

Stakeholder Hearing 6, 19 June 2014

National Offender Management Service (NOMS)

Michael Spurr, Chief Executive Officer

(in attendance for NOMS, Rosemary Hanna and Chris Barnett-Page)

SUMMARY

Organisational Change and Staffing

Along with other government departments, NOMS has had to make cost reductions, with a 27% reduction in staff numbers since 2009. Savings were targeted at headquarters and regional offices to reduce the impact on service provision in prisons.

NOMS is not the only agency undergoing major change. The National Health Service has also had major change, with a direct impact on arrangements for prison healthcare provision.

Staff are under pressure, but a measured review of the increase in self-inflicted deaths is needed, not a reactive response.

Fair and Sustainable has impacted on grading structures, ensuring more equal pay for comparable work. It is designed to make NOMS more competitive with the private sector. One consequence is that some roles have changed, with some staff undertaking new duties.

Benchmarking was introduced to implement consistent staffing levels and operating models across each establishment. NOMS starts with a standard model, for example a Category C prison would start with a supervision level of 1 prison officer to 30 prisoners but this would then be adjusted to take account of local conditions, such as the physical environment. Each prison has a twelve month mobilisation plan to move to the new arrangements. In the autumn, when the number of deaths started to rise, not all prisons had been benchmarked. In part it is the process of adjusting to the change, rather than the new staffing level, that creates pressure for staff.

Benchmarking should not lead to any safer custody resource being removed within a prison, but Fair and Sustainable brought changes to job profiles and some loss of experienced staff in safer custody roles.

There are currently staffing shortfalls within prisons due to a number of factors. Firstly, we made a commitment under Benchmarking to ensure that we would always maintain safety, security and decency and as a result of local challenge processes we have put 700 posts back into establishments above the original benchmark model. Secondly, we were not able to redeploy as many staff from closure sites to fill vacancies elsewhere in the estate as we had anticipated. Thirdly, the improvement in the economy in the South East in particular has led to a higher turnover of staff than we had planned for, and fourthly there has been a rise in the prison population above the projected figures which means we need to operate with more capacity than we had planned for. This shortage of staff has led to some restriction of regimes, which has been more of a problem in the south than in the north. While NOMS can work more efficiently under the new benchmarking arrangements, there is a need to ensure that the Service maintains staffing levels and fills all vacancies going forward to manage risks and protect the public. That is what we are currently doing.

Changes implemented during the last decade mean that a range of services has been opened up to other providers, for example health and education. This has been a positive change for prison culture and has brought a greater breadth of community engagement into prisons, but can cause difficulties for Governors when these services also come under pressure.

There will also be challenges to ensure effective partnership working with Community Rehabilitation Companies (CRCs) once these are contracted to provide resettlement services. It will be a priority for Governors to ensure that prison staff work effectively with CRC staff.

Prison Population

Crowding levels are lower than previously due to the additional capacity coming on stream, the closure of some very overcrowded prisons and the fact that the population had been reasonably stable until autumn last year. However, there has been a sudden, and as yet unexplained, increase in the prison population of over 1,000 above the projected level since autumn 2013.

Part of the NOMS response to manage this does include more crowding both in private prisons and around 440 additional crowding places in public sector prisons.

Because NOMS cannot use agency staff as prison officers, former staff are being recruited to form a reserve force of trained officers available for use on short term contracts to provide additional support during periods of unanticipated pressure.

Managing Safety in Custody

Overall, total numbers of assaults have been falling. This is partly because there are fewer young adults being imprisoned. However, assaults in the male adult estate have been increasing for a number of years because a higher proportion of the younger adult offenders have been violent. Serious assault numbers have risen, both on prisoners and on staff, but they still represent only about 11% of all assaults. We are managing more violent young men in the adult male population, many of whom have been involved in gang violence on the streets.

The numbers of Incidents at Height have increased, as have hostage and barricade incidents, although they remain statistically small numbers given the size and throughput of the population. There has also been an increase in incidents of passive disorder, but the majority of these are concluded in less than 30 minutes and involve only small numbers of prisoners. These increases are of concern but largely reflect a means of expressing individual dissatisfaction and are a feature across the whole estate, both in public and private prisons.

Self-harm incidents have reduced for women but have increased for men (although the rate at which men self-harm remains much lower than that of women).

Increase in Self-Inflicted Deaths

Before autumn 2013, the 3 year rolling rate for the number of self-inflicted deaths was around 0.7:1000. This had fallen significantly over recent years. However, since the end of last year the number of self-inflicted deaths has increased. The incidents have occurred across the estate in a range of different prisons in both public and private sectors. There does not appear to be a discernable pattern. Deaths have occurred in prisons which have had very positive reports from Her Majesty's Chief Inspector of Prisons (HMCIP) and conversely many prisons which have received more critical HMCIP reports (such as Feltham and Brinsford) have not had a self-inflicted death. Similarly, they have happened in prisons which have changed regimes and been subject to Benchmarking, but also in prisons (including private prisons) which have not been subject to such changes.

Although the majority of deaths continue to occur during the early weeks of custody there have also been suicides at a range of different points in sentence. Self-inflicted deaths are mainly happening among men in their 30s and 40s in a wide range of prisons. The figures include a number of Foreign National Offenders and prisoners recalled to custody.

We understand that suicides amongst men in the wider community also appear to be on the increase. The system has been under some pressure for the reasons I outlined earlier – but this does not provide an explanation in itself for the increase given the wide range of individual factors and the fact that the deaths have occurred in prisons across the whole estate. NOMS is

working very hard to try and understand this increase. Clearly the changes we are implementing mean tackling the rise is more difficult – but we are determined to do so and have made this a priority for the Agency.

When it became clear that the number of self inflicted deaths was rising, we increased dedicated regional support for prison safer custody teams to take and share learning from the deaths. In addition, we asked Deputy Directors of Custody and Governors to review resources for safer custody in prisons and authorised additional dedicated resources in the highest risk establishments. Safety and security take precedence over saving money.

We are doing everything possible to tackle the rise in self inflicted deaths. NOMS knows that ‘early days’ are a risk, and there is a link with the work of the Department of Health around detoxification, especially in the early days.

Offenders are a high risk group and self inflicted deaths for this group in the community are high.

It can be difficult to identify what the specific needs are for an individual offender coming into custody. There are resource constraints on both NOMS and healthcare providers – but all individuals are seen by both NOMS staff and health professionals. A prisoner may have a complex mix of issues including drug and mental health issues.

When a decision needs to be made about whether continuous observations are needed, this should be clinically driven and must be based on individual need not on resource implications. But constant supervision is not a permanent solution and developing effective engagement and support with the individual is the aim.

Safer Cells

Cells in new prisons are designed with a view to there being no ligature points. Most prisons have some cells that are ‘safer’. It is important to understand that you cannot have a completely safe environment, and the fact that we need to provide a decent environment limits the measures that we can take to make cells safer. Adapting cells in old buildings is very difficult. New cells have no exposed pipes, and are furnished with wooden beds and collapsing shower curtains. We continue to look at how window design can be made safer whilst remaining decent.

However, the effectiveness of safer cells can be overplayed. Our aim is to improve both the environment and the care and support provided to prisoners by our staff.

Characteristics and Management of Young Adults

Young adults in prisons are more complex and difficult than ever before. Maturity can vary enormously within the 18-24 age group.

NOMS has been working with the Youth Justice Board to improve the transition from the under 18 estate to young adult custody, and we have published the Transitions Framework. Before this, there was too little work done in this area. Where designated Young Offender Institutions (YOIs) are identified as part of the transition arrangements for young prisoners, staff visits are being organised to support the move and preparation for transition is being undertaken by the young person. At present, we have capacity to do this within the YOI estate.

Over time I have changed my view about how best to manage and care for the young adult population. I am now convinced that maintaining a dedicated estate for 18-20 year olds is the wrong approach. Levels of violence and gang affiliation amongst young people are a real issue, and levels of maturity differ greatly amongst young adults in their early twenties. There is evidence that mixing age groups can be positive, with older adults bringing a calmer influence. Moving away from a dedicated YOI estate would provide more opportunities for young people to be held closer to home, which is a significant factor in supporting rehabilitation. It would also enable young adults more opportunity to access specialised regimes (such as therapeutic communities) which are available across the adult estate. There may be a need to hold some young adults in specialised sites to reflect their particular sentence planning needs and/or vulnerabilities, but decisions should be made on an individual basis according to maturity and to take into account closeness to home.

The average distance from home for male prisoners is fairly stable at around 50 miles but this includes a high degree of variation and is much greater for the 18-20 population held in YOIs. Moving people around the estate has always presented issues but the creation of Resettlement prisons as part of the Transforming Rehabilitation reforms should have a positive effect on distance from home in the period leading up to release. This is particularly important as family support is a protective factor.

There is concern about increased use of New Psychoactive Substances, the impact of which is not fully understood.

We have lost some experienced staff under the Fair & Sustainable and Benchmarking reforms but overall we have still maintained an experienced staff group with a large group of professional prison officers who have a maturity of approach. There is still a huge amount of experience in the Service. It is also good to have new recruits joining the Service as this brings freshness and enthusiasm and increases diversity. NOMS recruits staff across all age ranges including many mature staff on second careers.

HM YOI Brinsford

When Brinsford changed from an under 18 YOI to a young adult (18-20) YOI, staff struggled with the changes, including the reduction in the staff to prisoner ratio. HMCIP identified that staff had become overwhelmed and felt they couldn't manage. Staff lacked the confidence to manage a young adult

population with a lower staffing ratio than that previously provided for the under 18 population funded by the YJB.

At the time of the inspection the Deputy Director of Custody had identified the issues and was taking action, but in hindsight we should have acted more swiftly to address the issues..

HMCIP rightly highlighted that what staff had come to accept as normal – for example that young adults were sleeping in cells with broken windows – was not acceptable. We responded quickly by changing and strengthening the management team and taking action to utilise available space within the prison to increase the range and amount of activity available for the young people. A painting programme was put in place and physical conditions improved. Staff are being provided with clear direction and support, and the YOI is already much improved.

However, I do want to stress that although there were deficiencies at Brinsford, there were also areas of good practice and examples of good and appropriate care being provided throughout. At the time of the HMCIP visit, Brinsford had not been through the benchmarking process. Actually that process has resulted in additional staff resources for Brinsford (as has also happened at Feltham as a result of the benchmarking process).

HMYOI Feltham

My view is that although the HMCIP report on young adults in Feltham was critical, it is important to recognise that the population was extremely challenging, and much work was being done to tackle violence. As mentioned, Benchmarking has increased resources for young adults at Feltham and we have taken the decision to allocate young adult remands across London prisons to be closer to courts and to reduce throughput and improve stability at Feltham.

The Case of ‘Peter’

The case of Peter was a tragic one. The Prison and Probation Ombudsman concluded that staff had missed some indicators and in hindsight some wrong judgements were made, in particular his view was that Peter should have been moved off the wing, but staff gave too much weight to Peter’s desire to remain where he was. These are difficult judgements. It is right to listen to a child and that’s what the staff were doing in this case. Moving Peter against his will could have created other issues for him, but in the circumstances I accept the PPO’s conclusion that a different judgement could have been made. We are looking to learn lessons from what happened to Peter, and the custodial establishment has just had a very positive HMCIP report.

Management of Under 18s

The policy for under 18s is to create secure colleges. More education is of course good but managing young people is complex and they can be very

challenging. Environment will be very important and relationships are obviously crucial.

Staff Engagement with Prisoners

With fewer staff available the quality of the interactions is even more important. We are keen to get staff to understand the impact that they can make.

The 'Every Contact Matters' initiative aims to encourage staff to use their time with prisoners better and to look to do something positive with every interaction. The interventions pilot at HMP Portland, providing training for staff to improve their individual contacts with prisoners, is showing a positive impact on the staff and the prisoners and is being extended to five more establishments.

Changes to regime and operating practice are being implemented as part of Benchmarking and 'New Ways of Working' . For example, we are now operating 'freeflow' in most prisons. The aim is to allow prisoners to move to where they need to be independently with supervision by staff located along the route, rather than by staff escorting prisoners individually or in parties. This increases the amount of activity time available as prisoners can be in activities for longer.

Although positive staff engagement with prisoners continues to be something we prioritise and are constantly looking to improve, it's important to recognise that the culture today is massively better than it was 10 years ago.

Assessment, Care in Custody and Teamwork

We are looking at staffing arrangements specifically to ensure that key areas such as First Night, Segregation and Safer Custody have the right level of cover and continuity.

Our new staffing arrangements require more flexibility and are efficient in deployment terms, but this can impact on continuity so we are looking carefully at ways to ensure we are able to maintain continuity in these critical areas.

The concern about the orange ACCT folder being a problem for prisoners who may not want to be seen to be vulnerable has not been raised as an issue, but is something that the IAP may wish to discuss with Governors.

Most issues around ACCT relate to the quality of case management, which is more important part than the detail of the process, and there is a risk that sometimes the process is followed but the quality isn't there. We have clear protocols in place for use of ACCT but sometimes staff still struggle to determine when it is appropriate to open an ACCT for an individual. There may be a general tendency for individuals to hide distress and this can be difficult for staff in identifying risk.

Incentives & Earned Privileges (IEP) Scheme

Last November, there was a major change with this scheme and of course this impacts on how prisoners feel within the system. There has been some exaggeration of the issues in the public debate. The focus on rehabilitation is right and proper but inevitably in introducing new arrangements there are issues to work through. The Entry level is for two weeks and is set at a reasonable level, with the majority of privileges available. A higher number of prisoners are now on the Basic level but at present this still only accounts for around 3% of the population at any one time. There has been a bigger impact from the reduction in the number of prisoners on Enhanced level, given the higher expectations linked to personal engagement with rehabilitation.

The changes to the Facilities List are not being implemented retrospectively, so a prisoner will be able to keep what they were previously entitled to unless they are downgraded on the IEP scheme.

NOMS is reviewing the effect of the changes and is working very hard to manage any impact on safer custody.

Tackling Disruptive Behaviour

While it is recognised that aggressive and violent behaviour can sometimes be a demonstration of vulnerability, sometimes it is difficult for staff to see beyond these behaviours to understand the underlying issues.

More people are being convicted of violent offences. Young adults coming into prison are more spontaneously violent and are more likely to have a gang affiliation that predates their time in custody. Some individuals may feel compelled to join a gang because they feel vulnerable in prison and we work hard to tackle and disrupt gangs to turn young people away from gang behaviour.

It is important to say that where staff have had to use force or draw batons, this has generally been as a safety measure to prevent young people in YOIs from hurting each other.

There are tensions around properly responding to poor or unacceptable behaviour and recognising vulnerability which requires support and care.

Around 17,000 staff across the prison estate have had mental health awareness training. All ACCT assessors undertake a mental health awareness module, and this is something we are keen to maintain and refresh. De-escalation training has been rolled out in the under 18 estate and we would like to extend this additional training across the whole estate, but there are resource implications which have prevented this to date. Over time we will look to further develop our middle managers in this area to support them to make the best possible judgements in the difficult situations they face..

It is important to deliver a decent regime and for prisons to be managed safely. The current organisational changes and implementation of 'New Ways of Working' are challenging but once the new arrangements have settled down more time will be available for professional development, including managing complex cases.

Information Sharing

There have been significant improvements in information sharing and further progress is being made now that PNOMIS and nDelius are automatically updated when people move around the system. For cross agency transfer of information the paper Person Escort Record is still used, but the ambition is to have a joined up electronic system across the CJS.

It is now rare to find that someone who is vulnerable is not identified. The issue is more often about the judgements that are made using the information that is available.

Mental Health and Special Needs

NHS England are responsible for transfers to secure hospitals and the aim is to meet the two week target for those who need treatment.

The work to implement the Bradley Review recommendations on diversion is really important and NOMS fully supports and endorses this approach. The Department of Health (DH) are currently developing the business case for roll out next year.

Separately the Personality Disorder (PD) Programme is reshaping provision for offenders with PD in prisons and in the community. Around £64m has been identified from NOMS and DH to significantly enhance provision. This is a really good example of joined up working and should be protected. The PIPES (Psychologically Informed Planned Environments) pilots have been effective and provide a pathway into the community. They have strong ministerial support.

NOMS is not as equipped as we would like to deal with Attention Deficit Hyperactivity Disorder and Autism. A lot of good staff respond in a common sense way to these problems, and to those of offenders with personality disorder. Opportunities for more joint training with healthcare staff are being considered. An increase in mental health in-reach services would also be welcome.

Working with Families

The primary purpose of the Family Liaison Office role is to provide contact and support for families who have suffered the loss of a loved one in prison. Wider work with families is limited due to resource constraints, but Community

Chaplaincy is a good example of 'through the gate' work with families and communities.

The introduction of digital visits booking for prison visits will help to make it easier for families to arrange visits to prisons. Families are encouraged to phone the prison if they have information or concerns but I accept that this can be difficult, as prisons are not primarily public facing organisations. Prisons could improve on providing specific contact details for families to phone if they have information, but making a contact point available at all times can be difficult due to resource constraints within prisons. Current provision is not consistent enough and we are looking at ways of improving it, which is why the digital visits booking initiative is important.

Cell Sharing Risk Assessments

HMCIP are about to publish a review that they have conducted 10 years after the publication of the report of the Commission for Racial Equality's investigation into the death of Zahid Mubarek at Feltham in March 2000. The report will highlight that there has been significant improvement, and that arrangements for information sharing and risk assessment are much better, but that things could still go wrong. This is fair. There has been massive improvement. Issues of discrimination have been actively tackled and diversity is now promoted, but we cannot be complacent and pretend that all the work is complete. It is not, and we must always strive to do more to tackle discrimination and to ensure effective risk assessment and information sharing.

Black and Minority Ethnic prisoners are under represented in self-harm and self-inflicted death numbers and this is an important issue to explore.

Michael Spurr will provide to the Review:

- Details of the trial at HMP and YOI Portland to improve interactions between staff and prisoners;
- Details of the 'Changing Lives Campaign' which promotes the work that staff do to reduce reoffending;
- Updated figures on the proportion of prisoners on each of the IEP levels.