



Bob Neill MP
Chair of the Justice Select Committee
House of Commons
London
SW1A 0AA

28 February 2017

Dear Bob,

PRISON SAFETY AND REFORM

At my appearance before you on 29 November I gave a commitment to write to you with updates on a number of areas covered within our prison safety and reform programme. Following on from your letter of 15 December I now enclose the following information which seeks to provide you with a comprehensive overview of where we are currently at in relation to these areas. I apologise for the delay in responding to you.

Safety data

Safety in custody indicators

I am pleased to confirm that monthly breakdowns of the headline safety measures have been included in our Safety in Custody publication from January 2017. This covers data for the most recent 12 months and can be accessed at <https://www.gov.uk/government/collections/safety-in-custody-statistics>. My officials advise that the quarterly data showing 12 month rolling averages remain the most robust indicators of underlying trends. However, given our current focus on improving safety in prisons, the monthly data will be released alongside these for additional transparency.

May I assure the Committee that the Ministry is happy to provide updates on progress against our plans to address prison safety issues, and supports full Parliamentary scrutiny of prison safety issues. The Government is committed to delivering continual improvements to our publications in response to public and Parliamentary interest, however, this must be balanced against data quality considerations, resource and the sound production of statistics which are addressed below.

Indicators of Disorder and Finds of Mandatory Reportable Items

We do not currently intend to publish disorder or finds data from the Incident Reporting System or operational databases such as that used by National Tactical Response Team, Tornado and Gold Command in a pre-announced publication. Operational databases are not suitable for use as measurement tools for disorder as data are not collected and produced to the required standards for publication as official statistics, because they are not underpinned by technical definitions, or undergo data assurance or validation.

However, in the interests of transparency with the Committee attached to this letter (Annex A) is recent data on the numbers of drones, mobiles phones and drugs in prisons over recent years.

Staffing

The NOMS Workforce Statistics Bulletin is published quarterly. The latest edition covering the period up to 31 December was published on 16 February 2017. NOMS have made a number of changes to the Bulletin in recent releases to address the requests made by the committee, to increase transparency and to better meet the needs of users. We have also improved our statistical commentary within the main report to explain the net change in operational staff and to include a section specifically addressing prison officer staffing issues, given the increased attention on recruitment and retention of these staff.

Staffing data will continue to be pushed on a quarterly rather than monthly basis. This data is not produced to this level of detail or accuracy on a monthly basis and the analysis conducted at the quarter end period for publication requires significant resource. The quarter end position continues to be the most accurate and informative data available.

Prison Performance and Purposeful Activity

We are currently undertaking a major project to develop a new performance framework as part of the prison reform programme and measures which will underpin the Prison League Tables. This new performance framework will include a range of new measures which will be more outcome focused and include data on industries, services, education and purposeful activity. Publication of this data will be released iteratively as digital technologies are rolled out across the prison estate.

The current Prison Rating System is published annually and is available at:
<https://www.gov.uk/government/statistics/prison-performance-statistics-2015-to-2016>

In relation to your request for information about the prisons receiving the immediate staffing uplifts, I can confirm that the 10 prison sites (as well as HMP Berwyn) will receive the new Offender Management arrangements, with implementation planned by June 2017. We are on course to recruit the additional 400 officers in these 10 pathfinder sites by the end of March 2017 and, as stated by the Secretary of State recently, have made over 389 job offers already.

Below is the specific information requested on the 6 reform prisons, Bristol, Rochester and Hewell.

Band 3-5 Officers in post (Full Time Equivalent) and Benchmark Staffing Level, June 2016 to December 2016

Establishment	30 June 2016				30 September 2016				31 December 2016			
	Staff in Post	Target	Difference	% Diff	Staff in Post	Target	Difference	% Diff	Staff in Post	Target	Difference	% Diff
Bristol	139	155	-17	-10.6	142	155	-13	-8.1	152	155	-3	-1.6
Coldingley	103	108	-4	-4.0	102	108	-6	-5.5	106	108	-2	-1.8
Hewell	227	235	-8	-3.4	223	247	-23	-9.4	223	247	-23	-9.5
High Down	202	230	-28	-12.1	185	228	-43	-19.1	173	229	-56	-24.3
Holme House	221	223	-2	-0.8	221	221	0	0.0	226	223	3	1.2
Kirklevington Grange	51	50	1	2.0	51	50	1	2.0	52	50	2	4.0
Ranby	187	198	-11	-5.7	191	197	-6	-3.0	204	198	6	2.9
Rochester	155	164	-9	-5.2	152	173	-21	-11.9	153	173	-20	-11.4
Wandsworth	269	296	-27	-9.2	261	296	-35	-11.8	264	296	-32	-10.8

Staff retention and Market supplements

As we discussed during my appearance before you on the 29 November there are a number of measures and initiatives currently in place to ensure that we recruit and retain the right levels of staffing to ensure our prisons are safe.

Prisons with the most difficult recruitment and retention issues will receive a boost under a scheme offering higher starting pay and an additional allowance of up to £5,000 per year.

From 1 February 2017, at 31 prisons where we are having difficulties recruiting or experiencing high levels of staff turnover, all Band 3 prison officers on Fair and Sustainable terms will, as a minimum, be paid at the middle of the salary scale, with an additional allowance of up to £5,000 per year (depending on establishment) paid to them over the next four years. New recruits will also be brought in at the middle of the scale and will have the additional allowance applied.

This scheme will replace all previous schemes (market supplements and retention allowances) which are already in place and no officers will suffer any financial detriment as a result of transitioning to this scheme. Current staff can expect to see the revised payments in their end of March 17 pay.

Cell searches

As outlined during my appearance before you on 29 November my officials have confirmed that NOMS do not hold a central record of cell searches. We are therefore unable to provide you with the figures you have requested as this data is not held at this time. There is currently no central mandate for prisons to carry out a specific numbers of cell searches. Each prison has the autonomy to determine their own local searching strategy and would keep local records. Cell searches should be documented in accordance with Prison Service Instruction 09/2016, however, NOMS do not specify how many years' worth of records should be kept.

Reduction in the use of New Psychoactive Substances

An evaluation of the new drug testing methods will be undertaken shortly and my officials have advised that the main source of evidence for this will be mandatory drug testing and whether there has been any apparent reduction in prevalence, although we must acknowledge that this will take time to see results. We expect the first proper month of data to be available in the next 6-8 weeks, with publishable data available from July 2017. Colleagues in the Home Office will be undertaking a comprehensive evaluation of the implementation of the Psychoactive Substances Act 2016. Public Health England collect data on those in substance misuse treatment through the National Drug Treatment Monitoring System. Their latest data is due to be published later this month will provide some information on those who are in treatment due to NPS.

HMP Pentonville

My officials have advised that at the time of this letter the Police investigation into the escapes from HMP Pentonville is ongoing. Therefore I am not currently in a position to be able to share the results of this with you. An internal investigation is currently being undertaken by NOMS into the escapes and any recommendations will form part of an action plan that will be closely monitored by the Ministry of Justice. I will keep you updated as this progresses.

IPP and Indeterminate Sentence Prisoner Reoffending rates

The most recently published statistics available show that between January and December 2014, around 56,000 adult offenders were released from custody and around 26,000 of these (45.5%) were proven to have committed a further offence within a year. The rate has decreased by 3.1 percentage points since 2004, and has decreased slightly by 0.3 percentage points since the same period 12 months ago. Just under half (47%) of the adult offenders released from custody in 2014 were released from a custodial sentence of less than 12 months. These offenders had a 14 proven reoffending rate of 60% compared to 33.4% for those who served sentences of 12 months or more.

The rate for those released from short sentences has been consistently higher compared to those released from long sentences. However, the reoffending rate for those released from sentences of more than 10 years has seen an increase over the last ten years, and now stands at 15.6%.

The most recent figures are those included in this letter and they can all be found online in the Proven Reoffending Statistics Quarterly Bulletin here:

<https://www.gov.uk/government/statistics/proven-reoffending-statistics-quarterly-january-to-december-2014>

In relation to those prisoners who were subject to recalls, reoffending cohort recalls are included in determinate sentence releases, but not in indeterminate sentences and it is of note that the reoffending rates for released prisoners can include those that have been recalled too.

The Justice Secretary and I are aware of the ongoing concerns about IPP. One of our key priorities is the progression of those serving IPP sentences towards safe release into the community as soon as possible. Public protection, however, remains our overriding concern. It is right that IPP prisoners should remain in custody until the independent Parole Board judges it is safe for them to be released, and we have no plans currently to change that position.

We have recently established a new central unit within the Ministry of Justice to augment and enhance existing case progression activity for IPP prisoners. The central unit will work closely with the Parole Board for the more complex cases to ensure that parole hearings happen on time and with good quality, current risk assessments, reports and release plans. The work of the new unit, in addition to the work already underway under the joint IPP action plan, will have clear benefits for IPP prisoners.

Foreign National Offender Figures

Since 2010, the UK has removed more than 33,000 foreign offenders from prisons, immigration removal centres and the community. The annual breakdown is outlined below.

Year	Number of prisoners removed
2010/11	5,367
2011/12	4,539
2012/13	4,720
2013/14	5,118
2014/15	5,325
2015/16	5,810
The first half of 2016/17	2,960

In terms of transfers under the EU Prisoner Transfer Agreement (EU PTA), as at 6 June 2016, 102 EU nationals have been transferred under this arrangement since it entered into force. This consists of 16 transfers in 2013, 19 in 2014, 38 in 2015 and 29 up to 6 June 2016 (June being the last time EUPTA statistics were published).

The latest published figures of FNOs held in English and Welsh prisons and NOMS-run immigration removal centres, can be found in the publication "Prison Population: 30 September 2016" at the following link: <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2016>.

Justice is a devolved matter, we do not hold the figures for the number of FNOs held in Scottish and Northern Irish prisons.

Figures pertaining to the numbers of UK citizens detained overseas are published on a quarterly basis as part of the Offender Management Statistics Bulletin and can be found online here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/562957/Prison_population_30_September_2016.xlsx

In relation to the statistics for other countries in Europe there are annual statistics published online in the Council of Europe Penal Statistics publication. This data includes Scotland and Northern Ireland and can be found online here: <http://wp.unil.ch/space/space-i/annual-reports/>

In regard to the repatriation of prisoners to Ireland, the Government regards Irish citizens as being in a unique position when assessing the public interest of pursuing deportation from the UK. There are close historical, community and political ties between the UK and the Irish Republic and our two nations are united by the Common Travel Area. Irish citizens are therefore considered for deportation only where a court has recommended deportation in sentencing or where the Government concludes that, due to the exceptional circumstances of the case, the public interest requires deportation. Ireland has not yet implemented the EU PTA.

Turning to Poland, since last spring, newly sentenced Polish nationals who meet the criteria for transfer have been identified and referred to the Home Office for consideration for deportation in the same way as nationals of other EU Member States. Once a deportation order has been received a decision is made as to whether the prisoner should be considered for transfer under prisoner transfer arrangements or removed early under the Early Removal Scheme. A number of deportation orders have been obtained against Polish nationals, and we have begun referring cases to the Polish courts for recognition of the UK sentence. Once recognition has taken place, arrangements will be made for the transfer of the prisoner. All Polish nationals who received prison sentences before May last year, and who have sufficient time left to serve, have been identified and are also being considered for transfer as described above.

Estate Modernisation

HMP Berwyn's Planned Opening Date

The vast majority of Berwyn's buildings and infrastructure will be complete in January. We then need a short period to test systems and processes to make sure the prison can open safely. We remain on schedule to accept the first prisoners on 27 February – our planned opening date. There will be a phased approach to accommodating a new population at HMP Berwyn and an official opening will be later in the year when the prison is close to being fully operational. We will of course keep you updated on this.

How much of the £1.3bn allocated has been spent?

Expenditure on the programme as at 30 November 2016 was £80m. We expect to spend £108m in 2016-17.

The following provides a brief breakdown of how we have spent the allocated money, on HMP Berwyn and the Estates Transformation, against the current forecast:

	Year to date	Forecast
HMP Berwyn	£78m	£101m
Estates Transformation	£2m	£7m

Closed Prisons that Remain MoJ Property

You asked for a list of prisons that have been closed which remain MoJ property and which of those sites are currently for sale or under offer. The former prisons at Reading, Holloway and Camp Hill (Isle of Wight) have been decommissioned and handed over by NOMS to the MoJ Estates Directorate for disposal. None of them are currently on the market.

The former Reading prison forms part of the protected medieval Reading Abbey Scheduled Monument and the cruciform building is Grade II listed. The MoJ is working to understand the heritage and archaeological significance of the prison site. Archaeological investigations are underway and the outcomes from the archaeological work, if conclusive, will enable the formulation of a development brief for formal endorsement by Reading Borough Council.

We have appointed Bilfinger GVA to advise the Ministry on the sale of the Holloway site. We are in discussion with Islington Borough Council (as the local planning authority) about the future options for the site.

The sites at Kennet prison and those of the former immigration removal centres at Dover and Haslar are also in the process of being decommissioned. Following this, they will be transferred to the MoJ Estates Directorate for disposal.

Five Community Prisons for Women

You asked about our plans for women's community prisons. A strategy setting out how we will improve the safety and reform of female offenders in custody and in the community will be published in Summer 2017. The key aim of the strategy will be to reduce the number of women going to custody by strengthening the credibility of effective community alternatives.

While the women's strategy should lead to more women being diverted away from prison, our analysis demonstrates that there will remain demand for prison places. We are working to a schedule that will deliver these new prisons by mid-2019.

Invitation to public engagement events for prison developments

I also undertook to write to you in response to Alberto Costa's concern that the invitations to the public engagement events on our proposals to develop the former HMP Wellingborough site and HMP/YOI Glen Parva were not sent in a timely manner. The short notice was clearly unacceptable and I have been assured by officials that we will provide more notice in future.

The events, however, had a good level of attendance and engagement. Ideally, we would expect to give interested parties at least two weeks' notice of such an event.

The Ministry of Justice values the contributions of interested parties in helping shape the development of the prison estate. We hope members of the public and others will take full advantage of the opportunity to comment on our proposals when they are put to the local planning authorities for their approval.

If Mr Costa would like a meeting to discuss our proposal for the Glen Parva site in more detail, please do not hesitate to contact my office.

Facilities Management Contracts

The decision to compete facilities management (FM) services was taken as part of the approach to delivering competition and efficiencies within public sector prisons set out in a Written Ministerial Statement of 7 November 2012.

Following a thorough evaluation process of all the bids received for this work, contracts were awarded to two providers across four areas which are based on the Public Sector Prison regional structure which was in place at that time.

These contracts were signed on 9 January 2015, with services commencing on 1 June 2015. The contact terms are for an initial five years, with the option of two single year extensions *only* thereafter.

Performance Management

The contracts are managed by NOMS supported by MoJ Commercial and Contract Management Directorate. Where a contractor fails to satisfactorily deliver all of the services at the right quality as measured against range of key performance indicators, then a proportion of the monthly service cost is deducted.

The performance of Carillion caused sufficient concern that I met with Carillion senior executives to set out our expectations for immediate service improvement. As a result of this meeting a clear improvement plan is now in place and is being tracked. Since the plan was implemented we have seen evidence of service improvement and improving levels of Governor satisfaction with Carillion services. In addition, the MoJ Chief Financial Officer has committed to developing our relationship with FM contractors to tackle the issues that have arisen in relation to safety and decency.

I sincerely hope this provides you with sufficient information to satisfy the questions that were raised during my last appearance before the Committee. I look forward to meeting with you in the New Year.

Yours ever,

A handwritten signature in black ink, appearing to read 'Sam Gyimah', written in a cursive style.

SAM GYIMAH MP

Incidents of mobiles phone and SIM card finds in prisons, England and Wales, April 2010 to 2016^{1,2,3}

Number of items in Incident	2010	2011	2012	2013	2014	2015	2016	
							Mobile Phones	SIM Cards
1							6,964	2,983
2							895	439
3							300	195
4							177	106
5							94	60
6							70	49
7							42	24
8							35	26
9							14	8
10							20	22
11							13	6
12							24	16
13							7	6
14							4	6
15							7	8
16							1	2
17							0	5
18							2	1
19							0	0
20							6	2
More than 20							11	18
Unknown							127	85
Total Reported Finds / Incidents	6,758	7,786	7,301	7,451	9,745	16,987	8,813	4,067

1. Data for 2010 covers the period for April to December as incidents were not recorded prior to this point.

2. For data between 2010 and 2015 one "find" may constitute a handset containing one SIM card or media card, a handset only, or a SIM card only. For 2016, data are provided for incidents split by Mobile finds and SIM cards, a single incident may be reported in both categories.

3. An enhanced incident reporting standard was implemented in October 2015 that allowed better recording of the number of mobile phones and SIM cards found as well as other information relevant to the incident. Data reported in IRS are underpinned by a technical note and are subjected to quality assurance, validation and scrutiny making them the most accurate source of data from the point the changes were implemented. For these reasons and those stated in in note 2, figures for 2016 are not directly comparable with the figures provided for earlier years.

Incidents¹ where drugs were found in prison² by drug type³, England and Wales, 2012 to 2015⁴

Drug type	2012	2013	2014	2015⁴
Amphetamines	72	64	48	48
Barbiturates	16	16	16	11
Benzodiazepines	-	-	-	8
Buprenorphine/Subutex	-	-	-	75
Cannabis	1,128	1,067	949	850
Cannabis Plant	359	325	258	145
Cocaine	99	68	86	91
Crack	11	4	10	26
Gabapentin	-	-	-	10
Heroin	234	189	181	196
LSD	3	1	4	3
Methadone	-	-	-	2
NPS: Black Mamba	-	-	-	126
NPS: Other	-	-	-	338
NPS: Spice	-	-	-	921
Pregabalin	-	-	-	15
Steroids	-	-	-	144
Tramadol	-	-	-	8
Tranquilisers	23	20	26	21
Other	2,571	2,473	4,395	4,700
Unknown	-	-	-	540

(1) The figures represent the number of incidents where each type of drug was found. Multiple drug types maybe be found in an incident and each type would be counted once per incident. The total of all drug types will be more than the overall number of incidents where drugs were found.

(2) Includes NOMS operated Immigration Removal Centres.

(3) Gabapentin, NPS and Tramadol were selectable categories only since July 2015. Benzodiazepines, Buprenorphine, Methadone, Pregabalin and Steroids were selectable categories since September 2015. Non NPS drugs are classified by the generic/chemical name.

(4) Data for 2015 covers 1st Janaury to 30th November only.

Data Sources and Quality

These figures have been drawn from the NOMS Incident Reporting System. Care is taken when processing and analysing returns but the detail is subject to the inaccuracies inherent in any large scale recording system. Although shown to the last case, the figures may not be accurate to that level.

Incidents of drugs found in prisons by weight, England and Wales, October 2015 to December 2016

Weight of drugs	Number of incidents	
	2015 ¹	2016
<1g	979	3,577
2g to 5g	486	1,956
6g to 10g	164	570
11g to 20g	93	354
21g to 30g	72	265
31g to 40g	41	119
41g to 50g	22	127
51g to 100g	93	348
101g to 200g	60	256
201g to 300g	11	90
301g to 400g	10	48
401g to 500g	13	45
501g to 1,000g	8	50
More than 1kg	3	26
Unknown	533	2,643
Total	2,588	10,474

(1) A new enhanced incident reporting standard was fully implemented across the estate on 1st October 2015 to allow better recording of the amount (weight) of all drugs found in an incident.

(2) The figures represent the total weight of all drugs found in an incident. An incident may involve more than one type of drug found but it is not possible to separate the weight for each type of drug.

(3) Includes NOMS operated Immigration Removal Centres.

Data Sources and Quality

These figures have been drawn from the NOMS Incident Reporting System. Care is taken when processing and analysing returns but the detail is subject to the inaccuracies inherent in any large scale recording system. Although shown to the last case, the figures may not be accurate to that level.

Sighting of Drones in prisons, 2012 to 2015¹

Drone sightings	2012	2013	2014	2015
Total	0	0	2	33

1. There were no reported sightings of drones prior to 2014

Data Sources and Quality

All figures have been drawn from live administrative data systems. Care is taken when processing and analysing the returns, but the detail collected is subject to the inaccuracies inherent in any large scale recording system.