

Justice Committee

Oral evidence: [The work of the Prison Service](#),
HC 42

Tuesday 22 October 2019

Ordered by the House of Commons to be published on 22 October 2019.

[Watch the meeting](#)

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

Questions 1 - 131

Witnesses

[I](#): Lucy Frazer QC MP, Minister of State, Ministry of Justice; and Adrian Scott, Executive Director of Change, Planning and Strategy, HM Prison and Probation Service.

Examination of witnesses

Witnesses: Lucy Frazer and Adrian Scott.

Chair: Good morning, everyone. Welcome to this session of the Committee. Welcome, Minister, and Mr Scott. It is very good to see you both again.

We will start with our declarations of interest. I am a non-practising barrister and consultant to a law firm.

Victoria Prentis: So am I—I am a non-practising barrister; I am not a consultant to a law firm.

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

Andy Slaughter: I am a non-practising barrister.

Q1 **Chair:** Minister and Mr Scott, thank you very much for coming to give evidence to us. As you can see, we are carrying out a series of inquiries into the situation with our prisons. Welcome to the brief, Minister, after roughly three months.

Obviously you have wanted to get a view of the brief, the situation that confronts you and what you have inherited. The thing we have always been concerned about, and that your predecessors have always recognised, is the particular problem the Department has in that it is an unprotected Department on the one hand but totally downstream as well. It picks up demand that others create, and that is true of prisons more than anywhere else.

The Lord Chancellor gave evidence to us last week on the back of the Queen's Speech. We have the push for 20,000 more police officers and £80 million more for the Crown Prosecution Service—one assumes to prosecute more effectively the people that, hopefully, the extra police officers arrest. What will be the consequence of that for the Prison Service? Some of those are almost inevitably going to end up coming into the prisons.

What assessment has been made of the growth of the prison population as a result of that extra change? I will come on to the issue about the two-thirds sentences later because I know that you have done an assessment on that. There is this broader impact, isn't there?

Lucy Frazer: You are right. Thank you very much, Chair and all of you, for inviting me today. It is always a pleasure to appear in front of the Justice Select Committee. It is great to be back in another role, in a very important and challenging brief. You have identified some of the challenges that face the Department. We do not shy away from those challenges.

You are right that we are an unprotected Department, but I think the Lord Chancellor secured a good settlement in the latest round of funding. I know he talked about that in relation to the increase of 5%. As you rightly say, we recognise that we are a downstream Department. We do a



HOUSE OF COMMONS

lot of cross-departmental working on that. The Lord Chancellor mentioned to you that he works in a threesome, as it were, with the Home Secretary and the Attorney General. That was something that David Gauke did while I was a Minister. I saw it in action when I was Solicitor General because the Attorney General is extremely interested in that as well. We recognise that.

I did a joint visit recently with the Ministry of Housing, Communities and Local Government—with Luke Hall—recognising that we cannot solve the accommodation issue alone. We need them, and I am working with Will Quince on the DWP issue. We recognise that we in the Ministry of Justice have to work very closely with others. We are very alive to the fact, as you say, that when we have 20,000 new police officers it will have significant consequences for our Department, not just my aspect of it in terms of prisons; it will put additional pressures on the courts as well.

As you rightly mention, Chair, there is £85 million additionally for the CPS as well. We have anticipated that we will obviously need more prison places. As you know, we got £2.5 billion extra for the 10,000 additional places that we anticipate over the coming years as a result of those 20,000 officers.

Q2 **Chair:** That is your quantification, is it? You link the 10,000 additional places to the consequence of the 20,000 additional officers.

Lucy Frazer: That is right, yes.

Q3 **Chair:** That is separate to the change in sentencing.

Lucy Frazer: It is, yes.

Q4 **Chair:** And the quantification on the change in sentencing?

Lucy Frazer: The quantification for the change in that is that it will not come on stream immediately because they are changes to long-term sentences. They are not retrospective. We anticipate that we will need another 2,000 places by 2030.

Q5 **Chair:** So 2,000 more by 2030, sometime down the track, but about 10,000 additional prison places to be delivered to cope with demand. That is potentially an increase—over a period of time, I grant—of about 12,000 on top of what is arguably the highest rate of incarceration in Europe. Is that sustainable?

Lucy Frazer: We need to ensure that if people are committing crimes, and the public expect them to be sentenced, we have provision for them. One of your members always asks whether we should be locking more people up. Of course as a Department—you mentioned that we are downstream—we would like people not to be going to prison; we would like to solve societal issues before they result in crime.

We know that, for example, people who go to prison have lower educational attainment. They have been excluded from school. They are



HOUSE OF COMMONS

often disproportionately in care. We need to solve all those issues as a society so that people do not go to prison, but, if they do, my Department needs to ensure that we are ready to receive them in safe and decent places. That is what we are working towards.

Q6 Chair: I do not doubt that you and Mr Scott's officers will be diligent about doing that, but it seems to me to be the cop-out option. Locking people up is the easy bit. Isn't the prevention of crime and the diversion away from custody much more important?

Lucy Frazer: Absolutely.

Chair: Where is that in the Government's priorities? I do not see that very clearly.

Lucy Frazer: You will have seen a number of announcements that are not prison related—for example, the sobriety tagging, which is a good and effective way. A lot of our violent crime—50%—is committed by people who have an intake of alcohol in them. We know that drugs are a problem. The sobriety tagging will, hopefully, as it has proved in America, be very effective.

As you know, we are also reforming probation. That is critical to ensure that people stop reoffending; 80% of prisoners in our prisons at the moment have reoffended. We need to get reoffending levels down.

You will be aware of our women's strategy. We want to ensure that the right sentence is delivered for women and for them not necessarily to go into custody. We want to improve our pre-sentence reports so that we ensure that people get the right sentence delivered. We are absolutely committed to ensuring that we do not just consider prison. The Lord Chancellor identified that prison is always a last resort when sentence is given. We also want to look at the other preventive, helpful mechanisms to support people who are not going to prison.

Q7 Chair: The Queen's Speech says that the sentencing Bill will include a commitment to strengthening community orders, which is welcome.

Lucy Frazer: Absolutely.

Chair: Can you perhaps give a little more indication as to how you are going to use that legislation to deal with what both your Department and this Committee have identified as a key problem, which is improving confidence in community sentences? The public do not seem to have confidence in them and sentencers don't, and therefore custody seems to be the default option. How do you envisage legislation helping us around that?

Lucy Frazer: We need to ensure that the sentences that are handed down are ones that the public have confidence in, so they need to be appropriate in terms of the quantity of unpaid work. As you mentioned, in terms of rehabilitative orders we are looking very carefully at drug



rehabilitative orders. We have a pilot in place at the moment trying to encourage the use of community orders and sentence treatment orders. We would very much like to see those operating effectively.

Q8 Chair: Mr Scott, from the point of view of HMPPS itself and the sort of planning and strategies that you need to adopt, what are the practical challenges that this approach to policy gives you? The Minister has described the extra burdens that the Department accepts will fall upon the system. You have to deliver it through HMPPS. What do you identify as the key things that you need to do, and what specific steps at an operational level is your agency taking to deal with it?

Adrian Scott: Clearly, it is a real challenge. This is prison building on a scale that we have done before, but it will be a challenge for us. There are a number of external factors that we will need to work our way through, including planning permission and market confidence.

I am reasonably confident that we have in place the right level of professionalism across the Department, both in terms of the estate and the actual construction. As importantly, there is the recruitment of prison officers. That is clearly a major part of the whole building programme. Previously, we have successfully recruited 2,500 prison officers, as this Committee knows, ahead of schedule. I am confident that we can do that. There will be an additional challenge with the recruitment of 20,000 police officers on top. We will need to work across Government with colleagues on how we do that recruitment.

In terms of construction, we have done this before. We introduced Berwyn, for example, as a successful new prison build. We have a track record of doing so. I am not minimising that challenge at all, but we are recruiting skilled staff in the Department. We are developing a programme. We are talking to the Lord Chancellor this afternoon about the long-term estate strategy to make sure there is confidence across the whole Department. Yes, while not minimising this, I am confident.

Q9 Chair: Given that recruitment of the 20,000 extra police officers is already in hand, and making allowance for the fact that it takes time for people to work their way through the system, what is the strategy being adopted to ensure that the additional prison officers who are likely to be required are in place by the time the workload has come through the system to the prisons?

Lucy Frazer: As Adrian mentioned, we overshot our targets on prison officers. We recruited the prison officers we have currently recruited at a faster rate—I think nine months in advance of what we had anticipated. We have recently done a significant recruitment exercise, so we know what it takes. We are not shying away from the challenge. We are not pretending that it will not be a challenge because we will be competing with the police for those people.



HOUSE OF COMMONS

I do not know about you, but, as I go through my constituency, every sector I visit tells me that they struggle to get employees in a whole range of areas. We do not pretend that this is going to be something we can do at the drop of a hat, but we are alive to the issue and will be actively trying to recruit more prison officers.

We are aware of the challenges they face, for example, in relation to safety. We are addressing some of the concerns that we hear about being a prison officer and hope that we will continue to support those we will recruit and that they stay in the profession.

Q10 Chair: In London and the south-east it is a problem when, the classic line is, you can get almost as much as a barista.

Lucy Frazer: Yes.

Chair: You have probably seen the TV programme "Crime and Punishment". People have urine thrown over them. That is a real problem in getting people in a job market.

Lucy Frazer: It is. You are right to identify that there are regional issues. It is not a challenge in all areas. I was in Liverpool recently, and many of the prison officers I met there had been working there for a long time. I was told that one of them had left but actually missed all her colleagues and was coming back to the Prison Service. We need to ensure that people who join the Prison Service feel that it is an important role and that they are supported in their role.

On recruitment, we have had great success with the Unlocked graduate scheme. We were one of the top 100 employers, and we are seeing some great graduates coming forward to the Prison Service.

Q11 Victoria Prentis: Retention is of course the other worry when we talk about our staff. I agree with you, Minister, that the Unlocked graduate scheme has produced some fabulous new exciting and excited recruits. But nothing can replace experience when trying to manage a wing, particularly when it is understaffed. How is retention looking? What are the current figures? Do you have any specific mechanisms for ensuring that people are able to stay in the service as they get older?

Lucy Frazer: I will get back to you on specific figures. Obviously, we are seeing a bit of a drop-off, as you would see in any sector. What we feel is that people want to feel safe, so we have the roll-out of PAVA to ensure that people have extra security mechanisms. We have a £100 million programme on security that will reduce drugs and, therefore, reduce violence. That is prisoner-to-prisoner violence and prisoner-to-officer violence. Hopefully, we will see a reduction in violence. We have already seen a reduction in violence in the 10 Prisons Project. We have seen a reduction in drug taking.

We have introduced the key worker scheme. That has been a great success. In every prison I have gone to, we have found prison officers



HOUSE OF COMMONS

who feel empowered. They feel that they are doing the job that they came to do. That is also reducing violence. It is about supporting our staff and having the right levels of staff. For instance, when we have increased the levels, with our recent recruitment campaign, we have seen prison officers feeling much happier in their roles.

Q12 Victoria Prentis: On the drugs issue, what percentage of prisons have an airport-style scanner on entry for everybody?

Lucy Frazer: Our high security estates have the airport-style security.

Q13 Victoria Prentis: And other prisons?

Lucy Frazer: The 10 Prisons Project will have them.

Victoria Prentis: But that is a very small percentage of the estate.

Lucy Frazer: It is. That is why we have £100 million and we are about to roll that out. We are currently looking at which prisons we should categorise as potential prisons to receive them. Then we are looking at planning issues, because you have to have the physical space in which to put them. We are looking at all the logistical issues about how we can get them in as quickly as possible.

Q14 Victoria Prentis: Is the aim to roll them out to every category B, for example?

Lucy Frazer: We are mainly looking at category B prisons. We will update you. I have regular meetings about the issue to identify where we should be putting them, but we have not yet announced where they will go. We will be very happy to update you when we have made those decisions.

Q15 David Hanson: You have already mentioned briefly the prison estate strategy and the maintenance strategy for the prison estate. When is that going to be published?

Lucy Frazer: We will let you know when it will be published.

Q16 David Hanson: You mentioned that you are meeting the Lord Chancellor this afternoon to discuss it.

Lucy Frazer: Yes.

Q17 David Hanson: What is the timescale for publication?

Adrian Scott: There is nothing in place yet in terms of publication timeline. We are at the stage now where we are talking to the Lord Chancellor about the various strands that we have identified. I am sure that we will update the Committee as we work our way through that.

Q18 David Hanson: One of the defences in the response to the "Prison population 2022" publication that we produced was that you would produce the strategy. We just want to know what the timescale is. Is it three months, six months, nine months or 12 months?



HOUSE OF COMMONS

Lucy Frazer: We are discussing and identifying what the strategy is at the moment. We do not yet have a document, but as soon as we have a document we will of course let you know.

Q19 **David Hanson:** There is a backlog of maintenance of £900 million. What is your expenditure this year on the backlog of maintenance?

Lucy Frazer: As you know, because you put the question to the permanent secretary—

David Hanson: I want to know if you know.

Lucy Frazer: As you know, we received an additional £156 million, which we will be deploying as we think appropriate in relation to the estate. As you know, we also got an additional settlement of an extra 5%. As you also know, the allocations for that are being gone through, but I repeat that we will obviously be making bids in future spending reviews for further money.

Q20 **David Hanson:** What I do not know is what the £156 million is going to be allocated towards, what the priorities are for it and whether there are specific prisons, programmes or activities. Can you give us some flavour as to what the £156 million is going to be used for?

Lucy Frazer: We have done a survey of what is most needed, prioritising what is most needed, and it will go to the most urgent matters that have the greatest priority. The things we are looking at are worn-out and failing infrastructure such as boilers and electrical systems; refurbishing some cells, showers and serveries; and fire safety and other critical systems.

Q21 **David Hanson:** How many cells do you anticipate refurbishing?

Lucy Frazer: I do not have the precise figures in relation to particular cells. We are working very hard. We have only recently got this money, and we are now trying to spend it.

Q22 **David Hanson:** How many prisons have failing boilers?

Lucy Frazer: If you would like me to come back to you with the precise figure—

Adrian Scott: I don't know exactly. It is worth saying that the £156 million is for the next financial year. This year we spent about £100 million, which is why we are not in a position to give you massive detail about the £156 million. The priorities are important. It is about making sure that prisons are safe and decent; making sure that we have sufficient cells; and making sure that we can put those whom the court sentences into custody.

Q23 **David Hanson:** The Committee will welcome the £156 million. The key question for us is that there is a £900 million backlog. The Prison Governors Association said to us: "We require £500 million per year to



HOUSE OF COMMONS

maintain the estate.” We have £156 million. We would welcome information as to how the £156 million for next year is planned to be allocated, so that we can judge whether it has made a difference in relation to the £900 million backlog and for the protection of cell programme that you obviously need to maintain, as well as the new build, to keep prisons safe and to keep places available.

Lucy Frazer: We are very happy to write to you about those issues. You mentioned the Prison Governors Association. I met them last week to discuss their concerns. I meet the CEO of the Prison Service, Jo Farrar, on a regular basis to discuss her thoughts on these issues. We will write to you with information as soon as it is appropriate to do so.

Q24 **David Hanson:** Can we clarify a point on Victorian prisons or older prisons? The prison estates transformation programme had an aspiration to close Victorian prisons. Yet when we pressed the Lord Chancellor last week he said that Hewell would close that morning, urgently. We may discuss that later. He then said that there would be no further prison closures. I want to be clear whether that is the stated policy of Government.

Lucy Frazer: Yes, it is.

Q25 **David Hanson:** If that is the case, the question for the Committee is, what is your assessment of the number of Victorian prisons that will require investment to maintain them at the standard you would expect? What is the investment programme in those prisons? Is it published, and can we test it against the current status of those prisons versus the potential future status of those prisons?

Lucy Frazer: We know that, if we do not provide maintenance, we lose 500 places a year. I don’t know but I can make a reasonable assessment, and I suspect those are largely in our Victorian prisons, which is why we have the £156 million. That is why we will be putting in a further bid to the next spending round. It is why we are investing in building. We have three new buildings in the pipeline and more to come. We recognise that we need to build an efficient, safe and modern estate that will not need continued maintenance. If the numbers, as we discussed at the beginning, stay the same, we need to be prepared to house people who come to prison. That will mean we need to keep our Victorian prisons in operation.

On Victorian prisons, I recently went to Wormwood Scrubs and Liverpool. Liverpool has done well.

David Hanson: It has.

Lucy Frazer: It has done really well. It is an old estate. I am sure I was treated as a Minister and saw the good.

David Hanson: Smelt the paint.



HOUSE OF COMMONS

Lucy Frazer: What I saw was an estate that was being looked after well. I saw gardens that were a pleasant place to walk out to.

Obviously, Wormwood Scrubs has some challenges. I was speaking to the chief inspector of prisons yesterday. It, too, is improving and has improved, so we are—

Q26 **David Hanson:** The Committee accepts that. We saw a very critical report on Liverpool. We saw what lack of investment in Liverpool had meant, and we have seen that investment in Liverpool has improved.

My final point is that I think it would be helpful to the Committee for the Ministry to identify within that £156 million what is being allocated to each prison for what in the next 12 months so that we can judge whether that money has made a difference.

Lucy Frazer: We will provide that. One further point is that there are some very good programmes in some of the prisons, where prisoners are working alongside contractors and subcontractors, doing the work with them. I saw that in operation. It not only helps us to reduce the maintenance needed at a good cost but it gives them skills and purposeful activity. It gives them the option for work with those subcontractors or with the construction industry as they leave. We are looking at all aspects of facilities management.

Q27 **David Hanson:** What is an acceptable maintenance backlog?

Lucy Frazer: Of course, an ideal is that we keep our prison estate running on a good level permanently, but we have to move forward from where we are. We are very pleased to have got the £156 million. As I mentioned, we will continue to press for more.

Q28 **Chair:** The Prison Governors Association president, to whom you referred, has estimated that just to stabilise prison assets would require £500 million a year for a decade. Do you agree with that? You engaged with her, Minister, you were telling us. Have you had that discussion with her about that?

Lucy Frazer: Yes, we talked about that. We are obviously keen on cutting down the backlog. I saw that the permanent secretary mentioned in his evidence to you that he thought the backlog would be slightly reduced over the period. We have £156 million, and we will be bidding for more.

Q29 **Chair:** Do you accept the figure that the Prison Governors Association put on it, or not?

Lucy Frazer: I would have to get back to you on our particular response.

Chair: It is a pretty easy question, isn't it?

Lucy Frazer: We know that we have a £900 million backlog. Obviously, the backlog will depend on the amount we get in particular spending reviews at particular times, and on our prison estate and our building



HOUSE OF COMMONS

programme. We recognise that there is a lot of work to do and are doing it.

Q30 **Chair:** Can we establish if there is some consensus as to the extent of the work that needs to be done between the various players?

Adrian Scott: I do not recognise the figure in terms of whether that is right or not.

Chair: It is fair enough if you don't.

Adrian Scott: There are a huge number of variants going forward. Over the next decade, we will have to keep an eye on the people coming into custody and the length of sentences that those people have. Population projections are difficult to do in the short term, let alone the medium and long term. We do not know how many people will be in custody. That, of course, is a balance between how many prisons you build, how much maintenance you have to do and whether you are able to close prisons, which of course remains an ambition if the population allows. It is really difficult to put a precise figure over a number of years, because all of those variables are real.

Q31 **Chair:** We are just trying to establish what we think is the best evidence base, if there be one.

Lucy Frazer: I understand.

Q32 **Chair:** There is one thing you can help us on, Mr Scott, before we move on. When we did our "Prison population 2022" inquiry, we were told that HMPPS was conducting an audit of the condition of the estate and estimated that around 40% of the establishments required major work. Has that audit now been completed?

Adrian Scott: Yes, that is the completion of the audit. The 40% figure is about 30,000 to 35,000 cells.

Q33 **Chair:** That would give some of the detail Mr Hanson was asking about in relation to boilers, cells and so on. Is that published yet?

Adrian Scott: Not that I am aware of.

Chair: Is it intended to be?

Adrian Scott: I do not know.

Chair: Could you come back to us on that?

Adrian Scott: Certainly, I will. The other point on Mr Hanson's question is that there are choices between individual cells and then the things that you require in order to keep whole prisons open, such as serveries or boilers, versus refurbishment of cells. They are choices that we will have to make. We are working, for example, with Home Office colleagues on fire safety prioritisation across the estate. There is lots of work that we are doing around the question. It is just not quite ready yet.



Q34 Victoria Prentis: On reconfiguration of the estate, the plan was to do that by 2021—not long now—and to reconfigure into reception, resettlement and training prisons. Can you explain how that sits with the current categorisation, how it is getting on and whether the plan is to continue to keep young offenders closely with older offenders in some establishments, or whether there is a different direction of travel?

Adrian Scott: In terms of existing categorisations, you will be familiar with what they are. The reconfiguration project is an attempt to simplify the prison estate to make sure that we have the right people in the right places, so that those who have long sentences that require workshops, training and education facilities will have them more readily available and those closer to conclusion of sentences will be more suitably housed in resettlement prisons. The ambition is absolutely the right one. We are committed to continuing to do that.

Q35 Victoria Prentis: What percentage of the estate has been successfully reconfigured so far?

Adrian Scott: A relatively small percentage. We are at the beginning of that journey. It is something that we are making sure we balance with operational concerns. It can create disruption in some prisons, so we are moving relatively slowly.

Q36 Victoria Prentis: But you are on track to do it in the next 18 months or so.

Adrian Scott: We certainly intend to. Events will obviously make those final decisions as we make operational choices. Certainly Phil Copple as interim director general of prisons will be involved in those decisions, to make sure that we are safe and secure in reconfiguring the estate at the right moment.

Q37 Victoria Prentis: But there are no major changes to categorisation of prisons within that, or to the system as it stands at the moment.

Adrian Scott: No. Part of the modelling suggests that we will require additional category C places. That is why the new buildings that the Minister referred to will predominantly be category C provision, making sure that we have the right estate available to the population we expect. Again, that will be variable, depending on some of the things we have talked about already.

Q38 Victoria Prentis: Minister, do you think it is generally more important to keep young people closer to home with the important family ties that we know help to stop reoffending, or do you think it is more important to keep them with other young people?

Lucy Frazer: There is always a balance of needs. I was with Lord Farmer the other day, who has done a lot of research on family ties. We know that they are important. It must be important, especially for particular categories such as women and young people, so where that is possible we ought to do it. We ought to ensure that they have communication, like



HOUSE OF COMMONS

visits and in-cell telephony. We also need to ensure that the prisons or institutions we put people into serve them while they are there. As we have a small youth estate and a small female estate, unfortunately we do not have every option everywhere. It is a balance to find the right things that work for people while recognising that family ties are very important.

Q39 Victoria Prentis: Mr Scott mentioned HMP Berwyn earlier. It opened two and a half years ago. It is about 800 to 1,000 prisoners down. It is operating at 60% capacity. Why is that?

Lucy Frazer: There were some structural problems. There were some issues at the beginning in relation to some of the activity places not being built properly. We never anticipated that it would be full immediately. At the moment, it has 1,400 prisoners and it will be 2,100 when full.

Q40 Victoria Prentis: So I was pretty much accurate when I said 60% capacity. Where are you in staffing it?

Adrian Scott: It is fully staffed. We expect it to be full to capacity by March 2020. That is when it will be effectively full. We are moving in the right direction. We are ramping up the number of prisoners in there, so we are absolutely confident that we can get there by March 2020.

Q41 Victoria Prentis: Have the problems been entirely structural? I know there has been a change of governor already, for example, at Berwyn.

Adrian Scott: Mainly structural. The Minister referred to the workshop space and the ability to provide the appropriate provision. What it reflects is that it is difficult to ramp a prison up to full capacity. One of the things that clearly we need to take into account as part of the long-term strategy is the fact that you can build a prison but then you have to ramp it up, and that takes a period of time. Again, I would not underestimate the challenges of doing that. There are operational and stability concerns, particularly where you have to recruit new staff as well. It is your earlier point about experienced staff and making sure that the staffing provision is acceptable in terms of how you manage the operational risks going forward.

Q42 Victoria Prentis: Have you learned lessons from the HMP Berwyn experience that you could use in HMP Wellingborough, for example?

Lucy Frazer: Absolutely, both in terms of building out and building space. The chief inspector of prisons, in his first inspection report in May 2019, said of Berwyn that it had made a good start and there was clearly the potential to move on rapidly.

Q43 Victoria Prentis: We find that emptier prisons usually do very well. It is the fuller prisons that we tend to have concerns about on this Committee. If you are operating at 60% capacity, you are usually running a pretty good regime. Are there more serious lessons that you can learn from the slow start that HMP Berwyn has had?



HOUSE OF COMMONS

Lucy Frazer: Absolutely. We are learning from all the issues that arise and, in particular, in relation to Berwyn as we build out our new estate.

Q44 **Chair:** What is the position about the lack of activity places at Berwyn as far as the chief inspector is concerned? He said it was difficult to understand why the procurement of work and training places for a new prison could be so delayed. What is the answer to that?

Lucy Frazer: There was an issue in relation to space. The chief inspector of prisons is concerned generally about purposeful activity, not just at Berwyn. We obviously now have our new framework for governors to take more control and direction. We also have 400 new places coming on in relation to purposeful activity in some key sectors. That is something we and the Department are very concerned about.

There was a study recently about what has the most impact on reoffending and safety in prisons. The first impact is the relationship between staff and prisoners. The second category that has most effect is purposeful activity. We absolutely need to ensure that we have staff to take people to places as well as ensuring that the work is useful.

Q45 **Chair:** I understand that totally, Minister, but the chief inspector's specific point was not about what happens once places are there. His specific concern was about the procurement of the places. He said it was difficult to understand why the procurement had taken so long in a new prison when you are starting without some of the encumbrances that were there before. What lessons have been learned? Do you accept the chief inspector's criticism, Mr Scott, and what lessons have been learned so that when we build more new prisons we do not have those delays in procurement?

Lucy Frazer: It is a fair point. In November 2018, we announced the launch of the prison operator services framework. We now have a framework agreement for six operators in relation to the build of prisons. We have more contractors to call upon. Obviously, we are satisfied that they could do the job.

Q46 **Chair:** Did your Department go through the Berwyn report from HM chief inspector, Mr Scott?

Adrian Scott: I am sure that the Department will have done. Absolutely. It is something that we must make sure we get right going forward. It is not a situation we would want to repeat, so the Department will be learning the lessons from Berwyn, although I am not aware of the specifics.

Q47 **Chair:** I am glad to hear that. The reason I press the point with you is this. We have had a long-term concern in this Committee that, frankly, HMPPS has an appalling history of ignoring recommendations of the chief inspector. Can you make sure that this is not one that is ignored? I know the Minister will, but it is what happens day to day that worries us.



Adrian Scott: I will make sure.

Q48 **Ms Marie Rimmer:** In the last report from the MOJ for statistics on violence in prisons, it is getting worse. Prisoner-on-prisoner violence has increased by 10%, and prisoner-on-officer violence has increased by 15%. We know that the number of violent prisoners is a greater and growing proportion of the intake. Why do you think it is getting worse? Perhaps you could focus on why 12 out of 14 local prisons inspected in the last year were considered to be poor or not sufficiently good, and far worse than other prisons.

Lucy Frazer: I alluded before to the things that we feel impact on violence. One is poor prisoner/staff relationships. The second is lack of purposeful activity; and the third is the illicit economy. We are taking steps on all of those to try to tackle violence. We have had some success.

As I mentioned, the 10 Prisons Project showed a reduction in violence of 16%, and 50% in relation to drugs, as against the national average, in seven of the prisons. There is a correlation. On the illicit economy, if we reduce the import of drugs into prisons, we will reduce violence. As you know, we have announced £100 million on a package of security measures. That will be airport-style scanners and mobile phone technology as well as surveillance operations. There is a three-pronged approach to stop drugs getting into prisons, which will have an impact on violence as well.

I mentioned poor staff/prisoner relationships, and we have done two things on that. We have increased the number of prison officers in prisons and we have introduced the key worker scheme. As I mentioned, that not only helps the prison officer feel that they are doing a fulfilling role but gives a prisoner someone they feel they can go to. We are well aware of the issues, and we are doing a number of things to tackle them.

Q49 **Ms Marie Rimmer:** What are you doing differently in local prisons, where it seems to be a bigger problem than in other prisons? Are you giving any particular focus, such as a greater ratio of officers to inmates? Do you give a greater ratio where there are more violent inmates than there are others?

Lucy Frazer: When we did the 10 Prisons Project, we managed to reduce violence and drugs in seven of our 10 prisons. We are taking that learning and currently looking at how we use what we have learned in the wider estate. We will be looking at which prisons are the most challenged and putting in place the mechanisms that we feel are useful.

I mentioned some of the tools. There is also provision in relation to staff training and leadership in TRiM, which is a programme where we help staff deal with their own issues of mental health, and support. There is a variety of mechanisms. We are looking at all prisons and seeing how we can support different prisons that need different levels of support.

Q50 **Ms Marie Rimmer:** You mentioned health and mental health, and that is



HOUSE OF COMMONS

absolutely essential. Have you given any consideration to the retirement age increase? Has that had any impact within prisons? The police and fire officers are regarded as important emergency services. Would you consider that the strains are any less on prison officers than they are on those two groups?

Lucy Frazer: The strain is important, but we are bringing in a number of mechanisms to support staff. We have had a recent roll-out of staff being trained on how to deal with self-harm. When you get support yourself and understand those prisoners' needs, you will be more able to deal with the issues. As I mentioned, the key worker scheme is also a critical part of the process.

- Q51 **Ms Marie Rimmer:** I understand the key worker scheme. Would you consider doing an assessment of what the impact would be of the rising age range of prison officers? We have more young and violent prisoners coming into prison, and eventually we will have a higher age group of officers. I know we are recruiting young academics. That is all well and good. I know some of them, so I know that they are doing a good job and are committed. I am not critical, but I am concerned about the age range. The retirement age of prison officers has risen. I do not know how many that has affected. It might not have affected many yet and it might have nothing to do with this, but would you consider doing an assessment?

Lucy Frazer: I will think about that. A challenge that we have is that we value our experienced officers. As Victoria mentioned, it is very important that we have experienced staff and that we retain them. I have been to a number of prisons and met people who have been in the service for 30 or 40 years and are still there. We value their support, but I will take away the point you mentioned.

- Q52 **Bambos Charalambous:** Can I raise a point on prison deaths put down to natural causes? According to Inquest, 165 deaths were described as due to natural causes over the last 12 months. That has been put down to there being more older prisoners in the system.

There is a concern that some of those deaths might be due to lapses in care or there not being sufficient proper care from healthcare providers in the prisons. Is that something you have given any thought to, and do you think it should be addressed?

Lucy Frazer: They should be investigated.

Adrian Scott: Each death in tragic circumstances will obviously be investigated properly and fully. I absolutely expect us to be fully aware of which were natural causes. That is a consequence of an older prison population. We have just been talking about older prison officers, but the prison population is clearly getting older as well, so we can expect a rise in the number of deaths from natural causes in prisons.



HOUSE OF COMMONS

Healthcare provision in both public and private prisons is something we continue to work on. We make sure that we have the appropriate provision available in each of our establishments.

Q53 Ms Marie Rimmer: The Queen's Speech included a commitment to improve safety and security in prisons—we have talked about that—and to strengthen the rehabilitation of offenders. How will you achieve that?

Lucy Frazer: It is a combination of measures. We need to look at mental health support in prison. We have talked about purposeful activity. We know that the factors that make people reoffend are to do with the fact that they come out without a home, without a job or benefits, and possibly with some conditions that they went in with, in terms of mental health.

I mentioned that we have an accommodation pilot that we are jointly doing with the local government Department. I visited Leeds with my counterpart to ensure whether, if that pilot is successful—and we believe it should be—we should be rolling it out. With that pilot, you get 12 weeks of care before you leave, in that someone comes and talks to you. You look for properties together. You identify needs before you leave prison and then that person is with you for two years afterwards, helping you find a home and settle you into that home. When things do not work out, they are there for you when you need to move again or you have some issues. They can talk about tenancy-related issues that you might not have had to deal with before. We think that pilot is going to be very successful. That is one thing.

We want desperately to ensure that people get universal credit. I am working with my counterpart to see how we can do that prior to release and how we can fill out those forms prior to release. I am very committed to bank accounts. I have a roundtable coming up next week, hopefully, with some banks as to how we can ensure that everyone has a bank account. A bank account in and of itself is not determinative of anything, but if you do not have a bank account you cannot get accommodation and you cannot pay in universal credit. That is key.

We need to ensure that people have skills when they leave. The programme that we put in place before I joined, where governors have more control over employment and skills, will bear dividends in the future. We are trying to get more employers into prisons. When I was at HMP Send a few weeks ago, I was there at the same time as Pret A Manger who were interviewing people for work. Our New Futures Network is set up and has almost 500 employers interested. We need to get more employers interested in giving work to offenders on release.

Q54 Ms Marie Rimmer: Have you given any consideration to the contractors within prisons working with the prisoners? Are the prisoners being skilled up to work with the contractors, with some commitment from them to put something back?



HOUSE OF COMMONS

Lucy Frazer: GEOAmev, which does facilities management work in prisons, has some subcontractors who work with prisoners on maintenance within prison and then employ them afterwards. That is really important. We do that in a few prisons, and we should do it more.

Q55 **Chair:** Forgive me for interrupting, Minister. That is great, but for these rehabilitative regimes to work the prison has to be safe in the first place, doesn't it?

Lucy Frazer: It does.

Chair: The HMCIP report says that, of the local prisons, 12 out of 14 are either poor or not sufficiently good. This is all great stuff for the future but it is not tackling the day-to-day problem, is it? What is specifically being done to tackle the issue of poor safety?

Lucy Frazer: We are doing things on safety. We are investing £100 million imminently on safety mechanisms, which I outlined, in terms of drugs. We are rolling out PAVA to make prison officers safer. We have our funding in relation to maintenance, which builds on £100 million that we had last year—£70 million plus £33 million—so we are tackling all these things.

We do not shy away from the fact that this is a challenging area. We have a challenging estate in terms of our buildings, we have a challenging cohort in terms of our population, and we are putting in place a number of programmes and mechanisms to try to turn it around.

Q56 **Ms Marie Rimmer:** How will you measure the success of the investment of the £100 million in prison security?

Lucy Frazer: We have regular drug testing, for instance. We have published statistics on mandatory drug testing so we will be able to see whether we are stopping drugs going into prison. We are not complacent that, if we put in a scanner, suddenly everything is going to be okay, because prisoners are inventive. If they are stopped going through the entrance, they will get drugs in some other way. We recognise that we have to look at a variety of tools, and we are looking at a variety of tools.

Mandatory drug testing will be one way. Obviously, that is linked to violence. I had a meeting the other day with the data analysts who compile an infinite amount of data on a whole range of things in every prison. We are not short of data.

Q57 **Ms Marie Rimmer:** It is the use of that data.

Lucy Frazer: We need to use it cleverly, but we have shown a reduction in drugs in the 10 Prisons Project. Part of that is because of the scans. When I was in Leeds the other day, they said that their scanner had picked up some drugs.

I was in Liverpool and what they had done was really interesting. They do not have a scanner at the moment, but they said that, when people were



HOUSE OF COMMONS

coming back on recall, instead of bringing them straight to Liverpool they took them to a neighbouring prison that had a scanner. They were not expecting to be scanned, and 50% of the people going through that other scanner had drugs. Leeds said that, after they brought in the scanner, drugs through reception fell, so we know that these mechanisms will work, but we have to be vigilant about other mechanisms as well.

Q58 **Andy Slaughter:** You have mentioned the 10 Prisons Project a couple of times. Has that finished now? Are you going to publish a full evaluation of it? What are the consequences of it? What positives or negatives are you going to implement across the estate?

Lucy Frazer: It has finished. We are doing an evaluation. We reported in August because the previous Minister but one had committed to a deadline of a year. We reported after that year on the impacts, and we showed that there were positive impacts in the reduction of both violence and drug taking in seven of our prisons. We will be doing a fuller analysis in due course.

Q59 **Andy Slaughter:** Do you know when that will be published?

Lucy Frazer: I imagine it is soonish. I do not want to commit to a particular date.

Andy Slaughter: Could you let us know when you know?

Lucy Frazer: I will let you know. What we are doing is using that material. It is very difficult to say, "This had that effect," because we had a number of interventions in prisons at the same time. What we are doing and what Jo Farrar—the CEO of HMPPS—is doing is analysing all of that material with her very experienced team to see, as I mentioned, how we can probably tackle the most challenging prisons. It is not just concentrating on one particular cohort; it is making sure that we make changes across the estate.

Q60 **Andy Slaughter:** It did look a bit gimmicky. That was certainly the view of Inquest and others. Maybe that was because of its being attached to a Minister resigning—shock horror, if a Minister lasts a year in any Department these days. It would be useful to see if there were some actual consequences going through.

In particular, you mentioned some positive indicators. The figures were published in August. I have a vested interest, clearly, in Wormwood Scrubs. That was one of the two prisons where the results were exactly the other way. Towards the end of the year, assaults on prisoners and staff had gone up 50% in the Scrubs. Overall, deaths had gone up 20% comparing the year before and the year of the project; there were six deaths rather than two in the Scrubs, so there were some pretty horrific consequences. If you are going to get a lot of publicity out of saying, "Look at what we are doing," you also need to analyse and learn the lessons from it.



Lucy Frazer: We are doing that. I was not involved in choosing the 10, but we did not pick 10 easy ones. The Scrubs was a particularly challenging one: a Victorian prison in London with significant historical issues. You are right to say that the results in the Scrubs were not as good as some of the other prisons. I met the governor in the Scrubs about two months ago. She was of the view that there were green shoots—I don't think she used that terminology—and the beginning of the possibility of turning the Scrubs around. We are continuing to support the Scrubs in a number of ways.

Q61 **Andy Slaughter:** I would be keen to learn about that as well. I was slightly surprised when you said earlier, when you were talking about Liverpool and the Scrubs, that you had some positive visits there. I am sure there are some positive things, including talking to some of the inmates and the staff, but overall it is a pretty dire place. As you yourself said, it has had challenging legacy issues over decades, not just over years.

There was the brief prospect, as one Lord Chancellor said, of these prisons being phased out. You have said that that is simply not going to happen. The problem—not just in prisons—is that you say, “We are going to get rid of these, so we don't need to do anything. We don't need to do the maintenance and we don't need to improve the conditions there.” If you are going to keep it, it needs huge investment and improvement if it is going to be fit for purpose. Where are the plans for that?

Lucy Frazer: We recognise that. As I said, we are continuing to work with the Scrubs. They had some maintenance as part of the programme. They had some window replacements in their estate. They have had investment in leadership.

Adrian Scott: I was going to return to the original question around the 10 Prisons Project. We have taken a lot of learning from it. The Minister has articulated a lot of that. Leadership is clearly one of the things that we learned, and we strengthened that in all of the 10 prisons. We will take that across the whole estate. There is a whole programme of activity around leadership.

Investment in security is clearly driven from the 10 Prisons Project as well. We have learned about scanners and the value they bring in reducing crime in prisons, which will then help us in bringing stability and safety into those establishments. We have also learned about living standards. Again, that refers to the increased investment in maintenance and the use of prisoners in bringing some refurbished cells back into action.

At a high level, that is the response in terms of what we have learned from 10 Prisons. We are now implementing those things, as the Minister has articulated. I am happy to provide further details around that as appropriate.



HOUSE OF COMMONS

Q62 **John Howell:** I want to raise the question of the use of force by prison officers. I understand that you have undertaken an equality impact assessment. Can we have a look at that, please?

Lucy Frazer: Can I get back to you on whether we can do that? If we can, of course we will do so.

Q63 **John Howell:** Could you confirm that you have undertaken one?

Adrian Scott: I am not aware of that, so we would need to take that away and come back to the Committee on that.

Q64 **John Howell:** It would be really nice to see that, because the results of it seem to suggest that the use of force takes place more on younger people, black people and Muslim people. That suggests that the impact of the use of force in prisons is not evenly spread.

Lucy Frazer: I will get back to you on the impact.

Q65 **John Howell:** Does the use of force by prison officers actually make prisons safer?

Lucy Frazer: Where force is used, of course there are boundaries. We have introduced PAVA to ensure that there are other mechanisms available to prison officers.

Q66 **John Howell:** How do you ensure that the use of PAVA is not disproportionate?

Lucy Frazer: Obviously, we are not rolling it out until we are satisfied as to how it is being used and that people are trained in relation to it. We will of course monitor it.

Q67 **John Howell:** How has the training process gone? How many people have been trained to use it and how many people are using it?

Adrian Scott: I am sorry, I don't know. We will need to get back to the Committee on the detail around PAVA. I am afraid it is not an area I am familiar with.

Q68 **John Howell:** Will you please come back to us on all of these questions?

Adrian Scott: Yes, of course.

Lucy Frazer: Yes, we will.

Q69 **Chair:** I am sure you remember, Minister, and Mr Scott, that when the PAVA roll-out was undertaken the Equality and Human Rights Commission brought a judicial review against the Secretary of State's decision. Do you remember that?

Adrian Scott: Yes.

Lucy Frazer: Yes.

Q70 **Chair:** It was in consequence of that litigation that it was said—I think it



HOUSE OF COMMONS

was in the disclosure in the litigation—that the Ministry had carried out a more detailed equality impact assessment, hence Mr Howell’s question, and that that impact assessment revealed disproportionate use of force in prisons against younger people, black people and Muslim people, which the Ministry of Justice was unable to explain. How come you are not aware of that, Mr Scott?

Adrian Scott: I was aware of the human rights issues, but the operational delivery of prisons is clearly not within my command. That is within the director general—

Lucy Frazer: We will get back to you.

Q71 **Chair:** But you must be sighted of that, Minister. You will remember that now.

Lucy Frazer: Yes. Can I get back to you on it?

Q72 **Chair:** The action was discontinued. Did you sign off the discontinuance of the action on undertakings being given by the Department?

Lucy Frazer: When was that?

Chair: I will double-check for you. Perhaps it was before your time as Minister, in fairness. I do not know if any officials can help you. The then Minister, one of your predecessors, probably did it. It would be helpful to know that.

Lucy Frazer: I definitely will look into this and we will get back to you.

Chair: It was in the summer, so it was probably when you were SG.

Lucy Frazer: I will look into it and get back to you.

Q73 **Chair:** Perhaps you can help us on that, because if there is more that was discovered, which I think is the point of Mr Howell’s question, we would like to know what is being done to put it right.

Lucy Frazer: Of course. It is a very important area and we will get back to you.

Q74 **David Hanson:** The female offender strategy says as one of its main priorities that, “Short custodial sentences do not deliver the best results for female offenders.” Nearly two thirds of prison sentences for women are now less than six months. What is the strategy to reduce the number of short sentences?

Lucy Frazer: The strategy is to identify that prison is not always the best place—that is the culture—and to put in a number of mechanisms to ensure that. One of the mechanisms would be that at the sentencing stage the sentencer has available to them a full pre-sentence report about the woman to be sentenced, including, for instance, whether she has any dependants, so that the sentencer can take into account any alternative and more appropriate sentence than prison.



HOUSE OF COMMONS

Q75 **David Hanson:** Is it a target for the Government to have no women in prison for less than six months?

Lucy Frazer: We recognise that alternative arrangements are often better for women.

Q76 **David Hanson:** In 2018, two thirds of prison sentences for women were less than six months. In 2022 or 2023, how many prison sentences would you expect proportionally for women?

Lucy Frazer: We recognise, and it is our policy to ensure, that there are good alternative provisions that are not custodial.

Q77 **David Hanson:** Will women still go to prison for under six months under your Government's proposals?

Lucy Frazer: As you know, we are not banning short sentences across the board. It is for the person handing down the sentence to ensure that the appropriate sentence is given. What we want to do is ensure that there are credible options that people believe in and that they have all the facts in front of them when they make their decision. Those are things that we are actively putting in place.

Q78 **David Hanson:** There is a figure of £5 million in place for two years to deliver the priorities in the strategy. Members of the Advisory Board on Female Offenders, a Government body to advise on female offenders, have said that the funding is simply not sufficient to achieve its ambitions; funding is simply "not enough." Are you taking the advice of your advisory board members?

Lucy Frazer: You are right to identify that we had £5 million. We have some great projects that have received that funding. We have committed to ensuring that we will attempt to secure funding in the future for the projects and the offender strategy going forward.

Q79 **David Hanson:** How much additional funding would you attempt to secure in future?

Lucy Frazer: We want to ensure that the strategy is successful and will do what we can to ensure that that is the case.

Q80 **David Hanson:** Is £5 million sufficient for the strategy to be successful?

Lucy Frazer: The £5 million is what is already in train with a number of good projects. We now need to look to the future as to what we need to do going forward.

Q81 **David Hanson:** If the advisory board that is advising you says that funding is simply not sufficient, are you confident that you will secure sufficient funding?

Lucy Frazer: Alas, I do not hold the purse strings, but we will do what is required and will do our bit to try to ensure that we get sufficient funding.

Q82 **David Hanson:** What bid are you putting forward additionally, over and



HOUSE OF COMMONS

above the £5 million?

Lucy Frazer: When we have further information for you on that, I will provide it.

Q83 **David Hanson:** There are five promised residential women's centres in England and Wales. Edward Argar promised those and said that they were looking to provide those as pilots shortly. When will the first of the five be open?

Lucy Frazer: We are still working on that and will let you know when we have committed to where the pilots will be and when they will come into operation.

Q84 **David Hanson:** Give us a ballpark figure. Am I expecting them to be this year, next year or the year after?

Lucy Frazer: We will let you know. It is something we are actively considering.

Q85 **David Hanson:** Is there a time when you can let us know when that will be?

Lucy Frazer: If I can give you further clarity I will let you know, but I can tell you that we are actively looking at it.

Q86 **David Hanson:** On 27 June 2019, a written statement by the then Minister noted the conclusion of the first phase of the consultation and said that there would be a residential women's centres pilot in at least five sites across England and Wales. Surely, if he put down a written statement on 27 June 2019, there must be five sites potentially identified or a timescale for them.

Lucy Frazer: We are looking at them. We have thought about it very carefully. I am not in a position to announce today what we will be doing, but I can tell you that since I have been in place, for a few months, we have been looking at it and we will get back to you shortly.

Q87 **David Hanson:** I understand that there are always problems and challenges in Government, but if the commitment is there for five sites I am interested in what the timescale for the announcement is—not the announcement today; I would not expect that—and potentially whether or not there is additional money required to achieve that objective; whether it was an over-promise or whether it was a promise that could be made; how much it is going to cost; and when the delivery will happen.

Lucy Frazer: We still remain absolutely committed to the female offender strategy that we put out, and we would like to see it successfully rolled out.

Q88 **David Hanson:** If you came back to the Committee in 12 months' time, for example, would we be asking the same questions? Would we have an opportunity to be able to say that we have started? What would happen?



HOUSE OF COMMONS

Lucy Frazer: I know it is very frustrating, and I would like to give you that answer, but I am not committing to something that I cannot give you with clarity. When we have news to tell you, we will absolutely do that, but I am not in a position to tell you today.

Q89 **Chair:** You are absolutely committed to the female offender strategy, you say, Minister. Are you committed to the five pilots?

Lucy Frazer: Yes.

Q90 **Andrew Griffiths:** My questions are on women and baby units. We know that women who give birth in prison are allowed to keep their baby with them for 18 months. That is an important part of the bonding process and the development of their children. Women who already have a child under the age of 18 months are able to apply to bring those children with them. However, a report by the Joint Committee on Human Rights found that 50% of women who apply to have their baby with them are denied that right. Do you think that is acceptable, Minister?

Lucy Frazer: We know that it is important that women are with their babies. We know that there are consequences for children when their mother goes into custody. That must be particularly acute when they are first born, so we must ensure that women are able, if it is appropriate, to remain with their babies. We have some very good mother and baby units in prison estates.

Q91 **Andrew Griffiths:** Just not enough of them.

Lucy Frazer: Yes.

Q92 **Andrew Griffiths:** I understand that the Department is reviewing mother and baby units.

Lucy Frazer: Yes, we are. Not only are we reviewing them but, following the tragic incident at Bronzefield, we have brought forward that review in time. We recognise that this is a very important area that we need to look into imminently. It has already started.

Q93 **Andrew Griffiths:** Do you know when it will be completed and when we can expect to see the findings of the review?

Lucy Frazer: If you give me a moment, I might be able to tell you the answer. No; all I can tell you is that the review is already in place and we are expediting it. I can get back to you.

Q94 **Andrew Griffiths:** Can you tell us how many mothers are unable to access a mother and baby unit in the Prison Service at the moment?

Lucy Frazer: Can I get back to you on the precise figures?

Andrew Griffiths: Do you know how many women have access to a mother and baby unit?



HOUSE OF COMMONS

Lucy Frazer: There is an issue about data and pregnant women, and we recognise that there is an issue about data and pregnant women.

Q95 **Andrew Griffiths:** I am not talking about pregnant women; I am talking about women who have had a child and have it with them in prison. Can you tell us how many there are?

Lucy Frazer: I cannot tell you now. It is possible that that information is available locally. I can get back to you.

Q96 **Andrew Griffiths:** Do you have any idea how many women have a child in prison and are never able to have that child with them? When they are pregnant in prison, there is a transition process by which they notify the prison authorities and apply to go to a mother and baby unit. The Prison Service is aware of this and it is supposedly planned, but how many women in our prisons never get to have their child with them because there are not enough places?

Lucy Frazer: Can I get back to you with the particular statistics?

Q97 **Chair:** The Department knew that we would talk about these topics, Minister. We are a bit frustrated that nobody seems to have data on any of them.

Lucy Frazer: I am sorry, but I can only get back to you.

Q98 **Ms Marie Rimmer:** Your predecessor advised the Joint Committee on Human Rights that the introduction of the women's policy framework would ensure that women were able to access the care they needed when they needed it, that they would have an individual management plan that would be communicated to staff, and that they would be seen by a midwife at least fortnightly or as required. Where there were no midwives in prison, they would have access to the labour ward for advice. Could you tell us what has happened to that? Has it been introduced?

Lucy Frazer: All pregnant women are provided with the local NHS pregnancy advice line number. There are fortnightly multidisciplinary maternity boards for all pregnant women. We therefore ensure that local midwifery services are fully engaged with the prison and ensure social support services. Since we had the incident in Bronzefield, the prison group directors for female offenders have all got together and put in place some additional provisions, which include hourly welfare observations during the night of pregnant women post 28 weeks.

Q99 **Ms Marie Rimmer:** But there is no accurate data collected as yet.

Lucy Frazer: As I mentioned, data is a real issue. The issue on data is not just the collection of data but the disclosure of data. We are aware, for instance, that not all women want to disclose that they are pregnant. This is something we are actively looking at and responding to in relation to the report.

Q100 **Andy Slaughter:** It is now longer since IPPs were abolished than the



HOUSE OF COMMONS

period when they were in force. They were in force from about 2005 to 2012, and no new ones have come into effect. It is entirely a legacy issue. There are still about 2,000 people serving IPPs. What are you going to do about that?

Lucy Frazer: We have already done a number of things. We have already reviewed people serving IPPs to see whether they could be released. We have already undertaken that review, and there have been some IPP prisoners released subsequently. We also need to ensure, when those IPP prisoners are in the estate, that, in the course of the programme and support we give them, we offer them hope and support. We recognise that it is very challenging for them.

Q101 **Andy Slaughter:** Those serving now are mainly over tariff, for obvious reasons. Have they all had a review?

Lucy Frazer: All of those cases have been reviewed.

Q102 **Andy Slaughter:** In addition to their ordinary probation review.

Lucy Frazer: I believe so, yes.

Q103 **Andy Slaughter:** It would be useful to know that, and what the outcome is and how many were released.

Lucy Frazer: I can give you the statistics for that. There have been a number of releases as a result.

Q104 **Andy Slaughter:** I am sure you have had constituency cases of your own, and you may have seen some of the recent TV coverage, which has been fascinating. It is an overused phrase, but the situation people are in is Kafkaesque. I have examples of people who should have been transferred to lower category prisons as a requirement, but they have not been, or they have been moved around. In other words, you can genuinely say that a fault in the system is preventing this. A criterion is set—it might be a course or a transfer or something of that nature—but the Prison Service is unable to perform it and therefore a year or two years will pass. Clearly, the criteria have not been met because they have not been available. That must be wrong, mustn't it?

We have had a series of Ministers saying that it is wrong, but if it is being resolved at all it is incredibly slow. You are a relatively new Minister in post. I am assuming that you agree with your predecessors that we want to resolve the problem. Ideally, we should not have anybody on an IPP now, even if they have to be resentenced. What is your scheme for achieving that?

Lucy Frazer: As I mentioned, we have reviewed the sentences. This is an important area because you have to balance the dreadful position these prisoners find themselves in with the need to protect the public. If their cases have been reviewed and the Parole Board has determined that it is not appropriate for them to be released because they could not be



HOUSE OF COMMONS

released safely into the community, you have to remember that one of our duties is to protect the public. It is a very difficult balance.

The Parole Board is criticised from time to time for releasing people into the community who then go on to commit serious further offences. It has a duty to ensure that people who are released are not a danger to the public. That is the balance with this very difficult cohort, but I understand the challenge that you identify. It is a difficult area.

Q105 Andy Slaughter: I am trying to understand the Government's sentencing policy. It just seems to be a series of pre-election soundbites at the moment, frankly. You have decided to increase the period to be served by serious offenders. That is generally seen as an alternative and was available to the court in any event. Now you have just removed discretion from judges. If that is your solution, why won't you look at the option of resentencing, so that at least there can be some certainty in the system?

As I understand it, the reason IPPs were abolished by Ken Clarke when he was Justice Secretary was that he did not like the idea of there being a lack of certainty and that IPPs had been extended beyond the narrow category of very dangerous people. It is all very well saying that it is difficult, but you need to come up with a solution. Is that solution resentencing, assessing the individuals, the nature of the case and the current circumstances, and then putting a definitive sentence on that? That seems to be your policy elsewhere.

Lucy Frazer: Can I correct your assessment of our sentencing policy? I don't think it was 100% accurate. At the moment, there is an ability to have an extended sentence if the sentencer thinks that the person before them is dangerous or for certain violent crimes. They are released two thirds of the way through, not automatically at half.

The number of people who get that sentence is much smaller than the number of people who are committing violent crimes. What the policy does is ensure that those who commit violent crimes are released at two thirds and not halfway. There is an existing mechanism for a small cohort.

Q106 Andy Slaughter: But you do not trust the judges to deliver that.

Lucy Frazer: It is not that we do not trust the judges. As you know, I worked in the justice system for many years, and I have great respect for the judiciary. It is that they have to categorise someone as dangerous, so they have a particular threshold to pass before people are released at two thirds. We are changing that.

We might look at whether there are reasons why someone should be released early, but the starting point is that the sentence that is handed down is the sentence that the victim thinks the perpetrator is going to get. There might be a challenge in resentencing people once they have got a sentence, but it is important that we review people who are



HOUSE OF COMMONS

currently in prison as to whether they can be released safely into the community, which is what we have done. We can continue to look at that and see if there are any other ways in which we can protect that very important cohort of people.

Q107 Andy Slaughter: You do not seem to be offering any hope of resolution. I have suggested one or two possibilities. Another would be a more detailed review of the individuals now that the numbers have reduced to 2,000 or whatever it is. That would be not necessarily to release but to say, "This is what the requirements are and we are going to prioritise that." You do not seem to be offering anything new that might resolve the issue, so it could drag on for many years. We have some people who are five times over tariff.

Lucy Frazer: I understand the issue, and we will continue to look at it.

Q108 Chair: Minister, part of the rationale that the Lord Chancellor gave us last week, and which was in the Queen's Speech around the sentencing Bill and some of the changes, was that there needed to be more honesty and transparency in sentencing.

Lucy Frazer: Yes.

Q109 Chair: Some of us would agree with you about that. Can you see the point that the difficulty with the IPP sentences is that there isn't any transparency or perceived honesty in sentencing, because they do not meet the test that you are trying to achieve elsewhere—that the sentence served bears some relation to what is handed down? On reflection, would there be an opportunity in the sentencing Bill to do what at least one former Lord Chief Justice has suggested and bring in a legislative change to resentence at what is the appropriate determinate level? Sometimes that may well be a long one, because people are dangerous and cannot safely be released, but at least everybody would know where they stood.

Lucy Frazer: That is a very good way of putting it. Let us reflect.

Q110 Andy Slaughter: We have talked about longer sentences and more people going to prison. I do not know whether you have talked about this, but there seems to be a clear change in Government policy on short sentences. Your predecessor but one and the previous Lord Chancellor seemed very committed to reducing, if not eliminating, sentences of six months or under. That is no longer the Government's policy, is it? Are you expecting any change?

I am trying to find where that was announced or where it is set down as a policy, and what the analysis of it is. Are we going to stay at the same numbers? Is there going to be an increase in the prison population as a result? Given the cogent arguments that were put forward by Government in the last few months as to why they were a bad idea, where is your justification for them now being a good idea again?

Lucy Frazer: The Lord Chancellor is very committed to ensuring that there is a range of sentencing options available to judges when they hand



HOUSE OF COMMONS

down their sentence, which must include strong community orders that are real alternatives to prison. If we have that suite of sentences available, it is possible that, without banning short sentences, you will achieve the result that everyone gets the appropriate sentence that is handed down. I believe the Lord Chancellor will be putting together a White Paper to raise and discuss these issues.

I understand your question, given that there has been a change of Ministers, but I think there is still a commitment to ensuring that, where a prison sentence is not appropriate, an alternative sentence should be available.

Q111 Andy Slaughter: Would it be fair to say that your policy is not to abolish them but to avoid sentences of six months and under wherever possible? Is that your own view?

Lucy Frazer: I am not in charge of sentencing policy. That sits with another junior Minister and the Lord Chancellor. I think that a policy that protects the public and ensures that the sentences handed down for violent offenders reflect the offence is appropriate. We have talked about rehabilitation and stopping reoffending, which is really important. If we can have provisions in the community that achieve that, and if we can then use our Probation Service, with the new unified model, to achieve it, those are things I would be in favour of.

Q112 Andy Slaughter: Does the Department have the same view that it had six months ago, which is that short sentences should be avoided wherever possible?

Lucy Frazer: I think you put these questions to the Lord Chancellor. As I mentioned, I am not in charge of sentencing policy.

Chair: We will probably have to leave it there, because there are one or two other issues we want to deal with briefly before we finish.

Q113 Andrew Griffiths: Minister, a particular interest of mine is mental health. Would you say that suicide and mental health in prisons is a priority for the Department?

Lucy Frazer: Yes.

Q114 Andrew Griffiths: What exactly are you doing to improve mental health and reduce suicides in our prisons?

Lucy Frazer: We have a number of programmes already in relation to mental health. I went to HMP Send, and what they have there is a therapeutic community; there is a very extensive programme that goes on for two years to turn people around in terms of the support they get. In fact, one of the women I saw there had been in for 10 years. She was coming up for parole, and I said, "How do you feel about that?" She said, "I actually don't want to be released because I'm in the middle of this programme and for the first time I'm getting the support I need."



HOUSE OF COMMONS

We have some excellent programmes. We obviously work very closely with the NHS to ensure that they deliver the mental health support. We are a key player but the NHS provides the clinical support. We have trained our prison officers about self-harm so that they have some level of expertise in relation to the work they do. We have introduced the key worker scheme, which would deal with low-level mental health support, so people feel that they are supported.

There is of course more that we could do. This is a particular interest of the Lord Chancellor, as it is of mine. We are at the moment developing what we can do in terms of mental health, and the changes to probation offer us a real opportunity to ensure that we support people, as do the community treatment orders that we have.

Q115 **Andrew Griffiths:** What analysis do you have of the number or percentage of people in our prisons who suffer from a mental health problem?

Lucy Frazer: We have that number. I had a meeting yesterday or the day before where we were discussing the number. I do not know whether I can share the number with you; it is way too high.

Q116 **Andrew Griffiths:** What is the number or percentage of people in our prisons who are under some sort of medication for mental health?

Lucy Frazer: Equally there is—

Q117 **Andrew Griffiths:** Is it increasing or decreasing?

Lucy Frazer: I don't know. This week, I saw the number of people who have a formal diagnosis of a mental illness. I do not know whether I can share that.

Q118 **Andrew Griffiths:** Would every one of our prisons across the country have access to some sort of talking therapy for prisoners?

Lucy Frazer: What we have is a framework with the NHS. We have a partnership framework that identifies that we should have equivalence of care in the community. Of course, mental health services, when you are not in prison, are available but not always immediately. We should have equivalence of care in prison.

Q119 **Andrew Griffiths:** But you do not know whether each of our prisons has access to that kind of therapy.

Lucy Frazer: I would be surprised, as I would be in the community, if everyone was getting the level of mental health support they needed, because we have in the general population a massive need for mental health support. I know as a constituency MP that people are not always getting the level of support they need.

Q120 **Andrew Griffiths:** That was not quite what I was asking. I was not asking whether there was enough; I was asking whether there was any in our prisons.



HOUSE OF COMMONS

Lucy Frazer: There should be support in prisons. In the prisons I have been to, I have seen their NHS services and spoken with their NHS teams. People do not always take it up. I was in a prison the other week and someone had a drugs issue. I said, "What support are you getting?" He said, "None." I said, "Why not?" He said, "Well, it's down to me, isn't it?" There is an issue about ensuring that people take up services that they are offered.

Q121 **Andrew Griffiths:** Do you think you could write to the Committee outlining the access to talking therapies; the number of prisons where that service is available; and your analysis of prescription medication in relation to mental health in our prisons?

Lucy Frazer: We can do that. Absolutely.

Andrew Griffiths: It would be helpful if we could see the figures.

Lucy Frazer: Yes.

Q122 **Chair:** That is very helpful. Can I quickly raise a couple of other topics before we finish? In the same way as there are pressures around mental health, there is real and growing concern at the difficulties we have with an ageing prison population.

Lucy Frazer: Yes.

Chair: You have probably seen some comments by the Prison Officers Association today expressing concern around that. Do you share those concerns?

Lucy Frazer: It is a concern that we have. Because we have a large prison population and some long sentences, I am concerned that we are going to have an increasingly ageing population. We have high dependency units; for example, we have a high dependency care unit at Norwich.

As we build our prisons, we think about what provisions we should be making for a more elderly population. For example, at Wellingborough we are aware that we might need wider corridors and various things. We are taking that into account as we build. We have an updated guide to governors on this cohort. I do not know whether you saw that the chief inspector said last year that we were doing good ongoing work in the area. It is a problem that we actively need to grapple with.

Q123 **Chair:** You will have seen that the HMIP and CQC joint report "Social Care in Prisons" of October 2018 said that prisons and local authorities—it is not unique to one—are failing to plan for the future needs of a growing population of elderly ill and frail prisoners. You have an MOD—a model for operational delivery.

Lucy Frazer: Yes.

Q124 **Chair:** That is a framework for governors. Given that we know that the



HOUSE OF COMMONS

percentages of over-50s, over-60s and over-70s are all going to increase—it is about 19% in the over-70s because of course there will be catching up with very serious types of offences—don't we need a proper strategy? We have a strategy for female offenders. Isn't it time that equally we had a strategy for this very difficult cohort?

Lucy Frazer: Yes, that may well be a very good idea. As I said, we have an updated guide for governors, but it is an area that needs more concerted thought and action. We are thinking about it.

Adrian Scott: Clearly, the cohort will be part of the longer-term estate strategy. There will be the female estate and the older prisoner cohorts, and so on. They will be picked up as part of that.

Q125 **Chair:** It may be that we need a strategy overhaul.

Adrian Scott: For criminal justice more widely, yes.

Q126 **Victoria Prentis:** Are you aware of how big the cohort is? To those of us approaching 50, over-50 might not seem like an older person, but many people in prison, with substance misuse issues in particular, definitely fall into the older prisoner category at over-50. The cohort is now about 17% of the prison population.

Adrian Scott: That is my understanding, yes.

Victoria Prentis: About 14,000 prisoners.

Adrian Scott: Yes.

Victoria Prentis: Considerably bigger than the female estate.

Adrian Scott: Yes. That is why I say that part of the long-term strategy is absolutely that. We all recognise that this will be an increasing problem in the short, medium and longer term, which we are going to have to deal with as a custodial estate. Absolutely.

Q127 **Chair:** The final thing I was going to ask you, Minister, is this. We nearly got through it without mentioning the topic at all, but, were it ever to be necessary, are you able to be confident that you can guarantee the supply of all prescribed drugs that are necessary for physical and mental health, for the older population and pregnant women—all the various uses of drugs—post 31 October?

Lucy Frazer: I am as confident as I can be. I have had joint meetings with the Prison Service and NHS England. It is obviously their duty and responsibility to supply drugs. I have had meetings with them, drilling down on the detail and on their preparations. We had an inter-ministerial/non-exec board meeting yesterday as a Department looking at all aspects of no-deal planning, of which this was one.

As a Department, we have undertaken a lot of work to ensure that we would be able to continue to operate our prisons and our courts if we



HOUSE OF COMMONS

were to leave without a deal. We have done a considerable amount of work on that area, including that particular point.

Q128 **Chair:** It has had a great deal of publicity. You are satisfied that prisoners will be in no worse state.

Lucy Frazer: There are obviously contingency plans, if a particular drug is not available, as to what would be an alternative drug and where people would get them. The issue has been actively looked at.

If you are coming to an end, I can answer the question about attrition rates. Some 11.5% of staff with a permanent contract of employment left HMPPS, including early retirement; 10% of those were band 3 to 5 officers.

Q129 **Victoria Prentis:** Do you know what proportion of them were dismissed for bringing drugs into prison, for example?

Lucy Frazer: I do not have that on my note. I am not sure whether we collect that data.

Victoria Prentis: We do.

Lucy Frazer: I am sure we can make that available to you from our vast amount of data collection.

Q130 **Victoria Prentis:** When we asked that question several years ago, we got a figure that was very high. It is always worth checking.

Lucy Frazer: I am very happy to give that information.

Q131 **Chair:** You have undertaken to come back to us on a number of areas. We will exchange notes to make sure that happens.

Lucy Frazer: I definitely will, and we will definitely fulfil our promises to give you further information.

Chair: Thank you very much, Minister, and Mr Scott, for your time and your evidence.