it going forward. We will develop systems that are cost-effective, on a snapshot basis as the inspectorate do, to measure some of those figures—some of that key data.

Q408 **David Hanson:** You mentioned HMP Lewes, Minister. This is about governor accountability. We have a letter of 12 July from the chief inspector of prisons, which says of HMP Lewes: "The inspectorate has not yet received an action plan from HMPPS following the inspection." Who is responsible for drawing up that action plan?

Robert Buckland: My understanding is that the plan is being prepared and will be ready imminently.

Q409 **David Hanson:** What is the governor's role in drawing up that plan?

Phil Copple: The governor takes the lead, with support from group level and from a specialist team at HQ to make sure that we have a consistent approach.

Q410 **David Hanson:** Who is accountable for the agreement that took place in August 2018 for a 45-point action plan of which 39 actions have not been completed? Who is accountable for those 39 actions not being completed? Is it the governor? Is it the regional team? Is it you, Mr Copple? Is it the Minister who is accountable?



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Phil Cople: Responsibility is held at several different levels, depending on what the nature of the action is. A lot of them will be the responsibility locally for the governor to see through. Some of them will be on the wider service to see through.

Q411 **David Hanson:** In the last hour, Mr Clarke said he was not clear who was responsible for achieving those actions. Do you think he should be?

Jo Farrar: We need to be clear in the action plan about who is responsible for what. As Phil says, there are different responsibilities at different levels, and we need to be clear about what governors and prison group directors are responsible for and what we are all accountable for.

Q412 **David Hanson:** When will we have an action plan for Lewes prison, for example? When will that be produced?

Robert Buckland: It is in train and it should be ready imminently. I do not know if Jo or Phil have any more information as to when it will be ready.

Phil Cople: No, I do not. I can let the Committee know by close of play today. I will make inquiries.

Q413 **David Hanson:** It is an example to see who is responsible and where the responsibilities lie. It is not meant to cause you difficulties. I just want to know how it is being dealt with.

Let's look at functional leadership. We have just taken corporate functions like HR and finance into the MOJ rather than HMPPS. If I am the governor of a prison and I have a high churn of prison officers, whose responsibility is that?

Jo Farrar: Yes, functional leadership has moved to the MOJ. My experience of that so far has been very positive. I have found a very responsive service on HR and on finance. What HR will do with the governor is agree what their accountabilities are, and there will be a local level contact with the governor who will provide the same type of service as they would have had if they had commissioned it themselves. There is also a link to the prison group director, so, if the governor does not feel that they are getting the service they need, the prison group director will be a way into the wider MOJ. It is early days on functional leadership. We all want to make it work. There will be an agreement.

Q414 **David Hanson:** I am trying to get some clarity. If there is a corporate function in MOJ and it is not with HMPPS, and there are big issues of HR and financial control issues, what is the flexibility of the governor? What is the governor's role in making an impact on HR and finance issues in a system that is now in MOJ rather than directly reporting to HMPPS?

Jo Farrar: The governor is still responsible for running their prison, drawing on a service from experts from HR and finance, and there will be an agreement in place as to what that type of service will be. Ultimately, the governor is still responsible for the staffing in his or her prison.



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Q415 **David Hanson:** What is the regional management group delivery responsibility for those services?

Phil Copple: At each level in the organisation, from the governor up through me to Jo, there is the right level of HR support and finance support. The only thing that has changed, in essence, in that structure is that the line management responsibility for those support services is in the Ministry of Justice and not in the agency. The responsibility sits with the people who have executive authority, who are the governor or the group director, and up through the line.

Q416 **David Hanson:** I am trying to get my head around it. The Government's initial plan was to try to devolve responsibilities down to governors. I am trying to get a sense of what the governor is responsible for in relation to HR and finance.

Phil Copple: The governor has the ultimate responsibility. Among the changes we made in recent years, as part of devolving more authority to governors, was that they had much greater flexibility and authority over their staffing structures, their staffing numbers and the routine and core day of their prison, which is a major driver of costs and staffing numbers in a prison. We came out of a system that had been highly centralised, which was necessary to drive savings, and we devolved more authority back to governors, to have a much greater say.

One of the things we acquired was budget responsibility for education services in prisons, which previously sat in DFE, and that in turn has been devolved to governors to tailor the services they want in their prisons. A proportion of their budget is delegated to them through a dynamic purchasing system rather than a fixed contractual arrangement, so that they can tailor them and have some flex to change the education provision month by month.

Robert Buckland: Hopefully, to fill in the gaps, Mr Hanson, the MOJ is there to provide specialist support, so that is why digital data, commercial HR and finance are with MOJ. It deals with a wide range of those issues in other parts of its activity, so it made sense to bring that to the MOJ, which then provides specialist support to HMPPS. That is over and above what might be needed day to day in HR in running a prison. There might be more complex issues that are better dealt with by the specialists in the MOJ.

Q417 **John Howell:** In the past 18 months, the Ministry has produced three strategies. It has produced a strategy on female offenders, a strategy on education employment and one on drugs in prisons. Can you tell me how you decide which areas benefit from having a strategy, how you go about performing that and how it fits together in an overall strategy and plan for the Prison Service?

Robert Buckland: We should go back to the White Paper that was published several years ago. The "Prison Safety and Reform" White Paper underpins the approach that we have developed and rolled out, assisted



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by the extra investment in prisoner officer recruitment. The results of that strategy are things like the offender management in custody model, which created the key worker scheme that I talked about.

More generally, it informs the way in which we want to approach particular issues that are affecting not just the safety of prisoners but the safety of staff. You mention three important strategies. Perhaps Jo could come in at this stage and we can talk about the thinking that leads us to prioritise those particular areas.

Jo Farrar: In the MOJ, we have a single departmental plan that we negotiate each year. It takes account of the White Paper and other policies, and how much progress we have made. From that, we decide where we need to prioritise effort throughout the year. We also have a clear set of KPIs that bring everything together for us as a Prison Service, and we deliver against that.

The drug strategy was identified as a priority and it has been a priority for us. We brought that together, because it is one of the factors that we need to focus on in order to improve safety and security. In the drug strategy, we have enabled governors to write their own local strategy so that they can tailor it to their own needs. We are providing an overall framework, and the drug strategy is a good example where we allow governors certain freedoms to tailor things to the needs of their prison. For education, there is a similar strategy and a similar approach.

Q418 **John Howell:** The Committee is very clear that it would like to see a plan of action to deal with the challenges facing the Prison Service. Are we going to get one?

Jo Farrar: I have only been in post a few months. What I would like to do in the autumn is work with the service and pull together a strategic plan for the HMPPS over the next few years, so that we can focus on our priorities and where we want to make a difference, to give a clear direction to the organisation and to be able to show you the direction we intend to take in order to deal with the things that are important to us. We want to make a step change in some of the other areas, such as reducing reoffending, where we want to see a difference.

Q419 **Victoria Prentis:** The difficulty with the Prison Service is that you have no control over your own budgets because you have no idea how many prisoners you are going to have to deal with. Great to have a strategy, great a lot of what you have been telling us and, yes, the direction of travel is sounding good, but without a real link between resource and the numbers you have to rehabilitate, how on earth can we make any progress?

Robert Buckland: This is the first time I have ever accused you of advocating a counsel of despair, Ms Prentis. It's not like you at all. Your optimism and hope help inform your passion for this issue, if I may say so.



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I do not think we will ever be able to predict and judge to a nicety precisely what will happen with regard to the prison population. I have watched it double in my years of professional practice, as a member of this Committee and now as a Minister. At the moment, numbers have levelled somewhat and are down a little from where we have been historically. As I mentioned earlier, what happens in the future with regard to arrests and prosecutions will inevitably have an effect on numbers. Part of any strategy will be to anticipate what that might mean in terms of capacity and management and how we need to future-proof the system so that we end up with a prison population that is housed in decent, clean and safe places. We do not want to go back to the responses of the 1990s, when we were having to use police cells at concomitant disorder and cost. That is clearly to be avoided.

There is more to the issue than just predicting numbers and hoping for the best. It is about a genuine attempt to try to integrate prison and probation. That was very much at the heart of the White Paper. It was very much in the thinking of the then Lord Chancellor, who served on this Committee with me. We both felt during our time on the Committee that the ambition of Martin Narey and others when NOMS was created was never fulfilled, and we never properly integrated prisons and probation. I am happy to tell you that is changing. I have seen evidence of that on the ground in partnership working.

Q420 Victoria Prentis: Are you prepared to advocate that lack of resource in rehabilitating prisoners is inevitably going to lead to higher levels of crime, and to more people who suffer as a result?

Robert Buckland: A lesson I have learned over the years is that a lack of investment in intervention at the right stage of rehabilitation leads to more reoffending, and more reoffending leads to more and longer terms of imprisonment. Unless you embrace the concept of probation and community-based solutions and get that right, and get the services working as one, which is why we are HMPPS and not just the Prison Service, you will not crack the problem.

I was in Exeter the other day, which is a tough local prison, but the working between prison officers and probation officers is real. They are now a team working both on the inside and on the outside, and focusing themselves around the prisoner—the resident, if you like—and getting the sense that together they can achieve so much more than if they carry on working in silos. It is happening, and the more we do to foster and encourage it, the stronger the service will be.

Q421 Victoria Prentis: We know that the role of the prison governor is an increasingly complicated job; there are issues of procurement, working with probation and so on. They have been described to us as chief executives of organisations. Do you feel that sufficient training and support is given to new governors?



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Robert Buckland: The role of a governor has changed. The traditional view of the governor, whether it is the Victorian view or the somewhat henpecked 1970s view, could not be more remote from the truth. We have all met inspiring governors, and I continue to be impressed by their dedication and their good sense of what works in their prison.

There are three roles: the statutory role that we all know is underpinned by the Prison Act and the Prison Rules; the corporate and management role, which is important and which we explored; and the third element, which is good old-fashioned leadership. Development in training for governors, and indeed for people identified as potential future governors, is very much at the heart of our thinking. Jo will illustrate further some of the new schemes that we have and the new courses we are rolling out.

Jo Farrar: You are absolutely right. It is critical that we get leadership training and development right. Governors are in such an important role, and able to affect so much that happens to people in our care, that we must get it right. We are introducing training for people at different stages of their career.

At the moment, we already have an experienced manager programme, which takes people at head of function and starts training them for leadership and potentially becoming future governors. We have an empowered senior leaders scheme for governors and for senior probation leads. Increasingly, we are bringing governors and probation together so that they can do exactly as the Minister says and provide a joined-up service to the people in our care. We are introducing a new senior leaders programme, which I am personally pleased about. It will be a nine-month programme aimed at deputy governors and their equivalent in probation, and it will take people with high potential whom we expect to be the governors of the future and start to give them the right training and development.

Q422 **Victoria Prentis:** The Probation and Prison Service together.

Jo Farrar: Yes.

Phil Cople: There was a remark earlier about governors undertaking secondments and learning from organisations. This training will involve a six to eight-week placement for people going through it with another organisation in their home area, so it will often be outside even the public sector, never mind the agency. That is designed to try to improve leadership development. We need to invest more in that area, and that is one of the lessons we learned from the 10 prisons project where it was one of the priority areas for investment.

Q423 **Victoria Prentis:** I have been asked to ask you some specific questions about HMP Bristol. We have seen the latest report, and the chief inspector noted that the last time he was able to report positively on the prison was nine years ago. Why has it taken that long to understand what has been going wrong in Bristol?



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Phil Cople: We have had a good sense of what has been going wrong with Bristol, and we have done some things that have been helpful in that respect. The inspectorate acknowledged areas of some progress, but it is nowhere near enough in relation to the scale of the challenge. Lots of the physical conditions at Bristol are not good enough.

We did what we were able to do within resource constraints, as the chief inspector noted in his letter to the Secretary of State. We had a wing closed that we judged to have the worst conditions and we spent considerable sums refurbishing it. That needs to happen in other wings there as well, and that is a pattern we will see across a lot of the estate. There were real challenges in getting staffing to the right level, as lots of prisons across the south in particular have had in previous years. We got them up to the right staffing level in 2018, but we had more challenges earlier this year and we had to support them with staff from elsewhere. There were key areas where it took time to get the senior management team fully staffed, and to lead some of the work and make the progress that was needed.

There is a need to strengthen some of the local assurance systems, not the systems of assurance from outside but locally. I spoke to the governor a couple of days after the inspection. It should not be the case that local managers are finding out that the helpline for family members who are worried about a loved one in prison has not been properly monitored for several days, for messages that have been left. It should not be that we find out that prisoners who have telephones in their cell, which is a great example of another investment we made in Bristol to improve matters, could not ring the Samaritans from their cell. That should not have happened. That was an incorrect response by a junior person in response to some abuse by one prisoner, but more senior managers had not been aware of it. There is something about the grip day to day that is an important part of management responsibility.

Q424 **Victoria Prentis:** I get what you say about management. How much extra money is being put into Bristol to bring it up to an acceptable standard in physical terms?

Phil Cople: In physical terms, it is not enough. We closed D wing.

Q425 **Victoria Prentis:** What is the budget? Is an extra amount of money being given to HMP Bristol?

Phil Cople: The money we are spending on the physical improvements at Bristol was not a locally held budget; I can write to you by close of play with an estimated figure. It was being done through centrally driven contracts.

Q426 **Victoria Prentis:** Absolutely.

Phil Cople: It was not inconsiderable.

Q427 **Victoria Prentis:** Do we know how much it is?



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Phil Copple: I can get the figure for you.

Q428 **Chair:** A ballpark figure perhaps, Mr Copple.

Phil Copple: It is going to be something in the order of about £5 million over the last couple of years. It was one of the priority prisons that received additional funding because it had some of the worst conditions. We had the headroom in the system, fortunately, to be able to close a whole wing. A few years before, we would not have been in a position to do that and lose all those places.

That is one of the challenges for us. To spend the money and improve conditions, you need to close quite a lot of accommodation while you do the work. You need headroom in the system, which points further to the level of investment needed. In global terms, this year, for major renewal and maintenance our budget is about £75 million. Ten years ago, the figure was more than £230 million, and that figure is not adjusted for inflation.

Q429 **Victoria Prentis:** Is it really a money issue? We have known Bristol was going badly wrong for nine years. Is it a money issue as to why we have not been able to put it right?

Phil Copple: There are fundamental resource constraints about the pace and scale at which you can improve a place, and Bristol would be an example of that; there will be others. As the chief inspector acknowledged in his recent independent review of progress at Birmingham, the scale at a place like Birmingham is huge and it will be a long haul. As Dame Anne Owers acknowledged, you can quickly have a prison deteriorate, but it takes a long time to improve it. That is symptomatic of the adult male closed estate in many respects over recent years. It will be a long haul to improve it.

Money will make a big difference, particularly in living conditions. That is why we need to get proper investment in the estate. Local management and their efforts and the support they get from above are also important. I am not saying that they are not important; clearly, both things are very important. With exceptional local management and exceptional levels of support from above, you can make more progress than otherwise would be the case, but you will not have a magic bullet that finds millions and millions of pounds to improve the physical conditions.

Q430 **Victoria Prentis:** And managers to reduce the number of prisoners in a prison so that you can make space to do the work you need to do.

Phil Copple: The extent to which that is possible is driven by much bigger factors. We have taken nearly 500 places out of Birmingham, and 600 places out of Liverpool.

Q431 **Victoria Prentis:** The Committee saw that on our last visit.



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Phil Cople: Those are not local factors or even agency factors. They are much bigger factors about whether we can be in that kind of position or not.

Q432 **Victoria Prentis:** How is Birmingham today? How are the windows in Birmingham today?

Phil Cople: Birmingham's physical conditions are transformed. That is in part because of how much we have done there, including closing three of the worst wings. One of the wings we were able to reopen was a wing that we spent several millions refurbishing as well. As the independent review of progress by the inspectorate said, all the other wings that are operating need a similar level of investment. The £75 million that I mentioned for this year is not going to pay for that.

Q433 **Chair:** Are there Government structures that enable us to do what we want to do with these changes, or do they get in the way? For example, do you have a view as to why the chief inspector has been critical of the support provided to prisons in special measures? If a prison is in special measures, shouldn't everything be thrown at it?

Phil Cople: There is an element in the scale of the operational challenges that has meant that we have not been able to do as much for every single place in special measures as we would like to, because there were more than a dozen of them at one point in time.

Q434 **Chair:** Was that a mistake, having so many?

Phil Cople: Arguably, although it is difficult not to acknowledge the scale of challenge by saying we are going to do everything we can. It is not a question of just putting a prison on the naughty step. It was done in an effort to try to galvanise support, and in many cases to prioritise for investment. We have prioritised for investment, including at Bristol, but it still was not enough to stop Bristol having a poor inspection and getting an urgent notification because they had not turned the place around in the timeframe. We were spread too thinly, which I think reflects the scale of the challenge.

There are other lessons that we have learned, indeed incorporating lessons from experience over the last year of the 10 prisons project. We probably, in some respects, threw too much at some of those prisons early on, so they were getting lots of people coming in, but in a way that was not sufficiently sequenced or co-ordinated. That is something we will do better in the future. The other thing is that we will galvanise effort at the centre, as the 10 prisons project did, with lots of intensive engagement with the Minister and others around the organisation to follow progress very closely, which will be helpful.

Fundamentally, we need to make sure that we are not just sending in experts and outside support to diagnose what the problems are and make more recommendations. We need intensive support that works alongside our local management for a period of time, which again is one of the



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lessons from the 10 prisons project that we are going to incorporate in our new arrangements that replace special measures.

Robert Buckland: To echo what Phil has just said, the next steps after the 10 prisons project, and the publication of its evaluation in late August, will be along those lines, to focus on eight to 10 prisons that we think are most at risk, and do some intensive work with them over a fixed period with a control-room mentality, and to roll that out. Rather than having it as a one-off, we want to do it progressively over a number of years. I have 118 prisons in the closed estate to worry about. The 10 prisons project was an admirable way of focusing attention and getting some quick learning, but I want to achieve more in the wider estate over the next few years.

Chair: We have got on to the 10 prisons. Ms Rimmer, is there anything else you want to ask about the 10 prisons project?

Q435 **Ms Marie Rimmer:** In recent years, safety in prisons has been a real focus, yet we see that suicides increased 90% last year, self-harm 25%, assaults prisoner on prisoner 15% and on staff 21%. There has been some progress in the last quarter as regards assaults, a decrease of 11%, and a decrease in self-harm of 7%. Why have we not made more progress with the focus that has been placed on safety in prisons?

Jo Farrar: You are right. We are seeing some encouraging signs. Unfortunately, we will not have the latest statistics until next week, but we hope that the investment we have made, particularly in staff, key work and offender management, will have a real impact on safety and security.

If we take suicide and self-inflicted deaths, and self-harm in particular, the highest levels of self-harm are in our female estate. Quite a lot of self-harm is carried out by the same people, so we have some people we need to be more concerned about. The key worker scheme has not yet been rolled out across the female estate; it is being rolled out now. I hope it will make a real impact, giving people one-to-one support and a point of contact.

We have a new case management approach, which we are piloting in a different 10 prisons, taking a range of different types of prisons, to look at how we can work with our health partners to make a real impact and bring together a long-term plan to help make a difference in deaths in custody and self-harm. It is an area of worry for me, as someone coming in as the new chief executive, and I have already had my management team together to look at it in more detail, to make sure that we have the right plans. I am confident that the things we are putting in place will make a difference, but we need to monitor them closely to make sure that they are making enough of a difference.

Q436 **Ms Marie Rimmer:** What data do you collect on the 10 prisons? How can we use that?



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Jo Farrar: We have quite sophisticated data on the 10 prisons. What we want to do now is look at how we use that data.

Q437 **Ms Marie Rimmer:** We are told that it is not very sophisticated. Have you changed it recently?

Jo Farrar: From what I have seen when I have been to see the 10 prisons project, we have a range of data that we bring together. The data-driven approach has been one of the things that has made a difference in the 10 prisons project. That is not common across the estate.

Q438 **Ms Marie Rimmer:** Are you saying there has been better improvement in those 10 prisons, and you can spread that data across, so the reduction in the last quarter has been solely in the 10 prisons?

Jo Farrar: When we have our figures next week, we will know how much progress we have made across the estate.

Q439 **Ms Marie Rimmer:** We are going to have detail in August, aren't we?

Jo Farrar: And then we will have more detail about the 10 prisons project.

Q440 **Ms Marie Rimmer:** I understand that. There has not just been focus on those 10 prisons; there has been a £10 million investment, an initial investment, in those 10 prisons. There has not been as much effort or resource in the other prisons, but there have been significant increases. What resources have you put in place to roll out the successful initiatives across the rest of the estate?

Jo Farrar: That is something we need to look at now. We are evaluating the 10 prisons project at the moment. We do not want to roll out everything without looking at what works. Early indication of what works is the visible data-driven approach that we just talked about—the programme and project management and having a proper programme office, as the Minister referred to. Having senior ministerial involvement has made a difference. Focusing on a smaller number of big issues, such as safety and security and the types of things that you have been raising, seems to be making a difference.

We will now finish the evaluation of that programme, working with MOJ, and look at what we need to roll out across the estate. We will start with our more intense programme, which the Minister and Phil have spoken about, with the prisons that we feel are the most challenged. We will bring together the best of special measures and the best of the 10 prisons project to look at what we can do in those prisons.

Q441 **Ms Marie Rimmer:** Will we have the resource to put it in place at the other prisons? Is it the door to stop drugs getting in? Will we have that?

Jo Farrar: It depends on what the evaluation says works, and then we are going to have to look at what we can afford to roll out across the



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estate. I have no doubt that this will feature in our bid for the spending review when it is announced. We need to look at which of the technological improvements have worked.

Q442 Ms Marie Rimmer: Can you give governors any more comfort? Will the resource be available to equip the other prisons with the kit at the door that is crucial as regards drugs getting into prisons?

Robert Buckland: We need to understand the different parts of the estate where it will work. It is not going to work in every prison, but in the closed estate, in particular cat B and cat C, there is a clear crossover between the need to check at the gate and scan at the gate, staff as well as prisoners, sadly, in order to make prison a safer place. We are seeing some good results in the use of scanning equipment. Leeds has been a very good example.

You opened your question about suicide and self-harm.

Q443 Ms Marie Rimmer: Yes, I was going to ask you about care. How are we going to improve the care of prisoners?

Robert Buckland: What is happening right across the estate is improved training for staff. Over 25,000 staff have received some training, and over 14,000 have received all types of training in the modules needed to support their work to identify and understand prisoners at risk of self-harm or worse. That is reinforced by our strong partnership with the Samaritans—£1.5 million over three years—which involves the Listener scheme, plus the support work, the surround work, done with an organisation that we all know plays an invaluable role in preventing suicide and self-harm. As Jo said, we are testing improvements to the assessment, care in custody and teamwork model—ACCT—in the 10 prisons so that we can understand better how to roll out best practice in the wider prisons.

I listened to some of the evidence about this from your previous witnesses. One death is too many.

Ms Marie Rimmer: It is.

Robert Buckland: One death is too many—quite simple. On each occasion when we have a tragedy like that, there is a full inquiry, there is an inquest and an investigation by the PPO. The cross-departmental Government deaths in custody board meets regularly. I attended a meeting last month.

The Government receive in total every year about 2,000 recommendations on the issue. That is a huge number, and the policing Minister, the Minister for preventing suicide, the Member for Thurrock, and I all think that what we need to do is collate the preventing future death reports in a more understandable way, and also demonstrate more clearly what Government are doing. There is a lot of activity in this area, but I do not think, frankly, that we are good at explaining it. There is a



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common purpose, first of all, to explain it better—to explain why. It is not just about Government saying how wonderful we are; it is to spread best practice so that we can start to drive down on a problem that should concern all of us.

Q444 Ms Marie Rimmer: Have you taken any steps to ensure that the Samaritan lines are working in all our prisons and that the crisis to families communication is working in all our prisons?

Jo Farrar: Yes, we have.

Q445 Ms Marie Rimmer: How is it checked? Do you have systematic checks? By law, you have to check safety equipment in factories and industry. Do we have anything like that in prisons, whereby you must check your fire escapes, you must check the crisis links to family about suicide, and you must check that calls to the Samaritans are available at all times? Do you have systematic checks on those procedures?

Phil Copple: We do not have a system of checks like that above establishment level. It comes back to the point Jo was making about having systems of assurance that are proportionate and balanced. What is essential with that type of system is that local management have proper assurance systems that they have confidence in and that they are working properly. That is the communication that was made following the unfortunate episode at Bristol, where it was discovered that it had not been working. It was rectified immediately at Bristol, and the rest of the estate was reminded about the need to do that.

Q446 Ms Marie Rimmer: Minister, are you assured that these things are working? How can you gain assurance and be content?

Robert Buckland: I am not content with the current position. I am deeply agitated by it. The lesson from Bristol is one that needs to be learned across the service. Decisions about access to those services have to be taken at a suitable level of seniority first of all. Secondly, at that level of seniority, there needs to be a priority to make sure that the outside agencies working with the prisons feel that the systems are working. We are investing a lot of public money in these systems, with justification. I want to see results. Examples such as the one we saw at Bristol are not acceptable and must not be repeated.

Q447 Ms Marie Rimmer: Do you believe you have enough resources to spread what is successful across the estate?

Robert Buckland: I could always do with more, and I have made that general plea in earlier answers, so I will not repeat it. What I will say is that, with the increased resource that has been invested in the number of prison officers, now is the time to train them and to give them the wherewithal and the confidence to use the key worker scheme to best effect.



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It is my belief that, with the key worker scheme now working in over two thirds of the closed adult male estate, the grievances and the understandable day-to-day concerns of prisoners can be gripped on a weekly basis. Once those problems are cleared away, work can be done on the more underlying issues that often exist in the lives of prisoners, like wellbeing or mental health issues. We are sowing the seeds of future progress in starting to drive down calls and cries for help, mental health related to self-harm episodes and, sadly, the tragedy of suicide.

Phil Cople: To echo that, I think it goes to the heart of care. That change in practice and a change in culture goes to the heart of the care that you referred to earlier in your question.

Q448 **Ms Marie Rimmer:** The change of culture is absolutely important.

Phil Cople: The key worker approach will allow that level of engagement and knowledge to develop over time. All those things are important. The general environment is important when it comes to suicide prevention, not least because most of the people who take their own life in our prisons are not identified as a suicide risk. That is the case in every prison system in the developed world and every secure psychiatric system in the developed world. It is about what is going on more generally in terms of time out of cell, going to work and education and engagement with staff who take an interest in you. All those factors are important. That is why investment is critical.

Q449 **Andrew Griffiths:** Minister, you will be aware that last year, in the country as a whole, we saw the lowest level of suicides since 1981. That is a fantastic thing, yet, of the 325 deaths in our prisons, 92 were suicides, an increase from the previous period from 70 up to 92. Why, when in the rest of the country we are doing so well, are we going so badly in the wrong direction in relation to prisons?

Robert Buckland: I will not repeat what has just been said in previous answers. Phil Cople's answer was a very important point to make. It is sometimes very difficult to identify individuals who sadly take their own life, because they do not always present as a suicide risk.

Q450 **Andrew Griffiths:** Why are we getting worse at it rather than better?

Robert Buckland: The Prison Service has been coming through a tough few years. We had a number of challenging public spending settlements that resulted in a reduction in the workforce. We are coming through that now, with the investment that has been made since 2016. The sheer number of prison officers has increased significantly. The key worker scheme that we have been talking about a lot this morning, because it is at the heart of the change in culture, only started this year. For it to be properly assessed, we need a bit more time.

Sadly, what you are going to see in prisons is a lagging indicator, in the sense that the investments that were made a year or so ago will only see fruit over the next few years. It is deeply frustrating because I want



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improvements now, but I get a real sense of purpose from my officials, and from governors, deputy governors, leadership teams and ordinary prison officers I meet on the ground, that they want to do something about it.

Every suicide is not just a tragedy but a failure of the system. The priority has to be reduction. That is why the inter-ministerial board is important; there are lessons to be learned from other parts of Government. Other witnesses have talked about having a more general inquiry. My worry is that, if we do that, it is a displacement of activity from the real focus, which should be getting on and doing something about it.

Q451 Andrew Griffiths: You said that the inter-ministerial board had 2,000 recommendations. How many of those recommendations have been implemented?

Robert Buckland: I do not have that figure to hand. I will look further into it, because the figure is a striking one. We are not facing a desert of ideas, suggestions or recommendations. If anything, we have a plethora of them. In that storm of recommendations, what Government now need to do is collate them, think carefully about them and get on and do things.

Jo Farrar: That is where our long-term plan with health colleagues will come in. We will be able to pick up those recommendations alongside the piloting we are doing in 10 prisons to make sure that the things we are implementing work. That is where we will bring everything together and show a clear plan for moving forward.

Q452 Andrew Griffiths: Do you think the number of suicides in our prisons will decrease?

Robert Buckland: It is my fervent hope that they do. As I said, one is too many. My officials and I will do everything we can to bear down on that figure so that, if we are sitting here in a year or two's time, we can hopefully chart some real progress.

Q453 Ellie Reeves: I would like to pick up on the question about body scanners at prisons. There are 118 prisons in the prison estate and only 25 of those currently have body scanners, which is less than 25%. Do you think that is sufficient?

Robert Buckland: Thank you for the question, Ms Reeves. First, body scanners are not going to work in every prison in the estate because of the configuration of particular prisons. However, there is obviously a much stronger case for them on the more secure end of the estate, the higher categories of security. Having said that, I think we should be genuinely informed by what will work locally, rather than assuming a one-size-fits-all approach. I have already mentioned some good examples where scanners have proved invaluable. It may well be that Phil and Jo can come in with some more detail as to what would work and what would be appropriate.



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Phil Cople: There is good evidence from the early deployment of them across the 10 prisons, in the 10 prisons project, and from some longer-standing use of them in some private sector prisons, that it is a worthwhile investment. It is not a significant investment, compared with some of the other technologies, and the running costs are relatively low as well.

Q454 **Ellie Reeves:** Can you say something about the costs? What are the costs of them?

Phil Cople: A number of millions in single figures would enable us to put them across all the cat B local prison estate, for example. It is not a huge sum of money. It was part of the additional £10 million spent across the 10 prisons that enabled us to have that investment there, plus we put them into high-security prisons as well—to reflect the Minister’s comment about security risks.

In principle, we would like to put them into a range of other places; it is something that would be part of our developing plans to improve safety and security across the estate, which we would play into the spending review considerations in due course. If any money is available in 2019-20, or becomes available, I would very happily use some of it to purchase more body scanners and, indeed, itemisers, which we have also put in some prisons, to look at any composition of drugs that might be lacing paper products, and so on, posted to prisoners.

Q455 **Ellie Reeves:** It seems from the responses that, subject maybe to a few prisons where it is not necessary, this is something that would be beneficial across the estate, but it is a matter of funding.

Robert Buckland: I think that is right, Ms Reeves. Let there be no doubt about it. I am an enthusiast for it because it protects not just prisoners but staff as well, and the integrity of staff. The vast majority of our prison staff are fantastic public servants who do an incredible job and deserve our protection and support, and they welcome the use of scanners.

I am also interested in analysis of wastewater; I have seen some very good examples of wastewater analysis, which, sadly, can also tell a story about drug use in prisons. All of this is not just preventive but vital information-gathering about the nature of the threat we face. I am sure that your Committee will join the clarion call for more funding to allow us to invest in those vital modern tools of detection and prevention.

Q456 **Ellie Reeves:** Given what you have said about the level of investment, that investment might end up saving costs in the long term because of the profound impact it would have on the level of drugs in prison and all the implications of that.

Robert Buckland: Indeed. Taking what I call the National Audit Office approach to these things, one can forward-project the reduction in costs on healthcare, emergency crisis intervention in drug overdoses or, sadly,



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fatalities—all the tragedy but, sadly, the cost of all that as well. The point is well made.

Q457 Ellie Reeves: Thank you for your answer. To turn to facilities management, the current maintenance backlog in prisons is estimated to be a staggering £900 million. When the Committee last looked at that in 2018, the backlog was less than that, at just over £700 million, which is still a very large figure. It is going up, it would seem. Why do you think the backlog has increased? Who is responsible for it?

Robert Buckland: It is a source of great frustration to me. Jo knows, I think, that on the numerous endorsements I make on the reports I read, maintenance features very highly. I am deeply frustrated about the delay. How many people does it take to change a light bulb? That is the question I often ask myself. Frankly, with what we did 20 to 30 years ago in local management of schools, where we allowed head teachers to get a grip and make minor repairs themselves, we saw a vast improvement in the way things were run.

Peter mentioned Q-branch. Jo and I were delighted—Phil was there, too—to present them with an award at the prison officer of the year awards only two weeks ago for the work they are doing. The example that prison officers and prisons are showing in Leeds is a clarion call to the rest of us as to not only how to involve prisoners in maintaining the estate but to save money and do it in a cost-effective way.

It is my view, and I am still developing it, that we should look seriously at how we can devolve a budget to governors with a reasonable threshold under which they should have discretion to spend on repairs. I accept that some repairs will be of great cost, and they probably still need to be handled strategically and more centrally, but I am very much in favour of trying to restore a local element of discretion. I am hoping that when we come to the end of next year, when I think contracts are due for review, we look seriously at reinjecting the local dynamism that can result in little repairs being made that, if left undone, can lead to a whole series of other problems developing that cost us more money in the long run.

Jo Farrar: Coming in as chief executive, I had no doubt that this was one of the biggest challenges I faced. I have now visited many prisons and seen a number of facilities that are not acceptable, and I am working closely with colleagues in the MOJ to make the case for proper investment in our prisons. I am pleased that we put extra money in last year; £31 million refurbished quite a number of shower blocks and cells, but it is not enough. We hope to have some additional investment this year so that we can do more. I am pleased that the shower facilities at Feltham are being refurbished, because they were showers for children. We need to make sure that we have the right investment. It is a priority for me as chief executive, and it is something I am working on closely with the MOJ.

Q458 Ellie Reeves: That is useful. Frustration about getting things done is



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something that prison governors have raised with us—repairs that could be done so much more quickly. Another thing they have expressed frustration about are the rules for procurement of supplies and equipment, and the bureaucracy around that and the time it can often take, and the expense. We have heard anecdotally that, often, it is a lot more expensive to procure equipment and supplies through the approved suppliers than getting it from elsewhere. That is a frustration. Do you have any plans to have a look at that and, perhaps, give prison governors a bit more responsibility and ownership over procurement for their prisons?

Phil Cople: Essentially, what the Minister referred to in the Q-branch initiative would do precisely that—the idea that we would create flexibility using some prisoner labour, as well as a small number of directly employed staff, to carry out some of the most minor repairs, and try to improve conditions in establishments. They are able to source materials locally to do that, which is distinct from the core services in the management contract, and certainly distinct from more major investment in renewal and refurbishment across the estate. A lot more prisons have taken that type of initiative on board now, because they have seen the example of Leeds being successful, and that would be a way to try to tackle the issue.

Q459 **Ellie Reeves:** We have seen in this Committee the slowness of the pace of change in prisons. We talk about those sorts of initiatives, but what timeframe would we be looking at to see those sorts of changes in procurement and maintenance?

Robert Buckland: I am impatient. We have talked about Q-branch, and I think it could be rolled out at some pace elsewhere, but we are already seeing quiet examples of it happening. I was at Dartmoor the other day, where prisoners were just quietly getting on with helping to maintain the estate. As everybody knows, Dartmoor is a somewhat windswept and weather-exposed area, and a lot of painting is needed. I saw a lot of purposeful activity there, with prisoners taking pride in playing their part in maintaining what is an historic monument as well as a functioning prison.

We are seeing some quiet examples. We all need collectively to shout louder about it to share that practice and crack on with it in the meantime. I reiterate the point I made: we need to do something more systemic to give governors a higher level of autonomy to get on with the little repairs that mean so much to the prison community.

Ellie Reeves: Thank you.

Q460 **Ms Marie Rimmer:** I have read with interest your letter to the Chair of the 15th on the prison operator framework. I have looked at the framework, and there is nothing in it that looks at past performance. I find that rather alarming, to say the least, as a former procurements officer—although not in prisons, I accept. Past performance should always



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be taken into consideration.

How can you be content when there are concerns about two of the three organisations meeting the evaluation criteria for entering the Wellingborough mini-competition, and particularly Birmingham? That is quite alarming. How can you be content when past performance is not in the criteria? We should always look at the outcomes, the goods you have received and what you paid for, and there is nothing in there.

Phil Copple: The issue about an organisation's footing and history, and whether it is an organisation that we think should be able to bid, was taken into account for those organisations to be on the framework in the first place. Then there will be a series of mini-competitions, as there will be for Wellingborough, for which you have the criteria.

Q461 **Ms Marie Rimmer:** But how have they got on the initial framework when it was quite clearly demonstrated that they could not meet the requirements of all prisoners and different types of prisoners?

Phil Copple: I think there was an evaluation of the organisation's financial footing, as well as its history, as to whether it was fit to run a prison.

Q462 **Ms Marie Rimmer:** Financial footing is one thing; I am talking about practice in prisons and the very complex people they are dealing with. From the questions you have heard today, you know that what we are dealing with are very vulnerable people who can be very dangerous. It is about people's lives, dangerous people, and the prison officers trying to serve them. How can we gain confidence? How can they be on that list in the first place?

Phil Copple: We have three new potential providers on that framework, and then we have three existing ones. In our system in England and Wales, we are content that all three existing ones are fit to run prisons, and all three continue to run prisons and have contracts to do so. They also have contracts more widely across Government. You referred to Birmingham, which was clearly in an appalling state in the middle of last year, when it was inspected. But G4S, as a provider of custodial services, has a record of good performances, as the chief inspector himself acknowledged last year, in other establishments.

Q463 **Ms Marie Rimmer:** They have, but they have not done it there, have they? It has to be consistent. It is not a one-off, like dropping a stitch when you're knitting a jumper. It is a prison going to riot. There is a big difference. I do not think that I should go further, but I would welcome meeting the Minister, Mr Buckland, to express my concerns personally.

Jo Farrar: This is one of the points that I tested yesterday with MOJ colleagues, and they said that performance will be taken into account when we award contracts to individual prisons. They will take account of past performance when awarding individual contracts.

Robert Buckland: I appreciate Ms Rimmer's forceful questions on this.



Chair: Indeed.

Robert Buckland: She asked me about it last time, quite rightly, and I gave the assurance then that, of course, past performance will be taken into account when awarding individual contracts. This, of course, is a framework, which is somewhat different from the individual decision-making process.

Q464 **Ms Marie Rimmer:** Yes, it is, but it is the start of the process.

Robert Buckland: I understand that. But, as a Department, we have to operate within the law. As I said last time, I do not want to make decisions or commitments here that could be construed in a way that would potentially prejudice the position of the Ministry or tie my hands. But I can assure Ms Rimmer and the Committee that, of course, past performance is relevant in considerations going into the future.

Q465 **Chair:** You mean on considerations between the framework and the allocation of contracts as a matter of law.

Robert Buckland: Yes, indeed.

Ms Marie Rimmer: Thank you, Minister.

Chair: Understood. Thank you very much, Minister, Ms Farrar and Mr Copple. We have covered a great deal of ground. We appreciate your evidence and your time in dealing with a number of questions from us.