

# Prison Governors Association

Representing: The Prison Governors of the United Kingdom since 1987



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## Bulletin 859

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Dear Colleagues,

### All Party Parliamentary Group on Penal Affairs Address - 23<sup>rd</sup> May 2023

My talk to you focusses a prison system from 2010 to present day. I am trying not to sound political or be critical of a specific party, but unfortunately this period covers the tenure of the Conservative Party. I have no doubt I would be saying similar things if there was another party administering the country. I want to show you how short-termism, party politics, constant changing of Secretary of States and personal ministerial priorities leave a system feeling like a political football, with no evidence of sustained improvement and often leaves a legacy of dire consequences for all who live and work in prisons. This is my honest reflection of a prison system over the last 13 years.

In 2010, 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 these earnings 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. Mr Clarke was expected to make cuts due to the substantial reduction in the MOJ budget agreed with the Chancellor, so it was never going to be fully funded. Some money was forthcoming, but not enough to deliver such widespread change. Only a small number of prisons had workshop places which could accommodate prisoners working 40 hours a week. Most jails dabbled in these concepts but with little verve and commitment because it was almost an impossible task. This ministerial priority stopped when Mr Clarke was replaced by Chris Grayling.

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 and Public Sector deciding to bid for all prisons at significant 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 Chris Grayling came into the Ministry with a clear agenda of reducing costs further 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 was absolutely right. In simple terms this is how it translated into policy. National Probation Service as we knew it would be disbanded. Those people serving 12 months or less would now get supervision on release through the Community Rehabilitation Companies. Resettlement Prisons would be created and men and women in prison would be located or returned to these prisons and benefit from the Through The Gate 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 and has since been fully reversed.

Research shows that a younger population and high churn increases instability. We all know the initial few weeks of first reception into prison are the riskiest with violence, self-harm and suicide most likely to happen. Transferring between prisons has the same effect on individuals. In creating Resettlement Prisons, churn increased significantly and as it included 18- to 21-year-olds the age profile became younger within these establishments. Furthermore, 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 contributed to the downward spiral of instability, although other factors came along which created the perfect storm.

Prison Competition came to a halt during Chris Grayling's tenure. Public Sector Bids during this process showed that NOMS believed they could run safe, secure, and decent prisons 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. A Sword of Damocles was waved over our heads, saying this is the only way forward to stave off privatisation and it must be done. This was very palatable to Government who needed to cut spending across the public sector. The much maligned and justifiably so Prison Benchmarking began; the race to the bottom was in full swing.

The decision by Chris Grayling to compete Facilities Management was proven to be expensive and disastrous with the prison estate worsening due to unresponsive contractors and lack of funding. A crumbling estate became so dilapidated that large parts of it were unfit for human habitation but remained in use.

Implementation of benchmarking from 2012-2017 led to demonstrable deterioration in outcomes, particularly safety. Numbers of front-line operational HMPS operational staff were cut by 31% between 2010 and 2017. There was no corresponding reduction in the prison population. 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 recruitment tap was turned off, there would be no new staff employed. Rates of assaults in prisons increased by almost 150% over this same period, with assaults of staff increasing by over 250%, self-harm incidents rising by 120% and unplanned use of force more than doubling in that time. To this day, we have not recovered from this catastrophic reduction in funding.

At around this time a new Workforce Strategy was implemented called Fair and Sustainable. Its purpose 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.

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 that sector. Mr Gove wanted to test his Academy Schools model in prisons. Several 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 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. When Mr Gove was replaced by Liz Truss, this ministerial priority stopped.

Liz Truss took up office in July 2016. She was the first Secretary of State during the 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 and both failed miserably). This empowerment was seen as central to improving our prisons. We 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 3 years. Liz Truss decided to split operational delivery from policy. She confirmed that NOMS would be replaced by HMPPS. As part of this change, the new executive agency was given full responsibility for all operations across prisons and probation, while the Ministry of Justice took the lead on commissioning services, policy development and setting standards.

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

At this time MOJ moved to a functional model for delivering corporate services. This model groups specific specialisms or professions (e.g. finance, human resources) under a Head of Function. The function then works with business areas that require them to deliver their services. Governors and their teams working in prisons universally hate this model. They find the service provided, particularly around Finance and HR is very poor, often with these professionals having little or no corporate knowledge of the complexities of prisons and their people. The risk remains with Governors, but they struggle to manage it with such poor support. The frustration is palpable.

In 2020 A Smarter Approach to Sentencing White Paper was published by Robert Buckland, the then Justice Secretary. Without going into much of the detail, this paper would lead to more people in prison and more people in prison for longer, despite there being no evidence that longer sentences make any difference to public safety. The impact for prisons was more overcrowding, in an already stressed system, increasing the instability and safety concerns.

For over two years the country and prisons were in the grip of Covid. Very little has been said about how Governors and their teams managed the pandemic, but I am shouting at the top of my voice, when I tell you they were magnificent and a lesson across the entire public sector in how to manage risk, keep people safe, and save lives. Predictions were that over 3000 prisoners would die from the virus and Government were urged by health experts to reduce the population by 1000's to manage this risk. Government responded by implementing an early release scheme. It was so stringent and risk averse that in fact it released less than 30 prisoners. Governors and their teams were the Hidden Heroes of Covid and have never been given the recognition they deserve for what they achieved. There were 159 prisoner deaths believed to be due to Covid, plus another 56 deaths due to other causes where Covid was present. Most of these deaths were in the second wave in winter 2020 to early 2021 when we had a more deadly transmissible variant and before vaccination coverage was widespread. Government, despite public health advice and the very closed environment of a prison, refused to give prison staff or prisoners priority for the vaccine. This decision was based on what public opinion would think, as opposed what was the right thing to stop the spread of the virus within prisons and out into the wider community, after all, prison officers were moving daily between the two. A sinful decision in my opinion.

In 2021 Dominic Raab, Justice Secretary introduced another White Paper, Prisons Strategy. It all makes sound common sense and there is very little of the content which can be criticised, but the implementation and delivery of the paper is compromised due to the crisis prisons currently face.

As an organisation, HMPPS is dependent on the activity of other organisations including Police, Crown Prosecution Service and HM Courts and Tribunal Service; and the policies and objectives of Ministry of Justice and Home Office to determine the demands on its services. HMPPS itself has little control over this demand.

The prison population is expected to rise significantly during the 2020s. This is driven by a range of factors and Government policy decisions including: an ongoing increase in the number of long-sentences, the impact of continuing recruitment of more frontline police officers, and changes to sentencing driving an increase in Probation caseloads and the increased demand for prison places.

In response to this increase in demand, funding was secured at SR21 to deliver 20,000 prison places by the middle of the decade. As a result, HMPPS is currently embarking on the most ambitious portfolio of prison building in over a century to ensure there are enough places to accommodate those sentenced by the courts.

However, we are in a perfect storm scenario at present. Our prisons are full and the prison building programme cannot keep pace with the increase in the prison population. For several years, the PGA has voiced concern over Government's "tough on crime" agenda and the impact on an already stressed system, which has suffered from lack of investment for well over a decade. Many of our prisons are not providing a safe, decent, and rehabilitative environment; under-invested prisons do not work to reduce re-offending and protect the public from crime.

A rigorous process was carried out in 2022 to look at the maximum number of prisoners any establishment can hold to maintain safety, decency, order and control. This risk assessed project was done by expert senior operational leaders within His Majesty's Prison & Probation Service, taking into consideration the uniqueness of each prison. This maximum number is called the operational capacity and when filled, a prison is full. Currently most of our prisons are full, and we are now using police cells for the overflow. Where there are spaces, it has been in the lower category open prisons, and Government policy has made it much more difficult to move prisoners into these conditions. A piece of work has been conducted to maximise the use of open prisons and these are now reaching their capacity. There is no more room at the inn.

This dangerous situation is due to reactive Government policy which has failed to ensure sufficient prison places for the demand they have created. The political rhetoric, rather than being tough on crime, has created a situation where further overcrowding will turn many of our prisons into little more than warehouses of despair, danger, and degradation, despite the best efforts of Governors and their teams. There is potential for to refuse to work due to their health and safety being compromised. Government is failing both the people prisons hold and community they serve.

Fair & Sustainable Workforce Strategy which reduced the pay and reward package for Prison Officers has had a long-term impact on recruitment and retention. The dangerous working environment, coupled with this, means we are far from being an employer of choice. Whilst recent pay awards from the Pay Review Body have improved the package, there has not been a resulting increase in people wanting to join the Service. The crisis in staffing, has led to a situation where large numbers are sent on detached duty (with potential for it to be compulsory) across the country to try and shore up prisons where shortfalls are even worse. We know that staff-prisoner relationships are critical to stability, but with such a transient staffing situation, this is compromised. Austere regimes are delivered across a significant proportion of the estate due to lack of staff numbers to safely unlock prisoners.

In summary.....

Prisons are a critical part of the Criminal Justice System. Their role in both punishment and rehabilitation needs to be effective in the overall aim of a system which reduces reoffending.

Since 2010, 11 Justice Secretaries, (one holding the post twice) and thirteen Ministers (one holding the post twice) have, through political buffeting and interference achieved nothing but decline in the function of prisons. The decision by Government to impose eye-watering austerity on unprotected departments last decade, resulted in a race to the bottom for many public services, from which prisons have yet to recover.

Ministry of Justice statistics over these years document record-breaking rises in violence, suicide, and self-harm. Lack of investment in prison infrastructure has resulted in crumbling prisons, both Victorian and those of more recent construction. Slashing of the pay and reward package for prison staff and failure to implement recommendations of the Prison Service Pay Review Body resulted in a recruitment and retention situation never seen before in the Service. This was all against a backdrop of no reduction in the prison population. Current vacancies are around 1400, and to manage the normal attrition of staff and fill these vacancies, 6500 prison officers need to be recruited every year. This is as gargantuan task when we are not an employer of choice.

During this period, Government published various strategies for change. This yoyoing from one political priority to the next did nothing except destabilise prisons; none of these initiatives proved successful and indeed some were a catastrophic failure, both for prisons, public safety, and the public purse.

In 2019, the populist rhetoric from the new Government was a tough on crime agenda. 20,000 more police officers to find criminals, and 20,000 more prison spaces in which to lock them up. In 2021 a further Prisons Strategy White Paper was published, the content of which is uncontroversial but not particularly ambitious. That said, even to deliver this paper, requires a functioning prison system.

Notwithstanding a pandemic impacting on the Criminal Justice System, a policy of locking up more people for longer and making it more difficult to be released, requires a whole system approach ensuring downstream can cope with such political decisions. Unfortunately, this has not been the case.

And finally...

In this Government's 2019 manifesto, it pledged £3million for a Royal Commission on the Criminal Justice System, and this was endorsed and called for by the PGA last October at our annual conference. It has yet to be delivered, but we urge Government to do this.

The PGA is also involved a piece of research by Hull University to look into the impact of politicising of prisons and what would a de-politicised prison system look like. The PGA firmly believe that prisons need to have long term, fully funded strategy with cross party agreement, informed by experts from different sectors on what works, and for Government and Ministerial priorities to stay well clear of us!

In the 1970's the prison population was around 45K. The projections are that the prison population will reach 100K by 2030 at an average cost of £46K per prisoner per year. This is not value for money for the taxpayer as prison does not work. The public need to be educated and moved from this belief that locking up more people and for longer increases public safety. It's a lie and it is perpetuated by Government rhetoric. The PGA want a firm commitment from Government, that they will reduce the prison population and fund the prison system, so that we can truly rehabilitate people in our care and make our communities safer.

When we are full, we are full. There is no possibility of overcrowding further due to the health and safety implications for those living and working in prisons. The PGA wrote to the previous SoS making it clear that we will take legal action if our members are ordered to do so. I know other recognised trade unions are taking the same stance. The PGA want the Government to commit to an early release scheme, as predictions are that we will be full to capacity by July, which is only 6 weeks away. If this is true, then the imperative is here right now.

The remand population is at its highest since records began at around 14,000, many of whom are released from court at the point of sentencing due to the length of time it takes for their cases to be heard. The PGA want more use of tagging for those waiting for trial to relieve some of the pressure on the system.

The PGA lobby you to change the catastrophic direction of Government so we can once again have a safe, functioning prison system. Please make some Noise!

Thank you.



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