



House of Commons
Justice Committee

Prison reform: governor empowerment and prison performance

Twelfth Report of Session 2016–17

*Report, together with formal minutes relating
to the report*

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Justice Committee

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Summary

Within our overarching inquiry into the Government's prison reform programme we held a short 'sub-inquiry' into the plans for governor empowerment and prison performance, which are a central part of the overall programme. The Government intends to give prison governors greater autonomy and flexibility to shape the services provided in their prisons, emphasising the role of prisons in rehabilitation. Most of our witnesses supported these intentions, but many expressed concerns about the lack of clarity on the practical implications of the reforms. Some also questioned whether the reforms would address the current crisis in prisons. In this report, we have tried to clarify how the plans for governor empowerment and prison performance might operate and what risks will need to be mitigated.

From April onwards, the Ministry of Justice (MoJ) will be responsible for prisons commissioning and policy, while the new HM Prison and Probation Service (HMPPS) will be responsible for the operational management of prisons. We heard that policy and operations are not easily separated in the prison context and that this separation could result in governors as well as the Secretary of State receiving conflicting advice from the MoJ and HMPPS. Governors will operate to, and be accountable through, three-year performance agreements they sign with the Secretary of State. These agreements will be based around four new performance standards, which are tied to the four purposes of prison included in the Prisons and Courts Bill: public protection; safety and order; reform; and preparing for life after prison. It is not clear to us what will happen in cases of poor performance, and how accountability will be attributed. The Ministry will publish official statistics on prison performance against these standards, possibly instead of the league tables it had initially announced. We consider that the Ministry should use these data to understand more fully the factors underpinning poor and high performance, to inform practice across the estate.

Governor empowerment

We are generally supportive of the principle of greater governor empowerment, but we have not seen any evidence that it will necessarily lead to better outcomes for prisoners, and we note that the six initial reform prisons will only be evaluated after the reforms take effect across the prison estate. We raise a number of potential issues associated with governor empowerment including:

- the potential for greater governor autonomy and accompanying deregulation to result in an increase in prisoner complaints if not balanced with the need for minimum standards that apply consistently across prisons;
- the availability of support and development opportunities for governors in time before the reforms begin to take effect; and
- the need to coordinate contributions made by various agencies involved in providing services related to rehabilitation, including prisons and probation, at a local level, and to apportion accountability for post-release outcomes between prison governors and probation services.

There also remains considerable uncertainty around how the Government's plans will apply to the privately managed prison estate, and how the new offender management model, with one keyworker overseeing the casework of six prisoners, will work in practice.

Performance

The shift to a common performance framework for private and public sector prisons, and towards more meaningful outcome measures for prisons that can incentivise desired behaviours in governors and staff, was broadly welcomed by witnesses, although some questioned the extent to which new measures differed significantly from existing ones. In the light of the challenges arising from the performance metrics for Transforming Rehabilitation, which had limited testing prior to implementation, we seek information on the manner in which prison performance measures have been tested and the results of these tests. Some of our witnesses suggested other measures should be used, and we consider that there is merit in testing measures related to staffing and prisoners' personal development.

Commissioning

Giving governors greater involvement in commissioning services in their prisons could lead to better outcomes for prisoners and innovation, but only when commissioning is based on evidence and evaluated rigorously, and when procurement processes, as well as performance agreements, are designed to facilitate innovation. However, it could also lead to a lack of alignment of services across the estate, and an increase in the overall cost of service provision, as economies of scale in the provision of goods and services could be lost. We recognise the need for central oversight to ensure service provision is coordinated across the prison estate and meets minimum quality standards, and recommend the Government decides on the appropriate level at which to commission services and goods on a case by case basis.

1 Introduction

Introduction to the Government’s prison reform programme

1. The Government has described its prison reform programme as “the biggest overhaul of our prisons in a generation”, by giving prison governors greater autonomy and emphasising the role of prisons in rehabilitation.¹ The reforms were first introduced in six ‘reform prisons’, established in July 2016; their governors were given the power to “design and implement their own policies” as long as these were lawful, not actively harmful, and would not have “a significant negative impact on statutory services delivered by other providers.”² The freedoms granted to other governors, announced in the *Prison Safety and Reform* White Paper in November 2016, are more circumscribed and include powers to design workforce strategies, manage budgets, and commission education services.³ The Prisons and Courts Bill, introduced to the House of Commons on 23 February 2017, establishes rehabilitation as one of the statutory purposes of prisons.⁴ Further strategies on female offenders, young adult offenders, staff corruption, staff capability, education, employment, radicalisation and drugs in prisons are to be produced.⁵ These reforms apply to public as well as private sector prisons, with modifications where necessary, in England and Wales; reforms related to education and health apply to England only.

2. According to the Secretary of State for Justice, Rt Hon Elizabeth Truss MP, the reforms are an attempt to achieve “a huge cultural and structural change within our prisons—a transformation away from offender warehouses to disciplined and purposeful centres of reform.”⁶ The Government expects empowered governors to better meet the needs of their prison population through tailored regimes and innovation, while performance monitoring using a form of league table is intended to drive up standards across the prison estate. Ultimately, the focus on rehabilitation is intended to reduce reoffending rates.⁷

3. We are conducting a wide-ranging *Prison reform* inquiry into the Government’s reform programme as it is being developed and implemented. We aim to scrutinise aspects of the programme in more detail through sub-inquiries. We opened this first sub-inquiry on 1 December 2016, seeking views on a range of proposals to empower governors and change the performance framework for prisons that begin to take effect from 1 April 2017, specifically considering:

- The pace of devolution of budgets and responsibilities to governors
- The capacity and skills of governors, including training and support needs
- The relationship and delineation of responsibilities between autonomous governors, the National Offender Management Service (NOMS)—which will be replaced in April by the new HM Prison and Probation Service (HMPPS)—, the Ministry of Justice (MoJ) and the Secretary of State

1 Ministry of Justice, *Prison Safety and Reform*, [Cm9350](#), November 2016, p4

2 Ministry of Justice ([PRF0074](#)) para 12

3 Ministry of Justice, *Prison Safety and Reform*, [Cm9350](#), November 2016

4 [Prisons and Courts Bill](#), [Bill 145 (2016–17)]

5 Ministry of Justice, *Prison Safety and Reform*, [Cm9350](#), November 2016

6 Ministry of Justice, *Prison Safety and Reform*, [Cm9350](#), November 2016, p3

7 *Ibid*

- The new performance agreements that empowered governors will operate in, including the proposed performance measures and league tables
- Proposed mechanisms for managing poor performance of governors
- The devolution to governors of responsibility and budgets for commissioning education provision
- The devolution to governors of responsibility and budgets for co-commissioning health and mental health provision
- Offender management reforms.

4. We have received 141 written submissions so far in the *Prison reform* inquiry and have taken oral evidence for the sub-inquiry in four sessions from 23 witnesses, including representatives from the Prison Research Centre at the University of Cambridge, Catch22, Reform, the Prison Governors' Association (PGA) and the Prison Officers' Association (POA), the Prison Reform Trust, the Association of Members of Independent Monitoring Boards and the National Council of Independent Monitoring Boards, the Office of the Prisons and Probation Ombudsman, HM Inspectorate of Prisons, the National Preventive Mechanism, the Prisoners' Education Trust/Prisoner Learning Alliance, Clinks, NHS England, the British Medical Association, Public Health England, Sodexo, Serco, G4S, Carillion and the MoJ, as well as from Sam Gyimah MP, Minister of State for Prisons and Probation.

5. Most of our witnesses supported the overall direction of the programme, but many expressed concerns about the lack of clarity on the practical implications of the reforms. In taking evidence we have tried to clarify how the reforms might operate and what risks will need to be mitigated. In chapter 2, we discuss reforms to the governance structure of the prison system, including the relationships between governors, HMPPS, and the MoJ and the new roles of prison governors and staff. In chapter 3, we explore the new arrangements for the performance management of prisons, including proposed performance measures, league tables and changes to the functioning of independent scrutiny bodies. In the final chapter, we discuss opportunities and risks associated with the new commissioning responsibilities that are being devolved to governors.

The context of the reforms

6. The Government's reform programme is introduced against the background of a crisis in prisons characterised by a notable rise in suicides, self-harm and violence, fuelled by high levels of drug use, particularly New Psychoactive Substances.⁸ Some witnesses argued that this crisis was not caused by the role governors play in prisons, or by central involvement in prison operations, and is therefore unlikely to be resolved by giving governors greater autonomy, moving away from central control and introducing new accountability and performance frameworks.⁹ Many suggested staff reductions and ongoing retention issues,

8 Ministry of Justice, [Safety in Custody Statistics Bulletin](#) (1 March 2017); Prison and Probation Ombudsman ([PRF0031](#)) paras 11–12; HM Chief Inspector of Prisons ([PRF0037](#)) paras 9–10; Association of Members of Independent Monitoring Boards ([PRF0124](#)) para 11

9 Prison Reform Trust ([PRF0119](#)) para 1; Julian Le Vay ([PRF0059](#))

as well as budget constraints, were behind the crisis.¹⁰ Overcrowding¹¹ and the size of the prison population were also mentioned, but these are substantial issues that are outside the scope of this sub-inquiry.¹² We are pursuing safety issues separately through following up on our *Prison safety* report in correspondence with the MoJ and by other means.¹³ The MoJ has so far failed to provide us with sufficient data to assess whether or not prisons are becoming safer, despite repeated commitments to do so.¹⁴

7. Low morale among prison staff and governors could also affect the implementation and success of the reforms. The POA and the PGA have both recently taken actions suggestive of discontent among prison staff and governors, including staff protests on 15 November 2016 and an attempted strike on 1 March 2017 as well as a call on prison governors not to sign the new performance agreements.¹⁵ Andrea Albutt of the PGA told us that engagement with the MoJ had been “very poor”, with “very little consultation” despite the imminent introduction of the reforms.¹⁶ Ralph Valerio of the POA said that his members feel “disenfranchised” and “do not trust Government and senior managers”, and added that there had not been positive engagement with the MoJ and NOMS.¹⁷ Mr Gyimah told us in December 2016 that he had regular meetings with the PGA and the POA, but admitted in February 2017 that “more can be done [to engage] with both the POA and the PGA”.¹⁸ **Irrespective of the overall desirability and feasibility of the reforms, without support from the people who are operating prisons they are unlikely to be effective. We recommend that the Government seek productive engagement with prison staff and governors through regular meetings, enabling their concerns and ideas to feed into the implementation of the reforms.**

10 [Q208](#) [Mr Le Vay]; Lord Ramsbotham ([PRF0099](#)) para 24; Prisoner Learning Alliance ([PRF0052](#)), [Q256](#) [Ms Albutt]

11 Overcrowding here refers to prisons accommodating more prisoners than they were designed to hold, see Criminal Justice Alliance, [Crowded Out?](#), March 2012, p4

12 [Q208](#) [Mr Ilic]; [Q253](#) [Mr Valerio]; Dr David Scott ([PRF0102](#)); Prison Reform Trust ([PRF0021](#)) paras 12–15; Howard League for Penal Reform ([PRF0014](#)) paras 2.4–2.5; Dr Harry Annison ([PRF0012](#)) para 15; Criminal Justice Alliance ([PRF0062](#)) para 2.3

13 Justice Committee, Sixth Report of Session 2015–16, [Prison safety](#), HC625

14 Instead of the comprehensive monthly updates we requested, the Ministry provided a partial response in a letter we received on 28 February, responding to our most recent call for further information sent on 15 December, Letter from Sam Gyimah MP to Bob Neill MP on [prison safety and reform](#), 28 February 2017

15 POA, Press releases ([15 November 2016](#); [1 March 2017](#)); PGA, [Press release – NOMS restructure](#) (8 February 2017)

16 [Q259](#)

17 *Ibid*

18 [Qq15–17](#), [Q519](#)

2 Prison governance

Relationships between governors, HMPPS and the MoJ

8. The MoJ proposes to reform “the whole framework through which the prison system is run”¹⁹ so as to create a system in which accountabilities are no longer “blurred and unclear.”²⁰ This includes proposals for clarifying the role of the Secretary of State; a “new and more streamlined” commissioning model; performance agreements negotiated between individual prison governors and Ministers; clarity of accountability for outcomes and delivery of standards; and an enhanced role for HM Chief Inspector of Prisons.²¹ NOMS will be replaced by the new HM Prison and Probation Service (HMPPS) from 1 April 2017.²² HMPPS will be responsible for prison and probation operations; Mr Gyimah told us that the role of HMPPS will be “focused on delivery and actually making sure that they support prisons to deliver.”²³ Responsibility for commissioning public and private sector prisons, policy development, standards and performance scrutiny, including quarterly performance review meetings, previously with NOMS, will move to the MoJ.²⁴

9. Private prison providers thought the planned separation of operational management and commissioning activity would make responsibilities clearer; Jerry Petherick, Managing Director Custodial and Detention Services at G4S, said there had been “a lack of clarity in the past, whereby our customer has also been our competitor.”²⁵ Others, however, questioned whether the structural changes would in practice bring clarity. A former Prison Service Finance Director, Julian Le Vay, argued that the Government’s plans would in fact confuse lines of accountability by giving governors two of them: one through line management by HMPPS and one through a performance agreement with the commissioner, the MoJ.²⁶ Mr Le Vay also suggested that the planned separation between operations and future policy development was fundamentally flawed:

Ministers will have two sets of advisers on prisons: the person running them, and someone who does not. This is a recipe for constant confusion and conflict, poor decision making and blurred accountability ... Who [would] advise [Ministers on] whether a policy is safe to introduce ... or needed for safety reasons?²⁷

10. Separating policy from operations is complicated by the difficult context in which prisons operate: the Prison Reform Trust said that running prisons well involves a “host of difficult judgements”, often with operational and political implications.²⁸ Operational effectiveness can be strongly influenced by policy decisions, which may have implications unforeseen by policy makers distanced from practical prison management.²⁹ Mr Le Vay

19 Ministry of Justice, *Prison Safety and Reform*, [Cm 9350](#), November 2016, para 56

20 *Ibid*, para 50

21 *Ibid*, paras 67, 70, 72; HC Deb, 8 February 2017, [col 468WS](#); Clause 1 of the Prisons and Courts Bill includes provisions setting out the role of the Secretary of State; Clause 2 provides extended powers to HM Inspectorate of Prisons

22 HC Deb, 8 February 2017, [col 468WS](#)

23 [Q527](#)

24 [Q528](#); HC Deb, 8 February 2017, [col 468WS](#)

25 [Q451](#)

26 [Q250](#)

27 [PRF0113](#)

28 [PRF0119](#)

29 See Prison Governors Association ([PRF0107](#)) para 3; Lord Ramsbotham ([PRF0099](#)) para 14

emphasised that the Secretary of State is accountable for everything done by civil servants in her name, including by prison officers in public sector prisons, who are ultimately line managed by the Permanent Secretary.³⁰ The Prisons and Courts Bill does not change this basic position. This makes it critically important that prison policy is operationally sound and susceptible to implementation.

11. Our evidence does not suggest that the current crisis in prisons was caused by the delineation of responsibilities between the National Offender Management Service and the Ministry of Justice, but there may be a rational case for separating commissioning decisions, which have implications for both private and public sector providers, from the management of the public sector prison service. However, it is not clear how the relationship between HM Prison and Probation Service (HMPPS), responsible for operational management, and the Ministry, responsible for policy and commissioning, will work in practice. This lack of clarity could make it harder to see what is going wrong in prisons and why, and confusion about who is responsible for what could make prisons less safe and effective. It is particularly important that prison governors should receive consistent direction and messages from HMPPS and the Ministry. We recommend that the Government clarify how the relationships between governors, HMPPS and the Ministry will work in practice.

Performance agreements and poor performance

12. Governors and private prison directors will operate to, and be accountable through, three-year performance agreements they sign with the Secretary of State, which will be phased in over two years from April 2017; the Government announced in November that a third of these would be in place by April.³¹ The agreements will be based on new performance standards, discussed in the next chapter, focused on public protection; safety and order; reform; and preparing for life after prison. Mr Gyimah said the agreements were central to the creation of a new focus on rehabilitation and to the reorientation of HMPPS on supporting effective delivery,³² but Julian Le Vay argued the agreements would be largely symbolic as governors are civil servants and cannot, therefore, refuse to carry out the Secretary of State's instructions.³³ As noted in our introduction, the PGA advised its members not to sign the agreements; they say they were introduced without consultation, performance standards lacked clarity, and there is a risk that governors will be scapegoated for failing to produce results in a context where their authority and budgets are limited.³⁴

13. The Secretary of State will intervene in cases of poor performance identified by a breach of the performance agreements, regular performance reviews, or a report by HM Chief Inspector of Prisons.³⁵ Such intervention is described as “decisive action”³⁶ and has not been definitively described but may include providing intensive support to address performance issues; deployment of a central support team; and replacement of prison managers.³⁷ Witnesses including the Prison Reform Trust and Clinks welcomed

30 [PRF0113](#)

31 Ministry of Justice, *Prison Safety and Reform*, [Cm 9350](#), November 2016, para 72

32 [Q524](#)

33 [PRF0113](#), para 9

34 PGA, [Press release – NOMS restructure](#) (8 February 2017)

35 [Q547](#)

36 Ministry of Justice, *Prison Safety and Reform*, [Cm 9350](#), November 2016, para 70

37 *Ibid*, para 83

the idea of linking judgements about success or failure to well-defined expectations, for example through a contract or service level agreement.³⁸ However, it is not clear from the information made available by the Government³⁹ how poor performance will be identified and addressed at an early stage, before it has a significant impact on security, safety or public protection and may go on to breach performance agreements. Performance may fail because of weaknesses in leadership and line management, ineffective policies and strategies, resourcing decisions, or because of unplanned changes to a prison's population; responsibility for these falls varyingly to governors, HMPPS, the MoJ and the Secretary of State.⁴⁰ There is no mention of whether the ultimate sanction might be transfer of public sector establishments to the private sector and vice versa, as has been the case under previous administrations.

14. In principle, transparency about what constitutes good performance is absolutely right. Governors should know the standards against which they will be judged and the public should know what constitutes a successful prison. Such an approach requires both a robust set of performance measures, on which we comment further in the next chapter, and clarity about the consequences of poor performance. Yet it is not clear how the proposed interventions differ from current actions taken in cases of poor performance, and how they will operate in future, including if public prisons could be privatised if they perform poorly and vice versa; it also remains unclear what processes are in place to identify poor performance at an early stage. *Performance agreements were supposed to be put in place in a third of prisons from April 2017, but the Prison Governors' Association advised its members against signing them; we recommend that the Ministry should include in its response to this report information on how many agreements have been signed, and how it will proceed if agreements are not signed. We also recommend that the Ministry urgently provide clarity about the processes for managing poor performance, as well as about how accountability will be attributed in practice, particularly in cases where poor performance is caused by multiple factors which straddle the responsibilities of governors, the Ministry and HM Prison and Probation Service.*

Deregulation

15. To give governors the freedom to run their prisons in the way they see fit, the Government says it will “strip away the 562 policies prisons must comply with.”⁴¹ By April 2019, all policies will either be replaced by “minimum mandatory requirements to ensure a safe, decent and lawful system”, or removed.⁴² 101 existing policies have already been “cancelled”.⁴³

16. Many witnesses welcomed the intention to remove unnecessary prescription and to focus on the ‘what’ that governors have to deliver rather than the ‘how’,⁴⁴ but significant concerns were raised around the potential consequences of excessive deregulation. The Prisons and Probation Ombudsman stressed the need for autonomy from central

38 [PRF0119](#); [PRF0120](#); see also Employment Related Services Association ([PRF0116](#))

39 Through its White Paper and by other means

40 See [Q250](#)

41 Ministry of Justice, *Prison Safety and Reform*, [Cm 9350](#), November 2016, para 162

42 Ministry of Justice ([PRF0126](#)) para 7

43 HC Deb, 23 February 2017, [Col 493WS](#)

44 Julian Le Vay ([PRF0059](#)); Q281 [Ms Albutt]; Serco ([PRF0123](#)); Working Links ([PRF0038](#)); The RSA/Transitional Spaces ([PRF0026](#)); Lord Ramsbotham ([PRF0099](#)) para 20

prescription to be balanced by clear statements of minimum standards, to avoid prisoners' legitimate expectations being "dashed" and to avoid increases in complaints to his office.⁴⁵ We discuss this further in the next chapter (para 48). Elizabeth Moody, Deputy Ombudsman, told us that variation in the treatment of prisoners between prisons can lead to frustration and a lack of trust.⁴⁶ These concerns were echoed by the Prison Reform Trust⁴⁷ and by the Association of Prison Lawyers.⁴⁸ The former, in particular, cautioned against a return to the inconsistency and weak central management of the 1990s, when prisons "were characterised as much by inexcusable disparities in performance and adherence to common standards as by the occasional shaft of inspirational leadership."⁴⁹ Those disparities in performance led to very significant security failures, including the escape of high risk prisoners from HMP Whitemoor and from HMP Parkhurst.⁵⁰

17. We welcome moves to simplify prison policies, but it is clear that the centre must continue to set minimum standards of expectations that apply consistently across prisons. We recommend that the Ministry put in place the necessary monitoring arrangements to ensure that local discretion does not result in unacceptable variation in the treatment of prisoners or serious security failures, and clarifies the role of HM Prison and Probation Service in performance monitoring.

Private providers

18. The Government said in the White Paper that in implementing its reform proposals, it will modify its "approach to make them work for private prisons as well, wherever possible",⁵¹ although no detail was given about what this means in practice. Public and private sector prisons will both operate to performance agreements;⁵² Janine McDowell of Sodexo suggested that this would in effect bring public prisons closer to the contractual arrangements within which private prisons already operate.⁵³

19. Private prison providers were generally supportive of the Government's plans to give governors and private prison directors greater freedoms to run their prisons as they see fit. Directors already have greater discretion than governors, which has enabled them to go beyond what is mandated by the Government, for example by providing additional training to prison officers.⁵⁴ Private providers also said that private sector prisons are generally more tightly monitored than their public sector counterparts,⁵⁵ because they are subject to intensive on-site monitoring by a Controller (a public servant, employed by the MoJ), which G4S welcomed,⁵⁶ while Serco said it often amounts to "micromanagement".⁵⁷ Financial penalties apply when private prisons do not perform to their contract.⁵⁸

45 [PRF0101](#)

46 [Q329](#)

47 [Q284](#)

48 [PRF0060](#)

49 [PRF0119](#)

50 [PRF0059](#)

51 Ministry of Justice, *Prison Safety and Reform*, [Cm 9350](#), November 2016, para 56

52 *Ibid*, para 70

53 [Q450](#)

54 [Q474](#)

55 G4S ([PRF0135](#))

56 [Q486](#)

57 Serco ([PRF0123](#))

58 [Q501](#)

20. **There remains considerable uncertainty around how the Government’s plans will apply to the privately managed prison estate. It is not clear to us how, or whether, the planned performance agreements will supplement existing contracts or whether they will simply reflect that which providers are already contractually obliged to deliver. Nor is it clear how the proposed intervention powers for the Secretary of State will apply to private sector prisons and how they will work alongside existing contractual remedies. We recommend that the Ministry clarify how the reforms will apply to private prisons in these respects.**

Roles of governors and executive governors

21. As discussed above, central to the Government’s plans are measures to allow governors greater flexibility to shape the services provided in their prisons. These measures include greater influence over working arrangements for prisoners, workforce strategies, resource budget spending, and healthcare commissioning. Over time, the provision of education and family services will also be devolved and central contracts may be too.⁵⁹ Mr Gyimah said that empowering governors was central to enabling rehabilitation in prisons and to improving safety:

we have some signs that, if governors are empowered, they want to turn around lives and they want to improve their jails. The centre has become too big, doing too much, and empowerment is how to enable us to turn around our prisons and offenders’ lives.⁶⁰

The governors and executive governors of the six reform prisons welcomed their new responsibilities; Ian Blakeman, executive governor of HMP Holme House and HMP&YOI Kirklevington Grange, said that “[h]ow we are operating feels significantly different. The biggest single difference at the moment is not having the sense of a line manager telling us what to do and shaping how we are behaving.”⁶¹ However, there is not yet tangible evidence that empowering governors, in accordance with the model adopted for the reform prisons, helps to produce better outcomes for prisoners.

22. Most witnesses, including private prison providers⁶², voluntary sector organisations such as Catch22⁶³ and the Prison Reform Trust⁶⁴, and trades unions such as the Prison Governors Association,⁶⁵ supported the principle behind the Government’s approach: decisions about how best to organise prison activities to rehabilitate offenders can often be made at a local level. However, there are limits to governor empowerment: governors will be restricted in what they can achieve as they have no influence in setting their budgets, which will limit, for example, the scope they have to hire additional staff or commission new services;⁶⁶ nor will they be able to influence which and how many prisoners they will accommodate,⁶⁷ which could affect their efforts at establishing stable, rehabilitative

59 HC Deb, 23 February 2017, [Col 493WS](#)

60 [Q518](#)

61 [Q168](#)

62 [Q469](#)

63 [PRF0122](#)

64 [PRF0119](#)

65 [PRF0107](#)

66 See [Q256](#) [Ms Albutt]

67 [Q528](#)

regimes. Moreover, there will always be a need for a degree of command and control, for example in response to serious incidents, which are now common across the estate. Further potential risks associated with governor empowerment are briefly discussed below.

Management structures

23. In the six reform prisons, executive governors have managed the governing governors of one or more prisons. Mr Gyimah told us that:

in the new structure⁶⁸ ... prison governors will be part of a group. The groups will be organised primarily on a geographical basis of four to five prisons. Sitting on top of the group, they will be line-managed by a group director, who will report to the director in Her Majesty's Prison and Probation Service.⁶⁹

24. There are uncertainties around the extent to which these group directors are comparable to the executive governors of reform prisons, and how the MoJ has used evidence from the reform prison pilots to design the new management structure. It appears unlikely that the resources allocated to reform prisons and the recruitment strategies used for reform prison governors can be reproduced across all prisons.⁷⁰ It is also not clear how the new arrangement differs from the current arrangement whereby groups of prisons are line-managed in geographical groups, except that the new groups appear smaller. If the new arrangement would effectively introduce an additional layer of senior management that could come at a significant cost. **The information currently available to us is not sufficient for us to reach any conclusions on the appropriateness of the management structures the Ministry or HM Prison and Probation Service intends to operate above individual prisons. We therefore ask that the Government set out its plans in more detail in response to this report.**

Governor capability

25. We heard from many witnesses, including the reform prison governors,⁷¹ that governors do not all have the skills they will need to carry out their new responsibilities effectively, for example in relation to need assessments⁷² and commissioning, which we discuss in more detail in chapter 4.⁷³ The reform prison governors told us that short-term skill gaps had been filled by appointing experts, for example in education, to their management teams.⁷⁴ The Government has identified a number of priority areas for development through a capability strategy, including HR, financial and commercial expertise and strategic partnering skills.⁷⁵ However, Andrea Albutt, President of the PGA,

68 That is, after April 2017

69 [Q524](#)

70 Centre for Entrepreneurs ([PRF0027](#))

71 [Qq190-1](#) [Mr Bickers], Catch22 ([PRF0122](#))

72 Need assessments are the first element of case management processes, which involve assessing a prisoner's needs when they enter prison and planning interventions, such as education and offending behaviour programmes, over the course of their sentence and post release to help them rehabilitate. There is concern that governors do not have the information and skills they need to make adequate assessments to inform commissioning decisions

73 Employment Related Services Association ([PRF0116](#)); HM Chief Inspector of Prisons ([PRF0037](#)) para 17; Catch22 ([PRF0122](#)); Interserve ([PRF0105](#))

74 [Q191](#)

75 Ministry of Justice, *Prison Safety and Reform*, [Cm 9350](#), November 2016, para 224

questioned whether a development programme for governors could be implemented in time to prepare governors for their new responsibilities beginning in April 2017.⁷⁶ In fact, despite the Government's announcement that governors will be empowered from April,⁷⁷ it is not clear when these new responsibilities will take effect in practice, and in which prisons: Mr Gyimah said that the reforms would be phased in to enable governors to prepare and that support for governors would include training, line management through HMPPS, and the functional grouping of prisons within which governors can share best practice.⁷⁸ Governors might also decide to draw on the private and voluntary sectors for support, for example through private sector secondments and the creation of stakeholder boards.⁷⁹

26. We welcome the Government's commitment to ensuring governors get the support and development they need, but we are concerned that support structures will not be in place before the reforms begin to take effect in April. We have not seen detail of the geographical and functional clusters in which prisons will be arranged and of the processes by which governors can support each other within these groups. We recommend that the Ministry clarify what support will be available to governors from April in carrying out their new functions and how they will address potential skills gaps in the short term.

Partnership working

27. Some witnesses were concerned that empowering governors, although welcome in itself, might lead to counter-productive isolation from community partners and other key stakeholders. The Prison Reform Trust, for example, noted that:

the natural inclination of prisons is to be introspective—the institution is complex and may be vulnerable to disorder. But if empowerment is to mean anything, it must include a responsibility to be outward looking and to have the freedom to engage meaningfully with all the local partners with a stake in the future of the people the prison holds.⁸⁰

Indeed, the Government acknowledges that prisons are “part of a complex broader system where good results need coordinated contributions from a range of different organisations including probation, local authorities, and health and education providers.”⁸¹

28. The need to align governor empowerment with wider developments across the offender management system, including the implementation and development of the Transforming Rehabilitation reforms, was emphasised by witnesses including Interserve, the Association of Employment and Learning Providers and Employment-Related Services Association, and HM Inspectorate of Probation.⁸² Rehabilitation and resettlement work in prisons must travel through the gate and the new performance measures on accommodation and employment, discussed in the next chapter, provide opportunities to incentivise partnership working. Eleonora Harwich of Reform told us the current set-up in which

76 [Q257](#), [Q259](#), [Q283](#)

77 Ministry of Justice, *Prison Safety and Reform*, [Cm 9350](#), November 2016, para 38

78 [Q534](#)

79 Interserve ([PRF0105](#))

80 [PRF0119](#)

81 Ministry of Justice, *Prison Safety and Reform*, [Cm 9350](#), November 2016, para 95

82 [PRF0105](#); [PRF0045](#) para 7; [PRF0019](#) para 7

resettlement work is split between prisons and probation services resulted in disjointed service delivery.⁸³ We also heard of further tensions in prisons' resettlement role: while prisoners are expected to spend the final twelve weeks of their sentence in their 'home' prison in order to prepare for release, this often does not happen due to prisoners moving across the estate for capacity reasons.⁸⁴

29. We agree with the Government and witnesses including the Prison Reform Trust that prisons must not be managed in isolation from society outside the prison gates. It is not clear to us, however, how the Government intends to ensure the contributions made by various agencies are, in fact, coordinated at a local level, nor how accountability will be apportioned for post-release outcomes between prison governors and probation services. We recommend that the Ministry set out its plans on local partnerships and the relationship between prisons and probation services in more detail.

Innovation and evidence

30. Deregulation and empowerment are intended to enable governors to take innovative approaches to achieving positive outcomes for prisoners.⁸⁵ A number of witnesses, including Professor Alison Lieblich⁸⁶ from the Prisons Research Centre at the University of Cambridge, expressed concern that too much local freedom might lead to governors experimenting with approaches that are not grounded in evidence of their effectiveness, a point we return to in the final chapter (paragraphs 53–54). The Government recognised the need for evidence-based approaches and indicated that a new 'What Works resource' could be established to support the use of evidence on interventions to reduce reoffending, including by synthesising evidence and building the evidence base through trials of new approaches.⁸⁷ The Secretary of State for Justice also said that the "process of devolution and deregulation" is supported by evidence from the six reform prisons, which will undergo a "formal evaluation" that will influence policy development through regular feedback and a final report in early 2018.⁸⁸

31. We welcome the Government's commitment to an evidence-based approach to the implementation of the reform programme. We recommend that the Ministry should ensure that local freedoms granted to governors are underpinned by clear minimum standards for the application of evidence and judgements about impact, drawn up to avoid restricting the delivery of particular activities in prisons, but to provide support to governors in exercising their new freedoms and ensuring that public money is spent on activities that take account of the evidence on what is effective in reducing the risk of re-offending.

32. Prison management and the provision of safe and decent prison conditions that will promote rehabilitation are complex activities that must be well-grounded in evidence. We are generally supportive of the principle of greater governor empowerment, but we have not seen any evidence that it will lead to better outcomes. The Government's formal

83 [Q227](#)

84 MTC Novo([PRF0039](#)) para 25. Due to limited capacity in the prison system, prisoners may at times be moved to another prison to facilitate the accommodation of new prisoners. They may also be moved for security reasons following disturbances

85 Ministry of Justice, *Prison Safety and Reform*, [Cm 9350](#), November 2016, para 31

86 [Q229](#); see also [Q232](#)

87 Ministry of Justice, *Prison Safety and Reform*, [Cm 9350](#), November 2016, paras 74, 77

88 HC Deb, 23 February 2017, [Col 493WS](#)

evaluation of the reform prisons is welcome in this respect, although it is customary to evaluate pilots before applying what is tested more widely. *We recommend that the Government:*

- *publish an evaluation of the impact on performance of granting greater autonomy to governors after 12 months (that is, in April 2018)*
- *set out how it intends to ensure that the planned arrangements for governor autonomy, performance agreements and local discretion are achievable within current worst-case prison population projections*
- *set out in detail how future arrangements for mutual support between prisons and the command of serious incidents will be affected by the changes in organisational arrangements*
- *publish a detailed action plan that ties together safety and reform and sets out the benefits the reforms are intended to realise, as well as clear actions aimed at achieving them and key dates for completion.*

Operational staff

33. The Government intends to hire 2,500 new prison officers, professionalise prison staff through new training and career development opportunities,⁸⁹ and encourage meaningful prisoner-staff relationships through the introduction of a new “keyworker” role for prison officers in offender management, covering case management and connected activities.⁹⁰ This model appears to replace the existing case management model; the White Paper states that “we will move accountability for the management of all but short-sentenced prisoners to governors, alongside giving them the right levels of resource to support a new model in which dedicated officers can support and challenge a caseload of prisoners.”⁹¹ Keyworkers will be responsible for the casework of six prisoners each, who they will meet with weekly to “support, mentor and challenge unhelpful behaviours and attitudes.”⁹² The Ministry is in discussion with private prison providers about how to implement these changes in private prisons.⁹³ Mr Gyimah said that the ratio of one prison officer to six prisoners in the model was arrived at through “internal modelling”.⁹⁴ It is not clear who will be responsible for the management of short-sentenced prisoners.⁹⁵

34. Many witnesses emphasised the importance of prison officers for safe and effective prisons. Professor Alison Liebling said prison officers play a crucial role in establishing the legitimacy, stability and effectiveness of prison regimes.⁹⁶ Yet we heard that prison officers often lack the time and opportunities to develop the type of relationships with prisoners

89 Ministry of Justice, Prison Safety and Reform, [Cm 9350](#), November 2016, para 237

90 [Q530](#). Case management is defined above in footnote 72

91 Ministry of Justice, *Prison Safety and Reform*, [Cm 9350](#), November 2016, para 116

92 Ministry of Justice ([PRF0126](#)) para 34

93 Ministry of Justice, *Prison Safety and Reform*, [Cm 9350](#), November 2016, para 185; [Q464](#) [Ms McDowell]

94 Ministry of Justice ([PRF0126](#)) para 34

95 The Ministry further stated in written evidence that governors will only be responsible for the offender management of higher risk prisoners (who had been the responsibility of the National Probation Service); it is not clear how the new offender management model will apply to prisoners who are - and remain - the responsibility of Community Rehabilitation Companies, [PRF0126](#) para 36

96 [Q237](#)

that supports these outcomes.⁹⁷ The keyworker model has the potential to encourage such relationships, but it remains unclear exactly how it will work and how this will differ from the current model,⁹⁸ which the Probation Institute said was “sound in principle” although never fully implemented.⁹⁹ There appeared to be confusion among our witnesses about the nature of the ratio, with some seemingly referring to a ratio of one prison officer to six prisoners in a prison overall.¹⁰⁰ Andrea Albutt of the PGA assumed the ratio was based on prison officers spending 45 minutes with each of their six prisoners per week, but said that it was not clear how this would work in practice and if the new 2,500 prison officers would be limited to these roles.¹⁰¹ Micheal Spurr, CEO of NOMS, told us that the new officers would be expected to “do the range of things that we now need to do”, including “our overall regime provision and resilience; and, of course, supervision, policing, oversight and searching.”¹⁰²

35. We welcome the proposals to professionalise the prison officer role, but are concerned by the apparent lack of certainty about the Government’s plans for prison officer resourcing and, in particular, the nature and purpose of the keyworker model. In their response to this report, we recommend that the Ministry:

- *clarify the extent to which governors will have freedom to vary the ratio of one prison officer being responsible for the casework of six prisoners, and provide greater clarity about how the model will apply in private prisons*
- *provide greater transparency on the methodology and evidence base used to determine the ratio*
- *set out in more detail the proposed case management role prison officers will undertake and how that role will be delivered in practice, including in terms of time and resource commitments*
- *undertake to report to this Committee at six-monthly intervals on the implementation of the keyworker model and how it is benefiting prisoners, measured for example through sentence progression and through using the Measuring the Quality of Prison Life survey.*

97 G4S ([PRF0135](#)) para 8.1; John Samuels QC ([PRF0096](#)); Community ([PRF0072](#)) para 6.2; Serving prisoner, HMP Frankland ([PRF0083](#)) para 4

98 Nick Pascoe, governor of Coldingley and High Down reform prisons, told us that he expected the ratio of 1:6 to vary from prison to prison and that it was a guideline rather than a requirement, [Qq176–177](#)

99 [PRF0117](#) para 5

100 [Q254](#)

101 *ibid*

102 [Q83](#)

3 Performance

Performance measures and league tables

The Government's performance measures

36. The MoJ set out in the White Paper a new prisons performance framework aligned to four quality standards:

- public protection;
- safety and order;
- reform; and,
- preparing for life after prison.

The standards are tied to the four purposes of prison in clause 1 of the Prisons and Courts Bill and are set out in detail in Appendix 1. The MoJ intends to collect the new performance data from April 2017 and will begin publishing related official statistics regularly from October 2017. In this chapter we make high level observations about the framework and how it might operate in practice. The MoJ gave the following rationale for changing performance measures:

“at the moment, the Secretary of State is required to report on a wide range of measures—from the prison population to offences and punishments—at the level of the individual prison. While some of this may be helpful management information, it is a tick-box exercise and not properly aligned with our vision of the Secretary of State’s role in the prison system.”¹⁰³

It is not clear whether this means that the Government proposes to report in a less detailed manner about prison performance at the level of individual prisons than is currently the case. **We shall review whether the new official statistics provide the necessary level of public transparency about prison operations and whether there is any material impact on our capacity effectively to scrutinise the Ministry of Justice and HM Prison and Probation Service.**

37. The shift to a common framework for private and public sector prisons, and towards more meaningful outcome measures for prisons, was broadly welcomed by witnesses.¹⁰⁴ Nevertheless, some questioned the extent to which new measures differed significantly from existing ones.¹⁰⁵ The existing Prison Rating System was designed “to create a single, transparent system that enables the performance of both public and private contracted prisons to be measured” and includes similar metrics.¹⁰⁶ The importance of the measurement framework containing leading indicators to allow potential performance

103 Ministry of Justice, *Prison Safety and Reform*, Cm 9350, November 2016, para 65

104 Serco plc ([PRF0123](#)); G4S ([PRF0135](#)); Sodexo ([PRF0051](#)); Probation Institute ([PRF0018](#)); Catch22 ([PRF0122](#)); Clinks ([PRF0120](#)); Interserve Plc ([PRF0064](#))

105 Performance measures are currently published in the Prison Ratings System, official statistics on prison safety, and NOMS’ management information, for example. [Q238](#) [Professor Liebling; Ms Harwich]; Dr Dania Issa et al ([PRF0125](#))

106 Ministry of Justice, [PRF: prison rating system, technical note](#), p3

issues to be identified promptly and rectified was highlighted by Professor Liebling among others.¹⁰⁷ She explained that there was a hierarchy of elements which must be in place for prisons to become places of reform:

You do not get any of the things you are really after, such as prisoner wellbeing and personal development, which we know are linked to all the outcomes we are interested in, until all the basic hygiene things, such as policing and security, staff professionalism, respect, humanity and safety, are in place.¹⁰⁸

The variance between the priorities of different prisons was emphasised by reform prison governors, some of whom had focused on safety and decency, others on prison maintenance and regime changes to ensure consistent access to purposeful activity.¹⁰⁹

38. The legitimacy of the regime and culture of the prison, including trust between prisoners and staff, were also seen as crucial elements of effective and safe regimes by Professor Liebling and Mat Ilic, Strategic Director for Justice at Catch 22, among others.¹¹⁰ The value of the Measuring the Quality of Prison Life (MQPL) survey, which was developed by Professor Liebling to capture a prison’s “moral culture”, in demonstrating this was supported by several witnesses.¹¹¹ Staff and prisoner perceptions of safety are among the key indicators in the most recent iteration of the performance framework.¹¹² **We welcome the inclusion of measures on staff and prisoner perceptions of safety. We recommend the Ministry examines whether other aspects of the Measuring the Quality of Prison Life survey for prisoners and the equivalent survey for staff could be used as lead indicators of performance.**

39. We heard of the importance of well-conceived performance measures in incentivising the desired behaviours in governors and staff—to meet the various legislative purposes of imprisonment and impact outcomes—and minimising the potential for perverse incentives.¹¹³ This includes, for example, the risk of hindering innovation through fear of an unforeseen decline in performance or prioritising one aspect of a prison regime, like education, over another, like drug searches.¹¹⁴ Although as Eleonora Harwich from Reform noted it might not be possible to devise “perfect measures”, some witnesses including RAND Europe and HM Inspectorate of Probation, believed that indicators should be evaluated to ensure that they are proven to be predictive of future outcomes.¹¹⁵ For example, Dame Glenys Stacey, Her Majesty’s Chief Inspector of Probation, considered that systematic piloting of proposed new measures was desirable, particularly given the lessons from the implementation of the Transforming Rehabilitation programme.¹¹⁶

107 [Q240](#); [G4S \(PRF0135\)](#)

108 [Q214](#). See also Prisons Research Centre ([PRF0156](#))

109 [Qq149–152](#) [Mr Blakeman; Mr Bickers; Mr Richards; Ms Spencer]

110 [Q208](#) [Professor Liebling]; [Q213](#) [Mr Ilic]; Prisons Research Centre ([PRF0156](#)). See also [Q275](#) [Mr Valerio]

111 Dr Jamie Bennett ([PRF0103](#)); Black Training and Enterprise Group ([PRF0032](#)); Criminal Justice Alliance ([PRF0062](#)) para 24; Prison Reform Trust ([PRF0119](#)) para 18

112 HC Deb, 23 February 2017, [Col 493WS](#)

113 Prisoner Learning Alliance ([PRF0052](#)); Sodexo ([PRF0051](#)); RAND Europe ([PRF0110](#)). See also Dr Dania Issa et al ([PRF0125](#))

114 See for example Prisoner Learning Alliance ([PRF0052](#)); Catch22 ([PRF0042](#)); Dyslexia Adult Network ([PRF0017](#))

115 HM Inspectorate of Probation ([PRF0019](#)); RAND Europe ([PRF0110](#)). See also Dr Dania Issa et al ([PRF0125](#))

116 HM Inspectorate of Probation ([PRF0019](#))

40. The MoJ told us that it was applying a “rigorous process” to the development of the measures and that they “will be tested over their first year in operation to assess whether desired behaviours are being driven”.¹¹⁷ Some metrics are temporary, while permanent measures are being devised, for example, time out of cell, and others, for example, for family relationships, are yet to be determined. **We welcome the Ministry’s assurances that their performance measures have been developed with rigour and note that they will be subject to ongoing testing, but we have not received sufficient evidence to verify the manner in which they have been tested. *In the light of the challenges arising from the performance metrics for Transforming Rehabilitation, which had limited testing prior to implementation, we recommend that the Ministry explains fully the rigour it has applied to developing the measures in its response to this report, and publishes the results of its testing of them after the first year of use, including an assessment of any limitations of the measures.***

41. A robust performance framework is reliant on quality and consistency in the recording of the data which underpin it, which is partially the responsibility of the governors and directors of public and private sector establishments respectively. The think tank Reform, in a review of the effectiveness of 40 prisons, noted that the availability and quality of data was a major challenge in evaluating performance.¹¹⁸ G4S said “In one prison an ‘assault’ may be recorded for a black eye, while elsewhere it might be recorded only if the prisoner leaves under a blue light to hospital.”¹¹⁹ Although private sector prisons are subject to internal reviews by NOMS controllers and reviews by the MoJ—which G4S and Sodexo believe provide assurance of accurate reporting—there have been some allegations and proven incidents of poor recording practices.¹²⁰ ***We recommend the Ministry publish information on the controls it intends to put in place to ensure objectivity and consistency in recording performance to avoid bias and manipulation.***

42. As noted in chapter 2, refreshing prison performance measures could provide an opportunity to encourage governors to work with local services which contribute to rehabilitation; this was advocated by some witnesses.¹²¹ Suitable housing on release, for example, one of the metrics used to indicate performance on preparing for life after release, is largely the responsibility of the local authority. Serco and Reform highlighted the challenge of attributing the influence on prisoners’ rehabilitation of the individual agencies involved.¹²² Performance data will only include prisoners who have been in the prison in question for at least three months. **It is unclear how governors can be judged accountable for various aspects of rehabilitation and preparation for release when prisoners move between prisons and other actors are involved in delivering the relevant**

117 [PRF0126](#)

118 Reform, [Unlocking prison performance](#), April 2016

119 [PRF0135](#)

120 For example, reports on Medway Secure Training Centre by [Medway Improvement Board](#) in March 2016 and [Ofsted](#) in June 2016 provide examples of mis-recording and under-reporting. Prisoners at HMP Altcourse run by G4S have [written an open letter](#) alleging wide availability of drugs, phones and weapons, evidence of which do not appear to have been picked up through existing auditing processes. They claim that the prison “rewards bad behaviour and punishes good behaviour” and that staff do not complete paperwork for hearing as adjudications are dismissed; G4S does not recognise the allegations (PRF0158). See also [Q275](#) [Mr Valerio]; Criminal Justice Alliance ([PRF0062](#)), para 20; Liberty ([PRF0097](#)); A serving prisoner, HMP Holme House ([PRF0100](#)); Sodexo ([PRF0157](#))

121 Clinks ([PRF0013](#)); Prison Reform Trust ([PRF0021](#)); Dr Dania Issa et al ([PRF0125](#))

122 Serco ([PRF0041](#); [PRF0151](#)); [Q238](#) [Ms Harwich]

interventions, some of which, such as suitable accommodation post release, are outside governors’ direct or indirect control. We recommend that the Ministry clarify these matters in its response to this report.

Proposed alternative measures

43. Some witnesses advocated alternative performance measures to those proposed in the White Paper, which they believed might prove worthwhile indicators.¹²³ These included staffing (levels, turnover, sickness rates and morale), and prisoners’ personal development, including their motivation and progression.¹²⁴ For example, Clinks believed that the metrics used must “get much closer than is suggested in the White Paper to the kinds of transformation needed to support lasting change ... [t]here is a danger otherwise that the setting of targets ... will remain very blunt institutional tick-box measures rather than conveying meaningful information about the distance travelled by individuals.”¹²⁵ Nevertheless, these softer outcomes can prove difficult to quantify.¹²⁶ It is notable that there is no mention in the White Paper of financial incentives or to performance linking directly to reducing reconvictions, although the Ministry did indicate that the prison funding formula will change. Other matters raised in relation to alternative measures included:

- Speculation about the potential use of an aspect of payment by results, and some support for the inclusion of financial measures to assess relative cost-effectiveness;¹²⁷
- Disagreement among witnesses about the utility of reconviction;¹²⁸
- The importance of indicators demonstrating human rights compliance;¹²⁹ and
- The limited utility of escapes as a measure of security as they occur so infrequently.¹³⁰

It is unclear whether the Ministry is testing alternative measures as proposed by some of our witnesses, or whether it intends to bring cost and performance measures together. We consider that there is merit in testing measures related to staffing and prisoners’ personal development. We call on the Government to explain in its response whether it is testing other measures and what they are, and if it is not, why these other measures have been discounted.

123 For example, Catch22 ([PRF0042](#)); Catholic Bishops’ Conference of England and Wales, Church of England, and the Free Churches Group ([PRF0109](#)); Clinks ([PRF0120](#)). See also Dr Jamie Bennett ([PRF0103](#))

124 [Q212](#) [Ms Harwich]; [Qq212, 216–217](#) [Professor Liebling]; Clinks ([PRF0120](#)); Serco ([PRF0151](#))

125 Clinks ([PRF0120](#))

126 Dr Dania Issa et al ([PRF0125](#))

127 [Q248](#) (Mr Le Vay; Professor Liebling; Ms Harwich); Catch22 ([PRF0042](#)); Criminal Justice Alliance ([PRF0062](#)) para 13; RAND Europe ([PRF0110](#)); Prisons Research Centre ([PRF0156](#))

128 Howard League for Penal Reform ([PRF0014](#)); Criminal Justice Alliance ([PRF0062](#)); [Qq238–240](#) [Mr LeVay; Mr Ilic; Professor Liebling]; Catch22 ([PRF0148](#)); Prisons Research Centre ([PRF0156](#))

129 Equality and Human Rights Commission ([PRF0073](#)); Prison Reform Trust ([PRF0021](#)); UK NPM ([PRF0146](#)). The new framework does not appear to include existing measures in the Prisons Rating System relating to decency, for example

130 Written evidence from a serving prisoner, HMP Elmley ([PRF0084](#)). See also Prison Reform Trust ([PRF0021](#)); Pupils 2 Parliament ([PRF0055](#)); Lord David Ramsbotham ([PRF0099](#))

The purpose and impact of league tables

44. The White Paper includes proposals to introduce a league table to enable the performance of individual prisons to be compared, based on a selection of measures from the overall performance framework. We encountered mixed views among our witnesses.¹³¹ In particular, there was some scepticism about the purpose of this approach in a prison context, where there is no consumer¹³², about their value in driving governor performance, and about the meaning that can be attached to a single measure of performance.¹³³ One difficulty is that they imply a straightforward comparison between prisons that are fundamentally different in complex ways.¹³⁴ HM Inspectorate of Prisons argued that comparing prisons must be done with care because prisons hold different populations with different needs and have different functions; prison performance is influenced by size and the layout and state of buildings; and, prisons with similar performance data may be on different performance trajectories, i.e. one may be improving and the other in decline.¹³⁵ Andrea Albutt believed that it would be possible to predict which prisons would be at the bottom of the table related to these factors.¹³⁶

45. The need for careful and nuanced comparison is reflected in the current Prison Rating System which weights measures, has dynamic comparators for each prison, and is adapted annually to reflect changes in priority.¹³⁷ The MoJ recognises this to some extent and has said it will retain an element of weighting and modification.¹³⁸ Nevertheless, the MoJ told us in written evidence that it does not intend to control for these issues in league tables.¹³⁹ The Minister for Prisons and Probation later explained that the Department itself would not be producing league tables:

... the intention is to publish the data so that prisons can see how they are doing against other prisons, rather than its being the main way in which prisons are held to account. ...[T]he first thing about prisons is that the mix of offenders will hugely impact where a prison ranks in a league table. We recognise that, and we would not use league tables in that way. At the moment, we have no transparency on prison versus prison performance, so we will be looking to publish those data. There will be a hub where you can see the data, just as there is for the Department for Education—the

131 [Q497](#) [Mr Petherick; Ms Rogers; Ms McDowell]; Community ([PRF0072](#)); Catch22 ([PRF0122](#)); Criminal Justice Alliance ([PRF0062](#)); Novus ([PRF0121](#))

132 Unlike in the education system where comparisons can be made to inform the choices of parents of schoolchildren. See Mr Le Vay ([PRF0059](#))

133 [Q256](#) [Mr Valerio]; [Qq274–6](#) [Ms Albutt; Mr Dawson]; HM Inspectorate of Prisons ([PRF0037](#); [PRF0155](#))

134 The Prison Rating System evolves year on year, with measures and drivers being removed and new ones being introduced. The relative importance, or weight, of each measure, driver and domain is also reviewed annually. The measures and drivers included each year and their relative importance is decided according to business needs, priorities and policies.

135 [PRF0037](#). See also Serco ([PRF0041](#))

136 [Q274](#)

137 Prisons are currently grouped dynamically for comparison, with each prison having its own individual group, based on its statistical relationship with other prisons across a number of factors, rather than being part of a fixed group. Factors compared include, for example, type of prison; nature of population by age, gender, security category and types of offence; and operational capacity.

138 [PRF0126](#); [Q92](#) [Mr Spurr]

139 *Ibid.*

Department for Education does not put together league tables. Others will take the data and put together league tables, or make the data available so that prisons can compare their performance.¹⁴⁰

The Ministry must provide clarity both to governors and to the public about how it intends to weight indicators of performance, including which it sees as of primary importance.

46. We heard of the importance of understanding the explanatory factors for levels of performance from several witnesses, including Professor Liebling, Peter Dawson, and John Thornhill of the National Council of Independent Monitoring Boards.¹⁴¹ For example, despite the extensive existing monitoring arrangements, it took the Ministry nearly two years to acknowledge that there were real and significant problems with safety in the prison estate and it repeatedly said it was unable to identify the individual factors that collectively contributed to the current situation. Only in the last year has it conceded that reductions in staffing were the primary cause of current problems, as our predecessor Committee and the Chief Inspector of Prisons had already concluded in March 2015. The Ministry has already taken over the analytical function from NOMS to begin to use data to drive decisions.¹⁴²

47. We conclude that league tables as they were conceived in the White Paper are not a useful means to compare prison performance or drive improvement. A single overarching assessment of prison performance will mask many aspects of performance. If, as the Minister's evidence suggests, the Government has reconsidered this approach and intends now to publish performance data instead, we would support this new approach. In our view it is more important that the Ministry seeks to understand more fully the factors underpinning poor and high performance and uses the learning to devise lessons to improve practice which are disseminated transparently across the estate. We recommend that the Ministry explain clearly the mechanisms through which they intend to achieve this in their response to this report.

Internal complaints

48. There was concern among some witnesses that greater governor autonomy and accompanying deregulation might lead to an increase in prisoner complaints; they also raised questions about whether existing mechanisms for dealing with complaints were sufficient.¹⁴³ The Prisons and Probation Ombudsman explained the potential impact:

... prisoners' legitimate expectations may be dashed, inappropriate disparity between prisons entrenched, engagement in rehabilitation undermined - and independent dispute resolution mechanisms like my office (as well as the courts) flooded with even more complaints.¹⁴⁴

140 [Q545](#) [Mr Gyimah MP]

141 [Q217](#) [Professor Liebling]; [Q279](#) [Mr Dawson]; [Q294](#) [Mr Thornhill]; Prison Reform Trust ([PRF0119](#)); Prisons Research Centre ([PRF0156](#)); See also Criminal Justice Alliance ([PRF0062](#))

142 [Q12](#)

143 Liberty ([PRF0097](#)); The Association of Prison Lawyers ([PRF0060](#)); Prisons and Probation Ombudsman ([PRF0101](#)); HM Inspectorate of Prisons ([PRF0155](#))

144 [PRF0101](#). See also [Q329](#) [Ms Moody; Mr Thornhill; Ms Boothman]

When we discussed this with the Deputy Ombudsman she said that there would “undoubtedly be resource implications, both for prisons and for ourselves”, noting that prisons already struggle to answer many complaints satisfactorily.¹⁴⁵ Liberty and the Association of Prison Lawyers highlighted difficulties with existing internal prisons complaints systems and believed that the restrictions made to prisoners’ access to legal aid (under the Criminal Legal Aid (General) (Amendment) Regulations 2013) should be revisited; the Association of Prison Lawyers believed the restrictions had undermined the relationship between access to justice and the performance of governors when prisoners are denied access to rehabilitation.¹⁴⁶ **The differences in practices that are likely to arise from freeing governors from service-wide instructions have the potential to create perceived injustices and to increase complaints to both Independent Monitoring Boards (IMBs) and the Prisons and Probation Ombudsman (PPO). The Ministry’s well-placed efforts to improve perceptions of the independence of these organisations might also drive a rise in complaints. We recommend that the Ministry report back to us on this at six monthly intervals over the two years of implementation. If there is found to be greater demand on IMBs and/or the PPO, the Ministry should make provision for an increase in resources for these bodies.**

Independent monitoring and scrutiny

49. In the White Paper the Ministry sets out a rationale for strengthening the respective roles of the various bodies which have a role in scrutinising the performance of prisons, which include HM Inspectorate of Prisons (supporting the Chief Inspector), Independent Monitoring Boards, and the Prisons and Probation Ombudsman, which are partially addressed by provisions in the Prisons and Courts Bill.¹⁴⁷ We found widespread support for this, but heard that there remain notable shortcomings with regards to perceived independence related to the sponsorship arrangements between these bodies and the Ministry, for example, in making appointments to them, setting their budgets, and managing their performance.¹⁴⁸ Some witnesses raised questions as to whether some bodies should be merged, or whether an independent regulator might be necessary, although there was no appetite for the former among the bodies themselves.¹⁴⁹ We note that there is no provision within the Bill to place the UK’s National Preventive Mechanism and its membership (other than the Inspectorate) on a statutory footing.¹⁵⁰ We shall address some of these matters in our scrutiny of the Prisons and Courts Bill.

145 [Q330](#) [Ms Moody]

146 The Association of Prison Lawyers ([PRF0060](#)); Liberty ([PRF0097](#))

147 Provisions to place the roles of HM Inspectorate of Prisons and the Prisons and Probation Ombudsman on statutory footing are included in the Prisons and Courts Bill. The role of IMBs will be strengthened through changes to governance arrangements. See also [PRF0155](#).

148 National Council of IMBs ([PRF0016](#)); AMIMB ([PRF0024](#))

149 National Preventive Mechanism ([PRF0128](#); [PRF0146](#)); Julian Le Vay ([PRF0137](#)); HM Inspectorate of Prisons ([PRF0155](#)); [Qq314–317](#) [Ms Moody; Mr Thornhill]

150 The UK’s National Preventive Mechanism (NPM) was established in 2009 to deliver the UK’s obligations under the Optional Protocol to the United Nations Convention against Torture (OPCAT), which requires that States Parties establish an independent national body or bodies to monitor all places of detention with a view to preventing ill treatment or torture. The UK NPM’s role is designated by a written ministerial statement and not set out in law, contrary to the requirements of the UN Sub-Committee on Prevention of Torture. See also National Preventive Mechanism ([PRF0128](#); [PRF0146](#))

4 Commissioning

50. Currently, NOMS is responsible for commissioning most services and goods in prisons, although the MoJ is responsible for education contracts¹⁵¹ and the NHS commissions healthcare services in prisons, in partnership with NOMS and Public Health England. The Government proposes to devolve to governors control over education, work, family ties, offender behaviour and resettlement programmes, and to give governors greater influence in commissioning healthcare provision, with NHS England remaining responsible for budgetary and clinical decisions. Most of these new powers take effect from April 2017; education and family services provision will be devolved over the course of the next two years.¹⁵² During that period, the MoJ will also review all expiring national contracts for potential local commissioning.¹⁵³ Responsibility for commissioning policy moves from NOMS to the MoJ in April 2017.¹⁵⁴

Opportunities: better outcomes for prisoners

51. The Government’s rationale for giving governors greater control over commissioning services in their prisons is that this would “put real power in the hands of those who know best what will work in their prison” and thus lead to better outcomes.¹⁵⁵ The proposals are described as a “radical reform to unlock innovation.”¹⁵⁶ Many of our witnesses appeared to agree with this rationale and were optimistic about the opportunities associated with the reforms. They suggested empowered governors could commission services that are better tailored to the needs of their prisoner population, for example by offering non-classroom based educational services that support rehabilitation such as one-to-one peer mentoring and coaching.¹⁵⁷ Witnesses also pointed to the potential of commissioning across agencies in local partnerships to enhance service provision through the gate,¹⁵⁸ as discussed in the previous chapters (paras 27 and 42), and to the potential for governors to commission more flexibly to enable small voluntary sector organisations, who are often disadvantaged in current commissioning processes, to participate.¹⁵⁹

52. Witnesses also suggested that empowered governors could use their freedoms to commission aligned services to support a rehabilitative culture in their prisons. This would require taking into account the interdependencies between health, mental health, education, wellbeing and rehabilitation that witnesses including the British Medical

151 Following the recommendations of Dame Sally Coates in her review of education provision in prisons. Education contracts were commissioned through the Skills Funding Agency and moved to the MoJ in October 2016. Dame Sally also recommended that governors should be responsible for commissioning education in their prisons.

Ministry of Justice, [Unlocking Potential: a review of education in prison](#), May 2016

152 Ministry of Justice, *Prison Safety and Reform*, [Cm9350](#), November 2016, paras 103–169

153 Ministry of Justice ([PRF0126](#)) para 7

154 HC Deb, 8 February 2017, [col 468WS](#); the Ministry explained in written evidence that education and healthcare are devolved in Wales, and governors are expected to “work collaboratively with NOMS Wales and the Welsh Government to ensure consistency of service”; all other offender management services are currently delivered through a single Director for Wales at NOMS, and will be delivered in future in the same way as in England, Ministry of Justice ([PRF0126](#)) paras 45–47

155 Ministry of Justice, *Prison Safety and Reform*, [Cm9350](#), November 2016, para 7

156 *Ibid*, para 31

157 [Q373](#) [Mr Dick]; [Q375](#) [Ms Champion, Ms Rice]; John Sidwell ([PRF0132](#)); Spark Inside ([PRF0111](#))

158 Mayor’s Office for Policing and Crime ([PRF0108](#)); Prison Reform Trust ([PRF0119](#)) paras 22–23; [Q436](#) [Ms Davies]; [Q442](#) [Dr O’Moore]

159 Clinks ([PRF0013](#)); Sodexo ([PRF0051](#)); Ian Blakeman, executive governor of Holme House and Kirklevington Grange reform prisons, told us that he had used his new freedoms to opt out of regional commissioning structures to contract a small charity to deliver family services, [Q192](#)

Association, Kate Davies, Director for Health & Justice at NHS England, and Novus, a provider of education in prisons, pointed out.¹⁶⁰ Dr Eamonn O’Moore, Director for Health & Justice at Public Health England, told us that the reforms would enable a “whole-prison approach” where governors design regimes, including healthcare delivery, to “meet needs across the broadest range of ... [prisoners’] needs”.¹⁶¹ The PGA said that governor empowerment in commissioning services will lead to contextual models that “will give a better service and outcomes for the men, women and children in prison”.¹⁶²

53. Witnesses suggested that the reforms could encourage innovation: according to Interserve, there is “compelling evidence that freedom to innovate within a clear contractual (or performance) framework delivers improvements in standards and outcomes”.¹⁶³ Private prison providers have already enjoyed more freedom over commissioning and some claimed they have driven innovation across the prison estate.¹⁶⁴ As one example, Julia Rogers, Managing Director at Serco, told us about a new “social responsibility unit” that uses psychologists and a rewards system to achieve reductions in violence in HMP Doncaster.¹⁶⁵

54. Our evidence, however, also indicates that there are challenges to the realisation of these opportunities. As noted in chapter 2, governors who have not commissioned education and other services in the past may not have the commercial and contract management skills they need to do so from April, given the swift implementation of the reforms,¹⁶⁶ although Amy Rice, Deputy Director Prison Safety and Reform at the MoJ, suggested the MoJ will provide governors with individual support in this area and retain central oversight of commissioning in prisons.¹⁶⁷ In line with what we discussed in paragraph 30, we heard that innovation will only bring benefits when it is based on evidence and evaluated rigorously to ensure it supports desired outcomes,¹⁶⁸ and when commissioning and procurement processes are designed to facilitate innovation. Nacro suggested that a focus on maximising financial performance can hinder innovation and Catch22 argued that the MoJ must “be prepared to absorb some of the potential reputational risk that may arise from unintended consequences of well thought through and planned initiatives” so governors can innovate without fearing repercussions.¹⁶⁹ It is not yet clear who will be accountable in cases of failure; Amy Rice told us that an accountability framework was being drafted to take effect in April.¹⁷⁰ The new performance agreements are also likely to influence governor behaviour and commissioning decisions. Dr Richard Kirkham, senior lecturer at the University of Manchester, and his colleagues argued that the “existence of inflexible protocols can impede innovation”;¹⁷¹ restrictive agreements could incentivise governors to avoid innovative approaches, the results of which remain uncertain.¹⁷²

160 British Medical Association ([PRF0054](#)) para 2.5, [Q424](#), Novus ([PRF0121](#)) paras 7.2–7.5

161 [Q425](#)

162 [PRF0107](#) para 18

163 [PRF0105](#)

164 Clinks ([PRF0013](#)) para 3.1; Julian Le Vay ([PRF0059](#)); Serco ([PRF0123](#))

165 [Q457](#)

166 [Q257](#); Catch22 ([PRF0122](#))

167 [Q378](#), [Q391](#)

168 [Q408](#) [Mr Dick]; [Q232](#) [Mr Le Vay]; Clinks ([PRF0144](#))

169 [PRF0053](#); [PRF0042](#); see also Prisoner Learning Alliance ([PRF0052](#))

170 [Q404](#)

171 [PRF0125](#) para 2.4; see also [Q236](#) [Ms Harwich]

172 [Q409](#) [Mr Dick]

55. Other challenges raised included:

- there is as yet no robust evidence from the reform prisons on the effects of governor involvement in commissioning¹⁷³
- current and potential providers may struggle to provide locally tailored services, as they do not yet have the information they need to participate in new commissioning cycles¹⁷⁴
- prison staff shortages and a lack of resources have left prisoners unable to be escorted to medical appointments and resulted in an overall paucity of mental healthcare provision across the prison estate;¹⁷⁵ the extent to which governor empowerment can address these issues remains to be seen
- witnesses welcomed the Government's intention to make rehabilitation a statutory purpose of prisons,¹⁷⁶ but our evidence suggests that this may not in itself be enough to create a rehabilitative culture that supports prisoners in reforming their lives. This would require safety and decency,¹⁷⁷ meaningful prisoner-staff relationships,¹⁷⁸ and a shift in prison cultures, described as hierarchical, masculine and risk-averse¹⁷⁹ as well as "negative and non-progressive",¹⁸⁰ that can be hard to shift.¹⁸¹

56. We welcome the opportunity the Government's reforms bring for governors to commission services that support a rehabilitative culture in their prisons, and to do so in innovative ways, but we are concerned about the lack of clarity that surrounds these reforms, which will start to take effect very soon. We are concerned that governors may not have had time to familiarise themselves with the hastily drawn up accountability framework before it begins to apply to them. We recommend that the Government clarifies how prison performance agreements are designed to incentivise innovation and who will be held accountable in cases of poor performance resulting from innovative approaches; and that the Government urgently provide service providers with the information they need to offer services tailored to individual prison populations.

Risks: fragmentation and cost increases

57. The weight of our evidence suggests that the main risk associated with individual governors commissioning services is a lack of alignment across the estate. This risk is particularly significant for education and offending behaviour courses, where current sequencing arrangements that schedule interventions over the course of a prisoner's

173 [Q388](#), although there is anecdotal evidence of reform prison governors commissioning new services, [Q178](#), [Q518](#), Prisoners' Education Trust, "[Wandsworth governor: I'll consider yoga, scaffolding and a tattoo parlour in my prison](#)", 16 September 2016

174 [Q385](#) [Ms Champion]; [Q387](#) [Mr Dick]; learndirect ([PRF0104](#))

175 British Medical Association ([PRF0054](#)) paras 1.3, 2.1–2.3, 3.1; Association of Members of Independent Monitoring Boards ([PRF0124](#)) para 9; British Psychological Society ([PRF0050](#)); 'Prison Psychiatrists warn care is 'at breaking point'', *The Guardian*, 11 March 2017

176 [Q290](#), [Q377](#) [Mr Dick]

177 [Clinks](#) ([PRF0013](#)); HM Chief Inspector of Prisons ([PRF0037](#))

178 The Black Training and Enterprise Group ([PRF0032](#)); Community Union ([PRF0072](#)); Catch22 ([PRF0042](#))

179 Dr Jamie Bennett ([PRF0103](#))

180 Serving prisoner, HMP Frankland ([PRF0083](#))

181 [PRF0106](#), para 2.5

sentence progression, during which they may be held in several prisons, could be lost.¹⁸² The Employment Related Services Association, representing the employment support sector, argued that “there need to be clear measures to ensure that a consistent core of services exists across the prisons estate” and to avoid “misaligned” service provision that “could negatively impact prisoner outcomes across England and Wales”. We heard from former and serving prisoners, and their relatives, that there are already problems with the availability and quality of courses¹⁸³ and the Work and Pensions Committee recently found inconsistency in work and education provision across the prison estate, which makes it difficult for prisoners to continue their learning if they have to be moved at short notice for capacity reasons; the reforms could exacerbate these issues.¹⁸⁴ More generally, the British Association of Counselling and Psychotherapy cautioned that governor empowerment could lead to a “postcode lottery” of services, “with some areas being better equipped and resourced than others”.¹⁸⁵ Amy Rice said the Ministry would retain “central oversight; commissioning at MOJ will set policy frameworks that set out for every governor the minimum standards” within which governors can “buy the best things” for their prisons.¹⁸⁶

58. The risk of inconsistent service provision risk is less substantial for the delivery of healthcare: Kate Davies told us that “NHS England will continue to be the healthcare commissioner” and that they are in a position to ensure consistency both across the prison estate and between prisons and the community.¹⁸⁷ The new co-commissioning arrangements are not substantially different from current practices; Dr O’Moore told us that “our experience based on many years of partnership work with governors, does not start on 1 April. It is a continuum of many years of effective work.”¹⁸⁸ This confirmed what reform prison executive and governing governors told us.¹⁸⁹

59. Another risk associated with the reforms is that the overall cost of service provision in prisons could rise if governors are given commissioning powers, because commissioning processes would need to be reproduced in different prisons and economies of scale in the provision of goods and services could be lost.¹⁹⁰ The Government has not announced additional funding to cover these costs, although they may be mitigated partially by the geographical clustering of prisons that Mr Gyimah described to us.¹⁹¹ Amy Rice told us governors would not commission all services and might choose to ‘opt-in’ to central contracts, which could also mitigate cost increases.¹⁹² However, it is not clear how this would work in practice and how the balance between governor empowerment and central involvement in commissioning will be struck, particularly in light of the move of commissioning responsibilities from NOMS to the MoJ. The MoJ clarified in further written evidence that the overall funding for education in prisons would remain the same.¹⁹³

182 Novus ([PRF0121](#)) para 1.4–1.5

183 Mr Michael Campbell-Brown ([PRF0007](#)); Serving prisoner, HMP Highpoint ([PRF0086](#)); Anonymous, ([PRF0087](#)); Serving prisoner, HMP Wakefield ([PRF0092](#)); Serving prisoner, HMP Bure ([PRF0093](#)); Serving prisoner, HMP Full Sutton ([PRF0095](#)); Serving prisoner, HMP Elmley ([PRF0084](#)) para 29

184 Work and Pensions Committee, Fifth report of session 2016–17, [Support for ex-offenders](#), HC58, paras 10–20

185 [PRF0114](#)

186 [Q391](#)

187 [Q429](#), [Q438](#)

188 [Q439](#)

189 [Qq197–200](#)

190 Serco ([PRF0123](#)), Julian Le Vay ([PRF0113](#)) paras 12–15, learndirect ([PRF0104](#))

191 [Q524](#)

192 [Q398](#)

193 [PRF0143](#)

60. Our evidence suggests that context determines whether services and goods are best commissioned centrally, regionally or locally. Local commissioning can enable governors to tailor services, but Julian Le Vay argued that goods like food and clothing were best commissioned nationally to capture economies of scale, while the Employment Related Services Association argued regional commissioning enabled service providers to operate with leaner management structures so they could dedicate resources to frontline staff, and Interserve, a private provider of probation and custodial services, suggested that “good education provision ... requires a degree of scale to ensure quality and sustainability”.¹⁹⁴ Governor empowerment may bring opportunities to overcome some of the challenges associated with central contracts, which have often been unresponsive:¹⁹⁵ reform prison governors have already used their freedoms to manage central contracts directly, which they said helped them to improve the facilities management service they receive from Carillion.¹⁹⁶ This contract has attracted sustained criticism for failing to deliver a timely and adequate service,¹⁹⁷ although both Mr Gyimah and Nigel Taylor, Managing Director of Carillion Services, told the Committee that contract performance has recently improved and governors had been given greater input.¹⁹⁸ However, it may not be achievable for individual governors to engage directly with all central contract holders.

61. We welcome the principle of greater governor involvement in commissioning goods and services in prisons. It is important that the new commissioning freedoms for governors should be accompanied by central oversight and minimum quality standards to ensure service provision meets expectations and is coordinated across the prison estate to deliver rehabilitative outcomes for prisoners. *We recognise that governor empowerment is likely to lead to differences in service provision across the prison estate and recommend that the Ministry put in place measures to ensure that education, family services and offending behaviour programmes are aligned across the estate to enable prisoners to progress through their sentence, and to ensure these programmes meet minimum quality standards. We also recommend that the Ministry monitor the effect of giving governors commissioning responsibilities on prisoners’ sentence progression and report back to us every six months during the implementation of the reforms. We further recognise that the appropriate level to commission goods and services varies on a case by case basis, and recommend the Government does not take a dogmatic approach to devolving commissioning decisions.*

194 [PRF0113](#) para 17; [PRF0116](#) para 3.4; [PRF105](#)

195 [Q270](#)

196 [Q160](#)

197 Association of Members of Independent Monitoring Boards ([PRF0124](#)) para 12; Serving prisoner, HMP Isle of Wight ([PRF0091](#)), Howard League for Penal Reform ([PRF0014](#)) para 6.8, Prison Governors Association ([PRF0107](#)) para 14

198 [Q476](#), [Q480–483](#), [Q533](#)

Conclusions and recommendations

Introduction

1. Irrespective of the overall desirability and feasibility of the prison reforms, without support from the people who are operating prisons they are unlikely to be effective. *We recommend that the Government seek productive engagement with prison staff and governors through regular meetings, enabling their concerns and ideas to feed into the implementation of the reforms.* (Paragraph 7)

Prison Governance

2. Our evidence does not suggest that the current crisis in prisons was caused by the delineation of responsibilities between the National Offender Management Service and the Ministry of Justice, but there may be a rational case for separating commissioning decisions, which have implications for both private and public sector providers, from the management of the public sector prison service. However, it is not clear how the relationship between HM Prison and Probation Service (HMPPS), responsible for operational management, and the Ministry, responsible for policy and commissioning, will work in practice. This lack of clarity could make it harder to see what is going wrong in prisons and why, and confusion about who is responsible for what could make prisons less safe and effective. It is particularly important that prison governors should receive consistent direction and messages from HMPPS and the Ministry. *We recommend that the Government clarify how the relationships between governors, HMPPS and the Ministry will work in practice.* (Paragraph 11)
3. In principle, transparency about what constitutes good performance is absolutely right. Governors should know the standards against which they will be judged and the public should know what constitutes a successful prison. Such an approach requires both a robust set of performance measures, on which we comment further in the next chapter, and clarity about the consequences of poor performance. Yet it is not clear how the proposed interventions differ from current actions taken in cases of poor performance, and how they will operate in future, including if public prisons could be privatised if they perform poorly and vice versa; it also remains unclear what processes are in place to identify poor performance at an early stage. *Performance agreements were supposed to be put in place in a third of prisons from April 2017, but the Prison Governors' Association advised its members against signing them; we recommend that the Ministry should include in its response to this report information on how many agreements have been signed, and how it will proceed if agreements are not signed. We also recommend that the Ministry urgently provide clarity about the processes for managing poor performance, as well as about how accountability will be attributed in practice, particularly in cases where poor performance is caused by multiple factors which straddle the responsibilities of governors, the Ministry and HM Prison and Probation Service.* (Paragraph 14)
4. We welcome moves to simplify prison policies, but it is clear that the centre must continue to set minimum standards of expectations that apply consistently across prisons. *We recommend that the Ministry put in place the necessary monitoring*

arrangements to ensure that local discretion does not result in unacceptable variation in the treatment of prisoners or serious security failures, and clarifies the role of HM Prison and Probation Service in performance monitoring. (Paragraph 17)

5. There remains considerable uncertainty around how the Government's plans will apply to the privately managed prison estate. It is not clear to us how, or whether, the planned performance agreements will supplement existing contracts or whether they will simply reflect that which providers are already contractually obliged to deliver. Nor is it clear how the proposed intervention powers for the Secretary of State will apply to private sector prisons and how they will work alongside existing contractual remedies. *We recommend that the Ministry clarify how the reforms will apply to private prisons in these respects. (Paragraph 20)*
6. The information currently available to us is not sufficient for us to reach any conclusions on the appropriateness of the management structures the Ministry or HM Prison and Probation Service intends to operate above individual prisons. *We therefore ask that the Government set out its plans in more detail in response to this report. (Paragraph 24)*
7. We welcome the Government's commitment to ensuring governors get the support and development they need, but we are concerned that support structures will not be in place before the reforms begin to take effect in April. We have not seen detail of the geographical and functional clusters in which prisons will be arranged and of the processes by which governors can support each other within these groups. *We recommend that the Ministry clarify what support will be available to governors from April in carrying out their new functions and how they will address potential skills gaps in the short term. (Paragraph 26)*
8. We agree with the Government and witnesses including the Prison Reform Trust that prisons must not be managed in isolation from society outside the prison gates. It is not clear to us, however, how the Government intends to ensure the contributions made by various agencies are, in fact, coordinated at a local level, nor how accountability will be apportioned for post-release outcomes between prison governors and probation services. *We recommend that the Ministry set out its plans on local partnerships and the relationship between prisons and probation services in more detail. (Paragraph 29)*
9. We welcome the Government's commitment to an evidence-based approach to the implementation of the reform programme. *We recommend that the Ministry should ensure that local freedoms granted to governors are underpinned by clear minimum standards for the application of evidence and judgements about impact, drawn up to avoid restricting the delivery of particular activities in prisons, but to provide support to governors in exercising their new freedoms and ensuring that public money is spent on activities that take account of the evidence on what is effective in reducing the risk of re-offending. (Paragraph 31)*
10. Prison management and the provision of safe and decent prison conditions that will promote rehabilitation are complex activities that must be well-grounded in evidence. We are generally supportive of the principle of greater governor empowerment, but we have not seen any evidence that it will lead to better outcomes. The Government's

formal evaluation of the reform prisons is welcome in this respect, although it is customary to evaluate pilots before applying what is tested more widely. We recommend that the Government:

- *publish an evaluation of the impact on performance of granting greater autonomy to governors after 12 months (that is, in April 2018)*
- *set out how it intends to ensure that the planned arrangements for governor autonomy, performance agreements and local discretion are achievable within current worst-case prison population projections*
- *set out in detail how future arrangements for mutual support between prisons and the command of serious incidents will be affected by the changes in organisational arrangements*
- *publish a detailed action plan that ties together safety and reform and sets out the benefits the reforms are intended to realise, as well as clear actions aimed at achieving them and key dates for completion.* (Paragraph 32)

11. We welcome the proposals to professionalise the prison officer role, but are concerned by the apparent lack of certainty about the Government's plans for prison officer resourcing and, in particular, the nature and purpose of the keyworker model. *In their response to this report, we recommend that the Ministry:*

- *clarify the extent to which governors will have freedom to vary the ratio of one prison officer being responsible for the casework of six prisoners, and provide greater clarity about how the model will apply in private prisons*
- *provide greater transparency on the methodology and evidence base used to determine the ratio*
- *set out in more detail the proposed case management role prison officers will undertake and how that role will be delivered in practice, including in terms of time and resource commitments*
- *undertake to report to this Committee at six-monthly intervals on the implementation of the keyworker model and how it is benefiting prisoners, measured for example through sentence progression and through using the Measuring the Quality of Prison Life survey.* (Paragraph 35)

Performance

12. We shall review whether the new official statistics which the Ministry of Justice plans to publish provide the necessary level of public transparency about prison operations and whether there is any material impact on our capacity effectively to scrutinise the Ministry of Justice and HM Prison and Probation Service. (Paragraph 36)

13. We welcome the inclusion of performance measures on staff and prisoner perceptions of safety. *We recommend the Ministry examines whether other aspects of the Measuring the Quality of Prison Life survey for prisoners and the equivalent survey for staff could be used as lead indicators of performance.* (Paragraph 38)
14. We welcome the Ministry's assurances that their performance measures have been developed with rigour and note that they will be subject to ongoing testing, but we have not received sufficient evidence to verify the manner in which they have been tested. *In the light of the challenges arising from the performance metrics for Transforming Rehabilitation, which had limited testing prior to implementation, we recommend that the Ministry explains fully the rigour it has applied to developing the measures in its response to this report, and publishes the results of its testing of them after the first year of use, including an assessment of any limitations of the measures.* (Paragraph 40)
15. *We recommend the Ministry publish information on the controls it intends to put in place to ensure objectivity and consistency in recording performance to avoid bias and manipulation.* (Paragraph 41)
16. It is unclear how governors can be judged accountable for various aspects of rehabilitation and preparation for release when prisoners move between prisons and other actors are involved in delivering the relevant interventions, some of which, such as suitable accommodation post release, are outside governors' direct or indirect control. *We recommend that the Ministry clarify these matters in its response to this report.* (Paragraph 42)
17. It is unclear whether the Ministry is testing alternative performance measures as proposed by some of our witnesses, or whether it intends to bring performance cost and performance measures together. We consider that there is merit in testing measures related to staffing and prisoners' personal development. *We call on the Government to explain in its response whether it is testing other measures and what they are, and if it is not, why these other measures have been discounted.* (Paragraph 43)
18. *The Ministry must provide clarity both to governors and to the public about how it intends to weight indicators of performance, including which it sees as of primary importance.* (Paragraph 45)
19. We conclude that league tables as they were conceived in the White Paper are not a useful means to compare prison performance or drive improvement. A single overarching assessment of prison performance will mask many aspects of performance. If, as the Minister's evidence suggests, the Government has reconsidered this approach and intends now to publish performance data instead, we would support this new approach. *In our view it is more important that the Ministry seeks to understand more fully the factors underpinning poor and high performance and uses the learning to devise lessons to improve practice which are disseminated transparently across the estate. We recommend that the Ministry explain clearly the mechanisms through which they intend to achieve this in their response to this report.* (Paragraph 47)

20. The differences in practices that are likely to arise from freeing governors from service-wide instructions have the potential to create perceived injustices and to increase complaints to both Independent Monitoring Boards (IMBs) and the Prisons and Probation Ombudsman (PPO). The Ministry's well-placed efforts to improve perceptions of the independence of these organisations might also drive a rise in complaints. *We recommend that the Ministry report back to us on this at six monthly intervals over the two years of implementation. If there is found to be greater demand on IMBs and/or the PPO, the Ministry should make provision for an increase in resources for these bodies.* (Paragraph 48)

Commissioning

21. We welcome the opportunity the Government's reforms bring for governors to commission services that support a rehabilitative culture in their prisons, and to do so in innovative ways, but we are concerned about the lack of clarity that surrounds these reforms, which will start to take effect very soon. We are concerned that governors may not have had time to familiarise themselves with the hastily drawn up accountability framework before it begins to apply to them. *We recommend that the Government clarifies how prison performance agreements are designed to incentivise innovation and who will be held accountable in cases of poor performance resulting from innovative approaches; and that the Government urgently provide service providers with the information they need to offer services tailored to individual prison populations.* (Paragraph 56)
22. We welcome the principle of greater governor involvement in commissioning goods and services in prisons. It is important that the new commissioning freedoms for governors should be accompanied by central oversight and minimum quality standards to ensure service provision meets expectations and is coordinated across the prison estate to deliver rehabilitative outcomes for prisoners. *We recognise that governor empowerment is likely to lead to differences in service provision across the prison estate and recommend that the Ministry put in place measures to ensure that education, family services and offending behaviour programmes are aligned across the estate to enable prisoners to progress through their sentence, and to ensure these programmes meet minimum quality standards. We also recommend that the Ministry monitor the effect of giving governors commissioning responsibilities on prisoners' sentence progression and report back to us every six months during the implementation of the reforms. We further recognise that the appropriate level to commission goods and services varies on a case by case basis, and recommend the Government does not take a dogmatic approach to devolving commissioning decisions.* (Paragraph 61)

Appendix: Performance standards

Measures included in the White Paper:

Standard 1: public protection

Holding prisoners securely is the core job of prisons – it protects the public from the risk offenders pose and is the basis of everything else prisons do. We therefore need to be clear on how well prisons are achieving this and that they are doing all they can to prevent security failures.

Security

We will use the number of escapes from closed prisons and the rate of absconds from open prisons as the key measures: minimising escapes is central to protecting the public and delivering the sentence of the court.

Release on temporary licence (ROTL) allows eligible prisoners to be temporarily released for certain purposeful activities, like work. This is an important part of preparing them for release, but public protection remains paramount. So we will look at the rate of prisoner compliance with release on temporary licence as well as the number of offences committed while on ROTL.

Escapes, absconds and failing to return from or committing an offence while on ROTL are rare events, largely because prisons have robust processes in place to prevent them. To give us a full picture and make sure prisons are doing all they can to prevent these serious incidents, the performance framework will include additional measures such as compliance with key parts of security processes, including searching, intelligence, control of prisoner movements and escorts.

Standard 2: safety and order

Prisons need to be and feel safe for both staff and prisoners. Violent incidents are the most obvious issue, but this is also about the wider culture and atmosphere of the prison and the support it provides to vulnerable prisoners.

Safety

We want to use the measure of the rate of assaults on prison staff and the rate of assaults on prisoners. This knowledge will also help us improve the stability and culture of our prisons and provide a safe working environment.

To monitor the success of a prison's strategy for dealing with vulnerable prisoners we will also include the rate of self-harm by prisoners in performance standards.

Perceptions of safety

We will supplement this through additional measures of staff and prisoner perceptions of safety measured through a structured survey to better understand the culture and atmosphere in our prisons.

Order

The rate of incidents of prison disorder (e.g. barricades) will give us a picture of the levels of control and order within prisons.

Standard 3: reform

To reform offenders, we need to be sure they are being given the right services and opportunities across the different areas we know support rehabilitation and help prevent a return to crime.

Health and substance misuse

We want to reduce the level of drug use in prisons, so we will develop for future years a measure to track ‘distance travelled’ by an offender in substance misuse via drug testing on entry and exit.

In the meantime, we will include as a measure the average rate of positive drug tests.

To make sure governors can be held to account for the access to health services for prisoners, performance standards will include the number of medical appointments cancelled due to non-availability of prisoners.

For future years, we will develop further measures of each prison’s work to improve prisoners’ health. We will also work with NHS England, Public Health England and the Welsh Government to improve measurement of mental health outcomes and use this to develop a ‘distance travelled’ measure for prisoner mental health.

Work

To help prisons deliver full and purposeful regimes, the framework will include the number of hours worked in industry.

We recognise we need to develop a more rounded assessment of each prison’s delivery of a full and purposeful regime. Initially, we will develop a measure of the quality of work opportunities offered by prisons. In future years, we intend to measure and publish the time prisoners spend out of their cells, including time spent out of their cells engaging in purposeful activity.

Education

To improve prisoners’ access to education and training, and help them find a job on release, we will compare measures of attainment in English and maths on release with those at the start of custody and look at the number of qualifications, or other employment-focused courses and accreditation, completed by prisoners.

In future, we will improve how we measure education and training by developing measures that assess a prisoner’s progress against milestones in their individual learning plan.

Families

To support prisoners to maintain links back to the community, we will work to develop a measure of the quality of prisoners’ family relationships.

Standard 4: preparing for life after prison

Prisons need to support offenders to prepare for their release, working together with probation and with other services that support the transition through the prison gate.

Work

We will measure the rate of prisoners in employment on release compared to before they entered custody, so we can see how many offenders are entering full-time or part-time work on leaving prison.

Housing

We will look at the rate of prisoners in suitable accommodation on release, compared to before they entered custody, so we can use that information to increase the number of offenders that have somewhere to live when they are released and track progress.

Education

Similarly, the rate of prisoners in full or part-time education after release compared to reception into custody will show us how we have improved prisoners' access to education.

Measures announced in the Written Statement of 23 February:

62. The agreements will include the following standards, based on the aims for prisons set out in the Bill, which governors will be held to account for:

- Protecting the public. We will do this by measuring, from April 2017:
 - The number of escapes from closed prisons;
 - The number of absconds from open prisons; and
 - Compliance with key security processes such as searching.
- Reforming offenders. We will do this by measuring:
 - Time spent out of cell, starting from April 2017 in the prisons where the technology to track this has been introduced;
 - Progress made in getting offenders off drugs. Prisoners will be tested on entry and exit with a phased roll out beginning in 2017;
 - Progress made in health, starting with a measure of medical appointments attended by prisoners starting in England from April 2017;
 - Progress made in maths and English, starting with qualifications gained from April 2017 and introducing testing on entry and exit in the longer term; and
 - Progress in maintaining or developing family relationships. This will be a new measure which we are currently developing.

- Preparing prisoners for life on release. We will do this by measuring, from April 2017:
 - Rate of prisoners being released to suitable accommodation;
 - Rates of sustainable employment, including apprenticeships, and education in the period following release.
- Improving safety. We will do this by measuring, from April 2017:
 - Assaults on prison staff and prisoners;
 - Disorder and self-harm; and
 - Staff and prisoner perceptions of safety.

Formal Minutes

Tuesday 28 March 2017

Members present:

Robert Neill, in the Chair

Alex Chalk	John Howell
Philip Davies	Victoria Prentis
Kate Green	Jo Stevens
Mr David Hanson	Keith Vaz

Draft Report (*Prison reform: governor empowerment and performance*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 61 read and agreed to.

Summary read and agreed to.

A paper was ordered to be appended to the Report.

Resolved, That the Report be the Twelfth 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 19 April at 9.15am]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Tuesday 29 November 2016

Question number

Sam Gyimah MP, Parliamentary Under-Secretary for Prisons and Probation, Ministry of Justice, and **Michael Spurr**, Chief Executive Officer, National Offender Management Service

[Q1–148](#)

Wednesday 14 December 2016

Ian Bickers, Executive Governor, HMP Wandsworth, **Nick Pascoe**, Executive Governor, HMP High Down and HMP Coldingley, **Ian Blakeman**, Executive Governor, HMP Holme House and HMP&YOI Kirklevington Grange, **Neil Richards**, Executive Governor, HMP Ranby, **Louise Spencer**, Governor, HMP High Down, and **Nigel Hirst**, Governor, HMP Ranby

[Q149–206](#)

Wednesday 18 January 2017

Professor Alison Liebling, Director, Prison Research Centre, University of Cambridge, **Mat Ilic**, Strategic Director Justice, Catch22, **Julian Le Vay**, former Finance Director of the Prison Service and Director of Competition in NOMS, and **Eleonora Harwich**, Researcher, Reform

[Q207–251](#)

Andrea Albutt, President, Prison Governors Association, **Ralph Valerio**, National Vice Chair, Prison Officers Association, and **Peter Dawson**, Director, Prison Reform Trust

[Q252–288](#)

Tuesday 31 January 2017

Helen Boothman, Secretary, Association of Members of Independent Monitoring Boards, **John Thornhill**, President, National Council of Independent Monitoring Boards, and **Elizabeth Moody**, Deputy Ombudsman Complaints, Office of the Prisons and Probation Ombudsman

[Q289–337](#)

Peter Clarke, HM Chief Inspector of Prisons, HM Inspectorate of Prisons, and **John Wadham**, Chair, National Preventive Mechanism

[Q338–371](#)

Tuesday 21 February 2017

Amy Rice, Deputy Director, Prison Safety and Reform Lead on Empowerment and Accountable Governors, Ministry of Justice; **Nina Champion**, Head of Policy, Prisoners' Education Trust, Prisoner Learning Alliance; and **Nathan Dick**, Head of Policy and Communications, Clinks

[Q372–422](#)

Kate Davies, Director of Public Health, Armed Forces and their Families and Health & Justice, NHS England; **Dr Rachael Pickering**, Co-chair, BMA Forensic Medicine Committee; and **Dr Eamonn O'Moore**, Public Health England and Director of the UK Collaborating Centre to the WHO Health in Prisons Programme

[Q423–448](#)

Tuesday 28 February 2017

Janine McDowell, Chief Operating Officer, Justice UK and Ireland, Sodexo; **Jerry Petherick**, Managing Director Custodial Detention Services, G4S; **Julia Rogers**, Managing Director, Justice and Immigration, Serco; and **Nigel Taylor**, Managing Director, Carillion Services

[Q449–507](#)

Sam Gyimah MP, Minister of State for Prisons and Probation, Ministry of Justice

[Q508–553](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

PRF numbers are generated by the evidence processing system and so may not be complete.

- 1 A serving prisoner, HMP Holme House ([PRF0100](#))
- 2 AELP/ERSA ([PRF0045](#))
- 3 AMIMB ([PRF0024](#)), ([PRF0124](#))
- 4 British Association for Counselling and Psychotherapy ([PRF0114](#))
- 5 British Medical Association (BMA) ([PRF0054](#))
- 6 BTEG ([PRF0032](#))
- 7 Carillion ([PRF0131](#))
- 8 Catch22 ([PRF0042](#)), ([PRF0122](#))
- 9 Catholic Bishops' Conference of England and Wales ([PRF0009](#))
- 10 Catholic Bishops' Conference of England and Wales, Church of England, and the Free Churches Group ([PRF0109](#))
- 11 Centre for Crime and Justice Studies ([PRF0056](#))
- 12 Centre for Entrepreneurs ([PRF0027](#))
- 13 Chartered Institute of Library and Information Professionals (CILIP) ([PRF0010](#))
- 14 City&Guilds ([PRF0034](#))
- 15 Clinks ([PRF0013](#)), ([PRF0120](#))
- 16 Community ([PRF0072](#))
- 17 Confederation of British Industry (CBI) ([PRF0040](#))
- 18 Criminal Justice Alliance ([PRF0062](#))
- 19 Dr David Scott ([PRF0102](#))
- 20 Dr Harry Annison ([PRF0012](#))
- 21 Dr Jamie Bennett ([PRF0103](#))
- 22 Dr Philippa Tomczak ([PRF0008](#))
- 23 Dr Richard Kirkham ([PRF0125](#))
- 24 Dyslexia Adult Network ([PRF0017](#))
- 25 Employment Related Services Association ([PRF0116](#))
- 26 Equality and Human Rights Commission ([PRF0073](#))
- 27 Further written evidence from a serving prisoner, HMP Lowdon Grange ([PRF0098](#))
- 28 G4S ([PRF0135](#))
- 29 GM Police and Crime Commissioner ([PRF0058](#))
- 30 His Honour John Samuels QC ([PRF0096](#))
- 31 HM's Inspectorate of Prisons ([PRF0037](#))
- 32 HM's Inspectorate of Probation ([PRF0019](#))
- 33 Howard League for Penal Reform ([PRF0014](#))

- 34 Independent Monitoring Boards ([PRF0016](#))
- 35 Interserve ([PRF0105](#))
- 36 Interserve Plc ([PRF0064](#))
- 37 Julian Le Vay ([PRF0137](#))
- 38 learndirect ([PRF0104](#))
- 39 Liberty ([PRF0097](#))
- 40 Lord David Ramsbotham ([PRF0099](#))
- 41 Mayor's Office for Policing and Crime (MOPAC) ([PRF0108](#))
- 42 Michelle Banville ([PRF0004](#))
- 43 Ministry of Justice ([PRF0074](#)), ([PRF0126](#))
- 44 Mother of a serving prisoner ([PRF0043](#))
- 45 Mr Andy Stelman ([PRF0002](#))
- 46 Mr Idris Morris ([PRF0011](#))
- 47 Mr John Sidwell MBE ([PRF0132](#)), ([PRF0138](#))
- 48 Mr Julian Le Vay ([PRF0059](#)), ([PRF0113](#)), ([PRF0115](#))
- 49 Mr Michael Campbell-Brown ([PRF0007](#))
- 50 MTCnovo ([PRF0039](#))
- 51 Nacro ([PRF0053](#))
- 52 National Preventive Mechanism ([PRF0128](#))
- 53 NHS England ([PRF0134](#))
- 54 Novus ([PRF0046](#)), ([PRF0121](#))
- 55 Parole Board for England & Wales ([PRF0071](#))
- 56 People Arise Now ([PRF0025](#))
- 57 Prison Governors Association ([PRF0107](#))
- 58 Prison Officers Association ([PRF0081](#))
- 59 Prison Reform Trust ([PRF0021](#)), ([PRF0119](#))
- 60 Prison Research Centre ([PRF0156](#))
- 61 Prisoner Learning Alliance (PLA) ([PRF0052](#))
- 62 Prisons and Probation Ombudsman ([PRF0031](#)),([PRF0101](#)), ([PRF0139](#))
- 63 Prisons Research Centre, University of Cambridge ([PRF0022](#))
- 64 Probation Institute ([PRF0018](#)), ([PRF0117](#))
- 65 Pupils 2 Parliament ([PRF0055](#))
- 66 Quaker Crime, Community and Justice Sub-Committee ([PRF0006](#))
- 67 RAND Europe ([PRF0110](#))
- 68 Restorative Justice Council ([PRF0061](#))
- 69 Robert Jones ([PRF0065](#))
- 70 RReD ([PRF0028](#))
- 71 Seetec BTC Ltd ([PRF0005](#))

- 72 Serco Justice & Immigration ([PRF0041](#))
- 73 Serco plc ([PRF0123](#))
- 74 Sheila Field ([PRF0082](#))
- 75 SMCUK ([PRF0133](#))
- 76 Sodexo ([PRF0051](#))
- 77 Spark Inside ([PRF0111](#))
- 78 St Mungo's ([PRF0044](#))
- 79 Steps2Recovery ([PRF0023](#))
- 80 techUK ([PRF0068](#))
- 81 The Association of Prison Lawyers ([PRF0060](#))
- 82 The British Association of Counselling and Psychotherapy ([PRF0029](#))
- 83 The British Psychological Society ([PRF0050](#))
- 84 The Criminal Bar Association ([PRF0035](#))
- 85 The Disabilities Trust ([PRF0033](#))
- 86 The Open University ([PRF0057](#))
- 87 The Parole Board England and Wales ([PRF0118](#))
- 88 The Royal College of Psychiatrists ([PRF0063](#))
- 89 The Royal College of Speech and Language Therapists ([PRF0069](#)), ([PRF0130](#))
- 90 The RSA/Transitions Spaces ([PRF0026](#))
- 91 The Standing Committee for Youth Justice ([PRF0015](#))
- 92 Transition 2 Adulthood (T2A) Alliance ([PRF0036](#))
- 93 Unilink ([PRF0070](#))
- 94 University of Cambridge ([PRF0106](#))
- 95 User Voice ([PRF0048](#))
- 96 Wife of serving prisoner ([PRF0136](#))
- 97 Women in Prison ([PRF0080](#))
- 98 Working Links ([PRF0038](#))
- 99 Written evidence from a serving prisoner, HMP Bure ([PRF0093](#))
- 100 Written evidence from a serving prisoner, HMP Channings Wood ([PRF0090](#))
- 101 Written evidence from a serving prisoner, HMP Elmley ([PRF0084](#))
- 102 Written evidence from a serving prisoner, HMP Frankland ([PRF0083](#))
- 103 Written evidence from a serving prisoner, HMP Frankland ([PRF0094](#))
- 104 Written evidence from a serving prisoner, HMP Full Sutton ([PRF0095](#))
- 105 Written evidence from a serving prisoner, HMP Highpoint ([PRF0086](#))
- 106 Written evidence from a serving prisoner, HMP Isle of Wight ([PRF0091](#))
- 107 Written evidence from a serving prisoner, HMP Littlehey ([PRF0088](#))
- 108 Written evidence from a serving prisoner, HMP Lowdham Grange ([PRF0085](#))
- 109 Written evidence from a serving prisoner, HMP Norwich ([PRF0089](#))
- 110 Written evidence from a serving prisoner, HMP Wakefield ([PRF0092](#))
- 111 Written evidence from anonymous ([PRF0087](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

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

Session 2015–16

First Report	Draft Allocation Guideline	HC 404
Second Report	Criminal courts charge	HC 586 (HC 667)
Third Report	Appointment of HM Chief Inspector of Prisons and HM Chief Inspector of Probation	HC 624
Fourth Report	Criminal Justice inspectorates	HC 724 (HC 1000)
Fifth Report	Draft sentencing guideline on community and custodial sentences	HC 876
Sixth Report	Prison Safety	HC 625 (HC 647)
First Special Report	Women offenders: follow-up: Government response to the Committee's Thirteenth Report of Session 2014–15	HC 374

Session 2016–17

First Report	Reduction in sentence for a guilty plea guideline	HC 168
Second Report	Courts and tribunals fees	HC 167 (Cm 9300)
Third Report	Pre-appointment scrutiny of the Chair of the Judicial Appointments Commission	HC 416
Fourth Report	Restorative Justice	HC 164 (Cm 9343)
Fifth Report	Sentencing Council draft guidelines on sentencing of youths and magistrates' court sentencing	HC 646
Sixth Report	The role of the magistracy	HC 165 (Cm 9368)
Seventh Report	The treatment of young adults in the criminal justice	HC 169 (Cm 9388)
Eighth Report	Draft Sentencing Guidelines on bladed articles and offensive weapons	HC 1028
Ninth Report	Implications of Brexit for the justice system	HC 750

Tenth Report	The implications of Brexit for the Crown Dependencies	HC 752
Eleventh Report	Appointment of the Chair of the Office for Legal Complaints	HC 1075
First Special Report	Prison safety: Government Response to the Committee's Sixth Report of Session 2015–16	HC 647