

PRISON GOVERNANCE

First Report of Session 2019–20

House of Commons Justice Committee

SUMMARY

The prison system in England and Wales is enduring a crisis of safety and decency. Violence and self-harm are at record highs and there is little sign of improvement. This report looks at the extent to which the Ministry of Justice and HM Prison Probation Service (HMPPS) have a plan in place to drive long-term, positive change. It considers investment in leadership, particularly in the role of the governor, as well as the oversight structures in place to drive progress.

The Government recently set out a series of investment announcements for prisons. It committed £2.5 billion to building an additional 10,000 places, as well as £100 million to improve security. This investment is welcome, but must form part of a long-term, multi-year strategy, underpinned by a sustainable funding settlement. Too often we have seen what might be called “policy by press notice” without a clear vision for the future of the prison system. While new prison places are welcome, they do nothing to improve the condition of the current prison estate, much of which is in an appalling state of disrepair. There must also be a dual focus on improving safety and rehabilitative initiatives. We do not believe prisons will become less violent without proper investment in purposeful activity for prisoners.

We broadly welcome the greater autonomy prison governors have had since 2016, but it is not clear what governors are accountable for. Any real devolution of responsibility to governors must be accompanied by necessary training and support, and we believe that more can be done in that respect. Ensuring a strong pipeline for recruitment of future governors is important to securing effective leadership across the prison estate.

We are concerned about the condition of prisons, particularly a backlog of maintenance work currently estimated at £900 million, beyond routine day-to-day maintenance. Current arrangements for facilities management do not

work, and we call for greater autonomy for governors to authorise and action some types of maintenance: initiatives, such as Q-Branch at HMP Leeds, where a team of staff and prisoners carries out minor maintenance work around the prison. We encourage the Secretary of State to look seriously at rolling out similar initiatives across the whole estate. We are also alarmed about how long it can take to get equipment, such as body scanners, into prisons and call on the Ministry to review its procurement processes to make them more efficient.

Oversight structures for health and education services in prisons are complex, and there is a need for strong partnership working between governors and partner organisations. We broadly welcome recent change in education provision that gives governors more involvement in commissioning services, but heard strong criticism of the Dynamic Purchasing System. We call for full evaluation of the roll-out of that system, as well as additional training and support for both prison staff and education providers to let them use it effectively.

Measures by which the Ministry assesses prison performance are heavily skewed towards safety and security, and we welcome the Ministry's commitment to additional measures on purposeful activity and time spent out of cells. However, there needs to be a whole-prison approach to measuring prison performance, including measures relating to health and education provision.

We have also considered the support the Ministry and HMPPS provides to poorly performing prisons. Too often, prisons have been identified as needing extra support, but their performance has subsequently continued to decline. In the case of HMP Bristol, the Chief Inspector of Prisons invoked the urgent notification protocol following continued poor performance. There is little point in identifying poor performance and making recommendations to improve it if those recommendations are not adopted and the necessary support and resources to drive improvement not provided. We welcome the Ministry's review of special measures for prisons and call for additional support to be made available.

INTRODUCTION

Purpose of the inquiry

1. A series of changes have been made to the way the prison system is run since the Ministry of Justice published its White Paper, Prison Safety and Reform, in November 2016. There have been substantial changes to oversight arrangements for the prison system, and an enhanced role for governors. Three years on, we chose to inquire into how far the changes the Ministry proposed had been implemented and whether they were operating successfully.
2. The challenges many prisons are facing are well documented and during our inquiry Prison Population 2022, we became increasingly concerned at a lack of progress being made by the Ministry and HM Prison and Probation Service (HMPPS) in driving change within the prison system. In particular, we heard about a lack of resources for governors to effectively implement improvements to safety and rehabilitative strategies; limitations with leadership training were also emphasised to us as an issue. We wanted to investigate whether the Ministry had a plan in place to address the challenges the prison system is facing and whether governors had the support necessary to succeed in their role.

How the inquiry was carried out

3. We took written evidence and held three evidence sessions in June and July 2019 with a number of stakeholders, as well as those tasked with delivery. We took evidence from the then Prisons Minister, now Secretary of State for Justice, Rt Hon Robert Buckland QC MP, on 16 July 2019.
4. The terms of reference for the inquiry were:
What should the role of a prison governor be, what should they be responsible for and to whom are they accountable?
 - What changes have been made since the Government's White Paper 'Prison Safety and Reform' and what have been the challenges and opportunities in implementing these?
 - Do prison governors and future governors receive sufficient training and support and what more could be done to improve this, particularly in relation to diversity issues?
 - Are there robust recruitment procedures in place to ensure a high quality and diverse range of prison governors?
 - How effective are the oversight arrangements for prison directors in private prisons and how can these be improved?

How should the Ministry of Justice and HM Prisons and Probation Service (HMPPS) provide effective oversight of prisons?

- To what extent is the split of responsibilities between HMPPS and the Ministry clear and coherent?
- How is the performance of prisons monitored and should other factors be taken into account? What use is made of data and is there a sufficient focus on outcomes for prisoners across the estate?
- Are underperforming prisons properly supported and how is good practice shared between prisons?
- Is there effective collaboration between prison, probation and other community services and what are the challenges to improving this?
- To what extent are existing arrangements in place for the commissioning of services, such as health and education, fit for purpose? Are there appropriate oversight arrangements in place for these services?

1 AN ENDURING CRISIS IN OUR PRISONS AND THE NEED FOR LEADERSHIP

The state of our prison system

5. Our Report Prison Population 2022 identified significant challenges facing prisons in England and Wales and concluded that the system faces an enduring crisis in safety and decency.

Safety in Prisons

6. The prison system faces significant challenges, and violence in prisons continues to be at a record high. The Ministry's quarterly statistics on safety in custody, the latest of which are for the 12 months to March 2019, show that there were:
 - 34,425 assault incidents, 11% more than in the previous year: this equates to a rate of 415 incidents per 1,000 prisoners.
 - 24,541 prisoner-on-prisoner assaults, an increase of 10% on the previous year's figure and a new record high; and
 - 10,311 assaults on staff, up 15% from the previous year.

Safety statistics published in April 2019 had shown previous improvement in some areas: for October to December 2018, assaults decreased by 11% when compared to the previous quarter, for example. However, for the three months to March 2019, the number of assaults rose again, by 4%.

7. Self-harm and deaths in custody are of special concern. In all, 309 people died in prison custody in the 12 months to June 2019, only two fewer than in the year before. Of those deaths, 86 were self-

inflicted, up from 81 the previous year. Some 57,968 incidents of self-harm were reported (a rate of 699 per 1,000 prisoners), up 24% on the previous year. The number of individuals self-harming increased by 6% to 12,539. Women are also at much greater risk of self-harm, with a rate of 2,828 incidents per 1,000 prisoners in female prison establishments compared with a rate of 569 incidents per 1,000 prisoners in male establishments.

8. A number of our witnesses expressed concern about a lack of follow-up of recommendations following a death in custody. Peter Clarke, Chief Inspector of Prisons, told us that “In one third of the prisons we inspect, we find that the responses to Prisons and Probation Ombudsman recommendations following deaths are not being properly implemented. That must be a corporate responsibility.” INQUEST described the Ministerial Board on Deaths in Custody as an information exchange forum and called for a national oversight mechanism to monitor deaths in custody and the implementation of recommendations from post-death investigations. The then Prisons Minister, now Secretary of State for Justice, Rt Hon Robert Buckland QC MP, was clear that one death was too many and every suicide a failure of the system.

The condition of prisons and overcrowding

9. Much of the prison infrastructure dates to the Victorian era and is in a state of disrepair. The Ministry estimates that the current size of the maintenance backlog is £900 million. This has increased significantly in the last 12 months—we heard in August 2018 that the then pipeline of major maintenance work was estimated at £716 million. A number of witnesses emphasised the condition of the estate as a significant inhibiting factor to improving prisons. Dame Anne Owers, National Chair of the Independent Monitoring Boards (IMBs) set out the problem:

There is a long history of insufficient preventive maintenance in prisons, not just in our Victorian prisons but in some of the prisons built more recently. That was exacerbated by the new maintenance contracts that did not allow for preventive work, or all the repair work that is needed. The consequence of that has been, as you say, conditions that are in some cases inhumane and in some cases unsafe.

Table 1 sets out some of the conditions individual IMBs have reported. Box 1 includes photos from recent HM Inspectorate of Prisons (HMIP) and IMB reports, which demonstrate the conditions in which prisoners and staff live and work.

Table 1: Examples of findings from Independent Monitoring Board reports

10. The Ministry recognises the challenge it faces. The Secretary of State for Justice emphasised the need to do better with regard to repair and future capital spend. Jo Farrar described it as one of her biggest challenges.

Prison	IMB Finding
Lincoln	Legionella infection being investigated by Health and Safety Executive (one prisoner died) [the board has recorded some improvements since], lack of resolution of repairs and maintenance results in ‘unacceptable living and working conditions’; some heating failures; welded windows making cells in one wing too hot; long delays repairing kitchen equipment and washing machines.
Winchester	Standard of accommodation ‘unacceptable’; some cells have only a sheet separating the toilet; cells regularly out of use; showers and phones frequently out of order; hot water erratic; two showers replaced in the previous year at cost of £150k and already floors cracked, fans ineffective and water repellent membrane failed.
Exeter	Toilet doors missing on one wing: some toilets not flushing, with waste and excrement on the floor; urinals blocked and overflowing when flushed so that prisoners were using buckets to flush toilets. Funding provided had still not resulted in any repairs seven months later.
Haverigg	Holes in walls and roofs; floors damaged; showers in poor condition; frequent heating breakdown in several units and in kitchen in winter; laundry failings so some prisoners had no kit changes for two weeks.

Source: Independent Monitoring Boards, IMB National Annual Report 2017/18, 5 June 2019

11. As prisons fall into further disrepair, they continue to be overcrowded. The total prison population as at 31 August 2019 was 82,904, up slightly from 82,839 twelve months previously. In the year to March 2019, 22.5% of prisoners were held in crowded prisons. The prison population is projected to decrease in the next two years, to 81,000 by April 2021, before rising again to 82,000 by March 2024. These estimates are, however, predicated on assumptions that court demand remains at recent lower levels, which may require revision following the Ministry’s review of sentencing policy.
12. A large number of our witnesses emphasised overcrowding. Frances Crook, Chief Executive of the Howard League for Penal Reform, told us that “prisons cannot achieve what they are expected to achieve when there are so many people in them... you have to get the number of prisoners down.” NPC, a charity looking at the effectiveness of the

voluntary sector, was of the view that “the criminal justice system is over-stretched and under-resourced, creaking under the weight of overcrowding.” There has also been international criticism of overcrowding; the United Nations Committee against Torture recommend that the Government “continue its efforts to improve conditions of detention and alleviate overcrowding of penitentiary institutions and other detention facilities, including through the application of non-custodial measures.”

Increasingly complex prisoners and the need to focus on rehabilitation

13. The prison population is increasingly difficult, with many vulnerable individuals who have specific and complex needs. The Police and Crime Commissioner for Devon and Cornwall told us: “The complex needs of the current prison population and the multiple and complex needs associated with prisoners makes their management as individuals and the resulting population challenging.” Specific problems facing the Prison Service include:
 - 34% of people assessed in prison in 2017–18 reported a learning disability or difficulty;
 - the populations of those aged over 60 and 70 are projected to increase, both in absolute terms and as a proportion of the total prison population by 2023 and;
 - at 1 March 2019, there were 9,734 persons on the mental health caseload across mental health providers in the prison estate.
14. Our report *Prison Population 2022* identified a lack of focus on rehabilitation. We concluded that the Ministry needed a dual approach to safety and decency, as well as improving rehabilitation, with the ultimate aim of reducing reoffending. Many witnesses reflected the view that there is a need to continue to invest in rehabilitation and focus on reducing reoffending.
15. Our witnesses identified purposeful activity as requiring additional attention. Peter Clarke emphasised the need for good-quality activity places, noting a shortfall across the prison estate and that the Inspectorate “frequently find large numbers of prisoners unemployed with nothing to do.” He expressed concern that more progress was not being made, giving the example of HMP High Down:
 - there were 536 unemployed prisoners and a shortfall in activity places.
 - We made a recommendation that there should be enough activity places for everybody in the prison. The recommendation was only

partly agreed, on the basis that there were not the resources available to create that number of purposeful activity places. We also made a recommendation that every prisoner should have at least 10 hours out of cell. That was rejected on the basis that there were not enough activity places, so there is a circularity of despair.

16. Dame Anne Owers emphasised the link between safety and purposeful activity, saying that “what prisons depend on is dynamic security, not just the physical bits. It is about the relationship between safety, staff-prisoner relationships and activities. That sort of triangle keeps safe places that are not inherently safe.” The Secretary of State agreed there was a link between purposeful activity and a reduction in grievance, noting that this in turns makes prisons safer places.
17. We warmly welcome the link the Secretary of State has made between safety and purposeful activity. There must be greater investment in purposeful activity to reduce the estimated £18 billion cost of reoffending and improve safety in prisons. We repeat the call made in our report *Prison Population 2022* for a dual focus on safety and rehabilitative activity and we look forward to further announcements from the Secretary of State setting out how he will improve purposeful activity in prisons.

The Government’s strategy for addressing the challenges facing the prison system

The 2016 White Paper

18. The White Paper, *Prison Safety and Reform*, published in November 2016, was the last significant articulation of the Government’s approach to managing the prison system. Announcing publication, the then Secretary of State for Justice, Rt Hon. Liz Truss MP, said the Government’s plans represented “a major overhaul of the system—the biggest for a generation.”
19. The White Paper set out a wide range of proposals, included in more detail in box 2. The Justice Committee examined some of these plans in its Reports *Prison Reform: Governor empowerment and prison performance* and *Prison Reform: Part 1 of the Prisons and Court Reform Bill*. The White Paper’s proposals have been implemented to varying degrees since 2016 by successive Secretaries of State for Justice. The commitment to legislate to create a statutory purpose for the prison system failed to materialise following the fall of the Prison

and Courts Reform Bill, before the 2017 general election. However, the commitment to give every prisoner a dedicated officer who can engage with them one-to-one is being rolled out through the Offender Management in Custody (OMiC) model, which our witnesses broadly saw as a positive change.

Summary of the key proposals in the Government's 2016 White Paper Prison Safety and Reform

The key proposals set out in the White Paper include:

- greater autonomy for governors, including the ability to design their regime to meet local delivery needs and target training and work in prisons to match the local labour market;
- a new commissioning system where the Secretary of State directly commissioned prisons and held performance agreements with prison governors;
- new performance measures for all prisons with annual published league tables;
- legislation to create a statutory purpose for prisons;
- investment in an additional 2,500 prison officers, enabling prisoners to have more one-to-one support;
- developing a capability strategy to support governors and senior managers to take on new responsibilities, including a bespoke prison leadership programme; and
- investment of £1.3 billion to build up to 10,000 new adult prisons places, as well as to build and open five new community prisons for women.

20. The White Paper continues to underpin much of the Ministry's prisons policy. The Secretary of State for Justice told us that it "informs the way in which we want to approach particular issues that are affecting not just the safety of prisoners but the safety of staff."³¹ However, a number of our witnesses questioned the extent to which the White Paper has delivered positive and continuing reform. The Prison Governors' Association is "firmly of the belief that Prison Safety & Reform has in the main been a damp squib. The White Paper promised much change for the better, but the reality is that for the Governor running their prison, the promised reform has been minimal."
21. Witnesses also queried the extent to which the White Paper continues to provide strategic direction for the Prison Service. Sue McAllister, the Prisons and Probation Ombudsman for England and Wales, was "not very clear on the extent to which the 2016 white paper has remained anyone's lodestar." Clinks noted that "the momentum behind the original reform prisons has all but

disappeared and creating change on a wider scale across the prison estate has been hampered by political turbulence, a lack of strategic oversight, and a lack of resource to address the growing prison population and ageing infrastructure.”

The Ministry’s Single Departmental Plan

22. All departments are required to produce a Single Departmental Plan setting out objectives and how they will achieve them. The Ministry’s plan sets the following objectives in relation to prisons for 2019–2022:
- provide decent, secure accommodation for offenders and reduce levels of violence and self-harm;
 - reduce rates of reoffending and improve life chances for offenders; and
 - provide excellent functional services, including delivering the Ministry’s financial strategy and managing expenditure.

The development of specific strategies since the 2016 White Paper

23. Since publication of the 2016 White Paper, the Ministry has published a number of strategies relating to specific aspects of prison life, and these have formed a key part of its prison reform agenda. They include the Female Offender Strategy, the Education and Employment Strategy and the Drugs Strategy. Explaining the rationale for these strategies, Jo Farrar said:

The drug strategy was identified as a priority and it has been a priority for us. We brought that together, because it is one of the factors that we need to focus on in order to improve safety and security... We are providing an overall framework, and the drug strategy is a good example where we allow governors certain freedoms to tailor things to the needs of their prison. For education, there is a similar strategy and a similar approach.

Female Offender Strategy

Launched in June 2018, the Female Offender Strategy included a new programme of work designed to improve outcomes for female offenders, including commitments to:

- invest £5 million of cross-Government funding over two years in community provision for women;
- work with local and national partners to develop a pilot for ‘residential women’s centres’ in at least five sites across England and Wales; and
- to reducing the number of women serving short custodial sentences.

Source: Ministry of Justice, Female Offender Strategy, Cm 9642, June 2018

The Education and Employment Strategy

The Ministry published its Education and Employment Strategy in prisons in 2018. This set a number of areas of focus:

- establish consistency and minimum standards in a few key areas across the prison estate;
- empower governors to commission the education provision most likely to meet employers' requirements and prisoners' needs;
- provide the right tools and support to governors to make best use of these powers; and
- couple greater powers for governors with greater accountability for performance.

Source: Ministry of Justice, Education and Employment Strategy, May 2018

The Prison Drugs Strategy

In April 2019, the Ministry published its Prison Drugs Strategy, with the objective of reducing drugs misuse in prisons. The Ministry says that this will be achieved by:

- restricting supply: minimising drugs entering the estate and disrupting the trade of drugs through technology, searching, intelligence;
- reducing demand: ensuring there are incentives in place to support prisoners and constructive relationships with staff; and
- building recovery: collaborating with health partners to ensure successful commissioning and delivery of substance misuse services.

Source: Ministry of Justice, Prison Drugs Strategy, April 2019

24. It remains unclear how the Ministry chooses which strategic challenges do and do not require a strategy and how these fit into an overarching framework. We called for strategies in a number of specific areas in our Report Prison Population 2022, including: older prisoners and the condition of the prison estate.
25. The Ministry has developed a model of operational delivery for older prisoners, setting out how services might best be delivered. Peter Clarke told us in November 2018 that he had been asked to join a steering group looking at older prisons and that he understood that the Ministry was looking to develop a specific strategy for that cohort. However, the then Prisons Minister, Rt Hon. Rory Stewart MP, told the Committee in January 2019 that the Ministry had not made any “commitment to produce a strategy for older offenders, as this is not necessarily the best way to address the issues involved. Instead, we are considering whether other approaches, such as mainstreaming older prisoner considerations into policy development work, might be more appropriate and effective.”

Dr Sarah Bromley, National Medical Director, Health in Justice, Care UK, described the challenges faced in managing an ageing prison population, saying that “the fabric of the buildings does not lend itself to caring for people who are wheelchair-bound or have poor mobility. Social care is very patchy across the country, and how well social care is working has a big impact on health as well. For the frail elderly, particularly those with dementia, we are struggling to provide what they need to keep them safe and healthy.” We will return to this issue in a future inquiry.

26. The Ministry noted in its Response to Prison Population 2022 that it was “developing a long-term estate strategy which will also balance investment in the existing estate to ensure that accommodation is brought up to and maintained at a decent standard while also providing investment in new builds to create modern, purpose-built establishments, that improve rehabilitation and create safe and secure environments.” However, no timeframe for publishing such a strategy has been indicated. The Prison Estates Transformation Programme has been under way for several years following the 2015 Spending Review, but no specific strategy covering the programme has ever been published.

Challenges in developing strategy

27. The Ministry has published a number of individual strategies, as well as making money available for separate policy initiatives, particularly in relation to safety and decency, but a number of witnesses commented on an overall lack of strategic direction of the Prison Service, which many saw as an inhibiting factor in driving change. Clinks said that the “lack of strategic oversight and clear direction has led to an inconsistent approach taken by MoJ in relation to the development and implementation of a range of different strategies ... As a result, the implementation of these various strategies has been siloed and inconsistent, limiting their potential impact and making them challenging to implement.” The Prison Reform Trust emphasised the increasing reliance of the Ministry on ad-hoc policy announcement, saying that “by our calculation there have been 278 separate ministerial policy promises about the prison system. Many of those 278 have been made on multiple occasions. But we have so far been unable to get a reply from the Ministry about how many have been delivered, or even which of them still represent government policy.”

28. A number of witnesses emphasised the high turnover of ministers as having a significant effect on the strategic direction of the Prison Service, as well as the quality of its leadership. Since the beginning of the Coalition Government in 2010 there have been seven Secretaries of State for Justice and seven Prison Ministers. Professor Nick Hardwick, said:
- Many of these [ministers] have had laudable policies—but each have been different and none of the incumbents have been in post long enough to ensure their policies come to fruition... This turnover has had a debilitating effect on the confidence of staff and others in the leadership of the system. Achieving improvement will require sustained commitment and prison staff will be understandably cautious about making a wholehearted commitment to a future Minister’s ideas if that Minister may be gone within a few months.

The need for an overarching long-term strategy

29. In *Prison Population 2022* we concluded that the Ministry needed to acknowledge the challenges it faces in managing the prison population and demonstrate that it has a long-term strategy to deal with them. We were unsatisfied with the Government’s Response to our Report and wrote to the then Secretary of State for Justice, Rt Hon David Gauke MP: “The current crisis in our prison system requires a clear plan of action to deal with the many challenges our prisons are currently facing. The Government’s Response to our Report ‘Prison Population 2022’ does not give the Committee confidence that such a plan exists.” He responded: “I am clear that what the prison system ideally needs is a long-term and multi-year plan not only to address the current challenges but also to put the whole system on a more sustainable footing. This is being developed in preparation for a future Spending Review and I hope to be able to tell you more about this in due course.” Mr Gauke, however, left office on 24 July 2019. be able to tell you more about this in due course.” Mr Gauke, however, left office on 24 July 2019.
30. *We welcome the previous Secretary of State’s commitment to producing a long-term and multi-year plan and recommend that the current Secretary of State honour it. The plan should set out clearly an overarching and integrated strategy to deal with the main challenges facing the prison system. Prisons policy has too long been made on an ad-hoc basis, with new policies announced via press notice and little explanation given as to how they fit into the overall strategic direction of the Prison Service. A clear, evidenced-based strategy is necessary to give governors the stability and confidence to make the changes necessary to improve prisons. This strategy should be produced by 31 March 2020.*

The Government's recent announcements on prisons

31. In August 2019 the Government made a series of policy and spending announcements relating to prisons. These included:
 - spending up to £2.5 billion to create 10,000 additional prison places, with the first new prison to be built at HMP Full Sutton; and
 - investing £100 million in prison security. This will include funding for x-ray scanners and metal detectors, as well as technology to detect and block mobile phones.
32. The Prime Minister ordered a review of sentencing for serious violent and sexual offenders in August 2019. In October 2019, the Government announced a move to abolish the current automatic half-way release for such offenders who receive standard fixed-term sentences. Instead they will be required to serve a minimum of two-thirds of their sentence in prison and subject to strict licence conditions on release. In relation to the Government's proposed changes to sentencing, we are concerned that the announcement may over time result in a significantly increased prison population without any guarantees that the necessary infrastructure will be put in place to avoid further overcrowding of prisons. *We recommend that the Ministry publishes the results of its sentencing review in full, including its evaluation of the proposed sentencing changes in the Sentencing Bill on the size of the prison population.*
33. The 10,000 additional prison places are in addition to those completed under previous Government commitments to build up to 10,000 new prison places. The Ministry has confirmed that of the original 10,000 new places committed to, 3,566 will be built, with new prisons at Glen Parva and Wellingborough. The previous Government committed £1.3 billion as part of the 2015 Spending Review; as at the end of July 2019, around £250 million of the original planned investment had been spent. The Ministry separately agreed with HM Treasury that capital funding not utilised for building new prisons could be used to fund current spending. £235 million was switched in this way in 2017–18; a further £150 million in 2018–19.
34. We welcome the additional and sorely needed investment the Government has announced for the prison system. *Given the Governments' poor track record in delivering promised new prison places, we recommend that the Ministry sets out further details of how and when it intends to use the £2.5 billion that has been committed to build 10,000 additional places and over what time period they will be built.*

35. We are particularly concerned by the focus on creating additional places, rather than on replacing dilapidated and decrepit prisons in the current estate. The Ministry estimates it has a current backlog of maintenance work worth £900 million and attention must be given to the rest of the prison estate, which is falling into an ever-worse state of disrepair. We took comfort from the words of the Secretary of State for Justice and the Chief Executive of the HMPPS, who each acknowledged the significant challenge of managing the prison estate. However, we have still not seen the long-term estate strategy we were told was being developed by the Ministry of Justice. *We recommend that the Ministry sets out the immediate steps it is taking to manage and reduce the backlog of maintenance and sets out a timetable to achieve this. We renew our call for a long-term estate strategy and request that the Ministry publishes this in response to this report.*

The importance of leadership

36. Leadership is a key function of any organisation and we believe strongly that investing in the quality of leadership of our prisons can have a real impact on their performance. We said in our Report Prison Population 2022:

Prison governors are expected to implement several rehabilitative strategies at a time when they are beginning to benefit from a higher complement of staff and are seeking to focus on reversing the deep decline in safety. While we agree that it is right to focus on both decency and rehabilitation, governors have limited capacity, with prison population at current levels, to deal with the range of competing and challenging demands on their time.

37. Successive Secretaries of State have agreed with us. Rt Hon. David Gauke MP told the House, in a debate on prisons and probation, that leadership is an important factor in delivering well run prisons.⁵⁸ The current Secretary of State told us that leadership was a key part of a governor's role, emphasising that developing training for current and future governors was at the heart of the Government's thinking.⁵⁹
38. A number of witnesses emphasised the importance of leadership to delivering improvements in prisons. Peter Clarke, in his Annual Report, said that:

Some issues that have an adverse impact on prisoners are often outside the control of prison leaders, such as the availability of accommodation for those being released, or delays in transferring

those suffering from mental illness to secure beds. However, there is much that is firmly within the control of those whose responsibility it is to lead and manage these complex establishments. It is as clear as day, and I see it for myself week in, week out in performance of apparently comparable jails is directly influenced by the quality of their leadership. Indeed, on occasions a decision as to whether to invoke the Urgent Notification Protocol has been influenced by my confidence in whether the prison leadership has the capacity and capability to drive improvement.

Dame Anne Owers told us that she had seen examples of a well performing prison going into decline because a good governor had moved on. The Prison Officers Association argued that for prisons to improve there needed to be “Leadership from Government, leadership from HMPPS, leadership from Governors, leadership from managers and leadership by frontline staff. If any of these are missing or not as strong or reliable as they should be, an establishment will start to fail.”

39. Some witnesses cautioned that good leadership alone will not improve prison performance. The Prisoner Learning Alliance cautioned that the “challenges arising from under resourcing and under staffing can only ever be slightly ameliorated by good management.” The Prison Reform Trust told us that:

it has always been true that determined local leadership with the right sort of support can improve the state of even the most problematic prisons, if only temporarily. But it is hard to think of any circumstance in which spending more on senior roles, and requiring ever more attention to be devoted to reporting on progress rather than actually making it, represents the best response to a crisis created overwhelmingly by the withdrawal of resources from the front line.

The need for a sustainable funding settlement for prisons

40. We have heard strong calls for further investment in prisons; the Prison Governors Association said that “the fundamental issue facing HMPPS is a lack of investment.” It went on to say that funding made available in the last few years was inadequate and called for a root and branch review of all aspects of imprisonment, with adequate funding for the results. Philip Wheatley, former Director General of the Prison Service, emphasised the ongoing tension between the need for the Ministry of Justice to live within its means and the need to invest in the prison system. He warned that “Any pressure to deliver further cuts in prisons

or an expectation that prisons can cope with cuts or inflexibility in the delivery of essential support services is likely to stall or reverse any signs of recovery in the performance in our prisons.”

41. In September 2019, the Chancellor of the Exchequer, Rt Hon Sajid Javid MP, announced the results of a one-year Spending Review for the financial year 2020–21. The settlement for the Ministry of Justice included:
 - a 4.9% increase in real terms to the department’s resource budget from 2019–20 to 2020–21;
 - funding to begin delivery of the government’s £2.5 billion commitment to create an additional 10,000 prison places, as well as the £100 million to increase security in prisons, announced by the Prime Minister in August 2019; and
 - £55 million across the criminal justice system to support the work of 20,000 additional police officers.
42. We have repeatedly called for a sustainable funding settlement for the prisons system, to improve safety and decency in prisons, as well as to focus on rehabilitation to reduce the estimated £18 billion annual cost of reoffending to the economy. The Secretary of State agreed that the Ministry could do with additional resource and emphasised the need to invest in the Prison Service to offset future costs. He said that “A lesson I have learned over the years is that a lack of investment in intervention at the right stage of rehabilitation leads to more reoffending, and more reoffending leads to more and longer terms of imprisonment.” He went gave the example of healthcare, where investment now in areas such as drugs in prisons might lead to a reduction in costs in the future.
43. We welcome much needed additional funding for the Ministry of Justice and in particular for the prison system. We acknowledge that the recent Spending Review was intended to cover only one financial year but believe the condition of the prison system is such that a multi-year funding settlement is urgently required. Prisons should be safe and decent environments that rehabilitate offenders but this not currently the case. We have called for a long-term plan to improve the prison system, but this will work only if it has the funding to underpin the plan. We note the recent schools funding announcement for the three years to 2022–23 and would welcome something similar for prisons. We recommend that the Ministry works with HM Treasury to agree

long-term funding plans, to give the Prison Service and prison governors the confidence and stability to drive real change in prisons.

44. The Secretary of State emphasised the need to take a cross-departmental approach to funding the whole criminal justice system, telling us in July 2019, when he was Prisons Minister, that:

It is welcome to hear that the future Government will invest more in policing, but that will have a knock-on effect. With more police officers, we can expect to see more arrests. With more arrests, we can expect to see more prosecutions. With more prosecutions, we expect more contact with the Prison and Probation Service. If there is to be an increase in resources, it needs to be met with a whole criminal justice system response. I and my officials are working closely with colleagues in the Home Office and the Attorney-General's office to make sure that when the spending review process begins, instead of being dealt with on a departmental basis, it is dealt with on a thematic basis.

The Government recognised this in recent policy announcements on prisons. In its press release announcing up to £2.5 billion to build 10,000 additional prison places, the Government said that “This major investment builds upon the Prime Minister’s commitment to recruit 20,000 more frontline police officers over the next 3 years—to protect the public and cut crime. Ensuring prisons have sufficient capacity to hold the additional offenders who will be caught, charged and sentenced is a crucial part of the government’s effort to create a more effective justice system.”

45. We have previously called for a similar approach in relation to reoffending, recommending in our report, *Prison Population 2022*, that the next Spending Review “should be broadened to encompass a more systemic approach to managing the £18 billion a year cost of reoffending. This should include downstream measures, which are out of the control of the Ministry of Justice.” The cross-system approach the Government has taken to the criminal justice sector in its recent policy announcements is welcome. However, we would like to see more detail on how the Government will take the same approach in relation to reoffending, as the Secretary of State set out when giving evidence to us.

2 THE ROLE OF THE GOVERNOR

46. Governors play a vital role in the effective running of a prison. They work in extremely complex and volatile environments with vulnerable people. A governor is ultimately responsible for everything that happens within a prison, as the governors we met told us. They are passionate about what they do, and all told us that it hurt when things went wrong. Many emphasised the changing nature of the role due to the government empowerment agenda and the need to have both a strategic and operational understanding of how to run an organisation.

Governor empowerment agenda

47. Successive governments have had a policy of empowering governors. This was envisaged as moving from a highly centralised system to one where authority was devolved to governors, who would have a much greater say. In May 2016, the Ministry launched a programme of six reform prisons, which were intended to give governors unprecedented operational and financial authority. More information on these reforms can be found in Box 6. Reform prisons were mentioned in the 2016 White Paper, Prison Safety and Reform, but according to the Prison Reform Trust were “quietly shelved” after that.

The six reform prisons

Governors in the six reform prisons, announced in May 2016, were given unprecedented operational and financial authority, including to:

- spend budgets more flexibly to prioritise the issues they considered most important;
- design new strategies to recruit, manage, develop and recognise staff so they attract the right people and retain them;
- manage staff more flexibly to increase frontline numbers and support safety, security and rehabilitation;
- decide which goods and services they buy locally and who supplies them; and
- decide whom they partner with and what services they commission, including the ability to opt out of national contracts.

Source: Ministry of Justice, Prison Safety and Reform, , November 2016,

48. Governor empowerment was a major part of the 2016 White Paper, which proposed to build on reform prisons and roll governor empowerment out across the prison estate. More information on what

was proposed can be found in Box 7. Such proposals have been implemented to varying extents; for example, governors have some control over their budgets, but it is limited.

Governor empowerment as set out in the 2016 White Paper Prison Safety and Reform

The 2016 White Paper set out the following proposals in relation to all governors being given greater authority:

- Accredited programmes: governors would be able to choose which programmes to run for prisoners to tackle their offending behaviour;
- health: The Ministry would move to a joint approach to commissioning health services in England, with governors jointly involved in the decision-making process at each stage of the commissioning cycle alongside local NHS commissioners;
- work: governors would be able to develop local commercial relationships to provide meaningful work opportunities for prisoners. They would be able to reinvest the income they generated to deliver additional services or grow their employment offer;
- staff: governors would be able to design their staffing structure from scratch and hire the senior leadership team, officers and specialists with the skills they think the prison needs;
- budgets: governors would decide how they spend their money rather than being given specific budgets for different things, with tight restrictions on how they spend it;
- operating framework: governors would be able to introduce operational policies that fit the prison;
- education: governors would be given the budget and responsibility for education once current contracts end so that they can overhaul education provision completely; and
- family ties: governors would be given the budget and responsibility for services to families so that prisoners can build and keep family ties.

Source: Ministry of Justice, Prison Safety and Reform, Cm 9350, November 2016

49. Our predecessor Committee considered the governor empowerment reforms in the White Paper in its Report Prison reform: governor empowerment and prison performance. It generally supported the principle of greater governor empowerment, but it did not see any evidence that this would lead to better outcomes. The Committee called on the Government to publish an evaluation of the impact on performance of granting greater autonomy to governors after 12

months. The Government response to the Report said that it was working to develop an evaluation strategy for the full Prison Reform programme, and empowerment would be part of that. No such evaluation has been published.

50. A number of witnesses were sceptical of the extent to which governors had actually been empowered since the publication of the White Paper. Andrea Albutt, President of the Prison Governors Association, said that “We no longer use the term “empowerment”. We use the term “freedoms”—freedoms for governors. That probably says a lot about the empowerment agenda.” The Chief Inspector of Prisons, Peter Clarke, felt that there had never been clarity over what giving governors more autonomy actually meant. During his inspections he found a variety of perceptions at different prisons as to what governors can and cannot do and argued that “What they [governors] need is absolute clarity about their remit, the parameters of what they can do and the role of those above them in the leadership chain.”
51. Witnesses identified the inability of governors to control fully their prison finances as a significant inhibiting factor to real autonomy. It was estimated that between 80% and 85% of a governor’s budget will be spent on staff costs, leaving only a small amount for discretionary expenditure and little real autonomy about how money is spent. Governors told us that autonomy over their budgets had improved, but they emphasised restrictions and rigid structures to get approval for expenditure that remained. The Prison Reform Trust noted that governors must rely on resources funded in different ways and services they may not have personally procured. It called for governors to be trusted with more flexibility over how they manage their budgets.
52. We support the principle of governor empowerment and it seems sensible and logical that governors should have autonomy to run their prisons as they see best. Any devolution of responsibility to governors must be accompanied by the training and support necessary for governors to succeed in their role. In the three years since the 2016 White Paper and the setting up of the original six reform prisons, the governor empowerment agenda has been implemented on an ad hoc basis, and we are concerned by a lack of clarity as to how the role of the governor has changed as a result. Neither have we seen any evaluation of the impact the changes have had on prison performance. *We recommend that the Ministry publishes a full impact evaluation of the changes it has made to governor responsibilities since 2016.*

53. Governors will be able to make use of their autonomy and be truly innovative only if they have the necessary funding and the ability to use it how they see fit. We were concerned to hear that governor's control over their prison's finances remains limited. *We call on the Ministry to set out in response to this report what discretionary funding is available for governors to undertake individual projects in their prisons, as well as what more can be done to give governors the financial independence to drive truly innovative change.*

The accountability structures that governors work within

54. The lack of clarity over the extent to which governors have full control over their prisons, led many witnesses to identify an apparent expectation gap between what governors are perceived to be responsible for, particularly by the public, and what they actually have control over. This was articulated by many of the governors we spoke to, who agreed they were often held accountable for things over which they have no direct control. Digby Griffith, Executive Director, Safety and Rehabilitation, HMPPS, echoed this, telling us that "the governor is held responsible for a lot of things over which they do not have direct control". He went on to say that "For many members of the public, prisoners are hidden away and the governor is responsible for them." The Prison Officers Association was concerned that the role of the governor was used by the Ministry and HMPPS as a buffer when problems in frontline delivery arose.
55. Witnesses agreed that governors held primary responsibility for what happened in their prisons. The Prison Governors Association said that "the Governor is accountable for everything that happens in and with their prison every hour, every day, every month of every year." However, the sheer number of organisations and individuals that governors themselves are accountable to was emphasised by some. We also heard calls for clearer accountability structures within which governors operate. Peter Clarke told us that "The governor has to be held accountable because at a local level the governor is accountable, but in turn that governor needs to ensure that his or her team is held accountable."
56. We had an interesting discussion with our witnesses about who was ultimately responsible for delivering an action plan where the performance of a prison requires improvement. Peter Clarke had received varying responses to this question noting that some governors

felt it was them, while others argued the responsibility lay with the Prison Group Director or another individual further up the chain. Phil Copple, Director General for Prisons, noted that “Responsibility is held at several different levels, depending on what the nature of the action is. A lot of them will be the responsibility locally for the governor to see through. Some of them will be on the wider service to see through”. Jo Farrar, the Chief Executive of HMPPS, accepted that the Service needed “to be clear about what governors and prison group directors are responsible for and what we are all accountable for.”

57. We are concerned that the additional responsibilities that governors have received under the empowerment agenda do not match the rhetoric used by the Ministry and that therefore there is a lack of clarity both as to what governors themselves are responsible for, but more generally who is accountable for the performance of individual prisons. *We recommend that the Ministry undertake a review of the accountability structures within which governors operate to ensure absolute clarity as to who is responsible for what.*

The need for teamwork and collaboration

58. There are areas within a prison where the governor does not have direct responsibility for what happens. Health and education are examples, and we cover these in a later chapter, but there are many others, such as facilities management and the resettlement of prisoners. Many of our witnesses emphasised that to be successful, governors needed to be skilled in partnership working and able to work as a team with other organisations. The Prison Governors Association said that governors “rely on building strong functioning relationships with all partners both internal and external to the prison. This requires competent leadership, demonstrating strong influencing and negotiating skills.”
59. Governors we met as part of this inquiry also emphasised partnership working to shape services and influence areas where they had more limited control, but gave examples of where they had struggled to exert any influence. The ability to use skills of persuasion, influence and co-operation, rather than direct command were emphasised as key skills in running today’s prisons. Digby Griffith summed up the situation, describing governors as “Chief Executives”, expected to bring together multiple agencies to work in partnership. Many different organisations work in a prison and we agree with our witnesses that partnership working

is an important part of a well performing prison. A whole-prison approach is absolutely vital and it should be for the governor to work with partner organisations to set the vision and strategic direction for their prison.

The condition of the prison estate and the role of the governor

60. We emphasised in chapter 1 the poor condition of the prison estate as a significant strategic challenge for the Ministry and HMPPS. The Prison Governors Association described the condition of many prisons as “deplorable and not fit for purpose”. Dame Anne Owers, National Chair of the IMBs, said the challenge of properly maintaining the estate was something that been reported on for years and felt that it had taken a crisis for the problem to be taken seriously. She identified a sense of “learned helplessness” among staff, who had often given up trying to do things to improve the situation owing to a “loss of staff, lack of investment and failing facilities management contracts”. Peter Clarke pointed out that in some prisons, such as HMP Liverpool, a mindset had developed amongst staff of accepting poor conditions. When we met with governors, they told us that the reality of the situation was that to run a decent Prison Service there first needed to be a decent prison estate.
61. The Secretary of State and his officials acknowledged the poor condition of the prison estate and the need for action. All agreed that more funding was required to take the action necessary to deliver sustained improved. Phil Cople noted that “this year, for major renewal and maintenance our budget is about £75 million. Ten years ago, the figure was more than £230 million, and that figure is not adjusted for inflation.” Sir Richard Heaton, Permanent Secretary of the Ministry, estimated the backlog of maintenance across the prison estate at £900 million (£760 million capital DEL and £140 million resource DEL). Andrea Albutt told us that just to stabilise prison assets would require £500 million per year for a decade. Jo Farrar said that she had visited a number of facilities that she did not consider to be in an acceptable condition and that she was working with the Ministry to make the case for proper investment. She hoped to have additional investment this year so that more could be done. However, Phil Cople cautioned that:

you can quickly have a prison deteriorate, but it takes a long time to improve it. That is symptomatic of the adult male closed estate in many respects over recent years. It will be a long haul to improve it. Money will make a big difference,

particularly in living conditions. That is why we need to get proper investment in the estate. Local management and their efforts and the support they get from above are also important... With exceptional local management and exceptional levels of support from above, you can make more progress than otherwise would be the case, but you will not have a magic bullet that finds millions and millions of pounds to improve the physical conditions.

Facilities management contracts

62. Many witnesses identified facilities management contracts as a major reason for the current condition of the prison estate. Facilities management in the prison estate is provided via contracts with two main companies: Amey and GFSL, a government company set up to take over the Carillion contract for prison maintenance following that company's collapse in January 2018.
63. Frances Crook, Chief Executive of the Howard League for Penal Reform, described the facilities management contracts as a complete disaster. The Prison Governors Association concluded that the contracts were a risk to health and safety, as well as decency. Sir Richard Heaton told us that GFSL is "still in a transitional phase of stabilising and improving the service, resulting in current performance not yet at the levels either the Ministry or GFSL would like to see." The Ministry estimated that it had spent £10–15 million more on GFSL in 2018–19 than it had spent on Carillion in 2017–18.
64. The 2016 White Paper proposed that national contracts be reviewed to assess whether further responsibility could be devolved to governors to give them greater flexibility to buy services from elsewhere if they chose. Facilities management contracts remain national contracts. Governors we met expressed frustration at being tied to such contracts, which they felt impeded making improvements to decency. One governor said they felt "held to ransom" by the contracts, noting that they had limited authority over contractual levers. Another said that control over facilities management should be devolved to governors. Andrea Albutt said that governors had limited control and had to try to use their leadership skills to influence the contracts. Dame Anne Owers said that many IMBs were reporting that there was still "administrative red tape and labyrinthine

procedures where it takes ages to get something done.” The Secretary of State told us that he was deeply frustrated with the amount of time it took for maintenance work to be undertaken.

65. A number of our witnesses suggested that a solution to some of the prison estate’s maintenance problems would be to give governors autonomy to authorise and undertake minor repairs work, rather than relying solely on national facilities management contracts. Dame Anne Owers said that prisons previously had their own works departments, meaning that someone was always on site able to undertake small works, alongside prisoners.
66. The Secretary of State agreed, suggesting that governors should be able to commission minor repairs themselves, saying that “we need to do something more systemic to give governors a higher level of autonomy to get on with the little repairs that mean so much to the prison community.” He cited the example of Q-Branch at HMP Leeds, which involves a small group of staff and prisoners carrying out maintenance tasks, saying that “the example that prison officers and prisons are showing in Leeds is a clarion call to the rest of us as to not only how to involve prisoners in maintaining the estate but to save money and do it in a cost-effective way.” Phil Copple explained how this could be rolled out across the rest of the prison estate:

we would create flexibility using some prisoner labour, as well as a small number of directly employed staff, to carry out some of the most minor repairs, and try to improve conditions in establishments. They are able to source materials locally to do that, which is distinct from the core services in the management contract, and certainly distinct from more major investment in renewal and refurbishment across the estate.

The Secretary of State thought this could be rolled out at pace across the prison estate. He said that “ I am hoping that when we come to the end of next year, when I think contracts are due for review, we look seriously at reinjecting the local dynamism that can result in little repairs being made that, if left undone, can lead to a whole series of other problems developing that cost us more money in the long run.”

67. *We welcome the Secretary of State’s commitment to introducing greater autonomy for governors to undertake minor repairs and we support him in his endeavour of setting up works departments in prisons to do*

this. We believe this is a sensible initiative that will have a positive impact on the condition of prisons, as well as creating purposeful activity for prisoners, and call for this to be implemented as soon as possible. We recommend that in response to this Report the Ministry sets out more detail about how it will implement this initiative and when it expects to roll it out across the prison estate.

68. We continue to be very concerned about the performance of facilities management contracts. The condition of the prison estate is dire and the current contracts bureaucratic with limited opportunities for governors to exert any influence in individual prisons. *We recommend that the Ministry, at the earliest possible opportunity, move away from national contracts for facilities management to much smaller, localised arrangements. The example of the contracts used under the Prison Education Framework may prove useful in this, but the overarching principle must be that governors have more control over the service and can adapt it to meet the needs of their prison.*

Q-Branch: An example of good practice

Q Branch is a small team of staff and prisoners who carry out maintenance tasks of varying kinds around HMP Leeds. The scheme employs skilled prisoners to carry out in-house work and gain national vocational qualifications in areas such as painting, woodworking, bricklaying and plastering. The work carried out are tasks that the Facilities Management provider does not have time to complete. Prisoners also carry out tasks that are routinely completed by other professionals or contractors and include waste management, gardening and landscaping, among other activities. HM Inspectorate of Prisons, following their inspection in October and November 2017, described the initiative as an example of good practice. The scheme has also been successfully rolled out at HMP Wealstun and nine other establishments in the North.

Source: Ministry of Justice

Governor autonomy in relation to capital expenditure

69. The scope for governors to control capital expenditure in their prison remains very limited. Andrea Albutt summarised the position, explaining that:

If I, as a governor, decided that I needed technology at the front of my prison, I would not have the money in my budget to do that. I would have to put a business case, through my

prison group director, asking for more money to do that. Whether or not that business case was agreed, the prison group director would not necessarily have the resource to pay for it either, so it would then have to be escalated higher.

Sir Richard Heaton explained the process through which capital expenditure is approved. He said that capital budgets for improvement works in prisons are held centrally and there is no formal capital allocation to individual prisons. Governors can bid for funding and these bids are submitted to a dedicated Board, depending on the value of the works. The Board then makes prioritised allocation decisions in the light of the overall funding available.

70. However, a number of governors told us that even where bids were approved, they were often told that there was no money to pay for them. Andrea Albutt also raised concerns that bids were not approved quickly enough before the end of the year, meaning that the money could then not be spent. The Secretary of State said that the Ministry should “look seriously at how we can devolve a budget to governors with a reasonable threshold under which they should have discretion to spend on repairs.” He added that “I am very much in favour of trying to restore a local element of discretion.”
71. The current system for approving capital expenditure is bureaucratic and we welcome the Secretary of State’s commitment to look seriously at this issue. Governors should have more discretion to authorise capital expenditure themselves. We accept the need to approve some major capital work centrally, but call for greater responsibility for governors. We recommend that the Ministry review governor’s responsibilities for approving capital expenditure and consider how further financial authority can be devolved to them.

Procurement

72. Many governors raised procurement as a barrier to making improvements. One governor told us that one of their greatest frustrations was the bureaucracy of getting permission to get things done. A number of governors described procurement rules as “a constant battle”. Many felt that trying to innovate was exhausting because they constantly had to jump through hoops and fight to get things delivered. Andrea Albutt emphasised the problem of centralised contracts, saying that prisons often struggle to get equipment into prisons: “You need to

purchase new furniture for prison cells, but six or seven months down the road you still do not have it.” The Prison Governors Association used the example of HMP Bristol to illustrate the problem, noting that new cell furniture had been ordered in January 2019 but still had not arrived by June 2019.

73. We also heard about the challenges of procuring drugs scanners because there is not a procurement system in place to acquire them; Andrea Albutt said HMPPS was having to piggyback on a UK Border Agency (UKBA) contract to acquire them. The Ministry confirmed that in the last year it had leveraged the UKBA contract to purchase 17 body scanners. It is in the process of setting up its own contract to purchase such technology.
74. We are concerned by what we have heard about the bureaucracy of procurement in the prison system, particularly the length of time it can take to get equipment into individual prisons. We welcome the Government’s recent announcement of £100 million investment in prison security, but this will only be effective if the equipment it purchases, such as drugs scanners, arrives in prisons in a timely fashion. *We call on the Ministry to commission an independent review of procurement processes to ensure that prisons get the equipment they need in a timely fashion.*

Training and development

75. Prison governors emphasised to us the increasing complexity of their role following the governor empowerment agenda, saying that governors now needed a good understanding of the strategic functions of running a prison, such as human resources and contract management. They also emphasised the need for more leadership training. This is something our predecessor Committee called for in its Report *Prison reform: governor empowerment and prison performance*. It raised concerns about governors having the capability to take on additional responsibilities and called for additional support and training to help governors fulfil their role. We repeated this call in our Report *Prison Population 2022*. The Government has said it is investing £1.5 million in learning and development initiatives. As part of the 10 prisons project, interventions were put in place for the governors and their leadership teams to help build competence and confidence within establishments.

76. Many witnesses felt that additional training would be beneficial in supporting governors to carry out their job effectively. The Prison Officers Association was critical of the current provision and said that if the Ministry wants to devolve any further powers to governors, they need to provide the training and knowledge to enable governors to be successful. Jo Farrar told us about some of the work the Service is currently undertaking to develop its governors, including the introduction of a senior leaders scheme, which “will take people with high potential whom we expect to be the governors of the future and start to give them the right training and development.” Phil Cople also noted that governors are able to undertake six-to-eight-week placements outside the Prison Service to learn from other organisations. However, he accepted that more needed to be invested in this area, something which had been learnt from the 10 prisons project.
77. The Prison Officers Association felt the new senior leaders programme did not offer officers enough time on the frontline, noting that in the past officers would have had to have been in post for at least four years before they could apply for promotion. The Prisoner Learning Alliance argued that more could be learnt from similar schemes in the private sector. They said that “Not enough thought is given to the type of leadership style and type of prison, and whether a governors skills and attitudes are a good ‘fit’ for an establishment.” Governors also called for more tailored training, highlighting the diversity of the prison estate and the fact that managing different prisons often required different sets of skills.
78. Governors must have the necessary support and training. We welcome the initiatives being undertaken by HMPPS, such as the senior leaders scheme, but agree that there needs to be greater investment in leadership development. The ability of governors to go on short secondments outside the Prison Service to learn about leadership in other organisations is a vital tool and we would like to see this available more widely. The work undertaken on leadership development as part of the 10 prisons project is positive, but we note no evaluation of this aspect of the project has been published. *We recommend that the Ministry sets out how it intends to take forward the leadership development work undertaken as part of the 10 prisons project, including how this will be rolled out across the rest of the estate.*

79. A number of our witnesses raised the need for additional support to help governors fulfil their role. Andrea Albutt told us that “In governing a prison, governors need the services of competent people around them as well... They need knowledge of and access to the services that help run their prisons.” Governors told us that they do receive some support, in the form of finance and HR business partners, but that these are shared resources with other prisons. The role of the governor is ever more complex and is rapidly moving from having a mainly operational focus to requiring a more strategic approach. Governors need access to sufficient support and expertise to enable them to fulfil this role.

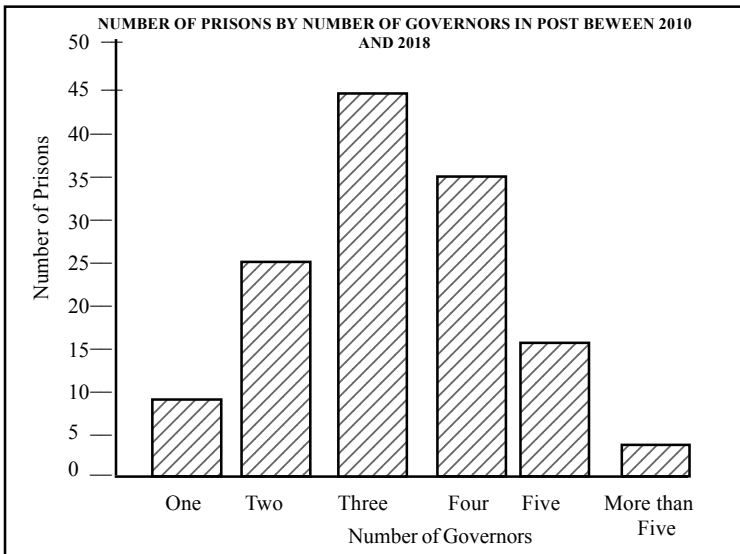
Recruitment and retention

80. Having a strong pipeline of future governors for recruitment is important to having effective leadership across the prison estate. The Ministry has a strategy for developing leadership in HMPPS and has re-introduced a direct entry scheme for future leaders. However, it accepted that this does not yet go far enough, telling us that “There are lots of people with relevant experience whom we believe could bring new skills and complement the skills of experienced staff already working in prisons.” The Prisoner Learning Alliance agreed, stating that “The current recruitment process is not robust and sustainable enough to ensure an adequate number or quality of governors. There is a level of attrition with people leaving the Prison Service or, for governors there are opportunities for employment at regional and HQ level which take senior staff away from operational roles.”

The effect of high turnover of governors

81. One of the main reasons for having strong recruitment channels for governors is relatively high turnover in the grade. As at 30th September 2018, the average length of service for governors in their current post was 2.6 years.¹⁴⁷ Figure 2 shows the number of prisons that have had multiple governors between 2010 and 2018. Fifty-two establishments have had four or more governing governors in nine years.
82. The issue of governors being moved around rapidly within the Prison Service, either between prisons or into a headquarters role, was also identified as a problem. The Prisoner Learning Alliance set out the consequences of high turnover of governors at individual establishments:

Number of prisons with multiple governors in post between 2010 and 2018

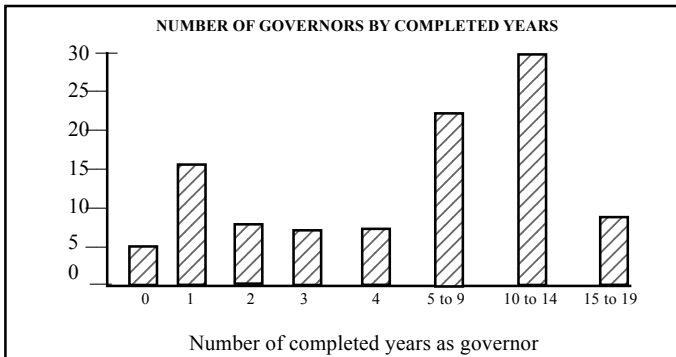


Source: PQ On prison governors, 02 May 2019. Data relates to the period January 2010 to December 2018

We often see that a governor who is managing and improving their prison effectively can be moved to another prison that is struggling. While the logic is understandable, this can potentially have two impacts. The prison that loses the governor has a leadership vacuum, progress loses momentum and structures and initiatives that have been implemented before the governor's departure are not taken forward and embedded. Secondly, if the prison the governor moves to is not a good fit for their qualities and capabilities, they are unable to make the changes needed to improve their new establishment and a struggling prison continues to be lack stability and effective leadership.

Frances Crook told us that she did not think governors stayed long enough when they wanted to, saying that "It is horrific when a prison has a governor with a stable team for five years, and suddenly they are parachuted somewhere else and three or four months go by with no leadership and somebody is acting up." Andrea Albutt noted that if a governor stays at a prison for five years, that prison is generally more stable. She emphasised that high turnover has always been a

problem, but that the current state of the prison system compounds the issue. She agreed that tenure and the ability of a governor to stay in one prison long enough to make a difference should be higher up in the Ministry’s thinking.



Source: PQ Prison Governors, 03 September 2018. Data for governors in post as at 30 June 2018. Figure only includes Governing Governors working in the HM Prison Service. Therefore, these figures do not include deputy Governors or those covering Governing Governor roles.

83. We believe that prisons require stability to make improvements and this starts with stable leadership. Turnover of governors is too high, and they do not have enough time to embed long-term change before leaving or moving elsewhere within the Prison Service. *In order to reduce turnover and stability we recommend HMPPS should work on the principle that where possible governors remain at one prison for at least five years before being moved to other parts of the Service.*

Incentives to help with retention

84. A number of witnesses emphasised the need for better incentive packages to encourage staff to stay in the Prison Service for longer. The Prison Reform Trust said that “For the toughest governing jobs, the Prison Service needs the flexibility to offer rewards, including generous help with living away from home if that is unavoidable, that relate to that role at that time, rather than a rigid grading structure which provides rewards in perpetuity.” Andrea Albutt said there were no incentives for governors to stay. In particular, she raised the issue that governors are unable to earn extra money doing overtime, which can act as a disincentive when looking for promotion. Prison Governors also told us that individuals often look for jobs in the police or security,

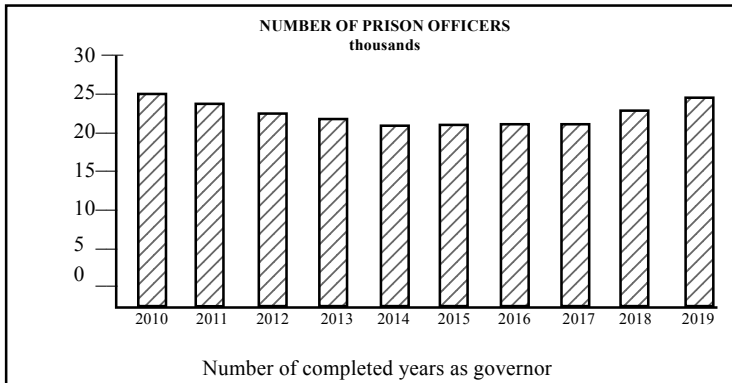
where they believed there was a better working environment. One governor also raised concerns about the high number of individuals on temporary promotion, saying they felt HMPPS took for granted that people wanted promotion without offering sufficient incentives.

85. Both governors and prison officers must have sufficient incentives to stay in the Prison Service and this is an important part of reducing turnover. *We recommend that the Ministry and HMPPS review incentive structures to see what more can be done to incentivise individuals to stay in the Service.*

Prison Officers

86. Our inquiry has largely focused on governors and leadership within prisons, but a number of witness emphasised the increase in the number of prison officers with limited experience in recent years and many raised concerns that this was impeding the recruitment of talent to leadership positions within HMPPS. The Ministry told us that as at 31 December 2018 there had been a net gain of 4,767 prison officers since November 2016. This followed a significant decline in the number of prison officers from 2010 and has meant that there is far less experience in the prison system than there used to be; the average length of service has decreased from 13.5 years in 2010 to 11 years in 2018. As at 31 March 2019, 47% of prison officers had less than 3 years' experience, compared to 16% as at 31 March 2016.
87. Philip Wheatley, former Director General of the Prison Service, emphasised that it takes a number of years to equip operational staff with the knowledge and experience for them to progress to governor-level. He warned that promoting individuals prematurely risked operational failures that might both negatively impact on a prison's performance and permanently damage the confidence of the person involved. The Ministry acknowledged the fact that HMPPS now has many new and inexperienced staff who require training. It also noted that the leaving rate for prison officers, 11.6% for the year to 31 March 2019, was higher than it wished. The then Secretary of State, Rt Hon David Gauke MP, wrote to us in July 2019, telling us about the HMPPS Retention Board, which has been set up to try to improve retention in specific local areas.

88. A number of witness noted the Unlocked Graduate Scheme as a positive development. Unlocked Graduates is a graduate leadership development scheme, designed to recruit and develop talented graduates into outstanding prison officers over a two-year period. Participants work alongside and are mentored by existing officers, while also studying for a master’s degree.



Source: HM Prison and Probation Service, HMPPS workforce statistics bulletin: March 2019 tables, May 2019.

89. We welcome the overall increase in the number of prison officers, but are concerned by the high rate of attrition among officers and the effect this has on the experience in the Service. If HMPPS is unable to retain officers in the long term this will reduce the pipeline of talent for future governors. *We note the work currently being undertaken by the Ministry but recommend that a formal strategy is required to improve retention of prison officers.*

Representation of Black, Asian and Minority Ethnic individuals in leadership positions

90. As at 31 March 2019, 7.3% of public sector Prison Service staff declared their ethnicity as being BAME, an increase from 6.4% 12 months previously. David Lammy, in his review on the outcomes of Black, Asian and Minority Ethnic (BAME) individuals in the criminal justice system, found that “the lack of diversity among prison officers, including prison leadership, helps perpetuate a culture of ‘us and them’ with BAME prisoners. It contributes to an atmosphere in which many rebel against prison regimes, rather than start on the road to a life without offending.” The Ministry has responded by committing to ensuring

that BAME representation in HMPPS senior leadership is reflective of the wider population by 2030 and that by December 2020, 14% of all staff should be recruited from a BAME background.

91. A number of our stakeholders raised BAME representation among HMPPS senior leaders as a significant issue. The Prison Governors Association told us that “Diversity remains an issue at Governing Governor level where you can count on one hand the number of BAME leaders of prisons, with not one governing within the Long Term/High Security Estate.” Frances Crook said this was a problem because prison staff and leaders do not reflect the prison population of which, as at 30 June 2019, 27% had a BAME background. Andrea Albutt emphasised that people from BAME backgrounds do not apply for the assessment process to enter junior governor grades and that work needed to be undertaken to understand why. The Ministry says that HMPPS have “held one-to-one interviews and focus groups with senior leaders and BAME staff in prisons to gather their views on barriers to progression and how we can remove these.”
92. We welcome the Ministry’s commitment to improving BAME representation in the Prison Service but, two years on from the Lammy Review, progress has been disappointingly slow. This must continue to be a priority for the Ministry, which has committed to publishing an update on its implementation of the recommendations in the Lammy Review by the end of 2019. *We look forward to seeing this and recommend that the Ministry publishes diversity data by grade, as well as a more detailed analysis of the barriers to progression of BAME staff within HMPPS and an evaluation of the changes the Ministry has implemented since the publication of the Lammy Review to remove such barriers.*