

## Better Government

# HM Prison Service is failing

## A new approach is urgently needed

### The Prison Service

The Prison Service consists of:	1995	2005	change
Prison Population <sup>1</sup>	51,084	76,190	49%
Sentence length: <sup>2</sup>			
- remand	22%	17%	16%
- up to 1 year	13%	11%	40%
- 1 to 4 years	30%	28%	42%
- 4 years and over	27%	35%	91%
- indeterminate sentences	6%	8%	79%
Staff <sup>3</sup>			
- Prison officer grades	24,400	24,100	-1%
- Governor grades	1,100	1,400	27%
- Other grades	13,900	21,900	58%
Prisons <sup>4</sup>	138	150	9%
Cost in 2005/6 prices <sup>5</sup>			
- per prisoner place pa	£59,901	£46,962	-22%
- total £billions	£3.1	£3.6	17%

#### Quangos

- Boards of visitors to penal establishments
- Correctional services accreditation panel
- Independent monitoring boards of prisons and immigration centres
- Joint Prison and Probation accreditation panel
- Prison service pay review body

### The objective of the Prison Service

- \* The objective should be to protect the public by helping offenders to lead useful and law abiding lives in prison and on release, while keeping them secure in humane conditions.

### The performance of Politicians in managing the Prison Service

- \* The reconviction rates of ex-prisoners within two years of release (one year reconviction rate and 2000 compared with 2005 for juvenile males) are:<sup>6</sup>

	1995	2005	change
- juvenile males aged 10 – 17	79%	78%	-1%
- young men aged 18 – 21	73%	75%	3%
- all adults	58%	65%	12%

- \* Judged against this objective, the Prison Service as part of the Criminal Justice System is an horrendous failure.

*No company would stay in business if it had such a catastrophic failure rate.*

## The Fundamental Causes of Failure

- \* One of the main causes of the failure of the Prison system is the lack of dedicated, knowledgeable and experienced leadership. The chief executives of the Justice Ministry (Secretary of State for Justice) and the Prison Service (Minister of State for Prisons) are politicians,
  - who have no working knowledge of the Prison Service;
  - no management experience of leading large complex organisations; and
  - who create instability of purpose and policy with their frequent replacements. → *No company or charity would have survived this succession of leaders who had no knowledge of the organisation and no management experience.*

1996-2006  
Home/Justice  
Secretaries  
Jack Straw  
John Reid  
Charles Clarke  
David Blunkett  
Jack Straw  
Michael Howard

### Prison Ministers

David Hanson  
Gerry Sutcliffe  
Paul Goggins  
Hilary Benn  
Beverly Hughes  
Paul Boateng  
Lord Williams  
Joyce Quin  
Ann Widdecombe

### The results of inexperienced and unknowledgeable leadership

- \* The Criminal Justice System – Police, Courts, Prison, Probation – lacks a clear, co-ordinated strategy to ‘control criminal behaviour’ (Bill Braton) and to help offenders to lead useful and law abiding lives.<sup>7</sup>
- \* This lack of vision and the short horizons of ministers has led to gross overcrowding. The prison estate, designed to house 70,085 prisoners<sup>8</sup>, now holds a total of 81,553<sup>9</sup>.
- \* Without an unambiguous strategy the Prison Service cannot have clear objectives - preferably agreed by the main political parties - a plan, a structure or a budget, which has been designed to achieve these. So it carries on doing what it has always done, making tweaks here and there.

## A New Approach to Reform of the Prison system

### The Criminal Justice Policy Committee

- \* Headed by the Secretary of State for Justice, it would bring together Ministers of all the main parts of the system – police, courts, prisons, probation – and involve representatives from local government and the private and voluntary sectors.
- \* Its purpose would be to set policy – the outcomes desired for each part of the Criminal Justice system – and clearly define who would be responsible for what.  
**It should not be involved in deciding how the outcomes should be achieved.**

### HM Prison Service

- \* A non-executive chairman from outside should be appointed to the Prison Service Executive Board.
- \* He should brief the Director General to produce a plan, including a structure and a budget, to achieve the objectives laid down by the Criminal Justice Policy Committee. In preparing his plan the Director General should not be bound by current practice, conditions or any budgetary restraints – the annual cost of reconvicting offenders has been estimated at £11 billion a year.<sup>10</sup>
- \* Once approved by the Board, the plan should be submitted to the Criminal Justice Policy Committee, the Cabinet and Parliament for approval.
- \* The Director General would have the responsibility and the authority to execute the plan. **His performance should be judged against his plans and budget.**

### The last attempt to reform the Criminal Justice System failed

- \* The last attempt to produce a joined up Criminal Justice System was The National Offender Management Service (NOMS), which was based on the Carter Report.<sup>11</sup>
- \* According to a ‘classified’ document seen by The Times, it is about to be scrapped three years after it started. Since 2004 NOMS has spent £2.6 billion including:
  - 1,647 head office staff;
  - £155 million on a computer system, which has been halted pending a review; and
  - £5 million on consultants.A Whitehall spokesman said: ‘God knows where the money has gone’.
- \* The Report highlights how little thought was given by Ministers to the creation of the Ministry of Justice.
- \* Harry Fletcher, of Napo, the probation union said that NOMS “was flawed from the outset. There was no consultation with either the public or Parliament. NOMS became expensive, bureaucratic, and added nothing to the front line.”<sup>12</sup>

### The new attempt to reform the Prison Service will fail

- \* Lord Carter’s new review<sup>13</sup> of the Prison Service will fail, like NOMS before it, because:
  - there is no clear cut policy for the Criminal Justice System showing the role of the Prison Service within it;
  - the Prison Service Board has not produced plans or budgets as to how it could meet its overall objective; and
  - no trial has been proposed to test the concept.

## A Low Cost, Practical Trial

After the failure of NOMS it is essential that a similar exercise is not repeated. Set out below is a practical approach which would be low cost, ground up and relatively simple and quick to put into operation.

### **The objective of the trial**

- \* To devise and test new methods to help prisoners to lead useful and law abiding lives in prison and on release, while keeping them secure and in humane conditions.

### **Method**

- \* Four existing men's prisons, two managed by the Prison Service and two by existing private contractors, would be selected for a five year trial. All would operate under the same conditions which are outlined below.
- \* Each prison would have the number of offenders it was designed for, with no overcrowding, also a similar mix of offenders who had:
  - between 12-18 months to serve after accounting for remission for good behaviour;
  - committed similar types of offences; and
  - who had ties or lived in the locality of the prison.
- \* Stability of governors, staff and prisoners is vital. Movement of the latter two would only take place on the initiative of the governor.
- \* Inspections would only be carried out by HM Inspector of Prisons to ensure that prisoners were kept in humane conditions. Audits by the Operating Standards Team should be suspended for the duration of the trial.
- \* The prisons would document the methods they used and the results.

### **Contracts**

- \* The contracts would be performance based and not prescriptive, hence they should contain very few pages, instead of the current 1,500. They would give the prison management the responsibility and the authority:
  - to manage the prison their way to meet the objective;
  - to set their own rehabilitation programmes for each offender; and
  - to buy education, training, psychiatric treatment, probation and other services from government bodies or the private sector or do it themselves.

### Payment

- \* Each prison would be paid the average cost to the Prison Service for each category of offender, adjusted for cost of living in the location, plus say 25% for rehabilitation. Any under-spend on the latter must be returned.
- \* In addition, they would be paid a bonus for each offender, compared to the average, who was not reconvicted within two years of release. This would provide the prison with the extra resources needed for experimentation. The estimated cost of reconvicting an offender is £65,000 so the bonus should be substantial.<sup>14</sup>

### A Ground Up, Practical Trial

- \* This approach would be the opposite of NOMS...
  - un-bureaucratic; ground up, instead of top down;
  - authority to manage would be given to those with responsibility;
  - innovation and experimentation would be encouraged;
  - cost would be very low in comparison to NOMS or the cost of reconviction;
  - and it may produce.....world class results.

### Authors

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## References

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- <sup>1</sup> Home Office, Offender Management Caseload Statistics 2005, England and Wales, December 2006, Table 8.1
- <sup>2</sup> Home Office, Offender Management Caseload Statistics 2005, England and Wales, December 2006, Table 8.1
- <sup>3</sup> Office for National Statistics, Public Sector Employment Trends 2005, October 2005, Table 6.9
- <sup>4</sup> HM Inspector of Prisons Annual Report 2006-07, p.35; HM Prison Service website, <http://www.hmprisonservice.gov.uk/prisoninformation/locateapison/>
- <sup>5</sup> HM Treasury, PESA 2006-07, Table 6.5 and PESA 2001-02, Table 3.5 – NB: UK spending totals given. Figures expressed in 2005-06 prices, calculated using the HM Treasury GDP deflators, September 2007
- <sup>6</sup> Adults: Home Office, Reconvictions of prisoners discharged from prison in 1996, Tables 9.1 and 9.6 (includes 1995 data); Home Office, Re-offending of adults: results from the 2004 cohort, March 2007, Table A5 (for the two-year reconviction rate, the 2004 cohort is the most recent for which data is available). Juvenile males: Ministry of Justice, Re-offending of juveniles: results from the 2005 cohort, July 2007, Tables A5 and B4
- <sup>7</sup> William J Bratton, Chief of the Los Angeles Police Department and former New York Police Department Chief, has argued that the role of the police and criminal justice system should be to “control” or “manage” criminal behaviour. This approach led to the dramatic falls in crime in New York and across other US cities in the 1990s, Civitas lecture, December 2003
- <sup>8</sup> Prison Reform Trust, Bromley Briefings, May 2007, p.8. The comparison is with “certified normal accommodation” (CNA) and actual population, both in mid-2006. “CNA, or uncrowded capacity, is the Prison Service’s own measure of accommodation. CNA represents the good, decent standard of accommodation that the service aspires to provide all prisoners.” The Prison Service, Prison Service Order 1900, Certified Prisoner Accommodation
- <sup>9</sup> The Observer, 18 November 2007
- <sup>10</sup> Social Exclusion Unit, Reducing Re-offending by Ex-prisoners, 2002
- <sup>11</sup> Patrick Carter, Managing Offenders, Reducing Crime: a new approach, December 2003
- <sup>12</sup> The Times, 28 September 2007; Noms head office staff: Lords Hansard, 27 October 2006, col. 1449
- <sup>13</sup> Lord Carter’s Review of Prisons, Securing the Future: proposals for the efficient and sustainable use of custody in England and Wales, December 2007
- <sup>14</sup> Social Exclusion Unit, Reducing Re-offending by Ex-prisoners, 2002