

Criminal Justice Alliance Members Meeting

Thursday 6 July 2017 10.00-12.00

The Foundry, London SE11 5JH

Peter Clarke, HM Chief Inspector of Prisons

Thanks for the kind invitation to speak to you this morning. In the past I sat for three or so years on the Board of the Charity Commission and as a result have a great appreciation of the breadth and depth of charitable endeavour in this country. This has only been reinforced by what I've seen in prisons. There is, however, still a lot more jails could do to improve the amount of work the third sector does by better co-ordination.

You're going to get a bit of preview of my annual report. I think any sensible person would agree with the basic premise that the government has put forward around reform in prisons, that they should become places of progression, reform and education, rehabilitation and resettlement to enable prisoners to re-enter the community and lead good and useful lives. From where I stand, I'm firmly of the belief that there are a range of things that will get in the way of achieving that aspiration unless they are tackled seriously.

I'd like to touch upon what role inspection can play in improving our prisons. As you'll probably know, the Inspectorate doesn't exist in law but the Chief Inspector does. Legislation was going to change that but it has fallen away, it's a massive missed opportunity. The statutory role that I have is to report to the Secretary of State on the treatment of prisoners and condition of prisoners. We are independent because we say so, nowhere in law does it say so.

We are an inspectorate and not a regulator; we report on what we see. We don't judge against government policy. Sometimes we hear back that such and such complies with prison rules or government policy. We say that's very interesting but completely irrelevant. We inspect against international human rights standards. It ensures our independence.

We inspect against OPCAT to which the UK is signed up. That's the cornerstone of our independence. Part of the protocol is that there must be independent inspection in places of detention. We assert our independence through our methodology and the timing of our reports and the contents. No Secretary of State has tried to suggest to me what should be put in our annual report. (It has happened to my predecessors.)

We need to have impact, through the power of our voice. There was going to be a personal responsibility in the draft [Prisons & Courts] Bill on the Secretary of State to respond when there were major concerns found in certain prisons but that's gone now. We are trying to see what we can achieve to meet the aspiration of that lost Bill through administrative action.

We look at immigration detention, police custody and court cells. We also look at military detention which is something of a delight because they do what they're told. We report and tell uncomfortable truths. We try and inform policy and secure improvement through impact.

The biggest issue for us at the moment is safety. The only problem about focusing on safety is taking your eye off what I see as the strategic backdrop to the decline which is the dilapidated prison estate, the understaffing and overcrowding. And we've almost become inured to that. HMPPS is looking at a whole range of structural reform, they are

talking about autonomy, empowerment, devolvement etc. This is all great stuff but it's not going to make prison safe or remove the structural blocks to reform.

There are five things that matter. The violence, which drugs sit behind, too many people with mental health problems in prison that shouldn't be there, the living conditions which are a total disgrace in the 21st century and the fact we have an ageing prison population which the current estate is not configured to deal with. Their care distracts staffing resources from providing a decent regime. All this leads to restricted access and impoverished regimes. So people aren't getting out of their cells to access training and education to help them with their resettlement. This all impacts on levels of safety.

There have been huge increases in the levels of assaults and self-harm incidents. Self-inflicted deaths are at their highest numbers ever. All too often the response to this is bring in a more restrictive regime with prisoners spending more and more time in their cells, unable to access services.

I'd suggest the biggest single issue that has led to instability in prisons is NPS [new psychoactive substances]. It's different to what jails have seen before. Fifty eight deaths linked to them so far. We survey prisoners when we conduct our inspections. Thirty seven per cent of inmates are telling us it's easy or very easy to get drugs. In some jails that's up to sixty per cent. The impact is frequent - major incidents, ambulances queuing outside jails, extremely serious self-harm. Often twenty per cent of prisoners say they develop a drug issue in jail. There hasn't been a really coherent supply side reduction strategy. Technology is old. There's the elephant in the room that is staff corruption. Searching regimes are intermittent as well as the use of intelligence. More needs to be done to stop substances getting into jails.

There are obvious mental health gaps in jails. After someone has been diagnosed as requiring a secure bed outside the prison estate there is a target of 14 days for that to happen. Seventy three per cent of the time that isn't met. I've seen segregation units being used to hold people with mental health issues where the judgement has been made that they can't be safely housed on the wings. You don't get many less therapeutic environments than segregation units. Seventy per cent of those who commit suicide in prison have been diagnosed with a mental health issue.

In terms of the ageing prison population, it's getting larger because of sex-offender inquiries. By 2020 twenty per cent of the prison population will be over fifty. The average local prison is simply not prepared for this. There's no overall strategy to deal with this. Fifty nine per cent of older prisoners report long term illness or disability. A jail is not a place for long term residential care for elderly or disabled people. There needs to be some serious rethinking about this, possibly a new type of custody, such as an old persons' home with a wall around it. These people aren't at danger of instant violence. We need to start a debate on how we treat elderly and disabled prisoners because the resources they need in category B and C prisons are huge.

Doubling up is something we are looking at closely. A large number of cells contain a lavatory, without a screen with two people per cell where they have to take all their meals. I find this completely unacceptable. Eating and sleeping in a lavatory effectively. We need to do something about this.

The access to daylight and exercise is not good enough. In YOIs I've gone to I've seen that the boys are simply not thriving, unsurprisingly because they are locked up for twenty three hours a day.

There needs to be a strategy to reduce overcrowding. We don't make policy so I don't have a view on whether there should 10,000 people locked up or 200,000. That's a matter

for government and sentencing policy and so forth. What I do say is that however many you decide to imprison you should do so decently with an opportunity for those to progress and reform and come back into community. There needs to be a drug reduction strategy. Mobile phones are rife, they lead to drugs in the prisons. There is technology out there that is not being used.

Violence needs to be reduced. There needs to be a proactive intelligence led approach to this. Too often there is an acceptance of too much low level misbehaviour due to low staffing levels which in turns leads on to bigger problems and more violence.

It would be helpful if there was a concerted effort to implement the recommendations that the Inspectorate makes. For the first time ever, more of our recommendations this year have not been achieved than will be achieved. More not achieved than achieved. That's a poor position to be in. This needs to be addressed. It's down to a lack of line management from HMPPS.

Often I give feedback to the governor and senior team and say that things need to be improved, you need to get a grip as a leadership. Then afterwards the group director of custody has said I totally agree. Which leaves me thinking what the hell have you been doing while this place has been declining? I don't sense the top down grip of what to do. Unless there is a requirement from line management that certain standards are met I think it's an upward struggle to make real improvements in safety in our jails.

There is not a crisis in every one of our jails. The high security estate is working well. They haven't suffered the same reductions in staffing. By and large the women's estate is working well. We have to be concerned about the level of self-harm but by and large there is a lot of excellent work being done. And the open prison estate is doing what it should be.

Q&A

Ellie Pearson, The Wallich: Will the opening of the new prison in North Wales help improve culture across the prison estate? It's trying to adopt a new culture along the Mandela Rules.

PC: I hope so. But I need to wait some time before I can go to visit it. It needs time to settle. I've heard positive things about the culture and the training of the staff. I know there are concerns about the number of double cells there.

Khatuna Tsintsadze, Zahid Mubarek Trust: What are your perceptions of the levels of discrimination within prisons?

PC: Shocking the levels of discrimination still exists. Only one per cent of complaints against officers are upheld, if the complaint is about another prisoner 80 per cent are upheld. The lack of independence into the inspection of allegations of discrimination is troubling.

Ciara Cinnamon, Khulisa: How can we tackle the inertia in certain prisons to change and reform? What are your views on performance tables and is there something that could be done around public pressure.

PC: I'm not convinced performance tables are a good thing to do in prisons. Prisons are incredibly complex environments. The state controls every aspect of a person's life. It has hospitals, dentists, education, training. They are inherently dangerous places. If you put all these things together on an OFSTED model and say that a prison is outstanding, it runs

the risk of smoothing things far too much. You can get a prison that is actually doing very good resettlement but is still inherently dangerous. Education provision can be good in a prison but only a small percentage [of prisoners] can actually get to the education. I'm worried about the smoothing effect of over-arching judgements. You need to look at every aspect of a prison.

Performance tables are difficult. What's going to happen when you are bottom of the league? The jails are so different in all their complexities that to find meaningful comparators to put into a league table would be really difficult. It's not as though there is a choice about which jail you are going to go to. It's not like choosing a school.

I'd love to see more public pressure. Some of the things I've seen in prisons should be a public scandal, but it's not because it's behind bars. For example in some prisons there are cockroaches running rampant in cells.

Mark Blake, BTEG: Is the potential role of devolution being maximised? I believe improvements could be made if there was more local accountability at a local level.

PC: I don't mind how it's achieved so long as it's meaningful and there's a means of driving improvement and getting investment in. Jails have been starved over the last six years of people and investment and therefore they have declined. I don't take a view on whether progress should be generated from a local or national basis.

Frances, RDA: Should we be looking more about the reasons why people are taking more drugs in prison instead of focusing on how drugs are getting in? How do we address the underlying issues that are increasing drug use?

PC: We need to also focus on demand reduction. It seems to me pretty obvious that if you are keeping people locked up for a long time with no activity you need a 'bird' killer and drugs can help. Improving conditions and having people fill their days with meaningful activity should help things. There needs to be a whole prison approach to this issue.

Sam Boyd, Switchback: There are difficulties for charities trying to get access to prisoners and quality data, such as release dates being incorrect. Is the role of charities something you look specifically at?

PC: We do look at it. We've been revising our expectations and there is going to be a new section reporting on the third sector and one of the things we have put in there is that there should be a specified member of the senior management team within prisons with particular responsibility for co-ordinating the activity of charities within the jail. All too often it just doesn't happen.

Mark Castle, Catch22: There is increasing frustration with vetting problems. We're losing people because it takes so long. There are also huge barriers for people with convictions accessing work within criminal justice when often they are the best people to work to help others reform.

PC: The vetting process is too slow, right across government, not only the charitable process. Even when I took up this job, and I'd had the highest clearance around national security for 20 years, I had to start again. It's a real problem. Denying access to people who have a contribution to make is something that should be looked at.

Robert Cremona, PET: How can the HMIP move forward to get more teeth?

PC: We will try to achieve as much as we possibly can without the use of primary legislation. Take something like the escalation process to the Secretary of State when I have significant concerns about a jail. We are trying to figure out how that can work. At the moment if I go to a jail and think it is terrible I'll go to Michael Spurr and HMPPS, I'll have a quiet word and the governor will get sacked but nothing else which I don't think is the most constructive way forward.

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