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**Where does the prison
system go from here?**

Special Edition

Interview: Michael Spurr

Michael Spurr is Chief Executive of the National Offender Management Service. He is interviewed by Monica Lloyd who worked for many years in the prison inspectorate before rejoining NOMS in Headquarters to work with extremist offenders.

Michael Spurr joined the Prison Service in 1983, after graduating from Durham University. He spent a year as a prison officer at HMP Leeds before starting his training as an assistant governor at HMP Stanford Hill. He then held posts at HMP Swaleside and served as Deputy Governor of HMYOI Aylesbury before becoming Governor of Aylesbury in 1993. Following this he took up an HQ post managing the prisoner population and responsibility for the Control Review Committee system for managing disruptive prisoners that resulted in the creation of the Close Supervision Centre system. In 1996 he became Governor of HMP Wayland, a category C training prison, and subsequently he became Governor of HMP and YOI Norwich, a split site local and young offender prison. In 2000 he was promoted to Area Manager first for London North and East Anglia and then, following the restructuring to align Areas with Government Regions, for the Eastern Area. He became a Prison Service Management Board member in 2003 as Director of Operations, managing the area managers and responsible for all prisons other than the high security and in December 2006, he became Deputy Director General of HM Prison Service. Following the reorganisation of the National Offender Management Service (NOMS) announced in January 2008, he took on the role of Chief Operating Officer, responsible for operational delivery across Prisons and Probation. In June 2010 he took on his current role as Chief Executive of NOMS.

This interview took place in the week in which the government cuts were announced and not long after the new Minister for Justice had announced his plans for a 'rehabilitation revolution'.

ML: The population pressures now are not as severe as they were, but we still have a high national imprisonment rate. How big an issue is this for you?

MS: Ensuring we have got enough places to accommodate all the prisoners the courts send to us has been a key pressure on the prison service over a number of years. It is still important. It is true that at the moment we have got more space than we have been used to but to put that in context, we are still only talking about an additional headroom of about 2,000 spaces with 85,000 prisoners. Our job is to make sure we accommodate prisoners sent to us from the courts in decent conditions

and that we work with them in prison in order to support rehabilitation. We have to make sure that we manage population pressures to enable us to work positively with prisoners.

ML: Do you see this rate coming down under the coalition government?

MS: The Secretary of State has made it clear that we should look at the whole sentencing framework. He has pointed out his surprise at coming back, having been Home Secretary in the early 90s, to find that the prison population has doubled, and there has been lots of commentary on that. From an operational perspective it has been a significant achievement to have managed that huge growth in the population and improve the way that we manage prisons, the way we treat prisoners and the rehabilitation opportunities that we have given them. I have already said we could do much more if the population was more manageable and lower than it is now.

ML: Do you think it is possible to deliver the rehabilitation revolution given the constraints that are also upon us at this time?

MS: It is refreshing that the coalition government has made a clear point about wanting to focus on rehabilitation. That is something that all of us who work with offenders should be really pleased about. It is right that we are challenged about whether we can do more about rehabilitation. Re-offending rates have reduced in recent years and that has been a real achievement but, when 61 per cent of people coming into custody serving sentences of less than twelve months re-offend quickly when they go out, that can't be a system that any of us can be pleased with. Therefore it is the right challenge to say can we do more. Of course, doing more when we have resource constraints is going to be incredibly difficult and that is why the government has asked how can we do this differently? How can we energise different sectors of the community to work with us to reduce re-offending? Can we get better engagement from the private sector, from the third sector? Can we use mechanisms like payment by results? If we can get these things working could they lead us to do the sorts of the things the Justice Select Committee has spoken about previously: re-investing away from custody into early intervention? That has got to be the right approach. There is a difficulty in how we deliver that in what is going to be a really challenging financial time, but the ambition is a proper ambition, a good ambition and I'm pleased to have that as a focus to work on.

ML: So you think there are ways that the charitable sector and citizens of this Big Society can make a contribution?

MS: There has been a significant contribution already made by the third sector and voluntary sector partners over the last ten years or more. Prisons have changed enormously over that period, with a much greater engagement from a much wider range of people from the community. We forget that ten, fifteen years ago it wasn't normal to have Job Centre Plus or third sector providers supporting offenders on drugs, or to have health services coming into the prison from outside. Can we expand it further? Yes, we can and it's really important that prisons are seen as part of the community and not separate from them. That approach has helped us to embed the decency agenda; where we are not isolating prisons from the rest of the community but breaking down those institutional barriers and recognising that the majority of prisoners only stay with us for a relatively short period. Most are going back to the community and the community needs to be engaged in working with us and them when they are in prison.

ML: How do you think the prisoner experience has changed over the last few years and how might it change in the future?

MS: The first thing to say is that, despite all the rhetoric that you sometimes see in the media, I believe that imprisonment, deprivation of liberty, remains a genuine punishment which hurts. For all that people say that prisons are too cushy I have rarely met prisoners who actually want to be there. That is important to say because the fact that the custodial experience is, by its nature, painful, should not be forgotten. What has changed is that we are delivering more decent prisons than we did before. The decency agenda has been clearly defined and communicated. It is now well understood and accepted within establishments and we must maintain this approach. It means that prisoners are treated better than they were; that there is a much greater recognition and appreciation of prisoners as individuals. The idea that we should treat prisoners as we would expect our own relatives to be treated if they were in prison is entirely proper. The prisoner experience overall is better as result of this. That doesn't mean that prisons are perfect or that there aren't individual things that go wrong in prisons, but overall the prisoner experience is better, and that provides a much stronger basis for rehabilitation.

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We have tried to increasingly focus on individual need. Offender management is about what the individual prisoner actually requires to support them to change and reduce their re-offending. So the biggest change for me over the last ten or fifteen years has been about that individualisation. I accept that, particularly for short sentenced prisoners, this has been difficult as they are in and out so quickly, and it is more difficult to get to know and deal with the person. But for longer term prisoners much more work is undertaken with them, on their individual sentence planning about how they will address their offending. This has been a big change over recent years.

ML: Do you think any of that is in jeopardy now with budget cuts?

MS: Budget constraint is going to make everything more difficult. It would be wrong not to recognise that. With the constraints we are all under in the public sector it is going to be more difficult to do some of the things we have been doing, but I'm determined that we won't lose the focus on the decency agenda. We can't move to running prisons that are not safe, ordered or secure, and it is not right or sensible for us to withdraw from dealing with prisoners as individuals. That is why the rehabilitation revolution is important because it does put a focus on helping individuals to change. That does not mean that

all of this is going to be easy to achieve. I'm absolutely certain that with fewer resources we will have to stop doing some things. We will have to be careful about how to manage the reduction in resource to maintain the safe, decent, ordered prisons that we have achieved over the last ten to fifteen years, whilst also maintaining and increasing the focus on rehabilitation.

ML: I understand that safety and decency are important as basics, but perhaps what is more in jeopardy at this time is purposeful activity and resettlement which may not be considered essential to good custodial management?

MS: Yes, I understand those concerns. In terms of purposeful activity, the aim will be to make better use of the activity and the space that we have got. I accept that there is not sufficient purposeful activity across prisons. We are trying to ensure that what activity space there is, is fully utilised and I am always frustrated if I go to prisons and there are activity places not being used, whether they be in workshops or in education or on programmes. There is some scope to do more here and be more innovative about how we do things. For example, one of the areas over the last few years where prisons have

begun to innovate is recycling, and there is still significant scope to do more. I went to Manchester last week and saw that they had invested to develop and expand recycling in the prison and to potentially extend it to do work for the community. That's a small example but demonstrates how in difficult times we need to think differently about how to deliver activities, and link with others to be able to maximise opportunities. I acknowledge that it will be difficult with a shrinking resource to maintain and improve what we are delivering. But we shouldn't be daunted. It is our job to ensure we are using the resource that we get as effectively as possible and I don't believe we are doing that as well as we can now, so there is scope to improve. We need to avoid the potentially detrimental and dangerous approach to budget cutting which is to just stop doing the good things we were doing previously without considering the consequences. We have to be more ruthless about how we are using the limited resource we have. But even this approach I accept will not in itself be enough to enable us to live within what will be a significantly reduced budget and that is why the government is also looking at policy reform. There is a recognition that there has to be policy reform to deliver the changes that will be required. That's why Ken Clarke has said that he wants to take a fundamental look how we deliver rehabilitation including the Sentencing Framework and is producing a Green Paper for publication in December.

ML: Prisons have an extensive system of managing performance and regulation. Is this affordable now in the current climate and should prisons be the subject of de-regulation?

MS: Prisons need to have a framework around them that ensures that we and the community know what is going on. It is different for prisons than for many other parts of society because they are closed institutions and therefore the idea of de-regulation does necessarily have constraints. It is important that there is a clear framework specifying what prisons must do and external independent inspection to ensure transparency. But, I do think there is scope to look at the regulation in place and ask, in the light of government priorities, whether we can reduce the burden on individual establishments. We have already begun to look at that by changing what we do with audit, but for most KPIs, even if we didn't have

them as targets good governors would want to make sure we were still delivering on them. It would be daft to say that we don't now care about escapes, or to stop measuring the levels of drug use or violence in prisons. Or to abandon requirements for staff to be trained in C/R or to ensure prisoners are supported to get a job and accommodation on release. These are measures which governors have at the moment and if we didn't have them as targets, any governor worth their salt would still make sure they were concentrating on those areas. If they weren't doing that I wouldn't want them as a governor.

Measuring the Quality of Prison Life (MQPL), looking at prisoners' perspectives, is a huge resource to a governor. It enables a governor to really understand what is going on in their establishment and I wouldn't want to give that up. It is internationally regarded as one of the best ways of understanding a prison. External inspection is also critically important because you do need an independent view about how we are treating people whose liberty we have taken away. There's always a risk that those of us within institutions can become immune and can ourselves become institutionalised. External inspection provides a necessary safeguard to ensure that we continue to treat prisoners properly. So there will always need to be a framework. Can we reduce the burden of that framework? Yes, we can and we

should do that, but it can't be complete de-regulation. It would be inappropriate to do that and we should not lose sight of the fact that over the last ten or fifteen years we have massively improved the operation of prisons and the experience of prisoners and reduced re-offending. This has not been achieved despite the regulatory framework we have in place but, in part, because of it.

ML: Can I ask about the role of the commercial sector? We have spoken about the third sector and citizens, but should the commercial sector be running prisons, providing rehabilitation services or support services?

MS: Well they are running prisons and they are running a range of service for NOMS, including prison escorts, electronic monitoring and we have just let a framework contract for the private sector to provide unpaid work/community payback in the community. The reality is that the private sector does have a role. Can they

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deliver good prisons? Yes, they can, as evidenced by the inspection reports on places such as Altcourse or Lowdham Grange. They can deliver good services, and why is that? Because we make sure that the private sector is properly regulated and that they are operated as part of the system as a whole. My job is to make sure that all prisons, whether they are run by the private or public sector are decent, safe, ordered places that are purposeful, positive and supporting rehabilitation. The government is clear that who delivers services is not important, what matters is the quality of those services. In the future, in line with Government policy, I would expect there to be not only a continuation of private sector involvement but a potential growth, along with third sector engagement in the whole area of offender management services.

The role of the Agency is to ensure that services are delivered as efficiently as possible but equally to a quality. That is why we are going through the whole process of developing detailed specifications to articulate minimum standards for whoever is providing services for prisoners or offenders in the community. That means that we can regulate those services to ensure that they are meeting the needs of individuals and the expectations of the public. The reality is that in the future there will be an increasingly mixed provision of public, private and third sector delivering services to offenders in both custody and community.

ML: Can you comment on what you think the impact of private sector competition has been?

MS: I have said publicly that I have no doubt that competition has played a key part in enabling us to deliver improvements in outcomes in prisons. I have worked all my career in the public sector and there is a part of me that would very much like to say that we didn't need competition to improve public sector outcomes. But in reality it is true that in part the public sector has been stimulated to improve because there has been competition. It would be false to deny that. That doesn't mean to say that I believe the private sector can do everything better than the public sector. This is not the case and as HMCIP confirm there are some excellent public sector prisons. But public sector performance has improved enormously over recent years and competition has been one of the drivers behind that improvement.

ML: In terms of staff. There are plans to freeze public service pay and make fundamental changes

to pensions and employee benefits. What impact do you think this is likely to have?

MS: There is a lot of uncertainty at the moment and some feeling of unfairness from staff about how they perceive that public sector workers are being treated. But with that there is also an understanding that the country is in difficulties financially. Therefore, as I go around I find that the pay freeze has been reasonably accepted by staff who generally recognise that everybody is having to take some pain at the moment. There is obviously concern about pensions. We don't know the final outcome of the Hutton review, and whilst there is recognition that this is a difficult problem for the Government there is understandable concern about what this might mean for individuals. Of course I understand such anxieties, which

are not limited to prison staff. These are issues for the wider public sector and will impact across many different groups. We will simply have to work hard to ensure that staff do recognise that the public sector is genuinely valued, that the work that staff do remains important and whilst there may have to be change it is in response to the financial challenge we face not about devaluing the work that staff are doing. But of course this is going to be a real challenge.

Internally we have already made some changes to terms and conditions for new members of staff, we have removed the Principal Officer grade, and we have introduced new terms and conditions for prison officers on recruitment. New officers are recruited and trained to the same level as previously and are paid at the same rates — but we will set a ceiling on earnings below the current maximum creating in effect two paybands for prison officers in future. This has created some concern with the accusation that we are undermining the value of what prison officers do? But this is not the case, absolutely not. That is why we are training new staff to exactly the same level as the existing staff and we are not changing the assessment process. We are still recruiting people to the same quality and having no difficulty doing that. The change has been made because we have to be realistic about pay in the future and all the evidence indicates that we must differentiate Prison Officer pay to reflect the wide range of work that prison officers do. I know this creates concern for staff but we have to work through that. We are going to have to work harder and communicate much better than we have in the past and engage with staff in a more effective way than we have

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so that they understand what we are doing and why we are doing it.

ML: Do you think there is a threat to industrial relations?

MS: Industrial relations are going to be difficult over the next few years. That is true across the whole of the public sector. As we speak today there is a rally in London ahead of the spending review where trade unions are bringing people together to demonstrate their concerns about where we are. That is understandable. At the minute we have good engagement with all trade unions. They are realistic about the difficulties that the whole of the public sector are facing. Again we have to communicate and work with them to go through what will be a difficult period. But I do think that staff are realistic and do understand that the whole country is going through a difficult four years or so. The key thing will be to make sure that we are maintaining safe, decent, well ordered prisons where staff feel that they are valued for what they do despite all the difficulties that we may face. This will be a challenge but it is my responsibility and one to which I am absolutely committed.

ML: How do you think prison professionals may make their voices heard and is anyone listening?

MS: The coalition government does want to hear from practitioners about what makes a difference. One of their themes is that practitioners have been too constrained in being able to do the things that make sense and make the biggest impact. That is something the government have said about teachers and doctors, and about probation staff and prison staff and this is a good opportunity. I want to make sure that Governors and staff have appropriate professional discretion within a clear and sensible operating framework. On the probation side we have been working on a pilot in Surrey and Sussex to give greater professional discretion back to probation officers. Governors already have a fair amount of discretion about how they operate within their establishments, despite the constraints and frameworks we have talked about. I have already said we are looking to further loosen some of the constraints whilst maintaining appropriate oversight. So there will be the opportunity increasingly for governors to feel they have a voice in how they can deliver more innovative practice to help offenders to change and to drive the rehabilitation revolution. There is

a fear that the way that the Rehabilitation Revolution is being portrayed would mean that other people, the voluntary, third sector and commercial companies would take over all rehabilitative services for offenders and that would cut out prison governors. That would be dangerous and cannot be the right approach. What we have got to do is to design opportunities to develop new delivery models such as Payment by Results recognising the criticality of the Governors role. If programmes are going to operate within prisons, then unless the governor and staff are fully part of what is going on the benefits won't be achieved. Prison governors need to be at the heart of the rehabilitation revolution and fully involved in developments such as the payment by results.

ML: Do you see a danger that they may be marginalised because of the pressure to achieve change?

MS: I see that as a risk. But I think it is essential that we do not end up with governors and prison staff becoming marginalised and effectively dealing only with security and residential care. Governors and the majority of prison staff did not join the Prison Service just to be involved in locking people up. Part of the fascination and challenge of the role is to do what we can to help offenders to change as well as to ensure safety and security. There is a recognition from ministers that governors must play a key role if rehabilitation is to be effective. As we work through mechanisms that will deliver the rehabilitation

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services in the future we have to do this with Governors not separate from them. Governors also have the opportunity to influence the future through their professional organisation, the PGA, through engaging directly with the initiatives that come out of government and through their own ability to innovate and respond to the agenda as it develops.

ML: Anne Owers in her valedictory lecture on her retirement drew attention to the increasing levels of violence and the gang culture in high security prisons. Do you have a view on that?

MS: I thought that Anne Owers lecture was very insightful, as you would expect from a Chief Inspector of Prisons, and a very helpful analysis of where we have come from and where we are today. The reality is, of course, that we have now got a much longer sentenced population than we had before including 13,000 indeterminate sentences. Whilst a large number of people pass through the system quickly, the long stay

population passes through slowly and has grown significantly. In high security prisons the population is younger than previously and serving sentences that are longer, with some real risks around how individuals can potentially become alienated. The risks to order and safety are significant in such circumstances. We are alive to that issue and I thought Anne Ower's lecture was timely and will help us to focus on how we can manage that long term population more effectively providing potential for progression and hope within the long term system. That is really important, and some of the work that Alison Liebling is currently doing at Whitemoor will help us to get an even better feel for what is going on in high security prisons and how we need to respond to the changing dynamic.

There are similar issues in young offender institutions where we have gangs and longer sentences and we have got to work though how best to manage the changing dynamic. It is one of the biggest operational challenges we have at the moment. How we can best manage a longer sentenced population and many more younger prisoners who don't buy in to the system, and where, consequently, there is a heightened risk of individual alienation and concerted disorder.

Gangs are not new in prisons. What is important for us is to recognise how gangs are developing and to understand the changing dynamic that reflects what is happening in communities and with crime in communities. It

is one of the reasons why I have been refamiliarising myself with High Security Prisons. It has been interesting for me to really get a feel for what is going on there and the challenges they face. Maintaining order, safety and security for very long term prisoners and providing realistic opportunities for personal development is the challenge. For long term prisoners, education for example, cannot only be about supporting people into employment, as that is not what you need in a high security prison. You need regime activities to engage individuals and help them cope with long sentences.

Education plays a critical part in this. We must provide means for people to do their time and to stay sane and engaged and feel part of a system that is supportive and not just coercive. If we do not do this the risk to order is significant.

ML: Anne Owers also said quite boldly that there is no such thing as humane containment; that containment's for objects, not people. Are we more at risk of settling for humane containment now?

MS: There is a risk but such an approach would be contrary to my vision for the Agency and the Prison Service. I believe strongly that prisoners are individuals and that if we ever lose sight of that then a prison system becomes entirely coercive and potentially indecent. The minute we stop seeing prisoners as people, then the system and the Service is in danger. That doesn't mean to say that we don't need secure regimes for the long sentenced, some of whom will never be released, but it must always be more than mere containment. It must be about how we deal decently with prisoners as individuals and provide opportunities for personal development, and for individuals to make a positive contribution to society — even if they must remain in prison for a long time. The decency agenda embodies this approach and I have already said very clearly that I won't give that up. It has been absolutely crucial to the development of the Prison Service and it will remain a

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key principle for us over the coming years. Governors are committed to it, and this has now become embedded. No-one wants to see the Prison Service simply warehousing prisoners and settling for 'humane containment' whilst operational pressures, and prisoner throughput can make it difficult, particularly in local prisons we must never lose sight of the fact that we are dealing with people not objects. That's why the government's clear commitment to rehabilitation is so welcome so important.