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**Special edition:
Recovering from the COVID-19 Pandemic**

Inspecting prisons during a pandemic and recovery

Charlie Taylor is HM Chief Inspector of Prisons. He is interviewed by Dr. Jamie Bennett who is a Deputy Director in HMPPS.

Charlie Taylor was appointed HM Chief Inspector of Prisons in November 2020. He is a former head teacher of The Willows, a school for children with complex behavioural, emotional and social difficulties. He was the Coalition Government's expert adviser on behaviour until 2012 and produced reviews for the Department for Education on alternative provision (for children excluded from mainstream schools) and attendance in schools. He was Chief Executive of the National College of Teaching and Leadership from its launch in 2013 until 2017. In 2016, he authored the Review of the Youth Justice System in England and Wales¹ and subsequently was Chair of the Youth Justice Board for England and Wales from 2017 to 2020.

Her Majesty's Inspectorate of Prisons for England and Wales is an independent inspectorate which reports on conditions for and treatment of those in prison, young offender institutions, secure training centres, immigration detention facilities, police and court custody suites, customs custody facilities and military detention. The role of HM Inspectorate of Prisons is to provide independent scrutiny of the conditions for and treatment of prisoners and other detainees, promoting the concept of 'healthy establishments' in which staff work effectively to support prisoners and detainees to reduce reoffending and achieve positive outcomes for those detained and for the public. The inspectorate work jointly with other inspecting bodies, in prisons this includes Ofsted focussing on education, the Care Quality Commission and the General Pharmaceutical Council focussing on healthcare, and HM Inspectorate of Probation focussing on offender management.

Inspections assess four areas: Safety (that prisoners, even the most vulnerable, are held safely); Respect (that prisoners are treated with respect for their human dignity); Purposeful Activity (that prisoners are able, and expected, to engage in activity that is likely to benefit them), and; Resettlement (that prisoners are prepared for release into the community, and helped to

reduce the likelihood of reoffending). The regular process for inspection involves three stages. The first is the pre-inspection visit which includes the collection of preliminary information and the conduct of a confidential survey of a representative proportion of the prisoner population. The second stage is the inspection visit, where data is gathered and assessed against the published Expectations. Sources of evidence include prisoner focus groups, individual interviews carried out with staff and prisoners, the prisoner survey results, documentation and observation by inspectors. At the end of this the prison is awarded a numeric score for each of the four healthy prison tests, from one ('Outcomes for prisoners are poor') up to four ('Outcomes for prisoners are good'). The third stage is the post-inspection action, including the production of an action plan, based on the recommendations made in the report and subsequent progress reports.

The Inspectorate's work constitutes a part of the United Kingdom's obligations under the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment of Punishment. This Protocol requires signatory states to have in place regular independent inspection of places of detention.

HM Chief Inspector of Prisons is appointed by the Justice Secretary from outside of the Prison Service. The Chief Inspector reports directly to the Justice Secretary and Ministers on the treatment of prisoners, conditions in prisons, young offender institutions, court custody and other matters in England and Wales as directed by the Justice Secretary. The Chief Inspector also has a statutory responsibility to inspect and report to the Home Secretary on conditions for and treatment of detainees in all places of immigration detention in the United Kingdom.

The interview took place in December 2021.

JB: You took up post as HM Chief Inspector of Prisons in November 2020. At that stage, the country was about to enter a second protracted lockdown. What impact did this have on the your

¹ Available at <https://www.gov.uk/government/publications/review-of-the-youth-justice-system>

first months in the role and on the work of the Inspectorate?

CT: The inspectorate already had a formulation in place for how it was operating under COVID, so it had moved from 'short scrutiny visits' to 'scrutiny visits' which were reduced versions of inspections. I came into an organization that knew exactly what it was doing when it came to the COVID response. Even so, I came into a very strange situation where for long periods of time I hadn't met many of my staff members. Personally, it was frustrating because I couldn't be with the team.

JB: You changed the inspection process during the height of the pandemic, operating Short Scrutiny Visits. On what basis did you make the decision to reintroduce full inspections? Do you have any ongoing adaptations to your practice?

CT: We were doing 'scrutiny visits' when I started. We were then aiming to get back to full inspections in April 2021, but unfortunately the COVID cases were too high within prisons. We went back to full inspections on 10th May 2021. What we've learned from the 'scrutiny visits' is that there is more that we could have been doing during the first week of the inspection, where our research team are in, but our inspectors are not. We now do a lot of the interviewing of key staff before the inspectors come into the jail, and then when we come into the prison will triangulate those conversations by looking at evidence and through talking with prisoners and other staff. Pushing more of the process into week one has been really helpful in giving people more time to be able to get into the nuts and bolts of the inspection and spend more time with prisoners.

JB: How has the pandemic changed the way that staff work and how have they been affected? How are working practices changing within the inspectorate? How are you helping colleagues to adapt to change?

CT: Teams have been together in the field, which means people have been able to spend time together. It's been particularly difficult for people in our secretariat and within our central functions, who haven't been able to spend much time together. We decided to go back into the office from September 2021 because we wanted to start bringing people

together more. We've been doing two days a week since September, which has helped, particularly for younger staff members who are sometimes in less spacious accommodation, often with flatmates who are also working remotely. Getting people back together provides a sense of purpose. We also had a staff development day when we brought our whole team together in October, when things were relatively quiet with the pandemic. Sadly, with the uptick in cases and the new regulations, we're going back to remote working, but we will continue to do our full inspections. We have recently had to postpone inspections at Winchester and Bronzefield because of significant COVID outbreaks. Although we have carried out inspections where there are outbreaks, albeit under control, there are situations where it is unstable and the outbreak is not yet under control, and therefore it wouldn't be appropriate for us to go in.

JB: You launched a new set of leadership expectations in July 2021. Why did you decide to incorporate this into the inspection process?

CT: Leadership has always been something that the inspectorate had looked at as part of its other healthy prison tests, but my feeling was that this was a particularly critical aspect of what makes prisons good. The most effective prisons are often

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distinguished by the quality of not just the governor but also other leadership within the prison. Coming from an education background, where the inspection of leadership is first and foremost within every inspection, it seemed to me that that this is something that we ought to be doing. There was some pushback, because people said, 'we investigate outcomes and leadership isn't an outcome', but my feeling is that leadership is the biggest driver of outcomes.

When we devised our leadership expectations, we had lots of conversations with prison governors, with prison group directors, with senior people within the Prison Service, but also with colleagues at Ofsted, children's services, head teachers and academy heads too. We've had a wide range of input. We then put together our leadership expectations and consulted on those, receiving more, useful feedback. We began to pilot in May 2021, where we shared our findings with the prison governors, but did not publish them. From August onwards, we were comfortable enough to start commenting on leadership in our published reports. We aim to meet with governors in the New Year 2022 to

talk about some of our findings, where we can give some helpful input.

As part of the leadership work, we introduced a new self-assessment report that we expect governors to complete. One of the areas that we found has been a bit lacking, has been the metrics being used in planning. Prisons have got lots of good aspirational plans, but they're not always saying what they aim to achieve by when. We are intending to help governors to introduce a bit more discipline around what it is that they're specifically trying to achieve with their plan. How would you know you've been successful? What are the timescales?

JB: Has the role of importance of prison leadership changed in the context of the pandemic and recovery?

CT: Yes, I think it has. Ask any governor and I'm sure they would agree that inevitably as a result of COVID, there has been a pulling on the reins from the centre. Gold command arrangements and the various restrictions at different stages, have meant that governors haven't had the freedoms that they would normally expect to have. I think they've appreciated the reassurance and the firm hand of the Prison Service in giving them guidance through what has been a very difficult time. At the same time, we also pick up some frustration that people want to get back to some sense of normality. Actually, prior to this latest Omicron outbreak, we were seeing the majority of prisons on stage two of the four stage process and a large number getting to stage one, so governors were feeling like they were being able to get their jails back again and be able to run them in the way that they would want to.

JB: What have been your observations on the role or balance between local autonomy and central control?

CT: Coming from education background, when I came into this world in 2015, doing my review of the youth justice system, what really struck me is the level of autonomy that governors have compared to head teachers. Head teachers have an incredible amount of freedom to recruit and train staff, to in effect, set the regime or the timetable or curriculum, commission services, and tender for building work. That isn't to say

there aren't high levels of scrutiny from governing bodies, from Ofsted from local authorities. Obviously the two systems are not the same. Prison governors do a very different job, they are part of a bigger system and therefore you would never get the level of freedom within prisons that you do within schools. However, it strikes me that there is the potential for giving, particularly the best and most effective governors, more freedom to be able to decide how to do things. The really best governors should be able to step up, to innovate, be able to try different things and to do more. That will also help with the pipeline of really good leaders coming through. It is critical to make sure not only that there are good leaders in prisons now, but also that there are good leaders in five or ten years time, and the job is attractive to dynamic and interested people.

JB: Have your other expectations for prisons — safety; respect, purposeful activity, and; rehabilitation and release planning — changed in light of the pandemic and recovery?

CT: They have a little bit. It's fair to say we cut prisons more slack when it came to purposeful activity, because very often, with the best will in the world, they weren't able to get people out of their cells and they weren't able to provide anything like a normal regime. As people have moved towards stage two and stage one regimes, obviously our expectations of what ought to be going on in prisons has changed.

Up until recently, we had our colleagues from Ofsted back with us in the field, which meant that they were back to using their full inspection framework, and there was better scrutiny of education providers. Certainly we've come across some cases where we think education hasn't been opened up as quickly as other services have within prisons.

JB: In your inspections, have you found that pre-existing challenges in prisons have continued to be significant? If so, which challenges have particularly stood out?

CT: The biggest challenge that the Prison Service faces at the moment is recruitment and retention of staff. This this has been a perennial issue. It is particularly acute at the moment, where there is a skills and labour shortage outside prisons, and therefore there are lots of potential jobs available. We are seeing

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that, particularly in prisons in London and the Southeast. Recently in Thameside and Belmarsh we have seen the difficulty this causes. We were in Woodhill and Oakhill in Milton Keynes and both of those places again have struggled to retain people. What we are seeing is often some very inexperienced people being managed by relatively inexperienced people. The danger is that leads to increased churn of staff. If people come into an environment that doesn't feel safe, doesn't feel contained, where they're perhaps not getting the support that they might feel that they need, the danger is that they will vote with their feet and move on.

The other perennial issue is the condition many of the buildings. We recently invoked the urgent notification process for HMP Chelmsford. That is a jail that is in a very dilapidated state. Many Victorian prisons are not really fit for what they are trying to do. They were built for a time where, in effect, many prisoners were pretty much kept in solitary confinement. That was the way that they operated. They don't have the space or the facilities to be able to offer the breadth of regime that one would want to see in a prison supporting rehabilitation.

JB: What have your inspections told you about the lived experience of people in prisons? What have been the benefits and costs to them of restricted regimes? What are their hopes and fears for the recovery process?

CT: We completed a really brilliant piece of thematic work, commissioned by my predecessor, which looked at six different prisons. We talked to around 70 prisoners about their experience of being in jail during the pandemic². Actually, some prisoners felt safer, and levels of violence certainly fell within prisons. What we also saw was a deep malaise amongst prisoners. They were not sleeping properly, they were not getting enough exercise, they were putting on weight, they felt that they weren't making progress with their sentence, and they were feeling pretty helpless and hopeless, stuck in limbo, and unable to maintain contact with family and friends. They had a real crushing sense of boredom. They also felt they weren't able to do the rehabilitation work that they wanted to do in order to make progress, and they

couldn't demonstrate to officers that their behaviour had been good because they weren't out of their cells for long enough for that to happen. But also, the pressure of being stuck, very often in a 12 by 6 foot cell, with another prisoner and having to go through your daily life in front of another person, is a big strain. In some ways, prisoners are remarkable in the way that they will tolerate each other and get on and make things work. Nevertheless, it's been a huge strain for prisoners. You can feel that frustration walking around a prison where people have been locked up for long periods of time. Sometimes they have been locked up for 22, 23, even 23 and a half hours a day, particularly at weekends, and sometimes prisoners not getting out of their cells at all, even for a shower. We also found some having to choose between a shower, a phone call or putting in orders for canteen. It has been really difficult.

JB: Has there been a variation in the effects between different groups, for example people from minority ethnic communities, people with disabilities, women or young people?

CT: We've seen within the women's estate particularly, levels of self-harm tended to go down at the beginning but then they have gone right back up again. What we also saw in the women's estate, was that when restrictions were lifted in the community, levels of self-harm went up. The pain experienced by mothers is particularly acute. I talked to a mother at HMP Send, and she talked about the fact that she couldn't hug her child because of the restrictions in place. They were running about 10 per cent of visits that they normally would because people just didn't want to see their children on those terms. The idea that you would go into a room with your two-year-old and they couldn't jump up and give you a hug. It was just too painful to bear. Lots of mothers took the incredibly difficult decision to not see their family. Obviously things have changed now, and the hugging rules have changed, which is good news. Nevertheless, we're still seeing levels of visits very low compared to what they were in the past. It worries us that prisoners may have been losing contact with family and friends, and maybe feeling more isolated. We know that it is not good for those families, but also for it is not good for prisoners

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2. Available at <https://www.justiceinspectors.gov.uk/hmiprison/inspections/what-happens-to-prisoners-in-a-pandemic/>

when it comes to their own rehabilitation and their journey back from being a prisoner to being a citizen.

With people from minority ethnic communities, we're doing a big piece of thematic work on their experiences. This should be published later in 2022. In general, we consistently see that prisoners from some groups are more likely to have higher levels of physical force used on them, higher levels of adjudications, but also their perceptions of their treatment in lots of jails are different from white prisoners. And of course, if you're locked all day in a cell, then anything that is already difficult, just becomes exacerbated by that experience.

JB: Coronavirus is potentially moving from a pandemic phase to an endemic phase, where it continues to circulate amongst the population and we learn to live with it. How do you consider that prisons can best manage these health risks on an ongoing basis?

CT: This is a challenge for the Prison Service, switching from the idea that the equation changes. Vaccination seems to be game changing, assuming it is effective with the latest variant, regarding the risk of dying or ending up in hospital. That shifts the equation towards making sure that prisoners aren't isolated, that they're getting contact with their family, that they're getting the other education and rehabilitation services that they need in order to make progress. In prisons and in the community, we are all going to have to get used to a level of understanding of what it means to have this endemic in the population.

As we speak, we are suffering from a new wave due to the Omicron variant. We don't yet know very much about this variant apart from the fact that it appears to be very transmissible. What we don't know is how risky it is, particularly how risky it is to people who have been vaccinated.

Vaccination rates in prisons vary hugely from far higher than the community in some of the prisons with older populations, such as HMP Bure or The Verne, to prisons with younger people where we are seeing much lower levels, such as Aylesbury or Feltham. The issues that we have in the community with persuading young people to get vaccinated also apply within prisons.

JB: The initial impact of the pandemic and the introduction of restricted regimes meant that some innovations had to be quickly adopted,

including the use of video calls so that people in prison could maintain contact with their families, video links with courts so that the justice system could continue to operate, and the increasing use of video calls for everyday staff and management business. What do you see as the potential role of technology in the future of prisons?

CT: One of the positive things that has come out from COVID is certainly that the Prison Service is taking a big leap in terms of its use of technology. It is one of those areas where people are understandably nervous given the risks involved with use of technology. The pandemic has actually really helped to move the debate on and there is a sense that actually technology made a huge difference. You go to somewhere like Wandsworth or Thameside, now they've got very sophisticated video court facilities where they're able to run a really good service. Similarly, the video calls for prisoners and their families have been an absolute lifeline. It is really important with technology that it doesn't replace face-to-face contact. Technology is brilliant and can really help, but it should be an addition. When it comes to learning, for example, then yes technology is great but actually face-to-face contact, particularly with those prisoners who need the most support and attention, is really important. Additionally, for Offender

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Management Unit type activity or work with probation services in prison, again that face-to-face contact is absolutely essential.

The other thing we've seen, which has been terrific and prisoners of appreciated massively, has been the rollout of telephones within cells. That means people are no longer queuing for phones, with all the potential for phone calls to be overheard due to the lack of privacy, and the potential for bullying. Prisoners see it as a real lifeline.

I've been really shocked about the quality of technology that prison staff have to use. They have unbelievably clunky systems. We have video calls for prisoners, but actually how about the same service for governors as well? Often, they are relying on incredibly poor tech. Governors are having to join phone calls through spider phones where the rest of the Civil Service are happily on Teams. There is a real gap there in terms of the tech that is available for governors. I have talked to prison group directors who would like to get their people together around the table. Now. I

know there are a limited number of iPads in each prison and sometimes they work, but on the whole, the technology in prisons for prison staff holds back a lot of good developments.

JB: In the most recent Annual Report, you stated that: 'It was understandably difficult for prisons to deliver full programmes of education, training and rehabilitation during COVID-19, but we have found poor outcomes in purposeful activity and failures in rehabilitation and release planning for many years, and the slow pace in some establishments in re-establishing these services has exacerbated that issue'. Is your expectation that prisons return to pre-pandemic regimes and activities or do you expect them to be redesigned or reimaged?

CT: The Prison Service is doing some work to consider what future regimes might look like. Ultimately, as an inspectorate, we will look at the treatment and conditions of prisoners and what the outcomes are. We wouldn't comment on the ongoing policy work, but what we would say is that ultimately what we want to see is safe, humane establishments in which people are able to make progress with their sentence. It has flushed out some of the issues with some external services, so in some jails we know that education services haven't ramped up nearly as quickly as they should have done. I took a photograph in one prison recently where the date on the whiteboard in the education block was the 3rd March 2020. That said a lot about what had been going on with the provision. Similarly, other services coming into jail, such as Home Office support for foreign national prisoners, we've seen that often hugely diminished, and that's had a big effect on foreign national prisoners, who often continue to be held in prison after the end of their sentence without much input, support, or face to face conversations with Home Office staff. That is another area that we flagged up.

JB: Also in the Annual Report, you stated: 'There is now the opportunity to learn from those prisons where reductions in violence have been achieved while continuing to allow prisoners out

of their cells to socialise, work, attend education and training, and prepare for release'. Many people working in prisons consider that more limited regimes have increased safety and that some pre-pandemic practices were unsafe, such as unlocking large numbers of people on wings for unstructured association periods. Do you agree that these are the right lessons to take?

CT: The wrong lesson to take from the pandemic is that if you lock people up for long periods of time then you solve the problems of violence. That is an enormous waste of money and you lose any sense that prisoners might have progression or that they might get something positive out of their experience in prison. I'm very much in favour of prisons having lots of productive activities for prisoners to do. What is also important is making sure that you've got high quality staff in place who were able to support prisoners to get into education and get into other services, to undertake meaningful work, rather than seeing the solution as simply keeping people locked in their cells for long periods of time. Ultimately, that is not a good use of resources, and what prison officers say to us is that they feel like jailers rather than prison officers. At times, they say the job has become that of a turnkey — letting people out, letting them in, getting them into the showers, getting them out again — a sort of mechanical,

transactional relationship with prisoners rather than being able to build relationships and doing some of the work that they would have done in the past. The danger is that if you make the job about being a turnkey, you'll get people who want to be turnkeys rather than people who want to be the brilliant multi-faceted prison officers that we so often see.

JB: Do you have any sense that public views about imprisonment have altered as a result of the pandemic and the widespread experience of confinement?

CT: I don't. It's always difficult to get the public attention on prisoners. There are certain types of stories that grab attention in the press, which have to do with the set of holiday camp stories where prisoners are holding parties or whatever it might be, and obviously

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escape stories hit the headlines. The nuts and bolts of prison life generally doesn't get a huge amount of public attention. Most people don't have skin in the game. It is different from other public sector services, such as health or education, where everybody's got an interest and therefore everybody has a view about the quality of service. With prisons, they're very much out of sight and out of mind.

JB: What have you personally learned over the pandemic? How have you changed the way you do your work?

CT: We've all got used to working through video technology, and in some ways it suits me very well, but I like being with staff. One of the reasons why I like leading an organization is because I like being with people and seeing them grow and thrive, and I like building relationships with people. You can do some of that quite well on Teams, but there's also some things that you just can't do. There's no replacement for face-

to-face contact. On video calls, it's just less fun. You can't make jokes, you can't bounce off each other in the same way. There are certainly some frustrations about that, but nevertheless, we have made better use of technology and data so we can be better prepared when we go into inspections. Ultimately, though, I do this job because I like being with people..

JB: Is there anything else you would like to add?

CT: It has been an amazing experience taking over an organization which is so effective, so dynamic, so incredibly driven, with such a sense of mission and purpose about it. People are utterly committed to the work. I have also reflected on the quality of people in prison as well, particularly with what they've been through. At every inspection, we have come across brilliant prison staff who are often doing a really amazing job, whether it is governors, or whether it is to individual officers on the wing. They have had an unbelievably tough couple of years.