



House of Commons
Committee of Public Accounts

National Offender Management Service: Dealing with increased numbers in custody

**Forty-fourth Report of
Session 2005–06**

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

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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).

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

Mr Alistair Carmichael MP (*Liberal Democrat, Orkney and Shetland*)
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Publications

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Summary

The National Offender Management Service (the Service) is responsible for, among other things, accommodating and caring for prisoners. It was formed to bring together the work of the Prison Service and the Probation Service to create seamless offender management from arrest through to resettlement.

The prison population has been increasing since the early 1990s and on 1 November 2005, prisons in England and Wales held their highest ever recorded population of 77,800. In 1994, the prison population exceeded the certified normal accommodation (the designed capacity of the prison estate) resulting in overcrowding and the prison population has remained above this level for over ten years. The Service uses mathematical modelling to predict future population size, but many factors influencing population size, such as the sentencing practices of the courts, are out of the Service's control, limiting the Service's ability to produce reliable predictions.

An exceptionally large unpredicted rise in prisoner numbers in 2002 resulted in the Prison Service having to accommodate additional prisoners at short notice, initially through the use of police cells and subsequently by constructing temporary units in the grounds of existing prisons. Two new prisons were also commissioned to provide accommodation in the longer term.

The Service commissioned two types of temporary accommodation: modular temporary units, (portakabins), and brick clad steel framed units. Modular units were expected to last for five years and brick clad units for 40 years. The modular units cost £27,000 per prisoner place to build and the brick clad units £63,000 per place. The difference in expected useful life, however, means that modular units cost around three times as much per prisoner place per year as the brick clad units (£5,300 compared to £1,600). Modular units also took an average of 134 days to construct compared to an expected 49 days, and compared to 183 days for the brick clad units.

Reacting to the urgency of the situation, the Prison Service let contracts to construct temporary units on the basis of a generic design before it had decided where the units would be built and before it had project managers in place. It also let contracts for site preparation work to two contractors who had insufficient experience to deliver such work. The modular temporary units had not been tested or used for prison accommodation before, and the security requirements necessary to allow contractors to work inside prisons, and to enter and exit the prison each day, led to additional delays in the construction of the units as security vetting was not carried out centrally but by each prison governor.

Overcrowding can impact on the Prison Service's ability to deliver welfare services such as appropriate mental health care, and suicides are often higher in the most overcrowded prisons. It can also disrupt the education and training prisoners receive, because prisoners are moved between prisons to free up places for prisoner intakes from courts. The disruption is compounded as full prisoner records, including information about education,

are often not transferred with the prisoner.

On the basis of a Report by the Comptroller and Auditor General,¹ the Committee examined the Home Office, the Prison Service and the National Offender Management Service on the challenge of, and actions taken to accommodate record numbers of prisoners and the impact on education and other training for prisoners.

1 C&AG's Report, *Dealing with increased numbers in custody* (HC 458, Session 2005–06)

Conclusions and recommendations

- 1. The Prison Service accommodated a rise of some 17% in the prison population between 2002 and 2004 without significant prisoner unrest, reflecting the professionalism of those working in the Service.** Rising prisoner numbers are nevertheless a major operational challenge for the National Offender Management Service (the Service).
- 2. Predicting future prisoner numbers is difficult because factors such as the level of crime, securing of convictions and court sentencing practice are outside the Prison Service's control.** Flexibility in accommodation plans is therefore critical to absorbing successfully new prisoners arriving from the courts, and the Prison Service should put in place contingency plans which respond to the range of outcomes from its ten forecast scenarios, only two of which suggest the prison population will remain below 80,000.
- 3. Of approximately 77,000 prisoners at September 2005, just over 10,000 were foreign nationals. The Home Office has failed to consider deportation of these foreign national prisoners prior to their release from prison.** As a result, 1,023 of such prisoners have been released without being considered for deportation. The Government now proposes to strengthen the legal regime for such deportations. If there is to be any lasting improvement, however, the Home Office will need to maintain accurate records of foreign prisoners throughout their sentences, and establish effective communication between its Immigration and Nationality Directorate and HM Prison Service on each individual prisoner.
- 4. Another 13,000 of these 77,000 prisoners were on remand.** The Service estimated that up to 30% of remand places could be freed, based on the numbers remanded into custody who, when convicted, do not receive a custodial sentence. The National Offender Management Service could reduce the prison population by encouraging greater use of alternatives to remand such as electronic tagging in appropriate cases.
- 5. Overcrowding at local prisons in particular can limit the Prison Service's ability to provide suitable levels of care, particularly to those starting sentences who may be at a greater risk of committing suicide.** Around 700 prisoners are transferred to hospital each year as restricted patients under the Mental Health Act 1983. The Prison Service should evaluate quickly its new anti-suicide monitoring measures, and (with the Department of Health) mental health in-reach in prisons, to determine their effectiveness, and to make sure best practice is adopted across the Prison Estate.
- 6. The Service responded rapidly to rising prisoner numbers by building modular temporary units and brick clad steel framed units within the sites of existing prisons, but there were weaknesses in project planning and management, and contractors were used for work beyond their skill base.** A failure to pilot test the accommodation led to problems such as leaks, condensation and security issues being identified only once the accommodation was in use. The Prison Service should build into its current contingency planning the lessons learned from having to

respond quickly to rising prisoner numbers in 2002, including pilot testing of contingency accommodation options well before a peak arises.

7. **Modular temporary units are expensive, having a short useful life, and costing nearly three times as much per prisoner place per year than the longer life brick clad steel units.** The Service should meet future requirements through brick clad steel framed units rather than modular units, but should also evaluate whether cheaper and equally robust alternative pre fabricated construction models exist which can be installed more quickly than current solutions.
8. **Modular temporary units are expected to last for only five years and will soon begin to reach the end of their life.** The Service should draw up plans to replace them which allow sufficient time to provide contractors with adequate tender information; proper evaluation of potential contractors' ability to provide the full range of work needed and identification of other sources of expertise where necessary; early appointment of project managers; and pilot testing of new accommodation before roll-out.
9. **Delays were caused to the temporary accommodation construction programme by each prison governor separately vetting contractors, and by daily entry and exit requirements which in one case reduced a seven hour working day to four.** Such problems could be overcome by national vetting procedures for construction programmes of this kind, and by having sufficient civilian staff in place at the start and end of each day to carry out security checks on contractors' staff and equipment.
10. **Overcrowding results in prisoners being moved around the prison estate at short notice, disrupting education programmes intended to reduce the likelihood of re-offending.** Our predecessors recommended in an earlier report² that the Prison Service should take account of prisoner moves in planning and delivering its education programme. The Prison Service should now seek to avoid moving prisoners participating actively in educational programmes, and look to develop modular training programmes to facilitate continuance of education when a move is unavoidable.
11. **The failure to transfer education and training records when a prisoner is moved leads to unnecessary re-assessment of training needs.** Electronic transfer of records or a central electronic data access system should overcome this problem, but until such a system is in place the Prison Service should transfer all records when a prisoner is moved.
12. **Prisoners on short term sentences often receive little or no educational training even though such training would assist the offender in gaining employment on release, and hence reduce the likelihood of re-offending.** The formation of the National Offender Management Service provides an opportunity to develop short courses targeted at such prisoners, linked to training available in the community, access to which could be facilitated by the Service when the offender leaves prison.

1 Meeting the challenge of increasing prisoner numbers

1. Rising prisoner numbers is one of the National Offender Management Service's largest operational challenges. Between 2002 and 2004 there was a 17% increase in the prison population and at November 2005, the number of prisoners stood at 77,800. The Service had accommodated this rise without significant prisoner unrest, reflecting the professionalism of those working in the Prison Service. The Service had also managed to keep prisoner numbers below the maximum operational capacity, determined by the Service as the population level which can be accommodated without serious unrest.³

2. Overcrowding may reduce the level of care offered to prisoners, and increase the risk of suicide or other harm. Suicide rates were generally higher in overcrowded local prisons, because they tended to hold prisoners who were just starting their sentences, the time when prisoners were most at risk of committing suicide. To alleviate these problems the Service was introducing a new anti-suicide monitoring measure which provided more support to individual prisoners, and the provision of mental health in-reach in all prisons. The Service noted, however, that there was some evidence that sharing a cell could reduce the risk of committing suicide.⁴

3. Of approximately 77,000 individuals held within the prison estate, just over 10,000 are foreign nationals. Many of these foreign prisoners should be considered for deportation, whether on the recommendation of the trial judge, or because their sentences exceeded 12 months (non-European Union nationals) or 24 months (European Union nationals). The Home Office has failed, however, to consider deportation in many cases. As a result, 1,023 of such prisoners have been released from prison without being considered for deportation. There has been poor communication between the Home Office, including its Immigration and Nationality Directorate, and HM Prison Service. For example, there has not been accurate identification of prisoners as foreign nationals, nor has the Prison Service effectively notified the Immigration and Nationality Directorate of agreed deportations, thus adding to population pressures within prisons.

4. Of these 77,000 prisoners, nearly 13,000 are on remand and around 2,300 are children. The Service was trying to promote alternative detention methods for those on remand, such as electronic tagging. The Service estimated that if it were able to eliminate remands in custody for those who were subsequently convicted but not given a custodial sentence, it would save up to 30% of the remand population, or around 3,900 places but changes in sentencing policy might reduce this figure. Prisoners with mental health problems should be treated in prison in line with Care in the Community practices outside prison, and the Service tried to move prisoners who were profoundly mentally ill into suitable National Health Service psychiatric hospitals as quickly as possible. Around 700 prisoners were transferred to hospital each year as restricted patients under Sections 47 and 48 of the

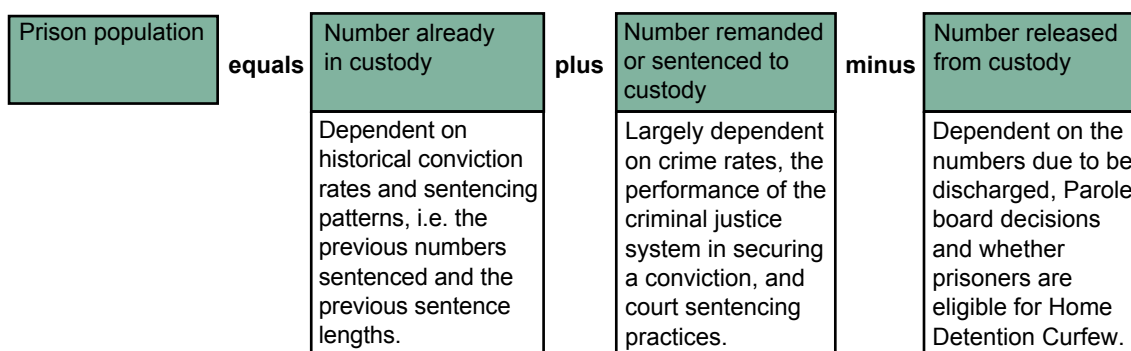
3 Qq 1, 31-33

4 Qq 25-27, 71-72

Mental Health Act 1983. The Service monitored prisoner waiting times for places in suitable hospitals.⁵

5. The Service used mathematical modelling to predict prison population based on a range of scenarios. It had not predicted the rapid increase in prisoner numbers in 2002 because it had failed to take full account of the effect of sentencing policy changes. Competing pressures outside of the control of the Service made it difficult for the Service to estimate the impact of these factors when predicting future population sizes (**Figure 1**). The Service had ten scenarios modelled currently, of which only two indicated that the prison population would remain below 80,000, in line with the Home Office's projections.⁶

Figure 1: A number of factors that are outside the Service's control affect prison population numbers



Source: National Audit Office

6. The Service was not therefore confident that the prison population would remain below its target of 80,000. Prisons were allowed to be overcrowded to a predetermined extent to provide flexibility, and when the Service commissioned new prisons, it built greater flexibility into the specification. The Service's contingency plan in 2002 had been to build two types of temporary accommodation. It did not have adequate contingency plans to allow for future changes in prisoner numbers.⁷

5 Qq 30, 79, 82-94, 95-97; Ev 23

6 Qq 2-3, 35, 78-79

7 Qq 5, 35-36, 73-77

2 Constructing temporary accommodation

7. The Service used two different types of temporary accommodation built in the grounds of existing prisons to help alleviate the increase in prison population in 2002 at a cost of around £76.7 million. Under the Emergency Accommodation Programme it built 29 modular temporary units at 21 prisons, providing a total of 1,160 temporary places and 18 brick clad steel framed units at 14 prisons, providing a total of 720 places. There had been a number of problems with the modular units. They could not be secured because the risk of fire was such that prisoners had to be able to leave the unit in an emergency. Other problems included leaks in the units and shower trays, and problems with condensation. The modular temporary units cost three times as much per prisoner place per year than the more robust brick clad steel framed units (**Figure 2**). They also took almost three times longer to construct than predicted, taking a similar time to construct therefore as the brick clad units. The Service would not use modular temporary units again in the future. The brick clad units had been delivered closer to budget and time and the few problems which were encountered were rectified and avoided in later units.⁸

Figure 2: The modular temporary units were more expensive per prisoner place per year and took almost as long to construct as the brick clad steel framed units

Type of temporary unit	Modular temporary unit		Brick clad steel framed unit	
	Budget	Actual	Budget	Actual
Total costs of units constructed		£31 million		£46 million
Number of units constructed		29		18
Total capital cost per unit (average)	£1 million	£1.07 million	£2.5 million	£2.54 million
Range of costs per unit		£0.7 – 2 million		£1.7 – 3 million
Time taken to construct (average)	49 days	134 days	178 days	183 days
Number of places per unit		40		40
Capital cost per place	£25,000	£26,700	£62,500	£63,400
Expected lifespan	5 years	Possibly up to 7–10 years with regular corrective works	40 years	40 years
Cost per place per year	£5,000	£5,400	£1,600	£1,600

Source: National Offender Management Service data

8. The Service had not tested the modular temporary units or the brick clad steel framed units prior to using them in a live setting. The modular units had not been used previously for accommodation whereas the brick clad steel framed units were based on a design used to provide on shore accommodation for oil workers, and hence were more easily adaptable to secure prison accommodation. A number of difficulties arose in adapting modular units for prisoner accommodation which testing and piloting would have identified earlier, enabling the Service to correct the faults before rolling out the accommodation across a number of prisons.⁹

9. Some private sector companies have erected pre-fabricated fully functional buildings in a matter of days, which are robust structures designed to last and with low maintenance costs. Notwithstanding the security aspects, developments in modern construction would suggest that prefabricated buildings could be erected in a few weeks rather than four to six months. The Service was exploring options with companies which have developed ready-to-use units, through strategic alliances with eight new build constructors. The Service was, however, looking for buildings robust enough to last forty years with prisoners inside. It was exploring buildings which were more robust than modular temporary units but not quite as robust as brick clad units.¹⁰

10. Contractors require full specifications of any project at the tendering stage to estimate and quote for the time and cost of a project. The Service prepared and tendered for generic accommodation designs before deciding where the units would be sited. Comprehensive site plans were only drawn up once project managers had been appointed after the tenders had been let. These uncertainties at the tender stage may have increased delays in construction of the accommodation and therefore the cost of the units. Contractors had, for example, underestimated the extent of the site preparation work required because sites had not been selected when the contractors placed their tenders.¹¹

11. The Service awarded three contracts for the accommodation units, which all included site preparation, unit construction and erection. Two of the contractors were manufacturers of prefabricated buildings, rather than construction companies accustomed to working on building sites. They did not, therefore, have the necessary experience to provide full site preparation, even though they had been contracted to carry out such work. The Service had expected the companies to sub-contract the site preparation work to other contractors. The difficulties in preparing the sites had added to the delays in construction of the units.¹²

12. Project managers were only employed after the Service had let construction contracts and finalised where the new accommodation would be situated. Earlier appointment of project managers might have been beneficial in enabling more detailed specifications to be provided to contractors and in helping to assess whether contractors had the right experience to carry out the work required.¹³

9 Q 131

10 Q 62

11 Q 55; C&AG's Report, para 4.13

12 Q 57; C&AG's Report, para 4.12

13 Q 55; C&AG's Report, para 4.13

13. Security vetting delayed companies gaining access to sites by up to 21 days. Each prison governor was responsible for the security and safety of their prison and had autonomy over to whom they allowed access. Each prison governor had carried out security vetting for construction companies working at their prison even when such companies had been cleared to work at another prison. This bureaucratic approach introduced further delays to the construction of the accommodation units.¹⁴

14. The Service had originally planned for all additional accommodation units to be constructed in open prisons. It decided at a later stage, however, to construct some accommodation in higher security prisons. At these prisons, construction workers and equipment had to go through security procedures each day to gain access and to leave the site, causing considerable delays which in one case reduced a seven hour working day to four hours.¹⁵

14 Qq 6, 58

15 Q 58

3 Improving the delivery of education

15. Education can help offenders to find work on release, which in turn may reduce re-offending. The Home Office had recently published a Green Paper *Reducing Re-offending through Skills and Employment*,¹⁶ in conjunction with the Department for Education and Skills and the Department for Work and Pensions. Responsibility for education was moving from the Prison Service to the Learning and Skills Councils, and expenditure on education was increasing at the same time. Funding had increased from £57 million in 2001/02 to £151 million in 2005/06. The Service had a target to provide all prisoners with 24 hours of “meaningful activity” a week. This target could, however, discourage prisons from providing education and instead provide semi-skilled work in workshops. The “meaningful activity” target had therefore been dropped and the Learning and Skills Councils had an aspirational target to achieve 50% of prisoners involved in learning. Currently around 30% of prisoners undertook some form of training course during their sentence. In the prisons visited by the National Audit Office the percentage of prisoners in education ranged from 10% at Wandsworth to 39% at Preston (Figure 3).¹⁷

Figure 3: The provision of education varies widely between prisons

Prison	Prisoners available for work and education	Number in education		Total number in work and education	
		Number	Percentage	Number	Percentage
Preston	463	180	39	373	81
Birmingham	1044	360	35	580	56
Leeds	1042	312	30	804	77
Altcourse	822	196	24	391	48
Cardiff	627	75	12	603	96
Wandsworth	1136	113	10	941	83

Source: National Audit Office

16. To free places at some prisons to allow for the intake of prisoners from the courts, the Service may transfer prisoners between prisons on overcrowding drafts. Some 5,000 prisoners had been transferred in 2003–04. Prisoners often received little notice that they were to be moved, with less than a day’s notice being given in some cases. The Service did not aim to move prisoners who were on educational courses, or those who were undertaking key skills training. When the Service was operating at maximum pressure, however, it might have to move such prisoners even though disruptive to their education.

16 Cm 6702

17 Qq 20–23, 101–125

The receiving prisons might not run the same courses or the course might be at a different stage.¹⁸

17. Education records are not routinely transferred with prisoners, also causing unnecessary reassessment of needs and disruption to learning. A prisoner's security file was transferred between prisons but any other records, including records of education courses being undertaken, planned and completed, were not generally transferred. The Service was looking at methods to improve record transfer including electronic record transfer.¹⁹

18. The Service had piloted a new programme, the *Offender Learning Journey*, to help prisoners obtain basic skills qualifications. The programme would be rolled out across the country in 2006. There was no evidence currently that prisoners who had attended the programme had re-offended less frequently than those not on the programme. Pilots had not been in place long enough to make such an assessment, and the impact of any one initiative on re-offending was difficult to determine. The pilots had shown, however, that participating prisoners had gained more basic skills than those not on the programme. The acquisition of basic skills was considered important to offenders gaining employment on release and hence reducing the likelihood of re-offending.²⁰

19. The budget for education and training was limited, and hence prisoners were primarily provided with basic skills courses. There was less opportunity to be educated to a higher standard, even though this could be beneficial. In spite of the relatively low level of education provided to prisoners, the average annual cost of a prison place in 2004-05 was around £37,000 which was high even compared with expensive public schools. The Prison Service's policy was to prioritise resources towards courses which assisted prisoners to gain employment on leaving prison, which could preclude prisoners from progressing to intermediate or advanced courses once they had completed basic skills training.²¹

20. The Service found it difficult to provide education for prisoners on short sentences even though such prisoners were more likely to be first-time or low level offenders who might benefit most from basic skills education to reduce the likelihood of re-offending and returning to prison for a longer period. Shorter, better targeted courses could help short sentence prisoners. The National Offender Management Service was intended to rehabilitate offenders through prison and also in the community. It could facilitate linking of training within and outside prison to enable released prisoners to continue with courses started in prison as part of their rehabilitation in the community.²²

18 Q 7; C&AG's Report, para 3.12

19 Qq 128-130; C&AG's Report, para 3.15

20 Qq 14-19

21 Qq 112-123

22 Q 126

Formal minutes

Wednesday 10 May 2006

Members present:

Mr Edward Leigh, in the Chair

Annette Brooke
Greg Clark
Mr Ian Davidson
Helen Goodman

Sarah McCarthy-Fry
Mr Austin Mitchell
Mr Alan Williams

A draft Report (National Offender Management Service: Dealing with increased numbers in custody), proposed by the Chairman, brought up and read.

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

Paragraphs 1 to 20 read and agreed to.

Summary read and agreed to.

Conclusions and recommendations read and agreed to.

Resolved, That the Report be the Forty-fourth 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 Monday 22 May at 4.30 pm.]

Witnesses

Monday 19 December 2005

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Sir John Gieve KCB, Home Office, **Mr Phil Wheatley**, HM Prison Service, and **Mr Peter Brook**, National Offender Management Service

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Howard League for Penal Reform

Ev 14

Home Office

Ev 21

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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>)
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Fifteenth Report	HM Customs and Excise Standard Report 2003–04	HC 695 (<i>Cm 6743</i>)
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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>)
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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>)

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Thirty-first Report	Northern Ireland's Waste Management Strategy	HC 741
Thirty-second Report	Working with the voluntary sector	HC 717
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Thirty-fourth Report	Returning failed asylum applicants	HC 620
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The reference number of the Treasury Minute to each Report is printed in brackets after the HC printing number

Oral evidence

Taken before the Committee of Public Accounts on Monday 19 December 2005

Members present:

Mr Edward Leigh, in the Chair

Mr Richard Bacon
Greg Clark
Mr Ian Davidson
Helen Goodman

Mr Sadiq Khan
Sarah McCarthy-Fry
Jon Trickett

Sir John Bourn KCB, Comptroller and Auditor General, National Audit Office, gave evidence.

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

REPORT BY THE COMPTROLLER AND AUDITOR GENERAL

NATIONAL OFFENDER MANAGEMENT SERVICE: DEALING WITH INCREASED NUMBERS IN CUSTODY (HC 458)

Witnesses: **Sir John Gieve KCB**, Permanent Secretary, Home Office; **Mr Phil Wheatley**, Director General, HM Prison Service; and **Mr Peter Brook**, Director of Finance, National Offender Management Service, gave evidence.

Q1 Chairman: Welcome to the Committee of Public Accounts where today we are discussing the National Offender Management Service's responses to rising prisoner numbers, which is the biggest operational issue it has to contend with. We note that prisoner numbers are at record levels and that the Service has accommodated this rise without significant prisoner unrest which is a tribute to the professionalism of those working in the Prison Service. I start by making that point which I hope you will pass to your staff, Sir John. We are joined by Sir John Gieve, who of course is the Permanent Secretary to the Home Office. Would you like to introduce your team?

Sir John Gieve: On my right is Phil Wheatley, who is the Director General of the Prison Service, and on my left is Peter Brook, who is the Finance and Commercial Director in NOMS, the National Offender Management Service.

Q2 Chairman: The first question I have to ask, Sir John, and I hope you will forgive me if I ask it, is why you failed to anticipate the rise in prisoner numbers and, therefore, the number of places you would have to provide between 2002 and 2004?

Sir John Gieve: Well, you will see from the graph on page 14 that—I do not think this would be any different if we did it for a different period of years—it is very difficult to get the projection right and sometimes we overshoot and sometimes we undershoot. The reasons in 2002 and 2004 in particular—Peter may want to add to this—were there were some changes in policy which we did not anticipate the impact of and, apart from that, we were out by about 1%.

Q3 Chairman: We accept that forecasting numbers is a problematical business, we accept the point that you are making, so why do you think that the forecasts still provide you with a realistic guide to estate planning?

Sir John Gieve: This is rather like forecasting any other field. I remember doing it on the economy for many years in the Treasury. You cannot do without forecasts or, at least in this case, projections which are based on an analysis of what is causing offending to rise and the work with the criminal justice system. You cannot do without them but you have to recognise their limitations. If you look back to the chart on page 14 you will see that at the least they were telling us to expect a continuing rise. We know that at any time we have got a margin of error around that and we need to have contingency plans in place for dealing with the situation if the population goes up a bit faster than planned as well as for dealing with it if it goes down.

Q4 Chairman: Would you look at figure 13 which you will find on page 32. This is an analysis of different types of quick-build accommodation provided by the Prison Service. Looking at this figure, I am wondering why you are contemplating still using these modular temporary units, otherwise known as Portakabins to the rest of us, since they obviously have so many problems, they have proved unsuitable for most prisoners and they are the most expensive?

Sir John Gieve: I will ask Phil to comment on this. We have got them and we need to use them, that is the first point. We have got about 1,000 places and they are more or less fully used. The costs are higher here, look higher and are higher, because they have

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got a limited lifespan so you are spreading the capital cost over a shorter period of years. The costs would look even bigger if we stopped using them now. Phil, do you want to add to that?

Mr Wheatley: Only to say that operationally we are making them work quite well, providing they do not make up the majority of accommodation in category C establishments and we use them for prisoners who are behaving well as an incentive. They produce what for prisoners is quite good quality accommodation in spite of the physical weaknesses in the accommodation. So we are making them work and we do not have to use very high levels of staff to supervise them because we are selecting carefully before putting these prisoners in these units, as the Report makes clear.

Q5 Chairman: Okay. Going back to the rise in prisoner numbers, we know they have gone up over the last 10 years and we know from what you say that forecasting is a problematic business, so why have you not developed contingency plans, Sir John, for your emergency building programme?

Sir John Gieve: Looking back to 2002 I think we had a prison building programme in course then but our plan, if you like, when the prison population increase accelerated was to commission some MTUs and RTUs, the two more easily constructed structures, so in that sense that was our plan.

Q6 Chairman: I understand that governors have autonomy over who comes into their prisons. Does that not lead to increased bureaucracy and wasted time in vetting and re-vetting, for instance, building workers?

Sir John Gieve: No. I think the fundamental principle here is that governors are responsible for the security and safety of their prison and that is the reason why they have got authority over who comes in and what security clearance to ask them for. I think in general that works reasonably well for a lot of local works. We agree with the Report that there should be scope for a more national scheme for big contracts where one contractor is working in a number of different prisons. We are working on that, are we not, Phil?

Mr Wheatley: Yes. We accept that recommendation actually. We think that if we staged another campaign of this sort we would plan to clear centrally because we are using the same firm to deliver on several different sites. We have just got to be a bit careful that we do not raise the level of clearance because we are building in high security sites to such a high level that we actually make it more difficult everywhere because there are different security risks. Working in Belmarsh, as an example, requires a higher security clearance than working in an open prison. We just have to be careful that we do not end up ramping everything up. We think we can find a way round that.

Q7 Chairman: Mr Wheatley, when your predecessors have been here before this Committee has been particularly anxious about the need to provide proper education courses. Why do you still

allow the scandal of partially completed education courses and continued reassessment so that people are not getting a proper education in prison? Is this not something that should be a central part of your duties which you are failing to deliver?

Mr Wheatley: It is a central part of what we seek to do. We do not aim to move prisoners on education courses and we do our best to avoid moving prisoners, when we do have to transfer, who are undertaking key skills training, particularly their basic educational training. In extremis, because it is more important that we get every prisoner into our custody, if the only people we can move to make space for people coming in from the courts are people doing education courses, we will have to move them. That is very much a last resort and we do it relatively rarely and only when we are operating at maximum pressure. We are seeking to get the gain that you see, which is to make sure that people can complete their courses, and we are managing that because we are hitting all our educational targets and this year, in spite of the population pressure, at the moment we look as though we are substantially exceeding them.

Chairman: Thank you very much.

Q8 Sarah McCarthy-Fry: Mr Wheatley, can you clear something up here before I go any further. Figure six on page 13 of the NAO Report: why does the prison population show a fall every December? Do we send people home for Christmas?

Mr Wheatley: There is a seasonal fall at Christmas and has been for as far back as I can remember, and I go back to 1969. It is primarily caused by the courts not sitting over the Christmas period so that the number of sentences that can be given because the courts are not sitting over Christmas is much reduced. Although this is entirely speculative there may also be a bit of Christmas spirit on the part of magistrates' courts thinking about bail near Christmas. The primary effect is the Crown Courts in particular not sitting over the Christmas period and the magistrates' courts usually not sitting over the Christmas holiday. All the rest of the year they sit nowadays so there is no other seasonality of great significance.

Q9 Sarah McCarthy-Fry: I think that has cleared that one up. Sir John, in your view does prison capacity determine sentencing policy or does sentencing policy determine prison capacity?

Sir John Gieve: They are inter-related in a complex way. I think that in principle we need to provide the prison places to match the sentences, so it is the sentencing policy that determines prisons. There is, in fact, a sort of feedback loop both in a conscious and less conscious way. We have found on occasion that it has seemed as the prisons began to get fuller that judges did change their practice, so that is one feedback loop which is, if you like, the sense gets around that prisons are filling up. Of course there have been times, and the Carter Report was one of these, when we have suggested to the judiciary in general terms that we think community penalties are

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more appropriate for some things and custody for others. Sometimes those have been influenced by the prison population.

Q10 Sarah McCarthy-Fry: I can ask you the question, does the fact that the prisons are getting full determine whether we should have more community sentencing or are we saying that prison is not appropriate for some people, therefore we should have more community sentencing?

Sir John Gieve: I think our argument is for many non-violent and less serious offences a community penalty is the most appropriate, especially if it is properly enforced, and we are taking steps to ensure that sentences are more rigorously enforced. We are starting there, if you like, from what is best in terms of reducing reoffending and protecting the public.

Q11 Sarah McCarthy-Fry: Do you think the high number of reoffenders has contributed to the increase in the prison population?

Sir John Gieve: It certainly has. Most people before they get to prison have had a number of other sentences. It depends on the nature of the crime but you will find very often that the first custodial sentence is not for the first offence.

Q12 Sarah McCarthy-Fry: Can we move on to the Offender Learning Journey. In the NAO's Report at page 25, the NAO found the link between the provision of basic education and the level of reoffending was an indirect link. If it is only an indirect link, how do you know that your Offender Learning Journey is going to help prevent reoffending?

Sir John Gieve: I think what they were pointing to there was that there are a number of social factors that contribute to reoffending, and personal factors. What we know is that people who have settled accommodation, a job, established social relations, on the whole offend less than the people who do not have those things. What we also see is that it is difficult to get a job if you do not have basic educational qualifications. That is the indirectness of the link. Peter, do you want to add to that?

Mr Brook: No, I think that is right. There are a number of inter-related issues that we are trying to address with most offenders. What we have not demonstrated yet is a direct link between basic skills courses and reoffending but there is a firm belief that they are linked, if indirectly.

Q13 Sarah McCarthy-Fry: So there is a belief but you have no evidence to back it up. Are you looking to get the evidence?

Mr Brook: Yes, we are aiming to get better evidence of the inter-relationship between all the ways we deal with offending behaviour in the prisons and the effect on reoffending. It is very difficult to isolate individual bits of the coherent programme we give to offenders and say what effect that does have. It is easier to look at the package and what impact that has on reoffending.

Q14 Sarah McCarthy-Fry: Do we have any progress Reports on the pilot schemes of the Offender Learning Journey?

Mr Wheatley: Not in terms of reducing reoffending because we normally use a two year follow-up and nothing has gone far enough for a two year follow-up. I am not aware of anything that links directly to reducing reconvictions that is solid and reliable.

Q15 Sarah McCarthy-Fry: But you are still proposing to do a national roll-out next year even though you have no results from the pilots?

Mr Wheatley: I am trying to make sure that people get the sort of basic education that gives them a chance of getting jobs. What is quite plain as I deal with prisoners, and have done for most of my life, is going straight is very difficult if you cannot get any successful honest form of income. There are very few jobs nowadays that you can gain access to if you have not even got the basic level of normal school leaving education, you are simply ruled out of most jobs.

Q16 Sarah McCarthy-Fry: Have you done any evaluation of these pilots at all?

Sir John Gieve: The pilots of the Offender Learning Journey?

Q17 Sarah McCarthy-Fry: Yes.

Sir John Gieve: I was just going to make one other point, which is we are spending money on education in prisons which we believe will help to reduce reoffending and tackle adult illiteracy and so on anyway. This is more about doing it better. It is not that we have decided to suddenly start doing education, this is about how we make it more effective by tailoring it more to the needs of particular offenders.

Q18 Sarah McCarthy-Fry: What I am trying to tease out is, is it just warm words or is there anything tangible you are getting back from it? The words, "Offender Learning Journey" sound great but what I am saying is do you have any feedback?

Mr Wheatley: The tangible things are qualifications gained by prisoners who did not have qualifications before, so we can show that last year we had 60,000 basic skills qualifications for prisoners who did not possess those before they came in, many of whom could not even read and write in any recognisable form. I think that is likely to make it easier to gain employment and there is solid evidence to say that those who gain employment are less likely to be involved in reoffending.

Q19 Sarah McCarthy-Fry: So those who have been on the pilot of the Offender Learning Journey have had better results in getting their basic skills than those who have not been on the journey?

Mr Wheatley: Yes. In terms of gaining the skills, there is no doubt the programme is working. Those who are on the programme gain the skills; those who are not, do not.

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Q20 Sarah McCarthy-Fry: In paragraph 3.10 on page 25 it says you have an aspirational target to get 50% of prisoners involved in learning. Why is it only aspirational?

Mr Wheatley: This is, of course, the Learning and Skills Council and Department for Education and Skills' target with their money which is being spent in prisons. It is aspirational because the money has not yet fully arrived as we are now increasing the amount of money that is coming in and changing the organisation so that Learning and Skills Councils from next year effectively will be responsible in all prisons for delivering education in prisons. It will not be education contractors working for me, it will be education contractors working for the Learning and Skills Councils on their instructions, as it were.

Q21 Sarah McCarthy-Fry: So you have put the target on the Learning and Skills Councils?

Mr Wheatley: No, not me. The decision has been taken within Government that this is how education should be funded in prison. It is important it is mainstreamed and it is linked to wider education targets. Within the public sector Prison Service I am acting as the host for this to happen and making sure that governors select prisoners, get them to the education facilities and make sure they monitor what the contractors do, but we no longer control it, it is being run by education as part of the mainstream learning and skills in the community.

Q22 Sarah McCarthy-Fry: My time is up, but whose is this 50% target then?

Mr Wheatley: It is the Department's and Learning and Skill's target.

Q23 Sarah McCarthy-Fry: Do they set their own target or is it a target that has been set by you for them to achieve?

Sir John Gieve: No, it is agreed with us and with NOMS. We have just published a plan called *Reducing Reoffending through Skills and Employment* which was jointly promoted by the Home Office, DFES and DWP.

Q24 Mr Khan: As you can tell, time is limited and the 10 minutes we have is precious. On my first question, if you could limit your answer to no more than one minute. Can you give me your views on the Report and in particular the recommendations on page 21?

Sir John Gieve: It was a good Report. We generally agree with the recommendations, which I do not find on page 21.

Q25 Mr Khan: That is fine. Wandsworth Prison is in my constituency and we have an excellent governor who took over relatively recently. Can I draw attention to table five, page 12. Can you put your finger there and then look at table 21 on page 36. When you look at the figures for both sharing cells and overcrowding, do you not think that the governor of Wandsworth has an almost impossible task bearing in mind the conditions placed upon him in terms of the aspirations we have to prisoners to rehabilitate?

Mr Wheatley: There is no doubt that the governor of Wandsworth has a very challenging task and the levels of overcrowding in Wandsworth are high. Of course, Wandsworth is one of the few prisons serving the capital where much crime is committed and brought to justice. All the London locals are under great pressure. We have to move prisoners out of the London locals into the surrounding training prisons, which is what we hope will happen to prisoners once they have been sentenced, in order to make room for those coming in from the courts. The London local prisons are particularly pressured and Wandsworth is one of the most pressured prisoners and it does not make his life easy at all.

Q26 Mr Khan: Bearing in mind there have been four suicides in Wandsworth since January 2004, as Reported here, what are you specifically doing to alleviate the problems Wandsworth has outside your control, for example overcrowding?

Mr Wheatley: We are trying to make sure that Wandsworth is able to manage the overcrowding better—

Q27 Mr Khan: How?

Mr Wheatley:—hence the governor that we have been put in that you correctly draw attention to as being very capable running a difficult establishment, the introduction of a new anti-suicide monitoring measure, the so-called ACCT scheme, which involves much more detailed decision-making about individuals and much more support to those individuals, by putting mental health in-reach into all prisons, including Wandsworth, so we can support those who have mental health problems, and the initiative with the Department of Health which delivers health with health money into prisons commissioned by PCTs, also happening at Wandsworth. There are a number of initiatives designed to improve the situation but I do not want to mitigate the fact that Wandsworth is a very challenging environment and requires a high class governor.

Q28 Mr Khan: None of the things you have mentioned, all of which I welcome, deal with numbers.

Mr Wheatley: I am not pretending that we are dealing with the numbers. As long as the population remains as high as it is, although numbers recently have come down quite significantly during November, for which I am very grateful, and that has moved—

Q29 Mr Khan: Christmas spirit?

Mr Wheatley: That is before the Christmas spirit, so it is not the Christmas drop and it is really quite striking. As long as the numbers remain so high, if we want to stay out of police cells, and I do, we have to use those Wandsworth places to their maximum. It is not the most overcrowded prison but it is one of the most overcrowded.

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Q30 Mr Khan: Of the 77,000-odd prisoners who are guests of Her Majesty's Prisons, how many of those are foreigners convicted, how many of those are asylum-seekers and how many of those are people on remand waiting for trial?

Sir John Gieve: I can give you some of those. Nearly 13,000 are on remand. Just over 10,000 are foreign nationals. I do not know how many of those are asylum-seekers, I would have thought only a minority I have forgotten the other question you asked.

Q31 Mr Khan: That is fine. The Report also says that between 2002 and 2004 there has been a 17% increase in prison numbers without there being any significant increase in prisoner unrest. Is that a fair summary?

Mr Wheatley: Certainly there has been no significant increase in prisoner unrest.

Q32 Mr Khan: What is the breaking point?

Mr Wheatley: The breaking point would be population levels in prison above the safe operating capacity, operating at the maximum operational capacity, which is an assessment of the maximum number we can hold without significant risk to safety and security. It is absolutely crucial that we do not exceed that.

Q33 Mr Khan: Do you not accept the implication and the inference one draws from that phrase is you have scope to go higher *vis-à-vis* overcrowding because at the moment there is no prisoner unrest?

Mr Wheatley: No, I would not say that. The reason why there is no prisoner unrest, and I have made this point on a number of occasions in a number of different arenas, is we do not take more prisoners in any prison than it can safely hold and that operational judgment, which is not a question of space it is an operational judgment of what we can manage in that prison, is a robust operational judgment which I will not have challenged by other people.

Q34 Mr Khan: You will have seen that the Report at paragraph 1.49 on page 12 deals with the number of changes that are supposed to limit the rise in population in the long-term. Can I ask you, Sir John, to give me your views on those things set out there? How likely are they to achieve what they want to achieve?

Sir John Gieve: Sorry, I was just looking for—

Q35 Mr Khan: Paragraph 1.49. Is that pie in the sky or will it happen?

Sir John Gieve: It is very difficult to say. We know that there is greater use of electronic tagging. We know the Sentencing Guidelines Council have issued some guidelines which taken by themselves would tend to reduce the prison population and, similarly, the Criminal Justice Act has a mix of measures, some of which could increase it and some of which would reduce it. At the moment, in our latest projections we have got 10 scenarios and I think two of them show us living within the 80,000 projected

population limit more or less indefinitely, some get very close to it or cross at points, others go upwards and break through that limit in the next two years. We are trying to work on all the scenarios. In particular, both the Criminal Justice Act and the Sentencing Guidelines Council are very new and we are not yet at a point where we can say what the overall impact will be.

Q36 Mr Khan: If I was to ask you how optimistic you are, would you give me an equally long but no clear answer on that as well?

Sir John Gieve: I am not confident.

Q37 Mr Khan: That is helpful. Can I ask you then about the National Offender Management Service. Is this a drama turning into a crisis, the setup, the objectives not being achieved, the holistic approach? We know, of course, that the reoffending rate is 40% in the first two years, as referred to Mr Wheatley. It has not turned out how we hoped it would, has it?

Sir John Gieve: NOMS is still at the early stages and the main point of it is to draw the Prison and Probation Services together into a single system which is based around concerted offender management from the point of arrest through to the point of resettlement and all of that is very sensible. I do not see it as a prison number control mechanism. Over time, we hope it will reduce reoffending and we have set a target of 10% by the end of the decade. That would make an impact on the prison population, although it is not the only driver because a lot depends on the criminal justice system and the police. If they are more active, if they drive up the number of arrests and convictions, then even with a reduced level of reoffending we could see a rise in prison population. I do not see the level of the prison population as the measure of success for NOMS.

Q38 Mr Khan: Would you like to see judges around the country monitored in their sentencing and consistency?

Sir John Gieve: I think that is very difficult. What, league tables for how tough they are and that sort of thing? I do not think it would be right for the Home Office to do that.

Q39 Mr Khan: Final question: bearing in mind we have had one piece of good news about the November figures, do you have anything positive to say about the reforms in this area, any good news around the corner that we can expect?

Sir John Gieve: Yes, I think there is a lot of good news. Firstly, on education, as you have heard, there has been a massive increase in investment in education in prisons and we are carrying that forward. Secondly, the same thing has been happening on health. The healthcare for prisoners is much better now than I should think it has ever been and is getting better still. Thirdly, we have got the outcomes in terms of not just basic skills awards but also behaviour programmes and so on which we are still delivering despite the pressure on the estate.

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Finally, we have not even discussed security and that is because security has been outstanding for a number of years and remains outstanding.

Mr Khan: Thank you very much.

Q40 Mr Bacon: Mr Wheatley, you said earlier that the modular temporary units are used to house prisoners who are well-behaved and you treat it as some sort of incentive. Are you really saying that you are saying to your prisoners, “If you behave well we will put you in a leaky Portakabin”?

Mr Wheatley: Yes, that is right.

Q41 Mr Bacon: And they like it?

Mr Wheatley: They do—I think the Report brings that out quite nicely—because it offers them individual rooms of a good size without oppressive security compared with living in one of the big houseblocks.

Q42 Mr Bacon: You mean, as in paragraph 4.16, you have to give them their own keys?

Mr Wheatley: No. Prisoners in the houseblocks also have keys to their doors, which are privacy locks which we can override. That is very useful because that prevents prisoners stealing each other’s property or otherwise.

Q43 Mr Bacon: The keys that are referred to in paragraph 4.16 are not of that nature, are they? They are there because of fire risk, because of the poor quality of the buildings, that is why you have to give them keys. Is that not what it says?

Mr Wheatley: As I said, we certainly could not make these secure buildings. The keys are keys to their rooms, they are not keys to get out of the building, though the doors are unlocked so they can get out of the building, you are quite right. They need to be able to get out of the building if there is a fire.

Q44 Mr Bacon: It is almost unbelievable. You are saying that you went to a contractor and said, “Build us some accommodation but it will not be secure. For the internal doors to their rooms, although they are locked, we will give the prisoners keys and the external doors will not be locked”. Is this a prison or not?

Mr Wheatley: We have lots of insecure accommodation in prisons. These are all in either open establishments, which are by definition insecure, resettlement establishments, like Kirklevington, where prisoners are working out during the day, or category C establishments which are only of low security, they are a bottom security category. All those different sorts of establishments have insecure accommodation that is not traditional, as we would see it, prison accommodation like the Victorian prisons. This has been useable accommodation and is used alongside some other accommodation which is also relatively insecure. It is okay providing the numbers are small.

Q45 Mr Bacon: But it was quite expensive, was it not? According to the chart in figure 13, the cost per place per year is £5,600.

Mr Wheatley: Yes.

Q46 Mr Bacon: Can I just confirm for the avoidance of doubt that the photograph on page 31 in figure 11, the top photograph, the green one, the two storeys, that is the unit we are talking about that costs £5,600 per place?

Mr Wheatley: That is right.

Q47 Mr Bacon: And the one beneath it, the rather more robust brick looking one with the lawn in front of it and the flowers, that is the brick-clad steel framed unit that costs £1,700 per place, is that right?

Mr Wheatley: That is correct, yes.

Q48 Mr Bacon: I have not done it but I will, 5,600 divided by 1,700, so it is 3.2 times more expensive to have the insecure flabby temporary structure at the top than it is to have the rather more robust structure in the photograph underneath, is it not? Why is that?

Mr Wheatley: The actual build cost, and Peter has the detailed figures if we need to refer to them, is substantially on the MTUs. They are not more expensive to put up, they are more expensive because they have got a limited life, so their whole life costs are higher because they have a limited life.

Q49 Mr Bacon: You mean there is constant maintenance?

Mr Wheatley: They will need replacing. It is not that they need maintaining, they will need to be replaced. One cannot expect Portakabins to last.

Q50 Mr Bacon: What is your present estimate of the life of one of these units?

Mr Wheatley: We think we will probably get about 10 years out of them.

Q51 Mr Bacon: What was the estimate when they were built?

Mr Wheatley: About the same.

Q52 Mr Bacon: It has not changed?

Sir John Gieve: I think the figures in table 13 assume a five year life, so if they do last 10 then the figures will come down.

Q53 Mr Bacon: They are still very expensive. They take about the same amount of days as the brick-clad steel framed ones, 183 days versus 143 days, but they are not robust.

Mr Wheatley: In terms of this campaign, when the decision was taken to go with them they were less expensive in the initial capital costs. You are quite right, they have got a higher cost eventually because of the need to replace them. We were able to build them faster, 134 days against 180-plus, and some were delivered very quickly indeed. There was a need to build urgently at the time.

Q54 Mr Bacon: I have read paragraph 4.14 several times and I was hoping that you could write to the Committee with a bit more information. Could you write with the total amount that was spent on

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modular temporary units, how many there were and what the total cost was, and the same for the brick-clad steel framed unit. Is that possible?¹

Mr Wheatley: Yes.

Q55 Mr Bacon: Could I ask you about paragraph 4.13 where it states that the contract was let, the specification drawn up by the Prison Service was a generic design but did not provide detailed site drawings for each location, "Comprehensive site plans were subsequently drawn up once project managers had been appointed". Why were the project managers brought into the programme so late in the day?

Mr Brook: It was really to do with the speed of the build and construction. As soon as the decision had been taken we then got the contractors on board and the project managers on board, but when we started the programme all the sites had not been located to put these units on.

Q56 Mr Bacon: You had not located the sites where you were going to put these but you still let contracts for people to erect them, so it was a case of giving them the details when you could basically. That is what you are saying, is it not?

Mr Brook: Yes. We gave them the details as we developed them and, indeed, the plans changed as we went along. Initially they were all going to be in open establishments but we decided part way through the programme that part of them would go into category C establishments and that was partly to do with why the costs increased.

Q57 Mr Bacon: One of the things that I find extraordinary in reading this Report is that the contractors were clearly ill-equipped or unable to do some of the work that you were asking them to do. They were manufacturers of prefab buildings, constructors of prefab buildings, were they not, not construction companies to do work on site and yet you were asking them to do this work. It says in paragraphs 4.12 and 4.14 you were basically asking them to do work that they could not do, were you not?

Mr Brook: They certainly said they could do the work when the contracts were let. They obviously had the ability to subcontract that work to other contractors. We knew they would have to do that. This was the first time we had ever tried to build units of this sort.

Q58 Mr Bacon: In paragraph 4.13 towards the end there on the top of page 34 it states that every prison required its own security checks, which could take 21 days before workers were allowed on site. Even when the clearance had been obtained, it could take a very long time for staff to access the site: "One of the contractors, Elliott Redispac, explained that out of a contracted seven hour working day, their working time in winter was often as low as four hours, because of entry and security restrictions for contractors working within establishments", so in

effect 20 out of 24 hours of the day they were not doing anything productive in terms of meeting your goals, were they?

Sir John Gieve: The point is, that once you have got your clearance it can take a long time to get on site. That is to do with the security of getting in and out of prisons because there are always a lot of movements in and out of prisons and they have to take their turn with people bringing in food, people bringing in materials, people taking new prisoners in and people taking prisoners out. That time was increased because some of these Units were placed in secure prisons, whereas the original plan had been to put them in open prisons where it was less of a problem.

Q59 Mr Bacon: Some of the modular temporary units?

Sir John Gieve: Yes.

Q60 Mr Bacon: The ones that Mr Wheatley said earlier were insecure?

Sir John Gieve: Yes. If you look at chart 14 on page 33 you will see that is a mix of open prisons, and the open prisons on the whole had these things built very, very quickly. The main problems occurred in category C prisons.

Mr Wheatley: Which are medium secure prisons.

Q61 Mr Bacon: Do you think that the modular temporary units are fit for purpose?

Mr Wheatley: They are doing the purpose at the moment. Would we build them again? I think we have said we accept the recommendations of the Report and we would not. Are we able to use them? Yes, we are. They are not out of use and the prisoners quite like being in them and we are continuing to run secure and controlled establishments with drug use down this year as against last year and escapes down this year as against last year.

Q62 Mr Bacon: What discussions have you had about finding cheaper ways to do not necessarily temporary but fast construction? McDonald's hamburger restaurants are delivered on the back of a lorry and erected in one week when they start generating money. Plainly it is different because they are not trying to keep people in, they do not seem to need to do that, people stay in of their own accord, but the fact is they are robust structures, they are designed to last, they are designed to have low maintenance costs and one would have thought that with the developments in modern methods of construction it would be relatively simple, notwithstanding the security aspects, to have evolved something that could be erected much, much more quickly than in the 100 or 140 or 180 days, indeed in seven, 14 or 21 days. Have you made any progress in looking at that?

Mr Brook: We have let strategic alliances with eight new build constructors, so we have gone through a process partly of learning from what happened in this case ensuring that people have got the right skills and the right investment in order to build

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accommodation for us. We are exploring with the people who have developed ready-to-use units which are robust and are delivered relatively quickly but they are an awful lot more robust than the sort of things that you are talking about because they are due to last 40 years with prisoners in them. We are talking to them about how we can do something much quicker but along those lines, so something much more robust than modular temporary units but not quite as robust as the current RTUs.

Q63 Mr Bacon: I am a bit of a fan of these brick-clad steel framed units. They are £1,700 a place and you spend £2 billion a year, I think it is, in total in the Prison Service. That was what Mr Narey once told me, I have not looked up the recent figure but I am sure it is not less than that, is it, Mr Wheatley?

Mr Wheatley: For the overall system it is above £2 billion, yes.

Q64 Mr Bacon: Yet, at £1,700, for £17 million you could have 10,000 extra places per year. It does not sound to me an awful lot of money compared with your total budget if there were a commitment radically to increase the number of places.

Mr Brook: That of course does not cover the running costs of these, just the building costs.

Q65 Mr Bacon: This is true.

Mr Brook: Yes, we can build places relatively cheaply.

Q66 Mr Bacon: So is the main restriction the running costs that evolve from the extra staff that you require? Is that the main constraint?

Mr Brook: Yes, that is the main cost that is significantly more than the capital cost of building.

Sir John Gieve: There is also a space requirement. On the whole we are putting these into spare space within prisons walls. If you are building a whole new prison and getting planning permission that obviously takes a much longer time.

Q67 Helen Goodman: Sir John, on Friday I went to visit the local fire station, and I think you are also responsible for the Fire Service.

Sir John Gieve: No, we are not any longer.

Q68 Helen Goodman: The Home Office is not responsible for the Fire Service?

Sir John Gieve: No.

Q69 Helen Goodman: I beg your pardon. The point is the Fire Service have an estimate for the value of a human life which is £1. something million pounds and I wondered what the value of a human life was calculated to be in the Prison Service?

Sir John Gieve: I do not know that we use a financial equivalent for the value of a life. I do not think we do.

Q70 Helen Goodman: Do you think we should?

Sir John Gieve: I am not sure what we would use it for.

Q71 Helen Goodman: One of the problems that has been brought to our attention is that the level of suicides is much higher in overcrowded prisons and I was wondering what value the Home Office and the Prison Service place on avoiding suicide in prison?

Sir John Gieve: We put a great value on that. I do not think that it is straightforward to say that suicides are higher in overcrowded prisons. This year, for example, so far we have had what seems to be a significant reduction in suicides in prisons despite the fact that the estate has been more crowded than before and that suggests that there are other factors at work.

Mr Wheatley: There does not seem to be a straightforward link between overcrowding and suicides. The number of suicides this year so far is 72 as against 92 in the same period last year, although we have just been through a period of peak overcrowding, so whatever is going on is more complicated. We can mitigate the risks by the sorts of interventions I was speaking about before. In fact, we use cell sharing as a protective measure because being on your own in a cell and depressed and facing a long sentence and possibly coming off drugs is probably one of the things that is most likely to precipitate suicide in a long night on your own with nothing else to think about. Having company can reduce the risk. At the same time, if we crowd prisoners so much that staff cannot care for prisoners and the place begins to feel just like a big sausage machine, that is dangerous. We try to play that into the judgments we make about the level of overcrowding that prisoners can bear.

Q72 Helen Goodman: I appreciate that it is complex, but do you dispute the research by the Howard League that, of the 159 suicides between January 2004 and October 2005, 90 were in the 35 most crowded prisons?

Mr Wheatley: But the reason for that is that the most overcrowded prisons are local prisons, those who are receiving direct from the courts. The greatest risk of suicide is on first arrival in prison and immediately after sentence. Within the first day there is a high risk. That risk then reduces. If you can get somebody through the first week they have a substantially greater chance of never committing suicide. If they have not committed suicide within the first month of either coming into custody or being sentenced they are very unlikely to commit suicide. The prisons that are overcrowded look after the most at-risk people, those who are coming in straight from the streets in many cases with a multitude of problems. It does not necessarily relate to the overcrowding. If you do the same equation and say are the most overcrowded prisons the places with the most suicides, the link is not clear. There is a link of some sort but it is not as clear as that.

Q73 Helen Goodman: Can you explain whether you are trying to eradicate all overcrowding in prison because it would appear from figure 4 that you are quite content as long as overcrowding does not exceed 24%?

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Mr Wheatley: I think that is a question for Sir John. I personally would prefer to be running prisons at their ordinary uncrowded capacity but I am not usually able to do that. I am concerned to defend that we never have places that are more crowded than we think we can safely look after people in.

Sir John Gieve: I agree with that. Obviously, we would like to reduce prison overcrowding. We have not been able to do that in recent years. In fact, it has got a bit more crowded although still not to the sorts of levels that were common in the late eighties. Whether we can do that depends a lot on the trend in sentencing over the longer period.

Q74 Helen Goodman: Could you explain why your target for overcrowding is different as between the public and the private prisons, which are set out in paragraph 1.6?

Mr Brook: I am happy to do that. The main reason for the differences in the targets is the differences in the types of prisons. Most of the private prisons are comparatively new and therefore built better for overcrowding and they are comparatively small and a lot of them are local prisons and we have already talked about local prisons on average being more overcrowded than other prisons. It is a fact of the type of prison rather than any difference in treatment between the two.

Q75 Helen Goodman: Mr Wheatley, do you want to comment on that?

Mr Wheatley: Victorian prisons that have had integral sanitation put in, and most of my local prisons are Victorian prisons, have had what are called three-into-two conversions. In other words, we took three cells and turned the middle cell into two separate toilets, put a wall in, and those cells are certified in uncrowded use for two people because they have got a separate sanitary annexe. You physically cannot overcrowd them. If you put another bed in you cannot get at the toilet. Those places, although prisoners are sharing cells, cannot be overcrowded further and that affects the public sector estate, not the private sector estate which is newly built and does not have that system.

Q76 Helen Goodman: Do you not see that there is a paradox in this, that it is the newer estate where you have already agreed that there should be a higher level of overcrowding? That does seem to be somewhat counter-intuitive, does it not? If it is new should it not be built more fit for purpose than something that was built 150 years ago?

Sir John Gieve: It depends which way you look at this. The fact that they are better equipped to take more people is the reason we put more people in them.

Q77 Helen Goodman: Yes, but more people is not the same as overcrowding. You have got a different overcrowding target, not just a higher target to take people into prison.

Sir John Gieve: But, as Phil has said, it depends on the overall estate and the split between public and private also covers the split between different ages of

prison and different types of prison. We did not start out by saying that these new private sector ones should be more overcrowded. We look at what is safe to operate within each individual prison and then, when you add it up a certain way, you get different numbers for different categories.

Mr Wheatley: In building design, in both the public sector and, as we specified for the private sector what we wanted, we asked people to build so that it is possible to get flexibility out of those goals, not to build such small cells that one can only squeeze one person in. We deliberately built to allow some flexibility because we will need the flexibility to cope with the seasonal fluctuations that have already been referred to and changes in sentencing policy. I do not ever expect to have no overcrowding, and having some capacity to overcrowd in new builds is very sensible. It would be silly not to do that.

Q78 Helen Goodman: The forecast has been quite difficult. Do you have a mathematical model for the size of the prison population? How do you go about forecasting?

Sir John Gieve: Phil may want to say some more about this but yes, we do model it and we do some short-term projections based more on recent trends and longer term ones running for seven or eight years which are based on a criminal justice model which tries to model the impact of different changes in court and other behaviour and offender models, and a re-offending model, if you like, which tries to pick up what is going on in the population. Yes, it is based on mathematical models.

Q79 Helen Goodman: Are you confident that the prison population will not rise above the 80,000 that is the currently projected figure?

Sir John Gieve: I have said already that I am not confident it will not rise above 80,000. We are taking various steps at the moment to live within that figure, which is what we have budgeted for. For example, we are trying to reduce the number of foreign nationals in prison, particularly those who have reached the end of their sentence and are awaiting deportation, to encourage courts to use tagging rather than remand for people who are not thought to be dangerous to the public and so on. It is not by any means inevitable that we will need more prison places than the ones we currently have planned but I would not be confident that we will not have to add to them further.

Q80 Jon Trickett: In paragraph 1.8, it is referring to Lord Carter's Report and it says that far greater use is being made of prison and yet the number of people being arrested and sentenced is more or less the same. Does that not demonstrate that prison does not work?

Sir John Gieve: No, I do not think it does. Perhaps you would like to take that a bit further.

Q81 Jon Trickett: If the number of arrests is broadly the same and the number of people being found guilty is broadly the same and yet the number of

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people going to prison is rising, it is counter-intuitive, is it, not since one of the primary arguments about imprisonment and incarceration is for it to be a deterrent to potential criminals from entering into criminality? You would expect, would you not, if that case was correct, that more use of prison would reduce the number of people being arrested and convicted?

Sir John Gieve: Ideally in the long term but actually only a minority of all offenders are arrested and so it is perfectly possible for the level of offending to go down and the level of arrests and convictions to go up, and that is precisely what has been happening over recent years. The police are becoming more effective at bringing people to trial and yet the total number of crimes is going down. The real measures of success for prisons are protection of the public and the level of crime. If prison is working to reduce crime and protect the public it would be contributing to a reduction in the level of crime.

Q82 Jon Trickett: Can you submit evidence in writing that the conviction rate is increasing? I do not need it now but you are resting your case on that to some extent and I am not quite sure that the facts bear you out.² Is there not a series of measures which might be taken in partnership with other agencies to reduce the number of people in prison? I want to go through a number of categories. The first is the mentally ill. How many mentally ill people are in prison rather than being cared for in an appropriate institution?

Sir John Gieve: There are different categories of mental illness and Peter probably has the figures. A high proportion of prisoners have some addiction, for example, or other problems.

Mr Wheatley: At the very acute level where prisoners are thought by appropriate psychiatrists to need admission to hospital we get them admitted. The waiting period is slightly reduced on that. The biggest issue that you are homing in on is the number of people who are still in our custody who have some mental problems and for whom we are using mental health in-reach workers to assist them. They in the main are the people who would have been cared for in the community. They would not have required to be put in hospital.

Q83 Jon Trickett: According to the Howard League there are 5,000 profoundly mentally ill people in prison at any one time.

Mr Wheatley: I do not recognise those figures in that form.

Q84 Jon Trickett: What are the figures then?

Mr Wheatley: There are acutely mentally people in prison whom we are moving into psychiatric hospitals.

Q85 Jon Trickett: How many of them are there?

Mr Wheatley: We will have to get you the figures separately on those, which I do not think you have available, so we will have to write with those. They

are monitored as a group. We monitor their waiting times and they are being moved into psychiatric hospitals. It is the group above that who do have mental health problems and are receiving mental health treatment in prison who would, if they were in the community, have been being cared for in the community.

Q86 Jon Trickett: I am not asking about them. Here it is the profoundly mentally ill. I do not know if that is a category defined by the Mental Health Act 1983 but this paragraph seems to imply that. There are 5,000 who should properly be dealt with in a secure hospital rather than in a prison.

Mr Wheatley: That is not a figure we recognise at all.

Q87 Jon Trickett: What are the figures then?

Mr Wheatley: The figures are, as I say, that the people who are profoundly mentally ill and who require hospitalisation we gain hospitalisation for—

Q88 Jon Trickett: That is not the question I am asking you.

Mr Wheatley: It is much less than that and we will write with the details, is the answer. It is not 5,000.

Q89 Jon Trickett: I asked you a simple question: how many are there? I did not ask you at what rate you are getting them out of there because, as fast as they are going out, there are other people coming in, and therefore there is a population which is transient.

Mr Wheatley: You are quite right. The number of people who have moved into psychiatric hospitals is monitored and we can give you those figures. From memory I think it is 700 but I do not want to give the committee a figure from memory. I think we should write with the figure. It is well below 5,000.

Q90 Jon Trickett: What I would like from you is the number of people who the Prison Service or the medical profession regard as being inappropriately housed in a prison because they ought to be in a place of care provided, presumably, not by the Prison Service, whether that would alleviate overcrowding or not. Can I just ask you the simple question: if all those people were appropriately housed presumably would that alleviate overcrowding?

Mr Wheatley: If I am right from memory in thinking that is 700, and I would like to check that but it is about that, then 700 people in the course of a year, that is, spread throughout the year, would have made a slight difference to overcrowding but a very small one.

Q91 Jon Trickett: Hang on. Is it 700 people or 700 places because, as fast as somebody is put in who needs care, there are other people being identified in the community for whom there has been a crisis of some kind which has led to some kind of criminality and they have been incarcerated? Seven hundred people doing a couple of months each in a prison is

² Ev 23

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not a huge number of places but if it is 700 places annually occupied by a rotating number of people that is a different matter, is it not?

Mr Wheatley: No, it is 700 for two months' waiting.

Q92 Jon Trickett: I think we will wait and see what the figures actually are.³ Sir John, would it be the Home Office which would provide alternative secure accommodation for these people or is it the NHS?

Sir John Gieve: The NHS would provide the secure hospitals.

Q93 Jon Trickett: Do you pay for it or do they pay for it?

Sir John Gieve: They pay for it. They pay for mental health treatment in prisons now as well.

Q94 Jon Trickett: What discussions take place between yourself and the NHS to secure an adequate number of places, whatever that number of places is? It is obviously inappropriate to have somebody who is acutely mentally ill in a prison, is it not?

Sir John Gieve: We work very closely with the Department of Health, much more closely in the last couple of years than ever before, which is one reason why the waiting times are much reduced. It is partly because the Department of Health has the responsibility for the quality of health care, mental and physical, inside prison and they are committed to achieving the same standard of care in prisons as outside. There are a large number of disturbed people in prisons, going well beyond hundreds into thousands. In fact, prisons are in many ways a sieve for collecting some of the most disturbed people in our society, so I can well understand why the Howard League and other people may say, "It is many more than the people you actually shift into hospital care". There are many more people who are in need, I do not think we are disputing that, but we do have a system of getting clinical judgments made as to who needs to go and that is what Phil is referring to.

Q95 Jon Trickett: That is the question which I want answering. How many children are held by the Prison Service?

Sir John Gieve: The figure I have got is 2,500.

Q96 Jon Trickett: And that has doubled, has it not, over the last few years?

Sir John Gieve: I have not got that figure.

Q97 Jon Trickett: Perhaps you could provide the committee with a figure for, say, over the last 10 years, the number of children held in prison or in accommodation provided by the Prison Service.⁴ Is that the most appropriate way of incarcerating children?

Sir John Gieve: The YJB, as you know, who do the commissioning here, have a variety of types of custody in local authority secure homes, in their own STCs and in prison. I think prison can offer an

appropriate form of care and often does, and I have visited special units in East Anglia, for example, which I thought were doing an excellent job.

Q98 Jon Trickett: My time is out and I would just like you to provide us with information in writing because it is something I would like to pursue further but cannot. I think that the Lord Chancellor's report indicates that there is huge variation in the courts' operation in terms of remanding people into custody and about half the people who are held in prisons on custody are not then given custodial sentences but the practice of different courts varies very widely. If we were able somehow or other to encourage the criminal justice system to operate at the mean, if all courts operated at what is now the statistical mean, how many people—and I do not expect you to answer this now—would that mean would not be incarcerated? Do you understand the question? There is a huge variation in practice between the courts in remanding people into custody.

Sir John Gieve: I think if it was at the mean it would be the same.

Q99 Jon Trickett: If the maximum was the current mean, is what I am trying to say. I understand that it is thousands of prisoners at any one time.⁵

Sir John Gieve: There is certainly a very wide variation.

Q100 Jon Trickett: Would that make a contribution, do you think, towards reducing the numbers?

Sir John Gieve: Someone has just passed me an estimate which says that it would be 1,200 fewer people in prison, but we will send you a note on how we come to that figure.

Q101 Greg Clark: If people are sentenced to a spell in prison there is a sense in which that is a very precious time to use to their advantage, to rehabilitate them so that they can take something from the experience other than just punishment. One of the things I found rather depressing about this Report was the consequences of overcrowding for education. The Howard League have given us a memorandum which suggested that the Prison Service used to have a target of 24 hours a week purposeful activity across the Prison Service but that has been abolished. Is that the case?

Mr Wheatley: Yes, that is the case, mainly because what that prioritised, if we were not careful, was just getting people into bulk activity rather than getting people into activity like education. The easiest way to occupy people and hit that target was simply to put people in workshops doing relatively mindless activity, because lots of workshops have to have semi-skilled work in them, rather than to prioritise education and the offending behaviour courses which usually look after a smaller number of people rather more expensively but have a much greater effect on rehabilitation.

³ Ev 23

⁴ Ev 24

⁵ Ev 24

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Q102 Greg Clark: Has that been replaced by a comparable target for education?

Mr Wheatley: It has been replaced by the education targets to make sure that prisoners get basic skills awards, and we are faced within the public sector, quite correctly, with increased targets each year so that makes us prioritise our efforts to get people into what we think is purposeful activity.

Q103 Greg Clark: Is there a replacement for the number of hours a week?

Mr Wheatley: No. We maintain the target, although it is not a key target for the agency. We keep an eye on the target. I can get you details of our current performance. In fact, the amount of hours we have in purposeful activity has gone up slightly this year.

Q104 Greg Clark: But you are still monitoring it, even though it has gone up?

Mr Wheatley: Yes, we are still monitoring it because it is important for us. Our key targets prioritise us to get people into education, to get people onto offending behaviour courses and to get people into drug treatment and detox, which are more important than simply getting people into workshops.

Q105 Greg Clark: Since you have the figures, and you say they have gone up a bit, what percentage now of prisoners have 24 hours a week purposeful activity?

Mr Wheatley: Again, I will write to you carefully with accurate accounts of that.⁶ It is slightly up on what it was last year. I do not want to overstate the case. We will write separately with the details of that.

Q106 Greg Clark: What percentage of prisoners take educational courses in prison?

Mr Wheatley: At the moment I cannot give you an accurate account of that.

Q107 Greg Clark: Roughly. Is it half of them, 80%?

Mr Wheatley: I hesitate to give you an assessment.

Q108 Greg Clark: It is a very crucial area. You must have a feel for it. Is it most prisoners who take educational courses or not?

Mr Wheatley: During the course of imprisonment most prisoners will have done some educational course.

Q109 Greg Clark: At any one time what is the proportion?

Mr Wheatley: It will vary from prison to prison because the educational provision in prisons still varies. We have still got to try and even out the education input. We are aiming for 50%.

Q110 Greg Clark: 50% of what?

Mr Wheatley: 50% is what the Learning and Skills Council is aiming for and the estimate at the moment we think is about 30% who have some sort of involvement.

Q111 Greg Clark: So 30% of prisoners at any one time or 30% of prisoners during the course of their career in prison?

Mr Wheatley: During the course of their career in prison is my view on that, not at any one time.

Q112 Greg Clark: 30% during their whole career in prison have any educational input?

Mr Wheatley: During their sentence, not their whole career, because many of them will come in and out several times over. One cannot keep on educating people in things that they have already done. If somebody has done their basic skills on their last sentence we cannot repeat the process.

Q113 Greg Clark: You could have a course on intermediate skills, I would have thought.

Mr Wheatley: Yes, but there is probably a limit to the education one should reasonably do with prisoners.

Q114 Greg Clark: I am sorry; I do not understand that. I do not think there is a limit to the education one has reasonably done. If somebody has done a basic skills course I do not really regard it as acceptable and desirable that the box should be ticked and they have done their education. They should be doing higher skills training.

Mr Wheatley: We are trying to prioritise.

Q115 Greg Clark: Just on that point, are you saying that if someone has done their basic skills then they have had the education that you can offer?

Mr Wheatley: We try and prioritise the sorts of skills that will get people into employment. If somebody comes back we do not automatically follow people through to Open University level, although some people do do Open University while they are in prison. We are trying to prioritise our resources towards what we think will make people employable and that is a quite deliberate policy.

Sir John Gieve: Can I make one other point, which is that quite a high proportion of people going into prison stay there a very short time in any year. Obviously, at any one time most of the population is made up of long stay prisoners and it is much easier to organise education for them.

Q116 Greg Clark: Can we come back to that point, Chairman? Just on this point about your resources being constrained and you having to prioritise your resources, can you give me an indication of how you have to ration this? What is the budget that you have and what ought it to be so that you would not have to make these rationing decisions on education?

Mr Wheatley: I suspect there will always be a choice to make unless we provide education for every prisoner with no limit.

Q117 Greg Clark: That is not acceptable.

Mr Wheatley: At the moment we are spending about £110 million on education and Peter has the figures.

Mr Brook: There has been an increase in funding from £57 million in 2001–02 to £151 million in £2005–06.

⁶ Ev 24

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Q118 Greg Clark: Is that a level, Sir John, that you feel has hit the right level to go forward or do you think it should increase more?

Sir John Gieve: No, I would like to see it increased more. We are also looking at education for people on probation, which has been a relatively neglected area and which we are also trying to expand, but I would like to see it expanded on both fronts.

Q119 Greg Clark: Mr Wheatley, what should it be? I am surprised at your lack of ambition in this. It strikes me that every prisoner ought to be having the level of education that they could benefit from. Is that a long way from the aspiration of the Prison Service at the moment?

Mr Wheatley: The aspiration of the Prison Service is to take the money we have got for education and spend it to the maximum.

Q120 Greg Clark: That is it, just to take the money and spend it? It is not to educate?

Mr Wheatley: My task as a civil servant is to take the money that I have and use it to the maximum effect so that we can reduce the risk that the country would otherwise face from offenders who would be more likely to re-offend. That is what I am trying to do and we could spend more money in many areas to effect.

Q121 Greg Clark: I understand that. You spend the money that you are given. Sir John, who takes the decision as to what is the right amount of money to be spent on education?

Sir John Gieve: It is like everything in government; it is a collective decision. The prime responsibility is in the Department for Education because we transferred responsibility for health and health funding to the Department of Health and education funding to the Department for Education, partly, I have to say, because they have got much bigger budgets than we have which have been growing faster. We have seen a reward from that in that they both now feel responsible for the quality of education and health and the fact that they have had a lot of cash has led them to expand the provision and we have pressed them to go as far as they will go, but obviously they have other priorities to trade off against.

Q122 Greg Clark: You can press them to go further and to go as far as they can go but is there no-one in the Prison Service or in the Home Office that has a vision for what education should be in the Prison Service that can it pull the Department for Education towards rather than just looking for a bit more each time? Is anyone responsible for raising that issue?

Sir John Gieve: On the health side we have a joint unit with the Department of Health which runs this. It is the same on the education side, although what has been happening this year is that the responsibility has been passed down to the Learning and Skills Council, but we are still very involved with the Department for Education; hence the publication a week or so ago of the *Reducing Re-offending through Skills and Employment* paper which I referred to, which is a joint production by the Home Office and DFES.

Q123 Greg Clark: Who would make the assessment of how much education is optimal in the Prison Service? Who would come up with that? It is a genuine inquiry.

Sir John Gieve: It would be done in a process of dialogue with, on the one hand, us pressing for more and on the other hand the Department for Education weighing up how much to put into prisons against how much to put into adult literacy schemes in the community, colleges for further education and so on, and in the end it will be the Secretary of State for Education who makes that judgment.

Q124 Greg Clark: Is it not a rather incremental process if it is just the annual public service expenditure?

Sir John Gieve: It is like a lot of things quite an incremental process, although moving from £50 million to £150 million is, I think, quite a step change.

Q125 Greg Clark: It would be nice to think though that there was someone who could paint a picture that was so compelling that resources might be provided.

Sir John Gieve: One other group who are very involved in this are the inspectors. We have the Inspector of Prisons who now does her inspections with educational inspectors from the Adult Learning Inspectorate. They do Reports on the quality in prisons and they do round-ups, if you like, of the quality in prisons and they are pushing for better standards and they are a pressure within the education sphere.

Q126 Greg Clark: Can I just pick up on one thing you said, which was that short sentences make it difficult to educate people? That strikes me as a failure of vision. You have got people for short sentences. They are probably towards the beginning of their penal career and surely that is an important time to grab them, because you have got them 24 hours a day, and to seize that time to equip them with some basic skills so that they do not need to come back for three or four year sentences. Surely that should not be an excuse; that should be a problem to be solved? Would you agree with that?

Sir John Gieve: I think there is something in that and part of the reason for creating NOMS, which is, if you like, to take people from the court room to resettlement, is to try and make what they do in prison part of a longer plan and try to link education in and outside the walls. However, there are practical problems here. If you are going to prison for a few weeks it is a very disorienting time. You may not be able to finish a course, you may not want to start a course which you are not sure you are going to finish and so on, so inevitably the people who are in prison for weeks are going to do less just as a matter of practicality than the people who are there for a bit longer, and that, I suppose, puts more onus on the Probation Service side of NOMS to pick these people up because on the whole they are under supervision for longer periods in the community.

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Q127 Chairman: Mr Wheatley, remind me what each prison place costs on average per year.

Mr Wheatley: Peter has the figure.

Mr Brook: It is about £37,000. That is including capital and depreciation charges.

Q128 Chairman: I just remember that we have had this discussion in this committee before and we never seem to make any progress. Gareth Davies was on our committee in the last Parliament and he drew a comparison with that £37,000 that you will spend and the most expensive public school which is about £24,000, and just look at the education they provide. Look at this last stream of questions that you have had. The education you are providing is pitiful. Let us look at paragraph 3.15, shall we? It says here, “The need to move prisoners at short notice to free up space in local prisons can disrupt education courses”. That is obvious. “Our interviews with key staff in local prisons and training prisons confirmed that a prisoner’s full records are not typically transferred when the person is moved.” The security file is sent but other records are not sent. It says, “As Morton Hall receives all its prisoners from other establishments, much of this work should have already been done elsewhere and could have been sent to the prison when the prisoner arrived.” There is a sense in this committee that so much is wasted—£37,000 a year. This should be an opportunity not just for punishment and rehabilitation but there does not seem to be any commitment, Mr Wheatley, in your service to rooting out waste and inefficiency and giving people a decent education.

Mr Wheatley: We have considerable commitment in the service to rooting out waste and inefficiency and we have made cash flow savings each year which for the last five years have averaged about £160 million which are ploughed back into letting us use the money better.

Q129 Chairman: Yes, but even the most basic thing, Mr Wheatley, of ensuring you run an organisation where, if a prisoner is moved, his or her records of previous education go round with them is not being

done. How can you run a service which tries to rehabilitate people when you appear not even to be able to transfer their records, although you are spending £37,000 a year on each prisoner?

Mr Wheatley: In order to improve record transfer there are things that we need to do; that is something we need to improve.

Q130 Chairman: I should think so. Why did you not do it before? Why did you wait for the National Audit Office Report to tell you what to do?

Mr Wheatley: We are investing in an IT system, along with the Learning and Skills Council, which will allow us to move all the educational records at the point of transfer electronically, which is the right way of doing it, rather than looking at paper records in a prison. The other thing, and the Report makes it plain, is that we have been coping with very high levels of overcrowding running at 98.8% of full capacity and moving prisoners across the country has been very difficult. We have managed that but it undoubtedly has impacted on delivery of services.

Q131 Chairman: The overcrowding may be the fault of the courts and we are not debating that now, but you are constantly on the back foot, are you not? You are overcrowded, you are not providing proper rehabilitation and education courses. You are just coping from day to day. You are trying out solutions on the hoof in terms of building work; we have heard that with all the comments and questions you have had about building these portakabins. That is the reality of the situation, is it not?

Mr Wheatley: We have had to cope with considerable pressure and we have succeeded in coping with that pressure with an improved educational record, an improved escape record and a reduction in serious incidents. I think, as you said at the beginning, that has been quite impressive.

Chairman: I agree with that. Thank you very much, Mr Wheatley, and thank you, Sir John. This is your last hearing. May I thank you on behalf of this committee for your outstanding record of public service for which we are very grateful.

 Memorandum submitted by the Howard League for Penal Reform

INTRODUCTION

The Howard League for Penal Reform is the oldest penal reform charity in the United Kingdom, having been established in 1866. Our comments in this paper are framed by our values. These are that:

- We work for a safer society where fewer people are the victims of crime
- Community sentences make a person take responsibility and help them to lead a law-abiding life in the community
- People must make amends for their offences and change their lives

We are pleased that the Committee is taking the opportunity to look at the huge cost to the public purse that the overuse of imprisonment involves.

We hope that the Committee will draw attention to the policy choice the Government has made to expand the use of prison. This choice has resulted in the squandering of taxpayers’ money on a system which is in danger of being overwhelmed by numbers and which has failed to reduce re-offending.

Building more prisons is not the answer and would only encourage their use. They too would soon be filled up in the same way that new roads rapidly become as congested as the ones they were built to replace.

The Government has made a conscious decision to avoid saying that prison doesn't work. This sin of omission has left it unwilling to defend and promote strong community sentences as an effective alternative to prison and one which does reduce re-offending. Instead it has decided to increase the prison population by over 17,000 since coming to power in May 1997.

We further hope that the Committee will take account of the waste of public money involved in the establishment of another bureaucracy—the National Offender Management Service—whose only achievement so far is to have presided over a further surge in the prison population.

KEY POINTS

- The prison population currently stands at over 77,000. This is the highest it has ever been, having almost doubled since the early 1990s.
- The population includes large numbers of particularly vulnerable groups, including women, children, the mentally ill, drug addicts and the elderly.
- 60% of all prisons are overcrowded.
- 71 people have taken their own lives in prison so far this year, including two children and four women.
- Prison is extremely expensive, costing far more than community sentences and on average £27,854 per prison place.
- 58% of those release from prison will be reconvicted within two years of release.
- Community sentences offer a more effective penalty against offending and involve offenders putting something back into the community; they have lower rates of re-offending, both in volume of offending and seriousness of offences.

CURRENT AND RECENT PRISON POPULATION

The prison population in England and Wales was 77,262 on 2 December 2005. This is 2,059 higher than on the same day in 2004. The highest recorded population was 77,774 on 21 October 2005.

The prison population has grown rapidly since in the early 1990s. The table below shows the annual prison population for each year since 1985. It clearly shows that despite the overall rise in the population there were two periods where the population stabilised, or fell marginally, first between 1989 and 1993, and secondly between 1998 and 2000. Sadly, neither of these periods lasted.

<i>Year</i>	<i>Average prison population</i>
1985	46,234
1986	46,769
1987	48,425
1988	48,872
1989	48,500
1990	44,975
1991	44,809
1992	44,718
1993	44,552
1994	48,621
1995	50,962
1996	55,281
1997	61,114
1998	65,298
1999	64,771
2000	64,603
2001	66,301
2002	70,778
2003	73,038
2004	74,658

By 2004 the prison population had increased by:

- 61% compared with 1985;
- 65% compared with 1990;

- 47% compared with 1995;
- 15% compared with 2000.

The Prison Population did stabilised at around 75,000 throughout the last quarter of 2004 and the first quarter of 2005. Since early summer, however, it increased steadily to stand just below 78,000. It has declined slightly in recent weeks, having begun its annual downward trajectory in advance of Christmas.

In her most recent annual report, published on 26 January 2005, the Chief Inspector of Prisons claimed that the levelling off of the prison population at around 75,000 was “the difference between a manageable crisis and an unmanageable one”. At the time of publication of her report the useable operational capacity of the prison service was put at 76,510. Since then the prison population has increased by 3,200 to 77,262. The operational capacity has increased by only 1,900.

Women’s prison population

The increased use of imprisonment in England and Wales can be seen most starkly in the huge rise in the women’s prison population. Prison Service statistics show that the number of women in prison has increased by 148%, from 1,597 in 1990 to 3,953 in 2004. It has increased further this year and stood at 4,558 on 2 December 2005. The female population now represents just under 6% of the total prison population, up from 3.5% in 1990, 3.8% in 1995, 5.2% in 2000 and 5.3% in 2004.

Young adults

19,114 young adults, aged 18–21, were received into prison in 2004 compared with 22,223 in 2000. At any one time there are approximately 9,000 young people in prison.

Children

Children can be detained in three different types of establishment:

1. Young Offenders Institutions (YOIs), which are run by the Prison Service. It costs £50,800 each year to keep a child in a YOI.
2. Secure Training Centres (STCs), which are operated by private companies on contract with the Youth Justice Board. The first STC opened in 1999. It costs £164,750 each year to keep a child in an STC.
3. Local authority secure children’s homes (LASCHs) are run by individual local authorities. It costs £185,780 to keep a child in a LASCH. Girls and boys are also mixed in LASCHs.

The number of children in penal custody has increased dramatically in recent years. Youth Justice Board figures show that there were 2,786 children in custody on 2 December 2005. The vast majority of these, 2,319 were held in YOIs. In contrast, there were 1,675 children in YOIs in 1995.

Remand

While the remand prison population has increased in recent years, from 10,632 in 1993, to 13,073 in 2003, as a percentage of the overall population it has fallen from 24% in 1993 to 18% in 2003. The length of time that people are being held on remand has not altered significantly during that time. In line with the overall women’s population, the number of women on remand increased by 167% from 402 in 1993 to 1,072 in 2003.

However, over half of those prisoners remanded to custody do not subsequently receive a custodial sentence, and the use of custodial remand varies wildly across England and Wales.

Medium and long-term sentenced prisoners

This table shows that over the last decade there has been an enormous rise in the number of people serving medium (12 months up to 4 years), long (4 years plus) and life sentences. In addition, the average tariff for mandatory life sentences (the part of the sentence which those sentenced are required to spend in custody for the purposes of deterrence and punishment) increased from an average 12–13 years in the early 1990s to 15 years in 2000–02.

	<i>Number of prisoners serving sentences of more than 12 months and less than 4 years</i>	<i>Number of prisoners serving sentence of more than 4 years and less than life</i>	<i>Number of life sentenced prisoners</i>
1993	12,511	11,671	24,416
2003	21,378	3,095	5,419

Foreign nationals

The number of foreign nationals in prison in England and Wales has more than doubled in the last decade, increasing from 3,446 in 1993 to 8,728 in 2003. By the end of May 2005 the numbers had increased further still, to 9,576. Foreign nationals represented 7.8% of the total prison population in 1993, rising to 12.1% in 2003 and 12.6% by May 2005. The number of female foreign national prisoners has soared by 250% from 283 in 1993 to 904 by 2003.

In evidence to the Home Affairs Committee in October 2005, the Home Secretary expressly linked the record prison population with the increase in the number of foreign nationals.

The mentally ill

At any one time there are approximately 5,000 profoundly mentally ill people being held in prison, either on remand or under sentence. Those that are assessed as suitable for transfer to hospital under the Mental Health Act 1983 are often required to wait months for a bed to become available in a secure hospital.

INTERNATIONAL COMPARISON

England and Wales have the highest rate of imprisonment in western Europe, and sit above the mid-point in an international comparison of prison populations. The table below shows how England and Wales compares with comparable western European countries. The rate is expressed as the number of prisoners per 100,000 head of population.

<i>Country</i>	<i>Prison Population rate per 100,000 of national population</i>
England and Wales	142
France	91
Germany	96
Italy	98
Spain	140

WHY HAS THE PRISON POPULATION INCREASED?

The main driving forces behind the increase in the prison population have been:

1. An increasingly harsh political climate, fuelled by shrill media campaigns to get tough on and punish offenders.
2. This has contributed to legislative and administrative changes to establish a more punitive sentencing framework, such as found in parts of the Criminal Justice Act 2003, which serve to increase both sentence starting points and sentence maxima for particular offences. The Home Secretary has raised the number of foreign national prisoners as contributing significantly to the current prison population. He will doubtless be aware that the more punitive punishment for drug importation offences as enshrined in legislation has been the overwhelming factor contributing to the number of foreign national prisoners, especially women, being sent to prisons.
3. The consequence of both of these factors has been harsher sentencing practice in which both the number and length of custodial sentences have increased.

A comparison between sentencing rates for 1994 and 2004 shows that while there has been no significant change in the number of people sentenced for an indictable offence, the type of sentence handed down has become significantly more severe. In that ten year period:

- The use of the fine as a sentence for indictable offences has collapsed by a third, from 31% of all sentences in 1994 to 21% in 2004, or 93,355 people fined for indictable offences in 1994 compared with 62,279 by 2004.
- The use of community sentences has increased by a quarter, from 28% to 35%, or from 88,919 people sentenced in 1994 to 111,013 in 2004.
- The use of custody has soared by over half, from 17% to 26% of all sentences, or from 53,350 people sentenced to custody in 1994 to 79,938 sentenced in 2004.

The increased use of custody does not solely reflect an increase in the seriousness of offences committed by those appearing before sentencers. The British Crime Survey (regarded as the most accurate measurement of crime, as it asks people about their experiences of crime and captures those crimes not reported to the police and which therefore will not be included in the recorded crime statistics) says that overall crime has fallen 44% since 1995. The recent apparent increases in violent offences are due in part to changed and better recording practices by the police.

The following significant changes in sentencing practice are examples of the key factors explaining the increase in the prison population:

- The increased use of custody for offences relating to the import or export of drugs, from 69% to 95%, and the increase in the average custodial sentence length, from 50 months to 71 months.
- The almost doubling of the average custodial sentence for burglary in a dwelling, from 12 months to 21 months.
- The increased custody rate for actual bodily harm from 15% in 1994 to 19% in 2004 coupled with the increase in the average custodial sentence length from 6.8 months to 9.6 months.
- The almost three-fold increase in the use of custody as a sentence for theft from shops, from 5% to 19%.

Other factors have also contributed to the growth in the prison population, such as:

- A tightening by the probation service of the regulations surrounding the enforcement of community sentences, increasing both the number of breaches and the number of cases where custody is the sanction for breach.
- An increase in the number of people recalled to prison whilst being supervised on licence in the community; six out of ten technical breaches of a licence will now result in a return to custody.

WHAT ARE THE CONSEQUENCES OF THE GROWTH IN THE PRISON POPULATION?

Impact on the prison system

The massive increase in the prison population in recent years has caused extreme prison overcrowding and has impacted on all aspects of prison life, including safety, prisoner welfare and purposeful and rehabilitative activity.

Put simply, overcrowding means too many prisoners, not enough spaces for them, and not enough staff to care effectively for each prisoner. Overcrowding causes prison regimes to be squeezed even further and threatens the ability of a prisoner to treat a prisoner with decency and compassion. Overcrowding and the consequent movement of prisoners around the estate limits the ability of staff to get to know and develop personal relationships with prisoners.

Whilst additional prison places have been created to accommodate the rising number of prisoners, some through building private sector run and financed prisons, and some through the provision of additional places at existing prisons, most have come through squeezing more prisoners into existing accommodation.

The costs involved in building new prison places are prohibitive, hence the squashing of more and more prisoners into existing accommodation. The 7,454 new places created across the prison estate in the financial years 2000–01 to 2004–05 cost £744.2 million.

On the last day of October 2005, 17,576 prisoners were “doubled-up” in cells meant for one, where many of them will spend a considerable portion of their day, will eat their meals and will use the often-unscreened in-cell toilet in the presence of their cell-mate. The former Director General of the Prison Service and ex-Chief Executive of the National Offender Management Service has accurately described such conditions as “quite simply gross”.

Figures for October 2005 show that 85 prisons out of 142 (or 60%) were overcrowded. This is 7 more than the previous month.

Of the 85 overcrowded prisons:

- 16 were overcrowded to 150%¹ of their capacity or more with the average rate of overcrowding now 165%.
- 18 were overcrowded to between 125%—149%.
- 40% of all overcrowded prisons were overcrowded to 125% or more of their capacity.

The table overleaf shows the 16 most overcrowded prisons in October 2005.

<i>Prison</i>	<i>Overcrowding rate %</i>
Preston	184
Shrewsbury	177
Swansea	172
Exeter	169
Leicester	169
Wandsworth	169
Dorchester	167
Usk	165

¹ The overcrowding rate is expressed as a percentage; thus 150% means that the prison had 50% more prisoners than it is certified to hold.

<i>Prison</i>	<i>Overcrowding rate %</i>
Altcourse	163
Northallerton	163
Lincoln	160
Durham	159
Canterbury	156
Leeds	156
Lancaster Castle	152
Reading	150

The Chief Inspector of Prisons has frequently drawn attention to the indecent conditions caused by overcrowding and how these can have a negative impact on prisoner welfare. For example, in her report of the inspection of Pentonville prison, published 5 July 2005, she referred to the problems of overcrowding, and recorded how vulnerable prisoners were being placed in stained cells infested with cockroaches.

Impact on prisoner safety and welfare

The Joint Committee on Human Rights, in its 2004 report on deaths in custody, emphasised that the overall culture of a prison, including whether prisoners are treated humanely and with dignity, can have a significant impact on prisoner distress and vulnerability to suicide and self-harm.

Prison overcrowding increases prisoner vulnerability and the current Director General of the Prison Service admitted in 2003 that overcrowding was implicated in the increase in the number of self-inflicted deaths in prison in recent years.

Research by the Howard League for Penal Reform and published on 20 October 2005 showed that of the 159 suicides in prison between 1 January 2004 and the date of publication, 90 of them occurred at the 35 currently most overcrowded prisons. This means that over half of all suicides in prison since 1 January 2004 had occurred in just a quarter of all prisons. These prisons are predominately busy, local prisons, which serve the courts.

The following table shows those prisons which in September 2005 were operating at more than 125% of their capacity and the number of suicides each of those prisons had experienced since 1 January 2004.

<i>Prison</i>	<i>Number of prisoners current accommodation is designed to hold (In-use Certified Normal Accommodation)</i>	<i>Number of prisoners actually held</i>	<i>Capacity rate %</i>	<i>Number of suicides between since 1 January 2004</i>
Preston	330	595	180	3
Shrewsbury	168	302	180	5
Leicester	206	363	176	5
Swansea	248	427	172	2
Dorchester	147	252	171	1
Exeter	316	537	170	3
Wandsworth	845	1,437	170	4
Usk	150	249	166	0
Altcourse	614	1,003	163	4
Lincoln	307	490	160	2
Leeds	806	1,258	156	4
Canterbury	196	305	156	1
Durham	496	748	151	5
Lancaster	159	240	151	0
Reading	190	284	149	4
Bedford	324	480	148	2
Winchester	476	691	145	0
Doncaster	771	1,111	144	1
Cardiff	524	749	143	0
Bristol	426	604	142	2
Gloucester	214	295	138	7
Pentonville	868	1,194	138	5
Hull	721	983	136	1
Northallerton	152	206	136	0
Brixton	606	810	134	3
Chelmsford	437	585	134	1
Cookham Wood	137	184	134	0
Norwich	587	780	133	7
Nottingham	385	513	133	4

<i>Prison</i>	<i>Number of prisoners current accommodation is designed to hold (In-use Certified Normal Accommodation)</i>	<i>Number of prisoners actually held</i>	<i>Capacity rate %</i>	<i>Number of suicides between since 1 January 2004</i>
Forest Bank	800	1,059	132	0
Elmley	753	988	131	1
Manchester	954	1,249	131	7
Blakenhurst	821	1,058	129	3
Bullingdon	759	965	127	2
Birmingham	1,121	1,408	126	1
			Total suicides:	90

Since the publication of this research a further seven people have taken their own lives in prison².

In addition, 228 people required resuscitation following a recognised suicide attempt in 2004, and there were 17,678 incidents of self-harm during the same year.

Impact on prisoner rehabilitation

The maintenance of good family ties is a significant factor in reducing the likelihood of re-offending on release and in reducing prisoner distress at being cut off from loved-ones. Current population pressures result in emergency 'overcrowding drafts', which see groups of prison moved round the country to any available space at very short notice.

In addition to severing family ties, these movements have a disastrous impact on the both the rehabilitation of prisoners, for example by disrupting rehabilitation programmes which subsequently have to be started again in a new prison, and for the successful resettlement of those prisoners who wish to return to their home area. It is far harder to make the necessary arrangements for prisoners' release with local agencies when the prisoner is hundreds of miles away.

The Home Secretary has announced his intention to develop 'community prisons', and a new resettlement programme for London prisoners based at Wormwood Scrubs aims to be the embodiment of this idea. We congratulate active efforts to resettle prisoners, but are sceptical of how successful such schemes will be in practice if the numbers entering custody continue to exert such pressure on the prison system.

It is easier for prisons to create extra bunks to accommodate prisoners than it is to provide additional classrooms, workshops or staff. Consequently, prisons have been unable to provide appropriate or sufficient purposeful activity and rehabilitative programmes.

Prison Service annual reports previously contained performance data on the extent to which they were able to provide purposeful activity in each prison, measured against a target of 24 hours each week. Notwithstanding that 24 hours a week is clearly insufficient to meet the huge and complex needs of the prison population, the Prison Service was never able to meet the target and consequently it was abolished as a performance indicator in time for the 2004–05 annual report.

The data from the 2003–04 Annual Report shows why: no local prisons, where the real population squeeze is felt, met the target, where performance ranged from 22.1 hours at Leicester to only 10.4 hours at Brixton.

There is a question over the legitimacy of some of the activity recorded as being "purposeful". In large prisons the movement of prisoners between residential and activity wings can take up to a significant amount of time. Some prisons start counting hours of purposeful activity from the moment prisoners are released from their cells and not from when they actually commence the specified activity.

Even training prisons are feeling the population pressures. According to HM Chief Inspector of Prisons, of the 18 training prisons visited during the course of the reporting year 2003–04 only five were providing sufficient work and training.

This lack of purposeful activity, or inability for prisoners to participate in education, training, work or rehabilitation and treatment programmes, especially in local prisons, will see prisoners locked up in their cells doing nothing but sitting out their time waiting for release.

HM Chief Inspector of Prisons found in her annual report that in local prisons only 45% of prisoners spent four or more hours out of their cell every day, with prisons such as Gloucester, Lincoln and Bedford, falling well below this.

A prison system creaking under the weight of numbers cannot meaningfully contribute to rehabilitation or a reduction in re-offending on release.

² To 8 December 2005.

The consequences of an ever-rising prison population are felt far wider than just the prison system. They impact on both other criminal justice agencies and the wider community, not least because 58% of those released from prison are reconvicted within two years.

It costs on average £27,854 per prison place across the whole estate. This rises to £31,140 for a place in a male local prison.

THE GOVERNMENT'S RESPONSE TO THE RISING PRISON POPULATION

The government has grudgingly acknowledged that prison is mostly not effective at reducing re-offending, especially amongst prisoners serving short sentences. It has set a target for a reduction in re-offending of 5% by 2007–08, rising to 10% by the end of the decade.

The Howard League for Penal Reform believes that having contributed to the current punitive atmosphere the government is loath to tackle it directly. This has rendered it unwilling to make a sufficiently strong and determined effort to defend and promote community sentences as a necessary alternative to the catastrophic increase in the use of imprisonment.

Instead, it established the National Offender Management Service, which aims to bring together the custodial and community elements of the criminal justice system and ensure the end to end management of offenders. It claims to be able to do this through the concept of “contestability” in which public, private and voluntary sectors will compete to both provide services in custodial and community settings and to manage offenders and the commission services.

The process of establishing the new National Offender Management Service (NOMS) has been marred by confusion, waste of public money, lack of consultation and secrecy. All the while the prison population has carried on rising. It was 74,850 when NOMS was established on 1 June 2004 and is now 77,262. This failure to increase confidence in community sentences or to reduce the number of short term prison sentences, has resulted in the lifting of the ‘cap’ on prison numbers of 80,000 that the previous Home Secretary had instituted and on which the performance of NOMS would be judged.

Indeed, not only has the Government failed to promote community sentences it intends, as part of the contestability agenda, to privatise large part of the probation service, which has served only to further undermine the confidence of sentencers and resulted in the recent increase in the use of custody, even before the privatisation has taken place.

WHAT WE BELIEVE THE GOVERNMENT SHOULD DO

The Howard League for Penal Reform believes that

- If the government is really serious about reducing re-offending, then it needs to take concerted action now to reduce the numbers entering custody. Particularly the majority of non-violent, non-dangerous offenders who could be more appropriately managed on a community sentence, which enables them to make amends for their crime and encourages them to live a law abiding life.
- It should emphasise the vast cost to the public purse of the current use of imprisonment. It costs £27,854 on average per prison place, or £31,140 for a place in a male local prison, where the majority of short-sentenced and remand prisoners will be held. It should highlight the human costs of imprisonment, both for prisoners and for the further victims created on release.
- Accordingly, the government must talk down sentencing and make it clear that short prison sentences serve no purpose other than to create more victims of crime when they are released from prison.
- It should encourage the Sentencing Guidelines Council to take into account the effectiveness of sentences in reducing re-offending when it comes to issuing guidelines.
- And it should ask itself how it is that after more than a decade of rising numbers in prison the public still have an unjustified but understandable fear of becoming victims of crime.

Supplementary memorandum submitted by the Home Office

Question 54 (Mr Richard Bacon): *Details of the total number of Modular Temporary Units (MTUs) and Ready To Use Units (RTUs) provided and the total costs.*

Twenty nine MTUs were provided at a total cost for construction, professional fees and escort of £27,968,606. Eighteen RTUs (brick clad steel frame units) were provided at a total cost of £44,376,422. A breakdown of these costs by individual sites is set out below.

MODULAR TEMPORARY UNITS TOTAL COSTS—FINAL ACCOUNTS AS AT JANUARY 2006

<i>Ref</i>	<i>Establishment</i>	<i>Number Of MTUS</i>	<i>Construction Cost inc VAT</i>	<i>Professional fees</i>	<i>Escorts</i>	<i>Total</i>
1	North Sea Camp	2	1,160,068	53,584	—	1,213,652
2	Highpoint	2	1,467,757	71,980	20,000	1,559,737
3	Hollesley Bay	2	1,599,707	79,000	—	1,678,707
4	Standford Hill	2	1,290,597	76,889	20,000	1,387,486
5	Leyhill	2	1,703,938	81,745	9,000	1,794,683
6	Wealstun	2	1,555,922	76,689	9,000	1,641,611
7	Hatfield	2	1,575,592	77,658	20,000	1,673,250
8	Spring Hill	2	1,738,422	85,097	20,000	1,843,519
9	Prescoed	1	1,041,493	47,439	7,500	1,096,432
10	Stocken	1	1,501,369	54,440	15,000	1,570,809
11	Wayland	1	1,112,710	51,605	15,000	1,179,315
12	Acklington	1	928,418	45,760	30,000	1,004,178
13	Camp Hill	1	1,596,342	79,195	50,000	1,725,537
14	Channings Wood	1	944,667	45,593	30,000	1,020,260
15	Erlestoke	1	1,059,928	49,031	7,500	1,116,459
16	Kirklevington	1	1,008,148	48,561	30,000	1,086,709
17	Low Newton	1	916,707	44,479	30,000	991,186
18	New Hall	1	985,784	47,408	33,000	1,066,192
19	Sudbury	1	1,000,648	41,262	30,000	1,071,910
20	Wymott	1	1,323,449	62,637	30,000	1,416,086
21	Whatton	1	784,711	38,677	7,500	830,888
	Grand total	29	26,296,377	1,258,729	413,500	27,968,606

Notes:

These figures do not include local contracts, equipment and ancillaries.

The previous figures available to the NAO included some provisional estimates and contingencies and the above figures now reflect actual expenditure.

READY TO USE UNITS TOTAL COSTS—FINAL ACCOUNTS AS AT JANUARY 2006

<i>Ref</i>	<i>Establishment</i>	<i>Number Of MTUS</i>	<i>Construction Cost inc VAT</i>	<i>Professional fees</i>	<i>Escorts</i>	<i>Total</i>
1	Morton Hall (PH 1)	2	4,053,029	352,613	30,000	4,435,642
2	Morton Hall (PH 2)	2	3,131,387	272,431	25,000	3,428,818
3	Low Newton	1	2,580,675	226,850	54,000	2,861,525
4	Ashwell	1	2,262,766	198,904	30,000	2,491,670
5	Erlstoke	1	2,030,731	178,508	24,000	2,233,239
6	Guys Marsh	1	2,188,958	192,416	30,000	2,411,374
7	Blundeston	1	2,506,394	220,320	36,000	2,762,714
8	Ranby	2	4,792,236	421,171	70,875	5,284,282
9	Highpoint	2	4,715,530	415,656	48,000	5,179,186
10	Whatton	1	2,551,282	224,266	27,000	2,802,548
11	Albany	2	4,690,325	412,963	60,000	5,163,288
12	Acklington	1	2,339,727	210,194	34,500	2,584,421
13	Deerbolt	1	2,441,598	213,617	82,500	2,737,715
	Grand total	18	40,284,638	3,539,909	551,875	44,376,422

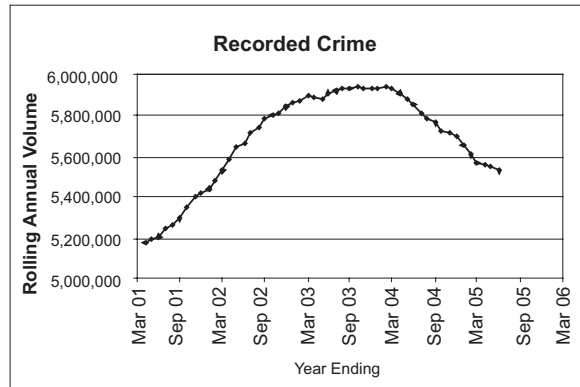
Notes:

These figures do not include local contracts, equipment and ancillaries.

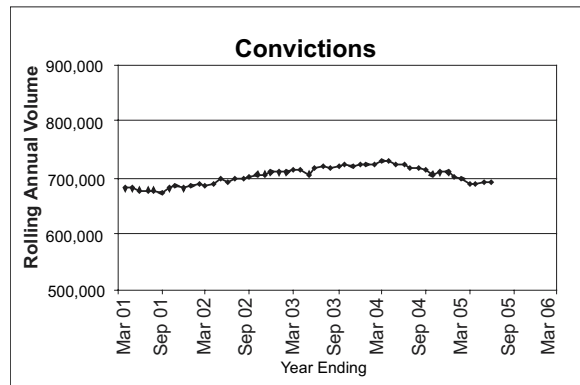
The previous figures available to the NAO included some provisional estimates and contingencies and the above figures now reflect actual expenditure

Question 82 (Jon Trickett): *Evidence that the conviction rate for offences has increased.*

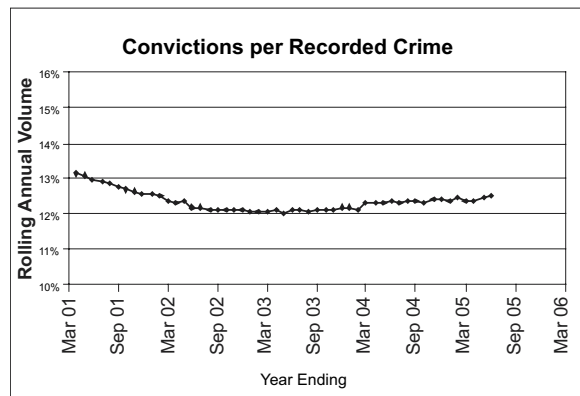
Recorded Crime has been falling from 5.9m in year ending Mar 04 to 5.5m in year ending Jun 05.



Over the same period, numbers of convictions have fallen at a slower rate—and for the last few months have been relatively steady at around 690 thousand per year.



The net effect is that the number of convictions per recorded crime (conviction rate) has steadily risen from 12.1% in 2003 to 12.5% at present.



Questions 87—92 (Jon Trickett): *Number of offenders moved into psychiatric hospital from prison per year.*

The number of prisoners transferred to hospital as restricted patients under sections 47 (sentenced) and 48 (unsentenced) of the Mental Health Act 1983 rose by 76% between 1991 and 1994 but thereafter remained relatively stable at an average of 745 each year until 1999. In 2003, the last year for which statistics have been published, 721 prisoners were transferred as restricted patients under those sections, a rise of 12% on the revised 2002 figure of 644.

Question 97 (Jon Trickett): *Number of children held in prison or in accommodation provided by the Prison Service in each of the last 10 years.*

The figures are given in the table below

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1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
1,675	2,093	2,479	2,466	2,422	2,434	2,434	2,606	2,253	2,247	2,326

Question 99 (Jon Trickett): *As approximately half of those remanded into custody do not get a custodial sentence what would be the number of places saved if this did not happen?*

If we were able to eliminate remands in custody for those who are subsequently convicted but not given a custodial sentence then in theory we could save about 30% of the remand population ie about 3,900 based on the population at end June 2005. In practice, savings would be less than this because some of these cases might now attract a custodial sentence.

The discussion at the hearing focused on area variation in remand decisions. There is published information on area variation on sentencing decisions but not on remand decisions (because the area data on remand decisions is not sufficiently robust). The 1,200 estimate given at the hearing assumes remands are reduced by 10% and that those remanded in custody spend 10% less time awaiting conviction and sentence.

Question 105 (Greg Clark): *What percentage of prisoners now attend 24 hours a week purposeful activity?*

Purposeful activity was introduced as Prison Service KPI in April 1993 and continued to be a Prison System Key Performance Indicator until the end of March 2005. The measure was dropped as a Key Performance Indicator as Ministers agreed that KPIs introduced recently in respect of education, rehabilitation and resettlement provide a better demonstration of the efforts to equip prisoners to be less likely to offend on release. However, Purposeful activity has been retained as a lower level Key Performance Target (KPT). Annual targets are set for each establishment and performance is regularly monitored at a local level.

The range of activities defined as purposeful includes education, tackling substance abuse, anti bullying initiatives, pre release work, family visits and a range of work responsibilities within the prison and in prison farms and gardens. As it is possible for a number of prisoners to attend multiple activities, it is not possible to provide the percentage of prisoners attending purposeful activities. The Prison Service only collects information on the rate of activity per prisoner. At the end of November 2005, the rate of purposeful activity was 25.4 hours per prisoner per week.

Performance ranged from 23.7 hours per week in 1992–93 to 23.4 hours in 2003–04. The highest number of hours was 26.2 in 1994–95.

TABLE SHOWING THE AVERAGE RATE OF PURPOSEFUL ACTIVITY ACROSS PRISON ESTABLISHMENTS—1992 TO DATE

<i>Year</i>	<i>Activity rate</i>
1992–93	23.7%
1993–94	24.7%
1994–95	26.2%
1995–96	25.2%
1996–97	23.8%
1997–98	23.3%
1998–99	22.8%
1999–00	23.2%
2000–01	23.8%
2001–02	23.4%
2002–03	22.6%
2003–04	23.4%
2004–05	24.3%
Jan–Nov 2005	25.4%

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