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POA CONFERENCE 2012

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Good afternoon.

First of all, thank you for inviting me to your conference. It's a great pleasure to be here.

I want to talk to you about three things today.

First of all, I will explain our inspection process – what our remit is and how we come to our judgements. I am conscious that when I talk to your members as I go round a prison that they only see a part of the process and we may not have explained how we will use what they or a prisoner says to us.

One of the things I find your colleagues are keenest to talk to me about is prisoners with mental health problems and the very difficult – and unappreciated job – the job they have to do to care for them. So I also wanted to say a little about how we think the mental health issues we identify on our inspections should be addressed.

And finally, that will lead me on to say something about the role of a prison officer. I think it is worth returning to the report of the Justice Committee on that topic a couple of years ago and considering how some of the recommendations they made could be progressed.

I am very happy to take questions when I have finished my remarks – either on what I have said today or on any other issue relating to our inspections.

So first, the inspection process.

I will start by saying why I think independent inspection is important. Britain has a long tradition of independent prison inspection going back a couple of hundred years. The inspectorate has been established in its current form for about thirty years.

Independent inspection is particularly important in a custodial setting. It provides a safeguard for those who are held and work in the establishment – out of sight, behind high walls. It should help the public understand what is being done in their name and it should help those who work in the prison, whose view is also constrained by those walls, to compare their work with what is happening in similar establishments elsewhere.

I think if you work in a prison you can forget how little most people know about what goes on behind the walls. I remember once doing a local radio interview after we had published a report on an old city centre prison and the journalist said to me: people walk past the prison every day but they have no idea what happens behind those walls. Tell us what it is like'.

So we try to do that – just tell people what it is like.

It is not just the public who need to be told what is happening behind prison walls.

I think inspection also helps guard against the 'virtual' prison – the one the governor thinks he or she is running but which as both officers and prisoners tell us, is sometimes very different from what is really happening down on the wings.

SLIDE 1

My responsibilities are set out in the Prison Act of 1952.

That requires me to inspect or arrange for the inspection of prisons in England and Wales and report to the Secretary of State on the **treatment** of prisoners and **conditions** in prisons.

What that means in effect is that I report on **outcomes** for prisoners not the **management** of prisons.

SLIDE 2

That remit has since been extended to immigration detention facilities and escorts, police cells and court custody. I also inspect military custody by invitation. We will shortly be joining Ofsted in their inspections of Secure Training Centres.

The inspectorate is independent. We are not part of the management of the prison service. I decide where we will inspect and when and I approve our inspection findings and sign off all our reports. Ministers and prison management cannot tell me where to go or what to say – and to be fair, they do not try to do so.

SLIDE 3

We assess prisons against four internally recognised criteria of a healthy prison:

Safety	Prisoners, particularly the most vulnerable, are held safely
Respect	Prisoners are treated with respect for their human dignity
Purposeful activity	Prisoners are able, and expected, to engage in activity that is likely to benefit them
Resettlement	Prisoners are prepared for their release back into the community and effectively helped to reduce the likelihood of reoffending

So in plain English what I look for is that prisoners are kept safe – from themselves and others and as secure as necessary.

That prison officers and staff set a good example and the environment encourages self-respect and respect for others.

That prisoners are busy – so they acquire the skills, habits, training and experience they need to get and hold down a job when they are released and that they leave prison having had the help and interventions they need to make them less likely to offend than when they went in.

I don't for a minute think that it is easy to do but I think that is what we should aim for.

These healthy prison tests are underpinned by our expectations or inspection criteria that describe the outcomes we expect to see and the evidence we would usually use to make a judgement. Our expectations are based on international standards and do not necessarily match prison service standards.

It's important to be clear about this point – we are not auditors checking whether the procedures the prison service has agreed are being applied – we are inspecting against independent criteria based on international standards.

I recognise that some are outside the control of an individual establishment.

But if, for instance, a prison is overcrowded so that your members cannot do the work they know is required– we will say so, even if numbers are within limits the prison service says are OK.

SLIDE 4

We use five sources of evidence to come to our conclusions and it is the combination of these sources of evidence that enables us to come to our conclusions rather than just one of them on their own.

Mostly we observe. About half our inspectors are former prison governors who have worked their way up from the wings. The rest have extensive custodial experience. We will be in the prison for a week or so and mostly we observe.

At the start of an inspection we survey a randomly selected sample of prisoners. We have been doing that for many years now so we can compare survey results between similar establishments and the same establishment over a number of years.

Of course you cannot take survey results at face value but if, for instance, prisoners tell us they now feel safer when they first arrive than they did when we last inspected, we normally find other evidence that supports this perception and suggests why it might be so. Or if many more prisoners than in comparable prisons tell us they don't know who to ask for help with accommodation on release - we usually find that does reflect a real problem.

We talk to prisoners individually and in groups, staff and other service providers and visitors in the prison.

And we look at records, policy and data.

We pull all of that together to come to a judgement, talking through what we find with the prison's managers on a daily basis, and arguing it out amongst the inspection team.

SLIDE 5

We inspect every prison regularly and most inspections are unannounced. Last year we carried out 63 prison inspections and more than half of those were unannounced.

We make recommendations at the end of each inspection and when we checked up on them last year, 84% has been accepted and two thirds achieved.

SLIDE 6

That is reflected in our overall findings from our inspections up until last year. The trend was very clear – despite the pressure your members are under, they delivered significant improvement in outcomes in every area. There are not many public services that can say that.

We are now putting together our report for last year - and will see whether that improvement could be maintained as the money is stretched ever more thinly.

I or my deputy join most inspections on the final day and have a look round ourselves and I am really grateful for the unfailingly patient way your colleagues in the middle of a busy day take time to explain to me what they are doing.

And I do need you and your colleagues to help me understand what the problems are. I remember going to Brixton not long after I had started in my role. I will remind you what I said in the report:

The most disturbing sight in the prison was the inpatient mental health care. Some young men, who had been sectioned, were waiting for up to six months for a place in a secure mental health hospital. Some cells were in a very poor state of repair with ripped linoleum floors, graffiti on the walls and dirty toilets without seats. The staff we spoke to were concerned about their inability to move some very ill patients to more suitable care. They made a point of introducing us to a distressed prisoner who appeared unable to care for himself in even the most basic way and who was in an extremely disordered cell. It was a disgraceful way to hold someone who was little more than a boy and very sick.

What happened was that I was in health care and the officers and staff who worked there said to me 'You must see this, you must see this' and took me to see this young man in his cell. It was not right he was there they told me.

Whatever your views on crime and punishment, I think most people would agree that prison is not the proper place for someone who is ill.

You know the facts but they are worth repeating. Let me give you two figures from Lord Bradley's report about mental health and the criminal justice system.

About 1 in 200 of the general population has schizophrenia or another delusional disorder. 1 in 200.

It is almost one in ten of the prison population.

About 1 in 7 of the population as a whole have a neurotic disorder like depression.

It is almost 1 in 2 of the prison population.

And that is not to mention much higher rates of mental ill-health amongst women and young offenders, the high rate of prisoners with a dual diagnosis and the estimate of 1 in 3 prisoners with a learning difficulty.

I welcome the commitment by the Department of Health and MOJ to invest in a liaison and diversion service so that people with mental health problems do not end up in the criminal justice system in the first place. I know that this union has strongly supported the Prison Reform Trust and Women's Institute's Care not Custody campaign to ensure that the government sticks to its promise.

The Women's Institute's involvement was prompted by a member following the death of her mentally ill son in prison. As she said:

'My son was not a criminal; he was in prison because there was no alternative place of safety'.

I get many letters myself like that from mothers at their wits' end about their mentally ill son or daughter.

As you know, you can't really offer much reassurance.

Generally the standard of professional medical care is OK but it is hard to think of a less therapeutic environment than a prison.

Often banged up in your cell for most of the day – either alone or with a cell-mate. Lots of noise. Very little activity to take your mind off things. Plenty of people ready to prey on the least sign of vulnerability.

And of course behaviour that is sometimes very difficult to manage so individuals end up shuttling between healthcare and segregation and sometimes almost invisible – the prisoner who is ‘low’ and at risk of dropping out of site from residential staff who are stretched more and more thinly.

Currently available data shows that there were 64 self-inflicted deaths in prisons across England and Wales in 2011-12. I don't know what proportion of these was linked to poor mental health but I would be surprised if it was not significant.

Overall, my greatest concern is not those with the most severe illness - those with the most challenging behaviour will now usually receive attention. In our inspections last year we found that transfer times for patients accessing secure NHS facilities continued to improve although in certain areas of the country, including London, they remained problematic. In prison, patients with more complex mental health problems generally had good access to mental health staff.

I am more concerned with those with lower level problems – the withdrawn and the poor copers – who if we are not careful may go unnoticed or who may just get written off as troublesome without any attempt to understand what lies behind that behaviour.

It seems to me that the most important people for their care are not the professional medical and nursing staff but the residential and other prison officers who interact with them on a day to day basis.

But you know as well as I do that prison officers do not have sufficient training or time to provide the care that many in the population they hold require.

On the whole, the inspectorate has tended to regard these issues as outside its remit for 'the treatment of prisoners and the conditions in prisons'.

However, I do note that when the Justice Committee looked into the role of the prison officer back in 2009 they concluded that:

A comprehensive review of the role of the prison officer is long overdue.

The committee argued, and I quote:

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.

I do think this needs to be understood. The problem about a growing prison population and diminishing resources is not whether there is the space available to cram them all into – the problem is whether you can manage them safely and productively if resources are stretched too thin.

Some establishments manage this better than others despite similar populations and resources. Nevertheless I think it would be foolish to believe that the risks the Justice Committee pointed out in 2009 are not still present today.

On training the Justice Committee said this:

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.

And went on to say:

“The Government must encourage the development of prison officers if prison staff are to be expected to encourage the development of prisoners. The initial training period must be significantly increased to a level that reflects an appropriate investment to enable prison officers to play a key role in the education and training of prisoners. Furthermore, prison officers should have an equivalent entitlement to training and development once they are in post”

And the committee suggested

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.

This is something we are going to consider again. We do not inspect staff training at present so I am not able to answer whether things have improved or deteriorated. No doubt you have your own views. It would be a departure for us to do so but I am sympathetic to the view that this is a question I should be able to answer.

I said at the beginning of these remarks that one of the purposes of the inspection is to explain to the public what is being done in their name. We inspected Brixton Prison just before Christmas in 2010 and Liverpool just before last Christmas. I had some criticisms but if instead of coming into prison on Christmas Day to care for the mentally ill, and the alcoholic and the

suicidal – those same people were being cared for in a shelter for the homeless, the people looking after them would be applauded. Because it happens out of sight behind prison walls the work you do is not properly understood or appreciated.

Whether we have a role in inspecting this or not, I am sure that the outcomes we wish to see for some of those on whom the rest of society has given up, depend on the skills, experience and vocation of prison officers – and the training they are given should reflect this.

Thank you.