

Submission to Justice Committee inquiry into prison reform

by Her Majesty's Chief Inspector of Prisons

Introduction

1. We welcome the opportunity to submit evidence to the Justice Committee prison reform inquiry.
2. Her Majesty's Chief Inspector of Prisons' duties are primarily set out in section 5A of the Prison Act 1952. HMI Prisons is an independent inspectorate and performs the Chief Inspector's statutory duty to report on conditions for and treatment of those in prisons, young offender institutions (YOIs) and immigration detention facilities. HMI Prisons also inspects court custody, police custody and customs custody (jointly with HM Inspectorate of Constabulary), and secure training centres (with Ofsted).
3. HMI Prisons coordinates, and is a member of, the UK's National Preventive Mechanism (NPM) the body established in compliance with the UK government's obligations arising from its status as a party to the UN Optional Protocol to the Convention Against Torture (OPCAT). The NPM's primary focus is the prevention of torture and ill treatment in all places of detention. Article 19 (c) of the Protocol sets out the NPM's powers to submit proposals concerning existing or draft legislation.
4. In line with our statutory role to report on the treatment of prisoners and conditions in prisons, this submission is focussed on the following questions from the inquiry terms of reference:
 - 1. What should be the purpose(s) of prisons?
A] How should the i) prison estate modernisation programme and ii) reform prison proposals best fit these purposes and deal most appropriately with those held?
 - 2.) What are the key opportunities and challenges of the central components of prison reform so far announced by the Government, and their development and implementation?
 - 4.) What principles should be followed in constructing measures of performance for prisons?
 - 6.) Are existing mechanisms for regulation and independent scrutiny of prisons fit for purpose?
 - 7.) What are the implications for prison reform of i) the Transforming Rehabilitation programme?

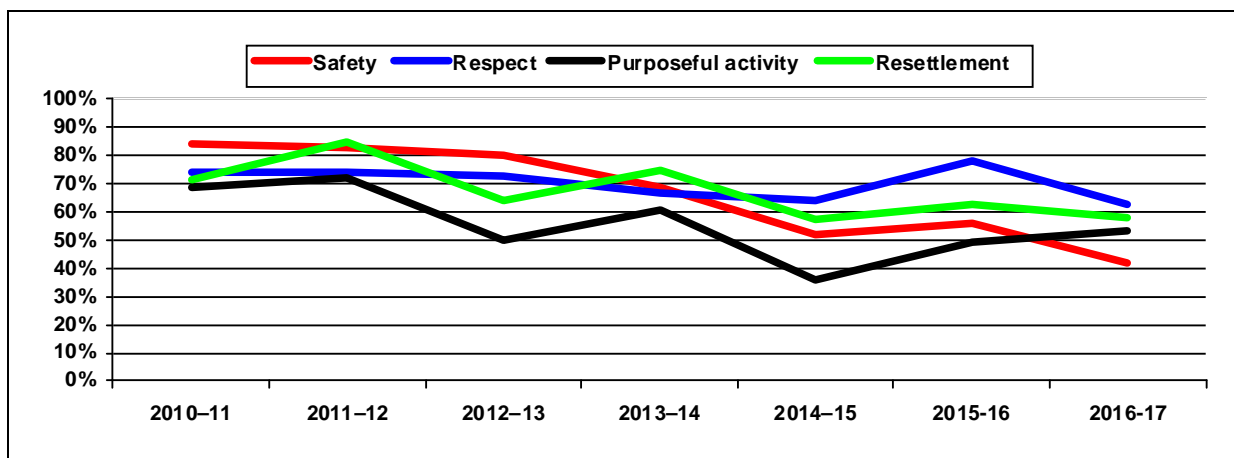
What should be the purpose(s) of prisons and how should prison estate modernisation and reform fit these purposes and deal most appropriately with those held?

5. HMI Prisons' role is focussed on reporting on the conditions in prisons and the treatment of prisoners, and our inspections allow us to assess the extent to which prisons prepare prisoners for their release back into the community and help reduce the likelihood of reoffending.
6. We achieve this by inspecting institutions against our four tests of a healthy prison (safety, respect, purposeful activity, resettlement) which in our view are interdependent. Prisoners can

only be supported in their rehabilitation if they first feel safe and are treated respectfully. Similarly we have found that prisons with a rehabilitative ethos and where prisoners are engaged purposefully in meaningful activity tend to be safer.

7. To assist the Committee in focussing its inquiry on the government's prison reform agenda, we provide an overview of the current situation in prisons according to our inspection evidence.
8. Figure I below shows the outcomes of HMI Prisons healthy prisons assessments since 2010. Under each healthy prison test, we make an assessment of outcomes for prisoners to four possible judgements: good, reasonably good, not sufficiently good, poor. The table illustrates the percentage of 'good' or 'reasonably good' outcomes in adult prison and YOI inspection reports, by year of publication. Year on year comparisons should be interpreted with caution as we do not inspect the same institutions each year and we deliberately skew our inspection programme towards places where we assess risk to be the greatest. However, this table shows a number of indicative downward trends.
9. It is particularly important to note the decline in safety outcomes that we have assessed. As I set out in my Annual Report 2015-16, far too many prisons have become unacceptably violent and dangerous places.¹ From 2010-11 to 2012-13 we found over 80% of establishments had good or reasonably good outcomes in the category of safety (red). The year following this is when a sharp decline in safety outcomes began and in the last full reporting period 2015-16, good or reasonably good safety assessments had fallen to just 56%, a trend which we have seen continuing across the 19 inspections published during the current period.

Figure I: Percentage of 'good' or 'reasonably good' outcomes in adult prison and YOI reports published between 2010-11 and 2016-17*



*Figures for 2016-17 are based on inspection reports published up to 22nd September 2016 (N=19).

10. Our inspection reports document concerns about the high levels of mental health problems among the prison population, high levels of violence and the widespread availability of drugs, notably New Psychoactive Substances (NPS). In many prisons we have identified overcrowding, poor physical environments, and inadequate staff supervision, which can be contributory factors to poor safety outcomes.
11. Issues of importance will vary in order of priority from prison to prison, according to the local context. From my experience so far as Chief Inspector of Prisons, and the evidence generated from my organisation's inspections, it is clear that the prison reform strategy will need to achieve the following:

¹ HM Chief Inspector of Prisons for England and Wales, *Annual Report 2015-16*, <http://www.justiceinspectorates.gov.uk/hmiprison/inspections/annual-report-2015-2016/>.

12. *Improving safety and bringing down violence.* Prisons cannot achieve their rehabilitative purpose without establishing good standards of safety. As indicated above, the decline in safety outcomes we have assessed is of concern. We hope to see effective strategies for bringing down violence.
13. *Establish a strong strategy against contraband.* In all the men's prisons we inspected over the last period, over 30% of people said it was easy to get illegal drugs in prison. At HMP Lindholme, nearly two-thirds of prisoners said accessing drugs was easy, despite the prison seizing considerable amounts of illegal substances, notably NPS². There is an urgent need for a national strategy offering a menu of tactical options, capabilities and partnership opportunities, from which management teams can draw according to local circumstances. At present the approach to contraband supply reduction often appears to lack consistency and co-ordination. The absolute need not to lose focus on the issue of staff corruption should be included within such a strategy.
14. *Improve the environment,* through both physically improving the ageing prison estate, and addressing overcrowding. Ten out of eleven local prisons holding men inspected during the last reporting year and six out of thirteen Category C training prisons holding men were overcrowded (a comparison of CNA to numbers held at the time of inspection – see foot note 3 below). At its last inspection, HMP Brixton was holding 152% of its certified normal accommodation.³
15. *Address staffing issues.* The number of staff employed in the public prison estate has fallen considerably in the last six years. Our inspection evidence shows that some prisons have managed better than others in providing a full regime with fewer staff. Staffing shortages have led to some Governors implementing long term restricted regimes in order to guarantee some consistency and predictably in time unlocked. As a result, many prisoners have less time out of cell than would be received otherwise. At HMP Bullingdon (inspected June 2015), for example, this had been the situation for an entire 12 months when we last inspected.⁴ It can also mean large numbers of prisoners have limited contact with and quality supervision from offender supervisors, as we found for example, at HMP Wandsworth (inspected March 2015).⁵ Both these issues present significant risks. This impacts prisoners' ability to relate to staff in a purposeful way, one significant consequence being more limited engagement with the offender management process and their supervisor. We would encourage NOMS to develop a clearer understanding of where staff reductions have had an unavoidable and detrimental effect on regimes and take action to rectify this.
16. *Strong healthcare provision, with specific focus on mental health care and the ageing population.* The majority of health services in prisons inspected over the last period continued to be of a reasonably good standard, though in many prisons the limited availability of prison officers has continued to affect the efficient delivery of healthcare. It is now widely recognised that there are significant levels of mental illness and need among the prison population. Although our inspections show that most prisons offer reasonably good mental health services, we continue to find inadequate provision in some prisons, with insufficient primary mental health opportunities in some. At half the men's prisons we visited in 2015-16, patients waited too long to be transferred to NHS mental health units, and were often left in non-therapeutic segregation units

² In a single month in HMP Lindholme, over a kilo of NPS was seized, 67 mobile phones, 145 SIM cards, steroid vials and tablets, injecting equipment and some heroin and cocaine and other drugs. Other examples from recent inspections include: 48% of prisoners said it was easy to get drugs at HMP Moorland, a fairly typical category C prison, compared with 28% at its last inspection. At HMP Leeds, over half of prisoners said it was easy or very easy to get drugs, nearly twice as many as at the last inspection. And at a recently inspected prison whose report has not yet been published, 60% of prisoners say it's easy to obtain illegal drugs.

³ Certified Normal Accommodation (CNA) is the Prison Service's own measure of accommodation. The number of CNA places in a cell, cubicle or room is the number of prisoners that it can accommodate at one time to the standard specified for uncrowded conditions.

⁴ HMI Prisons (29/10/15), Report on an unannounced inspection of HMP Bullingdon. See: www.justiceinspectorates.gov.uk/hmiprison/inspections/hmp-bullingdon/

⁵ HMI Prisons (29/07/15), Report on an unannounced inspection of HMP Wandsworth. See: www.justiceinspectorates.gov.uk/hmiprison/inspections/hmp-wandsworth/

for extended periods.⁶ Healthcare improvements must also address the changing needs of an ageing prison population.⁷

17. *Strengthen offender management and supervision processes.* We have documented specific concerns around the use of the Offender Assessment System (OASys). Inspections in 2015-16 found that in most prisons many OASys reports were out of date, if they had been completed at all, compromising officers' ability to properly understand and manage risk. We have also found many instances where prisoners are transferred to training prisons before their initial OASys assessment is complete, which means the assessment is not informing the decision on which prison is appropriate for the prisoner.
18. *Strengthen education provision.* We note the findings and recommendations of the review of education in prison, *Unlocking Potential*, led by Dame Sally Coates. This report concurs with the findings of prison inspections over the years which have consistently identified the need to strengthen the provision of education in prisons. We also emphasise the importance of establishing a safe and stable environment as a basis for doing this. A recent inspection of a Category C men's prison (report forthcoming) found that on one day during the inspection only 14% of those eligible for education actually got to their classes. Regular shutdowns meant that most prisoners experienced being locked in their cell for more than 24 consecutive hours. As a result, prisoners were often not unlocked to attend work or education, and were denied daily access to showers and telephones.
19. By addressing the issues outlined we believe it is possible to set a pathway of improvement and progress, and we remain hopeful that any upcoming changes will do so.

What are the key opportunities and challenges of the central components of prison reform so far announced by the Government, and their development and implementation?

20. We have been reassured to hear of the government's commitment to prison reform and the recent confirmation that this remains a priority. In particular, we welcome early suggestions that the government's agenda will put improving prison safety as a top priority, and that this is understood as crucial to achieving any other reforms.
21. We note that in its recent response to your Committee's report on prison safety, the government has identified the following broad areas for its reform strategy: modernising the prison estate; improving education, and; empowering governors.⁸ Based on these we recommend that the following be considered:
22. *Modernising the prison estate*
The government has stated that it plans to build five new prisons by 2020 and close the most inefficient and out of date prisons.
23. In 2009 HMI Prisons published a thematic report that demonstrated that size was the most influential factor in how prisons performed against safety and respect tests, and performed

⁶ HMI Prisons (July 2016), *Annual Report 2015-16*, p. 36

⁷ The over 50-year-old population is projected to grow from 12,700 as at 30 June 2016 to 13,900 by the end of June 2020. The over 60-year-old population is projected to grow from 4,500 to 5,400 over the same period. The over 70-year-old prison population projected to grow from 1,400 at June 2016 to 1,900 in June 2020. (Moj Prison Population Projections 2016-21). Also see Prisons & Probation Ombudsman (July 2011), Learning Lessons bulletin, Issue 11, *Dementia*.

⁸ Justice Committee (Sept 2016), Prison safety: Government Response to the Committee's Sixth Report of Session 2015-16 <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmjust/647/647.pdf>

overall. Prisons holding 400 or fewer prisoners were significantly more likely to perform well in safety and respect tests, and four times more likely to perform well overall than prisons holding more than 800 prisoners.⁹ More recent academic research based on HMI Prisons reports has confirmed that smaller prisons score better on safety, respect and purposeful activity outcomes.¹⁰

24. This same research paper analyses HMI Prisons' reports to identify an overall tendency for older and much newer prisons to be "outperformed by 'middle-aged' prisons" in the four healthy prison tests. While there are opportunities of new builds to incorporate things such as in-cell technology, heating, lighting and safety, our inspections have also shown that it can take time for new prisons to settle down and begin performing adequately.

25. *Improving education*

As mentioned above, HMI Prisons' inspection findings confirm the urgent need to strengthen education among other aspects of purposeful activity across the prison estate. Though our 2015-16 annual report documented some improvement in outcomes over the last year, this came from a very low base. We found insufficient focus on the role of education in prisoner rehabilitation and though the quality of teaching and learning and achievements of prisoners had improved, English and maths provision remained weak.

26. *Empowering governors*

Plans to increase the autonomy of prison governors have already been taken forward with the introduction of 'reform prisons'. HMI Prisons is in discussion with one of the 'early adopter' reform governors and we have begun work to look at how our findings and recommendations will apply to a more autonomous governance model. We hope that there will be further clarification of what key concepts including 'autonomy' and 'devolution' will mean in practice and in detail.

27. We understand that one aspect of 'autonomy' will be the ability of governors to break out of central contracts. There is no doubt that the current systems for prisoners to get supplies or for prisons to get repairs are slow and often dysfunctional and can impact outcomes for prisoners. It should be noted that devolving contracts will require prison governors and their teams to have entrepreneurial skills and may take significant time away from the day-to-day operational work of governing a prison. This is a concern that should be addressed by ensuring management teams in prisons are equipped with the skills and capabilities they need.

28. We would welcome further clarification around the devolution of prison policy and what actions will be taken to address potential inconsistencies and promote stronger outcomes for prisoners. It is not clear whether NOMS would play any central role in checking or evaluating the content or outcomes of new policies to ensure any lowering of standards is addressed and/or the learning from any successful new policies is rolled out more broadly.

29. HMI Prisons has already begun a process to update its Expectations (inspection standards) for adult male prisons in order to be ready to inspect any new arrangements with up-to-date criteria. A comprehensive development project is underway in HMI Prisons to make sure our inspections both provide effective continuity of scrutiny during the reform, and respond to any aspects of the reform that may warrant adaptation of our methodologies.¹¹

30. Finally, we are not aware of any specific proposals for reform in the women's estate. HMI Prisons' recent inspections have shown that women's prisons tend to perform better than most prisons for men, but our last annual report documented a number of areas where progress needs to be made. It is of particular concern to note the recent increase in the number of self-

⁹ HMIP, *The prison characteristics that predict prisons being assessed as performing 'well': A thematic review by HM Chief Inspector of Prisons*. January 2009.

¹⁰ Madoc-Jones et al, "Prison Building 'Does Size matter? A re-assessment'", *Prison Service Journal Issue 227*.

¹¹ <http://www.justiceinspectorates.gov.uk/hmiprison/about-hmi-prisons/current-consultations/>.

inflicted deaths in the women's estate. As we set out in our 2014 Expectations: criteria for assessing the treatment of and conditions for women in prison, and following on from the authoritative report by Baroness Corston in 2007,¹² it is essential that the distinct needs of women are specifically addressed in a system that is primarily designed for the 95% of the prison population who are men.

What principles should be followed in constructing measures of performance for prisons?

31. Throughout its inspections HMI Prisons focuses on assessing outcomes for prisoners to independent, objective criteria. Though to an extent this can be seen as a 'performance measure', the focus on outcomes for prisoners necessarily sets us apart from other mechanisms that review the performance of aspects of prison management and standards *per se*. It is important that the prison reform strategy sets out a clear vision for these mechanisms, which will play different but complementary roles in the future. We hope that the plans will be clear on the role of HMI Prisons and for the purposes of this differentiation, we set out below our approach.
32. HMI Prisons uses a wide range of evidence to inform its analysis during inspections, including: prisoner surveys, data and other documentation supplied by the prison, conversations with prisoners, discussions with staff and relevant third parties, alongside observation. This wide evidence base allows us to compare evidence sources and follow up specific lines of inquiry to make broad judgements about the health of a prison in four key areas: safety, respect, purposeful activity and resettlement.
33. Our methodology brings together evidence from many organisations whose work regulates and impacts prisons, into a single independent report. This includes Independent Monitoring Boards, the Prison and Probation Ombudsman, NOMS processes of audit and assurance, international human rights bodies, and third sector organisations who seek to influence prison policy.
34. Data is of crucial importance during our inspections because it helps to illuminate what is happening in a particular prison. However, raw performance data is of limited use unless it is analysed and contextualised, via a process of inspection. A lack of context can mask complexity and texture in prison data. For example, if 40% of prisoners are locked up during a snapshot review of the morning activity period, this appears shocking. But if those prisoners have only been locked up for half of the session (perhaps having spent the first part of the morning in the gym or on exercise), and will be at work during the afternoon, that is less concerning. Similarly, low levels of inter-prisoner violence may appear encouraging, but could obscure the fact that prisoners are locked up in single cells for most of the day or that the few instances of violence include some very serious assaults.
35. Part of our methodology involves making comparisons between prisons, but this must be done with care for a number of reasons, including:
 - different categories of prison hold different types of prisoners and have different functions
 - the size of a prison, and the layout of the accommodation mean that even prisons holding the same category of prisoners will face different challenges
 - even prisons which are comparable in terms of role and size may face very different challenges, because of differences in the needs of the prisoner population. For example, in some areas of the country, health and substance misuse needs are more acute, while in others issues such as gang related violence are more prevalent

¹² Home Office, A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the criminal justice system (2007).

- differences in the local economy can also play a role: in some parts of the country, where prison officer salaries are relatively unattractive, recruitment difficulties inhibit prison performance
- prisons with similar objective performance data may be on different performance trajectories, i.e. one may be improving and another may be in decline.

36. To be useful, data needs to be accurate, but there are some challenges:

- Prisons can only report what they know about, but there may be hidden activity which does not get measured. For example, assaults data may be carefully prepared using a variety of sources, but will never capture any assaults which prisoners do not report and prison staff do not notice (such as unexplained injuries).
- Data needs to be rigorously checked (and we always seek to do so). If it is not, there may be opportunities to deliberately under or over-report in order to mask poor performance. This is particularly the case for self-report data.
- Data needs to be relatively easy to collate, or the burden of collecting it becomes disproportionate to its utility. For example, the Prison Service used to operate a 'regime monitoring' system. When done well, it was tremendously useful, but too often the task overwhelmed the resources available and it was not done well enough, rendering it almost meaningless.

37. In her report *Unlocking Potential*,¹³ Dame Sally Coates recommended that HMIP should amend its methodology to give prisons an overall performance rating or make a specific judgement about the performance of the prison (reflecting the effectiveness of its leadership and management). We have very deep concerns about this recommendation in the extraordinarily complex environment of a prison, which by definition carries the responsibility for every aspect of a prisoner's life throughout their sentence. We do not believe it is a concept that can easily or safely be transferred into prisons.

38. An overall judgement might have a strong immediate impact because of its simplicity, but it would also 'smooth' the texture of our existing four-test methodology. For example, an overall score of 'reasonably good', might mask 'good' performance in respect and 'insufficiently good' outcomes in safety. The sheer range of activity in a prison, almost all of which is directly related to the well-being of prisoners, their safety, rehabilitation and resettlement, and therefore ultimately public safety, are not amenable to an overall grading. A single score would make it very easy for observers or commissioners to attach a 'label' to a prison but it runs the risk of detracting attention from areas of poor performance and would therefore not drive improvement as powerfully. It is vital that there is clear disaggregation in order to maintain focus and drive improvement. Similarly, it would not highlight good performance which others might emulate.

39. The screening of a TV documentary in 2016 showing apparent mistreatment of young people and descriptions of deliberate falsification of records by staff at Medway Secure Training Centre has required us to consider our inspection methodologies carefully. We note that the Medway Improvement Board (which was appointed by the Secretary of State for Justice in response to these allegations and asked to investigate and report on safeguarding arrangements at Medway STC) suggested that an overall judgement may be actively unhelpful:

'The Board noted that the Ofsted system means that an 'Overall Effectiveness - Good' rating could be given even when important measures such as safety are not as robust. In prison inspections, individual scores are given on key areas without an overall score. The Board was

¹³ Ministry of Justice, *Unlocking Potential: a review of education in prison*, May 2016

concerned that the overall score might risk increasing the focus on this rather than the less adequate scores that could have an impact on safety' (paragraph 3.45).¹⁴

40. Although an overall judgement is perceived to work well in education, prisons are unlike schools and colleges. In education, parents and students make choices about which school/college to attend and the publication of a single score assists these choices by giving an indication of the quality of education on offer. In prisons, no such choice exists and therefore a single score serves little if any useful purpose, and may even hinder improvement.

Are existing mechanisms for regulation and independent scrutiny of prisons fit for purpose?

41. We have welcomed early indications from ministers and officials that the prison reform agenda would consider measures to strengthen existing arrangements for scrutiny of prisons, and in particular the receptiveness to proposals made from the scrutiny bodies themselves. We also welcome the opportunity that a prisons bill would provide to introduce some of these proposals into legislation.
42. We do not believe that the proposed reforms to prisons should lead to any fundamental change in HMI Prisons' role or statutory functions, rather that the reform agenda provides an important opportunity to strengthen and formalise the existing arrangements. We have made a number of specific proposals to this end, all of which aim to strengthen our overall performance and impact.
43. The basis for these proposals comes from HMI Prisons' own appraisal of its functions and operations¹⁵ as well as the conclusions of various reviews into HMI Prisons' work and role.¹⁶ The proposals are informed by the international framework for detention monitoring of which HMI Prisons is a part. The UK engaged international obligations when it ratified the Optional Protocol to the UN Convention against Torture in 2003 and when it designated its NPM in 2009. HMI Prisons' role as a member and coordinator for the NPM means it must adhere to internationally-recognised standards and good practice for detention monitoring, which have been set out in guidance by the UN Subcommittee on Prevention of Torture (SPT) and other bodies.¹⁷ The SPT sets out clearly that the "effective operation of [an] NPM is a continuing obligation", and that NPMs should be reinforced and strengthened as and when necessary.¹⁸
44. We put forward the following proposals to be considered for inclusion in a prisons bill.
- **To introduce HMI Prisons to become an entity in legislation around the existing statutory position of the Chief Inspector.** We believe this will increase perceptions of HMI Prisons' independence and formalise current understanding of it as an entity and could enable future efforts to strengthen the independence of HMI Prisons' staff and infrastructure.
 - **To include in legislation the requirement that HMI Prisons should perform its role with regard to OPCAT.** It is extremely unusual if not entirely unique for an

¹⁴ Medway Improvement Board, *Final report of the board's advice to the Secretary of State for Justice*, May 2016.

¹⁵ HMI Prisons conducts an annual stakeholder survey (see: <http://www.justiceinspectorates.gov.uk/hmiprison/about-hmi-prison/stakeholder-survey/>) and a self-assessment of its OPCAT compliance (see <http://www.justiceinspectorates.gov.uk/hmiprison/national-preventive-mechanism/npm-self-assessment-tool/>).

¹⁶ National Audit Office, *Inspectorates: A comparative study* (13 February 2015), Public Accounts Committee, *Inspection in Home Affairs and Justice* (29 March 2015).

¹⁷ UN SPT, *Guidelines on national preventive mechanisms*, 9 December 2010 (CAT/OP/12/5); UN SPT, *Analytical self-assessment tool for NPMs*, 6 February 2012 (CAT/OP/1).

¹⁸ UN SPT, *Guidelines on NPMs* paragraph 15

NPM's powers not to be set out in legislation. This is an express requirement of the UN Subcommittee on Prevention of Torture, which states that "The mandate and powers of the NPM should be clearly set out in a constitutional or legislative text", which leaves the UK open to international criticism.¹⁹ This would strengthen HMI Prisons' OPCAT compliance, and be a clear outward sign of the centrality of OPCAT to its work.

- **To introduce explicit, unfettered powers of entry to premises and access to documents.** Many other inspectorates and regulators have explicit powers of entry in their legislation. Some equivalent legislation also makes explicit the ability to access documents and speak confidentially to detainees. HMI Prisons' legislation does not specify these powers, which have been agreed through protocols with relevant authorities and which are key to our ability to perform our work. Our inspectors rarely encounter trouble accessing places of detention or documentation, but in view of the prospect of increasing autonomy of governors, it would be important to make these crucial elements of our work explicit in legislation.
 - **To require inspected establishments/bodies to provide a reasoned response to recommendations, which would be published and could then be subject to both public and parliamentary scrutiny.** Through agreements with NOMS and others, HMI Prisons receives action plans setting out whether the inspected establishment accepts or rejects recommendations, and how they plan to meet those they have accepted. In practice, HMI Prisons always receives action plans, but these are of varying quality and there is little pressure on the inspected establishment to justify why certain recommendations have been rejected or to provide evidence of how they will meet accepted recommendations. We believe that this requirement would enable HMI Prisons to press for greater implementation of its recommendations.
45. There have been suggestions that as a result of the reform programme there will be a need for a body that can play a regulatory function to a prison system that has increasingly complex accountability and management structures. We consider that requiring HMI Prisons to take a role in regulating and enforcing standards would entirely change the nature of our work and undermine our current statutory function. It is essential that HMIP is not tied to government policy, as would be required if we were to take on enforcement powers, but continues to be able to inspect to independent, objective criteria in line with international human rights standards.
46. There has been some speculation as to the future relationship between Independent Monitoring Boards (IMBs) and HMIP. Some have even suggested going so far as to move towards some kind of merger. We do not have a fully considered position on these suggestions. Before any decision is made there should be very careful thought given to the implications and long term consequences of any realignment. For instance, integrating the IMBs into HMIP would be a significant undertaking, involving substantial change for both organisations, not least because of the considerable cultural difference of a volunteer work force. The current role of IMBs, "[to]...satisfy themselves as to the state of the prison premises, the administration of the prison and the treatment of the prisoners."²⁰ would need to be reconciled with HMIP's statutory functions. We have taken note of the new Scottish model, where the prison visiting committees have recently been disbanded and a new system of volunteer prison monitors introduced into the remit of HM Inspectorate of Prisons for Scotland, which was broadened to '*inspection and monitoring*' under the Public Services Reform (Inspection and Monitoring) (Scotland) Order 2015.^{21,22}

¹⁹ UN SPT, *Guidelines on NPMs* (I.6)

²⁰ Prison Rules (77)

²¹ https://www.prisonsofscotland.gov.uk/sites/default/files/info_page_attachments/Public%20Services%20Reform%20Inspection%20and%20Monitoring%20of%20Prisons.pdf

What are the implications for prison reform of the Transforming Rehabilitation programme?

47. HMI Prisons will publish, jointly with HMI Probation, a thematic report on Through the Gate provision in early October and its conclusions will provide answers to this question. The report will demonstrate that Through The Gate provision so far does not meet the original vision of an end-to-end seamless service. We will share the report with the Committee when it is published.
48. We hope that this submission is of use to the Committee in its inquiry and would be very happy to provide any further information that would be of use.

Peter Clarke
HM Chief Inspector of Prisons

30 September 2016

²² A full review of the proposals for this provides a useful overview of the rationale for this new system. Scottish Government, Review of proposals to improve arrangements for independent monitoring of prisons. <http://www.gov.scot/resource/0041/00414197.pdf>