

Good morning.

Thank you for the invitation to speak to you today.

I thought it would be useful to say a little about some changes we are making to the inspection process and then on some of the trends that have been a feature of recent inspection findings.

I will leave plenty of time for questions – as, since I am here, it is only fair you have an opportunity to put me on the spot and give me some feedback.

I was appointed for a five year term and am almost half way through it now.

The first thing to say is how struck I have been by the genuinely welcoming and open way that I and my inspection teams are treated when we arrive at a prison.

I don't say that to curry favour.

I know no-one jumps for joy when we arrive and you are pretty relieved when we go - but by and large I think the way we are treated reflects a leadership in individual prisons – you in this audience – that despite all the difficulties you face – are confident and thoughtful about your responsibilities.

So thank you for that.

Let me start by saying something about the inspection process.

I think that with most PGA members we have a shared view about why independent inspection is important.

It is necessary in order for the UK to be compliant with its international human rights obligations which recognise that abuse may occur as a result of the power imbalance between prisoner and jailer and the lack of credibility of the prisoner.

It is necessary to provide public assurance about what happens out of sight, behind prison walls, in the public's name.

I think if you work in a prison you forget how little most people know about the work you do.

I remember once doing an interview with a local radio station about an inspection report we had just published on a small, town centre, Victorian prison.

'Just tell us what it is like behind the walls' the interviewer asked. 'Our listeners walk past this place every day and have no idea what goes on inside'.

We do try to do that - but frankly I do not think it is something that those who work in prisons, and their organisations, do enough themselves.

I know it is difficult, but it seems to me that the key to winning the argument on some of the other things you have been discussing at your conference is a greater public understanding of what goes on in the prisons you govern.

What goes on and who you hold.

When I first got my job, friends and family naturally asked me what it was like and I told them about drawing keys and walking round the prison. The most common reaction I got was: 'Aren't you frightened?'

A governor told me the other day 'I thought that when I joined the Service I would be locking up villains. Not this' he said, waving his arm at the prison.

Of course, I do not dismiss the need to deal securely and safely with that part of the prison population you hold who are dangerous and serious offenders, or the harm that others have done.

But as you know, and too many other people don't know – that is only part of the story. I don't think most people understand the extent to which the prison population represent the social problems that the rest of society has given up on.

When we published a report about Brixton prison just before Christmas a couple of years ago, I said that if the staff there had been working with the mentally ill, the alcoholic, the homeless and the lonely out in the community over Christmas, they would be hailed as heroes. The fact that they did it behind prison walls meant it was ignored.

So I think one important part of the Inspectorate's role is to explain what goes on behind prison walls in the public's name – but I would urge you and the Prison Service to keep doing more of it yourselves.

We don't normally need to tell governors what is happening behind their own walls – although sometimes we do. Which can be disconcerting. More to the point is seeing the same thing through different eyes.

In every organisation, we get used to things that are madness. In the Inspectorate, NOMS - dare I say it the PGA - there will be that crazy thing in the office that you have just got used to and stopped noticing.

I think that can be more of a risk in prisons because the nature of the organisation makes it particularly difficult to reference what you are doing against other similar establishments – let alone other sorts of organisation.

So one of the functions of inspection is to act as a corrective to the normative effects of custody. Holding a mirror up to what you do, to help you check what you are doing by looking at things through the eyes of others.

The credibility of the Inspectorate of course depends on the quality of individual inspectors. I think one of our strengths is that we have a healthy mix of seconded

prison governors with direct and recent operational experience and others from different fields.

Incidentally, seconded governor inspectors tell me they get fantastic experience from a spell with the Inspectorate that stands them in good stead when they return to the Service, and their careers' progress.

I want to continue to encourage the best among you to see a secondment with the Inspectorate as an important career development opportunity and I hope you will keep an eye out for the opportunities that arise on a pretty regular basis as existing secondments end and people return to the Service.

New blood is important for ensuring the Inspectorate itself does not become complacent about its work and like every organisation we should look self-critically at what we do and encourage external scrutiny.

We worked last year to revise our Expectations, or inspection criteria, so that they were more focussed on outcomes rather than processes and so that the final reports were shorter, more user friendly and contained fewer recommendations. I am pleased that the feedback we have received so far has been pretty positive.

At present, we are having a hard look at our inspection processes themselves. As part of this, we have asked three critical friends, one of whom is a current prison governor, to each accompany us on an inspection – inspect the Inspectorate if you like – and give us feedback that we can use as part of our review.

We have just concluded a consultation on a proposal to move to an entirely unannounced inspection programme next year. Again, feedback on this, including from the PGA, has been positive.

At least in unannounced inspections you do not have the weeks of build up that happens before an announced inspection and I think the positive response we have had again reflects a Service that is pretty confident about what it is doing.

When we begin an unannounced inspection I ask inspectors to seek out those who are most vulnerable in the prison, most anxious, most likely to be victimised and check that they are OK.

And then, once they have finished that meeting with the governor, to have a look round the prison as a whole and speak to prisoners.

Bernard Shaw said: 'The most anxious man in a prison is the governor'.

And I don't deny it. Prison governors – men and women - have a lot to be anxious about.

I don't know whether it was dreamed up in NOMS or the MOJ but the clarion call for prisons to aim for the bronze not the gold standard must be the most de-motivating message in the history of management.

Sometimes people say to me that the Inspectorate's Expectations are too high as well and that in a period of declining resources they are unrealistic. They should be lowered to reflect the reality on the ground.

Absolutely not.

As I say at every inspection – we inspect outcomes for prisoners not the management of prisons and we recognise that some things we express concern about are not under an individual prison's control.

Our inspections are based on international human rights standards and prison norms. We are not auditing whether a prison procedure has been followed – we are assessing an outcome against an objective standard.

And does anyone in this room really want the Inspectorate to say, no matter how far standards fall, that all is well?

And does anyone really think that their job would be easier if there was no counterbalance to what sometimes feel like a remorseless drive to lower standards?

We will be less prescriptive about how those standards are achieved but we will not lower our Expectations about what should be achieved.

I have to say that what is striking up to now is how little standards have fallen.

I think it is probably true to say that the Inspectorate is pretty curmudgeonly with its assessments of prisons. Yet for some time now, year after year, what inspectors have found is that you have delivered successive improvements in prisoner outcomes.

Not consistently, not at the same rate in each area – but in the face of increasing populations and diminishing budgets that is an impressive achievement of which any public service would be proud. So take a bow.

As you know, when we assess prisons against four healthy prison tests:

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

And under each of these tests, we describe outcomes as good, reasonably good, not sufficiently good or poor.

Let me look in a little more detail at what we are finding.

Five years ago in 2007/8 we said that 69% of the prisons we inspected achieved positive outcomes, good or reasonably good, under safety. Last year it was 82%. Up from 69% to 82%.

Five years ago we said 69% of prisons achieved positive outcomes under respect. Now it is 73%. Positive respect outcomes up from 69% to 73%.

Five years ago we said only 65% of prisons, less than two thirds, achieved positive purposeful activity outcomes. Now it is 73%. Positive activity outcomes up from 65% to 73%.

And lastly resettlement, where the proportion of prisons delivering positive outcomes has increased over the last five years was up from 75% to 84%.

When I saw this, I did a bit of a Michael Gove.

Pass rate going up. Exam must be getting easier.

But no. When I spoke to those who have been observing prisons for some time from many different perspectives what they told me was that our improving inspection assessments were an accurate reflection of the improvements that were happening on the ground.

I think people listen to successful organisations. You should be making more of this. Your members have delivered year on year improvement. You know what you are talking about – and so politicians and policy makers would be foolish if they did not listen to your advice about how to deal with current challenges.

However, lest we all get carried away, there is no room for complacency. There is still too much variation between individual prisons which appear to have similar functions, similar populations on similar sites. While it is welcome, for instance, that positive activity outcomes have improved so that last year we assessed 73% as good or reasonably good – that still means that in over a quarter of inspections they were not sufficiently good or poor.

One of the most depressing sights on any inspection is some excellent new training or work facility – with just a handful of people in it, operating at well below capacity and no one really able to explain why.

But I don't think that is typical and on the whole prisons have responded positively to the government's agendas around work and rehabilitation.

There is always a debate going on about penal policy but wherever you stand, it must be better if prisoners spend their time acquiring the skills, habits and experience that will help them get, and hold down, a job when they leave rather than spending their days lying on their bunk watching daytime TV.

Wherever you stand on crime and punishment, surely you want prisoners to receive the interventions and support they need so they leave prison less likely to commit offences than when they went in?

As well as differences between prisons, there are also differences within prisons. Our assessments cover broad areas, they are an average, so they may disguise shortcomings for individual or small groups of prisoners.

And I am concerned that against this general trend of improvement, there is a strong counter current of adverse incidents and concerns.

Progress on safety and respect appears to have stalled.

Although outcomes in all four healthy safety tests are better than they were five years ago, outcomes for safety and respect dipped or stalled last year.

The safety data that NOMS published during the summer was consistent with what we are picking up on inspections.

The number of self-inflicted deaths in prison rose from 54 (0.64 per 1,000 prisoners) in 2010–11 to 66 (0.76 per 1,000 prisoners) in 2011–12. It remains to be seen whether this rise is an anomaly, or whether it heralds the reversal of a downward trend in the number of self-inflicted deaths in prison.

Incidents of self-harm are, however, also rising in men's prisons: from 14,768 in 2010–11 to 16,146 in 2011–12 (the number fell in women's prisons), as are the number of recorded assaults: from 13,804 to 14,858.

Taken together, these figures are a matter of real concern. When we compared survey results for prisons inspected this year with those from their previous inspections – so comparing the same prison, prisoners' perceptions of their safety had significantly worsened in twice as many prisons as those where they had significantly improved.

There are some other concerning signs.

The improved focus on providing work opportunities for prisoners that we find in many prisons is very welcome. However, in local prisons, time out of cell has declined dramatically as association is reduced and prisoners are locked up earlier in the day.

Prisoners from black and minority ethnic backgrounds and Muslim and foreign national prisoners continued to have poorer perceptions of their treatment and conditions than the prison population as a whole.

It is not necessarily a bad thing to move away from prescriptive processes and structures to an emphasis on responsibility for delivering equality of outcomes.

And it is welcome that greater weight is given to all protected characteristics, not just race.

There are some good reasons for this change in approach. Too often in the past, specialist posts and processes became an excuse for equality and diversity issues not being part of the everyday work of all staff.

A foreign national prisoner wants a new toilet roll. 'Wait till the foreign national co-ordinator comes along – she will sort it out for you'. That sort of thing.

However, the aspirations of the new approach have not yet been realised – outcomes are not consistently monitored across the range of protected characteristics and when disparities are found, too often too little is done to address them.

I don't think there is any doubt that physical and mental health care in prisons has generally improved. But the need has grown too as the prison population has become older and the visible extent of mental health need, even to an untrained eye, is still a matter of real concern.

The women's prisons we have inspected recently are safer and more respectful places than before with a better focus on promoting purposeful activity and resettlement. Better drug treatment and mental health services and better first night arrangements have made women's prisons safer.

Women tell us they feel safer and the statistics bear this out. The number of self-harm incidents fell from 11,517 in 2010–11 to 7,879 in 2011–12. Welcome though that is, women still account for a staggering one-third of all self-harm incidents, although they make up less than 5% of the prison population.

It seems obvious to me, but apparently it is a contentious point: the needs of women prisoners are different to men.

Imprisoned for different reasons, usually greater family responsibilities, more likely to have substance abuse or mental health problems. More likely to self-harm. Many themselves the victims of rape, abuse or other crimes.

Substance abuse is of course a big issue for women in prison and it is a big issue for the prison population as a whole.

The continued development of IDTS has improved the clinical management of substance misuse. I welcome a shift in emphasis from long-term methadone maintenance prescribing towards a recovery-orientated drug treatment approach.

Reducing demand through better treatment must go hand in hand with reducing supply. We are increasingly concerned about how problems with the diversion of prescription drugs are spreading through the system.

I tell you this. People look at a prison. High walls. Barbed wire on the top. And ask: 'How can it be that someone can go into prison without a drug problem and leave with one?' Regularly one in ten of the prisoners we survey say that is what happened to them.

So how do drugs get into a prison? Well, in too many cases, you bring them in, and you hand them out.

I don't want there to be any doubt about the Inspectorate's position on this.

Whatever you view about drugs policy generally, the primary duty of a prison is to hold prisoners safely and the abuse of drugs is a threat to that safety.

The roll out of IDTS has led to welcome improvements in treatment but that will be undermined if it is not matched by continued efforts to reduce supply.

You need to be doing more to reduce supply generally and ensure the prescribing and administration of prescription drugs in particular is in line with best practice and clinical guidelines

So let me recap a bit.

The overall picture that emerges from our inspections is one of general improvement. In the context of a rising prison population but reducing resources that is a real achievement.

However, that progress is inconsistent and what we are finding now is some evidence that progress has stalled particularly with regard to safety and respect. And we see increasing evidence that outcomes are declining for groups and individuals whose needs are greater than or different from the norm.

So why is that happening?

I think the most likely explanation is that the prison system is operating way above capacity.

Last week the prison population was 86,420. It has been slowly falling for a few months. The usable operational capacity is about 91,000

Let me be clear.

Apart from the exceptional circumstances of the August 2011 riots, the capacity issue has not been how many prisoners could be squeezed into the available cells.

In fact, the establishments we inspected last year were less overcrowded than the year before.

The capacity issue is whether there are the resources available to hold all prisoners safely and securely and do anything useful with them when they were are.

Resources are now stretched very thinly.



There was plenty of scope for efficiency and some prisons have risen to that challenge very well, genuinely delivering more for less. In others, poor management appeared to have exacerbated the adverse effects of funding reductions.

I think it is a question of resilience.

A busy officer does not notice that so-and-so has not come out of his cell as usual during association. There is little time for him to stop and talk and so less opportunity to get a handle on what is going on. He or she is less likely to work the same wing regularly so less likely to notice that something has changed in the atmosphere today.

There is less supervision of prisoners by officers and increasingly, less supervision of officers by governors.

If everything is working well, which they do most of the time, that's no problem. The extra time might be wasted. But if things are not as they should be, and warning signs get missed, then there could be very serious consequences.

On top of all of that you also have to manage budget reductions, staff concern about pensions, 'fair and sustainable' and general management functions. I think it is demanding – but to be frank, I think much of that is what fairly goes with the job.

What is of more concern to me is increasingly complex commissioning arrangements. Governors say to me they still retain responsibility for the outcomes but feel disempowered in the management of the processes on which those outcomes rely.

Crucial parts of the service you deliver – escorts (and there was a story there earlier in the year), health, learning and skills are delivered by contractors sometimes operating through two or three levels of sub-contract.

I have been really concerned recently by examples of very poor health services where the prison has simply been unable to engage the health commissioner in addressing the problems. Or learning and skills providers who have simply failed to provide the quality and quantity of provision required but where the governor of an individual establishment seems to have no power to hold the provider to their contract.

It is a big ask of governors anyhow. A governor said to me the other day that she did not have the skills or time to run such complex commissioning arrangements – but she was reading up on the subject and hoped to get the hang of it.

This was somebody who had turned round a prison with a very troubled past. She did that because she was out and about, providing visible leadership, not stuck in the office in front of a computer.

Of course, the whole process of commissioning looms particularly large now as we will soon hear the results of the current tendering process.

It is not part of my remit to say who should or should not run prisons.

There are some very good examples of contracted services and private prisons. It would be foolish to deny it.

My concern is that the lines of accountability and responsibility are clear and too often now, they do not appear to be so.

So I think these are very challenging times. Running a prison safely and decently and doing what you can to ensure prisoners come out of it less likely to offend than when they came in is a difficult job. I think some people underestimate how difficult that is and how serious the consequences are if things go wrong.

Let me end by saying four things in summary.

I started by saying that we assessed outcomes for prisoners, not the management of prisons. Some of which we recognise are outside the prisons control. So my first point is that whatever commissioning arrangements are put in place at national or local level and whatever the results of the current tendering round it is essential that lines of accountability and responsibility are clear. They are not clear enough now and they should not get worse.

Second. There is simply a mismatch between resources and prisoner numbers. The result of that is we see less supervision of prisoners by officers and less supervision of officers by managers. That is a risk. Be very, very careful before you make it worse.

Third. Make no bones about it. None of that is an excuse for some of what we see. There is too much inconsistency and there is too much that is not good enough that could and should be better. I don't want to hide that that is what I think.

But fourth, overall, there is no doubt that prisons have improved in recent years. Despite all the pressures and constraints, they are safer and more decent and doing more to reduce the likelihood that prisoners will reoffend when they leave. That is good for prisoners and it is good for the public. Yes, I have concerns about whether that will be sustained in future but for now, that is something of which the people who run them and work in them should be proud.

Thank you.