

Howard League for Penal Reform

Howard League for Penal Reform's submission to the Justice Committee inquiry on the prison operational workforce

6 January 2023

1. About the Howard League for Penal Reform

1.1. Founded in 1866, the Howard League is the oldest penal reform charity in the world. The Howard League has around 10,000 members, including prisoners and their families, lawyers, criminal justice professionals and academics. The Howard League has consultative status with both the United Nations and the Council of Europe. It is an independent charity and accepts no grant funding from the UK government.

1.2. The Howard League would welcome the opportunity to provide further information about any of the points below.

2. Staffing levels and their impact on the operation of prisons

2.1. When considering the issue of prison staffing, it is important to contextualise current challenges within the policy direction that was initially set a decade ago. The prison system in England and Wales has faced severe problems ever since the benchmarking exercise introduced by Chris Grayling as Secretary of State for Justice in 2012. A Howard League report published in 2014 found that between 2010 and 2013, the number of frontline prison officers dropped by 30 per cent (Howard League 2014).

2.2. For many years since the Grayling cuts to staffing, up until the onset of the Covid pandemic in 2020, the prison system saw new record highs set every quarter for self-harm and assaults. At points in the last decade there were also surges in self-inflicted deaths and high-profile disturbances, such as the riot which took place at Birmingham prison in 2016. While there may have been other factors at play behind these events, the authorities implicitly acknowledged the crucial impact of staffing cuts by seeking to increase the recruitment of frontline operational staff.

2.3. Even before the Covid pandemic, however, His Majesty's Prison and Probation Service (HMPPS) struggled to retain staff. At that point the high levels of violence and self-harm faced in prisons, combined with uncompetitive rates of pay (particularly in the South-East of England), meant that staff were leaving the service even as new staff were being recruited. While the safety situation has stabilised in recent years, due to restrictions brought into manage the spread of Covid, the challenges of recruitment and retention are now writ large across the prison system as it struggles to return to providing more open and purposeful regimes.

2.4. The HMPPS annual report for 2021-22 (2022) states:

Across HMPPS we have experienced significant challenges with recruitment and retention, which has led to a deteriorating position against our target staffing figures. The COVID-19 pandemic severely disrupted recruitment and training, and a tightening labour market has caused increasing vacancies. The workforce landscape is complex, and these challenges are not unique to HMPPS. However, recruitment and retention rates have posed a significant risk to our ability to operate prison services and rehabilitative activity at the desired level. Pressures on staffing levels have been masked by COVID-19 regime restrictions and as we moved to normal operating models, we expected performance levels to be challenging.

2.5. The HMPPS annual report shows that while the recruitment of band 3 to 5 officers increased by 51.7 per cent on the previous year (ending 31 March), the number of band 3 to 5 officers leaving HMPPS increased by 60.1 per cent on the previous year. Overall, 4,153 band 3 to 5 officers were appointed in the year ending 31 March 2022, while 3,387 band 3 to 5 officers left the service. Of these, 73.9 per cent resigned from their roles (up from 58.5 per cent on the previous year). In the Youth Custody Service (YCS), the number of prison officers leaving the service increased by 61.2 per cent on the previous year – with two thirds of those resigning from their roles.

2.6. The situation does not seem to have improved since the period covered in the HMPPS annual report. Simply increasing the recruitment of new officers is of limited value if those new recruits will not stay in the service, a point made forcefully by the Chief Inspector of Prisons in a blog post from October 2022 (HMIP 2022a). The Chief Inspector details a number of overarching concerns, including whether the currently centralised model of recruitment and allocation to establishments is “archaic”. Inspection reports published since have further served to underline these concerns, while illustrating similar problems are faced by both public and private prisons. In December, the Inspectorate found that Northumberland prison, run by Sodexo, had a poor provision of meaningful work, education and training, alongside limited rehabilitative opportunities and poor oversight of public protection (HMIP 2022b). This was despite Northumberland’s core function as a category C resettlement prison. In the same month, Norwich prison, run by HMPPS, was found to be struggling to provide meaningful work, education and activities – with 65 per cent of the population locked up during the working day (HMIP 2022c). Levels of violence and self-harm were high. In both cases, staffing shortages were blamed for the problems these prisons faced.

2.7. Calls in the past month to the Howard League’s legal advice line, operating in custody for children and young adults, corroborate these official concerns on staff shortages. Young adults in prison report establishments offering no courses, education, or work, with some prisons still offering only one hour out of cell a day. We have been told about enhanced prisoners who should receive enhanced association, and how that is often cancelled due to staff shortages – with a corresponding impact on morale and on the motivation to work for such unreliable incentives. Young people report high staff absences due to sick leave, as well as a high turnover, with “lots of new faces” and young and inexperienced staff – including

one prison officer aged only 19. Callers to the advice line also report staff themselves complaining to prisoners about staffing levels at their establishments, as well as describing the shared pressures both staff and prisoners feel in understaffed institutions. This recent testimony shows little has changed since the Howard League surveyed its prisoner membership earlier in 2022, when problems with staffing – poor retention, illness, burnout, officers who have only worked in prison while the restrictions have been in place – were identified as especially pressing and preventing the estate from recovering (Howard League 2022).

2.8. All of this would be concerning enough, but the backdrop to these staff shortages is a government commitment to massively expand the size of the prison estate. Ministry of Justice plans to build 20,000 new prison places, at a cost of £3.75bn (HMPS 2022), are designed to meet a projected increase in the prison population of around 18 per cent over the next three years (Ministry of Justice, 2021). This would see a prison population of 97,500 by July 2025. Plans to recruit 5,000 more new officers are simply not enough to properly resource such a bloated prisons estate. Instead of looking to properly mitigate current challenges – or act decisively to change policy direction – the government is placing a substantial amount of money and effort into expanding and exacerbating the failings of the system.

3. The role of the prison officer

3.1. In 2017, the Howard League and the trade union Community published a report (Howard League 2017) which examined the role of the prison officer – primarily through focus groups and surveys with prison officers working in privately operated establishments. Even in 2017, we found that morale was low and that few of these prison officers envisaged a long-term future for themselves working in prisons.

3.2. Despite this low morale, the prison officers who contributed to our research were enthusiastic for change and wanted to play a role in helping people turn their lives around. All officers we spoke to described wanting to make a positive difference by developing relationships with prisoners. Unfortunately, the role as currently designed made that extremely difficult. As our report stated in its conclusions:

There are choices to be made about the role of prison officers in public and private sector prisons, what they should be aiming for and the education and training that they need to achieve. Across Europe there are different models for the role, and we have chosen an uneasy hybrid that rests on requiring little education, delivering low level training with poor working conditions, whilst asking officers to deliver a complex and professional service to vulnerable and challenging inmates. In some German prisons, officers have a traditional ‘turnkey’ role, merely locking and unlocking doors and escorting prisoners around the prison whilst psychologists and healthcare professionals have responsibility for the management and treatment-focused work. Alternatively, in Norway, prison officers are the driving force behind the reform and resettlement work that goes on in prisons; they are highly trained

professionals with degree-level qualifications and extensive on-the-job training.

3.3. Prisons policy in England and Wales has become all about managing volume, primarily in the need to meet a rapidly increasing demand on prison places, and therefore a prison population projected to reach record highs. This is mirrored in the challenge around staffing, which is simply to get enough boots on the ground to operate an expanding prison estate in a minimally secure way – with positive regimes and rehabilitation an increasingly distant aspiration. It is difficult to see how the role of the prison officer can positively develop, at a time when not only is the system being expanded at a cost of £3.75bn, but the authorities cannot even properly staff the prisons they already have. That is one important reason why the current course of direction must change.

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