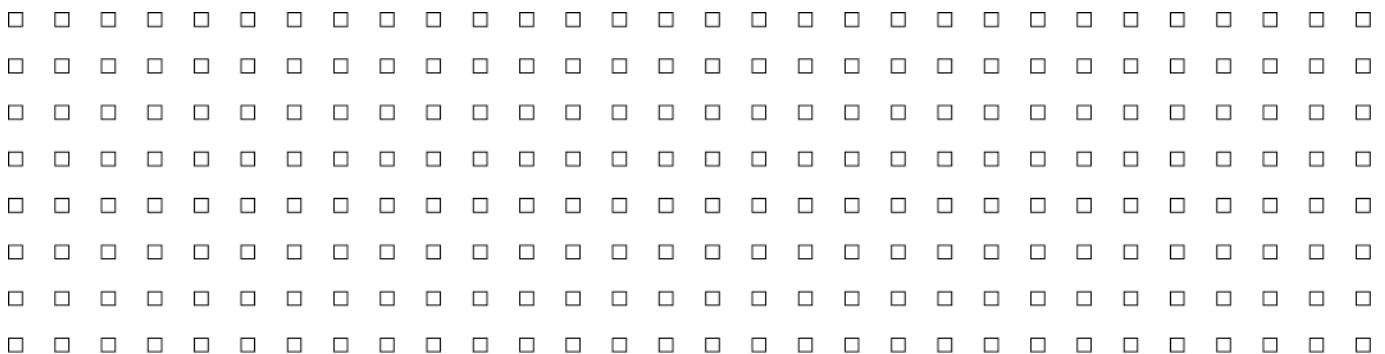




Government response to the Justice Select Committee's Report: "Role of the Prison Officer"

January 2010





Government response to the Justice Select Committee's Report: "Role of the Prison Officer"

Presented to Parliament by the Lord Chancellor and Secretary of State for Justice by Command of Her Majesty

January 2010

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Introduction

The Government welcomes the Justice Select Committee Report: *Role of the Prison Officer* and is grateful to the Committee and to all those who gave evidence in the preparation of this report.

The Government's responses to the conclusions and recommendations of the report are set out below.

Response to the introduction to the report

1. In our view, and particularly in light of the Workforce Modernisation programme and the plans for the largest prisons ever seen in the UK, a comprehensive review of the role of the prison officer is long overdue. (Paragraph 13)

The Government does not agree with this conclusion. It does not accept that either of the factors identified – prison building plans or Workforce Modernisation – suggest the need for it now to embark upon a review of the role of the prison officer.

Whilst the officer's role is wide-ranging and challenging, and has evolved over time, it is nevertheless well understood and articulated – in terms, not just of tasks performed, but also of the knowledge, skills and competencies required in the current prison operating environment. The workforce changes initiated in October 2009 will help to provide further clarity and definition to the role.

The contribution of the prison officer role to the objectives of NOMS and the wider criminal justice system is clear: Holding prisoners securely; working with them to reduce the risk of re-offending; helping to provide safe, well-ordered establishments; and treating prisoners humanely, decently and lawfully.

The Government recognises that the role is complex, demanding and varied. Considerable effort has therefore been invested in recent years in understanding, shaping and defining the role – including defining the key responsibilities, skills and competencies required, and how these differentiate between particular roles. The skills and competencies are set out in:

- The Competency & Qualities Framework – developed recently through extensive research and consultation with front-line staff and with unions. The CQF is a statement of the behaviours NOMS is seeking to foster across all staff - for example, caring, persuading, and acting with integrity. It defines those behaviours in considerable detail – including in relation to the specific context of day-to-day work with prisoners.
- National Occupational Standards (NOS) – developed by Skills for Justice for use in custodial settings across the UK. NOS are statements of performance that describe what people need to do, know and understand to be effective in their role. The Custodial Care NVQs used with prison officers and Operational Support Grades are based on units of Occupational Standards.

The Workforce Modernisation Programme has formally closed. The set of proposals it generated (through negotiation with trades unions) were not implemented following trades union ballots. However, the need to drive efficiency and improvement, including through workforce structures, remained strong, and the workforce changes initiated on 1 October are NOMS'

alternative response to meeting that challenge. These changes only affect new joiners. The terms and conditions of service of existing staff have not been affected.

All prison officers continue to fulfil the core role. However, the new arrangements reflect the fact that some officers have distinct roles involving particular skills, knowledge and experience, which justify additional selection processes and additional training. The work currently in progress, to develop 'generic profiles' for each type of prison officer role – including a definition of the purpose of the role, its position in the organisation, its operational context, typical activities, and the skills, knowledge and competencies required – will further clarify the specific characteristics of each type of job and ensure they are clearly understood, and appropriately managed and supported.

There is nothing in the Government's prison estate development plans that would make an officer's duties more complex or more difficult. On the contrary, the provision of modern, purpose-built prisons, incorporating facilities that are safe, secure and decent and will support regimes that reduce re-offending, will positively enhance officers' opportunities to work effectively with prisoners.

1. What is prison for?

2. We heard from both the Ministry of Justice and witnesses working with the Ministry on the way in which it conveys its ideas on the aim of imprisonment. In our view the Ministry of Justice has failed to articulate the strong, clear focus on rehabilitation required to achieve a long-term reduction in re-offending. (Paragraph 30)

5. The aim of imprisonment should be to reduce re-offending, while treating prisoners with humanity and keeping them appropriately secure. (Paragraph 41)

We are clear about what prison is for. Prison is first and foremost a punishment - it removes the liberty of offenders, forcing them to comply with a structured, disciplined and tough regime where everyday choices usually taken for granted are removed. But it is also a chance for offenders to reform and change their behaviour, and if prison is to work fully in the interests of the community, it needs to help deal with the problems which lead to re-offending. The re-offending rates show our approach is working: Adult re-offending has gone down by 9% since 2000.

Often, drugs, mental health problems and educational issues play a significant role in offending behaviour. Recent Ministry of Justice research¹ shows that a disproportionate number of offenders arrive in prison with problems in these areas. More than half of prisoners left school with no qualifications, and a third with literacy skills at or below those expected of an 11 year old. This does not excuse the harm that they have caused to their victims and communities, but prison and probation services, with support from their partners, work with offenders to address these factors.

Improving the skills and educational attainment of offenders is essential for reducing re-offending. Employers from the private and third sector have helped us to increase the range of constructive work available to offenders in prison. For example, we have opened a data cabling workshop at HMP Wandsworth with Cisco, Panduit and Bovis Lend Lease, and a tool repair workshop at HMP Stocken in partnership with Travis Perkins; and have extended existing partnerships with Timpsons and DHL. These employers also provide opportunities for offenders to take up employment on release. 40,000 prisoners went into training and employment at the end of their sentence. These initiatives are part of a shared programme of work with the Department for Innovation, Universities and Skills (DIUS) and the Department for Work and Pensions (DWP) to increase skills and employment opportunities for offenders across custody and the community, which involve hundreds of

¹ 'The problems and needs of newly sentenced prisoners: Results from a national survey'. Ministry of Justice Research Series 16/08, Stewart, D. (2008) www.justice.gov.uk/publications/problems-needs-prisoners.htm Punishment and Reform | Our Approach to Managing Offenders

employers across the country. Our aim is to increase the number of employers involved in training and employing offenders, and to provide them with the support they need, including ensuring offenders have the right motivation and skills for work. Our national Corporate Alliance employers group will help us to achieve this.

We have also made great progress in tackling substance misuse in prisons. Drug misuse as measured by random mandatory drug testing has fallen by nearly two-thirds since 1996/97. Investment in prison drug treatment has increased year on year - up almost 13-fold since 1997 - with record numbers of offenders engaged in, and completing, drug treatment interventions.

3. The stated aims of the Prison Service, keeping prisoners securely, treating them with humanity and rehabilitating them to live law-abiding lives within prison and after release are challenging, at the best of times. These challenges have the potential to become overwhelming in the face of an overcrowded system with a demanding population, leading to an emphasis on security at the expense of rehabilitation. (Paragraph 32)

The Government would agree that the challenges faced by those working in prison establishments are difficult and demanding; and that population pressures and high levels of prisoner movement will add to those demands. NOMS and its staff have coped well with high population levels; demonstrating continued high levels of operational flexibility and resilience. The Government's actions, and its future plans, to increase the capacity of the prison estate will help to mitigate those pressures.

It is entirely appropriate for the Government to place emphasis on the maintenance of safety, order and control in prison establishments. However, it is not the case that population pressures have led NOMS, or individual prison establishments, to focus on those objectives disproportionately to others relating, for example, to prisoner care, resettlement or reducing re-offending. Neither would such an assertion be a fair reflection of the efforts and achievements of prison staff. NOMS continues to maintain an appropriate balance in its approach to the management of offenders, including in prison establishments; and that is evidenced by the achievement of 27 of its 28 Key Performance Indicators (KPIs) for 2008/09 – including those relating to offending behaviour and drug treatment programmes.

4. The Government's own research on prison size concludes that smaller units have greater success in reducing re-offending rates. We believe the conflict between the Government's own research on prison size and the new prison building programme increases the lack of clarity in the Ministry of Justice's view of the purpose of imprisonment. (Paragraph 35)

Our current prison population projections suggest that we should continue to plan for a capacity of 96,000 by 2014.² Modernisation and provision of

² Based on the high projection in the 2008 prison population projections: <http://www.justice.gov.uk/publications/prisonpopulation.htm>

sufficient places is at the heart of our proposals – we are committed to ensuring we provide enough prison places for those who ought to be in prison, and there is also a need to close a number of the most inefficient and worn-out places in the current estate.

In June 2008, we consulted on our proposed new prisons building programme. We listened carefully to what was said. We have also carried out further work on our economic analysis, and evaluated options for how these prisons might work alongside our existing priorities for managing the estate. We have found there is no known correlation between prison size and performance. In order to reduce overhead costs without compromising performance or conditions for offenders, we have decided that we will deliver new prison places in part through five new prisons holding around 1,500 offenders each, and closing old or inefficient places to deliver a net increase of capacity of 2,500 places. Initially we will build two 1,500 place prisons through this programme and close around 500 places, and we will continue to look at the most efficient and effective way of building additional capacity and closing old and inefficient places.

This solution provides an appropriate balance between value for money and operational effectiveness. Our analysis and research has demonstrated that prisons of around 1,500 places, divided into smaller units, will offer economies of scale which will provide value for money for the taxpayer. This model reduces the operational disadvantages that a significant number of the respondents felt that the larger model would present, by both reducing the overall number of offenders in these prisons, and managing them in smaller numbers within the individual units. These smaller prisons will better enable us to modernise by allowing us to close some of our most inefficient prisons whilst ensuring there are sufficient places, including new places, to meet demand.

Building prisons is only part of the solution. We are continuing to work to divert offenders away from custody when there are more appropriate interventions for them; in particular, vulnerable women and offenders with mental health problems.

More broadly, community sentences deliver both tough and visible punishment. They provide community reparation, and they challenge offenders to change their behaviour and turn away from crime. This is why we are focusing more heavily on prevention and punishment in the community for less serious offenders, for whom custodial sentences are not appropriate. For minor offences, fines remain the most common sentence, and we have dramatically increased the collection rate, which now stands at 95%.

Building prisons in the regions from which offenders originate, and to which most will return after release, means offenders will be able to retain family and community links more easily. Offenders being held within their home region will also support end to end offender management, which enables offenders to

be better managed through the transition from custody to the community and ensuring they receive the right interventions to support their reform.

Some respondents to the consultation identified that the number of times an offender is transferred between prisons can be disruptive to rehabilitative programmes. These new prisons will help to reduce the need for inter-prison transfers. This will enable more offenders to complete programmes without disruption and therefore give a greater number of offenders a better prospect of addressing the factors that have contributed to their offending behaviour.

6. We urge the Government to redistribute resources in the criminal justice system to ensure that prison can be reserved for serious and dangerous offenders which will allow prison officers to focus on offenders who present a significant risk to society. (Paragraph 46)

75% more serious and violent offenders are in custody than in 1997, and violent crime has decreased by 41%. 44% of those currently in prison are serving sentences of four years or more, including indeterminate sentences for public protection. These were introduced so that offenders who present the greatest risk to the public can be kept in prison for as long as necessary.

Less serious offenders can often be better dealt with in the community. That is why we are aiming to increase the use of tough community punishments rather than short custodial sentences, including the seven Intensive Alternatives to Custody pilot projects currently underway around the country. These are designed to maximise the use of community orders in those cases where the court may be considering custody, but where the Probation Service believes a community sentence may be more effective in reducing re-offending. Furthermore, we have focused on making sure particularly vulnerable, non-dangerous offenders are diverted away from prison when it is the right thing to do; including some of those with mental health needs and vulnerable women offenders.

7. We believe that the articulation of jail craft [as learned, knowledgeable work depending on experience and fine judgements] encapsulates some important truths about the role of the prison officer and should be embedded in the work of both policy-makers and senior prison management in seeking to equip and deploy prison officers most effectively. (Paragraph 48)

The Government agrees that an effective prison officer must be able to develop, manage and sustain complex and variable relationships with prisoners. In the very many cases where prison officer work is done outstandingly well, officers are successfully applying subtle and sophisticated skills and judgements in their interactions with prisoners.

At the meeting of the All-Party Parliamentary Group on Penal Affairs (17 March 2009), NOMS Director General Phil Wheatley made clear his, and NOMS', views on the characteristics which make prison officers and others work effectively with offenders:

"I am increasingly coming to the view that the thing that makes the biggest difference to offenders is having convincing and persuasive people working with them, who genuinely care about them, and who can persuade them that they should do things differently..."

"It's quite interesting in this area that some of the people who make the biggest difference are not those who've got a university degree and a social work qualification. They are the people who can really successfully engage with offenders, who have very high quality interpersonal skills, and who genuinely care..."

"These are people who have the ability to set boundaries, and be themselves, persuade offenders to think differently, supported by a process of dealing with deficits, and then with follow-through into the community..."

He went on to say that the core skills for being a prison officer were the interpersonal skills which allowed staff to deal with difficult people, and to set boundaries in a non-abrasive way.

The Committee is right to argue that NOMS must promote the qualities that make a successful prison officer, and place them at the heart of the way in which it develops, directs, supports and deploys its staff.

The importance of building and maintaining relationships with prisoners and of strong interpersonal skills is reflected and emphasised repeatedly in the ways officers are assessed, developed and selected; as well as being reinforced in the messages sent by senior managers. It is embedded throughout the CQF (used to recruit officers and to accredit them for promotion), and to plan their development; and in the Occupational Standards that underpin the Custodial Care NVQ and prison officer training provision.

The importance of interpersonal skills is emphasised in many aspects of ongoing training. There is also specific provision within initial training – on, for example, communication skills and relationship building.

Central policy provision increasingly promotes – and indeed relies on – the role of the prison officer in developing and sustaining constructive relationships with prisoners, in making judgements and in dealing effectively with fluid and complex situations. This is particularly evident in the context of prisoner care (for example, in preventing self harm and self inflicted deaths) and of tackling offending behaviour. But those same assumptions are also present in the ways in which central policy on security and control rely on local application, and on officers exercising active judgements and interacting with prisoners – for example in the context of dynamic security, or of de-escalation of potentially dangerous situations. Policies seek to support officers by providing clear frameworks and tools with which to operate; but their success relies on the judgement, discretion and actions of the individual officer.

8. Despite the pedigree of the concept of "dynamic security" and the potential benefits of engaging prisoners individually and gaining both material and intuitive insights into the operation of the prison, it is evident to us that the current situation in the prison system militates against this approach. The Government's plans for prison building and prison workforce modernisation will further frustrate development of effective officer-prisoner relationships. These relationships often yield dividends during the handling of stressful prison incidents, as well as contributing to long-term behavioural reform. The chasm between the insights provided by our witnesses and the approach adopted by NOMS is disturbing and potentially dangerous. (Paragraph 54)

The Government does not agree with this conclusion.

The importance NOMS vests in the development of effective relationships with prisoners, and how it translates that into reality through staff training and assessment and the formation and application of operational policy, have already been described.

It is not the case that the 'prison system' – its strategies and policies, its operating model, the way individual prisons are expected to be managed - inherently impedes or conflicts with the achievement of such relationships. On the contrary, the importance of building relationships and of inter personal skills is, as previously described, given increasing emphasis – both in the messages sent by NOMS senior management, and in the Service's operational policies.

Nor would it be fair to assert that the reality on the ground is that officers have no opportunity to work effectively with prisoners. The Government recognises that the work of officers, in building such relationships, will inevitably be affected by day-to-day operational pressures. But officers can, and do, develop and sustain supportive and productive relationships with prisoners. Every indicator of the Service's success is testament to this: Few would have been achieved without the efforts of prison officers working constructively with prisoners, and exercising their judgement and discretion in doing so.

The Government does not accept that either its prison building plans, the former proposals presented through the Workforce Modernisation Programme, or the current workforce changes, undermine the ability of prison officers to build relationships with prisoners. On the contrary, as has already been explained, the actions it is currently taking in both areas – estate development and workforce changes – are expected to have a significant, positive impact.

2. Recruitment and training

9. We agree that the complex work demanded of the prison officer is best informed by "life experience" rather than formal qualifications. However, a low level of literacy will impair the work of an otherwise high-performing officer in today's Prison Service. Prisoners' release may depend upon officers being able to express themselves clearly in parole reports and risk assessments. We therefore recommend the introduction of a more stringent literacy test at the sifting stage of the recruitment process. (Paragraph 67)

The Government agrees that language skills are vital to prison officers' effectiveness. NOMS keeps under review the content and the level of the tests employed during recruitment. It will re-examine them in the light of the Committee's report.

A range of tests are currently used to confirm that recruits have the required levels of numeracy and literacy to perform the tasks they will face. These tests are pitched at level 2 (equivalent to the level of GCSE grades A*-C). The language test assesses skills in reading comprehension; checking information and applying rules; and writing.

68.1% of officer recruits from April 2008 to March 2009 were assessed as being at or above level 2. As is explained below, NOMS has arrangements in place – both during initial training and subsequently – to pick up and address development needs in this area; and those arrangements are being expanded.

10. The recruitment process should give weight to identifying commitment, an interest in helping people to develop and reform, and an understanding of 'community.' (Paragraph 68)

The Government agrees with this conclusion. An effective prison officer must possess all of these qualities. All are already represented in the criteria against which prison officer recruits are selected.

Prison officer recruitment involves assessment against the behavioural competencies of the CQF. The core element of the prison officer selection process is an interpersonal skills assessment centre, comprising four simulations. Through that assessment, candidates are assessed against the CQF competencies.

Drive and commitment, a desire to help prisoners, and a sense of the wider social context of prison work are all represented in the CQF and so are tested through the prison officer selection process. For example, among the CQF indicators are:

- Supports the principle of dynamic security by treating the needs of prisoners individually; developing controlled, professional relationships with prisoners; and contributing to a constructive regime
- Encourages prisoners to take responsibility for dealing with personal challenges, such as substance abuse
- Remains motivated and takes the initiative
- Motivates others by personal example
- Demonstrates enthusiasm, energy and passion for the role
- Continues to respond positively to prisoners and their families in difficult circumstances
- Seeks opportunities to make a positive difference to prisoners' lives
- Shows respect for all cultures, religions and beliefs
- Encourages prisoners to take personal responsibility for their development of social and life skills
- Provides advice and support in helping prisoners achieve skills and qualifications whilst in custody
- Encourages prisoners to take responsibility for developing themselves

11. We recognise that there are some highly experienced officers who have a great deal to give the Prison Service but who may have difficulties reading and writing. We therefore recommend that the Ministry of Justice ring-fence resources which will allow prison governors to identify prison officers who need assistance, and that this aspect of training be prioritised to ensure all officers can carry out their duties in full. (Paragraph 69)

The Government agrees that some staff, including prison officers, do experience difficulties in reading and writing, and confirms that initiatives are already in place to address this issue.

In mid-2007 HM Prison Service formed a partnership with the National Institute of Adult Continuing Education (NIACE) in order to develop a strategy for a whole-organisational approach to Skills for Life in the workplace. Subsequent development of the strategy has been a joint enterprise between NOMS' HR Directorate and NIACE.

Scoping for the strategy began with an initiative called "Test the Prison" which ran from March to October 2008 and, using confidential individual skills checks, explored literacy and numeracy skills levels at every grade throughout the workforce. The strategy was published in September 2009. It sets out a

range of ways in which staff will be supported to raise their skills levels. Initiatives include on-line testing available for staff to access at a time and place convenient to them; and a pocket sized 'Fast Facts' booklet, giving guidance on report writing.

A major component of the strategy is the establishment of a national network of Skills for Life Advocates, to be in place early in 2010. There will be at least one Advocate in every prison establishment. This resource is being made available specifically to offer confidential support, information and signposting to colleagues who wish to start a learning journey related to literacy and numeracy skills.

By working in partnership with trades unions, NOMS is also able to utilise the expertise and experience of Union Learning Representatives in providing staff with information and advice regarding learning opportunities.

The Skills for Life strategy is funded centrally by NOMS, to ensure the best use of resources.

12. The work of the prison officer demands extensive life skills which allow him or her to build appropriate and positive relationships with the prisoners in his or her care. We recognise that excellent work is done by prison officers of all ages but are concerned that recruiting very young people is unfair both to the recruit and to prisoners. We recommend, therefore, that the minimum age for a prison officer should be raised from 18 to at least 21 years of age. (Paragraph 73)

The Government agrees with the Committee's views on the importance of effective relationships between officers and prisoners.

However, the Government does not accept this recommendation; or agree with its rationale. The qualities needed to be an effective prison officer are not simple functions of chronological age, so it is not possible to make generalisations about the supposed characteristics of different age cohorts. To do so would be to ignore the wide variation which exists between individuals. NOMS needs people who have appropriate levels of language and numeracy skills, and who can demonstrate particular, defined types of behaviour. If someone shows, through the rigorous prison officer recruitment process, that s/he possesses those characteristics – and in our experience some 18 year olds do - then s/he has the potential to be a successful prison officer.

A prison officer, when acting as such, enjoys the same powers and protections as does a police officer. Both roles involve dealing with challenging behaviour and carry complex responsibilities demanding maturity and judgment. The Government considers it relevant that in 2006, following a review by the Police Advisory Board for England and Wales (PABEW), the minimum recruitment age for police officers was reduced from 18½ to 18 years³. PABEW concluded that there were justifiable reasons (relating to health and safety and to the

³ By the Police (Minimum Age for Appointment) Regulations 2006 [SI 2006/2278].

maintenance of public confidence) for retaining a minimum age of recruitment of 18 years, but that the then minimum age of 18 years and six months was potentially discriminatory and should be lowered to comply with the Age Regulations.

A number of e-consultation and other witnesses to the Inquiry expressed concerns about the employment of young adults. Those concerns appear to be disproportionate to the numbers involved. Fewer than 0.4% of all basic grade prison officers were aged 18-20 on 31 October 2009.

13. While we would welcome a recruitment drive to engage more BME staff, we do not think this is the solution to racism in prisons. We believe racism is symptomatic of poor training, negative individual prison cultures and complex underlying factors. We make recommendations on training and tackling negative prison cultures which have the potential to assist in the fight against racism in prisons. The complexity of this area, however, requires further research into the causes of racism in prison to allow the National Offender Management Service to develop a long-lasting solution. The prison service should also look at 'best practice' in other organisations that have had to wrestle with this issue, such as the police service which offer many examples of "what works" and "what doesn't" in relation to racism. (Paragraph 76)

Like the Committee, the Government does not believe that recruiting more BME staff will resolve all the issues around race in prisons. But it is nonetheless committed to improving BME representation, and NOMS has made significant progress in recent years in improving its attractiveness to BME candidates. Much of its recruitment activity at prison officer level has been designed to attract a more diverse range of applicants, and this has seen increased levels of applications from BME people. In a major prison officer recruitment drive in 2008, 13% of applicants were from a BME background.

'Race Review 2008', to which the Committee refers, was conducted in an open and transparent way; involving external partners including individuals from the voluntary and community sector, academics and practitioners from related fields. The review process has been hailed as a model of good practice, and the Equality and Human Rights Commission (EHRC) described it as 'honest and rigorous' and was impressed by the decision to invite some of NOMS' sternest critics to judge progress.

The Review report concludes that "there can be no doubt that the Service has made huge strides in implementing systems and processes that ensure a more thorough approach to race equality", and that "there is a broad consensus among informed commentators that blatant racism is now much less common".

It does however acknowledge, as the Committee points out, that "the experience of BME prisoners and staff has not been transformed". In moving forward, the report does not call for a raft of new initiatives, but recommends that NOMS builds on the foundations already laid, with a renewed focus on

leadership, and with race equality seen as a business function as much as a moral imperative, and viewed through a lens of fairness and performance.

Priorities issuing from the report involve providing assistance to establishments in the use of the tools available to them – such as ethnic monitoring data and Equality Impact Assessments – to tackle disproportionality and manage the use of staff discretion more effectively. NOMS will also be piloting a structured communication tool that is designed to improve interaction between staff and prisoners in a way that will reduce unfairness in outcomes for prisoners. This – and other initiatives – will be rigorously evaluated using external academic researchers.

NOMS commissions and encourages research where it thinks it will be useful in generating solutions; and, as evidenced by the approach taken in the Race Review, it welcomes the opportunity to learn from the knowledge and experience of other organisations. It has for a number of years done so through an independent Race Advisory Group; and, in line with its broader approach to equalities, it has recently moved from this to an Independent Equalities Advisory Group – a group of experts on equality and/or prisons and probation who act as a 'critical friend', supporting and challenging NOMS' work. Membership includes the Chief Inspectors of Prisons and of Probation, and representatives from the Prison Reform Trust, NACRO and EHRC.

In addition, NOMS is actively engaged in Government initiatives to tackle disproportionality across the criminal justice system, such as the Race Disproportionality Delivery Board that oversees work on Public Service Agreement (PSA) 24. Through this and other means, NOMS is committed to continuing to learn from the experiences of the police and other criminal justice agencies, and to develop joint working where appropriate.

14. We recommend that the National Offender Management Service take account of "local" indicators of performance in assessing the efficacy of training; for example, the outcome of formal disciplinary procedures, the subjects of successful prison complaints to the Prisons and Probation Ombudsman, reports by the Chief Inspector of Prisons and the outcome of staff satisfaction surveys. Greater emphasis also needs to be placed on the recognising and rewarding the effectiveness of individual officers and the prison team in motivating prisoners to make full use of opportunities for education, work, skill-training, recreation and the development of life skills. (Paragraph 92)

The Government confirms that the training implications of all recommendations and outcomes arising from official reports and external scrutiny of NOMS are considered and acted upon.

NOMS HR Learning & Development considers, and contributes to the responses to, inspection reports by HM Chief Inspector of Prisons (HMCIP), annual reports by Independent Monitoring Boards (IMBs), and reports of investigations by the Prisons and Probation Ombudsman.

All NOMS Regional Training Teams use HMCIP and other reports to assist establishments in identifying training requirements.

Prison establishments and HQ groups decide what training their staff should receive based on an assessment of individuals' effectiveness and their development needs; overall business need; legal requirements; and NOMS' commitment to learning and development for staff. Each establishment and business unit is responsible for assessing the training needs of its entire staff.

A variety of measures are used to monitor and improve both the efficiency and the effectiveness of training provision. The quality of training and development provision is subject to continuous scrutiny through a Quality Assurance Framework, based on OFSTED standards.

A dedicated Quality Assurance team monitors and reviews training delivery and regularly evaluates the training provided, both qualitatively and quantitatively. Training Evaluation Sheets are used to record the quality of delivery and learner experience. Self Assessment Reports (SARs) are used by prison establishments to encourage training providers continually to collect evidence to monitor how well business targets and/or the action points identified in the previous year's SAR Quality Improvement Plan (QIP) are being met. It shows which aspects of the provision need to be maintained and which need to be improved.

The Government agrees that the effectiveness of individual officers and prison teams should be recognised. Ultimately, it remains the duty of individual managers to acknowledge good work appropriately, but staff should be congratulated for outstanding performance and making a valuable contribution which will impact on the performance and effectiveness of the organisation as a whole.

The Government is committed to the existing local and national recognition measures that can be used for this purpose. Many prison establishments and Headquarters groups invite local nominations for employee and team of the month awards and offer exceptional performance awards. These awards can range from a thank-you letter to a special bonus scheme award allowing specific exceptional one-off tasks to be recognised with a monetary award of up to £2,000. Other measures available include performance recognition certificates, High Street vouchers or a work-related development opportunity.

Plans for new pay and grading structures covering all NOMS-employed staff are being developed, underpinned by a new job evaluation scheme, for implementation from April 2011. The new structures will seek to increase the recognition given for the responsibility of specific roles and the contribution that the individual makes to the organisation's objectives.

15. We believe the current content of basic training to be inadequate to equip new prison officers with the skills they require. We recommend that the Ministry of Justice extend basic training to include, at the very least, components on dealing with mentally ill prisoners and those coming off drink and drugs, and the legal framework applying to prisoners, particularly human rights and sentencing legislation. There is also a need for a specific component on 'people skills' both in terms of dealing with a community of prisoners and helping to motivate individual offenders to seize opportunities to aid their rehabilitation and reduce the likelihood of further offending after release. We recognise that additional resources are currently scarce but believe that greater investment in trainee prison officers as soon as practicable will have long-term benefits both for the Prison Service and the prisoners in their care. (Paragraph 93)

The eight week Prison Officer Entry Level Training (POELT) course should not be viewed in isolation. It is not the only training new entrant prison officers receive. Rather, it is the start of a one year foundation training programme leading to a level 3 National Vocational Qualification in Custodial Care (CCNVQ).

The initial training, which delivers all the underpinning knowledge and understanding required to achieve the CCNVQ, is followed by a period of continuous learning and workplace assessment to ensure officers are able to carry out their normal day to day duties to the required standard.

The POELT course has recently been reviewed and updated to provide new officers with the required skills and knowledge to undertake their role. It includes elements specifically mentioned in the Committee's report, such as mental health, substance abuse and people skills.

The Service's objective of reducing re-offending, which is outlined to learners at the beginning of the course, is threaded throughout the course.

Initial training places great emphasis on interpersonal skills and building positive relationships with prisoners. The programme has specific learning modules on communication and interpersonal skills. These support the development of effective relationships with prisoners.

There are sessions dedicated to supporting prisoners with mental health issues, including specific diagnosed illnesses and their associated signs and symptoms; and prisoners with addictions. New elements in POELT also include a focus on older prisoners and on prisoners with learning disabilities. The intention is that officers will have an understanding of the wide range of issues they will face in their work with prisoners.

Further new elements, providing an Introduction to Risk Assessment and Management (IRAM) and information on the Offender Management Model, are now fully embedded into the POELT course. Students have the opportunity to work with the documentation and, using case studies, to gain a full understanding of the mechanisms employed to assess risk.

Throughout the POELT course, new officers are made aware of the relevant Prison Service Orders (PSOs) and Prison Service Instructions (PSIs) which provide guidance on legislation and define the rules, regulations and guidelines by which prisons are managed. The principles of human rights legislation are embedded in POELT. The use of legal services does not form part of new entrant training but there is a specific Legal Services course that officers, responsible for advising prisoners about their legal rights, can attend.

16. We do not think that the training of prison officers in the adult estate should be on the basis of specialist training for a particular type of institution because of the limitations this may place on their career progression and their perceptions of their role. Instead, we recommend the introduction of mandatory training specific to the type of establishment in which the officer is employed during the probationary year. Failure to complete the training satisfactorily should lead to the termination of a prison officer's contract. (Paragraph 94)

The Government welcomes the Committee's view that specialist training for prison officers in the adult estate is not appropriate. It cannot agree, however, that mandatory training specific to the type of establishment be provided within the probationary year. Training and development are grounded in the practicalities of the role, and concerned with an expansion of essential skills and qualities; not based on a particular time constraint.

Additional training is already provided for staff working in juvenile units, women's prisons, mother and baby units and the high security estate to help them understand the special requirements of these environments.

The Custodial Care NVQ, which all prison officers are required to complete during their probationary year, has five mandatory units, with the other five chosen by the candidate and his or her manager to fit the requirements of the particular establishment.

Members of staff are given the opportunity to develop the skills and behaviours they need to perform effectively; and NOMS has processes in place for responding when requisite standards are not maintained. If a member of staff fails to demonstrate the competency to carry out the responsibilities of their role, employment will be terminated.

17. We recommend that mandatory training in advanced first aid be part of this new first year training for all prison officers working in the closed prison estate. (Paragraph 95)

The Government recognises that NOMS has a duty of care to prisoners which includes arrangements for the provision of first aid.

Governing governors are responsible for ensuring that they recruit and train a sufficient number of first aiders to provide adequate cover at all times.

There are no plans to introduce first aid training as part of the eight week initial training course, as NOMS considers that this type of training is best sourced at a local level.

However, NOMS plans to issue guidance to governors, regarding the changes to first aid regulations, which will assist them in making decisions on the required number of trained first aiders in their prison establishments.

18. The limited number of juvenile establishments inevitably limits the opportunities for career progression for prison officers who specialise in working with children. This could be overcome by allowing officers access to training allowing them to transfer to an adult establishment if they are looking for promotion. We recommend therefore that to work with this highly vulnerable group officers receive dedicated training in child welfare. (Paragraph 101)

A comprehensive range of development opportunities is available to staff who wish to progress in their careers: Staff can apply to attend management and development programmes throughout their careers, subject to their own training needs and the operational needs of the Service.

Prison officers may train in any of a range of specialist areas according to their skills and job role. Opportunities available include a suite of over 170 courses, delivered through the national college and local training centres.

The Government agrees that all prison officers who work directly with young people should receive training in child welfare. It confirms that all such officers in the NOMS estate are required to attend JASP (Juvenile Awareness Staff Programme) foundation level training. This consists of seven days awareness training, all directly related to young people. JASP is a modular course that focuses on the key issues in working with young people in custody.

The first module looks at child protection and the key responsibilities and issues in working with young people who may have suffered abuse, including legislative responsibilities and child welfare. It also includes a section on dealing with and understanding adolescent development. Module two focuses on the safeguarding of young people and the assessment of vulnerability and how to keep young people safe whilst addressing issues of abuse, mental health and possible substance misuse problems.

19. Consideration of the relationship between juvenile detention and children's services is outside the scope of this inquiry but does require specific attention. (Paragraph 102)

The Government believes that local authorities must take more responsibility for their duty, as set out in the Children Act 1989, to reduce offending and re-offending by young people. We are determined to strengthen the local response to the prevention of youth offending and re-offending.

We have worked closely with the Youth Justice Board (YJB) to revise guidance on the role of Children's Trusts and on the Children and Young

People's Plan; and have produced statutory guidance on the roles of Lead Members and Directors of Children's Services, to which local authorities must have regard.

All of these have been strengthened to include key Youth Crime Action Plan commitments, so that young people receive the services they need to address offending behaviour and turn their lives around before, during and after they have contact with the youth justice system.

The Government is working to ensure that the full impact of increasing integration between children's services and the youth justice system is realised. This includes work on the development of Children's Trusts policy and the proposal to place their inter agency governance arrangements on a statutory footing, with Youth Offending Teams (YOTs) continuing to play a key role as a relevant partner on a statutory Children's Trust Board.

These provisions will include extending the ownership of the local Children and Young People's Plan to all relevant partners, including YOTs, which will underpin closer working arrangements by all local children's services. We are also working with the YJB on the development of new statutory guidance which will underpin the new Children's Trust arrangements and this will set out what we expect Children's Trusts to do in relation to this group of young people. This includes Children's Trust responsibilities for young people in custodial establishments and the important role that they must play in commissioning resettlement services for this group.

20. We believe that the Government's response to the comments of the Education and Skills Committee on initial training for prisons officers fails to reflect the reality on the ground, is over-optimistic and highly aspirational. We recommend the Government gives further consideration to the valuable recommendations of that committee's report. (Paragraph 104)

The Government's response to the Education and Skills Committee recommendation regarding the inadequacy of the new entrant initial training period was made in June 2005. There have been significant changes in the training of new officers since then, with all newly recruited officers, from September 2007, being required to complete a one year foundation training programme, leading to a level 3 CCNVQ.

The initial eight week training period has been continually reviewed and updated since 2005 to ensure the course gives new officers the required skills and knowledge to undertake their role.

At the end of the POELT course, trainers complete an end of course report for all new prison officers which is sent to their prison and is used as part of their Personal Development Plan. Staff discuss avenues of development with their managers during the performance management process.

NOMS attaches great importance to the continuing professional development of prison officers, and the range of learning and development opportunities

available to staff supports this. This was demonstrated during 2008/09 by the Service investing over £37 million in staff training, and delivering over 350,000 training days.

21. We welcome the introduction of the National Vocation Qualification in Custodial Care for trainee prison officers. We are pleased to learn that it is open to officers who joined the Prison Service before September 2007. (Paragraph 107)

22. We recommend that the Prison Service introduces a procedure to scrutinise the reasons why a prison officer fails the National Vocational Qualification in Custodial Care to ensure that the right support is given to recruits and they achieve the maximum benefit from the course. (Paragraph 108)

A comprehensive range of support is in place to ensure that officers achieve the National Vocational Qualification in Custodial Care (CCNVQ).

Each candidate is allocated an assessor, who is responsible for supporting the candidate through the assessment process. The assessor agrees an Individual Assessment Plan with the candidate, based on individual needs.

In addition, each establishment must provide a named member of staff at Senior Management Team level to act as the 'NVQ Champion'. This individual disseminates information relating to the CCNVQ and sees a copy of any action plan put in place for a candidate by an assessor.

Each establishment is allocated a regional manager who is responsible for a number of prisons within a specific area and who works closely with the NVQ champion, assessor and candidate to help support the learning experience.

The candidate's line manager also has a vital role in the achievement of the CCNVQ; and may well be asked to provide additional evidence of competency in the form of witness testimony. Advice and guidance for this is available through the assessor, regional manager and NVQ champion.

An e-learning course, 'NVQ Peer and Line Manager Support' can be accessed through the Ministry of Justice's 'Justice Academy' website. This course is designed to advise and support those members of staff who are either working alongside colleagues who are undertaking the CCNVQ, or are line managing an NVQ candidate. The course outlines how peers and line managers can support candidates, and identifies how the CCNVQ can help line managers in their role.

The range and depth of these interventions means that candidates should have every opportunity to achieve success in the CCNVQ. A small number have been dismissed because of poor performance, but only after it has become clear that, despite close support, the officer is unable to meet the standards required for the job.

At the end of October 2009, of the 3146 new officers registered for the CCNVQ, 281 had withdrawn. Records do not show precise reasons for individual withdrawals, or at what point in the probationary year they occur, but it is known that many candidates withdraw voluntarily after deciding that they do not, after all, want to work in prisons.

23. We accept that imposing mandatory training across the Prison Service is too inflexible to respond to the diverse and changing needs of prison officers. However, we are concerned that the national management of training has not resolved problems with training delivery. We believe that extending the remit of the Chief Inspector of Prisons to scrutinise the relevance and provision of training would provide valuable independent oversight of the training regime. While this will require modest additional resources, it will lead to a more efficient and effective training regime overall. The Chief Inspector should co-ordinate engagement from the education and skills sectors to assist her in this work. (Paragraph 117)

The Government agrees that imposing mandatory training across the Prison Service is inappropriate, and accepts that the quality and effectiveness of training provision can always be improved.

However, the Government does not accept that extending the remit of the Chief Inspector of Prisons, beyond her principal role of providing independent scrutiny of the conditions for and treatment of prisoners, would be an effective way of achieving a more efficient and effective overall training regime, or of inculcating a continuous improvement philosophy. The Government believes that NOMS' existing arrangements for the quality assurance and improvement of training provision will do this more effectively in the longer term. These arrangements mirror those in general use in Further and Adult Continuing Education. They include a system of cyclical self-assessment reporting and quality improvement planning against the standards in Ofsted's Common Inspection Framework for Further Education and Skills, and already involve scrutiny and inspection by independent experts.

24. On-going training requires a variety of approaches to ensure that prison officers benefit from the experience of colleagues while learning techniques and approaches in other relevant professions. Mentoring and shadowing are a crucial part of learning how to be a good prison officer, particularly given the complexities and subtleties of "jail craft." Workforce Modernisation, as currently formulated, will reduce the number of senior officers in uniform. We believe this will have a deleterious affect on a very valuable aspect of training and should be reconsidered immediately. (Paragraph 118)

The Workforce Modernisation Programme is closed. Its proposals were not implemented. The workforce changes that are now being taken forward are discussed in the response to conclusions 28 and 29, below. No changes are currently planned to the role of Senior Officers.

25. We recommend the Ministry of Justice commission a wide-ranging review of prison officers' recruitment and training. The best way to encourage prison officers to understand the value of education, and enable them to pass this on to prisoners is for greater access to Open University courses for both and for the concept of prison as a 'learning community' to apply to staff and prisoners alike. (Paragraph 120)

The Government does not agree that a wide-ranging review of prison officers' recruitment or training should be commissioned. Arrangements are already in place regularly to review and update the curriculum for staff training, as necessary.

Prison officer recruitment was overhauled as recently as 2008, with considerable success. The Service has been able to attract and select people with the required skills and competencies in more than sufficient numbers. The national recruitment model is regularly revised and improved.

The part of the Report leading to this recommendation discusses prison officers' access to wider educational opportunities. NOMS allocates central funding each year to enable staff who have completed their probation to undertake further education and / or external training. Decisions on applications take account of the relevance to role or grade; the benefits to the Service; the officer's commitment to learning and the application of learning; his or her capacity to complete the learning successfully; and the cost effectiveness of activity.

In addition, further funding is allocated to governors to enable staff to undertake courses that are relevant to their role, support career progression or otherwise benefit the Service.

26. We recognise the difficulties in developing prison officers so as to take advantage of their skills and experience while ensuring officers are aware of the complexity of their day-to-day role. The prison system is able to function because prisoners, on the whole, yield to the system while the system, on the whole, treats them fairly and decently. This can only work if prison officers remain confident that they are not 'turnkeys' but professionals carrying out an important and difficult role. (Paragraph 126)

The Government agrees with this conclusion. However, contrary to the views expressed by the Committee elsewhere in the report, it would strongly argue that the 'professional' role of prison officers is fully appreciated, promoted and embedded in the way the Service, and individual prison establishments, operate.

This response has made clear the Service's expectations for, and reliance on, prison officers using discretion, developing effective relationships, exercising their judgement and applying a range of interpersonal skills in their dealing with prisoners. These are among a range of formal and informal skills which the Service requires officers to display – and for which it equips them. All new prison officers are required, and all existing officers are invited, to complete a

level 3 NVQ in Custodial Care. Development and support is sustained as officers move between roles, including into more specialised ones such as those involved in offender supervision or in offending behaviour programmes; or when they transfer to work with women or with young people.

The workforce changes now being implemented, including the creation of two pay bands for new prison officers and the development of comprehensive profiles for different roles – covering not only the core officer role, but also a series of specific ones, each requiring particular skills - reflect and reinforce the position of prison officers as the key, instrumental players in the achievement of NOMS' objectives in the prison environment.

3. Management of prison officers

27. While we endorse the use of an objective recruitment process we are concerned at the suggestion that prison officer recruits are so poorly informed during that process that they begin work with unrealistic expectations. A reflective interview, discussing the exercises undertaken, does not give recruits an opportunity to ask questions. We recommend that all recruits are given interviews with the governors of their prospective establishments before taking up their role. While we accept that this will impact on governors' limited time, the evidence we have heard suggests that, if it improves staff-management relations, it will pay dividends in the future. (Paragraph 135)

The Government agrees that it is important for prospective recruits to gain a clear idea of what their role would involve, and of the unique working environment of a prison establishment. It further accepts that there is both scope and need for NOMS to improve this aspect of prison officer recruitment. Applicants do already have the chance to ask to visit prison establishments; and also to discuss the job with experienced operational staff at the Recruitment Assessment Day, outside the formal assessment / interview processes. But improved opportunities would clearly be beneficial – not only to the applicants, but also to NOMS.

NOMS is constantly reviewing its prison officer recruitment processes, and is currently reconsidering its arrangements, both for candidate management and for the induction of those who have been selected but have yet to start work. As part of that exercise, it will reconsider and improve the opportunities for people at both of these stages to gain an insight into the nature of the officer role.

However, the Government is nevertheless unable to accept the recommendation as it stands – not only because the current review is not yet complete; but also because it is highly unlikely to be considered practicable – or indeed necessary – for each prospective applicant or candidate to have an interview with the governor of the prison establishment at which s/he has indicated s/he would wish to work. The objective, of enabling the individual to gain a better understanding of the role and the working environment, can be met in other ways that would be less demanding on the time of the governor, and that would in any case probably be more effective.

28. There is clearly pressure on the prison officer profession at the top and the bottom, with training and minimum entry age being reduced and experienced senior frontline staff grades being cut. Reducing expertise at both ends of the Prison Service seems to be a serious strategic error. (Paragraph 144)

29. The implications for staffing and management of the Workforce Modernisation programme run counter to much of the evidence we have heard on building a strong, effective Prison Service. Technology cannot

replace the "pro-social modelling," positive example, engagement and the challenging of prisoners which are the most valuable parts of the prison officer role. We believe that Workforce Modernisation, as currently proposed, represents a missed opportunity to develop a Prison Service which is appropriate for the twenty-first century. (Paragraph 145)

From the latter part of 2008 until April this year, a substantial package of workforce reforms was being negotiated with trades unions as part of the Workforce Modernisation Programme (WfM). This would have seen an additional HM Treasury investment in pay of £50m for 2009/10 in return for the acceptance of a package of reform proposals.

There were two trade union membership ballots on the final offer – for the Prison Governor's Association and Prison Officers Association respectively. Those ballots voted against acceptance of the WfM package, and the programme was subsequently closed.

NOMS' proposals for WfM included key measures on:

- The introduction of a Job Evaluation System across the Service, supported by a new pay and grading structure.
- A leaner management structure supported by enhancing the flexibility of managers and introducing more simplified policies and procedures.
- The introduction of two pay bands within the officer grade, allowing Prison Officers at a higher level to specialise and focus on offender management work. The two pay bands allowed for appropriate recognition of the variety of prison officer roles.

The WfM proposals would not have reduced the number of prison officers on the landings. In respect of the Senior Officer role, WfM proposed that formal line management responsibility would move from the Senior Officer to the manager level. This would have allowed Senior Officers to hold a more supervisory role over other officers. Not only would this have meant that core tasks were completed in good time; it would also have provided officers with more contact with Senior Officers.

It was proposed that the new Manager role would work closely with Senior Officers to enable them to motivate and guide their teams effectively. Managers would still have had formal line management responsibility for their staff – which would include all officers – and would have been responsible for the development and performance management of their teams. There would therefore still have been substantial contact between the new Manager and officers.

The Government agrees that utilising a variety of approaches is an important part of learning to be a prison officer given the range of their responsibilities and the unpredictability and volatility of the prison environment. Training aims to provide a balance between the understanding and knowledge of processes and procedures required to ensure a safe and secure prison environment, and

the skills required to communicate effectively with prisoners and build positive relationships. Prison officers come from many different backgrounds and vary widely in terms of age, qualification levels and life experience. They are therefore able to bring a wealth of different qualities and skills to bear on their work and to share with their colleagues.

The WfM proposals did not reduce or diminish the training for Prison Officers, who would still have been trained to the same POELT standard and who would still have been required to complete a one year foundation training programme that would lead to a Custodial Care NVQ level 3. The WfM proposals included enhanced training for the new roles - for example, a four day learning programme which contained the essential skills for those undertaking the supervisory leadership role of the new Senior Officer.

However, as noted above, these proposals – and the linked investment in pay – were rejected through trades unions ballots and that specific package of proposals has not been implemented. Going forward, the length of initial training for prison officers has not been reduced, and is not intended to be reduced. On the contrary, NOMS continues to extend the availability of development opportunities – including through the use of work based learning, more and better local training facilities, and the expansion of local provision. It has also introduced the 'Coaching Effect' - an organisation-wide programme designed to develop managers' coaching skills in order to foster a culture in which staff are motivated and encouraged to make their own decisions and are supported in considering all aspects of an issue before moving to solution. This programme is in its infancy and NOMS expects to see results start to emerge in future staff survey.

On 1 October 2009, following a period of extensive consultation with our trades unions, NOMS implemented the following, more limited, workforce changes, which do not affect the terms and conditions of existing staff:

- Formalisation of arrangements for the closure of the Principal Officer grade, which was closed to new appointments from April 2009. This included plans for the future development of POs;
- Introduction of new terms and conditions and pay for new Prison Officers based on a 37 hour week.

The new Prison Officer roles distinguish between Prison Officer level 2, the core role, and Prison Officer level 1, which recognises that some Prison Officers carry out specific roles with a different set of responsibilities calling for a distinct set of skills. All Prison Officers are expected, and will be trained, to fulfil the core role irrespective of their level, or the function / department in which they are usually deployed. Work on defining the roles in level 1 is still in progress, but we expect it will include the role of Offender Supervisor and prison officers delivering interventions.

These changes were introduced from 1 October for new starters, along with the separate but related work on management restructuring. The management restructuring work seeks to reduce management layers and overall

management costs by setting an average regional management target of 19% of the workforce. There are establishments already performing with management figures below this target. This is compared to other establishments that are performing with much higher management levels, but without discernibly better performance. The target therefore also seeks to improve the effectiveness and consistency of management performance.

Together, these work streams reduce current and future costs to the Service without impacting on core skills. They also seek to release more flexibility into establishments and flatten out management structures so that NOMS is able to deliver an effective and safe service at a competitive rate.

30. Achieving a secure prison estate from which escapes never, or very rarely, happen is not only important in terms of public confidence but also in terms of staff and prisoners alike regarding the prison as a "settled community." However, the aim must be "security for a purpose" and we conclude that the Ministry of Justice's emphasis on security in isolation is a mistake, and reinforces negative cultures within prisons. (Paragraph 159)

It is right for the Government to ensure the maintenance of security in prisons; and for it to stress the importance of security in the strategic objectives and priorities it sets for NOMS. As has already been explained, it is simply not the case that the Government, or NOMS, places disproportionate emphasis on security. The evidence of NOMS' performance, and on re-offending rates, demonstrates that it is maintaining a proper balance between that and its other objectives.

31. More training and more investment in staff will produce only limited results if staff are not equipped and trusted by their superiors to carry out their jobs with professionalism and dedication, and unless there is clarity on the purpose of security rather than treating "no escapes" as a public relations objective in itself. (Paragraph 160)

32. Leadership is crucial to achieving and maintaining a positive culture in a prison. Without a culture in which both officers and prisoners feel change is not only possible but encouraged, prisoners are simply warehoused and will almost certainly return to a criminal lifestyle on release. While this inquiry did not receive detailed evidence on the role of governors, the failure of Workforce Modernisation to consider the role of the prison officer means it is highly unlikely the role of the governor has been sympathetically scrutinised. (Paragraph 162)

The role of prison governor is a significant and difficult one, requiring a strong sense of purpose and clear abilities to lead. NOMS has undertaken, and continues to undertake, substantial and important work to develop leadership capability.

We know that leaders engage staff best through the use of behaviours which demonstrate high ethical standards; show genuine concern for both offenders and staff; and model decency and respect for others. The NOMS Leadership

Qualities Framework (LQF) articulates the qualities NOMS expects of its leaders and describes the behaviours required. Wide use is made of the LQF through NOMS' leadership and management development programmes, and a 360 degree appraisal exercise has been developed to measure individual managers' demonstration of these behaviours. On promotion, all new senior managers undertake an intensive assessment and development process, designed to raise individuals' awareness of strengths and development areas and to establish a personal development plan to address these.

The composite findings of the LQF360° to date suggests that governors are largely perceived as having a number of key strengths which foster the achievement and maintenance of a positive culture in prisons - for example having a clear and driven orientation towards achieving the organisation's agenda(s); role modelling truthfulness, honesty and transparency; valuing and taking an interest in the work and careers of staff; supporting them, treating them fairly and inspiring them to succeed; and possessing an astuteness in picking up and acting upon both interpersonal and environmental signals.

Whilst no absolute weaknesses were identified, the findings of the LQF360° do suggest that a significant minority of governors are likely to benefit from further development in some behaviours which can be seen as contributing to a positive prison culture - for example, managing the human and other aspects of change more skilfully; encouraging greater staff engagement and involvement; and doing more to develop staff and create a learning culture.

In addition to identifying development needs on promotion and establishing individual development plans to address them, a number of specific leadership programmes have been designed to support a positive prison culture. These are available to both governors and other NOMS managers. Examples are:

- The Coaching Effect – described earlier.
- Exemplified Leadership - a programme encouraging managers from across NOMS, including from both prison establishments and probation services, to look at the impact they have on their staff and to challenge some of their beliefs and values where appropriate. The programme is intended to contribute to the development of NOMS' strategic leadership culture, and to influence each element to demonstrate their values of fairness, integrity, and trust in relation to each other and prisoners.

33. The rapid turnover of governing governors allows negative cultures to become entrenched. We recommend the Ministry of Justice examines the reasons for the turnover with the aim of achieving much greater stability. (Paragraph 168)

The Government agrees that a rapid turnover of governors can harm the success and effectiveness of prison establishments. More specifically, both the Justice Secretary and the senior management of NOMS are in agreement that it is preferable for governors to remain in post for a period of approximately four years.

A system that allows for open opportunity to apply for posts, and needs to manage unplanned turnover when individuals leave or become unable to complete their duties, means that it is not always possible to achieve that objective in particular cases. Nevertheless, the average length of tenure achieved in recent years does not fall far short of that target: The average length of tours of duty that came to an end in the two years up to 30 September 2009 was 3.8 years.

NOMS has for some time recognised that it needs, not only to encourage longer tenure, but also to improve capacity and capability within the senior manager cadre in prisons. It has initiated, and continues to undertake, significant work on leadership development, and has implemented initiatives such as "Optimising Potential", which is a structured development programme for senior managers, and the Deputy Governor Development Programme. The need has also been addressed through the implementation of a direct entry scheme at senior level, the Senior Prison Manager Programme.

34. We welcome the improvement in the care given to staff following deaths in custody which was noted by the Prisons and Probation Ombudsman. (Paragraph 165)

35. We welcome the creation of prison care teams with a remit to provide emotional support to officers over and above that required following a specific incident. We would encourage governors in all appropriate prisons to set up such a team for ongoing, informal support to officers in their stressful role. (Paragraph 168)

The Government is pleased that the improved care given to staff following deaths in custody has been recognised by the Prisons and Probation Ombudsman.

Governors are required by existing NOMS policy to ensure that a dedicated Care Team is in place, consisting of a cross section of staff who are respected, have the skills to offer peer support, can signpost staff to appropriate support resources and have received appropriate training. It is also mandatory that the duties of Care Team members are reflected in their annual staff reports, and that they are allowed time to carry out their Care Team duties when necessary.

4. National Offender Management Service

36. We have seen no evidence that the creation of the National Offender Management Service has achieved the seamless end-to-end management of prisoners that was intended. We believe this may be due, in part, to the wider lack of clarity over the aim of imprisonment. We continue to be concerned about the absence of clarity of purpose in regard to the criminal justice system generally and this creates particular problems for the Prison Service. (Paragraph 172)

37. The offender supervisor role has the potential to become the "key figure" in a prisoner's rehabilitation. Yet, if an officer is responsible for too many prisoners, this will destroy an excellent opportunity for engagement and make the role a box ticking exercise. The Ministry of Justice must commit resources to training officers in the offender supervisor role and limiting their responsibilities to a small number of prisoners. Otherwise this welcome development will be a waste of time and resources. (Paragraph 181)

Responses to earlier conclusions have demonstrated that the Government is clear as to the purpose of imprisonment and its role in criminal justice.

The offender supervisor is a key figure in managing the custodial sentence, by completing assessments and co-ordinating referrals to address risks and needs in preparation for successful release and rehabilitation.

The current model of offender management covers around 20,000 prisoners in custody, but does not touch the majority of the prison population. In response, NOMS has developed, and is currently piloting, a revised model of offender management which provides a consistent approach to managing offenders as well as streamlining existing processes. This model is layered so that resources are focused on those offenders presenting the highest risks, whilst ensuring that all offenders receive a base line service including a screening and custody plan.

A key component supporting this development is a revised portfolio of training for offender supervisors. The training will consist of a 5-day core programme reflecting the roles and responsibilities of the offender supervisor, supported by a number of elective modules to aid their professional development in risk and case management. This will be available during 2010.

38. The undermining of the offender supervisor role has not improved relationships between prison officers and management. We regret this. The Ministry of Justice should aim to allot offender supervisors, or personal officers, to all prisoners serving over two years. (Paragraph 182)

NOMS aims to have a comprehensive system of offender supervision across the whole estate; and, should the current pilots of offender management prove effective and affordable, will allocate an offender supervisor to all prisoners serving over two years. However, many of those serving shorter sentences are also highly likely to re-offend; and it is therefore important to include them within any comprehensive approach to offender management. At present, many prisons attempt to do this, but without consistency; The current Layered Offender Management Project attempts to create a coherent national approach.

NOMS recognises the value of well-run personal officer schemes, but does not currently have the resources to mandate such schemes across the estate. The offender supervisor now carries out some of the functions of a personal officer and the development of Layered Offender Management will ensure that more prisoners have an allocated offender supervisor, assuming the successful outcome of the pilots.

What is important, in addition to this, is that prisoners have access to individuals they can trust, to whom they can turn when they need advice and support. There are a number of other people who can provide this function apart from the offender supervisor - including chaplaincy staff, wing staff and volunteers. A specification for Residential Services is due for completion in 2010 and will clarify these roles.

5. Private prisons

39. It is clear to us that public and private sector prisons have the potential to learn from each other. An over-simplified view of 'contestability' appears to work against the sharing of lessons between sectors. We believe the Ministry of Justice should devise ways of ensuring that contestability does not prevent best practice being disseminated across all prisons in both public and private sectors. (Paragraph 187)

The Government agrees that public and private sector providers can learn much from one another and that best practice should filter through the prison, and the wider offender management, system regardless of provider.

Providers of custodial services are already expected to take account of best practice elsewhere: The current standard Service Level Agreement includes the following requirement:

"The Establishment shall comply with all relevant legislation, statutory and regulatory requirements (and any subsequent amendments, additions or deletions to such), and shall take best endeavours to adopt best practices with regard to operational delivery, human resources and financial management."

However, the Government recognises that, in the past, considerations of commercial confidentiality have nevertheless to some degree constrained the sharing of effective practices.

As we move forward into a programme of prison competitions, that position is changing. NOMS' Specification, Benchmarking and Costing Programme will identify what services should be delivered, to what quality and at what cost. Specifications for over 75 such services will have been drawn up by 2011. They are being developed through consultation with existing providers from both the public and the private sector, to define outputs based on best practice from both sectors. The service specifications will help to maximise the effectiveness of the resources invested in reducing re-offending and protecting the public.

In the future, providers should be encouraged to innovate against a standard specification, and NOMS should use comparative cost and performance data to identify effective performance from providers, and to inform revisions and updates to specifications. This practice will need to be coupled with sanctions for poor performance, including the threat of future competition. These provisions should encourage NOMS and providers together to identify and adopt best practice in service provision, and providers to deliver towards the levels of the best in the market.

6. The prison building programme and clustering

40. The prison-building programme seems to be entirely focused on economies which are focused only on security rather than maximising the opportunities for reducing future re-offending. It contradicts the Government's own research on effective prison size. The substitution of very large new prisons makes little or no difference to an approach which is likely to deliver what will effectively be warehouses for prisoners. (Paragraph 195)

41. We urge the Government to reconsider the prison building programme in its entirety. Prisons with 1,500 places will not be conducive to the rehabilitative work our evidence demonstrates should be at the heart of the prison programme. (Paragraph 196)

The economic analysis NOMS has undertaken carefully studied the costs and benefits of several options around increasing capacity and supports the case for building five 1,500 place prisons and closing 5,000 old worn-out, inefficient places. Economies of scale will be achieved by having separate units inside a shared perimeter which share some facilities and services. This will make efficiency savings, but Ministers are clear that this will not be at the expense of frontline delivery.

By building and running these prisons as a number of smaller units, NOMS will ensure that the units operate separately in the delivery of offender oriented services. Prisoners will benefit through the provision of appropriate regimes that will help them address their offending behaviour and give them the skills they need to succeed in the workplace.

These new prisons will help to decrease the number of times an offender is transferred between prisons, which can be disruptive to rehabilitative programmes. Many prisoners will also benefit from being closer to home: The Government knows that maintaining links with friends and family helps prisoner rehabilitation, and a key driver behind the New Prisons Programme is to add flexibility in the regional distribution of prison capacity.

42. Our evidence, and the impression gained at Sheppey, indicate that the benefits of clustering may outweigh the risks where the institutions in question are more or less adjacent, or otherwise appropriately situated, there is a clear strategic and/or institutional rationale and there is buy-in to the arrangements from management and staff. Yet, the reverse is likely to be true where any or all of these characteristics are missing. (Paragraph 200)

The Government would agree that, where there is a clear strategic and/or institutional rationale, there will be benefits to clustering. Geographical proximity is of course an advantage, but Ministers would not wish NOMS to set an artificial limit on the distance between clustered establishments. There

is no single model for implementation. It will vary according to the specific circumstances of the establishments involved, under the direction of the Director for Offender Management.

Clustering is a generic term that has been applied to a number of distinct management practices within the Prison Service ranging from effectively merging different establishments into a single prison, to maintaining separate establishments but with specific management functions being shared.

NOMS has not sought to impose a 'one size fits all' approach to clustering. Clustering arrangements are driven by local considerations as to what is feasible, safe, and economic. In general terms, clustering will always seek to maintain delivery while reducing costs, and in particular management costs.

43. A close relationship between local prisons could potentially have benefits in achieving the end-to-end management of a prisoner's sentence. Economies achieved by sharing prison services may be possible but 'clustering' should only be undertaken if it leads to the component prisons being able to function more effectively. (Paragraph 201)

The objective of clustering is to retain the standards, performance and outcomes of multiple establishments whilst eliminating duplication and combining responsibility and authority for the operation of the establishments under one management team.

Clustering is a useful mechanism for minimising back-office, managerial and administrative costs within individual establishments which are similar in nature and / or in close proximity to each other.

Clustering would only be considered if the outcome was considered to be more effectively functioning prisons delivering efficiency savings.

44. Experiences demonstrates again and again that decisions made on the basis of short to medium term spending considerations often cause major financial and other problems in the longer term. Prison officers can only play the constructive role identified in this report and maintain good order as well as security within the prison estate if there is clarity of purpose and coherent management within the Prison Service. That should be driven by the imperative of making the public safer by holding prisoners securely but above all by ensuring that offenders are less likely to re-offend after release. This is the key to both long-term protection of the public as well as an affordable prison system. Our recommendations in respect of the role of the prison officer also require a new approach to a strategic policy on prisons. (Paragraph 202)

The National Offender Management Service (NOMS) Agency was created as an executive agency of the Ministry of Justice in April 2008 with the goal of helping prison and probation services work together to manage offenders throughout their sentences.

By enabling prison and probation services to work more closely, and by working in a more integrated and joined-up way, NOMS can manage offenders better throughout their sentences. This means targeting effort where it will do the most good to tackle the root causes of offending.

NOMS' vision is to give the public confidence in its ability to protect the public and reduce re-offending.

To deliver this, the Agency ensures that prison and probation services co-ordinate their work in managing offenders, working in partnership centrally and at a local level through Local Criminal Justice Boards with others in the criminal justice system. The Agency also works more widely with local government, the NHS, Learning and Skills Councils, Job Centres and others to secure the housing, health, employment and training pathways to deliver offender rehabilitation more effectively.

On 3 December 2009, the Ministry of Justice published the 2010/11 strategic priorities for NOMS Agency. This document sets out the priorities that MoJ expects NOMS to deliver in 2010/11. These priorities build on and develop the existing commitments set out in the NOMS Strategic and Business Plan. They set the expected direction of travel for NOMS over the next 12 months, and aim to ensure delivery of the longer term strategic 'blueprint' for the NOMS system by 2014. The headline priorities for 2010/11 focus on better aligning the supply and demand for NOMS services, improving efficiency and effectiveness, and improving performance and confidence in the NOMS system. NOMS will formally respond to these priorities and set out how they will be delivered as part of its annual business plan, due for publication in the New Year.

7. Conclusion

45. The evidence we have heard has shown not only the opportunities prison officers have to tackle a prisoner's offending behaviour but the difficulties prison officers face in trying to have a positive impact in the current prison system. Overcrowding, staff shortages and the high incidence of prisoners with unaddressed mental health, drug or alcohol problems mean the system is constantly at crisis point, leaving little or no time to build productive relationships with prisoners. The Government's policies on 1,500 place prisons, clustering and Workforce Modernisation are, in our view, likely to further deskill the prison officer's role to that of a warder and risks devaluing the sense of vocation which we believe is a significant part of the motivation of many prison officers. This sense of vocation needs to be encouraged, nurtured and developed as far as possible rather than, at best, being taken for granted and, at worst, ignored. Reducing the ratio of officers to prisoners in pursuit of short-term economic savings will damage long-term re-offending rates, creating more victims, more fear of crime and all the social and financial damage that arises from criminality. (Paragraph 203)

The Government would not wish to underplay the challenges faced by the Prison Service, or by individual prison officers, in working with prisoners with an array of individual circumstances and problems, against a background of limited resources and of historically high prisoner population numbers. On the contrary, Ministers recognise the difficulties prison staff face, and have made clear the high value they place on their work and on what they have achieved.

The Government does not accept, however, that the prison system is constantly at crisis point. NOMS continues to manage population pressures and to work to protect the public, whilst seeking best value for the taxpayer.

Prison officers' hard work has helped us to achieve substantial reductions in re-offending for those serving longer-term custodial sentences.

Between 2000 and 2007, re-offending frequency fell 39.9% amongst offenders who served a sentence of 12 months or longer. In 2008/09, 27 of NOMS' 28 Key Performance Indicator targets were met. The number of apparent self-inflicted deaths by prisoners in 2008 was the lowest in 11 years. These are not sterile statistics; but demonstrate that the system is working - that members of prison and probation staff are able to work effectively with offenders and deliver the results they, the Government and the public want.

NOMS places great importance on the prison officer's role in forging effective relationships with prisoners and in exercising judgement and discretion in doing so. It supports and directs them in this role through its selection processes, through development opportunities, in the formulation of operational policy, and in the way prisons are managed.

Far from serving to devalue and deskill the officer role, the workforce changes now in progress, and the Government's prison building plans, will positively enhance the role and improve officers' opportunities to do their jobs effectively. The new prisons will address the issue of crowding; and will provide up to date, efficient facilities that will support officers in their work with prisoners. Through the workforce changes, roles will be more clearly defined and delineated; and staff will be supported in achieving the specific skills needed for the roles they undertake.



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