

Written evidence from Peter Clarke CVO OBE QPM, HM Chief Inspector of Prisons (TRH0062)

Introduction

1. We welcome the opportunity to submit a response to the Justice Committee's inquiry on Transforming Rehabilitation.
2. Her Majesty's Inspectorate of Prisons (HMI Prisons) is an independent inspectorate whose duties are primarily set out in section 5A of the Prison Act 1952. HMI Prisons has a 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. The following response is based on inspection evidence. All inspections are carried out against our *Expectations* – independent criteria underpinned by relevant international human rights standards and norms. HMI Prisons inspects to four 'healthy prison tests', and most relevant to this inquiry are our 'rehabilitation and release planning' expectations.¹
5. Our response focuses on questions 1(b), (c), and 5 in the inquiry terms of reference.

Are strengthening inspection standards and creating joint performance measures (between probation services and prisons) the best ways of improving performance? (Question 1(b))

1. HMI Probation and HMI Prisons have undertaken joint inspections in prisons since 2009, with a view to our approach capturing the continuum between prison and the community rather than as separate places. In the last 12 months the number of joint inspections has been cut to 12 per year, primarily as a reflection of different, and necessary, resource priorities on the part of HMI Probation. Work is currently underway to strengthen joint approaches to understanding risk and offender management so that the two organisations can inspect in different places (community and custody) and ensure consistent messages are given and criteria measured against. Through updating and strengthening our joint work, we are better able to give clear and unequivocal messages in our inspection reports.
2. HMI Prisons recently updated its criteria for assessing outcomes for prisoners. This allowed us to capture the changes introduced through Transforming Rehabilitation. Our most recent expectations for adult male prisons changes our previous 'resettlement' outcome area to 'rehabilitation and release planning', placing a greater emphasis on how prisons can help prisoners to change and effectively reintegrate into

¹ See <http://www.justiceinspectorates.gov.uk/hmiprisons/our-expectations/prison-expectations/>

society.

3. Strengthening inspection standards to better reflect the new ways probation services and prisons work together is important, but these play a different role to performance measures which should guide the ways in which services work together. HMI Prisons' inspections use independent criteria to assess outcomes for prisoners rather than the performance of services.
4. Presently, and indeed historically, there has been little real connectivity between the rehabilitation services provided in prisons and the community, with both seeing the other as a separate entity. We regularly see duplication of work and/or a lack of clarity as to areas of responsibility. Our two recent joint thematic inspections with HMI Probation demonstrated that the introduction of Through the Gate (TTG) provision in prisons from May 2015 had not led to significant improvement in this situation.² Both thematic reports confirmed some significant shortfalls in provision, both in terms of what is offered and how need is understood.
5. When undertaking inspections we see that standards of performance within offender management units (OMUs) in prisons vary considerably. Many prisons have probation staff managing cases that will, on release, be allocated and managed by the National Probation Service (NPS), while those prisoners who will be managed on release by community rehabilitation companies (CRC) are allocated to band 4 prison officers. Broadly, this means that the more serious offenders are managed by the staff most experienced in managing risk, which is appropriate.³ However, such practice is not consistent, and in some prisons we find prisoners allocated to probation or prison staff on the basis of numbers. Many band 4 prison staff do not have the necessary experience, skill, knowledge or training, and it is rare that the level of support and supervision offered to probation staff is also afforded to band 4 officers. For example, at HMP Lincoln we found prison officer offender supervisors did not have the regular casework supervision of their probation colleagues, despite the fact that they were responsible for similar cases.⁴
6. For this reason, we think creating joint performance measures could have a significant impact on improving standards, so long as these are based on the performance outcomes that are needed for effective rehabilitation work.

² HMI Prisons and HMI Probation (2016). *An Inspection of Through the Gate Resettlement Services for Short-Term Prisoners (October 2016)*. London: HMI Prisons and HMI Probation; HMI Prisons and HMI Probation (2017). *An Inspection of Through the Gate Resettlement Services for Prisoners Serving 12 Months or More (June 2017)*. London: HMI Prisons and HMI Probation.

³ HMI Prisons (2017). *Report on an unannounced inspection of HMP Whitemoor (13–23 March 2017)*. London: HMI Prisons.

⁴ HMI Prisons (2017). *Report on an unannounced inspection of HMP Lincoln (30 January–10 February 2017)*. London: HMI Prisons.

What should be the Government's priorities to improve work between departments on the delivery of services needed for effective rehabilitation? (question 1(c))

We find that service providers with good links to the community are, inevitably, able to offer better continuity between prison and the community. However, far too often there is little or no coordination or information sharing. As a consequence, such links are made in isolation of each other and there is inconsistent communication with the community responsible officers who will manage the prisoner once released. The TTG model was supposed to clarify the role, with CRC staff directly responsible for some areas of provision and acting as a conduit to the community responsible officer for all others. However, the role is understood and interpreted differently by different organisations, and contractual limitations mean that the continuity is often lost, undermining the whole TTG principle.

7. This was the case at HMP Lincoln, where the pre-release assessment undertaken by CRC staff simply indicated that work was required in certain areas rather than providing an agreement as to who would undertake it. At HMP Pentonville we saw considerable variation in the development of resettlement plans. Although some were comprehensive and detailed, we also saw several where the plan was missing or had been drawn up too close to release, giving little time for necessary work to be completed.
8. In terms of government priorities, we would hope to see a greater emphasis upon communication and information sharing and a greater clarification of what the model is and how it should work.
9. Our recent inspections have found that more prisoners than in the past are being released without permanent accommodation. It is not unusual for us to see figures in excess of 15–20%. For example, when we inspected HMP Pentonville, we found that 15% of prisoners leaving did not have a fixed address. At HMP Lincoln the figure was 20%, at HMP Wayland 19%, and at HMP Bullingdon the estimate was an exceptionally high 50%.⁵
10. There are inconsistencies in the way information is recorded and we rarely find there is follow-up after release to understand outcomes. However, it appears that no fixed address (NFA) levels are rarely because of a lack of effort on the part of services in custody, but rather a reflection of the lack of provision in the community. We recommend that providing more appropriate accommodation in the community should be a priority.

⁵ HMI Prisons (2017). *Report on an announced inspection of HMP Pentonville (9–13 January 2017); Report on an unannounced inspection of HMP Lincoln (30 January–10 February 2017); Report on an unannounced inspection of HMP Wayland (19–30 June 2017); Report on an unannounced inspection of HMP Bullingdon (24 April–11 May 2017)*. London: HMI Prisons.

How can the Through-the-Gate provision be improved so that prisoners get the right help before their release from prison and afterwards? (question 5)

1. As we indicate above, we have concerns about the poor implementation and inconsistent application of the Through the Gate model, though this appears to be reasonable in principle. We would hope to see better understanding of what it is trying to achieve across all providers, rather than the current varied picture. Based on recent inspection evidence, we have set out some areas in which we think TTG should be improved to ensure better outcomes for prisoners.

Provision of resettlement services: At HMP Preston, resettlement plans were generally good and Shelter (contracted by Sodexo as the CRC owner) undertook twice-weekly discharge boards. However, at HMP Coldingley, there was insufficient follow-up of identified needs and little evidence of post-release analysis of outcomes. At HMP Durham we came across an even more confusing picture where there were two different providers of resettlement services – DTVCRC (Durham Tees Valley Community Rehabilitation Company) and Northumberland Community Rehabilitation Company – without any clear agreement of what would be provided, so prisoners received differential provision depending on where they were returning to.⁶

11. *Peer support:* Many services state that they offer peer support and meet at the gate provision, yet during our inspections we rarely see such services provided. At HMP Bristol, the Bristol, Gloucestershire, Somerset and Wiltshire (BGSW) CRC offered good TTG support and met prisoners from the local community at the gate where this was required. However, this was in stark contrast to the general findings we reached in our thematic inspection of TTG support for prisoners serving short sentences.⁷ We followed 62 men from four different prisons and found that only three had received mentoring support; only two of these men's support had been arranged by the CRC. Seven of the 24 women we followed received mentoring support but none of these women's support was arranged by the CRC. There was evidence that where support was available there were more positive long-term outcomes.
12. *Better communication between departments and clarity in responsibilities:* There needs to be better communication between departments at the stage of pre-release work in prisons. This liaison would ensure support is centrally coordinated and communicated with community-based responsible officers, and there needs to be greater clarity of who is responsible for what and when. Presently, for example, it is not clear whether the CRC or offender supervisor is responsible for liaison in relation to prisoners serving over 12 months. At HMP Bristol, we found some reasonable liaison with community managers but there was poor communication between Catch 22 (the CRC provider) and the staff in the offender management unit. At HMP Pentonville there was confusion as to who undertook this role with low- and medium-risk prisoners serving over 12 months.
13. Finally, we are concerned that the implementation of the new offender management model could cause even more confusion as it is not clear how the newly formed 'key

⁶ HMI Prisons (2017). *Report on an unannounced inspection of HMP Preston (6–17 March 2017)*; *Report on an unannounced inspection of HMP Coldingley (20 February–3 March 2017)*; HMI Prisons (2016). *Report on an unannounced inspection of HMP Durham (3–14 October 2016)*. London HMI Prisons

⁷ HMI Prisons (2017). *Report on an unannounced inspection of HMP Bristol (6–17 March 2017)* London HMI Prisons

worker' role will fit in with prison offender managers. In the earliest examples we have seen, the key worker role is being delivered in isolation, with a separate activity plan to go with the resettlement plan and the sentence plan, rather than as a service that will support wider work already in place.⁸

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⁸ Unpublished inspection reports.