



House of Commons
Justice Committee

HM Inspectorate of Prisons report on HMP Liverpool

Fifth Report of Session 2017–19

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

*Ordered by the House of Commons
to be printed 7 February 2018*

Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

Current membership

[Robert Neill MP](#) (*Conservative, Bromley and Chislehurst*) (Chair)

[Mrs Kemi Badenoch MP](#) (*Conservative, Saffron Walden*)

[Ruth Cadbury MP](#) (*Labour, Brentford and Isleworth*)

[Alex Chalk MP](#) (*Conservative, Cheltenham*)

[Bambos Charalambous MP](#) (*Labour, Enfield, Southgate*)

[Mr David Hanson MP](#) (*Labour, Delyn*)

[John Howell MP](#) (*Conservative, Henley*)

[Gavin Newlands MP](#) (*Scottish National Party, Paisley and Renfrewshire North*)

[Victoria Prentis MP](#) (*Conservative, Banbury*)

[Ellie Reeves MP](#) (*Labour, Lewisham West and Penge*)

[Ms Marie Rimmer](#) (*Labour, St Helens South and Whiston*)

Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

Committee reports are published on the Committee's website at www.parliament.uk/justicecttee and in print by Order of the House.

Committee staff

The current staff of the Committee are Rhiannon Hollis (Clerk), Danielle Nash (Second Clerk), Gemma Buckland (Senior Committee Specialist), Nony Ardill (Legal Specialist), Claire Hardy (Committee Specialist), Christine Randall (Senior Committee Assistant), Su Panchanathan (Committee Assistant), and Liz Parratt and Simon Horswell (Committee Media Officers).

Contacts

All correspondence should be addressed to the Clerk of the Justice Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 8196; the Committee's email address is justicecom@parliament.uk.

Contents

1	The inspection of HMP Liverpool	3
	HM Inspectorate of Prisons and the “Urgent Notification Protocol”	4
2	Follow-up on the 2015 inspection report	6
3	Oversight of HMP Liverpool and accountability for ensuring improvement	8
	Oversight of the facilities management contract	9
	The impact of rises in the population and the use of unfit cells	10
	Healthcare at HMP Liverpool	11
	Our intention to hold the Government and HMPPS to account for future failings	12
	Conclusions and recommendations	14
	Formal minutes	16
	Witnesses	17
	List of Reports from the Committee during the current Parliament	18

1 The inspection of HMP Liverpool

1. Her Majesty's Prison Liverpool (HMP Liverpool) is a category B men's prison covering a 22-acre site in the centre of Liverpool. It was built in 1855 and at the end of September 2017 Her Majesty's Prison and Probation Service (HMPPS) judged that it could safely hold up to 1,222 men.¹ The Inspectorate have characterised the prison as "a traditional local jail with a very strong sense of local identity",² and it is often referred to by its original, Victorian, name of "Walton Jail" in local press reports.
2. The prison was inspected by Her Majesty's Inspectorate of Prisons (HMIP) between 5 and 14 September 2017 and the report, published on 19 January 2018, found the prison had "basic failings" that were "painfully obvious".³
3. HMIP is an independent inspectorate which reports on conditions for and treatment of those in prison and other places of detention. Most inspections (including that of HMP Liverpool) are unannounced. Inspections of prisons in England and Wales are conducted by HMIP, jointly with Ofsted, the Care Quality Commission, the General Pharmaceutical Council and HM Inspectorate of Probation in England, and jointly with the equivalent devolved bodies in Wales.
4. HMIP judge the outcomes for prisoners against four tests: safety; respect; purposeful activity; and rehabilitation and release planning. Outcomes are judged on a four-point scale, of: good (the highest); reasonably good; not sufficiently good; and poor (the lowest). The Inspectorate uses five key evidence sources: observation; prisoner surveys; discussions with staff; discussion with prisoners; and documentation. HMP Liverpool was judged to be poor for respect and purposeful activity, and not sufficiently good on rehabilitation and safety.
5. On 16 October the Liverpool Echo, a local print and online newspaper, reported that the prison Governor, Peter Francis, had been "removed from his post after a snap inspection".⁴ On 18 December 2017 news outlets, including the BBC,⁵ reported leaked content from the unpublished Inspection report. News reports talked about "squalid conditions" and contained images of cockroaches, and quoted findings from the HMIP report that half of prisoners said they had been victimised by staff, and one third felt unsafe.
6. We were deeply concerned about the reported findings and decided to hold an evidence session immediately after the publication of the report.

1 Operational Capacity, defined as "The operational capacity of a prison is the total number of prisoners that an establishment can hold taking into account control, security and the proper operation of the planned regime. It is determined by the Prison Group Director's on the basis of operational judgement and experience."; Downloaded on 28.1.18 from; HM Prison and Probation Service; https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/651825/prison-pop-september-2017.rtf

2 Her Majesty's Inspectorate of Prisons, Report on an unannounced inspection of HMP Liverpool (4–15 September 2017)

3 Her Majesty's Inspectorate of Prisons, Report on an unannounced inspection of HMP Liverpool (4–15 September 2017)

4 [The Liverpool Echo](#), Walton Prison governor removed from job after snap inspection, 16 October 2017

5 [BBC News](#), Liverpool jail: the worst conditions ever seen says report, 18 December 2017.

HM Inspectorate of Prisons and the “Urgent Notification Protocol”

7. On 30 November 2017 the Ministry of Justice and HMPPS introduced an “Urgent Notification Protocol” which formalised a process for the Chief Inspector to notify the Secretary of State of “significant concerns with regard to the treatment and conditions of those detained”.⁶ The protocol states that the Chief Inspector will write to the Secretary of State within 7 calendar days of an inspection concluding, and commits the Secretary of State to publicly respond within 28 calendar days with an action plan. The Government has also established a new unit within HMPPS with the remit of responding to HMIP reports and recommendations.

8. The inspection of HMP Liverpool took place before the new protocol was in place, but the Chief Inspector wrote to the head of HMPPS, Michael Spurr on 19 September, stating that “it is my judgement that had the forthcoming Urgent Notification process been in place, the inspection findings at Liverpool last week would undoubtedly have prompted such a notification to the Secretary of State. The problems at HMP Liverpool are so severe that I believe they need urgent intervention ...”. The Chief Inspector shared this letter with us on 30 October.⁷

9. Our one-off session took place on 24 January. We heard from the newly appointed Minister of State responsible for prisons, Rory Stewart; officials from Her Majesty’s Prison and Probation Service; officials from NHS England, who provided healthcare in the prison; the facilities provider Amey, who hold the maintenance contract; and the incoming Governor. Following the session, we wrote to the Ministry of Justice and NHS England seeking more detailed information. We will pursue the issues raised in our letter in due course. In the meantime, however, due to the severity of the issues identified, we decided to produce this short report to make recommendations for immediate improvements, and to make clear our intention to hold Government to account when prisons fail.

10. Previous Justice Committees have looked at the oversight and management of prisons, notably in reports on Governor Empowerment;⁸ which was introduced in 2016; on part 1 of the Prison and Courts Bill⁹ and on prison safety. Although the Prisons and Courts Bill fell when Parliament was dissolved before the 2017 General Election, the Government announced it would take forward many of its provisions by non-legislative means.¹⁰ The system under which prisons are managed has been subject to considerable change and we intend to return to this topic in future reports. This report is intended to focus solely on what needs to change immediately as a result of the findings of the inspection at HMP Liverpool.

11. Our report is not intended to reach any judgements about the actions of the governor of HMP Liverpool at the time of the inspection, Mr Francis. We did not explore this during

6 [Protocol](#) between The Ministry of Justice and HM Chief Inspector of Prisons, 30 November 2017.

7 Mr Neill MP, Chair of the Committee, wrote to HM Chief Inspector of Prisons on 25 October 2017 requesting letters sent from the Chief Inspector to the Ministry of Justice and HMPPS in relation to some prison establishments. The Chief Inspector shared the letters with the Committee on 30 October 2017. Q2 and Q114

8 Justice Committee, twelfth report of the session 2016–17, Prison reform: governor empowerment and prison performance, [HC1123](#)

9 Justice Committee, Fourteenth report of the session 2016–17, Prison reform: Part 1 of the Prisons and Courts Reform Bill, [HC 1150](#)

10 Justice Committee, sixth report of the session 2015–16, Prison safety [HC625](#)

the evidence session, and we did not take evidence from Mr Francis. We did however hear evidence which gave us reason for concern about the level of support provided to prison governors under present arrangements.

2 Follow-up on the 2015 inspection report

12. HMIP visited Liverpool prison between 11 and 22 May 2015,¹¹ and found that outcomes were not sufficiently good across each of the four healthy prisons tests. The 2015 report stated that the environment was very poor, outside areas were dirty with litter strewn on the ground, and accommodation was dirty, crowded and poorly equipped. At our evidence session on 24 January 2018 we heard that recommendations made following that inspection had not been implemented (or achieved as HMIP reports term it) when HMIP visited again in September 2017.¹² We heard, in fact, that conditions in the prison had deteriorated in that time. The 2017 Inspection report noted that violence of all kinds had increased, and the high prevalence of drugs was likely to have been a contributory factor.

13. During the hearing, we questioned the head of the prison service, Michael Spurr, about why recommendations had not been successfully implemented. He told us that, in May 2017, the prison reported that 66% of HMIP’s recommendations were on track to be delivered. In the event, however the HMIP report stated that in September 2017 25% of those recommendations had been achieved, and 60% had not been achieved, with the remainder partially achieved (16%)¹³. Mr Spurr told us that “[t]here was a failure at local level to follow through on the recommendations [made by HMIP in 2015] and I accept that from an organisational perspective we did not have enough robust governance above establishment level to make sure that [the recommendations made in 2015] were being delivered properly”.¹⁴

14. It appears that the prison’s own reporting masked the extent of deterioration at HMP Liverpool after the 2015 inspection. Mr Spurr also told us that there had been no formal process in place for reporting responses to HMIP recommendations to Ministers at the time of the 2015 inspection, and that no Minister had asked for an update on progress against the 77 recommendations made by HMIP about HMP Liverpool.¹⁵

15. It does not appear that this failure to achieve the inspectorate’s recommendations is unique to HMP Liverpool. Recent months have seen a “very disappointing”¹⁶ inspection of Swansea and an inspection report highlighting a “persistence of failure” at Wormwood Scrubs.¹⁷ Both of these reports also drew attention to a lack of demonstrable improvement since previous inspections. Furthermore, in January the Inspectorate issued its first urgent notification, regarding HMP Nottingham.¹⁸ The urgent notification letter cited poor ratings in 2014 and 2016 inspections and stated that “as an inspectorate we can recall only one previous occasion when the safety of a prison has been assessed as poor following three consecutive inspections”.

11 [Her Majesty’s Inspectorate of Prisons](#), Report on an unannounced inspection of HMP Liverpool (11–22 May 2015)

12 [Her Majesty’s Inspectorate of Prisons](#), Report on an unannounced inspection of HMP Liverpool (4–15 September 2017)

13 Figures round 101%

14 Q5

15 Q19 - 22

16 [Her Majesty’s Inspectorate of Prisons](#), Report on an unannounced inspection of HMP Swansea (7, 8, 14–17 August 2017)

17 [Her Majesty’s Inspectorate of Prisons](#), Report on an unannounced inspection of HMP Wormwood Scrubs (31 July–11 August 2017)

18 [Urgent Notification](#): HM Prison Nottingham

16. The new Minister of State responsible for prisons, Rory Stewart, told us that “it seems to me that we could make much better use of the inspection reports and really use them to drive cultural change”.¹⁹ The Minister noted that a unit had been set up within HMPPS by the previous Secretary of State, Mr David Lidington, MP, to follow up on HMIP inspection reports. He stated that “[w]e should make the inspection reports absolutely front and centre in how we judge prisons”.

17. We are concerned that recommendations made by HMIP did not result in improvements in HMP Liverpool, and we are further concerned that this also appears to be the case in other prisons. We welcome the new unit within HMPPS to respond to HMIP recommendations, and the new Minister’s commitment to using HMIP reports to drive change. However, we remain concerned that structure creates a situation whereby HMPPS are effectively ‘marking their own homework’. *We recommend that HMIP should be given additional resources to follow-up on recommendations, and hold prisons to account when they do not achieve recommendations. We also recommend that Ministers should take personal responsibility for ensuring that recommendations are implemented. They should report to Parliament on progress against recommendations at intervals. We suggest that could be done by means of a letter to this Committee.* We, as a Committee, intend to continue to hold Ministers and officials to account for delivery within individual establishments, particularly when the independent inspectorate highlight urgent concerns.

3 Oversight of HMP Liverpool and accountability for ensuring improvement

18. Our evidence session on 24 January highlighted that governance structures in place at local, regional and national level did not prevent HMP Liverpool from declining between the 2015 and 2017 inspections. Mr Spurr told us that the Governor was primarily responsible for ensuring that an action plan put in place after the 2015 inspection was delivered,²⁰ but added that “processes above establishment level for following through on how effectively that action plan was being implemented were not sufficiently robust.”²¹

19. At the national level, it appears that HMPPS were not aware of how bad the conditions at HMP Liverpool were. Michael Spurr told the Committee that the HMPPS’ assessment of HMP Liverpool was “level 1”²² (the worst rating) but he conceded that the situation was worse than he had anticipated and that he “had not recognised the deterioration in conditions” prior to seeing the HMIP report.^{23 24}

20. At the regional level, it was not clear whether the Deputy Director of Custody (DDC), who sat above the Governor and had oversight of 12 prisons,²⁵ was aware of the extent of the problems with HMP Liverpool. Mr Spurr assured the Committee that the DDC was taking action to resolve problems before the HMIP visit in 2017, particularly around the living conditions and accommodation, but he went on to state that “the action was not sufficient to have made a difference by the time the inspection came.”²⁶ Mr Spurr told the Committee that regional oversight was “quite light” reflecting a 37% cut in expenditure above establishment level and that the DDC’s team was significantly reduced.²⁷ We heard that HMPPS has taken action to “provide more capacity to oversee establishments by splitting the responsibilities and by reducing the span of control at each level above establishment”,²⁸ recognising that the responsibilities on them were “too great for individuals to deal with”.²⁹

21. At the local level, prison managers had not taken enough action to prevent the deterioration of the prison. One of the key concerns raised by the HMIP report was that the prison had become unclean and while the report recognised that managers had had “alerted regional and national managers to the indecent conditions” and that the support they received was “inadequate”, it also states that “[p]rison managers had not taken all the

20 Q5
 21 Q4
 22 Q3
 23 Q12
 24 Q11
 25 Q5, and Q32
 26 Q36
 27 Q18
 28 Q34
 29 Q34

actions that were within their control, such as ensuring that the prison was kept clean.”³⁰ During the hearing, the new governor, Pia Sinha, told us that “cleanliness is definitely within our gift. There is no excuse for an unclean jail”.³¹

22. We heard from Michael Spurr and from Pia Sinha that efforts are underway to address concerns at HMP Liverpool. Ms Sinha told us that she had “initiated a deep clean of all external areas” and that she had increased the number of prisoners cleaning, and increased the staff supervising cleaning from 1 to 3.³² We were aware that HMPPS had published an action plan on the same day as the inspection which accepts 55, and partially accepts a further 10 of the 72 HMIP recommendations, and lists specific actions against each accepted or partially accepted recommendation.³³ During the hearing we heard that HMPPS have increased the number of operational staff, and that they had instituted a new offender management model. Mr Spurr told us that “The new governor has implemented new profiles and arrangements for staffing and resourcing to make the regime work more effectively” and he noted that “it should have been done earlier”.³⁴

23. National, regional and local management failed in their oversight of HMP Liverpool, and the evidence suggests that, in varying degrees, that failure was not limited to one establishment. We welcome actions taken at HMP Liverpool to try and improve the current situation and take reassurance from the publication of an action plan. We note, however, that the action plan put in place in HMP Liverpool in 2015 did not result in the improvements required. This time it is imperative that the Governor, with support from regional and national management, is able to deliver on her plans. We are concerned about the failings of oversight at HMP Liverpool and that it appears that regional and national management were unaware of the extent of the decline of the establishment. We welcome Michael Spurr’s comments about reducing the span of control at Director level in order to give them more capacity to oversee establishments. We are, however, surprised that this issue has not been identified and addressed before. We hope that this strengthens the “above establishment level” management, so that, in future, regional management (including the Deputy Director of Custody) are aware of issues; so that those issues are reported to HMPPS centrally; and so that it is clear what action is being taken. The Committee will keep the efficacy of changes under close review.

Oversight of the facilities management contract

24. HMIP highlighted unacceptably low living conditions for prisoners at HMP Liverpool.³⁵ The report cited broken windows in cells, piles of rubbish, and lavatories that were filthy, blocked and leaking. At HMP Liverpool maintenance is managed under a national contract with Amey which covers prisons in the North of England. At HMP Liverpool there was a backlog of 1,000 maintenance jobs at December 2016 which had

30 [Her Majesty’s Inspectorate of Prisons](#), Report on an unannounced inspection of HMP Liverpool (4–15 September 2017), paragraph S23

31 Q67

32 Q65

33 [Action Plan](#): HMP Liverpool. A response to the HMCIP Inspection Report. Published 19th January 2018. Page 9 para 1.

34 Q26

35 [Her Majesty’s Inspectorate of Prisons](#), Report on an unannounced inspection of HMP Liverpool (4–15 September 2017)

grown to 2,000 by September 2017.³⁶ Kevin Miller, Director of Facilities Management at Amey, told us that this was “not an acceptable situation”.³⁷ ³⁸ We were told by Mr Spurr and Mr Miller that the backlog had resulted from rising vandalism and we heard that Amey had increased staff from 21, envisaged in the original contract, to 32 at the time of our session, and that they were recruiting a further 8 to cope with the work that was required. Mr Spurr told us that he was “not happy with performance on facilities management across the whole estate”.³⁹ He went on to tell us that HMPPS need to reset the contract to consider the “reality” of the situation and put more resources towards “reactive maintenance”. Both Mr Spurr and Mr Miller confirmed to us that penalties had been levied against Amey and that they recognised the service “was not where it should be”.⁴⁰

25. We were not satisfied with the explanations we heard of the rising backlog of maintenance tasks, and we have concerns about how well the facilities management contract was working at HMP Liverpool. The performance of contractors in prisons has a direct effect on the conditions in which prisoners must live, and contractors are in receipt of large sums of public money. We believe that the systems for managing contractors and penalising poor performance are not sufficiently transparent. We recommend that major contracts are subject to a public framework which outlines expectations, performance and penalties levied against the provider. If contractors are penalised for poor performance there should be an annual public notification of where, why and by how much, as a percentage of the value of the contract.

The impact of rises in the population and the use of unfit cells

26. One of the issues raised by the HMIP report and by witnesses during the hearing was that the decline in living conditions was so acute that some cells should not have been in use. Concerns were raised by the prison about the need to take cells out of use in summer 2016, but when the inspectors visited in September 2017 they found men living in cells which “were not fit for use and should have been decommissioned”.⁴¹ Mr Spurr told us that “we should have taken more cells out of use” and that “cells that should have been identified as being not fit for use were retained”.⁴² ⁴³ He also told us that “there were failures in local governance. There was a RAG rating system to identify the cells that were not fit for use. It had not been operated effectively during that period”.⁴⁴ When the prison did take 50 cells out of use, they were returned to use shortly before the inspection, which Mr Spurr told us should not have happened.⁴⁵

27. Mr Spurr informed us that part of the reason that these cells were in use was that there was pressure on capacity across the estate following unexpected rises in the prison

36 [Her Majesty's Inspectorate of Prisons](#), Report on an unannounced inspection of HMP Liverpool (4–15 September 2017)

37 [The Annual Report of the Independent Monitoring Board](#). 1st January - 31st December 2016. Her Majesty's Prison Liverpool

38 Q refs

39 Q62

40 Q61 and 62

41 [Her Majesty's Inspectorate of Prisons](#), Report on an unannounced inspection of HMP Liverpool (4–15 September 2017)

42 Q41

43 Q3

44 Q9

45 Q6

population over summer 2017. Mr Spurr went on to explain that concurrent with rises in the population, cells at HMP Haverigg had been taken out of use, and HMP Kennet had been closed,⁴⁶ and while that “does not excuse using cells that we should not have had in use” and that “[HMPPS] did not say to anybody, ‘Use cells that should not be used’”^{47 48} that was the context within which decisions were made. We note that at the end of September 71 of 116 prisons were over crowded (including HMP Liverpool) and between them they were holding 9,857 people more than their certified normal accommodation.⁴⁹ Mr Spurr also noted that there had been other challenges which the Governor of HMP Liverpool had needed to concentrate on at the time; in particular there had been an escape from the prison and the Governor had accordingly focused on security.⁵⁰ We have requested further details about the reasons why these cells remained in use and may return to this issue in due course.

28. Commenting on living standards, the new Minister, Rory Stewart MP, told us that “[m]y instinct is that we need to get back to basics. We need to absolutely insist that we are going to run clean, decent prisons.” The Minister placed an emphasis on strong leadership, noting the new governor’s commitment to driving improvement in HMP Liverpool, and he stated that that “[i]n the end, it is a question of leadership.”⁵¹

29. It should not have been the case that prisoners in HMP Liverpool were living in cells deemed not fit by the Inspectorate and we welcome the new Minister, Rory Stewart MP’s, commitment to a “back to basics” approach. While the Committee agrees with his sentiment, particularly when there is a prison in difficulty as was the case at Liverpool, we also note the need for a long-term, system wide response. We recommend that the Minister, the Ministry of Justice and HMPPS publish a plan to resolve the persistent overcrowding of the estate, so that governors do not feel pressure to house men or women in cells that are deemed unfit. It is clear that in order to be successful, such a plan must aim to reduce the prison population and / or increase safe and decent capacity, and we will return to this question.

Healthcare at HMP Liverpool

30. HMIP raised serious concerns about the quality of, and access to, healthcare in the prison and representatives of NHS England acknowledged these concerns to us in the hearing. We took Evidence from Julie Dhuny, Head of Commissioning, Health and Justice, North Region, and from Kate Davies, Director of Health and Justice, Armed Forces and Sexual Assault Services Commissioning, both NHS England. We heard that delivering healthcare happens in partnership between the healthcare provider and the prison, and that there were failings by both parties at HMP Liverpool. For example, HMIP reported that prisoners were not able to attend their appointments because they were locked in their cells,⁵² and Kate Davies told the Committee that this was down to failings in “the

46 Q4

47 Q6

48 Q6

49 [Ministry of Justice](#), population bulleting, monthly September 2017

50 Q12

51 Q111

52 [Her Majesty’s Inspectorate of Prisons](#), Report on an unannounced inspection of HMP Liverpool (4–15 September 2017)

systems within the prison officer and healthcare regime.”⁵³ NHS England noted that they were commissioning healthcare at “probably the most challenging time in prisons” and they had struggled to recruit and retain staff.^{54 55}

31. Julie Dhuny told us that NHS England had commissioned a new health needs assessment of HMP Liverpool, and had set work in train to create an action plan. Both representatives of NHS England and the Governor told us that there had been efforts to work in partnership, including instituting a board to monitor improvement which was jointly chaired by Julie Dhuny from the healthcare side, and Pia Sinha from the prison side. Pia Sinha told us that work already undertaken had reduced the do not attend rate for healthcare from “the 40% mark” to “the 20% mark”.⁵⁶ Kate Davies told us that a national level partnership agreement, between NHS England and HMPPS would be published in April 2018.⁵⁷ We note that the last partnership agreement, which outlined respective responsibilities aligned to a shared set of objectives, was extended to April 2017 so one will not have been in place for 12 months at the point the new agreement is published.⁵⁸

32. We heard that there had been instability in healthcare provision at HMP Liverpool. In December 2014 NHS England ended the contract with the then provider owing to “significant concerns about the safety of the service” and Lancashire Care NHS Foundation Trust won the contract to provide all services from June 2015. NHS England told the Committee that Lancashire Care will cease providing services from April 2018. NHS England stated that they are going through a “single tender action”⁵⁹ for a new provider, which means they are working with one provider, rather than in a competitive process with several providers.

33. We welcome efforts by NHS England to improve the situation at Liverpool. It is clear to the Committee that delivering healthcare is not just about the healthcare provider, but also about the relationship between prisons and healthcare teams at local, regional and national level. We welcome the commitment from HMPPS and NHS England to publish the Partnership Agreement in April, so there is a clear commitment to working together to ensure that prisoners have access to decent healthcare. We request that the Ministry set out how it plans to ensure that gaps during which there is no formal working arrangement between justice and healthcare systems do not occur in future.

Our intention to hold the Government and HMPPS to account for future failings

34. We are concerned about several issues highlighted by the inspection of HMP Liverpool. We take the view that these problems are symptomatic of wider failings across the prison estate which the Government should take extremely seriously. We are not convinced that existing plans to reorganise the way in which HMPPS operates above establishment level will be sufficient to improve conditions. We will continue to

53 Q74

54 Q73

55 Q74

56 Q77

57 Q ref

58 <https://www.gov.uk/guidance/healthcare-for-offenders#national-partnership-agreement>

59 [Her Majesty's Inspectorate of Prisons](#), Report on an unannounced inspection of HMP Liverpool (11–22 May 2015) paragraph 2.59

pay close attention to the Government's plans to improve oversight of prisons, and we intend to play a part in ensuring that Ministers, officials and individual prisons are held to account when the Inspectorate identifies urgent and serious failings.

Conclusions and recommendations

Follow-up on the 2015 inspection report

1. We are concerned that recommendations made by HMIP did not result in improvements in HMP Liverpool, and we are further concerned that this also appears to be the case in other prisons. We welcome the new unit within HMPPS to respond to HMIP recommendations, and the new Minister's commitment to using HMIP reports to drive change. However, we remain concerned that structure creates a situation whereby HMPPS are effectively 'marking their own homework'. We recommend that HMIP should be given additional resources to follow-up on recommendations, and hold prisons to account when they do not achieve recommendations. We also recommend that Ministers should take personal responsibility for ensuring that recommendations are implemented. They should report to Parliament on progress against recommendations at intervals. We suggest that could be done by means of a letter to this Committee. We, as a Committee, intend to continue to hold Ministers and officials to account for delivery within individual establishments, particularly when the independent inspectorate highlight urgent concerns. *We recommend that HMIP should be given additional resources to follow-up on recommendations, and hold prisons to account when they do not achieve recommendations. We also recommend that Ministers should take personal responsibility for ensuring that recommendations are implemented. They should report to Parliament on progress against recommendations at intervals. We suggest that could be done by means of a letter to this Committee.* (Paragraph 17)

Oversight of HMP Liverpool and accountability for ensuring improvement

2. National, regional and local management failed in their oversight of HMP Liverpool, and the evidence suggests that, in varying degrees, that failure was not limited to one establishment. We welcome actions taken at HMP Liverpool to try and improve the current situation and take reassurance from the publication of an action plan. We note, however, that the action plan put in place in HMP Liverpool in 2015 did not result in the improvements required. This time it is imperative that the Governor, with support from regional and national management, is able to deliver on her plans. We are concerned about the failings of oversight at HMP Liverpool and that it appears that regional and national management were unaware of the extent of the decline of the establishment. We welcome Michael Spurr's comments about reducing the span of control at Director level in order to give them more capacity to oversee establishments. We are, however, surprised that this issue has not been identified and addressed before. We hope that this strengthens the "above establishment level" management, so that, in future, regional management (including the Deputy Director of Custody) are aware of issues; so that those issues are reported to HMPPS centrally; and so that it is clear what action is being taken. The Committee will keep the efficacy of changes under close review. (Paragraph 23)
3. We were not satisfied with the explanations we heard of the rising backlog of maintenance tasks, and we have concerns about how well the facilities management

contract was working at HMP Liverpool. The performance of contractors in prisons has a direct effect on the conditions in which prisoners must live, and contractors are in receipt of large sums of public money. We believe that the systems for managing contractors and penalising poor performance are not sufficiently transparent. *We recommend that major contracts are subject to a public framework which outlines expectations, performance and penalties levied against the provider. If contractors are penalised for poor performance there should be an annual public notification of where, why and by how much, as a percentage of the value of the contract.* (Paragraph 25)

4. It should not have been the case that prisoners in HMP Liverpool were living in cells deemed not fit by the Inspectorate and we welcome the new Minister, Rory Stewart MP's, commitment to a "back to basics" approach. While the Committee agrees with his sentiment, particularly when there is a prison in difficulty as was the case at Liverpool, we also note the need for a long-term, system wide response. *We recommend that the Minister, the Ministry of Justice and HMPPS publish a plan to resolve the persistent overcrowding of the estate, so that governors do not feel pressure to house men or women in cells that are deemed unfit. It is clear that in order to be successful, such a plan must aim to reduce the prison population and / or increase safe and decent capacity, and we will return to this question.* (Paragraph 29)
5. We welcome efforts by NHS England to improve the situation at Liverpool. It is clear to the Committee that delivering healthcare is not just about the healthcare provider, but also about the relationship between prisons and healthcare teams at local, regional and national level. *We welcome the commitment from HMPPS and NHS England to publish the Partnership Agreement in April, so there is a clear commitment to working together to ensure that prisoners have access to decent healthcare. We request that the Ministry set out how it plans to ensure that gaps during which there is no formal working arrangement between justice and healthcare systems do not occur in future.* (Paragraph 33)
6. We are concerned about several issues highlighted by the inspection of HMP Liverpool. We take the view that these problems are symptomatic of wider failings across the prison estate which the Government should take extremely seriously. We are not convinced that existing plans to reorganise the way in which HMPPS operates above establishment level will be sufficient to improve conditions. We will continue to pay close attention to the Government's plans to improve oversight of prisons, and we intend to play a part in ensuring that Ministers, officials and individual prisons are held to account when the Inspectorate identifies urgent and serious failings. (Paragraph 34)

Formal minutes

Declarations of interest

The following declarations of interest relating to the inquiry were made:

24 January 2018

The Chair declared a non-pecuniary interest in that he was a non-practising barrister and consultant to a law firm.

Alex Chalk declared a pecuniary interest in that he was a practising barrister.

Bambos Charalambous declared a non-pecuniary interest in that he was a non-practising solicitor.

Ellie Reeves declared a non-pecuniary interest in that she was a non-practising barrister.

Victoria Prentis declared a non-pecuniary interest in that she was a non-practising barrister and had worked on behalf of the Prison Service

Wednesday 7 February 2018

Members present:

Robert Neill, in the Chair

Mrs Kemi Badenoch	John Howell
Ruth Cadbury	Gavin Newlands
Alex Chalk	Victoria Prentis
Bambos Charalambous	Ms Marie Rimmer
David Hanson	Ellie Reeves

Draft Report (*HM Inspectorate of Prisons report on HMP Liverpool*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 34 read and agreed to.

Resolved, that the Report be the Fifth 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 21 February at 9.30am

Witnesses

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

Wednesday 24 January 2018

Question number

Pia Sinha, Governor, HMP Liverpool, **Michael Spurr**, Chief Executive, HM Prisons and Probation Service, **Kevin Miller**, Director of Facilities Management, Amey, **Kate Davies**, Director of Health and Justice, Armed Forces and Sexual Assault Services Commissioning, NHS England, and **Julie Dhuny**, Head of Commissioning, Health and Justice, North Region, NHS England

[Q1–92](#)

Rory Stewart MP, Minister of State, Ministry of Justice, and **Michael Spurr**, Chief Executive, HM Prisons and Probation Service

[Q93–115](#)

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 2017–19

First Report	Disclosure of youth criminal records	HC 416
Second Report	Draft Sentencing Council guidelines on intimidatory offences and domestic abuse	HC 417
Third Report	Pre-legislative scrutiny: draft personal injury discount rate clause	HC 374
Fourth Report	Draft Sentencing Council guidelines on manslaughter	HC 658
First Special Report	The implications of Brexit for the Crown Dependencies: Government Response to the Committee's Tenth Report of Session 2016–17	HC 423
Second Special Report	Government Responses to the Committee's Reports of Session 2016–17 on (a) Prison reform: governor empowerment and prison performance (b) Prison reform: Part 1 of the Prisons and Courts Bill	HC 491
Third Special Report	The implications of Brexit for the justice system: Government Response to the Committee's Ninth Report of Session 2016–17	HC 651