



Ministry
of Justice

Prisons Strategy White Paper – Response to Consultation Questions

June 2022

CP 686



Ministry
of Justice

Prisons Strategy White Paper – Response to Consultation Questions

Presented to Parliament

by the Lord Chancellor and Secretary of State for Justice

by Command of Her Majesty

June 2022

CP 686



© **Crown copyright 2022**

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/official-documents.

Any enquiries regarding this publication should be sent to us at prisonswhitepaper@justice.gov.uk

ISBN 978-1-5286-3371-0

E02752093 06/22

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of
the Controller of Her Majesty's Stationery Office

Contents

Foreword	3
Prisons Strategy White Paper: Response to Consultation Questions	4
Our Prison Estate	6
Safety, Security and Regime	7
Reducing Reoffending	9
Women’s Prisons	11
Workforce	13
Leadership and Accountability	14

Foreword



Prisons play a vital role in protecting the public.

As a result of this Government's sentencing changes, we are holding the most serious and dangerous offenders in custody for longer, which not only keeps our streets and the public safe but helps victims feel that justice has been served.

Our Prisons Strategy White Paper was published in December 2021 and set out our plans for modern, safe and secure jails that reform prisoners, cut crime and make our streets safer.

We have boosted security over the last three years with our security programme of £100m and have committed an additional £25m in prison security since the publication of the White Paper. We are building and designing the next generation of prisons, which maximise opportunities for offenders to turn their lives around – getting them off drugs, rebuilding family ties and harnessing cutting-edge technology to put education, training and jobs at its core. All these factors are proven to cut crime, reduce reoffending and protect the public.

We've demonstrated that we are serious about getting offenders work-ready – which is so important when it comes to rehabilitating and reintegrating offenders back into society – with the roll out of Employment Hubs and the appointment of 48 Employment Board Chairs.

We've also committed to further reform, including legislating to enable prisoner apprenticeships for the first time, further expansion of digital, data and technology in the Prison Service, tackling the Friday release problem and opening a Residential Women's Centre in Wales.

And we haven't shied away from facing head-on complex challenges such as managing terrorist offenders, tackling substance abuse, violence and self-harm.

As the consultation response makes clear, this is the start of an ambitious delivery plan in the years to come and the Government is committed to continued engagement with our staff, Governors, charities and the public to ensure we deliver it.

A handwritten signature in blue ink that reads "Victoria Atkins".

Victoria Atkins MP

Minister of State for Prisons and Youth Justice

Prisons Strategy White Paper: Response to Consultation Questions

1. The Prisons Strategy White Paper (PSWP) was published in December 2021, setting out our vision for prisons. The commitments in the paper will tackle this government's priorities for prisons: building the next generation of prisons; an estate that is safe and secure for staff and prisoners; and prison and probation services that cut crime and protect the public.
2. We are now moving at pace to implement this programme of reform and have already made significant progress since we published, including:
 - Opening HMP Five Wells in March 2022. This is the first of our new prisons providing an additional 1,700 places which is key to protecting the public and modernisation of the estate.
 - Delivered digital upgrades to a further seven prisons and on track to complete a further four sites by October 2022.
 - Completed our landmark Security Investment Programme in March 2022, including the deployment of Enhanced Gate Security, mimicking airport screening, across 42 high-risk sites.
 - Accelerated roll out of Employment Hubs with 29 now established and appointed 48 Employment Board Chairs.
 - Announced that we will change the law to enable prisoner apprenticeships.
3. Recognising the complexity of the challenges, and wanting to gather a wide range of views from those with knowledge and experience of prisons, we included some key questions in the paper and invited responses.
4. We would like to thank the many individuals and organisations who responded to the consultation. We received 155 responses to 19 consultation questions, providing a broad and diverse set of views: from prisoners and staff, organisations working in or involved with prisons and interested members of the public – giving us helpful insight across the range of issues in the paper. Alongside the written consultation, we have met with expert stakeholders in the sector, staff working on the frontline and those with experience of the prison system.
5. Some strong and consistent messages emerged from the consultation, which are explored in more detail below. This included support for the expansion of digital, data and technology in our prison system to realise their potential for rehabilitation. Another was the need to recognise, understand and address the full diversity of needs of the prison population. Respondents were also clear on getting the basics right to set

people up for crime-free lives in the community: preparing prison leavers for release through quality education and training; ensuring arrangements are in place to secure jobs and accommodation; and a coordinated approach in transitioning to life outside prison which our Resettlement Passports will be designed to achieve.

6. Stakeholders rightly raised complex and difficult issues. Strong views were expressed on expanding the prison estate. We must do this to protect the public and make the streets safer, meet projected demand from the courts and deliver manifesto commitments. The modern facilities we are delivering will also enable us to provide a safer and more secure custodial environment and to provide more opportunities to intervene and aid prisoners to turn their back on crime.
7. The issue of over-representation in prisons of people from ethnic minority backgrounds was a theme across consultation questions. We are committed to improving outcomes for those from ethnic minority backgrounds and this includes taking inclusive approaches under the Department's Race Action Programme as we implement our proposals. In March 2022, the Government also published its response to the Commission on Race and Ethnic Disparities report. We committed to 74 actions across Government for a more inclusive and integrated society, including in relation to criminal justice.
8. The consultation has provided a wide range of helpful feedback and we will continue to engage across a range of issues as set out below as we put the ambitions of the PSWP in to practice. We are also developing plans to track, monitor and deliver the PSWP commitments.

Our Prison Estate

Since publication, we have:

- Opened HMP Five Wells with state-of-the-art facilities and new design to support reducing reoffending
- Delivered digital upgrades to seven prisons and are on track to complete a further four by October this year

Going forward, we will:

- Open HMP Fosse Way in Spring 2023 and continue with our prison build programme
- Increase digital access across the estate including providing further funding to support video calling

9. The White Paper included plans for the largest prison build programme in over a century. Alongside this, we set out proposals to improve the existing estate including delivering digital upgrades to a further 11 prisons.
10. One of the key themes across the consultation responses was overwhelming support for our proposals to improve digital infrastructure in the prison estate. The pandemic has shown the benefits of digital in supporting family ties and allowing prison staff to manage their time more effectively. Some respondents felt though that we should go further and faster in scaling up digital access.
11. As set out above, we are moving quickly to scale up digital access and, in light of feedback, we will of course look for opportunities to upgrade other parts of the estate. We have now completed deployments at seven sites since publication and a further four sites will be completed by October 2022. Alongside these new sites, we are updating the devices and services in the two original Digital Prisons, Wayland and Berwyn, to ensure they remain secure and supportable. We have also committed to continuing to offer secure video calling, while recognising feedback from the consultation that increased use of video calling should not be to the detriment of social visits. We see technology as one strand of how we maintain family ties and, going forward, we will look to learn the lessons from the pandemic and implement some of the longer term aims of the Lord Farmer review on family ties.
12. We agree with the need to get the basics right. In line with this, we invested record levels in the existing estate last year and have followed that up with a further multi-year investment to improve conditions for those living and working in our prisons.
13. Some respondents raised concerns about prison expansion and that any plans should be on a 'new for old' basis. Our prison build programme presents the opportunity to redefine how we deliver services in prisons, provide modern accommodation that

supports rehabilitation and allow us to refurbish other sites. We also have an obligation to serve the courts and, through the Police, Crime, Sentencing and Courts Bill, we are bringing forward important changes to sentences for some of the most serious offences. These places are much needed to keep up with demand and ensure that we keep our streets safe, achieving our Manifesto commitment, while also allowing for the longer-term renewal and modernisation of the prison estate.

14. We were pleased to see support for the state-of-the-art facilities that are built into the design of our new prisons. We officially opened HMP Five Wells on 3 March 2022. This new prison has the latest technology so prisoners can take full advantage of the education and employment opportunities provided; and it is also equipped with security measures that contribute to our zero-tolerance to drugs and other contraband. We also recently announced that the new prison at Glen Parva will be named HMP Fosse Way and will be opened in Spring next year. These are significant steps forward in our ambitious programme to deliver a future proof and fit-for-purpose prison estate, with the capacity needed to meet demand, house prisoners safely and securely – and reduce reoffending.

Safety, Security and Regime

Since publication, we have:

- Completed our £100m Security Investment Programme with 75 X-ray body scanners installed and Enhanced Gate Security at 42 higher risk sites
- Secured £34m in funding to move towards a preventative approach on safety

Going forward, we will:

- Invest a further £25m to disrupt the supply of drugs and other illicit items into prison
- Invest £120m to support offenders into drug treatment to deliver the commitments in the Government Drug Strategy
- Design and deliver our National Regime Model in partnership with key stakeholders

15. The White Paper also set out our ambition to have a safe and secure environment for staff and prisoners, with a daily routine that works to reduce reoffending. Many contributors to the consultation supported our increased security and safety measures in prisons, such as body scanners and body-worn cameras, and shared our concerns about drugs and crime in prison. For some, a key issue was seeking more prosecutions for assaults on prison staff. We also heard that there is a need to get the balance right between security measures and rehabilitation opportunities.

16. It is essential that we build on the good work of the Security Investment Programme and continue to tackle the conveyance of drugs into prisons. We have recently secured a further £25m to improve prison security including to prevent drugs entering prisons through installing high-specification drugs trace detection, mobile phone blocking technology and an Intelligence Management System. We are also on track to deliver a new Crime in Prisons Taskforce by early 2023. Based on feedback, this will include improving the evidence gathering and capability of staff so that referrals to Crown Prosecution Service for crimes against staff are higher quality.
17. The debt resulting from the supply and distribution and use of drugs is a significant cause of violence, intimidation and self-harm across the estate, endangering both staff and other prisoners. By October 2022, we will have completed a prisoner debt stocktake bringing together all the known data and evidence on how debt operates in prison and how it permeates into the community creating further victims of crime.
18. Alongside this, we will deliver the commitments in the Government Drug Strategy, including investing £120 million to get more offenders engaged in treatment, with a focus on achieving abstinence. This will enhance testing regimes in prison, increase the use of intensive drug rehabilitation requirements for those on community sentences and support prisoners to engage with community treatment ahead of their release. We are also expanding the use of Incentivised Substance Free Living areas where prisoners commit to live drug free, while undertaking voluntary drug testing and engaging with treatment.
19. The PSWP set eight specific and deliverable commitments to improve prison safety. All of these have now been fully funded through the recent Spending Review, and as such will be delivered over the next three years. The most commonly raised issue on safety in the consultation was ensuring the diverse needs of individuals in custody are addressed, including mental health, trauma and protected characteristics. The feedback from respondents will be invaluable in informing our approach on peer support services for both prisoners and staff, our new Enhanced Support Service to tackle the most challenging behaviour and an innovations taskforce to identify and pilot new interventions on violence and self-harm.
20. The White Paper committed to a two-year programme of Future Regime Design, and we sought feedback in the consultation on its principles and approach. We heard support for taking a tailored approach, encouraging more purposeful activity and staff-prisoner interactions and embedding technology into the prison regime (though to supplement staff-prisoner interactions rather than replacing them). A widely shared view was the need to collaborate both inside and outside of the prison system to develop future regimes. In line with this, we are now working in partnership with key stakeholder groups, staff and people with experience of the prison system to co-design and deliver the new National Regime Model.

21. The White Paper also set out our ambition to improve the adjudications system and introducing a fast-track system with rehabilitative interventions for lower level offences. Some stakeholders raised concerns about the practicalities of this, potential disproportionate impacts on protected groups and flagged the need to administer adjudications in tandem with reward systems to encourage prisoners to comply.
22. To help mitigate these concerns, we now plan to design the fast-track adjudications process in alignment with other behaviour management systems to ensure proportionate responses to different types and seriousness of rule breaking. We will also review the current paper-based process for adjudications to assess whether digital improvements can be made to enable sanctions to be fast, reduce errors in the system and make the process more accessible. A full impact and equalities assessment will be undertaken, and we will take the appropriate steps to ensure that prisoners with protected characteristics are not disproportionately negatively impacted by the changes.

Reducing Reoffending

Since publication, we have:

- Accelerated the roll out of Employment Hubs, with 36 due to be set up by the end of June
- Started the recruitment of 91 employment advisers to be in place in all of our resettlement prisons by April 2023
- Reduced the time period on criminal records disclosure for some offences
- Started procurement to expand temporary accommodation to support prison leavers at risk of homelessness across England and Wales

Going forward, we will:

- Legislate to enable prisoner apprenticeships in collaboration with the Department for Education (DfE)
- Commit to action on Friday releases, including pursuing legislation to address this issue for those at risk of reoffending, when parliamentary time allows
- Engage stakeholders on the design and implementation of Resettlement Passports

23. At the core of the White Paper was our aim to tackle the cycle of reoffending in our prisons and cut crime. We set out plans to deliver a Prison Education Service to raise levels of numeracy and literacy, build stronger links with employers to maximise jobs on release and bring together essential information and services in the form of a Resettlement Passport so prison leavers can lead crime-free lives. The White Paper also set out strong expectations on employment: a presumption that all offenders will be offered the chance to work in prisons, on Release on Temporary Licence and on release to increase job prospects.

24. The consultation showed widespread support for more meaningful employment opportunities in prisons and setting prison leavers up to secure jobs. Respondents emphasised the importance of working in partnership with local employers to identify and fill skills gaps. As set out above, we have introduced a presumption for prisoners to be offered employment in custody and have made significant progress in scaling up the employment support and opportunities for jobs on release. In line with feedback, we have been working in partnership with employers including James Timpson (CEO of Timpson) to roll out Employment Boards in prisons. These boards will link prisons with industry so that local business can provide advice on how prisoner training can match the needs of the local labour market.
25. We heard several views in the consultation that criminal records disclosure presents a significant barrier for many seeking employment. To tackle this, we have reduced the length of time some people will need to disclose their criminal record and will now be working to ensure prisoners get practical support, high quality information and guidance about disclosure.
26. A common theme we heard in the consultation responses was the need to improve the quality of education provided in prisons. Stakeholders agreed with framing education provision around core skills needed for modern workplaces and also to be tailored to meet the varied needs of the prison population. There was also a call from respondents to enable prisoners to undertake apprenticeships and start these in prison.
27. We agree that there needs to be a step-change in how we deliver education in prison. This starts with ensuring prisoners have a prompt education assessment and screening to identify additional learning support needs. Since publication, we have issued initial guidance to governors to support them to identify the best curriculum for their prison population. Informed by feedback from the consultation, we recently announced our intention to work with DfE to change the law to enable prisoner apprenticeships to start later this year. We will also shortly set out further plans for literacy and employability innovation funds to ensure that prisoners have the skills needed to secure jobs on release. To reflect the diverse needs of the prison population, this financial year we have been recruiting specialists to support prisoners with additional learning needs as well as 17 education specialists.
28. Many consultation responses highlighted the importance of supporting prison leavers' resettlement into the community and that the necessary arrangements were in place before the person is released. This includes supporting them into employment (above), providing accommodation and ensuring continuity of healthcare treatment. We have introduced a new provision of temporary accommodation and support for up to 12 weeks after release for prison leavers at risk of homelessness. We will also ensure prison leavers leave with the basics, such as ID and a bank account, through a programme of activity in prisons in the coming year.

29. We view Resettlement Passports as a valuable opportunity to bring together the key information and services to support prisoners on release. The concept of Resettlement Passports was welcomed by stakeholders in the consultation. They felt that in order to be effective they should be digital, link to sentence planning and be flexible to meet individual needs. We will continue to develop the design of Resettlement Passports and this includes testing with frontline staff, voluntary sector organisations and prisoners.
30. On Friday releases, generally respondents felt there should be increased flexibility and discretion, that legislation may be needed to support this and some suggested that we should look at the approach taken in Scotland. This Government will legislate to enable prison leavers who are at risk of reoffending to be released up to two days earlier, where a release date falls on a Friday or before a bank holiday, when Parliamentary time allows. We will take into account the personal circumstances of the offender to ensure public protection is maintained.
31. While there were no specific questions within the White Paper regarding our aspirations for tackling homelessness upon release, many respondents highlighted this as a fundamental issue. We welcome those comments, especially those concerning the unique challenges that female offenders face, and will use them to inform the delivery of Approved Premises, Bail Accommodation Support Services, Community Accommodation Service-Tier 3 and Housing Specialists.

Women's Prisons

Since publication, we have:

- Developed bespoke selection and assessment criteria for staff in women's prisons and started to roll out a bespoke model of staff training
- Recruited enhanced Pregnancy, Mother and Baby Liaison Officers across the women's estate
- Funded a number of activities to support improvements in safety, including additional support for women with complex needs, specialist support for women who have experienced abuse and extra support during early days in custody
- Announced the opening of a pilot Residential Women's Centre in Swansea to provide a community-based alternative to a short custodial sentence

Going forward, we will:

- Publish a delivery plan for the Female Offenders Strategy which will set out ways to reduce the number of women in custody
- Continue to improve support for pregnant women and young mothers including setting up a National Stakeholder Advisory Forum

32. The White Paper set out a new approach for women’s prisons: one which is trauma responsive, recognises the distinct nature of women’s experience in custody and provides the appropriate levels of support, particularly for pregnant women and those with young children.
33. There was broad support in the consultation for taking a trauma-informed and bespoke approach where women are in custody. Stakeholders also highlighted the importance of recognising and meeting the diverse needs of the female population including around domestic violence, sexual exploitation and cultural heritage.
34. As set out above, we are making progress on each women’s prison becoming a trauma informed and responsive environment. Alongside improving recruitment and training for women’s prisons, further funding for safety will include additional support for women in the early days in custody, those who have complex needs and development of a bespoke approach to young women. We are also starting work to design smaller custodial environments for women on short sentences and research is underway to explore the experiences of imprisonment for women with trauma histories.
35. On our plans to deliver new facilities in the women’s estate, there was a view from respondents that the female prison population should be reduced, with community alternatives for women convicted of non-violent offences and those on short sentences. We still consider that custody should be a last resort for most women but there are crimes for which a custodial sentence is necessary, and we need the space to be able to accommodate these women. Sentencing is a matter for the judiciary and pregnancy is already a mitigating factor in sentencing guidelines. We are, however, looking at ways to reduce the number of women in prison and our commitments to support this aim will be set out in a forthcoming Delivery Plan for the Female Offender Strategy. This will include developing a Problem-Solving Courts pilot initiative to offer an intensive Community Order or Suspended Sentence Order as an alternative to custody. We have announced the opening of the first Residential Women’s Centre in Swansea, offering a community-based alternative to a short custodial sentence which will enable women to engage with rehabilitative services to address the underlying causes of their offending behaviours.
36. We are committed to providing appropriate support for pregnant women or those with very young children. Several responses to the consultation agreed on the need for more support for pregnancy, mothers of young children and supporting family ties. There was support for expanding the use of Mother and Baby Units, though with the caveat above that many did not believe pregnant women should be in custody. The White Paper set out key reforms in our new national policy framework including the provision of enhanced Pregnancy, Mother and Baby Liaison Officers across the women’s estate, who have been recruited. Prisons are now expected to be fully compliant with this framework. This year we will also be holding the first of our new

bi-annual National Stakeholder Advisory Forums on Pregnancy, Mother and Baby Units and Maternal Separation from Children up to the Age of Two in Women's Prisons. This will ensure that women with experience of the prison system, stakeholders and our partner agencies can inform how we can best support pregnant women and mothers with young children.

Workforce

Since publication, we have:

- Launched our retention toolkit into all prisons in order to aid our understanding of the drivers of attrition
- Developed new career pathways, such as the fast-track Justice Leaders scheme, to support our plans to recruit more prisons officers

Going forward, we will:

- Complete our recruitment of 5,000 additional prison officers by mid-2020s
- Invest in a number of retention initiatives including: buddy schemes in all prisons for peer-to-peer learning; experienced staff mentors in all prisons to support new joiners; increased leadership training at sites experiencing the highest rates of attrition

37. Our people are a key part of the White Paper and delivering on our overall ambitions relies on our dedicated workforce. While our consultation questions focused on training, many stakeholders were clear that the recruitment and retention of staff would be integral to achieving our wider aims.
38. On staff training, we received a range of views on where we could go further, ranging from trauma training through to digital skills, emotional awareness and communication skills. Several responses referenced the need to ensure that any additional training would not place a burden on officers and queried whether sufficient resource would be in place to release operational staff for training courses. We also heard support for the professional supervision for officers and greater access to leadership training for staff.
39. We fully recognise the staffing challenges experienced in prisons where large volumes of staff require time off the prison landing for various reasons, including to complete essential training. We have increased investment so that we can backfill these gaps across the estate where such challenges arise. Aligned with consultation feedback, we are also launching a supervision pilot in May 2022 for Band 3 prison officers in two establishments.
40. Recruitment and retention were emphasised by many respondents. In the White Paper, we set out our intention to run a large-scale recruitment campaign for up to 5,000

additional prison officers in private and public prisons by the mid-2020s. We currently have recruitment activity ongoing for all sites with a current or future recruitment need.

41. As set out above, we have rolled out a retention toolkit in all prisons and will shortly set out plans for launching new initiatives to improve retention. We have also developed new career pathways which we launched in January – ‘Advance into Justice’, an MoJ fast track scheme which supports armed forces veterans into prison officer roles; and in January 2022, we invited applications for the first pan-HMPPS fast track scheme ‘Justice Leaders’. We believe that taking these steps will help us to retain our valued staff across establishments.
42. We recognise that recruitment and retention are driven by a range of factors, including pay, a topic that several responses to the consultation raised. We will continue to work with the Prison Service Pay Review Body as part of the regular pay round. Our proposals for 2022/23 pay award seek to deliver targeted increases in pay to operational prison staff, and to the lowest paid.

Leadership and Accountability

Since publication, we have:

- Agreed 14 Key Performance Indicators to measure progress with annually published performance ratings for each prison
- Developed plans for Ministerial Performance Review Meetings (MPRMs) and roundtables to improve accountability

Going forward, we will:

- Continue to pursue legislative opportunities to strengthen the scrutiny bodies
- Clarify existing governor powers to inform how we can increase autonomy

43. The White Paper sets out our ambition for a ‘New Deal’ for Governors based on clear expectations and accountability, but with greater freedom and autonomy to shape how our strategic objectives are delivered in practice within our prisons. The consultation has underscored our commitment to delivering Governor autonomy in the right way. We heard several responses cautioning that increased autonomy should not come at the expense of inconsistencies across the estate, which may be confusing and unsettling for prisoners and staff. Some respondents also suggested that there must be clear framework in place to ensure governors do not fear innovation and the parameters are properly understood.
44. To avoid this, and in order to meet our targets set out in the White Paper, we will be publishing a statement of policy clarifying existing governor powers in June 2022. As

we continue to develop the policy around earned autonomy, we are ensuring that this continues to be led by views from the operational line. Alongside regular engagement with operational leaders, in March 2022 we also appointed a Governor Champion. Further guidance will be published later this year on the potential parameters for earned autonomy powers and the process for applying for them.

45. We also committed in the White Paper to enhance accountability: establishing a new Ministerially-led performance review Board, using KPIs and our strategic priorities to drive improved outcomes, share good practice and address structural performance issues. To this end, we are introducing Ministerial Performance Review Meetings (MPRMs) which will take place each quarter between Ministers and Prison Governors. The first of these will take place in July 2022. We are also introducing 14 KPIs in April 2022 covering security and stability; training, skills and work; drugs and alcohol addiction; and family and accommodation. We will publish annual dashboards and performance ratings for prisons. Consultation respondents noted that the KPIs should take account of any protected characteristics, and we will be continuing our equalities impact assessments in line with this.
46. On strengthening independent scrutiny, we stated in the White Paper that we would continue to pursue legislative reform to provide Arm's Length Bodies with the legislative framework needed to undertake scrutiny activity as effectively as possible. We are committed to pursuing this legislation and we will continue to work with the Arm's Length Bodies to ensure they maintain their strong impact.

E02752093

978-1-5286-3371-0