PREM 19/2229

Mr Justice May's Report of the Inquiry in the UK Prison Service.
Prison Service Pay.
Appointment of a Prisons Inspectorate.
Prison Population

HOME AFFAIRS

OCTOBER 1979

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
~~8.10.79~~		~~13.11.80~~					
~~12.10.79~~		~~24.11.80~~					
~~15.10.79~~		~~4.12.80~~					
~~18.10.79~~		~~18.12.80~~					
~~26.10.79~~		~~1.5.81~~					
~~29.10.79~~		~~27.8.81~~					
~~30.10.79~~		~~9.10.81~~					
~~31.10.79~~		~~15.10.81~~					
~~18.4.80~~		~~4.3.82~~					
~~30.4.80~~		~~4.11.82~~					
~~25.6.80~~		~~19.11.82~~					
~~26.6.80~~		~~1.12.82~~					
~~25.7.80~~		~~10.3.83~~					
~~26.9.80~~		~~April 83~~					
~~15.10.80~~		10.4.86					
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PREM 19/2229

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TO BE RETAINED AS TOP ENCLOSURE

Cabinet / Cabinet Committee Documents

Reference	Date
E(EA)(79) 50	12.10.79
E(EA)(79) 51	12.10.79
E(EA)(79)48	15.10.79
E(EA)(79) 17th Meeting, Minutes	16.10.79
CC(80)36th Conclusions, Minute 2 (extract)	23.10.80
CC(80)40th Conclusions, Minute 5	13.11.80
CC(80)43rd Conclusions, Minute 5	04.12.80
CC(83)8th Conclusions, Minute 2	10.03.83
CC(86)14th Conclusions, Minute 1	10.04.86

The documents listed above, which were enclosed on this file, have been removed and destroyed. Such documents are the responsibility of the Cabinet Office. When released they are available in the appropriate **CAB** (CABINET OFFICE) CLASSES

Signed C Wayland Date 3 November 2015

PREM Records Team

Published Papers

The following published paper(s) enclosed on this file have been removed and destroyed. Copies may be found elsewhere in The National Archives.

1. Cmnd. 7673: Committee of Inquiry into United Kingdom Prison Services, HMSO, October 1979 [ISBN 0 10 176730]

2. Cmnd. 7948: Reduction of Pressure on the Prison System Observations on the Fifteenth Report from the Expenditure Committee, HMSO, June 1980 [ISBN 0 10 179480]

3. Cmnd. 8228: Report on the work of the Prison Department, 1980, HMSO, April 1981 [ISBN 0 10 182280 4]

Signed C Wayland Date 31 March 2015

PREM Records Team

POSSIBLE INDUSTRIAL ACTION BY THE NATIONAL ASSOCIATION OF PROBATION OFFICERS ON 27 APRIL 1983

Note by David Mellor MP, Parliamentary Under-Secretary of State, Home Office.

The National Association of Probation Officers (NAPO) decided at their AGM last July to hold a one day strike on 27 April in protest at a decision of the Home Office to reduce the salary scale for Home Office sponsored probation students, commencing with those who would start courses in the autumn of 1983.

The Home Secretary regrets that NAPO should be taking this action especially in view of the importance he attaches to the contribution the service makes to dealing with offenders in the community. The Probation Service has done well under this Government and the particular points (below) which explain the decision on students salaries should be set against the background of our record and commitment to the Probation Service as a whole.

Our commitment to the Service

The Probation Service has a vital role within the criminal justice system. At a time when the Government is seeking to restrain public expenditure as a whole, we have succeeded in providing for the continued growth of the service. Since 1979 the number of probation officers has increased by 8% to 5,600; and the number of probation ancillaries (such as community service supervisors) has increased by 30% to 1,026. During the financial year 1982-83 there was provision for an increase of 3% in staff and staff support services, and provision for growth continues until March 1985.

The scope of the Government's decision

The new scale (which will be subject to review this year) is £3,588, £4,116, £4,746, £5,382. This is the scale which will

apply to students who are accepted for sponsorship on courses beginning this coming September. This means that:

i) we are talking of full time students and not people who have actually embarked on their chosen careers;

ii) the changes in the salary scale will not apply to existing students: it is not the case that every trainee will be worse off. Nor do they in any way touch on the pay of probation officers themselves;

iii) in reviewing the salary scale, the opportunity was taken to give greater relative recognition to the special contribution which mature entrants can make.

The decision to reduce the salary scale for students sponsored from September this year has been the subject of discussion during 1982 by officials with all the organisations representing the Probation Service and more recently by Ministers with representatives of NAPO. The background is explained below.

Background

A recruit to the Probation Service as an established probation officer must hold a certificate of qualification in social work (CQSW). To provide the 56 probation areas with a sufficient number of eligible applicants for appointment, each year the Home Office sponsors a number of students to selected universities and polytechnics offering CQSW courses with a probation content. The total number of sponsorships awarded is based on the expected recuritment needs of the Probation Service taking account of forecast growth and the wastage rate of serving officers. At present the figure is about 290 (that is, some 580 students would be receiving Home Office financed training at any one time).

Present Position

For the duration of their course, mostly two academic years, the students receive a salary and are reimbursed various travelling

and incidental expenses. The salary scale for students currently attending a course ranges from £4,551 to £5,529; the starting point depends upon age and experience and for those with the maximum entitlement it is £5,283. In appropriate cases students receive in addition a London Weighting allowance (£1,008 in Inner London) and excess rates up to £1.77 a day are paid to students for each day spent on practical work placements in areas where such rates are paid to probation officers. Together with course fees, the cost to public funds for each student over the period of study has been between £15,000 and £16,000.

Reason for Revision

This system of salaried support for students was introduced in 1970 in order to encourage recruitment at a time of rapid expansion in the Probation Service when there was difficulty in attracting a sufficient number of applications. It had the effect of placing probation students in an exceptionally favourable position in comparison with students preparing for other similar careers. This difficulty is now past. In 1981 there were some 10,000 enquiries for 300 sponsorships. Many of the universities and polytechnics received more firm applications than they could handle. The old level of salary is therefore unnecessary in terms of the purpose for which it was originally intended. At a time when the financial resources of the Probation Service, even though expanding, are tightly stretched we must look critically at all aspects of its expenditure; and if we find that economies can be made without detracting from the standards it is only sensible to make them. Indeed, there is an obligation to do so.

Changes

It is of course essential that applicants of acceptable quality should continue to come forward in sufficient numbers to provide the foundation on which the Probation Service may build for the future. We are however satisfied that this can be achieved without maintaining this relatively provileged financial position, and we have therefore decided to reduce salaries for students starting in 1983 as compared with those paid to existing

students. We are however aware of the importance that the National Association of Probation Officers and other service organisations place on maintaining a system of pensionable salaries, and we have no plans to revert to the previous system of students grants.

The Department will continue to reimburse the various travelling and incidental expenses, allowances etc., and to pay course fees. The new scale will still leave probation trainees in general with an advantage over other students on similar courses who are aided by grants awarded by DHSS or local education authorities. Detailed comparisons are difficult because grants are needs and means related, but the annual unit cost (including allowances) for DHSS grants to social work students on the same CQSW courses is just over £4,000, compared with about £7,000 for probation students even under the new scale. It is also worth bearing in mind that (outside London) the basic grant (including parental support where required) paid to a student teacher - including graduates - is £1,595 in the current academic year.

Mature Students

I know there is particular concern about mature students and we have paid particular attention to them. We recognise that this previous experience may enable them to make a special contribution to the work of the Probation Service, and that many of them will have family commitments. For those aged 34 or over the new scale actually represents an increase during the first year, and over the full period of the two-year course the reduction is less than 0.5%.

Finally, the revised salaries will reduce expenditure to the tune of about £300,000 in a full year - not an inconsiderable sum. It may help to put this sum of money into better perspective to note that the cost of introducing one of the most important of the new measures for offenders - community service for 16 year olds is estimated to be £250,000.

The lower salaries of probation students will have no effect on the operating capacity or efficiency of the probation service, to which as I trust I have shown we continue to attach a very high priority indeed.

In view of NAPO's intended action it is important that you have this full background to a decision which the Home Secretary took only after the most careful consideration, and which we appreciate raises strong feelings. May I just add that I have no reason to think that the revised salary scale will inhibit applicants from coming forward and indeed the signs are very encouraging so far. There is no question of standards being lowered; on the contrary, the Department has discussed with the Association of Chief Officers of Probation ways of further strengthening selection arrangements. We shall be monitoring the response in 1983 carefully and have told the National Association of Probation Officers that we should be prepared to share and discuss the results of this with them.

supplies by developing alternative energy sources such as nuclear, solar, tidal, and wind.

As the domestic supply of oil began to fall, coal would assume an increasingly important role. With the appointment of the new chairman to the coal board, Mr Ian MacGregor, and his record in dealing with trade unions which seemed to consist of ignoring them when possible, the future harmony of the coal industry was in serious jeopardy.

Once coordination of effort had been achieved by creation of a new department, government expendi-

light industries. That would have an effect on the future of the coal industry which emotion and national pride should not affect.

Lord Ezra (L), former chairman of the National Coal Board, said that over the years they had blown hot and old over energy resources.

The energy crisis (he said) is still with us. It might be temporarily subdued, due to external economic factors, but that it will re-emerge in the next few years and thereafter there is no doubt at all.

The trouble was that if one wanted to cope with future uncertain crises one could not wait

They must begin seriously investing in energy efficiency systems. A new initiative was needed. The Government should consider creating a strong central body coordinating the work in energy efficiency.

There was a risk that if these energy policies were not developed now the freedom to make decisions later would be very much blunted. Doing nothing now would close options tomorrow. The time had come for positive policies in this area.

Lord Strabolgi, for the Opposition, said the appointment of the new chairman of the NCB, Mr Mac-

inherited by the Government had suffered from years of mishandling by its predecessors.

In the coal industry, losses were being made which no private company could possibly sustain.

The coal industry (he said) has become a major burden on the taxpayers and consequently a drain of the economy when it should be just the oppostie.

It arose, not from those who worked in the industry, but from the inflexibility and reduced responsiveness to commercial conditions characteristic of a nationalized monopoly.

Tory MP supports pay strike protest by probation officers

By Peter Evans
Home Affairs Correspondent

A Conservative MP, Mr Charles Irving, will join speakers against the Government at a protest rally of probation officers during their first national strike next Wednesday.

"I don't know of any other profession that has been subjected to such squalid treatment", he told *The Times* yesterday.

Mr Irving, a member of the Gloucestershire Probation Committee and MP for Cheltenham, has tabled an early day Commons motion attacking the reduction in trainee probation officers' pay which has angered the service. The motion expresses alarm that the future of the service will be jeopardized by pay cuts of up to 25 per cent.

As well as protesting locally, probation officers will go to Central Hall, Westminster,

PROPOSED PAY CUTS

Present scales	Proposed scales
£4,551	£3,508
£4,797	£4,116
£5,043	£4,747
£5,283	£5,382
£5,529	£5,382

The effects of the cuts are increased by there being no second year increment at each level, probation officers say.

where Mr Irving is due to speak with other MPs and peers, and then go on to lobby Parliament.

The Association of Chief Officers of Probation (Acop) has deplored the Home Office action to cut the trainees' pay. "Acop understands the strength if indignation generated in the service", a statement says. "While sharing this indignation we particularly regret that this action has precipitated the call by Napo [The National Association of Probation Officers] for a one-day strike".

The wording of the statement is significant, Mrs Jenny Kirkpatrick, general secretary of Napo, said: "They do not condemn us for the strike. They wished it did not have to happen, but are not blaming us."

Mr Irving, who earlier telephoned the office of Mr David Mellor, Parliamentary Under Secretary of State at the Home Office with responsibilities for probation, was still indignant yesterday at the reply given by an official. Mr Irving said he was told that, now there was a surplus of trainees, the sort of increases paid during a time of shortage of staff were no longer necessary.

"That is a lot of rubbish", Mr Irving told *The Times*. The future of the service, which provides alternatives to prison, needed to be protected, he said, particularly at a time of such overcrowding in jails.

Briton says he was betrayed

By David Nicholson-Lord

A British businessman said yesterday that he was betrayed by a contact in the Russian underground protest movement and subjected to an "orchestrated" propaganda coup by the Soviet authorities.

Mr Edward Chick, aged 26, was allowed out of the Soviet Union on Monday after spending 74 hours at the KGB headquarters in Leningrad, 65 of them under interrogation. He was arrested by the KGB last Friday at a flat where he had taken reformist literature.

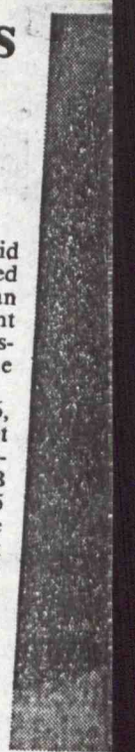
Mr Chick, a computer marketing analyst from Barnet, north London, acknowledged that his trip to Leningrad was one of several "smuggling" expeditions he had undertaken on behalf of an opposition group known as NTS, or the Alliance of Russian Solidarists. But he denied Soviet charges of spying.

His arrest for smuggling anti-Soviet literature was filmed by Soviet television cameras and he was later forced to take part in a four-hour filmed press conference at the offices of the KGB.

NTS officials said that the film of the press conference, broadcast shortly after Mr Chick's deportation, was a "violently distorted" version, with the word "not" being removed several times in the Russian translation of Mr Chick's statements.

Mr Chick, a bachelor, was not told he was being allowed to return to Britain until 40 minutes before he was put on an aircraft. "Before that I thought I would be staying for a considerable period. The KGB seemed adamant that I would be staying for at least a year", he said.

But he discounted speculation that his treatment was lenient. "Psychologically it was singularly unpleasant. They treated me harshly to establish



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Social work quality under fire

Mr Herbert Laming, president of the Association of Directors of Social Services, told MPs yesterday that he was dissatisfied with the quality of social workers.

He blamed the lack of adequate training and the difficulties of the tasks with which workers were faced, and suggested that the Government was making the job more difficult by repealing some of the welfare provisions of the Children and Young Persons Act, 1969.

Mr Laming was responding to questions from Mrs Renee Short MP, chairman of the Commons Select Committee on social services, which is examining the question of children in care.

Brixton police visit plan

By Nicholas Timmins

The Home Office has produced detailed proposals to allow lay visitors access to police stations in Lambeth, south London including Brixton, the scene of the 1981 riots.

The proposals, however, are more restrictive than those put forward by the Lambeth community police consultative group, which drew up its draft scheme in consultation with the local police and a Scotland Yard representative.

They would not allow lay visitors to be present when police are interviewing suspects, something that the Lambeth group has pressed for and which Lord Scarman recommended.

In addition, the draft proposals, which include provisional agreement to introduce the scheme in all five police stations in Lambeth as one of a number of pilot schemes, would restrict visits to each police station to one a week "in normal circumstances".

Visitors will be allowed access to interview rooms, and other places where suspects may be.

In addition, the Home Office has proposed that in exceptional circumstances the officer in charge of the station may prevent a visit to someone detained. Reasons for such decisions would have to be recorded.

The Home Office is also proposing that the local police commander should have the right to request a special visit, but that visitors would not "normally" respond to a request for a visit from someone who is detained.

The Home Office has said its scheme is still a draft one, and open to amendment.

Home Affairs

Prime Minister (2)

cc JV
BI

MLS 1/12

Treasury Chambers, Parliament Street, SW1P 3AG
01-233 3000

Mrs L Pallett
PS/Home Secretary
Home Office
50 Queen Anne's Gate
LONDON
SW1H 9AT

1 December 1982

Dear Lesley,

Thank you for your letter of ~~19~~ November in which you record the Home Secretary's wish that any general announcement about the Government's attitude to the Megaw Report should avoid provoking unnecessarily adverse reactions from the Prison Service.

As you say, the Prison Officers' concern stems from paragraph 246 of the Report which recommends that Prison Officers should be included within the overall system for pay determination recommended by Megaw. The effect would be to open the possibility of differential pay increases occurring at different levels in the Prison Officers' hierarchy, whereas the agreement negotiated with them on the application of the "Wynn-Parry" formula involves giving the same percentage pay increase to all Prison Officers irrespective of grade.

This is obviously a point which will have to be dealt with at some stage, whether in general negotiations on the Megaw recommendations or separately. But the Chancellor does not believe that it need either affect the Government's general attitude to the Megaw Report or cause early difficulty. As the Chancellor sees it, the Government's initial reaction to Megaw, assuming E decides on Thursday to authorise negotiations, would be low key and very general - I attach a draft of the sort of thing he has in mind.

From the Home Secretary's point of view, the important point is that the draft does not deal with any specific recommendation in the Report and the words "based on" Megaw's recommendations imply, and are meant to imply, flexibility.

If the Prison Officers' problems surface at an early stage it would, the Chancellor hopes, be enough to say that these are matters to be dealt with in negotiation but clearly any new agreement requires the consent of both parties.

I am copying this letter to the recipients of yours.

Yours sincerely,
Margaret O'Mara

MISS M O'MARA

POSSIBLE DRAFT STATEMENT/LETTER TO THE CIVIL SERVICE UNIONS

The Government is prepared to enter into negotiations with the Civil Service Unions with a view to agreeing an ordered pay determination system based on the recommendations of the Megaw Report. It is in the nature of an agreement of this kind that both sides have to accept some limitations on their freedom of action and both sides will no doubt seek safeguards from their respective points of view - including in the Government's case safeguards to the public purse and public policy.

Nevertheless the Government is prepared to accept in principle the broad approach of the Megaw recommendations and to negotiate on them with goodwill and the intention to succeed.

1 DEC 1982



From: THE PRIVATE SECRETARY

CONFIDENTIAL

Prime Minister (2)

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SWIH 9AT

MLS 22/11

19 November 1982

Dear Margaret,

THE MEGAW REPORT

The Home Secretary has noted the proposal in the Chancellor's minute of 4 November that the Government should announce quite soon its general acceptance of the Megaw recommendations.

Michael Scholar's letter of 8 November to you sets out several points on which the Prime Minister wants more work done, to be followed by further discussion in E Committee, before an announcement is made.

The Home Secretary welcomes the proposed discussion in E Committee, because it will provide a useful opportunity to consider the form of any announcement. He has in mind that any general announcement should be in terms which avoid provoking unnecessarily adverse reactions from those, such as prison officers, whose pay has been determined as a derivative of any main civil service pay settlement. The Megaw Committee clearly felt that the "Wynn Parry formula" used to determine prison officers pay would fit within their proposals (paragraph 246 of Cmnd 8590) but the Prison Department, on close examination of this view, believe there would be some real difficulty in doing so and the Prison Officers' Association certainly think that there would be. It would be unfortunate if the Government's general acceptance of Megaw could be misrepresented by a special group such as the prison officers as casting aside their own pay arrangements without any viable alternative. That could only exacerbate the difficulties in the Government's subsequent negotiations both with that group and (since the Prison Officers' Association belong to the Council of Civil Service Unions) with the unions generally.

I am copying this letter to Michael Scholar at No 10 and to the Private Secretary to each of those who received the Chancellor's minute of 4 November.

Yours sincerely,

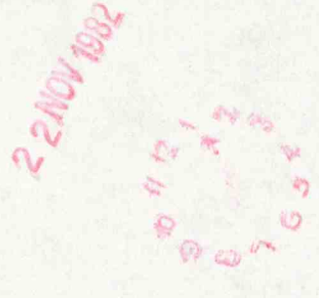
Lesley Pallett.

MRS L PALLETT

Miss Margaret O'Mara

CONFIDENTIAL

Civil Service, Pay, A12.



Home Affairs

2

PRIME MINISTER

Prison Building

As you know the Home Secretary's strategy for dealing with prison over-crowding is based on the most substantial prison building programme this century. You might like to be aware that it has run into trouble. In particular, the new prison which was planned at Lockwood in Oxfordshire has been turned down by the inspector at a public inquiry on the grounds that it will be incongruous in a green belt area. Tom King upheld the inspector. As a result the Government's commitment to close Oxford prison and return the site to the county council will have to be renounced and the prison itself will have to be redeveloped. In addition, there is no prospect of replacing Lockwood with another project starting the same year given the lead times involved. This is of course a constant problem for the Home Secretary; most people want new prisons built but somewhere else!

TB

4 November 1982

[Mr. John Patten]

that it will, to a certain extent, mark the coming of age of the probation service in Northern Ireland. I am not referring just to its growth to more than 100 members since those rural justices in pre-1935 days, for reasons best known to themselves, decided not to appoint probation officers. It has come a very long way.

I think that the order recognises the extremely important role that the community and the leaders of the community in Northern Ireland can and should play in the context of the probation service.

Question put and agreed to.

Resolved,

That the draft Probation Board (Northern Ireland) Order 1982, which was laid before this House on 22nd April, be approved.

STATUTORY INSTRUMENTS, &c.

Motion made, and Question put forthwith pursuant to Standing Order No. 73A (Standing Committee on Statutory Instruments, &c.)

HOVERCRAFT

That the draft Hovercraft (Application of Enactments) (Amendment) Order 1982, which was laid before this House on 20th April, be approved.—*[Mr. Lang.]*

Question agreed to.

Prison Officers (Transfer Expenses)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Lang.]*

11.53 pm

Mr. Mark Hughes (Durham): Some 15 to 17 years ago, long before I joined the House, as a member of the now defunct Durham rural district council I approved the building of the new prison at Frankland just outside the city of Durham knowing all the difficulties that would involve. We knew that the new prison would create problems. Some people, for example, would not wish to live near the new prison.

I wish to raise a consequence that I never envisaged when I gave my assent to the Home Office request to build at Frankland the first new maximum security prison since the war. I raise it on behalf of Mr. Adams, who is symptomatic of a much wider and potentially more difficult problem.

Mr. Adams, who worked for seven or eight years at Wakefield prison, was offered and accepted training as a dog handler. Having received that training and become a dog handler, he was asked, under the normal procedures of the prison service, to accept a transfer to Durham prison.

I have not one but two prisons with high security prisoners in my constituency. I have the long-established Durham prison, with its record for high risk prisoners, and a new prison is being commissioned, which will have a proportion of high risk prisoners, although the majority will be low grade.

In June 1981 Mr. Adams was asked to transfer from Wakefield to Durham. It was not the normal rotation in the prison service from, say, Parkhurst to Strangeways to Wakefield. The situation was unique. For the first time, the demand on housing specific to prison officers was grossly altered by the creation of a new prison that demanded almost 1,000 prison officers. In its wisdom, the Home Office sought to supply a certain proportion of the housing. I shall not quibble about whether it was 400 or 600 houses. To man Frankland, a number of prison officers would require to buy houses within the limits of the city of Durham which were not in the rotation system.

When he was transferred from Wakefield to Durham, Mr. Adams was not in the position of a normal transferee. The Home Office had upset the housing market. Any estate agent in the city of Durham will tell the Minister that bringing Frankland into service has created a sellers' market for a certain type of house. Suddenly, a demand for houses is created. The Home Office provides about 400, but the new prison needs 1,000. Mr. Adams is the victim of that situation.

The situation in Wakefield is clear. Of 185 Home Office owned properties for prison officers, 70 are vacant. There are Parker Morris grade houses. That was the situation that faced Mr. Adams when he left Wakefield to go to Durham not at his own request but at the request of the prison service. He was leaving an area that had surplus houses of the type that prison officers dwelt in and was moving to the one city in the country where the activities of the prison service and the Home Office had created a massive demand and high prices for that type of house. Mr. Adams left an area where nobody wanted a prison

11.40 pm

Mr. John Patten: I am pleased to reply to the debate and to note that the order has been given a general welcome. Hon. Members, particularly the hon. Members for Belfast, South (Rev. Martin Smyth) and for Antrim, North (Rev. Ian Paisley), have raised several detailed points. The hon. Member for Antrim, South (Mr. Molyneaux) made some general remarks about the Government's policy towards the Black report. He attempted to pin the Government down to give a clear undertaking that they would proceed as quickly as possible with the implementation of the Black strategy. I gave that undertaking at the beginning of the debate, but I happily give it again. The whole Black strategy could not have been implemented under the terms of one order. The order would have been extremely complex and long, and if our main aim remains the implementation of the strategy I cannot see why it is not best to legislate bit by bit as the strategy comes together.

I greatly welcome the remarks of the hon. Members for Belfast, South and for Antrim, North about the high standard of the probation service in Northern Ireland and about the high standards of those who have helped to run that service. I assure the hon. Member for Belfast, South that probation officers fully understand their role, just as social workers do. Under the transfer of powers, there is no reason why that highly trained body should not carry on conducting affairs. To the best of my knowledge there has been little or no complaint in recent years about its conduct of affairs. Sometimes the overlap between social workers and probation officers is slightly blurred. That has not necessarily always worked against the welfare of society as a whole or that of—as social workers insist on saying—the "client". I wish that they could find a better word.

I share some of the feelings expressed by the hon. Member for Belfast, South about the word "rehabilitation". That word caused him some concern. It causes quite a lot of concern to some probation officers and for that reason its use was avoided in the order. The reference to it is in schedule 4 in the context of the Prison Act (Northern Ireland) 1953.

The hon. Members for Belfast, South and for Antrim, North raised the important issue of the composition of the committee and of who should be its chairman. For a while it seemed to be suggested that a chairman might not easily be found from among the people of Northern Ireland. I know that that was not really meant, but one need look only at the successful chairmen of some of the health and personal social service boards, and some of the education and library boards, to see that there is a galaxy of talent from which the Secretary of State can appoint a suitable chairman.

I reassure the hon. Member for Antrim, North about the welfare of those young people who may be committed to the care of voluntary organisations and hostels at some stage of their rehabilitation into society. I draw the hon. Gentleman's attention to articles 14 and 15. Article 14 authorises the Secretary of State to appoint inspectors to look into the running of hostels and other establishments such as bail hostels and places where young and older offenders can be trained and rehabilitated.

Article 15 enables the Secretary of State to make clear rules for the proper regulation and management of hostels. Those controls are necessary. They are made necessary by the fact that such establishments provide accommodation for offenders, many of whom will be required to reside therein by the courts. I hope that the hon. Gentleman will accept that there is adequate provision in the order for the inspection and running of such establishments.

A number of points were raised by the hon. Member for Hammersmith, North (Mr. Soley), who gave us the weight of his experience. That showed in the interesting remarks that he made about the overlap between the justice model and the welfare model of the treatment of offenders, both of which can be accommodated in the community framework. I do not know whether that accords with practice and theory in the probation service.

The hon. Gentleman raised the issue of payment of the chairman of the board and of its members. The draft order makes it clear that payments to members will be determined by the Secretary of State with the approval of the Treasury. Once they have been determined, it will be the duty of the board to make the payments. The rates of payment have not been fixed, but it is the intention that the chairman should be paid an honorarium in the same way as chairman of the education and library boards and health and social services boards are paid honoraria. Other members, including the deputy chairman, should be paid attendance allowances and travel expenses in the same way as one could reasonably expect such committee members to be reimbursed. That is consistent with current practice in Northern Ireland in the non-departmental bodies—the statutory boards. We do not intend to deviate one little bit from that practice.

The hon. Member for Hammersmith, North also looked into the terms and conditions of service for those who are transferred from one form of authority—the Northern Ireland Office—to another form of authority and of employment—the board when it is set up, if the order is passed. He was interested in the issue of loans and car loans and how those car loans should be calculated for probation officers. He said, rightly, that younger probation officers have considerable problems in finding the money to buy a car. There is no reason why they should come into the service with a car. In England and Wales probation officers are provided with loans from which they can purchase motor cars. The hon. Gentleman made a specific point about rates of interest. We hope that the rates of interest to be charged will be broadly in line with those applicable in England and Wales.

The hon. Gentleman raised the issue whether such a board could introduce a victim scheme or a bulldog scheme. I have no doubt about this. The board may consider seriously the possibilities of participating in a form of victim scheme suitable for the Province. It is not required to do so, but it may decide to do so. I cannot commit the board in advance of the appointment of its chairman and members. However, there is nothing to prevent it from indulging in that form of after-care for victims, any more than there is to prevent it from setting up such schemes as the bulldog scheme, as carried out at present by the inner London probation service. I see no reason why, once it has been appointed, the board should not turn its mind to introducing a somewhat similar scheme in Northern Ireland. Once again that is a matter for the board, but the board is not prevented by the provisions of the order from turning its attention to that matter.

I appreciate the welcome that has been given to the order. Should it pass through the House tonight I believe

officer's house and moved to an area where the commissioning of a new prison caused demand for such houses to be acute.

That was not the fault of Mr. Adams. He did not ask to be moved from Wakefield to Durham. He did not ask to be trained as a dog handler and to be moved from Wakefield to Durham. He had had eight years of excellent service for the Home Office in the prison service.

On 22 June 1981 Mr. Adams was transferred from Wakefield to Durham. At Wakefield he was given an assurance. I quote from letters sent to me by his wife, who is one of the most superb advocates of a husband's case that I have known in my 12 years in the House. She states:

"My husband was told, word for word, 'not to worry, the department pays for all expenses if the transfer is at public expense', which it was."

Following her letter of 5 January I took up the matter with the then Home Office Minister responsible for prisons. This is my first Adjournment debate in my 12 years as a Member of Parliament. The reply that I received was most insensitive. I wrote to the Minister on 28 January, but did not receive a reply until 1 March. It cannot be said that the letter was written in haste. The letter states:

"The assistance available to civil servants when they have to move their home on transfer includes help with the cost of obtaining a bridging loan."

The Minister made that clear unequivocal statement in his letter. He continued:

"An officer is, however, expected to follow the usual procedures of arranging the sale and purchase of properties to take place at the same time."

I have rarely read a more absurd piece of gobbledegook. Any Minister who on 1 March this year could have said that someone in the prison service could sell a house in Wakefield and buy a house in Durham on the same terms and at the same time must be so out of touch as to beggar understanding. It is not possible.

The Minister continued:

"Bridging loan interest is approved only when advance application is made and we can be satisfied that every effort has been made to avoid a substantial financial commitment. Mr. Adams was given general advice about transfer expenses before leaving Wakefield and detailed guidance about the procedure to follow was available to him on arrival at Durham".

The net effect of that advice was that had he left his wife and family in Wakefield, the public purse would have been called upon to pay to his wife something of the order of £24 per night for 30 days and £12 per night thereafter for the next six months. Therefore, the gap between what the public purse would have been asked to pay had he not asked for the bridging loan but left his wife in Wakefield makes a mockery of this whole thing. Is the Home Office really seeking to separate families by creating a pressure point in the prison service? Although this individual may not be involved in the Frankland transfer, it is symptomatic of the pressure that the Home Office has put on such people. My constituent, Mr. Adams, accepted training, but did not volunteer for it. He did not seek to be transferred from Wakefield to Durham. I have been informed that, having been transferred, he finds himself grossly out of pocket for doing what he believes to be his public duty.

I again quote from Lord Belstead's reply:

"I am sorry that he did not make a specific inquiry about interest on a bridging loan before he committed himself to buying his present house in advance of completing the sale of his house at Wakefield, but on the information available it does not appear that we would have approved an application. Mr. Adams applied for reimbursement of interest of £452·53 on a bridging loan in November 1981 after he had moved into his present house and, although the matter has been given fresh consideration, I am afraid that it cannot be approved."

If that is the basis on which the Government will reimburse those transferred to the new Frankland prison, they will set up the prison on the very worst terms.

12.10 am

The Minister of State, Home Office (Mr. Patrick Mayhew): I am grateful to the hon. Member for Durham (Mr. Hughes) for raising this matter and for giving me the opportunity to explain the reasons why certain expenses incurred by his constituent, Mr. Adams, a prison officer, whose case the hon. Gentleman has put very fully, in connection with his transfer from Wakefield to Durham, have not been allowed for reimbursement.

A prison officer is a civil servant, and the main conditions of employment are set out comprehensively in the Civil Service pay and conditions of service code. The code, which is available to all civil servants on request, explains in detail the assistance which is available when a civil servant is required to move his home to take up another post. Where the reimbursement of a particular item of expenditure is left to the discretion of employing Departments, additional advice is published in the form of a manual or handbook.

The hon. Member received a letter about Mr. Adams' complaint from my noble Friend the former Under-Secretary of State, Lord Belstead, and I would like, first, to say something about the reference in that letter to an amount of £452·53 claimed by Mr. Adams as interest on the bridging loan which he took out to finance the purchase of a property in Durham. This claim was lodged by Mr. Adams on 4 November 1981 and was followed by further claims on 12 and 23 November which included the first one. Only the first one, however, was forwarded by Durham prison to the prison department headquarters for advice, and the others were retained locally. The first claim gave no indication that it formed part of a larger claim, and I am sorry if my noble Friend's reply gave rise to concern because it did not quote the figures given in the later claims. The hon. Gentleman did not mention that, but it is right that I should put it in the record.

The same considerations do, however, apply whether the amount is small or large, as I will explain, but I can quite understand Mr. Adams' interest in ensuring that the extent to which he feels he is out of pocket is fully recognised.

I will turn now to the events which led to the claim by Mr. Adams for reimbursement of bridging loan interest. He joined the prison service as a prison officer at Wakefield prison in 1974, and at that time he already owned his own house. In normal circumstances, he would have been required to occupy an official married quarter at the end of his probationary period of service, but as there was a temporary shortage of official accommodation at Wakefield he applied for, and was given, permission to continue to live in private accommodation with the benefit of a housing allowance. In 1979, the conditions under which prison officers could obtain permission to live out of quarters were relaxed in the interests of encouraging home ownership, and Mr. Adams has been unusually fortunate in having had the benefit of permission from the start of his career in the prison service. I have explained this point to show that, compared with many of his more

[Mr. Patrick Mayhew]

senior prison officer colleagues, Mr. Adams has managed to achieve an advantageous position in his ownership of private accommodation.

Contrary to what the hon. Member for Durham was told, Mr. Adams applied to become a dog-handler. The hon. Gentleman said more than once that Mr. Adams did not ask to become a dog-handler, but I understand that he applied three times and was accepted only on the third occasion to become a dog-handler. That was in 1980. He was placed on a waiting list for training. He was aware when he applied that he would be expected to move to another prison. On 30 March 1981 he was notified that, subject to successful completion of a training course from 27 April 1981 to 19 June 1981, he would be transferred to Durham prison to serve as a dog-handler. Between 30 March and 17 April Mr. Adams sought advice from the administration department of Wakefield prison about the financial assistance available to civil servants when they have to move their home. Although he now claims that he made a specific inquiry about reimbursement of the cost of a bridging loan, the recollection of Mr. McIntyre, the officer who discussed transfer expenses with him, is that he sought and was given only general advice about allowances and expenses. Mr. McIntyre is an officer with 19 years' experience of advising staff about transfers, and he is quite clear that if a specific inquiry had been made about bridging loans he would have drawn Mr. Adams' attention to the conditions attached to reimbursement of interest. His practice is to have the code and the departmental instructions open on his desk, and to go through them with an officer in giving any advice. At that time Mr. Adams had not put his house on the market—he says that he did so later, on 1 May—and had not found a property at Durham, and there is no apparent reason why he, or Mr. McIntyre, should have singled out the particular matter of a bridging loan for special attention and explanation. I am unable to deal with this matter on the basis that Mr. Adams was given wrong or misleading information.

From 21 April to 24 April Mr. and Mrs. Adams paid a visit to Durham at the Department's expense to find a new home. At the same time, Mr. Adams applied for, and was granted, permission to continue to live in private accommodation when he was transferred to Durham. It seems that the visit was successful and that Mr. Adams immediately set in train arrangements to buy a property at 19 Northside, Shadforth, Durham, and to sell his Wakefield property so that the transactions would coincide. On 1 June, when it became apparent that he would complete his dog-handler course successfully, he was given a formal notice of transfer to Durham at public expense and was told in writing to consult the administration department of the prison about expenses and allowances before entering into any financial commitment.

Mr. Adams did not return to duty at Wakefield and took up his post at Durham on 22 June. He was seen by Mr. Summerbell of the administration department soon after his arrival, and apparently made no mention of any difficulty about synchronising the sale and purchase of properties. Mr. Adams was seen by Mr. Summerbell at weekly intervals in connection with claims for lodging allowance, and does not appear to have reported any problems or sought any advice about bridging loans. Mr. Summerbell is a higher executive officer with long experience and would have responded immediately with advice if he had been asked. he would certainly have made the point that at least three months had to elapse from the date of transfer before an application for approval of a bridging loan could be made. The first knowledge that the administration department had of the bridging loan was when Mr. Adams submitted his initial claim on 4 November.

The Civil Service code conditions attached to reimbursement of bridging loan interest are, in general terms, that the extent of the finance obtained must not be excessive in the light of an officer's requirements, and it must be reasonable for him to obtain finance in his particular circumstances. He must have been unable, through no fault of his own, to arrange a satisfactory sale of his house at the old station so as to coincide with purchase at the new station, and it must be seen as unreasonable to expect him to delay further the purchase of a house at the new station on that account. It is clear that an officer contemplating taking out a bridging loan has to seek the prior approval of his Department if he wishes to be considered for reimbursement.

My Department has issued, in a notice to staff and in a departmental manual, guidance of its own to supplement the information given in the code, as follows:

"Assistance with bridging loan finance is provided at the Department's discretion to help an officer move his home to the new station without unreasonable delay, where through no fault of his own he has been unable to arrange the simultaneous sale of his property at the old station and purchase at the new. It is not intended that an officer should derive a personal advantage from the use of this facility, and officers are required to take all reasonable steps to avoid unnecessary expense to public funds. Reimbursement of net interest charges on bridging loan finance is available only where it would be unreasonable to expect an officer to defer further the purchase and occupation of a home at the new station, but he is unable to do so as his capital is tied up in the house at the old station which remains unsold. Assistance will not be provided where an officer does not intend to move to the new station until the home at the former station has been sold. There should be some delay, following the date of transfer, to allow the home at the old station a reasonable chance to attract a buyer, before a bridging loan is considered. A three-month period is a reasonable minimum, although it must be recognised that more expensive properties may take longer to sell. This, and the questions whether the asking price is reasonable, and a genuine and sustained effort has been made to find a buyer, will be taken into account in assessing the acceptability of a request for assistance with loan costs. Officers must seek the Department's authority before a bridging loan is taken out as no responsibility can be accepted for charges which have been incurred without the Department's approval."

That must be seen as reasonable.

"Applications should be addressed to P8 Division, Expenses Section, accompanied by the Governor's comments on the points raised in Code paragraph 5527."

The onus is upon staff to make their own inquiries and each member of staff is given a personal copy of a staff handbook.

Mr. Adams put his property on the market on 1 May, and did not meet the conditions for approval of a bridging loan when, without having sold it, he completed the purchase of 19 Northside with borrowed money on 16 July. In all the circumstances, I cannot see that the interest should be paid from public funds. I hope that the hon. Member will not regard this as an exercise in petty economy. We have paid Mr. Adams just over £5,000 to help him with his move, which includes a tax-free grant of £1,200 and the legal expenses of purchase and sale. He has been able to buy a house of considerably higher value,

and because he has chosen to do so he is receiving a special supplementary annual allowance which lasts for nine years. Until recently, when mortgage interest fell, the allowance was £691. This is, of course, in addition to a housing allowance as a prison officer of £16·70 per week which is both index-linked and tax-compensated.

I am sorry that Mr. Adams feels that he has nevertheless been hard done by, but, for the reasons I have given I cannot accept that he has valid grounds for complaint.

Question put and agreed to.

Adjourned accordingly at twenty one minutes past Twelve o'clock.

SE JV
Home Affairs

NBPM
MIS 4/3

Treasury Chambers, Parliament Street, SW1P 3AG
01-233 3000 4 March 1982

Andrew Jackson Esq
Private Secretary
Home Office
50 Queen Anne's Gate
LONDON SW1H 9AT

Dear Andrew,

MEGAW INQUIRY ON PAY : PRISON SERVICE

The Home Secretary's minute to the Prime Minister of 28 February enclosed a draft paper on Prison Service pay for the Megaw Inquiry.

The Chancellor has seen the draft, and would like to suggest one change to paragraph 8. On the basis of the argument we have put to the Megaw Inquiry, we would want pay in the Prison Service to take account of the recruitment and retention position there and this would suggest that a mechanistic formula on the lines of the Wynn-Parry system might well be inappropriate. While we do not think that we need address the issue now, we think it would be preferable to omit the second sentence from the present draft paragraph 8 and for the first sentence to be amended to read:-

> "If a new system for determining Civil Service pay is introduced which takes more direct account of the actual recruitment and retention position in different parts of the Civil Service it will be necessary to consider whether the Wynn-Parry system can, and should, still be applied as it has been in the past."

I am copying this letter to the Private Secretaries to the Prime Minister, the Chancellor of the Duchy of Lancaster, the Secretaries of State for Defence, Social Services and Employment, the Attorney General, the Lord Advocate and Sir Robert Armstrong.

Yours ever
Peter

P S JENKINS
Private Secretary

4 MAR 1982

MANAGEMENT IN CONFIDENCE

File Home Affairs DS

bc Veneker

10 DOWNING STREET

From the Private Secretary

4 March 1982

Megaw Inquiry: Prison Service

The Prime Minister was grateful for the Home Secretary's minute of 28 February, with which he enclosed a short draft paper on the Prison Service for the Megaw Committee.

The Prime Minister is content for this paper to be submitted. She has suggested deletion of the last sentence of paragraph 8, on the grounds that it appears to be an unnecessary hostage to fortune; and also the deletion of paragraph 11, which she thinks adds little to the paper.

I am sending a copy of this letter to Peter Jenkins (HM Treasury) and Barnaby Shaw (Department of Employment).

M. C. SCHOLAR

Colin Walters, Esq.,
Home Office.

MANAGEMENT IN CONFIDENCE

Prime Minister

(1)

Agree this evidence be submitted to Megaw? Yes No

Shall I make these two suggestions below? Yes

MCS 1/3 No

MR. SCHOLAR

MEGAW INQUIRY: PRISON SERVICE

The Home Secretary has asked for the Prime Minister's approval of the paper attached to his minute of 28 February. It is not at all clear that this particular piece of evidence is necessary, since the problem of the relationship between Civil Service pay and prison officers' pay, though interesting, could not possibly be a determinant of the Civil Service pay system.

If the evidence is to go forward, I would suggest two changes:

(i) The deletion of the last sentence of paragraph 8, which seems to me an unnecessary hostage to fortune - an attempt to commit us to the continuation of the Wynn-Parry system regardless of the outcome of the Inquiry; and

(ii) The deletion of paragraph 11, which seems not to say anything.

1 March 1982

PRIME MINISTER

MEGAW INQUIRY ON PAY - PRISON SERVICE

I propose to submit a short paper on Prison Service pay to the Megaw Committee, as a marker. We need to point out that if there are substantial changes in the basis for fixing Civil Service pay the present basis for assessing prison officers' pay may not work, although at present we find it difficult to envisage circumstances in which its operation would be impracticable.

I attach a paper which takes account of comments made by the Treasury at official level, and which is currently being cleared by OGM.

May I assume that you are content that the paper should be put to the Inquiry?

I am copying this minute to the Chancellor of the Exchequer, the Chancellor of the Duchy of Lancaster, the Secretaries of State for Defence, Social Services and Employment, the Attorney General, the Lord Advocate, and Sir Robert Armstrong.

February 1982

D R A F T

Note by the Prison Department of the Home Office

INTRODUCTION

1. The Prison Service in England and Wales includes over 120 penal establishments situated throughout the country, 4 Regional Offices, 2 staff training establishments and a Headquarters in London. Although Education staff are seconded from the relevant local authority, and Prison Welfare Officers from the local probation and after-care service, most full-time staff are civil servants. Some of these are in general service grades, eg the Administration Group, and the remainder are employed in departmental grades. Most Prison Service departmental grades are linked for pay purposes to general service grades, but a few (eg nurses and pharmacists) are linked to grades in the National Health Service.

2. The Service is a national one throughout England and Wales and it is important for the Department to be able to transfer staff in mobile grades between establishments in various parts of the country.

3. The three largest groups of staff are prison officers, civilian administration group staff and governor grades. However, as far as Prison Service departmental grades are concerned, the two main groups are prison officer and prison governor grades. These are described in chapters 40 and 39 of the "Factual Material on the Main Groups and Classes".

PRISON OFFICER GRADES

4. The pay of Prison Officer grades is determined on the basis of the recommendations of a Committee, under the chairmanship of Mr Justice Wynn-Parry, which reported in October 1953 (Cmnd 544). The principle of the Committee's recommendations on Prison Officers' pay was that "the future

/.....

movements of pay of Prison Officer Grades should be linked to the movements of pay of other Civil Servants in pay ranges similar to those which we have recommended for the Officer grades." This method of pay determination was endorsed by the Committee of Inquiry into the UK Prison Services, under the chairmanship of Mr Justice May, which reported in October 1979 (Cmnd 7673).

5. The main Wynn-Parry recommendation is given effect through the application of what is known as the "Wynn-Parry formula". Under this formula, Prison Officer grades are given what amounts to multiple pay links to those points on the scales of a basket of other Civil Service grades which fall within the salary span occupied by the whole Prison Officer hierarchy. As currently expressed, the formula applies the same percentage increase to each scale point in the total Prison Officer range. This is based upon the weighted average percentage increase in the pay of the staff on the comparator scale points. Since the introduction of the Wynn-Parry formula, there have inevitably been changes in the grades filling the basket.

6. In consequence of another Wynn-Parry recommendation, the representative unions may claim reviews of Prison Officers' pay "in respect of any factors which may not have been taken into account in any changes in pay "arising from the application of the other Wynn-Parry recommendations. Prison Officer grades were brought within the scope of the 1974 Pay Agreement (they had also been subject to the 1960 and 1964 Agreements) to ensure that reviews under the Wynn-Parry system were subject to the same constraints as regards timing as reviews affecting other grades.

7. The 1981 Pay Settlement, as applied to Prison Officer grades, was consistent with another of the Wynn-Parry recommendations, viz that Prison Officers should benefit from "central pay settlements".

8. If an entirely new system for determining Civil Service pay is introduced, it will be necessary to consider whether the Wynn-Parry system can still be applied. (Prima facie, however, it is difficult to envisage circumstances in which its operation would be impracticable.)

GOVERNOR GRADES

9. The pay of these grades is linked to the pay of staff in administration group grades in the civil service; and, under the 1974 Civil Service Pay Agreement, the "paragraph 28" arrangements provided for such pay links to be reviewed periodically. There is no established relativity between the pay of governor and prison officer grades. Nevertheless, as most staff in governor grades occupy a position of authority over prison officers, any significant distortion of present relativities could present difficulties, and there would need to be some mechanism to resolve it. Accordingly, if the arrangements for determining Prison Officers' pay had to be changed, the effect on relativities could be a factor to be taken into account in determining Prison Governors' pay.

STAFF IN THE PRISON SERVICE (OTHER THAN PRISON GOVERNORS AND OFFICERS)

10. The Department is not seeking to argue that the arrangements for determining the pay of other staff in the Prison Service, including staff at staff training establishments, regional offices and headquarters, needs to be changed. But internal relativities can be important - there are already difficulties arising from inverted differentials - and, if substantial

changes were made in the arrangements for determining the pay of prison governor and prison officer grades, consideration would need to be given to any consequences for other staff in the Prison Service.

DEPARTMENTAL DISCRETION

11. The Report of the Committee of Inquiry into the United Kingdom Prison Services (Cmnd 7673) suggested (paragraph 10.41) that the Home Office and the (then) Civil Service Department should consider whether or not there would be advantage in returning to the situation in which pay and pay-related matters were negotiated directly between the Home Office and the POA, "albeit under the close control of the Civil Service Department". This suggestion has not been pursued by the Home Office.

Home Office

Treasury Chambers, Parliament Street, SW1P 3AG

J F Halliday Esq
Principal Private Secretary to the
Secretary of State
Home Office
50 Queen Anne's Gate
London SW1H 9AT

15 October 1981

Dear Mr Halliday,

REPLY TO SELECT COMMITTEE REPORT ON THE PRISON SERVICE

In the Chief Secretary's absence I am writing to let you have the Treasury's comments on the draft reply to the Select Committee circulated under cover of the Home Secretary's letter of 9 October to the Lord Chancellor.

Firstly, If I may, a general point. We would have found it much easier to meet your very tight timescale if officials here had been able to see an earlier, if incomplete, draft a week or so ago.

Our comments, section by section, are as follows:-

INTRODUCTION

(i) The general tone of the paragraphs on prisons seems unduly defensive. Should not the introduction make the point that, recognising the magnitude of the problem, a useful start has been made, with (x) prisons authorised by the present government, which will yield (y) places, and so on. And all this despite the constraints of tight control of public expenditure, from which prisons cannot be excluded.

(ii) We do not recognise the figure of 37,000 in paragraph 2 as the threshold for overcrowding. The CNA of prisons in England and Wales is 38,500; deductions have to be made for cells out of use, but there are offsetting gains from voluntary cell sharing. Some explanation seems needed.

(iii) The sentence beginning in line 10 of paragraph 2 "The government has ..." should make it clear that these camps were only opened in response to the short-term surge in demand as a result of the riots and the intention is to close them when this surge is past.

(iv) In the final sentence of paragraph 2 insert "without corrective action there is every reason ..."

(v) Should not paragraph 3 say that one of the measures being taken to reduce idleness among prisons is to put prison industries upon a more efficient footing, with the added benefit that they can cease to make financial loss?

(vi) Also in paragraph 3, should not the fourth sentence refer usefully to investment appraisal. "First it is, using up-to-date investment appraisal techniques, looking ... "

(vii) And finally, in paragraph 3 is not one aim of the government's sustained building and re-development programme the improvement of existing accommodation to improve conditions and to extend useful life?

(viii) The first two sentences of paragraph 4 are rather startling. The first says that nothing can be done about the remand population, while the second implies that this constitutes some 16% of the total, or roughly 7000 people. Yet half of these will be set free anyway by the courts; surely something could be done to secure a useful saving?

RECOMMENDATION (i) should make the point that all new prisons being built and planned will provide integral sanitation.

RECOMMENDATION (ii) and (xii), The paragraph on page 3 which deals with the committee's view on reducing maximum sentences seems unadventurous. It is self-evidently said that, as the draft reply says, if the reduced maximum went above the present average sentences, the latter may not be reduced. But surely the presumption must be that in time average sentences would tend towards the same proportion of the reduced maxima as they occupy in relation to the present maxima?

RECOMMENDATION (iii) Since the shelters referred to are very much an experiment and no provision has been made for any rapid expansion, as called for by the Committee, should not the Government note rather than welcome this recommendation? And we suggest deleting the last three lines after "at reasonable cost" for the same reason.

RECOMMENDATION (ix) (first part) At a time when the use of investment appraisal is being extended in the public sector, and studies are in hand on its application to courts, we could not accept that policy continues to be to use city centre sites; this will depend upon the results of the investment appraisals. Our view is that the second and third paragraphs of the draft reply should be deleted, leaving paragraph 1 to stand on its own as the straight answer to the question asked,

RECOMMENDATION (ix) (second part). Much of the draft answer appears mutually conflicting: urban sites are good but they are bad because they are difficult and expensive (due to space constraints) to develop or redevelop. Why not delete all from "mention has already been made" in paragraph 2 down to "for the purchase of some extra land"? This would simplify with little loss (we think reference to Woolwich premature anyway).
The sentence dealing with Holloway should include a reference to the enormous expense of this project.

RECOMMENDATION (xiii) Our understanding was that the figure of 5000 at the foot of page 2 was 7000 if account is taken of Borstals.

RECOMMENDATION (xv) As with Recommendations (ii) and (xii) is not the answer rather too dismissive? Ought it not to take the line that the government is prepared to consider any cost-effective means of reducing the demand for costly prison accommodation?

I am sorry to have written at such length; but as you will appreciate, this is a subject in which the Treasury has a close and controlling interest.

I am copying this letter to the Private Secretaries of recipients of your Secretary of State's letter.

yours sincerely

pp T F MATHEWS
Private Secretary

15 OCT 1981

BF 14/10 12/10 Home Affairs

HOME SECRETARY

QUEEN ANNE'S GATE LONDON SW1H 9AT

9 october 1981

REPLY TO SELECT COMMITTEE REPORT ON THE PRISON SERVICE

The report of the Home Affairs Committee on the Prison Service, published in July, contained a trenchant but broadly constructive analysis of the problems facing the prison system.

With its all-Party support for my proposals for early release on supervision in particular, the report is helpful to the policy embodied in the Criminal Justice Bill for next Session (about which I am writing separately) and I am anxious to publish a forthcoming reply as soon as the new session of Parliament opens. I see the report as a helpful opportunity to set out the urgent problems which force me to introduce legislation after the Queen's Speech has announced our intentions and before the detail of the Bill has been published. I am accordingly aiming at publication 5th November.

... I enclose the text of our reply which, to meet the timetable I have set out, must go to the printers at the end of next week. I should accordingly be grateful for comments as soon as possible and not later that 14th October.

Copies go to the Prime Minister, the members of H Committee and Sir Robert Armstrong.

Lord Hailsham

The Rt. Hon. Lord Hailsham of St. Marylebone C.H., D.C.L.

F.R.

INTRODUCTION

1. The Government welcomes this Report. Its careful analysis of the problems confronting the Prison Service is a major contribution to the debate stimulated by the Reports of the Expenditure Committee, published in July 1978, the May Committee, published in October 1979, and the Parliamentary All-Party Penal Affairs Group, published in January 1980. The Government is broadly in agreement with the Report's analysis and with many of its recommendations.

2. The Report presents a graphic picture of the unsatisfactory conditions which now exist in the prison system. The pressures, both of an antiquated physical estate and of an excessive population, which produced those conditions have not diminished since the publication of the Report. The prison population, after falling to under 40,000 during the recent industrial dispute, has risen once again to over 44,000, reaching 45,500 at one point this summer; on 23 October it was about . Any figure greater than about 37,000 involves a degree of overcrowding. The impact on staff and prisoners of a prison population well in excess of the available accommodation has been made clear by both the Government and by the Report itself. The Government has already taken steps to increase the capacity of the prison system temporarily by opening camps at Beckingham and Rollestone, to house about 350 prisoners each. Such measures can, however, merely reduce for a short time the gap between the resources available to the Prison Service and the population it is required to hold. They do not close the gap or offer a permanent solution. Although the prison population fell in the early autumn in keeping with normal seasonal trend, there is every reason to expect that it will thereafter continue its rise to the levels reached in the summer and beyond.

3. The Government shares the Committee's view on the need to seek a better alignment between the resources of the prison system and the demands made upon it.

This is essential if progress is to be made towards reducing the squalor of many prison establishments and the associated problems of frustration among staff and idleness and contamination among prisoners. The Government's approach has three main components. First, it is looking for ways of making the best possible use of the available resources, particularly of manpower and of accommodation, in consultation with other services and departments, including the Lord Chancellor's Department, wherever appropriate. Second, the Government has a sustained building and redevelopment programme to replace accommodation which will need to be taken out of use during the 1980s and to provide some additional accommodation. Third, the Government is seeking a substantial reduction in the prison population so as to achieve a better correspondence between the numbers of prisoners and the accommodation available for them. Details of all three components are set out in the responses to the Committee's individual recommendations. Like the Committee, however, the Government believes that increasing and making better use of the available resources as well as reducing the demands are necessary to achieve the balance for which the Committee has rightly called.

4. It is largely from the sentenced population, rather than the remand population, that a reduction in the pressure on the prison system must be sought. About five out of every six prisoners at any time is serving a sentence. The courts must have the power to impose long sentences on offenders who are a grave danger to the community; but most prisoners do not fall into these categories. A substantial proportion - well over 10,000 - of those in prison at any one time are adult males serving sentences of 18 months or less. There is no reason to believe that the high level of imprisonment in this country is an effective response to the increasing crime levels which are a feature throughout Western Europe. The Government is convinced that the prison population can be substantially reduced without endangering the public or undermining the rule of law.

F.R.

5. As the Committee's report notes, the Court of Appeal in the cases of Upton, Bibi and others gave a lead in calling for shorter sentences. The preliminary indications from data on court proceedings in 1980 and receptions into Prison Department establishments up to the middle of this year indicate that there has been a discernible reduction in the average length of sentence in both magistrates' courts and the Crown Court following the judgements. (These are discussed in more detail in the response to Recommendations (ii) and (xii) of the report.) This is valuable; and it is important that this development should continue. It is, however, clear that if the necessary substantial reduction in the prison population is to be achieved the lead given by the Court of Appeal must be reinforced and supplemented. The Government therefore agrees with the Select Committee that it is essential to introduce changes in the sentencing framework on the lines of the proposal set out in the Review of Parole published in May.

6. Among other ways of reducing the prison population which the Select Committee considered - but did not recommend - is an increase in the rate of remission. This would of course be a much simpler, and indeed crude, approach to the need to reduce the prison population. But the Government agrees that it is preferable to adopt the "supervised release" approach under which the effective length of sentence remains unaffected but supervision is substituted for custody. The Select Committee consider various possibilities which they recommend ought to be pursued in case the supervised release scheme should fail to achieve the necessary reduction. The Government's comments are set out in the responses to the relevant recommendations.

7. The Government's own intentions are discussed in more detail in response to Recommendation (xiii) of the report below. In essence the proposed scheme involves the release into supervision of offenders serving short and medium terms of imprisonment after they have served one third of their sentence. They will be supervised by the probation service as offenders released on parole already are

F.R.

until the date when they would, under present arrangements, be released from custody. While under supervision they will be liable to be returned to custody if they breach the conditions of supervision or commit a further offence. Suitable provision will be included for the courts to have power to exclude from the scheme offenders who already have failed under supervision. The Government is convinced that this proposal is a consistent development of the move towards shorter custody without interfering with the well-established distinction between the role of Parliament in setting the sentencing framework in the law and of the judiciary in deciding on the appropriate sentence, within that framework, for individual offenders.

FOURTH REPORT OF THE HOME AFFAIRS COMMITTEE: THE PRISON SERVICE

Recommendation (i)

'Priority within the prison building and maintenance programme should be given to substantial redevelopment and refurbishing of the existing local prisons, including the provision of integral sanitation,'

Nearly all the accommodation in local prisons is of Victorian or earlier construction. The total major redevelopment programme for the prison estate over this decade is in the order of £360 million; of this it is planned or proposed to spend £131 million on these prisons. £45 million is planned or proposed to be spent on other Victorian prisons. £113 million is to be spent on the 21 wartime camps in use; and the remainder is dedicated to other schemes.

The figures for the local prisons include provision for improved sanitary facilities, but not the construction of integral sanitation in existing cells nor the provision of easier access to existing sanitary facilities at night. The total cost of providing full integral sanitation to the 22,000 cells throughout the system which require it would be in the order of between £200 million and £350 million at present prices - depending on the means employed to achieve this and on the state of the buildings and services at the time when work began. Cheaper solutions are not entirely satisfactory. A programme completely to abolish "slopping out" would take at least two decades; funding apart, it would be limited by the need to empty parts of prisons to undertake the work. Nevertheless, the Government hopes soon to start an experiment to provide night access to sanitation by electrical unlocking at one prison.

The present prison building programme strikes a balance between improved maintenance of the prison stock as a whole, to check the high rate of decay;

E.R.

FOURTH REPORT OF THE HOME AFFAIRS COMMITTEE: THE PRISON SERVICE

Recommendation (ii)

'The public interest would not suffer from a diminished use of imprisonment, both by frequency of committal and by length of sentence ... There is scope for a significant reshaping of sentencing policy, with a view to employing appropriate non-custodial penalties for a greater proportion of "ordinary" non-violent, low risk offenders'.

Recommendation (xii)

'If the efforts now being made by the Home Secretary and other parties to change the direction of sentencing policy should fail to bear fruit within a reasonably short time, Parliament should further limit the maximum length of sentences by statutory means. Such legislation should now be prepared, in full consultation with interested parties, as such a measure ought not to be brought before Parliament as a hurried response to a heightening of the penal crisis'.

The Government welcomes and concurs in the Committee's conclusion that the public interest would not suffer from a reduction in the use of imprisonment in terms of both the proportionate use of immediate imprisonment and the length of sentence; and in particular its endorsement of the view, which the Government has often expressed, that such a policy is not incompatible with the need to maintain a firm line on dealing with violent offenders.

A great deal is already being done to encourage the greater use of non-custodial penalties. In this respect the Government particularly welcomes the New Initiative in Penal Treatment developed by the Central Council of Probation and After-Care Committees, the Magistrates Association and other bodies. This is aimed at establishing discussions at national and local levels to explore ways in which a fuller use can be made of probation and other non-custodial disposals in place of imprisonment. Such discussions help to identify the obstacles which may inhibit the greater use of alternatives to custody in particular areas, not least by focusing on aspects of the machinery of sentencing, such as the use of social inquiry reports and the fine enforcement process, which may have an important bearing on the number of offenders sent to custody.

As the Committee recognises, the Government has taken every opportunity to state publicly its view that there is room for a reduction in sentence lengths. The lead given by the Court of Appeal in its judgements in the cases of Upton, Bibi and others was clearly of major importance in this respect.

E.R.

The Home Office has been monitoring the effects of these judgements both from the data collected from court proceedings and from information on prison receptions.

Receptions after sentence by the Crown Court were analysed to assess the changes which took place during 1980 and the early part of 1981. (Tables and associated charts showing (a) the total number of receptions of males sentenced by the Crown Court and (b) the number sentenced for offences of theft and handling stolen goods expressed by length of sentence in both cases are shown separately in the Annex.)After adjustment for variations in court sitting days and seasonal factors, and allowance for the effects of the POA industrial action, the use by the Crown Court of sentences of imprisonment in the second half of 1980 and the first half of 1981 was not very different from that in preceding quarters. There were, however, marked changes in the distribution of receptions between the various lengths of sentence. During 1980 an increase in the rate of receptions with the shortest sentences of up to 6 months was accompanied by reductions in the rate of receptions for lengths of sentence of over 12 months, although the timing of the reductions was not associated consistently with the initiatives to reduce lengths of sentence taken in the first part of 1980. Considering only offences of theft and handling stolen goods, to which the Upton judgement was particularly relevant, no change was evident in the rate of receptions for such offences until the sharp drop in the fourth quarter of 1980 which was associated with the industrial action of prison officers. Within the overall total, however, there was a fall in the rate of receptions after the first quarter of 1980 for those sentenced to serve over 12 months in comparison with preceding quarterly charges. The offsetting increase in the second and third quarters of 1980 in the rate of receptions of those with shorter sentences was mainly amongst those sentenced to up to 6 months.

The average length of sentence imposed for principal indictable offences on males aged 17 and over in the magistrates' courts in the second half of 1980 was just under $3\frac{1}{2}$ months, between 1 and 2 weeks shorter than in the second half of 1979 when it was 3.8 months. The average length of sentence given after trial by the Crown Court in the second half of 1980 averaged about 18 months, about two months shorter than in the same period a year earlier. The Crown Court also reduced lengths of sentence given after committal for sentence at the Crown Court, which in the second half of 1980 averaged between 10 and $10\frac{1}{2}$ months, about 1 months less than in the second half of

F.R.

1979. In isolation, reductions of these orders in the average lengths of sentence would eventually reduce the sentenced prison population by between 2,000 and 3,000. Most of this reduction - some 2,000 - would follow from the reduction in the average length of sentence imposed by the Crown Court after trial; some 300-400 would follow from the reduction in the average length of sentence imposed by magistrates' courts, and about 200 from the reduction after committal for sentence by the Crown Court. However, between these two periods the numbers sentenced to immediate imprisonment increased so that the eventual net effect would be reduced to under 1,000. And even this relatively small reduction owed something to the P.O.A industrial action in the last quarter of 1980. Further details are to be found in Criminal Statistics, England and Wales 1980 (Cmnd.), chapter 7.

Thus, there does seem to have been a response to the call for a reduction in sentence lengths. The Government nevertheless accepts that the lead that judiciary has given must be supplemented if a significant impact is to be made on the prison population. That is why it intends to proceed with a scheme for supervised release of certain offenders. The Government recognising that a wider, long-term look at the role of legislation in framing sentencing policy and practice may become necessary in due course. It does not, however, accept the Committee's recommendation that provisional legislation should be drawn up at this stage to limit maximum lengths of sentence. The suggestion of the Advisory Council on the Penal System of that maxima should be fixed at the level below which 90% of sentences of immediate imprisonment passed by the Crown Court had fallen in recent years. Thus, the maxima for theft and burglary would be three years. But maxima fixed in this way would be higher than present average sentences. The scheme would therefore not necessarily reduce the prison population. By definition, maxima are intended to provide for the most serious instances of the offence in question. A more radical approach than that advocated by the Advisory Council, fixing maxima below the point which reflected existing sentencing practice, would be open to the objection that it did not allow for higher sentences in serious cases. Thus, leaving aside any question of public confidence in such an approach - and the response to the Advisory Council's proposals were not encouraging in this respect - the real uncertainty about its effect suggests that this may not be the most profitable approach to adopt in considering the statutory structure of penalties of imprisonment and its relationship to the sentencing practice of the courts.

FOURTH REPORT OF THE HOME AFFAIRS COMMITTEE: THE PRISON SERVICE

Recommendation (iii)

"There should be rapid development of shelters for drunken persons, together with an adequate level of staff and the availability of skilled medical assessment."

The Government welcomes the Select Committee's support for the concept of simple facilities to which drunken offenders may be taken as an alternative to arrest and prosecution. The first such shelter opened in Birmingham in July. It has not so far proved possible to make adequate arrangements for a second shelter in London but efforts continue with a view to opening a second centre (possibly elsewhere than London). The Government notes the emphasis which the Select Committee place on adequate staffing and medical assessment. The Government accepts that the need for economy implicit in the concept of simple alternatives for drunken offenders must not override the provision of adequate facilities. The scheme is experimental and the Home Office will be monitoring the effectiveness of the first centres both in terms of diverting offenders from the criminal justice system and providing adequate facilities at reasonable cost, with a view to extending the provision if they prove successful. The funds to be administered by the Alcohol Education and Research Council are a possible source of resources for any extension of the experiment.

SELECT COMMITTEE ON HOME AFFAIRS: REPORT ON THE PRISON SERVICE

Recommendation (iv):

"We recommend that legislation should be introduced to require the provision of NHS places for any mentally disordered offenders on whom the courts make hospital orders" (paragraph 46).

Reply

The Government shares the Committee's wish to see better provision made for mentally disordered offenders. It is concerned that prisons contain a small number of inmates whose mental disorder is "of a nature or degree warranting their detention in hospital for treatment" (in the terms of the Mental Health Act 1959) and that courts are sometimes unable to make a hospital order on a mentally disordered offender whose condition meets the criteria for detention under the 1959 Act because no hospital has been found willing to make a place available. The Government is especially concerned about those prisoners whose mental disorder takes the form of mental illness. However, the Government does not believe that the best way of ensuring that more of these offenders find their way to hospital rather than to prison service establishments is to put a legal obligation on a hospital to admit such an offender on the Order of a Court.

Under section 60 of the Mental Health Act 1959, a Court which wishes to make an Order for the admission of an offender to hospital must specify the hospital to which he is to be admitted; but it can only make such an order if it is satisfied that arrangements have been made for the offender to be admitted to the specified hospital within 28 days of the Order being made. The Butler Committee (Report of the Committee on Mentally Abnormal Offenders - para. 14.7) examined this provision and concluded that it was "not unreasonable that consultants should establish criteria for selecting patients for treatment". In Committee's view, "psychiatric hospitals would find it impossible to do their work if they were forced to accommodate all such cases as the Courts thought right to send them, regardless of their ability to provide suitable treatment". The previous Government's White Paper "Review of the Mental Health Act 1959" (Cmnd. 7320) also considered the need for change but concluded that a legislative solution would be unrealistic: courts would be unlikely to have sufficient knowledge of the facilities and staffing resources available to judge whether

a health authority was acting unreasonably in not offering a place. The present Government shares these doubts in terms of both principle and practice. It is therefore unable to accept the Select Committee's recommendation.

The establishment of regional secure units continues to be a priority For some time, progress was slower than expected; regional secure units are a new concept and detailed discussion has been needed with health authorities and, by them, with professional bodies, staff organisations, other statutory bodies and the public. But the programme is now well under way. Of the 14 Regional Health Authorities in England, only one has yet to submit plans for a regional secure unit to the Department. As the Select Committee acknowledge, a 30 bed unit was opened in the North East of England at St Luke's Hospital, Middlesbrough, in November 1980. Building is in progress on four other sites which will provide a further 160 places. Before the end of this year building is expetced to start on another two units which will provide a further 136 places On the basis of present planning submissions, 171 permanent places will be available by the end of 1982; and by 1985 there are expected to be about 586 places available in permanent regional secure units. As an interim measure, all health authorities were asked to designate particular hospitals to provide treatment in conditions of security until such time as permanent regional secure units are provided. Some 380 such places are now available and a further 201 places are planned (112 of these are planned to open before the end of this year). The provision of these secure facilities will, the Government believes, make a valuable contribution to the range of facilities available for mentally disordered offenders
though ordinary psychiatric hospitals will still have to admit some.

Changes in attitudes can be brought about only gradually; but in a number of different ways the DHSS is seeking to promote contact and discussion between those who are involved now in the care of difficult to place patients. In this connection, the Government welcomes the contribution recently made by the Royal College of Psychiatrists to an understanding of the "problem" of difficult/offend patients by the publication last November of its Report entitled "Secure Facilities for Psychiatric Patients - a Comprehensive Policy".

The Select Committee quote (in para. 45) a figure of 454 men and women in prison custody on 30 June 1980 who were considered to meet the 1959 Act criteria in detention in hospital for treatment. However, 204 of these were unsentenced prisoners for whom there are very limited legal powers to transfer to hospital. Some of these prisoners would have received hospital treatment after their cases were disposed of by the courts, either by being made subject to a hospital order, or as a condition of a probation order,

or in some less formal way. With this category of inmate, it is usual for the prison medical authorities to devote most of their time and energy to the search for a hospital place which might be used at the end of the Court proceedings, although, in any cases in which treatment in a psychiatric hospital is required as a matter of urgency, a transfer can usually be arranged very quickly. Of the 250 sentenced prisoners, 128 were diagnosed as mentally ill and, in the Government's view, this is the category most in need of hospital treatment. Of the remainder, 92 were classified as psychopaths and 30 were mentally handicapped (or subnormal as defined by the Mental Health Act). By 30 June 1981, the total figure had fallen to 320, of whom 144 were unsentenced. These figures of course provide only a "snapshot" of the situation in prison service establishments on a particular day; in the six month period before each census day a larger number of mentally disordered offenders pass in or out of the busy local prisons. And some mentally disordered prisoners cause problems for the prison service which are disproportionate to their total number. Nevertheless, in numerical terms the problem of mentally disordered offenders in prison is not a large one - surveys carried out by the Prison Medical Service indicate that at any one time less than 2% of inmates are so mentally disordered that they may meet the criteria set out in the Mental Health Act for detention in hospital for treatment. Moreover, it should be seen in a general context in which there are over 2000 patients at any one time in hospitals who have arrived either directly from the courts or on transfer from prison service establishments. The number of persons so transferred has risen quite sharply in recent years - from 56 in 1977 [(53 in 1978)] to 87 in 1980 [(83 in 1979)]. This increase lends some support to the Government's belief that efforts to educate and improve understanding among those involved are bearing fruit.

The Government recognises that there are others in the prison population who are mentally disordered but who do not fall within the criteria set out in the Act for detention in hospital. But there are many in the general population (both in and out of hispital) who receive informally the care and treatment they need for mental disorder without the use of compulsory powers; and the Prison Medical Service aims to provide similar care in prison service establishments. Mental disorder may arise before the offender's trial or may become apparent during the course of imprisonment; but in either case the Mental Health Act provides powers to place the offender in, or transfer him to, hospital only where the disorder is of a nature or degree which warrants detention for treatment. There is no power to

detain anyone in hospital whose mental disorder is of a nature or degree that does not warrant compulsory detention for medical treatment. Similarly, there is no power to detain anyone in prison beyond the end of a prison sentence. However, mentally disordered prisoners (whether or not their disorder is such as to meet the criteria for detention in hospital for treatment) may be referred by prison medical officers to psychiatric hospitals on an out-patient basis at the end of their sentence; and for a small minority it is possible to arrange for an informal admission to hospital on their release from prison custody.

The Government recognises that there will probably always be room for differences of professional opinion
about what should be done with that group of people (by no means homogeneous) who lie on the borderline of "detainability" under mental health legislation; but it shares the Committee's anxiety to ensure that, as far as possible, the right decision for the individual and for the community should be made.

F.R.

FOURTH REPORT OF THE HOME AFFAIRS COMMITTEE: THE PRISON SERVICE

Recommendation (v)

"All necessary steps should be taken to encourage the courts to draw up, maintain and use lists of doctors and psychiatrists willing to undertake court work (paragraph 52)."

Paragraph 52 of the Committee's Report refers to the Home Office's recent enquiries of magistrates' courts about the extent to which justices' clerks had complied with the request made by the Department in 1975 that where no arrangements already existed they should draw up, in consultation with the local health authorities, lists of doctors and psychiatrists willing to undertake court work. The Government agrees that, if the results of the enquiries appear to warrant it, further steps should be taken to encourage the courts to adopt this practice. The responses to the enquiries indicate that nearly two thirds of the magistrates' courts in England and Wales can consult a list of doctors to whom they can refer defendants for medical examination. In many instances these lists are held by agencies other than the court, most commonly the probation service. About a sixth of the courts rely on local arrangements without a formal list. However, of all courts, whether or not they have access to lists of doctors, over 90 per cent reported no problems in obtaining medical reports and less than 1% reported that when they required medical reports they "always" or "often" remanded in custody because such reports could not otherwise be obtained. How best to present the information gained from the survey and its implications for the work of magistrates' courts will be considered when further analysis has been completed.

FOURTH REPORT OF THE HOME AFFAIRS COMMITTEE: THE PRISON SERVICE

Recommendation (vi)

"Legislation should be introduced to extend to England and Wales the 110-day time limit from committal to trial which is at present in force in Scotland."

The provisions relating to the 110-day rule in Scotland are at present contained in section 101 of the Criminal Procedure (Scotland) Act 1975 as substituted by section 14 of the Criminal Justice (Scotland) Act 1980. The relevant parts of that section provide:-

"(2) ... /A/n accused who is committed for any offence until liberated in due course of the law shall not be detained by virtue of that committal for a total period of more than:-

(a) ...

(b) 110 days, unless the trial of the case is commenced within that period which failing he shall be liberated forthwith and thereafter he shall be forever free from all question or process for that offence.

(4) A single Judge of the High Court may, on application made to him for the purpose, extend the period mentioned in subsection (2)(b) above, where he is satisfied that delay in the commencement of trial is due to:

(a) the illness of the accused or of a Judge;
(b) the absence or illness of any necessary witness; or
(c) any other sufficient cause which is not attributable to any fault on the part of the prosecutor."

The Scottish rule operates in a very different context. In Scotland, there are no committal proceedings as the term is understood in England and Wales, and the prosecution decide the mode and venue of trial. Moreover the Scottish time limit applies to time spent in custody and not awaiting trial as such; it also applies to the time between full committal (in the Scottish sense) and the commencement of trial - not its conclusion as suggested in the Select Committee's Report.

In England and Wales there is a statutory provision which sets a time limit on when the trial must begin. Rule 19 of the Crown Court Rules 1971 provides that all trials (not just those where the defendant is in custody) are to start within 8 weeks of committal, unless a Crown Court Judge has otherwise ordered. In most cases the court extends the period; but the delay is not

usually attributable to the fault of the prosecutor (the only ground on which a Judge in Scotland must refuse an extension), but to the fact that the backlog of work is too large for available court capacity to handle within the time-scale. No matter what time limit was set, it would have to be sufficiently flexible to enable account to be taken of the amount of work before the Crown Court at any given time. In view of this, the Government does not think that the purely procedural change proposed would affect waiting times for trial, since by itself it would not expand the courts' capacity, and extensions would no doubt continue to be granted where [that] lack of capacity was the reason for delay. (It is noteworthy in this connection that in 1979 and 1981, when strike action disrupted the Scottish courts, the number of extensions to the 110-day limit increased considerably.)

The Government notes that the witnesses giving evidence to the Committee on this proposal expressed widely differing views on its merits and that, in particular, the Chairman of the Bar and the Chairman of the Criminal Bar Association appeared to see little advantage in it. Moreover, the question whether the introduction of fixed time limits would contribute to a reduction in delays was also considered by the Royal Commission on Criminal Procedure. Their view (paras. 8.32-8.35) reached after examination of a number of overseas systems (including those in the USA) embodying time limits was that the imposition of a time limit in itself achieves relatively little and that the speed with which cases are brought to trial is determined almost entirely by the volume of business and the resources available to deal with it.

The Government shares this view. Although it is very anxious to ensure speedy trial, it believes that this objective can best be met by the measures being taken at present to despatch business efficiently, together with a vigilant attitude by the judiciary towards applications for postponement. It does not believe that to introduce the Scottish 110-day rule into England and Wales would help to reduce pressure on the prison system or make for speedier justice.

FOURTH REPORT OF THE HOME AFFAIRS COMMITTEE: THE PRISON SERVICE

Recommendation (vii)

> "The identification of issues by prosecution and defence at a pre-trial stage, further disclosure by both sides at various stages in proceedings and a greater degree of conciseness by counsel and the judiciary would save a great deal of time and public money (paragraph 60)."

The Government accepts the importance of identifying and adopting procedures and practice in criminal proceedings that will save time and money without impairing the quality of justice. The Lord Chancellor's Department has been working on improvements in Crown Court trial procedure for some time, and both that Department and the Home Office are represented on a procedural Working Party Chaired by Lord Justice Watkins VC. There are two fundamental problems in the pre-trial identification of issues: one is to avoid interference with the principle that it is for the prosecution to prove their case, and that the defendant therefore has the right to remain silent about his own case; the other is to avoid creating a cumbersome pre-trial procedure which would, in practice, generate more delay and expense. However, the Government is hopeful that, with careful consideration, improvements can be made without putting these principles at risk.

Section 48 of the Criminal Law Act 1977 is also relevant in this connection. In broad terms, that section enables rules to be made requiring the prosecutor in any case before a magistrates' court to give advance information to the defendant about the nature of the case against him. The provision arose from the recommendations of the Interdepartmental Committee on the Distribution of Criminal Business between the Crown Court and Magistrates' Courts, under the Chairmanship of Lord Justice James, which reported in November 1975 (Cmnd 6323). It is argued that advance disclosure of this kind in the case of offences triable either summarily or on indictment could reduce pressure on the Crown Court in two ways: more defendants would be ready to make guilty pleas having seen the strength of the case against them, alternatively more defendants would be prepared to opt for summary trial, so that their cases would not reach the Crown Court. No rules have yet been made under this provision. When it was enacted, the then Government indicated that the likely annual cost of a system of advance disclosure based on section 48 in terms of police time and extra

manpower was £4 million. A working party under Home Office chairmanship is examining the likely costs at present prices. The figure would depend on the chosen method of disclosure. A system based on edited witness statements would cost rather more than one based on case summaries. The consultations will shortly be widened to include representatives of the legal professions. However, at the end of the day, constraints on public spending will have to be taken into consideration before any final decision on the implementation of section 48 can be taken.

Recommendation (viii)

'Plans to establish regional escort co-ordination offices should be pursued vigorously and swiftly'.

The Government recognises the need to examine the way in which the prison service fulfills its commitment to the courts. Although representing a small part of the total Prisons Vote, the costs of meeting the court commitment are high and the Prison Department, in conjunction with the Lord Chancellor's Department, is giving special attention to ways in which these costs might be reduced. Aspects which are being considered include:

(i) A technical study to collect information on the patter of escorts (which involves the police as well as the prison service and which varies widely in different parts of the country), as a preliminary to proposals for more economical and better co-ordinated arrangements for transport and manning.

(ii) The possibility of dispensing with dock officers for all or part of the duration of certain trials. Following the success of a limited experiment at one Crown Court centre earlier this year, a more extensive series of experiments has now started.

(iii) The committal areas of local prisons, where adjustments or an increase in the number of prisons taking receptions from court might shorten journeys both for escorting officers and for those who will subsequently need to have access to the prisoner (cf Recommendation (ix) (second p art) Manchester and Reading prisons have already resumed a local prison function.

(iv) The possible extension to other prisons of the court inspector posts which have been established at Brixton and Risley with responsibility for the co-ordination of escort arrangements in their areas.

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As regards the Committee's specific recommendation, it may be that the management of escort arrangements could be made more efficient by introducing an additional co-ordinating office at regional level, or by substituting regional for existing local co-ordination, and this proposal will be given very careful consideration.

(viii) 2

E.R.

FOURTH REPORT OF THE HOME AFFAIRS COMMITTEE : THE PRISON SERVICE

Recommendation (ix) (first part)

'There must be greater co-ordination between the Lord Chancellor's Department and the Home Office with regard to the location of new courts'.

The Government agrees that as far as possible the siting of new courts and new prisons should be co-ordinated and the Home Office and the Lord Chancellor's Department work together wherever there is scope for co-operation.

The Government's policy is to site new courts in the centres of towns and cities where the best use can be made of road and rail transport. The location is in practice mainly determined by the availability of land, its cost and the local authority's willingness to grant planning permission. Where there is a choic of sites the location of the appropriate prison is a major consideration, but in practice it is rare for there to be any such choice. Similarly in selecting sites for new prisons or in giving consideration to a change in the function of an existing establishment, the convenience of access to Crown Court centres is taken into account where appropriate.

The two Departments are working together on a proposal that a court and a local prison should be built on adjoining sites at Woolwich in East London.

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Recommendation (ix) (second part)

'Every effort should be made to obtain or, as in the case of Holloway, to redevelop prison sites in urban areas, whos advantages include easy access to prisoners by families, friends, probation officers and legal advisers as well as a decrease in the social isolation of prison officers'.

The Government recognises the importance of the factors to which this recommendation draws attention. It is the Prison Department's intention to retain and redevelop virtually all of its existing urban sites. Where either no prison exists or where overcrowding in the existing prison establishments makes it necessary to provide further accommodation in that area, the search for new sites is concentrated on the use of land already in possession of the Crown, mainly because of the cost of land in central urban locations. Mention has already been made to the proposal for an adjoining court and local prison at Woolwich; other Crown sites in Merseyside and Tyne and Wear are being examined. The difficulties over planning clearance have already been mentioned in the reply to Recommendation (i).

As regards existing sites there is unfortunately in most cases no possibility of acquiring additional land adjacent to urban prisons to allow for redevelopment and improved facilities. One exception to this is at Leeds, where discussions have been going on with the local authority for the purchase of some extra land. Redevelopment within existing sites is already taking place or planned at many establishments but in these circumstance the scope is necessarily limited. The complete rebuilding of Holloway, mentioned specifically in this report, involved formidabl practical difficulties and a programme extending over many years.

Full use will therefore be made of existing urban sites and of opportunities for new urban sites where possible, but a large part of the prison estate will have to remain in rural areas until at least the middle of the next century.

E.R.

FOURTH REPORT OF THE HOME AFFAIRS COMMITTEE: THE PRISON SERVICE

Recommendation (x)

> "The maximum time between court appearances should be extended to 21 days, provided that the defendant is legally represented and consents to this course, but such an extension should be introduced in the first instance for an experimental period of one or two years, during which its operation would be carefully monitored to ensure that any adverse consequences for court or prison administration, or for the liberty of the subject, might be identified and examined (paragraph 71)."

As the Report of the Committee recognises (paragraph 70), the Home Secretary announced on 18 June his proposal for an amendment to the law which requires accused persons remanded in custody to be produced in court at least every eight days. His proposals were for the retention of the existing eight-day cycle of remand hearings but for the accused person to be given the opportunity to permit such hearings to take place in his absence. The arrangements will apply only if the accused is legally represented and signifies his consent, which may, of course, be withdrawn at any time.

When he announced his proposal, the Home Secretary sought comment in particular on whether the option should be available to the defendant for all remands after his consent has been given or whether his attendance in court should be required periodically, for example, at monthly intervals. The Committee's Report has been helpful in this respect. The Government recognises that there is some feeling that, without periodic appearances by the defendant, there is a risk that cases might on occasion not be treated with the urgency due to them. How frequent such appearances should be is a matter of fine balance between the interests of the defendant on the one hand and those of the police and prison service, to whom the proposed changes could bring considerable relief from the burden of escorting and producing defendants in court, on the other. Subject to any further arguments that may be advanced, the Government considers that the 21 days recommended by the Committee - which allows only two consecutive remands at which the defendant is not present - can safely be lengthened to 28 days, thus permitting a maximum of three consecutive remands in the defendant's absence.

This could not, in any event, be achieved without changes in the law. It is recognised, however, that there should be careful monitoring of its effects. The change is not expected to have adverse consequences for court or prison administration. Indeed, the very opposite is likely to be the case. But care must be taken that periods of time spent on remand in custody awaiting trial in a magistrates' court or committal for trial at the Crown Court do not lengthen and that bail continues to be given in cases where it is appropriate. The Government will examine carefully how such monitoring might be undertaken.

E.R.

FOURTH REPORT OF THE HOME AFFAIRS COMMITTEE: THE PRISON SERVICE

Recommendation (xi) :

"Training courses for judges should be expanded, and regular refresher courses should be provided; attendance should be obligatory (paragraph 82).

Judges have always gained a great deal of experience in judicial work and sentencing during their professional careers as advocates. In addition, in recent years judicial studies have been developed and have been put on a formal basis. In 1963 Lord Parker, the Lord Chief Justice, introduced one-day conferences on the treatment of offenders. The matter was studied in detail by the Working Party on Judicial Studies and Information under the chairmanship of Lord Justice Bridge whose report, published in 1978, led to the setting up of the Judicial Studies Board. The Board, which sits under the chairmanship of a High Court judge, is responsible for the running of the seminars referred to below. The position now is as follows:-

(i) Every newly appointed Deputy Circuit Judge, before he first sits, must have spent a period of time, normally between 5 and 10 days, sitting in court with an experienced Circuit Judge, (the precise period being determined by the Presiding Judge), and must visit a prison and a borstal institution receiving offenders from the court at which he will be sitting and a probation office. He is also required to attend a residential induction seminar which includes one day of visits to prison establishments. The latest such seminar , held in September, lasted in all for 3½ days.

(ii) Each year about 65 experienced Circuit Judges and Recorders are invited to attend a 3½ day residential judicial seminar which is also attended by newly appointed High Court Judges (almost all of whom will previously have been Recorders or Circuit Judges). Attendance is not obligatory and the Government accepts the view of the Judicial Studies Board that such an approach would not be practical. In practice most invitations are accepted and when declined they are renewed the following year. Circuit Judges and Recorders attend such seminars from time to time. In the light of the Committee's reference in this section of the report (paragraph 79) to the lead given to the judiciary by the Government and the Court of Appeal on the need for a reduction in the use of imprisonment, it is worth recording that the latest such seminar, held in September had as its theme 'Short Sentences and Alternatives to Imprisonment' and opened with a review of 28 Decisions of the Court of Appeal relevant to the shortening of sentences;

E.R.

In addition, this year two half-day conferences for Circuit Judges have been held at the request of the Lord Chief Justice, one on the conduct of long trials and the other on the functions of Circuit Judges who sit as Liaison Judges between the Circuit Judges and the Magistrates. Each of these conferences was attended by about 80 Circuit Judges: the former by those nominated by Presiding Judges and the latter by almost all Liaison Judges. Presiding Judges hold similar conferences on various topics from time to time on their Circuits.

The Government feels, therefore, that substantial progress is being made in this area. The influence of the Judicial Studies Board is already proving beneficial. A further welcome step is a decision in principle by the Board to publish an information bulletin, probably on a quarterly basis - a project which is now receiving detailed consideration.

Recommendation (xiii)

'We support the proposals to amend the parole system and to apply it to sentences of between six months and three years in the manner indicated in the Home Office review. The widest possible consultations should take place on the details involved, particularly on the lower and upper limits of eligibility for the new system and any anomalies which may thereby arise; on the discretion of the courts to exclude from it offenders who have previously failed successfully to complete the suspended portion of the sentences; and, most critically, on means of avoiding any tendency for the courts further to increase the length of sentences.'

The Government has now announced its intention of introducing a scheme of supervised release. The essential feature of the scheme is that offenders serving sentences of imprisonment for terms of 3 months but less than 3 years will (subject to any loss of remission) be released after serving one-third of the term and will be on licence under the supervision of the probation service for the second third. The final third of the sentence will be remitted, as at present, in accordance with the Prison Rules.

The Government has been encouraged by the degree of support for this proposal, first canvassed in the Review of Parole published earlier this year, from the Committee and others. The scheme will be known as supervised release in order to avoid confusion with parole, under which the release of prisoners after one third of their sentence is at the discretion of the Secretary of State acting on the advice of the Parole Board and local review committees. Some misgivings have been expressed about the nature of the proposals on the grounds that they have the effect of undermining the original sentence passed by the court. The Government understands these apprehensions about the scheme but does not believe that they are justified. If Parliament approves the scheme it will remain possible for the courts to mark the seriousness of offences that come before them by the length of sentence that they pass. The effect of the supervised release scheme will be that the offender serves the middle third of that sentence under supervision in the comminity.

The scheme will incorporate important safeguards against abuse of this opportunity - First, the Government accepts that the courts should have the power to withhold supervised release from offenders who have previously shown themselves unsuitable for supervision. This will take the form of giving the courts discretion to disapply supervised release in the case of offenders on whom a court has, in the previous 3 years, imposed custody as a result of breach of supervision and in the case of offenders being dealt with for an offence committed while on supervision.

This will apply in all cases except those where the offender is under 21 since it is an established principle that such offenders should serve a period of supervision following a sentence of imprisonment. Second, the proposals will provide that the courts should be able to impose up to 30 days custody, as well as a fine, for breach of supervision requirements. And third, where an offender commits a further offence while under supervision the courts will have the power to order his return to custody for the remainder of the period of his supervised release licence (or 30 days whichever is the greater) as well as sentencing the offender for the further offence. The Government is also aware that the element of supervision in the scheme cannot be effective without the full and positive co-operation of the probation service; and to that end it accepts that it is essential that the service should be given adequate resources to cope with this new and additional challenge.

In these and in other matters the Government has, as the Committee suggested would be necessary, been giving careful thought to the shape of the scheme in the light of the response it received to the proposals in the Review of Parole. An important issue which the Committee singled out is that of the upper and lower thresholds for the scheme. An upper threshold of 3 years provides the smoothest inter-face with parole. For sentences of 3 years and over parole will continue to apply. The lower threshold of 3 months is based on the principle that one month is effectively the minimum acceptable period for supervision (which is the premise on which parole currently operates). To ensure that sentences below the 3 months threshold do not attract longer periods of custody than a 3 months sentence the scheme will provide for the 'tapering' of sentences between 6 weeks and 3 months (by making such sentences subject to release after two-thirds of the sentence or 1 month whichever is the less). This has the effect also of best preserving the sentencing differential open to magistrates. The 'tapering' required for a 6 months minimum threshold would make the custodial element for the whole range of sentences from 3 to 6 months identical at 2 months' custody.

The Government considers that a supervised release scheme on these lines is essential as a supplement to the initiatives that have already been taken if a significant impact is to be made on the currently unacceptably high level of the prison population. If a saving of the order of 5,000 is achieved, as estimates suggest possible, / that would represent a substantial step forward in dealing with the present crisis. When the proposals are put before Parliament, the Government will of course be prepared to take account of the debate which they will provoke and of constructive criticism that they will attract. But the

Government will not be deflected from its overriding commitment to provide measurable relief to the prison service which, in a way which is consistent with the wider principles of sentencing practice, it believes this scheme will achieve.

E.R.

Recommendation (xiv)

'The review of allocation procedures mentioned in the Government's response to the Expenditure Committee should be broadened, if necessary, so that security criteria are also reviewed, and a Ministerial decision should be made on these matters urgently'.

The review of allocation policies and procedures has been completed and its conclusions and recommendations have been accepted in principle by the Government. Copies of the report have been sent to the Select Committee, and have been placed in the libraries of the Houses of Parliament and in the Home Office library from which they are available to the public.

The review considered criteria for security categorisation. The report acknowledges that there may be some over-categorisation of prisoners, and it makes proposals (for example for systematic re-categorisation during sentence) which are designed to secure the more effective and economical use of Category C and open prisons. The protection of the public must, however, remain a matter of primary importance and there is no intention in this context to dismantle any existing security arrangements.

FOURTH REPORT OF THE HOME AFFAIRS COMMITTEE: THE PRISON SERVICE

Recommendation (xv)

> "The Home Secretary should institute a system of calling offenders in to serve their sentences on an experimental basis for certain selected categories of offenders."

The Select Committee suggest that this recommendation could provide a useful means of spreading the prison population to maximise administrative convenience and resources. That could be helpful in dealing with short-term variations in demand for prison places; though there would still be questions for consideration about the criteria for deferment, the fairness of leaving the prospect of imprisonment hanging over an offender and his family, and the burden which enforcement could impose on the police. The basic problem at present, however, is a continuing excess of population over capacity. For this, a system of queuing for custody would provide no more than a palliative, at the cost of cumulatively increasing the excess of demand over supply and lengthening the interval between imposition of sentence and admission to prison. A point would ultimately be reached when the delay was so great as to be unacceptable, because of the effects both on the offender and his family, and on public confidence in and respect for the law. It would then be necessary to find other and more effective ways of reducing pressure on the system.

The Government does not dismiss the idea for the longer term as a means of improving the capacity of the prison system to absorb seasonal pressures, in particular perhaps in relation to particular categories of offender. But the Government believes that in present circumstances an arrangement for calling in offenders to prison could make no real contribution to solving the current problems of the prison system.

E.R.

Recommendation (xvi)

> 'The policy of making less use of open prisons should be reversed both by pursuing with greater vigour the re-negotiation of agreements with local authorities and by changing the allocation procedures and criteria. The experience arising from this greater use of open prisons should be closely studied, with a view to enhancing the contribution those establishments make to the penal system, whilst at the same time maintaining a proper level of public protection and confidence'.

The Government accepts the recommendation. As proposed by the recent review of allocation procedures, it considers that the criterion for allocation to the open prisons should in future be an assessment that a prisoner is suitable for such conditions at the time of his categorisation or subsequent re-categorisation; this assessment should naturally be made with particular reference to the protection of the public which should always be the first priority. It also considers that the nature of previous offences should be a relevant and important factor but that it should no longer provide the basis for automatic exclusion from open prisons.

Local authorities and others interested in particular establishments are being approached accordingly.

E.R. DRAFT

Recommendation (xvii)

"A speedy and positive investigation should be made of the best means of establishing a National Criminal Policy Committee.

The Select Committee suggest that there are lacunae in English criminal policy making which a Committee on the lines they recommend would fill. The Government accepts the need to keep under review the means available to assist Ministers to formulate and develop their policy in this field. It is also important, as the Select Committee emphasise, that all who play a part in the system should be aware of its interconnectedness and of the implications of their activities for the proper functioning of the system as a whole.

At the same time the Government sees reason to doubt the effectiveness, as an aid to policy-making, of setting up standing advisory bodies with wide general terms of reference. As is well known, the Government has since taking office greatly reduced the number of such bodies in all Departmental fields. In particular, the Home Secretary decided not to reappoint the former Advisory Council on the Penal System.

In the Government's opinion, when Ministers require advice from outside their Departments on what policy should be adopted or how any given policy should be implemented, the best course is to set up a body specifically for the purpose with terms of reference, membership and method of operation adapted to the questions with which it has to deal. Similarly, the need for discussion of matters of mutual interest between the Home Office and other agencies involved in the working of the criminal justice system is best met by a wide range of diverse contacts for the discussion of specific topics, though always within the context of the Government's criminal justice policy as a whole. The process of policy formation in this as in other fields is one to which a wide range of people and organisations must contribute, both inside and outside government,

/with

with the final decisions resting with Ministers subject to their responsibility to Parliament. The Government does not believe that establishing a single all-purpose advisory body charged with the "planning" or "construction" of criminal justice policy would simplify the process or improve the product. Accordingly the Government does not propose to act on this recommendation, but will continue to keep its machinery for policy development under review. (Within the Home Office the establishment of an integrated Research and Planning Unit within the Home Office has superseded the Crime Policy Planning Committee and Crime Policy Steering Committee mentioned in the Select Committee's report.) The Government will also continue to seek opportunities to improve communications and understanding throughout the criminal justice system generally.

9 OCT 1981

HOUSE OF LORDS,
SW1A 0PW

With the
Lord Chancellor's Compliments

FROM:
THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.

LORD CHANCELLOR

HOUSE OF LORDS,
SW1A 0PW

8 September 1981

L65/43/03

My dear Willie.

Imprisonment (Temporary Provisions) Act 1980

You wrote on the 5th August to ask for my observations, if any, on your proposal to extend Part I of the Imprisonment (Temporary Provisions) Act 1980 for a further period of 12 months. Your time limit of the 17th August was kindly deferred to enable me to consider the matter on my return.

I am writing personally to confirm what has already been conveyed to your officials, namely that I am content with what you propose.

Copies of this letter go to those to whom you sent copies of your letter to me.

Yrs.

The Right Honourable
William Whitelaw, C.H., M.C., M.P.

9 SEP 1981

From: THE PRIVATE SECRETARY

Prime Minister 2

Home Affairs WR 2/9

HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

27 August 1981

Dear John

MB

RIOTS: PRISON SERVICE MANPOWER

The Home Secretary was most grateful to the Lord President for his speedy and helpful response (your letter of 5 August to John Halliday) to the prison manpower problem which the surge in the prison population has created. Recruitment and training arrangements for the additional 300 staff are already well in hand.

The Home Secretary will indeed be looking to see if any additional compensating savings may be possible between now and next April; as to the total Home Office manpower ceiling target for 1984, he understands that with decisions still to be taken on his additional PES bids for 300 prison staff in each of the next three years, a decision will be needed in due course on whether this year's additional 300 should be added to or absorbed within any revised manpower ceiling.

Perhaps I might mention that Gary Rogers' letter of 20 August to John Halliday is also to hand, referring to the need to seek additional financial provision in the Winter Supplementary Estimates. We shall shortly be writing to you and the Treasury at official level about the financial implications not only of the additional 300 prison officers but also of the other measures that have had to be taken to cope with the surge in the prison population, and this will be followed in due course by correspondence at Ministerial level.

The Home Secretary readily agrees that within the Rayner scrutiny programme, a resource control review in the field of Prison Service manpower should be the Home Office project for 1982. He also agrees that officials should now consider the scope, terms of reference, timing, method and presentation of such a review, on the understanding that CSD will be ready itself to assist in the technical support for such a study. He expects that such a study would be helpful in bringing a balance between the manpower ceiling and target figure for the Prison Service on the one hand, and the actual manpower requirements of the Service in the field on the other. Where efficiency savings can be identified, they should be made. Equally, where this essential operational service is being asked to do more than is reasonably possible, this should be identified and resolved by bringing tasks and authorised staffing levels (and hence the overall manpower ceiling) into alignment.

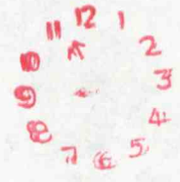
I am sending copies of this letter to the recipients of yours.

Yours ever
Alan Jackson

A. P. JACKSON

J. Buckley, Esq.

-2 SEP 1981



Prime Minister 2

Home Affairs LVH 6/8

HOME SECRETARY

QUEEN ANNE'S GATE LONDON SW1H 9AT

5 August 1981.

Dear Quintin,

You will remember that the Imprisonment (Temporary Provisions) Act 1980 was passed in October 1980 to deal with the effects of industrial action by prison officers. The main feature of that action was a refusal to receive prisoners into any prison which contained prisoners in excess of its certified normal accommodation.

Section 1 of the Act authorised the detention of prisoners in "approved places", i.e. special temporary prisons. Section 2 provided for remands in absentia. Sections 3, 4 and 5, which in the event did not have to be used, provided respectively for the release of persons committed or remanded in custody, for a restriction on committal for non-payment of money, and for early release of prisoners.

None of the provisions of Part I is now in force (the Ministry of Defence camps currently being used to hold prisoners because of overcrowding are not "approved places" under the Act; they have instead been declared to be prisons under the Prison Act 1952). All or any of them could, however, be brought into force if necessary by an order subject to affirmative resolution procedure.

The temporary provisions in Part I (and the power to revive or renew them by order) were presented to Parliament as a short-term expedient. They will automatically be repealed altogether in October 1981, unless an order is made to extend them. Any such order would need to be approved by resolution of each House, within 40 sitting days but not necessarily before the day on which the Act would otherwise be repealed.

Industrial relations in the prison service are still unsettled. The industrial action by prison officers has technically been suspended not terminated, pending the outcome of negotiations on a new duty system. Similar action could be taken on other issues during the coming year. Although I have no current intention of bringing any of the provisions back into force, I should not feel justified in allowing the power to do so to be lost altogether, particularly since it would be very tiresome to have to seek to re-enact them. I therefore consider it necessary to seek to extend Part I of the Imprisonment (Temporary Provisions) Act 1980 for a further period of 12 months. I would propose to make the order during the recess, so that it could be debated in the spillover. Unless I hear to the

/contrary from

The Lord Chancellor.

contrary from you or any other recipients of this letter by 17th August, I shall take it that no one dissents from this proposal.

I am sending copies of this letter to the Prime Minister, other members of H Committee, the Attorney General, and to Sir Robert Armstrong.

Yours ever

Mike

-6 AUG 1981

Home Affairs

From the Private Secretary

Civil Service Department
Whitehall London SW1A 2AZ
01-273 4400

5 August 1981 Arrive HO 7/8/81

John Halliday
Private Secretary to the
Secretary of State for the Home Department
50 Queen Anne's Gate
LONDON
SW1H 9AT

Dear John,

RIOTS: PRISON SERVICE MANPOWER

The Lord President has asked me to write to you about the Home Secretary's letter of 4 August about prison manpower.

The Lord President agrees that the April 1982 manpower target should not stand in the way of immediate recruitment which you need for the prison service, up to the 300 additional staff. He's sure that the Home Secretary will do what he can between now and April to find as much in the way of compensating savings as possible.

Numbers in future years will be for later consideration although of course the Home Office target for 1984 remains.

As for the supplementary financial provision, the Lord President has asked our Minister of State, Mr Hayhoe, to be in touch with the Chief Secretary. Mr Hayhoe will be writing to the Home Secretary.

The Lord President would like to take the opportunity to raise with the Home Secretary a separate but related point about efficiency studies. We are proposing a number of efficiency reviews of non-office establishments across the Service (in much the same way as the review of R & D Establishments which is already happening) and the Lord President would like to see the Prison Department taking on such a review of its establishments. He is, of course, very conscious of the sensitivities here and the Home Secretary will no doubt have views on timing. I understand that officials in our departments have already had preliminary discussions and the Lord President would now like them to work up proposals for a review, in consultation with Sir Derek Rayner, for submission to the Home Secretary and himself as soon as possible. We can then see where we go from there.

I am sending a copy of this letter to Willie Rickett at Number 10, to John Wiggins in the Chancellor's office and to Terry Matthews in the Chief Secretary's office.

Yours sincerely,
Jim Buckley.

J BUCKLEY


- 5 AUG 1981

1 Mr Whitmore
2 Prime Minister

2

Home Affairs

WH 3/8

HOME SECRETARY

QUEEN ANNE'S GATE LONDON SWIH 9AT

1 August 1981

Dear Chris Upton

RIOTS: PRISON SERVICE MANPOWER

There are today more than 45,000 prisoners in the prison system in England and Wales. This is the culmination of a prolonged and mounting crisis for the prisons, which can properly accommodate only 39,000 prisoners and even with severe overcrowding cannot decently cope with as many as 45,000 (our last Expenditure White Paper allowed for 42,630 this year). It is not solely the immediate result of the riots, but they have made the position still more acute. There is no basis for expecting - or bringing about - any early marked improvement, though in the longer term our whole future strategy is aimed at a substantially lower prison population.

I have announced that, to meet this crisis, I am opening emergency prison accommodation, first at Rolleston camp (already open) and Beckingham camp (which takes its first prisoners on 7 August). Between them they will take about 750 prisoners. A third camp is in preparation. We may well need more. The first three, with about 1,000 inmates, will require an additional 200 staff (but for overtime working, the number would be nearer 300). To enable the Prison Service to meet this additional commitment when it is already severely stretched, I need more prison staff (mainly, but not exclusively prison officers - prisons need governors and administration and other civilian staff, as well as discipline staff), and to keep the number I have in post already which is about 120 above the ceiling for next April.

I therefore seek your agreement to raising with immediate effect my manpower ceiling for Prison Service staff in establishments by 300. We have about 130 potential prison officers who have already passed our selection procedures but to whom we have not been able to offer appointment for the present. They could be appointed, given their initial training, and placed in the normal prison system to fill the gaps left by experienced staff sent to man the camps, within about three months of my getting your agreement. We also need a proportionately and smaller number of other grades, whom we can recruit quickly.

/This increase is urgent,

The Rt Hon Lord Soames GCMG GCVO CH CBE

This increase is urgent, and indeed imperative, to enable me to sustain the operation of the prison system in the face of a sharply increased population. At the same time, I am very conscious of our general objective of reducing Civil Service manpower and achieving our target of 630,000 by April 1984. I have therefore looked very hard indeed at the possibility of finding compensating savings elsewhere in the Home Office, or of setting off the increase against the bid I am making in this year's PES for an additional 300 prison staff in 1982-83 as new prison and court accommodation comes into use. I cannot safely do either, but I am certainly prepared to set off an increase in this current year against future bids if the prison population falls sufficiently below the level on which those bids were based.

I recognise too that there are financial, as well as Civil Service manpower, implications. I shall need supplementary provision above the existing manpower cash limit to meet the additional manpower costs. These arise both in terms of earnings and allowances for additional staff, but also for additional overtime worked right across the prison system this year as the population mounts. While I plan to introduce this year a new mechanism to monitor and control overtime in the Prison Service, I cannot possibly set about achieving a significant reduction in the amount of overtime currently being worked, in the face of the manpower demands presented by the population size. My officials have already been in touch with yours about this. In total, the additional manpower costs in the current year are likely to amount to £9m for increased overtime worked by existing staff and £1m for additional staff.

I should be grateful for a very early response as the situation is so critical. I am copying this letter to the Prime Minister and to the Chancellor of the Exchequer.

Yours

Willie

HOME SECRETARY

QUEEN ANNE'S GATE LONDON SW1H 9AT

14 July 1981

Dear John

As you know, the prison population is currently at a record level. On Friday, 10th July there were 44,800 inmates in Prison Department establishments in England and Wales, as against certified normal accommodation of 38,800. The recent disturbances in various cities give reason to expect a further inflow into prisons, borstals and detention centres, numbering some hundreds at least.

It is, of course, normal practice to move inmates around the prison system in order to spread the load of overcrowding as evenly as possible. This is already being done on a large scale, but the scope for transfers of this kind is rapidly becoming exhausted. My judgement is that we could very soon be in a position where there will simply be no available accommodation left in the prison system in which new inmates can be held.

In these extreme circumstances, I am writing to ask you to agree that a Ministry of Defence camp should be used temporarily as a prison. It would be staffed by the prison service and would be designated as a prison establishment for the purposes of the Prison Act 1952. My officials are already in touch with yours, and if you are able to agree they would make arrangements to identify a suitable site and to bring it into operation, I hope within the next week or so. I should be very grateful if you can help us in this difficult situation.

My officials are also in touch with officials at the Treasury and Civil Service Department about the financial and staffing implications, and I am therefore sending copies of this letter to Geoffrey Howe, Christopher Soames and Robert Armstrong. A copy also goes to the Prime Minister.

W. Whitelaw

The Rt. Hon. John Nott, M.P.


16 JUL 1981

PRIME MINISTER

You might like to glance at the 1980 Prison Department Report. The two introductory articles, from the Director-General and his Deputy, have attracted considerable media interest. It seems that they were both out-spoken about the state of the prisons in the Press Conference yesterday. This might conceivably come up at Question Time in the next week or two.

Appendix 11 (p. 107) is also worth a glance: the figures for doses of medicine set out in the table on pp.111-113 are alarming.

The main points of the report are summarised in pages 1-4 of the Press Release.

1 May 1981

Home Office

NEWS RELEASE

50 Queen Anne's Gate London SW1H 9AT
Telephone 01-213 3030/4050/5050

213-3000 (Night Line)

30 April, 1981.

CHRONIC PRISON OVERCROWDING CONTINUES

A sharp rise in prison population at the beginning of 1980, reaching a record 44,626 in March, brough severe repercussions for an already overstretched service says the Report on the Work of the Prison Department* 1980 published today (30 April) in a revised format which includes reviews of the year by the Director General and the Deputy Director General.

In his review Mr. Dennis Trevelyan, the Director General of the Prison Service, stresses that the combinations of the increase in the prison population and the further decay of the prison estate require prisoners to be held in conditions which he describes as "an affront to a civilised society".

But more encouragingly, the Director General believes there has been a growing public realisation of the serious implications for prisons of the burden of excessive population. "Coupled with this realisation has been an increasing acceptance that the chronic overcrowding crisis in our prisons constitutes a threat to the criminal justice system as a whole and that a reduction in the prison population is not only desirable, it is essential. "Without such a reduction the Director General says "the prison system cannot function in a way in which we in the prison service would regard as acceptable and which the public has a right to require".

The reduction of numbers in custody during the prison officers dispute from 44,000 to 39,600 showed there was nothing inevitable about present prison population levels. There was no evidence that this reduction in numbers produced significantly greater problems for society.

*(Report of the Work of the Prison Department 1980. Command No. 8228 H.M.S.O. Price £6.50p)

The Director General says the industrial dispute in the last quarter of 1980 must be seen in the context of many years of deteriorating industrial relations. "What is now needed is an acceptance that the problems facing the prison service are of sufficient magnitude, without the disastrous effects of industrial action which include not only the cost of measures to cope with that action but also the wholesale diversion of the energies of staff at all levels away from their primary tasks.

"The prison service, while rightly conservative of its traditional values, is probably more receptive to change now than for many years past. The chance to make progress must be taken" Mr. Trevelyan adds.

The Deputy Director General, Mr. Gordon Fowler, pays tribute to the staff of Brixton Prison for their tact and understanding in handling the 50 Iranian students arrested after the August demonstration outside the American Embassy. Acknowledging that 1980 was obviously a difficult year for the staff of the prison service Mr. Fowler says: "However, despite the disruption caused by industrial action, I remain convinced that the vast majority of staff remain rightly motivated, have a proper sense of duty and view with disdain some of the actions of the less moderate of their colleagues. There is nothing fundamentally wrong with the calibre of our staff given positive leadership, an appropriate disciplinary framework and the opportunity to develop their latent capabilities."

Rise in Population

In 1980 the prison population was at its highest in Mid-March when it reached 44,626 (well above the previous all-time peak of 43,036 reached in November 1979). The number of females in custody reached a new peak of 1,646.

There was continued pressure on accommodation in local prisons and remand centres, and cell sharing increased in both men and women's establishments. Last year's totals were 5,847 three-in-a-cell, and 11,940 two-in-a-cell.

Cost

The cost of running the Prison Service in the financial year 1979/80 was around £344m. The Report lists the average weekly cost of keeping an inmate by type of establishment which reveals that the weekly cost for an inmate in dispersal prisons was £304, in other closed training prisons, £134; in local prisons or remand centres, £122; in open prisons £101; in borstals and Young Prisoner Centres £150; in detention centres, £125; and in female establishments £164. These figures broadly indicate the relative costs of different types of establishment, and the Report notes that the costs would have been higher if many departmental requirements were not met by prison industries and farms.

Prison Building Programme

The report announces plans to build two new prisons for medium and long term prisoners at Lockwood, Oxfordshire and Bovingdon, Hertfordshire (to start 1984/85).

Among other projects listed in the prison building programme are two new prisons the plans for which have already been announced: Swaleside on the Isle of Sheppey in Kent, and Ulnes Walton near Leyland, Lancashire, both for 480 medium and long term prisoners (to start 1983/84).

The redevelopment of Victorian prisons recommended in the May Report is proceeding subject to financial constraints.

Tougher Regimes. Pilot Project in Detention Centres.

As a result of the government's commitment to introduce tougher regimes in certain detention centres pilot projects started in April at New Hall senior centre in West Yorkshire and Send junior centre in Surrey. The operation of the regimes was closely monitored by the Department.

Prison Escapes

During the year the number of escapes and abscondings by security category of prison was as follows (1979 figures in brackets): Dispersal Prisons and special wings holding Category A

prisoners: 0(0); Category B: 12 (12); Category C: 62 (92); and Category D: 385 (326). The escapes from Cat. 'B' prisons include the escape of three Cat. 'A' prisoners from Brixton, comments on which are included in the Deputy Director General's review.

Prison Medical Service

The collection of statistics on doses of medicines dispensed, which was started in 1979 continued in 1980 and the picture revealed by this year's statistics is broadly similar to that for 1979.

Most medicines are given to prisoners in liquid form to be taken orally. About 40% of all doses of medicine administered are of a type which outside prison could be purchased without a prescription from a doctor.

The statistics indicate the extensive use in prisons of the psychotropic drugs mirroring the pattern of wide use of such drugs in general medical practice in the community. They also reflect the presence in the prison population of a relatively large proportion of emotionally disturbed or mentally unstable prisoners.

The Report illustrates the extensive use made of National Health Service resources: in 1980 prisoners made nearly 15,000 out-patient visits to N.H.S. hospitals, about 1,400 prisoners were admitted to such hospitals for in-patient treatment, and prisoners had approximately 95,000 consultations in prisons with N.H.S. consultants and other visiting specialists.

Education

On the basis of a variety of reading tests administered to 33,201 prisoners 7.7% were found to have reading ages of less than eight years, and 17.7% of less than 10 years. These figures show little significant change from those of recent years.

79 prisoners sat for 116 Open University examinations and passed in 89 with seven distinctions, a success rate of 76.7 per cent. Among these two obtained their full degrees.

Industries and Farms

Because the 1980 Report's published earlier in the year than has been customary it has not been possible to include the trading result for prison industries, farms and gardens.

The performance of industries in the second half of 1980/81 was severely affected by industrial action. Many workshops were closed and there was a reduction in output of approximately 40%. The dispute had a lesser effect on farms, where disruption was minimised and the well-being of live-stock was ensured.

Appointments

Mr. Whitelaw accepted the May Committee recommendation that the new Inspectorate of Prisons should be distanced from the Prison Department and that its reports, made direct to the Home Secretary, should be made public. The new Chief Inspector of Prisons, Mr. William Pearce C.B.E., was appointed on 1 August, and took up his duties on 1 January, 1981. (Appendix No. 9 sets out the principles and some of the procedures which the new Chief Inspector will adopt.)

The Home Secretary also accepted the May Committee's recommendations on the structure of the Prison Department and the composition of the Prisons Board and, in particular, that two non-executive members should be added to the Prisons Board. On November 24, he appointed to these posts Mr. Patrick Custis, C.B.E., the Director of Finance for Guest, Keen and Nettlefolds Ltd., and Mrs. Jenny Hughes, Group Industrial Relations Director for Macmillan Publishers Ltd.

The Chaplain General of the Prison Service, Canon Lloyd Rees was appointed Suffragan Bishop of Shrewsbury after 38 years in the Prison Service.

Commendations

Ten officers were commended by the Home Secretary for exceptional conduct. Four of the officers had disarmed rioting prisoners at Wakefield, two Wormwood Scrubs officers had assisted police in disarming an ex-prisoner who had taken a hostage, one officer at Verne apprehended two escaped prisoners while off duty and three officers were involved in the rescue and revival of prisoners from cell fires. A further 40 officers received official recognition from headquarters for meritorious conduct beyond the call of duty.

(Issued by the Prison Department Press Office - 01 828 7622)

2

cc: Mr. Ingham
Mr. Lankester
Mr. Vereker

PRIME MINISTER

Home Affairs

Prison Officers' Dispute

The Home Office have still not had formal word of the POA position following their delegate conference. The Home Secretary will therefore tonight invite the POA to see ~~him~~ O.G. Prison Service tomorrow to bring him up to date. It is possible that they may delay acceptance, on the grounds that they want to see Len Murray first.

There is at present a 20 December deadline on the Home Office proposals. If the Home Office are prepared to extend this, it may be possible to keep the temperature down for the time being. Major decisions can then be left until January.

MPD

MS.

18 December 1980

HOME SECRETARY

QUEEN ANNE'S GATE LONDON SWIH 9AT

16 December 1980

MANAGEMENT IN CONFIDENCE

Dear Geoffrey

ASSISTANT PRISON GOVERNORS: PAY CLAIM

I am writing to you in your capacity as Chairman of E(PSP), and at the Prime Minister's suggestion, about a pay claim on behalf of Assistant Prison Governors on which a decision in principle is urgently needed. I attach copies of correspondence between the Lord President and myself which give the background.

Briefly, the issue is that both he and I accept that there is a need to retain the confidence and goodwill of Prison Governors, who have demonstrated their loyalty and commitment in dealing with the prison officers' dispute, not least in manning the emergency prison accommodation at Frankland and Rollestone Camp, and acting as liaison Assistant Governors with police forces who are holding large numbers of prisoners in their cells. We shall need to continue to rely on that loyalty and commitment which has been severely tested over recent months but has not failed us. I believe it would therefore be right to settle this claim on its merits (though not necessarily at the level suggested by the Governors' Branch of the Society of Civil and Public Servants).

The timing is critical. The prison officers' dispute may very well drag on into the New Year and we certainly cannot wait to deal with the Assistant Prison Governors' pay claim until late January. I understand that E(PSP) is unlikely to meet again until then, and I have therefore circulated the correspondence in advance of the meeting this coming Thursday. If you and our other colleagues are content that negotiations should go forward on the basis discussed by the Lord President and ourselves, it would be helpful to know by Thursday. Otherwise, I should be glad of the opportunity to discuss it then.

I am sending copies of this correspondence to the other members of E(PSP), to the Secretaries of State for Scotland and Northern Ireland, and to Sir Robert Armstrong.

Yours ever

Willie

The Rt Hon Sir Geoffrey Howe QC MP

cc Mr Boyle
Mr Trenchan
Mr Wright
Mr Chilcot
Miss Chadwell

HOME SECRETARY

QUEEN ANNE'S GATE LONDON SW1H 9AT

9 December 1980

ASSISTANT PRISON GOVERNORS: PAY CLAIM

Thank you for your letter of 26th November.

I am most grateful for your understanding of the need to retain the confidence and goodwill of prison governors in these difficult times, and of your agreement that it would be right to let negotiations on the outstanding pay claim for assistant governors proceed.

I think it is agreed between us that the assistant governors are under-compensated for the additional duties and extra responsibilities they are expected to undertake, not least those involving attendance or call-ins outside normal working hours and at weekends.

I recognise your concern about the difficulty of reconciling the increases claimed for assistant governors by the Governors' Branch (13.5% at the maximum for Assistant Governors I, and 19.7% at the maximum for Assistant Governors II) with our general approach to the level of settlements in the pay sector. But while accepting that you would, of course, seek to achieve a settlement below the figures claimed, I think there are arguments for conceding an increase for the assistant governors outside whatever may be the general level of increases for the public sector.

I accept that this would have to be contained within whatever is agreed for the cash limit for the pay for prison service staff.

As you know, we have accepted as part of our proposals to resolve the current dispute with the prison officers that we should introduce a new duty system involving a change from net to gross hours without abatement of basic pay (this would mean an effective increase of 7½% for prison officers).

We believe that the introduction of the new system will impose new and, in some cases, difficult management responsibilities on the assistant governors; and, even if the P.O.A. reject the present proposals, both sides are committed to continuing negotiations on a new duty system embracing the same principles. Furthermore the industrial relations climate during the past year has demonstrated vividly the additional calls that can be made on assistant governors' time. This has been dramatically illustrated in recent weeks. Although we hope to return to a more normal situation soon, this will still impose a considerable demand on the governors especially since we must, and intend to, get tighter management controls both in the use of manpower resources and in improving industrial relations.

/Quite simply

The Rt. Hon. Lord Soames, C.H., G.C.V.O., C.B.E.

Quite simply, the Prison Service needs to make a new start in the face of immense difficulties; and the assistant governors (who are numerically and managerially influential) are a big element in this. They have fully demonstrated during the prison officers' dispute their loyalty and commitment. I believe therefore that there is a special case for settling the assistant governor's pay claim on its merits in recognition of the current and developing demands on them; and that this can be seen as quite distinct from the next round of pay settlements for the public sector. As to the timing of any increase, while I would not wish to tie it specifically to the introduction of the new duty system for prison officers, I agree that an implementation date of, say 1st March would be reasonable.

I am copying this letter to the Prime Minister and to Sir Robert Armstrong.

W. Whitelaw

MANAGEMENT IN CONFIDENCE

Civil Service Department
Whitehall London SW1A 2AZ
01-273 4400

Mr Childs - for advice pls. Perhaps we cd. have a word about handling. AFB 26/11

26 November 1980

The Rt Hon William Whitelaw, CH, MC, MP
Secretary of State for the Home Department
50 Queen Anne's Gate
LONDON SW1H 9AT

cc Mr Boyle
Mr LP Wright
Mr Trevelyan
Miss Chadwick.

Dear Willie,

ASSISTANT PRISON GOVERNORS: PAY CLAIM

Thank you for your letter of 14 November about the pay claim on behalf of Assistant Prison Governors.

I do certainly understand the need to retain the confidence and goodwill of the prison governors in these difficult times and your desire to have officials enter into formal negotiations with the Governor's Branch with a view to reaching a settlement.

I think Assistant Governors have a case in claiming that they are under compensated for the additional duties and extra responsibilities they are expected to undertake and I recognise how vital it is for you to restore the status and morale of prison governors. I understand that the Governor's Branch are seeking increases at the scale maximum from £9600 to £10,900 (13.5%) for the Assistant Governor I and from £8020 to £9600 (19.7%) for the Assistant Governor II. The cost of conceding such increases would be about £690,000 in a full year but we would of course seek to achieve a settlement below this figure. The union is pressing for an early implementation date but in our view there would be advantage if it were to coincide with the introduction of the new attendance system for prison officers next March which is expected to produce annual savings in England and Wales of £16.75m. The cost of the settlement will of course need to be contained within the provision already made for cash limits.

I would think it right in all the circumstances to let negotiations proceed, but we run up against the difficulty of how to reconcile increases of this order with our general

MANAGEMENT IN CONFIDENCE

approach to the level of pay settlements in the public sector. So I think our colleagues will wish to be aware of how we propose to proceed. As the timing is important, perhaps you would seek the Prime Minister's thoughts on it all. Will you let me know?

I am copying this letter, together with a copy of your letter, to Sir Robert Armstrong.

Yours ever

Christopher

SOAMES

Mr Boyle
Mr Wright
Mr Trevelyan
Mrs Cladwell
Mr Chilcot

HOME SECRETARY

QUEEN ANNE'S GATE LONDON SW1H 9AT

14 November 1980

Dear Lord Soames

ASSISTANT PRISON GOVERNORS - PAY CLAIM

The Governors' Branch of the SCPS have been discussing with your officials a pay claim on behalf of assistant prison governors. Your officials and mine are in close touch with the details of the talks. I should, however, like to urge on you myself two broad points relating to the treatment of the claim.

First, the governor grades in general, and assistant governors not least, manage the prison system in the field and their co-operation is an absolutely essential element in the struggle to improve the prison system and regain full control over the deployment of human and material resources within it. The May Committee's recommendations on pay were implemented by us in respect of governor grades as for prison officers. I am sure we cannot overturn those findings now, nor would I seek to suggest that we should do so. However, I think there is much to be argued about developments in the Prison Service since May reported, and in the immediate future, to justify going as far as we reasonably can to meet the claim. The particular factors I have in mind (and these have been brought home to me over the last 12 months in the course of very many visits which I and John Belstead have paid to prison establishments) include not only the number of hours worked outside the normal working day, and the liability to be called in at no notice in the evening, at night, at week-ends and on rest days, but also the quality of the additional tasks which face assistant governors in the post-May prisons world.

Second, while I would not press the argument that the sterling work which many assistant governors have put in over the past six months in the course of the prisons dispute should in itself justify a pay claim, it is a factor we should acknowledge both as evidence of the potential for improving as well as sustaining the system which assistant governors represent, and as demonstrating very clearly indeed just how vital their contribution is whenever the system comes under strain. More generally, over the past year they have had to operate in an increasingly unfavourable industrial relations climate, in the face of an increasingly overcrowded and physically decaying prison system, and they have responded very well indeed. When we emerge from the present dispute, we shall have further demands to make upon them in restoring the system to proper working, in improving the general standard of performance of the Prison Service, and, I very much hope, in implementing a new attendance system for prison officers with all that that implies.

The Rt. Hon. Lord Soames, CH., GCMG., GCVO., CBE. /cont.....

I am accordingly most anxious that the claim should be negotiated in a positive spirit, and brought to as rapid and satisfactory a conclusion as may be possible. I cannot stress how serious it could be, particularly while the present dispute continues, if assistant governors were given to feel that prison officers could look forward to some kind of beneficial settlement from their prolonged and indefensible industrial action, while assistant governors who have borne the heat and burden of coping with the action are rebuffed.

16 DEC 1980

CF ✓ Checked 18/12/80

Ho. Law promised to send ~~these~~ these letters to E/PSP Ministers. Ms check tomorrow that this has been done.

10 DOWNING STREET

CF

Ms. get pps from

J. Vereker

TL

15/12 Awaiting

TL

Papers attached

MANAGEMENT IN CONFIDENCE

MR. LANKESTER

Assistant Prison Governors: Pay Claim

The correspondence between the Lord President and the Home Secretary, culminating in the latter's letter of 26 November, relates to the desirability of offering Assistant Prison Governors pay rises in the current pay round of between 13.5% and 19.7%.

Quite apart from the substance, this is being dealt with in an unsatisfactory way. The Lord President suggested on 26 November that the Prime Minister should be consulted; the Home Secretary now appears to be consulting her by sending her a copy of a letter incorporating a resumé of what he would like to see happen. The Chancellor has not been consulted.

On the substance, there may well be a special case for Assistant Prison Governors; but proper consideration needs to be given to the impact of such a settlement on other public service groups, and to the ability of the Home Office to contain whatever is agreed within their cash limit, when that cash limit has not yet been set.

I have discussed this with the Cabinet Office - the issue was not raised at yesterday's meeting of the Le Cheminant group - and they are agreed that the Chancellor must be brought in. If the Prime Minister agrees, I think this correspondence calls for a Private Secretary letter to the Home Secretary, copied to the Chancellor and the Lord President, suggesting that the Home Secretary should consult the Chancellor as Chairman of E/PSP.

11 December 1980

MANAGEMENT IN CONFIDENCE

[95].

HOME SECRETARY

QUEEN ANNE'S GATE LONDON SW1H 9AT

9 December 1980

/ PM. request attached

ASSISTANT PRISON GOVERNORS: PAY CLAIM

will request if required

Thank you for your letter of 26th November.

I am most grateful for your understanding of the need to retain the confidence and goodwill of prison governors in these difficult times, and of your agreement that it would be right to let negotiations on the outstanding pay claim for assistant governors proceed.

I think it is agreed between us that the assistant governors are under-compensated for the additional duties and extra responsibilities they are expected to undertake, not least those involving attendance or call-ins outside normal working hours and at weekends.

I recognise your concern about the difficulty of reconciling the increases claimed for assistant governors by the Governors' Branch (13.5% at the maximum for Assistant Governors I, and 19.7% at the maximum for Assistant Governors II) with our general approach to the level of settlements in the pay sector. But while accepting that you would, of course, seek to achieve a settlement below the figures claimed, I think there are arguments for conceding an increase for the assistant governors outside whatever may be the general level of increases for the public sector.

but links

I accept that this would have to be contained within whatever is agreed for the cash limit for the pay for prison service staff.

how'd it be

As you know, we have accepted as part of our proposals to resolve the current dispute with the prison officers that we should introduce a new duty system involving a change from net to gross hours without abatement of basic pay (this would mean an effective increase of 7½% for prison officers).

prompts cc decision

We believe that the introduction of the new system will impose new and, in some cases, difficult management responsibilities on the assistant governors; and, even if the P.O.A. reject the present proposals, both sides are committed to continuing negotiations on a new duty system embracing the same principles. Furthermore the industrial relations climate during the past year has demonstrated vividly the additional calls that can be made on assistant governors' time. This has been dramatically illustrated in recent weeks. Although we hope to return to a more normal situation soon, this will still impose a considerable demand on the governors especially since we must, and intend to, get tighter management controls both in the use of manpower resources and in improving industrial relations.

/Quite simply

The Rt. Hon. Lord Soames, C.H., G.C.V.O., C.B.E.

Quite simply, the Prison Service needs to make a new start in the face of immense difficulties; and the assistant governors (who are numerically and managerially influential) are a big element in this. They have fully demonstrated during the prison officers' dispute their loyalty and commitment. I believe therefore that there is a special case for settling the assistant governor's pay claim on its merits in recognition of the current and developing demands on them; and that this can be seen as quite distinct from the next round of pay settlements for the public sector. As to the timing of any increase, while I would not wish to tie it specifically to the introduction of the new duty system for prison officers, I agree that an implementation date of, say 1st March would be reasonable.

I am copying this letter to the Prime Minister and to Sir Robert Armstrong.

10 DEC 1980

Civil Service Department,
Whitehall,
London, SW1A 2AZ

With the Compliments

of the

Private Secretary

to the

Lord President of the Council

GWS

Forgot the last one
I sent you – this is the one you want,

Civil Service Department
Whitehall London SW1A 2AZ
01-273 4400

16

The Rt Hon William Whitelaw, CH, MC, MP
Secretary of State for the Home Department
50 Queen Anne's Gate
LONDON SW1H 9AT

cc as last para + PS/Min of State, PS/Perm Sec, PS/2nd Perm Sec, Mr Bunnett, Mr Pearce, Mr Clifton, Mr Morgan

26 November 1980

Dear Willie,

ASSISTANT PRISON GOVERNORS: PAY CLAIM

Thank you for your letter of 14 November about the pay claim on behalf of Assistant Prison Governors.

I do certainly understand the need to retain the confidence and goodwill of the prison governors in these difficult times and your desire to have officials enter into formal negotiations with the Governor's Branch with a view to reaching a settlement.

I think Assistant Governors have a case in claiming that they are under compensated for the additional duties and extra responsibilities they are expected to undertake and I recognise how vital it is for you to restore the status and morale of prison governors. I understand that the Governor's Branch are seeking increases at the scale maximum from £9600 to £10,900 (13.5%) for the Assistant Governor I and from £8020 to £9600 (19.7%) for the Assistant Governor II. The cost of conceding such increases would be about £690,000 in a full year but we would of course seek to achieve a settlement below this figure. The union is pressing for an early implementation date but in our view there would be advantage if it were to coincide with the introduction of the new attendance system for prison officers next March which is expected to produce annual savings in England and Wales of £16.75m. The cost of the settlement will of course need to be contained within the provision already made for cash limits.

I would think it right in all the circumstances to let negotiations proceed, but we run up against the difficulty of how to reconcile increases of this order with our general

approach to the level of pay settlements in the public sector. So I think our colleagues will wish to be aware of how we propose to proceed. As the timing is important, perhaps you would seek the Prime Minister's thoughts on it all. Will you let me know?

I am copying this letter, together with a copy of your letter, to Sir Robert Armstrong.

Yours ever

Christopher

SOAMES

Home Affairs HS

24 November 1980

The Prime Minister has seen your letter of 21 November, reporting two appointments to the Prison Board recently settled by the Home Secretary.

M.A. PATTISON

J.F. Halliday, Esq.,
Home Office.

HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

21 November 1980

Prime Minister

Two appointments to the Prisons Board, for information.

MH 21/XI

Dear Clive,

In his statement to the House of Commons on 30th April, the Home Secretary announced his acceptance of the recommendation of the Committee of Inquiry into the United Kingdom Prison Services (the May Committee) that two non-executive members should be appointed to the Prisons Board, the most senior official forum for the discussion of major issues facing the prison service. The Home Secretary was particularly anxious to find candidates with managerial experience which would enable them to make the kind of contribution which the May Committee envisaged.

The Prime Minister may wish to know that the Home Secretary has decided to appoint Mrs. J. Hughes, Group Industrial Relations Director at Macmillan Publishers Limited and Mr. P. J. Custis, Director of Finance at Guest Keen and Nettlefolds Limited as non-executive members of the Prison Board. The appointments will be announced in answer to an arranged Question early next week.

I am sending a copy of this letter to Murdo Maclean.

Yours ever,

John Halliday

J. F. HALLIDAY

Clive Whitmore, Esq.

Mr Ingham Home Affairs 2
Mr Vereker

PRIME MINISTER

The Prison Officers' Association had a meeting with Home Office officials this afternoon. It was mildly encouraging. First, the POA is still talking in reasonably rational terms. Secondly, they helped in defusing the serious situation in Leicester Prison, where the POA Branch had gone far beyond the Union's guidance.

There will be further discussions in a smaller group on Friday, and another meeting next Tuesday. The Home Secretary will be giving attention to future strategy over the weekend.

MAP

11 November 1980

CONFIDENTIAL

Home Affairs
MAP

HOME SECRETARY

QUEEN ANNE'S GATE LONDON SWIH 9AT

10 November 1980

Thank you for your letter of 6th November. I should like again to express my appreciation of the work which the servicemen are doing at Frankland and Rollestone and of your own help in making them available. I am very pleased with the co-operation that has been achieved between all the services involved but I agree with you that it must not be put at risk for lack of support or reinforcements. I also appreciate what you say about the commitment of the Military Provost Staff Corps and the Royal Military Police and its implications for a situation in which it might be necessary to seek support for a reassertion of authority in a normal prison.

I hesitate to predict how long the dispute with the Prison Officers' Association will continue. As you know talks are taking place between the Prison Department and the P.O.A., but there is a lot of ground to cover and on the practical side we could not expect Frankland or Rollestone to close instantly at the point when a settlement is found. I think we must expect both to be needed at least until the end of November.

I understand that the arrangements worked out on the ground are working well at Frankland, and there is every reason to think that they will work equally well at Rollestone. I recognise your wish that the Chief Constables should increase the police contribution. For my part I am very conscious that the police are still guarding some 3,500 prisoners in police stations. In addition, I believe them to be capable - as they must be - of reacting quickly to disorder in any prison establishment, including Frankland and Rollestone. I do of course accept that, with the provision you have now made for manning Frankland and Rollestone, your own resources of service policemen will be fully committed.

I hope you will agree that we can continue on the present basis for the moment. Our officials will continue to keep closely in touch and we can review the situation next week, or of course earlier if there are any significant developments which may call for a change of direction.

I am sending copies of this letter to the Prime Minister and to Sir Robert Armstrong.

The Rt. Hon. Francis Pym, M.C., M.P.

CONFIDENTIAL


10 NOV 1980

cc Press

From: THE PRIVATE SECRETARY

Prime Minister 3.
To see Chris Sit rep & Mr Pym's letter below about the military contribution.
This dispute will run for some time yet.
MJP 7/11

HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

MANAGEMENT IN CONFIDENCE

7 November 1980

Dear Mike,

MJP.

PRISON OFFICERS DISPUTE

I promised to let you have a progress report on the dispute involving prison officers.

Since I wrote to you on 17th October, the Prison Officers' Association have been continuing to pursue their claim by trying to disrupt the Prison Service in a variety of ways. There is no doubt that our refusal to allow prison officers to determine their own duties and thereby to sign their own cheques forced the P.O.A. to rethink their tactics. The threat to the success of their industrial action because of loss of earnings by prison officers obliged them to move more quickly than they originally proposed into Phases II and III of their plans which were intended to create immediate and widespread disruption throughout the Prison Service. But in the event action by prisons has depended as much on the willingness of individual branch committees to take action as upon decisions by the national executive of the P.O.A. The P.O.A. have, however, been widely successful in preventing work by contractors; most prisons have been closed to remand prisoners brought by police ascorts from the courts; and in some places the prisoners' regimes have been seriously disrupted.

The P.O.A. are probably uncomfortably aware of the threat of prisoner unrest and it is noticeable that in most high security prisons only lip service is paid to the P.O.A. plans; but in one or two prisons the P.O.A. have been able to orchestrate prison officer action, sometimes involving staff "going to the gate". In such cases, the police are alerted in case control of the prison is lost either as a result of deliberate action by prison officers or because their posturings are so ill-timed as to precipitate an incident. This has not happened so far although potentially dangerous situations have occurred in one or two prisons.

The emergency plans continue to work satisfactorily. There are at present just under 3,500 prisoners in police cells and the police are coping admirably with the task. As you know, Frankland, a new prison which had yet to be occupied, has been opened with military and police assistance and there are some 350 prisoners there now. The Secretary of State has visited the prison and was glad to see the excellent co-operation between the various Services working there in potentially difficult circumstances. With the agreement of the Ministry of Defence

/it is intended

M. Pattison, Esq.

it is intended to open an additional camp - Rollestone Camp on Salisbury Plain - on Tuesday of next week and the plans for this are well in hand.

The opening of this accommodation, and the passing of the emergency legislation in two days, have caused a considerable shock to the P.O.A. They had no expectation that the Government would react in this way and are also undoubtedly in a state of some disarray caused by the bad press they have been receiving. In addition, the rule about "no work, no pay" accompanied by the reduction in potentially profitable escort duties resulting from the emergency legislation, is affecting the earnings of prison officers and the P.O.A. are undoubtedly concerned about this. They are in no doubt about the Government's determination.

The P.O.A. were ready to respond to a suggestion that talks should now open and this week officials have had two meetings with them. The difficulty is that they went into the present dispute firmly convinced that they would be successful. But now that they are aware that this is not so, they find that they have left themselves no fall-back position; for example, they had tried to separate the claim which is in dispute from the revised duty system which the Home Secretary has made clear he sees as the means of bringing an end to the anomalies, which have given rise to the present dispute. For the most part, the P.O.A. want the new duty system, fear that the dispute has prejudiced its introduction, and are now beginning to understand that the way out for them must primarily arise from acceptance of the duty system, which is beneficial for their members. We hope soon to be able to find a formula which will provide for this. But they are on a very uncomfortable hook since they have led their members to expect large lump sums and are likely to emerge with very much less. Even if a formula based on the new duty system can be found, it may be some time before the P.O.A. can bring themselves to call off the dispute. For the time being, therefore, it is essential that we should continue with our contingency plans. It is always possible that a nasty incident - particularly since the P.O.A. themselves are not fully in control of their branches - could put the negotiations back.

The next meeting with the P.O.A. is likely to be next week and we shall keep you informed of developments.

I am sending a copy of this letter to the Private Secretaries to the Lord Chancellor, the Lord President, the Secretaries of State for Defence, for Scotland, for Northern Ireland, the Chief Secretary to the Treasury and to the Secretary of the Cabinet.

Yours ever,

John Halliday

J. F. HALLIDAY

cc Mr Ingham

MINISTRY OF DEFENCE WHITEHALL LONDON SW1A 2HB

TELEPHONE 01-218 9000

DIRECT DIALLING 01-218 2111/3

MO 19/1

6th November 1980

Dear Willie,

Thank you for your letter of 30th October. I am pleased to hear that Frankland Prison appears to be running smoothly. As always the Services are rising to the quite extraordinary challenges to which we put them.

Barney Hayhoe who visited Frankland on Wednesday tells me that he is well satisfied with the way the operation is being handled on the ground. Morale is high, although he has told me that it could decline, perhaps even sharply, if matters drag on. Naturally, I hope that this will not be the case although I now understand that your officials expect the dispute to go on for at least another three weeks. We must therefore consider our next moves against the possibility that the specialists from the Military Provost Staff Corps and from the Royal Military Police will have to cover warders' duties for longer than the period of 14 days which I suggested in my letter of 28th October.

The first problem this creates is that of providing reliefs for servicemen employed in the prison. They are all working in an unfamiliar and oppressive environment, and the duties of the MPSC and Service Police are particularly exacting and responsible. They are working on shifts round the clock for 7 days a week and their off duty accommodation is of a very low standard. I therefore intend to arrange for the Infantry Battalion providing support and administrative services to be relieved at intervals of approximately one month and, so far as possible, I will make

The Rt Hon William Whitelaw CH MC MP

similar arrangements for the specialists supporting them. In the case of the MPSC and Service Police this will not be possible - we simply do not have the men to permit a complete change over. We have already had to exceed the numbers of Military Police that I originally offered. The best we can do will be to provide sufficient reinforcements to allow relief equivalent to one week in five.

I regard this as the bare minimum in the circumstances and I would very much like to do rather better. I do therefore ask you to do your utmost to persuade Chief Constables to increase their contributions inside Frankland Prison and, when it opens, at Rollestone and to take on duties such as reception, supervising prisoners' visits and providing a reaction force, which would enable us to reduce the requirement for Service policemen.

The second problem is over the extent to which we can man the temporary prisons. We have nowreached the stage where we have committed Service Police to cope with 648 prisoners at Frankland Prison; this is the normal capacity of 3 blocks and to exceed that will require more men. We have now had a firm request from your officials to open Rollestone Camp on Salisbury Plain, at which Servicemen have now completed their preparatory works. Unless the Chief Constable of Wiltshire can provide a much higher proportion of his Police on a regular basis than is currently envisaged then this Camp will require a minimum of 70 Military Police for warder duties, in addition to the many support, security and administrative staffs. If we man Rollestone in addition to our present commitment at Frankland, we shall have committed all our resources. We will be left with only enough Military Police to provide the minimum level of relief necessary. This proposition was put to your officials yesterday and accepted by them; I would however be grateful for your confirmation that you too accept that we will not be able to go further than the present manning at Frankland and the one camp at Rollestone. I have already instructed the Services to proceed on this understanding since I understand that you wish Rollestone to be open to receive prisoners on Tuesday 11th November.

One consequence of this high level of manning that we have now found for you is that we will have no reserve of provost-trained Servicemen to assist the Civil Police should it be necessary

to reassert the authority of a Governor in a normal prison elsewhere; we would only be able to help by either diverting manpower from one of the two prison camps or recalling those few men on leave. I am sure you will understand the difficulties that this would create.

Whilst I recognise the problems that you are facing in negotiations with the Prison Officers' Association, I would ask that you bear in mind the constraints which face us in providing you with assistance.

I am copying this letter to the Prime Minister and to Sir Robert Armstrong.

Francis Pym

F7 NOV 1980

CONFIDENTIAL

Home Affairs

QUEEN ANNE'S GATE LONDON SW1H 9AT

30 October 1980

cc Mr Ingram

Prime Minister

The Home Secretary records the basis on which he and Mr Pym have sated out arrangements for Frankland prisai.

MTR 30/x

PRISONS: MILITARY ASSISTANCE

Since you sent your letter on 28th October there have, as you know, been a number of meetings between our officials. The outcome has been to enable Frankland Prison to accept prisoners with effect from today, and I am most grateful to you for making this possible.

I understand that the arrangements accepted by our two Departments as the basis for Frankland to open are as follows:

a. The Governor has legal custody of prisoners, is in charge of the prison, and decides on the regime. Military and civil police support is provided to him at his request.

b. The Governor is assisted by senior prison service staff, who provide the professional oversight and direction of the prison regime.

c. In response to a request from the Governor apprehending disorder, the chief constable is to provide a police presence in the prison, to a total commitment over a 24 hour period of about 30 police officers working in shifts, with the object of preventing disorder and assisting security.

d. About 40 specialist military personnel from the Military Corrective Training Centre at Colchester and about 100 members of the Royal Military Police are to be deployed in the prison in positions requiring the exercise of authority over prisoners as a matter of routine.

e. 1st Batallion Gordon Highlanders are to be deployed on other duties within the prison.

f. 17 prisoners are due to arrive at Frankland this afternoon, followed by 80 on 31st October and 75 on 1st November. The rate of further build-up is to be reviewed between the Home Office and the Ministry of Defence on 3rd November in the light of experience of the manning levels required.

/g. Plans to

CONFIDENTIAL

The Rt. Hon. Francis Pym, M.C., D.L., M.P.

g. Plans to open further temporary prisons are to be reviewed on 3rd November in the light of pressure to find extra accommodation, the difficulty of finding personnel able to exercise authority over prisoners, and of experience at Frankland. In the meantime plans are to assume Rolleston not opening before 6th November and Longmore not opening before 18th November.

I am sending a copy of this letter to the Prime Minister and to Sir Robert Armstrong.

cc CAV/ ✓ W

Home Affairs.

MINISTRY OF DEFENCE WHITEHALL LONDON SW1A 2HB

TELEPHONE 01-218 9000
DIRECT DIALLING 01-218 2111/3

DO 19/1 28th October 1980

Dear Willie,

PRISONS: MILITARY ASSISTANCE

You requested military assistance to help alleviate the consequences of the industrial action being taken by members of the Prison Officers Association. Cabinet discussed this and agreed that we should make arrangements to hold prisoners in temporary camps and that we would help with the basic services involved in running them although we agreed that as far as possible that Service personnel would not come into direct contact with prisoners. This was on the understanding, which we had previously agreed, that soldiers would not be expected to take on duties of prison warders.

Since then the Army has been working hard with members of the Home Office and the Prison Service to make the arrangements necessary to open Frankland prison. Work on all the administration and support services is well advanced and can be completed in time for Thursday. The local Commanding Officer of the Unit detailed to do this work, the 1st Battalion Gordon Highlanders, has however reported that he sees very considerable difficulty in implementing the operational plan for the internal control of the prison put to him by your staff. It has become apparent that there is to be no Police presence inside the prison and that the numbers of officers and prison service staff on duty will not be sufficient. The Commanding Officer has therefore been asked to consider ordering his soldiers to carry out a range of tasks which would normally be carried out by prison officers.

The Rt Hon William Whitelaw CH MC MP

This causes me and the Chief of the General Staff very great concern. We cannot expect the infantry soldier, however ready he is to obey orders, to turn himself into a prison officer which requires very special training and experience. There, to my mind, is a real risk of very serious problems arising which could have grave effects on the public perception of the dispute, and the image of the Army and indeed on the position of the individual soldier. I reported this problem to you yesterday and we agreed that a further attempt would be made by our officials to produce a more acceptable operational concept. I regret that this has not proved possible and as a result I have had no alternative but to authorise the CGS to order the Commanding Officer to refuse to take on duties in dispute.

I recognise the very great difficulty which this decision creates for you. Following your statement in the House yesterday a public expectation has been generated that soldiers would be drafted in as prison officers - and the newspapers today, without justification, are all carrying stories to that effect. Nevertheless I am certain that it is right to stop at this stage, and to withdraw the infantry battalion from prison officer duties.

I would like you to reconsider urgently the possibility of asking the Police to provide substantial presence inside the prison 24 hours a day in order to carry out these duties. I have also asked the CGS to consider whether he can make available, for a limited period, specialist military personnel from the Military Corrective Training Centre at Colchester, and also some members of the Royal Military Police. We have very few such trained men and they have many other duties. In view of the situation facing you however I think it right to ask the Army to make an exceptional effort to see whether sufficient men can be found to help the police cover the Frankland operation, for a period no longer than two weeks.

I hope our officials can meet later today to review progress on both these fronts. I have to say however

that it is certain that we cannot provide enough specialist personnel to help with more than one prison. I see no point therefore in continuing with the preliminary work, which has already started, on providing military camps to be used as two further prisons until the arrangements at Frankland Prison have been resolved.

I am copying this letter to The Prime Minister and to Sir Robert Armstrong.

Francis Pym

Home Affairs

the ground that they are claiming the right to political status. We decline to concede that principle in any shape or form. Civilian-type clothing from within the prison system will become available in a matter of months. Much depends on the availability of administrative facilities and on the extent to which prison workers themselves can provide the clothing where necessary. It will not be less than a matter of months.

Mr. Kilroy-Silk: Is the Minister aware that his reply to the hon. Member for Orpington (Mr. Stanbrook) is disingenuous? If the decision, which I welcome, has been taken on the ground of humanising prison conditions in Northern Ireland and the Government have not succumbed to blackmail, when will the same conditions be given to prisoners in other parts of the United Kingdom?

Mr. Alison: That is a different question, and one that I would not be competent to answer.

PRISON OFFICERS (DISPUTE)

The Secretary of State for the Home Department (Mr. William Whitelaw): With permission, Mr. Speaker, I shall make a statement about the current dispute in prisons in England and Wales.

I should like to emphasis that this is not a dispute about pay. It arises from a claim by the Prison Officers' Association for two allowances for meal breaks. The May committee was set up by the right hon. Member for Leeds, South (Mr. Rees) to consider, amongst other things, the whole question of allowances for meal breaks. Its recommendations on pay and allowances were immediately accepted and implemented by the Government. This was, by any standards, fair and generous treatment for the prison service. A number of claims, including this present one, were examined but not supported by the May committee. Having found the money for what May did recommend, the Government cannot now accept and finance further claims.

The Prison Officers' Association has asked for arbitration. As the Association itself recognises, the matter lies outside the terms of the Civil Service arbitration agreement. Nor could the Government agree to put to arbitration an issue which was considered by the May Committee last year.

As I said in my statement to the House on 31 October last year, this country has been fortunate in the men and women it has secured to run its prison system. Their duty is to protect the public, to serve the courts and to care for the inmates in their charge. This duty is arduous, difficult and sometimes dangerous. I therefore regret all the more the action which the Prison Officers' Association has chosen to take in pursuit of its claim. This has included a refusal to allow contractors not only to work in prisons but also to undertake certain other duties which are necessary to maintain conditions for prisoners, and to provide the facilities to which they are entitled.

Even more seriously, prison officers at many establishments have refused to receive prisoners remanded or sentenced by the courts. This action amounts to a deliberate and unacceptable disruption of the criminal justice system. As a result, this morning about 3,500 prisoners who

[Mr. Whitelaw.]
would otherwise be in prisons are now being held in police cells, many of which are unsuitable for this purpose. The police have coped magnificently with the additional demands which have been made on them, but the number of people in their custody is approaching the limit of the available accommodation. The police are also being diverted from their primary tasks. The inevitable result of this is to place the public at risk.

The Government must do all that they can to fulfil their responsibility to protect the public and ensure the functioning of the criminal justice system. The House will be aware that, following consultation with my noble and learned Friend the Lord Chancellor and the Lord Chief Justice, I arranged for a circular to be issued to magistrates' courts last Tuesday seeking their understanding of the problems that we face.

We need to do more than that, however. Measures will be taken to provide additional accommodation with the help of the Army. I am now arranging for the new high security prison, which is nearing completion, at Frankland near Durham to be brought immediately into use to provide emergency accommodation to relieve the pressure on police cells. It will have a governor, assistant governors and administrative and specialist staff from the prison service and a police presence to assist with security; but otherwise it will be manned by Service men. We shall use military camps as necessary.

For these and other purposes I shall need to ask the House to agree to immediate emergency measures to relieve the criminal justice system of some of the burdens placed on it by the prison officers' actions. I intend to present a Bill tomorrow. For the convenience of right hon. and hon. Members, I shall be arranging for typescript copies of the draft Bill to be made available later this evening.

Mr. Kilroy-Silk: Why was Parliament not recalled?

Mr. Whitelaw: The measures I seek will include provisions to cover the approval of places other than prisons for the detention of prisoners. I shall seek provisions to cover the position of those who care for prisoners in these circumstances. Other provisions will be designed to provide relief for the police in the very difficult circumstances that they face. In particular, I shall propose that the requirement that remand prisoners be produced regularly before the courts shall temporarily be suspended.

I do not, however, propose to alter the normal requirement for the courts periodically to review remands in custody. I shall seek powers to order the temporary release on my authority, if it is absolutely necessary to do so, of selected prisoners who have been remanded in custody or committed in custody for trial or sentence. This is a power I would use, with every feasible safeguard, only to ensure that custodial places were available, in police cells and elsewhere, for dangerous offenders. I shall also need power, for the time being, to order the early release of sentenced prisoners nearing the end of their sentences. I shall ask for a power to restrict magistrates' courts, if necessary, in committing people to prison for such matters as non-payment of fines or rates.

All these provisions will be temporary and will be allowed to lapse when the present dispute is resolved. In addition, the measures will include a permanent provision putting it beyond doubt that it is lawful for the police temporarily to hold people committed to prison custody when it is for any reason not practicable to secure their admission to prison.

I am satsfied that these powers, regrettable as they are, are necessary in the situation which has been caused by the prison officers' industrial action, which goes well beyond the limits of what is acceptable. But there is an alternative. I cannot look back; I want to make it very clear that I am determined to look forward. That is why discussions are far advanced between the Home Office and the Prison Officers' Association on a new duty system which would eliminate the anomalies which gave rise to this dispute. The early introduction of such a system would far better serve the interests of prison officers than the dangerous course on which they are now embarked.

This industrial action by prison officers is all the more regrettable because it comes at a time when following the May committee, so much constructive work

2.

Prime Minister (through FL)

Mr Biffen will, if necessary find extra money to meet prison emergency costs.

MAP 27/X.

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon William Whitelaw CH MC MP
Secretary of State
Home Office
50 Queen Anne's Gate
London SW1H 9AT

27 October 1980

Dear Willie,

PRISON EMERGENCY

I thought it might be helpful if, following Thursday's Cabinet discussion, I wrote to you about the financial aspects of your proposals for dealing with the prison emergency.

Clearly the emergency will give rise to unprogrammed costs. Naturally I would expect that, so far as practicable, these should be offset by any savings which might be found from elsewhere in your programme. But to the extent that this proves impracticable, I am, in the exceptional circumstances surrounding the case, prepared in principle to allow the prison programme additional PES provision, and will be ready to approve a new cash limit. Such an adjustment to the cash limit would be in respect of the emergency costs only and would be drawn from the unallocated reserve.

I understand that, on the assumption that the prison officers' action lasts for a total of 7 weeks (including the 3 weeks for which it has already been in progress), the cost is provisionally estimated at £15m. My officials will continue to keep in close touch with yours in order to refine this estimate as detailed requirements become clearer.

I am sending copies of this letter to the Prime Minister, other Members of Cabinet, the Attorney-General, the Chief Whip and Sir Robert Armstrong.

Yours
John Biffen

JOHN BIFFEN

27 OCT 1980

From: THE PRIVATE SECRETARY

file pl

MR

HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

27 October 1980

P 1538

Dear Clive,

... Enclosed is a copy of the statement which the Home Secretary intends to make this afternoon in the House of Commons.

I should draw attention in particular to the decision which the Home Secretary has taken to include in the Imprisonment (Temporary Provisions) Bill a provision to enable him to order the release of sentenced prisoners. There is already power in the Prison Rules to order the temporary release of prisoners, but sufficient doubt has been expressed about the propriety of using that power in the ways which may be needed for the Home Secretary to have judged it preferable to put the matter beyond doubt in the Bill.

I am sending copies of this letter and the enclosure to the Private Secretaries to the Lord Chancellor, the Secretary of State for Defence, the Lord President, the Secretary of State for Scotland, the Secretary of State for Northern Ireland, the Leader of the House of Commons, the Paymaster General, and the Attorney General.

Yours sincerely

(J F HALLIDAY)

C A Whitmore Esq

TO BE CHECKED AGAINST DELIVERY

Home Affairs

PRISON OFFICERS' DISPUTE

STATEMENT BY THE HOME SECRETARY: 27.10.1980

With permission, Mr. Speaker, I shall make a statement about the current dispute in prisons in England and Wales.

I should like to emphasise that this is not a dispute about pay. It arises from a claim by the Prison Officers' Association for two allowances for meal breaks. The May Committee was set up by the Rt. Hon. Member for Leeds South to consider, amongst other things, the whole question of allowances for meal breaks. Its recommendations on pay and allowances were immediately accepted and implemented by the Government. This was, by any standards, fair and generous treatment for the Prison Service. A number of claims, including this present one, were examined but not supported by the May Committee. Having found the money to pay for what May did recommend the Government cannot now accept and finance further and consequential claims built on the foundation of what was recommended and accepted.

The Prison Officers' Association have asked for arbitration. As the Prison Officers' Association themselves recognise, the

/matter lies

matter lies outside the terms of the Civil Service Arbitration Agreement. Nor could the Government agree to put to arbitration an issue which was considered by the May Committee last year.

As I said in my statement to the House on 31 October last year, this country has been fortunate in the men and women it has secured to run its prison system. Their duty is to protect the public, to serve the courts and to care for the inmates in their charge. This duty is arduous, difficult and sometimes dangerous. I therefore regret all the more the action which the Prison Officers' Association has chosen to take in pursuit of their claim. This has included a refusal not only to allow contractors to work in prisons, but also to undertake certain other duties which are necessary to maintain conditions for prisoners, and to provide the facilities to which they are entitled.

Even more seriously, prison officers at many establishments have refused to receive prisoners remanded or sentenced by the courts. This action amounts to a deliberate and unacceptable disruption of the criminal justice system. As a result this morning about 3,500 prisoners who would otherwise be in prisons are now being held in police cells, many of which are unsuitable for this purpose. The police have coped magnificently with

/the

the additional demands which have been made on them, but the number of people in their custody is approaching the limit of the available accommodation. The police are also being diverted from their primary tasks. The inevitable result of this is to place the public at risk.

The Government must do all it can to fulfil its responsibility to protect the public and ensure the functioning of the criminal justice system. The House will be aware that, following consultation with my noble and learned Friend the Lord Chancellor and the Lord Chief Justice, I arranged for a circular to be issued to magistrates' courts last Tuesday seeking their understanding of the problems we face.

We need to do more than that, however. Measures will be taken to provide additional accommodation with the help of the Army. I am now arranging for the new high security prison which is nearing completion at Frankland near Durham to be brought immediately into use to provide emergency accommodation to relieve the pressure on police cells. It will have a governor, assistant governors and administrative and specialist staff from the Prison Service and a police presence to assist with security; but otherwise it will be manned by servicemen. We may also need to use military camps.

/For these .....

For these and other purposes I shall need to ask the House to agree to immediate emergency measures to relieve the criminal justice system of some of the burdens placed on it by the prison officers' actions. I intend to present a Bill tomorrow. For the convenience of hon. Members I shall be arranging for typescript copies of the Draft Bill to be made available later this evening.

The measures I seek will include provisions to cover the approval of places other than prisons for the detention of prisoners. I shall seek provisions to cover the position of those who care for prisoners in these circumstances. Other provisions will be designed to provide relief for the police in the very difficult circumstances they face. In particular, I shall propose that the requirement that remand prisoners be produced regularly before the courts shall temporarily be suspended. I do not, however, propose to alter the normal requirement for the courts periodically to review remands in custody. I shall seek powers to order the temporary release on my authority, if it is absolutely necessary to do so, of selected prisoners who have been remanded in custody or committed in custody for trial or sentence. This is a power I would use, with every feasible safeguard, only to ensure that

/custodial places ..

custodial places were available, in police cells and elsewhere, for dangerous offenders. I shall also need power, for the time being, to order the early release of sentenced prisoners nearing the end of their sentences. I shall ask for a power to restrict magistrates' courts, if necessary, in committing people to prison for such matters as non-payment of fines or rates.

All these provisions will be temporary and will be allowed to lapse when the present dispute is resolved. In addition, the measures will include a permanent provision putting it beyond doubt that it is lawful for the police temporarily to hold people committed to prison custody, when it is for any reason not practicable to secure their admission to prison.

I am satisfied that these powers, regrettable as they are, are necessary in the situation which has been caused by the prison officers' industrial action, which goes well beyond the limits of what is acceptable. But there is an alternative. I cannot look back; I want to make it very clear that I am determined to look forward. That is why discussions are far advanced between the Home Office and the Prison Officers' Association on a new duty system which would eliminate the anomalies which gave rise to this dispute. The early

/introduction

introduction of such a system would far better serve the interests of prison officers than the dangerous course on which they are now embarked.

This industrial action by prison officers is all the more regrettable because it comes at a time when, following the May Committee, so much constructive work is going on to improve the Prison Service for the future.

In view of all this, I invited the Prison Officers' Association, when I met them last week, to reconsider their action. I still hope that they will not persist in it while these negotiations continue. Of course, I remain ready to see the Prison Officers' Association at any time.

CONFIDENTIAL

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SWIH 9AT

24th October, 1980.

V MS
RA

Dear Engel

This is to confirm our several conversations recently that the Home Secretary would be grateful if you would arrange to table motion of presentation of the Imprisonment (Temporary Provisions) Bill on Monday, 27th October (with a view to the presentation, and all remaining stages taking place in the Commons on Tuesday and the Lords on Wednesday).

You will wish me to confirm also that the bill is to be

presented by Mr. Secretary Whitelaw

supported by Mr. Secretary Pym
Mr. Attorney General
Mr. Chief Secretary Biffen
Mr. Leon Brittan

As you know it is proposed to make some photostat copies of the draft bill available in the Vote Office for the convenience of members (and also in the Printed Paper Office in the Lords) but these will not be available until later in the afternoon or evening of Monday.

I should also be grateful if you could make arrangements for some 50 copies of the printed bill to be available in the Vote Office addressed to the Home Secretary for collection once the bill has been read a first time; and a further 90 to be available for the Lobby.

A copy of this letter goes to Nick Sanders (Prime Minister's Office), Bob Whalley (Cabinet Office), and Private Secretaries to the Chancellor of the Duchy of Lancaster, and the Chief Whips in Houses.

Yours sincerely

J. G. DALY
Parliamentary Clerk

G. Engel, Esq., C.B.

CONFIDENTIAL

£8,000
£10,000. £12.

May Comm. → +7%
3 claims

Ref: A03328

CONFIDENTIAL

Home Affairs

PRIME MINISTER

Prison Officers' Dispute for England and Wales

BACKGROUND

The Home Secretary's minute to you of 22nd October says that emergency action, including the introduction of legislation, has now to be taken to cope with the results of the action being taken by the Prison Officers' Association. This action would include:

(a) holding prisoners in service camps with the assistance of Ministry of Defence personnel;

(b) taking temporary powers to cover (a) and to override the requirement to produce remand prisoners regularly before the courts;

(c) taking a reserve power to release remand prisoners on executive bail;

(d) taking a permanent power to make clear that the police can detain people committed to prison custody.

2. There are very high stakes at issue here: essentially whether the Prison Officers' Association are to be allowed a stranglehold over the prison system whenever they choose to take some form of industrial action. The Cabinet will probably think that, quite apart from the arguments about public expenditure and public sector pay - to concede the POA claim would cost £5 million - they should support the Home Secretary's determined stand.

3. The proposals to use service camps and Ministry of Defence personnel have caused considerable problems for the Ministry of Defence, and there has been disagreement between the Home Office and the Ministry of Defence as to whether the proposals go beyond the agreed guidelines for the use of servicemen. However, full agreement has now been reached at a meeting between the Home Secretary and the Secretary of State for Defence this afternoon.

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4. As regards the introduction of legislation, we understand that a Bill could be got ready in time for introduction on Monday or Tuesday. Given the postponement of the State Opening by a week, it should be possible, with the co-operation of the Opposition, to secure the passage of the Bill through both Houses without completely disrupting the remainder of this Session's programme The business managers will need to look at the position carefully, and the attitude of the Opposition will be crucial. There is always the risk that some left-wing members of the Labour Party will seek to support the POA and that others interested in penal reform will argue that the Government should take the opportunity to restrict the number of people coming to prison on a more permanent basis.

HANDLING

5. You will want the Home Secretary to set out the present position and the Secretary of State for Defence to confirm that agreement has been reached on the use of troops. The Chancellor of the Duchy of Lancaster and the Lord President can speak to the Parliamentary timetable. How far is it crucial for the Home Secretary to have the powers available by Wednesday rather than, say, Friday?

6. You will not want the Cabinet to take time to discuss the details of the legislation, but will need to confirm that the Lord Chancellor is content so far as the courts are concerned. Is the Secretary of State for Scotland content that the Bill should not apply to Scotland? What will happen if the POA start industrial action there? Will there be any repercussions for Northern Ireland?

CONCLUSION

7. Subject to the points made in discussion, you might guide the Cabinet to endorse the line taken by the Home Secretary in handling the dispute and to agree that legislation should be introduced early next week on the lines he proposed. The Chancellor of the Duchy can give the necessary drafting authority during Cabinet. The Home Secretary, in consultation with the Chief Whips, might be invited to seek to secure the co-operation of the Opposition in both Houses to the speedy passage of the legislation.

RA

(Robert Armstrong)

22nd October 1980

CONFIDENTIAL

cc Press Office

Prime Minister

The Home Secretary outlines the emergency powers which he will ask the House to enact next week.

MAP 22/x.

PRIME MINISTER

Agreed [illegible]

PRISON EMERGENCY

As you know, the action being taken by prison officers in furtherance of their demands for money has viciously escalated over the last few days. People committed to prison by the courts are having to be held in police cells, but the police will be unable to cope for many more days.

I am naturally exploring every way of fighting the prison officers' action as vigorously as I can.

So far I have judged it right to do no more than buy a little time by issuing a circular to the magistrates' courts seeking their understanding of the situation. But if we are to see this through with the firmness to which we are all committed, and on the assumption that the prison officers whom I have invited to see me tommorrow cannot be persuaded to call off their action, I shall have no alternative but to seek some changes in the law very urgently next week.

The temporary powers I have in mind fall into two parts. On
(1) the more positive side, I would propose to take power to detain prisoners in places other than prisons and I have asked the Secretary of State for Defence to help by making service camps and personnel available. I would also propose, and this is most important, that we suspend the requirement to produce remand prisoners regularly
(2) before the courts since there is now no guarantee of getting them back into prison once they leave the gates and some prisoners are being held in police cells far from the courts that committed them. More negatively, but unavoidably if we are to hold the problem at a manageable scale, I would want to take a reserve power to override
(3) courts' bail decisions and temporarily to release selected remand

CONFIDENTIAL

(4)

prisoners on my own authority. I would also restrict courts' powers to commit people to prison for such matters as non-payment of rates or even fines.

(5) At the same time I would seek a permanent provision, putting it beyond doubt that in circumstances such as the present it is lawful for the police to detain people committed to prison custody. This reassurance would be greatly valued by the police, and we owe it to them to see that they are properly covered.

The legislation would extend only to England and Wales.

Unless the prison officers call off the refusal to admit prisoners I shall need the powers I have described within a matter of days if I am to have the room for manoeuvre I need to win this battle. Despite the inconvenience that I know this will cause, I must ask for agreement that the legislation should if necessary, be introduced next Monday, following my Statement, with a view to it passing through both Houses on the following day or two days.

I am sending copies of this minute to all members of the Cabinet, the Attorney General, the Chief Whip and Sir Robert Armstrong.

MTW

22 October, 1980

CONFIDENTIAL

Copied to Master set
Home Affairs

10 DOWNING STREET

From the Principal Private Secretary

20 October 1980

Dear John,

PRISON OFFICERS' DISPUTE

When the Home Secretary called upon the Prime Minister this morning, they discussed, amongst other things, the present state of play in the Prison Officers' dispute, and Mr. Whitelaw reported on the contingency action which he had in mind to help deal with the situation.

In response to questions by the Prime Minister about the presentation of the Government's case, the Home Secretary said that virtually all the heavy Press was taking the Government's side. Hitherto the popular newspapers had taken very little interest in the dispute, but as matters got worse, they could be expected to focus on the issues more and more. He proposed to anticipate this development by talking to a number of editors in order to get over to them the facts of the dispute and the Government's approach to it.

The Home Secretary added that if he felt it necessary to implement any of the contingency planning which he had had prepared, he would let the Prime Minister know.

I am sending a copy of this letter to David Wright (Cabinet Office).

Yours ever,

John Whitmore.

John Halliday, Esq.,
Home Office.

CONFIDENTIAL

cc Mr Ingham

From: THE PRIVATE SECRETARY

Prime Minister 2

This sit rep confirms that the position remains very delicate. MAP 17/x.

HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

MANAGEMENT IN CONFIDENCE

17 October 1980

Dear Bill,

MT.

PRISON OFFICERS' DISPUTE

You may wish to know of developments in the dispute involving prison officers since I copied to you a note of 10th October by the Directorate of Operations Policy in our Prison Department on the current industrial action by prison officers.

As we expected, the P.O.A. have gradually escalated their action. Their immediate excuse has been the refusal by the Home Office to withdraw an instruction to Governors to warn staff refusing to do normal duties that they are liable to suffer loss of pay. The National Executive Committee of the Prison Officers' Association have moved into phase II of their plan which was supposed to begin on 20th October. This involves stopping all prison labour, apart from domestic work, and refusing to take receptions (from courts or on transfer) until the population at each establishment is reduced to the level of the certified normal accommodation. (The difference between the two in England and Wales was 5,222 on 30th September). Action across the prison system is variable but the strongholds of the militants on the National Executive Committee are in the North. In the South East and South West reaction by prison officers is less unified. There is no doubt that prisoners are now suffering: they have to remain in their cells for long periods and in some establishments, about 13 at the moment, prison officers have deliberately disrupted prisoners' regimes, and prevented visits. At one establishment (Shepton Mallet), staff withdrew to the gate, and the police were alerted, but the staff subsequently returned to their work. The closure of the prisons is deliberately intended to disrupt and interfere with the activities of the courts.

The contingency plans are so far operating satisfactorily. Yesterday afternoon, 850 prisoners were known to be in police cells when they would otherwise be in prison or borstals. We still have some time before the capacity of police cells is exhausted. We have in hand plans for dealing with the situation, including the possibility of asking the courts to remand more prisoners on bail. The Home Secretary will, of course, be in touch with the Prime Minister before effect is given to any such plans.

/We have

M. A. Pattison, Esq.

We have maintained contact with the P.O.A. and Lord Belstead yesterday had a discussion with them. There was little movement on their part. They maintained, as might be expected, that they had no intention to harm prisoners and demanded arbitration. It was, however, significant that they did not rule out further meetings, agreed a liaison scheme to try to mitigate hardship to prisoners (although in practice their actions run counter to their words) and remained willing to get ahead with further talks about new duty systems which will remove the anomalies on allowances which gave rise to the present dispute. The leadership of the P.O.A. is, of course, militant and are as much interested in asserting their own power over the system as in seeking a financially benificial outcome; a similar attitude can be seen locally at some establishments. But the P.O.A. cannot be entirely immune from the effects of moderate opinion within their membership and from the disquiet of officers who, now that they are disrupting regimes and discontinuing escorts to the courts, will know they will suffer financial consequences. It is for this reason that the P.O.A. are so obviously concerned to press for a withdrawal of the Prison Department instruction on "no work, no pay". On the other hand, there is no real evidence that the membership are on the point of disowning the present leadership.

It is clear that the P.O.A. are not ready to seek an accommodation. For the future, our best hope lies in resolving agreement on new duty systems. But in the course of the present dispute, there will undoubtedly be efforts to escalate further and the P.O.A. have now jettisoned their convenient fiction that no hardship will occur to prisoners; on the contrary, they now seem set on a course designed for this purpose. The reaction of prisoners may well be a critical factor. But by victimising prisoners, the P.O.A. are subjecting themselves to public pressure; and we are doing everything possible to get our case over in the media.

The P.O.A. were, as I have said, careful not to rule out a further meeting with the Home Secretary. The timing on this will need very careful consideration.

The Home Secretary will keep the Prime Minister informed of developments.

I am sending copies of this letter to the Private Secretaries to the Lord Chancellor, the Lord President, the Secretaries of State for Defence, for Scotland, for Northern Ireland, the Chief Secretary to the Treasury, and to the Secretary of the Cabinet.

Yours,

S Boys Smith

S. W. BOYS SMITH

PRIME MINISTER

PRISON OFFICERS' DISPUTE

The Home Secretary is keeping in touch hour by hour with the situation. The POA have planned three stages of action. In most places, they are still at stage 1, and the Home Office report that this is quite easy to tolerate. But in the Midlands and the North, action has moved to stage 2 at a number of prisons. This includes refusing new prisoners, which is more difficult to handle. In one or two isolated cases there have been demonstrations by the prison officers which may attract media interest.

The strategy so far has been to wait to see what degree of support the POA attracts from its members. Lord Belstead will see the POA tomorrow, to show that the Government is not seeking confrontation. But he will do no more than reiterate the Government's position.

Departments have now reached agreement on a new attendance system for prison officers. This may provide a way out. The POA have up to now strongly resisted linkage between the current dispute and the attendance issue, but the offer of the new arrangements might give them an opportunity to back down gracefully. The Home Office will not, however, use this card at tomorrow's meeting.

The POA have today said that they are going to ACAS. The Home Office see little prospect of the Government accepting a role for ACAS, because this would rapidly lead to arbitration, which is at the centre of the dispute.

The Home Secretary is still considering whether he can usefully say anything at Cabinet tomorrow. But he will be putting something to colleagues in writing before the weekend.

15 October 1980

From: THE PRIVATE SECRETARY



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SWIH 9AT

(2)

MANAGEMENT IN CONFIDENCE 10 October 1980

Prime Minister

You will wish to be aware of the situation. It could deteriorate very rapidly. MT

Dear Michael,

INDUSTRIAL ACTION BY THE PRISON OFFICERS' ASSOCIATION

I thought that you might find it useful to have the attached note from our Prison Department on the action being taken by the Prison Officers' Association in furtherance of their dispute over payment for meal breaks.

I am sure that the Home Secretary will be giving this matter urgent attention next week, and I shall keep your office informed of any significant developments.

Yours ever,

Robert Halliday

(J F HALLIDAY)

M O'D B Alexander Esq

E.R.

MANAGEMENT IN CONFIDENCE

POA DISPUTE

This note gives our present assessment of the immediate situation and of the prospects for the early part of next week.

2. All prison establishments have been operating phase I of the Prison Officers Association's plan of action: that is to say, they are interupting laundry and outside contracts and delaying the drawing of keys and therefore the start of the working day. The effects vary between one establishment and another, but in some establishments workshops have had to be closed, escorts to court have been delayed and meal times and other aspects of the regime have been dislocated. Staff refusing to do normal duties have been warned that they are liable to suffer a loss of pay (and details are being reported to headquarters for this purpose) and staff have not been called in from rest days for duties where it has been clear that they would not be performed with a consequent loss of overtime payments.

3. Some POA branches have reacted by escalating their action to include a refusal to take receptions from magistrates courts, or, in the case of training establishments, from other prisons and by closing all workshops. The branches currently taking this action are Bedford, Birmingham, Leicester and Swinton Hall; others - Stafford, Featherstone, Stoke Heath and Brockhill - have done so for short periods but have subsequently returned to the phase I pattern. At Shrewsbury an additional Assistant Governor is being sent to assist the Deputy Governor who is at present in charge of the establishment: the POA have threatened to refuse to admit him when he arrives. Prisoners not accepted from court are being held in police cells.

4. The National Executive Committee of the POA have said that they will move to phase II of their plan on 20th October. This involves stopping all prison labour, apart from domestic work, and refusing to take receptions (from courts or on transfer) until the population at each establishment is reduced to the level of the certified normal accommodation: in large overcrowded local prisons this figure may be several hundred below the normal population. There is evidence that individual members of the NEC are encouraging some local branches to take this action immediately.

E.R.

5. A meeting between representatives of the POA and representatives of the Department has been arranged for Monday morning. Its purpose so far as we are concerned is to establish a channel of communication so that both sides can discuss issues arising from the industrial action now being taken and the management's response to it, but it is possible that the POA representatives may want to discuss the issues which gave rise to the dispute and in particular the question of arbitration. We shall not for our part be prepared to discuss substantive issues of this kind, though we might explore with them ways in which talks directed towards a solution might be put in hand. We might after that meeting wish to suggest a similar meeting with Lord Belstead, perhaps on Tuesday.

6. The meeting on Monday is in any event likely to be followed by renewed pressure on the part of the POA to escalate their action for example by moving immediately to phase II or even beyond. Such escalation may well be widespread by Tuesday or Wednesday. Pressure on the courts would then build up very quickly as police cells become full; if refusal to accept prisoners from court is rigorous and universal, it might become necessary to consider emergency measures by the end of the week.

7. We are in close touch with the Police Department and Regional Directors and Governors are in close touch with their local forces.

Directorate of Operational Policy
10th October, 1980

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2

From: THE PRIVATE SECRETARY

Prime Minister

This is worrying: delegate conference next Thursday likely to recommend industrial action.

cc Mr Hoskyns
Mr Vereker

HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

26 September 1980

Dear Lankester

Mike - to see MT

MAP

Home Affairs. 26/9

I promised yesterday to send you a brief report on the current problems with the Prison Officers Association which now look as though they will escalate into national industrial action.

The background to this is that the P.O.A. have recently undergone a palace revolution which has left the militants well in command. Most of the "moderates" resigned at, or following, their recent annual meeting and the Association are now deliberately adopting a number of policies which seem to be designed to lead to confrontation. It is far from clear that the present militant posture of the P.O.A. is reflected in the view of prison officers but the national executive are, no doubt, relying on the loyalty of their members even if those members have little or no stomach for national industrial action.

The issue which has now led to confrontation is the familiar one of continuous duty credits (c.d.c.), the rules under which prison officers who at present work net hours can, in certain defined circumstances, claim allowances for meal breaks. The application of these rules to the complex duty systems of prison officers give rise to constant claims - particularly since what is at issue is not only increased payments but lump sums for back-dated claims - and was the immediate cause of the setting up of the May Committee following disruptive action taken by individual branch committees of the P.O.A. at the end of 1978. The May Committee were asked to look into all of the claims which the P.O.A. wished to put to them on c.d.c. and it reported on these claims at length. Most of the claims put in by the P.O.A. met with no favour from the May Committee but the Government accepted all of the recommendations of the May Committee for additional c.d.c. payments. That was the end of the matter as far as we were concerned; but the P.O.A. have now decided to use the concessions made following the May Committee recommendations on c.d.c. to mount new claims which involve an improvement to their conditions of service. In these circumstances, the P.O.A. have been told that no further concessions can be made to them. They have a case in equity since the recommendations of the May Committee involved concessions to one group of prison officers working under one particular duty system while others who work almost precisely the same hours under a different duty system do not attract these payments. The fact is that the rules are so complex that it is impossible not to have anomalies and the solution is to negotiate new duty systems based on gross rather than net hours. The negotiations on this matter are well advanced.

I should perhaps add that the P.O.A. have tried to improve their public case by offering to go to arbitration which they would accept. This is not acceptable since it would, in fact, mean that they would

/seek

T. Lankester, Esq.

seek a second "arbitration" on claims which failed on the first occasion when the May Committee considered them; and arbitration in these circumstances would drive a coach and horses through the Civil Service Arbitration agreement.

The next step is for the P.O.A. to hold a special delegate conference next Thursday. The national executive might not have it all their own way at this conference but the likelihood is that they will obtain their mandate for national industrial action. It is important that we get over our view in advance of that conference and the Home Secretary is sending a letter to the P.O.A. which will be made available to the press, setting out our side of the case. This will be followed up by press briefings. If industrial action goes ahead, it is difficult to say precisely what will then happen. Action is likely to be sporadic and ill-organised, the national executive committee leaving it to individual branch committees to take such action as they think fit. In the past, P.O.A. branch committees have cut down on the privileges of prisoners by preventing visits and emasculating regimes so that inmates find themselves in their cells for most or all of the day; the work of the courts has been disrupted (although it is contrary to P.O.A. policy to do so); contracts have been frustrated and contractors locked out of prisons so that compensation has to be paid to them; the reception of prisoners has been refused; and civilian workmen and others have been locked out of prisons in spite of the fact that this is punitive action aimed at other unions. These and other measures may be taken but if it is left to individual branch committees there is a possibility that the heart of many of them may not be in it and some will temper the harshness of the action taken; but a few militant branch committees will nevertheless take deliberately damaging action. The contingency plans which we have for dealing with these matters are set out in the memorandum attached to John Halliday's letter of 23rd July to Mike Pattison.

Flag A

We will keep you informed of developments.

Yours sincerely

A. P. JACKSON

26 SEP 1980

CONFIDENTIAL

RH

H. A Hall

25 July, 1980

Thank you for your letter of 23 July, with which you enclosed a note on hazards in the prison system.

The Prime Minister was grateful for this useful analysis of the risks, and this adequately meets our needs.

M. A. PATTISON

J F Halliday, Esq
Home Office

CONFIDENTIAL

TVR

2

PRIME MINISTER

Over the past few months, the Home Secretary has frequently warned of the risk of some major breakdown in the prison system. But we have never had any real definition of what the risk is.

I have therefore asked the Home Office to set down for us the potential flash-points in the prison system. The attached note is a reasonably informative response, given the uncertain nature of the problems with which they are dealing.

MAP

24 July 1980

Thank you very much

MT

From: THE PRIVATE SECRETARY

A



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SWIH 9AT

23 July 1980

Dear Mike,

We have spoken on the telephone about a request you made some time ago for a note about the possibility of disturbances in the prison system.

Enclosed with this letter is a note which I hope meets your requirements. If it leaves anything to be desired, please let me know.

Yours sincerely,

J. F. HALLIDAY

M.J.Pattison, Esq.

HAZARDS IN THE PRISON SYSTEM

This note describes the circumstances in which a sudden emergency might develop in the prison system; the form which such an emergency might take; the consequences which might follow from it; and the contingency plans which have been prepared against that possibility.

Background

2. The underlying problems are well known - chronic overcrowding, especially in local prisons; decaying buildings; unsatisfactory and sometimes insanitary conditions for prisoners and prison staff; and the necessity for many prisoners to spend long periods locked in their cells. Improvements which are being sought include reductions in the prison population brought about by possible changes in the sentencing practice, better use of staff, and the provision of new or refurbished accommodation. These measures will, however, take years rather than months to take full effect. Legislation to provide for an early release scheme is also being considered in case it becomes unavoidable.

The Risks

3. The prison system is vulnerable to:

(i) A sudden increase in the prison population.

The population reached 44,800 in March. It is currently about 44,000, but on previous experience it is likely to rise to a peak in November when it might, this year, go as high as 46,000. There is no absolute figure above which the system would no longer be able to cope, but any increases now, especially if sustained for any period of time, would greatly increase the hazards described.

(ii) Unrest among prisoners

This could be spontaneous, provoked by overcrowding and poor conditions, or concerted by a small group of disaffected prisoners. The situation is reasonably calm at the moment but the risk of spontaneous unrest would increase very rapidly if conditions further deteriorated. The danger of concerted unrest is always present, especially in the dispersal (highest security) prisons, and the fact remains that serious disorder has occurred in one or other of the dispersal prisons five times in the last eight years.

(iii) Loss of accommodation through disorder, fire or structural defect

If a prison or part of a prison had to be taken out of use for any of these reasons, it could have a serious effect by increasing the pressure on accommodation elsewhere. Disorder among

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prisoners and fire have both resulted in serious losses of accommodation in recent years, and the unsatisfactory condition of much of the prison estate makes losses through structural defects an ever-present possibility. A programme of repairs and renovation has been drawn up - although serious staff shortages place constraints on this - and the hazards cannot always be fully assessed while the building remains occupied by prisoners. Over-crowding imposes serious restrictions on the scale and the pace at which buildings can be emptied for this purpose.

(iv) Industrial action by staff

Industrial action on the part of prison officers is now commonplace and minor action in one form or another, which can always escalate, is likely to be in progress in about one third of the 120 prison establishments at any one time. The POA makes little or no attempt to inhibit local industrial action; and it would normally be ineffective if it tried to do so. Such action normally takes the form of affecting production in workshops, education classes, visits or other facilities for prisoners, and access by contractors. It is troublesome but not usually on a scale which threatens the stability of the system. There is, however, serious threat of an early escalation of industrial action over an out-standing claim for allowances in respect of meal breaks as an extension of the settlements reached as a result of the May Report, which cannot be conceded because large sums of money are involved. Other disputes could arise at any time, especially over restrictions on overtime or manning levels which may be introduced in the interests of efficiency and economy. Such an escalation would almost certainly involve further restrictions on the facilities available to prisoners, and it might extend to a refusal to accept prisoners from court. A total withdrawal of prison officers' labour or a withdrawal to the perimeter of the prison has from time to time threatened in particular prisons (and has very occasionally occurred) and could happen as a reaction to a proper management response to more limited industrial action - for example, if it affected the earnings of staff not performing their full range of duties.

4. These hazards could have a cumulative effect. For example, an increase in the prison population or industrial action by the prison officers could affect conditions or facilities for prisoners and so lead to disorder and to damage to buildings, which would in turn make the accommodation unusable.

The Possible Consequences

5. Small-scale events of the kind indicated in paragraph 3 above can continue to be accommodated within the system, provided that they do not have the cumulative effect indicated in paragraph 4. Events on a more serious scale, or a chain reaction, could lead to:

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(i) Disruption of Courts

Widespread industrial action by prison officers, or widespread and prolonged disorder among prisoners requiring the constant attendance of prison officers, could have a serious effect on the functioning of the courts. Remands or Committals in custody and custodial sentences might have to be restricted within a few days.

(ii) Loss of Control in Prisons

If prison officers continued to co-operate, any loss of control could probably be confined to a small number of prisons and the situation restored within a few days. If prison officers did not co-operate, the prospects would be much more serious.

Contingency Plans

6. As a last resort emergency legislation to reduce the prison population by means of an amnesty could be drafted and introduced very quickly.

7. Detailed contingency plans have been drawn up, in consultation with the Association of Chief Police Officers and individual chief officers, to enable courts to continue to function is prisoners cannot be placed in prison establishments. They rely on the use of police cells and if the problem were confined to one or two prison establishments, they would enable the situation to be held for some time (weeks rather than days). If the problem were on a national scale, it is unlikely that the situation could be held for more than about seven days.

8. Contingency plans have also been formulated for dealing with concerted acts of indiscipline by prisoners. They provide for the police to reinforce the security of the perimeter by providing external patrols, leaving the staff of the establishment (reinforced to whatever extent might be practicable) to deal with the situation in the prison itself. If prison officers were not co-operating, the police might have to assume responsibility for maintaining security and control within the establishment, with the governor and any other staff who might be available undertaking such tasks as might be necessary for the inmates' health, hygiene and survival. Such a situation could not be sustained for more than a few days and if the withdrawal of co-operation by prison officers were both complete and prolonged (which is thought to be unlikely), it would be necessary to call upon the army for assistance. The Civil Contingencies Unit at the Cabinet Office are fully involved in the plans.

From: THE PRIVATE SECRETARY

Home Affairs

HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

26 June 1980

Dear Mike,

You telephoned me yesterday about the publication of the response to the Expenditure Committee Report on prisons. I thought it would be right to reply on paper.

There are two steps we are required by the Questions of Procedure to take with No. 10. The second of these - consulting the Chief Press Secretary - was handled by our Press Office here and followed the normal course. But on the first - consulting on the Private Secretary net - we were at fault. The agreement of colleagues to the publication was obtained as a result of a letter from the Home Secretary to the Secretary of State for Social Services on 5 June. Matters of substance had already been resolved bilaterally between the Ministers concerned and this letter sought the agreement of members of Home and Social Affairs Committee. It did not therefore include you. I am sorry about this and shall ensure that it does not happen again.

Nothing but not worth pursuing

Yours,
Stephen

(S W BOYS SMITH)

M A Pattison Esq

27 JUN 1980

CONFIDENTIAL

9

10 DOWNING STREET

From the Private Secretary

26 June 1980

We had a word about the publication of the Government's observations on the Expenditure Committee Report about the prison system, a copy of which you sent to me yesterday.

I pointed out to you that your letter to me was the first that we had heard of this document in either the Private Office or the Press Office at No.10. The document was published as a White Paper, and therefore should be cleared under the procedures set out in paragraphs 96, 98 and 99 of 'Questions of Procedures for Ministers'.

I do not think that this response could be regarded as one of "routine character or of minor importance", given the Home Secretary's frequent warnings about the potentially explosive situation in the prisons at present. I understand that you had cleared the draft by correspondence on the H committee network. This office does not see papers cleared on the H committee network unless they are formal papers of that committee or unless special arrangements are made to bring them to the Prime Minister's attention. As much of your business may be handled in this way, I would be grateful if you could ensure that those responsible for your procedures are aware of the need to correct the omission in future.

I am sending a copy of this letter to David Wright (Cabinet Office).

M. A. PATTISON

S.W. Boys Smith Esq
Home Office

CONFIDENTIAL

010

From: THE PRIVATE SECRETARY Press Office



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SWIH 9AT

25 June 1980

Dear Mike,

- in folder attached to file.

I attach a copy of the Government's observations on the Expenditure Committee Report on the prison system, which is being published at 3.30 this afternoon.

I am sending copies of this letter and its enclosures to the Private Secretaries to members of the Cabinet.

Yours,
S W Boys Smith

(S W BOYS SMITH)

M A Pattison Esq

25 JUN 1960

Press Office Home Affairs

Have you given clearance for this? Certainly not previously seen in Private Office

From: THE PRIVATE SECRETARY

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SWIH 9AT

25/6

M. Pattison
HO did not afford us. But I asked Tom when this was due - following S/S statement on 30/4 - and Tom told me of the proposed date. I assumed you had already cleared it since they had not asked us for approval.
25/6

25 June 1980

Dear Mike,

... I attach a copy of the Government's observations on the Expenditure Committee Report on the prison system, which is being published at 3.30 this afternoon.

I am sending copies of this letter and its enclosures to the Private Secretaries to members of the Cabinet.

Yours,
S Boys Smith

(S W BOYS SMITH)

M A Pattison Esq


25 JUN 1980

IRANIAN EMBASSY, LONDON

The Secretary of State for the Home Department (Mr. William Whitelaw): With permission, Mr. Speaker, before I make my statement on prisons I would like briefly to refer to events at the Iranian embassy of which right hon. and hon. Members will be aware. A few hours ago there was a hostage-taking incident there. I will keep the House informed. In the meantime, all appropriate steps are being taken.

Later—

Mr. Eldon Griffiths: On a point of order, Mr. Speaker. I raise this point in the presence of the Home Secretary and the Leader of the House. It is quite precise. It is, of course, within the knowledge of the House that one of our fellow citizens, a police officer—I think his name is Trevor Locke—is at present being held hostage in the Iranian embassy in London. I ask two things of you, Sir. First, have you received any request from a Minister to intervene in our affairs in order to make a statement? Secondly, in the event that such a statement is made, could you give us indication now as to what time it might be, so that we can make the necessary arrangements?

Mr. Whitelaw: Perhaps I should repeat to my hon. Friend what I said to the House at the beginning of my statement on the May committee's report. I made a brief reference, as I thought the House would wish, to events at the Iranian embassy, of which hon. Members will be aware. A few hours ago there was a hostage-taking incident there. I shall keep the House informed, as appropriate. In the meantime, I assure my hon. Friend that all appropriate steps are being taken.

PRISONS

The Secretary of State for the Home Department (Mr. William Whitelaw): With permission, Mr. Speaker, I will make a statement about the present situation in the prison system in England and Wales and about the action that I am taking on the main recommendations of the report of the committee of inquiry into the United Kingdom prison services —the May committee. We shall also within the next few weeks publish a detailed reply to the 15th report from the Expenditure Committee for Session 1977-78, and we shall publish proposals for changes in the powers of the courts in relation to young offenders later in the summer.

As the May committee made clear in its report, this country has for many years paid too little attention to its prisons. The result is that our prisons are chronically overcrowded and the prison service operates under severe strain. In the period since the report was published last October, the prison population in England and Wales has risen from 42,500 to a total of 44,000 on 18 April. The figure continues to fluctuate, but the present level is dangerously high. Exceptional measures by way of legislation or administrative action would be unpalatable and frustrating to those whose task it is to administer justice, but they cannot be ruled out if the situation demands them. Our primary task must, however, be to prevent such a situation from developing.

The following action is being taken. First, we must ensure that the prison estate is adequate for the job that it has to do. We have every sympathy with the May committee's recommendation that the building programme should be increased. The present programme, together with a considerable maintenance commitment, is substantial. Work already in progress will produce about 3,400 new or refurbished places by 1985, including a major new dispersal prison, which should come into use next year. Firm plans are being made to start two new major projects in both 1981-82 and 1982-83, which will provide 1,500 further places by the later 1980s. I hope to continue the programme on that basis in 1983-84, and preliminary planning is now proceeding.

[Mr. Whitelaw.]

Secondly, we shall continue our efforts to develop alternatives to imprisonment. The Government believe that the outside community must play an increasing part, whether through statutory or voluntary agencies, in the treatment and containment of offenders, particularly those who have not committed violent offences. We shall give full support to non-custodial methods, and we recognise the major contribution that the probation and after-care service must make to them.

The mentally disordered offender presents particularly difficult problems. My right hon. Friend the Secretary of State for Social Services and I accept that it is undesirable to detain in prison persons whose mental disorder permits them to be detained in hospital under the Mental Health Act. We shall continue our efforts to have such persons transferred to hospitals with the appropriate levels of security. My right hon. Friend will continue to give priority to the establishment of regional secure units. The programme that has been planned will make a valuable contribution to the provision for these offenders.

A new development is that we are making public funds available to enable voluntary organisations to make a start in providing simple overnight shelter for people who would otherwise be charged with offences of drunkenness.

Measures of this kind may not individually achieve a substantial reduction in the prison population, but taken together they can have a significant impact.

Thirdly, the Advisory Council on the Penal System, the Expenditure Committee and the May committee have all emphasised the need for shorter sentences. I have already said that the Government would welcome shorter sentences for non-violent offenders, and it should be possible to bring about a significant reduction in the general level of sentences without sacrificing the protection that the public is entitled to expect. I believe that such a reduction can be achieved by the exercise of judicial discretion, and recent judgments have suggested that there is an increasing awareness among judges that the less serious type of non-violent offence can properly be met by a shorter term of imprisonment than has been imposed previously.

I turn now to the May committee's vitally important recommendations on prison reorganisation. Like the committee, I fully support the principle of preserving direct ministerial responsibility for the prison service and for the treatment if individual prisoners. Subject to that, I endorse the May committee's objective of a structure which will give the prison services a greater corporate sense and enable those in charge to be more directly responsible for its own affairs. I am, therefore, instituting a major change in the prison department's position in the Home Office and in its internal organisation. The prison department will be given wide delegated authority within the Home Office for the management of its staff and for the control of its finance. Special attention will be paid to improving the system of financial information and control.

The present director general will remain in his post. A new post of deputy director general will be created and the membership of the Prisons Board will be expanded to include the four regional directors and two outside non-executive members whose appointments I shall announce shortly.

I accept the May committee's crucial recommendations for an inspectorate separate from the prison department, and for the publication of its reports. A new Crown appointment of Her Majesty's Chief Inspector of Prisons will be announced as soon as possible. He will inspect and report to the Home Secretary on prison establishments in England and Wales, conducting regular inspections of individual establishments and investigating particular incidents or situations on the Home Secretary's directions. He will submit an annual report, which will be published, and other reports, which will be made publicly available as appropriate.

I endorse the May committee's objective of a reconstructed regional organisation, which will enable regional directors to concentrate more closely on the supervision of individual establishments, reporting directly to the deputy director general. As the committee recommended, most specialist functions will be concentrated at headquarters.

I will, with permission, circulate further details of these organisational changes in

the *Official Report*. Copies of this information are now available in the Vote Office.

I endorse the May committee's views on the need to achieve better industrial relations, to make the best possible use of staff and to improve staff accommodation and amenities. I am pursuing these matters with the staff associations concerned, with priority for improvements in the procedures for handling industrial relations and for the design of a new attendance system and the associated conditions of service. I accept the committee's recommendation for a comprehensive review of training.

I believe that the changes that I have announced will provide a framework in which members of the prison service, of all grades, will be better able to perform their difficult tasks. I shall do all that I can to help them to maintain their high traditions and to develop new and constructive methods in the context of the concept of positive custody as put forward in the May committee's report. Work will be put in hand to translate it into the design of prison regimes and the development of prison industries, and I will lay the necessary amendments to the prison rules in due course.

All the measures that I have announced have a common objective—to ensure an effective prison system and an efficient and confident prison service.

Mr. Merlyn Rees: I note what the Home Secretary said about the Iranian embassy. The less said about that the better at present, but no doubt we shall have a full report when appropriate.

The right hon. Gentleman's statement on prisons was a long one, which requires far more discussion than is appropriate now. It was our impression that we should have the opportunity to debate the May report before anything was said. I know that the Expenditure Committee report is to be debated shortly, as the Home Secretary said.

The latter part of the statement was concerned with the organisation of the prison service. As its terms of reference show, I set up the May committee to look into the organisation of the prison service. Is the right hon. Gentleman aware that it is my view—a view that I quickly reached as Home Secretary—that not enough thought had been given to the prisons themselves, whatever the size of the prison population, and certainly not enough thought has been given to the wider and more important question of penal reform? The structure of the prison service was and is wrong, and needs change. Although part of the Home Office, relations between the prison department and the Home Office were not good, and industrial relations were bad, as we saw last year. I welcome all that the right hon. Gentleman says concerning changes in the internal structure and in finance and management. I approve of the changes announced in the Prisons Board and of the sharpening of responsibilities of the prison organisation regionally.

Is the right hon. Gentleman further aware that his acceptance of a separate inspectorate is a significant change? However, will he accept that without an improvement in the relationship between the trade union organisations, any changes will fail to have maximum impact? Without the full co-operation of the Prison Officers Association, which itself needs change, there will be further industrial troubles.

I set up the May committee to deal with organisational changes, but will the right hon. Gentleman accept that it was and is my strong view that there must be a radical reduction of the prison population? That needs political will. I do not believe that I was short of that, but I certainly did not have the strength of this House to implement the idea.

I welcome what the right hon. Gentleman says on alternatives to prison and what he says about the mentally ill. Money was provided for regional secure units a long time ago. The Health Service administrators have much to answer for over the delay, and the attitude of some staff is also responsible. The right hon. Gentleman's statement about what I understand are called "wet" shelters, which in this case are for alcoholics and not for dissident Cabinet Ministers, is an improvement, but little more.

Does the right hon. Gentleman really believe that the judiciary will oblige over shorter sentences? All Home Secretaries have asked for shorter sentences, yet more and more people are going to prison, which is not so in the remainder of Europe. The number of people on remand for

[Mr. Rees.]
longer periods, about half of whom are then released, needs judicial action. Is the right hon. Gentleman aware that there is only one way forward, if variable in application? The one-third remission of sentence must be replaced by the half remission that I introduced in Northern Ireland and that this House approved. It will require changes in the parole system. The Home Secretary has a majority in this House to implement that radical change, or variants of it. I wish that I could have implemented the change. Without that change any proposals about prison organisation, and so on, will not go to the root of the matter. We are sending far too many people to prison. The judiciary will not oblige. We can deal with the problem only in this House.

Mr. Whitelaw: I readily recognise that the opportunity to make the necessary changes in the organisation of the prison department within the Home Office and the various proposals that the right hon. Gentleman welcomed stem directly from his decision to set up the May committee. I applauded that decision at the time. I believe that it was entirely correct. It has helped in these changes. I also welcome what the right hon. Gentleman said about my reaction to what the May committee said about organisation.

I do not agree with the right hon. Gentleman over the question of shorter sentences and the judiciary. Recently there have been signs of an increasing feeling among judges that in many cases shorter sentences are appropriate. I hope that that feeling will develop.

With regard to the right hon. Gentleman's view about remission as in Northern Ireland, with changes in the parole system, I have made it clear that I am ready to consider many of these changes. However, I believe that they will be frustrating to, and disliked by, many who administer justice. There will therefore be opportunities for those people, in turn, to frustrate such changes if they are made, and it is important not to make them unless it becomes absolutely clear that they are essential.

Mr. Wheeler: I welcome this opportunity to support my right hon. Friend in his statement, which I completely endorse. The whole House must be aware of the serious problem in the prison service, with a prison population in excess of 44,000. [HON. MEMBERS: "Question."] I welcome the review of prison building. I hope that my right hon. Friend will consider the other alternatives. [HON. MEMBERS: "Question."]

Mr. Speaker: Order. The House will be happier if the hon. Member says "Is my right hon. Friend aware that . . . ?"

Mr. Wheeler: I am obliged, Mr. Speaker. Is my right hon. Friend aware that the House will welcome his continued review of those problems, in particular the creation of an independent inspectorate for the prison service, which is a radical advance? Will my right hon. Friend comment further on that proposal?

Mr. Whitelaw: I am grateful to my hon. Friend, who has personal experience of working in the prison service.

Mr. Russell Kerr: Inside.

Mr. Whitelaw: Whether inside or not, my hon. Friend has experience of working in the prison service, which I understand the hon. Gentleman does not have, and nor have I. I greatly welcome the fact that from my hon. Friend's experience he believes that the changes that I have made are correct.

The new chief inspector will be a Crown appointment. He will be independent of the prison department and will report directly to the Home Secretary. Those are three important developments.

Mr. Kilroy-Silk: The right hon. Gentleman's proposals for the Prisons Board and the inspectorate are welcome, but does he accept that the general response to his statement will be great disappointment over the opportunities that he has missed to make a radical inroad into the crisis in our prisons? He has not addressed himself to the problem of numbers, with about 45,000 prisoners occupying space designed for 37,000. About 11,000 prisoners are crammed two and three at a time into cells built for one. This year already, 150 prisoners have had to sleep in corridors and a further 150 have had to be held in police cells. The right hon. Gentleman's statement, fine words though it contained, is no solution to the problems of numbers, the mentally ill, alcoholics, drug addicts

and petty offenders. Will the Home Secretary accept that the judiciary is not looking after our prison system, and that this House and the Government must do so? A significant impact on the population can be made only by the immediate introduction of 50 per cent. remission.

Mr. Whitelaw: That may be the hon. Gentleman's view. He says that the prison population is 45,000, but my figure of 44,000 was for 18 April, which shows that there has been a small downward trend. I said that the number fluctuated and that it was right to watch it carefully. I must tell the hon. Member that the measures that I have introduced, taken together, can have a significant influence on the prison population. Some of the measures that he puts forward would have considerable repercussions on the administration of justice. Such measures may be necessary, but I do not wish to take them in a panic, which is what the hon. Member is trying to make me do.

Sir Paul Bryan: Will my right hon. Friend say something about the new prison to be built at Full Sutton? When will construction start, when will it be finished, what is the scale of the prison, and what category of prisoner will be housed there?

Mr. Whitelaw: I shall give my hon. Friend the fullest details, but I do not have them with me this afternoon.

Mr. Alexander W. Lyon: May I return to the issue of the figures? It is perfectly clear that we shall not have a prison population similar to that of Holland unless we change the sentencing strategy of the judiciary. We can do that only after clear consultations between the Lord Chancellor and the judiciary about the kind of sentencing tariff that the judiciary has. Meanwhile and urgently, will the Home Secretary look again at the question of 50 per cent. remission? He mentioned "panic". We have been talking about this problem since Roy Jenkins was Home Secretary in 1974. That is not panic. There have been clear delays by successive Governments in getting to grips with a very thorny problem. However, it is a problem that must be tackled.

Mr. Whitelaw: On the first point, the hon. Member will agree that there have recently been signs, in some of the sentences and the way in which they have been imposed, that there is an increasing awareness that shorter sentences are appropriate for some offenders. The hon. Member will have seen evidence of that in the papers recently.

On the second point, of course I will consider the question of half remission, but I do not believe that it is necessary that I should accept it until it is absolutely certain that we will not succeed by other means.

Mr. Edward Gardner: While welcoming my right hon. Friend's statement, may I ask that in his attempts to deal with the dangerous over-crowding in our prisons he will keep well in mind the alarming increase in violent crime? Will he assure the House and the country that he will do everything in his power to ensure that criminals who use violence will face long-term imprisonment, not merely to punish them but to ensure that the public are protected from the menace of their activities?

Mr. Whitelaw: The position of violent offenders is very much appreciated in the country, and certainly among the judiciary. It is not for me to comment on particular sentences, but I would have thought that the attitude of members of the judiciary to non-violent offenders shows that they are increasingly aware of the value of shorter sentences. From the judiciary's point of view, it is fair to say that it is seen to be very well aware of the need for long terms of imprisonment for violent offenders.

Mr. Stephen Ross: I welcome the Home Secretary's changes in administration and the devolution of power in the Home Office. I echo what has been said about his needing to be far more radical in his attitude to the prison population, if he wishes to cut that population. The May report dealt with many matters of substance, particularly in respect of prison officers and their role. In the statement nothing was said about the inconvenience or locality allowance. Will the Home Secretary tell us something about that? Also, will he help the voluntary associations that can assist in keeping people out of prison? Will he consider giving them some financial aid, which has not been available up to now?

Mr. Whitelaw: I made it clear in my statement, and I welcome the opportunity to repeat it now, that we are discussing many matters of industrial relations with the Prison Officers' Association. We are also discussing the question of an attendance allowance system, which is extremely important. In relation to the voluntary organisations, I have mentioned the question of "wet" shelters. We shall do everything we can, through the probation service and in other ways, to encourage alternatives to custody.

Mr. Russell Kerr: Will the Home Secretary tell the House when the special Home Office tribunal that he appointed following my Adjournment debate on the subject of the Barlinnie special units in Glasgow will report to the House? Will he personally give a progress report on the work of that tribunal?

Mr. Whitelaw: My officials went to see the position at Barlinnie. However, the hon. Member must remember that prisons in Scotland are for the Secretary of State for Scotland and not for me.

Mr. Grieve: Is my right hon. Friend aware that for some years now the judiciary of the Crown courts has been exercised by the problem of prison overcrowding, and that this has been a constant theme of the sentencing conferences that have been organised every year by the higher judiciary, and attended by Crown court judges and recorders? Will he bear in mind that one cannot protect society against grave crime—not only violence against the person, but grave offences against property—without adequate provision of prisons? Will he keep that to the forefront of Government policy?

Mr. Whitelaw: In the statement I sought to provide the right balance between prison places and having alternotive methodc of custody, so that those who have to be imprisoned can be put there properly.

Mr. Edward Lyons: Is the right hon. Gentleman aware that most of our prisons are those that the Conservative Government nationalised in the 1870s? Does his statement not amount to a tacit acceptance of the position that in his decade, and probably the next as well, none of those prisons will be closed? Is it not true that we shall be left with the same antiquated prisons? Does that not mean that we need a far bigger prison building programme than the one that he announced this afternoon?

Mr. Whitelaw: On the point of the hon. and learned Member's history, there is no Government—and no House of Commons or individual hon. Member—in the last 100 years who can honestly say that they have paid sufficient attention to the provision of prisons in this country. We are all equally to blame—every Government and every hon. Member. That cannot be remedied quickly or easily. The hon. and learned, Member must appreciate that.

Mr. Eldon Griffiths: While welcoming shorter sentences in appropriate cases, may I urge my right hon. Friend to stress that neither prison sentences nor remissions should ever depend on the availability of prison places? They should depend, rather, on the seriousness of the offence and the need to protect the public.

Mr. Whitelaw: That is exactly the balance that I have sought to preserve in my statement.

Mr. Arthur Davidson: Will the Home Secretary provide any more money? Can he throw a little light on his plans for providing alternatives for alcoholics? Is it not an absurdity that habitual drunkards should be sent to prison? When the Home Secretary talks about overnight lodging, can he say exactly what he means? Also, where will the money come from?

Mr. Whitelaw: On the various alternatives to custody, first, we shall strongly support the probation service in all its work. Secondly, we have provided more attendance centres for both junior and adult offenders. Those centres have a most important part to play. Thirdly, we believe that community service orders, which were instituted by the last Conservative Government, also have an important part to play. We will encourage all voluntary efforts on alternatives to prison. On the question of "wet" shelters, £30,000 will be available for their provision this financial year, and also in 1981-82. That is far more than has ever been done by any Government before.

Sir Bernard Braine: I warmly welcome my right hon. Friend's recognition that

prison is the wrong place for the alcoholic and that help should be given to people through the "wet shelter" system, but does he not realise that that is only a small part of solving the problem of alcoholism? Treatment is necessary, and what we really need are more detoxification centres. Therefore, before coming to any final conclusion on this matter, will he have discussions with the Department of Health and Social Security in order to establish just how much help can be given, for example, from the licensing compensation fund and by voluntary organisations in order to solve a distressing and growing social problem?

Mr. Whitelaw: I would seek to differentiate what I was saying on the need to keep out of prison those who will not respond to treatment. The hon. Gentleman, who has studied these matters knows very well that those who will not respond to treatment cannot be cured in detoxification centres or anywhere else. A necessary part of such a cure must be a readiness to respond to treatment. I am seeking to deal, through the "wet shelters", with those who are not prepared to respond to treatment and who otherwise come in and out of prisons. They are two different points. Of course, I will discuss the major treatment problem with my right hon. Friend the Secretary of State for Social Services.

Mr. Arthur Lewis: The Minister made a long statement but he gave us not the slightest bit of detail on the provision of £30,000. May we have the actual or estimated total cost of these new plans, and be told whether it will increase or decrease Government expenditure?

Mr. Whitelaw: I have said that, as far as expenditure on these various measures is concerned, at a time of economic stringency I am continuing a prison building programme which, I readily recognise, was in many cases started by the right hon. Gentleman my predecessor. As for the other expenditures I cannot give an exact estimate. What I want to make clear is that these expenditures will have to be kept within the cash limits that I have for the prison service as a whole.

Mrs. Knight: Will my right hon. Friend bear in mind that the alternative to long prison sentences is not necessarily short prison sentences, and that the possibility of taking other action, such as having the convicted criminal report three times a day to a centre, is worthy of being considered as a way of dealing with the problem?

Mr. Whitelaw: I will consider what my hon. Friend said. She will be aware that she is referring to various systems of parole and the work of the probation service, to which we are giving full support.

Mr. Speaker: I propose to call three more hon. Members from either side.

Mr. Charles R. Morris: Is the Home Secretary aware that many who will welcome his statement this afternoon find it somewhat quixotic that penal reform should be motivated by the need for economy? Does he accept that cutting sentencing for crimes not involving violence will not have a major impact on prisons such as Strangeways prison, in Manchester, which in the main caters for long-term offenders, many of whom have been involved in crimes of violence? In those circumstances, will he assure the House that money will continue to be found for improving conditions for both prisoners and staff at Strangeways?

Mr. Whitelaw: I must not particularise on one prison or another, but I made it clear in my statement that in spite of a need for financial stringency, thanks to my colleagues I have been able to preserve a prison building programme which, while it may be modest, is certainly more substantial than for a very long time. I have also entered into considerable maintenance commitments. I recognise what the hon. Gentleman says, and I am able to spend some money. Naturally there is not enough; there has not been enough for many years. However, I am making some improvements.

Mr. Speaker: I should explain that I shall be calling two Front Bench Members at the conclusion, because I am going to call one with a Scottish interest.

Mr. Stanbrook: Does my right hon. Friend agree that the best way of reducing the pressure on prison accommodation in the long run is to reduce the level of crime? Some improvement may be made by building more prison accommodation and providing detoxification centres, and so on, but does my right

[Mr. Stanbrook.]

hon. Friend not agree that it is not serving the interests of the prison service simply to increase the remission rate to 50 per cent.?

Mr. Whitelaw: That is why I have sought to preserve the balance in the statement and in the various measures that we are putting forward. I shall have further measures of penal reform to announce to the House in due course—measures that will meet some of the points that my hon. Friend is making.

Mr. Stuart Holland: Is the Home Secretary aware that talk of £30,000, for example, for the alcoholism services is wholly inadequate in relation to the problem, especially in an area such as I represent—Lambeth, Vauxhall—and that a campaign has been launched—Save Alcoholism Services—in the area because of a lack of funds? Projects such as Consortium, for detoxification units, have capital sums, but insufficient revenue to provide these services. Also, while claiming that it is important to keep people out of prison who need not be there, could the right hon. Gentleman reply to the point that the National Association for the Care and Rehabilitation of Offenders lacks funds and was recently, for the first time, charged VAT by this Government, a fact that threw it into further financial difficulties?

Mr. Whitelaw: My hon. Friend's first point would be more properly drected to my right hon. Friend the Secretary of State for Social Services. For my part, I was making a particular point about money that I can provide on the prison front. What the Department of Health and Social Security can do in the wider aspect of the treatment of alcoholics is another matter, and I shall certainly call my right hon. Friend's attention to what he has said.

In answer to the second point, the hon. Member will be aware that over the years the Home Office has worked very closely with NACRO and has provided financial help to it.

Miss Fookes: Can I persuade my right hon. Friend to grasp the nettle over shorter sentences? It will be done not by ineffective exhortations to the judiciary but by a review by the House of the maximum sentences that ought to be imposed, and legislation to back it.

Mr. Whitelaw: I note my hon. Friend's view. I acknowledge her considerable experience in this matter. I still believe that if judges, by their own decisions, opt for shorter sentences, that will be a great help. I repeat that I see evidence that that is what they are doing. I do not know, therefore, that I accept the second part of my hon. Friend's statement. As many of my hon. Friends have already said, there are great difficulties in pursuing that course.

Mr. Heffer: Is the right hon. Gentleman aware that those of us who represent constituencies containing very large prisons cannot be satisfied with his statement, and that there is a clear acceptance that much more has to be done? In relation to the building programme, does he agree that it is clear that although he is doing more, perhaps, than others have done before him, it is inadequate? The intolerable conditions in our prisons—for both inmates and officers—must be dealt with, and dealt with rapidly. Even if there is a reduction in the prison population, the accommodation problem must be dealt with. It cannot be allowed to go on as it has in the past.

Mr. Whitelaw: The hon. Gentleman's intervention prompts me to say that in my strictures on Governments and hon. Members I was perhaps somewhat too general, and that he and some other Members who have prisons in their constituencies have campaigned in this way for a very long time. I should like to take the opportunity of putting the record straight and recognising their efforts. I appreciate very much the need for improvements of the kind suggested by the hon. Gentleman. I am grateful to him for recognising that I have made some improvements. I have to tell him that it is extremely difficult to put right everything that is wrong in a short space of time.

Mr. Lawrence: I warmly applaud my right hon. Friend's medium- and long-term approach to this problem, and his undoubted commitment not only to the protection of the public but to the efficiency of the penal system, but is it not a fact that there is an immediate crisis in our prisons? Is it not also a fact that the only alternative to letting existing prisoners out earlier is to send fewer people to prison? Would my right hon. Friend please tell the House that he is redoubling

his efforts to bring to the attention of all the judiciary—that means recorders as well as High Court judges—exactly what position of crisis our prisons have reached?

Mr. Whitelaw: I accept that there is a problem. I must repeat, once again, that I believe that amongst the judiciary there is a wide recognition of this problem and that its members will seek to keep the right balance. I am sure that they will pay attention to many of the comments that have been made in the House this afternoon.

Mr. Millan: The May committee report dealt with the whole of the United Kingdom but this afternoon's statement deals only with England and Wales. What about Scotland and, for that matter, Northern Ireland? Why, for example, is there no Scottish Office Minister present in the House today? Are we going to have a separate statement later? If so, can we be assured that it will be made in this House, so that we can ask questions about it? The habit has been adopted by the present Government of no Scottish statement ever being made in this House. It really is not good enough on an important matter like this.

Mr. Whitelaw: I was, of course, making a statement about the prison situation in England and Wales, for which I am responsible. I shall call the attention of my right hon. Friends to what the right hon. Gentleman said.

Mr. Merlyn Rees: Can the Home Secretary help the House? Quite properly, he made a long statement. There have been many supplementaries, and there could have been more. We felt that there was to be a debate. The word "promise" was used. There is now to be a statement on the Expenditure Committee's report. There will have to be a discussion on the prison rules. Will the right hon. Gentleman impress upon the Leader of the House that what today has shown is that we want to debate the question of prisons?

Mr. Whitelaw: Naturally, I would welcome such a debate, but it must be a matter for my right hon. Friend the Leader of the House, who is here and will have heard the exchanges. I hope that the right hon. Gentleman and other hon. Members will agree that it was right for me, in all the circumstances—as I wanted to get on with very important reorganisation—to make this statement as soon as I was ready for it. If it is felt that there has been any discourtesy in not having had a debate before this, I must apologise to the House. I thought it was right to get on as fast as I could. I hope that there will be a debate as soon as possible, but that must be a matter for my right hon. Friend.

Following are the details of organisational changes:

THE MAY REPORT: RECOMMENDATIONS ON ORGANISATION

Chapter V of the May committee's report made a number of recommendations designed to improve the administration of the prison service in England and Wales. These recommendations covered the status and independence of the prison department within the Home Office; the structure of its senior posts; the arrangements for inspection; the organisation of regions and establishments; and the functions of boards of visitors. The following paragraphs set out the conclusions which I have reached.

Enhanced responsibilities of the Prison Department.

2. Under the Permanent Under-Secretary of State, the prison department will assume delegated authority for manpower and staffing matters affecting prison governors, prison officers and administrative and specialist staff serving in prison service establishments and regional offices, and certain professional, technical and other specialist staff serving at headquarters. These groups comprise virtually all those non-industrial staff who expect to spend a full career in the prison service. The prison department will also assume delegated responsibility for the day-to-day management of its finance. Work is in hand on the improvements in management accounting methods and financial information systems to which the May committee attached importance.

3. As the May committee recommended, there will continue to be a single principal establishment officer, responsible for manpower and personnel matters affecting the Home Office as a whole. A single principal finance officer will exercise similar responsibilities in relation to finance, and there will be a single accounting officer for all Home Office Votes.

Structure of Senior Posts.

4. The post of director general of the prison service will continue at deputy secretary level. The principle will remain that this and all senior appointments should always go to the best available candidate: it will continue to be held by the present holder of the post.

5. The deputy director general will occupy a position between deputy secretary and under-secretary. As head of the operational service he will be responsible to the director general for the operations of the prison service in the

field. The present controller (operational administration) will be appointed to the post.

6. Other senior posts will be the director of regimes and services, responsible for the planning and co-ordination of prison regimes, the prison building programme and the provision of services; the director of operational policy, responsible for policy and casework on the treatment of prisoners, the director of personnel and finance, responsible for personnel management, industrial relations and staff training, and also for manpower and financial control, including accounting and financial information systems; and the director of prison medical services, whose responsibilities will be unchanged.

7. The holders of these six posts will be members of the Prisons Board. The board will also include the four regional directors, in view of their operational responsibility for the prison service in the field; and two non-executive members, as recommended by the May committee, to bring to the board an independent viewpoint as well as their own particular knowledge and expertise. The appointments of the outside non-executive members will be announced as soon as possible.

Inspection

8. Appointments to the new post of Her Majesty's Chief Inspector of Prisons will be made directly by the Crown on the advice of the Home Secretary. The widest possible field of candidates will be considered.

9. The chief inspector will report to the Home Secretary and will be a member of the Home Office, but he will not be a member of the prison department or have any responsibility to that department. His terms of reference will be

"To inspect and report to the Secretary of State on prison service establishments in England and Wales, and in particular on:

(*a*) conditions in those establishments;

(*b*) the treatment of prisoners and other inmates and the facilities available to them;

(*c*) such other matters as the Secretary of State may direct".

10. The chief inspector will conduct regular inspections of individual establishments and he will investigate particular incidents or situations on the Home Secretary's directions. He will submit an annual report, which will be published, and other reports, which will be made publicly available where appropriate. In accordance with the May committee's recommendation, individual grievances will continue to be dealt with under existing procedures.

11. My right hon. Friend the Secretary of State for Northern Ireland has asked, and I have agreed, that the services of the Chief Inspector should be available to inspect prison establishments in Northern Ireland.

12. The chief inspector will be supported by a deputy chief inspector and by a small team, most of whom will be drawn from the prison service. Other professional or specialist support will be provided as necessary.

Regions and Establishments

13. The primary tasks of regional directors will be to secure the application of national policy and to contribute to its formulation; and to ensure the proper functioning of their establishments and of the prison system as a whole. They will assume full management responsibility for their establishments, with direct accountability to the deputy director general and with the full support of headquarters. The casework at present done at regional offices is for the most part closely associated with the supervision of establishments, and most of it will remain, but specialist functions will for the most part be concentrated at headquarters as the May committee recommended. I recognise the value of the work which many of the staff have done while they have been at regional offices and their contribution to the prison service, but I am satisfied that their contribution can be made as effectively from headquarters in the future.

14. Establishments for women and girls will for the first time be brought within the regional structure; regional boundaries will be redrawn to remove some of the present anomalies; and the internal organisation of regional offices will be reviewed and standardised.

Boards of Visitors

15. I accept the recommendation that boards of visitors should continue to exercise both an adjudicatory and an inspectorial function. In respect of the latter they will continue to be concerned both with inmates and with members of the staff, but I share the view which most boards have expressed that their links with staff should remain informal. I shall give boards every encouragement to extend where practicable their establishment's involvement in its local community.

Further Action

16. The changes to which I have referred will be carried out within the existing staff resources of the Home Office. Those at headquarters should be largely completed by the end of July; those at regional offices will take longer. Organisational change cannot by itself provide a solution to the more fundamental problems of overcrowding and prison regimes, but the decisions which I have announced today should produce the more cohesive and effective management structure which is an essential basis for the wider but inevitably more gradual changes which are now required.

UNEMPLOYMENT (WALES)

Mr. Wigley: I beg to ask leave to move the Adjournment of the House, under Standing Order No. 9, for the purpose of discussing a specific and important matter that should have urgent consideration, namely,

"the forecast of a doubling of unemployment in Wales."

This matter is specific, because a specific report was published yesterday, commissioned by the BBC and undertaken by the Institute of Economic Affairs at

PRIME MINISTER

Here is the Home Secretary's statement on the May Committee's Prison Services recommendations.

This is likely to be uncontroversial as far as the House is concerned. The greater cause for anxiety is whether the prison officers feel that the Home Secretary's response to the Report goes far enough fast enough to cope with the intense pressures now building up within the system.

MP

29 April, 1980.

HOME SECRETARY'S STATEMENT ON THE RECOMMENDATIONS OF THE MAY COMMITTEE - 30 APRIL 1980

TO BE CHECKED AGAINST DELIVERY

With permission, Mr. Speaker, I will make a statement about the present situation in the prison system in England and Wales and about the action I am taking on the main recommendations of the Report of the Committee of Inquiry into the United Kingdom Prison Services (the May Committee). We shall also within the next few weeks publish a detailed reply to the 15th Report from the Expenditure Committee for Session 1977-78, and we shall publish proposals for changes in the powers of the courts in relation to young offenders later in the summer.

As the May Committee made clear in their Report, this country has for many years paid too little attention to its prisons. The result is that our prisons are chronically overcrowded and the prison service operates under severe strain. In the period since the Report was published last October, the prison population in England and Wales has risen from 42,500 to a total of 44,000 on 18 April. The figure continues to fluctuate, but the present level is dangerously high. Exceptional measures by way of legislation or administrative action would be unpalatable and frustrating to those whose task it is to administer justice, but they cannot be ruled out if the situation demands them. Our primary task must, however, be to prevent such a situation from developing.

/The following ....

The following action is being taken. First, we must ensure that the prison estate is adequate for the job it has to do. We have every sympathy with the May Committee's recommendation that the building programme should be increased. The present programme, together with a considerable maintenance commitment, is substantial. Work already in progress will produce some 3,400 new or refurbished places by 1985, including a major new dispersal prison which should come into use next year. Firm plans are being made to start two new major projects in both 1981-82 and 1982-83, which will provide 1,500 further places by the later 1980s. I hope to continue the programme on that basis in 1983-4 and preliminary planning is now proceeding.

Secondly, we shall continue our efforts to develop alternatives to imprisonment. The Government believes that the outside community must play an increasing part, whether through statutory or voluntary agencies, in the treatment and containment of offenders, particularly those who have not committed violent offences. We shall give full support to non-custodial methods, and we recognise the major contribution which the Probation and After-Care Service must make to them.

The mentally disordered offender presents particularly difficult problems. My rt. hon. Friend, the Secretary of State for Social Services and I accept that it is undesirable to detain in prison persons whose mental disorder permits them to be detained in hospital under the Mental Health Act. We shall continue our efforts to have such persons transferred to

/hospitals .....

hospitals with the appropriate levels of security. My rt. hon. Friend will continue to give priority to the establishment of regional secure units. The programme which he has planned will make a valuable contribution to the provision for these offenders.

A new development is that we are making public funds available to enable voluntary organisations to make a start in providing simple overnight shelter for people who would otherwise be charged with offences of drunkenness.

Measures of this kind may not individually achieve a substantial reduction in the prison population, but taken together they can have a significant impact.

Thirdly, the Advisory Council on the Penal System, the Expenditure Committee and the May Committee have all emphasised the need for shorter sentences. I have already said that the Government would welcome shorter sentences for non-violent offenders, and it should be possible to bring about a significant reduction in the general level of sentences without sacrificing the protection which the public is entitled to expect. I believe that such a reduction can be achieved by the exercise of judicial discretion and recent judgments have suggested that there is an increasing awareness among judges that the less serious type of non-violent offence can properly be met by a shorter term of imprisonment than has been imposed previously.

/I turn now ....

I turn now to the May Committee's vitally important recommendations on prison reorganisation. Like the Committee, I fully support the principle of preserving direct Ministerial responsibility for the prison service and for the treatment of individual prisoners. Subject to that, I endorse the May Committee's objective of a structure which will give the prison services a greater corporate sense and enable those in charge to be more directly responsible for its own affairs. I am, therefore, instituting a major change in the Prison Department's position in the Home Office and in its internal organisation. The Prison Department will be given wide delegated authority within the Home Office for the management of its staff and for the control of its finance. Special attention will be paid to improving the system of financial information and control.

The present Director General will remain in his post. A new post of Deputy Director General will be created and the membership of the Prisons Board will be expanded to include the four Regional Directors and two outside non-executive members whose appointments I shall announce shortly.

I accept the May Committee's crucial recommendations for an Inspectorate separate from the Prison Department, and for the publication of its reports. A new Crown appointment of Her Majesty's Chief Inspector of Prisons will be announced as soon as possible. He will inspect and report to the Home

/Secretary on .....

Secretary on prison establishments in England and Wales, conducting regular inspections of individual establishments and investigating particular incidents or situations on the Home Secretary's directions. He will submit an Annual Report which will be published and other reports which will be made publicly available as appropriate.

I endorse the May Committee's objective of a reconstructed regional organisation which will enable Regional Directors to concentrate more closely on the supervision of individual establishments, reporting directly to the Deputy Director General. As the Committee recommended, most specialist functions will be concentrated at headquarters.

I will, with permission, circulate further details of these organisational changes in the Official Report. Copies of this information are now available in the Vote Office.

I endorse the May Committee's views on the need to achieve better industrial relations, to make the best possible use of staff and to improve staff accommodation and amenities. I am pursuing these matters with the staff associations concerned, with priority for improvements in the procedures for handling industrial relations, and for the design of a new attendance system and the associated conditions of service. I accept the Committee's recommendation for a comprehensive review of training.

/I believe that ....

I believe that the changes which I have announced will provide a framework in which members of the prison service, of all grades, will be better able to perform their difficult tasks. I shall do all I can to help them to maintain their high traditions and to develop new and constructive methods in the context of the concept of positive custody as put forward in the May Committee's Report. Work will be put in hand to translate it into the design of prison regimes and the development of prison industries, and I will lay the necessary amendments to the Prison Rules in due course.

All the measures which I have announced have a common objective - to ensure an effective prison system and an efficient and confident prison service.

V
MS

THE MAY REPORT

ADDITIONAL DETAILS OF ORGANISATIONAL CHANGES IN THE HOME OFFICE REFERRED TO IN THE STATEMENT BY THE HOME SECRETARY ON 30 APRIL 1980

Home Office
April 1980

THE MAY REPORT : RECOMMENDATIONS ON ORGANISATION

Chapter V of the May Committee's Report made a number of recommendations designed to improve the administration of the prison service in England and Wales. These recommendations covered the status and independence of the Prison Department within the Home Office; the structure of its senior posts; the arrangements for inspection; the organisation of regions and establishments; and the functions of Boards of Visitors. The following paragraphs set out the conclusions which I have reached.

Enhanced responsibilities of the Prison Department

2. Under the Permanent Under Secretary of State, the Prison Department will assume delegated authority for manpower and staffing matters affecting prison governors, prison officers and administrative and specialist staff serving in prison service establishments and regional offices, and certain professional, technical and other specialist staff serving at headquarters. These groups comprise virtually all those non-industrial staff who expect to spend a full career in the prison service. The Prison Department will also assume delegated responsibility for the day-to-day management of its finance. Work is in hand on the improvements in management accounting methods and financial information systems to which the May Commitee attached importance.

3. As the May Committee recommended, there will continue to be a single Principal Establishment Officer, responsible for manpower and personnel matters affecting the Home Office as a whole. A single Principal Finance Officer will exercise similar responsibilities in relation to finance, and there will be a single Accounting Officer for all Home Office Votes.

Structure of Senior Posts

4. The post of Director General of the Prison Service will continue at Deputy Secretary level. The principle will remain that this and all senior appointments should always go to the best available candidate: it will continue to be held by the present holder of the post.

5. The Deputy Director General will occupy a position between Deputy Secretary and Under Secretary. As head of the operational service he will be responsible to the Director General for the operations of the prison service in the field. The present Controller (Operational Administration) will be appointed to the post.

6. Other senior posts will be the Director of Regimes and Services, responsible for the planning and co-ordination of prison regimes, the prison building programme and the provision of services; the Director of Operational Policy, responsible for policy and casework on the treatment of prisoners, the Director of Personnel and Finance, responsible for personnel management, industrial relations and staff training, and also for manpower and financial control, including accounting and financial information systems; and the Director of Prison Medical Services, whose responsibilities will be unchanged.

7. The holders of these six posts will be members of the Prisons Board. The Board will also include the four Regional Directors, in view of their operational responsibility for the prison service in the field; and two non-executive members, as recommended by the May Committee, to bring to the Board an independent view point as well as their own particular knowledge and expertise. The appointments of the outside non-executive members will be announced as soon as possible.

Inspection

8. Appointments to the new post of Her Majesty's Chief Inspector of Prisons will be made directly by the Crown on the advice of the Home Secretary. The widest possible field of candidates will be considered.

9. The Chief Inspector will report to the Home Secretary and will be a member of the Home Office, but he will not be a member of the Prison Department or have any responsibility to that Department. His terms of reference will be

"To inspect and report to the Secretary of State on

prison service establishments in England and Wales, and in particular on:

(a) conditions in those establishments;

(b) the treatment of prisoners and other inmates and the facilities available to them;

(c) such other matters as the Secretary of State may direct."

10. The Chief Inspector will conduct regular inspections of individual establishments and he will investigate particular incidents or situations on the Home Secretary's directions. He will submit an Annual Report which will be published and other reports which will be made publicly available where appropriate. In accordance with the May Committee's recommendation, individual grievances will continue to be dealt with under existing procedures.

11. My rt. hon. Friend, the Secretary of State for Northern Ireland has asked, and I have agreed, that the services of the Chief Inspector should be available to inspect prison establishments in Northern Ireland.

12. The Chief Inspector will be supported by a Deputy Chief Inspector and by a small team most of whom will be drawn from the prison service. Other professional or specialist support will be provided as necessary.

Regional and Establishments

13. The primary tasks of Regional Directors will be to secure the application of national policy and to contribute to its formulation; and to ensure the proper functioning of their establishments and of the prison system as a whole. They will assume full management responsibility for their establishments, with direct accountability to the Deputy Director General and with the full support of headquarters. The casework at present done at regional offices is for the most part closely associated with the supervision of establishments and most of it will remain; but specialist functions will for the most part be concentrated at headquarters as the

May Committee recommended. I recognise the value of the work which many of the staff have done while they have been at regional offices and their contribution to the prison service, but I am satisfied that their contribution can be made as effectively from headquarters in the future.

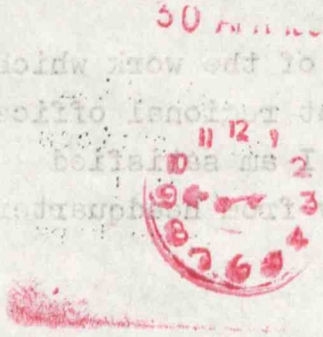
14. Establishments for women and girls will for the first time be brought within the regional structure; regional boundaries will be redrawn to remove some of the present anomalies; and the internal organisation of regional offices will be reviewed and standardised.

Boards of Visitors

15. I accept the recommendation that Boards of Visitors should continue to exercise both an adjudicatory and an inspectorial function. In respect of the latter they will continue to be concerned both with inmates and with members of the staff, but I share the view which most boards have expressed that their links with staff should remain informal. I shall give boards every encouragement to extend where practicable their establishment's involvement in its local community.

Further Action

16. The changes to which I have referred will be carried out within the existing staff resources of the Home Office. Those at headquarters should be largely completed by the end of July; those at regional offices will take longer. Organisational change cannot by itself provide a solution to the more fundamental problems of overcrowding and prison regimes, but the decisions which I have announced today should produce the more cohesive and effective management structure which is an essential basis for the wider but inevitably more gradual changes which are now required.



APPOINTMENTS IN CONFIDENCE

Home Office

18 April 1980

THE MAY REPORT:
APPOINTMENT OF HM CHIEF INSPECTOR OF PRISONS

The Prime Minister has seen your letter to Mike Pattison of 16 April. She is content that the Home Secretary should proceed as he suggests in that minute.

N. J. SANDERS

Miss C.J. Stewart,
Home Office.

From: THE PRIVATE SECRETARY

HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

APPOINTMENTS IN CONFIDENCE

16 April 1980

PRIME MINISTER

1. Content that there should be a chief Inspector of Prisons? If so,
2. Agree appointment of Mr Pearce?

Yes pse.

Dear Mike,

THE MAY REPORT: APPOINTMENT OF HM CHIEF INSPECTOR OF PRISONS

MAP 17/4

The Home Secretary has now considered, and officials have discussed with the Civil Service Department and the Civil Service Commission, the recommendation of the May Committee for the appointment of a Prisons Inspectorate within the Home Office but separate from the Prison Department and reporting direct to the Home Secretary. This recommendation is in paragraph 5.62 of the Report (Cmnd 7673). Flag A.

The Home Secretary proposes to accept this recommendation, and he would like the first Chief Inspector to be Mr W H Pearce who is at present Chief Probation Officer for the Inner London Probation and After-Care Service. Mr Pearce is aged about 60; he has had a distinguished career in the Probation and After-Care Service and has served on a number of advisory committees and on the Parole Board as well as spending some time in the United States. The Home Secretary knows him personally and has no doubt of his ability to make a success of the job; he also believes his appointment would be generally welcomed in Parliament. He has, of course, considered other names including a number suggested by the Public Appointments Unit, but he is satisfied that Mr Pearce is the best candidate of those who are likely to be available. The appointment would be made directly by the Crown, on the Home Secretary's advice.

Flag B. The Prime Minister will have seen the Home Secretary's letter to the Scottish Secretary of 18 March about the handling of the May Committee's Report generally. If the Prime Minister agrees, the Home Secretary will now see Mr Pearce so that if he is willing to accept the appointment an announcement can be made if possible at the same time as the Home Secretary announces his decisions on the other organisational recommendations in the Report - that is, in about a fortnight's time.

I am sending a copy of this letter to David Laughrin.

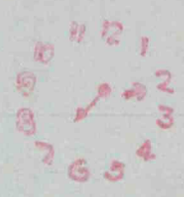
Yours,

Christine Stewart.

(MISS C J STEWART)

M A Pattison Esq

16 APR 1980



Extract from The Report of the Committee of Inquiry into the United Kingdom Prison Services

Pages 95 - 96.

Cmnd 7673

5.62 In so far as the in depth inspections hitherto carried out by the Chief Inspector and his Department of particular establishments are concerned, we think that in future these should be carried out by the regional directors. This should be a part of their operational management duties and their reports should be to the Director of Operations. They should make these inspections, either of a whole establishment, or a particular part of it, as frequently as they think necessary and they should be given the resources to do so. We do, however, recommend that there should be constituted within the Home Office an independent department to be called the "Prisons Inspectorate", headed either by someone independent of the civil service entirely or by a senior ex-governor as the Home Secretary may decide, with the post of HM Chief Inspector of Prisons, holding the same rank between that of Deputy and Assistant Under Secretary of State as will be held by the Deputy Chairman and Director of Operations. This department should not be a big one, but it should contain people with relevant prison service experience as well as such others as the Home Secretary thinks appropriate. HM Chief Inspector of Prisons and his staff should be available to make *ad hoc* inspections of any incidents which may occur at the request of the Home Secretary: they should be empowered to set out unannounced and make an inspection of a particular establishment or a particular part of an establishment as and when they think it necessary or desirable to do so: they should also make inspections of more general aspects of the work of the prison service—for instance, of accounting procedures, or into questions of quarters, or into particular aspects of security or control. We recommend that except where security considerations dictate otherwise the reports of HM Chief Inspector of Prisons should be published and laid before Parliament and that each year his Department should also make a general report on the whole prison service, in so far as they have seen it during the year, which should be included in that year's Report of the work of the Prison Department. We do not anticipate that the Prisons Inspectorate should deal with particular grievances, either of prison staff or of inmates, unless one or more of these suggest that an inspection of one or other of the types that we have described should be made. As we have already said, we think that casework relating to inmates should be done at headquarters in London. Individual grievances of prison staff should be dealt with promptly and sympathetically by governors in the first place, if possible, or alternatively by the Directorate of Personnel as swiftly as possible.

PRIME MINISTER

A round-up of the Home Secretary's intentions on penal policy. HAP 19/3

4. B

HOME SECRETARY

QUEEN ANNE'S GATE LONDON SW1H 9AT

18 March 1980

Home Affairs

Dear George

THE MAY REPORT AND DEVELOPMENTS IN PENAL POLICY

I am writing to let you know of various initiatives which I shall be taking on prison and penal policy matters during the next few months. They are all confined in themselves to England and Wales, but I expect you would like to be kept in touch and some of them - especially the inspection arrangements for prisons - may raise issues which you will also want to consider on your side of the Border.

To take first the May Committee's Report, this was as you know published on 31 October last year and our Departments have been in close touch since then on the work to follow it up. As well as accepting on behalf of the Government the Committee's recommendations on pay and allowances for prison officer and governor grades, I told the House that I welcomed the objectives which the Committee set for the far reaching changes which they proposed in Home Office organisation. Work on this part of the Report has been given special priority, and as I said in answer to Questions on 28 February I hope to announce my conclusions very soon after Easter - probably at the end of April.

The announcement will cover delegation to the Prison Department of responsibility for a wide range of functions relating to establishment and financial matters, and changes in the headquarters and regional structure of the Prison Department. These are essentially domestic matters for the Home Office on which the May Committee's recommendations did not extend beyond the Prison Service in England and Wales, but I also propose to accept the May Committee's recommendation for an Inspectorate "distanced" from the management of the Prison Department (although still within the Home Office). I would expect the Chief Inspector to submit to me each year a general report which I would publish, and reports of individual inspections which I would place in the House of Commons library and make available on request if they were not of sufficient interest for publication to be justified. He would also investigate particular incidents at my request and reports of those investigations would be published or made available in the same way.

/I have in mind that

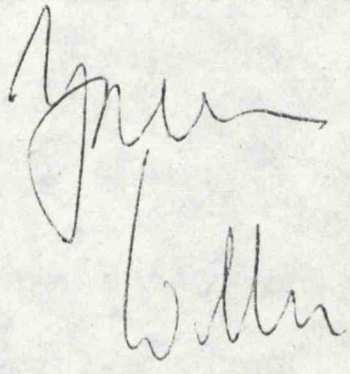
The Rt Hon George Younger TD MP

I have in mind that the new Chief Inspector would be appointed from outside the civil service, and that it would be an appointment made directly by the Crown. Statutory cover would be needed in due course for which I would introduce legislation at the next opportunity. I am not at this stage thinking of an appointment which would extend beyond England and Wales: you may want to consider a similar arrangement for Scotland, but my preliminary view is that we should find ourselves in some difficulty if we attempted to make it a joint appointment - which might in that case have to cover Northern Ireland as well - and if the Chief Inspector himself were required to serve two or three different Secretaries of State and two or three different Departments.

I also propose to announce my acceptance of the May Committee's recommendation for the appointment of two non-executive members of the Prisons Board.

The announcement after Easter will cover the organisational recommendations in the May Committee's Report, including the recommendations on inspection, but I also intend - either separately or at the same time - to make a more general statement about the prison service, including a reply to the 15th Report from the Expenditure Committee for Session 1977/78 (HC 662-I). Later in the Summer I should like if possible to have wide-ranging debates in both Houses which would cover that reply and the May Committee's Report as a whole. In parallel with these Parliamentary initiatives I intend to bring to colleagues on H Committee soon after Easter my proposals on the sentencing of young adult offenders and for the replacement of Section 3 of the Criminal Justice Act 1961, with a view to a White Paper before the end of July and to legislation in due course. Patrick Jenkin and I will also be consulting colleagues in the Summer on our proposals for juvenile offenders.

I am sending a copy of this letter to the Prime Minister, to the Secretary of State for Northern Ireland, who will be particularly interested in the arrangements for inspecting prisons, and to the Chancellor of the Duchy of Lancaster and the Chief Whips in both Houses who will be interested in the Parliamentary implications.



19 MAR 1980



Copy on: Home Affairs
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Home Affairs 2

PRIME MINISTER

PA
MJS

STATEMENTS ON PRISONS AND THE AGRICULTURE COUNCIL

There were two statements in the House today: the first by the Home Secretary on the May Report on the Prison Service and the second by Mr. Buchanan Smith, in Mr. Walker's absence, on the Agriculture and Fisheries Councils in Luxembourg. Copies of both statements are attached.

The House received Mr. Whitelaw's statement seriously, quietly and with a good deal of by-partisan support. Merlyn Rees said that he very much hoped the prison officers would accept the May recommendations on pay. He added that the prison service needed extra expenditure lest we be faced again with the break-down and anarchy which had led to the establishment of the May Committee. Mr. Kilroy-Silk called for a new openness of approach by the prison department. Mr. Whitelaw said that he would not accept criticism of the prison department, but did accept that Ministers had starved prisons of funds for a long time.

Peter Mills suggested that Dartmoor should be improved rather than closed. Mr. Whitelaw said that there was no question under present circumstances of closing Dartmoor. Mr. Whitelaw told Ivor Stanbrook that prison officers' pay would rise, as a result of the May recommendations, by 28 per cent from January 1979 to January 1980. There was support from all sides of the House for more to be done to provide facilities for mentally disturbed people outside the prison system. Mr. Whitelaw said that he was of course concerned about that matter, but that it was largely for Patrick Jenkin. Christopher Price raised the lead story in today's Daily Mirror, which alleged that drugs - "the liquid cosh" - were being misused in Brixton prison. Mr. Whitelaw said that he was confident that the Mirror story was a misrepresentation of the true position but that he would look into it.

The atmosphere throughout was sober and constructive, and compliments to Mr. Justice May and his Committee for their work were heard on all sides.

/Agriculture

Agriculture and Fisheries Councils

Most of the discussion was about fish, on which Mr. Buchanan Smith stoutly and repeatedly denied that any sort of shabby compromise was being cooked up; and sheep meat, on which he equally frequently said that the French were acting illegally and that this was a wholly unprecedented situation within the Community.

Much suspicion of the French was voiced from the Opposition Parties: Mr. Mason said that their intention was to get preferential treatment for their own farmers within a new sheep meat regime and to sabotage New Zealand imports at the same time. He stressed the interests of the British consumer, and was worried that prices of lamb in this country might rise if the French market really was opened up to us. Enoch Powell said that France's success throughout the history of the EEC had reflected their willingness to bring their membership of the Community into use as a bargaining counter. He suggested that we should now do the same. Several Government backbenchers raised the plight of sheep farmers and the need to act quickly on the hill livestock allowance.

Mr. Buchanan Smith said that any sheep meat regime would have to give special attention to the interests of consumers, producers and New Zealand. The real issue was the freedom of trade within the Community and the dispute was now between France and the Community as a whole. He resisted requests to him to specify what action might be taken in the European Court, saying that the Commission were discussing the question today.

On fish, Gavin Strang said that the Opposition and the fishing industry were deeply anxious that the newly-established study group might prove to be a smoke-screen for a trade-off in Dublin between the fisheries policy and our contribution to the budget. Mr. Buchanan Smith said that there was no question of such a trade-off. Our fisheries case stood on its own merits. The study gave us an opportunity to make a new start to the negotiations.

/The House was,

The House was, I think, grateful to have the opportunity to discuss the issues so soon after the Council and Mr. Buchanan Smith's performance was largely convincing.

pp NJS

31 October 1979

Home Affairs

PRISON SERVICE INQUIRY (REPORT)

The Secretary of State for the Home Department (Mr. William Whitelaw): With permission, Mr. Speaker, I will make a statement.

The report of the committee of inquiry into the United Kingdom prison services under the chairmanship of Mr. Justice May has been published today. First, my right hon. Friends the Secretaries of State for Scotland and Northern Ireland, and I, thank Mr. Justice May and his committee for their remarkable efforts in producing so comprehensive a report in the space of only 10 months.

The May committee was established because, as I know my predecessor the right hon. Member for Leeds, South (Mr. Rees) will confirm, all is not well with our prison systems. But, as the committee itself has emphasised, that does not mean that nothing is right. I endorse entirely the committee's view that we have been fortunate indeed in the men and women who staff our prison services. This does not simply mean the prison officers and governors—it includes all of the staff of individual establishments, regional offices and headquarters. A particular tribute is due to the staff of the Northern Ireland prison service who have had to work under conditions of which the House will be only too aware.

The report draws attention to some fundamental problems. The rise in the prison population and the consequent overcrowding in many prisons is perhaps the most obvious. The committee recommends that we should pursue alternatives to imprisonment wherever possible but concludes that there are no acceptable developments which will absolve us from the need to support for the foreseeable future a substantial prison population. Moreover, there are other major problems such as the decay of many of the buildings, the poor physical conditions and sanitary arrangements, the rise in the number of criminally sophisticated and violent offenders and the consequent increased problems of control.

We welcome the report's insistence on the constructive aspects of imprisonment and its concept of "positive custody" with its emphasis on work, education and openness of approach. For non-violent offenders we welcome the committee's advocacy of shorter sentences.

The committee saw one of the principal requirements for the future as being the improvement of morale and efficiency in the prison service. To this end, it has made a number of far-reaching recommendations, confined to England and Wales, on the management and organisation of the prison department. I welcome the objectives that the committee has set and its emphasis on the standing and sense of identity of the prison service and shall have them firmly in mind in considering this important group of recommendations.

The committee makes a number of recommendations on pay and allowances, some for implementation straight away, and some for further consideration in conjunction with the unions concerned. It recommends that the pay of prison officers should continue to be linked with Civil Service rates under the formula which has been in operation since 1958 in accordance with the recommendations of the Wynn-Parry committee. In recognition of the increased demands of the prison officers' job since the review by the Wynn-Parry committee, the May committee recommends new pay scales involving an increment of about 6 per cent. on the third stage of the pay increase agreed this year under the existing formula. The committee also recommends new pay scales for prison governors, again involving an increase in the third stage of the Civil Service pay settlement, and that all the new rates should date for pension purposes from 1 April 1979.

The committee also considered a number of claims by the Prison Officers' Association for the payment of what are known as "continuous duty credits", and it recommends the acceptance of three of these claims from varying dates. In addition, the committee made recommendations relating to the Northern Ireland prison service. The Government for their part accept and are prepared to implement all these recommendations on pay and allowances.

The committee stressed the need for greater efficiency in the use of manpower and for reductions in the high level of overtime. We share the committee's

[Mr. Whitelaw.]

view. We shall need to examine carefully in consultation with the staff associations ways in which we can achieve these important objectives and deal with the recommendations on such matters as industrial relations, the role and training of staff, recruitment and conditions of service. The committee has also recommended a significant extension of the prison building programme as well as improvements in working conditions and facilities for staff. We shall need to study these recommendations carefully, taking account of the nation's total resources and the many claims upon them and our commitment to support and improve the prison system.

The May report presents all of us who are involved in our prisons with an opportunity and a challenge—an opportunity to tackle the problems of our prison system and a challenge to build on what has already been achieved. As the committee has said, those who would turn their backs on our prisons turn their backs on society and its values.

Mr. Merlyn Rees: Is the Home Secretary aware that when I set up the inquiry I expected it to report earlier this year? However, an earlier report would not have been nearly as valuable as this report. It is extremely valuable—and will be valuable in the future to all those who are considering changes in the prison service. I echo the right hon. Gentleman's words of congratulation to Mr. Justice May and his colleagues and the secretariat.

Is the Minister aware that the terms of reference were carefully drawn up to raise for consideration important issues that were happening; that there was a breakdown and—I put it bluntly—anarchy in the prisons; that prisoners were being locked up 23 hours a day; and that in some prisons the regime was not being determined by the governors? The report says that all is not well. That covers a great deal.

I agree that we are fortunate in the men and women who staff this service as there are problems, given the large number of people who are in prison these days. I echo the Minister's words of praise for the Northern Ireland prison service, which has problems far greater than those on this side of the water.

This is not the occasion for raising all the issues. However, I should like to raise a number of them—first, the continuous duty credits, which was the reason for some of the problems at the end of last year. The report gives an objective view of CDCs which was specifically requested. It deals with their history. It sets them out with a clarity which many people—who, when they first looked at them, were not involved in them from day to day—will find valuable. I hope that all those involved with the prisons today will accept the report. I regard it as a good attempt to unravel something that has grown up over the years.

Is the right hon. Gentleman aware that my hope, too, is that prison officers will accept what he has said about pay in general, and that they will build on the recommendation on pay from 1 January? I am glad to see the recognition that is given to governors.

Has the right hon. Gentleman noticed certain recommendations, which I regard as some of the most important, under the heading of industrial relations? The first is that the action taken by prison officers has

"on occasions, run counter to the stated position of the Prison Officers' Association on the limits of acceptable action."

The second is that

"staff and management at all levels must share some degree of responsibility"

for that which has gone on, and that the staff must acknowledge that there are certain issues that can never be settled locally.

The recommendation that I wish to raise especially is that the

"Home Office and the Civil Service Department should give consideration to a return to the situation in which matters of pay and conditions of service are negotiated directly between the Home Office and the POA."

There is no doubt that if there are two Departments trying to negotiate on pay one will get it wrong. The responsible Department is the Home Office.

There is much to debate in future. I am glad that the report recognises that it is the Home Office that is in charge. I have noticed that there is praise for accommodation in Northern Ireland. The reason for accommodation in Northern Ireland being better is that special money was given to me, as Secretary of State for

Northern Ireland, to ensure that an improvement took place. I know that it is easy to make these statements when in opposition, but last year I obtained an extra £20 million to deal with minor works in prisons.

We had all better accept that much to which the report draws attention will not be put right without public expenditure. I hope that we all agree that something must be done. If not, we shall be faced with industrial action and riots in prisons that none of us wishes to see.

The report also refers to a matter that is of considerable interest to some of my hon. Friends, namely, mentally disordered patients. There are some mentally disordered offenders in gaol. The report states that the Department of Health and Social Security

"should take urgent steps to ensure that the NHS lives up to its proper responsibilities in respect of them."

A beginning has been made. All that I am asking for is an assurance that the DHSS will carry out what it told me it was going to do at the end of last year.

This is an excellent report.

Mr. Joseph Dean: On a point of order, Mr. Speaker. I had a couple of questions but I wish to pursue my point of order. We have before us an extremely lengthy report. It has been in our hands since 2.30 p.m. When the Secretary of State for the Home Department replies to my right hon. Friend the Member for Leeds, South (Mr. Rees), will he say whether we are to have an opportunity to debate the report?

Mr. Speaker: Order. That is what I call very naughty. The hon. Member for Leeds, West (Mr. Dean) knows that that was not a point of order. He should seek to put a question to the Secretary of State. I deal only with points of order.

Mr. Whitelaw: I must not be an accomplice in naughtiness, Mr. Speaker. I think that the hon. Member for Leeds, West (Mr. Dean) knows the answer that he would have received if I had been naughty enough to give it.

I am grateful to the right hon. Member for Leeds, South (Mr. Rees). The House and the country should be grateful to him for initiating the report and ensuring that we had such a comprehensive report on our prison service. I think that he was right to do so. I am pleased that the report has emerged as it has.

I am also grateful to the right hon. Gentleman for what he said about the need for everyone in the prison service to accept the views expressed in the report on continuous duty credits and on pay and allowances. I am grateful to him for a helpful comment that I hope will be followed up.

The right hon. Gentleman referred to industrial relations and the need for the Home Office especially to deal with pay in direct negotiations. That is a part of the discussions that we shall have to have with the staff associations, with the Prison Officers' Association and with the governors on the future conduct of industrial relations issues.

Paragraph 10.22 states:

"it is up to staff, while remaining rightly concerned with their conditions of employment and any legitimate grievances that arise, to recognise (as they have not always done in the past) that there are limitations on management's ability to make concessions in certain major areas, and that there is a need to make full use of negotiating channels before resorting to industrial action. This, we believe, is first and foremost in the interests of prison officers themselves."

I agree that the issue of mentally disordered offenders is extremely important. My right hon. Friend the Secretary of State for Social Services and I fully accept what he has said and we shall seek to implement his remarks.

Several Hon. Members *rose*——

Mr. Speaker: Order. I appeal to the House for short questions because there is another statement to follow. I want to try to be fair to the whole House. The main business of the day has aroused considerable interest in the House.

Mr. Stephen Ross: First, may I convey to the right hon. Gentleman my own and my colleagues' tribute to the May committee and to the prison service? The report came late in the day. I cannot accept the remarks of the right hon. Member for Leeds, South (Mr. Rees) on that score. I regret that there is no recommendation to change the present dispersal policy as outlined by the Mountbatten report in 1966. I ask the right hon. Gentleman carefully to consider the

[Mr. Ross.]
arguments for such a change, especially those emanating from Southampton university.

Is the right hon. Gentleman satisfied that the changes in his own Department in the administration of the prison department, as outlined in the report, will lead to changes and effective decisions to overcome the present blockage?

Before the right hon. Gentleman phases out the inconvenience of the locality allowance, which is a bone of contention in my constituency, I ask for talks with the Prison Officers' Association on the Isle of Wight and elsewhere.

Mr. Whitelaw: Any discussions on any future allowances and the way in which we deal with them will be conducted through the Prison Officers' Association. The Government will stand by, especially at a time of difficulty with resources, the building programme that is planned. That is important. It must be accepted, in view of neglect over many generations, that the plan is not adequate for the problems that are involved. However, we shall certainly stand by the planned programme.

Mr. Eldon Griffiths: As one who gave evidence to the May committee, may I congratulate my right hon. Friend on obtaining—it cannot have been easy—the necessary funds to meet most if not all of the recommendations on pay and allowances? I join the right hon. Member for Leeds, South (Mr. Rees) in hoping that that will avert the ugly American-style situation that could arise in our prisons.

I ask my right hon. Friend two questions. First, will he now offer to the prison officers similar no-strike arrangements to those that obtain with the police and receive their comments? Secondly, is he satisfied that there is a good enough career structure for those who go into the service and want to achieve rapid promotion?

Mr. Whitelaw: I am grateful to my hon. Friend for his remarks about the Government's acceptance of the recommendations on pay and allowances. The May committee has studied these matters carefully and I attach the highest importance to the fact that we have been able to accept its advice.

My hon. Friend asked about no-strike arrangements. I am prepared to discuss with the Prison Officers' Association and all those concerned any matter concerning industrial relations as set out in the report. I should like to consider carefully the career structure. I do not wish fully to commit myself to saying that it is presently satisfactory.

Mr. Kilroy-Silk: Does the right hon. Gentleman accept that the report is extremely welcome, not least for the endorsement that it gives to what many of us have been saying for many years, namely, that prisons are not social dustbins and that they are totally inappropriate places for the mentally ill, the mentally disordered, vagrants, drunks, petty offenders and fine and maintenance defaulters? It is a condemnation of successive Home Secretaries and the prison department that the inquiry had to spend so much time on these subjects. Will the right hon. Gentleman give an assurance that the recommendations will be implemented?

Secondly, does the right hon. Gentleman accept that the most important part of the report is its stress on obtaining public confidence in and interest in the prison department? This requires, on his part and on the part of the prison department, an openness of mind and approach that is crucial to any constructive and positive proposals. Will he give an assurance that that will be his policy from now on? May we have a very early debate on this extremely important subject?

Mr. Whitelaw: Now that I have been asked that question in a proper manner I can reply. It is a matter for my right hon. Friend the Leader of the House. I was Leader of the House once and ran the business then. If I tried to tell my right hon. Friend how to run the business of the House now, he would, quite rightly, tell me where to get off.

I hope that it will be possible to have a debate on this subject. I do not accept the criticisms of the prison department and the Home Office. though I believe that Ministers in successive Governments have been responsible for starving the prison service of money for a long time. In all previous programmes there have been cutbacks in the prison building programme. That is not the fault of the

prison department and the Home Office; it is the fault of successive Governments and of this House. The House must take that into account in future. The May report is extremely important in that light.

As for public confidence in the prison service, and in the Home Office, we will examine the proposals of the May committee and do everything we can to give the prison service a sense of identity. That is very important. I also agree that there should be a sense of openness in the workings of the prison department, but there are questions of security which must also be taken into account.

Mr. Peter Mills: I welcome most of the report and congratulate my right hon. Friend. The report gives guidance for the future and clears the air, which will be of great benefit to the prison service. I ask my right hon. Friend to take careful notice of the possible closure of Dartmoor prison which would have very serious social implications for Princetown. Dartmoor is not a palace or a rest home, but it can be improved. This is the way forward. Will the Home Secretary bear that in mind?

Mr. Whitelaw: The May committee passed some very sharp strictures on Dartmoor. However, I think that this House, and everyone concerned, must realise that in the present conditions of overcrowding in prisons, and the need to use all the available capacity, there is no question of closing down Dartmoor.

Mr. Harry Ewing: Does the Government's acceptance of the pay scales to be introduced in January 1980 mean that they are not negotiable? If that is so, will the Home Secretary accept that these pay scales were recommended when inflation was much lower than it is now, and certainly when it was much lower than it will be in January next year? Will the Prison Officers' Association have the right to negotiate these new pay scales on recruitment? Does the Home Secretary accept that in chapter 7 of the report there is some criticism of the lack of opportunity, for those who enter the prison service through the basic grade, to make progress to governor grade? Will the Home Secretary arrange, with the Leader of the House, an early debate and draw the motion wide enough so that those of us who are interested in initiating a debate about the need for a new approach in our penal system will have the opportunity to put these points? Does the right hon. Gentleman accept that the report deals with improving the management of the present system?

Mr. Whitelaw: If there were to be a debate, I would welcome, after consultation with my right hon. Friend the Leader of the House, the widest possible discussion because it is an important issue. The Government have accepted all the recommendations on pay of the May committee. That is important. We are prepared to negotiate on issues concerning the various other matters set out in the report and to take them into account, but I repeat that we have accepted all the recommendations on pay and allowances. The career structure, is something we should discuss in debate. I do not dissent from what the hon. Gentleman says, though I believe we should consider the matter further.

Mr. Speaker: I make it clear to the House that I shall be able to call those hon. Members who have been rising only if their colleagues are kind enough to be brief.

Mr. Stanbrook: Taking into account the Government's acceptance of the recommendations in the May report, can my right hon. Friend say by how much the pay levels of prison officers will increase on 1 January next year compared with last year?

Mr. Whitelaw: The answer is 28 per cent.

Mr. Joseph Dean: The Home Secretary has referred at length to the proposals in the report concerning those officers working within the prison service. Is he able to say what will be awarded to the industrial workers in the prison service? There is some unrest among them as they feel that they have been unfairly dealt with.

Mr. Whitelaw: Their pay and conditions are subject to various Civil Service agreements negotiated through the Civil Service Department. They will continue to be negotiated in that way.

Mr. Farr: The House will be grateful to Mr. Justice May and his committee

[Mr. Farr.]
for their painstaking work and we look forward to debating their proposals soon. Is my right hon. Friend aware that there is a great deal of strength in what was said by the right hon. Member for Leeds, South (Mr. Rees) about the need to segregate prisoners who are mentally disturbed or disordered? This issue is referred to in paragraph 3.35 of the report. Is my right hon. Friend further aware that the recent riot at Gartree—which cost the taxpayer £2 million—was largely instigated by a prisoner who should never have been in Gartree? He had a long record of severe mental disorder. If we are parsimonious concerning such matters we will be very foolish.

Mr. Whitelaw: I accept what my hon. Friend says, as I believe the whole House does. It is a question of having the resources to provide alternative accommodation for such prisoners. My right hon. Friend the Secretary of State for Social Services is in touch with the health authorities about this issue and I trust that we shall make progress.

Mr. McCusker: Is the Home Secretary aware that my colleagues and I also welcome the recognition given in this report to the calmness and determination of prison officers in Northern Ireland? They have worked under pressures and conditions unknown in any part of the United Kingdom. They have, according to the report, to deal with the bizarre, abhorrent and degrading protests taking place in the Maze. In the light of the recent killings of prison officers in Northern Ireland, are Her Majesty's Government satisfied with the security arrangements for those officers?

Mr. Whitelaw: I am grateful for what the hon. Gentleman says and I fully endorse—as a result of my own experience—some of his remarks. The question of security is a matter for my right hon. Friend the Secretary of State for Northern Ireland. I know that he is concerned about this problem and has it very much in mind.

Mr. Alexander W. Lyon: In the light of the conflicting demands on resources for building a new prison every year and for alternative systems of dealing with those in prison, does the Home Secretary recollect that the overcrowding is confined to the local prisons which house one-third of the present population? In those prisons the population could easily be reduced by finding alternative ways of dealing with some prisoners. I have in mind detoxification centres and secure mental hospitals which ought to be financed out of the DHSS vote. Will the right hon. Gentleman ensure that that is considered first before he embarks on the building of one new prison per year?

Mr. Whitelaw: We are continuing with the prison building programme, though that is a long-term project, as the hon. Gentleman will be the first to appreciate. I agree with what he says about alternatives to prison. I am extremely keen to see the development of a system of non-custodial sentences wherever appropriate. We will do everything we can to keep people out of prison and treat them elsewhere if it is at all possible. The hon. Gentleman must not tempt me into bartering my own vote against that of the DHSS.

Mr. Haynes: In view of the problems of the mentally ill in our prisons, will the Home Secretary explain what he proposes to do about those authorities which have not yet embarked upon a programme of medium secure units?

Mr. Whitelaw: That is the responsibility of my right hon. Friend the Secretary of State for Social Services. I am sure that the answer is to continue to press my right hon. Friend as hard as possible.

Mr. Prescott: Has the Home Secretary noted that the committee, in addition to its investigations into the justifiable industrial relations grievances of prison officers, was concerned equally about the nature of the prison regime? However, it did not have sufficient time to study that issue. Does the Home Secretary accept the report's conclusion, as in my report on the Hull Prison riots, that the prison regime should be more open and concerned with human containment rather than

"the rhetoric of 'treatment and training'",

which the Home Secretary publicly endorsed a few weeks ago? Will he now set up a further study into the "open prison regime" to establish what this means and to implement it in our prisons?

Mr. Whitelaw: The May committee used an important phrase when it referred to " positive custody ". In paragraph 4.46 it stated:

> "That is, it has to be secure and it must carry out all the intentions of the courts and society, in that respect. On the other hand, penal establishments must also so far as possible be helpful and purposive communities and not be allowed to degenerate into mere uncaring institutions dulled by their own unimaginative and unenterprising routines."

I fully accept that.

Mr. Ryman: When considering the recommendations of Mr. Justice May's report, will the Home Secretary consider the work of the parole board which has recently released many people who have been convicted of offences involving violence who reappear in court, and has refused to release persons who could be rehabilitated? Since the Home Secretary has ministerial responsibility for the parole board will he monitor its work and make recommendations?

Mr. Whitelaw: I have more than an administrative responsibility for the parole board. The person who releases people or does not release people is standing here and is answerable to the House for all his actions on that score. The parole board recommends. I decide, and I am responsible to the House. I am sure the House wishes that to be so. I have to take all the blame when things go wrong. I have to understand that when things go right nobody will thank me for it. I do not mind that.

Mr. Soley: Does the Home Secretary accept that there can be no reform in prisons until we reduce the pressure on the prison population? Will he give urgent attention to chapter 3, paragraphs 26 to 30, of the report, which suggest that we can learn much from Holland about the reduction in prison sentences and prison populations? Does he agree that if we do not follow that lead we shall face further riots which will lead to the deaths of prison officers and prisoners and a consequent deterioration in morale and conditions for both staff and prisoners?

Mr. Whitelaw: The hon. Member raises an important issue. I know of his interest. I value the work of the probation service as a means of keeping people out of prison, of promoting non-custodial sentences, and of providing help for people who are released from prison. That work should be appreciated.

Mr. Christopher Price: Has the right hon. Gentleman seen today's story in the *Daily Mirror* which indicates that a greater quantity of phsychotropic drugs—commonly known among prisoners as " the liquid cosh "—is flowing into Brixton, which is intended for remand prisoners, than would be expected to be used at a hospital such as Broadmoor? In the Home Secretary's quest for greater openness in the prison service, will he institute an inquiry into that allegation to find out whether it is true? If it is true, will he try to organise the transfer to hospital, where they should be, of prisoners who need such drugs?

Mr. Whitelaw: I am sure that the story is a misrepresentation of the truth, but I shall look into it further. I shall state simply the principle governing the use of drugs in prison. Drugs are prescribed to prisoners only when, in the clinical judgment of prison medical officers or other doctors, such treatment is justified for the restoration of health or the relief of symptoms. Except in emergencies, they are not administered without a prisoner's consent. That is the principle which must be upheld.

Mr. Heffer: The Home Secretary has said that the Government accept the report. It has been welcomed by the Opposition Front Bench. Will the problems which have led to difficulties at Walton prison be solved as a result of the report? Will there be a speedy solution to those problems?

Mr. Whitelaw: I welcome the opportunity of replying to the hon. Member on that specific issue. The committee was asked to examine the situation at that prison to see whether an issue of general principle was involved. The committee found that such an issue was not involved and accordingly made no recommendations. I have learnt of this problem at first hand. If the national executive of the Prison Officers' Association makes representations to me on this matter, I shall be pleased for the Minister in charge to go through all the issues.

STATEMENT BY THE HOME SECRETARY: MAY COMMITTEE REPORT

TO BE CHECKED
AGAINST DELIVERY

With permission, Mr. Speaker, I will make a statement.

The report of the Committee of Inquiry into the United Kingdom Prison Services under the chairmanship of Mr. Justice May has been published today. First, my Rt. Hon. Friends the Secretaries of State for Scotland and Northern Ireland, and I, thank Mr. Justice May and his Committee for their remarkable efforts in producing so comprehensive a Report in the space of only ten months.

The May Committee was established because, as I know my predecessor, the Rt. Hon. Member for Leeds South will confirm, all is not well with our prison system. But, as the Committee themselves have emphasised, that does not mean that nothing is right. I endorse entirely the Committee's view that we have been fortunate indeed in the men and women who staff our prison services. This does not simply mean the prison officers and governors - it includes all of the staff of individual establishments, regional offices and headquarters. A particular tribute is due to the staff of the Northern Ireland Prison Service who have had to work under conditions of which the House will be only too aware.

/The Report..

The Report draws attention to some fundamental problems. The rise in the prison population and the consequent over-crowding in many prisons is perhaps the most obvious. The Committee recommends that we should pursue alternatives to imprisonment wherever possible but concludes that there are no acceptable developments which will absolve us from the need to support for the foreseeable future a substantial prison population. Moreover there are other substantial problems such as the decay of many of the buildings, the poor physical conditions and sanitary arrangements, the rise in the number of criminally sophisticated and violent offenders and the consequent increased problems of control.

We welcome the Report's insistence on the constructive aspects of imprisonment and its concept of "positive custody" with its emphasis on work, education and openness of approach. For non-violent offenders we welcome the Committee's advocacy of shorter sentences.

The Committee saw one of the principal requirements for the future as being the improvement of morale and efficiency in the prison services. To this end, it has made a number of far-reaching recommendations, confined to England and Wales,

/on the management...

on the management and organisation of the Prison Department. I welcome the objectives that the Committee has set and its emphasis on the standing and sense of identity of the prison service and shall have them firmly in mind in considering this important group of recommendations.

The Committee makes a number of recommendations on pay and allowances, some for implementation straight away, and some for further consideration in conjunction with the unions concerned. It recommends that the pay of prison officers should continue to be linked with Civil Service rates under the formula which has been in operation since 1958 in accordance with the recommendations of the Wynn-Parry Committee. In recognition of the increased demands of the prison officers' job since the review by the Wynn-Parry Committee, the May Committee recommends new pay scales involving an increment of about 6% on the third stage of the pay increase agreed this year under the existing formula. The Committee also recommends new pay scales for prison governors again involving an increase on the third stage of the Civil Service pay settlement and that all the new rates should date for pension purposes from 1 April 1979. The Committee also considered a number of claims by the Prison Officers' Association for the

/payment of what.....

payment of what are known as "continuous duty credits", and it recommends the acceptance of three of these claims from varying dates. In addition, the Committee made recommendations relating to the Northern Ireland Prison Service. The Government for its part accepts and is prepared to implement all these recommendations on pay and allowances.

The Committee stressed the need for greater efficiency in the use of manpower and for reductions in the present high level of overtime. We share the Committee's view. We shall need to examine carefully in consultation with the staff associations ways in which we can achieve these important objectives and deal with the recommendations on such matters as industrial relations, the role and training of staff, recruitment and conditions of service. The Committee has also recommended a significant extension of the prison building programme as well as improvements in working conditions and facilities for staff. We shall need to study these recommendations carefully, taking account of the nation's total resources and ~~of~~ the many claims upon them and our commitment to support and improve the prison system.

/The May Report.....

The May Report presents all of us who are involved in our prisons with an opportunity and a challenge - an opportunity to tackle the problems of our prison system and a challenge to build on what has already been achieved. As the Committee has said, those who would turn their backs on our prisons, turn their backs on society and its values.

CONFIDENTIAL

From: THE PRIVATE SECRETARY

MHP

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SWIH 9AT

30th October, 1979.

Dear Nick,

REPORT OF THE COMMITTEE OF INQUIRY INTO THE UNITED KINGDOM PRISON SERVICES

- in folder attached to file

I enclose, for information, an advance copy of this Command Paper which is to be published at 2.30 p.m. on Wednesday, 31st October.

I am sending copies of this letter, and the Command Paper, to the Private Secretaries to other Members of the Cabinet and to Martin Vile.

Yours sincerely

C Stewart

MISS C. J. STEWART

N. J. Sanders, Esq.

CONFIDENTIAL

SECRET

F BK

Home Affairs

2

10 DOWNING STREET

From the Private Secretary

30 October 1979

The Prime Minister has seen the Home Secretary's minute of 29 October, reporting contingency planning against possible disruption in the prisons.

She is content with the arrangements which have been set in hand.

I am sending copies of this letter to David Omand (Ministry of Defence), Ian Fair (Department of Employment), Godfrey Robson (Scottish Office), Roy Harrington (Northern Ireland Office) and Martin Vile (Cabinet Office).

M. A. PATTISON

John Chilcot, Esq.,
Home Office

KRB.

SECRET

SECRET

Copy No 1 Of 15

PRIME MINISTER 1

Content with these plans against the risk of disruption in the prison service? MAP 29/x

PRIME MINISTER

Yes OK.

CONTINGENCY PLANNING AGAINST POSSIBLE DISRUPTION IN THE PRISONS

In my minute to you of 4 October I mentioned the possibility that prison officers who are dissatisfied with the pay and allowances sections of the May Committee report will decide to take some form of industrial action. You will wish to be aware of the arrangements which the Ministers concerned have worked out in the Civil Contingencies Unit as a basis for handling problems which may arise following my statement when the report is published next Wednesday.

At one end of the scale, limited industrial action within prisons (for example, by denying privileges to prisoners) can be handled by the prison service itself without outside reinforcement; and, for a time at least, we can contain problems caused if prisons lock out remand prisoners, by finding temporary accommodation in police cells. Even when prison officers "go to the gate" (that is, they cease work but remain in the prison), we can probably keep going with the help of Governor grades and other members of the service (eg doctors and chaplains) who are not on strike.

At the other end of the scale, there could be serious riots caused by prisoners losing control or physically leaving the prison: in such circumstances, the police would certainly accept the duty of going in to restore order, and the army would similarly accept the duty of helping in any cases where the police could not restore order on their own.

There could, however, be difficult cases, in the absence of violence (or when it had been suppressed), where widespread walk-outs by prison officers led to problems as regards the actual handling of prisoners (eg feeding and watering). Neither the police nor the army would welcome that kind of involvement, and neither are well qualified for it. We plan to handle this problem, if it arises, by having the available resources deployed as necessary in three "ranks" - first the prison service staff who remain in the prisons, second the police and third the army. Actual contact with prisoners would so far as possible be confined to the front rank, and the third rank, if used, would be employed on tasks as far "back" from direct contact as possible (for example, on perimeter security or manning switchboards). But each rank would know that it had the next behind it. We believe that this approach should enable us to maintain the willing cooperation of the police and avoid damage to army morale.

/The same general approach

SECRET

The same general approach would be used in Northern Ireland. But given the special circumstances there, with 70% of prisoners being held for terrorist offences, and the close day to day working relationships between the army and the police, somewhat greater flexibility might be appropriate in the light of events.

Detailed plans on the agreed basis are being coordinated by the Home Office in the case of Great Britain and by the Northern Ireland Office in the case of Northern Ireland.

These plans should enable us to contain the worst effects of industrial action for a short time, provided militancy was restricted to a small number of establishments. More widespread action, particularly if it lasted longer than that, would present very serious problems and could only be tackled in the light of circumstances. But we hope that it is unlikely.

I am copying this minute to the Secretaries of State for Defence, Employment, Scotland and Northern Ireland, and to Sir Robert Armstrong.

WSLG

29 October 1979

2.

HOME AFFAIRS

10 DOWNING STREET

PRIME MINISTER

"Is prepared to" refers to the Government's intention. "Will" only becomes relevant when the other party, the prison officers, agree to accept the proposed awards.

MAP

Understood?

29 October 1979

1

Spoke Home Office to clear

MAP 29/x.

1. MR. SANDERS MJS

2. PRIME MINISTER

I attach Mr. Whitelaw's proposed statement - for next Wednesday - on the Report of the May Committee.

He intends to announce that the recommendations on pay and allowances are to be implemented immediately, and that the other recommendations are now being carefully studied. The pay and allowances recommendations have been cleared through E(EA).

The Home Secretary has already warned you that prison staff are likely to be disappointed with the pay and allowances recommendations. Early acceptance is an attempt to defuse their response.

On the other recommendations, the Home Secretary's statement clearly implies that public expenditure constraints will make additional resources very difficult to come by in the short term.

Agree the draft?

MAP

Agreed - but if we are going to implement the increases what is the point of saying "is prepared to implement" is there some significant difference between "will" and "is prepared to"? MT

26 October, 1979.

CONFIDENTIAL

Civil Service Department
Whitehall London SW1A 2AZ

Telephone :
01 - 273 ..... (Direct Dialling)
01 - 273 3000 (Switchboard)

Minister of State

Private Secretary to the
Home Secretary
Home Office
Queen Anne's Gate
LONDON SW1H 9AT

26 October 1979

Dear John

MAY REPORT ON THE UK PRISON SERVICES: HOME SECRETARY'S STATEMENT

Thank you for sending us a copy of your letter to Ian Ellison of 25 October enclosing the draft statement which the Home Secretary proposes to make to Parliament on 31 October.

We have no comments on the draft.

I am sending copies of this letter to the recipients of yours.

Yours sincerely

G E T GREEN
Private Secretary

CONFIDENTIAL

29 OCT 1979

From: THE PRIVATE SECRETARY

CONFIDENTIAL

HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

25 October 1979

Dear Ian,

MAY REPORT ON THE UK PRISON SERVICES:
HOME SECRETARY'S STATEMENT

The Report of the May Committee on the United Kingdom Prison Services is to be published on Wednesday, 31 October, and the Home Secretary proposes to make an oral statement to Parliament that afternoon.

The Committee's recommendations on pay and allowances were discussed by the Sub-Committee on Economic Affairs of the Ministerial Committee on Economic Strategy at its 17th Meeting on 16 October. The Committee agreed that those recommendations should be accepted and that the Home Secretary should announce the Government's acceptance in the form of a Parliamentary statement and that a copy of his proposed Parliamentary statement should be circulated in advance for clearance by the members of E(EA).

..... I enclose a copy of a draft of the statement, and I should be grateful for any comments from you and the other recipients of this letter not later than lunchtime on Monday next, 29 October.

I am sending copies of this letter and enclosure to the Private Secretary to the Prime Minister, to the Private Secretaries to the other members of E(EA), to the Private Secretaries to the Lord President, the Secretary of State for Northern Ireland, the Leader of the House of Commons, the Paymaster General and to the Chief Whip, and to the Chief Press Secretary (No.10) and Martin Vile (Cabinet Office).

Yours,

John Chilcot

J. A. CHILCOT

Ian Ellison, Esq.

CONFIDENTIAL

(Revised 25 October 1979)

DRAFT STATEMENT

With permission, Mr. Speaker, I will make a statement.

The report of the Committee of Inquiry into the United Kingdom Prison Services under the chairmanship of Mr. Justice May has been published today. First, my Rt. Hon. Friends the Secretaries of State for Scotland and Northern Ireland, and I, thank Mr. Justice May and his Committee for their remarkable efforts in producing so comprehensive a Report in the space of only ten months.

The May Committee was established because, as I know my predecessor, the Rt. Hon. Member for Leeds South will confirm, all is not well with our prison system. But, as the Committee themselves have emphasised, that does not mean that nothing is right. I endorse entirely the Committee's view that we have been fortunate indeed in the men and women who staff our prison services. This does not simply mean the prison officers and governors - it includes all of the staff of individual establishments, regional offices and headquarters. A particular tribute is due to the staff of the Northern Ireland Prison Service who have had to work under conditions of which the House will be only too aware.

The Report draws attention to some fundamental problems. The rise in the prison population and the consequent overcrowding in many prisons is perhaps the most obvious. The Committee recommends that we should pursue alternatives to imprisonment wherever possible but concludes that there are no acceptable developments which will absolve us from the need to support for the foreseeable future a substantial prison population. There are other problems such as the decay of many of the buildings, the poor physical conditions and sanitary arrangements, the rise in the number of criminally sophisticated and violent offenders and the consequent increased problems of control.

We welcome the Report's insistence on the constructive aspects of imprisonment and its concept of "positive custody" with its emphasis on work, education and openness of approach. For non-violent offenders we welcome the Committee's advocacy of shorter sentences.

The Committee saw one of the principal requirements for the future as being the improvement of morale and efficiency in the prison services. To this end, it has made a number of far-reaching recommendations, confined to England and Wales, on the management and organisation of the Prison Department. I welcome the objectives that the Committee has set and its emphasis on the standing and sense of identity of the prison service and shall have them firmly in mind in considering this important group of recommendations.

The Committee makes a number of recommendations on pay and allowances, some for implementation straightway, and some for further consideration in conjunction with the unions concerned. It recommends that the pay of prison officers should continue to be linked with civil service rates under the formula which has been in operation since 1958 in accordance with the recommendations of the Wynn-Parry Committee. In recognition of the increased demands of the prison officers' job since the review by the Wynn-Parry Committee, the May Committee recommends new pay scales involving an increment of about 6% on the third stage of the pay increase agreed this year under the existing formula. The Committee also recommends new pay scales for prison governors again involving an increase of the third stage of the civil service pay settlement and that all the new rates should date for pension purposes from 1 April 1979. The Committee also considered a number of claims by the Prison Officers' Association for the payment of what are known as "continuous duty credits", and it recommends the acceptance of three of these claims from varying dates. In addition, the Committee made recommendations relating to the Northern Ireland Prison Service. The Government for its part accepts and is prepared to implement all these recommendations on pay and allowances.

The Committee stressed the need for greater efficiency in the use of manpower and for reductions in the present high level of overtime. We share the Committee's view. We shall need to examine carefully in consultation with the staff associations ways in which we can achieve these important objectives and deal with the recommendations on such matters as industrial relations, the role and training of staff, recruitment and conditions of service. The Committee has also recommended a significant extension of the prison building programme as well as improvements in working conditions and facilities for staff. We shall need to study these recommendations carefully, taking account of the nation's total resources and of the many claims upon them and our commitment to support and improve the prison system.

The May Report presents all of us who are involved in our prisons with an opportunity and and a challenge - an opportunity to tackle the problems of our prison system and a challenge to build on what has already been achieved. As the Committee has said, those who would turn their backs on our prisons, turn their backs on society and its values.

25 OCT 1979

Home Affairs

DS

c. (DI)
DFm
DEnv
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WO
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DEgy
CS (HMT)

10 DOWNING STREET

From the Private Secretary

18 October 1979

Pay of Prison Staff

The Prime Minister is grateful for your Secretary of State's minute of 17 October in which he reported on E(EA)'s discussion on the pay recommendations of the May Committee. The Prime Minister agrees with the Committee's conclusion that the recommendations should be accepted.

I am sending copies of this letter to Private Secretaries to members of E(EA), John Chilcot (Home Office), Brian Norbury (Ministry of Defence), Roy Harrington (Northern Ireland Office), Jim Buckley (Lord President's Office) and Martin Vile (Cabinet Office).

T. P. LANKESTER

Ian Ellison, Esq.,
Department of Industry.

4

Prime Minister

cc the Lord Privy Seal
Mr Jones

Agree?

PRIME MINISTER

17/10

PAY OF PRISON STAFF

We discussed in E(EA) on 16 October the recommendations of the May Committee on pay and allowances for prison officers and governors.

We agreed with the Home Secretary and the Secretaries of State for Scotland and Northern Ireland that these recommendations should be accepted. In doing so, we were conscious of the fact that the recommendations fell a long way short of the Prison Officers' Association's original claim, and that as a result there is a real risk of serious industrial action following publication of the report which, as he has already informed you, the Home Secretary plans for 31 October.

6% from Jan 1980 over and above their April 1979 settlement.

We were unable to reach final decisions about the financing of the proposed increases and in particular how far this would require corresponding increases in cash limits. It is abundantly clear from the May Committee's report, that there is very considerable scope for improvement in efficiency, for example through removing the present inadequate control over overtime which the Committee have identified. It is also clear that the Prison Officers' Association in their present mood, will resist all such moves and that they will have to be handled very delicately.

/It is ...

It is arguable that it would be in keeping with our line in the case of groups referred to the Clegg Commission, that we should make an allowance for such improvements in our cash limits. On the other hand we also noted the Home Secretary's view that in practice it might be very difficult to negotiate improvements in time to affect cash limits for the current year; and we therefore left it that the precise limits would need to be settled separately between the Home Secretary, Treasury and Civil Service Department (and likewise in the case of Scotland and Wales). Meanwhile we agreed that the Home Secretary would include a very carefully-worded reference in his statement to the scope for savings which May has identified.

I am copying this minute to the members of E(EA), the Secretaries of State for the Home Department, Defence and Northern Ireland, the Lord President and Sir John Hunt.

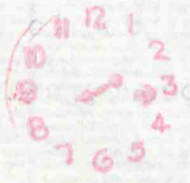
KJ.

K J

17 October 1979

Department of Industry
Ashdown House
123 Victoria Street

17 OCT 1979



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Treasury Chambers, Parliament Street, SW1P 3AG

Rt Hon William Whitelaw CH MC MP
Secretary of State
Home Office
50 Queen Anne's Gate
LONDON
SW1H 9AT

12 October 1979

Dear Home Secretary,

INQUIRY INTO THE UK PRISON SERVICES: REPORT

Thank you for sending me a copy of your minute of 4 October to the Prime Minister.

I understand that we will be discussing the Report's recommendations on pay and allowances at E(EA) next Tuesday. It seems to me that at the same time, we must discuss those passages of the Report which deal with the undesirably and unnecessarily high level of overtime and the need to abolish certain allowances. It not, we shall lose the opportunity and impetus to get much-needed changes on these points, and also find ourselves out of step with the line we have taken on the first Clegg Report, where we have insisted on offsetting against the cost of the increases sums to take account of inefficient practices that need to be eliminated. Indeed, I shall need to be convinced that, in view of these opportunities for savings, there is any need to increase current cash limits to accommodate the proposed pay increases.

I therefore hope your paper for E(EA) will deal fully with these issues.

I am copying this letter to the recipients of your minute, and to all other members of E(EA).

Yours sincerely,

JOHN BIFFEN
(Approved by the Chief Secretary and signed in his absence)

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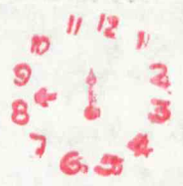
12 OCT 1979



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file. BK

Home Affairs

10 DOWNING STREET

From the Private Secretary

8 October 1979

The Prime Minister has seen the Home Secretary's minute of 4 October, about the Report of the Committee of Inquiry into the Prison Services.

The Prime Minister agrees that the recommendations on pay and allowances will require early consideration in E(EA), prior to the Home Secretary's proposed announcement at the end of October.

She notes that the Home Secretary intends to discuss the other proposals in the Report with appropriate colleagues in due course.

I am sending copies of this letter to the Private Secretaries to other recipients of the Home Secretary's minute.

M. A. PATTISON

TCR

J.A. Chilcot, Esq
Home Office

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PRIME MINISTER

4.10.79

This is an initial report from Mr. Whitelaw about the May Report into prison services.

He is not seeking decisions at this stage. But he gives notice that he will press for immediate acceptance of the pay and allowances recommendations, which are lower than the prison service had been anticipating. He will want to make an announcement by the end of this month on this, but will defer decisions on other proposals in the Committee's Report.

The pay and allowances point will obviously require discussion in Cabinet Committee.

The summary attached to the Home Secretary's minute may give the impression (Chapter 5) that a significant increase in the higher levels of the prison service bureaucracy is proposed. The Home Office say that this is misleading: the proposal is for greater independence for the prison service bureaucracy, and the new arrangement would require increased status for the top two figures.

Subject to advice which Sir John Hunt may offer on handling early next week, should we acknowledge the minute and say that you agree that the recommendations on pay and allowances will require early consideration in the appropriate Committees; and that the other proposals should be discussed with appropriate colleagues as suggested?

E(EA)

MPW

Yes ok

5 October 1979

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HOME SECRETARY

PRIME MINISTER

INQUIRY INTO THE UK PRISON SERVICES: REPORT

The Report of the Committee of Inquiry into the Prison Services under the chairmanship of Mr Justice May has now been delivered to me, to George Younger and to Humphrey Atkins. Arrangements are being made for its publication and my present intention is to make a Parliamentary Statement on 31 October. I attach a summary of the Report's findings and recommendations.

The Report makes penetrating and sometimes severe criticisms of the organisation of the prison services and the conditions of our prisons, and has some far-reaching recommendations in this field. On the other hand, they do not find much fault with the pay and conditions of service, and I do not think that their recommendations on these matters should present us with much difficulty. The Committee finds that the prison services' pay rates have not in fact fallen far behind, and the recommended scales amount to no more than about a 5% increase with effect from 1 January 1980 (over and above the increases which they, in common with other civil servants, got in April and August). Their recommendations have no embarrassing longer term implications; and they recommend keeping the pay process and structure within the civil service framework.

These pay proposals are justifiable on merits and will pose little difficulty for the Government. But they will come as a serious disappointment to members of the prison services, who have been confidently looking forward to larger increases backdated to April. Their disappointment at the May proposals, and at the Committee's rejection of most of the claims of the Prison Officers' Association for "continuous duty credits" (backdated allowances for meal breaks), which were expected to produce large lump sum payments, and for an increase in the emergency allowance for officers in Northern Ireland, may well lead to trouble in the prison services following the publication of the Report. This in my view makes it of the utmost importance that as soon as the Report is published we should announce the full acceptance by the Government, for its part, of the recommendations on pay and allowances.

I shall be arranging for the recommendations on pay and allowances to be considered by the appropriate Cabinet Committees in time for the Government response on these issues to be announced in my statement. I shall also be discussing with the Chancellor of the Exchequer and the Lord President the implications of these proposals and of the other recommendations for public expenditure and manpower. We have recognised in our discussions of the public expenditure programme for 1980-81 and of the manpower reductions exercise that these implications would have to be left over for separate consideration.

/Apart from the

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Apart from the recommendations on pay and allowances, the Committee makes significant proposals for increases in the prison building programme and other improvements, for example, in staff working conditions and for the reorganisation of the Prison Department in the Home Office. These are longer term matters. I do not propose to announce decisions on them on 31 October, and I shall be discussing them with appropriate colleagues in due course.

I have said that the proposals on pay and allowances may lead to trouble within the prison services. We have made contingency plans against that possibility so far as we can.

I am copying this minute to Quintin Hailsham, Geoffrey Howe, Keith Joseph, Francis Pym, Christopher Soames, Jim Prior, George Younger, Nicholas Edwards, Humphrey Atkins, Norman St John-Stevas, John Biffen, Michael Jopling and Sir John Hunt.

4 October 1979

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REPORT OF THE COMMITTEE OF INQUIRY INTO THE UNITED KINGDOM PRISON SERVICES

SUMMARY OF REPORT

What follows has been prepared in the Prison Department and is designed to communicate the main findings of a long report (11 chapters and 9 appendices) to the staff as quickly as possible. It is not meant in any way to be a substitute for reading the report itself.

CHAPTERS 1-2

These chapters, "Introduction" and "Background" describe the starting point for the Inquiry. The very first paragraph of the Report says that, although the Inquiry was set up as a result of some particular pay and allowances disputes, the real causes of a deteriorating industrial relations over a long period were more fundamental. They included dissatisfaction with the way the services were run, the state of the buildings, and the physical conditions for staff and inmates. The Report is careful to keep its findings in perspective: the fact that an Inquiry has been necessary in what has gone wrong should not be taken to mean that nothing is right. On the contrary, the UK is fortunate in the men and women it has secured to run its penal establishments and they deserve all necessary support from the public.

The rest of this early part of the Report sets out the history of the prison services and of earlier inquiries pointing out that the latter had often been called upon

to deal with organisation and pay and conditions of service issues very similar to the present ones. Current organisational structures and recent criminal justice changes are also described.

CHAPTER 3 - THE PRISON POPULATIONS

A review of the nature of the prison populations (including the specific problems of socially inadequate and mentally abnormal offenders) concludes that, although alternatives to imprisonment must be pursued wherever possible, no developments singly or together will absolve society from the need to support for the foreseeable future a substantial penal population.

CHAPTER 4 - OBJECTIVES AND REGIMES

Whilst the first objectives must be secure custody, that alone is not enough. Rule 1 is revised to restate objectives centred on what is described as "positive custody" in place of treatment and training and in preference to "humane containment" on its own. Regimes should continue to be based on useful work but with improved attainment and possibly a larger place for education. "Positive custody" is seen amongst other things as requiring an openness of approach and mind where the dominant attitude is one of active search for development and change.

CHAPTER 5 - ORGANISATION

Central administration ought to have shown itself more responsive to growing feelings of dissatisfaction with the organisation and management of the service as a whole, especially in the field of personnel management. Whilst

the prison department should remain under the Home Secretary, it should be reorganised to create a greater degree of unity and identity, and to give the prison department more standing within the Home Office. There should be a reconstituted prisons board whose Chairman (a civil servant, ex-governor or someone from outside the civil service) should be of second permanent secretary rank. He should be responsible both for personnel and finance. The Deputy Chairman, who should also be Director of Operations, should be an ex-governor, the professional head of the service, and hold a rank between AUSS and DUSS. At AUSS level there should be three members of the board, namely the Director of Personnel, the Director of Regimes and the Director of Finance and Administration. In addition there should be two entirely independent non-executive board members appointed by the Home Secretary. Both the DPMS and the Chief Inspector should no longer be board members. The Inspectorate should become independent from the Prison Department and concentrate on the larger issues, detailed inspections of establishments being undertaken by regional directors. Reports by the Chief Inspector should be published. Regions should become principally operational and all the regional specialists should be dispensed with or withdrawn to headquarters. Governors should be given as wide powers as possible to deal with personnel and industrial relations problems, and also become capable of having proper regard to the efficiency and economic use of public resources through more developed financial

control systems designed to enhance efficiency and managerial performance. Generally, there should be a commitment to a new management style which should include the production of a house journal for circulation amongst all staff. Whilst Boards of Visitors should continue to exercise both adjudicatory and inspectorial functions, they should in future be obliged to concern themselves not only for inmates but also for the welfare of prison staff and their families. Boards should also be encouraged to do more to involve their prison, staff and inmates, in the local community.

CHAPTER 6 - RESOURCES

This reviews both manpower and physical resources. Average overtime at 12 hours a week is good neither for the service nor for officers and their families. A dependence on excessive overtime is undesirable and it should be substantially reduced and, ideally, eliminated. Reduction should be handled sensitively and with due regard to the staff's average earnings. The persistence of high levels of overtime raises, too, the question of whether manpower is being used efficiently. It concludes that new and improved arrangements for staff inspection should be set up as soon as possible and that the aim should be a single attendance system conforming to certain specified criteria.

Looking at physical resources, the worst prisons are judged to be very bad indeed, although the worst are not necessarily always Victorian prisons. Dartmoor should be closed. More

use should be made of the existing open prisons. Otherwise, the penal estate has become so run down that rebuilding and refurbishing are inevitable. Plans should be drawn up for a new prison building programme aimed at both eliminating cell sharing and at providing integral sanitation and washing facilities progressively throughout all establishments. No programme can be credible which does not deal with the Victorian local prisons. Not only should new building be as economical of staff as possible but there should also be detailed plans for improving staff facilities.

CHAPTER 7 - ROLE OF OFFICER AND GOVERNOR GRADES, THEIR RECRUITMENT AND TRAINING

The desire of officers to extend their role should be encouraged. On the other hand, officers should take a more flexible approach than hitherto to manning levels and attendance systems, and should accept that there is a number of tasks within penal establishments which do not require the skills, experience and training of prison officers. The importance of the rank of chief officer should be fully recognised. Detailed recommendations about recruitment including that all efforts should be made tc recruit more coloured prison officers. The main recommendations on training are that generally, there should be more and better training at all levels, and there should be, as a matter of urgency, a searching review of all training facilities. The existing rank of Assistant Governor II should be replaced with a new rank of Assistant Governor

Trainee (AG(T)) for recruits doing the probation period and a new single rank, Assistant Governor, for those successfully completing that period. The existing rank of Assistant Governor I should be redesignated Governor IV.

CHAPTER 8 - PAY ALLOWANCES AND SUPERANNUATION

The peculiar features of prison work tend to isolate prison service grades and leave them not always fully aware of the true comparative value of their pay and other benefits eg housing and superannuation. Comparison between prison service earnings and earnings generally showed that junior service prison grades do well - and even better when free housing, free uniform and non-contributory pension were considered in addition - in comparison with average gross earnings but had to work more than average hours to do so. There was no evidence to show that they had lost any real ground recently. Though a large increase in basic pay is not justified, there should be increases over those originally agreed with effect from 1 January 1980 to reflect the more difficult control problems experienced by the service since 1958 and the need to recruit more officers. (Appendix 8 of the Report is attached.) Changes include two long service increments for basic grade officers and an incremental scale for chief officers. No recommendations are made for increasing responsibility allowances on the understanding that they were in any case under review. Uprating of pay should continue to be done on the basis of the Wynn-Parry recommendations. Whilst consolidation of allowances into

pay is not recommended as justified at this stage the parties concerned should address their minds to the possibility of consolidation. The pay of governors should continue to be fixed according to the Wynn-Parry principles. Differentials between governors and other grades should continue to be set by reference to basic pay rather than earnings and should remain flexible to meet changing circumstances.

Inconvenience of locality allowances should be phased out by negotiation. The present relationship between environmental allowances and the special hospitals lead should be retained; in future it is desirable that environmental allowances be upgraded simultaneously with changes in pay. There should be no changes in superannuation either for officers or governors. On the other hand, all the pay scales recommended to take effect from 1 January 1980 should, for pension purposes, be deemed to have applied with effect from 1 April 1979.

CHAPTER 9 - CONTINUOUS DUTY CREDITS

No recommendations are made on Claims 3 and 10, or in regard to Liverpool. Claim 8 should be granted with back-dating to 1 October 1971 and Claim 9 should be granted with effect from a current date. Claim 16 should be granted in certain specified circumstances with payments back-dated to 1 June 1975. All other claims should be rejected.

CHAPTER 10

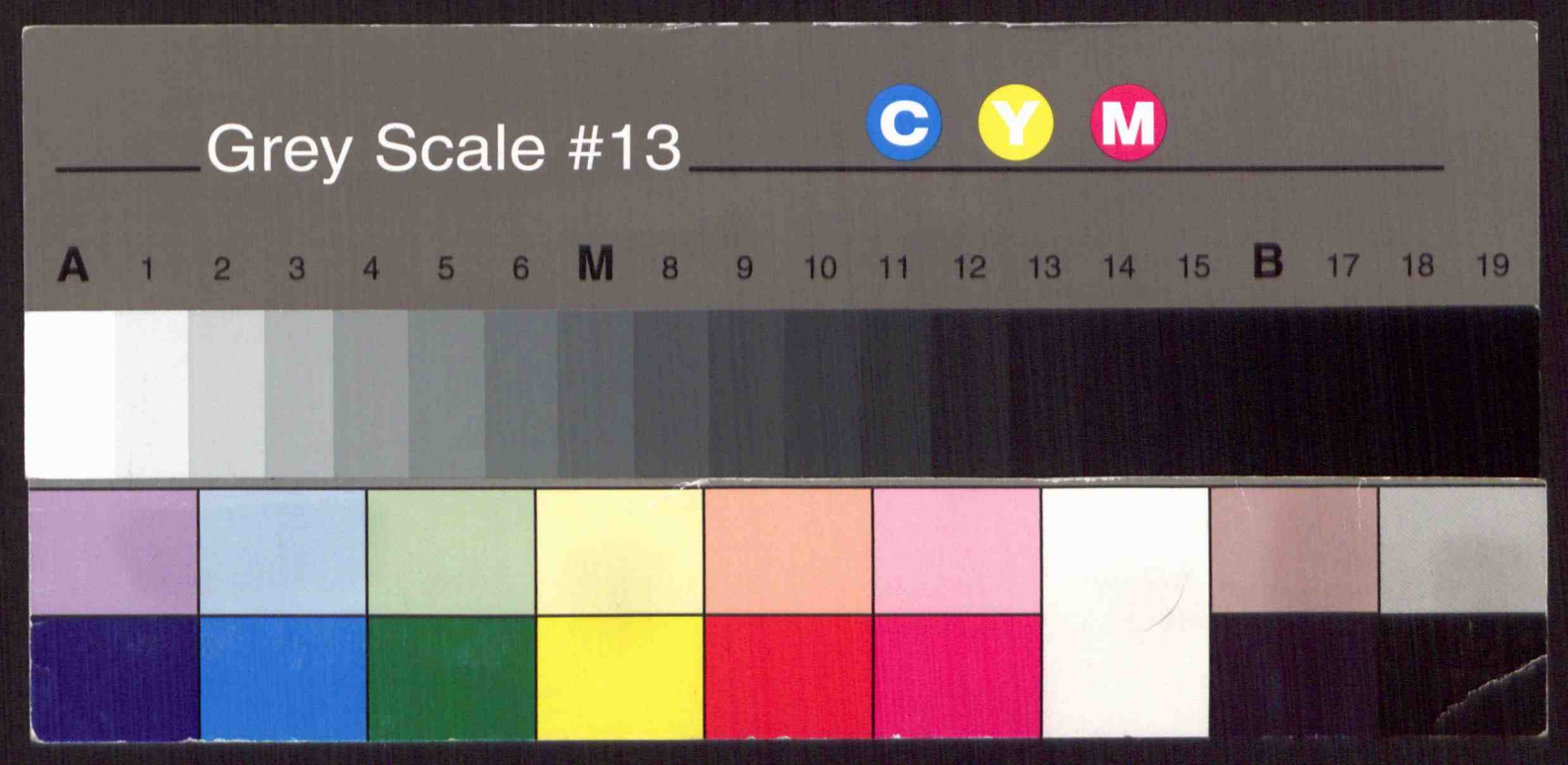
Staff and management at all levels have some degree of responsibility for the present situation. Improved relations will result only partially from organisational changes; more important is that staff and management recognise their joint responsibility for making industrial relations work. A key factor will be the resolve of governors to consult staff and resolve disputes locally, wherever possible. There should be a joint meeting in each establishment at which local management can consult staff, and at which the latter can negotiate corporately on matters of joint interest. A corollary of increased local resolution of disputes is acceptance by staff that issues must be decided on merit, not by reference to practice elsewhere. Staff must acknowledge that there are certain issues which can never be settled locally, and must be for national negotiation. The POA should consider the advantages which might accrue from increasing the size of their full-time staff. There should be a national procedural agreement for dealing with negotiable and consultative matters. All unresolved matters, whether national or local in origin, should be taken through procedure. The present freedom of staff to take industrial action should not be altered, although there may be occasions when, by mutual agreement, abstention for a limited period from particular forms of action might be written into specific agreements. The Code of Discipline should be amended to make clear that its provisions do not apply to industrial action taken in accordance with any

procedural agreement. The Prison Department Whitley Council should be open to grades working in the prison service other than those represented by the POA. Consideration should also be given to a general renegotiation of the Code of Discipline. An underlying consideration should be the particular vulnerability of prison officers to malicious allegations, and the need to avoid any suspicion of over sensitiveness on the part of staff to external investigation. The claim for averaged overtime payments when suspended from duty following inmate allegations subsequently shown to be unfounded, must also be a matter for negotiation between the parties. It is an area where the other staff associations might agree, in view of the vulnerability of prison officers previously noted, to regard the latter as a special case.

CHAPTER 11 - WORKING CONDITIONS, QUARTERS AND OTHER CONDITIONS OF SERVICE MATTERS

Urgent attention should be paid to improving working conditions and facilities for staff, including messing arrangements; applications for clubs in particular establishments should be looked on as favourably as possible. Current proposals to allow prison officer and governor grades greater freedom to live out of quarters are welcomed. A number of detailed recommendations are made about the management of quarters, including the ability of occupants to undertake do-it-yourself work. The rent allowance payable to single officers should be increased to two-thirds of the married rate but there should be no other

changes beyond giving further consideration to reviewing the system of calculating rent allowances. The condition of bachelor quarters should be improved. So too should the facilities provided for prison officers at the Crown Court. While mobility is inevitable, so far as possible there should be no unnecessary transfers of staff. There should be no objection in principle to promotions in situ. Where a transfer is made on an officer's promotion, attempts should always be made, if he wishes, to transfer him to another establishment in the same locality.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