

THE WOOLF REPORT

A SUMMARY OF THE MAIN
FINDINGS AND
RECOMMENDATIONS OF
THE INQUIRY INTO PRISON
DISTURBANCES



**PRISON
REFORM
TRUST**

• 59 CALEDONIAN ROAD •
• LONDON N1 9BU •
• Tel. 071 278 9815 •



THE WOOLF REPORT

A SUMMARY OF THE MAIN FINDINGS AND RECOMMENDATIONS OF THE INQUIRY INTO PRISON DISTURBANCES

First published in 1991 by the Prison Reform Trust,
59 Caledonian Road, London N1 9BU

ISBN: 0 946209 19 7

CONTENTS

Foreword by the Rt. Hon. Edmund Dell	i
Introduction	1
(i) Terms of Reference	
(ii) The Inquiry Team	
(iii) Method of Inquiry	
(iv) Form of the Report	
Part I	
Strangeways	3
(i) Strangeways before the Riot	
(ii) Start of the Riot	
(iii) Siege	
(iv) Media Reporting	
(v) Conclusions	
Glen Parva	6
(i) Before the Riot	
(ii) The Disturbance	
(iii) Conclusions	
Dartmoor	6
(i) Dartmoor before the Riot	
(ii) The Disturbance	
(iii) Conclusions	
Cardiff	8
(i) Before the Riot	
(ii) The Disturbance	
(iii) Conclusions	
Bristol	8
(i) Before the Riot	
(ii) The Disturbance	
(iii) Conclusions	
Pucklechurch	9
(i) Before the Riot	
(ii) The Disturbance	
(iii) After the Riot	
(iv) Conclusions	
Lessons from Part I	11
(i) Justice	
(ii) Security and Control	
(iii) Conclusion	

Part II

Imprisonment	14
(i) The Task of the Prison Service	
(ii) Remand and Unsentenced Prisoners	
(iii) Prison Rules	
(iv) Diversion from Custody	
(a) Remand Prisoners	
(b) Offenders	
(v) Information for Courts	
(vi) Criminal Justice Consultative Council	
(vii) Local Committees	
Buildings	17
(i) Principles for Improving the Prison Estate	
(ii) Professional Consultants	
(iii) Overcrowding	
Management Structure	19
(i) Senior Management Reorganization	
(ii) Director General	
(iii) Relationship with Ministers	
(iv) Relationship with Governors	
(v) Code of Standards	
(vi) Prisoners' Contracts	
(vii) Boards of Visitors	
Special Needs	22
(i) Medical Services	
(ii) Race Relations	
(iii) Sex Offenders	
(iv) Disruptive Prisoners	
(v) Remand Prisoners	
(vi) Young Offenders	
(vii) Drug Abusers	
(viii) HIV/AIDS	
Staff	25
(i) Fresh Start	
(ii) Staffing Levels	
(iii) Escort Duties	
(iv) Staff Training and Education	
(v) Recruitment	
(vi) Uniforms	
(vii) Staff Contracts	
(viii) Non-Unified Staff	
(ix) Industrial Relations	
Prisoners	29
(i) Incentives and Disincentives	
(ii) Sentence Structure	
(iii) Education	
(iv) Physical Education	
(v) Work	
(vi) Pay and Private Cash	
(vii) Kit	
(viii) Food	

- (ix) Visits
- (x) Home Leave and Family Visits
- (xi) Letters and Telephones
- (xii) Prisoner Committees
- (xiii) Prisoners' Grievances
- (xiv) Disciplinary Procedures

Appendix 1: Woolf's 12 Major Recommendations 36

FOREWORD

The riot at Strangeways Prison in April 1990, and the protests and disturbances which followed at many more gaols during the same month, were the most serious in British penal history. On 6 April 1990, the then Home Secretary, David Waddington, appointed Lord Justice Woolf to head an Inquiry into the disturbances and to consider the wider implications for the prison system. In July 1990, the Inquiry team was joined by Judge Stephen Tumim, HM Chief Inspector of Prisons.

On 31 January 1991, Lord Justice Woolf presented his Report to the new Home Secretary, Kenneth Baker. It constitutes a wide-ranging examination of conditions in Britain's gaols and is the most significant analysis of the penal system in a hundred years. The Report's 12 major recommendations and 204 proposals on matters of detail set out an agenda for a total overhaul of the prison system and will shape penal policy well into the next century.

The Woolf Report (which is published by HMSO as Cm 1456) is a formidable document, running to 600 pages of closely-written script. Nothing can replace it as an authoritative statement on the condition of our prisons and what must now be done to civilize them. But the Prison Reform Trust considered that there was room for a summary for the benefit of the many thousands interested and who are becoming interested in this major question of our time, the condition of our prisons. Moreover, the price of the Report, at £38, would deter all but the most determined reader.

The Prison Reform Trust has therefore produced this summary of the Woolf Report. The summary is necessarily incomplete — space has precluded us from listing in full all 204 proposals — but aims to cover the main thrust of the Report. It is also intended to be a summary, rather than a critique or commentary on the Report, although it is possible that some editorial comment will inadvertently have crept in. Where possible, we have followed the structure of the Woolf Report itself. However, for reasons of clarity we have found it necessary to deviate from this structure in one or two places.

We trust that this pamphlet represents an accurate summary of the conclusions of Lord Justice Woolf and his team and that its publication will be a significant contribution to the dissemination of their findings.

Edmund Dell
Chairman, Prison Reform Trust

April 1991

INTRODUCTION

Terms of Reference

On 5 April 1990, David Waddington, then Home Secretary, announced to the House of Commons that Lord Justice Woolf was to be appointed to lead an Inquiry into events at Strangeways. In his letter formally appointing Lord Justice Woolf the following day, Mr Waddington set out the terms of reference for the Inquiry:

‘To inquire into the events leading up to the serious disturbances in Her Majesty’s Prison Manchester which began on 1 April 1990 and the action taken to bring it to a conclusion.’

After riots broke out at other prisons over the weekend of 7 and 8 April, an additional clause was added to Woolf’s terms of reference:

‘... having regard also to the serious disturbances which occurred shortly thereafter in other prison establishments in England and Wales.’

It was made clear by the Home Secretary that these terms of reference were not to be interpreted rigidly. Answering questions on his statement to the Commons on 5 April, he said: ‘It will be up to Lord Justice Woolf to interpret the terms of reference.’ [Hansard 5 April 1990, c.1342]

The Inquiry Team

The Woolf Inquiry took the form of a departmental Inquiry (also known as a Judicial Inquiry). John Lyon was appointed Secretary to the Inquiry, and three Assessors were also appointed: Gordon Lakes, until 1988 Deputy Director General of the Prison Service; Rod Morgan, professor of criminal justice at Bristol University; and Mary Tuck, until 1989 head of the Home Office Research and Planning Unit.

In addition, Woolf was provided with teams of lawyers to assist in public hearing of evidence, and with an Investigative Team of former prison governors to look at the incidents on which Woolf was to focus. An architect from the Property Services Agency was also seconded to the Inquiry to assist in matters relating to prison design.

It rapidly became clear to Woolf that if he were to provide an explanation of why the disturbances took place and to make positive recommendations, the Inquiry would have to be far more than a fact-finding exercise. He therefore decided to ask the Home Secretary to invite HM Chief Inspector of Prisons, Judge Stephen Tumim, to join the Inquiry Team to add his expertise in considering issues relating to the running of the prison system as a whole.

Method of Inquiry

At the outset, Woolf decided on certain principles to govern how the Inquiry would function:

- the Inquiry should as far as possible be in public;
- the terms of reference should be interpreted as broadly as possible. However, Woolf felt it would be improper to consider matters relating to criminal acts performed by prisoners or prison staff, the recent Prison Service reorganization, sentencing policy, women prisoners (no women prisoners were involved in the riots), and prisoners from Northern Ireland;

- the Inquiry should consult as widely as possible;
- the Inquiry should report with all speed.

Woolf determined on a two-stage process: Part I of the Inquiry would concentrate on determining the facts relating to events in six prisons — Manchester (Strangeways), Glen Parva, Dartmoor, Cardiff, Bristol, Pucklechurch — where the rioting was most serious; Part II would focus on the broader issues relating to the management and operation of prisons which needed to be addressed if further riots were to be avoided. Part I of the Report would be signed by Woolf alone; Judge Stephen Tumim would be co-signatory to Part II.

To consult as widely as possible, Woolf wrote to the Director General of the Prison Service, and to 95 other individuals and organizations, asking them to submit evidence on Part I of the Inquiry by 21 May, and on Part II by 1 September. On 1 May, he also wrote to all staff and prisoners in the six target prisons seeking evidence in relation to Part I, and to all prison staff and prisoners throughout the system in relation to Part II. All the replies to these letters were read by members of the Inquiry team, and the content of all the replies from prisoners and staff was analysed (the analysis forms an Annex to the Woolf Report).

Oral evidence for Part I of the Inquiry was taken at hearings in Manchester, Taunton and London. Almost all evidence was given in public; however, in order to protect their identities some prisoners were interviewed in private. The Home Office, the Prison Officers' Association, and the Prison Governors' Association were granted legal representation at the hearings for Part I. In addition, a barrister was appointed to represent prisoners from Pucklechurch, and all prisoners who gave evidence were given access to the services of a solicitor.

Evidence for Part II of the Inquiry was again sought both in written and oral form. Five public seminars were held in London in September and October 1990, together with one seminar in Lincoln prison. The five public seminars were attended by invited participants speaking in a personal capacity, and each concentrated on a particular topic:

- the tactical management of the prison population;
- active regimes;
- co-operation with the Criminal Justice System;
- the administration of the prison service;
- justice in prisons.

Members of the Inquiry team also made extensive visits to prisons in Britain and abroad. Countries visited included France, the Netherlands, and Canada. In all, Lord Justice Woolf himself visited 43 prisons.

Form of the Report

The Woolf Report parallels the structure of the Inquiry itself. The Report is divided into two parts: Part I describes in detail the events at each of the six prisons where the disturbances were most serious, and makes proposals and recommendations about prevention and handling of future riots. Part II discusses underlying issues relating to the running of the prison system; chapter headings comprise: Imprisonment, Buildings, Management, Staff, Prisoners. There is a list of 12 formal recommendations and 204 proposals, and a number of Annexes.

In general, this summary follows the structure of the Woolf Report itself.

PART I

Strangeways

Strangeways before the Riot

Strangeways is a local prison, and one of the largest gaols in Europe. Built in 1868, it is divided into two blocks — a main prison block of radial design, and a remand block of cruciform shape. It is accepted by the Prison Service that improvements were overdue. Preparations were in hand for the installation of integral sanitation in one wing.

The certified normal accommodation for the prison was 970. On 1 April 1990 the total population was 1,647; the total had previously been even larger. Towards the end of March, out of a then population of 1,639, there were 500 unconvicted prisoners; 375 were young prisoners, 97 prisoners were on Rule 43 Own Protection and 10 on Rule 43 GOAD. Some 135 of the sentenced prisoners had been transferred from Liverpool and there were also between 25 and 50 prisoners returned from training and dispersal prisons. The mixture of prisoners was said by the Chief Probation Officer of Greater Manchester to be highly inappropriate.

Strangeways had been among the first prisons to implement Fresh Start. Immediately prior to 1 April, there were 550 uniformed staff against an authorized complement of 552. On 1 April, there were 175 staff on duty, which was not significantly fewer than there should have been. However, some officers were having to 'act up' because of a shortage of senior staff.

There is considerable disagreement between the POA and the Prison Service about the adequacy of these staffing levels. Woolf argues that the validity of complaints about staffing levels are:

'impossible for the Inquiry to determine on the evidence it has heard and in the absence of an objective standard for assessing what staffing levels are required.' (para 3.51)

Although the riot began at the weekend, when there were fewer staff on duty:

'I do not regard a shortage of staff on 1 April as having any significant influence on events on that day. (para 3.53)

However, staffing levels may have been a contributory cause of the riot:

'If the overall complement of staff was inadequate, as the POA suggests, this could have contributed to instability within the prison. Over-taut staffing levels would make it difficult to provide a consistent and constructive regime which would have helped to alleviate the dehumanizing effects of the insanitary and unsatisfactory physical conditions within the prison.' (para 3.54)

The regime in Strangeways was very restricted, although some improvements had recently been made. The level of hygiene was very low. The quality and timing of the meals were much criticised. There was a shortage of clean clothing. Work for remand and young prisoners was limited to cleaning jobs; however, advances had been made in providing work for convicted prisoners. Letters from prisoners to the

Woolf Inquiry reiterated these problems, and included complaints about inadequate redress for grievances and arbitrary and oppressive behaviour on the part of some officers. The Report concludes that the regime was inadequate and that 'a small minority of officers' were damaging staff/prisoner relations.

Start of the Riot

Before the riot began, there were signs of increased tension and a number of explicit warnings that trouble would occur in the Chapel on Sunday 1 April. A note was placed in the letter box in D Wing, a member of the chapel choir verbally warned a member of staff, and a note was handed to another senior officer. No attempt was made to co-ordinate the information available or the necessary response. The breakdown in the communication of these warnings resulted in only inadequate precautions being taken.

The Chapel service was attended by 309 prisoners. This was not an unusually high number, although the mix of prisoners may have been different. Some prisoners had smuggled sticks and hoods into the Chapel. There were 14 officers in the Chapel (instead of the usual 8) and another 7 outside on the vestry stairs. When the Chaplain rose to announce the final hymn, a prisoner came down the centre aisle and began to address the congregation about the harshness of the prison system. When the Chaplain attempted to seize the microphone back from him, the riot began.

As the violence broke out, the officers began to withdraw from the Chapel as they had been ordered by senior staff. One officer had his keys snatched from him. A decision was then taken to withdraw all staff from the Centre in the main prison, and all the other wings in the main prison were evacuated. Inadequate precautions were taken to defend the remand prison, and it too was eventually evacuated.

Within one hour of the start of the riot, prisoners were in control of the entire prison. Prison officers in the Chapel and Rule 43 prisoners throughout the prison had been viciously attacked. Efforts were begun to evacuate prisoners who wanted to leave; by 7 am on 2 April, 1,289 prisoners had been evacuated. Efforts were also made to recapture part of the prison. E Wing was retaken and held for four hours.

On 2 April, the remand prison was retaken and a plan to retake the main prison was drawn up by the Control and Restraint (C&R) commanders. The Governor, Brendan O'Friel, was unable to speak to the Deputy Director General, Brian Emes, until 3 pm as the latter was in London seeing the Home Secretary. Their phone-call was not recorded, and there is disagreement about what was said. There seems to have been some confusion between the two men about what was planned, and Mr Emes was not in full possession of the details of the planned assault. However, it is clear that Mr Emes vetoed the plan.

Siege

The siege lasted 25 days. There was a steady stream of prisoners surrendering, but because of a miscalculation of the number of prisoners transferred out of the prison on the first night, the number still in the prison was underestimated. Attempts were made to recapture parts of the prison, particularly E Wing, but were repulsed. Noise and water was used to disturb prisoners, but the use of military force was ruled out by Mr Emes. Attempts at negotiation had only limited success.

The siege was brought to an end by a forceful intervention on 25 April. The remaining six prisoners surrendered. From 13 April onwards there had only been ten prisoners in the prison. No attempt had been made to recapture all the prison because, until

22 April, Mr Emes had not been told that there was a way of access to the roof space above the wings. This was partly because no indication had been given to Mr O'Friel that an outright attack on the whole of the prison would be acceptable to Mr Emes.

Prisoners who surrendered during the siege were transferred to other prisons and police cells. In some cases, it took up to 14 days to trace the whereabouts of particular prisoners. That, Woolf says, 'was far too long' and caused distress to many prisoners' families.

Media Reporting

Although the presence of the media almost certainly encouraged the hard core of the prisoners to prolong the siege, it would be quite unrealistic to expect them to adopt a self-denying ordinance. Nor does Woolf consider there to be any grounds for suggesting a change in the law to prevent reporting of disturbances.

However, partly because of the failure of the Prison Service in the early days of the riot to provide satisfactory spokesmen or a proper briefing, there was an excess of speculative reporting. Sensational and inaccurate headlines about deaths and castrations caused distress to families of staff and prisoners. The Prison Service should have provided a nominated official to undertake regular press briefings. In addition, Mr Serle, Branch Secretary of the POA, should not have disclosed details of operational and strategic matters as he did shortly before the end of the siege.

Conclusions

The disturbance at Manchester was planned by a small number of prisoners as a limited protest about prison conditions. The majority of the prisoners were sympathetic towards the instigators of the disturbance. They shared the belief that despite recent improvements in the regime and the efforts of the overwhelming majority of staff and management, conditions at Strangeways were unacceptable and inhumane.

Management and staff were unprepared for the disturbance. Security and contingency planning were given a low priority at Headquarters and in the prison. Precautions should have been taken to limit the numbers in the Chapel by staging two services (although there should be no arbitrary figure laid down to limit congregation size) and by searching prisoners as they entered.

The withdrawal of the staff resulted in the prisoners, much to their surprise, gaining control of the entire prison. The withdrawal from the Chapel cannot be faulted, but it is questionable whether the staff should have left the rest of the prison. In particular, an attempt should have been made to hold the remand prison.

Communications with Headquarters were limited. Mr Emes should therefore have left the decision about whether or not to attempt to recapture the prison in the hands of the Governor at the scene. The person in command at Headquarters should recognize that his/her role is primarily supportive and supervisory.

The tactics used in the siege were not always successful. There should be a study to develop negotiation tactics for use in prison sieges. Efforts should be made to deprive rioting prisoners of food and water. The use of noise appears to have been ineffective and to have inconvenienced local members of the public. Restrictions on the use of water in prison riots should be reviewed. After the number of prisoners holding out fell below 10, the tactics being used should have been reconsidered.

Glen Parva

Before the Riot

Glen Parva is a Young Offender Institution and Remand Centre situated near Leicester and was built between 1974 and 1981. Living accommodation is divided into eleven separate units; the units in which the disturbances took place all housed remand prisoners. They consisted of three storey buildings connected by a corridor. Cells had integral sanitation.

The CNA in April 1990 was 612. On 6 April, the day of the riot, the population was 778. There were 330 prisoners on remand (the remand CNA was 192), and 448 sentenced prisoners (CNA 420). An extensive regime was offered to remand prisoners who 'opted in', including a full programme of work, education and association. However, the increase in the number of remand prisoners in Glen Parva had restricted the regime and led to discontent. It also forced many remand prisoners to 'double up'.

The Disturbance

Before the disturbance, there were rumours that trouble was planned in units 8, 9 or 10, in the Chapel or in the Hospital. On 6 April, two prisoners assaulted an officer in an attempt to escape when he unlocked them from their cells in unit 8. They took his keys but he was freed with the help of another prisoner, and went to raise the alarm.

The escape attempt became a general disturbance in which some 60 prisoners were involved. Contingency plans were put into operation and despite the weaknesses of the prison design, the riot was contained within unit 8. There was however some isolated trouble in two other units (one remand and one remand and allocation). The disturbance in unit 8 was settled by negotiation and the last of the prisoners surrendered at 2.40 am on 7 April, some seven and a half hours after the disturbance began.

Conclusions

There had been a deterioration in the conditions for remand prisoners in Glen Parva before the riot. Greater priority should be given to the needs of remand prisoners and the length of time many of them spend awaiting trial. However, the disturbance did not begin because of a genuine sense of grievance at the regime being operated, but because of an escape attempt on the part of two prisoners. Although some letters from Glen Parva prisoners do attribute the riot in part to the attitudes of staff, many more describe it as a 'copy-cat disturbance' (this is a phrase Woolf does not like 'because it trivializes what was a major incident').

The officer unlocking two prisoners should not have been out of the sight of another officer, and should have had a personal alarm. However, the riot was well controlled despite weaknesses in the establishment's physical security.

Dartmoor

Dartmoor before the Riot

Dartmoor is the main Category B training prison in the South West. Built in 1809, it has thick, granite walls and is divided into four living areas. None of the occupied cells has integral sanitation. Dartmoor's CNA was 660; on 7 April 1990, the day the riot began, the population numbered 607, 27 of whom were lifers.

It is clear that prisoners looked on allocation to Dartmoor as a punishment, and both prisoners and staff talked in evidence of it being 'the dustbin of the system'. Some prisoners were transferred to Dartmoor having failed in other prisons and were said to be badly behaved. Staff attitudes too were much criticised. Rules were said to be petty and the Governor, Mr May, said that before he arrived punishments were over-severe. The Inquiry's own investigative team reported on 'impassive, somewhat belligerent and cynical attitudes which we found most deterring'.

Although 95 per cent of Dartmoor prisoners had employment or education during the day, in practice up to 100 prisoners could be unemployed. It was suggested that staff shortages affected the quality of the regime. On 1 April 1990, there was a shortfall of 21.75 staff on a theoretical complement of 154.75, which resulted in closed workshops. However, the Governor emphasised that there had never been any objective evaluation of the manpower needed.

The Disturbance

After the start of the Strangeways riot, there were a number of warnings that a disturbance could be expected on the weekend of 7/8 April. Some precautions were taken: some prisoners thought to be ringleaders were segregated, officers on exercise were told not to carry keys, and access to the Vulnerable Prisoners Unit was double-locked.

At 3.40 pm on 7 April, prisoners on D Wing had returned to their cells after watching the Grand National, when one prisoner threw a dustbin. Other prisoners then joined in and staff and some prisoners withdrew from the wing. A few minutes later, C Wing was also evacuated. Prisoners from D Wing made their way onto the roof and fires were lit. One prisoner died in a cell-fire he had probably started himself. The disturbance lasted until 4.30 pm the following day (Sunday 8 April), when all but one prisoner surrendered after negotiation.

The rooftop protest by the lone prisoner continued until 14 April. He was joined for two and a half hours by three other prisoners on 11 April.

Conclusions

Woolf quotes with approval Counsel to the Inquiry's summing-up:

'In April, Dartmoor was a divided society. The POA mistrusted the Governor over staffing levels. He was frustrated over their lack of co-operation with his attempts to liberalize the regime. As always the people on the receiving end of this power struggle were the prisoners, who saw their regime diminished in a prison where few, if any, of them wanted to be. Dartmoor was a prison waiting for a riot to happen. Strangeways was the spark required to ignite it.' (para 5.199)

Some degree of planning by prisoners clearly existed, but staff were not at fault in failing to prevent it. Mr May's initial decision not to intervene with force cannot be faulted. However, his decision on the morning of 8 May to rely solely on negotiation was 'questionable'. The tension between staff and management hampered the response to the riot.

Drastic action is required if Dartmoor is to continue as a prison. Extensive refurbishment will be needed. Family links should be promoted by making visiting easier and by installing telephones.

The timing of meals and the quality of food must be improved. The counter-culture among the staff must be tackled.

Woolf concludes:

'If there is no fresh approach, the present planned expenditure would be better spent elsewhere. This should be Dartmoor's last chance.' (para 5.199)

Cardiff

Before the Riot

Cardiff is a local prison. Built in 1830, it has three galleried wings for adults around a Centre, and a separate wing holding young offenders. Its CNA is 337; on 8 April, it held 458 prisoners. A Wing, where the riot took place, has a CNA of 115 and held 203 prisoners. Cells did not have integral sanitation.

The regime at Cardiff for convicted prisoners included education and PE programmes, and a number of workshops. For remand prisoners, the regime was limited; however, they did spend much of their time out of cell. The regime was severely affected by the level of sickness among the staff, which was more than twice the level allowed under Fresh Start. This frequently caused the cancellation of classes and workshops. There were problems with kit, but the food was exceptionally good.

The Disturbance

After the Strangeways riot, 50 Manchester prisoners were transferred to Cardiff. There were a number of warnings that trouble was planned for the weekend of 7/8 April. Action was planned to limit the number of prisoners attending the Chapel. However, when the riot at Dartmoor broke out, all the C&R equipment held at Cardiff for the South West region was sent to Dartmoor.

The riot began at 8.40 am on 8 April after officers intervened to stop what appeared to staff to be a 'pretend' fight. Staff withdrew from A Wing, but double-locked the gates and stayed in the Centre. Prisoners were unable to obtain access to the roof. Fires were lit but the fire brigade was allowed to douse them unmolested in return for assurances that their only role would be to protect lives.

At 11 am, prisoners began to be evacuated from A Wing onto the Centre. Rioters initially opposed this evacuation, but once it started, it became a mass surrender. The Wing was finally cleared shortly after midday.

Conclusions

The presence of the Manchester prisoners probably had no direct connection with the start of the disturbance other than to diminish further a regime already under pressure because of staff sickness. The age profile and sickness level of staff at Cardiff and other Welsh prisons should be examined.

The riot was well contained thanks to the decision of staff not to withdraw from the Centre and the double-locking of the gates.

Bristol

Before the Riot

Bristol is a local prison near the city-centre; it also has a high security wing and a VPU. With a CNA of 552, on 7 April 1990 it held 572 prisoners, including over 30

lifers and 10 prisoners segregated under Rule 43 GOAD or CI 10/74. According to staff, there had been an increase in the number of disruptive prisoners before the riot. Many of these prisoners were mixed in A Wing, where the riot took place and which was described as 'volatile'.

For some, particularly those in the VPU, the regime at Bristol was relaxed. However, many Bristol prisoners spent much of their time locked in their cells. Facilities within the prison were limited — there was no proper gym — and the regime was undermined by the need to provide officers for escorts.

The Riot

Before the riot, there were rumours that a disturbance was likely. There had been a rooftop protest on 22/23 March, and some witnesses noted an increase in tension after the start of the Strangeways siege. Tension grew following the transfer to Bristol of 40 prisoners from Dartmoor. On A Wing in particular there were a number of minor incidents during 8 April.

The riot began on the evening of 8 April. A prisoner from Dartmoor threw a bowl of water in an officer's face. In the ensuing melee, two officers were attacked and other Dartmoor prisoners grabbed an officer's keys. The staff withdrew and double locked the wing, but prisoners managed to get onto the roof and gained access to B and C Wings, from which staff withdrew. One officer, Mr Santley, was locked in a cell. He was rescued as a result of 'commendable and courageous action' by some prisoners and staff who showed 'immense courage' under 'murderous attack'.

During the night, a plan was formulated to retake the prison the following morning. This was agreed with Mr Emes. Before it was put into operation, 130-150 prisoners on A Wing surrendered. C&R units then made sweeps of A Wing and cleared it of the remaining prisoners. Similar sweeps were made of B and C Wings, and there was no resistance from prisoners there. Five prisoners remained on the roof but surrendered by the afternoon.

Conclusions

Conditions in A Wing were unacceptable. Escort duties undermined the regime. The mix of prisoners was unsettled. However, the catalyst was the influx of Dartmoor prisoners.

The staff at Bristol did everything that could have been expected to them to forestall and contain the riot. Existing good relationships aided in establishing the trust necessary to arrange the prisoners' surrender.

The crucial factors in allowing the riot to spread were the fact that the keys opened all the doors on the wing and the ability of the prisoners to gain access to the roof.

Pucklechurch

Before the Riot

Pucklechurch Remand Centre is situated in a rural area 8 miles from Bristol. Built in the 1960s and 1970s, it consists of three wings holding male young remands, and a block housing female prisoners. Cells did not have integral sanitation and were in a poor state of repair. The male CNA was 102; on 22 April, the date of the disturbance, the prison held 124. Its staff complement was 56 of whom 55 were in post.

The regime at Pucklechurch was restricted by heavy demands on staff for escort duties. In addition, there was no workshop or vocational training courses; the only work available was cleaning, kitchen work and maintenance. Educational services had been criticised by the Chief Inspector of Prisons in 1989, and in the two weeks before the riot hardly any classes had been held. The target time out of cell was 8.25 hours a day. The time achieved was 5.5 hours.

The Disturbance

There were two specific warnings of a disturbance. Additional staff were therefore arranged: the number of staff on duty over the weekend was increased from 14 in the day and 6 in the evening, to 18 in the morning, 15 in the afternoon and 8 in the evening.

On the evening of 22 April, an officer was attacked and dragged into a cell by two prisoners on A Wing and his keys were taken. Other prisoners from A Wing who had been on association joined in the disturbance, and staff left the wing. Prisoners gained access to the works department, where they obtained tools to break through the roof and gain access to the other wings. Prisoners were evacuated from the hospital and the female wings.

An attempt by C&R units to retake the prison in the night of 22 April was hampered by fires and barricades and was repulsed. A second attempt the following morning was more successful, although there were allegations of excess force being used against prisoners in the kitchens. The remaining prisoners were trapped on the roof, where they were initially reluctant to surrender for fear of the consequences. They eventually surrendered by 1.40 pm.

After the Riot

Surrendering prisoners were initially housed in the vacated female block. There are two areas of concern about the treatment of prisoners after the riot. First, it has been alleged that surrendering prisoners were threatened and beaten by prison staff. According to the BOV, the remaining boys on the roof were 'apprehensive' and officers were making intimidating remarks to them. There were also allegations from prisoners that they were beaten in the female block. Many of the allegations may have arisen, Woolf says, from prisoners seeing C&R holds being used. However:

'a clear picture emerges from the evidence as a whole that a few officers, I cannot say how many, were not showing the degree of professionalism that was shown by the majority of staff in their treatment of inmates.'
(para 8.188)

There was also concern about the strip-searching of prisoners. Their clothes were placed in heaps and they were not allowed to put any of them back on. All their personal effects were taken away. Some prisoners transferred the following day were still not fully clothed. Some were placed in cells without bedding or mattresses, clothed only in a blanket. When the Inquiry team visited on 1 May, one prisoner was clothed only in boxer shorts. Prisoners' clothes were bagged up and left in a workroom. They were still in bags on 24 July.

Conclusions

There is no doubt that the riot was planned. Given the warnings, the officer assaulted should only have opened the cell in the sight of another officer.

Escort duties placed unacceptable burdens on the regime. The regime:

'exemplifies the totally unacceptable approach, even in Remand Centres, which is adopted with regard to the provision of facilities and an active regime for inmates, particularly young inmates, on remand. The time out of cells was insufficient; opportunities to work were unnecessarily limited; attempts to develop the education programme were frustrated by staff resistance and the living conditions were not of a sufficiently high standard.' (para 8.188)

The violence displayed by the prisoners was disturbing, but the leadership shown by the Head of Custody was of the highest order. However, discipline broke down when C&R units entered the kitchens.

The treatment of prisoners after surrender 'has to be criticised', although Woolf says it would not be right to make any finding of undue force being used. However, the way prisoners' clothes and possessions were treated was 'wholly unjustifiable'.

The Board of Visitors are to be commended for the long hours they spent in the prison during the disturbance. However, in evidence at the public hearing, the Chairman 'revealed a lack of objectivity'. Boards must always guard against the danger of 'becoming too identified with management and staff'.

Lessons from Part I

The 1990 riots were part of a pattern of increasingly serious and widespread disturbances in British prisons. Over the past 20 years, there have been disturbances in 1969 (Parkhurst), 1972 (in a large number of prisons including Albany, Parkhurst, Camp Hill, Chelmsford and Gartree), 1976 (Hull), 1978 (Gartree), 1979 (Parkhurst, Hull and Wormwood Scrubs), 1983 (Wormwood Scrubs and Albany), 1986 (40 different prisons), 1988 (Haverigg and Lindholme), and 1989 (Risley).

Until 1986, disturbances occurred mainly in training and dispersal prisons. No prison is now immune from the risk of riot. Similar riots could have occurred at many other prisons in 1990, and another riot on the scale of Strangeways 'could have brought the Prison Service to the verge of collapse'.

Justice

Riots happen when the requirements of security, control and justice in prison do not receive proper attention and are not kept in their proper balance. The April 1990 disturbances were a consequence of a failure to do this.

A recurring theme in prisoners' evidence is that they felt a lack of justice in the way they were treated.

● **Transfer** — It is significant that prisoners recently transferred from other prisons were centrally involved in all the incidents which led to riots in the target prisons. There was also evidence given to the Inquiry that upheavals in prisoners' lives, such as transfers, are particularly stressful. A transfer against the wishes of the prisoner is one of the most resented actions the Prison Service can take.

● **Conditions** — Justice also plays a part in preventing riots spreading. In the riots of 1990, the feeling that prison conditions and relationships were not satisfactory increased the likelihood of other prisoners joining in and the riot spreading.

Security and Control

The need to maintain security and control needs to be balanced against the danger

that an excessive emphasis on them can have the opposite effect. Particular control measures considered by the Inquiry include:

- **Control Categorization** — The current practice of categorization according to the degree of security needed is a poor indication of possible control risks. Some prisoners who attract a high security categorization because of the risk they pose to the public if they escape present no appreciable danger of disrupting the life of the prison. Within a secure boundary, they can be given a good deal of freedom. With other prisoners, the reverse is true. The problems of a system of control categorization however are not easy to overcome. Because prisoners can behave in a different way in different prisons, there is no objective system for identifying potentially disruptive prisoners. Such a system would also be either unnecessarily complex or unfairly simplistic. As things stand, Woolf therefore rejects control categorization.
- **Security Information Reports** — A standard procedure should be established making the senior governor on duty responsible for ensuring that security information is properly recorded and disseminated.
- **Keys** — It is no longer practical that all staff on duty should carry keys which will open all cell doors in the prison. Staff should only carry the keys necessary for the duties on which they are engaged.
- **Withdrawal of Staff** — Staff will inevitably have to withdraw in the case of a serious disruption. However, they should not withdraw any further than immediately necessary or unless it is unavoidable.
- **Security Firebreaks** — Disturbances should be contained within as restricted an area as possible. Security 'firebreaks' should be fitted at the entrance of each prison unit which is likely to hold over 70 prisoners.
- **Physical Security** — Physical security in prisons should be checked to prevent rioters gaining access to the roofs, to building tools, and other equipment.
- **Communications** — Communication centres within prisons must be upgraded. Communications within establishments and between prisons and Headquarters must be improved. Contact points for families of staff and prisoners need to be established, and there should be counselling and debriefing sessions in the aftermath of a riot.
- **Contingency Planning** — Management of disturbances must be improved. Contingency plans must be drawn up and training enhanced. Plans must be regularly revised, up-dated and tested.
- **BOVs** — Boards of Visitors should have a central role. They should be informed immediately a disturbance begins and should attend. They should be involved in the preparation of contingency plans.
- **Water** — Water is one of the most powerful weapons for dealing with a disturbance. It may be appropriate for the Fire Service to make equipment available to the Prison Service.
- **Control and Restraint** — The C&R training programme, which involves around 4,200 staff, is 'sensible and realistic'. The techniques compare well with those used in other countries. It would also be sensible to train suitable hospital staff to act as paramedics in the event of future riots.

On the issue of firearms, Woolf says:

'While I recognize that situations could arise where firearms and other forms of weaponry may have to be used, I would not propose any alteration

to the existing policy. If such weaponry is to be used, this should be a matter for the police.' (para 9.97)

The management of serious incidents should be under the control of a C&R Coordinator working under the command of the governing governor.

Conclusion

Woolf ends Part I of the Report with the words:

'In the course of my examination of the six disturbances, I heard criticisms of the way they were handled ... However, in general, in a time of great stress, the Prison Service staff at all levels acquitted themselves in an exemplary manner having regard to the degree of preparedness which existed and the resources which were available.' (para 9.98)

PART II

Imprisonment

The Task of the Prison Service

The Prison Service's Statement of Purpose recognizes that the Service has three tasks. First, to keep secure those the Courts put in its custody. Second, to treat those in custody with humanity. Third, to help prisoners lead 'law-abiding and useful lives' in custody and after release.

However, the Statement fails to mention the Service's responsibility to further the objectives of the Criminal Justice System as a whole. The Service is often too introspective and does not co-ordinate its activities with those of other criminal justice agencies.

Nor does the Statement make reference to treating prisoners with justice. If prison conditions are degrading and prisoners are left with an abiding sense of grievance, the purpose of imprisonment is thwarted. The Prison Rules should be amended to reflect the requirement to treat prisoners with justice.

There is a danger that the third section of the Statement could be subject to ridicule. It is now generally accepted that, far from prison reducing the danger of reoffending, it actually makes further offending more likely. The Service must seek to minimize the negative effects of imprisonment, to encourage prisoners to take some responsibility for what happens to them in prison, to match the demands of life in prison as closely to the demands of life outside as the conditions of imprisonment permit, and to prepare prisoners properly for their return into society. To do this, the Service must work more closely with the Probation Service, who also carry the responsibility of working to prevent reoffending, and must develop the concept of 'throughcare'.

This is not to argue a return to the treatment model of imprisonment. No offender should be sentenced to prison for reformatory treatment. Nevertheless, it is part of the Service's role, where practicable, to provide prisoners with opportunities for training.

The Statement also makes it clear that prisoners in the Service's care should be held securely. Security is not simply a matter of preventing escapes; maintaining control is equally important. Attention to security should not be at the expense of other aspects of the Service's role: as Ian Dunbar made clear in his report *A Sense of Direction* other aspects of the role will help to provide 'dynamic security'. The three aspects of the role — security, control and justice — complement each other and should receive equal weight.

Remand and Unsentenced Prisoners

The remand population is a significant and — until recently — increasing proportion of the prison population. Many remand prisoners are later acquitted or given a non-custodial sentence.

Remand prisoners played a prominent part in many of the disturbances. This is

connected with the conditions in which they are held: 'It is beyond dispute that in the majority of prison establishments holding remand inmates, the regime for these inmates is wholly unsatisfactory' (para 10.54). The explanation for this is the Prison Service's inclination to devote more of its resources to those in custody the longest.

Remand prisoners have a special status and special needs. They 'should suffer no greater loss of liberty ... than is necessary to secure the course of justice' (para 10.59). They should also be enabled as far as possible to prepare their defence and maintain their employment and family links.

The Prison Service's Statement of Purpose is not appropriate to remand prisoners in its current form. It makes no distinction between convicted prisoners sent to prison as a punishment and people awaiting trial and presumed innocent. Nor does it reflect their special needs. A separate Statement of Purpose for remand prisoners should be adopted.

The Statement of Purpose should reflect the principle that remand prisoners should normally be accommodated, treated and managed separately from convicted prisoners. Unless there is a good reason for treating them otherwise, those on remand should be regarded as being equivalent to Category C rather than Category B prisoners.

Prison Rules

There should be a fundamental revision of the Prison Rules. At the moment, while a breach of the Rules cannot give rise to an action for damages, it can give rise to an action for judicial review. The Rules should reflect the contemporary situation, have a clear meaning, and be consistent with the European Prison Rules.

Diversion from Custody

Overcrowding has had a mesmeric effect on the prison system and has absorbed energy which could have been used in improving prisons. In addition, prisons are expensive and have damaging effects on prisoners: 'It is therefore important ... to reduce the prison population to an unavoidable minimum' (para 10.70).

(a) Remand Prisoners:

- **Courts.** Magistrates should not make custodial remands until they have sufficient information. They should attach considerable significance to whether or not the offence is likely to justify a sentence of imprisonment. They should also be provided with information about the regime available for remands in the local prison. Guideline decisions on bail applications should be given by higher Courts. Time limits for custodial remands should be reviewed.
- **Bail Information Schemes.** Such schemes should be established in all areas of the country.
- **Prison Bail Schemes.** These schemes should be expanded as rapidly as possible. The training course run by the probation service should include prison staff.
- **Bail Hostels.** The current expansion programme should be speeded up.
- **Special Hostels.** A system of hostels should be established for those with drink, drugs and mental health problems.
- **Secure Hostels.** There is little enthusiasm for hostels providing a more controlled and secure regime. However, the Inquiry commends the approach of the Inner London

Probation Service which provides a range of hostels offering differing levels of security.

(b) Offenders:

- **Hostels.** More hostels should be provided for convicted offenders. Protected move-on accommodation should also be developed.
- **Public Interest Case Assessment.** Schemes such as that in operation at Horseferry Road Magistrates Courts should be expanded.
- **Fine Defaulters.** The effect of measures in the Criminal Justice Bill introducing unit fines and attachment of benefits should be monitored. An experiment should then be mounted to assess the practical implications of removing the threat of eventual imprisonment for fine default.
- **Mentally Disordered Offenders.** Various worthwhile schemes are being developed and should be expanded: greater liaison between the relevant agencies; the provision of secure unit accommodation; transfer out of prison; psychiatric 'on call' schemes at courts; specialist hostels and accommodation. The Prison Service should ensure clear and specific attention is paid to the mentally disordered offenders it will inevitably have to house.

Information for Courts

The actions of the Courts have the most direct impact on the Prison Service. Courts should be aware of the pressures on the prison system and the resources available to it. They need to know the availability of education, training and treatment in prison, the cost implications of various sentences, and the possible alternatives to custody.

In addition, consideration should be given to requiring a prison to provide the sentencing Court with a report on the behaviour of a remand prisoner while in custody. This would be an incentive for remand prisoners to behave well in custody.

Criminal Justice Consultative Council

There is a need for the Prison Service to co-ordinate its work with other agencies in the system. A national forum should be established to facilitate this, chaired by a senior member of the judiciary, with senior representatives from the Home Office, Lord Chancellor's Department, Crown Prosecution Service, Department of Health, Prison Service, Probation Service, from the police, and possibly from the magistracy.

The Council would identify issues and areas where co-operation and exchange of information is needed. It would assist in the development of a prison system which met the needs of all the agencies in the system. It would not be a Sentencing Council or a return to the Advisory Council on the Penal System.

Local Committees

A system of Local Committees should also be established to improve co-ordination at a lower level. The Local Committees could replace the existing Regional Liaison Committees and supplement the variety of Court Users Committees which exist at present.

Woolf and Tumim say:

'We attach the greatest importance to bridging the failures in

communication, co-ordination and consideration which the establishment of the Council and the Committees should achieve.' (para 10.188)

Buildings

The physical state of a prison can significantly affect the atmosphere for both prisoners and staff. There are vast differences in the quality of prison buildings: some are well-maintained and suitably located; others are dilapidated, damp and squalid.

Some of those who gave evidence were sceptical of the prison building programme currently underway, arguing that the Courts will fill whatever new space is created. Woolf and Tumim support the aim of reducing the prison population, but argue that it is correct to close prisons which are unsuitable for use, to renovate those that can be saved, and plan a building programme to meet future needs.

Principles for Improving the Prison Estate

- Prisoners should normally be housed in units of approximately 50/70 prisoners. The prison itself should not hold more than 400 prisoners, although where necessary there can be more than one discrete prison within a larger prison.
- An appropriate balance needs to be maintained between security needs and the avoidance of an over-oppressive atmosphere.
- Where a prison has separate accommodation units, access to the units should be controlled by electronically operated gates or should be able to be double-locked using two different keys.
- The same key should not open cell doors in more than one unit.
- Interior lines of defence having electronic gates or double locks should be identified in each prison.
- Where practical, prisons should be community prisons sited within reasonable proximity to the community with which the prisoners they hold have their closest links. There are considerable advantages to being held in a local prison: prisoners can receive regular visits from their families; access to lawyers is easier; prison staff from the local area relate more easily to local prisoners; and prisoners can be more easily prepared for release.

Prisons made up of a number of smaller units would be able to provide a range of regimes. The need to transfer prisoners at different stages of their sentence would therefore be reduced. Community prisons would also be able to provide separate regimes for young offenders, remands and women prisoners. Some specialist prisons such as Grendon would still be needed, and some like Dartmoor and those on the Isle of Wight would need special consideration. However, the principle of localization would take precedence.

One way of achieving this would be to cluster prisons in a particular area together. Within the cluster, it should be possible to provide all the services needed. To begin with, it may be necessary to cluster prisons over a fairly wide geographical area, but the Service should aim to reduce the area of the cluster over time.

- There should be satisfactory facilities for visits, including an adequate visitors centre.

- Unless they consent to different arrangements, remand prisoners where possible should be accommodated in separate units or prisons from convicted prisoners.
- A prisoner should normally be entitled, if he/she wishes, to a single cell.
- Dormitory accommodation is undesirable.
- Prisoners should have access at all times to sanitation. Ministers should publicly set a timetable to provide access to sanitation for all prisoners. This should be before February 1996. In the meantime, where there are prisons with some cells without sanitation, governors should as far as possible arrange for them to be occupied by single prisoners. In such prisons, rotas should be arranged to allow prisoners access to sanitation during the evening.
- Adequate provision should be made for the requirements of staff.
- Standards of hygiene should match those in the community. The Food Safety Act 1990 will open prisons to inspection by local authority and environmental health officers. The programme of refurbishment of kitchens must be maintained.
- Prisons should contain accommodation for the Board of Visitors.

Professional Consultants

Relationships between the Prison Service and external consultants are not what they should be and should be improved. There should be established a multi-disciplinary design group, including a senior architect, to review prison design in the light of experience and research into efficiency and effectiveness.

Overcrowding

Overcrowding is the single factor that has dominated prisoners' lives, placed intolerable pressures on staff, and diverted attention away from improving the system. The Prison Department's assessment that within two years there will be a surplus of accommodation does not address the fact that overcrowding may still affect some individual prisons and that some accommodation may be out of commission due to refurbishment or repairs. However, the expansion of the system will have a significant impact.

A new Prison Rule should be laid before Parliament to take effect at the end of 1992 to provide that no establishment should hold prisoners in excess of its CNA. Excess population will only be possible in times of emergency (subject to certification by the Home Secretary, the certificate to be laid before Parliament) or for a period of up to a week (so long as the population does not exceed CNA by more than 3 per cent).

Proper forward planning, involving the Consultative Council, should allow rises in the prison population to be predicted. The national Tactical Management and Planning Unit, established in September 1990 and charged with the task of identifying changes in the prison population, should also assist in this. If planning breaks down, there could be circumstances when the Home Secretary should use his power of executive release.

Police cells should not be used as an expedient to prevent overcrowding. A four-day limit should be placed on the time a prisoner can be kept in a police cell on behalf of the Prison Service.

Some prisoners have recently been held in police cells as a result of POA action. It is not a reasonable exercise of power for the Prison Officers Association to take

industrial action by refusing to admit prisoners to prisons which have reached the limit of a capacity the POA itself has determined.

Management Structure

(This section and the one following — which we have called ‘Special Needs’ — are combined in the original Report into a single section entitled Management. They are separated here in order to distinguish between issues of management structure and the management of particular groups of prisoners.)

Woolf and Tumim argue that ‘there is a remarkable dichotomy within the Prison Service’. The dichotomy is between the high calibre, deep commitment and sense of loyalty on the part of most staff, and the dissension, division and distrust which exist between all levels of the Service. Staff labour under a ‘blanket of depression’.

The creative energy and commitment needs to be channelled, and staff motivated. There is ‘a profound desire for more visible leadership’.

Senior Management Reorganization

There have been many reforms of Prison Service structures over the past 20 years. The last, implemented in September 1990, was based on a Review published in January 1990 and went ahead despite the strong reservations of the Prison Governors’ Association. The Prisons Board was restructured to contain nine members: the Director General, two non-executive members, and the heads of the six new Directorates. Between the three Directors who have operational responsibilities and the prisons, 15 Area Managers were appointed, each responsible for approximately nine prisons. In addition, it was announced that the Prison Service Headquarters would be relocated in the Midlands and work would begin on determining whether the Service should become a ‘Next Steps’ executive agency.

These managerial changes have done nothing to reduce the feeling of distrust between governors and staff in the field, and those at Headquarters, a distrust rooted in differences in culture and in the nature of their tasks. There remains too in some prisons a divide between governor grades and uniformed staff.

Director General

There were frequent complaints from management and staff about a lack of visible leadership of the Prison Service. That was not a reflection on the qualities of the Director General himself. Rather, it was due to the division of responsibility between the Director General and his Deputy. The former, a career civil servant, was responsible for policy and advising Ministers; the latter, a former governor, was responsible for running the operational side of the Service.

The post of Deputy Director General has now been abolished. However, the Service still requires an operational head who is, and is seen to be, in day-to-day charge of the Service.

It is ‘unfortunate’ that no-one has come from the ranks of the Prison Service to be appointed Director General. It should not be felt that the office can only be filled by an administrative grade civil servant. However, despite the arguments of some governors, it is not the case that only someone with who has come up through the Service can appreciate its problems and fill the role.

Relationship with Ministers

The Prison Act 1952 places the Home Secretary under an obligation to oversee all aspects of the running of the Prison Service. Clearly that responsibility is correct. However, the relationship between the Prison Service and Ministers should be more clearly structured to allow the Director General to exercise the leadership needed to run the Service. Ministers should establish policies, priorities and resources. The Director General should then get on with the job. The constitutional relationship between the two would remain unchanged. This change would be unaffected by any decision about possible agency status for the Service, about which no recommendation is made.

The mechanism for achieving the new relationship should be a new document drawn up by the Prison Service and approved by Ministers which sets out the tasks and objectives for the Service for the coming year and the available resources. It would be based on the existing Prison Service planning document. It would be published and laid before Parliament, and would in effect be a 'compact' or 'contract' between the Director General and the Secretary of State. The Annual Report would report on how far it had been fulfilled.

In view of the increased responsibility, the post of Director General should be upgraded to the rank of Second Permanent Secretary.

Relationship with Governors

The relationship between Prison Service Headquarters and governors should be based on the former **enabling** the latter to govern, and the latter in turn **enabling** their staff to look after prisoners. Headquarters must develop consistent roles and practices for prisons, but not impose on them a rigid uniformity. Woolf and Tumim endorse the views of the Director of the Scottish Prison Service that, although there were circumstances in which he would command, a Director's principal role is one of support.

To achieve this, there should be increased delegation to establishments. Each prison should be able to decide, as far as possible, how its budget is spent. Control of budgets would prevent valuable prison initiatives being killed off for lack of funds. The dangers of inefficient use of resources can be averted by proper monitoring.

The governor's contract with the Area Manager, which is meant to set out what the prison does in every area of activity, in practice varies widely in detail and complexity from prison to prison. It should be more than a vague statement of generalities, and should set out specifically what the prison intends to provide for each prisoner. As well as laying obligations on the governor, it should also lay down obligations on the part of the Service to provide the necessary resources and support to the prison.

Code of Standards

In evidence, many organizations argued the case for a code of minimum standards in prisons. For its part, the Prison Service, while recognising the attractions of such a code, argued that it would be unnecessary, difficult to prepare and even harder to implement. Woolf and Tumim 'are not impressed with any of these arguments'. There is considerable common ground about what should go into a code, which should be based on the European Prison Rules and the United Nations Standard Minimum Rules. Many organizations could provide lists of what should be included.

The availability of resources would dictate the speed at which progress towards an enforceable code could be made. In the meantime, a set of non-enforceable standards

are needed as a benchmark. The Service should draw up a set of Accredited Standards covering the physical conditions in which prisoners are to be held and the opportunities they will have while in prison. They should be explicit, but not so detailed that they are unrealistic or too rigid.

These standards would be applied to all prisons and would be applicable to anyone sent to prison. Individual prisons would progress towards meeting these standards at a rate agreed with the Service and, once they reached them, could apply for Accreditation Status. The code would not be legally enforceable in the first instance, but would act as a measure of progress and a basis for deciding the proper allocation of resources. Once they are achieved, a decision can be made about whether they are to become legally enforceable. In any case, Woolf and Tumim expect that they would be the subject of a Prison Rule and thereby enforceable by judicial review.

The Accredited Standards should be reviewed from time to time, and the expectation is that they would be progressively raised. Separate standards would need to be developed in due course for different prisons, such as those holding remand prisoners.

Prisoners' Contracts

Prisoners should be informed of the parts of the governor's contract with the Area Manager which are relevant to them. In addition, each prisoner should be offered the opportunity of entering into a contract with the prison. The contract would state, as precisely as possible, what the prison would provide for the prisoner. In return, the prisoner would agree to comply with the responsibilities the contract placed upon him/her.

These contracts would be individualized, reflecting the conditions and standards specific to the prison, the unit, or the prisoner. It would detail the accommodation and regime the prisoner could 'legitimately expect'. As prisoners progressed through their sentences, they would receive progressively more under their contract. The contract would be reviewed every 12 months.

This process should be enshrined in the Prison Rules. Prisoners would not have a right to damages for breach of the contract, but would be able to take the matter through the grievance procedure or even seek judicial review. These remedies would also be available if a prison persisted in offering contracts which provided as little as possible to prisoners. Such cases might also amount to maladministration, and redress could be sought from the Parliamentary Commissioner.

Prisoners would not be forced to enter into contracts. If they decided not to, they would receive an ordinary regime but might miss out on additional opportunities. They would also lose the protection of the contract if they had a grievance.

For most prisoners today, the same contract would usually be offered. Some contracts would look unacceptably poor. However, the contract is an important tool to be developed, and would substantially improve the position of prisoners, provide a structure for sentences, and be a spur for improvement in prison conditions.

Boards of Visitors

The public and Prison Service have cause to be indebted to Boards of Visitors. They should receive more resources than at present — current sums are 'wholly inadequate'.

Boards of Visitors should lose their adjudicatory powers. There should be a President of the Boards of Visitors appointed by the Home Secretary.

Special Needs

Medical Services

The Inquiry saw a considerable body of evidence which indicates that the medical service prisoners receive falls short of that they could and should expect outside prison. There was a suspicion among Strangeways prisoners that largactyl was being used 'down the block' for control rather than medical reasons. Any such accusation must be taken with the greatest seriousness by prison management.

The Service is currently considering the Report of the Efficiency Scrutiny of the Prison Medical Service. That Report's recommendations are in accord with the Inquiry's own approach. Woolf and Tumim therefore make no further comments.

Race Relations

The Prison Service's approach to the issue of race relations has received a general welcome. There have been many positive developments. However, there is evidence that compliance with official policy is erratic, and there is an absence of consistency in the monitoring returns. More energy needs to be devoted to promoting these policies and methods of monitoring incidents which could have a racial content need clarifying.

Sex Offenders

Many sex offenders suffer hostility and aggression from other prisoners. In some cases, as Strangeways shows, the consequences can be grave. They therefore have to be held on Rule 43 for their own protection (OP) or in a Vulnerable Prisoners Unit. Although prisons in Canada and the United States suffer similar problems, with the exception of France none of the other European countries visited were similarly afflicted. Some British prisons have also tackled the problem successfully, as Grendon, Leyhill and Littlehey show.

The principal criticism of Rule 43 (Rule 46 in YOIs) is that it is used to deal with two very different situations: the need to segregate prisoners who are likely to have an adverse effect on good order and discipline, and the need to protect vulnerable prisoners. In the first case, segregation needs to be strictly enforced. In the second, no more separation should be allowed than is necessary to protect the prisoner.

Prisoners on Rule 43 are often deprived of association, work, education and proper allocation. It becomes a stigma and perpetuates persecution. Vulnerable prisoners need protection, but Rule 43 does not supply the kind of protection they need. Rule 43 (and 46) should be amended so that it no longer applies to prisoners in need of protection, and a new Prison Rule should be drafted to deal with vulnerable prisoners. This rule would place governors under an obligation to protect prisoners considered vulnerable, and to remove such prisoners from association only to the extent that is reasonable. Removal from association of any prisoner would have to be authorized by an Area Manager and be monitored by the Board of Visitors.

This new Rule would enable governors to take a far wider range of measures to protect prisoners. It would also avoid the inappropriate use of Rule 43. However, the attitude of other prisoners (and staff) also needs to be tackled. There is a need for another Grendon to make a contribution to breaking down these attitudes and to show what can be achieved. Prisons containing small units could also develop their own 'mini-Grendons'.

More attention needs to be given to treatment for sex offenders. Too often they

emerge from prison embittered. Prisoners' evidence has shown that much can be achieved in changing sex offenders' attitudes. If the Service is to be true to its Statement of Purpose, it needs to make greater therapy available so that sex offenders can be confronted with their offending.

Disruptive Prisoners

Whatever the improvement in prison conditions, there is still likely to be a hard-core of disruptive prisoners and the risk of disturbances. It is not possible to isolate one factor which foments disturbances; however, there are strong indications of a close link between the nature of the regime and prisoners behaving in a disruptive manner. If prisoners are content with the location of the prison; if they are part of a small unit staffed by people they know; if the regime has incentives for good behaviour; and if there is an effective grievance procedure, then prisoners will be less likely to act disruptively.

There are four current options for dealing with a disruptive prisoner:

- **Transfer under CI 37/90** — This transfer can remove a prisoner from a training or dispersal prison to a local for a cooling-off period. However, such transfers can create a sense of grievance in the prisoner and can cause problems for the receiving local. The procedure must be used sparingly. Prisoners need to know the reason for the transfer, and the CI needs to be amended to ensure that reasons are given **in writing**. In addition, a member of the Board of Visitors ought to be at the receiving prison when the prisoner arrives, and a medical officer should where possible certify the prisoner fit before transfer and examine him/her after reception.
- **Transfer from a Cat. C to a Local Prison** — This is not covered by CI 37/90. This measure has resulted in a build-up of a number of disgruntled prisoners in local prisons, often simply because they were unsuitable for dormitory conditions. The phasing out of dormitories and the development of clusters should reduce these problems.
- **Segregation Under Rule 43** — The Board of Visitors should no longer give authority for such segregation; it should instead be the responsibility of the Area Manager. Written reasons should be given to the prisoner.
- **Allocation to a Special Unit** — The use of such units sprang from the recommendations of the Control Review Committee. The present units cater for a maximum of 45 prisoners, and have slow and deliberate selection procedures. Security is tight but they aim to provide a generous regime to counterbalance this. It is proving difficult to integrate prisoners back into a normal prison setting after periods in the units.

All four present options have problems, and their use should be more restricted than at present. A preferable alternative would be to transfer disruptive prisoners to a specialist re-assessment and allocation unit in a local prison. That would be less likely to be seen as a punishment.

Research in the USA indicates that new generation prison designs provide a safer and more secure environment. The Prison Service should consider earmarking at least one new generation prison for dispersal prisoners, including those currently housed in Special Units. In the longer term, when more effective and varied regimes are introduced in community prisons, the number of prisoners in the dispersal system can be reduced.

Remand Prisoners

There should be special emphasis placed on meeting the needs of remand prisoners.

They should be sited in separate prisons or units near to their home area. Regimes should be at least as good as, if not superior to, those provided for convicted prisoners. With good management and flexibility (such as the use of 'modules' of activities), problems such as frequent visits and prisoners staying only for short periods can be overcome. A proper induction period should be provided.

Remand prisoners are currently treated as though they are Category B (with the exception of a few provisionally classified as Category A). Frequently this subjects prisoners to an unnecessary degree of security. Remand prisoners should be regarded as equivalent to Category C. This would allow more relaxed regimes and cost savings.

In some cases a higher degree of security may be needed. Such cases can be identified using information about the offence and background. The Crown Prosecution Service may also be asked to identify cases which require a higher degree of security, and if the Court does not disagree, the papers would be marked accordingly.

Young Offenders

The continued fall in the young offender population must not be used as an excuse for not pursuing the policy of having suitable young offender accommodation close to offenders' homes. Until the development of clusters of community prisons, the most suitable place for young prisoners to be held may be in larger prisons also holding adults. However, they should be in separate units with separate access to facilities, rather than in the sort of conditions found in Hull or Leeds.

It is not appropriate to send young people to prison for training, but training should be available in prison for them. They should have access to the full range of educational and vocational opportunities. Some prisons (not YOIs) holding young prisoners fall short of these aims; the objectives for YOIs set out in the 1989/90 Prison Service Annual Report should apply to them too. Small units can reproduce some of the advantages of the Borstal system, and personal officer schemes, where properly backed with training and resources, can be valuable. Greater attention should be given to young prisoners on remand, including personal officer schemes and bail schemes.

Drug Abusers

According to a forthcoming survey, 20.1 per cent of the adult male sentenced population may be diagnosed as dependent on or abusing substances (drugs, alcohol or pathological gambling). The figures for sentenced male young prisoners and sentenced females are 15.8 per cent and 28.9 per cent respectively.

Although the success rate in treating such dependencies is low, prison can provide an opportunity to make treatment available. In the Netherlands, there are drug-free units in some prisons where an improved regime is offered to prisoners who agree to participate in programmes. Similar units could be created here. Training of prison staff should be improved, a standard opiate withdrawal regime should be introduced, and therapeutic community treatment should be made available. In addition, liaison with community groups will be needed, especially as a part of release plans.

HIV/AIDS

Evidence submitted to the Inquiry expressed deep concern about the treatment of prisoners with HIV. Many prisons were not meeting the Service's stated policy. Given the regime at units like Wandsworth's KI Wing:

'It is small wonder that ... prisoners who may be concerned about the possibility of having the AIDS virus, may be reluctant to express concern

to the prison authorities. We could not imagine conditions more likely to deter a prisoner from doing all in his power to avoid revealing he was or might be HIV positive than those we saw at Wandsworth. The conditions were a travesty of justice.' (para 12.360)

Staff should be educated in HIV and AIDS issues as they are in Saughton and Bristol. Local prison management should be given a clearer remit to meet their responsibilities in the way they deal with AIDS, and the Service should ensure its policy is met. AIDS counselling agencies should be involved.

The present policies of using Viral Infectivity Restrictions so that HIV prisoners are segregated and medical confidentiality is breached on a 'need to know' basis are neither necessary nor desirable. They encourage prisoners to conceal the extent to which they are at risk.

There should be full review of policy in relation to HIV with a view to setting aside VIR, encouraging prisoners to come forward, establishing programmes for prisoners with HIV, standardizing best practices within the system, and liaising with outside agencies. This new policy should be announced when completed, and forcefully drawn to the attention of Area Managers and governors.

Staff

Introduction

The vast majority of prison staff feel a strong sense of loyalty to the Service. However, even before the Strangeways disturbance, many members of staff were deeply disillusioned with what they saw as a lack of leadership and with the apparent failure of Fresh Start.

This sense of insecurity and disillusionment must be changed. Management must make a clear statement announcing a change of emphasis in management style: the adoption of a supportive role towards prison establishments; the introduction of new management techniques; a move towards attaching greater significance to staff relations; an expansion in the role of prison officers.

The status of prison officers needs to be raised. They should be better trained with better prospects of promotion.

Fresh Start

Fresh Start was introduced in 1987. By reorganizing officers' working arrangements and management, it sought to increase job satisfaction, reduce the dependence on overtime, and improve staff relations. So far it has failed to achieve its potential and it has left a legacy of deep mistrust.

Prior to Fresh Start, staff working arrangements were of labyrinthine complexity. A basic 40 hour working week was supplemented by huge amounts of overtime. In addition, there was a gulf between the prison officer class, headed by the Chief Officer and responsible for security and control, and the governor class, responsible for regimes and resource management. Fresh Start aimed to eliminate both problems.

Under Fresh Start, work was organized into 'functional blocks', so that the same staff group was responsible for certain functional tasks. The existing governor and prison officer grades were unified, which meant the abolition of the post of Chief Officer; the Inquiry received many expressions of regret about this.

Overtime was also to be completely phased out and replaced by a salaried 39 hour week. Additional hours worked were to be met by time off in lieu (TOIL), and there was to be a phased reduction over five years of a nine hours per week contracted allowance. There was to be a targeted improvement in staff efficiency of 24 per cent: 15 per cent over three years and an eventual further 9 per cent.

The POA contend that these savings were unrealistic and that there had been no proper assessment of the staffing levels necessary to run prisons. Woolf and Tumim agree that the speed with which the Fresh Start package was introduced meant that there was no proper examination of the needs of each prison. Efficiencies had to be achieved by each staffing complement, regardless of whether or not the staffing was adequate. If an individual prison was well managed before Fresh Start, a 15 per cent efficiency saving would be hard to find.

The new arrangements included substantial pay increases for fewer hours of work and were accepted overwhelmingly in union ballots. However, the POA has contended that the efficiency savings were not part of the formal Fresh Start package and the Prison Service played down the necessity for such savings. Woolf and Tumim conclude:

'In order to obtain approval of a package of much needed reforms, the Prison Service was not anxious to draw attention to the extent of the efficiencies involved.' (para 13.62)

As a result, governors and staff were unaware that 15 per cent efficiencies were to be achieved without any necessary increase in staff to compensate for reductions in the number of hours worked. They believed, and told their staff, that staffing complements would be increased. This has led to cynicism and disillusionment.

The effect of 24 per cent efficiencies to be achieved over five years, mostly through reductions in staff hours, was that promised improvements in regimes could not be achieved. Reductions in staffing levels in previously efficient prisons led to reductions in regimes. This too alienated staff and led to a fall in job satisfaction.

Woolf and Tumim have no doubt that there had been inefficiencies which needed tackling. Fresh Start was much needed. The fault lay in the speed, insensitivity and lack of openness with which it was introduced.

Staffing Levels

There must be a structured approach to setting staffing levels. In April 1990, an initiative was launched by which the work to be carried out in each prison was to be identified and the resources needed assessed. Once that had been done, the number of staff needed to achieve it could be calculated. Each prison should have completed this procedure by September 1991.

Unfortunately, although a process of this sort is essential, the POA is not co-operating. Instead, the POA seeks the unrealistic aim of a return to the system of establishing staffing levels that existed before Fresh Start. The new exercise offers opportunities to POA members which they would welcome.

Staffing levels at weekends are lower than they are during the week, which results in fewer activities taking place or activities being carried out with less supervision. In either event, a disturbance is more likely. An appropriate programme of weekend activities should not be restricted by a lack of staff. Ways of increasing weekend staffing could include extended weekend shift patterns, the recruitment of part-time staff or the provision of a higher rate of TOIL.

Escort Duties

One of the major causes of prisons failing to deliver consistent regimes is escort duties. Activities are often cancelled so that Court commitments can be fulfilled. A separate escort service should be set up to prevent staff having to be deployed from prisons. Woolf and Tumim do not feel it appropriate to discuss whether it should be private or state-run. In addition, the location of prisoners should be taken into account when Courts list cases.

Staff Training and Education

More attention should be paid to staff training. The current prison officer entrant course should be extended, and there should be a better structure for in-service training. Training can improve staff performance and self-esteem, help eliminate discrimination, and enhance staff/prisoner relationships. Some staff training can be provided by staff themselves. Each officer should be trained in a particular area of expertise alongside normal staff duties, and should have the opportunity to obtain qualifications recognized outside the Service.

Initiatives in training will only work if there is time for officers to take advantage of them. Time allowed for training should be increased progressively to 15 working days. This period should be 'ring-fenced' to prevent it being poached for other purposes.

Recruitment

There is currently no shortage of applicants for prison officer jobs. There is however a shortage of applicants from the South East, which has resulted in officers from elsewhere being required to staff prisons in the area against their wishes. Help should be provided for such officers, and they should know how long they are likely to have to serve there. The number of women applying is welcome, since the presence of female officers in male prisons has had a beneficial effect.

The number of officers from ethnic minority communities does not match the proportion of ethnic minority prisoners. Fewer than 1 per cent of staff are from ethnic minorities. In response to greater efforts to attract ethnic minority candidates, there has been an increase in the numbers applying, but since few applicants (white or black) are selected, the overall situation will only slowly improve. This reflects in part the closed nature of prisons, and their lack of credibility with the black community. The recruitment strategy for ethnic minorities should be reviewed, and should involve local initiatives.

More efforts should be made to attract fast track entrants to the Service by the use of the accelerated promotion scheme. However, promotion under this scheme takes too long: the time taken to reach governor 5 level should be one year to 18 months, rather than four years. The Prison Service should also join the 'milk round' and visit universities and polytechnics. Other promotions should be speeded up, possibly by the prison officer development scheme currently under discussion.

The Prison Service should review the facilities and accommodation for staff working in prisons.

Uniforms

There was a considerable weight of opinion in favour of all staff other than clerical workers wearing uniforms. Others advocated uniforms for all staff on the unified grades. Over 60 per cent of members of the Prison Governors' Association were in

favour of governors wearing uniforms. However, unless staff not on the unified grades also wore uniforms, the gulf between them and other prison staff would be widened. Uniforms also create a barrier between staff and prisoners and are a considerable expense.

There is a strong case for reviewing the nature of the uniform in order to make it less militaristic. Some uniforms, such as those worn during disturbances, are necessary. However, the management of each prison should have increased discretion to decide when uniforms are to be worn. Peaked caps should be phased out, and until this happens, the practice of wearing the peak 'slashed' should be discontinued. All staff should wear badges clearly displaying their name.

Staff Contracts

Staff should know what contractual rights they have against the Crown. Non-legally enforceable contracts between staff and management should be developed setting out the staff members' responsibilities and rights in the prison, including the grievance procedures. Such a contract should also include a minimum level of fitness for staff.

It would be beneficial for the Service if 'fresh blood' were injected from time to time. Cross-posting at all levels should be increased.

Non-Unified Staff

A more flexible attitude is needed to prison staff who are not on the unified scale, such as psychologists, chaplains, teachers and clerical staff. Their work should be reviewed with a view to introducing a Fresh Start package for them too. Some of the tasks currently performed by prison officers would be equally well performed by other staff, and some such as running canteens, by outside bodies. A more flexible attitude is needed to such tasks.

Training for non-unified staff needs to be improved, including in basic security and control procedures and their role in possible disturbances.

Industrial Relations

Repeated tension between the POA and management led to the introduction of a new Disputes Procedure in 1989. This has not produced any reduction in industrial action.

There is no general agreement between the POA and the Prison Service that industrial action will not be taken until all other methods have been exhausted. Such an agreement should be established. There may come a time when the question of whether prison officers can lawfully take industrial action should be reconsidered. However, it is still possible to improve industrial relations by agreement. Industrial relations are affected by poor prison conditions; as the impact of Fresh Start and the building programme is felt, and as conditions improve, so should industrial relations. The POA should have the opportunity to co-operate in these improvements. The POA should also reconsider its present policy of not co-operating with the work of establishing appropriate staffing levels through the process of identifying corporate objectives.

Woolf and Tumim add:

'The POA in their evidence stressed the failure of the the Prison Department to consult as they should. What the POA and other unions have to appreciate is that, just as at present they do not trust the Prison

Service, so there are those in the Service who feel they cannot trust the unions not to be reactionary and destructive in relation to any change which involves a contribution from both management and staff. This distrust has to be tackled by both sides.' (para 13.253)

Prisoners

If prisoners are to be kept in custody in such a way as serves the purpose of the Courts in sending them there, and they are to be treated with humanity, two things need to be recognized. First, prisoners are in the care of the State for 24 hours each day; if the Prison Service does not or cannot meet their needs, no-one else will. Second, almost all prisoners will at some time be returned to the community, and will have been affected in some way by their experiences in prison. The Service must therefore attempt to minimize the harm done by imprisonment and aim to reduce the likelihood of reoffending.

Prisoners should also be encouraged to take responsibility for the conduct of their sentences. They should be given the opportunity to make choices, and be held accountable for the choices they have made. They must be treated with respect by the authorities if they are to be expected to treat staff and other prisoners with respect themselves. There should be a system of justice in prisons which extends to every aspect of prison life.

Incentives and Disincentives

Prisoners will inevitably behave better and make more positive use of their time in prison if there are incentives to do so. Prison Rule 4 and Standing Order 4 (currently under review) set out the existing system of privileges. To these should be added a provision allowing prisoners to have a TV set in their cell. All these facilities should be part of a prisoner's normal expectation and should not be withdrawn unless absolutely necessary; they should not be described as privileges. The discretion allowed to governors to grant and withdraw selected 'privileges' has left prisoners aggrieved, and with some justification. Prison Rule 4 and SO 4 should be amended.

A system of incentives cannot be grafted onto the system of 'privileges'. A system of minor incentives would be hard to administer fairly and without fear of prejudice. Incentives should be built into the prison system.

There should be a more measured and careful approach to the provision of facilities for prisoners. The aim should be to provide consistency of treatment between different prisoners and different establishments of the same type.

Each prison should make provision for prisoners' progress through their sentences, depending on the facilities available in the prison. Progress would be recorded in the prisoners' contracts. A range of facilities of different sorts could be offered in a prison with small units; in one unit, prisoners might not need to be locked in their cells at all except at night.

Conditions at Category C prisons have to be improved if allocation to them is to be seen as a sign of progress. More use should be made of open prisons.

Sentence Structure

There is remarkable unanimity that prisoners should have sentence plans and proper induction and discharge procedures. On reception, prisoners should be interviewed to find out whether steps need to be taken to protect accommodation, to arrange

housing benefit, and to inform any employer. This should not be an occasion for sentence planning but for allowing prisoners to discuss their immediate worries.

There then needs to be a systematic assessment of a prisoner's needs in relation to education, training, work, and medical care, and initial planning of how those are to be met during the sentence. This should be done during an induction period which may run into weeks. The induction programme should be arranged and run by prison officers.

During this period, the prisoner's personal officer would need to be identified (although this may not be practicable for a prisoner who will be at the prison for less than 28 days). The personal officer would have a special interest in the prisoner's contract (the short-term document detailing the conditions in which the prisoner will live and what will happen in the immediate future) and the sentence plan (a long-term plan covering the whole of the prisoner's sentence).

Sentence plans are currently only prepared for young offenders; their introduction is planned for those serving over ten years and possibly sex offenders. They should be introduced for all prisoners sentenced to 12 months or more.

Preparation for release should also be planned. This should form part of the contract and sentence plan. It will require co-operation with other agencies, including the Probation Service, and the Prison Service should be ready to implement proposals for sentence plans when the changes mooted in the Criminal Justice Bill come into effect.

Education

Education makes an important contribution to prison regimes. Recent improvement in the number of education hours has been marked, but its impact has been uneven. Often education is available, but because of waiting lists and a lack of staff escorts, prisoners do not have access. Open learning can make a contribution to mitigating these problems, particularly for remand prisoners.

Prison officers should be more closely involved in education. It should be seen as an integral part of the life of the prison and be integrated with other prison activities and education outside prison. It should be given status equal to work in prison. Classes should be available for any prisoner who wants to attend. Difficulties with escorting could be overcome by sensitive cell allocation and by allowing some prisoners to go to classes un-escorted.

Prisoners should be consulted about the content of courses and some should be able to teach programmes themselves. Prisoners attending classes should receive pay levels equivalent to those earned elsewhere in the prison, including the workshops.

Physical Education

PE is popular with most — but not all — prisoners. It provides, or should provide, a method of enabling prisoners to let off steam and maintain or improve their physical fitness. The Prison Service should provide structured courses leading to recognized qualifications such as NVQs. Central Council for Physical Recreation Community Sports Leader Awards are also to be encouraged.

Work

Prison Service Industries and Farms (PSIF) is the biggest single provider of work for prisoners, providing 16,000 places at a net cost of £17 million a year. The cost

per hour is £1.32. The current approach is to run PSIF like an outside industry seeking to make profits for its shareholders. That view is not realistic. While industries should not run at a loss if it can be avoided, the primary aim should be to provide constructive and purposeful employment which will assist the prisoner to find work after release.

While work should not always have the first demand on resources and staff, prisons should provide a range of work to meet the needs and abilities of prisoners, and plan programmes with a mix of work, training and education. Work should be integrated with other prison activities, such as realistic mealtimes. It should be challenging rather than monotonous. A greater range of activities will be possible with the involvement of private employers (with suitable safeguards and supervision) at all levels, and the Prison Service should investigate these. Schemes involving work for charities are especially valuable to prisoners.

The relationship between prisons and PSIF needs to change. Controlling workshops on a local level would be more economic, and governors should be given responsibility for providing adequate work as well as training. The role of PSIF would be to provide supervision, advice and assistance.

Pay and Private Cash

There was considerable agreement amongst witnesses from outside the Prison Service that pay levels for prisoners are too low. Basic pay is £1.75, and the maximum wage £5.87. The regulations covering wages are also exceedingly complex. Woolf and Tunim say:

‘It would appear that the Prison Service has been able to devise six different schemes to cover a financial difference of about £4.00.’ (para 14.156)

More realistic pay levels would allow prisons to operate more sensible incentive schemes, would reduce prisoners’ dependence on private cash (there is no proposal to remove the upper limit for private cash), and would allow prisoners to meet some of their financial responsibilities to their families and their victims. Increases in pay would bring Britain into line with prisons abroad.

The Prison Service should set itself a target so that the most hard working prisoners can earn up to £10 a week. The upper earnings limit of £10 would have to be reviewed for prisoners working in schemes run by private firms. In the longer term, pay levels should be increased substantially, and prisoners required to make payments for the upkeep of their families, for their own keep, to Victim Support, and for any extra purchases such as TVs and computers.

The Prison Service should also consider a more radical scheme involving matching prisoners’ earnings to earlier dates for release and parole. The more a prisoner earned and saved, the earlier would be his/her date of release. Ultimately up to a twelfth of the sentence length could be earned by this system.

Kit

There is a clear gulf between what the Prison Service says it is providing in the way of kit for prisoners, and what prisoners and staff know they are receiving. The Service must ensure that each prisoner has the clothing he or she requires. Personal kit systems should be developed, and prisoners should not be deprived of clothing because stocks in prisons with a high turnover of prisoners are exhausted. Governors should have more control over buying clothing, and should not be forced to purchase from PSIF.

Part of the problem lies in the rule forcing convicted male prisoners to wear uniforms. The experiment planned at Belmarsh to allow convicted prisoners to wear their own clothes is to be commended, and should in time be extended to all but high security prisoners and escapees. In the meantime, prisoners should be able to wear their own socks and underwear and their own shoes. Laundry facilities should be provided.

Food

The poor quality of prison food was the most common complaint from prisoners. It was said to be monotonous, inedible, cold and insufficient in quantity. The standard of hygiene was also low. Kitchens should be brought up to standard as a matter of urgency. The dietary scales should be reviewed, as should the budgets provided to catering officers, who should have greater control over budget deployment.

There is also a problem over the timing and serving of meals, which are often crowded into a short period. The Service should review its staffing arrangements to ensure that meals are served at reasonable times. Prisoners should also be given a choice of eating in their cells or in association, and rooms should be made available for this purpose.

Visits

Prisoners' links with their families are of vital importance to them and to minimize the harmful effects of imprisonment. The Prison Service is aiming to increase the number of visits for convicted prisoners to two every 28 days, which is commendable. However, the ultimate aim should be at least one visit per week. Visits should also be longer: at least an hour for convicted prisoners, and for remand prisoners at least three hourly visits a week. Visits rooms and staffing need to be improved, with more emphasis on post-visit searching as a method of detecting smuggling.

Financial support for visiting should be expanded. If the frequency of visits is increased to two a month, the Assisted Visits Scheme should be expanded to cover both.

Better use should be made of the services of prison visitors. The Prison Service should try to extend the involvement of prison visitors in the activities of prisoners within establishments.

Home Leave and Family Visits

There was a general consensus among those who gave evidence that home leave should be extended. Home leave should not be confined just to long term prisoners. Home leave restores prisoners' self-confidence, helps maintain family relationships, and is an incentive to behave well in prison. It also eases pressure on prisoners and on staffing at weekends.

There should be substantial increases in the number of short and long home leaves granted. There will need to be changes in eligibility: long home leave should be available to prisoners serving sentences shorter than 18 months, and a larger number of leaves should be available earlier in the sentence.

Private family visits, previously known as conjugal visits, are now available in many European countries. While the priority should be given to expanding home leave, provision should be made for private family visits for prisoners serving long sentences who are not eligible for home leave. Schemes allowing children to visit for much longer than normal visiting hours should also be encouraged, and not only for female prisoners.

Letters and Telephones

Public telephones were common in many of the overseas prisons visited by the Inquiry and were accepted as a natural prison facility.

The Prison Service is moving towards the more extensive provision of cardphones; Category B prisons and unconvicted prisoners will have access to phones in two years. More urgency must be given to the provision of cardphones to all types of prison and all categories of prisoner. Although there are problems in providing high security prisoners with free access to phones, it should be possible to develop a scheme allowing them to call their families unless there are good reasons for preventing them doing so. Prisoners' calls to solicitors should be confidential as their letters are already.

The censorship of prisoners' mail has been substantially diminished in recent years. Prisoners' letters should only be read if there is reasonable suspicion that they may contain objectionable material or if the prisoner is in Category A. All limits on the number of letters a prisoner is allowed to write should be removed.

It should still be possible for incoming letters to be examined (but not read).

Prisoner Committees

Prisoners should be involved in and informed of the way prisons are run. However, the discretion to implement any proposals made by prisoners should remain with management. There is room for improving communications with prisoners. Prisoners' Committees have been suggested as a way forward, and the Inquiry saw examples of such Committees on its visits abroad.

However, the experience of Prisoners' Committees in Britain has been mixed. Questionnaires or other methods of consulting prisoners should be tried. Governors should make arrangements for regular meetings with prisoners, both with staff and without. Unit or wing meetings might also be useful.

Prisoners' Grievances

Prisoners are entitled to seek redress for their grievances from outside bodies. They can apply for judicial review of breaches of the Prison Rules, seek remedies from the European Court of Human Rights and the Parliamentary Commissioner, and can petition Parliament and H.M. the Queen. While such avenues are important, it is equally important that there are structures within the prison system to ensure that 'justice does not stop at the prison doors'.

● **Giving of Reasons** — There is no general requirement in law that bodies such as the Prison Service have to give reasons for their actions. However, the Prison Service should, as a matter of sensible management, adopt that procedure. Explaining why an education or exercise class has been cancelled can frequently avoid recourse to the grievance procedure, satisfy prisoners that their interests have been considered, and lead to a better standard of decision-making.

Prisoners should therefore be given reasons as soon as practicable for any decision which adversely affects them. In the case of particularly disruptive decisions, such as transfer under Rule 43 GOAD, the reasons should be in writing; in all other cases it should be in writing if the prisoner reasonably requests it. Those changes should be embodied in a new Prison Rule.

● **Grievance Procedures** — A fair grievance procedure must be straightforward, have time limits, be effective and be independent. Changes are required to the current system:

- The current guidance given to prisoners on confidential access is misleading, since complaints made in confidence against staff are usually made known to the staff concerned. The position should be remedied.
- Prisoners should be given the right to see the governing governor, even when they have already been seen by a less senior governor.
- Boards of Visitors should not expect prisoners to go to the governor before coming to see them. BOVs should advise prisoners and investigate complaints, but should not make recommendations adverse to the prisoner. To assist in their investigations, they should be better resourced, have their own accommodation, and be better trained and organized.
- There is currently no avenue of appeal in the formal procedure to an independent person. An independent element would give the whole system a validity which it does not otherwise have. A Complaints Adjudicator should be appointed by the Home Secretary. The Adjudicator would be the final avenue of appeal for both the grievance and disciplinary procedures, and would make an annual report to the Home Secretary. Before appealing to the Adjudicator, prisoners would have had to have exhausted the other levels of the grievance procedure. Except in the case of 'reserved' subjects, the Prison Service would be expected to comply with the Adjudicator's recommendations about individual cases.

Disciplinary Procedures

The present disciplinary system is in need of change. There are concerns about the use of 'catch-all' offences, about the role and powers of the Boards of Visitors, and about the relationship with the wider criminal justice system.

A clear distinction should be drawn between disciplinary and criminal offences committed in prison. The former are merely offences to be proceeded against with the objective of maintaining order in the prison. They should be heard by the governor of the prison in which the alleged offences took place, and the present powers of the governor to punish them are adequate. Loss of remission should not remain as the most common punishment: as facilities and opportunities for prisoners improve, punishments involving the loss of such opportunities can be used more often.

The role of BOVs in hearing disciplinary offences should cease. It is not reasonable to expect a BOV to act both as a watch-dog and an adjudicatory body. Nor is it reasonable to expect Boards conducting adjudications in prison, with the extensive powers they have been given, to exercise the procedural safeguards which are necessary for the proper discharge of such a function. The evidence given to the Inquiry indicated that even when Justices' Clerks were appointed to aid BOVs, problems remained.

Offences committed in prison which 'raise issues as to the preservation of public law and order' should be characterised as 'serious criminal offences' and heard by normal criminal courts. In some cases, in some geographical areas, and if the number of cases proves excessive, special panels of Magistrates will have to be convened, or cases heard within the prison. Guidelines about which cases would be suitable for outside courts could in due course be established by the Crown Prosecution Service. It is estimated that if all cases involving absconds and failures to return were dealt with by governors, only some 700 cases a year would need to go to outside courts. Appeals would be dealt with by the normal judicial process.

Appeals against governors' decisions would be first to the Area Manager, who would have the power to alter the sentence up or down (though not normally the former). Prisoners should be able to appeal finally to the Complaints Adjudicator, who would be the body of final resort. Prisoners should not have the right to go to an outside court (except through judicial review). The Adjudicator would decide the procedure for considering appeals, and will have the power to overturn verdict and sentence.

There should be time limits for bringing disciplinary proceedings and appeals. Charges should be brought within 48 hours; appeals to the Area Manager should be within 48 hours of the governor's decision; and appeals to the Adjudicator should be within seven days of the Area Manager's decision.

Prisoners should not have a right to legal representation in governors' adjudications, except at the discretion of the governor, Area Manager, or Adjudicator.

Use of what the POA has termed the 'underground disciplinary system', including administrative measures such as transfer under CI 37/90 and segregation under Rule 43 GOAD, should be avoided. They are not sanctions and must not be used as the equivalent of punishments. Underground sanctions should become a thing of the past if the Prison Service adopts the Woolf/Tumim recommendation for more reasoned decision-making.

APPENDIX 1

Woolf's 12 Major Recommendations

Lord Justice Woolf and Judge Stephen Tumim recommend 12 major changes which they would like to see implemented. The 12 recommendations are stated in paras 1.167 and 15.5 of their Report. They are:

1. Closer co-operation between the different parts of the Criminal Justice System. For this purpose a national forum and local committees should be established.
2. More visible leadership of the Prison Service by the Director General who is and is seen to be the operational head and in day to day charge of the Service. To achieve this there should be a published 'compact' or 'contract' given by Ministers to the Director General of the Prison Service, who should be responsible for the performance of that 'contract' and publicly answerable for the day to day operations of the Prison Service.
3. Increased delegation of responsibility to Governors of establishments.
4. An enhanced role for prison officers.
5. A 'compact' or 'contract' for each prisoner setting out the prisoner's expectations and responsibilities in the prison in which he or she is held.
6. A national system of Accredited Standards with which, in time, each prison establishment would be required to comply.
7. A new Prison Rule that no establishment should hold more prisoners than is provided for in its certified normal level of accommodation with provisions for Parliament to be informed if exceptionally there is to be a material departure from that rule.
8. A public commitment from Ministers setting a timetable to provide access to sanitation for all inmates at the earliest practicable date not later than February 1996.
9. Better prospects for prisoners to maintain their links with families and the community through more visits and home leaves and through being located in community prisons as near to their homes as possible.
10. A division of prison establishments into small and more manageable and secure units.
11. A separate statement of purpose, separate conditions and generally a lower security categorisation for remand prisoners.
12. Improved standards of justice within prisons involving the giving of reasons to a prisoner for any decision which materially and adversely affects him; a grievance procedure and disciplinary proceedings which ensure that the Governor deals with most matters under his present powers; relieving Boards of Visitors of their adjudicatory role; and providing for final access to an independent Complaints Adjudicator.

THE WOOLF REPORT

A Summary of the Main Findings and Recommendations of the Inquiry into Prison Disturbances

The riot at Strangeways Prison in April 1990, and the protests and disturbances which occurred at many more gaols during the same month, were the most serious in British penal history. On 6 April 1990, the then Home Secretary, David Waddington, appointed Lord Justice Woolf to head an Inquiry into the disturbances. In July 1990, the Inquiry team was joined by Judge Stephen Tumim, HM Chief Inspector of Prisons, to consider the wider implications for the prison system.

On 31 January 1991, Lord Justice Woolf presented his 600-page Report to the new Home Secretary, Kenneth Baker. His investigation into the events at Strangeways and elsewhere was a wide-ranging examination of conditions in Britain's gaols, and his Report is the most significant analysis of the penal system in a hundred years. The Report's 12 major recommendations and 204 proposals on matters of detail set out an agenda for a total overhaul of the prison system and will shape penal policy well into the next century.

This Prison Report Trust booklet summarises the Woolf Report. PRT hopes that publication of the booklet will be a significant contribution to the dissemination of Woolf's findings.

PRISON REFORM TRUST
59 Caledonian Road
London N1 9BU

£3.45