House of Commons
Committee of Public Accounts

Ministry of Justice and National Offender Management Service: Managing the prison estate

Fifty-third Report of Session 2013–14

Report, together with formal minutes related to the report

Ordered by the House of Commons
to be printed 7 April 2014
Committee of Public Accounts

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Committee staff

The current staff of the Committee is Sarah Petit (Clerk), Claire Cozens (Committee Specialist), James McQuade (Senior Committee Assistant), Ian Blair and Jacqueline Cooksey (Committee Assistants), Sue Alexander (Committee Support Assistant) and Janet Coull Trisic (Media Officer).

Contacts

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Summary

The National Offender Management Service’s (the Agency’s) strategy for managing the prison estate, involving closing uneconomic prisons and opening new capacity that is more efficient to run, has delivered cost savings and a good standard of accommodation to time and within budget. However, the Agency has not done as well at providing constructive prison regimes in which to work with offenders. The two new prisons opened under the strategy, HMP Oakwood and HMP Thameside, have performed poorly on providing sufficient, high-quality purposeful activity for prisoners. The Agency could reduce prison overcrowding and generate additional cost savings if it provided more offender behaviour programmes to help prisoners serving indeterminate sentences to be released at the earliest opportunity and if more foreign national prisoners were removed from the UK.
Conclusions and recommendations

1. The Agency, part of the Ministry of Justice, is responsible for the prison system in England and Wales which holds around 84,000 prisoners. The prison estate consists of some 130 prisons of varying layout, geographical location, age and state of repair. Prisons also vary in the type of prisoner they hold and the activities they offer. The prison population has stabilised since the late 2000s, allowing the Agency to take a more strategic approach to the prison estate. The main factor behind the Agency’s estate strategy, of closing small costly prisons and building new accommodation which is cheaper to run, is the need to make recurring savings. Under the strategy, the Agency had by the end of 2013, closed 13 prisons and built two new prisons and a new prison block in an existing prison. The Agency has little control over the prison population, except through its role in rehabilitating prisoners to prepare them for release at the earliest opportunity and in assisting in the removal of foreign national prisoners.

2. The Agency has achieved significant savings in running costs and made considerable progress towards meeting its other objectives for the prison estate. The estate strategy’s objectives are to reduce resource costs; create durable, good standard accommodation and provide an estate that better meets offenders’ needs, allowing more of them to work and be kept closer to their homes. Against these objectives, the Agency has built new, good quality, accommodation to time and within budget; is on track to achieve cost reductions of £70 million a year; and is starting to match better the geographical spread of prisons to the prison population. Key factors behind this good performance are the sector knowledge of the senior staff in the Agency, coupled with a supporting management team that has the necessary commercial, contract management, and estates management skills.

Recommendation: The Ministry of Justice should use the Agency’s management of the prison estate to develop a best practice case example in achieving cost reductions, which HM Treasury should ensure is disseminated widely across Government.

3. The two new large contracted-out prisons have performed poorly since they opened, and they do not appear to give sufficient priority to meeting offenders’ rehabilitation needs. The new prisons, HMP Oakwood and HMP Thameside, were two of only three prisons to receive the lowest performance rating of 1 out of 4 in the Agency’s performance ratings for 2012–13. Neither prison provides sufficient levels of quality purposeful activity for prisoners. HMP Oakwood does not provide sufficient education time and it relies too much on low quality activities, such as cleaning. HMP Thameside does not have any workshops. HM Chief Inspector of Prisons noted in his Annual Report for 2012–13, that the quality and quantity of purposeful activity across the prison system had ‘plummeted’ over the year.
Recommendation: The Agency should:

- Identify the reasons for the poor performance of the large prisons and address these as a matter of urgency, including operating the prisons as though they were small prisons located on the same site, with shared services.

- Work with the contractors at HMP Oakwood and HMP Thameside, to achieve a performance rating of 4 for 2014–15. If either prison fails to achieve this target, the Agency should write to the Committee to set out the reasons for the lower rating and the steps it is taking to improve performance.

- Ensure the factors that resulted in the poor performance at these prisons, particularly HMP Oakwood, are not replicated at the new prison being built in Wrexham.

- Monitor the level of good-quality purposeful activity provided by each prison, and use this information to increase the quality and quantity of purposeful activities to reach a level deemed acceptable by HM Chief Inspector of Prisons. As a first step, the Agency should satisfy the Chief Inspector that the quantity and quality of purposeful activity across the prison system has increased by the end of 2014–15.

4. The Agency has closed relatively expensive and old prisons, even when they were performing well. The Agency took a range of criteria into account in selecting prisons to close under the estate strategy, including relative running costs; maintenance costs; potential income from selling sites; special features or facilities; and geographical location. However, it did not take prison performance into account and closed some high performing prisons, including three that the Agency had awarded the top rating of 4 in their most recent performance rating.

Recommendation: When selecting prisons for closure, the Agency should consider prisons’ performance, and the likely impact on overall performance across the prison estate, in addition to the factors it already considers.

5. More could be done to reduce the prison population by ensuring prisoners are prepared for release at the earliest opportunity. In June 2013, the prison population included over 6,000 prisoners with indeterminate sentences who had served the minimum period required by their sentence. They could be released if the Parole Board believed it was safe to do so. The Parole Board views offender behaviour programmes as very important to demonstrate progress, but the number of courses completed by prisoners has fallen from 8,739 in 2010–11, to 8,431 in 2012–13.

Recommendation: The Agency should provide more programmes to help prisoners on indeterminate sentences become safe to release.
Little progress has been made in reducing the number of foreign national prisoners. The Home Office aims to remove as many foreign national prisoners as possible, but while over 1,000 foreign national offenders are removed each quarter, a similar number are convicted. As a result the stock of foreign national offenders in prisons in England and Wales has remained fairly constant at around 11,000 (13% of the prison population) which costs the Agency around £300 million a year.

**Recommendation:** The Agency should work with the Home Office to analyse the reasons for delays in removing foreign national offenders, remove barriers to removal, and prepare to make the most of changes such as the ratification of prisoner transfer arrangements across Europe.
1 The National Offender Management Service’s prison estate strategy

1. On the basis of a Report by the Comptroller and Auditor General, we took evidence from the National Offender Management Service (the Agency), the Ministry of Justice and the Home Office on the prison estate. The Agency, which is part of the Ministry of Justice, has responsibility for around 130 prisons in England and Wales, 14 of which are contracted out to the private sector. Prisons differ by location, size, age, security classification and the types of prisoner they hold.²

2. Figure 1 shows the change in the prison population since 1990. Faced with a significant rise in the prison population in the 1990s and 2000s, the Agency built accommodation rapidly to meet the demand. This Committee commented on the Agency’s previous approach to building accommodation in 2006.³ In recent years, the population has plateaued at around 85,000 which has allowed the Agency to take a more strategic approach to managing the prison estate.⁴

![Figure 1: Prison population of England and Wales, 1990 to 2013](image)

Source: C&AG’s Report Figure 3

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2 C&AG’s Report, paras 1.2-1.3
4 C&AG’s Report, para 1.5, Figures 3, 12
3. The main factor behind the Agency’s estate strategy of closing small costly prisons, and building new accommodation which was cheaper to run, was the requirement on the Agency to find recurring savings from its budget of £894 million by the end of 2014–15. In addition to reducing resource costs, the estate strategy’s objectives are to create durable, good-standard accommodation and to provide an estate that meets offenders’ needs better, allowing more offenders to work and to be kept closer to their homes.5

4. Under the strategy, the Agency has closed 13 prisons and had plans to close a further five. It has also built two new prisons, HMP Thameside and HMP Oakwood, a new houseblock at HMP Moorland, and is adding house blocks to four prisons. The Agency is also planning to build new prisons in Wrexham, North Wales, and adjacent to Feltham Young Offenders Institution in London. Figure 2 shows the savings generated by closing prisons and building new capacity, which are on course to reach some £70 million a year by 2015–16. The National Audit Office found that the closures and new accommodation had been achieved to time and budget, and noted that the new capacity provided a good standard of accommodation which was designed to last for 60 years, compared to just five years for some capacity built in the 2000s.6

![Figure 2: Actual and planned savings from changes made under the estate strategy](image)

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<tr>
<td><strong>Total⁵</strong></td>
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<td>Cost of closures</td>
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<td><strong>Net savings⁶</strong></td>
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<td>-48.3</td>
<td>-69.2</td>
<td>-70.1</td>
<td><strong>-210.6</strong></td>
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Construction costs for new accommodation = £372 million

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1. Actual figures
2. Budgeted figures
3. Numbers may not sum due to rounding
4. Income from Home Office for former prisons run as immigration removal centres

*Source: C&AG’s Report Figures 8 and 11*

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5  [C&AG’s Report](#), paras 1.6-1.10
6  Q 9: [C&AG’s Report](#) paras 2.8, 2.12, 2.14
5. The Agency told us that it aimed to achieve all three of its objectives for the estate, but that over the past three years it had been trying to reduce costs as a priority. The new large prisons were designed to be cheaper to run, mainly through requiring lower staffing levels. The National Audit Office noted that the cost per place at HMP Oakwood in 2012–13 was £15,500 a year, 31% less than the average for other prisons with the same category of prisoners and that the Agency expected this to drop to £12,000 per place a year, from 2013–14. The Agency maintained that, in addition to reducing costs, it was also making progress against its other two objectives, as it had built durable accommodation in strategically important places.7

6. The Ministry of Justice attributed the success of the strategy to the fact that it was being managed by people with deep operational experience, who drew on the skills of others with up-to-date technical, contractual, commercial and estates expertise. The Agency provided the operational experience, in particular through the Agency’s chief executive, who had managed the strategy throughout its life and who had spent 30 years working in the prison sector. The Ministry of Justice provided the technical expertise through its estates group.8

7. The Agency opened two large new prisons in 2012, HMP Oakwood and HMP Thameside with operational capacities of 1,605 and 900 prisoner places respectively. The Agency was also planning to build a new large prison at Wrexham in North Wales which it expected to hold over 2,000 prisoners.9 However, there was some evidence that larger prisons do not perform as well as smaller ones:

- The Chief Inspector of Prisons found that prisons holding 400 or fewer prisoners were “significantly more likely to perform well...than larger prisons holding more than 800 prisoners.”10

- Lord Justice Woolf reported that prisons “should not normally hold more than 400 prisoners...the evidence suggests that if these figures are exceeded, there can be a marked fall off in all aspects of the performance of a prison.”11

- The Agency’s own performance ratings consistently rate smaller prisons more highly than large prisons.12

- Prisoners rated small prisons more highly in the Agency’s ‘measuring the quality of prison life surveys’, particularly in the areas of relationships with staff and dealing with drug use.13

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7 O & CAG’S Report paras 1.9–1.10, Figure 10
8 Q 1–7, 156
9 Q 29 CAG’S Report, Figure 6
10 HM Inspectorate of Prisons, The prison characteristics that predict prisons being assessed as performing ‘well’: A thematic review. January 2009
12 CAG’S Report, Figure 14
13 CAG’S Report, para 3.5 bullet 1, Figure 16
8. The new prisons, HMP Thameside and HMP Oakwood, performed poorly in 2013: both received the lowest rating of 1 out of 4 in the Agency’s own performance ratings and both received poor reports from HM Chief Inspector of Prisons.\textsuperscript{14} The Agency told us that it would address urgently the performance of the new prisons and that it aimed to make them feel as if they were a number of smaller prisons with shared facilities. This was also the design adopted for HMP Oakwood. The Agency told us that it was designing its new prison at Wrexham as a number of 400 place prisons on the same site, rather than as one large 2,000 place prison.\textsuperscript{15}

9. The Agency told us that it was monitoring performance at HMP Oakwood through on-site operational public sector managers. In the early days of the operation of the prison, it had fined G4S, the contractor running HMP Oakwood, for poor performance, but it had not done so recently as performance had improved.\textsuperscript{16} The Agency noted that it was working with G4S; the health provider (Worcestershire Health and Care NHS Trust); the education provider (Milton Keynes College); and the Department for Business, Innovation and Skills to improve performance at HMP Oakwood.\textsuperscript{17}

10. HM Chief Inspector of Prisons noted in his annual report for 2012–13, that his inspectors had judged that the quality and quantity of purposeful activity available to prisoners had “plummeted” during the year, with too many prisoners spending too long locked in cells with nothing constructive to do. In over half of the prisons, where inspectors carried out a full inspection, purposeful activity outcomes were “not sufficiently good” or “poor”, and this was the worst result in six years.\textsuperscript{18}

11. Neither of the new prisons, HMP Oakwood nor HMP Thameside, was providing sufficient high-quality purposeful activity. The Agency told us that the contractor G4S was providing 24 hours a week of employment at HMP Oakwood, but it was not of a good enough quality, as it relied heavily on cleaning to make up the hours and did not provide sufficient targeted activities to support offenders to find employment on release. However, the Agency was unable to tell us how many of the 24 hours were in cleaning and similar low grade activities. The Agency also noted that Milton Keynes College was not yet delivering the required eight hours a week of education.\textsuperscript{19}

12. We questioned the lack of any workshops at HMP Thameside. The Agency explained that this was because the prison was built on a small site in London and because it held mainly prisoners on remand, who had a lower requirement for employment. The Agency noted that it would add workshops when it increased the size of HMP Thameside by a further 300 places. It maintained that it would be more flexible in its provision of purposeful activity spaces in future new prisons and was already planning this for the new prison at Wrexham.\textsuperscript{20}

\textsuperscript{14} C\&AG’s Report, Figure 14
\textsuperscript{15} Q 9, 13, 93, 97
\textsuperscript{16} Q 19
\textsuperscript{17} Q 18
\textsuperscript{18} Qs 132–134; HM Chief Inspector of Prisons for England and Wales, Annual Report 2012–13, 23 October 2013
\textsuperscript{19} Qs 23, 130–131
\textsuperscript{20} Q 30, 97; C\&AG’s Report, para 2.24
13. The estate strategy has caused performance across the estate as a whole to decline, as
the Agency has closed some prisons that were performing well, including four prisons that
had achieved the highest performance rating of 4 in the Agency’s most recent performance
rating.\textsuperscript{21} While the National Audit Office found that the Agency had developed a
sophisticated model to determine which prisons to close, which took a range of factors into
account, these did not include performance. The Ministry of Justice explained that this was
to ensure that the decision to close a prison was based on the buildings themselves, as the
Agency could work to improve performance at the right prisons in the right places. The
Agency told us that it would consider how it could incorporate performance in selecting
prisons for closure in the future.\textsuperscript{22}

\textsuperscript{21} C&AG’s Report, Figure 14
\textsuperscript{22} Qs 141–163; C&AG’s Report, 2.29–2.30
2 Managing the prison population

14. The Agency cannot influence the number of offenders entering prison. It does, however, have a role to play in helping prisoners with indeterminate sentences become ready for release. In June 2013, there were over 13,000 prisoners serving indeterminate sentences. Almost half of these had served the minimum term set out in their sentence and therefore could be released if the Parole Board believed that it was safe to do so. Keeping prisoners in prison longer than necessary adds to overcrowding, and costs the Agency some £28 million a year for each additional 1,000 prisoners.23

15. The Parole Board relies heavily on offenders attending offending behaviour programmes to demonstrate progression towards release. However, the Agency noted that it would prefer to see a wider range of factors taken into consideration as part of the risk assessment. Despite the importance the Parole Board places on offender behaviour programmes, the number of courses completed by prisoners fell from 8,739 in 2010–11 to 8,431 in 2012–13. The Agency maintained that it had not cut funding for these programmes and attributed the fall in the number of courses to the fact that it was delivering fewer longer programmes, as these were more effective. The Agency also told us that it was targeting programmes on those offenders that would gain the most benefit from them, particularly sex offenders. The Agency did not have a central record of waiting lists for programmes, but told us that it was going to start collating this information.24

16. The Home Office is responsible for removing foreign national offenders from prisons, facilitated by the Agency and the Ministry of Justice. However, at the end of December 2013, there were some 11,000 foreign national offenders (13% of the prison population) in prisons in England and Wales, broadly the same number as in December 2010, costing around £300 million a year.25

17. The Agency holds foreign national offenders in a limited number of prisons, some of which only hold foreign national prisoners, to make it easier for the Home Office to interact with them.26 The Home Office told us that it does not have a target for removing foreign national offenders but tried to remove as many as possible at the earliest opportunity.27 It told us that it removed more than 4,500 foreign national offenders each year (mostly prisoners). The number of removals fell by 18% between 2009 and early 2012. We heard that this was due to a backlog of cases in the Home Office prior to 2010, an increase of 13% in the number of appeals lodged, and cases being generally complex, with offenders not wanting to be removed. Despite this fall, the number removed in recent years had been similar to the number convicted, meaning that the overall number of foreign

23 [C&AG's Report, para 4.2, 4.8, Figure 19]
24 [On 88-89: C&AG's Report, Figure 21]
25 [On 75-76: C&AG's Report, paragraph 4.6, 4.8; Ministry of Justice, Prison Population tables Q2 2013 and Quarterly Bulletin July—September 2010, all tables; Note]
26 [On 36, 39, 161: C&AG's Report, para 4.15]
27 [Q 84]
national prisoners had remained fairly stable. The Home Office told us that it was now
starting to reduce the stock of foreign national prisoners.\textsuperscript{28}

18. The Agency and the Home Office acknowledged that more could be done to remove
more foreign national prisoners earlier in their sentence, and told us that they were
working together to improve removal processes and remove barriers. The Home Office
agreed that the quality of their case files and case prioritisation needed improvement and
told us that they were working to address this. For example, the Home Office told us it was
planning to roll out a new work-flow tool across all casework operations by April 2014, to
allow it to prioritise cases better.\textsuperscript{29}

19. The Agency told us that a compulsory EU transfer agreement exists, which has to be
ratified by all member states by December 2014. However some countries, including
Ireland and Poland, are exempt. Once ratified this would allow the Agency to transfer
European prisoners compulsorily to their home country.\textsuperscript{30} The Ministry of Justice
informed us that there are approximately 800 British nationals detained in prisons in other
member states, of which it believed 200 would be eligible for transfer under the agreement.
This compares to over 4,000 European Union nationals in prison in England and Wales.
The Ministry of Justice stated that, in readiness for the agreement being ratified, eligible
prisoners were being identified and considered for transfer, and case working staff had
been trained in the correct procedures and were processing cases that met the criteria for
transfer. It also noted that the Agency was leading a European Union funded project to
support the agreement’s implementation, including providing training for officials in
member states. However, the Ministry of Justice admitted that, in 2013, 79 prisoners were
transferred from other member states to England and Wales compared to 49 who were
transferred from England and Wales to other states.\textsuperscript{31}

\textsuperscript{28} Q1 42, 44-45, 58-59, 76-77, 94, 152-153, 155, 159; C&AG’s Report, para 4.8; \textcolor{blue}{Note}
\textsuperscript{29} Q1 39-41, 45, 105-106, 154, 158-160
\textsuperscript{30} Q1 46, 56, 85 and 109
\textsuperscript{31} Q1 81-83, 87; \textcolor{blue}{Note}
Formal Minutes

Monday 7 April 2014

Members present:

Mrs Margaret Hodge, in the Chair

Mr Richard Bacon  Fiona Mactaggart
Guto Bebb          Austin Mitchell
Jackie Doyle-Price Nick Smith
Chris Heaton-Harris Ian Swales
Meg Hillier        Justin Tomlinson
Mr Stewart Jackson

Draft Report (Ministry of Justice and National Offender Management Service: Managing the prison estate), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 19 read and agreed to.

Conclusions and recommendations agreed to.

Summary agreed to.

Resolved, That the Report be the Fifty-fourth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 9 March at 2.00 pm]
Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the Committee’s inquiry page at www.parliament.uk/pac.

**Monday 10 February 2014**

Dame Ursula Brennan, Permanent Secretary, Ministry of Justice, Mandie Campbell, Director-General for Immigration and Enforcement, Home Office, and Michael Spurr, Chief Executive Officer, National Offender Management Service

List of printed written evidence

The following written evidence was received and can be viewed on the Committee’s inquiry web page at www.parliament.uk/pac. PRI numbers are generated by the evidence processing system and so may not be complete.

1. Home Office (PRI0001)
2. Ministry Of Justice (PRI0002)
List of Reports from the Committee during the current Parliament

The reference number of the Government’s response to each Report is printed in brackets after the HC printing number.

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| Third Report | Department for Communities and Local Government: Financial sustainability of local authorities | HC 134 |
| Fourth Report | HM Revenue &amp; Customs: tax credits error and fraud | HC 135 |
| Fifth Report | Department for Work and Pensions: Responding to change in jobcentres | HC 136 |
| Sixth Report | Cabinet Office: Improving government procurement and the impact of government’s ICT savings initiative | HC 137 |
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| Tenth Report | Serious Fraud Office—redundancy and severance arrangements | HC 360 |
| Eleventh Report | Department of Health: managing hospital consultants | HC 358 |
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| Fourteenth Report | Integration across government and Whole-Place Community Budgets | HC 472 |
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| Twentieth Report | The BBC’s move to Salford | HC 293 |
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| Twenty-second Report | High Speed 2: a review of early programme preparation | HC 478 |
| Twenty-third Report | HM Revenue &amp; Customs: Progress in tackling tobacco smuggling | HC 297 |
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| Twenty-fifth Report | The Duchy of Cornwall | HC 475 |
| Twenty-sixth Report | Progress in delivering the Thameslink programme | HC 296 |
| Twenty-seventh Report | Charges for customer telephone lines | HC 617 |
| Twenty-eighth Report | The fight against Malaria | HC 618 |</p>
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