FOLLOW UP TO EVIDENCE ON HMP LIVERPOOL

Thank you for your letter of 26 January, requesting further information regarding HMP Liverpool following the appearance before the Justice Select Committee on 24 January 2017. You will find attached the response to your detailed requests in the Appendix to this letter.

I want to take this opportunity to once again acknowledge the unacceptable conditions that were in place at HMP Liverpool and reiterate my commitment to fixing the problems at HMP Liverpool, and more widely across the prison estate to improve outcomes for all offenders. I will personally continue to monitor the improvement of HMP Liverpool.

We also welcome the Committee’s report which was published on 16 February, and will carefully consider each recommendation.

That is why my immediate focus will be looking very closely at what can be done to drive down the use of illicit substances behind bars. We have formed a drugs task force, made-up of experts who are looking closely at a range of options on reducing the supply and demand across prisons.

It is the first time a group like this has been established. In the short term, the team will provide immediate support to the 30 establishments that have the highest number of prisoners testing positive for drugs. This will include HMP Liverpool.

They will put in place improved security measures at those jails and will over time devise bespoke blueprints that will focus on how to drive down the supply of drugs over a more sustained period.

I am also clear that we must get the basics in our prisons right in order to achieve our longer-term vision of reforming offenders and cutting crime in our communities. This means that we need to improve the standards in our prisons so living and working conditions are decent and clean. This will help to create a positive environment for reform.
If we get this right, our staff will be able to spend their time working more closely with prisoners on the sort of initiatives that are going to benefit them and wider society.

That also means boosting their education and employment prospects by facilitating access to opportunities that are going to reduce the risk of them leaving prison and committing more upon release.

Improving our prisons is my top priority and I have seen a great deal of enthusiasm, commitment, dedication and skill in the many visits I've had to prisons up and down the country which I want to harness and build upon.

RORY STEWART MP
Follow up evidence HMP Liverpool - Appendix

The Management of the prison between the 2015 and 2017 Inspections

Mr Spurr stated that in the period between the 2015 and 2017 inspections the governor had faced significant change. Please would you provide us with a list of the policy and operational initiatives or other changes he was referring to, when they commenced, and the date by which they were expected to be fully implemented?

1. The operating environment in prisons has been particularly challenging over recent years and considerable change has been delivered against this backdrop and against the requirement for significant efficiencies. The section below provides detail of the National, Regional and Local environment leading up to and between the 2015 and 2017 inspections.

National

2. The National Offender Management Service (NOMS) became Her Majesty’s Prison and Probation Service (HMPPS) on 1 April 2017. The Ministry of Justice (MOJ) will now be directly responsible for strategic commissioning; policy development, setting standards and scrutinising performance and the agency will focus on operational delivery in prisons. This shift in roles is reflected in the allocation of budgets to the MOJ and HMPPS with the Ministry now holding budgets that would previously have been held by HMPPS.

3. The Prison Unit Cost Programme (of which Benchmarking was a part) began implementation in 2013. This was to save costs. The Programme resulted in streamlined processes and a consequent reduction in staffing across the whole prison estate. This programme was, on the whole, successfully implemented across the estate, however, more latterly, it has become evident that the performance of the estate has been negatively affected by other factors, in particular the influx of Psychoactive Substances (PS). The Prison Safety and Reform White Paper set out this and established the requirement to recruit an additional 2,500 prison officers. This recruitment has been assisted by the introduction of a more structured recruitment system which has reduced the time to vet and hire suitable candidates.

4. The Transforming Rehabilitation white paper (2013) set out a change agenda that saw a reconfiguration of the prison estate alongside fundamental changes to established probation arrangements – the focus of these changes was to drive a reduction in reoffending by improving ‘Through the Gate’ provision. This also
resulted in reconfiguration through the implementation of resettlement prisons. These changes were successfully brought about in the same overall time period as the prison unit cost programme. Some of these changes caused additional strain on the operating environment.

Offender Management in Custody (OMiC)

5. This offender management in custody model builds on work already undertaken as part of the PICP to embrace the skills and experience of our workforce to better engage offenders and manage their risk both in custody and beyond. The Prison Safety and Reform White paper recognised the additional resource needed to ensure meaningful, productive relationships between staff and prisoners and to this end there has been considerable investment in preparing the estate for the rollout of OMiC;

- An initial investment of £14 million to deliver the model into ten of the most challenging prisons and into HMP Berwyn;
- A total overall investment of £88 million for the roll out of OMiC across the entire estate. Some of this funding will of course come from future budgets in line with the pace of the roll out;
- Introduction of the ‘Five Minute Intervention’ technique across the entire estate – this has required an investment in two days training for every prisoner facing staff member;
- Training staff to operate as ‘keyworkers’ - this has required an investment in two days training for every prisoner facing staff member and is currently ongoing in the Pilot establishments.

6. The roll out schedule for the wider estate is expected to run into 2019-20, however, most sites will implement the keyworker element of the model much sooner than this as part of our push to improve the quality of staff/prisoner interactions and safety.

Safety and Prison Reform

7. Reducing self-inflicted deaths, self-harm, and violence have been the most significant operational priorities for Prisons. Prisons hold a disproportionate number of people who are at high risk of suicide and self-harm and the nature of the prison environment of course exacerbates this.
8. The number of deaths in custody has reduced in the year to December 2017 (17% reduction) compared to the previous 12 month period, with a 43% reduction in self-inflicted deaths overall. Below is outlined some of the work that we have done to tackle what was a rising number of deaths in custody. (More detailed statistics are available at https://www.gov.uk/government/collections/safety-in-custody-statistics)

9. In addition, the growth of Organised Crime groups within our population and the accompanying operational challenges that this creates, particularly in terms of the levels of violence and drug supply and the challenges that this presents at a local level.

10. The Prison Safety and Reform White Paper makes over 200 commitments and, as a result, the existing Prison Reform programme was reconfigured to meet the new vision for making prisons safer and places of reform. The programme has already made significant progress in delivering reform, including:

- A net increase of 1,970 new full time equivalent band 3-5 prison officers between the end of October 2016 and the end of December 2017
- Focussing additional resources, through OMiC on the prisons which have amongst the worst levels of violence and self-harm;
- We have rolled out new mandatory drug tests for psychoactive drugs to all prisons;
- We have introduced new legislation which means that anyone found using drones to smuggle contraband into a prison can be given a sentence of up to two years

11. Over recent years there has been an increase in violence, self-inflicted deaths and incidents of serious self-harm across the prison estate. In our determination to address this we have put in place additional resources and initiatives to undertake safer custody work, including:

- Provision of an additional £10 million of new annual funding for prison safety, supplemented by £2.9 million from existing budgets. This has given a significant number of governors the opportunity to improve safety levels in their establishments
- National learning days on violence reduction, psychoactive substances, and suicide and self-harm reduction
- A dedicated safer custody team providing frequent advice and guidance to governors
We have undertaken a wide range of safety and security related activities in 2016-17, which include:

- Implementing a range of pilots specifically targeted at reducing violence and improving safety which were evaluated and research completed with the aim of identifying the drivers and potential solutions to violence
- The national roll out of Five Minute Intervention (FMI) across the estate;
- Body Worn Video Cameras (BWVC) to assist with de-escalation of difficult situation and accurate recording of events to help us to make sense of and learn from them;
- Introducing countermeasures to the threat arising from new psychoactive substances
- Introduction of the Violence Diagnostic Tool (VDT) in the majority of prisons, which provides data on dynamic day to day risks and pressures resulting from violent incidents and informs the development of local violence reduction strategies to address specific local concerns;
- An experienced Violence Reduction (VR) task force to reduce violence across the service and provide consultancy and support to establishments, to help those with the most problematic rates of violence to understand and start to reverse the upward trend and to identify best practice.
- A dedicated suicide and self-harm reduction project led by an experienced prison governor driving forward a programme of activity to tackle suicide and self-harm under a refreshed strategic framework focused on prevention, intervention and education.
- Development of a first night and early days in custody screening tool
- A review of our early days in custody work, including 'bus to bed' reviews to look at the prisoner experience on entry into custody. This will be used to inform improvements to risk management during early days in custody
- Roll out of an improved safer custody audit process which will take place during 2017-18 after a successful pilot in two prisons during 2016-17
- Creating permanent regional safer custody roles to support groups of prisons and share good practice.

Population and Capacity Management

12. Our current estate is crowded and out of date. We have recognised this and over recent years the agency has delivered a capacity-management programme to ensure the most effective use of the prison estate. New low-cost, high-efficiency
accommodation was provided and where possible low-efficiency, poor-value accommodation was closed or reconfigured.

13. This remains a priority and £1.3 billion is being invested to continue to reform and modernise the estate. The Prison Estates Transformation Programme (PETP) is fully underway and is fundamentally changing, for the better the way that we manage the population and serve the courts.

14. The programme has made significant progress towards this - in delivering the Prison Safety and Reform vision for the future of the prison estate we have already made much progress including:

- Closed two prisons (Kennet and Holloway, in June 2016) that did not fit the vision of the future estate;
- Opened HMP Berwyn;
- Made plans to build four modern prisons.

15. These strategic plans are of course has being delivered against a backdrop of day to day population pressures.

16. Between May and August 2017 the adult male population rose sharply, by around 1300. The increase was mainly due to an increase in remand population and an increase in the severity of the sub-offence mix and consequent custodial sentence lengths.

17. The speed and size of this increase created very significant pressure on the estate, coinciding with temporary losses of capacity and staffing shortages. Additionally at the peak of this pressure, a further 215 places were taken out of use following prisoner indiscipline and damage (HMP’s Haverigg, The Mount and Featherstone).

18. To manage this pressure the Department convened the Population and Capacity Taskforce. This delivered a 900 place short term capacity increase through actions to maximise the use of existing accommodation and postponement of planned change work. These actions included:

- Increasing crowding levels and occupancy rates of existing capacity;
- Bringing out of use accommodation back into use;
- Postponing critical maintenance work and planned closures.

*Facilities Management*
19. Since the Inspection took place in September of 2017 the provision at Liverpool has been boosted by the recruitment of 8 maintenance staff and there will be a specialist team in place who will work over the next six months prioritising cell refurbishment and maintenance. £2.5m has been allocated for remedial works including the fitting of a new more vandal resistant window design.

20. As part of the Prison Unit Costs Programme, we also outsourced Facilities Management to further reduce costs in prisons. Amey were appointed to provide FM services in the North, and Carillion in the South. There have been significant challenges with these contracts, which we are addressing both centrally and in individual prisons.

21. We have created a new government-owned facilities management company that has taken over the delivery of the prison FM services previously provided by Carillion. HM Prisons and Probation Service will continue to work with the new company and the other facilities management providers, as well as with prison governors, to secure significant improvements to the existing contracts and services.

Human Resources

22. The Cabinet Office’s Next Generation Shared Services Strategy sets out a new model to share HR, procurement, finance and payroll functions and join up ways of working across government. This will save money by delivering more efficient and cost-effective services.

23. As part of this process, at the end of January 2017, the MoJ and NOMS moved its HR, finance, payroll and procurement services from the Phoenix system to a new IT system called the Single Operating Platform (SOP). This transition affected all parts of the business and necessitated a great deal of management oversight in addition to an increased training commitment across the estate.

Regional

Management Structure and Responsibility

24. The reduction in HQ costs (37%) as part of SR2010 resulted in the Prison Group Directors (formerly Deputy Directors of Custody) maintaining their previous spans of control (13 establishments in the North West) but with considerably leaner teams to provide support and assurance. The introduction of the National Assurance Process (NAP) provided a framework for increased reliance on self-audit, assurance and governance at the local level. Regular meetings to oversee NAP and other
OFFICIAL SENSITIVE

performance measures were held (see Annex A, Annex D) to identify emerging issues and concerns and to discuss support for these. This included support with handling and escalating issues such as, but not confined to, those experienced with the FM contract.

Population and Capacity Management

25. At the end of 2016, HMP Kennet closed and this placed further pressure on the category C training estate in the North West, particularly in respect of moving prisoners whose home area was in or around Merseyside. The Transforming Rehabilitation changes meant that this therefore required HMP Liverpool to accommodate more prisoners in their last 12 weeks of sentence.

26. At various points across 2017 both the North West and the West Midlands were under capacity pressure and therefore were required to redirect prisoners away from local prisons. The situation in the North West was further impacted by the unexpected loss of places at Haverigg in the autumn of 2017 (because they were not fit for use) and the high levels of places lost due to cell sharing risk assessments at locals in the regions (HMP’s Manchester, Preston and Liverpool). This pressure peaked in the summer when the adult male population nationally increased sharply as outlined in the National context above.

27. Whilst additional capacity began to come into use at Berwyn from late February 2017 and provided marginal relief, these places were provided on a slow and gradual increase (population is now c900) and therefore did not immediately reduce the demands places on local prisons in the North West.

28. In April 2017 plans were announced to close HMP Hindley as part of the reform programme – however it was decided that as a precaution against future capacity pressures the closure would be delayed until at least 2019. It had been anticipated that the redeployment of staff from HMP Hindley to HMP Liverpool as a result of this closure would provide experienced staff into the establishment.

Local Operational Pressures

29. There were a range of operational pressures which were felt acutely at Liverpool during the period in question:
30. The establishment was significantly affected by the presence of Psychoactive Substances (PS) linked to new security threats including drones. This was a new challenge for the establishment and for the Police. The impact of PS was considerable as the effects of the substances are highly unpredictable and potentially fatal. PS put further pressure upon an already struggling healthcare provider and upon the establishment from an operational perspective, with an increase in prisoners being taken out to hospital and bed watches which took staff out of the prison.

31. The establishment held a large number of prisoners who were either members of Organised Crime Groups, or affiliated to such groups many of which originated in the Merseyside area. This led to an increase in tension in the establishment and an increase in assaults, both prisoner on prisoner and prisoner on staff.

32. The delivery of healthcare, was problematic throughout the whole period in question. In late 2015 the then provider withdrew from the contract after being given an improvement notice from the Care Quality Commission and were replaced by Liverpool Community Health NHS Trust (LCH), a body that set unrealistic financial targets and responded poorly to the challenges of prison healthcare. The recent independent review noted that “The Trust managed services that it was ill-equipped to deal with, particularly prison healthcare in HMP Liverpool.” This caused significant operational pressures and took up a disproportionate amount of management time, this was compounded to some extent by staffing levels being stretched and attempting to deliver an effective regime.

33. The national prison population, which had been forecast to reduce, rose by 1300 across the prison estate between May and August 2017 and Liverpool’s population rose by 90 over the same period. Liverpool, as a prison receiving prisoners from the courts, was under significant pressure and there were a succession of instructions from the centre which encouraged governors to maximise accommodation (Annex B). Population pressures impeded the transfer of prisoners into the training estate and resulted in some long term prisoners remaining longer in HMP Liverpool than was appropriate. This was a key factor in the escape from a hospital escort that the prison experienced.

34. The impact of the Transforming Rehabilitation initiative meant that Liverpool was redesigned as a resettlement prison and this meant a change in the population held at the prison. This change coincided with a step change in the amount of vandalism which was recorded.
35. The failure of the Amey to keep pace with the reactive repairs was an important feature of the operational environment. This led to a degradation in the standard of accommodation and may have precipitated prisoner vandalism exacerbating the problem.

36. Staffing was an issue throughout the period with band 3-5 prison officer staffing standing at 249 FTE as at 30 June of 2015, although at one point (ie. as at 30 November 2016) the band 3-5 prison officers was only 239 FTE. This figure was gradually increased during the time period to 281 FTE but the new staff coming in were inexperienced and often still in training whilst the opening of HMP Berwyn resulted in some key managers and staff being transferred. Details of the staffing figures can be seen at Annex M.

37. OMiC is a national initiative but Liverpool is a pathfinder site and the establishment has clearly concentrated on this initiative, possibly at the detriment of other more fundamental priorities. In order for OMiC to be implemented effectively there is a requirement for all prison officers to undertake training in “Five Minute Intervention” (FMI) and in “Key Worker” work. Additionally in 2017 new training modules for Suicide and Self Harm (SASH) were introduced which all prisoner facing staff were required to undertake. HMP Liverpool embarked on this training with enthusiasm in order to expedite the roll out and implementation of Offender Management in Custody. Initially new entranent staff did not receive FMI and Key Worker training as part of their initial officer training therefore this had to be completed on their return to the prison. All existing band 3 officers had also to undertake the above training, clearly this was a very significant undertaking which would have been challenging at any time. The Governor understandably placed significant focus on getting his staff trained and OMiC embedded in order to achieve the significant gains relating to improved safety and improved offender management anticipated in the short, medium and longer term. At the time of the inspection there had been 4080 staff hours of FMI training, 3252 hours of keyworker training and 515 staff hours of SASH training.

38. There were 12 deaths in custody (including 6 self-inflicted deaths) at HMP Liverpool between May 2015 and September 2017 and 16 inquests during the period in question. Such events have an emotional toll on the whole prison and there is also, inevitably, an increased administrative and operational burden as those involved give evidence at inquests and investigations are conducted.
In order to understand for ourselves the challenges that the governor faced and the steps
taken both by him and HMPPS senior management to address them, we would be grateful
for copies of the plans that the prison had at the time that benchmarking was introduced,
including the planned staffing complements and details of the regime, and reports which
would enable us to see progress against these plans. We would also like copies of the
governor’s quarterly assurance statements from January 2015 to December 2017, and
annual assurance statements for the same period.

39. The committee will find enclosed at Annex (C) copies of the original benchmarking
reports and Liverpool’s response and challenge document.

40. Copies of the Governor’s quarterly assurance statements for the timeframe
requested are enclosed at Annex (D)

Mr Spurr explained that the governor had been focusing on addressing escape and security
issues. May we have a copy of the action plan stemming from the security audit and progress
against that at the time of the inspection and now. The inspection noted that cells were not
taken out of use, which Mr Spurr agreed in the session was the wrong decision, and it also
identified shortcomings in the complaints system, and in use of force, including the monitoring
of it. What is your assessment of the reasons of the lack of oversight of these aspects of the
management of the prison?

41. Copies of the June 2016 and September 2016 Security Audits are attached (Annex
E) These include initial action plans. An updated consolidated action plan (Annex F)
gives the current position demonstrating that the majority of actions have now been
addressed.

42. As stated above, national population pressures and those in the North West created
a context where local management felt the need to maximise the available
accommodation at HMP Liverpool. Regional management clearly stated that
inappropriate accommodation should not be used although local governance
systems proved to be insufficient set in the context of population pressures to ensure
this was robustly adhered to. In hindsight it is likely that this failure may have been
precipitated by the gradual deterioration of the whole building which resulted in the
establishment losing perspective of what was the acceptable standard of
accommodation.

43. The situation was exacerbated by the lack of clarity locally around the reporting of
damage to cells and repairs needed and the capacity of the FM provider to respond
effectively. A vicious circle developed where repairs were not carried out and staff were therefore less motivated to report damage.

44. The vast majority of cells at HMP Liverpool are double occupancy. The operational capacity is dynamic and is reduced by the number of prisoners having a high risk cell share risk assessment or being assessed to be in a single cell due to medical reasons. The subsequent reduction in capacity clearly added to the pressure local management perceived themselves to be under to maximise accommodation.

45. Local governance relating to the monitoring of the repairs and the occupancy of cells was insufficiently robust at best, as was the local governance and assurance processes relating to the implementation of a regionally instigated decency audit and local action plan to improve the standards and decency of cells. It should be noted that at any one time Liverpool had up to 100 cells which were out of use for repair.

46. In terms of complaints, the inspection found that responses were generally adequate but they found a number of replies in staff offices which had not been returned to prisoners. This indicates a breakdown in basic process and management oversight at residential level. Since the inspection proper procedures and processes have been reinforced. Under the OMIC model Liverpool has increased the number of Custodial Managers from 16 to 20 to improve the level of middle management supervision across the prison and in particular in residential areas.

47. The quality assurance of replies to complaints needed to be more robust at middle and senior management level. The best assurance systems have a prisoner oversight group in place and this will be implemented at Liverpool as part of the way forward. The Deputy Governor will conduct a 10% assurance check each month from February 2018.

48. With respect to use of force, senior management oversight within the prison was insufficiently robust in terms of paperwork, quality of reports and monitoring of incidents / practice. Force had been used in 288 occasions in the six months prior to the report which was less than the previous inspection. Nevertheless, governance was inadequate. A full time Use of Force coordinator has now been appointed to chair the monthly Use of Force committee meeting, ensure appropriate processes and procedures are adhered to and monitor and analyse the use of force data. The Governor and Deputy Governor are personally ensuring this monitoring process is working effectively.
Mr Spurr noted that the “above establishment level” structures were under-resourced in the lead up to the inspection. Please provide us with a copy of the processes which should have been followed by the DDC had he had sufficient capacity? We would also appreciate copies of the reports made by the DDC on the occasions when he visited the establishment between 2015 and 2017.

49. The process in place at the time in question was a line management arrangement. As such there was no formula for the content or form of the interaction between the Governor and his/her line management save that performance monitoring mirrored the procedures in place in the general performance assurance process and included security, the regime, and progress against the consolidated action plan. The Prison Group Director (formerly DDC) was required to visit each establishment twice annually and it will be noted (Annex A, Annex D) that this requirement was exceeded in terms of the fact that the visits took place every three months. The timeline of visits can be seen at Annex A and the content of the visits can be seen at Annex D.

We heard that HMPPS’ own assessment was that the prison was performing at level 1 in July 2017. What factors informed this performance rating? Please provide us with copies of the action plan which was put in place to raise the performance of the prison, and details of the progress against it.

50. The performance level assessment from HMPPS used the Prison Rating System (PRS), a system in place for a number of years and which has now been replaced by the Custodial Performance Tool (CPT). PRS used a range of hard metrics which were linked to the core objectives of Public Protection, Reducing Reoffending, Safety and Decency and Staff and Organisational effectiveness. Additionally, PRS used healthy prison test scores, internal audit scores, quality of prison life surveys and data compliance scores. PRS rated prisons on a scale from 1 (serious concern), through 2 (concern), 3 (good) and 4 (exceptional). Poor performance was then flagged up through the prisons rated as 1 or 2 in the PRS.

51. Annual ratings were largely driven by a data driven assessment but with a moderation process involving line managers and the HMPPS Executive Management Committee to take account of exceptional factors. Attached at Annex G is the PRS/CPT assessment for Liverpool from July 2017 showing that Liverpool had been performing at level 2 prior to the escape of a prisoner in February of 2017 which immediately moderated the performance down to level one.
52. Predating the drop to PRS level 1 the DDC/PGD had already initiated a Performance Improvement Process (PIP), the initial draft of which goes back to October 2016. The latest iteration of the PIP is attached at Annex H showing improvement against milestones.

53. The Prison Group Director had consistently noted Liverpool’s poor performance and in 2017 he had rated no performance measure better than amber/red.

We asked about levels of staffing at the time of the inspection and how they related to the benchmark for the prison. We heard that Liverpool had been one of the first prisons to benefit from increased resources in 2016 and that the impact of this was beginning to be seen at the time of the inspection. Please would you provide us with the number of FTE staff in post at the time of the inspection. Please would you provide us with the number of FTE staff in post at management and operational level (split by grade) including length of time in post at the prison; and years’ experience in the service. We would also like these data by month from January 2015 to date please.

54. This data is included in Annex M.

Michael Spurr said that the Governor delayed decisions related to the deployment of new staff pending the completion of recruitment to support the new OM model. Was this agreed “above establishment” and if so by what mechanism?

55. The governor delayed the decision to carry out a staff re profiling exercise pending new staff coming on board to facilitate the Offender Management in Custody (OMiC) process. The Governors empowerment agenda meant that this decision was made by the Governor.

Michael Spurr stated that 50 cells were brought back into use shortly before inspection. Please provide us with copies of communication re capacity (population) pressures in summer 2017?

56. All copies of correspondence received in relation to capacity and population are attached at Annex (B)

Changes at the Prison since Inspection

We heard that additional resources had been made available to the prison since the 2017 inspection. How much extra resource has been provided for the prison from the Ministry of
Justice or HM Prisons and Probation Service to i) the prison governor, ii) the FM contractor, iii) any other parties? How has this been allocated? Is it additional funding or has it been re-allocated? If the latter where has it come from? Is it permanent or temporary?

57. HMP Liverpool were already in receipt of additional resources for OMiC which have been operational following the completion of training post the inspection. Full roll out of the keyworker provision at Liverpool will take place by the end of February 2018 ahead of a full national roll-out scheduled for early 2019. In addition since the inspection, the following additional staff have been agreed with Liverpool:

- 1 Band 8 Health Project Manager (part funded with NHS England)
- 1 Band 5 Custodial Manager for Health
- 1 Band 8 Assurance / Project Manager
- 1 Band 5 Assurance / Project Assistant
- 1 Band 3 Assurance / Project Admin Support
- 1 Band 7 Operational Manager / Staff Officer
- 1 Band 5 Use of Force Coordinator

58. Additionally the SMT has been strengthened and an refurbishment programme has been agreed which will include repairs to doors on K and H wing, a damp survey to I, G and H wings as well as a window replacement programme, replacing the current windows with a more robust and vandalism resistant design. This will cost in the region of £2.5m.

59. These costs and the additional staffing costs, will be re-allocated from the current and next year’s budget incurring no additional spend for the organisation. The capital monies will be paid for from the MOJ major capital in line with the responsibilities outlined in answers provided at paragraph 1.

Regime How specifically does the offender management model in place in Liverpool at the time of the inspection differ from that which is now provided?

60. Liverpool began delivering key worker sessions on 18 May 2017; at the time of the inspection they reported that they had 564 prisoners receiving keywork sessions across 4 wings. In January 2018 they reported 779 prisoners receiving key worker sessions and they are expecting to roll out fully across the prison by end February 2018.
61. Keyworker sessions will facilitate better relationships between staff and prisoners and, in particular, an increased focus on prisoner offending behaviours and rehabilitation plans.

We would like to have more information about the changes to the regime. Please would you provide us with a copy of the regime pre-inspection and now and corresponding copies of the regime management plans agreed with the Unions. We would also like to have figures on the time prisoners were i) out of cell ii) in purposeful activity for each month since January 2015.

62. Please find the find attached at Annex (I) the regime pre inspection and now. Please also find at Annex (J) the Regime Management Plan, as agreed with the unions.

63. The figures for purposeful activity across prisons have not been collected for a number of years and so are not available. This followed an external Cabinet Office review of the complexity and time involved in manual data collection and the quality of that data.

Decency Audit

64. The Decency Audit referred to is a new rolling check of cells at Liverpool to ensure they are up to an acceptable standard. This includes a check of the functionality of toilets, sinks, the electrical components in cells and an assessment of any broken windows. There is no action plan as such, instead this is a dynamic check updated daily. The list of cells out of action is reviewed daily between the Deputy Governor and Facilities Site Manager regularly. On 14 September 2017, the cells out of use at Liverpool was 42.

65. On 9th February 2018, 97 cells were out of use pending refurbishment and 65 for reactive maintenance.

Governance

New arrangements above establishment level for governance from April 2018. Please provide a diagram of the new structure, details of how responsibilities will be split and the costs associated. Please also provide a diagram of the process which follows a poor inspection including who sees the report, who drafts the action plan and how it is monitored by HMPPS and the MOJ? How does it differ from the process followed before the restructuring on 1 April 2017?
66. A diagram of the new structure is attached at Annex (K)

67. The key considerations when agreeing the structure were:

- Ensuring operational grip is enhanced and that we continue to strive to improve how we work together, across public sector prisons, with privately managed prisons, with probation colleagues and with other partners
- Ensuring Governors are better supported and enabled to be empowered.
- Enhancing our change management capacity.
- It is also important to acknowledge that there are potential opportunities to coordinate and collaborate across groups and functions, to promote shared interests and represent each other with external partners, and potentially share resources. Such an approach will include the existing Open Prisons Forum and shared work between sex offender establishments

68. Essentially, processes remain in terms of operational responsibilities, but the spans of control are reduced in order to facilitate enhanced operational grip and control.

69. There is no agreed process in place with regard to the procedure following an inspection although internal discussions are taking place and a process is under development. To date this has been treated as a line management issue, although the CEO of HMPPS does respond formally to each and every report. The report is shared through the management line and an action plan is agreed between the PGD and the Governor taking into account the points raised and the response from the CEO. Progress is monitored via the regular quarterly performance meetings and via the consolidated action plan.

We heard from you that other similar establishments were performing well. Please would you provide us with details of the prisons which you consider to be useful comparators?

70. Liverpool performance against comparator groups (published information).

Liverpool’s comparator prisons are (using the published data for 2016/17):

- Pentonville
- Hewell
- Wormwood Scrubs
- Birmingham
71. PRS 2016/17: From this group only four prisons were rated level 2 or above with none achieving level 4 and it will be noted that the newer, more modern buildings consistently out-perform the older establishments. Primarily, this difference can be explained by the better ergonomics, lines of site and newer facilities in the more modern establishments. Although not a direct comparator, HMP Preston is a very similar, although smaller establishment serving the NW. Its recent inspection positive and improved.

Facilities Management at the Prison

We considered the significant backlog in maintenance at the prison and heard there had been performance issues with Amey, coupled with an increase in reactive maintenance and an under estimate of the condition of the prison at the time the contract was agreed. What was the in house provision for facilities management at HMP Liverpool before Amey took over, including the number of FTE staff deployed, the level of backlog, and the annual costs of reactive and preventative maintenance? How do these costs compare to the annual amount paid to Amey since 2015?

72. The provision for maintenance at HMP Liverpool at the point of handover was 27 FTE including 2 cleaners. The FTE staff at present including 4 temporary staff and the 2 cleaners is 20. The total cost for maintenance and reactive repairs for 2014 pre AMEY was £636,107.00 staffing, £398,910.00 servicing, maintenance and reactive repairs. It is not clear what the precise unit cost for Liverpool is in terms of these items under the Amey contract given that the contract was let regionally over a number of prisons and the tasks carried out previously under the former arrangement differ in scope and nature to the tasks under the current contract.

73. In 2014 there was no backlog of work recorded although at this remove it is not possible to verify that position. At the time of the inspection there was a backlog of circa 2000 tasks. Work has been undertaken to address this. In addition following the inspection an extensive review of the conditions of the cellular accommodation was completed to identify the outstanding work required. An improved system has also
been implemented to identify and report new faults or repairs on a daily basis. Resources are being provided to deal with the additional identified requirements, with a dedicated team being put in place by Amey from next month. Vandalism at HMP Liverpool is far greater than any other establishment in the region and this has clearly been a factor in terms of Amey failing to meet reactive maintenance targets. At the time of tender we were reporting 635 reactive maintenance tasks (based on 13/14 data) on average required per month but over the last 2 years this has reached levels as high as 2000 task per month. The full implementation of the OMiC model and improved regime provision are part of the Governor’s strategy to address and reduce the level of vandalism.

74. Contract meetings have been held at HMP Liverpool to address the issues with FM delivery and improvement actions have been agreed, however they have had difficulties in terms of delivering improvements due to recruitment difficulties and the identified workload. Amey and their sub-contractors are providing a dedicated, seven strong team, to work on in cell reactive maintenance and vandalism for a six month period, commencing on the 1st March 2018.

We also heard that penalties have been levied against Amey for failing to provide an adequate level of service at the prison. Please would you provide details of these including the amount of penalties each month since the contract commenced, and the reasons for their imposition?

75. Financial deductions for the Amey contract overall have been £2,176,592 since its inception. For Liverpool the figure is £138,524. These deductions relate to the failure to hit Key Performance Targets in relation to planned and reactive maintenance.

76. The monthly breakdown of contractual deductions is as follows and it will be noted that deductions for contractual failings ceased with the commencement of the contract reset process in May 2017:

<table>
<thead>
<tr>
<th>Liverpool</th>
<th>KPI Deduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dec-15</td>
<td>£6,617.56</td>
</tr>
<tr>
<td>Jan-16</td>
<td>£6,191.07</td>
</tr>
<tr>
<td>Feb-16</td>
<td>£6,261.47</td>
</tr>
<tr>
<td>Mar-16</td>
<td>£8,643.81</td>
</tr>
<tr>
<td>Apr-16</td>
<td>£5,877.09</td>
</tr>
</tbody>
</table>
The committee heard that the MOJ had allocated additional funding to fix windows at the prison and that the governor had deployed additional resources to clean the prison. How has it been determined that the MOJ is responsible for this funding? What are the respective responsibilities for the Governor and Amey for the cleanliness of the prison, now and at the time of the inspection?

77. The MOJ have a major capital fund for large capital projects. The immediate work required at Liverpool to replace windows with a more up to date and vandalism resistant design, to refurbish K and H wing (including cell door renewal) and to provide damp remedial survey to I, G and H wings will cost in the order of £2.5m.

78. The respective responsibilities of the contractor and the governor are quite clear. The governor has responsibility for the day to day running of the establishment and to ensure sanitary conditions in cell accommodation areas. The contractor has the responsibility to ensure that the infrastructure of the prison can support sanitary conditions including the repair and maintenance of the building, fixtures and fittings in line with the contract. Amey has certain cleaning responsibilities for cleaning in non-prisoner areas and they also commission ‘deep cleaning’ of cells where this is required.

**Wider Implications**

The committee is interested in Liverpool in the context of its ongoing work on prison safety and in the context of the work in terms of planning for the future. Recently, Nottingham was the subject of the first Urgent Notification by the Chief Inspector of Prisons. The committee is
interested in this and may write again to request further information on the situation once the action plan is published.

79. Should the committee require any further information of this sort it will of course be provided.

**Mechanisms for managing poor performance**

The committee heard that the governor of Liverpool had been moved and that “above establishment level” managers had remained in post. What are the existing mechanisms to address establishments of serious concern? What is the department's assessment of the merits of these mechanisms?

80. Along with all Ministry of Justice Civil Servants staff are subject to the Civil Service code and required to carry out their duties in line with this, demonstrating commitment to the code's core values of integrity, honesty, objectivity and impartiality.

81. Performance is regularly reviewed and monitored, and all staff are subject to the Performance Management process and Senior Civil Servants are subject to the Cabinet Office 'Performance Management arrangements for the Senior Civil Service'. Our Performance framework includes regular line manager performance reviews as part of the normal process of ensuring objectives are delivered and appropriate standards of behaviour are met in doing so.

82. HMPPS is a delivery focussed organisation where outputs are monitored carefully and where individuals and groups are held to account for performance. Related to this we are keen to hear what “Special measures” mean in practice and would like full details of all prisons i) on special measures, ii) issued with notifications to improve including the date on which this was initiated. Liverpool prison has benefitted from additional resources since the inspection which are now beginning to have some impact. What are the implications of this for other parts of the estate that are assessed as being poorly performing which have not been recently inspected?

83. We have also introduced a new performance improvement process, which identifies underperforming prisons through performance data and other business intelligence/management information. Private sector prisons are subject to regular monitoring and formal contractual mechanisms (such as rectification and improvement notices) when there are performance concerns. Directly managed
public sector prisons are subject to a Performance and Assurance Framework which provides a clear process for the timely identification, management and improvement of underperforming prisons, performance improvement plans. The data provided by these processes informs decisions on which prisons are of concern and will be managed locally through Performance Improvement Plans (PIPs), and which prisons are of serious concern and subject to enhanced performance improvement support through Special Measures.

84. Prisons currently subject to these performance improvement mechanisms include those which were identified as level 1 or level 2 prisons at the end of the performance year 2016/17. 10 establishments were rated at Level 1 - Bedford, Birmingham, Bristol, Brixton, Guys Marsh, Hindley, Liverpool, Pentonville, Wandsworth and Wormwood Scrubs. The spread of performance data indicates that with some exceptions, large inner city local prisons feature more frequently at levels 1 and 2 and open prisons, women’s prisons and high security prisons feature more frequently at levels 3 and 4; this pattern can also be seen in the top and bottom 20 assessments above.

85. It should be noted that the prisons currently subject to performance management criteria are not limited to those which have been recently inspected. It should be recognised that the special measures process is not punitive; instead Special Measures is designed to detect and correct declining performance as early as is possible.

86. Support to prisons subject to Special Measures may include, but not be restricted to, access to subject matter experts to support resource management; delivery of regimes and system reviews; HR support to develop management teams; enhanced access to training; temporary reductions in operational capacity; and capital investment, where it is available and in relation to the specific requirements of the site being considered. There is no standard formula for the assistance provided, instead ‘Special Measures’ is a flexible process that is tailored to the specific needs of what are complex and diverse organisations. As the process develops it is anticipated that trends and themes may well develop. Understanding the emerging themes will enable the establishments, regional management and the centre, to become more responsive to potential failings and to address them earlier than has been the case previously.

87. Following the recent HMIP inspection of Liverpool, the prison was used to develop the procedures, processes and support mechanisms associated with the Urgent
Notification process. As with any large and complex organisation there will always be elements that under-perform and these sites will continue to be performance managed going forward.

88. The process to deliver improvement following poor performance is being reconsidered, as referred to earlier at paragraph 13. Performance improvement processes are a very significant part of the operational process and these processes, taken together with the tighter pans of operational control will deliver earlier warning of failing performance and more effective mechanisms to deliver performance improvement.

The latest statistics show assaults continuing to rise despite “government being halfway towards its recruitment target. How is the Ministry assessing whether additional staff provided to each establishment are sufficient and whether “ongoing decline in the estate” should change their assessment that 2500 staff will stabilise the estate and facilitate reform.

89. The Government announced, in the autumn of 2016, a rise in the staffing levels of prison officer numbers of 2,500 to be recruited over the period up to the end of 2018. The increase has been planned to improve safety and enable HMPPS to introduce more effective offender management in custody and new key worker roles for prison officers, though which they would have greater engagement with offenders at a working level.

90. This required a substantial recruitment programme, to recruit the additional numbers of new officers, but also to fill all existing vacancies and the turnover in staff numbers over the 26 months of the recruitment period. In total the total numbers recruited was expected to amount to over 8000 new officers. Additional training and mentoring (including the appointment of 75 experienced prison officer mentors) were put in place to support new staff. At this point, it is still too early to assess the impact of the recruitment in terms of estate stability.

91. Since last April, Governors have also been empowered to manage their own workforce planning, including the organisational structure of their establishment and, within their budget, to determine the number and grade of staff they employ. By making more effective use of their budgets to support frontline delivery, some establishments are already recruiting above the level they were allocated as part of the 2,500 addition.
The committee heard that the DDC and operational managers were “acting” into their positions. What is the assessment of governors and “above establishment level” managers to address performance across the estate? The committee require a copy of the leadership and capacity building plan.

Building leadership and wider capability

92. New leadership capability programmes have been put in place since the white paper was published and are currently being monitored and evaluated: A new core development offer for Governing Governors and heads of local Delivery Units in NPS called the HMPPS Empowered Senior Leadership programme is now being piloted, setting time aside to allow leaders to consider the implications of empowerment with their peers and adjust to a mindset of empowerment.

93. Prisons are introducing a more diverse range of skills and experiences into the leadership talent pipeline via the Unlocked Graduates programme which recruits graduates to work as Band 3 Prison Officers while they study for an MSc qualification; and through the Senior Leaders direct entry programme which recruits externally for head of function band 7-8 positions, with the potential to become Deputy Governors or Governors. The Accelerated Development Scheme has been launched to allow talented Prison Officers to develop into head of function positions, and the LEAP programme is helping heads of function with leadership potential to develop into governing governors. All of these programmes are on their first run (the second cohort of Unlocked graduates will be joining in September 2018). New core management training programmes are introducing minimum management standards for first line managers and more experienced managers.

94. HMPPS are seeking to diversify their senior leadership cadre and have a number of new entrant routes to attract new talent into the business, including the new Unlocked graduate scheme and a direct entrants senior leadership scheme. Capability building within the current senior cadre is underway with a new development programme for all in-charge governors and their equivalents in the National Probation Service – the Empowered Senior Leaders Programme. Executive coaching is also on offer to all senior leaders, to support their development and all of our managers and leaders go through a rigorous assessment process as they apply for promotion to middle and senior manager.
The extent of the implementation of the OM model. Where is it operating? When did it commence? What is the projected rollout? What is its impact? What performance data do we have to illustrate improvement?

95. The OM model is in the process of being rolled out nationally. Keyworker (KW) delivery has now commenced in 9 of the 11 pathfinders prisons (Moorlands, Leeds, Nottingham, Chelmsford, Liverpool, Exeter, Eastwood Park, Wayland, Berwyn) as well as in Northumberland (a privately managed prison). Roll out is dependent on having staff in post and on training. Roll out was slowed significantly during the Summer of 2017 by the unexpected rise in the prison population that placed additional stresses on the prison estate, however it has now regained pace. The programme is now back on track and national roll-out is planned by the Autumn of this year.

96. To date the launch of implementation activity for Key Worker in closed adult establishments has now taken place in four of the NPS divisions, as well as in Wales, with launch events for London and the South East/Eastern taking place this in February 2018.

97. Recruitment and retention remains a key dependency for the project and has delayed full roll out in the Pathfinders. Progress with KW roll out in other establishments has been hampered due to insufficient staffing levels, and the inability to release staff for training (FMI and KW), however the picture is improving.

98. The roll out of case management will be coordinated through the Divisional Implementation Boards (DIBs) that are being set up in every NPS division including in Wales. Data packs including resourcing requirements for the model have been published to allow the DIBs to commence their planning. Work on the final design for the women’s and open estates is near completion.

99. Evidence on the impact of OMiC has not yet been collated, however there is an evaluation work stream within the OMiC project and wider safety programme that will deliver effective evaluation as the project gathers pace, however the projected benefits of the project are considerable. OMiC will ensure that each and every prisoner in the care of HMPPS has the opportunity to engage in realistic processes that will support them in transforming their lives. The process will support the rehabilitation culture in prisons, empowering prison officers to engage with prisoners on a personal level, supporting them to make life changes. Clearly, this is projected to have benefits for establishments in terms of improving staff/prisoner relationships.
and improving levels of custodial behaviour generally. Importantly also, OMiC will facilitate ‘joined up’ delivery between the NPS and HMPS with a Senior Probation officer in each prison to support delivery and to drive the quality of offender management work. All of this needs to be seen in the context that OMiC will be risk focussed, that is to say that the prisoners who present the highest level of risk will receive the most intense focus in terms of addressing their offending behaviour.

100. The cost implications of OMiC are considerable. The Treasury has invested £88.1m and HMPPS has committed to delivering the project within that cost envelope.

The committee heard about pressures on places in the NW. How many cells are out of commission on a monthly basis in England and Wales since January 2016? How does that relate to CNA and OP CAP?

101. It is not possible to provide the information that you have asked for. The main reason for this is that the number of cells in use at any one time in a prison is a dynamic factor – cells can come out of use and be returned to use in a matter of hours, or they may be out of use for some time.

102. Where a prison’s population is below their operational capacity, it is not always operationally efficient to determine whether this is due to lack of demand for these places (for instance in December the population routinely falls so not all places will be required), or whether the prisons have not been able to physically provide all places up to their operational capacity due to damage, places lost through cell sharing risk assessments (CSRA), or other operational reasons.

103. To account for this, i.e. the level of space across the prison estate that cannot readily be used on a given day, the service applies an operating margin of 2000 places. This gives useable operational capacity of the estate and is the capacity figure quoted in all official publications. The operating margin reflects:

- The constraints imposed by the need to provide separate accommodation for different segments of the population by age, sex, security category and conviction status;

- The fact that some prisons will need to be accommodated by themselves, often taking up a cell with 2 spaces. This is routinely done for safety (CSRA) and medical reasons, and sometimes for security reasons (for example, where a prisoner is identified as being at increased risk of attempting to escape);
- That some cells across the estate will be out of use due to maintenance, general repairs or as a result of prisoner action (damage/vandalism).

104. There are records of where cells are out of use for major maintenance works (such as the fire alarm replacement programme at HMP Liverpool), however, this I appreciate that this does not provide what you have asked for.

105. There is a table enclosed (Annex L) that shows the monthly published population and capacity figures for each prison as you have requested.

Healthcare

The committee heard that there are delays in finalising a partnership agreement between HMPPS and NHS England and that in the interim the agreement which had ended in April 2017 had been rolled over. What are the reasons for the delays in agreeing it? When is it expected to be in place? What have been the key benefits and challenges of having to work under the previous agreement?

106. Since 2013 prison responsibility for arranging healthcare services in England has been held by NHS England. A new National Partnership Agreement for Prison Healthcare in England will come into operation in April 2018. The new agreement reflects changes to the commissioning arrangements for prisons and prison healthcare following prison reforms implemented in 2017-18, including the publication of the Prison Safety and Reform White Paper and the creation of Her Majesty’s Prison and Probation Service. These changes have expanded the partnership to add the Ministry of Justice and the Department of Health and Social Care to the previous tri-partite signatories of NHS England, Public Health England and HM Prison and Probation Service (in place of the National Offender Management Service). The new agreement has been timed to allow the partnership to take stock of these changes and to coincide with the new business year.

107. The National Partnership Agreement is a voluntary agreement that is mutually agreed by health and justice partners. Legislative and budgetary responsibilities with respect to prison healthcare have not changed since 2013 and the previous published National Partnership Agreement continues to provide good guidance to support partnership working at local and national levels. Standing governance which supports prison healthcare delivery nationally and locally have continued to meet while the agreement is being updated.
108. The new national partnership will recognise the changes to roles and responsibilities of agencies and departments and provide a clear framework for the partnership for 2018-2021. The agreement now includes MoJ and DHSC as well as the original tripartite of NHSE, PHE and HMPPS. This marks the establishment of an even stronger level of co-operation and cohesiveness between all those who can impact on policy, commissioning and delivery of health services in prisons.

109. In general HMIP have cited in the majority of their inspection reports that they have seen an improvement in healthcare services since NHS England has been commissioning the services in 2013. Where healthcare has been challenged, for example at HMP Liverpool, this can be understood in the context of wider challenges affecting the contracted authority.

Facilities Management

The committee have heard that there has been a full asset review of prison establishments following challenges in the operation of FM contracts. They require the review. They require details of additional funding made available to Amey and Carillion in each of the contract areas and to establishments directly. They require an estimate of the funding necessary to address FM under investment. They wish to know the shortfall between reactive maintenance against the asset review and planned maintenance against the current plan.

110. A full asset review of prison establishments has not been undertaken. There is a re-negotiation process carrying on with the contractors but there are no tangible outputs that can be presented at this stage.

111. Payments for asset and service verification

<table>
<thead>
<tr>
<th></th>
<th>Amey</th>
<th>Carillion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yr1 June 15-May 16</td>
<td>£5.13m</td>
<td>£8.9m</td>
</tr>
<tr>
<td>Yr2 June 16-May 17</td>
<td>£6.2m</td>
<td>£9.9m</td>
</tr>
<tr>
<td>Yr3 June 17-Dec 17</td>
<td>£4.8m</td>
<td>£4.9</td>
</tr>
</tbody>
</table>

112. There is currently no accurate estimate of the work needed to restore the estate to an acceptable level. This will require a full audit process.