



Prison Reform Trust evidence to the Justice Committee inquiry Prison: planning and policies

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform. The Prison Reform Trust provides the secretariat to the All Party Parliamentary Penal Affairs Group.

The Prison Reform Trust's main objectives are:

- reducing unnecessary imprisonment and promoting community solutions to crime
- improving treatment and conditions for prisoners and their families

www.prisonreformtrust.org.uk

Introduction

1. The Prison Reform Trust welcomes the opportunity to submit evidence to the Justice Committee's inquiry Prison: planning and policies. The constraints imposed by 27% cuts to the Ministry of Justice's budget have resulted in a drive to close small community prisons and build larger jails while reducing staff numbers and prison regimes. This has had an impact on the ability of the prison service to hold people safely and securely and on access to education, training and other purposeful activity. Early attempts by the coalition government to limit the use of custody through sensible reforms to indeterminate sentences and the use of remand have been replaced by a resurgence of increasingly punitive rhetoric, legislation and policies. This will cause prison numbers to rise¹ and limit resources available for rehabilitation.
2. The pressure of budget cuts should have concentrated effort to get to grips with a distorted system which places too much store on what imprisonment can achieve. Until and unless planning and policies are aligned across national and local government departments, prison will continue to act as a default system for failures in other public services. Prison is expensive and has a poor record at reducing

¹ Provisions in the Criminal Justice and Courts Bill to widen the scope of mandatory life sentences, limit automatic release for extended determinate sentences and some determinate sentences, lengthen jail terms for recall prisoners and introduce harsh new penalties for being "unlawfully at large" following recall to custody, introduce secure colleges for under 18s and limit police discretion in the use of cautions will exert a significant upward pressure on the prison population and further stretch limited resources available to criminal justice agencies. The impact assessment of the bill estimates that the measures will result in an increase in the prison population of around 1,000 places, in the long run, and an increase of around 1,100 Parole Board hearings per year. In addition, the Offender Rehabilitation Act 2014 will impose a 12 month mandatory statutory supervision period on anyone sentenced to a custodial sentence of over one day and up to two years. This will result in a significant increase in the number of people breached and recalled to custody. The government estimates that around 13,000 offenders will be recalled or committed to custody, giving a prison place increase of around 600 additional places, at a cost of £16m per year.

reoffending, with 58% of short sentenced prisoners reconvicted within one year of release.² The recent National Audit Office report into Managing the prison estate highlighted that reducing prison numbers “still represents the best way to save money in prisons in the medium and long term”.³

3. We note that this inquiry will not consider the circumstances in which offenders should be sentenced to custody. Nonetheless, given the current pressures on the National Offender Management Service (NOMS) to reduce costs and find efficiencies while delivering the government’s proposals to Transform Rehabilitation, it will be important that the inquiry takes account of the impact of a rising prison population on the overall performance of the prison service. The prison population has nearly doubled in the last two decades from around 45,000 in the early 1990s to over 84,000 today. For at least the past decade most large prisons have been operating at somewhere between 95% and 100% operational level capacity and well above certified normal accommodation levels (see para 17).
4. The difficulties of responding to ever rising prison numbers has limited the ability of the service to meet the needs of its population and plan for the longer term. Operating at near capacity levels has resulted in high levels of overcrowding which has had a direct impact on prisoners’ safety and opportunities for rehabilitation. It also leaves the prison system reliant on the planned and systematic transfer of people (usually short sentenced prisoners) between establishments to make room for new intake. High prisoner turnover limits the ability of staff to perform core functions, such as violence reduction and rehabilitation, and they are reduced to reacting to crises when they arise. It also restricts the ability of the service to hold prisoners close to home, since prisoners have to be moved in order to free up new capacity for those needing to be held close to courts.
5. As we outline below (paras 18 and 19), population pressures could undermine the government’s plans to re-designate 80 establishments as “resettlement prisons” under Transforming Rehabilitation. Although a worthwhile ambition, we do not believe that locating prisoners in their local prisons before release is achievable with the current population.

The Government’s approach to achieving efficiencies across the prison estate, including the public sector benchmarking programme and the use of competition

6. Benchmarking has reduced the staff complement in many prisons to a skeleton crew. Along with high rates of staff sickness (11.5 days per officer per year)⁴ and the added pressures of deploying staff for escort duties and responding to incidents, the impact of benchmarking has left many prison wings understaffed, activities cancelled and prisoners locked up for longer.⁵ Overall, prison staff have less time and resources to devote to specialist areas such as respecting diversity, resettlement and prisoner transfers. As a result, prisoners are less likely to get the

² Ministry of Justice (2013), Proven re-offending quarterly October 2010 – September 2011, London: Ministry of Justice

³ NAO (2013), Managing the prison estate, London: The Stationary Office

⁴ Hansard HC, 21 January 2013 c54W

⁵ HMIP (2013), HM Chief Inspector of Prisons for England and Wales, Annual Report 2012-13, London: The Stationary Office

support they need to progress or access appropriate services. The Chief Inspector of Prisons Nick Hardwick has said that “there is a clear danger in all forms of custody that managers become ‘preoccupied with cost cutting, targets and process’ and lose sight of their fundamental responsibilities for the safety, security and rehabilitation of those they hold.”⁶

7. The current Justice Secretary has ended his predecessor’s policy of competing out public sector prisons to the market. However, the efficiencies claimed by the private sector are a significant yardstick against which the performance of public sector prisons continues to be judged by Ministers. For instance, G4S-run Oakwood prison holds 1,600 people at one third of the average cost per prisoner place (although commercial confidentiality makes costs hard to verify). Public sector prisons are under significant pressure to make comparable savings. This is despite concerns highlighted by recent HM Prisons Inspectorate reports that such efficiencies are not obtainable without a significant negative impact on prisoners’ safety and rehabilitation.⁷
8. The increasing reliance on outsourcing and rapidly rising levels of vested interest across the justice system present risks and should be closely monitored. In prisons, a next step will be the outsourcing of resettlement services in over 80 “resettlement prisons”. It will be vital to ensure that the role of the prison officer is not further deskilled as a result of these changes. Prison officers have a pivotal role to play in the process of prisoners’ rehabilitation. Their involvement in sentencing planning and resettlement and enabling prisoners to take responsibility should be enhanced.⁸ It would be counterproductive to reduce their role to one of basic oversight of safety and security.

The impact of lower operational costs on prison regimes, access to education, training and other purposeful activity, the physical environment, safety and security

9. HM Prisons Inspectorate has stated that the quantity and quality of purposeful activity plummeted over the last year.⁹ Governors report that budget cuts mean that prisoners are locked up for half a day longer than in 2007.¹⁰ Purposeful activity is particularly weak at present. The Inspectorate has reported the worse outcomes for six years with purposeful activity judged to be inadequate in over half of prisons inspected. For instance, in HMP Lincoln even a ‘fully employed’ prisoner spent more than 18 hours a day locked in his cell.¹¹
10. Prisons are struggling to provide adequate educational opportunities. In October 2013, Ofsted reported that no prison was rated as outstanding for the education/training it offered in the last four years, and just over a third (35%) were judged to be good.¹² A new contract began in 2012 but as yet there is little sign of

⁶ Ibid.

⁷ HMIP (2013), Report of an announced inspection of HMP Oakwood, 10-21 June 2013, London: HMIP

⁸ Edgar, K et al (2012) Out for good: taking responsibility for resettlement, London: Prison Reform Trust, Available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/OutforGood.pdf>

⁹ HM Chief Inspector of Prisons for England and Wales Annual Report 2012–13

¹⁰ Paul Tidball, Prison Governors’ Association, Justice Select Committee, Oral evidence, Towards effective sentencing Vo. 2, 12 December 2007

¹¹ HM Chief Inspector of Prisons for England and Wales Annual Report 2012–13

¹² Coffey, M (2013) Seizing the moment - the 2013 annual further education and skills lecture, Speech given by Matthew Coffey, National Director, Further Education and Skills, at The Chapel, Wormwood Scrubs on 10

improvement and the increase in quality and numbers of opportunities needed is vast.

11. Release on Temporary Licence (ROTL), the programme that enables appropriately security cleared prisoners to be temporarily released for work, volunteering, family reunion and resettlement purposes, is currently under review and a new policy is expected. The review follows three high profile serious and tragic incidents committed by people on ROTL. However, the vast majority of ROTL is successful and it is an essential tool for resettlement. The Prison Governors' Association has gathered information to show that, of the 485,000 ROTL days authorised in 2012, the failure rate when a further offence was committed amounted to 5 in 100,000 or 0.005%. While the review is welcome we are concerned that the new scheme which will include tagging, may be too risk averse and expensive. If fewer prisoners receive these opportunities, the chances of effective resettlement are reduced.
12. Assaults and self inflicted deaths are rising, despite some impressive work in this area, particularly regarding reduction of self harm in the women's estate (see Appendix 1). Causation is impossible to attribute but as regimes are poorer, conditions are harsher, prisoners are locked up for longer and staff have less time to spend with prisoners; this will have an impact on mental health and wellbeing. The new Incentives and Earned Privileges (IEP) scheme, introduced in November 2013, makes 'privileges' harder to achieve leading to shorter visit times, reduced association and time out of cell, lower pay, fewer in cell activities (hobbies, television) and reduced amounts of personal property (books, clothing and writing materials). These austere conditions create tension and anger on prison wings. We note that the impact of the IEP changes is being monitored by the Ministerial Board on Deaths in Custody.

The costs and benefits of the new-for-old prison capacity programme and the Government's intent to reduce overcrowding

13. The Prison Reform Trust shares the concerns of the National Audit Office that NOMS' estates strategy has "sometimes traded good quality and performance for greater savings".¹³ In particular, we note the growth of "Titan prisons by stealth" with a drive to close small community prisons, build larger jails and add additional capacity to existing establishments.¹⁴ This is despite evidence published by the Prison Reform Trust, based on data provided by HM Prisons Inspectorate, showing that smaller prisons tend to be safer and more effective than larger establishments, holding people closer to home and with a higher ratio of prison staff to prisoners.¹⁵
14. Despite serious reservations about the performance of large new prisons such as Oakwood,¹⁶ the government is proceeding with plans to build a 2,000-place prison

October 2013. Available at <http://www.ofsted.gov.uk/resources/seizing-moment-2013-annual-further-education-and-skills-lecture>

¹³ NAO (2013), Managing the prison estate, London: The Stationary Office

¹⁴ Prison Reform Trust (2013) 'Nearly half of all prisoners to be warehoused in 1,000 plus super sized jails', press release, 30 October 2013. Available at <http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/198b>

¹⁵ Prison Reform Trust (2007), Titan prisons: a gigantic mistake, London: Prison Reform Trust. Available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Titan%20prisons%20-%20a%20gigantic%20mistake.pdf>

¹⁶ HMIP (2013), Report of an announced inspection of HMP Oakwood, 10-21 June 2013, London: HMIP

in Wrexham and is conducting a feasibility study for a second giant-sized institution in West London. Since 2010 there have been 13 closures of smaller prisons and a further six still to come. As well as some poor and unsatisfactory prisons, these include many well-performing establishments and the only two remaining open prisons in the female prison estate. In January 2013, the Justice Minister Jeremy Wright announced plans to open up an additional 1,260 places in four new house blocks across the prison estate. The first one at HMP The Mount is on track to accept prisoners in September 2014. In addition he announced plans to open 180 new places at Rochester and Bure.¹⁷

15. The Prison Reform Trust has calculated that nearly half of people in prison in England and Wales could be warehoused in 1,000-plus supersized jails under government plans to transform the prison estate.¹⁸ On current trends the proposed changes will result in around 38,000 people held in 30 supersized jails across the country. This represents nearly half of the total number of people behind bars in England and Wales. Of the 84,000 people currently in prison, over 33,000 are held in establishments of 1,000 or more – around 40% of the total prison population. The number of supersized jails has nearly trebled in the past decade with 28 out of 124 prisons in England and Wales currently holding over 1,000 men. Ten years ago only 11 prisons had numbers of over 1,000 holding 18% of the total prison population.
16. The trend to larger prisons appears to mark a reversal of policy for the Prime Minister David Cameron. Speaking in 2009 on the then-Labour government's plans to build five new 2,500-place Titan prisons, which were subsequently cancelled, he said: "the idea that big is beautiful with prisons is wrong."¹⁹ Lord Woolf, Chair of the Prison Reform Trust, in his seminal report on the prison system following the disturbances at Strangeways prison, recommended prisons "should not normally hold more than 400 prisoners ... the evidence suggests that if these figures are exceeded, there can be a marked fall off in all aspects of the performance of a prison."²⁰
17. Overcrowding has become an accepted norm in prisons and we are not aware of any stated government intention to reduce it. In February 2014, 77 out of 118 establishments in operation were overcrowded and the prison system is housing 10,764 more people than it was designed and built to hold.²¹ The additional capacity being bought on stream by the government through its changes to the prison estate will be needed to accommodate the increase in prison numbers as a result of the provisions in the new Criminal Justice and Courts Bill and the Offender Rehabilitation Act.²² The prison population has been at close to operational capacity for many months and at over 95% capacity for the last ten years. Estimates of future prison numbers vary widely but are predicted to be from 80,300 to 90,900 by

¹⁷ Prison capacity, written ministerial statement, 4 September 2013

¹⁸ Prison Reform Trust (2013) 'Nearly half of all prisoners to be warehoused in 1,000 plus super sized jails', press release, 30 October 2013

¹⁹ Carter, H (2009), 'David Cameron calls for league tables to improve UK prisons', The Guardian, 6 January 2009. Available at <http://www.theguardian.com/politics/2009/jan/06/cameron-conservatives-business-economy>

²⁰ Woolf, W & Tumm, S (1991) Prison disturbances April 1990: report of an inquiry by The Rt Hon Lord Justice Woolf (parts I and II) and His Honour Judge Stephen Tumm (part II) 'The Woolf report', London: The Stationary Office

²¹ Ministry of Justice (2014) Monthly Bulletin - February 2014

²² See footnote 1

June 2018.²³ This estimate does not include the additional capacity that will be required to accommodate the impact of the aforementioned legislation.

The ongoing re-configuration of the prison estate, including the extent to which prisons are suitably located and accessible to visitors, and the implications of the Transforming Rehabilitation programme

18. The trend towards larger establishments and the closure of small community prisons has resulted in more people being held further away from their local communities. We welcome the intention in the government's Transforming Rehabilitation proposals to locate prisoners nearer to home in the last three months of their sentence. However, we note that the Prison Service already has policies around 'closeness to home' and 'local discharge' that cannot currently be facilitated due to existing population pressures.
19. We do not believe that locating prisoners in their local prisons before release is achievable with the current population. The pressures from the numbers of prisoners from London and the South East, in particular mean prisoners from this area are unlikely to be located near to family and community. To facilitate the unpredictable demands and variables of remands, recalls and geography, prisoners are continually moving around the estate.²⁴ We note that under the new resettlement prison plan HMP Onley (in Rugby) is a "local resettlement" prison for London prisoners.
20. There has been no analysis of prison location and accessibility for visitors. Indeed, the new IEP policy has led to shorter visits allowances for many prisoners and the APVU funding (which supports visitors on low incomes with travel costs) has been reduced, both creating disincentives for families to visit. Yet research shows that good contact with family can significantly reduce the risk of reoffending.²⁵
21. We have particular concerns about the following groups:

22. Young adults

The Prison Reform Trust is concerned by the increased mixing of young people in the adult estate and the decommissioning of places for 18-20 year olds in young offender institutions.²⁶ It is vital to ensure a distinct approach to young adults that is proportionate to their maturity and responsive to their specific needs. Recently the government consulted on the abolition of the sentence of Detention in a Young Offenders Institution (DYOI) which has helped to safeguard separate provision for young adults. Our 2012 report with INQUEST, *Fatally Flawed*, documented the vulnerabilities of many young people in conflict with the law and illustrated how such young men and women were placed in unsafe institutions that were ill-equipped to

²³ Table 1 Ministry of Justice (2012) Prison Population Projections

²⁴ Bastow, S (2014) 'Rehabilitation outcomes will be limited unless we resolve geographical imbalances in prison capacity' Available at <http://blogs.lse.ac.uk/politicsandpolicy/archives/38514>

²⁵ May, C et al. (2008), Factors linked to reoffending: a one year follow-up of prisoners who took part in te resettlement surveys 2001, 2003 and 2004, London: Ministry of Justice

²⁶ See the Prison Reform Trust's submission to the Ministry of Justice's consultation Transforming the Management of Young Adults in Custody. Available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/PRT%20submission%20-%20Transforming%20management%20of%20young%20adults%20in%20custody.doc>

deal with their complex needs.²⁷ We showed how in some circumstances this can lead to tragedy. We welcome the decision of the government to set up an independent review into the deaths of young adults (aged 18-24) in custody. We also welcome its decision to delay its response to the Transforming management of young adults in custody consultation to take account of the outcome of the review. Ahead of the outcome of the review, there should be a moratorium on any further mixing of young adults in the adult estate.

23. **Women**

There are currently 12 women's prisons in England and Wales. The government's review of the women's custodial estate proposes to reduce these to 10 establishments, with a small overall reduction in capacity once the reconfiguration of the women's estate is complete. We welcome this small projected decrease in capacity, although there are understandable concerns about the potential closure of the only two open women's prisons (HMP East Sutton Park and HMP Askham Grange). It has been a longstanding criticism of custodial regimes for women that most are subject to unnecessarily high security levels. This is dehumanising, limits the exercise of personal responsibility (including opportunities for Release on Temporary Licence), and is in breach of the UN Bangkok Rules.

24. The review contemplates the closure of the prisons only "following the successful implementation of community employment regimes in strategic hubs, which enable women to prepare for release and progress in their sentence closer to home".²⁸ Work is under way to develop these hubs, and improve employment opportunities, but we are concerned about the limited resources available to achieve the necessary changes. The review also promises improved access to offender programmes and interventions. However, the domestic violence programmes in HMP Bronzefield is suspended despite evidence that it is much-needed with a waiting list for places. The Prison Reform Trust supports many of the review recommendations which, if fully implemented, have the potential to improve outcomes for women. The work of the Ministerial Advisory Board on Female Offenders, on which PRT is represented, is contributing to this process, but it will only succeed with sustained and committed leadership, cross-government cooperation and adequate resources.

25. Under Transforming Rehabilitation prison governors will no longer have control or discretion over which providers support the women in their prisons. Because there are fewer women's prisons, women are less likely to be held in the area to which they are returning. As a result there will be a number of Community Rehabilitation Companies operating in each women's prison, providing scope for confusion and a lack of accountability and transparency between the CRCs responsible for the area in which the prison is located and the area to which the woman is returning. In answer to a recent PQ, the Minister Jeremy Wright said that "we need to think about how the new system will work", confirming fears that there is still much to be resolved before the system is functional.²⁹ There is also mounting concern about the adequacy of funding of women's services in the community that will be

²⁷ Prison Reform Trust and Inquest (2012) *Fatally flawed: has the state learned lessons from the deaths of children and young people in prison?*, London: Prison Reform Trust and Inquest. Available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Fatally%20Flawed.pdf>

²⁸ NOMS (2013), *Women's Custodial Estate Review*, October 2013, Recommendation 4

²⁹ HC Deb, 18 March 2014, c630

essential to women's resettlement and rehabilitation, and their sustainability under the tendering, contracting and payment process.³⁰

26. People social care needs

People in prison who are more likely to have social care needs include older people (the fastest growing group within the prison population),³¹ people with physical, sensory or learning disabilities³² and people with significant mental health need and drug and alcohol addictions. Prison staff already work to defined parameters regarding the provision of basic care for those in custody, including food, heating and purposeful activity. However, the University of Birmingham's work on social care in prisons states that many prisoners are not receiving adequate social care to meet their needs.³³ There is a lack of clarity surrounding responsibilities for social care in prison, both in commissioning and funding, and for what the prison, the NHS and social care should provide. We welcome the provisions of the Care Bill (expected to become legislation 2015), which will mean that local authorities have a statutory duty to ensure social care needs of people in prison are assessed and met. However, in the interim we would like to see clear strategies from NOMS that cover mandatory requirements for meeting the needs of prisoners who would be able to access social care in the community.

27. People serving indeterminate sentences

As of 31 December 2013 there were 3,561 IPP prisoners held over tariff.³⁴ Because of a lack of available places on scarce offending behaviour programmes, which are still overly relied upon to demonstrate reduced risk, IPP prisoners are unable to work towards their legitimate release. IPP prisoners are also faced with significant delays in obtaining an oral hearing from the Parole Board due to a growing backlog of cases and these delays are expected to increase. In April 2013 the former justice minister Lord McNally acknowledged that, at the current rate of release, the backlog of IPP prisoner cases would take around nine years to clear.³⁵ Life sentence prisoners, particularly automatic life sentenced prisoners, face the same problems progressing their sentences. As of June 2013, 2,647 lifers were held over tariff. Without improved management and resources for this group, many people serving indeterminate sentences will continue to languish unnecessarily in prison, without hope of release and at significant public cost.³⁶

³⁰ CLINKS (2013), Run ragged: the current experience of projects providing community based female offender support services, London: CLINKS

³¹ Cooney, F & Braggins, J (2010), Doing time: good practice guide with older people in prison, London: Prison Reform Trust. Available at

<http://www.prisonreformtrust.org.uk/Portals/0/Documents/doing%20time%20good%20practice%20with%20older%20peop...pdf>

³² Talbot, J (2008), No one knows: report and final recommendations, London: Prison Reform Trust.

Available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/No%20One%20Knows%20report-2.pdf>

³³ Parker, H et al (2007) Adult social care in prisons: a strategic framework, Birmingham: University of Birmingham

³⁴ Table 1.4, Ministry of Justice (2014) Offender management statistics quarterly, July-September 2013, London: Ministry of Justice

³⁵ Hansard HL, 23 April 2013, c1345

³⁶ See Day, M & Lyon, J (2014) 'Imprisonment for public protection is a stain on our justice system', Huffington Post, 18 March 2014. Available at http://www.huffingtonpost.co.uk/juliet-lyon/public-protection-ipp_b_4964359.html?utm_hp_ref=tw

28. People convicted of sex offences

The government intends to locate people convicted of sex offences in specialist prisons around the country. HMP Whatton, a national resource for sex offender treatment and in many ways a centre of excellence, currently has waiting lists for courses of up 2-3 years.³⁷ The resources needed to run effective sex offender prisons are considerable and not currently available. As these prisons will not be classed as resettlement prisons we are concerned that adequate funding will not be forthcoming. We are also concerned that links with family, already more difficult for this group to sustain (due to the nature of the offence and being an older population with older visitors) will impact on visits and family contact.

29. People who are foreign national prisoners

Far too often foreign national prisoners are treated as an amorphous group rather than on a case by case basis. It is not yet clear how prisoners who do not hold a British passport will be treated under Transforming Rehabilitation. Approximately half of people within this group are released back into their communities in England and Wales. We are concerned that sentence planning and resettlement work with this group – now noticeably poor – will be downgraded even further. We are also concerned about any policies that seek to locate people on the basis of immigration status, rather than their rehabilitation needs.

The nature of support that public sector prisons require from NOMS and its capacity to deliver it

30. NOMS has absorbed a significant proportion of the Ministry of Justice's 27% budget cut and has reduced numbers and capacity of the head office. While cost savings are important, this, and the significant distraction of highly complex, yet still immature, commissioning and contracting processes, limits the support NOMS gives to public sector prisons. This is reflected in a wide range of functions from staff support and training through to estates management. Despite providing an essential public service, prison governors and staff are not offered a fraction of the support and supervision or professional training available to nurses and teachers. If anything, succession planning, training and the development of leadership and management skills is weaker now than it was 20 years ago – this is despite the exceptional leadership and sense of direction for the prison service given by Michael Spurr, NOMS CEO, and some members of his senior team.

31. The scale and pace of change in the justice system is leading to a plethora of communications from NOMS and, at the same time, a lack of clear information for both staff and prisoners. The processes of benchmarking, 'fair and sustainable' changes and reviews to IEP and ROTL have heaped pressure on governors and staff and, at worst, threatened the fairness and legitimacy of the prison regime. Because prisons have to take whoever is sent to them by the courts, they are by definition reactive places. When it comes to planning, however, we would hope for a more proactive approach.

³⁷ NAO (2013), Managing the prison estate, London: The Stationary Office

The extent to which the government's aspiration for "working prisons" has been achieved

32. The aspiration for working prisons has not been achieved. The government's stated aim was to get prisoners working up to 40 hours a week focusing the routine around work and link work activity with qualifications and employment opportunities. HM Chief Inspector of Prisons Annual Report 2012-2013 states: "Only a few years ago we heard a lot about 'working prisons' and making prisons places of productive activity. More recently there has been a deafening silence on this topic and prisons might be excused if they believe this is no longer a priority."³⁸
33. Currently around 9,700 prisoners work in industrial workshops and NOMS aims to double this in the next decade, which would still mean fewer than 25% of prisoners working in industry. With notable exceptions, such as HMPs Coldingley and Featherstone, most prisons don't have the infrastructure, space, technology or facilities for workshops. The working prison agenda is not achievable without sufficient staff to facilitate prisoners being unlocked for a working day (see paras 6-12). The matter of prisoners pay should also be reviewed. Opportunities to train for and gain real employment, such as the Timpsons and National Grid initiatives, are found in far too few prisons. Whilst providing sufficient work places is difficult, there is considerable scope to develop more opportunities for prisoner volunteering.³⁹ There is also scope for online learning.⁴⁰

³⁸ HMIP (2013), HM Chief Inspector of Prisons for England and Wales, Annual Report 2012-13, London: The Stationary Office

³⁹ Edgar, K. ET AL Time Well Spent: A practical guide to active citizenship and volunteering in prison, London: Prison Reform Trust

⁴⁰ Champion, N and Edgar, K (2013) Through the Gateway- how computers can transform rehabilitation London :Prison Reform Trust

Appendix 1

The importance of safety in prisons

34. Violence seriously undermines the efficiency of any prison. Fights and assaults monopolise time that staff could spend on rehabilitation; staff sick leave increases when they deal with violence; and there are wider healthcare costs of physical injuries.
35. HM Chief Inspector of Prisons Annual Report 2012-2013 included an analysis of data on assaults: "The number of adults aged 21 to 39 who were assailants rose by just over 3% to 3,779. Contrary to what might therefore be suggested by the headline figures, the levels of violence in too many adult male prisons have risen. Some prisons we inspected had little idea of the trends or patterns of violence in their establishment and were doing too little to address the underlying causes, tackle perpetrators or support victims."⁴¹
36. While a wide range of measures can reduce the risk of violence, prison staff continue to play a major role. Dynamic security is based on "prison staff actively and frequently observing and interacting with prisoners to gain a better understanding and awareness of prisoners and assessing the risks that they represent."⁴²
37. Recently, the president of the Prison Governors Association, Eoin McLennan-Murray, described how the current plans for the prison estate undermine dynamic security. He said: "It is the relationships we build with prisoners that is how we control. ... Other jurisdictions use coercion and force, we tend to use personal relationships. For that to happen, you need sufficient staff facing prisoners. While we are reducing the number of staff and increasing the number of prisoners, you're getting prisoners who feel that they are anonymous and no-one cares about them. That has a psychological impact and changes the culture in prisons. It will make them inherently more risky."⁴³
38. Dr Kimmett Edgar, head of research at the Prison Reform Trust, promotes a conflict-centred strategy for the prevention of violence. His work demonstrates that early intervention by officers, challenging the harmful behaviour that escalates into violence is far more likely to reduce the costs of running prisons than staff reacting with force to violent incidents after they occur. When staff are consistent in preventing prisoners from being victimised, this removes the causes of violence and gives prisoners confidence that problems can be solved without using force.
39. Elements of the conflict-centred strategy:
- Dynamic security means officers who are:
 - Confident in challenging anti-social behaviour

⁴¹ HM Chief Inspector of Prisons (2013) Annual Report 2012-2013, page 9; online <http://www.justice.gov.uk/downloads/publications/corporate-reports/hmi-prisons/hm-inspectorate-prisons-annual-report-2012-13.pdf>; accessed 25/02/2014.

⁴² Prison Incident Management Handbook, United Nations Department of Peacekeeping Operations, 2013: Page 10.

⁴³ House of Commons Oral Evidence, taken before the Justice Committee: Crime Reduction: A Co-ordinated Approach? Tuesday, 4 February, 2014, Q 395.

- Vigilant in protecting all prisoners from victimisation
- Competent at resolving conflicts by timely intervention
- Creating a nonviolent environment:
 - Focus on responding to the harm done
 - Formal avenues for conflict resolution established
 - Consultation with prisoners on addressing basic needs
 - Whole prison application of problem-solving methods
- Prisoners:
 - Consulted about how to make prisons safer
 - Encouraged to develop skills in conflict management
 - Violence prevention reps, with clear job description

40. The role of officers in confronting anti-social behaviour is endangered if staff numbers are low, because officers lack the time or confidence to intervene, and also because cross-deployments require officers to work with prisoners with whom they are less familiar – the very opposite of dynamic security.

41. Most prisons lack options for prisoners who wish to seek non-violent ways of resolving differences. Where a prison fails to provide wing forums, trained, impartial mediators, violence reduction reps, or formal opportunities to negotiate conflict resolution, disputes among prisoners are more likely to result in a fight or assault.

42. Attention to the environmental sources of conflicts broadens the options about how safety can be achieved. In particular, it makes sense to promote social order by tackling these four dimensions:

- fulfilling prisoners' basic human needs
- protecting prisoners' personal safety
- providing opportunities to exercise personal autonomy
- building in mechanisms for prisoners to resolve conflicts⁴⁴

⁴⁴ Edgar, K et al (2012), Prison violence: the dynamics of conflict, fear and power, London: Routledge