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The prison system

Priorities for investment

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Interviewees

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Harry Hagger Johnson, Senior Analyst, Ministry of Justice value-for-money, National Audit Office

John Samuels QC, President, Prisoners Education Trust

Oliver Lodge, Director, Ministry of Justice value-for-money, National Audit Office

Paula Harriott, Head of Prisoner Engagement, Prison Reform Trust

And two individuals who preferred to remain anonymous.

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Recommendations

Recommendation 1: The Ministry of Justice should launch a consultation on the use of custodial sentences and consider the impact of implementing a ban on, or presumption against, short custodial sentences. It should also consider how to make magistrates more willing to use and improve their understanding of a community sentence, as they are less expensive than prison sentences and, on average, more effective at reducing reoffending.

Recommendation 2: The Ministry of Justice should develop a strategy for future prison closures which considers various factors such as their location, efficiency and effectiveness or whether they would be too difficult to replace. This will help the Government to create a more fit-for-purpose estate.

Recommendation 3: The Ministry of Justice should devolve a portion of the facilities management budget to prison governors. This could allow for minor maintenance problems to be addressed more quickly by local provision.

Recommendation 4: The Government should fund the Ministry of Justice £900 million to address the growing maintenance backlog in prisons, to improve standards of decency and safety.

Recommendation 5: The Government should ensure that the Ministry of Justice receives additional annual funding to sustain new and improved prison security measures, so that prisons can continue to disrupt the supply of contraband in the long term.

Recommendation 6: Her Majesty's Treasury should ensure that Her Majesty's Prison and Probation Service has enough funding to close the pay gap between Closed and Fair & Sustainable pay grades by 2027, to end the two-tier pay system for Her Majesty's Prison and Probation Service staff.

Introduction

In 2016 the Government published a landmark White Paper, 'Prison Safety and Reform', which promised to deliver much-needed changes to the prison system.¹ It committed to address poor safety for staff and prisoners, high levels of assaults, the poor condition of the estate, poor retention in the workforce, and ultimately poor outcomes for reoffending.

Since the Government laid out its plans for “the biggest overhaul of our prisons in a generation” progress has been poor in several key areas:²

- > Prisoner-on-prisoner and prisoner-on-staff assaults have increased by 30 per cent since 2016.³
- > Incidents of prisoners self-harming have increased by 65 per cent since 2016.⁴
- > The leaving rate for Band 3-5 staff – operational prison officers – has increased by 32 per cent since 2016.⁵
- > In the 12 months to March 2019, 17 per cent of drug tests on prisoners were positive.⁶
- > Nearly £529 million intended for spending on the prison estate has been diverted to spending on the day-to-day running of prisons since 2016.⁷

Significant resource pressures on prisons are likely to have held back the progress of reforms. The White Paper promised prisons the “resources, authority and tools” to address these challenges, but real-terms resource spending on prisons fell in 2016-17 and 2017-18.⁸ Her Majesty’s Inspectorate of Prisons (HMIP) has highlighted that “reduced resources, both in terms of staff and investment [has] made it extremely difficult” to run prisons.⁹

Increasing spending is an opportunity to make progress – if targeted effectively.¹⁰ In 2018-19, Her Majesty’s Prison and Probation Service’s (HMPPS) resource budget rose by 4 per cent in real terms to over £3.9 billion. Several further commitments have been made: £2.5 billion for 10,000 additional prison places, £100 million for enhanced security, and £156 million for maintenance.¹¹ To make the most of this increased spend the Government should focus on four priorities: more effective sentencing policies, creating a fit-for-purpose prison estate, improving prison safety, and developing the workforce.

¹ Ministry of Justice, *Prison Safety and Reform*, 2016.

² *Ibid.*, 4.

³ Her Majesty’s Prison and Probation Service, ‘Table 1: Annual Safety in Custody Summary Statistics, England and Wales’, *Safety in Custody Statistics - Summary Tables, Safety in Custody: Quarterly Update to June 2019*, 31 October 2019.

⁴ *Ibid.*

⁵ Her Majesty’s Prison and Probation Service, ‘Table 8e: Underlying Leaving Rate of Permanent Staff in Main Grades, by Structure and Division’, *Her Majesty’s Prison and Probation Service Workforce Statistics Bulletin England and Wales, HM Prison and Probation Service Workforce Quarterly: March 2019*, 16 May 2019.

⁶ Her Majesty’s Prison and Probation Service, ‘Table 7.2: Positive Random Mandatory Drug Tests, by Drug Type, 12 Months to March 1999 to 12 Months to March 2019’, *Annual HMPPS Digest 2019/19, Annual HMPPS Digest 2019/19*, 25 July 2019. Comparable data from 2016 is unavailable.

⁷ HM Treasury, *Main and Supplementary Estimates*, 2015.

⁸ Ministry of Justice, *Prison Safety and Reform*, 3; Prison Reform Trust, *Prison: The Facts*, 2019, 5.

⁹ HM Inspectorate of Prisons, *HM Chief Inspector of Prisons for England and Wales Annual Report 2018–19*, 2019, 7.

¹⁰ House of Commons Library, *Estimates Day: Ministry of Justice Spending*, 2018, 7.

¹¹ Ministry of Justice, ‘Prisons Receive £156 Million Maintenance Boost’, Press Release, 27 October 2019.

1. Smarter Sentencing

Sentencing policies affect key outcomes of the justice system, such as levels of crime, and also have an impact on the size of the prison population. The courts must not only protect the public by imprisoning people who have committed serious offences, but it should use sentences and sanctions that make them less likely to reoffend in the community. However this is not currently the case, as three quarters of all crime is reoffending.¹² It has a huge cost to society, estimated at about £18.1 billion a year, five times what the Ministry of Justice (MoJ) spend annually on prisons.¹³ To address high levels of reoffending and unsustainable levels of overcrowding the Government should ensure that prison sentences are used proportionately.

1.1 Towards effective sentencing

Some types of sentences are used heavily even though they result in consistently high levels of reoffending. Nearly half of all prison sentences are 'short' custodial sentences of six months or less.¹⁴ The majority of these, some 11,500, are for theft offences.¹⁵ These carry a very high reoffending rate of 65 per cent – for theft offences specifically, it is 82 per cent – and this has remained around this level for over ten years.¹⁶ Convicted offenders who are not sent to prison may instead receive a community sentence. If they are personalised and properly enforced, these flexible punishments may entail unpaid work, restrictions on activities or a curfew, and rehabilitative measures, such as treatment requirements for addictions or mental health problems.¹⁷ While reoffending rates are not directly comparable, the reoffending rate for suspended sentence orders and community sentences is only 33 per cent, illustrating how high the rate is for those on short custodial sentences.¹⁸

Reoffending following short sentences costs an estimated £4.4 billion a year,¹⁹ which could be avoided in part if other types of sentences were used. Short sentences can break a prisoner's ties with housing, employment families and leave little time to focus on prisoner's needs, making them more likely to reoffend.²⁰ While short-sentences prisoners make up only a small proportion of the prison population at any one time, the high churn that they create puts disproportionate and sustained pressure on the criminal justice system. Community sentences could be used instead for many offence types.

¹² Ministry of Justice, 'Smarter Sentences, Safer Streets: David Gauke Speech', Webpage, 18 July 2019.

¹³ Ministry of Justice, *Economic and Social Costs of Reoffending*, 2019, 2.

¹⁴ Her Majesty's Prison and Probation Service, 'Table 2.5a: Sentenced Admissions into Prison by Sentence Length, Age Group and Sex', Prison receptions: January to March 2019, Offender Management Statistics Quarterly: January to March 2019, 25 July 2019.

¹⁵ Ministry of Justice, 'Proven Reoffending Reoffence Type Data Tool, January to December 2016, England and Wales', 2019.

¹⁶ Ministry of Justice, 'Table C2a: Adult Proven Reoffending Data, by Custodial Sentence Length (3 Monthly)', Proven reoffending tables (annual average), January 2017 to March 2017, Proven Reoffending Statistics: July to September 2017, 25 July 2019.

¹⁷ Sentencing Council, *Imposition of Community and Custodial Sentences*, 2017; Edward Argar MP and Jackie Doyle-Price MP, 'Community Sentence Treatment Requirement Protocol', Letter, 28 June 2018.

¹⁸ Ministry of Justice, *Proven Reoffending Statistics Quarterly Bulletin, July 2017 to September 2017*, 2019 N.b. reoffending rates are not directly comparable as it is not possible to compare for population variables.

¹⁹ Ministry of Justice, *Economic and Social Costs of Reoffending*, 18.

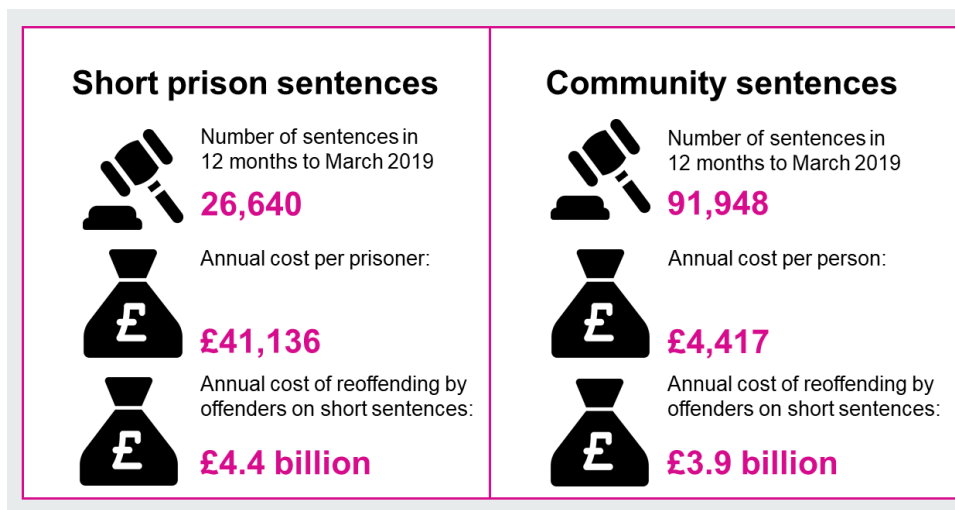
²⁰ Revolving Doors Agency, *Reducing the Use of Short Prison Sentences in Favour of a Smarter Approach*, 2019, 1.

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The MoJ has shown in repeated studies that these are on average more effective at reducing reoffending.²¹ Evaluating levels of reoffending between two groups with comparable offender characteristics – created from 150 variables including offending history and other data like employment history – the MoJ has shown that those on community sentences reoffend 4 per cent less than those on short sentences, and those who do reoffend commit fewer crimes.²²

Therefore, to reduce reoffending and deliver the best value-for-money, the use of short prison sentences should be reduced in favour of non-custodial sentences.²³ At just under £4,500 annually, a community sentence costs just over a tenth of the cost of imprisonment.²⁴ Given the evidence that community sentences are often more effective, if these are used instead of short custodial ones, reoffending should decrease and the costs associated with repeat crime should fall.²⁵ The MoJ estimate that if all those who currently receive a short prison sentence instead received a community sentence, there would be 32,000 fewer crimes every year.²⁶ This would create savings for the police, the prison service, and the public. It has been estimated that the Government would accrue savings of at least £83 million a year if community sentences were used instead of short prison sentences for theft and non-violent drug offences.²⁷

Figure 1: Comparison of costs of short prison sentences and community sentences



Source: Reform research, based on analysis of Ministry of Justice statistics for prison receptions, community sentences, and cost per prisoner; cost of reoffending statistics taken from Ministry of Justice, *The Economic and Social Costs of Reoffending* (2019).

²¹ Ministry of Justice, *The Impact of Short Custodial Sentences, Community Orders and Suspended Sentence Orders on Reoffending*, 2019; Ministry of Justice, *The Impact of Short Custodial Sentences, Community Orders and Suspended Sentence Orders on Re-Offending*, 2015.

²² Ministry of Justice, *The Impact of Short Custodial Sentences, Community Orders and Suspended Sentence Orders on Reoffending*, 1.

²³ Ministry of Justice, *Cost per Place and Cost per Prisoner by Individual Person*, 2019, 3; New Economics Foundation, *Technical Guidance: The Cost to the State of Short Custodial Sentences*, n.d., 8; Ministry of Justice, *The Impact of Short Custodial Sentences, Community Orders and Suspended Sentence Orders on Reoffending*, 1; Ministry of Justice, *Economic and Social Costs of Reoffending*, 18,39.

²⁴ New Economics Foundation, *Technical Guidance: The Cost to the State of Short Custodial Sentences*, 8, available on request from the Revolving Doors Agency.

²⁵ Ministry of Justice, *The Impact of Short Custodial Sentences, Community Orders and Suspended Sentence Orders on Reoffending*.

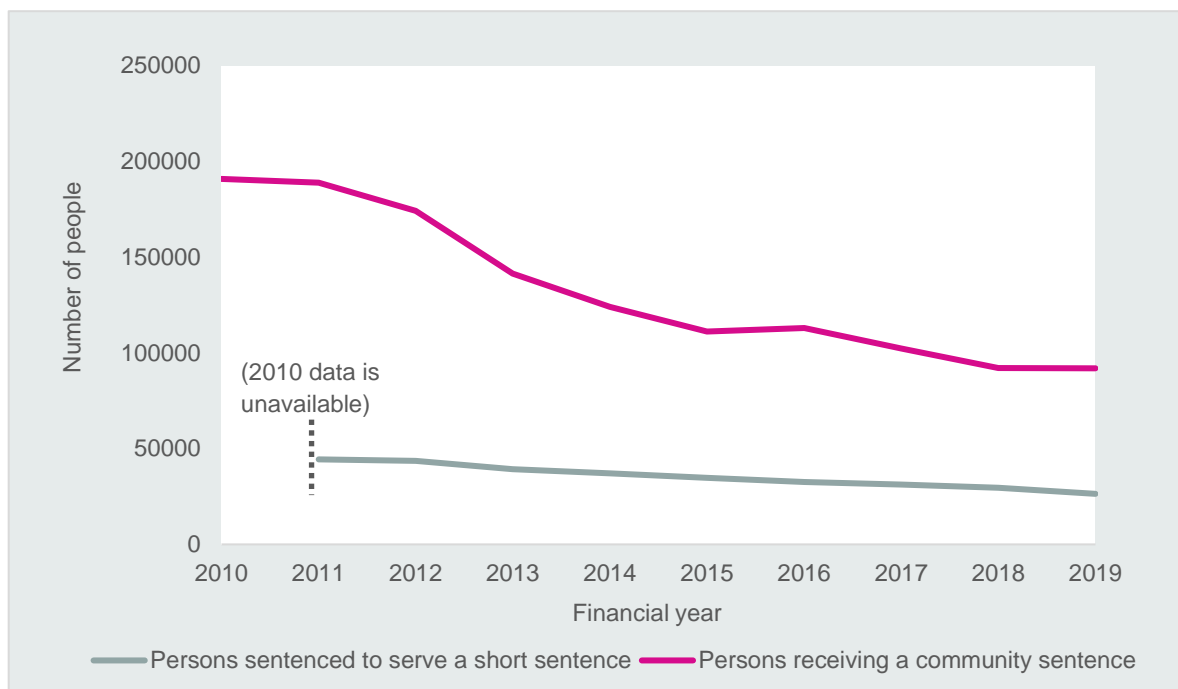
²⁶ Ministry of Justice, 'Smarter Sentences, Safer Streets: David Gauke Speech'.

²⁷ Revolving Doors Agency, *Reducing the Use of Short Prison Sentences in Favour of a Smarter Approach*, 3.

1.2 The decline in community sentences

In the last ten years the numbers of custodial sentences and community sentences passed have decreased, as shown in Figure 2.²⁸ However, despite the evidence in their favour, community sentences have declined at a much faster rate, with their use more than halving in the last decade.

Figure 2: The decline in the use of community and short sentences



Source: *Reform* research, based on analysis of Ministry of Justice statistics for prison receptions and community sentences.

This decline in the use of community sentences is likely to have been driven by poor confidence in their effectiveness, against a background of continued poor performance by probation services.²⁹ Despite the evidence that they result in less reoffending on average, in a 2017 survey of 582 magistrates, 37 per cent said that they were not confident that a community sentence is an effective alternative to custody.³⁰ In addition, 65 per cent felt they did not reduce or deter crime, and three quarters felt that they did not effectively protect the public.³¹

Magistrates will often lack a full understanding of community sentences due to poor training or available information. In the same survey, 28 per cent of respondents said they did not feel their training had adequately prepared them for dealing with community sentences.³² The use of pre-sentence reports by the National Probation Service to

²⁸ Her Majesty's Prison and Probation Service, 'Table 2.5a: Sentenced Admissions into Prison by Sentence Length, Age Group and Sex'; Ministry of Justice, 'Table Q5.1a - Offenders Sentenced at All Courts, by Offence Group and Outcome, 12 Months Ending March 2009 to 12 Months Ending March 2019', Overview Tables, Criminal Justice System Statistics Quarterly: March 2019, 15 August 2019.

²⁹ HM Inspectorate of Probation, *Report of the Chief Inspector of Probation*, 2019, 40.

³⁰ CREST, *Where Did It All Go Wrong? A Study into the Use of Community Sentences in England and Wales*, 2017, 38.

³¹ *Ibid.*

³² *Ibid.*, 43.

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sentencers, which recommend what a community sentence should include, declined by 22 per cent between 2012-13 and 2016-17.³³ The Centre for Justice Innovation has suggested a link between this and the decline in community sentences. Similarly, as probation services for low-risk offenders are currently provided by private Community Rehabilitation Companies, who are not permitted to access courts and advise magistrates, sentencers will often not be fully informed.³⁴

Sentencers may lack confidence in probation services to enforce a sentence properly. The “implementation and delivery” of probation services by all Community Rehabilitation Companies inspected by HM Inspectorate of Probation in the 12 months to March 2019 was rated at best as “requires improvement”, with the majority rated as “inadequate”.³⁵ Investing in a larger, better trained workforce could result in higher-quality supervision and enforcement, and therefore begin to offset the costs of reoffending. The Government plans to spend at most an average of £329 million a year on Community Rehabilitation Companies’ services between 2014 and December 2020, which is less than one fiftieth of the annual cost of reoffending.³⁶

In 2021 under a new proposed model for probation, the management of offenders will return to the National Probation Service and some elements of community sentences, such as unpaid work, will continue to be outsourced.³⁷ Whilst it cannot yet be said whether this will result in more personalised, well-delivered community sentences, it is likely that investing in this part of the system could create better outcomes.

To move towards a more effective sentencing policy for those who currently receive short sentences, the Government could consider doing two things. First, it should invest in better training for sentencers. Spending on training for magistrates fell from £72 per person to £30 per person between 2009-10 and 2013-14, and it is reported that this trend has continued.³⁸ If magistrates were better informed about community alternatives, they could be more willing to use them. Second, the Government should consult on how to decrease the use of short prison sentences. This should consider how to affect this change, such as with a ban or a presumption in favour of community sentences.

Recommendation 1: The Ministry of Justice should launch a consultation on the use of custodial sentences and consider the impact of implementing a ban on, or presumption against, short custodial sentences. It should also consider how to make magistrates more willing to use and improve their understanding of a community sentence, as they are less expensive than prison sentences and, on average, more effective at reducing reoffending.

³³ Centre for Justice Innovation, *The Changing Use of Pre-Sentence Reports*, 2018, 2.

³⁴ House of Commons Justice Select Committee, *Transforming Rehabilitation. Ninth Report of Session 2017–19*, HC 482 (London: House of Commons, 2018), 40.

³⁵ HM Inspectorate of Probation, *Report of the Chief Inspector of Probation*, 40.

³⁶ National Audit Office, *Transforming Rehabilitation: Progress Review*, 2019, 4; Ministry of Justice, *Economic and Social Costs of Reoffending*, 2.

³⁷ Her Majesty’s Prison and Probation Service, ‘The Proposed Future Model for Probation: A Draft Operating Blueprint’, 2019, 5–7.

³⁸ House of Commons Justice Committee, *The Role of the Magistracy Sixth Report of Session 2016-17*, HC 165 (London: The Stationery Office, 2016), 29.

2. Creating a fit-for-purpose prison estate

The Ministry of Justice (MoJ) estimates that 40 per cent of prisons require “major work”.³⁹ Proper maintenance is essential to make sure that prison conditions are humane – in one extreme example, at HMP Coldingley prisoners have been forced to dispose of human waste in buckets out of cell windows due to unsuitable toilet facilities.⁴⁰ In addition, 62 per cent of prisons are holding more prisoners than they are designed for.⁴¹ Addressing these unsuitable living conditions will be key to reducing prison violence and improving staff morale. To do this, the prison estate urgently needs significant, long-term investment.

2.1 Reconfiguring the estate

Overcrowding is an urgent issue for the prison service, which creates several problems. It results in cramped, unhygienic and stressful double occupancy of cells designed for one prisoner.⁴² Though the direct relationship between violence and overcrowding is unclear, this can lead to poor living conditions and a mismatch between resources and demand, which can drive tensions and assaults.⁴³

Population pressures also lead to prisoners being held far from home, in security conditions that are higher than needed and without the support services they need.⁴⁴ Frequent transfers between prisons to manage these pressures are stressful for prisoners and creates further churn and instability in prisons affected.⁴⁵ Further, this is an ineffective use of resources and poor value for money.

As has been argued in the previous section, the prison population could be reduced by between 2,000-3,000, by using more non-custodial sentences for some crimes.⁴⁶ However, it will still be necessary to invest in building new prisons to immediately address overcrowding and create the additional capacity to close unfit prisons in the future.

So far, progress to reduce overcrowding has been slow. In 2016, the Government promised to create 10,000 new spaces by 2021, but only one new houseblock at HMP Stocken has so far been built, creating 206 places. Two new prisons are due to open by 2023.⁴⁷ Now, £2.5 billion has been committed for 10,000 additional spaces (without a

³⁹ House of Commons Justice Select Committee, *Prison Population 2022: Planning for the Future, Sixteenth Report of Session 2017-19*, HC 483 (London: Stationery Office, 2019), 79.

⁴⁰ HMP Coldingley Independent Monitoring Board, *Annual Report of the Independent Monitoring Board at HMP Coldingley*, 2019, 3.

⁴¹ House of Commons Library, *Briefing Paper: UK Prison Population Statistics*, 2019, 4.

⁴² *Ibid.*; HM Inspectorate of Prisons, *Life in Prison: Living Conditions. A Findings Paper by HM Inspectorate of Prisons*, 2017, 13–19.

⁴³ Her Majesty's Prison and Probation Service, *Understanding Prison Violence: A Rapid Evidence Assessment*, 2018.

⁴⁴ Ministry of Justice, *Prison Safety and Reform*, 60.

⁴⁵ For example, see: HMP Exeter Independent Monitoring Board, *Annual Report of the Independent Monitoring Board at HMP Exeter*, 2017, 4.

⁴⁶ Centre for Crime and Justice Studies, *'Stopping Short?' Sentencing Reform and Short Prison Sentences*, 2019, 9.

⁴⁷ House of Commons Justice Select Committee, *Prison Governance, First Report of Session 2019-20*, HC 191 (Place: The Stationery Office, 2019), 20, Fn 54.

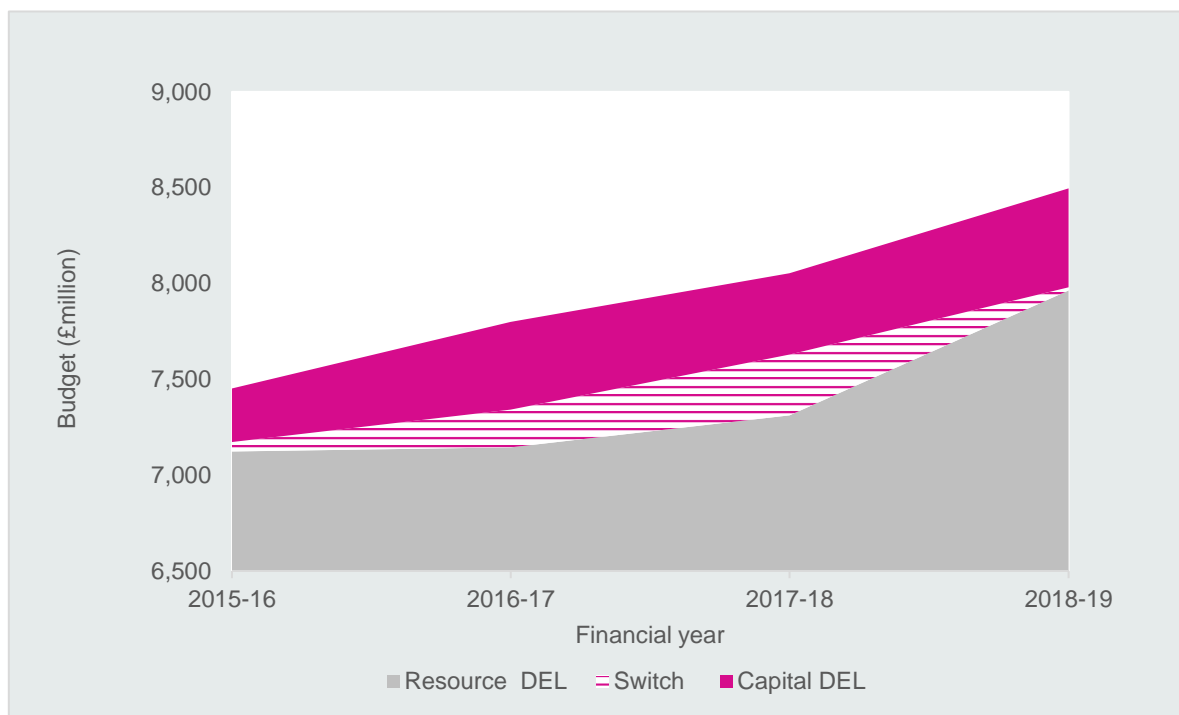
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deadline), on top of the 3,360 places that will be created by the two new prisons.⁴⁸ It is difficult to say what impact this will have on overcrowding as population projections are uncertain, and could be affected by policy changes and sentencing reforms upstream.⁴⁹

The Government also wishes to reform prison categorisations, so that prisoners are held in prisons designed for their needs, and with the appropriate level of security.⁵⁰ At this stage, however, only a “relatively small percentage” of prisons have been reformed. Until new places are delivered, overcrowding will remain an acute concern.

Poor progress reforming the estate is driven by several factors. One underlying issue is that money committed for estate transformation has not always been spent. Since 2015-16, as Figure 3 shows, £577 million has been taken from the MoJ’s capital budget (money set aside for infrastructure projects, the Capital Departmental Expenditure Limit) and re-allocated to resource spending (day-to-day spending on services, the Resource Departmental Expenditure Limit).

Figure 3: The reallocation of the Ministry of Justice’s capital budget over time



Source: Her Majesty’s Treasury, Main and Supplementary Estimates, 2015-16 – 2018-19.

There are additional, logistical problems with building new prisons. It is difficult to find places to build prisons that are suitable for the prison population and their families, with easy transport links and access to services.⁵¹ In addition, the yields from selling older sites to fund estate transformation are low compared to the costs of building new ones.⁵²

⁴⁸ Ministry of Justice, ‘10,000 Extra Prison Places to Keep the Public Safe’, Press Release, 11 August 2019.

⁴⁹ Ministry of Justice, *Prison Population Projections 2019 to 2024, England and Wales*, 2019, 1.

⁵⁰ Ministry of Justice, *Prison Safety and Reform*, 59.

⁵¹ House of Commons Justice Select Committee, *Prison Population 2022: Planning for the Future, Sixteenth Report of Session 2017-19*, 78.

⁵² Ibid.

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Despite a funding envelope of £1.3 billion being agreed for estate transformation at the 2015 Spending Review, each new building project has to have a business case approved by the Treasury, which can take time.⁵³ A full business case had not been approved for HMP Glen Parva by July 2019, nearly three years after the funding envelope was committed.⁵⁴ This helps explain why only £0.2 billion of the £1.3 billion has been spent and suggests that the original timetable for completion was unrealistic.⁵⁵ It is therefore unclear how quickly the Government can build further suitable prisons.

As new prisons are built, unsuitable prisons should be identified for closure when population pressures allow. In 2016, Government planned to close and replace “unfit” prisons that did not have a “long-term future” in the estate because they were “difficult and expensive to maintain or modernise”.⁵⁶ However, the Government has reversed course, and now says that no further prisons will be closed.⁵⁷ This is unlikely to be cost-effective or sustainable in the long run.

The Government should close unsuitable prisons based on several factors, including inefficiency. This is supported by evidence from a previous programme of 17 prison closures, which selected prisons based on current and anticipated running costs, compared with the costs of running more modern prisons. Not including a construction cost of £372 million, the switch to cheaper, more efficient prisons generated savings of £70 million a year when they were running at capacity.⁵⁸ These modern prisons have an estimated lifespan of 60 years.⁵⁹

The efficiency of a prison is affected by whether security arrangements are appropriate for the population, and not just the condition of the building; a high-security prison holding lower security prisoners, due to overcrowding, is unnecessarily expensive. Holding people in prisons appropriate to their needs and risk, and not just prison closures, is therefore an important way of making prisons more efficient.

Efficiency should not be the only criteria for closure, however. As discussed, some prisons, especially Victorian-era ones, are so maladaptive that they cannot continue to be used in the long-term.⁶⁰ Further, as with the construction of new prisons, the location of prisons should be an important consideration. Most prisoners should be held close to home to maintain family contact and create links with resettlement services, which are both crucial to reducing reoffending⁶¹

⁵³ Sir Richard Heaton KCB, ‘Letter to Bob Neill MP, Chair, Justice Committee: Ministry of Justice Main Estimate 2019-20’, 2 July 2019, 2.

⁵⁴ *Ibid.*

⁵⁵ Rory Stewart OBE MP, ‘Written Evidence from Rory Stewart OBE MP, Minister of State for Justice, Ministry of Justice (Ppp0075)’ (House of Commons Justice Committee, n.d.), 17, HC483.

⁵⁶ Ministry of Justice, *Prison Safety and Reform*, 58–59.

⁵⁷ Ministry of Justice, ‘10,000 Extra Prison Places to Keep the Public Safe’.

⁵⁸ National Audit Office, *Managing the Prison Estate*, 2013, 23.

⁵⁹ *Ibid.*, 4.

⁶⁰ Ministry of Justice, *Prison Safety and Reform*, 58–59.

⁶¹ National Audit Office, *Managing the Prison Estate*, 7; Lord Michael Farmer, *The Importance of Strengthening Prisoners’ Family Ties to Prevent Reoffending and Reduce Intergenerational Crime*, 2017.

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As population pressures allow, the Government should create a strategy for future prison closures which considers the efficiency and location of prisons, and whether they are fundamentally fit for purpose. Exceptions can be made for prisons that it would be extremely difficult to replace or close, due to their location or their strategic importance (for instance, a Category A prison whose high-risk population could not be absorbed by other prisons, unless new or spare Category A capacity was available).

Recommendation 2: The Ministry of Justice should develop a strategy for future prison closures which considers various factors such as their location, efficiency and effectiveness or whether they would be too difficult to replace. This will help the Government to create a more fit-for-purpose estate.

2.2 Maintaining the estate

Maintaining prison buildings to a good standard is fundamental to running a safe and humane prison regime for prisoners and staff.⁶² There is broad consensus that in many prison conditions do not meet these standards.⁶³ Reports across several prisons by Independent Monitoring Boards and HMIP describe dilapidated environments with “unheated cells with broken windows”, entire wings unheated for several weeks, broken toilets and showers, infestations, electricity failures, and workshops unable to run.⁶⁴ As well as impacting on the prison’s ability to operate day-to-day, these indecent conditions affect levels of violence and staff retention.⁶⁵

HMPs and HMIP do not always have the same expectations for standards of decency in prisons. Both agree that “cells and communal areas will be clean, free of graffiti and offensive displays.”⁶⁶ However, HMPs do not accept overcrowding as a measure of decency as the Service thinks uncrowded conditions are undeliverable in the short-term. In 2017 HMIP made several recommendations on standards including overcrowding and the physical condition of cells amongst other things. These were rejected by the MoJ who argued conditions could be mitigated by more time spent out of cells.⁶⁷ The lack of common metrics for decency is unhelpful and could hinder monitoring of, and progress on, standards. This should be addressed with the formation of a “national decency standard”, which is currently being developed.⁶⁸

⁶² Ministry of Justice and National Offender Management Service, ‘Certified Prisoner Accommodation’, 18 April 2012, PSI 17/2012; HM Inspectorate of Prisons, *Life in Prison: Living Conditions. A Findings Paper by HM Inspectorate of Prisons*, 10.

⁶³ House of Commons Committee of Public Accounts, *Mental Health in Prisons, Eighth Report of Session 2017-19*, HC 400 (London: The Stationery Office, 2017), 5; House of Commons Justice Select Committee, *Prison Population 2022: Planning for the Future, Sixteenth Report of Session 2017-19*, 79; House of Commons Justice Select Committee, *Prison Governance, First Report of Session 2019-20*, 5; HM Inspectorate of Prisons, *Life in Prison: Living Conditions. A Findings Paper by HM Inspectorate of Prisons*.

⁶⁴ HM Inspectorate of Prisons, *Life in Prison: Living Conditions. A Findings Paper by HM Inspectorate of Prisons*, 13–27; Dame Anne Owers, *IMB National Annual Report 2017/18*, 2019, 20, 49–54.

⁶⁵ Stewart OBE MP, ‘Written Evidence from Rory Stewart OBE MP, Minister of State for Justice, Ministry of Justice (Ppp0075)’, 4; Her Majesty’s Prison and Probation Service, *Understanding Prison Violence: A Rapid Evidence Assessment*, 1.

⁶⁶ Stewart OBE MP, ‘Written Evidence from Rory Stewart OBE MP, Minister of State for Justice, Ministry of Justice (Ppp0075)’, 10.

⁶⁷ House of Commons Library, *The Prison Estate*, 2018, 12.

⁶⁸ Her Majesty’s Prison and Probation Service, *Her Majesty’s Prison and Probation Service Annual Report and Accounts 2018-19*, 2019, 30.

2.3 Devolved maintenance funding

One driver of poor conditions in the prison estate has been the poor quality of facilities management. This was once the responsibility of prison governors, but it was outsourced for all public sector prisons in 2015 to reduce costs. In the judgement of the Chief Inspector of HMIP, facilities maintenance contracts “very often fail to deliver basic standards, with huge backlogs of maintenance tasks.”⁶⁹ HMPPS has attempted to address poor performance with stronger contract management, including additional “mandatory compliance standards”.⁷⁰ Further, a Government-run company has taken over contracts previously managed by the outsourcing company Carillion before it collapsed. However, the Permanent Secretary of the MoJ has conceded that performance is still inadequate.⁷¹

Poor performance is in part because the facilities management contracts are national, so prisons are unable to commission these services locally. For minor repairs issues must be recorded and requests submitted for work to be carried out, in a “labarynthine” process.⁷² The current Chair of Independent Monitoring Boards and the Chief Inspector of HMIP have suggested that returning to devolved or partially-devolved budgets for facilities management would be more effective.⁷³ This could follow the example of HMP Leeds, where staff and prisoners work in collaboration to complete minor facilities tasks. HMIP reported that this had been beneficial for the maintenance of the prison, with actions resolved quickly.⁷⁴ At other prisons, there have been plans to have prisoners doing repairs and painting alongside contractors.⁷⁵ The Government should consider whether to devolve a portion of the facilities management budget to prison governors, as was once the case.

Recommendation 3: The Ministry of Justice should devolve a portion of the facilities management budget to prison governors. This could allow for minor maintenance problems to be addressed more quickly by local provision.

2.4 Funding for major works

Funding for ‘major’ maintenance does not meet demand which further aggravates the condition of the estate. In the financial year 2018-19, £90 million was allocated for major works to the prison estate. However, the backlog of major works was valued at £716 million.⁷⁶ This backlog has now grown to an estimated £900 million, but only £156 million has been assigned for this year.⁷⁷ On this trajectory the backlog will continue to grow and

⁶⁹ House of Commons Justice Select Committee, *Prison Population 2022: Planning for the Future, Sixteenth Report of Session 2017-19*, 79.

⁷⁰ Her Majesty’s Prison and Probation Service, *Her Majesty’s Prison and Probation Service Annual Report and Accounts 2018-19*, 31.

⁷¹ House of Commons Justice Select Committee, *Prison Governance, First Report of Session 2019-20*, 30.

⁷² *Ibid.*, 31; Owers, *IMB National Annual Report 2017/18*, 19.

⁷³ House of Commons Justice Select Committee, ‘Oral Evidence: Prison Governance, HC 2128’, Webpage, 16 July 2019, secs 375–376.

⁷⁴ HM Inspectorate of Prisons, *Report on an Unannounced Inspection of HMP Leeds by HM Chief Inspector of Prisons*, 2019, 31.

⁷⁵ Owers, *IMB National Annual Report 2017/18*, 20.

⁷⁶ House of Commons Justice Select Committee, *Prison Population 2022: Planning for the Future, Sixteenth Report of Session 2017-19*, 79.

⁷⁷ House of Commons Justice Select Committee, *Prison Governance, First Report of Session 2019-20*, 10; Ministry of Justice,

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funding will not catch up, and the condition of the estate will continue to deteriorate. The MoJ should receive funding to address this backlog, to improve standards of decency and safety.

Recommendation 4: The Government should fund the Ministry of Justice £900 million to address the growing maintenance backlog in prisons, to improve standards of decency and safety.

3. Improving prison safety

Public protection is partly about making sure prisons are secure, so that prisoners cannot escape. However, for prisons to protect the public and focus on the rehabilitation of prisoners, they must also be safe places for staff and prisoners. This means that prisons must also act to tackle drug abuse, violence and poor mental health. Stopping the supply of, and demand for, contraband is key to this.

3.1 The decline in prison safety

There has been a sharp decline in the safety of staff and prisoners in the last decade. Between June 2010 and June 2019 prisoner-on-prisoner assaults have risen by 107 per cent, and prisoner-on-staff assaults by 250 per cent.⁷⁸ In addition, self-harm rose 135 per cent.⁷⁹ No single factor can explain these trends and causes will vary by prison. There are however several factors that influence prison violence, including the “imported characteristics” of prisoners (who may have been violent before prison), the quality of staff-prisoner relationships (which is affected by staffing levels, churn in the population, and officer training and experience), clear and consistent application of rules, and living conditions.⁸⁰ Reducing prison violence will require a multi-pronged approach.

The presence of drugs, especially psychoactive substances, has a significant impact on levels of violence across the estate. Studies have not yet clearly established a link between psychoactive substances and violent behaviour and there is no correlation between violence in prison and HMPPS Random Mandatory Drug Testing results, as the tests are not carried out in a targeted way based on the suspicion that a violent prisoner might be under the influence.⁸¹ However, there are numerous accounts of users becoming psychotic and extremely aggressive.⁸² Debts accrued by drug users drive victimisation, bullying, and violence.⁸³

In addition, dealing with psychoactive substances is costly for prisons. Daily drug-related incidents of violence or overdose at some prisons disrupt workshops, education and employment.⁸⁴ In turn, this exacerbates boredom and poor living conditions that drive the demand for drugs.⁸⁵ The pressures on healthcare services are particularly acute, which may treat more than ten prisoners in a single day.⁸⁶ HMIP report that “[s]ome prisons have

⁷⁸ Her Majesty's Prison and Probation Service, 'Table 4: Annual Assaults Summary Statistics, England and Wales', Safety in Custody Statistics - Summary Tables, Safety in Custody: Quarterly Update to June 2019, 31 October 2019.

⁷⁹ Her Majesty's Prison and Probation Service, 'Table 1: Annual Safety in Custody Summary Statistics, England and Wales'.

⁸⁰ Her Majesty's Prison and Probation Service, *Understanding Prison Violence: A Rapid Evidence Assessment*, 1.

⁸¹ Michael Wheatley, Martin Stephens, and Matthew Clarke, 'Violence, Aggression and Agitation - What Part Do New Psychoactive Substances Play', *Prison Service Journal*, no. 221 (September 2015).

⁸² Prisons and Probation Ombudsman, *Learning Lessons Bulletin: Fatal Incident Investigations Issue 9*, 2015, 2; Owers, *IMB National Annual Report 2017/18*, 8; Anna Norton, 'Spicing up the Subject' *The Recorded Experiences of Prisoners and Prison Staff on the Subject: New Psychoactive Substance Use in a North West Prison*, 2017, 35–46.

⁸³ HM Inspectorate of Prisons, *HM Chief Inspector of Prisons for England and Wales Annual Report 2018–19*, 8; Owers, *IMB National Annual Report 2017/18*, 8.

⁸⁴ Owers, *IMB National Annual Report 2017/18*, 8.

⁸⁵ HM Inspectorate of Prisons, *Changing Patterns of Substance Misuse in Adult Prisons and Service Responses*, 2015, 37–38.

⁸⁶ Owers, *IMB National Annual Report 2017/18*, 8; Public Health England, *New Psychoactive Substances (NPS) in Prisons: A Toolkit for Prison Staff*, 2015, 16.

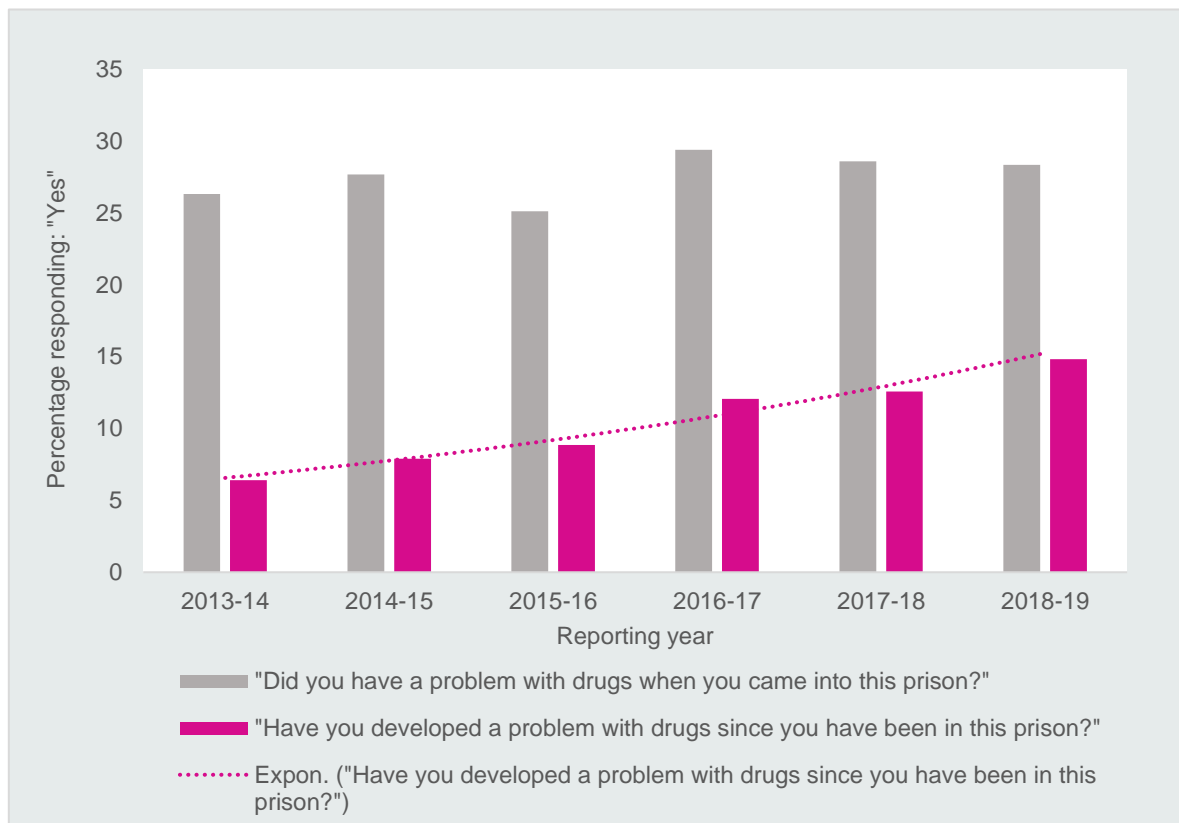
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required so many ambulance attendances that community resources were depleted.⁸⁷ Call-outs to prisons (not strictly for drug-related incidents) nearly doubled between 2013-14 and 2017-18, costing at least £3.3 million in that latter year.⁸⁸

At the time of the 2015 Spending Review, HMIP identified psychoactive substances (PS – previously ‘New PS/NPS’) as the “most serious threat to the safety and security of the prison system”.⁸⁹ Psychoactive substances are easy to obtain in the community and smuggled into prisons saturated into paper, making it difficult to detect without specialist equipment.⁹⁰ Despite this, many prisons have not been equipped with additional security to reduce the supply of drugs.

Analysis of HMIP data reveals the consequences of this: forty-eight per cent of men surveyed by HMIP who reported having a drug problem said that it was easy to get drugs.⁹¹ The number of prisoners who say they have developed a drug problem in custody has more than doubled in the last five years (as shown in Figure 4).

Figure 4: Prisoners developing a drug problem in custody



Source: HM Inspectorate of Prisons, annual reports for years 2013 to 2019.

⁸⁷ Public Health England, *New Psychoactive Substances (NPS) in Prisons: A Toolkit for Prison Staff*, 16; HM Inspectorate of Prisons, *Changing Patterns of Substance Misuse in Adult Prisons and Service Responses*, 8.

⁸⁸ Steve Bird, 'Inside Britain's Prisons Where Inmates Are Addicted to Spice - and 999 Calls Are Made Every 40 Minutes', *The Telegraph*, 1 September 2018; National Audit Office, *NHS Ambulance Services*, 2017, 38.

⁸⁹ HM Inspectorate of Prisons, *Changing Patterns of Substance Misuse in Adult Prisons and Service Responses*, 7.

⁹⁰ *Ibid.*, 8.

⁹¹ HM Inspectorate of Prisons, *HM Chief Inspector of Prisons for England and Wales Annual Report 2018-19*, 119.

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It has been estimated that 44 per cent of all theft, robbery, and shoplifting is committed to support a drug habit, at a cost of £5.8 billion every year.⁹² There is some recent evidence that ties these offences to psychoactive substances, specifically.⁹³ Therefore, prisons must tackle drug abuse to reduce the chance of this kind of offending and help people into recovery. It is concerning that, instead, this data suggests prisons are having the opposite effect. Targeted investment in prisons to reduce drug supply is needed to address this.

3.2 Improving security for the closed estate

To tackle drug use, prisons must disrupt supply and reduce demand.⁹⁴ It was estimated in 2006 that for every £10 spent on drug treatment, £6 is made worthless by the continued supply of drugs.⁹⁵ This was illustrated at HMP The Mount in 2016, where a “massive influx” of psychoactive substances forced an effective treatment programme to pause and a drug recovery wing to shut down.⁹⁶ The Government’s 2019 Prison Drug Strategy commits that prisons will tackle both.⁹⁷

There have been several spending announcements on supply reduction: last year, ten prisons with high levels of violence and drug use received a share of £10 million in the Ten Prisons Project, of which £6 million was for enhanced security.⁹⁸ Twenty-five prisons have received X-ray scanners, including ten that were involved in the Ten Prisons Project.⁹⁹ The Government have now pledged £100 million for improved security on a bigger scale, and seven prisons have been earmarked for investment so far.¹⁰⁰

While these announcements are welcome, there have been no specific announcements on improving demand reduction. Several measures can be used: more purposeful education and training activity in the prison, a fair and consistently-enforced system of incentives and privileges, appropriate treatment options for drug withdrawal, and drug-free wings.¹⁰¹ Security can only do so much without a parallel commitment to reducing demand, and the Government should ensure that it is committed to acting on both aspects of its strategy.

⁹² Home Office, ‘Understanding Organised Crime: Estimating the Scale and the Social and Economic Costs’, 2013, 68.

⁹³ Home Office, *Review of the Psychoactive Substances Act 2016*, 2018, 67.

⁹⁴ David Blakey, *Disrupting the Supply of Illicit Drugs into Prisons: A Report for the Director General of National Offender Management Service*, 2008, 17.

⁹⁵ Huseyin Djemil, *Inside Out: How to Get Drugs out of Prisons* (Centre for Policy Studies, 2008), 26.

⁹⁶ HMP The Mount Independent Monitoring Board, *Annual Report of the Independent Monitoring Board at HMP The Mount*, 2017, 18; Home Office, *Prisoners’ Drug Use and Treatment: Seven Studies*, 2003, 3.

⁹⁷ Ministry of Justice, *Prison Drugs Strategy*, 2019.

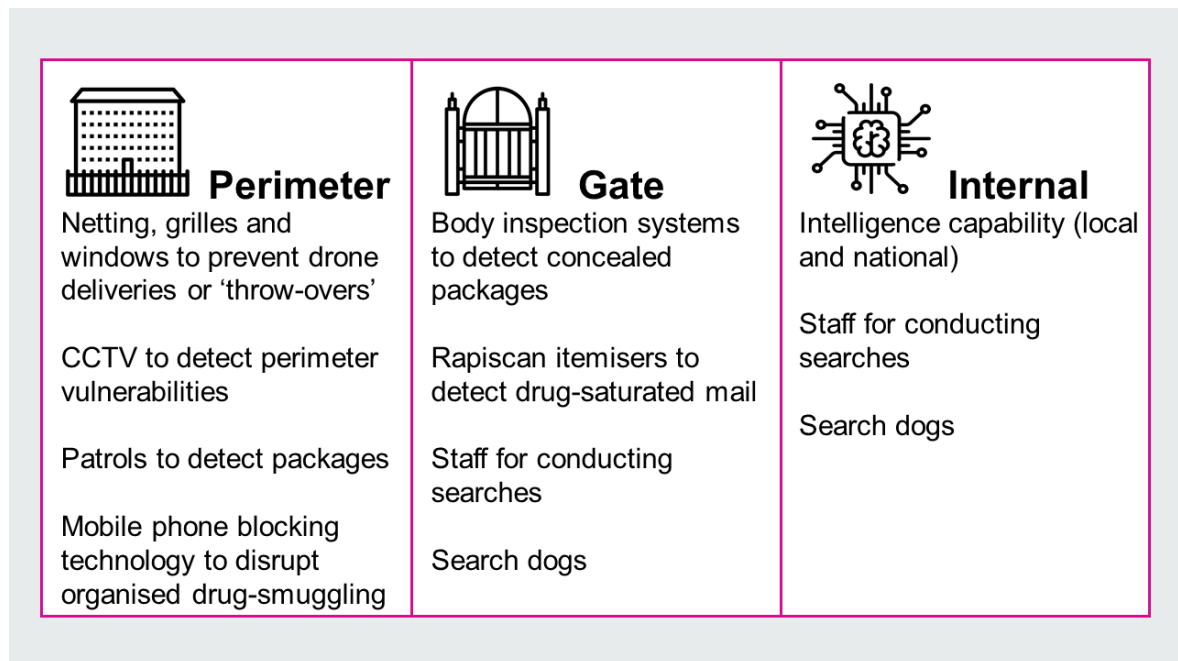
⁹⁸ Ministry of Justice, ‘Minister Announces “10 Prisons Project” to Develop New Model of Excellence’, Press Release, 17 August 2018.

⁹⁹ House of Commons Justice Select Committee, ‘Oral Evidence: Prison Governance, HC 2128’; Ministry of Justice, ‘Minister Announces “10 Prisons Project” to Develop New Model of Excellence’.

¹⁰⁰ Ministry of Justice, ‘£100 Million Crackdown on Crime in Prison’, Press Release, 13 August 2019; Ben Russell, ‘Major Plans to Cut Drugs, Phones, and Weapons from HMP Hewell’, *Worcester News*, 7 November 2019.

¹⁰¹ Blakey, *Disrupting the Supply of Illicit Drugs into Prisons: A Report for the Director General of National Offender Management Service*, 17–18; Ministry of Justice, *Prison Drugs Strategy*, 3–4.

Figure 5: Measures for disrupting prison drug supply



Source: Reform Research.

Nonetheless, to achieve the most value for investment in demand-reduction, urgent steps must be taken to reduce supply (see Figure 5). Many prisons are not equipped to do this, and security standards vary from prison to prison. For example, HMP Nottingham and HMP Bedford are both category B local prisons with high levels of violence and drug use that have received an Urgent Notification from HMIP, which is the most serious possible warning.¹⁰² HMIP report that Nottingham has been provided a body scanner, but nearly one year after its Urgent Notification Bedford has not, illustrating the inconsistency in security standards in the estate.¹⁰³ Investment is urgently needed for prisons that are struggling to stem flows of drugs, weapons and phones.¹⁰⁴

Based on the costs of the Ten Prisons Project and other case-by-case investments, it is possible to estimate the costs of rolling out enhanced security to the entire closed estate (see Figure 6). While it is unlikely that the entire estate will need this level of investment, this gives an indication of what the Government can afford with £100 million investment.¹⁰⁵ Requirements for each prison will vary depending on pre-existing capability, security categorisation, and configuration; not all prisons will need the same level of investment.¹⁰⁶

¹⁰² HM Chief Inspector of Prisons Peter Clarke CVO OBE QPM, *Urgent Notification: HM Prison Nottingham*, 2018; Urgent Notification: HM Prison Bedford, *HM Chief Inspector of Prisons Peter Clarke CVO OBE QPM*, 2018.

¹⁰³ HM Chief Inspector of Prisons Peter Clarke CVO OBE QPM, *Urgent Notification: HM Prison Nottingham*, 7; HM Inspectorate of Prisons, *Report on an Independent Review of Progress at HMP Bedford*, 2019, 10.

¹⁰⁴ Owers, *IMB National Annual Report 2017/18*, 8, 20.

¹⁰⁵ 'Closed estate' refers to the 101 male and female category A, B, and C prisons and closed Young Offenders Institutions. Open prisons and YOIs holding 15-17 year-old children were excluded.

¹⁰⁶ The 'configurations' of some prisons mean that it would not be possible to do a blanket roll-out of physical measures. At Pentonville, for example, the Victorian gate means that it would not be possible to install a full-body scanner. See: House of Commons Justice Select Committee, 'Oral Evidence: Prison Governance, HC 2128', sec. Q454; HMP Pentonville Independent Monitoring Board, *Annual Report of the Independent Monitoring Board at HMP Pentonville*, 2019, 9.

Figure 6: Estimated costs of scaling up the Ten Prisons Project to the entire closed estate



Source: *Reform* research. NB: £51.6 million is based on the hypothetical replication of the equipment and staff received by prisons in the Ten Prisons Project (£6 million) at every other prison in the closed estate, factoring for body scanners already installed at some prisons. Some prisons will already have Rapiscan itemisers. £21.8 million is yearly staffing cost of this hypothetical investment (the base rate salaries of eight OSG search staff, two band 4 dog handlers, and one drug strategy manager per prison, as received by the ten prisons).¹⁰⁷ This represents a bare minimum recurring cost. With unsocial hours pay, pay increases, and the costs of recruitment and training, this cost would increase considerably. Some recurring costs would also be incurred for equipment maintenance.

In addition to the costs described in Figure 6, other costs are more difficult to estimate but would be equally significant. Details of phone-detecting technology are secret so costs of wider use cannot be estimated (it is currently deployed at five UK prisons).¹⁰⁸ A Scottish pilot of phone *blocking* (ISMI) technology at two prisons in 2013-14, with mixed results, cost £1.2 million.¹⁰⁹ It is unclear whether this technology is being used in England and Wales, but deploying ISMI at the 33 male category B local prisons alone would cost £19.8 million. Additional, ongoing cost would be incurred for maintenance and upgrades to disrupt new mobile phone technologies. The costs for maintenance to improve perimeter security, such as installing grilles or repairing windows, will vary by prison. It is likely to entail significant cost; repairing all the windows at HMP Birmingham will cost an estimated £6.1 million.¹¹⁰

Bolstered security will require additional staff to operate it. At HMP Wandsworth, for example, HMIP were told CCTV was not monitored due to a lack of staff.¹¹¹ Similarly, a lack of capital investment can be damaging for perimeter security. At HMP Pentonville,

¹⁰⁷ Prison Service Pay Review Body, *Prison Service Pay Review Body - Eighteenth Report on England and Wales 2019*, 2019, 52.

¹⁰⁸ Ministry of Justice, 'Phone Detection Kit Introduced in Prisons', Press Release, 21 April 2019.

¹⁰⁹ Scottish Prison Service, *Mobile Phone Signal Intervention End Project Report REDACTED FOR RELEASE*, 2015, 5.

¹¹⁰ House of Commons Justice Select Committee, *Prison Population 2022: Planning for the Future, Sixteenth Report of Session 2017-19*, 20.

¹¹¹ HM Inspectorate of Prisons, *Report on an Unannounced Inspection of HMP Wandsworth by HM Chief Inspector of Prisons*, 2018, 26.

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800 windows and grilles were identified as needing to be replaced in 2016, but 320 were still unrepaired as of March 2019, allowing contraband to continue to enter the prison.¹¹² Therefore, investment must take a whole-prison approach, considering staffing and maintenance as well as equipment.

This evidence shows that the promised £100 million for prison security would allow important improvements to be made. It has been claimed this will fund “airport style security” and mobile phone blocking technology in prisons “across the estate”.¹¹³ However, the above costings, which are conservative, suggest that a one-off payment will not be enough, as recurring additional costs will be incurred by staffing. Moreover, high-maintenance costs would immediately exceed this budget. Even if the committed £100 million is spent in full, it will need to be bolstered by further annual funding to sustain the improved measures.

Recommendation 5: The Government should ensure that the Ministry of Justice receives additional annual funding to sustain new and improved prison security measures, so that prisons can continue to disrupt the supply of contraband in the long term.

¹¹² HMP Pentonville Independent Monitoring Board, *Annual Report of the Independent Monitoring Board at HMP Pentonville*, 9.

¹¹³ Ministry of Justice, ‘£100 Million Crackdown on Crime in Prison’.

4. Developing the workforce

Positive and collaborative relationships between prison officers and prisoners are “the crucial factor” in maintaining order in prisons.¹¹⁴ Establishing these relationships allows experienced and skilled prison officers to focus on managing a prisoner’s needs in custody and preparing them for their release. At just over £2 billion a year staffing is the largest proportion of HMPPS’s resource spending.¹¹⁵

4.1 Drivers of poor staff retention

The prison service faces two significant workforce challenges: a large number of inexperienced staff and very poor retention. Since 2010, the number of officers with five or more years’ experience has fallen by 42 per cent.¹¹⁶ With recent recruitment drives, officer numbers are now at the highest levels since 2012, but 35 per cent of these have been in post for less than two years.¹¹⁷ The Service is struggling to retain these staff: for every three prison officers who are hired and trained, one will leave in less than a year.¹¹⁸ This makes prisons more unstable and is highly inefficient. HMPPS must now recruit 2,700 officers a year to maintain staffing levels. It costs on average £14,000 to recruit a new prison officer. The estimated cost of recruiting all the officers who have quit the Service since 2015 after less than three years was almost £30 million.¹¹⁹

¹¹⁴ Her Majesty’s Prison and Probation Service, *Understanding Prison Violence: A Rapid Evidence Assessment*, 1,5,7.

¹¹⁵ Her Majesty’s Prison and Probation Service, *Her Majesty’s Prison and Probation Service Annual Report and Accounts 2018-19*, 56.

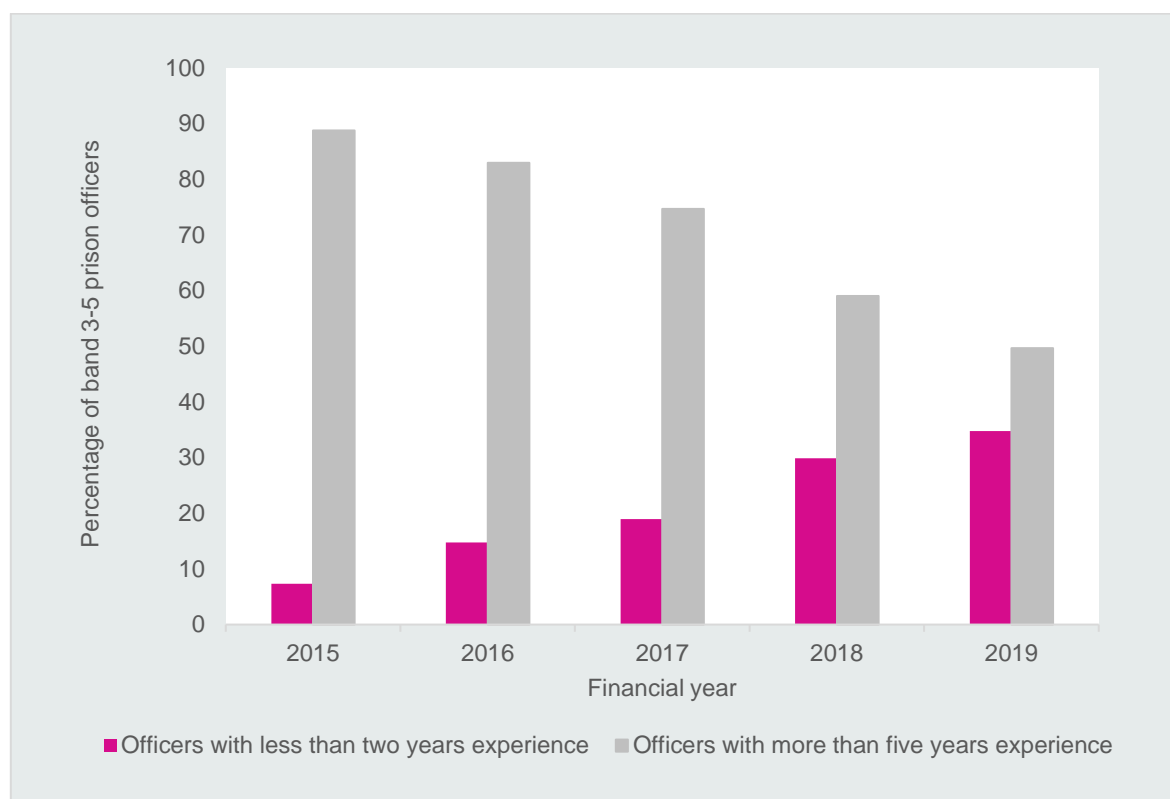
¹¹⁶ Her Majesty’s Prison and Probation Service, ‘Table 4: HMPPS Staff in Post, by Length of Service (Full Time Equivalent)’, Her Majesty’s Prison and Probation Service Workforce Statistics Bulletin England and Wales, Her Majesty’s Prison and Probation Service Workforce Statistics, 31 March 2019; Ministry of Justice, ‘Table 4: NOMS Staff in Post by Length of Service (Full Time Equivalent)’, National Offender Management Service Annual Workforce Statistics Bulletin, Her Majesty’s Prison and Probation Service Workforce Statistics, 31 March 2017.

¹¹⁷ Her Majesty’s Prison and Probation Service, ‘Table 3: HMPPS Staff in Post, by Grade (Full Time Equivalent)’, HMPPS workforce statistics bulletin: March 2019 tables, Her Majesty’s Prison and Probation Service Workforce Statistics, 31 March 2019; Ministry of Justice, ‘Table 3: NOMS Staff in Post, by Grade (Full Time Equivalent)’, National Offender Management Service Annual Workforce Statistics Bulletin, Her Majesty’s Prison and Probation Service Workforce Statistics, 31 March 2017.

¹¹⁸ Her Majesty’s Prison and Probation Service, ‘Table 8a: HMPPS Joiners by Grade (Headcount)’, Her Majesty’s Prison and Probation Service Workforce Statistics Bulletin England and Wales, Her Majesty’s Prison and Probation Service Workforce Statistics, 31 March 2019; Ministry of Justice, ‘Table 8a: NOMS Joiners by Grade (Headcount)’, National Offender Management Service Annual Workforce Statistics Bulletin, Her Majesty’s Prison and Probation Service Workforce Statistics, 31 March 2017; Her Majesty’s Prison and Probation Service, ‘Table 10: HMPPS Leavers, by Length of Service at Leaving (Headcount)’, HMPPS workforce statistics bulletin: March 2019 tables, Her Majesty’s Prison and Probation Service Workforce Statistics, 31 March 2019; Ministry of Justice, ‘Table 10: NOMS Leavers by Length of Service at Leaving (Headcount)’, National Offender Management Service Annual Workforce Statistics Bulletin, Her Majesty’s Prison and Probation Service Workforce Statistics, 31 March 2017.

¹¹⁹ Prison Service Pay Review Body, *Prison Service Pay Review Body - Eighteenth Report on England and Wales 2019*, xii.

Figure 7: The composition of the prison officer workforce between 2015-2019



Source: HMPPS Workforce Statistics, December 2017-March 2019.

While HMPPS describes poor retention as a “highly localised” and “role specific” issue, retention has worsened nationally.¹²⁰ There are acute recruitment and retention issues mostly affecting London and the South East, which may be driven by competitive local markets or the rural locations of some prisons.¹²¹ HMPPS offers pay supplements at particularly affected prisons – “red” or “amber” sites – which have been found to improve recruitment and retention.¹²²

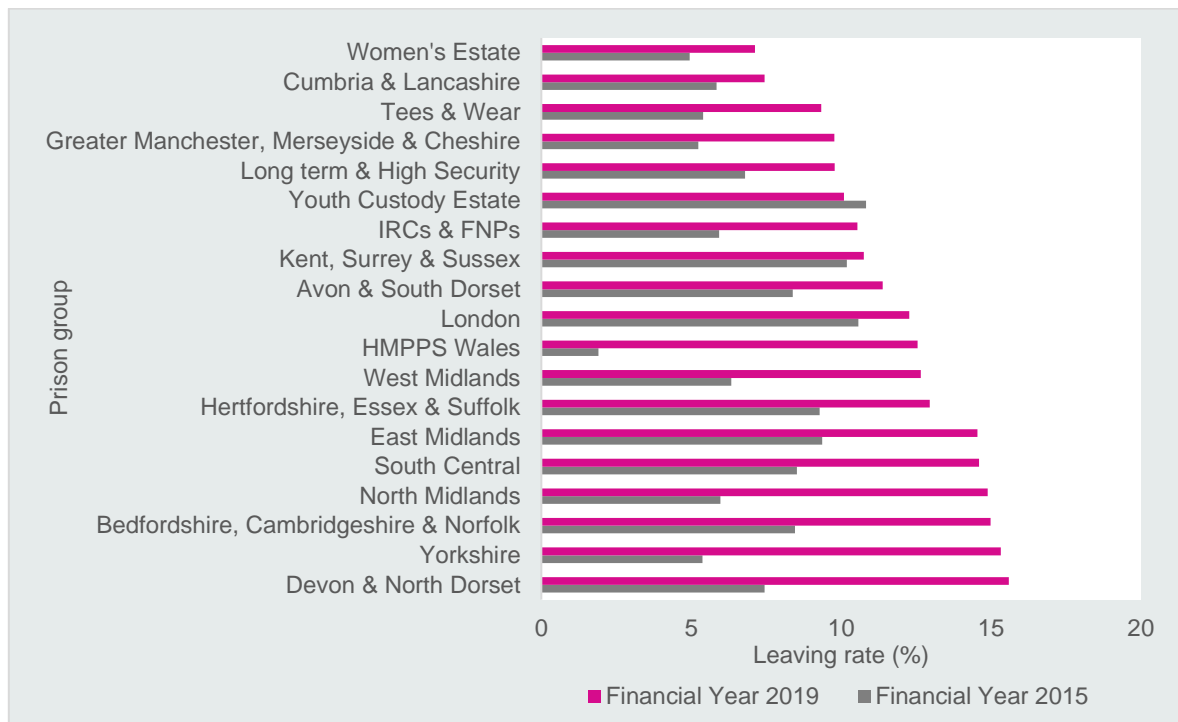
Notwithstanding this, regional data shows that retention has worsened in every prison cluster except the youth custody estate. In the East Midlands, West Midlands, Yorkshire and Wales, the leaving rate is now higher than London’s (See Figure 8). None of these clusters’ prisons have been designated as red or amber sites, but London has six. While recruitment and retention challenges affect particular prisons, then, retention has worsened nationally. This indicates that factors affecting the prison system and prison officers more widely must be addressed.

¹²⁰ Her Majesty’s Prison and Probation Service, *HMPPS Submission to the Prison Service Pay Review Body*, 2019, 45.

¹²¹ *Ibid.*, 48–51.

¹²² A list of ‘red’ and ‘amber sites’ is given in Prison Service Pay Review Body, *Prison Service Pay Review Body - Eighteenth Report on England and Wales 2019*, n. 28; Her Majesty’s Prison and Probation Service, *HMPPS Submission to the Prison Service Pay Review Body*, 44.

Figure 8: Prison districts by leaving rate



Source: HMPPS Workforce Statistics, March 2019.

Poor retention of prison officers is not driven by any one factor. It is likely that a poor working environment, the quality of training, violence, and the small labour market all play a role.¹²³ It will take time and investment across several areas to tackle these underlying causes.

To retain officers in these circumstances, the Service must be a competitive employer. Only 24 per cent of HMPPS employees who responded to the civil service people’s survey agreed with the statement that “[c]ompared to people doing a similar job in other organisations I feel my pay is reasonable”.¹²⁴ Although anecdotal, in a sample of 11 ex-officers surveyed by HMPPS, pay dissatisfaction was the third most significant reason for leaving the Service behind the stress of the job, and the desire to change career.¹²⁵ Other uniformed services such as the police and the Border Force are recruiting heavily.¹²⁶ These services can offer more competitive or progressive pay, and several interviews carried out for this paper highlighted that officers leaving the prison service are joining them.¹²⁷ As Figure 9 shows, entry-level prison officers can expect to take home an average of £116 less per week than a new police constable.

¹²³ Prison Service Pay Review Body, *Prison Service Pay Review Body - Seventeenth Report on England and Wales 2018*, 2018, 25.

¹²⁴ Cabinet Office, ‘Question B37’, Civil Service People Survey 2018: All organisation scores, Civil Service People Survey: 2018 Results, 19 December 2018, 37.

¹²⁵ Her Majesty’s Prison and Probation Service, *HMPPS Submission to the Prison Service Pay Review Body*, 46.

¹²⁶ Home Office, ‘Home Office Announces First Wave of 20,000 Police Officer Uplift’, Press Release, 9 October 2019; Home Office, ‘Border Force Recruitment’, Webpage, 2 August 2019.

¹²⁷ Frances Crook OBE, ‘Recruiting Prison Officers Is about to Get Even Tougher’, *The Howard League*, 9 August 2019; House of Commons Justice Select Committee, ‘Oral Evidence: Prison Population 2022: Planning for the Future, HC 483’, Webpage, 11 September 2018, sec. Q222.

Figure 9: The average weekly earnings of prison officers and police officers in 2019

	Prison service officers (below principal officer)	Police officers (sergeant and below)	Difference in average weekly earnings
10 th percentile	£397.20	£513.20	£116.00
80 th percentile	£650.20	£910.30	£260.30

Source: Office for National Statistics, (provisional data) *Earnings and Hours Worked, Occupation by four-digit SOC: ASHE Table 14 (2019)*, Table 14.1a. N.B. Principal Officer' was the precursor grade to band 5 custodial manager, which was introduced as part of the Fair and Sustainable pay grades in 2012 (see below).¹²⁸

This is exacerbated by a two-tier pay structure within the prison service. Currently around two thirds of officers are on 'Fair and Sustainable' pay bands introduced in 2012 for anyone joining the Service after that time. The remainder are on the old 'Closed Grades', and many will not opt into Fair and Sustainable pay bands as they are "substantial[ly]" less generous.¹²⁹ This divide is a source of frustration for officers and means that two officers doing the same job can be on significantly different salaries.¹³⁰ HMPPS had intended to phase out Closed Grades by 2027 by awarding Fair and Sustainable bands to close the gap and encourage staff to opt in. The Service now says that this will not be possible unless "a higher level of investment is [made] available for pay".¹³¹

4.2 Improving retention

Though pay awards and additional staff training are significant yearly expenses, these costs should be considered alongside the high costs of attrition. Reducing this wastage, and creating a more capable workforce, can create the best value for investment in staffing.

HMPPS recognise the importance of improving retention rates, and intend to achieve this by improving staffing levels, pay, training, and working conditions.¹³² Tight finances mean that pay is in competition with other spending priorities, such as maintenance of the

¹²⁸ National Offender Management Service and HM Prison Service, *Fair and Sustainable*, 2012, 16.

¹²⁹ Prison Service Pay Review Body, *Prison Service Pay Review Body - Eighteenth Report on England and Wales 2019*, 12.

¹³⁰ Howard League for Penal Reform, *The Role of the Prison Officer - Research Briefing*, 2017, 6.

¹³¹ Prison Service Pay Review Body, *Prison Service Pay Review Body - Eighteenth Report on England and Wales 2019*, 11.

¹³² Her Majesty's Prison and Probation Service, *HMPPS Submission to the Prison Service Pay Review Body*, 41.

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estate.¹³³ In 2019, the Government accepted the awards put forward by the Prison Service Pay Review Body in full at an estimated cost of £24 million. These included a 3 per cent award for band 3 Officers – the highest consolidated rise in over ten years.¹³⁴ In recognition of the growing retention challenge, future consolidated, above-inflation pay rises will have to meet two objectives.

First, pay must be competitive at a regional level and within the uniformed services sector. The use of prison-specific pay supplements should be regularly reviewed to ensure they target the right areas; HMP Nottingham receives no pay supplement despite performing worse for recruitment and retention than “amber” site HMP Lewes.¹³⁵ Future awards should be made with regard to the findings of pay comparability research commissioned by the Prison Service Pay Review Body this year.¹³⁶

Second, and in pursuit of this, at the 2020 Spending Review the Government must commit protected funding for HMPPS to close the gap between Closed Grade and Fair and Sustainable rates in time to meet the 2027 target. This fairer distribution of pay will improve the morale of Fair and Sustainable staff, the competitiveness of their salary, and afford staff on Closed Grades more progressive pay when it becomes economically attractive to transfer to Fair and Sustainable grades.

Recommendation 6: Her Majesty’s Treasury should ensure that Her Majesty’s Prison and Probation Service has enough funding to close the pay gap between Closed and Fair & Sustainable pay grades by 2027, to end the two-tier pay system for HMPPS staff.

4.3 Improving training

The MoJ also recognises that the quality of training and opportunities for progression can have a positive impact on retention.¹³⁷ For new recruits, HMPPS are reviewing the Prison Officer Entry Level Training course to consider how to include a greater practical learning element.¹³⁸ Additional on-the-job training can help to address skills gaps and improve prisoner-staff relationships. For instance, Offender Management in Custody keyworkers, who work to manage small groups of prisoners, receive training specific to this role. The introduction of ‘Five Minute Intervention’ training teaches officers to address negative behaviours in prisoners in short conversations.¹³⁹ To improve retention for more experienced officers, particularly on Closed Grades, experienced officers are being encouraged to progress to more advanced roles on Fair and Sustainable grades. Band 4 Advanced Prison Officers have more opportunities for specialist training, and Prison-

¹³³ Prison Service Pay Review Body, *Prison Service Pay Review Body - Eighteenth Report on England and Wales 2019*, 9.

¹³⁴ David MP Gauke, ‘Government Response to the Prison Service Pay Review Body Recommendations 19/20: Written Statement’ (HoC HCWS1768, 22 July 2019); Prison Service Pay Review Body, *Prison Service Pay Review Body - Eighteenth Report on England and Wales 2019*, 39.

¹³⁵ Her Majesty’s Prison and Probation Service, *HMPPS Submission to the Prison Service Pay Review Body*, 39.

¹³⁶ Prison Service Pay Review Body, *Prison Service Pay Review Body - Eighteenth Report on England and Wales 2019*, xv.

¹³⁷ Ministry of Justice, *Prison Safety and Reform*, 54–55.

¹³⁸ Her Majesty’s Prison and Probation Service, *Her Majesty’s Prison and Probation Service Annual Report and Accounts 2018-19*, 51.

¹³⁹ Her Majesty’s Prison and Probation Service, *Prisoners’ Perceptions of Care and Rehabilitation from Prison Officers Trained as Five Minute Interventionists.*, 2017, 1; Her Majesty’s Prison and Probation Service, *HMPPS Submission to the Prison Service Pay Review Body*, 25; Ministry of Justice and Her Majesty’s Prison and Probation Service, *Manage the Custodial Sentence Policy Framework*, 2019, sec. 4.23.

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Officer-Entry-Level-Training Mentors are responsible for settling new recruits.¹⁴⁰ This mentoring role is particularly encouraging, as HMPPS report that it has been “the most promising intervention” to improve retention of new staff, too.¹⁴¹ At each level of experience, training should better prepare staff for the demands of their roles and creates opportunities for progression within the Service.

¹⁴⁰ Prison Service Pay Review Body, *Prison Service Pay Review Body - Eighteenth Report on England and Wales 2019*, 11; Her Majesty's Prison and Probation Service, *HMPPS Submission to the Prison Service Pay Review Body*, 41.

¹⁴¹ Her Majesty's Prison and Probation Service, *HMPPS Submission to the Prison Service Pay Review Body*, 41.

Conclusion

Prisons have become less safe and decent, despite the Government's aspirations. Many prisons are not providing opportunities to address prisoners' behaviours; new and inexperienced prison staff are learning in, or leaving, a tense and demoralising environment. The consequences of this are too often poor social outcomes and reoffending - at continued high cost for the taxpayer. To realise the ambitions of the Government's prison reforms and stop this decline, urgent and evidence-led investment is required.

Prison sentences continue to be used where a non-custodial sentence might be proportionate and more effective. The Government should address this to reduce the churn of short sentenced prisoners who return again and again, to target resource more effectively. To create secure, safe, decent and less crowded prisons, the Government must have a fit-for-purpose prison estate.

Staff are the key agents to helping prisoners to change, and must have prisons that are decent and safe to work in. They must be equipped to reduce the supply of contraband, which would have a significant impact on safety and the prison environment. This would enable staff to focus on running the prison regime. To retain staff so that they gain experience and skills, they need competitive pay and continuous investment in training.

These recommendations would help to stabilise prisons, but they will not be enough. What is clearly lacking is a plan to manage demand on prisons, which must consider every part of the criminal justice system. Siloed decision-making about the recruitment of police officers and sentencing reforms have the potential to put sustained pressure on prisons and probation, by putting more people in prison for longer. The uncertainty around future demand makes it very difficult to plan for the size of the population - and the estate - and their needs.¹⁴² If this fragmented thinking continues, prisons will continue to struggle. This must be a key item for a Royal Commission on the criminal justice system.

¹⁴² House of Commons Justice Select Committee, *Prison Population 2022: Planning for the Future, Sixteenth Report of Session 2017-19*.

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