

A photograph of numerous black graduation caps with blue tassels falling through the air against a clear blue sky. In the lower right corner, the hands and arms of graduates in blue gowns are visible, some reaching up towards the caps. One hand is holding a rolled-up diploma.

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Interview: Rory Stewart OBE MP

Rory Stewart OBE MP is Minister of State for Prisons. He is interviewed by Paul Crossey, Deputy Governor of HMP Huntercombe.

Rory Stewart is the Member of Parliament for Penrith and the Border having been re-elected in 2017 following his initial election in 2010. He became Prisons Minister in January 2018, the fourth Minister in as many years. His previous ministerial roles in government include Minister of State for Africa in the Foreign and Commonwealth Office and Department for International Development and Minister for the Environment and rural affairs for DEFRA.

Prior to attending Oxford University, he was briefly an infantry officer with the Black Watch before joining the UK diplomatic service holding position in Jakarta, Montenegro and Southern Iraq. Between 2005 and 2008 he was Chair and Chief Executive of the Turquoise Mountain Foundation in Kabul, Afghanistan, helping to restore parts of the city and build new infrastructure. In 2008 he was appointed as the Ryan Family Professor of the Practice of Human Rights and Director of the Carr Centre of Human Rights at Harvard University's Kennedy School of Government.

In the early part of the new millennium he spent 21 months walking across Iran, Afghanistan, Pakistan, India and Nepal, staying with and relying on local people to complete his journey. He has written seventy articles on politics, presented three television documentaries and written four books, most notably *The Places in between* which became a New York Times bestseller and documented part of his walk across Asia.

The interview took place in late June 2018.

PC: The UK has a high level of imprisonment by Western European standards, for example, our imprisonment rate is nearly three times that of Sweden and double that of Germany and Northern Ireland. Why?

RS: There are very deep cultural and historical roots to this issue. The UK sits half way between America which has a very high level of incarceration and these smaller European countries which have a much lower rate. That is not unusual across a whole series of indicators in our society; including approaches to healthcare or social welfare. It reflects in part the American and British political systems, which as first past the post constituency based

systems, tend to give a much more direct voice to the public and, in relation to criminal justice, to victims. However, most of the systems you have described, which are proportionate representation systems, produce a slightly different relationship between the public and the government and that has meant that the views of politicians, judges and criminologists in Northern Europe, which tend to be in favour of shorter sentences, are more prominent. Whether this will be true forever I am not sure. We do not complete enough opinion polling to know whether the system that is being delivered in Northern Europe has a full degree of popularity and the legitimacy with their publics. Does it reflect a generally more liberal attitude among Scandinavian populations or does it reflect a criminal justice system that is slightly at odds with popular opinion?

PC: Overcrowding was seen as one of the key factors in the Strangeways riot in 1990 and the Director General at the time of the Woolf inquiry suggested it should be 'rooted out'. It was also highlighted in the report fifteen years later into the murder of Zahid Mubarek at HMYOI Feltham. Should we be tackling prison capacity supply or demand?

RS: The fundamental obligation is for us to house people in decent conditions. The absolute principle that they are sent to prison as a punishment, not for punishment, is central. We have an obligation to provide the funding and the infrastructure to be able to accommodate people decently and humanely within prison. But prison population can be quite unpredictable (Ken Clark was assuming that he could reduce the prison population to 65,000 and actually it went up). And, expectations of prisoners move in line with expectations in society. What might seem an acceptable condition in the 1980's, might not seem so today, or in 2040. As a department we should acknowledge that we have only limited leverage over the number of people that come into prison.

PC: Foreign nationals represent 12 per cent of the entire prison population. Is there more we could be doing to remove and resettle these individuals saving the taxpayer money and freeing up overcrowded spaces?

RS: Yes, there is always more we can do but it is incredibly tough work. The question is, what attitude

to take if a foreign national commits a crime in Britain? One option, which of course is available to the police and could potentially be expanded, is to say that if a foreign national commits an offence in Britain they are simply deported. The problem then is that the public would have to work out whether they were comfortable with the idea that foreign nationals would simply be pushed outside of the country. If on the other hand you decide to punish that individual through a custodial sentence you must get somebody at the other end to accept that individual and impose a custodial sentence in one of their own prisons. If you are serious about punishing people, then it is very difficult to punish somebody in someone else's prison system because you do not control that country or their prison system. The only prison system we control is our own. If you try to punish them in somebody else's system you are going to face 50 or 100 challenges largely to do with the willingness or inability of that other country to punish those individuals.

PC: £1.3 billion was allocated to reform the prison estate, yet a number of prisons identified for closure are unable to be closed. How can prisons be decent when the infrastructure is largely very poor?

RS: We have got to sort out the infrastructure and that means looking at the estate as a whole. I believe we need to do more to repair existing old buildings. Even with the best will in the world, after building another 10,000 places, we are still going to end up with three quarters of our people in old buildings. We need to find a way of investing in those old buildings. We also need to be more realistic about when some of these buildings are going to close. One of the things that worries me is that you can end up managing a prison and being told that it is going to close, but it might not close for years and during that time you need some investment. The estates department will be reluctant to invest in a prison that is due to close. I also believe that the prison population is likely to increase, and that is partly because of pressures from the public for longer sentences, therefore we need to both invest in the new estate and invest in the old estate.

PC: The Government recently announced £20 billion investment in the National Health Service after lobbying by the ministers and officials. How much additional investment are you lobbying for to improve prisons?

RS: We understand the pressure facing the Ministry of Justice and are working with the Treasury to address some of this. There will be a lot of people lobbying the treasury; the Ministry of Defence, social security and education want more money. To be fair, demand on the NHS services has been increasing by 10 per cent every year for the last five years. That would be the equivalent to our prison system having to take eight to ten thousand additional prisoners every year.

PC: In his last annual report, the Chief Inspector of Prisons said that 'last year...too many of our prisons had become unacceptably violent and dangerous places. The situation has not improved — in fact it has become worse'. What are the key solutions to the prison crisis?

Are they financial, strategic or moral?

RS: Well clearly a necessary condition of dealing with this is to have staff numbers to be able to run a regime. But that is not sufficient. We have seen in Exeter, Chelmsford, Nottingham and Liverpool that you can get the staff numbers up whilst violence continues to rise. Let us take Exeter as an example: you have a very hard working dedicated governor, you have hard working prison officers, you have the numbers theoretically now, or getting up towards the numbers that you would expect to find, so that

you can roll out keyworker schemes. However, on different indicators assaults against other prisoners and assaults against prison officers are up by between 40 and 70 per cent over the last 3 years and that is not withstanding good relationships with the local police, and other good work. So what has happened? Well this is where you have got to get onto the landings and have a really strong sense of what is happening with the day to day interactions between the prison officer and the prisoner and the way the governor and deputy governor are working at that level.

My gut instinct is the secret lies in how you build up the new prison officer. How do you make sure that somebody arriving on a wing, when 80 per cent of the prison officers could be there for less than a year, has the experience and the skills to really run a predictable decent regime? That then comes to what are we doing with our band 4 officers, what are we doing with our band 5 officers, how much leadership and control are they giving and how much priority are

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we putting on what is happening on the landings. One of the things that worries me, as an outsider looking at this, and this is the problem being a minister is that I am an outsider coming in and looking at the system so I do not begin to have the kind of experience that many of our governors have, but my instinct looking at this is that the core of every single prison is residential units. In particular, it is the Head of Residence, the custodial managers, band 4 officers and the band 3 officers. I want the focus to be there and on the day to day interactions. To get that right means that we have to do things that are not very fashionable, for example by making sure that some inspections are driven all the way from the governor down. I have just been to Leeds where the governor is inspecting at random 16 cells every day. Unless you get that right and you are absolutely clear about your boundaries, including for example being clear about what it means to go on 'basic', and you ensure that it is the same in every prison, with clear, predictable dealings with prisoners, it is going to be very difficult to get on top of violence.

I believe that there is too much in the media in general, of people thinking you can solve this problem just through increased staffing numbers or simply by talking a good game in terms of desistance theory or pontification about rehabilitation or sentence length. In the end the solution is very operational, and that is do you have focused, effective, loyal, hard-working people, day in, day out doing a really difficult job, consistently and well. That comes from good quality training and management.

PC: In your book *The places in between* you wrote frankly about the discomfort and embarrassment of suffering diarrhoea in communities with only open defecation. What do you think of prison in-cell sanitation arrangements?

RS: They need to be improved and I have been struck in HMP Perth, for example, that they have worked out how to insert semi-permanent screens, into small cells, with two bunks. I believe that we can do something similar and we should do it. I have seen in Leeds a much more standard approach to providing toilet seats and curtains, manufactured in the prison by prisoners, and installed. If they can do it in Leeds, they can do it anywhere else in the country.

PC: The White Paper on Prison Safety and Reform promoted the idea of empowerment, but also set out how accountability would be strengthened. How is the balance best struck between the potential for innovation through empowerment and the constraining effects of accountability? For example, in terms of facilities management, how do you decide between a lack of local control and when it is a case that the Governor needs to be sacked?

RS: My model on empowerment and accountability would be drawn from the Royal Navy. So the governor relates to the prison in the way that the captain relates to a naval ship. That ship is 3000 miles off in the ocean, nobody is micromanaging how that ship is run but every ship of its class operates to the same standards of every other ship of its class. They are painted the same way, they wear the same uniform, they meet the same drills, they call each other by the same names, and they are part of a proud uniform service. You do not have a situation where you turn up on a rust bucket and somebody says 'every boat is different, we all have different cultures, we all have different histories, and we all have different traditions'. Empowerment needs to be about what you need to do to run a really good prison. It certainly cannot be a licence for not meeting basic

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minimum standards. It is not a licence to say I choose not to focus on my perimeter security, or I choose not to clean my cells because I think something else is more important. We need to define who we are, what our purpose is, what we deliver and then above that line be empowered to deliver extra. Of course a really great governor can run a really good prison, but my sense is a really good prison within a particular cohort looks surprisingly similar one to the other. I am not saying that a Category A prison looks like a Category C resettlement prison but I am saying that all good Category C resettlement prisons would be surprisingly similar in the way that they are run.

PC: In her review Dame Sally Coates suggested that prison education needed to build capacity by attracting teachers from good and outstanding mainstream settings. What can be done to achieve this aim?

RS: That is very difficult because the challenge of teaching prisoners is really tough. The most difficult people that any teacher has to deal with are those

children that they have to exclude from school. In general, that is about 2 per cent of the population. In a prison, more than 40 per cent of the prisoners have been excluded from school so, almost by definition, more than half of your people are amongst the trickiest cohort that you would ever have to deal with in a school. Additionally, that same cohort has failed to achieve basic skills; 24 per cent have been through the care system; and that very large numbers have mental health needs. And add to that, 54 per cent of our prisoners are in for sentences of under 12 months, and that a busy prison could be taking in over 100 prisoners a day. Teachers are taking classes teaching people who are not comfortable in a classroom and who are rolling in, rolling off. It is a very special kind of teacher that can do that work and we need to provide an environment for them that works. They need to have clean, decent, functional classrooms. They need to feel safe. They need to have the right materials and the right class sizes. We need to make sure that we deliver the prisoners to their classrooms on a regular basis. Crucially, there needs to be a clear education plan that they can follow through with a set curriculum and a set series of exams. All of that can make life a bit easier for the teacher, but it is still a very difficult job.

PC: The Lammy review pointed to evidence that safety in prison and reoffending rates can be improved if all prisoners feel that they are being treated fairly. How can we improve trust in prisons for Black, Asian and minority ethnic prisoners?

RS: The same way that we improve trust in prisons for all prisoners, which again comes down to the minute by minute interactions between the prison officer and the prisoner on the wing. Are you getting a well-informed consistent and predictable response out of the prison officer, do you know where you are, do you feel this person knows what they are doing, do you feel safe, do you feel there are boundaries in place, do you feel you are being treated fairly in relation to other people? That is a difficult balance because the very same research that is talking about treating people fairly, also recognised that everybody has different needs and histories, and we need to

understand why they are behaving like this. There is a huge amount of literature encouraging people to not punish, to show much more understanding and empathy for the individual roots of the person. However, that has to be balanced against the fact that if you start treating everybody differently, for example, withholding punishment for somebody for destroying their cell or assaulting a prison officer, that may possibly, in the case of the individual, help the individual. However, it can then discredit you with everybody else in the cohort who feel unfairly treated.

So fairness is not just fairness in relation to the individual, fairness is consistent boundaries applied to the entire cohort, the entire wing and done visibly. There has to be an element of rules and the problem I think is that we sometimes struggle in talking to academic criminologists and others about group psychology as opposed to individual psychology. They are generally trained in a therapeutic environment, where they are trained to think about how to treat individuals. But what teachers have learned in tough inner city schools is that actually the question is not just how you treat Jonny who is kicking off at the back of the class, it is the consequences for how you treat Jonny for the other 30 people in the class who are trying to learn something.

PC: Pre-Brexit, The Sun described the European Court of Human Rights as the 'European Court of Killers' rights'. We currently look likely to remain as part of the Council of Europe after Brexit. As a professor of Human rights and Director of the Centre for Human Rights at Harvard, what are your thoughts on this?

RS: Human rights are universal, they are not something that are dependent on an individual country. They reflect a very basic instinct about human dignity and human equality which is that you have certain inviolable rights which are not relative to the costs and benefits of upholding them in any particular case. That means that cruel and inhumane treatment is forbidden absolutely everywhere to everyone. At the same time we have an obligation to protect the public, and we have an obligation to respect the interest and rights of victims. We have to think about how to punish people and we have to

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think about how to prevent them from reoffending. All of these things need to be done in a way that is decent, controlled and humane.

PC: In your book you talk about combatting the widespread misunderstanding of Afghan culture and misguided narrative by outsiders leading to doomed state-building efforts. Do you think public policy makers understand the lives and culture of prisoners and their communities any better than the international development professionals understood the Afghan population?

RS: I think we have got an advantage here which people do not have in Afghanistan which is that this is ultimately our own country, we speak the same language, we, broadly speaking, come from the same culture, we have a free media which is very active and hold us to account. We have democratic institutions, we have voters, all of which are lacking in somewhere like Afghanistan, where you can launch a flaky policy project and there is no come back because the Afghans simply are not able to do so in the same way as the British population can. However, we still face challenges and one of those challenges is the way that our minds work; we find it very difficult to distinguish between what we feel we ought to do and what we can do. A lot of the conversations around prisons going back to the era of Ken Clarke will be grand abstract statements about how we ought to have 65,000 prisoners. Now personally I do not find that very useful, if we have got 82,000 prisoners I do not care that you ought to have 65,000 prisoners, you have got to look after 82,000 prisoners and you have to plan on the that basis. Certainly, most of what really matters is doing the things you do well, not simply launching new initiatives. However, all the emphasis in the policy world, including those peoples' careers, is on shiny new innovation and probably the reality is that running a good decent humane prison does not change very much over time.

It is very human and direct but policy makers do not like that. They want to say the whole world is changing and introduce is some new approach, new digital initiative or some new development of technology. I tend to assume that the world we are looking at now is roughly what the world is going to look like in 20 to 30 years' time. Now I am prepared to be pleasantly surprised if it changes but I think we should plan on that assumption.

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PC: The Government's proposal to make greater use of release on temporary licence is welcome to prison staff and prisoners. However, it is a risk management not elimination process. What will you say to the media if despite all risk management efforts there is another serious offences committed on ROTL?

RS: Well it is very difficult. Our primary obligation is to protect the public and we need to be risk aware. Some of our prisoners have committed genuinely horrifying crimes and we cannot minimise that. Compliance with ROTL is very high which shows that good decisions are being made but when things go wrong the impact can be absolutely catastrophic. It is therefore right for the public to expect us to be very cautious about temporary release. At the same time,

however, ROTL is hugely important because it is one of the very best ways to get somebody into employment and employment has a huge impact on reoffending. The real answer to concerns about safety is that overall, the best way to protect the public is to reduce reoffending and the way to reduce reoffending is to make more use of things like ROTL. Virtually all prisoners are released at some point and the safest way of getting them out is through using things like ROTL. I believe we should be increasing the use of ROTL, but we need to do so with very

careful processes so that were something to go wrong we can together reassure the public that we had done everything we should to assess that risk and we did so in a professional, standardised, predictable fashion. We have to accept that the protection from the public comes from changing lives and not from keeping them locked up forever.

PC: Considering the current focus on prison officer retention rates, how long do you think you will last in post given the transitory nature of your predecessors?

RS: That is a really good question, but the answer to that is we need to build a resilient system. One of the problems with the Prison Service is that it is too vulnerable to changes in prison ministers. It is also too vulnerable to changes in governors. In too many of our prisons there is a problem identified, a super hero governor is sent in, the super hero governor spends a bit of time there, then moves on and the prison collapses again. This is why we need to invest in the band 3, band 4, band 5 officers. If

you look at the military they have had as many ministers in the Ministry of Defence as we have had in Justice, but nobody spends their time in the army saying 'the reason we are in such a mess is that we have had so many ministers', because the military continues regardless really. It does not care which minister comes and goes. Equally a good infantry regiment can tolerate a range of different types of commanding officer because effectively the sergeants hold the whole unit together. We are too vulnerable to people at the top coming and going, but most

importantly not paying enough attention to what their predecessors were doing. Therefore, one of the challenges I give to governors is: I would like governors to spend longer in post. However, in the current situation, where they are not spending that long in post, they really must pay a lot of attention to what their predecessors have done and what their successor is going to do. This has been a problem going back to HMP Albany on the Isle of Wight in the early 1960's where every 18 months the governor changed and the entire approach was tipped on its head.



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