

Report to the National Council The Prison Service and the failure to communicate with the Contracted Estate

When we met Gerry Sutcliffe in Ashley House on Tuesday, 5th December 2006 he asked us to brief him further on my contention that prisoners in contracted prisons are disadvantaged by the failure to communicate properly with the Contracted Estate. I made further enquiries and this note summarises the concerns both of the National Council and of Contracted Estate IMB Chair colleagues.

In discussing the contracted estate, it is important to remember that the picture is complex. The eleven contracted prisons hold approximately 10% of the prison population; are subject to contracts of varying ages and quality; and are run by four different contractors. Unlike the public sector prisons which are managed on an area (e.g. Wales) and a category (juvenile, women etc) basis, contracted prisons are spread across nine of the ten areas and between them encompass every category of prison bar one; high security.

What is very clear is that the Contracted Estate and the prisoners it holds are suffering from the decision, however sensible given the establishment of Regional Offender Managers, to close the Office for Contracted Prisons as, in so doing, it has lost an effective clearing house for essential information.

Trevor Williams (Regional Offender Manager, East of England) and Michelle Jarman-Howe (Commissioners' Support Bureau) recently submitted a report to NOMS based on a series of visits to each of the eleven establishments. That document is not in the public domain and so it may be that the following issues are already under consideration.

Lack of Access to OASys

In response to a request for information, three of the contractors wrote to the National Council in 2006 expressing concern about their access to OASys and the information essential to managing prisoners with a view to successful resettlement. They spoke of their exclusion from the initial roll-out and of the isolation and frustration generated by that exclusion, in particular from the Government Secure Intranet (GSI), within which OASys sits.

They are hoping the roll-out of C-NOMIS will be more successful and complete.

Prison Service Orders and Prison Service Instructions – Unobtainable and Unclear

Contractors and the Independent Monitoring Boards in the majority of the contracted prisons, continue to have to rely on the goodwill of others to access information only available on the GSI. The inability directly to access any information, let alone information as central to the operation of an establishment as Prison Service Orders (PSOs) and Prison Service Instructions (PSIs) makes it difficult for contracted prisons to deliver fully the regime expected and their IMBs to monitor it effectively.

The questions who has direct access to PSOs and PSIs and to whom the documents apply need to be addressed. They also beg another question - who actually "owns" PSOs and PSIs?

- Lack of Access to PSOs and PSIs – The Prison Service currently produces orders and instructions which are only available in electronic form on Quantum, a system to which only a very small number of the contractors and IMBs in contracted prisons have direct access. As a result the majority have to rely on others; currently the

Controller's Team or in some establishments IMB members, to alert them to changes in policy and procedure.

- Lack of Speed and Certainty - In December, I referred the Minister to the example of PSI 32/2006: Personal Issue Cut-Down Tools and the fact that it was "for action" by Governors and "for information" of all Prison Service staff. Personal issue "cut-down tools" otherwise known as "anti-ligature knives" are central to reducing the number of suicides, yet the instruction issued in November 2006 "on authority" of the Prison Service Management Board makes no mention of contracted prisons. This omission inevitably led to questions; "does the instruction apply to us?" and if so "how is it to be funded?" and "will it necessitate a notice of change in the contract?" all of which took time to resolve.

There are other examples of new safeguards for prisoners in public sector prisons taking too long to reach the contracted estate; which then cannot always be implemented straightaway. For instance PSO 2800 on race equality was published at the end of September 2006. On 12th January 2007 a letter from the Director of NOMS Commissioning confirmed that the mandatory instructions set out in the Order would also apply, with immediate effect, to the contracted prison estate but recognised that, while the majority of instructions could be implemented immediately, a small number might need further consideration before implementation.

The same letter also referred to PSI 36/2006 which had some months before set out HMPS's response to five of the recommendations (those connected with the flow and sharing of information) from the Inquiry report into the death of Zahid Mubarek. Again, it confirmed that although the Instruction is specifically aimed at public sector prisons, its mandatory actions should also be applied to the contracted estate.

- Ownership Too Narrow – Perhaps the time has come to move away from issuing mandatory instructions via PSOs and PSIs and consider replacing them with something altogether more inclusive; "NOMS Orders" and "NOMS Instructions" for example.

Annual Reports – Late and Uninformative

Boards in the Contracted Estate are unhappy at the length of time it takes to receive responses to annual reports and their frequent lack of substance. The problem appears to lie primarily in the difficulty the Commissioners' Support Bureau has in collecting contributions from the responsible departments.

Research Information Denied

Enquiries have also thrown up one other matter. One of the contractors reports that a request by an officer to use the library at Newbold Revell to investigate different learning aids and resources was refused on the basis that "no private sector staff are allowed to use the library facility because of copyright laws." The officer had made it clear that he had no intention of taking anything away, other than ideas and possibly a list of resources for the company to source and purchase for themselves.

Whatever the rights or wrongs of this particular example, making it impossible to carry out this type of research impedes the very innovation for which successive Ministers have lauded the contracted estate and from which prisoners and detainees elsewhere in the system have benefitted.

Guarded Welcome

In the last few days I have learnt from an IMB Chair colleague, who had been in touch with NOMS about the application of PSO 2800, that NOMS is undertaking a programme of work to ensure equivalence of support services to contracted prisons. She tells me that the Race Equality Action Group (REAG) is to make access to training available to private prisons. While this is welcome, the National Council would wish to be assured that the likely delays in delivery mentioned by NOMS will not be lengthy and that REAG will look to provide a timetable for the roll-out of the training as soon as possible.

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