Ms Elizabeth Allen  
Ministry of Justice  
9.06 Selborne House  
54-60 Victoria Street  
London  
SW1E 6QW  
20th August 2008

Dear Elizabeth

Titan Prison Consultation  
Response of the National Council for Independent Monitoring Boards

The National Council [NC] for Independent Monitoring Boards [IMBs] is charged with representing the views and experience of the IMBs which exist in every custodial establishment and are in turn charged with ‘monitoring fairness and respect for people in custody’. They have a long history, and successive Governments have accepted the view that this monitoring activity, carried out now by some 1,800 members who serve in a voluntary capacity, is vital to the maintenance of the humane values that are essential to the effective operation of our prisons. The NC is composed in the main of elected representatives from the prison IMBs in the regions and one from the immigration detention estate, with the addition of two co-opted members with respective responsibility for training and diversity issues, and an independent President appointed by the Prisons and Immigration Ministers.

I am asked by the NC to submit the following response to the Titan Prison Consultation on its behalf. I included the paragraph above, though its contents are well known to Ministers, not for merely formal reasons but because it takes us straight to the first point the NC wishes to make, one which dwarfs in importance our other specific comments about ‘Titans’ and our answers to the questions at the end of the consultation document. The NC regards the publication of a Government document proposing a major development in the prison estate, potentially involving some 7,500 prisoners, without any reference to the task of monitoring fairness and respect for people in custody as a very serious matter. That omission sends a message that verges on the sinister: not that Ministers have abandoned their commitment to decency and fairness; but that when it comes to devising strategies for dealing with the numbers crisis and the other challenges facing the prison estate the monitoring task has simply disappeared off the agenda. In fact, of course, if anything like the proposed Titan programme is ever implemented the monitoring task will be very difficult if not impossible, because organising a Board of a size appropriate to such an establishment will be a virtually full-time job. If Government moves from consultation to enactment, as it appears resolved to do, the NC will expect its monitoring task not simply to be mentioned but to be backed up with carefully thought out proposals and the resources to perform its task properly.

I shall need to return to this matter, but shall proceed first to examine other issues which seem to the NC to need more attention than they have so far received. I shall also record the NC’s answers to the specific questions in the consultation document.
[Titans] will not only help the Ministry of Justice to protect the public and reduce recidivism, but ... will deliver them at a reduced cost to the tax-payer, through built-in efficiencies and better use of technology, shared services and by allowing the closure of old and inefficient parts of the prison estate.

In this sentence the Government not only expresses its justification for this particular policy initiative but in the process offers a statement of the criteria by which this policy and its eventual implementation are to be judged. Those attending the ministerial roundtable on 8th July, of whom I was glad to be one, were left in no doubt that while their wisdom was invited in the making of suggestions for the implementation of the Titan programme the programme itself was Government policy and was not negotiable. Those present were (so far as I could tell) overwhelmingly opposed to the proposal, and believed that there were other ways of deploying the huge sums of money involved that would make a far more effective contribution to the Government’s stated objectives.

In the event the discussion at the round table revealed that the boundary between the principle of Titans – which was not negotiable – and the practice of Titans to which the consultation will contribute is far from easy to define. Much of the discussion was about which would be the ‘central’ services and which would be provided in the constituent units (prisons?). In what sense are Titans five prisons and in what sense one? This is a crucial question that goes to the heart of the matter. The only two points about which the Director General could be specific were that a Titan would involve only one planning process instead of five, and one perimeter wall and entry gate. It is hard to see how far those two features would in themselves assist in the realization of the Government’s objectives: while the planning process is not a matter within the IMBs’ remit, it is worth reflecting that a planning process that is far more contentious may save little as against five separate planning processes.

However on the matter of the single perimeter fence the NC would be seriously concerned if the need for a single perimeter meant that it would be at the highest level of security required by the constituent prisons. Rehabilitation is not assisted if it becomes impossible to move prisoners, as their sentence proceeds, towards greater openness and more opportunities to work within the community.

The perimeter issue highlights a point that emerges from many of our IMBs’ annual reports: clustering (this is presumably a half-way house towards Titans) and large institutions present enormous management challenges, which are not by any means always handled successfully in the large prisons and clusters we currently have. Governments have a tendency, we would say with respect, to move towards larger and larger units because that makes it easier to manage the particular units nationally; but this is all too frequently at a cost of generating challenges to management that far outstrip the capacity of those who will be required to undertake them.

At all events, the NC will make its judgment about Titans when ministers and NOMS have made it clear whether and to what extent we are to see them as fifteen prisons organized in three clusters (at one end of the spectrum) or as three prisons with semi-autonomous constituent units. The NC’s judgment will be based on whether the internal organization is conducive to decency and fairness, and in particular whether prisoners who need to be protected from exposure to others, for instance the vulnerable, juveniles and women offenders, will be protected and whether the graded progress of prisoners towards release will be possible in Titans.

We would add that while the NC would be glad of any initiative that reduced the amount of transportation – a constant source of complaint on the part of IMBs – and the frequent movement of prisoners around the estate, little is gained if transportation between establishments is turned into constant ‘busing’ of prisoners within a huge perimeter.

I turn now to the specific questions at the end of the consultation document.
The consultation questions on page 29 are in bold type; the NC’s responses in plain.

1. **Are the principles set out in this paper sufficient to inform the development of a strategic approach to the prison estate?**

   The paper begins from the recommendation to build Titans and then produces justifications, not all of which are convincing. The paper needed to begin with the nature of the problems we face in our criminal justice system which are producing the numbers crisis which Titans are intended to solve: a paper which began in that way would come up with very different solutions. *Most important though is the absence from the paper of any reference to the monitoring of fairness and decency; the NC would expect this to be a cardinal principle for any development in the prison system.*

2. **How should we join up services, including between custody and community, to deliver integrated, end-to-end offender management to each segment?**

   We have indicated on page 2 our concern, to take one example, lest the unified perimeter wall will be at the level of security required by the most dangerous prisoners with consequent negative consequences for the development of a process of rehabilitation. This will make it difficult for community partnerships in respect of employment and housing, family contact, relationships with volunteers etc.

3. **How should we segment the offender population, particularly the prison population, in order to best protect the public, reduce re-offending, deliver value for money and align supply and demand?**

   For the reason stated under 2 this could be the most crucial challenge of all. We have some experience of prisons holding different categories of prisoners; but these are of course much smaller establishments, and the management of Titans will be commensurately harder. The NC would be very concerned if the boundaries between different types of prisoners could not be held as this would put some at risk and jeopardise the rehabilitation process.

4. **Where should different segments be located when they are in custody and what should happen to them when they are there?**

   Questions of geography are much in the Government’s mind, and Titans are in part offered as an answer to the problem that prisons are in the ‘wrong’ places. But whereas there are figures for total supply and demand by region there are no regional figures for different segments and this will affect the geographical distribution of prison places by segment. Nothing will have been gained if ‘bed spaces’ are our only criterion of location – and prisoners’ contacts with families will suffer greatly as a result.

5. **How do we efficiently commission these services, so that they are both integrated and cost effective?**

   The still unanswered question is which services will be centrally commissioned. See 8 below.

6. **Which model for the integration of Titans into a wider strategy might be the most appropriate? Multi-functional ‘clusters’ linked to local and regional need or more national specialisation?**

   This is a question for any proposals to organise the distribution of prison places, whether there are Titans or not. Clearly there are some kinds of prisoner where small specialist units are needed, whereas others can be grouped more satisfactorily in response to regional need. Those
with the severest personality disorders would be an example of a group requiring highly specialised professional input which might not be available in every region.

7. Would there be advantage in describing the proposed prisons as “cluster prisons” as this would better capture the Government’s intent?

With respect this may be the giveaway question. It must always be right to choose the name which best captures the Government’s intent. At the moment the intent is unclear (as between ‘unitary’ and ‘federal’ establishments) and the choice of name should in honesty be the one that reflects a much needed clarification of the intent. On the specific choice of ‘Titan’ it would appear to be a rather ill-judged designation for ‘super-large’ prisons, portraying an image of a ‘tough’, not to say macho, approach to prisoners. The absence of any reference to monitoring rather confirms that impression.

8. What services might best be shared?

The only services suitable for sharing (apart from administration) are those which have been found to be best shared in the clusters already in place. The experience is thus far not encouraging if our IMBs annual reports are evidence. Decisions about which services are shared go to the heart of what a Titan is: will they include health? Gymnasia? Diversity? Religious observance and chaplaincy? First night units (see below under 9 – safer custody)? This (very abbreviated) list shows just how the sharing of some services could be highly problematic in a prison with a variety of categories of prisoner.

9. Whether Titans present particular integration issues or opportunities for other service providers?

Comments by the Director-General on more than one occasion have suggested that it is already decided (or assumed) that the Titan contracts are bound to be awarded to the contracted sector, and will be used as a negotiating offer to induce current contractors to moderate the more onerous features of their existing contracts. Whatever views individuals have about the contracting of prisons to private companies – and members of the NC and IMBs differ like the rest of the population about this, while being committed to monitoring prisons irrespective of sector – this does not look like a tendering process designed to produce the best outcome. That would require allowing the public sector to tender as well.

The project bristles with difficulties if the main aim is to produce competition among providers with a view to reducing costs. Of these, Safer Custody is probably the most complex: this year so far 27 out of the 36 self-inflicted deaths have been in local prisons. The recruitment of sufficient officers of calibre and experience in one large batch to handle the variety of prisoner arrivals, to detect prisoners who are in crisis or in danger of being so is a seriously daunting task.

10. Whether our operating principles are right?

11. What are the design issues for operating within our proposed core principles?

12. What are the implications of our operating principles for the types of regime that should operate?

With regard to these three questions, earlier answers have indicated that the NC is unclear about key aspects of this policy. Until more detail is available in answer to some of these questions it is hard to judge the answers to 10, 11 and 12, and the lack of clarity simply adds to our doubts.
13. How can the deployment, development and management of staff support our operating principles?

It is clear that you will have major staff management problems in creating Titans, not least the very large numbers of staff in each establishment. IMBs by and large, when they report on this aspect, regard staff stability as a desirable aim, and the creation of a career structure leading to ‘super-governors’ will probably mean further mobility in the system, which the NC would oppose.

Conclusion

It will be clear from this letter that the NC has considerable concerns about the development of Titans, mostly arising from two sources: the omission of any reference to the monitoring task and the effect of Titans on the carrying out of that; and the fact that at the heart of the policy is a lack of clarity about what the Government’s intent really is, which in turn goes to the heart of what Titans will be.

It is important to say, however, that the NC and our IMB members stand committed to the monitoring of fairness and respect towards those in custody, and will always judge policy initiatives from that perspective, believing that to be also conducive to the protection of the public and the reduction of crime. Wherever the Government chooses to incarcerate those whom the courts have committed to prison we shall stand ready to monitor their fair and decent treatment and their progress towards resettlement.

I wish you well as you seek to analyse the results of the consultation. I must add formally that the NC reserves its position with regard to making its submission public if and when it considers that appropriate.

Yours ever

Dr Peter Selby
President of the National Council for Independent Monitoring Boards