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**Closing and Opening Prisons**

# Interview: Phil Copple

*Phil Copple is the Director of Public Sector Prisons. Phil has worked in offender management for over 23 years joining the England and Wales Prison Service in 1990 serving as a Prison Officer before undertaking a range of managerial posts at different prisons and at Headquarters including Governor of HMYOI Deerbolt and Frankland High Security prison. Phil became a member of the National Offender Management Service (NOMS) Agency Board in 2011 and took up his current role as Director of Public Sector Prisons in January 2013 with responsibility for 110 prisons and 3 immigration removal centres. He is interviewed by Karen Harrison who is a Senior Lecturer in Law, University of Hull. The interview took place in February 2014*

## **KH: What was the rationale for closing public sector prisons?**

**PC:** There are a couple of points worth making first in terms of context setting. I've been working in prisons for 23 years and this was the first time in a generation that we were closing a number of public sector prisons, so it was a real shift for us and all the impacts that go with that. In a more ideal scenario you would probably want to modernise the prison estate incrementally over time and it felt to us that for decades we had never been in that position because we had been building capacity but largely to cope with the numbers in the system, rather than in an effort to modernise. We had a number of prisons where their running costs, their design and their condition was far from ideal. There is something about acknowledging our history and how this was such a lurch from what had happened before, but there is also something quite rational in trying to modernise the prison estate. The other point is that if we can take a step back and try to be objective about it pretty much every prison which has ever been built is going to close one day, that's the natural order of things. For us in terms of the strategic position, we had built quite a lot of new accommodation and we had plans for more to come on stream in 2013/14 and the decision to have such accommodation had been made at an earlier point when the prison population projections had been higher than they were by 2012/13 and we hadn't seen the continued rate of growth. So strategically that created an opportunity for us. We could seek to take out capacity and thereby save money or we could have decided to reduce overcrowding. The context in this parliament was to try and save significant sums of money in the Spending Review so this was one way in which the Ministry of Justice could reach its budget targets. In that financial context there was never going to be too much of a debate which option was chosen. In terms of crowding we do that in a regulated way; it must be controlled and consistent and safety taken into account. We don't think the crowding is unsafe or indecent so it was never going to take priority. We haven't reduced the overall capacity but it has allowed us to modernise the estate. Newer

buildings are cheaper to run in terms of maintenance, capital costs (such as new roofs) design and staff costs. Some of these considerations were relevant in deciding which prisons to close.

## **KH: How do the prison closures fit in with wider public sector prison reform?**

**PC:** There was an element in our reform programme of an ever more modern estate so that was an important element in trying to achieve that. We set up a benchmarking programme to establish what the new routines and staffing levels were of prisons. There was an issue about managing the impact on people; seeing who wanted to exit via the voluntary scheme and then working out which of the staff we needed to redeploy because of the closure of sites. This fits with the picture of us trying to ensure that we have the right workforce in the right places, so that had to be a part of how we managed it. The brutal short term bit of it, in terms of the reform programme, involves saving a lot of money through two ways: one the benchmarking project and one through changes in the capacity.

## **KH: Were prisoners' feelings or desires taken into account when making decisions?**

**PC:** In terms of considering prisoners' feelings in reducing capacity, that didn't play any part. When it came to choosing which prisons should be closed it didn't play a part in the consideration as such, but we weren't unaware of prisoner impact. We were mindful of what it meant for prisoners who come through the system and where they were going to go. We had to think about where the right place was for them to go. Some groups were more vulnerable than others, for example women at Downview: we had to plan that very carefully. But there is also the consideration of the services which a prison was providing and the need to provide them somewhere else. So for example, we had sex offender treatment programmes (SOTPs) running at Shepton Mallet, we ring fenced that money and moved it elsewhere, because we didn't want to reduce our overall investment in SOTPs, as we have got a lot of sex offenders waiting to do the programme and it is important that they do it. In Blundeston it had a Therapeutic Community (TC), we didn't ring fence that

money but we had to give a lot of consideration to how we were going to manage that. We talked about moving it to Warren Hill and how the newer accommodation would be suitable and beneficial for a TC. There was a whole raft of considerations for prisoners' feelings and needs. However I wouldn't want to give the impression that these were overriding factors. For example we closed Kingston because of the expense of keeping it open, even though it was performing well and had several settled life sentenced prisoners there. But an awful lot of work went on to try and decide where these prisoners should go. We understood the impact on prisoners — will a move hinder my progress, will I get on with staff etc.

**KH: How did NOMS senior managers go about deciding which prisons to close?**

**PC:** We put in place a whole programme management discipline with all its processes and we worked very close with colleagues at the Ministry of Justice estates. There was a whole analytical stage of looking at the running costs of the whole estate and seeing where that ranked places and doing some analysis of places that couldn't really be considered for closure because of their strategic value to the estate. There was a consideration that some prisons would have more complications in being closed than others in terms of for example services. We

also looked at the maintenance back log and where capital investment would be needed in future years. From doing that, and looking at the whole estate, we then excluded those which couldn't be closed. We got a long list, which was then shortened. We then had to weigh up the pros and cons of each prison and eventually we had to identify which were the right ones to close against those criteria. Each time we announced closures we ran the whole process again, to ensure we had the most up to date data. We also factored in operational considerations, so it's not just clinical data.

**KH: How do you ensure that between closures, newly built prisons, refurbishments and changes in the type of prisoner held at each prison that the prison estate can cope with changes in the prisoner population?**

**PC:** We tried to take a disciplined programme management approach to those questions and look at

the whole capacity of the system, measuring that against all we know about the needs of the populations. So how it breaks down in different security categories, intervention needs, court areas for remand prisoners etc. The process took all of this into account. In the last couple of years we have been making pragmatic decisions about the new accommodation — where it should be, which type of prisoner it should house, what services it should have etc. We have an ongoing process for doing that. For example at the moment we are working on how we can provide the Through The Gate resettlement through Transforming

Rehabilitation and the Probation Service. We need to work out which prisons will have that discharging function, which ones aren't and we are currently working through that detail. We need to ensure that the right people are in the right places.

**KH: Is the public sector in a position to compete for new build prisons such as the one planned for Wrexham in 2017?**

**PC:** Our approach with Wrexham is to question whether there should be competition at all. That is a decision which government is going to have to make and it may not be this government. We have got a model where we have got a reformed public sector division. We have benchmarked the services that we want to deliver; and we are making significant savings as a result of that. We

want an approach where the public sector prison has got the overall leadership and the operational management of the prison in which lots of important services and some key support services are delivered by other people under contract. So we will compete those services. We already have health, substance misuse, learning and education provided by other people, working in partnership with us and we have had that for a long time. These are really important for the running of a prison, but they are not delivered by HM Prison Service. Health and substance misuse are commissioned by other colleagues outside the agency because they are health commissioned and their default is to use competition. There is also a competitive process for education and learning and the money for this sits within another department. We want a different approach to competition, which is not competing whole prisons but having a model in which

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core operational delivery is the public sector but competition for key support services. The alternative is for Ministers to compete it and then we will have to decide whether we bid for it or not. My personal hope is for the former option because it's much more flexible, because we are all public servants.

**KH: How was the closure announcement communicated and what constraints to communication did you face?**

**PC:** The very significant constraint was around parliamentary etiquette and that we couldn't announce it openly until a Ministerial Statement had been laid before the House, so that is problematic. A lot of the people who were working in the prison, and prisoners held in those prisons, might be finding out after a lot of other people and it can get out into the media and the social media before you've had the chance to tell those who are directly affected. Also on any given day you will have quite a lot of prison staff off duty and so trying to get the word to them is not straight forward at all. So that was a major constraint. There was a relatively small amount of people at headquarters who knew which prisons were closing and when the announcement would be and then we had special dispensation to let the governing governors know the night before, so they could be telephoned and prepare themselves for telling their staff and communicating to the prisoners the next day and managing the situation. They also had the whole closure process to manage. We did a lot of preparations at the centre to support governors on the day and to support them in the weeks and months ahead in terms of communications. At the centre there were plenty of communication activities with the media by the Press Office in support of and following up from the ministerial announcement and then we had lots of communication with stakeholders and interested parties which we tried to manage from the centre. Michael Spur and I were making phone calls. At a local level several stakeholders had to be told as well. So that was shared between us and the governor. It is fair to say that we learnt — I think it's fair to say that we did this a lot better in September than we did in January 2013. We also learnt a lot on the HR side as well in terms of managing people's expectations and what the process would involve.

**KH: How did you support Governors and their Senior Management Teams throughout the announcements and the closure processes?**

**PC:** In terms of support activity, in addition to what I've said (above) the Deputy Directors of Custody were

prominent, as you would expect as the Governors' line manager and also supporting the Senior Management Teams in the prisons. If the Governors had any concerns then the Deputy Directors would help as well. They also provided softer forms of support, but closure is a hell of a thing for a Governor to have to do and relatively few of us have had that experience. Part of the support was that I visited all of the prisons personally. I tried to speak to a lot of staff and prisoners; although in a couple of cases because we moved the prisoners out quite quickly I arrived after the last prisoners had gone. I also spoke to the Governors and Senior Managers. One of the things I was profoundly impressed with, particularly the Governors, but often the whole senior team, was that sense that they had worked really hard to manage the prison through the process, which was difficult. They realised that there was still an operational job to do and encouraged staff to keep focused on that, but also

managed the difficult people issues which arose as part of the process. There were many questions they had to deal with, although the main one is obviously what is going to happen to me. Being asked that by several hundred people is hard. But they managed all that despite the same personal insecurity. It was impressive how people did all this. It was clear that there was a grieving process for some; a sense that we are not all going to be together. People

went through different phases: anger, denial, acceptance and people can be at different stages at different points. Anger came out at different points. It's easy to step back and be objective about it — every prison will close at some point — but it's different if you are directly affected. That feeling varied because some were expecting closure and some were happy to apply for voluntary exit. For some it was not altogether unwelcomed. But of course some felt very differently.

**KH: What communication or engagement took place with local community leaders, NOMS partners and MPs, before, during and after the closures?**

**PC:** MPs got a phone call from Ministers about it — so they were told. Some phone calls were made by the centre to national stakeholders and then we would identify local partners that we needed to communicate with. There were some occasions where the stakeholders didn't appreciate the constraint we had concerning parliamentary etiquette so the initial communication could be quite hostile, unhappy and disappointed; because this was the way they were finding out. There were some examples where the

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people working in the prison found out before the management did, because sometimes it might be difficult to tell the Chief Executive because he may not be available all morning for a phone call.

**KH: What was the response of the unions and what role did they have in the process?**

**PC:** The unions were aware, at a national level, in broad terms that we had this element to the reform programme and that we had capacity in the system. We would also give them broad steers as we were going along of the fact that we expected there to be more closure announcements, or there would be no more for the remainder of the year. We would also give them briefings where we were in terms of capacity, but they didn't play a direct role in the decision making of whether to close and where to close; and I don't think that they would have wanted to. Most of the unions have got a perfectly legitimate position which is that government should not have closed these prisons but instead should have reduced crowding and improved living conditions for prisoners and working conditions for staff. So it would have been difficult for them to have been involved in the decision making process. We also couldn't have involved them because of the confidentiality surrounding the decisions. Once the announcements were made there was a lot of engagement both nationally and locally with the unions. The national officials tended to visit closing sites and support local officials and local officials were heavily involved with all of the HR processes which went on in terms of trying to consider people's preferences and where redeployment opportunities might be. When I visited the prisons I quite often spoke to the local officials and they usually wanted to speak to me.

**KH: What has happened to the staff employed at the closed prisons?**

**PC:** The proportions vary. We had a significant proportion who went on voluntary departure and who expressed that as their preference and then there were others who took it as a least worse option in the scenario, because they didn't want to travel 40 miles to the next available prison. A larger number of people were redeployed to other prisons. We avoided getting into a full redundancy situation and we never had to do that with any of them. We often had places within reasonable travelling distances from people's homes and even where that wasn't the case we redeployed people anyway with a view to managing the position at a later date in terms of getting down to the right staffing level later. For example with the closure of

Blundeston, Norwich is now overstaffed, but we will sort that out in the fullness of time. In the East of England there is a relatively high turnover of staff so you have to think whether it is right to spend public money on voluntary exit departures, when in the fullness of time it will sort itself out. There are also other prisons where we are understaffed, so we are able to have detached duty to support those prisons. So having some extra staff is not a bad thing and is preferable to exiting people who do not want to leave and lose their experience and skills. However, what happened to the staff that we don't directly employ was a bit of a contrast as a lot of them just got made redundant. Some of them got redeployed within the wider organisation, but sometimes there weren't other contracts to redeploy them to. For example, when I visited the Isle of Wight, because we were closing half of the Camp Hill site, this was a difficult situation because most people wanted to stay living on the Island. We therefore decided to look at the cluster as a whole and see how to manage staff for all of the prisons. For the education staff however, Milton Keynes College told staff at Camp Hill that they would be made redundant. They didn't look at the whole site at all. I did try to show our staff that we were trying our hardest for them and that others were just losing their jobs.

**KH: Have there been any negative impacts in terms of closing some of the more specialist prisons such as Shepton Mallet?**

**PC:** It would be wrong to say all of this has had no negative consequences because it is disruptive. It would be difficult to say that not a single prisoner in Kingston or Shepton Mallet did not have some detriment out of this, because it is possible that, that could happen. Obviously not intentionally and we certainly took steps to mitigate those risks, but if somebody is on a certain progressive path it can be disruptive, especially if they don't settle in the next prison and they don't do well and revert to some previous anti-social behaviour; you can see how that can happen. It can't, however, be a reason for keeping a prison open. In terms of specialist services, I've mentioned SOTPs (see above) so we tried very hard with that; we have kept the money in the system and reinvested it somewhere else. The same also applies to TCs. So we have tried very hard to protect specialist services. Part of the early consideration was whether this was a place which was providing something a bit special which needs to be provided by somewhere else and if it is then let's make sure that we plan for the re-provision.

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**KH: Have there been any lessons learnt from the closure completed by the 31st March 2013 that have been applied to the most recent prison closures?**

**PC:** Yes, I touched on that above. They were primarily in the area of how we manage our people through it. There weren't too many on the operational side of things in terms of managing prisoner impacts, because we did that reasonably well. We had a lessons learning exercise that went on afterwards in the late spring/early summer and we applied what we had learnt. The most significant, however, in terms of volume and importance was about managing people issues. A lot of that I picked up from visiting the seven prisons which we closed in the early part of last year, by speaking to the respective governors. The main issue was about managing people's expectations through the process that they were now going to go through. We had to make sure that we were communicating properly about the detail. Where we had not done this properly in the first round, then you could get a lot of ill feeling and a lot of this went back to us not managing people's expectations. Everyone would have a HR interview and lots of people were dissatisfied by that experience because they went into the room for the interview with an unrealistic expectation of what it was going to involve and what they were going to get out of it; but it was our fault that they had an unrealistic expectation. They thought that they would find out where they were going to go next and when, but we were just at an information gathering stage. We hadn't really conveyed that effectively so we ran into problems. We also learnt that we needed to be extremely sensitive in dealing with people, both collectively and individually. By and large Governors and their Senior Management Teams were pretty tremendous in doing that.

**KH: What is your view on the speed that prisons have closed following the announcements?**

**PC:** My honestly held and firm view is that we got the pace of that pretty much right and I think the overwhelming number of people that I spoke to who were affected by the closures agreed with that; but I recognise that some people felt differently. For the most part, I think that it is right to just get on with it at a

reasonable pace. There are real challenges keeping a prison running when everyone knows that it is going to close and some of the running down of the population for some of the local prisons could happen very rapidly, just by us stopping sending new people there. A population could drop very rapidly in just a few weeks and it would seem a bit daft to do anything else after the announcement had been made. The biggest difficulty for a lot of our staff and prisoners was the uncertainty about what was happening next so making it more protracted seemed to me, to be disadvantageous. However it was too quick for some people.

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**KH: Most of the prisons closed have a long history, such as Reading prisons link to Oscar Wilde. How does it make you feel to make the decision to bring that history to a close?**

**PC:** I wasn't making the decision by myself, so I didn't feel a personal responsibility in that way. I'm not sure Michael Spurr would either. It is quite an involved process involving a number of colleagues carrying out the analysis and so it never felt that level of responsibility.

**KH: Did that history or sentiment play any part in the decision making?**

**PC:** No.

**KH: How will that history be recorded?**

**PC:** We didn't prescribe anything. For some of them there is already a lot of activity in the recent past — there was a book published by a staff member of Shepton Mallet about the history of the place. There was activity about recording the closure as part of the history of the place. There were steps taken to preserve documents which were of historical interest. There were things done to record the closure day. In Shrewsbury there were photos and videos taken of the last prisoners leaving Shrewsbury. In more than one place there was almost a guard of honour from the staff clapping out the last prisoners onto the bus. There were also closure ceremonies of different types — the formal lowering of the flag, staff marching out of the prison and the local community being involved. In the local towns the community came to clap the staff out.

**KH: What will happen to those physical buildings now?**

**PC:** That has to be determined and I think it could end up varying quite a lot, because there are ongoing

costs just making sure that they are safe. We could end up in the situation where the land is just sold off and someone will come and redevelop it into something else. There are also complications with some of them because they are listed buildings. That set of issues is in the hand of Ministry of Justice estates.

**KH: Is there any consideration on the impact on the local community when deciding which prison to close?**

**PC:** There is, but it is fairly limited. There isn't specific analysis done on the impact on the local community. Broadly speaking in terms of our responsibility to the tax payer we had to make those decisions which made sense to the National Offender Management Service with approval from collective representatives and Ministers. If there were concerns of that nature it was really a concern outside of our remit. We were mindful that if a number of places in the same region were vulnerable then we tried to limit how many were closed. Some prisons can be significant players in the local economies and we did have that in mind but it wasn't a formal part of our consideration.

**KH: Do you feel that closures and other areas of reform are having an impact on stability across prisons?**

**PC:** Yes. There are clearly a whole set of risks which arise from the reforms and that includes risks to stability. There is good reason to suppose that the prisons system is running pretty hot at the moment and that there are quite a lot of strains. It can be very difficult to unpick what all the different drivers are though. We have seen an increase in some cases of disorder over the last year or so including prisoner protests and barricades. While the vast majority of them are not that serious they have increased. However, we've also seen similar trends in places which have not been affected by the reform in the public sector and we've also seen the same trends in the private sector, which haven't been subject to reform at all. So it does point to the fact that there might be other issues going on as well. I do think the closures have had an impact on some prisoners who are now further away from home than they were; either in this sentence or if they have come back into prison subsequently. There have been a lot of population movements and this can be unsettling for those involved and for the establishments

which have received large numbers. Some prisons are now serving more courts; they have a bigger catchment area now and that produces more strains for them, in terms of business and also the population that they are managing. So there have been some impacts. Broadly speaking I would expect a lot of that to have settled down by now; a lot of people would have been released by now.

**KH: How do you personally manage the responsibility of the impact on staff, prisoners and on the community in your decision to close prisons?**

**PC:** It's about having an approach which is reflected by the fact that we have to make a lot of difficult decisions. I don't hide from the fact that this is a set of really difficult decisions. There is something about the responsibility about how you make it so you put in place proper discipline and rigour about how you reach it so it's reached on a proper foundation and with a justifiable basis, so it is never arbitrary or haphazard — that is very important. Not just for the reasons stated in the question but also because of our responsibility to the tax payer and the public; we have to have a completely solid set of reasons for why we are doing what we are doing. We also need to manage the approach comprehensively but also in a way which reflects our institutional values, so we don't stop treating prisoners with decency and respect because they are going somewhere else soon. We need to reflect the need for the system to be overall coherent and for there to be adequate provisions for specialist services. We need to recognise that there were many good business reasons why these decisions were made and to support people through. The Governors all did this very well. We were very clear, the Senior Management Team, that we needed to have a physical presence in this. I was very keen to take that on myself and visit all the prisons and be alongside people and recognise the impacts and learn what we could do better. Also to recognise their professionalism and that throughout the process and despite their own insecurities they were still running the prison well and that I appreciated that and to say thank you. Also to wish them well for the future in whatever it was they were doing.