

THE FUTURE PRISON

Scoping Paper

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Contents

About Us	2
Preface	3
The Future Prison Project	5
The Policy Context	8
Our Approach	11
Key Themes	14
1 Risk and Rehabilitation	14
2 Leadership, Autonomy and Devolution	17
3 Education and Employment	21
4 Health and Wellbeing	24
5 The Rehabilitative Workforce	27
6 Service Users and Participation	30
7 Cross Cutting Themes and Next Steps	34

About Us

The RSA aims to enrich society through ideas and action. We believe that all human beings have creative capacities that can be mobilised to deliver a 21st century enlightenment. We work to bring about the conditions for this change, not just amongst our diverse Fellowship, but also in institutions and communities. Our work ranges from the future of our cities and communities, to education, moving towards a more creative economy and the redesign of public services.

Transitions Spaces is a community interest company that works with prisons and wider services to strengthen rehabilitation. Its focus is on facilitating practical change, co-producing quality innovations with service users and staff, and influencing policy through this process.

For further information please visit: www.thersa.org/action-and-research/rsa-projects/public-services-and-communities-folder/future-prison. Or contact Jack: 0207 451 6832/ jack.robson@rsa.org.uk or Rachel on 07801 106920/ racobrien@googlemail.com

Preface

This government believes that the principal purpose of prison is rehabilitation, because that best serves the highest purpose of all – making our streets and society safer, more secure and more civilised.

When prisoners reach the end of their sentence, we want them to walk through the gates changed characters: better at reading, writing and maths; keen to find work, to be productive citizens and contribute positively to their families and communities. We want them to have rejected violence as a way of settling disputes, and overcome the impulsiveness and lack of self-respect that initially drew them into crime. We want fewer offenders to return to custody. Our reform programme aims to give prisoners the necessary incentives and encouragement to achieve this, and prison governors the means of achieving it.

At present, when nearly half of those in prison go on to re-offend within a year, we cannot say our criminal justice system is working. When ever-increasing numbers of prisoners are drawn to attack themselves, fellow offenders and prison officers, we cannot say our prisons are working. When prisoners are prepared to risk their lives taking new psychoactive substances as an antidote to boredom, we cannot say our programme of purposeful activities is working.

Only by changing how prisoners behave when they're in our care can we contribute effectively to rehabilitation and public safety. As a series of depressingly poor inspection reports has shown, rapid action is needed to improve prison security and staff safety. I am particularly pleased that this work is being led by a talented new director - the experienced former prison governor, Claudia Sturt.

Improved security must go hand in hand with more inspiring regimes. The lesson of previous public service reform is that empowering managers on the ground drives innovation. Sharing the best innovations with other institutions encourages all-round improvement. Our prison reform programme offers huge scope to innovate. Every governor will be granted greater autonomy and be expected to use new freedoms to improve rehabilitation.

We have kick started this work by announcing the early adopter prisons and governors. These governors will be given unprecedented levels of autonomy. They will be able to devise innovative regimes, paying for them with the budget over which they now have control. They will be able to switch education provider to the one that comes up with the most creative and challenging content. They will be encouraged to send more prisoners out to work through release on temporary licence; learning vital life lessons that will help them integrate back into society.

So while it will take many years for some of our reforms – building new prisons, for example – to make a difference, we want to make some improvements now as governors take up our invitation to 'dare to be different.'

I have challenged them to be receptive to new ideas – and that goes for all of us, too, at the Ministry of Justice and the National Offender Management Service.

It is in that spirit, then, that I welcome the independent Future Prisons research by the RSA, in pursuit of the organisation’s mission to enrich society through powerful ideas and action - and deliver a 21st century Enlightenment.

As the Prime Minister has said, no longer should our prisons remain ‘out of sight and out of mind’. Reform cannot be confined within a prison’s walls. Wider society has a part to play, because when prisoners are released – as will happen for 99 percent of them – they come back to live and work in the local community.

Which neighbour or colleague is preferable? A frustrated, angry and un-cooperative ex-offender who feels stigmatised for life, or a successful, empowered citizen with an eye to a better future and a determination never to return to prison?

The RSA’s Future Prison project will look at how to create prisons worthy of the 21st century. I look forward to reading its findings and recommendations.

The Rt Hon Michael Gove MP
Lord Chancellor and Secretary of State for Justice

The Future Prison Project

“I believe prison reform should be a great progressive cause in British politics...For me, punishment – that deprivation of liberty – is not a dirty word. I never want us to forget that it is the victims of crime who should always be our principal priority... I also strongly believe that we must offer chances to change...”

Prime Minister, David Cameron,
Party Conference speech,
February 2016

The policy debate surrounding prisons is changing. The Prime Minister, David Cameron, has identified the prison system as a public service in need of radical reform. He has championed a shift in approach towards one that treats people in prisons as assets, with skills and capabilities, rather than liabilities. The Lord Chancellor and Secretary of State for Justice, Michael Gove, has announced his intention to create the right environment for rehabilitation, and to give more autonomy to prison governors and improve prison education.

There are signs of a growing recognition that we cannot expect prisons to successfully help people transition from custody to active citizenship without greater engagement of local businesses and communities and that this requires a less centralised and more community-based approach.

With re-offending rates stubbornly static at almost 50 percent for those leaving prison how should 21st century prisons be run to best support rehabilitation? It is with this question and this context in mind that the RSA and Transitions Spaces embarked on the Future Prison, a project that by the end of 2016, will:

- Set out a blueprint for a future prison that places this challenge of rehabilitation centre stage.
- Identify what the government needs to do to ensure that the right legislative framework for funding, policy and governance is in place for such approaches to flourish in the short term and be sustained.

Advisory Group

Dame Sally Coates, Director of Academies South at United Learning.

Brodie Clark, Former Governor and Director of prison security.

Michael Corrigan, Chief Executive, Prosper 4 Group.

Lady Edwina Grosvenor, Prison reformer and philanthropist.

Nick Hardwick, Professor of Criminal Justice at Royal Holloway, University of London and Chair of the Parole Board

Hugh Lenon, Chairman, Phoenix Equity Partners.

Tony Margetts, Substance Misuse Manager, East Riding of Yorkshire Council.

John Podmore (Chair), Honorary Professor at Durham University and former prison Governor.

Matthias Stausberg, Group Advocacy Director, Virgin.

James Timpson, Chief Executive, Timpson.

Paul Tye, Former service user manager, CRI.

“If we are to get true penal reform, it’s not going to be shouting from the side-lines or wishing the Secretary of State had a magic wand. It will mean getting on and doing things in collaboration, and that collaboration will have to be people living in, working in and working with prisons.”

The Future Prison seminar participant

This paper sets out the rationale for the project, outlining its focus, the context in which this work will take place and the some of the questions it will seek to address.

We would like to thank all those people who attended a seminar in January 2016, which brought together over 50 experts offering a wide range of different perspectives. This included people who had direct experience of prisons as: former and current service users, governors and chief inspectors of prisons.

It included charities working with people in custody and on release; employers and businesses; health commissioners and providers; academics; and officials from the National Offender Management Service (NOMS). Michael Gove and the Prisons Minister, Andrew Selous also attended. The contributions of all participants have been invaluable and some of their comments are included throughout this paper.

We are grateful to James Timpson, Lady Edwina Grosvenor and Hugh Lenon for their generous support of this project. Finally, we would like to thank two groups of people in particular, without whom our deliberations would be divorced from the realities of day-to-day prison life and the individual and operational challenges involved. First, the prison governors and staff who are working with us. Second, those people who are serving, or who have served time, in prison and who have agreed to participate in this project including those on the Advisory Group, leading on seminars, working with us on case studies and fieldwork. We hope to do you all justice.

Timetable

At the end of 2016, the RSA and Transitions Spaces will publish a blueprint for the future prison. This will set out our vision, principles of reform and the conclusions of our work, which combines expert seminars, research papers, fieldwork and case studies. Our work will explore the potential for not for profit models of provision but is primarily focused on how core purpose – rehabilitation – could drive change. We will make recommendations for the kind of policy framework needed if such models are to progress. The Advisory Group, the project team and seminar participants from inside and beyond the criminal justice system will focus on the following themes:

- Risk and Rehabilitation
- Leadership, Autonomy and Devolution
- Education and Employment
- Health and Wellbeing
- The Rehabilitative Workforce
- Service User Participation

Some of the questions that we will explore are shared later in this paper. Interim outputs will be published as the project develops with the aim of engaging a wider range of individuals and organisations.

Papers will be shared through the RSA’s website with regular articles and blogs that will aim to develop as wide a constituency as possible, including RSA Fellows.

There are many others working in this field and we will draw upon wider research, thinking and practice. This includes earlier thinking that the RSA has done on prisons¹ and public services as well as its work on recovery, education, the future of policing and its City Growth Commission.² At the heart of much of this work are questions about how the right combination of policies, institutions and leadership can together, create public services that increase ‘social productivity’, unleash people’s potential and work far more closely with the communities they serve.

Project Team

Rachel O’Brien, Director, Transitions Spaces.

Anthony Painter, Director of Policy and Strategy, RSA.

Jack Robson, Researcher, RSA.

Kenny McCarthy, Action and Research Coordinator, RSA.

1. O’Brien, R. et al. (2008) *The Learning Prison, Transitions* (RSA, 2011) and *Building A Rehabilitation Culture* (RSA 2014). All these are available on RSA’s website: www.thersa.org

2. For example see: *Safer Together: Policing a Global City in 2020* (RSA, 2014); *Whole Community Recovery: The value of people, place and community* (RSA, 2015); and *Unleashing Metro Growth: Final Recommendations of the City Growth Commission* (RSA, 2014). www.thersa.org

The Policy Context

“We know from other public services – from the success of foundation hospitals and academy schools – that operational freedom for good professionals drives innovation and improvement. So we should explore how to give Governors greater freedom.”

Michael Gove, Lord Chancellor and Secretary of State for Justice, July 2015

“There are unique challenges in the high security estate, but it’s also striking that when you look at some particular measures of prison performance, that the high security estate does have some particular virtues, some strong governors, and some particular good practices that we can adopt elsewhere.”

The Future Prison seminar participant

This paper is published as the government sets out its plans for reform, including legislation to be brought before Parliament in 2017. Some of these changes have already been trailed by the Prime Minister, the Chancellor and the Secretary of State for Justice; all emphasised the cost of reoffending and the need for prisons to better support rehabilitation.

Estate Changes

The plans include designating six existing establishments as ‘reform prisons’ led by four executive directors who will be given greater freedom over their budgets, staffing and commissioning.

These pilots will test and pioneer greater governor autonomy with a view to expanding this model to other lower risk category prisons by 2020. Reform in relation to females in custody, who are now overseen by their own Deputy Director of Custody, will be based on the recommendations of the Corston Report³ and aim to keep more women out of custody by creating smaller community-based units. The closure of HMP Holloway is seen as a major step toward this end. The prison estate as a whole will be reconfigured.

At the time of writing the precise detail is unknown but we anticipate that some establishments – including one reform prison – will be designated as solely for people on remand. Meanwhile, the National Offender Management Service (NOMS) is working to reconfigure the prison population in the coming months with the aim of ensuring that establishments have more coherent populations and less churn and will therefore be better placed to meet the needs of those in their care.

Education and the Youth Reviews

Alongside the development of the proposals to give more governors greater autonomy over how they run their establishments, there have been a number of reviews commissioned by Michael Gove; this includes one on the future of the youth estate led by Charlie Taylor, and one on prison education in England and Wales, led by Dame Sally Coates. These will look at what lessons can be learned through examining the schools academy model, both in terms of governance arrangements and learning progression. These reviews are expected to be published alongside the government’s announcement or shortly after. As we outline later in this paper, our focus will be largely around the adult male estate at the lower categories of prison (although we hope that some of our thinking will have wider relevance). For this reason we do not here go into any detail about the Taylor review.

3. Home Office (2007) Corston Report.

Dame Sally Coates sits on our Advisory Board and we will examine the implications of her review – that has looked at how learning provision can better support effective rehabilitation of different segments of the prison population – in some detail as part of our wider work on education and employment. We anticipate that the government will accept some of its recommendations focused on introducing a more rigorous and outcome-based commissioning process linked to league tables and the development of a ‘teach first’ scheme for prisons, where newly qualified teachers will be encouraged to spend time teaching in prisons.

“Many prisoners are the result of educational failure. They’ve been excluded from our schools, been through young offender institutions, and everything has gone wrong. We don’t want to put them in the classroom, doing worksheet after worksheet of basic numeracy and literacy. We need to be able to offer other courses, we need to take education out of the education block, as well, and we need to bring education into the wings.”

The Future Prison seminar participant

Problem Solving Courts

Michael Gove has set up a team to investigate the potential for Problem Solving Courts in reducing reoffending and bringing down costs. With examples trailed in the UK and relatively established in the US, Canada and New Zealand, these give the judiciary a much more hands on and sustained role in overseeing people’s sentence, interventions and behaviour. As John Samuels QC has argued, sentencers’ intentions are not always served well as people in custody struggle to access the things they need to in order to comply.⁴ Some of the evidence on outcomes – in terms of the reduction in costs, the number of people going to prison and reoffending – is impressive⁵.

While the project will not go into detail on these innovations, it is not difficult to see their potential for driving more integrated approaches to sentencing and interventions that prevent reoffending. These kinds of approaches sit well with the Liaison and Diversion project being rolled out by the NHS and are covered later in this paper.

Transforming Rehabilitation

The Future Prison project will consider the changes made under the Transforming Rehabilitation agenda, in particular the creation of a new structure for probation services in England and Wales. This included the public sector National Probation Service (NPS) dealing with high-risk offenders, and private and third sector Community Rehabilitation Companies (CRCs), divided into 21 contracts and responsible for medium- to low-risk offenders. CRCs now have responsibility for supervising people who have served short prison sentences (under 12 months) on release.

These changes remain relatively new and progress has been slow, particularly in relation to the provision of through the gate services. The National Audit Office (NAO)⁶ found that services have been sustained with end users reporting consistency of provision or improvements since the reforms. It highlighted a number of problems including data availability and quality and some continued frictions between the different priorities of the NPS and CRCs.

The NAO report concludes: “Ultimately, the success of the Transforming Rehabilitation reforms will depend on the extent to which

4. Inside Time (2014) Sentencer Supervision in Custody.

5. NCSC (2013) A Community Court Grows In Brooklyn: A Comprehensive Evaluation Of The Red Hook Community Justice Center.

6. NAO (2016) Transforming Rehabilitation: Report by the Comptroller and Auditor General.

they create the conditions and incentives to reduce reoffending. While NOMS' oversight of CRCs is robust, significantly lower levels of business than the Ministry projected will affect some CRCs' ability to deliver the level of innovation they proposed in their bids. Furthermore, the NPS is not yet operating as a truly national, sustainable service. Achieving value for money from the new probation system will require resolving these fundamental issues, and ensuring the right incentives for all participants in the system.”⁷

In their fourth assessment of the implementation of the new arrangements, Her Majesty's Inspector of Probation concluded that: "...it is not yet clear how the delivery models planned by all CRCs will meet complex resettlement needs.

The present rather disjointed provision is a long way from the seamless Through the Gate service so essential to the challenge of reducing high reoffending rates for this group.”⁸ Meanwhile, in its *State of the Sector 2016* report, Clinks – an infrastructure organisation for charities working in criminal justice – concludes that the financial situation for many not-for-profit organisations has got tougher and that many are finding it harder to focus on core services and remain financially viable.⁹

These contextual issues will inform the work of the Future Prison project. Our goal is to remain focused on our distinct aims and to make a positive contribution to a highly complex area of policy that is experiencing rapid change. We believe that despite this and the structural challenges and risks facing the prison system, the current agenda has the potential to be truly transformational in the long term.

“We’ve got to ease that transition from custody to community; we’ve got to do more in terms of resettlement; we need to harvest the opportunities that reform brings us with regards to that integration of services and that movement out.”

The Future Prison
seminar participant

7. *ibid.*

8. HMI Probation (2016) *Transforming Rehabilitation – Early Implementation 4: an Independent Inspection of the Arrangements for Offender Supervision.*

9. Clinks (2016) *The State of the Sector 2016: Key trends for voluntary sector organisations working with offenders and their families.*

Our Approach

“The idea of having a small number of pilot schemes where more risk can be taken, where we can be more ambitious, and where people maybe therefore worry a little less about things going wrong, is perhaps the next step.”

The Future Prison seminar participant

“How will greater localism work where there are not prison places in the local area? What happens in the context of larger, inevitably less local populations?”

The Future Prison seminar participant

In the context of the changes set out above, we are engaging with the National Offender Management Service (NOMS) and the Ministry of Justice (MoJ). However, the project remains independent and editorial control sits with the RSA and Transitions Spaces, with input from our Advisory Group.

Rehabilitation, rehabilitation, rehabilitation

Our aim is to influence policy through marshalling the collective expertise and ideas of many, including that of governors, prison staff, specialist staff, volunteers, commissioners and service users. The aim is to play a part in addressing the dislocation between theory and frontline experience, policy and practice and, ultimately, between prisons and the wider community. We are acutely aware of the risks faced by those who work and live in prison as well as the wider impacts on victims of crime and their communities. In considering models of delivering future prisons, our work will seek to explore how reform can best *support rehabilitation, reduce risk and increase public safety*.

A radical aspect of the current agenda is its central focus on rehabilitation (political emphasis tends to ebb and flow and increase in times of austerity).¹⁰ Resettlement, reoffending and rehabilitation are terms that get used loosely as if they are one and the same. But their relationship to one another is not straightforward. Reductions in reoffending rates are hard to attribute; they could be a sign of effective work done by prisons, partner agencies and the individuals involved. They may also be the result of changes in police action.

People can be catapulted back into their communities with interventions simply having been ‘tick boxed’ with little impact on their ability to resettle; partly because many were not ‘settled’ before and have unmet multiple needs. Partly because the resettlement offer is frequently inadequate and falls short of what good governors and those working with people in custody would wish to see; people’s return to the community as active citizens capable of playing a full and positive part in the stuff of a good life.

That said, reoffending rates provide a seductive hard data. Resettlement work can be measured by outcomes but is too often assessed and funded by outputs, which tell us a bit about what has been done but little about impact. Rehabilitation is more nebulous and not as well understood. Strictly speaking it means returning something to its original state, which in terms of the issue at hand falls short of what prisons are

10. See Shadd Maruna lecture at the RSA Creating a Rehabilitation Culture (RSA, March 2014): www.thersa.org/events/2014/03/creating-a-rehabilitation-culture/ and Rehabilitation (Key Ideas in Criminology), Ward T and Maruna S (Routledge 2007).

“Intelligent commissioning... rather than all the bureaucracy and tick-boxing that we’re getting at the moment against certain inputs and outputs which actually doesn’t deliver a rehabilitation programme.”

The Future Prison seminar participant

being asked to do. If people’s lives are chaotic, amoral and miserable before prison, we need a higher goal; one that prisons cannot deliver alone or in the current context.

This is where greater autonomy for prison leaders and the devolution agenda provide opportunities alongside challenges. If prisons are understood as an end of a process, and not a potential new start, why would local authorities let alone communities and employers engage? Yet, effective rehabilitation does not just reduce reoffending but also unemployment, dependence on welfare and wider impacts on families and neighbourhoods. It both *requires and drives* local buy-in. But if this is to happen, institutional reform needs to be underpinned by a clear and relentless emphasis on what is meant by rehabilitation, how we assess progress and what part wider communities can – and should – play.

As the work of Professor Alison Liebling and her colleagues at the University of Cambridge suggests, rehabilitative cultures can be measured effectively through breaking down and assessing different components: moral leadership, staff and prisoner relationships, levels of trust, the extent to which those in custody can exercise responsibility and choice and can access supportive networks outside.¹¹

We will not seek to come up with a definitive definition of rehabilitation (there is extensive work in this area). Rather, our aim is to ensure that the work we do consistently focuses on *purpose* and takes seriously the importance of a narrative in driving reform, mobilising engagement and creating the space for change.

Without this, the reform agenda risks becoming too technical. It is vital to address important issues about where decision-making should lie and how this links to national commissioning. There must be a clear and shared purpose, defining what we want from prison leaders, their workforce, what skills and capabilities they need and what ‘permission’ they have to innovate and share risks involved.

Focus and Scope

Our aim is to be ambitious and pragmatic and that means making some clear decisions about what the project will and will not cover. So for example, we agree with many others that the case for reducing the prison population is very strong; in particular, there is growing consensus that short-term sentences often do more damage than good to the individual and do not serve to reduce reoffending.

While this is not our core focus, one of the arguments for a locally based and locally accountable criminal justice system is the potential this has to take the political sting out of the debate about setting targets and changing sentencing, and to drive better preventative approaches.

One of the issues we will consider is the relationship between narrow short-term costs and wider shared value and impact. For example, to what extent could a more localist approach – based on the evidence that sustaining positive family relationships and having access to employment before leaving prison – inform where prisons are built and their size. While detailed questions about new builds remain beyond our scope, they

11. Liebling A., Arnold H., (2005) Prisons and Their Moral Performance; a study of values, quality and prison life. Clarendon Studies in Criminology.

link to issues we will touch on including the potential that autonomy may bring in terms of building to first principles and the potential for some prisons to specialise on particular skills such as sustainability. We will explore other models of public service delivery, including what has and has not worked when it comes to school academies and the foundation model for NHS Trusts, for lessons to be learnt.

The Future Prison project will consider six core areas:

- Leadership, Autonomy and Devolution
- Education and Employment
- Health and Wellbeing
- Risk and Rehabilitation
- The Rehabilitative Workforce
- Service User Participation

“Through a greater focus on upside management and the potential for greater autonomy, there is the opportunity to harness the collective potential, the abilities of the people that are within prisons, their creativity and talents to create the right kind of where rehabilitation can really work and happen.”

The Future Prison
seminar participant

In the following sections we will set out some of the questions and themes that the project will consider. Most of our focus will be on the adult male estate at the lower risk end of the prison estate. We intend and hope that some of what we conclude to be relevant to the high security estate, to youth justice and to female prisons but our sense is that these areas are either subject to fewer of the changes outlined here and/or already have specific reform agendas where there is a greater degree of consensus.

Key Themes

1 Risk and Rehabilitation

Needs

36 percent of prisoners are estimated to have a physical or mental disability. This compares with 19 percent of the general population.

26 percent of women and 16 percent of men said they had received treatment for a mental health problem in the year before custody.

64 percent of prisoners reported having used drugs in the four weeks before custody.

38 percent of people surveyed in prison believed that their drinking was a big problem.

Source: Prison – the Facts, Bromley Briefings Summer 2015. Prison Reform Trust.

The primary purpose of the prison service is to protect the public. It is charged with doing this by providing safe, decent and secure institutions that hold those given custodial sentences by the courts for the duration of their sentence. Prisons are also responsible, working with other agencies, with managing risk downwards so that when people return to their communities, as the overwhelming majority will do, they no longer pose a threat to the public. Most sentences have a flexible component, which is explicitly designed to be used to manage and assess risk.

The prison service scores well on that aspect of security, which the public relates to most readily: escape. Escape from secure conditions is relatively rare with escape from escort out of and between prisons much more problematic. Absconds from open prisons are also relatively rare and reducing despite high profile cases that excite the media but rarely pose a risk to the public.

Decency and the Mandela Rules

We take as a given that any blueprint for a future prison would prioritise decency alongside the other issues covered here, but we do not here cover the issues related to this in detail.

We are aware that this not a straightforward issue of resources and that other issues – the relationships between those held in prison and staff, the physical and mental health needs of those in custody, the extent of people’s access to activities that bring purpose and hope – these elements and more help determine the culture of an institution and whether the basics work. A filthy prison is not just about ‘bad’ behaviour or poor staffing decisions but usually belies deeper problems. A challenge for the prison service has been the question of what basic conditions are needed before it can ‘get to’ rehabilitation.

Our sense is that if the outcome of rehabilitation becomes truly a first principle, this distinction between the ‘basics’ and transformational change becomes more blurred. And our starting point is the recently revised United Nations standard minimum rules for the treatment of those held in prisons (Nelson Mandela rules).¹² These rules set out the minimum rights and standards that should be afforded to those in the care of the state and over a range of issues, including: hygiene; the provision of

12. Penal Reform International (2016)

nutritious food, sleeping arrangements (stipulating that only one person should be housed in each cell); access to and provision of healthcare, the use of solitary confinement and so on.

Safety

In recent years, safety in some prisons has declined. The changes outlined in the previous section have taken place within a prison service under pressure.

As well as the inherent risks that come with running around the clock establishments serving some 86,000 people, many of whom have a range of complex needs, public sector prisons have, since 2013, undergone a benchmarking process to improve efficiency. This has included changes to the core day, fewer layers of management and an emphasis on maximising opportunities for those in custody to spend time doing purposeful activity. Staffing represents the bulk of ongoing prison costs and a consequence of benchmarking has been a reduced workforce. While it is difficult to say for certain whether this has increased risks to staff and residents, the outgoing Inspector of Prisons concluded that resource, population and policy pressures were to blame for “rapid deterioration in safety” in some prisons.¹³

Prisons are also reporting increased use, and smuggling in, of new psychoactive substances (NPS) and image and performance enhancing drugs (IPEDs). Some, in particular synthetic cannabinoids, can have extreme effects including convulsions, temporary paralysis, aggression and psychosis. The presence of these substances can have a knock on effect on other issues that increase risks, including assaults and the accumulation of debt.

It is beyond our scope to analyse why these figures have risen steeply or the relationship between them. But they bring to the fore the risks inherent in an environment where resources are squeezed and where the context, including the drugs of choice, can change rapidly and the critical impact this can have on staff and those in custody. These issues go hand in hand with the question of needs. Amongst the 86,000 or so people in prison today, a minority are extremely dangerous and will be serving long sentences, with some never leaving. A much bigger proportion of the population will present much lower risk. Amongst these different groups there will be a high degree of need: whether mental health, learning difficulties, addiction or a range of other aspects that can contribute to offending as well as serving as a barrier to rehabilitation.

Managing Risk

Public debates about the nature of prison interventions tend to polarise between a focus on meeting needs and reducing risk. The reality is that a key part of safeguarding public safety and lowering people’s likelihood of reoffending is meeting their needs. Effective rehabilitation reduces risk and creates safer communities.

The prison service manages risk in a number of ways. This includes the categorisation of the prison system as well as the categorisation (and re-categorisation) of people according to risk factors (with people falling

Safety

The annual number of assaults rose from 14,832 in March 2006 to 16,885 in March 2015 (with a sharp rise since March 2013 from 14,083).

The number of deaths in custody has risen from 167 in June 2006 to 247 in June 2015. While some of this is accounted for by the increase in deaths from natural causes, there was a significant rise in numbers of suicides (from 70 to 82 over this period and from 53 to 82 between June 2013 and June 2015).

Incidents of self-harm rose from 23,964 in March 2006 to 27,315 in March 2015 (with a sharp rise from 22,780 in March 2013).

Source: MoJ 2015.

13. HMIP (2015) HM Chief Inspector of Prisons for England, Annual Report 2014–15.

“We need intelligent commissioning, rather than all the bureaucracy and tick-boxing that we’re getting at the moment against certain inputs and outputs which actually don’t deliver a rehabilitation programme.”

The Future Prison seminar participant

“Aligning the behaviour of the governor with incentives is important. Local revenues should be retained locally. This will serve to align the behaviour of the governor with this particular incentive. At the moment, why bother to go and find contracts if the revenue that comes into your prison ends up being siphoned off to the centre? ”

The Future Prison seminar participant

between Category A, highest and D, lowest). There is not space here to set out the raft of regulation and guidance in relation to security and risk.

There are a large number of rules, regulations and guidelines by which prisons are run. These are outlined in Prison Service Instructions (PSIs). PSIs have an expiry date and will cover a wider range of information and rules from ongoing issues around security, license conditions and use of prisons’ libraries and first aid, to specific changes or emerging new challenges such as responding to NPS and the needs of transgender people. While each prison is different, much of the security and risk management policy will be national.

At the establishment level, the governor, senior managers and staff all share a responsibility to reduce risk both amongst the general population but also in relation to individual people inside.

Working with the National Probation Service in relation to people considered to be high-risk and Community Rehabilitation Companies in relation to people considered to be medium and low risk, establishments will have both a head of security and a head of offender management. A key purpose of the latter is to develop a sentence plan with each prisoner, identifying the things that would be most likely to reduce his or her risk. In theory – and sometimes in practice – this is done with both the prisoner closely involved and other agencies – such as substance misuse or mental health experts – who can add value.

Risk and rehabilitation

Our work in this area will address specific questions around the role of technology, the use of ROTL and the extent to which security concerns can quash (legitimately and otherwise) attempts to innovate, boost employment and learning. However, given the central focus of this work, and the argument we put forward here about the need for the relationship between risk and rehabilitation, this will be a cross cutting concern throughout the project. The specific paper and seminar on risk will be integrated with the wider papers and ensure that the final output is pragmatic and joined up.

The Future Prison project’s purpose will not be to do an assessment of whether these aspects of the prison service are working or not (and the reality is that practice will range from excellent to poor depending on a number of factors, including the leadership given governors).

Our aim is to stand further back and to explore how managing risk and security could deliver a longer-term goal of public security through reducing people’s risk inside prison and beyond. At the moment, too many low risk people are managed as if they are high risk. Hard processes, national guidance and good technology can all provide important tools for managing risk and enabling prisons to make wise choices.

If the future prison is to place public safety, reducing risk and rehabilitation as its core purpose, then we will need to consider what kind of culture, relationships and skills are needed to underpin a more subtle approach based on knowledge of individuals, and discretion. Security and risk management conceived like this should be a positive driver of rehabilitation and community safety.

2 Leadership, Autonomy and Devolution

“There’s a danger potentially that we lose what works. We’ve established what works, we see those good practices, and without some form of centralisation and regulation is there a danger indeed that we lose some of what works?”

The Future Prison seminar participant

“The Academy structure has really freed Heads to be able to manage their own schools in the way they feel fit. A weak Head or a weak leader will fail whatever the structure. Being free from central direction is not going to make a prison necessarily great. We need great leaders in our prisons and we need great governors. Weak leaders will still fail.”

The Future Prison seminar participant

“We’ve reached the point where someone in Whitehall is sitting around deciding how many jigsaws a prisoner should be able to keep in his cell, how many sheets of music they can have in their possession – 12, in case you’re wondering – and even how many pairs of underpants they’re allowed. Think about the kind of morale-sapping, initiative-destroying culture this can create in an organisation...I want the leadership team of a prison to be highly-motivated, to be entrepreneurial and to be fired up about their work, to be a team who don’t ask permission from the centre every time, but are just empowered to get on and try something new.”

Prime Minister, David Cameron, Party Conference speech, February 2016

Prison governors inhabit a strange world in relation to power. On the one hand – frequently still referred to as ‘the No 1’ – they work in institutions that are extremely hierarchical in nature. If you want something done in most prisons the say so of the governor is usually necessary, if not always sufficient. They can be ‘responsible’ for over 1,000 people in their care hundreds of staff, numerous contracts and budgets that run in to millions of pounds. On the other hand, many of the decisions that impact directly on the culture, day-to-day operation and changes within a prison are made by someone else and/or set within a detailed and highly bureaucratic national framework.

This includes, to some degree, what grades of staff are needed within the institution (set by the benchmarking process), whether and which, in lower category prisons, some of those in custody are allowed to work outside under release on temporary licence (ROTL) and the nature of the earned privileges scheme used to incentivise progression and good behaviour. They will also have limited say as to who their prison is contracted to in relation to prison education, provision of food and energy (after staffing, their largest cost centres) and their health and substance misuse providers. Budgets are largely managed centrally with many national rules on procurement and many governors can share perverse and delayed decisions being made as a result, even on small transactions.

The negative (and positive) impacts of this centralisation will be explored by the Future Prison project. This is not all unwise; there are security considerations about what goods and services should be allowed in and there are economies of scale to be gained in large-scale contracting, although this raises the far bigger question of how value is measured.

There may be wider benefits to devolving commissioning and allowing governors to – within the ring-fenced budget – have more discretion on how he or she spends it. So for example, could more local commissioning of food, bring added and shared value in terms of community support, local business partnerships, employment and skills? Could more local

contracts increase community engagement with service users and boost potential employment?

“If the line with Whitehall becomes more dotted and you’re giving a local prison governor more responsibility and resources that he or she needs to be accountable locally, there needs to be some sort of structure in place as you have with an academy prison or a foundation hospital or indeed a business. This should assemble locally the array of skills that are appropriate to that particular prison.”

The Future Prison seminar participant

Some questions: Leadership

- With rehabilitation as the central mission for all prisons, what core competencies and behaviours do future governors need?
- What does ‘good’ look like in the future prison, what should be measured in order to drive performance and can the number of measures be limited?
- What policies and objectives should continue to be set centrally from NOMS and what should be set locally by a governor and his/her local prison board?
- What are the main constraints to governor autonomy today; what could this include that it does not currently include; and what should be its limitations?
- What can we learn from leadership research and models in other services and sectors? For example, from academies, other public services or the private sector?
- What should the future prison senior management team look like?
- If local prison boards are become the norm, what will be their purpose and, with rehabilitation as a central mission, who might usefully be included as members?
- How can governors better evaluate risk versus innovation and can anything be done to make the public more understanding of this trade off?
- What is the right reward structure (pay, bonus, terms and conditions, length of tenure) for future prison leaders?
- What should be put in place to ensure that becoming a future prison leader is seen as an even more attractive career choice? From where might future prison leaders be recruited?

Whatever the merits of these arguments, there seems to be widespread agreement that the current system of centralisation catches all and is ultimately inefficient. This leaves governors with little discretion or ability to do what suits his or her prison or be able to adapt to what can be rapid changes in needs or opportunities.

The government has announced increased freedoms for all establishments based on its Incentive Earned Privilege Review. It has also proposed that some of the restrictions on ROTL be lifted, in recognition that enabling people to get used to working outside can be a valuable part of their resettlement and contribute to the rehabilitation process.

The creation of reform prisons and the forthcoming Prisons Bill, coupled with clear messages from NOMS’ leaders and the Secretary of State, ushers in more profound changes. This includes greater governor autonomy, with budgets devolved to executive directors overseeing one or more prisons, greater freedoms on profile staffing and more say on contracting some services.

The Future Prison project will consider these issues alongside the question of autonomy under three broad themes: what this means for leadership, what this could mean for national and local commissioning;

and how greater autonomy could sit within the wider issue of devolution of public services. These issues will form the bulk of our work.

Leadership

Our leadership focus will be around the individual capabilities that governors and senior management teams may need in the future. It will look at what kind of governor the future prison system needs and the risks and challenges of greater freedoms; not least to governors' themselves who currently rely heavily on regulation and support from the centre. Central to this is the balance of national and local control. Autonomy is not inevitably a 'good thing'; poor governors will not necessarily achieve better outcomes, just as good governors do comparatively well under a centralised system. But it suggests that prison leaders may need to become more outward and downward facing, rather inward and upward facing.

We will explore, with governors and through fieldwork in prisons, issues around innovation and risk and the need for 'prison craft', that gets the basics right, to be protected as governors take on a different role. We will consider what this then means for the routes that governors come through and the training, development and wider skills needs they may need to call upon. This will be linked to the question of whether, in addition to being able to appoint and profile staff, governors should have greater control of larger commissioning decisions and what role a new incentives and measurement framework would play alongside local prison boards.

“Could governors have more discretion than they do now over the rates of pay?”

The Future Prison seminar participant

Some questions: Autonomy

- What are the current divisions between central control and local discretion and what are the advantages and disadvantages of this when it comes to rehabilitation?
- How is risk shared under the current arrangements, what concerns would greater autonomy bring and how could these be mitigated?
- What targets and incentives do governors currently have and how do these drive behaviour?
- What changes would the future governor be able to make in relation to his or her workforce, including how they are profiled across the establishment, trained and developed?
- How much of governors' time is spent on managing contracts with external suppliers and what choice does she or he have over these?
- How could local decision making on contracting add value and what would be the down sides?
- What kinds of people, skills and organisations would governors like to be able to draw on and could these constitute future local boards?
- If governors are to have greater freedoms to innovate, what would the priority be and what kinds of partnership are needed?
- How could autonomy change prison culture?
- How could greater governor autonomy change the nature of what happens to people when they leave custody including the work of the Community Rehabilitation Companies and what is the governor's role in this?

Although local authorities do have duties as regards to the youth estate, adult prisons have historically, since the late nineteenth century, been highly centralised. Some precedent has been set through the Care Act, which has meant that, since April 2015, councils are responsible for assessing and meeting the social care needs of adults while in custody and on release.

Devolution

What is not clear is the extent to which autonomy for prisons could be coupled with devolution of commissioning to a local or regional level. We will consider the changing governance landscape, including the Cities and Local Government Devolution Bill 2016, and could mean for prisons.

The Bill is designed to devolve more power from central to local government through introducing directly elected mayors to combined local authorities in England and Wales and to devolve housing, transport, planning and policing powers.

The Bill is an ‘enabling’ piece of legislation that requires negotiations to take place between central government and local authorities (or groups of local authorities) to agree devolution deals, which would cover any transfer of budgets and/or powers. The idea is that by pushing decisions down to the regional or local level, public services would be better placed to respond to local need and forge stronger relationships with the communities they serve.

The 2015 Queen’s Speech announced that directly elected mayors would be able to undertake the functions of Police and Crime Commissioners in England. In London, the roles of police commissioner and mayor are already combined and Greater Manchester is following suit.

“Could future prison boards support broader strategy, leadership and governance that invest upstream in crime prevention and to reduce reoffending and to reduce the cost of crime? Could this include pool budgets and joint procurement of - local - goods and services?”

The Future Prison seminar participant

Cities and Local Government Devolution Bill

In November 2015, the first devolution deal was made between the government and Greater Manchester. Sheffield, Leeds and Cornwall followed. Other areas proposing devolution:

- The North East Combined Authority
- The Liverpool City Region
- London boroughs (putting forward plans for sub-regional devolution within London)
- Derbyshire and Nottinghamshire
- The Tees Valley Combined Authority
- The West Midlands; Leicestershire
- Hampshire and the Isle of Wight; Gloucestershire; Lincolnshire;
- North Yorkshire and East Riding of Yorkshire;
- West of England (Bristol and surrounding area)
- Surrey and Sussex
- Greater Essex
- Suffolk

As more areas develop devolution deals it is unlikely that this will provide the only model; some areas have already agreed to retain their PCC alongside a mayor and the future is likely to be characterised by a mixture of settlements.

The Future Prison project will consider whether in addition to greater autonomy, there may be more radical changes that integrate prisons into a wider local, regional or sub-regional arrangements which take a more strategic approach to how criminal justice services and related interventions can better meet the needs of their communities, invest-up stream and pool resources. In developing our thinking we can safely assume that the future prison will be a far more place-based institution that will need to take into account local contexts. Our role will be to understand the varied approaches emerging and consider which best would support prison leaders in their mission

While the evidence base for ‘what works’ in enabling those people in custody to make the best of their time inside and progress on release remains relatively weak and contested, there is a broad consensus that learning – in its widest sense – is critical alongside employability skills and assistance finding work on release.

“What role would the city region mayors have post-2017? Will they see this area as a priority? What role will the police crime commissioners have? And will they share a governor’s vision or have the skills needed?”

The Future Prison seminar participant

Some questions: Devolution

- What are the current divisions between central control and local discretion and what are the advantages and disadvantages of this when it comes to rehabilitation?
- How much of governors’ time is spent on managing contracts with external suppliers and what choice does she or he have over these?
- What kinds of people, skills and organisations would governors like to be able to draw on and could these constitute future local boards?
- If governors are to have greater freedoms to innovate, what would the priorities be and what kinds of partnership are needed?
- How could greater governor autonomy change the nature of what happens to people when they leave custody including the work of the Community Rehabilitation Companies and what is the governor’s role in this?
- How might a devolved approach change the nature of the relationship between communities and both prisoners and prisons as an institution? In terms of sentencing, empathy and social value?
- What models of accountability would be desirable and pragmatic?

3 Education and Employment

While an international study of prison education in 2013¹⁴ concluded that people who receive general education and vocational training are significantly less likely to return to prison and more likely to find employment than those who do not, there is considerable variation from nation to nation.

The latest HM Inspection of Prisons report, published in 2015, concluded that education in prison needed to be given a higher priority in response to ‘dismal’ learning outcomes noted by the inspectors. The report states that purposeful activity, which includes work, training and education, had the worst outcomes in 10 years and that purposeful activity was only good or very good in a quarter of prisons.¹⁵ While there are examples of outstanding good practice (see HMP Hollesley), the quality, consistency and accessibility of prison education provision has for a long time been caught in a deadlock with providers arguing that they cannot access people, or the right people, to fill classrooms, and prison leaders often unable to respond to these issues or shape contracts.

HMP Hollesley

In January 2015, HMIP concluded that HMP Hollesley Bay learning and skills provision was ‘Outstanding’.

The provider said success was down to having a clear strategy, understood and enacted by all levels, a proactive Governor and senior management team (on which the provider was represented) and a good working relationship with the prison. The provider approach emphasised:

- A Whole-prison inclusive learning culture;
- Aspiration
- A joined-up approach
- Engagement and progression
- Embedded learning
- The learner voice
- Peer observation
- Substance and evidence
- Support with learning difficulties
- Employability

Source: Prison – the Facts, Bromley Briefings Summer 2015. Prison Reform Trust.

Prisoners’ Education Trust (PET) offer access to distance learning, arts and hobby materials, and advice and guidance to around 2000 prisoners every year, across the country. This method of learning allows prisoners who may not normally be able to attend classes for security reasons, or whose education has been disrupted through prison transfer to study a wide range of courses that suit their interests and employment goals.

14. Rand (2013) Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs that Provide Education to Incarcerated Adults.

15. HMIP (2015) HM Inspectorate of Prisons, Annual Report 2014/15

Every prison currently has a learning provider contracted to deliver education courses, including basic skills in maths, English and vocational subjects such as customer service, catering and painting and decorating. In addition, most prisons work with Turning Pages, a peer-to-peer literacy scheme run by the Shannon Trust, and will also deliver some of their own courses.

There are additional programmes such as peer mentoring, which although potentially good for employability skills, tend to be driven by creating peer-to-peer schemes that can make prison life easier. One of the issues raised in the RSA's Transitions work was how training for peer work could be more ambitious and linked to real jobs on the outside and that there needed to be a culture of higher aspiration around progress and quality of provision.

These issues are echoed in the Business, Innovation and Skills Committee review of basic skills in addition to many people in custody doing irrelevant qualifications and being required to repeat courses (to the benefit of providers and at a cost to the tax payer).

The Committee also raised concerns about governors' 'distance' and lack of input into what happens in his or her classrooms.¹⁶

Employment

Prisons provide a range of employment opportunities. Some of these jobs may be 'core' prison work such as cleaning, catering and peer roles. Others will be delivered as contracts through One3One solutions, a part of the Ministry of Justice, which according to its website has 450 different contracts within the estate.

An issue that has been raised with us is the extent to which these contracts are able to provide 'real world' skills, and the tendency for too many contracts to involve very low skill activities that provide cheap labour but do not enhance employability. In addition, a substantial amount of any profits do not stay local so cannot be reinvested in the prison.

Of course, there are many governors who forge their own relationships with employers. Some of this provides good examples of partnership working (for example the work done by Timpson and the likes of Summit media, which until recently worked with HMP Humber and employs people on release). There are also examples like the Clink, where governors – in this case Peter Dawson when he was governor at HMP High Down – incubate and support new kinds of social business. Even the best of these would probably agree that at the very least partnership working with employers could be made easier.

The Future Prison project will not rehearse all these challenges but rather focus on where we can build on the education review recently completed by Dame Sally Coates and learn more about the kinds of strategies most likely to engage employers at scale and on an ethical and sustainable basis for all concerned.

The Rand study - Employment after release was 13 percent higher among people in custody who participated in either academic or vocational education programs than those who did not. Those who participated in vocational training were 28 percent more likely to be employed after release from prison than who did not receive such training.

¹⁶. House of Commons (2014) Business, Innovation and Skills Committee Adult Literacy and Numeracy Fifth Report of Session 2014-15.

“We should look at sponsorships where big companies, literally sponsor prisoners. Other companies can do that: we’ll supply the work, we’ll supply the training and you keep to your sentence plan, you get off your drugs, you pass your tests. We’ll hook up with probation. We will give you a genuine opportunity for employment on release.”

The Future Prison
seminar participant

Some questions: Education and Employment

- What are the arrangements in relation to work and education and what advantages and disadvantages do these have in terms of progression and rehabilitation?
- How would the rehabilitative not for profit prison support progress in education and employment?
- How will the education review change the context and what challenges and opportunities does this bring?
- What are the strengths and weaknesses of current commissioning arrangements and how could greater governor autonomy change this for the better?
- What approaches in both education and employment best meet the needs identified in the education review: rigour, improving basics and enabling aspiration and progression (including when people move)?
- What role do employer partnerships have to play and how should they be structured to best support real work skills development and future employment?
- Is there a role for apprenticeships and other forms of vocational training at scale and how can these be linked to local employers and education providers?
- What kinds of partnership would support education and employment, what criteria may drive these and how could these relate to future prison board structures?
- What are the ethical considerations in relation to employment in prison and how can these drive change?
- How can the workforce and the families of those in custody benefit from new approaches to education and employment?
- What role do social enterprises and business have to play in supporting those who may never be able or willing to work for an employer?

4 Health and Wellbeing

“A significant number of those who are in prison are people who suffer from mental illness, personality disorders, or other conditions, which genuinely require a therapeutic response. Of course, in many circumstances, they will have to be in secure accommodation, whether that’s a secure hospital or prison, because of the risk that they pose to others. But a therapeutic response, a clear-eyed one, not a soft one, is often the answer.”

The Future Prison seminar participant

Prisons are not healthy places. Their populations are more likely than the general population to have poor health before they come into custody, as well as poor diets, mental health problems and substance misuse issues.¹⁷ This is particularly true of those who tend to return to prison again and again; for this reason, health provision available in both custodial settings and when people are released needs to be considered as does the relationship between the two. The health needs of offenders in the community are even worse than those within prisons; when someone goes to prison one of the first things that happens is a health screening. This is something that has been, until recently, absent in the community and which the Liaison and Diversion project (see below) seeks to address.

In law, those held in prison should be able to access the same healthcare as people living at home and should experience a seamless service when being released. The commissioning arrangements that seek to achieve these goals are complex and in a state of flux following recent NHS reforms but will need to be considered in relation to both greater prison autonomy and potential devolved models.

Health needs

- 64 percent of prisoners reported having used drugs in the four weeks before custody.
- 14 percent of men and women in prison are serving sentences for drug offences.
- Diverted prescription medication is reported in the majority of prisons.
- A recent study found that 25 percent of women and 15 percent of men in prison reported symptoms indicative of psychosis, compared to 4 percent of the general public.
- 62 percent of male and 57 percent of female sentenced prisoners have a personality disorder.
- 49 percent of women and 23 percent of male prisoners in a Ministry of Justice study were assessed as suffering from anxiety and depression (compared to 16 percent of the general UK population).

Source: Prison – the Facts, Bromley Briefings Summer 2015. Prison Reform Trust.

17. Prisons the Facts op cit.

“We need a fully integrated [drug and alcohol] treatment and support system. We need to make sure that we’re thinking about harmful behaviours and how we work with people who aren’t dependent as much as we are working with people who are dependent, but joining that up with issues around mental health, physical health, health and well-being.”

The Future Prison seminar participant

Commissioning

In 2012 the Health and Social Care Act introduced new duties for NHS England to commission certain services instead of clinical commissioning groups (CCGs). These include people in prison and children in secure centres amongst others. Health and justice services are commissioned by 10 area teams on behalf of the 27 area teams across England.

From April 2013, NHS England became responsible for commissioning of all prison health services (with the exception of emergency care, ambulance and out-of-hours services), including young offender institutions. This expanded coverage to include secondary care, public health and substance misuse services in addition to the medical, dental and ophthalmic services already in place.

Overall contracting intentions and joint working agreements are agreed through a partnership agreement between NHS England, the National Offender Management Service (NOMS) and Public Health England (PHE). In relation to young offenders institutes and secure children’s homes, NHS England works with the Youth Justice Board and local authorities. Their remit is to understand the health needs of young people in the secure estate, and to ensure their physical, substance misuse and mental health needs are met.

In addition, the NHS is the lead agency rolling out the Liaison and Diversion initiative, which aims to identify, assess and refer people with mental health, learning disability, substance misuse and vulnerabilities when they first come into contact with the criminal justice system. Created in 2010, the scheme has been piloted in 10 areas since 2014 and is being rolled out nationally.

Liaison and Diversion aims to ensure that people’s needs are identified and met, through early assessment and support links into appropriate services. It aims to provide information to the police and the courts so that they are able to make informed decisions about charging, sentencing and post-sentencing services. More challengingly, it also aims to divert people within and beyond the justice system.

The process does not always involve replacing sanctions; rather to provide a greater range of alternatives at any point throughout the journey.

More broadly, offenders in the community are generally expected to access the same healthcare services as the rest of the local population. Since April 2013 Clinical Commissioning Groups (CCGs) have been responsible for commissioning the majority of these services (including mental health services) with local authorities responsible for commissioning public health services, including drug and alcohol services. Health and Wellbeing Boards develop Joint Strategic Needs Assessments (JSNAs) to inform Health and Wellbeing Strategies, which in turn inform local commissioning of services

The Future Prison project will explore how the different commissioning models do (and do not) fit together to meet the needs of the prison population and the tens of thousands of people being released each year, a substantial number of whom will have continuing acute health needs.

We have chosen to focus on health and wellbeing for three reasons. First some of the health needs of service users can be addressed effectively within prison (with some significant challenges, not least of which is how these continue on release). Secondly, because, as seen above, prisons

are experiencing particularly worrying problems in relation to safety in custody, driven to some extent by changes in drug use. Third, as it suggests wellbeing implies far more than basic health and – for us – encapsulates many of the needs that need to be met by ‘through the gate’ services – such as housing – that are not covered in detail here.

The process does not always involve replacing sanctions; rather to provide a greater range of alternatives at any point throughout the journey.

“We need to help prison staff themselves to understand the importance of education programmes, of confidence building programmes, of dealing with mental health and well-being; thinking about issues around drug and alcohol addiction and getting those integrated into their thinking.”

The Future Prison
seminar participant

Some questions: Health and wellbeing

- How would a rehabilitative not for profit prison improve wellbeing inside and out?
- What are the current models of commissioning and what advantages and challenges to they bring?
- What are the trends in relation to wellbeing including substance misuse, prevalence, NPS, IPEDs drugs and mental health?
- What institutional/cultural and individual barriers are there to supporting wellbeing and recovery; for example workforce skills and attitudes, competing demands etc?
- What is the experience of people leaving custody and in particular the role of the CRCs in relation to wellbeing service, SMS and mental health provision?
- What role could and should the liaison diversion arrangements bring?
- What difference could autonomy make?
- What could a more sensible devolved set of responsibilities look like in relation to wellbeing and can these build on the Care Act changes?

5 The Rehabilitative Workforce

The latest figures for NOMS staffing (June 2015) states that there are just over 43,000 people working on a full time equivalent basis. This includes nearly 9,000 people working in the National Probation Service (NPS). Setting aside changes that have distorted the overall picture – such as the transfer of private prison and NPS staff – the reduction in NOMS staff numbers between 31 March 2010 to 30 June 2015 was 10,390 (or just over 23 percent).

Prison officers accounted for the largest reductions, falling by 4,550 (23 percent). This is perhaps not surprising; prison officers represent the largest group of NOMS staff at around 35 percent of the total. Prison operational support staff make up around 11 percent of the total, while national and regional NOMS staff represent nearly 7 percent, about two thirds of whom reside in NOMS headquarters in London.

One of the toughest questions we will seek to address is what the future prison workforce may look like and what skills are required. Currently prospective prison officers do not require 5 GCSEs and receive only 6 weeks generic training – some of the lowest levels of training in the world. Our focus will be around prison ‘staff’ in the widest sense and how they can be recruited, trained and led to meet the needs of those in custody in a rehabilitative context.

There is also sensitivity around the potential growing skills deficit as people have left the service (with 3,710 leavers between June 2014 and June 2015, 1,500 of whom resigned and over 500 of whom were dismissed). Not all of these will be front line prison staff but the prison service has struggled in recent years to recruit in some areas.

There are many officers and operational staff who still see their work as a vocation and are passionate about the potential role that prison can play in changing people’s lives. However, the changes made since 2013 through benchmarking have not been welcomed by many staff. Some feel the outcome – as well as fewer staff and lower staff to prisoner ratios – has been a deskilling of the prison officer role and a squeeze on middle grades.

Indeed, over the last 20 years, training for officers has not always kept pace with their changing role (there has been a recent extension to the basic training from six to 10 weeks). The role itself has changed markedly in the same period as it has adapted to try to meet the needs of a service that has become more complex (in its diversity and operational arrangements) and demanding (with overcrowding common in a prison population that has doubled since the early 1990s).

“Nothing makes a bigger difference in the lives of offenders and inmates than the personal relationship of a professional who wants to make a difference in their lives. We often want to shy away from the reality of the work [prison officers] do, the circumstances in which they operate, the challenges that they face. It’s time that we put them, their work and their idealism at the forefront of public policy.”

The Future Prison seminar participant

NOMS Staffing

Most (nearly three quarters) NPS staff are female, women represent under 40 percent of the public sector prison workforce and HQ staff combined. Just over 50 percent of the new recruits into NOMS over the 12 months to 30 June 2015 were female. Since 2010 the demography of NOMS staff has shifted towards older age group and 67 percent of public sector prison service and NOMS HQ staff are over 40 years old. The ratio of prison officers to prisoners in 2000 was 1:2.9, by the end of September 2013 this had increased to 4.8 prisoners for each prison officer. In 2011 the average gross salary for a private sector prison officer was 23 percent less than public sector equivalents.

Source: Prison – the Facts, Bromley Briefings Summer 2015. Prison Reform Trust.

Training

Prison officer training aims to provide new prison officers with the core skills and knowledge they need to begin their prison careers.

Delivery is shared between prisons, a central training centre – the Prison Service College Newbold Revel – and/or one of 15 local training centres. A new officer will be on probation for 12 months and be expected to complete the CCNVQ Level 3 within a year of completing the eight-week course which covers:

- The Purpose of the Prison Service/Role of a Prison Officer/ Professionals Attitudes
- Interpersonal Skills
- All aspects of Security and Searching
- Understanding Self Harm
- Diversity
- Violence Reduction
- Substance Misuse
- Radio
- Interviewing and Report Writing
- Placing a Prisoner on Report/Adjudications
- Escorts
- Restraints
- Heartstart
- Public Protection

Many prison officers and operational staff will be working alongside a range of agencies – health, education, substance misuse services and charities – operating inside the prison. While some prisons make this work well, there can be tensions between the reasonable demands of agencies and officers’ day-to-day operations. Much of this comes down to what is and what is not considered ‘core business’ as well as a lack of staff ownership of key areas of work and intervention. At best prison staff and external agencies work well with both a clear shared purpose of both what they want to achieve for those in custody and pragmatism about

“The central problem in thinking about trust is that it can be misplaced: the trustworthy may be mistrusted, and the untrustworthy may be trusted... When we refuse to trust the trustworthy we incur needless worry and cost in trying to check them out and hold them to account, while those who find their trustworthiness wrongly questioned may feel undermined, even insulted, and ultimately less inclined to be trustworthy... the central practical aim in placing and refusing trust is to do so well, that is to align the placing of trust with trustworthiness.”

Baroness Onora O'Neill Ashby
Lecture, 2009

some of the challenges. At worst, the lack of a shared culture, aims and working practices can be divisive and stall progress.

The Future Prison project will explore what kinds of skills and competencies are needed to strengthen people's chances of rehabilitation, their current skills base and the extent to which training and development is fit for purpose and/or may need to change in relation to a greater focus on rehabilitation. This includes exploring the attitudes of staff to their roles, how they would like to see them change and what they hope to look for in their new more autonomous prison leaders.

Some questions: the rehabilitative workforce

- What is the range of skills needed to support rehabilitation and to what extent are the current prison workforce recruited and developed on this basis?
- If there is greater autonomy at the top, does this suggest a change of role also for the workforce and a new relationship between staff and prison leaders?
- What are the current arrangements for meeting workforce needs, training and progression, how does this need to change and who would lead this drive?
- How could future prison leaders strengthen rehabilitative culture and support their workforce in reducing risk and keeping staff and those in custody safe?
- What kinds of capabilities and skills are needed and what is the relationship between this and greater autonomy and role of other agencies working within prisons?
- What support do staff need from outsiders to help them in their role and how would staff be heard by new boards?
- How can the workforce benefit from these changes and what challenges and obstacles lie in the way, including developing better progression routes within and without the prison service?
- How can becoming a prison officer be a job of choice for more people so that prisons are able to recruit, retain and develop a stronger and valued workforce?

6 Service Users and Participation

“Ask the prisoners for ideas. They’ve got millions of them.”

The Future Prison seminar participant

“One of the principal achievements that has really contributed to the overall running of the prison, and achievements we’ve had, has been the creation of a prisoner council: an effective body for engagement and contribution from the guys that live within my prison. And I can’t emphasise that enough.”

The Future Prison seminar participant

Prisons are communities. They provide healthcare, education, accommodation, food and a range of other services on a 24/7 basis. Like all communities, they stand or fall on the nature of the relationships within these, the levels of trust between human beings and the extent to which people – staff, those in custody and visitors – feel safe and secure. They benefit from having leaders that know and understand the concerns of the people who reside there and – within constraints – seek to empower the population they seek to serve.

These issues are relevant to all prisons, including those who hold the most dangerous and disturbed people. In her influential work on the high security estate, Professor Alison Liebling uses Onora O’Neill’s concept of *intelligent trust* to understand what drives radicalisation within prison. She concludes that people’s sense of the levels of intelligent trust flowing within a prison can have major consequences for staff and those in custody.¹⁸ This concept is useful in broadly thinking about prison culture, the amount and quality of time that staff and people in prison spend together and how risk is managed. It has particular relevance to the importance of service user engagement.

Service Users and Public Services

In exploring this issue we will include those in custody and their families, as well as the wider role of the community. Our starting point is that effective engagement and participation are not ‘nice to have’ elements of prison culture but can play critical role in increasing levels of intelligent trust, in managing risk and rehabilitation and that the steady increase of initiatives based on peer-to-peer support, consultative forums and service user feedback should evolve to be core business for future prisons. There is now broad consensus that better public services require deeper engagement with their end users. This is based on evidence that achieving high-quality, responsive public services requires empowering service users as much as addressing their needs. Greater user involvement implies a rebalancing of the relationship between practitioners and clients. Done effectively, it enables commissioners to contract with more confidence, and creates a feedback loop between service providers and their clients that can identify problems, generate ideas and improve outcomes.

Peers in prison

There has been a substantial increase in peer schemes within criminal justice settings over the last decade and they are now commonly used in prisons in England and Wales.¹⁹ Work by Leeds Beckett University reviewed existing schemes in relation to health and provides a useful outline of some of the generic existing peer led interventions and

18. Liebling, A. (2015) Butler Trust Lecture: Prisons, trust and the role of the prison officer. [Online] available at: www.butlertrust.org.uk/wp-content/uploads/2015/10/Alison-Liebling.pptx

19. Leeds Beckett University (2015) Peers in Prison Settings: Research Briefing.

includes:

- **Peer education** - Communication, education and skills development with the aim of increasing knowledge, awareness and/or supporting behaviour change.
- **Peer support** - Support provided and received by people in custody. Prison peer support workers provide either social or emotional support or practical assistance to others on a one-to-one basis or through informal social networks.
- **Listeners** - A suicide prevention scheme, where those in custody provide confidential emotional support to others who are experiencing distress. Listeners are selected, trained and supported by the Samaritans and the scheme operates across most prisons in England and Wales.
- **Insiders** - Volunteer peer support workers who provide reassurance, information and practical assistance to new arrivals to prison.
- **Peer mentoring** - Prison peer mentoring involves those in custody or how have experienced prison working one-to-one with others to develop supportive relationships and act as role models.
- **Health trainers** - Prison health trainers work with others in custody around healthy lifestyles and mental health issues.
- **Peer advisors** - Peer advisors provide housing and/or welfare benefits advice to others, particularly new arrivals and those planning for resettlement.
- **Others** - Peer training (violence reduction); Peer outreach (harm reduction); Peer counsellors (substance misuse); Peer observers (suicide prevention).

“We need a prison system that doesn’t see prisoners as simply liabilities to be managed, but instead as potential assets to be harnessed...”

Prime Minister, David Cameron,
Party Conference speech,
February 2016

In addition, many prisons include a prisoner council or forum, which focuses on creating a structure for feeding back issues to management. The evidence base on these kinds of interventions is growing but there remains a need for more hard headed and independent research that matches that done by those – including many involved in this project – who advocate its use. This needs to be able to distinguish specifically what works to support rehabilitation, as well as what benefits prisons and makes life in custody better, easier and safer for all. The work that has been done frequently comes to similar conclusions; that peer schemes – while not without risks – can bring institutional and individual benefits including:

- Increased confidence and feelings of responsibility and empowerment
- Signalling that those people in custody are valued within prison culture
- The visibility of ambassadors and role models
- Additional capacity
- A way of identifying issues that staff and management may miss²⁰

20. Fletcher, D. and Batty, E. (2012) Offender Peer Interventions: what do we know? Sheffield Hallam University.

In its review of peer support in young offender institutions published in early 2016, HM Inspectorate of Prison concluded that successful schemes were characterised by a number of key factors including: appropriate screening and selection processes, accredited training, clear role and job descriptions, risk assessments, staff or external organisation support and opportunities to feed back to management.²¹

While there are some excellent and embedded schemes – including Turning Pages, Listeners, User Voice and the St Giles Trust – there also seems to be some reliance on short term, poorly resourced programmes that are too dependent on external funding and/or a few people taking the lead. The Future Prison project’s work in this area will be led by those who have direct experience of creating peer schemes and working with service users. We will look at the role of prison leaders and senior managers in driving wider buy in and mainstreaming service user engagement and our work will seek to address a number of key themes.

This work will focus on a number of core themes including:

- **The role of co-production** - What are the benefits and challenges in involving service users and staff in designing and delivering strategy? The process of co-production should be both rehabilitative and bring progression as it implies a great deal of responsibility, decision making, listening and compromising, as well as skills development.
- **Skills and progression** - How can schemes build on the skills, capacities and roles that service users have and how do these link to progression?
- **Resources and partners** - The resources required to support a service user strategy and the peer engagement beneath it.
- **Evaluation and impact** - How can the design and delivery of peer schemes provide the data needed to assess their impact alongside qualitative work?

We will consider the role of external contractors, how agencies providing different schemes can work together as well as prisoner, staff and establishment ownership. Alongside this the pay and incentives issues will be critical.

The project will also look to examples of effective family engagement with similar questions raised about the process involved, the potential impact this can have and the way this may be managed and measured.

Finally, throughout the project, we will – through our fieldwork and communications – work to identify and engage the broader stakeholders who could play a greater role in supporting and sustaining rehabilitation. This will include:

- Employers and business
- Police
- Social Services

²¹. HMIP (2016) Life in Prison: Peer support. A findings paper by HM Inspectorate of Prisons.

“There is one prison that does pretty much everything that we are talking about: it’s autonomous, it’s run by a not-for-profit organisation, the governor there has huge discretion, the staff are well trained and it gets very good outcomes: the Military Corrective Training Centre.”

The Future Prison seminar participant

- NPS and CRCs
- Housing
- Substance misuse services
- Community and voluntary sector
- Benefits/job centre
- Local authority
- Civic leaders
- Courts/magistrates
- Local people

“If you’re in the business of equipping people to lead a different life, to return to the community with a different outlook and new ambitions about what they want to achieve, you need to get into thinking about things like self-belief, like ambition, a word like hope, and also a sense that you own your own future and that you own your own personal development.”

The Future Prison
seminar participant

Some questions: service user engagement

- What level of engagement with peers exists and what benefits and challenges does this bring?
- Are there models of service user engagement in other sectors that we can draw upon?
- How do we effectively engage families and what kinds of approaches work?
- What implications does service user engagement have for training for both staff and those in custody?
- How do you get staff buy in and what role should prison leaders play?
- What are the risks involved in service engagement?
- How does service user engagement contribute to strengthening rehabilitation, reducing risk and changing prison culture?
- How does peer work link to qualifications employability and employment on release?
- What incentives should there be in place for prison leaders, staff and service users?
- What kinds of partners can support this work and how do different models in one establishment knit together?
- How can the design and delivery of peer schemes and service user engagement be structured around providing better evidence of outcomes?
- What is the role of co design in developing peer schemes and who should be involved?

7 Cross Cutting Themes and Next Steps

“Let’s not allow what statisticians call the rule of one to thwart the good of the many. Let’s not allow the single lurid example to stymie the good work that so many others are doing. Prison reform becomes not just a case of society giving those who work in prisons greater freedom, respect, and esteem, it’s society recognising that the reformation of our prisons and the redemption of those who work within them, is a shared national endeavour.”

The Future Prison seminar participant

The themes set out here overlap and all will be explored in the context of greater autonomy and the current challenges and opportunities the reform agenda faces. These cross-cutting themes include: the role that language and communications can play in reframing the debate about prisons; the ethics that should underpin future prison reform work; the kinds of financial models and evidence needed to drive change and investment (including invest to save and philanthropic involvement) and whether there is a need for a new ‘centre of excellence’ to drive change, incubate new approaches and facilitate workforce development.

Our timetable and focus means some of this is likely to raise further questions and propose further work. However, we do aim to explore in some detail the potential for not for profit models of prison. This is driven in part by a desire to move away from the private *vs* public debate about provision but also by the belief that there are potential new models of delivery that sit outside these boundaries.

Our starting point is that prison leaders should not only be able to make more decisions about how they spend their budgets but should also be able to develop models that attract long-term partnerships and wider investment, developing enterprises that both support rehabilitation and enable local reinvestment.

The experience of the Transitions work done by the RSA has shown that such approaches can generate significant local support, engagement and even investment. They can however be stymied by current operating models, procurement regulations and short governor tenure. For us, this is also a way of emphasising that prison employment should not be used – as it sometimes is in the UK and has been at scale in the US – as an opportunity for cheap labour without a central focus on rehabilitation.

We believe that the process of piloting reform prisons will throw up a range of potential opportunities, including different governance and delivery models that interact with other public services and their communities in a more integrated way.

This could take different forms – including for example, ‘academy-type’ approaches, the kind of rehabilitation hubs advocated by the Transitions work or models such as Diagrama pioneered in Spain.

Diagrama

A not-for-profit organisation, opened its first re-education centre in Spain 23 years ago. Now running 38 centres, it is responsible for most of the Spanish youth custody system, with impressive outcomes. Judges are fully involved in the rehabilitation process; frontline staff go into the class with the young people and are fully involved with their activities, building relationships with them. A system of phased release encourages family involvement and played a critical role in rehabilitation.

Such an approach is not without controversy and would require clear national standards and oversight, particularly in relation to staff and prisoner safety and welfare. But we believe that there is widespread agreement that our prison system, and its wider link to communities, is based on models that have not fully adapted to exploit the tools and evidence we now have to meet the needs of the 21st century.

This project was launched at a seminar in January and this paper tries to reflect the discussion that took place. We are very grateful to all those involved; not least to Michael Gove, the Secretary of State for Justice. Virtually nothing about prisons is uncontroversial and it will take some courage and resilience to sustain the sense of optimism that has infiltrated some of those concerned with prison reform.

Between April and mid summer the project will be undertaking fieldwork, research and seminars with a view to producing a draft document for further input before publication at the end of the year. The core themes here will provide the focus of our work with a central emphasis on what kinds of leadership, autonomy we need and whether devolved models can add value (methods and structure overview below).

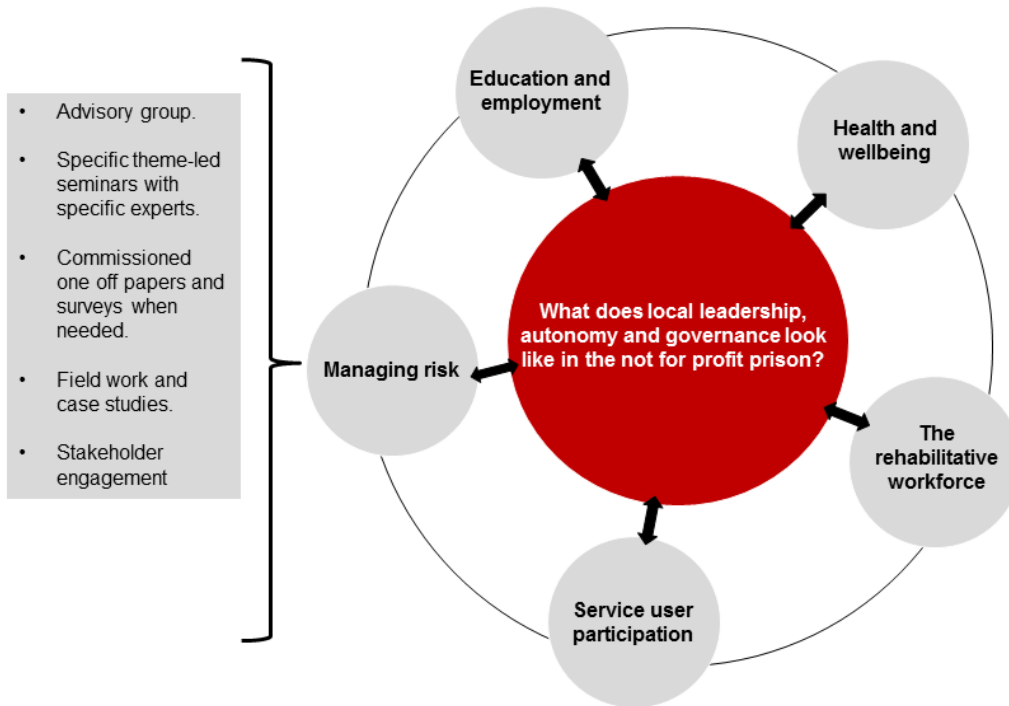
However, in the weeks before this paper was published, there were some stark reminders of the current pressures facing the prison service and all those who live and work within it. This included threats of strike action, a high profile attack on a prison officer at HMP Wormwood Scrubs and a BBC investigation that found that the number of illegal items – including new psychoactive substances – being smuggled into prisons has risen.

The risk is that these pressures give credence to the argument that the service is not in the right state for the reform agenda set out by the Secretary of State. Again, to stress, these issues cannot be wished away. There is little doubt that the reduction in funding and subsequent cuts in staff have made it harder for governors and officers to develop the relationships with those in their care that are needed. The evidence of the impact of NPS in custody is undeniable and tragic. It seems clear that new arrangements with CRCs have not yielded the transformations promised, particularly in relation to through the gate services. However, this is not a zero sum game. For a number of reasons, the prison service has not managed to make the significant reduction in reoffending that we all aspire to. Not least of these is that we have been asking prisons to achieve something without the broader support, collaboration and consistent political vision needed to succeed. We have put prison leaders in a position where they are unable to make the decisions they need to and we have deskilled many staff rather than ask what a rehabilitative workforce and a rehabilitative prison might look like.

Creating prisons that are able to support rehabilitation will not just benefit those who end up on the wrong side of the law, and bars; it will also reduce crime, the number of victims and the impact on wider communities. Rehabilitation is not something that can be done to people and prison reform cannot be done by ministers or prison leaders alone. It requires a collaborative approach that gives voice to the staff and service users who live and work in prisons, a measure of idealism and ambition, coupled with knowledge that transformative change will years to achieve. We hope that this project will make a contribution to this important

agenda and that individuals and organisations will engage with us and some of the wider questions that we have just touched upon here.

Methods and Structure Overview



The RSA (Royal Society for the encouragement of Arts, Manufactures and Commerce) believes that everyone should have the freedom and power to turn their ideas into reality - we call this the Power to Create. Through our ideas, research and 27,000-strong Fellowship, we seek to realise a society where creative power is distributed, where concentrations of power are confronted, and where creative values are nurtured.



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