

Written evidence from Quaker Peace & Social Witness, Crime, Community and Justice Sub-Committee

Summary

- In making this response we are drawing on Quakers' long-term experience and active engagement with prison reform.
- The primary purpose of prison is to enable offenders to attain reintegration and acceptance into society.
- The quality and quantity of the personal contact between staff and prisoners plays an important part in safety in prisons and ultimate reintegration after prison.
- Maintaining family contact is a high factor in reducing re-offending and must be taken into account when locating prisoners and enable prison visits.

Introduction

1. The Religious Society of Friends (Quakers) in Britain is a denomination of around 15,000 members in the United Kingdom. Quakers have worked for over three hundred years in supporting offenders, victims, and the families of both, and in campaigning for reform of our justice system. Quaker Peace & Social Witness is part of the central organisation of Quakers in Britain. It's Crime, Community and Justice Sub-Committee supports and represents Quakers in the area of crime and community justice.
2. We currently encapsulate our own view of a criminal justice system in these two sentences: "*Justice should be compassionate, forgiving and healing – restorative, not retributive. We want to change attitudes and encourage the criminal justice system to move towards this vision of justice.*"

3. Our view is also informed by our *Learning from Experience* project which ran between 2009 and 2014. This involved Quakers collecting real stories from real people about their experiences of the criminal justice system in Britain. The stories illustrate powerfully what the human cost can be of a criminal sentence: the effect it can have on the family, friends, workmates and neighbours of the person convicted, on the victims and their circle, and on the wider community.
4. We welcome the government's intention to make prison reform a priority. Particularly welcome are measures to "give individuals a second chance; ensure better mental health provision for individuals in the criminal justice system; and find better ways of improving education, healthcare and security for prisoners and improve life chances for all".
5. To that list we would add explicitly the provision of training and useful work whilst in prison, with a range of activities which will nurture mind and spirit as well as physical well-being; and addiction treatments and nutritious food that will lead to the good physical and mental health of the offender. These things need to be provided for all prisoners regardless of the length of their sentence.
6. The replacement of "old and inefficient" prisons by new institutions where prisoners can receive better services and meaningful activity would also contribute to the aim of ensuring our prisons really "are places of rehabilitation". It is, of course, equally important that existing prisons are brought up to as high a standard as possible in both physical conditions and staffing levels.
7. Although we would rather have fewer prisons, it is in our common interests as a society to have a well-regulated, well-functioning prison service contributing to a genuinely transformative experience which will aim to reduce re-offending and the damage done to victims, offenders and families.

Q1. What should be the purpose(s) of prisons?

8. We want first to say that we believe prison should be used only when there is no reasonable alternative. Only offenders who pose a genuine, immediate and/or violent threat to society need to be incarcerated. When prison is truly the only reasonable response, it should be compassionate and rehabilitative.
9. We are for holding offenders accountable for their actions and for balancing wrongdoing by reparation. But we advocate responses to crime based on making things better for the victim and the offender, and thus for society. Punishment alone disengages people further from the society that imposes it. We consider that alternatives to imprisonment are often more positive for those who have offended, their families and victims, in particular restorative justice.
10. Being sent to prison is itself the punishment. The deprivation of liberty and all that goes with it should not be exacerbated by bad treatment inside prison. For those offenders who are sent to prison, we have long argued that prison should provide services which will actively and genuinely enable offenders to attain reintegration and acceptance into society: this should be the primary purpose of prison.

- **How should (i) the prison estate modernisation programme and (ii) reform prisons proposals best fit these purposes and deal most appropriately with those held?**

11. Prisoners should expect and receive equality of treatment including personal safety. They should also have equality of access to services tailored to their individual needs. We would encourage a system that works with people to recognise their individual responsibility for their actions and *there have been* successes when prisoners have been given greater responsibility within prisons and after leaving them.

- **What should be the roles, responsibilities and accountabilities of**

(i) Prison staff

12. The quality and quantity of the personal contact between staff and prisoners plays an important part in safety in prisons and ultimate re-integration after prison. To properly carry out their roles, there need to be adequate numbers of staff in all prisons, with appropriate recruitment, training, pay, supervision and professional support. Under-staffing undermines the ability to create good relationships with prisoners, visitors, volunteers and other staff. Such a situation can lead to serious upsets between individuals that can spill out to disturbances in the prison and in the community.

13. Prison staff need to be treated with respect and well supported in their difficult role. In turn, they need to treat prisoners with respect and humanity, whilst holding them accountable for their behaviour. Prison staff need to recognise that many offenders are also victims. Offenders need to be treated as people who need help to take responsibility for themselves and their actions. Prison staff at all levels should certainly be held accountable for the way in which they carry out their responsibilities.

(ii) Prison governors

14. There is a moral imperative to work for good outcomes for offenders and victims. We consider that justice should be applied with consistency, giving us concern when we hear that some prison governors are likely to be given greater autonomy.

15. Whilst we have some reservations about the element of competition implied by Michael Gove's proposal that "the best could be rewarded for their success,"¹ there is merit in systems that hold prison governors accountable for the effect their prison has upon its inmates. It should however be borne in mind that prisoners' conduct after release is at least as dependent on the support they receive in the community.

16. The unique importance of each individual means that our prisons should be places of safety and security for everyone who is there. Prisoners need to be able to call on appropriate help and receive it swiftly at all hours of the day and night. Ensuring this is the case is as much a responsibility of prison governors as is the provision of the other services itemised in the government's proposals.

(iii) National Offender Management Service

17. There are, of course, many individual projects which make a real difference by helping offenders become successfully reintegrated into society, supporting victims and families, and making the criminal justice system more rehabilitative and humane. At a national level we have previously identified particularly:
- the National Offender Management Service Co-financing initiative to provide resettlement projects across the country with matched European Social Fund (ESF) funding (although it would be useful if the Employers network, NEON, received funding for regular meetings);
 - the Offender Engagement Programme is a worthwhile and effective approach;
 - Integrated Offender Management provides a worthwhile individualised way of addressing the issues faced by prolific offenders.

(iv) Ministry of Justice officials and Ministers and

18. Dealing with an offender is a public responsibility that should be the direct duty of the state: a private provider of services is responsible to its clients and its shareholders rather than to society. Thus an ethical conundrum arises over the degree of public accountability when prisons and probation services are delegated to private companies.
19. The state should take direct responsibility for its prisons and prisoners, as it takes responsibility for all of its criminal justice system. Delivery of these responsibilities must always be fully transparent and publicly accountable. We object to creating circumstances in which financial profit can be made by regarding people as commodities.
20. Integration between the Ministry of Justice and other government departments responsible for meeting the needs of prisoners is vital, particularly (although not exclusively) for women offenders and those with particular mental and physical health problems.

(v) Other agencies and departments

21. The most effective response will always be to look holistically at the needs of each individual offender and then ensure that those areas of need are met in each of the 'seven pathways'. One way to achieve this is by working more constructively with the non-statutory groups, bodies and organisations who are running creative and effective services for offenders and their families.
22. All sentencing should state clearly what its aim is: the expected outcome, and the actions to achieve it. This needs to apply to prison as much as to any other sentencing condition. A statement of purpose, such as a particular programme in prisons, with the provision and costing of necessary support to achieve the outcome, would be valuable for those being sentenced, those administering the sentence, and those harmed by the offence. By thus identifying the outcomes expected from sentencing, sentences are more likely to be effective.

in creating a modern and effective prison system?

- Q2. What are the key opportunities and challenges of the central components of prison reform so far announced by the Government, and their development and implementation?
23. Changing public attitudes is always difficult, but there is already compassion within societal attitudes towards people living difficult lives, and the government needs to harness that compassion in relation to the use and experience of prison. Properly planned, built, situated, run and resourced prisons and well-educated and trained staff, will require a considerable outlay of money. However, in the long term this is more likely to reduce the costs to society as a whole, which extend beyond the financial.
24. *“One of the things we want to ensure is that reform prisons are rooted in their community and benefit from having outside support from individuals who are committed to making a difference.”*² Contact with the family remains one of the highest factors likely to reduce re-offending so whenever possible prisoners need to be held close to where their family and friends are. Being held as close as possible to their home location is of particular importance for women prisoners. The tendency towards bigger and fewer prisons is incompatible with the idea that prisoners should be housed near home, where contacts can be maintained to aim at smooth reinstatement into the family and community on release. ‘Reform prisons’ must take account of these needs.
25. Also important is the provision of good quality visitors’ centres where information, practical support and pastoral care are available and which include visiting facilities for the children of prisoners. Prisoners’ families must at all times be treated with dignity, respect and a sensitive awareness of their needs: not made to feel as though they too are offenders.
26. A key challenge for government continues to be ensuring that, where prison is necessary for a woman, the provision properly takes account of the fact that women prisoners’ physical, mental and emotional needs differ from those of men.
- Q3. What can be learnt from existing or past commissioning and procurement arrangements for (i) private sector prisons and (ii) ancillary prison services which have been outsourced?
27. To deliver the aims of the proposals, the government needs to:
- make commissioning processes flexible enough to be usable by small voluntary organisations which may not have the time or expertise to complete complex tenders for funding;
 - make a commitment to sharing clear communication and good information;
 - apply a consistency of approach in dealing with their partners, including simplicity and openness in procedures;
 - find inclusive ways of partnership working among all those able to meet the different needs of an offender (e.g. representatives from the local police, health, housing, probation, social services, Third Sector agencies, faith groups, voluntary groups);
 - use processes which allow for small local initiatives such as prison visits, play schemes, etc. to feel fully able to contribute to partnerships.

28. Improvement and maintenance of good standards is of course equally important in all prisons, whether run privately or by the state. Although it may be believed in some quarters that private enterprise can allow for greater flexibility and innovation, it is our belief that these attributes can and should be achieved within the state prison system also.
29. There must be transparency in the provision of prisons and probation services, with measures in place to ensure that high standards of probity are maintained, regardless of whether the provider is in the public, private or voluntary sector. We were however particularly pleased to see the previous Justice Minister, Michael Gove, give an undertaking that the new 'reform' prisons would still be in the public sector.
30. It seems to us that the prison service in England & Wales could usefully consider the thinking of the Scottish Prison Service as outlined in *Unlocking Potential, Transforming Lives: Report of the SPS Organisational Review, December 2013*. The plans to use an asset-based approach are likely to be particularly effective in facilitating re-integration.
- Q4. What principles should be followed in constructing measures of performance for prisons?
31. "Effectiveness" should be measured in terms beyond immediate or direct financial indicators. It needs to include measures that show how prison reduces re-offending. Successfully enabling the re-integration of ex-offenders into their families and communities will itself result in reduced financial costs to society. The best measures are a falling prison population, lower rates of re-offending, and positive reports from those who monitor prisons, such as Independent Monitoring Boards and the Chief Inspector of Prisons.
32. We endorse the measures of performance laid out by Michael Gove in his evidence session before the Justice Committee on 16 March 2016: *"The quality as well as the number of qualifications" that prisoners obtain ... [and] the success of the prison in achieving basic resettlement goals, making sure that prisoners find and stay in accommodation, find and stay in jobs, and desist from criminality over the long term.*"
33. For this to happen, prisons have to offer to all prisoners sufficient ease of access to appropriate activities and encouragement for them to take them up. We believe that the onus is on the prisons, their governors and staff, and the Ministry of Justice in regulating those institutions, to ensure that resources are properly available.
- Q5. What can be learnt from (i) other fields, notably health and education and (ii) other jurisdictions about the creation of prison trusts or foundations and related performance measures?
34. We endorse the key message of the UN Office for Drugs and Crime report *"From Coercion to Cohesion: Treating drug dependence through health care, not punishment"* that drug treatment should be an alternative to criminal justice sanctions. This recognizes the dangers of drug use and misuse as a public health issue and is supported by the drug control conventions. Treating drugs as a health issue rather than a criminal matter in countries such as Portugal is leading to a drop in prisoner numbers, a large cost saving, and individuals getting off drugs.

- Q6. Are existing mechanisms for regulation and independent scrutiny of prisons fit for purpose?
35. The Inspectorate of Prisons does valuable work in identifying areas where improvement is needed, and the recommendations in their reports should be acted on promptly. Similarly visits by the Independent Monitoring Boards are a valuable opportunity for prisoners and staff to talk confidentially and privately about important issues. Together they provide a good coverage of monitoring the reality of life within prisons for offenders and staff. The annual reports published by both HMCIP and IMBs are also an important element of accountability to the wider public.
- Q7. What are the implications for prison reform of (i) the Transforming Rehabilitation programme and (ii) devolution of criminal justice budgets now and in the future?
36. To help offenders avoid further reoffending and aid their return to the community, rehabilitation services need to be well planned, resourced and integrated. This will necessarily be expensive, but the saving in the long term will pay back dividends and the benefit to society will be beyond measure. Because the prison estate is so linked with the probation service, it would be sensible to strengthen the links between them, for example with coterminous boundaries between the two estates to ensure coherent and efficient operation.

9 September 2016

¹ *Speech to the Prisoners Learning Alliance, July 2015*

² *Evidence session before the Justice Committee on 16 March 2016*