

## **PGA PRESENTATION SPEAKING NOTES 10TH OCTOBER 2018**

To tackle the prison crisis it is essential first of all to recognise what caused it. I am quite clear what has not caused it. It is not a result of weak management and leadership either at prison level or at a national level. In fact good management has prevented the current problems escalating into a disaster like the Stangeways and associated prison riots of 1990 that prompted the Woolf Inquiry.

Instead I think there are three main causes:

1. First and most crucial is the effect of Government Austerity policies and the budget cuts and pay reductions it imposed on the Service.
2. Second is the speed of churn in Justice and Prisons Ministers and the ill thought out policies that many of them have espoused, a situation exacerbated by wild swings in policy that have resulted from this high rate of churn.
3. Third is the continued high prison population, changes in its make up and the increased availability of New Psychoactive Substances.

Because we live in a democracy and HMPPS is directly accountable to Ministers there has never been any choice but to live within the budget allocated. I'm sure that neither Michael Spurr nor his senior team have ever welcomed budget cuts or claimed to Ministers that they would not create operational risks. Instead they have tried to find the least risky path to making the cuts required of them, which meant managing with a quarter less than the funding available in 2010. "Benchmarking" staffing reductions, "Fair and Sustainable" grading and management changes, reductions in the generosity of terms for newly recruited and promoted staff, and the voluntary early redundancy of thousands of experienced staff were all introduced as the only viable methods for reducing cost, once population reduction had been ruled out, to live within the available budget.

Ken Clarke was the Minister who originally agreed to the Treasury's tough budget proposals. He planned to manage the reductions by market testing every prison and reducing the size of the prison population. However David Cameron ruined his plan by ruling out population reductions, following which he sacked Clarke and replaced him with Chris Grayling.

Chris Grayling abandoned the market testing of prisons and population reduction, while courting voter support by toughening up IEP schemes. To live within budget, and with agreement of the POA, he ordered the shedding of experienced prison staff, the implementation of standardised reductions in staffing levels as well as reductions in the numbers of prison managers under a scheme called "Fair and Sustainable". POA cooperation and agreement was essential to the fast implementation of all these schemes as speed was essential to hit the budget target. The POA was content for this because of the abandonment of market testing. Chris Grayling instead proved to his party his adherence to private sector principles through his botched privatisations of Probation and of Prison Maintenance. His chaotic Rehabilitation Revolution supported by payment by results contracts was spun as a positive move, helping to defuse criticism of his other policies.

After the 2015 general election Michael Gove adopted the totally whacky independent Governor initiative, supported explicitly by David Cameron in the hopes that his support for this policy would persuade Gove to support the Remain campaign. The funding was never there to allow Gove's policies to succeed and he never thought through the complexities of allowing individual prisons to adopt wildly different approaches to their work.

Post the referendum, as the reality of the damage that Grayling and Gove had created became clear, Liz Truss had the good sense to accept Michael Spurr's advice and seek an extra £90 million from the Treasury for Offender Management in Custody (OMIC) and the key worker role. This was a major gain to win new money from the Treasury to boost staffing levels for an initiative that builds more positive relationships between prison staff and prisoners. However she foolishly decided to split policy from operations which was as ill-advised as splitting train operations from the ownership of the tracks and signalling in the Railways has proved to be.

David Liddington quietly did no harm and tried to steady the ship but only lasted a few months. Now David Gauke as a Fiscal Hawk is trying to find a way through the mess, accompanied by his energetic Prisons Minister Rory Stewart. Rory Stewart I'm sure means well but he has completely undermined the last vestiges of the freedoms of Agency Status by negotiating directly with the POA and is increasingly stepping in to take operational decisions. His enthusiasm for military leadership based partially on his (5 months) gap year experience as a junior Army Officer might yet result in an ex-General, or more likely a suitably politically malleable "yes person" being selected as the next Chief Executive.

Meanwhile back in the real world the Government's political support for longer sentences has kept the prison population at needlessly high levels and changes to policing and crime have altered the make up of the prison population as less criminals are caught by the police. Because of the reductions in their budgets, understandably the Police are not targeting and catching professional criminals such as persistent burglars while continuing to arrest the obviously bizarre and deranged. What spare resources they have are targeted on those involved in serious violence, drug dealing and sexual offences. The current population therefore includes more mentally disturbed prisoners and more of the comparatively young violent offenders serving longer sentences than ever before. This makes prisons, especially local prisons, more unstable.

As a result of the decisions taken by MOJ Ministers, HMPPS have had to expend much wasted effort on major reorganisations and pursuing foolish doomed initiatives while extra work has been required to get sensible and timely decisions from the bureaucrats at the Centre who now control all the essential areas of policy and process in HR, Finance, Estates Management, Maintenance and Operational Policy.

Benchmark staffing and the loss of experienced staff have hit Local Prisons and the big Cat C prisons particularly hard. If you are working in a Women's Prison, an Open Prison, a long term High Security Prison or a specialist prison you will not have felt the worst of the problems. The problems have been most acute in hard to recruit areas where the local jobs market is buoyant, though improvements to locality pay are now beginning to have a positive impact in London and the South East.

The slide into urgent notification territory usually goes like this. Experienced staff leave faster than trained recruits can arrive. The prison runs a chaotic disruptive regime as a result. The prisoners react by becoming more difficult and aggressive and more turn to drug abuse, staff are run ragged and begin to back off. Finally new recruits arrive but are thrust into a chaotic situation where they cannot impose their authority and they too back off from rule enforcement. The staff sickness rate and leaving rate go up making the regime more chaotic and the prisoners even more awkward so control and order continue to deteriorate..

What is needed to stabilise the situation is not more politically motivated eye catching initiatives. We have had a proliferation of these recently including Pepper spray for all, prison officers and a new police prison unit to target the bank accounts of "Kingpins" running the prison drug trade. Instead there has to be an acceptance by all that there must be a concentration on rebuilding staff confidence and cohesion, recognising that that is a long term task and that there are no quick fixes.

Staffing levels in many Local Prisons and Category C Prisons are now too low. There is insufficient contingency to cope with fluctuating hospital escort requirements and staff sickness levels. Even with the OMIC increases delivered in my judgement there needs to be a moderate level of increase in the core staffing levels for residential areas and these higher levels need to be consistently maintained.

A high proportion of experienced staff is essential in order to make any prison work properly on what will still be tight staffing levels. In my view current pay rates in areas with buoyant labour markets do not sufficiently incentivise staff to stay. Real improvements that will make a difference require a relaxation of the Government's Austerity pay policies.

Driving change in an unstable prison is a challenging management task and makes demands on management beyond that of running an already stable prison. This means that in the many prisons in difficulties the capacity of their Management Teams needs to be increased both in terms of numbers of managers and their skill sets. This will require a greater investment in prison management and leadership development and training.

Steps also need to be taken to free up more management time for delivery. There will have to be a real effort from Ministers and senior officials to refrain from using up most of the available management time by demanding yet more reports, detailed action plans and written assurances that all is going well. The

concentration for those of you working in prisons has to be on making the basics work properly, providing leadership and support to staff struggling to reassert control. This means doing all you can to ensure prisoners do not have legitimate grievances while ensuring the disruptive and aggressive are dealt with properly and are never rewarded for their bad behaviour. Senior Management teams in prisons have to be cohesive, focussed and clear on what the big picture is for their prison and what their individual part is in delivering that.

Spending on infrastructure including the delivery of maintenance and supplies has to be higher to fully reflect the reality of a decaying estate and the current very high levels of vandalism.

Drug use, drug dealing and mobile phone use has to be dealt with more effectively and this requires greater support and cooperation from the police as well as an increased investment to boost security staffing levels at prison level and to support high quality security analysis. The latest announcement of a new unit to target drug smuggler's assets may help a little but against the scale of the problem it is unlikely to be a game changer. Essential investment should include effective technical measures to block mobile phone use. These are available but are expensive.

Policy creation has to be faster and operationally focussed, not like the years of delay there have been in returning IEP to its pre-Grayling state. I don't see how that will be achieved if Ministers and Senior Ministry Civil Servants continue to intervene and second guess those who are operationally responsible. Agency status meant Richard Tilt, Martin Narey and I had freedoms to make things happen. These freedoms have been eroded over the years and are denied to current the leadership.

I think there is a need to invest more in prison regimes in order to create more opportunities for positive activity and engagement by prisoners. The Government has disinvested in offending behaviour programmes, mental health provision and drug treatment as a result of budget cuts.

In my view Governors should be given the resourcing and accountability for delivery of all regime activities. I regard the politically directed transfer of preparation for release to CRCs as a mistake.

Improving regimes and then consistently delivering is a major part of the remedy for the decline in safety and order. In the short term I think there will also be a need to create and fund more segregated accommodation in our more difficult prisons. You must have enough of the right facilities to deal those prisoners who will resist the push to restore safety and control. Simply providing paper spray to prison officers may have some justification as an additional method of defence to prison officers facing an assault but it will do nothing to rebuild the sort of good staff prisoner relationships that have been the bedrock of running decent and humane prisons. Indeed it risks making things worse.

It follows that to make what I think are essential changes that the Government will need either to increase the planned funding for prisons or cut the numbers in prison to match the level of funding they can afford. We will see if they are prepared to provide funding in the Chancellor's Autumn statement.

Meaningful reductions in population can only be achieved by shorter sentences for what are serious crimes as this increase in sentencing for serious offending has been the main driver for population growth. The proportion of short term prisoners serving under 12 months is only about 7% of the convicted prison population and further reductions in this group alone simply will not have a big enough effect to make a real difference. If the Government is not prepared to either fund prisons adequately or reduce the size of the prison population the chaos will continue.

I would like to give you a message of comfort and to express my optimism that the Government will adopt and fund the initiatives that I have set out. I have to be honest and make clear that I think that the forced removal of Michael Spurr, who is the most capable prison manager I ever worked with, does not encourage me to believe that they really understand the problems or what is needed in order to solve them. I very much doubt that they have the insight or integrity to fully acknowledge the political failures of the last eight years and to take the sensible long term action needed to remedy the mess that they have created.

I hope my pessimism isn't justified.

Phil Wheatley