

Criminal Justice Alliance Members Meeting
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The Foundry, 17 Oval Way, London SE11 5JH
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The impact that Government policy has had on our Service this decade is well documented and felt by all working in prisons. Five Justice Secretaries over the last seven years has meant that we have had to react constantly to a changing position and direction resulting in an inability to consolidate any programme of change. The impact has not been to reform our prisons, but to destabilise them to such an extent that we are currently floundering in a mire, unable to react in a responsive manner to the crisis we face. I feel it is time to reflect on the journey travelled during the last seven years and the key decisions I see as contributing to what is quite frankly the horrendous situation people working and living in our prisons face on a daily basis.

In 2010, the then Justice Secretary Ken Clarke inherited a Prison Service not perfect by any means, but performance was good, stability was good and self-inflicted deaths, whilst never wanted, were low. *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders* was published in June 2011 promising to end inefficiency and bureaucracy and make prisons places of hard work and training. Men and women would be expected to work a 40 hour week with money being deducted from those earning to go to support victims' groups. Access to illicit drugs would be addressed with tighter security and those in prison with drug addiction would be placed in Drug Recovery Wings to address the scourge of the habit.

This all sounded very promising, but initiatives like these require money and investment, both in infrastructure and people to deliver them. Some money was forthcoming, but not enough to deliver such widespread change. We were after all in a period of austerity. Only a small number of prisons had workshop places which could accommodate prisoners working 40 hours a week. The majority of jails dabbled in these concepts but with little verve and commitment because it was almost an impossible task.

In July 2011, Mr Clarke announced a competition strategy for nine existing prisons, eight of which were Public Sector. This process duly began, with the usual Private Sector companies of G4S, Sodexo, and Serco putting their hat in the ring along with some new players and the Public Sector deciding to bid for all prisons at a huge cost to the public purse. Little did we know that this was the real start of the race to the bottom to achieve stringent cuts with far reaching consequences for prisons.

In 2012 we had a change of Justice Minister. Chris Grayling came into the Ministry with a clear agenda of reducing costs whilst bringing in Reform. His May 2013 *Transforming Rehabilitation: A Strategy for Reform* was very much built on Through the Gate Services (TTG), ensuring there was consistency between custody and community. A laudable concept and one which is absolutely right. In simple terms this is how it translated into policy. The National Probation Service as we knew it would be disbanded. Contract Package Areas (CPAs) would be put to competition and Community Rehabilitation Companies (CRCs) would bid for them. Those people serving 12 months or less would now get supervision on release through the CRCs. Resettlement Prisons would be created and men and women in prison would be located or returned to these prisons in their home CPA and benefit from the TTG Services. The highest risk offenders would continue to receive supervision from the much smaller National Probation Service. This policy was implemented with dangerous consequences for prisons.

Research shows that a younger population and high churn (transfers in, out and between jails) increases instability. The initial few weeks of first reception into prison are the riskiest with violence, self-harm and suicide most likely to happen, with it generally reducing after

a number of weeks. Transferring between prisons has the same effect on individuals. In creating Resettlement Prisons, churn increased in particular in the Local Resettlement Prisons holding remands, trials and short term convicted and those returning for the last three months of their sentence. Category C Prisons designated as Resettlement Prisons again had an increase in churn by taking back prisoners for their last three months or transferring them back to the Local Prison. This cohort of prisoners included 18-21 year olds, changing the age profile within Resettlement Prisons. Due to supervision of previously unsupervised under-12 month sentenced offenders, the level of recall to prison increased creating a further churn previously not seen. In essence, a policy decision was implemented which started the downward spiral of instability, although other factors came along which created the perfect storm and I will talk about them now.

The competing of the nine prisons came to a halt during Chris Grayling's tenure. Only HMP Acklington and Castington (now HMP Northumberland) were competed with Sodexo the winning bid. Public Sector Bids during this process (and the Birmingham competition a few years earlier) showed that there was a belief in NOMS that prisons could deliver far more competitively, so competition was stopped. A policy decision was made to benchmark all Public Sector Prisons, massively reducing cost per prisoner place with the savings being delivered virtually immediately, unlike contracted prisons whose savings tended to be at the back end of long contracts. This was very palatable to Chris Grayling. The much maligned - and justifiably so - Prison Benchmarking Process began; the race to the bottom was in full swing.

There was no science to Benchmarking. The blunt tool of 1:30 was used to assess Prison Officer numbers and applied across the majority of prisons. Resources were reduced in administration functions and Senior Management Teams. What it failed to do was acknowledge that every piece of work in Public Sector Prisons required people because IT infrastructure was non-existent. We still relied on bits of paper being moved around the establishment to deal with the most basic of queries! To reduce excess staff at speed, a Voluntary Early Departure Scheme was implemented across all grades of staff with significant take up. This resulted in prisons losing thousands of years of experience and the associated destabilising effect it created. The tap was turned off recruitment and the consequences of this decision are still reverberating in 2017.

At around this time a new Workforce Strategy was implemented called *Fair and Sustainable*. Its purpose was to streamline and flatten management structures, reduce the costs of pay by lowering starting salaries and the use of a job evaluation scheme to ensure fairness across pay structures and reduce equal pay claims. This, coupled with reform of pensions, made joining HMPS a far less attractive option even if the recruitment tap was turned back on, which it was not for another two years.

Demographics of prisoners began to change. We had younger and more volatile men in prison more likely to resort to violence, less respectful of authority, more likely to be part of a gangland culture. New Psychoactive Substances started to infiltrate our jails. These substances, formerly called Legal Highs and easily bought in the community, became a very cheap and readily available substance of abuse. Its effect on prisoners was horrific. It caused fits, violence, zombie-type behaviour and often required emergency attendance at hospital. It is used to bully and threaten prisoners, and is part of organised crime due to its profitability. Deaths in custody have been attributed to these substances.

In May 2015 Michael Gove took up office. He was well known as a Reformer whilst Secretary of State for Education, although his policies were divisive within the educational world. Mr Gove wanted to test his Academy Schools model in prisons. A number of establishments across England were identified and began testing *Autonomy*. Mr Gove believed that prisons could become independent legal entities. Those working in prisons knew this could never be the case. As a National Service prisons rely on each other for operational stability and resilience. These five pilots received some pump-priming money,

but the rest of the prison estate continued with the austerity measures and levels of violence, suicide and self-harm continued to rise.

Michael Gove lasted 14 months and Elizabeth Truss took up office in July 2016. She was the first Secretary of State this decade who accepted prisons were in crisis and argued for extra funding for the beleaguered Service. In November 2016, *Prison Safety and Reform* was published. It moved away from autonomy to empowerment of Governors, once again claiming to remove bureaucracy and inefficiency (Ken Clarke promised the same in 2011 and Chris Grayling in 2013). This empowerment was seen as central to improving our prisons. The five autonomous pilots from the Gove era came back into the fold and all prisons were now embarking on the Reform Agenda. 2,500 more prison officers were to be recruited, still far short of the 7,000 lost over the previous three years. Liz Truss decided to split operational delivery from policy. NOMS was no more and we were reinvented as Her Majesty's Prison and Probation Service focusing on delivery in prisons, with MOJ leading on the Prison Safety and Reform Programme. This policy decision has been shown to be an expensive, unresponsive model that as yet has had no tangible outcomes for prisons.

The Prison Safety & Reform Programme is led and predominantly run by generalist civil servants with little or no understanding of the very complex nature of prisons and their inhabitants; we are about as far away from being the Civil Service as it gets. Like many wheels of bureaucracy it is slow and cumbersome and unresponsive to the critical situation in prisons. It is a machine requiring information, information, and more information from an already extremely stretched prison system. The feeding of the machine is taking management teams in prison away from their job of keeping prisons safe and decent. The added frustration for Governors is that nothing seems to come back from MOJ to improve their jails. Rather than feeling empowered, Governors are feeling under more scrutiny than ever, assurance seems to be increasing and they are still governing prisons whilst shackled to centralised bureaucracy.

In June 2017 Liz Truss was replaced with David Lidington as Justice Secretary. It is early days but we are continuing on the Reforms started by Ms Truss.

October 2017 and this is the current state of play in our prisons. None of the Justice Secretary's this decade have made a firm commitment to reduce the number of prisoners. Currently, our prisons are full to bursting. The Prisons Estate Transformation Programme is now compromised, as those prisons which were to be closed and rebuilt by 2020 will now remain open until 2019. The aspiration of 10,000 new places by 2020 appears to be a distant dream. Too many of our prisons are old and dilapidated with no serious investment for decades. The decision by Chris Grayling to compete Facilities Management has proven expensive and disastrous with prison estate worsening due to unresponsive contractors.

Violence, suicide and self-harm statistics are the worst we have ever seen. Due to staffing issues we are unable to deliver a rehabilitative regime in prisons. We have 40 prisons of concern, ten of which are very concerning. We have had a year of concerted indiscipline across our prisons, with lower level incidents happening daily. It feels like this is the new norm and we are becoming de-sensitised to this situation.

The Recruitment Tap was turned on again, but ramping this up has proved incredibly challenging for a number of reasons, with a net increase of only 75 prison officers 16/17 when 4,000 are required to get us to full staffing levels. The Pay and Reward Package is insufficient for the environment, particularly in the South East. When we do recruit, we have an attrition rate which is too high. It is not envisaged that we will be fully staffed until December 2018 and that is if the recruitment and retention strategy works.

Without adequate staff we will not stabilise our prisons. The relationship between staff and prisoners is the single most important element to keeping prisons safe. They need to get their confidence back in a violent environment so they can take back that void which has been filled by confident, bullish prisoners. They then need to get to know their prisoners again so they can build those trusting rehabilitative relationships that keep our prisons safer than any physical security. It cannot be over-emphasised how important this is. It will mitigate some of the other risks facing prisons.

HM Inspectors of Prison and Probation published a report in October 2016 stating Chris Grayling's Through the Gate Services delivered by CRCs were poor or non-existent with too many prisoners reaching their release date without their needs being met or even recognised. Inspectors were also concerned at the high rate of reoffending and recalls back to prison. Breaking up the National Probation Service has not worked.

Psychoactive Substances remain a constant threat to stability, reducing already depleted and sometimes critical staffing levels further as prisoners are taken to A&E suffering from the effects. When I was governor of HMP Bristol, within a 48 hour period we had 18 blue light cases because of a bad batch of NPS. At one point, there were more prison staff within hospital supervising prisoners than there were in the prison supervising prisoners, which meant prisoners were just locked in their cells.

What's the answer? A complex one and I don't claim to have it, but whatever it is it will cost money so investment must be made. The Government must be brave and reduce the prison population and not worry about votes. Don't dabble, just do it because morally it's the right thing to do. 12 month sentences don't work and are pointless. This cohort must be dealt with in a different way in the community.

Recruit sufficient staff of the right quality and train them appropriately. There needs to be time to mentor them to reduce the attrition rate, but in stretched incident ridden prisons this is a very tall ask.

Invest in existing staff to improve capability and succession planning, but particularly Senior Management Teams who seem to have been forgotten for years and who are stretched to the limit.

Review the MOJ Prison Safety and Reform Programme to increase responsiveness and reduce bureaucracy. There must be a more timely and efficient way of delivering Reform.

Invest as a matter of urgency in our existing prison estate to make it fit for purpose in the 21st Century. Withdraw from the current Facility Management Contracts and replace with something that works and is funded appropriately.

Review the policy of having high churn Resettlement / Reception Prisons. How can they stabilise them?

Truly empower Governors. They know prisons and know how to run them. Release them from the shackles of bureaucracy and centralisation which basically means they are running prisons with their hands tied behind their backs.

Finally never forget the people we lock up.

As Winston Churchill once said,

"You measure the degree of civilisation of a society by how it treats its weakest members"

If that measure was a key performance target today we would be failing it miserably.

Q&A

John Drew (CJA): Is there a current churn of Governing Governors? Is this disruptive?

AA: If a governor stays at the same prison for three-five years plus, then generally the prison benefits. But this is not as true at prisons like Wormwood Scrubs or Bristol, where asking the governor to stay for five years is just not possible, because they get so burnt out that they are no good for the prison, which needs a governor with energy.

Maria McNicholl (St Giles Trust): What's your opinion on making officers key workers?

AA: This is not a new policy – it is the Personal Officer scheme which we had before benchmarks were introduced, so it's not really anything to get excited about, other than the fact that we have got it back.

Paul Anders (Revolving Doors): What would you do about legal highs?

AA: Legal highs need to be prevented from getting into prison. The cuts have significantly depleted security departments, who do the background work building up a jigsaw of intelligence. We need the robust scrutiny of intelligence back. We also need to improve the relationship between staff and prisoners because if the trust is regained, the staff will get information from the prisoners. We have a situation where people are deliberately getting recalled so as to bring drugs into prison. Although we have tests for drugs, this is not enough. The chemical makeup of NPS changes so that they don't show up in tests.

John Samuels: Has the time come for an emphasis on judicial monitoring?

AA: You could do that, but it needs to be more far-reaching. We need to stop sending people to prison for less than 12 months as there is no point, other than saying they have been punished. The community needs to take responsibility for these people. For longer sentences, we need to rehabilitate, but this is not possible if there are not enough officers.

Sam Boyd (Switchback): Other than investment and increasing staff numbers, what else needs to change to get prisons more focussed on rehabilitation?

AA: Everyone who works in prison wants a rehabilitative culture, but staff have been depleted, and in addition, staff do not have confidence, because prisons are scary places, so the balance of who is in charge has tipped the wrong way. When you have frightened, tired officers vs confident, arsey prisoners, then there are not going to be good interactions. We need to get the right people with the right values, train them appropriately and support and mentor them. This will take a long time but it is necessary and it will change the culture. When we have 18 year olds who can apply to become officers straight after school, then we are asking a lot from them, and we won't keep them if we don't care for them.

Catherine Alborough (Women in Prison): I manage the Beth Centre in Lambeth and I see women time and time again coming out and three months later going back in. Short sentences don't work: the women have their homes and kids removed, have mental health and substance misuse issues, and have often suffered abuse. What are they learning by sticking them back in prison? I get asked about this by ministers but nobody is taking any notice.

AA: Sadly we have a separation of policy and delivery. The policy leads for justice come from, for example, the DWP and have never even been in prison. They don't get it. You can't write policy without feeling where you are, to be able to know where you have got to take it. It might be said that an unfeeling review of prisons is better, but this is not the case.

JD: And when you have the brightest and the best in policy, they swiftly move on to another area.

Gemma Buckland (Justice Committee): Previously the Government has tried to invest in the most challenging prisons. Has this had an impact?

AA: This is the investment for 400 additional officers for the ten most challenging prisons. We weren't able to recruit this number, so the money has not had an impact.

Gordon Cropper (AMIMB): What is your view on IPP?

AA: They need to give determinate sentences to them and let them out. I don't know why it's so difficult. I'm not a judiciary so I don't know, but how can you have people with a two year tariff and 12, 13 years later they are still in prison, it's morally wrong.

Gordon Cropper (AMIMB): Is there any way those who need to do courses to be released can be supplied with the courses?

AA: I don't know – they should be supplied with the courses, but austerity measures have been so deep.

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