



House of Commons  
Committee of Public Accounts

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**Serving time: prisoner  
diet and exercise**

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**Fifty–sixth Report of  
Session 2005–06**

*Report, together with formal minutes,  
oral and written evidence*

*Ordered by The House of Commons  
to be printed 28 June 2006*

## The Committee of Public Accounts

The Committee of Public Accounts is appointed by the House of Commons to examine “the accounts showing the appropriation of the sums granted by Parliament to meet the public expenditure, and of such other accounts laid before Parliament as the committee may think fit” (Standing Order No 148).

### Current membership

Mr Richard Bacon MP (*Conservative, South Norfolk*)  
Annette Brooke MP (*Liberal Democrat, Mid Dorset and Poole North*)  
Angela Browning MP (*Conservative, Tiverton and Honiton*)  
Greg Clark MP (*Conservative, Tunbridge Wells*)  
Rt Hon David Curry MP (*Conservative, Skipton and Ripon*)  
Mr Ian Davidson MP (*Labour, Glasgow South West*)  
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Mr John Healey MP (*Labour, Wentworth*)  
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Dr John Pugh MP (*Liberal Democrat, Southport*)  
Mr Don Touhig MP (*Labour, Islwyn*)  
Kitty Ussher MP (*Labour, Burnley*)  
Rt Hon Alan Williams MP (*Labour, Swansea West*)

The following were also Members of the committee during the period of the enquiry:

Mr Alistair Carmichael MP (*Liberal Democrat, Orkney and Shetland*)  
Jon Trickett MP (*Labour, Hemsworth*)  
Stephen Williams MP (*Liberal Democrat, Bristol West*)

### Powers

Powers of the Committee of Public Accounts are set out in House of Commons Standing Orders, principally in SO No 148. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk).

### Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at <http://www.parliament.uk/pac>. A list of Reports of the Committee in the present Session is at the back of this volume.

### Committee staff

The current staff of the Committee is Nick Wright (Clerk), Christine Randall (Committee Assistant), Emma Sawyer (Committee Assistant), Ronnie Jefferson (Secretary), and Luke Robinson (Media Officer).

### Contacts

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## Summary

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The Committee previously reported on prison catering in 1998. Since then the Prison Service had made good progress in reducing catering costs and improving the quality of catering. There remained concerns however, that two of the Committee's previous recommendations, on reducing the time interval between meals and serving food within 45 minutes of preparation, had still not been fully implemented.

The Prison Service has placed a high priority on providing prisoners with a decent diet and the opportunity to exercise. These factors help maintain well ordered prisons, which allow prisoners to participate in other activities and prisons themselves to cope with other pressures.

The Prison Service needs to take further steps to meet the requirements to provide correct food appropriately prepared for religious diets. It also needs to reassure religious prisoners that the food is in fact appropriate.

Although the Prison Service has succeeded in providing a diet that is broadly in line with the government's nutritional recommendations, there were some important exceptions; for example meals contained too much salt. Important follow up research on the link between nutrition and behaviour has not yet been started.

The Prison Service ought to carry out benchmarking between prisons and against other organisations. Benchmarking would help it to reduce costs further and to improve the quality of catering and provision of exercise.

Some 40% of prisoners took part in physical education activities across the Prison Service. Prisons could do more, however, to increase participation both by female prisoners and those prisoners who could most benefit from exercise.

On the basis of a Report by the Comptroller and Auditor General,<sup>1</sup> the Committee examined the Prison Service's progress on catering since it last reported in 1998 and how prisoners' access to nutritious food and exercise could be improved.

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1 C&AG's Report, *HM Prison Service: Serving time: prisoner diet and exercise* (HC 939, Session 2005–06)

## Conclusions and recommendations

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- 1. The Committee's 1998 recommendation that meals should be served within 45 minutes of cooking had still not been met at 37% of the prisons visited by the National Audit Office.** The Prison Service should aim to meet this recommendation at all prisons. It should set a timetable for removing barriers to meeting the target and introduce methods to reduce the time between preparation and serving, such as staggering meal times between prisons or wings served by the same kitchen.
- 2. The Committee's 1998 recommendation that prisoners should not wait more than 14 hours between meals has still not been met at around half of prisons.** The Prison Service's audited catering standards should include a requirement that the gap between meals should not exceed 14 hours to encourage prison Governors and caterers to reduce the time that prisoners wait between meals.
- 3. Meals did not meet all the nutritional recommendations of the Food Standards Agency.** The Prison Service should include in its audited catering standards a requirement for caterers to provide menu options allowing prisoners to meet relevant government recommendations on nutrition. It should also use its purchasing power to offer suppliers an assured market for healthier versions of pre-prepared foods.
- 4. The Prison Service has not yet reacted to research completed in 1997, which indicated a link between nutrition and behaviour.** The Prison Service should arrange for further research to be carried out into this subject. It should agree a timetable with its research partners to carry out further research, or if they are unable to deliver suitable research within an acceptable timetable request that the Home Office Research Development and Statistics Directorate fund the research.
- 5. Over half of prison kitchens provide training so that prisoners can achieve National Vocational Qualifications (NVQs) in catering.** The Prison Service should expand the number of prisons offering catering NVQs to make them available at all prisons, if necessary through modular courses where turnover is high, as we previously recommended.<sup>2</sup>
- 6. The cost of food per prisoner per day varied by over 180% between the cheapest and the most expensive in 2004–05.** Variation is to be expected between different types of prison, but there were also large variances between prisons of the same type. The cost of food at male Young Offenders Institutions varied by 95% between the lowest and highest. The Prison Service should investigate large variations in food costs and quality of catering between prisons and identify good practice from the more cost effective prisons for adoption by those with relatively high costs or poor quality of catering.
- 7. Some Muslim prisoners were refusing halal meals offered by prisons, because they did not have confidence in prisons to provide appropriately prepared**

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2 44<sup>th</sup> Report from the Committee of Public Accounts, *Dealing with increased numbers in custody* (HC 788, Session 2005–06)

**religious meals.** As part of its catering audit, the Prison Service's Standards Audit Unit should monitor whether prisons meet the Prison Service's own instructions for the provision of halal meals. The Prison Service should work with prison caterers who are successfully catering for religious diets, Muslim leaders and religious prisoners, to disseminate good practice to all prisons.

**Although prisons took steps to avoid cross contamination, some 25% of them were unable to store halal meats separately from other (haram) meats.** The Prison Service should identify the prisons that are unable to store meats separately and the reasons for this limitation. It should implement a programme for rectifying the problems, for example by providing additional refrigerated storage.

**Some 70% of prisons did not use separate equipment for the production and serving of Muslim food.** The Prison Service should confirm whether all prisons are making use of the newly provided separately labelled equipment.

8. **The Prison Service did not compare the cost and quality of catering against external organisations.** It should compare its catering operation with other organisations; use the results of this research to identify transferable ways of reducing costs and improving the quality of catering; and implement a programme to adopt these improved processes.
9. **The cost of physical education per prisoner varied by over 175% between the cheapest and the most expensive prisons visited by the National Audit Office in 2004–05.** Variation is to be expected between different types of prison but there were large variances between prisons of the same type. The cost of physical education at male local prisons visited by the National Audit Office varied by 68% between the lowest and highest. The Prison Service should investigate large variations in the cost and provision of physical education, and disseminate good practice from prisons providing high quality physical education cost effectively, including the use of civilian instructors.
10. **Across the prison estate only around 40% of prisoners participated in exercise.** The Prison Service should take steps to improve the take up of exercise, in particular by the groups who could most benefit from physical activity, by for example:
  - Identifying the prisons which achieve the best participation rates for each type of prison, such as Huntercombe Prison, and disseminating the good practice learnt at those prisons across the estate;
  - Identifying the prisons that do not have a full programme of activities at evenings and weekends and extending the availability of exercise at these prisons so that prisoners who work or are in education during the day can participate in the activities, for example by re-arranging staffing patterns and introducing more civilian instructors;
  - Monitoring the range of activities available at women's prisons and encouraging prison Governors to widen the range of activities offered to better reflect the needs and preferences of women prisoners.



# 1 Improving the quality of catering

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1. This Committee last examined prison catering in 1998. It made a number of recommendations and, partly as a result, prison catering improved and financial savings were made over the following eight years. The quality of catering has been improved by the introduction of catering standards. There remains scope, however, for further improvements in the quality of catering.<sup>3</sup>

2. In 1998, the Committee recommended that meals should be served within 45 minutes of cooking. This recommendation was still not being met at 37% of the prisons visited by the National Audit Office. At some prisons this delay was due to long distances between the kitchens and serveries, particularly where a cluster of prisons was served by a single kitchen. In others, the kitchens were not designed to cook for the numbers of prisoners being catered for and caterers had to cook in batches to prepare the number of meals required; thus increasing the delay between preparation and serving. Despite these restrictions on prisons being able to meet the recommendation, these difficulties were not made clear in the Treasury Minute, which stated that Prison Governors would be held accountable for meeting a target time of 45 minutes.<sup>4</sup>

3. In order to make the most efficient use of Prison Officers' time, Governors organised the prison day to include as many activities as possible, maximising the time that prisoners spent on useful activities. This can result in mealtimes being squeezed into a relatively short prison day, giving rise to a long interval, over 14 hours at some prisons, between the evening meal and breakfast. In 1998 the Committee recommended that more flexible staffing arrangements should be introduced to reduce this interval. The Prison Service accepted the recommendation and the Treasury Minute stated that Area Catering Advisers would work with Governors to achieve more reasonable intervals between meals wherever possible. A Prison Service Order states that prisoners should not go longer than 14 hours between meals and that if the gap between the evening meal and breakfast exceeds 14 hours and prisoners are locked up in the evening that they should be provided with an additional snack and hot drink. The catering standards require only that where the interval exceeds 14 hours prisoners should be provided with an additional snack. There remain long intervals, however, between evening meal and breakfast. Evening meal was served as early as 4pm at weekends at Channings Wood Prison, and intervals between meals exceeded 14 hours at half of the prisons visited by the National Audit Office.<sup>5</sup>

4. To help them fit as many activities as possible into the prison day, over three quarters of Prison Governors had decided to provide prisoners with breakfast packs the previous day, rather than releasing the staff to provide a hotplate breakfast service. Only nine prisons gave prisoners the option to eat porridge for breakfast every day. Breakfast packs consist of a portion of breakfast cereal; bread; margarine; a conserve; sugar; a 200 ml carton of, generally UHT, milk and access to a hot beverage. The provision of breakfast packs

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3 30<sup>th</sup> Report from the Committee of Public Accounts, *The Prison Service: prison catering* (HC 419, Session 1997–98); C&AG's Report, para 1.9; Q 154

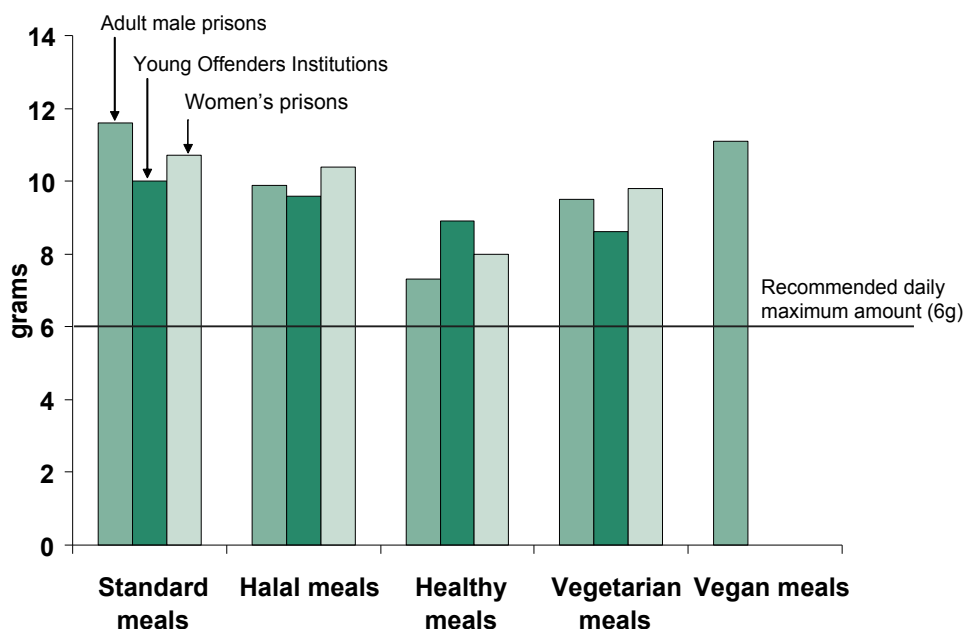
4 C&AG's Report, appendix 1, para 2.6; Qq 1–5

5 C&AG's Report, para 2.10 and Appendix 1; Qq 1, 23, 98

combined with the evening meal being served early, meant that most prisoners ate their breakfast the night before rather than in the morning. This further extends the interval between meals, but gave prisoners a rare chance to make a choice about their own routine. One innovative method, used at Drake Hall prison, to encourage prisoners to eat their breakfast in the morning was to provide prisoners with fresh milk in their cells in the morning rather than UHT milk with the breakfast pack the day before.<sup>6</sup>

5. The menus provided at the prisons visited by the National Audit Office's researchers did not always help prisoners to meet the Food Standards Agency's recommendations on nutrition. Prisoners found it difficult to get five portions of fruit and vegetables a day and meals lacked dietary fibre. Meals relied heavily on pre-prepared foods giving rise to meals that were high in salt and fat, and the salt content of menus was well above the recommended 6 grams a day (**Figure 1**). Meals did not always provide the levels of vitamins recommended by the Food Standards Agency. Since the Prison Service had to give prisoners food that they found acceptable, they did not use the control they had over food to provide only healthy options. The Prison Service could have provided more appealing healthy options and it intended to use its purchasing power to force suppliers to provide prisons with healthier pre-prepared foods. Prisoners also struggled to eat healthily because they were provided with little information on healthy eating and at some prisons visited by the National Audit Office and their researchers some options listed as healthy on the menus were not actually healthy or even the healthiest options on the menu.<sup>7</sup>

**Figure 1: Prison meals provided more than the recommended levels of salt**



Source: National Audit Office

6 C&AG's Report, paras 2.11–2.12; Qq 22–23, 73, 75–80, 109–119, 149–152

7 C&AG's Report, Part 3; Qq 8–9, 51, 81–82

6. The importance of providing prisoners with meals containing the recommended levels of nutrients was highlighted by research indicating that anti-social behaviour decreased with good nutrition. The research was carried out in 1997 on 231 prisoners at Aylesbury Young Offenders Institution and it showed a statistically significant link between supplementing prisoners' diets with vitamins, minerals and fatty acids and fewer recorded incidents of anti-social behaviour. The Prison Service and Home Office had not acted on the findings of the research as Home Office researchers believed that further research was required before wider conclusions could be drawn. Further research had not yet been started despite elapsed time of nine years since the initial research was carried out. The charity which carried out the initial piece of research, Natural Justice, had funding in place to carry out a larger piece of research and the Prison Service was happy to cooperate with Natural Justice in carrying out further research, provided that it had been approved by the Home Office's Project Quality Approval Board and it had ethical approval from the NHS Multi-centre Research Ethics Committee. The Prison Service did not have its own budget to fund prison based research. The budget for research across the Home Office was held by the Research Development and Statistics Directorate.<sup>8</sup>

7. The Prison Service has a duty to provide a suitable diet for all prisoners. Some 7,000 prisoners are Muslim and therefore the Prison Service has placed a high priority on providing a good and appropriate halal diet to meet the requirements of Muslim prisoners. The Prison Service has provided meat certified as halal in all prisons. Despite these efforts, however, some Muslim prisoners were refusing the halal meals provided by prisons because they did not have confidence that all the appropriate measures had been taken to ensure that the meals were acceptable to them. Good practice measures to increase the trust between religious prisoners and prisons included inviting local religious leaders to inspect the preparation and storage of religious foods, discussing concerns with prisoners and caterers and observing religious festivals.<sup>9</sup>

8. Many prisons are coping with populations larger than they were designed to hold and this, combined with ageing prisons, has limited the storage facilities available for different foods. One quarter of the prisons visited by the National Audit Office were unable to provide completely separate storage areas for halal meats. They had all, however, introduced measures to avoid cross-contamination between halal and haram meats.<sup>10</sup>

9. At some 70% of the prisons visited by the National Audit Office separate utensils and cooking pots and pans were not used for the preparation of halal meals. The Prison Service has since issued labelled utensils to be used exclusively for halal food.<sup>11</sup>

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8 C&AG's Report, Appendix 3; Qq 6–7, 67–68

9 Qq 35–40

10 C&AG's Report, para 2.14

11 C&AG's Report, para 2.14; Q 41

## 2 Improving the efficiency of catering

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10. It is important for rehabilitation that prisoners have the opportunity to learn skills and gain qualifications that will help them to find work on their release from prison. Catering is one area where ex-prisoners may be able to find work. Kitchens provided a cost effective method of training prisoners and helping them to gain qualifications in a useful transferable skill, whilst providing meals for the population of the prison. Just over half of prisons had kitchens that could offer prisoners the chance to gain National Vocational Qualifications in catering.<sup>12</sup>

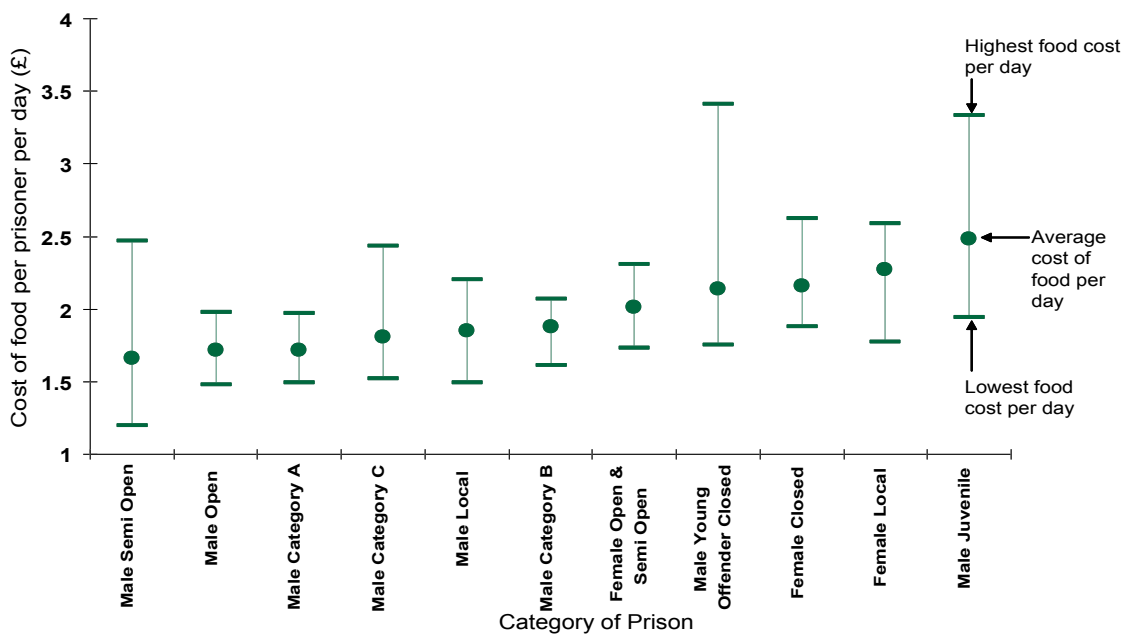
11. The cost of food per prisoner per day, the daily food allowance, varied by over 180% between different prisons in 2004–05. Some variation was to be expected due to the different requirements of different categories of establishment. There were also considerable differences in daily food allowance, however, between prisons of the same category (**Figure 2**), there was a variation of 95% at male Young Offenders Institutions. These differences in cost were likely to reflect different qualities of ingredients and differences in the menus of individual prisons. The Prison Service had worked to reduce the daily food allowance at Feltham Young Offenders Institution, which had the highest daily food allowance in 2004–05, from £3.41 to £2.80 in 2005–06. It has also budgeted to bring the daily food allowance at Huntercombe Young Offenders Institution, which was £3.46 in 2005–06, below £3.<sup>13</sup>

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12 Q 16

13 C&AG's Report, para 2.31–2.33 and Figure 7; Qq 14, 128–131

Figure 2: The cost of food per prisoner per day varied considerably between prisons of the same type



Source: National Audit Office analysis of Prison Service figures for 2004–05

12. The Prison Service did not compare the costs of its catering operation against other similar organisations. It spent on average 30 pence more per day per prisoner on food than the Scottish Prison Service, and the Ministry of Defence fed the armed forces for a relatively low cost. The Prison Service did not have an organised system of comparing the cost effectiveness of its catering between public organisations, sharing good practice or purchasing food jointly with other public bodies.<sup>14</sup>

### 3 Improving the cost effectiveness of physical education

13. The cost of providing physical education per prisoner varied by over 175% between prisons, from £392 a year at Bullingdon Prison to £1,085 a year at Aylesbury Young Offenders' Institution in 2004–05 (**Figure 3**). These variations are partly due to differences in the types of prisoners held and the facilities available. Young Offenders Institutions and prisons where there were fewer opportunities to take part in other useful activities tended to offer more physical education than prisons with fewer facilities. There remained, however, large variations between prisons of the same type, for example the cost of physical education at the male local prisons visited by the National Audit Office varied by 68%, from £392 at Bullingdon Prison to £657 at Leeds Prison. The Prison Service did not routinely carry out benchmarking of the costs and provision of physical education between prisons and investigate unexplained differences. Some open prisons used civilian instructors in order to save money on physical education and all privately run prisons used civilian instructors.<sup>15</sup>

**Figure 3: The cost of physical education per prisoner varied considerably between prisons**

Prison	Type of prison		Cost of Exercise per Prisoner in 2004-05 (£)
Aylesbury	Male	Young Offenders Institution	1085
Drake Hall	Female	Semi-Open	1060
Wetherby	Male	Juvenile	988
Ashwell	Male	Category C	930
Wayland	Male	Category C	771
Grendon	Male	Category B	727
Standford Hill	Male	Open	717
Leeds	Male	Local	657
Channings Wood	Male	Category C	520
Belmarsh	Male	Local	496
Elmley	Male	Local	496
Lincoln	Male	Local	417
Bullingdon	Male	Local	392

Source: National Audit Office

14. On average, over 40% of prisoners took part in physical education at least once a week. The proportion in each prison varied, however, from 11% to 87%. The hours prisoners spent in physical education were, on average, close to the weekly hours of exercise recommended by the Chief Medical Officer. Prisons could, however, have done more to

15 Qq 13, 99, 120, 122–127

increase participation levels particularly by those prisoners in most need of physical exercise, for example the least fit or those recovering from addictions.<sup>16</sup>

15. All prisoners are entitled to time in the open air each day if the weather and requirements for good order permitted. Traditionally prisons have referred to this statutory time in the open air as exercise, but it was different from the physical exercise that prisoners were able to access through taking part in physical education.

16. Efforts made by Prison Governors to pack as much activity as they could into the prison day, when staff were available, meant that there was a risk that activities were managed around the interests of staff rather than those of prisoners. Although most prisons visited by the National Audit Office offered full evening and weekend physical education programmes, staffing issues limited the availability of exercise outside the core day at some prisons. Prisoners who were in education or full time work during the core day struggled, therefore at some prisons, to gain access to physical education at the times that were suitable for them.<sup>17</sup>

17. Some 80% of the prisons visited by the National Audit Office surveyed prisoners to establish which activities they would prefer to take part in. These surveys were used in the planning of activities, they were not however relied on in their entirety as the prisons had to organise activities that appealed to the less fit prisoners and those who were most in need of physical exercise as well as the fittest prisoners who exercised regularly.<sup>18</sup>

18. Some women entered prison with severe drug dependency problems and therefore in a very poor physical state. These women needed to rebuild their strength through regular meals and physical exercise despite the fact they were often unwilling to take part in the more usual gym activities. This situation was exacerbated by the type of facilities and activities on offer. Female prisoners told the National Audit Office that the facilities and activities were often designed for male prisoners. Both women's prisons visited by the National Audit Office had very similar facilities to the men's prisons. Some women's prisons were starting to offer less traditional activities that appealed to women who were not interested in sports or weight training, such as yoga and aerobics classes.<sup>19</sup>

19. Traditional prison physical education activities, such as weight training and football were popular with many prisoners, and had an important role to play in getting prisoners exercising and helping some prisoners to rehabilitate after using drugs outside prison. Some prisoners could, however, be put off physical education by a culture of weight training and football. Prisons tried to provide a range of activities that would encourage those prisoners who were most in need of exercise to take part.<sup>20</sup>

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16 C&AG's Report, para 4.4; Qq 11, 52–57, 91

17 C&AG's Report, para 4.18; Q 98

18 C&AG's Report, para 4.15; Qq 89–90

19 C&AG's Report, para 4.11; Qq 21, 96–97

20 Q 121

## Formal minutes

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**Wednesday 28 June 2006**

Members present:

Mr Edward Leigh, in the Chair

Mr Richard Bacon

Mr Ian Davidson

Helen Goodman

Sarah McCarthy-Fry

Mr Austin Mitchell

Dr John Pugh

Kitty Ussher

Mr Alan Williams

A draft Report (Serving time: prisoner diet and exercise), proposed by the Chairman, brought up and read.

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

Paragraphs 1 to 19 read and agreed to.

Summary read and agreed to.

Conclusions and recommendations read and agreed to.

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

*Ordered*, That the Chairman 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 until Wednesday 12 July at 3.30 pm.]

## Witnesses

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**Wednesday 19 April 2006**

*Page*

**Mr Phil Wheatley** and **Mr Alan Tuckwood**, HM Prison Service

Ev 1

## List of written evidence

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HM Prison Service

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## List of Reports from the Committee of Public Accounts Session 2005–06

First Report	Managing National Lottery Distribution Fund balances	HC 408 ( <i>Cm 6712</i> )
Second Report	The regeneration of the Millennium Dome and associated land	HC 409 ( <i>Cm 6689</i> )
Third Report	Ministry of Defence: Major Projects Report 2004	HC 410 ( <i>Cm 6712</i> )
Fourth Report	Fraud and error in benefit expenditure	HC 411 ( <i>Cm 6728</i> )
Fifth Report	Inland Revenue: Tax Credits and deleted tax cases	HC 412 ( <i>Cm 6689</i> )
Sixth Report	Department of Trade and Industry: Renewable energy	HC 413 ( <i>Cm 6689</i> )
Seventh Report	The use of operating theatres in the Northern Ireland Health and Personal Social Services	HC 414 ( <i>Cm 6699</i> )
Eighth Report	Navan Centre	HC 415 ( <i>Cm 6699</i> )
Ninth Report	Foot and Mouth Disease: applying the lessons	HC 563 ( <i>Cm 6728</i> )
Tenth Report	Jobskills	HC 564 ( <i>Cm 6724</i> )
Eleventh Report	Local Management of Schools	HC 565 ( <i>Cm 6724</i> )
Twelfth Report	Helping those in financial hardship: the running of the Social Fund	HC 601 ( <i>Cm 6728</i> )
Thirteenth Report	The Office of the Deputy Prime Minister: Tackling homelessness	HC 653 ( <i>Cm 6743</i> )
Fourteenth Report	Energywatch and Postwatch	HC 654 ( <i>Cm 6743</i> )
Fifteenth Report	HM Customs and Excise Standard Report 2003–04	HC 695 ( <i>Cm 6743</i> )
Sixteenth Report	Home Office: Reducing vehicle crime	HC 696 ( <i>Cm 6743</i> )
Seventeenth Report	Achieving value for money in the delivery of public services	HC 742 ( <i>Cm 6743</i> )
First Special Report	The BBC's investment in Freeview: The response of the BBC Governors to the Committee's Third Report of Session 2004–05	HC 750 ( <i>N/A</i> )
Eighteenth Report	Department for Education and Skills: Improving school attendance in England	HC 789 ( <i>Cm 6766</i> )
Nineteenth Report	Department of Health: Tackling cancer: improving the patient journey	HC 790 ( <i>Cm 6766</i> )
Twentieth Report	The NHS Cancer Plan: a progress report	HC 791 ( <i>Cm 6766</i> )
Twenty-first Report	Skills for Life: Improving adult literacy and numeracy	HC 792 ( <i>Cm 6766</i> )
Twenty-second Report	Maintaining and improving Britain's railway stations	HC 535 ( <i>Cm 6775</i> )
Twenty-third Report	Filing of income tax self assessment returns	HC 681 ( <i>Cm 6775</i> )
Twenty-fourth Report	The BBC's White City 2 development	HC 652
Twenty-fifth Report	Securing strategic leadership in the learning and skills sector	HC 602 ( <i>Cm 6775</i> )
Twenty-sixth Report	Assessing and reporting military readiness	HC 667 ( <i>Cm 6775</i> )
Twenty-seventh Report	Lost in translation? Responding to the challenges of European law	HC 590 ( <i>Cm 6775</i> )
Twenty-eighth Report	Extending access to learning through technology: Ufi and the learndirect service	HC 706 ( <i>Cm 6775</i> )
Twenty-ninth Report	Excess Votes 2004–05	HC 916 ( <i>N/A</i> )

Thirtieth Report	Excess Votes (Northern Ireland) 2004–05	HC 917 (N/A)
Thirty-first Report	Northern Ireland's Waste Management Strategy	HC 741
Thirty-second Report	Working with the voluntary sector	HC 717 (Cm 6789)
Thirty-third Report	The Royal Parks and the Diana, Princess of Wales Memorial Fountain	HC 644 (Cm 6789)
Thirty-fourth Report	Returning failed asylum applicants	HC 620 (Cm 6863)
Thirty-fifth Report	The refinancing of the Norfolk and Norwich PFI Hospital	HC 694
Thirty-sixth Report	Tackling the complexity of the benefits system	HC 765 (Cm 6863)
Thirty-seventh Report	Inland Revenue Standard Report: New Tax Credits	HC 782 (Cm 6863)
Thirty-eighth Report	Channel Tunnel Rail Link	HC 727 (Cm 6863)
Thirty-ninth Report	Consular services to British nationals	HC 813 (Cm 6863)
Fortieth Report	Environment Agency: Efficiency in water resource management	HC 749
Forty-first Report	The South Eastern Passenger Rail Franchise	HC 770
Forty-second Report	Enforcing competition in markets	HC 841
Forty-third Report	Delivery chain analysis for bus services in England	HC 851
Forty-fourth Report	National Offender Management Service: dealing with increased numbers in custody	HC 788
Forty-fifth Report	Employers' perspectives on improving skills for employment	HC 862
Forty-sixth Report	Governance issues in the Department of Enterprise, Trade and Investment's former Local Enterprise Development Unit	HC 918
Second Special Report	The BBC's White City 2 development: The response of the BBC Governors to the Committee's Twenty-fourth Report of Session 2005–06	HC 1139 (N/A)
Forty-seventh Report	NHS Local Improvement Finance Trusts	HC 562
Forty-eighth Report	HM Customs and Excise: Standard Report 2004–05	HC 874
Forty-ninth Report	Corporation Tax: companies managed by HM Revenue and Customs' Area Offices	HC 967
Fiftieth Report	Ministry of Defence: Major Projects Report 2005	HC 889
Fifty-first Report	A safer place for patients: learning to improve patient safety	HC 831
Fifty-second Report	Reducing brain damage: faster access to better stroke care	HC 911
Fifty-third Report	Department for Work and Pensions: Delivering effective services through contact centres	HC 1034
Fifty-fourth Report	UK Sport: Supporting elite athletes	HC 898
Fifty-fifth Report	Progress in improving government efficiency	HC 978
Fifty-sixth Report	Serving time: prisoner diet and exercise	HC 1063

The reference number of the Treasury Minute to each Report is printed in brackets after the HC printing number

# Oral evidence

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## Taken before the Committee of Public Accounts

on Wednesday 19 April 2006

Members present:

Mr Edward Leigh, in the Chair

Mr Richard Bacon  
Greg Clark  
Mr David Curry  
Helen Goodman

Mr Sadiq Khan  
Sarah McCarthy-Fry  
Mr Alan Williams

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**Sir John Bourn KCB**, Comptroller and Auditor General and **Ms Aileen Murphie**, Director, National Audit Office, were in attendance and gave oral evidence.

**Ms Paula Diggle**, Treasury Officer of Accounts, HM Treasury, gave evidence.

### REPORT BY THE COMPTROLLER AND AUDITOR GENERAL

#### HM PRISON SERVICE

#### SERVING TIME: PRISONER DIET AND EXERCISE (HC 939)

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*Witnesses:* **Mr Phil Wheatley**, Director General and **Mr Alan Tuckwood**, Head of Prison Catering and PE Services, Prison Service, gave evidence.

**Q1 Chairman:** Good afternoon and welcome to the Committee of Public Accounts, where today we are looking at prisoner diet and exercise and we are joined once again by Mr Phil Wheatley, who is Director General of the Prison Service, and by Mr Alan Tuckwood, who is the Head of the Prison Catering and PE Services. You are very welcome. May I refer you to the appendix on page 40 where there is a list of various recommendations made by the Committee of Public Accounts and the Treasury minutes? If you look at “f” and “g”, you will see there are two important points. One is “Time taken between food production and service is unacceptably long”; it should not be more than 45 minutes. That is in “f”. Then in “g” “In many prisons there is a long interval of more than 14 hours between the evening meal and breakfast the following day”. There are various Treasury undertakings, but apparently they have not been acted on. Why is that please?

**Mr Wheatley:** We have made progress on them. It is not that we have not acted on them; they have not been completely actioned. There is a small number of establishments where getting the food from the point of cooking, from when the cooking has finished not just from leaving the kitchen, to the servery within 45 minutes is challenging and that is primarily where we have kitchens outside the perimeter of prisons, which give us obvious efficiencies because there are economies of scale which come from having a central kitchen which serves a number of establishments. In a smaller number of cases we have substantially increased the

population of the prison, but not increased the size of the kitchen and we have done that to cope with over-crowding which the Committee—

**Q2 Chairman:** This Report of ours was in April 1998; seven years ago.

**Mr Wheatley:** Yes. I am giving you the reasons why.

**Q3 Chairman:** Does that mean that it does not matter how long we wait, we are not going to get these.

**Mr Wheatley:** No, it means we have made substantial progress. We think we have compliance running well over 80% of that, but we have a small number of establishments where we have a problem. The Committee will be aware that the NAO visited a cluster of establishments on the Isle of Wight where we have a central kitchen, which gives considerable efficiencies. Actually, I should be very reluctant to abandon those efficiencies and create three separate kitchens. We know that we get the food into the establishment within 60 minutes, not within 45 minutes.

**Q4 Chairman:** How can you serve up food to people and take 60 minutes to reach them? We read about this in medieval palaces.

**Mr Wheatley:** It is from the point of cooking actually. If we go to a number of places which are doing mass catering, from the point at which they finish cooking to the point at which it actually hits the servery there will be some gap and that is a

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particular problem, the other thing which I was trying to say, in establishments where we have increased the numbers of prisoners but not the size of the kitchen. Because of the shortage of equipment, we have to cook things up and leave them in order to cook other things, so that we can serve for the full, say, 900 at Bullingdon rather than the 600 the kitchen was designed for. That is not ideal, but it is a consequence of coping with additional numbers.

**Q5 Chairman:** It would be more useful in the future, if we make recommendations and receive a Treasury Minute, if it explained the problems. There is no point having a Treasury Minute saying you are going to do something where it is impossible apparently to do it.

**Mr Wheatley:** We have managed to improve it in most places. There is a small number of places where there is a remaining problem.

**Q6 Chairman:** While we are on the subject of appendices shall we look at appendix three please on page 45. It makes the obvious point about the link between nutrition and prison behaviour. Research has been carried out at Aylesbury Young Offenders' Institution and there is a conclusion that obviously the "... anti-social behaviour in prisons, including violence were reduced significantly by vitamins, minerals and fatty acids with similar implications". Apparently you have not acted on these findings or commissioned any further research. Is that a fair criticism of you? If you look at paragraph 3.18 on page 31 you will see that.

**Mr Wheatley:** The research which was carried out at Aylesbury, which was done by an external organisation, was a relatively small piece of research looking at adding in vitamin supplements to the diet and simply measuring performance by way of adjudications. It is the only piece of research I know that establishes it. It is not as obvious as you say. If it were simply possible to control behaviour by diet, the country might be a slightly different country. There is not a solid research base for saying that diet links directly with behaviour. We have agreed with Natural Justice that if they want to fund a larger-scale study, the Home Office not having funded it, we shall happily co-operate with that, providing it meets the standards of research which will give us a base on which to work. It is important when research is done that it has a large enough sample and is rigorous enough to enable you to make firm conclusions, on which we would then, of course, base considerable expenditure. The Committee would want to make sure we were doing that on a solid research base.

**Q7 Chairman:** It may be a slightly facetious point, but in my experience of children, diet and behaviour are intimately linked, particularly fizzy drinks and things like that.

**Mr Wheatley:** Yes, but we are not issuing those sort of things in the first place. We have removed those sources in the main from their diet. As you can see

from the research done by the NAO, we are actually producing a diet that is, in the main, a balanced diet.

**Q8 Chairman:** Shall we look at their diet then? Let us look at paragraph 3.11 on page 29. You see it says there "Most prison meals do not contain enough dietary fibre to meet the guidance". Later on it says "The researchers found that it was difficult for prisoners to obtain five portions of fruit and vegetables a day". It is not very satisfactory is it, in terms of a balanced diet?

**Mr Wheatley:** In terms of a balanced diet, as the research very helpfully done indicates, there are improvements which can be made. Dietary fibre is a particular one.

**Q9 Chairman:** I am sure there are improvements. Improvements are made all the time.

**Mr Wheatley:** It is giving most of the vitamins that one would expect to find and giving quite a good range. There is more to do. It would be particularly helped if prisoners chose the healthier options when they are offered. One of the problems of hitting the five-a-day rule, five vegetables a day, is that to do that prisoners have to give up a sweet for fruit and many choose not to, which is one of the reasons why we are not hitting that level.

**Q10 Chairman:** We all have that problem. Paragraph 3.14 though goes on to say, and this is perhaps less excuse for you, "... prisoners are also provided with meals which rely heavily on convenience foods, for example, pies, burgers, soups and noodles. These economy foods are often relatively low specification products and are likely to have high levels of salt. Many prisoners are not offered oily fish every week". What do you say about that?

**Mr Wheatley:** Standards are to offer fish at least twice a week, one of which should be oily fish. That is the standard and we should ensure we hit that standard. That is the published standard we try to aspire to. The various pre-cooked foods, which are convenience foods, are very popular with prisoners. There is a risk that if we serve too many of them, we will give too much salt and that was one of the concerning things out of the research which was done for the Report. We are working with the manufacturers and we have some work done which we think will mean that by May we shall be able to produce acceptably tasting convenience foods that are much lower in salt. We are obviously able to say to the manufacturers that if they produce this food, we shall take it from them; they do not have to worry about whether it will be bought. So we are perhaps finding ourselves in an easier position to make change with the manufacturers than perhaps supermarkets selling on to the public are. We think we shall be able to make some substantial progress there. There are advantages in convenience food because it is not labour-intensive to produce from our point of view, it is relatively cheap and helps us to manage within tight budgets

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and the use of convenience foods is one of the reasons why prisoners rate the diet better than they used to do.

**Q11 Chairman:** Can we have a look at exercise? There is a staggering variation. Look at paragraph 4.4 on page 33. "There were large variations in participation levels between prisons . . . ranging from 11% of prisoners in Bristol Prison . . . to 87% in Huntercombe Prison". Why is that?

**Mr Wheatley:** One of the reasons for the very heavy use of PE in Huntercombe is that it is a juvenile establishment, holding juvenile prisoners, much better resourced than most of the rest of the Prison Service because it has additional money.

**Q12 Chairman:** How are you going to try to resolve this situation?

**Mr Wheatley:** I am not going to resolve the high levels of PE at Huntercombe which are very good for that specialist population. At the other end of the scale, we have local prisons with very limited access to facilities, with small or non-existent gyms and weight-training rooms, poor access to pitches because they are old Victorian prisons, Bristol being quite a good case. We have tried to work to drive up the level of performance in those establishments. Bristol actually last year hit 40% of its people, because we have now got the end of the financial year. Trying to make sure we have busy local prisons with sufficient resources and with sufficient PE staff to use those resources is the best way of resolving that difference, but there will remain a big difference because they are different sorts of establishments with different facilities and actually I do not have not the funds to rebuild prisons to make them so that I can get equality between them.

**Q13 Chairman:** If you look at paragraph 4.20, page 37, there seems to be an astonishing range of cost per prisoner for physical education, ranging from £392 at Bullingdon Prison to £1,085 at Aylesbury Young Offenders' Institution. I wonder how you explain these very wide variations in the cost.

**Mr Wheatley:** There are two reasons for the variations and they relate to the last answer. One is that some establishments, because of their specialist nature, young offenders' establishments with active growing young men in them, are provided with more PE facilities and that is quite a deliberate policy decision. Other establishments actually have the mix of possibilities of occupying prisoners that result from the investment there has been over the years in physical facilities. As an example, if I use Woodhill which is a place I know quite well, it was built, not by me, without workshops. One of the main suppliers of activity is the PE department. The PE department therefore has a major part to play in that establishment. There is quite a good gym in the place and we use it to maximum effect. So we are often supplementing for weaknesses in other areas of the regime. Because of the lack of physical investment to provide a full range of workshops or a large education facility, we inevitably end up having to make those sorts of choices.

**Q14 Chairman:** Lastly, to sum up, if you look at paragraph four right at the beginning of the Report on page one, it seems that benchmarking could achieve a lot here. If all the prisons performed along with the best, we could achieve a lot more. Would that be a fair comment, something we should bear in mind when we are writing our Report?

**Mr Wheatley:** There is scope to use this benchmarking information to make further savings and the saving quoted of £133,000 a year is worth having. It is not, in terms of my budget of just under £2 billion, a large amount, but it is worth having. There are differences between establishments that relate to their jobs. All the resettlement prisons and the open prisons show as having a low cost, but actually lots of prisoners work out and lots of prisoners have temporary release on licence for a variety of reasons so they are not in the establishment. That is not the case in a high security prison, where they do not leave the establishment at all. There are those sorts of differences as well.

**Q15 Helen Goodman:** I wonder whether you could look at paragraph 2.29 on page 18 and I wonder whether you believe that costs could be reduced and more training and experience offered to prisoners if they did more of the catering rather than having so many external contractors.

**Mr Wheatley:** That is actually accurate and is one of the reasons why, over the years, we have pulled back from catering contracts and brought a number of our catering operations in-house because, particularly if we are short of ways of occupying prisoners, they give us a good way of occupying prisoners with training opportunities and training opportunities in areas where one can get jobs. We also, from a prison governor's point of view, get slightly more control over catering when it is an in-house operation and food is, as the Report makes plain, absolutely vital to running a quiet and ordered and secure prison. We have moved away from the contracts. There are now fewer than there were. There are still some where it makes sense and governors are left with the choice. We do give governors a lot of freedom, as the sub-accounting officers in charge of establishments, to organise in the best way to meet their targets.

**Q16 Helen Goodman:** I suppose what I am asking is: at the moment how many prisoners gain catering qualifications and what scope do you see for increasing that number?

**Mr Wheatley:** There is scope for increasing it. We now have NVQ training being done in 80 establishments in catering in our kitchens, which is a substantial part of the estate and we have NVQ catering qualifications being gained. We are doing lots of training in basic health and hygiene, so we have hygiene certificates being obtained by prisoners, which is a nationally accredited certificate, and there is scope to do more of that and we are encouraging that process. It does not always work in high turnover local prisons. There we are moving people through so fast, because of the need to keep the population moving, that they do not

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match the NVQ approach. Where we can do it, we are trying to and moving away from private sector contracting of catering helps in that process and that is why at places like Reading, at Belmarsh at an earlier stage, we have pulled back from what proved not to be the best way of catering in prison, but it still works in some establishments.

**Q17 Helen Goodman:** Could you look at the pre-selected menus in figure three on page 13? It looked to me as though the list of menus was really rather long in all these meals. Do you not think it would be possible to provide better quality food if instead of having five options you had four? You need a vegetarian option and you need a Halal option and you need a cold option, but you have more options than that and inevitably it costs more to provide a greater variety. Why do you not cut down on the choice?

**Mr Wheatley:** Within a limited budget we are trying to cater for prisoners so that we can cater for a variety of tastes, different ethnic backgrounds, different religions and different tastes. We get that right in most places. We try not to over-elaborate the menus because, you are quite right, the more elaborate the menus, the more difficult it is to cater and this is a menu from Kingston which is very stable in terms of population, a lifer prison. It is a very low turnover establishment but holding very long-term prisoners. We also find we have to include a vegan option in most establishments, not just a vegetarian option because we have a number of vegan prisoners who require a stricter diet. So it is slightly more difficult than you say, but we try to get that balance right. What you have here is a particularly good example of a varied menu. I could go to other places where there would be slightly less choice. In a prison with a small population and a very stable population like this on a pre-select menu, this is relatively easy to do. I would not like to attempt the same menu in, say, Leicester Prison, a high turnover small local prison.

**Q18 Helen Goodman:** Coming back to the point about the research that has been done on the impact of diet on behaviour, are you aware of the fact that the DfES have also got research connecting children's behaviour and what they eat? Have you thought of looking at the research that the DfES has rather than commissioning yet more research? Perhaps it would just speed things up to read the papers they already have.

**Mr Wheatley:** I personally have not read the research. I have asked for a literature search to make sure we know what is available, but I must not claim more personal knowledge than I have. I do know some of the research that links food additives, and the Chairman referred to that behaviour about fizzy drinks with lots of colour additives in, but we are not supplying those; they are not part of our diet. There are very few places where there is as much control over diet as we have in prison obviously, where we are effectively supplying nearly all the food. There is a canteen, a prison shop, from which prisoners can buy some items, but necessarily constrained by a

very small amount of cash to spend. We have tried to take account of the other research. I am certainly happy to look afresh at anything that is drawn to our attention.

**Q19 Helen Goodman:** Similarly, have you done any research or seen any research on the possible interconnections between how much exercise prisoners get and their behaviour?

**Mr Wheatley:** We have done research—research is perhaps a grand phrase for looking at our own data in a methodically organised way—to look at whether regime links to behaviour. Depressingly, because I expected to find that access to regime played a big part in reducing assaults and reducing indiscipline in prison, from our own information there is not a strong link between regime and reduced misbehaviour.

**Q20 Helen Goodman:** So in paragraph 4.12, which describes how in Bullingdon in particular some people get five times as much exercise as other people and that is used as a kind of incentive system, you believe that you can have a better impact on behaviour through using exercise as part of the system of rewards and punishments than by giving everybody plenty of exercise.

**Mr Wheatley:** There certainly is evidence, simply in terms of controlling behaviour, that our incentives and earned privileges system, which is what is described here, rewarding good behaviour is a very effective way of getting better behaviour in prisons. From the introduction of the incentives and earned privileges system, and that is not the only factor, we have seen a substantial improvement in behaviour in prison and certainly a substantial reduction in major indiscipline such as riots, which is a thing that any prison governor or prison administrator fears. I do not want, however, to say and I do not believe that it is right, that prisoners do not get some exercise and access to the outside air. That is a very important essential part of delivering a decent prison, whatever effect it has on behaviour.

**Q21 Helen Goodman:** Given that that is the case, what are you doing to improve and make more appropriate, the facilities for exercise in women's prisons?

**Mr Wheatley:** We do not believe that the facilities in women's prisons are bad facilities. What we need to do is to encourage the women to use to the full the facilities that are there. There is a particular problem in women's prisons because a very sizeable number of the women coming in are coming in with major drug dependency problems, really significant drug dependency problems and often coming in emaciated and in a very poor physical state because of the way they have been abusing drugs. I am not over-dramatising that. They are not the people you would expect to go into a gym to do gym-type activities, but we do need to engage them in things that will build up their health and to feed them well, which becomes an essential part of building them back up to strength. Many of them would die, but for the fact that they have come into prison. We get

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them off drugs and onto a steady lifestyle for a period and that should include encouraging them to engage in exercise, getting them involved in activity that builds up their fitness. We are trying to make sure that our PE staff are not just providing facilities for the willing or facilities for the maximum number, but that they are trying to target their efforts so that they are hooking in all the groups and making sure that they have access to something that makes a difference to their fitness levels, particularly the very damaged groups.

**Q22 Chairman:** Members may not be aware, looking at this figure three that Mrs Goodman referred to, that this breakfast pack is served the night before, is it not?

**Mr Wheatley:** It is served the night before.

**Q23 Chairman:** If the dinner is served to you at 4pm, you might be hungry, eat your breakfast pack and then you have no breakfast and have to wait until lunch the next day.

**Mr Wheatley:** If I choose to eat my breakfast in the middle of the night, I would not have my breakfast either. There are choices that prisoners can make and it is certainly a risk that some prisoners will choose to eat what is available for breakfast at a time other than breakfast. The introduction of the breakfast pack was primarily to allow us to unlock first thing in the morning rather than taking people to breakfast. This is quite an elaborate and expensive process just in terms of supervising people through a hotplate servery area. Instead we can move them straight into activities so that we extend the number of activities and the access to offending behaviour programmes and to education. An incoming staff can simply get the roll correct, prisoners can be woken up during the period before they are unlocked, have had their breakfast and they now have, in many prisons, kettles in cells so that is possible. We can then unlock and prisoners can move straight on to activities. We can extend the day in terms of activity rather than simply having a meal which means going down to a hotplate and in most prisons then bringing that up to your cell to eat.

**Q24 Mr Khan:** You have worked in the Prison Service for more than 35 years and been Director General for more than three years.

**Mr Wheatley:** Yes.

**Q25 Mr Khan:** How high up are prisoner diet and exercise in your list of priorities and issues?

**Mr Wheatley:** High, because it is essential that prisoners feel reasonably content.

**Q26 Mr Khan:** It is one of your top priorities.

**Mr Wheatley:** It is high because it is an important component of delivering a safe and decent prison.

**Q27 Mr Khan:** As important as issues around overcrowding, self-inflicted deaths, industrial relations, budget concerns, rehabilitation issues?

**Mr Wheatley:** It may play into a number of those. A prisoner is unlikely to be ready to engage in rehabilitative work, if we have not fed that prisoner correctly. The prisoner whom we have not got off drugs and built up in their strength is unlikely to play a part in the rest of the regime. That is why I say it is high rather than my top priority and it has to be balanced alongside, you are quite right, the question makes it clear, a number of pressing priorities which are inter-dependent on each other in many cases.

**Q28 Mr Khan:** So it is not the most important, but it is an issue for you?

**Mr Wheatley:** It is an important issue, not the most important. It is one of the important issues in running a successful Prison Service and running a successful prison. As a governor, if I did not get good food served in my prison, I had real problems and indeed the NAO Report makes that plain.

**Q29 Mr Khan:** How do you relay to your governors the importance of prisoner diet and exercise, leading on to improvements in issues which are of utmost priority?

**Mr Wheatley:** The way of doing that is to have clear standards through which prison governors are judged on diet and—

**Q30 Mr Khan:** But Helen Goodman asked you a question which showed the disparity between, for example, prison A and prison B.

**Mr Wheatley:** But we do have clear standards and the Chairman quoted one, that we are not getting full compliance with the requirement to feed people at the hotplate within 45 minutes of the food being cooked, but that is a standard which we are trying to drive through and make sure that is followed. We have a number of standards which we make plain to prison governors.

**Q31 Mr Khan:** How do you do this?

**Mr Wheatley:** They are published standards which are audited and prison governors are measured on them, they form part of our judgment about establishments.

**Q32 Mr Khan:** When was the last time you spoke to a governor about prisoner diet and exercise?

**Mr Wheatley:** At the last prison I visited, which was the week before last actually, because I had last week off.

**Q33 Mr Khan:** Were you surprised then that in a 48-page report, only three paragraphs refer to religious and ethnic food?

**Mr Wheatley:** In terms of concerns for me, getting food right, particularly for ethnic minorities and for different religions, is important and has occupied quite a lot of my personal time and was one of the things I was talking to both prisoners and staff about on my last prison visit. I cannot judge the Report.

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**Q34 Mr Khan:** The question is: are you surprised that in a 48-page report, three paragraphs are devoted to the food that your guests who are of a certain religion and ethnicity receive?

**Mr Wheatley:** I did not think about it and it was not my report.

**Q35 Mr Khan:** I put it to you that there are about 7,000 Muslim prisoners.

**Mr Wheatley:** It occupies more of my time than three paragraphs.

**Q36 Mr Khan:** So I infer you were surprised that this NAO Report only—

**Mr Wheatley:** I did not seek to judge it. I noticed it was in there. It is something that matters to me and I have to spend quite a lot of time on, as we have been seeking to consult about what is a good and appropriate Halal diet that will meet most Muslim prisoners' needs.

**Q37 Mr Khan:** What have you done to make sure that all of your prisons serve prisoners who are of a certain faith a food that does not breach their faith?

**Mr Wheatley:** We already serve Halal meat in all establishments, certified as such. What we have discovered in the process of consultation with our Muslim imams and leading Muslim organisations is that that certification does not, by itself, satisfy all Muslims.

**Q38 Mr Khan:** So you are aware some of our inmates and detainees are boycotting your Halal food? They do not trust you.

**Mr Wheatley:** Yes, they are. It is all certified. The issue, and it is quite an important issue for Muslims, is what Halal food is. It varies depending upon the exact state of your Muslim faith, whether you believe, for instance, that an animal stunned but nevertheless individually killed by a Muslim using a knife saying the appropriate words, would be regarded as Halal or not. There are all those variations.

**Q39 Mr Khan:** Come, come. Are you suggesting that the concern that a high proportion of your 7,000 prisoners have is around the method of slaughter?

**Mr Wheatley:** Yes; the method of slaughter has been very important.

**Q40 Mr Khan:** May I take you to page 15 please? One of the three paragraphs referring to this important issue is paragraph 2.15 and it gives some ideas: for example, inviting local religious leaders to prisons to inspect preparation and storage; for example, discussing any concerns with prisoners and caterers; for example, observing major religious festivals. Then it goes on. Where do you see mention of the method of slaughter?

**Mr Wheatley:** I am saying that in terms of what I have had to think about in developing the Halal food standard, that has been one of the key issues.

**Q41 Mr Khan:** The Committee of Public Accounts of this House is investigating prisoner diet and exercise. Almost 10% of your prisoners are Muslim. Did you not think it important to raise with the NAO this huge omission from the three paragraphs that they devoted to this?

**Mr Wheatley:** I do not regard it has a huge omission on the NAO's part. I am saying that that is one of the things we have been consulting about and is a crucial issue in developing the new standard for Halal food. There are also important issues around making sure that food is kept separate, that when it is served it is served in a way that is appropriate and given separate status and we have just issued, as part of that process, labelled, completely separate utensils to be used only for Halal food.

**Q42 Mr Khan:** When was the last time you spoke to a governor about Halal food?

**Mr Wheatley:** The week before last.

**Q43 Mr Khan:** Which prison was that?

**Mr Wheatley:** That was at Wymott, the last prison I was at. It is an issue in most prisons now, so it is a thing I would mention and that happens to be the last prison I visited.

**Q44 Mr Khan:** How do you convey to those governors who you do not visit the seriousness of this issue?

**Mr Wheatley:** By speaking at conference about the importance of getting all issues to do with our black and minority ethnic prisoners right and particularly about being sensitive to issues around the Muslim faith.

**Q45 Mr Khan:** Which prisons do you hold out as beacons of good practice that we should all aspire to and aim towards?

**Mr Wheatley:** I would hesitate to name any.

**Q46 Mr Khan:** Just name five.

**Mr Wheatley:** No, that would be an inappropriate thing to do.

**Q47 Mr Khan:** Just name one good prison.

**Mr Wheatley:** At the moment one of the places which is most careful in doing their work, because of the concern, is Belmarsh where a lot of work has been put in to make sure we get the diet right for prisoners who are Muslim. That has required a great deal of effort. There is some good work being done at Bullingdon; that is another example. Actually, the big thing we need to get right to make sure that I am content that we have got the food right for Muslims is to make sure that we have a very clear standard for what is Halal food and an excellent supply certified to an appropriate standard.

**Q48 Mr Khan:** May I move on to another issue? Is obesity a problem in your prisons?

**Mr Wheatley:** Obesity is a problem for some prisoners. It is not a problem in prison. The prisoners who become obese in prison are few and far between. The number of prisoners who arrive in

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prison who are obese is significant, though actually we have probably got a slightly larger problem with people coming in under-nourished, usually because of substance abuse.

**Q49 Mr Khan:** May I take from that the answer is “not really”? It is not really an issue?

**Mr Wheatley:** No, it is not a big issue. There will be exceptions.

**Q50 Mr Khan:** Does that explain why you are taking no steps to prevent obesity in prisoners?

**Mr Wheatley:** No, it does not explain why we are taking no steps. We are taking steps. We are changing the diet as a result of some of the research that has been done for this Report. We have done work to try to make sure that we reduce the amount of frying we do; we do more oven baking which is one way of reducing the amount of frying we do while still producing food that is acceptable to prisoners. We are increasing the supply of healthy options, particularly fruit versus sweet, which will make a difference.

**Q51 Mr Khan:** Are you educating your prisoners about the importance of certain types of food?

**Mr Wheatley:** Yes, and we are employing somebody centrally to help us to work up advice on that and working with the Department of Health, which nowadays supplies our health provision in establishments.

**Q52 Mr Khan:** Exercise?

**Mr Wheatley:** Exercise is to make sure we make the best possible use of the PE facilities we have.

**Q53 Mr Khan:** Right. That leads me on to the next question.

**Mr Wheatley:** We have over 40% take-up in PE which, compared with the world at large, is probably pretty good actually.

**Q54 Mr Khan:** That is a very good answer. What does take-up mean? How do you define take-up?

**Mr Wheatley:** Take-up means people are going to the gym and engaging in activity at least once a week.

**Q55 Mr Khan:** Male prisoners and female prisoners?

**Mr Wheatley:** The overall figure I have is for all prisoners and it varies prison by prison.

**Q56 Mr Khan:** Do the figures for male prisoners not mask how appallingly badly female prisoners are *vis-à-vis* exercise?

**Mr Wheatley:** I would need to go back and look at that in more detail. I do not have the detail to give you an accurate answer to that at this point. I can write to the Committee separately on that.<sup>1</sup>

**Q57 Mr Khan:** You are not able to say whether physical activity female prisoners receive is much worse than male prisoners?

**Mr Wheatley:** I do not think it is much worse but I do not want to invent figures and I do not have the figures in my head.

**Q58 Mr Khan:** Two final issues. Is there an issue for you about over-crowding, low numbers of staff and lack of facilities impeding your ability to provide the physical education that your prisoners deserve?

**Mr Wheatley:** If we over-crowd too much and we do not have sufficient staff, there would be a real risk of that and it is one of the reasons—

**Q59 Mr Khan:** Is it an issue at the moment?

**Mr Wheatley:** It is not, providing we keep the population under the operational capacities we have certified as being safe. That is why it is crucial we do not over-crowd more than we think the facilities will allow us to do in a reasonable way.

**Q60 Chairman:** Do you want to ask the National Audit Office why they have only devoted three paragraphs to Muslim diets, as they wrote the Report?

**Sir John Bourn:** The fact that there were three paragraphs does not mean that we did not take this as a serious matter. I absolutely agree with you Mr Khan that it is and the way in which you have developed the issue has reminded me that we might have paid more attention to it; that does not mean to say we disregard it and do not think it is important.

**Q61 Mr Khan:** You were in discussions with the DG obviously as you always are when it comes to these reports with Permanent Secretaries and so on.

**Sir John Bourn:** Yes.

**Chairman:** We can make an issue of it in our Report Mr Khan. Thank you for raising that.

**Q62 Mr Bacon:** Mr Wheatley, I should like to go back to this question of the link, whether there is a link, between diet and behaviour. You referred to some research but you said that more was needed. Do you believe there is a link between diet and behaviour?

**Mr Wheatley:** I have seen nothing in my career in the Prison Service to say there is a strong link between diet and behaviour, but I am capable of being persuaded by the evidence. I have not seen the evidence at the moment. I have not seen the evidence from 35 years working in the Prison Service.

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<sup>1</sup> *Note by witness:* The take-up of physical education by female prisoners, in establishments where PE is directly provided by the public sector Prison Service, during 2005-06, averaged 42%—up from 37% in 2004-05. This compares with a total average take-up of 43% for the prisoner population as a whole during 2004-05. The figure for male prisoners in 2005-06 is estimated to average 52%.

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**Q63 Mr Bacon:** I did not say a strong link. Most people would assume as a matter of common sense that there is a link between diet and behaviour. We all have experienced not having had a meal or not having had a proper meal and how we feel about it, feeling grouchy, feeling bad-tempered, feeling hungry, or even if we do have a meal but not a proper meal, it affects our behaviour. It is common sense that it affects our behaviour.

**Mr Wheatley:** That does go back to what I have said quite plainly, that actually giving prisoners a decent diet that they think is a good diet is an essential part of running a controlled prison. I can tell you that when I did do research, which I did when I was responsible for security and order in prison at an earlier stage in my career, into disturbances pre 1994, a number of those disturbances, in fact the biggest portion of the disturbances, if you are looking for a single cause, was caused by poor prison food. That is not true at the moment.

**Q64 Mr Bacon:** Good. It does say in the Report that food is important for control in prisons.

**Mr Wheatley:** That is slightly different from saying that particular vitamins will produce a mood change one way or the other.

**Q65 Mr Bacon:** It is a much higher level of specificity if you are talking about the fact that eating porridge helps your brain produce serotonin, which lifts the spirits and reduces the appetite. However, I shall not go on about porridge because I know Mr Clark is very keen to ask you about porridge. I have established that he has it with cream and not skimmed milk. Surely there is plainly a link. The question then is to what extent there is a link. The question is really how strong the link is. I notice on page 46 in appendix three it says "In January 2006 the Minister of State at the Home Office asked Natural Justice to conduct further research into the effects of nutrition upon the behaviour of prisoners" and an eminent team of scientists has been assembled from Oxford University, the Medical Research Council and so on. Later on it says "Before the researchers can start", so obviously three months later this research has not yet started, or has it now? This Report was published on 9 March. Has the research started now?

**Mr Wheatley:** It has not. We stand ready as the Prison Service to help them do it and we have volunteered establishments to participate in that with governors very keen to be part of it.

**Q66 Mr Bacon:** How long is it going to be before this research starts?

**Mr Wheatley:** My understanding is that we are waiting for the formal proposal from the Natural Justice group and this can then go to the Ethics Committee.

**Q67 Mr Bacon:** Then they need to submit it to the Project Quality Approval Board of the Home Office and also obtain ethical approval from the NHS

Multi-centre Research Ethics Committee. Is there anyone else who needs to look at this before it can start?

**Mr Wheatley:** No; that is an accurate description. Before you do research, in this case into young people, which involves giving vitamins, you do need to make sure that you have looked at the ethical implications of what you are doing and, like any research, we have simply put it through the ordinary process of approving research.

**Q68 Mr Bacon:** When do you think this research will start?

**Mr Wheatley:** It depends when the proposal comes forward and I would not like to guess that process of approvals. I simply stand ready, as the person leading the public sector Prison Service, to work with them as soon as they have approval. I have worked hard to make sure we have governors keen to participate. I am keen to be involved in the research and happy to learn from it. I want it to have a sufficient sample and be done in a rigorous way so we know what it proves at the end of it.

**Q69 Mr Bacon:** This sample was 231 young people. It was not an insignificant sample.

**Mr Wheatley:** Normally, when you are looking for changes in behaviour, you would look for a bigger sample than that.

**Q70 Mr Bacon:** How big?

**Mr Wheatley:** I would not claim to be an expert; you would be looking at probably 1,000 people, at least something like that, to see the small variations and make sure you were not looking at something that was just a random variation.

**Q71 Mr Bacon:** Will you be writing to Natural Justice to encourage them to get on with sending in their proposal?

**Mr Wheatley:** I have written to those responsible for Natural Justice to encourage them and to express my support for their proposal when it comes forward. I have made it quite plain that the Prison Service stands ready to cooperate.

**Q72 Mr Bacon:** If they do not get their finger out, will you ask someone else since there is plainly some sort of link?

**Mr Wheatley:** I shall not, because I do not control research funding, to be honest; I do not have the funding for doing that sort of research. As the person responsible for the operation of the Prison Service, I am happy to co-operate in that research, to allow it to take place, we have volunteer establishments, we have volunteered more than one so there is a bigger group, and we are anxious to participate in it as and when the research is approved.

**Q73 Mr Bacon:** I should like to ask you about these breakfast packs that you referred to. They cost 27p each and you dwelt on the fact that they enable you to start the prison day sooner, get more activity going and so on. Is it not the truth that they mainly

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save money and that they are done for cost-cutting purposes? If you are a prisoner alone in your cell and locked up quite early and you have nothing to do except perhaps eat some food that is put in front of you, the chances are you are going to eat it before seven or eight o'clock the following morning? You go on about choices, but you do not have a lot of choice when you are sitting in a prison cell with nothing else to do and they are not going to be reading Dostoevsky; well maybe one or two of them are, but most of them are not.

**Mr Wheatley:** There is nothing to stop them. We have good prison libraries.

**Q74 Mr Bacon:** They have to be literate, do they not? We know from the report on prison re-offending, that 58% of the people in prison re-offend and that of that universe, two thirds are unemployable in 96% of all jobs. So they probably will not be reading Dostoevsky, they will probably be eating a breakfast pack, if it is put in front of them and they are locked up with nothing else to do, and you are doing this to save money.

**Mr Wheatley:** We are doing it to save money, but not on food. What we are trying to do—

**Q75 Mr Bacon:** On staff. No, no, no. I appreciate that you do not save money on food, I appreciate that. This is the cost of running a hot servery in the morning.

**Mr Wheatley:** We are not saving money; we are using the money to do something different. I am trying to make sure that we use the money supplied to run the Prison Service to maximise our chances of reducing the risk when prisoners return to society, therefore trying to get them into an active regimes, active for resettlement.

**Q76 Mr Bacon:** Is not starting the day with a good meal, perhaps even porridge, who knows, probably one of the best things you can do?

**Mr Wheatley:** If it takes an hour off the chance of engaging in education, it may not be the best thing to do.

**Q77 Mr Bacon:** There are 168 hours in a week, Mr Wheatley. Surely there are plenty of hours available to do education.

**Mr Wheatley:** It is the hours with funding that matter to me. The other way of putting it is that if I waste an hour's worth of full staff time to take people down to breakfast, supervise that process and go back up to their cells, then unlock them and send them off to work as opposed to sending them straight into education and offending behaviour programmes, that may be a better use of scarce resources.

**Q78 Mr Bacon:** You are saying that is money you cannot spend on a teaching programme basically?

**Mr Wheatley:** Yes and on getting the prisoners to the teaching programme. In some places I am in danger of having teachers available who are being paid to come in but not getting the prisoners there because they are busy eating their porridge.

**Q79 Mr Bacon:** Why do you not ask the teachers to start later and pay them for the hours they do rather than start them at 8:30 in the morning or whenever it is?

**Mr Wheatley:** But then I end up, if I am not careful, not getting a proper period in education that is sufficient to do the work that is required because we spent a long time doing breakfast and using a lot of resources to do it. Serving meals is a resource-intensive business because it involves a lot of staff supervision.

**Q80 Mr Bacon:** They cost 27p each. What is in a breakfast pack?

**Mr Wheatley:** A breakfast pack has cereals, a roll, jam usually, a hot drink, materials for a hot drink, milk in order to make a hot drink, that sort of thing.

**Q81 Mr Bacon:** May I come on to the wider questions about what the Prison Service is doing in order to encourage better diet? As you said yourself earlier, notwithstanding that plainly there are things you must do in relation to respecting religious preferences and so on, you are in what is plainly a very controlled environment. You do not have to serve any unhealthy food, do you? You do not have to procure from suppliers any food that has too high salt content. You have a very high buying power. You could use your buying power to buy only healthy food. You could ask your suppliers to supply only food with low salt content.

**Mr Wheatley:** That is accurate to a point and that in effect was the answer I gave earlier. In the next range of contracts, as we let contracts in May, we are moving to make some changes; by the autumn as we do the major grocery contracts, we certainly can and we intend to reduce the amount of salt and fat in the food sharply using our buying power. That is an intention and we are doing that at the moment. We do have to make sure we are feeding food which is acceptable to the population. I do remember the days when we served very healthy cabbage regularly; there was nothing wrong with it, it was cabbage. It was not taken by prisoners, it was not eaten by them and was cordially detested by them, but it would have allowed me to say that I was supplying a lot of dietary fibre. It went mainly in bins. That was before we moved to a system in which we allowed caterers to buy the produce which they cooked and we made them cook from the prison dietary. That was a worse approach and in the long run not good for prisoners.

**Q82 Mr Bacon:** It is possible to create very tasty, very healthy meals.

**Mr Wheatley:** We think so, which is why we are working with our suppliers to do just that actually. The research which has been done since this Report has been very helpful to that process. We are using that research to drag down the salt content in particular, which is a significant problem. Although it may be they are using no more salt than apparently the average member of the public does, as you point out we are in a controlled environment. We have removed free flow salt, so we do not have salt around for spreading on these foods and we are now trying

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to work on the salt that is added to food and trying to make sure it tastes good and we do not run into acceptability problems.

**Q83 Mr Bacon:** I should just like to ask one more question and that is about the extent to which the Prison Service uses its buying power to buy British food products. Do you at all focus on sourcing either local food or domestically produced food?

**Mr Wheatley:** No, we focus on purchasing what is the best value for money. That is our overriding concern.

**Q84 Mr Bacon:** For example, the British pork quality standard mark is not something you take into account.

**Mr Wheatley:** No, we are not buying British for the sake of buying British.

**Q85 Mr Bacon:** No, no. When you buy because of the pork quality standard mark, you are buying because of quality and because it meets animal welfare standards which many people regard as even more important than other considerations such as meeting religious preferences and so on. Are animal welfare preferences in the production of food something that you take into account at all? I have constituents producing a lot of food who are forced to compete with foreign importers from elsewhere who produce meat to lower standards.

**Mr Wheatley:** We make sure we buy to standards which are acceptable for sale and for producing for the general public. We do not set a higher standard for prisoners and we buy on the basis of the best price we can get on some big regional and national contracts nowadays, which is how we have managed to reduce the cost of prison food in real terms.

**Q86 Chairman:** When was the last time you went 14 hours between meals?

**Mr Wheatley:** It was the week before last when I ended up missing my lunch entirely and not getting home until 9 o'clock.

**Q87 Chairman:** Did you feel irritated at all? Grouchy perhaps?

**Mr Wheatley:** My wife did manage me reasonably when I got home. I confess that I had forgotten I had missed my lunch until I began to go home for tea.

**Q88 Sarah McCarthy-Fry:** You pointed out in a previous answer that the uptake of exercise in prisons is 40% across all prisons.

**Mr Wheatley:** Yes, it is just over 40%.

**Q89 Sarah McCarthy-Fry:** In paragraph 4.15 it says you ask prisoners on a regular basis in which activities they would like to partake and the NAO found 13 prisons had carried out surveys and three had not. What do the prisons do with the results of these surveys? Do they amend their exercise programmes or do they just mark it away and file it and say "Oh, yes"?

**Mr Wheatley:** The intention is obviously that we do not want them doing surveys to which they do not pay attention and we are using our PE advisers who visit establishments to make sure that the PE staff in establishments are using that information to feed back into planning, while at the same time trying to make sure that they do not just provide the sort of PE that people want. It is important that we meet needs and use PE for training, because PE is one of the major sources of awards for prisoners because they have gained a qualification or gained some key skill.

*The Committee suspended from 4.24pm to 4.38pm for a division in the House*

**Q90 Sarah McCarthy-Fry:** We were talking about surveys and what happens to the results of these.

**Mr Wheatley:** Yes, the surveys are fed back into planning. We need to be careful that we do not just give prisoners exactly what they want. We might at that point end up for instance with a lot of weight training, which would not be appropriate. We try to get a balance of things which give qualifications, are aimed at some of the hard-to-reach groups, particularly older prisoners or prisoners who have substance misuse problems and we need to build up their strength, while providing also access to activity for the majority. We try to get that programme balance and we use the surveys to do that and they have proved useful in making sure that PE does reach more than just the young and the fittest in the population.

**Q91 Sarah McCarthy-Fry:** In your view, is the opportunity to do exercise part of your duty of care or is it a privilege?

**Mr Wheatley:** It is part of our duty of care to make sure there is adequate access to exercise. The words get used in the Report, understandably, in a way that does not match ordinary prison parlance. Exercise was often used in prison terms simply to describe time in the open air; the traditional exercise period was time in the open air, as opposed to access to PE which gives a chance to do what most people would call exercise. We have to make sure that prisoners have access to adequate physical exercise and adequate time in the open air to a level which is compatible with decency. It is okay beyond that to use access to things that people value as an incentive and that helps us to run stable and ordered prisons that are safe for prisoners.

**Q92 Sarah McCarthy-Fry:** I was a bit concerned by paragraph 4.12 which says "At two prisons we visited segregated prisoners did not have access to any organised physical education activities on a regular basis because their privileges had been removed. Do you think that is acceptable?"

**Mr Wheatley:** Again, it depends on why we are holding people. If a prisoner is in the segregation unit for a short period of punishment as a discipline award, it is acceptable, unless they have particularly pressing needs, they need remedial PE or something like that, to simply regard that as a punishment that will be completed quickly and they will then return

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to ordinary location. If somebody has had to be segregated because they are in danger or they may be a danger to others and we are holding them in long-term segregation, it is not acceptable and our standards are designed to make sure that in those circumstances nowadays—it was not the case in the past—we do provide access to other regime opportunities and not simply say they are segregated in a cell 23 hours a day, except for access to the open air for an hour, which they will get.

**Q93 Sarah McCarthy-Fry:** So they still get that?

**Mr Wheatley:** Oh yes, they still get that. For any prisoner in segregation, that is the standard right. There is a period of an hour's exercise, in the prison term, that is a chance to walk around in the open air.

**Q94 Sarah McCarthy-Fry:** You are saying that all prisoners do have access to the open air.

**Mr Wheatley:** Yes. All prisoners have the chance of access to the open air. Not all take it and nowadays, as opposed to making prisoners walk round and round an exercise yard in the manner that you see occasionally on television, in prisons where there is substantial access to workshops on an open site, then we do not stage separate exercise periods, but prisoners will have access to the open air as part of the ordinary regime of the establishment. It is true of most open prisons for example.

**Q95 Sarah McCarthy-Fry:** I was sent a briefing note from the Howard League for Penal Reform and they said that they have recently found in one prison catering for juveniles, that boys never went outdoors for exercise. Is that something you recognise or do you think they are mistaken?

**Mr Wheatley:** I do not recognise that and I would like to know the establishment to be able to check carefully on what they are saying. Certainly when we are involving groups of juveniles in exercise and that exercise in the sense used in the Report, then you will do that in a very focused way. Forgive me saying so, but you do not let a crowd of young children just wander around as though they were on the street. That is a recipe for disaster. You involve them in activities and a number of those activities will take place in the gymnasium and it will take place on the sports field in the summer and at times when the weather is better and we will move them around in escorted groups because young children, as they are actually, 15- and 16-year-olds, if not supervised and involved in doing something, are potentially fractious and dangerous to each other. So making sure we supervise them and have them involved in activities is crucial, not just saying "Here, wander around outside and enjoy yourselves".

**Q96 Sarah McCarthy-Fry:** I shall be happy to make this note available to you, because I am glad to hear you say that because I thought that was very worrying, particularly for juveniles. If you could send us a note when you have looked into that, we should be very grateful for that. <sup>2</sup>You were talking

about women prisoners and in the NAO Report on page 35 paragraph 4.11 "Women prisoners told us that the facilities and activities available were not tailored to the requirements of women. You mentioned the fact that very many women come in having abuse of substance issues and they are not in a fit state to do physical exercise. As an aside, is that peculiar to women? Are you saying there is a higher incidence of substance abuse amongst women?"

**Mr Wheatley:** There is a higher incidence with women. Of people coming in with significant health problems, so you actually look at them and do not need to be a medical expert to see that they are people in real difficulties, you are more likely to see those coming into women's prisons. We know the scale of addiction problems with women prisoners is higher and the density, the extent of the addiction we find amongst some of the women, is greater than in the men's prisons. We still find a problem in male prisons, but not actually amongst young offenders. Young offenders, as far as one can generalise, tend not to come in with extensive substance abuse problems, not ingrained ones. We do need to do quite a lot of work to try to build back up the health of people in that position and we do need to make sure we get PE right for women. Aerobics and yoga and things like that are the sort of things we try to include in the programme in women's establishments because just doing a traditional "Would you like to play five-a-side football?" is not likely to appeal to a number of the women entering our custody and some simply will not be fit enough for it.

**Q97 Sarah McCarthy-Fry:** Do you think the women prisoners that spoke to the NAO were the ones who were unable to do exercise because of their substance misuse or the ones that wanted to do exercise but the facilities that were there were not appropriate?

**Mr Wheatley:** I suspect that people would want to do more than we have on offer and trying to get the balance right, because there are women in prison who want to do things that are much more obviously ordinary gym activity and want to do fitness improvement, want to do weight training, as indeed do people in the community, so getting the balance right is difficult. I am sure we will find people in most establishments who think we have not got it right and we need to be careful in women's establishments that we have a range of activities which appeal to people who would not normally go to a gym in the community.

**Q98 Sarah McCarthy-Fry:** May I refer you now to page 36, paragraph 4.18, which is the scheduling of physical exercise? It says in the paragraph "Some prisoners who were either working or attending education classes could only exercise in the evenings or at weekends. Although most prisons offered full weekend and evening programmes of activities, others did not". A similar thing came out earlier on in the diet theme. There seems to be a theme coming through that the timing of meals and the timing of

<sup>2</sup> Ev 18-19

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exercise are far more geared around your staff's needs than your prisoners' needs. Do you think that is a fair comment?

**Mr Wheatley:** There is a risk of that: it is not a fair comment. The amount of staff time we have is dependent on the amount of money we have. We buy staff time and we have to therefore use that staff time very carefully. It is not given for free. We are buying 39 hours of a prison officer and we have to make sure that is used to maximum effect. If you use it in one place, you cannot use it somewhere else. The amount of staff time I can afford to buy and the amount of staff time we have to use because of the things which have to happen—a busy local prison must have reception open in an evening to receive people from the court, it must have a gate that is running, it must have its security precautions in position—the number of “musts”, constrain what else is possible. With more resources somebody like me can always do more, though there is a limitation in prisons because of the physical plant we are working with, particularly older prisons which were not built by the Victorians with extensive facilities outside the cell blocks. We are still living with the legacy of that in a number of establishments. There are constraints. We make sure, as we both review using the PE advisers and review our staffing systems, that we do not let them be designed to please the staff, so we only have people on when it pleases staff. It is an efficient way of using resources to end up with a very tight day in which the maximum numbers of things take place at once and prison officers and other people in the prison are all busy, so there are no gaps in their time and we pack the day into a relatively short period. That has disadvantages from a prisoner's point of view because it can mean quite long periods locked up.

**Q99 Sarah McCarthy-Fry:** It is the use of civilian PE instructors which would be a way of you saving money. Obviously you would have to put it in the lower security prisons rather than the maximum security ones. Do you think you should be encouraging more of that?

**Mr Wheatley:** I am sure it is an option and we need to make sure that governors know it is an option. We are using it in some of the lower security establishments, for instance Latchmere House, where they are only doing evening PE actually because most people are involved during the day in going out to work. It is a re-settlement prison. It would not make sense to have a full-time person to do that, so we buy in somebody to work in the evening. In those circumstances, it makes sense. Our experience to date of those contracts has not been very encouraging. Some are quite expensive and the quality of work we get for working with prisoners, which is a skill that you need and it is a different skill, is not always there in the civilian employees we have brought in. It has some capacity to be stretched in the low security estate: it is not the answer for the majority of the estate. Most governors would rate the PE staff we have very highly and their ability to motivate and control large groups of prisoners and get them involved in doing things.

**Q100 Greg Clark:** In terms of this research about the effect of food on behaviour, did I hear you correctly in the response to Mr Bacon that you do not have a research budget?

**Mr Wheatley:** The Prison Service within the National Offender Management Service—we are part of the National Offender Management Service—does not have its own separate research budget. Research is funded by the Home Office, the National Offender Management Service through the RDS, the Home Office research group.

**Q101 Greg Clark:** That seems extraordinary. You are the Director General of the Prison Service. You would think, in order to make sure you followed best practice, both to save money but also to ensure that your prisoners are cared for to the best available extent, you should be able to research best practice. Are you saying that you do not have any ability to do that?

**Mr Wheatley:** I have very limited research funds that I can put out and there is a small scale research, actually funding PhD research, specifically about prisons which the Prison Service funds directly. The budget for research is held centrally within the Home Office. There are efficiencies out of that and it is available for all the suppliers because there are several providers in this area and I am a competitor against the private sector. The fact that the research is done centrally has some advantages.

**Q102 Greg Clark:** Have you asked the Home Office to conduct this research? Have you said that it would be important?

**Mr Wheatley:** In this particular case I have said I am very happy to cooperate with this research, I have volunteered establishments—I did not have to work hard to do that because governors of those establishments were pleased to volunteer—and I have made sure that those who are supporting a Natural Justice approach know that I am a supporter of getting the research done.

**Q103 Greg Clark:** How much does it cost to do this research?

**Mr Wheatley:** I do not know because I am not paying for it; I could not give you an accurate answer on that.

**Q104 Greg Clark:** It seems a bit passive. It strikes me that this is a crucial question. You have an NAO Report into prisoner diet and exercise. I should have thought you would be very eager to know the answer to the effects of diet on behaviour so you might ask how much the study would cost and, whether from your own resources or by leaning on the Home Office, pester to get it done.

**Mr Wheatley:** I am eager to know the answer and that is why I am anxious to cooperate with the research. In the way we are structured, as a provider of prison services within the National Offender Management Service, I do not have a budget for doing major research.

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**Q105 Greg Clark:** I understand that, but you have a direct line to the Home Office and if they hold the budget, presumably you can put some pressure on them to spend it in a way that would be of most help to you.

**Mr Wheatley:** As I have made plain, I have happily agreed to co-operate with this and there is a proposal. The thing is expected to come forward shortly.

**Q106 Greg Clark:** It is not the same to co-operate with the project as to actually try to secure a project that would be very helpful.

**Mr Wheatley:** It is probably not helpful to ask me precisely all the dealings I have with the main Home Office. It is something I am pleased to see done, but the Home Office must decide the best way of spending their research money and they are accountable for that, not me.

**Q107 Greg Clark:** For us to write the Report, would you mind asking the Home Office how much the study would cost and perhaps write to us?<sup>3</sup>

**Mr Wheatley:** As I understand the proposal at the moment, Natural Justice actually have funding for this and are proposing to fund it themselves. It is a question simply of getting clearance for the research.

**Q108 Greg Clark:** Perhaps you could give us an indicator of the cost.

**Mr Wheatley:** Certainly I can give you an update on the position, but, as I understand it, there is the funding available. Funding is not an issue; it is just getting the proposal forward to go through the approvals process I have already commented on.

**Q109 Greg Clark:** It seems a bit frustrating I must say to have the funds available and not to be getting on with it. Mr Bacon indicated that I am very interested in porridge and I am sure that you have noticed that porridge has become rather fashionable these days as a foodstuff. Are you aware of the research?

**Mr Wheatley:** I am aware that it has become a fashionable thing to eat. I am afraid I eat fruit in the morning myself, but I can see that it is much more fashionable than it used to be and has a number of health benefits claimed for it.

**Q110 Greg Clark:** In particular, it is full of soluble dietary fibre which, according to paragraph nine of the Report, is something that the prison diet is lacking in. It is low in fat, salt and sugar, three things that, according to the Report again, paragraph nine,

the prison diet is lacking in and it helps the brain release serotonin which helps keep the spirits up, which I would have thought would be pretty important in a prison. Do you serve porridge in prison any more?

**Mr Wheatley:** Because we have no firm policy which says that any food must be served, the answer to that is that we do not have a policy which says that porridge should be served or should not be served. There will be a number of establishments serving porridge, but I do not know how many there are.

**Mr Tuckwood:** There are some jails, I could not name them here for you, which serve porridge.

**Mr Wheatley:** The diet is a locally controlled issue rather than centrally mandated.

**Q111 Greg Clark:** The impression the Report gives is that this breakfast pack is the kind of standard way of providing breakfast these days.

**Mr Wheatley:** The breakfast pack is used in a number of establishments and it is used only because it facilitates moving prisoners first thing in the morning using the oncoming staff to roll check and move to labour. That is the only reason it is used.

**Q112 Greg Clark:** Okay. We shall talk about the reasons in a second but I am interested in knowing how many prisons use the breakfast pack and how many serve porridge in the morning.

**Mr Wheatley:** We should have to research that and write separately to you about that.<sup>4</sup>

**Greg Clark:** Would you write so that we can reflect on it?

**Mr Bacon:** You do not have a research budget.

**Q113 Greg Clark:** Exactly; you do not have a research budget, so how are you going to find this out?

**Mr Wheatley:** This is a question of asking; I should not call this research which will cost money. It will cost some money as we organise it, but it is a reasonable request.

**Q114 Greg Clark:** So you can send an e-mail out to all your prisons to ask them to report whether they serve porridge.

**Mr Wheatley:** Yes.

**Q115 Greg Clark:** Okay, I shall be interested to hear that. It does seem paradoxical that when the nation is eating porridge, the one place you cannot get it any more, at least in the quantities that you used to be able to, is prison. You might have expected to go to prison in order to improve your diet in this respect, but not here. On the breakfast savings, when did you introduce this requirement or this policy to move to breakfast packs in order to save?

**Mr Wheatley:** It is not a requirement in that you must do it. We have made it plain that we think there are advantages in extending the regime by unlocking first thing and moving straight into work, bringing your staff on slightly later, so you keep patrol staff on typically until 8 o'clock, quarter to eight, in the

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<sup>3</sup> *Note by witness:* The Prison Service have offered HMYOI Stoke Heath and HMYOI Warren Hill as establishments where further research by Natural Justice could be undertaken. This offer has been on the table for some time. Natural Justice have been planning to replicate their initial Aylesbury project on a much broader scale. Funding for the research was to be raised by Natural Justice. Natural Justice are aware that the research proposal needs to be scrutinised by the NHS Multi-centre Research Ethics Committees as well as by researchers in the Home Office. As the proposals have not yet been received or reviewed it is not possible to give an accurate estimate of costs.

<sup>4</sup> Ev 19

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morning, bring on the staff, do a roll check and then unlock and prisoners can move straight on to activities. That was advertised as a sensible way forward, relying on memory here, from about 1999 onwards and the take-up has been higher obviously in establishments where there is a regime to go to. Establishments with extensive regimes can make much better use of the facilities by doing this.

**Q116 Greg Clark:** Does Belmarsh have a regime such as that?

**Mr Wheatley:** Belmarsh does not have an extensive regime, but is trying to make sure it shares its regime. There are very limited regime facilities for prisoners at Belmarsh so it does a morning and an afternoon.

**Q117 Greg Clark:** Does it have a breakfast pack?

**Mr Wheatley:** I am not sure.

**Mr Tuckwood:** Nor am I.<sup>5</sup>

**Q118 Greg Clark:** Perhaps you could let us know about that as well.

**Mr Wheatley:** What Belmarsh is doing is sharing a limited regime amongst the prisoners. Because the number of workshops is small it splits the days: you are either in in the morning or in in the afternoon.

**Q119 Greg Clark:** In doing this, presumably some assessment has been made as to how much it saves.

**Mr Wheatley:** Yes; or how much it gains in terms of activity is the way we look at it. It is not saving money as such, it is enabling us to use the money to do something else and it enables us to get people into activities and extend the prison day with purposeful activity.

**Q120 Greg Clark:** It releases the money for other activities. I can understand that. Just turning to physical education and looking at page 37, table 16, you have a table there of the total cost of physical education per prisoner and the point has already been made that that varies quite substantially, up to £1,000. It strikes me that the average cost per prisoner is very high. When you think that a subscription to a private gym outside London probably costs £500 a year, you are actually having the same kind of cost within prisons as a luxury gym. I am sure the facilities are not the standards of Holmes Place or somewhere, so why is it so high?

**Mr Wheatley:** The quality of supervision will be high or higher than you would get in your average gym, because we are supervising people who need close supervision as they use the gym. Using equipment is potentially dangerous in security and control terms and with a high responsibility on us. We are not dealing with people who have volunteered to come here and who sign away their rights as they come in; if you are stuck on the equipment it is your fault and not our fault sort of thing. It requires high levels of supervision from skilled staff and we are also providing for the security and control of those

prisoners, which is not an issue in most gyms; that is not something you have to worry about in the average London gym.

**Q121 Greg Clark:** According to the Howard League in the memorandum to which Mrs McCarthy-Fry referred, they are concerned that there is too much focus on the gym rather than broader forms of exercise and that a focus on the gym can promote an aggressively masculine culture. Is that your experience?

**Mr Wheatley:** There is certainly a risk of that, which is why it is important that we do not just respond to what prisoners want. If we got a majority of prisoners who wanted to do weight training and come out with giant muscles that would not be a good use of our time and would not be helpful to the public. We do need to make sure that we are not using the gym in that way, we work fairly hard to do that and that is why we try to produce balanced programmes, the emphasis on gaining accreditation and qualifications in the gym, to avoid just that risk. There are great gains out of involving people in things which raise their fitness level, make them fitter people and involve them in team sports. The gym does get used a lot more than in society because prisoners cannot do the other things that I would do by way of getting exercise where I can go outside my house and go for a long walk, which is not something I wish to encourage.

**Q122 Greg Clark:** Indeed. In terms of the cost per prisoner and the use of non Prison Service sub-contractors as fitness instructors, you are not responsible, as I understand it, for private prisons.

**Mr Wheatley:** That is right.

**Q123 Greg Clark:** Does the Prison Service or do you, in running the state Prison Service, look to benchmark your costs against those of the private sector?

**Mr Wheatley:** We do, and we have sought to learn, as we should expect in any competitive situation and I do feel it is a competitive situation, what the private sector does that we might be able to use in order to make us more efficient. My aim is to have a Prison Service which is a public sector service as efficient and effective as it can be and therefore competitive. We have not seen, in the way in which the private sector organise PE, anything that is particularly stealable by us. Our PE organisation, the quality of our PE staff, the range of their skills, is good and one of the pluses of the Prison Service.

**Q124 Greg Clark:** In terms of value for money, do you know whether they spend the same amount of money per prisoner as you do?

**Mr Wheatley:** In some cases they spend less on their PE staff and use less qualified staff and produce less good product. There is an issue about how much you train your staff. We train our PE staff well, give them a range of skills to go with skills of handling prisoners and select them carefully for it. I am glad I am in that position.

<sup>5</sup> *Note by witness:* Breakfast packs are served at HMP Belmarsh seven days a week.

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**Q125 Greg Clark:** So a prisoner who had had experience of different prisons, private and state, would find that the standard of PE was higher in your prisons.

**Mr Wheatley:** If looking for quality PE, rather than just a chance to do things that they wanted to do, yes, is my feeling about that. You would expect me to say that in a competitive situation, but I believe it to be true.

**Q126 Greg Clark:** I should be interested in the evidence for that, perhaps you might be able to point to some of that in writing to us.

**Mr Wheatley:** Much of that would be a value judgment based on information I have gleaned and probably a bit unfair to my private sector competitors. This is a competitive market in which I should be careful what I say as I, in effect, am in danger of attacking my competitors in a privileged situation which I do not want to do.

**Q127 Greg Clark:** Sure, but it is a matter of public interest how much exercise prisoners are given in different conditions.

**Mr Wheatley:** It is commercial in confidence from the private sector point of view what it costs actually, so they have commercial in confidence reasons to wish not to disclose their costs.

**Q128 Mr Williams:** Just a couple of curiosity questions. If we look at figure seven on page 19 and we look at the figure for "Male Young Offender Closed", the young male offenders prisons, Feltham get 341p per day per prisoner for food, Brinsford get 166p per prisoner per day for food. Why the difference?

**Mr Wheatley:** That difference is rationally very difficult to explain. It is one of the reasons why we have put work in at Feltham to see why they were spending so much more than they should have been spending and they have reduced their spend substantially over the course of the last few months. They are now spending a much lower amount.

**Q129 Mr Williams:** If it had not been for the NAO Report, you would not have been aware of it and you discovered this as a result of the NAO investigation.

**Mr Wheatley:** We did discover things as a result of the NAO Report; that is perfectly accurate. Actually, we had already identified that Feltham was an outlier and required additional work. We have made changes to the catering arrangements and the catering team there. We have reduced the amount of waste and we have brought down the price so that if one were to look at it now, it is substantially less; £2.80 if I remember rightly.

**Q130 Mr Williams:** That is still very significantly more.

**Mr Wheatley:** It is still significantly more than Brinsford and I have some concerns, as I have looked at this information, as to why Brinsford is spending so little, to make sure that we have got that right there. We may be able to learn from that, or we

may not, given that Brinsford is another young offenders' establishment with juveniles in it. We may not be supplying as much food as we should.

**Q131 Mr Williams:** You say there is no rational explanation. You have looked at it, you have had this information and you have enquired about it. There must be a rational explanation. It may not be an acceptable rational explanation.

**Mr Wheatley:** The explanation at Feltham was that we were not catering as well as we should have been doing, that there was considerable waste of food materials going on in the catering process and they were using some high value products, some of which were healthy; oven chips in particular are expensive compared with making chips but have a lower fat content.

**Q132 Mr Williams:** What is the Youth Justice Board?

**Mr Wheatley:** The Youth Justice Board is the statutory authority which purchases places from suppliers, providers of custodial places for the under-18s and they buy some from the Prison Service, some from the private sector, some from local authorities and they have the choice.

**Q133 Mr Williams:** The only reason I am asking is, if you look at footnote 19 on that same page, "The Youth Justice Board allocated £152,000 to Feltham and £102,000 to Brinsford". Why did they not realise? I do not know how many prisons they had to deal with, but why did the Youth Justice Board give such a wide disparity and why did it not ask why the disparity was so great?

**Mr Wheatley:** It is not possible for me to answer for another body for which I am not responsible.

**Q134 Mr Williams:** Why did you not ask them? You knew you were coming here and you must have guessed someone was going to ask about this.

**Mr Wheatley:** I do not know why they purchased in the way they purchased. There are different sized populations in the two establishments; the number of juveniles is much higher at Brinsford.

**Q135 Mr Williams:** I understand that, but that does not account for it, does it? The variation is so different compared with the average for prisons as well: 187p for the average prison, 341p for Feltham.

**Mr Wheatley:** We expect the amount to be higher in establishments with young prisoners in, but Feltham was an outlier.

**Q136 Mr Williams:** Yes, but you do not expect one to be twice as much as another, do you?

**Mr Wheatley:** Exactly. We know that Feltham was spending more money than it should have been doing.

**Q137 Mr Williams:** Did no-one notice it?

**Mr Wheatley:** It was noticed, which is why we changed the team there and altered the way in which they cater.

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**Q138 Mr Williams:** How many youth prisons did the Youth Justice Board allocate for?

**Mr Wheatley:** Rather than guess I need to write to you. It is something like 12 establishments, but we ought to make sure we have got that right.

**Q139 Mr Williams:** Perhaps you had better have a look to see their allocations more generally.

**Mr Wheatley:** They are responsible for their own purchasing, not me.

**Q140 Mr Williams:** They may be. Then give us a note from them about this, about the background to it, about the amounts per head, per day, for all the other juvenile prisons and we want to know why there are any major disparities so we can perhaps follow up on that. What is absurd about it is that, if you go to the next page, there are various comparisons which are not terribly relevant in figure eight. The one which does interest me is that for three meals a day, the range for the Ministry of Defence is £2 to £2.20. The Ministry of Defence is not feeding prisoners: the food is part of a soldier's pay. You get pay plus provisions as your terms of enrolment. Here you have a bunch of young prisoners at Feltham having food provided at £1.40 per head more per day than a soldier is getting to carry out his duties as part of his pay. If you put it in a broader perspective, that means you are talking somewhere way over £500 a year more to a prisoner in Feltham than to a young man who is serving the country in the Armed Forces. It is crazy, is it not?

**Mr Wheatley:** When you are using that data which indicates that the Ministry of Defence spends more you have to take account of the fact that the allowances assume that all personnel eat all meals, but actually the take-up is only 50 to 55% because people eat off site. It is a bit like my open prisons: not all soldiers eat all the meals. This is one of the reasons why you have to be careful with that comparison. My prisoners do not leave Feltham and go outside to other places, it is a secure establishment.

**Q141 Mr Williams:** The provision here is on the basis of three meals a day; that is what it says.

**Mr Wheatley:** "Additionally the allowances assume that all personnel eat all meals, however, average take-up is actually 50 to 55% allowing more to be spent per meal served". That is in the comment column next to it.

**Q142 Mr Williams:** So you are saying that a lot of it is just wasted.

**Mr Wheatley:** No, because fewer people eat the food if you work out the cost per person and assume they are all there. Obviously if you actually divide by the number of people who really eat the meals, the cost is greater per meal served.

**Q143 Mr Williams:** Coming back again to Feltham and the responsibilities within your Service, does the Youth Justice Board report to you? What is the relationship?

**Mr Wheatley:** It does not report to me; it is a non-departmental statutory body set up under legislation with its own separate board to whom a chief executive is accountable.

**Q144 Mr Williams:** So you think they are allocating between about a dozen prisons and we do not have any knowledge of the variation. C&AG, your Report came up with some very useful information. Do we know whether that is the extremity of the gap within the youth service, or is it just the example you have managed to get hold of?

**Ms Murphie:** That is the top and bottom of the range according to each different type of prison.

**Q145 Mr Williams:** Was that figure provided by the Youth Justice Board?

**Ms Murphie:** No, it was provided by the Prison Service.

**Q146 Mr Williams:** I assume the Youth Justice Board is a body which is accountable eventually to you?

**Ms Murphie:** Yes.

**Q147 Mr Williams:** Could you, Sir John, ensure that we get a most detailed report from them on the variations between the youth prisons and with a rational explanation of why those differences exist, so we can include them in our Report?<sup>6</sup>

**Sir John Bourn:** Yes, I shall certainly do that.

**Q148 Chairman:** I am just intrigued why in some prisons you are not using outdoor facilities, such as Belmarsh and Lincoln. This is mentioned in paragraph 4.10. You are worried about helicopter escapes. Is there not some way in which you can make some provision by stretching wire across the fields?

**Mr Wheatley:** We are worried about two things in high security prisons: one is helicopter escapes, which are a real risk. Putting anti-helicopter wires across the establishment helps but it does not entirely remove the problem. As you will realise, having watched rescues on television, a dangling rope may well allow them to go through the wires without actually having to land the helicopter. It is a point we need to remember. The other thing is that in spite of all the security we put in at entry—and we put in a lot of security at entry to prevent people bringing escape material, saws, anything which might help people to climb and particularly guns and other weapons—there is a risk that stuff is thrown over the wall. Prisons do not have roofs on and if prisoners have access to the wall area, we have a significant risk that things will be thrown into the establishment, often disguised. For instance, one of the things we found recently was a dead pigeon, but actually stuffed full of contraband. It just looked like a dead pigeon which had fallen out of the sky. One might wonder about bird flu nowadays, but actually it is a way of passing contraband in. The risks of a gun getting into a prison with category A prisoners

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<sup>6</sup> Ev 19-21

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are obviously significant. So we pull back from the perimeter, which is where the playing fields were. Prisoners still get out into the outside air because there are exercise areas in the wings which do not have that same risk. I think that is a sensible precaution, given the people we are holding in Belmarsh, their capacity and the access they may have to guns.

**Q149 Mr Bacon:** I just want to ask another question about porridge. Do you have any plans to do anything about increasing porridge consumption in prison?

**Mr Wheatley:** I have no plans to increase porridge consumption as such.

**Q150 Mr Bacon:** Mr Tuckwood, do you? You are the catering man, are you not?

**Mr Tuckwood:** We make the choice available.

**Q151 Mr Bacon:** But you have no plans, despite the well-known benefits of porridge, to do anything to encourage porridge consumption.

**Mr Wheatley:** We are making sure that we increase the prisoners' awareness and our catering staff's awareness of healthy options and healthy eating. We are using the planned catering conference to do that amongst other things. That may well lead to increased interest in porridge eating which actually, certainly until recently, was relatively low amongst prisoners; it was not a thing which was taken up. I do belong to the era when porridge was served on a regular basis and remember seeing it commented on unfavourably and thrown in bins more often than would be good for people's health.

**Q152 Mr Bacon:** It was not well made.

**Mr Wheatley:** It was actually very well made. It was expensive, because we had to open up early in the morning to get the coppers on.

**Mr Bacon:** You do not have to use cream like Mr Clark; you can use semi-skimmed milk.

**Q153 Mr Williams:** A thought occurs to me. What about prison staff? Who cooks their meals? Do the same people provide the meals for the staff as provide the meals for the prisoners?

**Mr Wheatley:** No. Staff are normally catered for either by themselves or their partners, if they are lucky, or they buy their food outside. We do not and have not encouraged prison staff to eat from the kitchen, mainly because we do not want any suggestion that prison staff are profiting from subsidised catering designed for prisoners and funded for prisoners' use or that they are eating rations which should have been eaten by prisoners. For most of my service it has been a sin for staff to take prisoners' food because you are taking from food which has been bought for prisoners with money voted for that use. It is not something we would wish to encourage. Prison staff have often eaten off site in an officers' mess with prisoners working in there and paid the going rate for their food.

**Chairman:** Thank you very much. Clearly since our last Report you have made some progress in reducing your catering costs and you have succeeded in providing a relatively healthy diet. However, we are still very concerned about these areas where there is up to a 14-hour wait between meals and over three quarters of an hour between preparation and serving. We shall wish to return to this in our Report and encourage you to greater efforts. Thank you very much.

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 Memorandum submitted by the Howard League for Penal Reform

We would like to offer general comments on whether prisoners have the opportunity to lead healthy lifestyles. These comments are framed by our values and beliefs, namely:

- We work for a society where there are fewer victims
- Offenders must make amends for what they have done and change their lives
- Community sentences make a person take responsibility and live a law-abiding life in the community

Whilst the Howard League for Penal Reform appreciates that the Committee has a value for money remit, we would wish to emphasise that prisoners are a particularly vulnerable group. Most will never have been registered with a doctor or a dentist. It is therefore prudent to invest in high quality education for, and provision of a healthy lifestyle, as this should pay dividends in the future. Few will have any comprehension of the concept of healthy living. The sustained damage to health from a prison diet based on cheap carbohydrates and insufficient fresh fruit and vegetables, combined with a lack of exercise in fresh air and no opportunity to learn about healthy living, will compound the existing poor diet and health found amongst prisoners.

To consider only the cheapest options when aiming to promote a healthier diet and lifestyle for prisoners may well give a short-term saving but will have a long term cost to the public purse. For example, if prisoners are leaving custody as unhealthy or unhealthier than when received, they will continue to be a burden on the health and social services that will ultimately be required to care for them. The Howard League for Penal Reform suggests that when the prison system has people in its care it should attempt to do something positive with them.

The Howard League for Penal Reform would also like to make the general point that the provision of healthy diet and physical exercise should be dictated by the needs of prisoners and not the requirements of the service provider or the prison regime, as mostly happens at present.

### *Food*

The Howard League for Penal Reform believes that there needs to be sustained health promotion in prisons. The provision of fresh, healthy food, and opportunities for exercise, are not enough in themselves. Our experience suggests that, like the school children in the Jamie Oliver's 'School Dinners' television programme, if prisoners are to benefit from available healthy options, then they first need to be educated about the benefits. For it to be successful, this means more than just informing prisoners about the options available to them, but engaging them and giving them a sense of ownership over the decision-making processes, for example the types of food or exercise they would wish to see available. Accordingly, we would like to see prison education departments and other learning and skills provision deliver more on healthy lifestyles. For example, at HMP Acklington healthy eating is factored into every cookery class.

### *Healthy lifestyle and education*

Prisons should also look at their policy on smoking in prisons. Many non-smoking prisoners have to share cells with smokers. This is unacceptable. Prisons should also aim to provide comprehensive smoking cessation advice.

The Howard League for Penal Reform is very concerned about the lack of outside fresh-air available to prisoners. We do not believe that the current position, where often the only fresh air prisoners get is when walking between units, is conducive to good health. We believe that the statutory duty to provide an hour's fresh air each day should be reinstated. I spoke to a prisoner this week whose only exercise was in a concrete yard and who said that all he wanted "was to be able to feel the grass".

We have recently found that in one prison catering for juveniles, boys never went outdoors for exercise. They never had any fresh air, felt the sun or rain, or had the opportunity to run. Some of these boys were serving long sentences and faced the prospect of being locked up for months or years. The lack of opportunity for exercise in the fresh air was something criticised by Lord Carlile in his recent inquiry into children in custody.

### *Physical well-being*

The lack of purposeful physical exercise is something that we also have concerns about. We are worried that provision is too narrowly focused on the gym, which can promote an aggressively masculine culture. The Howard League for Penal Reform would like to see a greater range of provision, which must include outside exercise, such as ball games, athletics or walking.

To meet the needs of prisoners—as opposed to staff—timings for exercise should be varied. At present, most physical exercise is offered during the day when prisoners could be at work, in education, at court, or receiving visits. This should be changed to allow evening and weekend access to physical exercise. This would have the additional benefit of allowing greater time out of cell, in itself something that is more likely to promote a healthy lifestyle than whiling away time in prison bunks.

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## **Supplementary memorandum submitted by HM Prison Service**

### *Questions 95—96 (Sarah McCarthy-Fry) Howard League evidence of prison exercise of male juveniles*

All establishments that hold juveniles are providing at least the minimum level of PE as specified in the Service Level Agreement between the Youth Justice Board (YJB) and the public sector Prison Service. As part of the PE activity, the young people will sometimes be taken outside to play football or take part in other outdoor sports. Our experience is that the young people we have to deal with need very careful supervision in all the activities they undertake as otherwise they can be dangerous to themselves and others. This equally applies to outdoor activities.

Prison Service Order 4950 (Regimes for Under 18 Year Olds) states: "*If weather conditions permit, every young person must be given a minimum of one hour of outside activity or recreation each day.*" Some establishments struggle to deliver the time in the open air due to physical restrictions and other purposeful activity priorities. We are addressing the difficulties with a view to improving performance in this area. In particular, we are looking—with the Youth Justice Board—at capital investment programmes to improve the physical environment of the establishments that hold juveniles; and at how time in the open air might be factored into the core day. The key point is that the Prison Service has taken this issue on board and are treating it seriously.

Our understanding is that the specific (unnamed) establishment in the Howard League note was Huntercombe. We can confirm that improvements have been made at Huntercombe. Huntercombe's PE programme provides the opportunity for all juvenile prisoners to take part in outside football and tennis, the PE department are currently recording around 800 hours per month on outside activities. Huntercombe also operate a running club in the mornings although that is, for obvious reasons, restricted to certain types of prisoners.

*Question 112 (Greg Clark) Porridge and breakfast packs*

*Porridge*

The following table illustrates the number of prisons (including private sector) that regularly offer porridge to prisoners: Establishments that serve porridge and the frequency at which they serve it are listed below (data collected on 21st April 2006).

Every day	9
Most days	11
Weekends	24
Sometimes	9
Never	95

NB Most days and weekends are not mutually exclusive—this leads to some overlap in the figures.

*Breakfast Packs*

The minimum requirement to be offered to all prisoners for the breakfast meal is as follows:

- A portion of breakfast cereal
- 200 ml of milk
- 4 gm of sugar
- 2 x bread roll / sliced bread / toast—2 x sachet jam or marmalade
- 2 x portions margarine
- Access to hot beverage

It is recommended that the breakfast meal is complemented with either a piece of fresh fruit, dried fruit portion, a yoghurt, slice of cheese, boiled egg or whole fruit juice. This is balanced against the rest of the day's menu.

59 establishments take breakfast packs from the internal prison industry that assembles the item. Information suggests that breakfast packs are served on a regular basis at some 115 establishments, the balance being assembled locally.

*Question 147 (Mr Alan Williams) Variations between juvenile establishments*

In April 2000, the Youth Justice Board became the commissioning and purchasing body for all secure accommodation for remanded and sentenced children and young people. The basis of the relationship with the Prison Service—as the main provider of these services and in view of the parallel accountability to the Home Secretary—is that of a strategic partnership. A five-year partnership agreement sets out how the strategic partnership will operate. The agreement is currently supported in a three-year Service Level Agreement (2005–08), which specifies the services to be delivered and the detailed contract monitoring arrangements that will operate.

Prison Service establishments holding those prisoners that the YJB are responsible for receive funding as identified in the price and budget schedules that form part of the Service Level Agreement (SLA). The cost model for the SLA works at a high aggregate budget level. Overall level of funding is agreed with the YJB for the provision of juvenile custodial services. Funding is based on historic baseline amounts with annual Prison Service/YJB negotiations covering efficiency savings, inflation requirements and new services. Budget allocations to prisons are not re-worked each year. Allocation is in effect the historic budget adjusted in line with changes made to the SLA. The high level aggregate budget includes a core activities component. Catering is recognised as an element of core activities and is not separately identified or reported on as part of the SLA financial management arrangements.

The high-level aggregate budget for core activities is then distributed within the Prison Service to all those establishments holding juveniles. It is then up to Governors to spend the money allocated to them on meeting the requirements set by the YJB. As part of the cost model the funding attributed by the YJB to fund the cost of food was £1.5m for 2005-06. Of the total funds allocated to each establishment Feltham chose to spend £152k in 2004-05 on food whilst Brinsford spent £102k. Both establishments hold roughly the same number of juveniles and the difference reflects local priorities and operational demands. In

retrospect we should have made it clearer that the distribution and spending of funds on specific items—such as food—was a Prison Service decision on how best to meet the requirements set. We apologise for any confusion caused. An additional £337k cost was attributed to the daily food allowance for juveniles to take account of internal Land Based Activity products. Commenting on the actual daily food allowance for establishments holding juveniles is also complicated by the fact that the majority of these establishments also hold young offenders (prisoners up to 21) and have a central kitchen, and effectively, a single food budget that provides meals for the whole population.

Establishments currently holding juvenile prisoners [and the average number of YJB Juveniles held in 2005–06] are:

#### MALE

Brinsford	[209]
Castington	[140]
Feltham	[207]
Hindley	[151]
Huntercombe*	[347]
Lancaster Farms	[130]
Stoke Heath	[189]
Thorn Cross	[42]
Warren Hill*	[204]
Werrington*	[136]
Wetherby*	[334]

\*Establishments that only hold juvenile prisoners—the others hold a mixture of juveniles and young offenders:

#### FEMALE

Cookham Wood	[8]
Downview	[14]
Eastwood Park	[10]
New Hall	[37]

All female establishments also hold young offenders as well as adults.

The catering service needs to be, as a minimum, in accordance with the specification agreed with the YJB. This provides the necessary flexibility for the provision of a varied, healthy, multi-choice menu to suit the needs of the local prisoner population. Any additional funding provided for food is found from within local prison budgets and reflects local priorities. How the specification is met and with what budget—within set standards—is up to individual Governors to achieve.

Responsibility for determining the establishment food budget lies with the governing Governor who will set aside a realistic sum that will meet the dietary needs of the population of the establishment (the “daily food allowance”). Governors set the catering budget during the establishment’s annual business planning process. Within set standards individual Governors make management decisions about the amount of the budget allocated to them that they will spend on the provision of food to those held in their establishment. This accounts for much of the variation seen between establishments.

In addition variations in the daily food allowance amongst establishments generally, including those that hold juveniles, are influenced by a number of factors, including:

- Menu content
- Consumer preferences
- Differences in size of population ie economies of scale
- Cultural variations in populations
- Age and sex of population
- Number of serving points and whether clustering arrangements exist
- Number of catering staff and their capabilities

It is worth noting that operational necessities often require utilising food service as a management tool. Providing special dishes, or extras can sooth what are sometimes very difficult circumstances. These circumstances do impact on budget spends. However we fully accept the recommendation contained in the NAO Report that we should further explore the scope for future financial savings in benchmarking catering operations.

The table below shows—provisionally—the food costs for all establishments holding juvenile prisoners in 2005-06. The first column represents the costs attributable to the YJB whilst the second column is the additional funding for products sourced for the Prison Service's Land Based Activities (LBA).

YJB JUVENILE ESTABLISHMENT'S VICTUALLING COSTS 2005-06

(PROVISIONAL DATA)

ESTABLISHMENT	Juveniles (YJB)	Juveniles (including LBA)	Juveniles Total DFA
BRINSFORD	109,297	152,038	1.99
CASTINGTON	86,015	112,668	2.20
FELTHAM	200,118	211,571	2.80
HINDLEY	102,204	111,167	2.02
HUNTERCOMBE	387,466	438,291	3.46
LANCASTER FARMS	90,260	111,366	2.35
STOKE HEATH	120,089	148,406	2.15
THORN CROSS	24,647	29,723	1.94
WARREN HILL	114,962	142,563	1.91
WERRINGTON	81,646	110,401	2.22
WETHERBY	201,054	277,294	2.27
TOTAL MALES	1,517,758	1,845,489	2.42
COOKHAM WOOD	8,088	9,648	3.30
DOWNVIEW	6,017	7,500	1.47
EASTWOOD PARK	10,111	12,048	3.30
NEW HALL	16,342	20,712	1.53
TOTAL FEMALES	40,558	49,908	1.98
GRAND TOTAL	1,558,316	1,895,397	2.41

NB: The above data for females should be treated with high caution as they are either for part year or the number of places provided at the prison changed significantly during the year.

Four of the above establishments (Huntercombe, Warren Hill, Werrington and Wetherby) hold juvenile prisoners only. All others hold a mixture of juvenile and other types of prisoner.

The most significant outlier is now Huntercombe. The local reasoning for additional spending was to provide at least five portions of fruit and vegetables in line with national guidance. In addition there is the provision of fruit juice at breakfast, fruit squash at tea, fresh milk (250ml) twice a day and occasionally at lunch. The main meals were also enhanced.

In 2006-07 the food budget for this financial year has been reduced to £315k which will take the Daily Food Allowance below £3.