

PREM 19/2721

PART 4

SECRET

CONFIDENTIAL FILING

POLICY TOWARDS THE PRISON SERVICE
PRISON MANPOWER

HOME AFFAIRS

SCRUTINY OF PRISON SERVICE

PART 1: MAY 1979

PART 4: NOV 1987

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
2.11.87		18.7.88					
10.12.87		5.8.88					
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● PART 4. ends:-

HONG OFF to PSUPC. 30.1.89

PART 5 begins:-

C. SINGAPORE TO DM. 22.89

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.

A Review of Prisoners' Complaints
A report by HM Chief Inspector of Prisons.
Published by the Home Office
ISBN 0 86252 331 1

Signed



Date

16/11/2016

PREM Records Team

gpa



ntpm

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

30 January 1989

Dear Alison

PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

at 11.30
Thank you for your letter of 17 January.

I understand that a meeting of H Committee to discuss the proposals in the Home Secretary's letter of 12 January has been arranged for Thursday 2 February.

In preparation for this, those attending the meeting may find it helpful to see a draft of the kind of statement which the Home Secretary would propose to make if his proposals for taking this ... issue forward are accepted. Copies are attached.

I am copying this letter and enclosure to Dominic Morris (No 10), to the Private Secretaries to members of H Committee and to the Attorney General, and the Lord Advocate and to Trevor Woolley in Sir Robin Butler's Office.

*Yours
Catherine*

MISS C J BANNISTER

Miss Alison Smith
Private Secretary to
the Lord President

With permission, Mr Speaker, I should like to make a statement about private sector involvement in the remand system.

In my statement to the House of 30 March last year, I announced that, among other measures which were in hand to deal with prison overcrowding, I intended to make a further study of the possibility of involving the private sector more closely in the operation of the remand system. To this end, I published, last July, the Green Paper "Private Sector Involvement in the Remand System". I also appointed the management consultants, Deloitte, Haskins and Sells, to study the practical implications of the options set out in the Green Paper, namely that contracts might be placed with the private sector for the provision and operation of new remand centres, and for the escorting of prisoners to and from court and their custody at court.

The consultants' report is today being made public, and copies have been placed in the library of the House. The study was carried out with the help of criminal justice system experts with a wide range of experience of police, prison and courts matters. The consultants advise that, on certain assumptions and subject to further examination of certain issues, private sector involvement would be feasible both for remand centres and for escorting and court duties. They make recommendations on practical procedures and safeguards to ensure that, in any part of the system which was contracted out, prisoners' rights and public safety were properly protected. Their recommendations also address the important question of accountability.

/Many of

Many of the comments received on the Green Paper concern the issues of principle. It would indeed be wrong for Government to abdicate its responsibility for the proper treatment of prisoners. It would be wrong for private interests to be able to determine who should go to prison and for how long. It would be wrong for coercive powers to be exercised by those over whom there was no proper control and for whom nobody was adequately accountable. I would not want to proceed unless I was satisfied a suitable framework of safeguards, controls and accountability could be created. The studies which have been carried out show how such a framework might be devised, and if this can be borne out in practice, I do not believe that these points of principle should stand in the way of attaining the practical benefits which private sector involvement may bring.

Some critics have overlooked one key point of principle, that prisoners should be accommodated in decent conditions which respect their dignity as well as ensuring the protection of the public. If the private sector can contribute to achieving this, that must be to the good.

I am sure that rt hon and hon members, and interested parties outside the House, will wish to study and comment on the report.

/Having weighed

Having weighed the discussion so far, I propose to move forward on both the escorting and remand centre options. The issues are, however, somewhat different in the two areas, and will need to be taken forward in different ways.

A good case has now been made out for involving the private sector in the escorting and court custody of prisoners. Even among those respondents to the Green Paper who had reservations about private sector involvement in the operation of remand centres, a number were ready to see the potential advantages of a change in the escorting and court custody arrangements. There is a good prospect that the private sector could provide a better service than at present and at lower cost. There is clear scope for rationalising the existing complex and overlapping escort systems of the police and prison services. The benefits of relieving the police and prison services of the escorting task, so that they can concentrate on their real jobs, are I think clear.

Further detailed study will now be undertaken to determine the precise composition of the contract areas; there will be detailed consultation with courts and other interested parties about precisely how their requirements should be specified and paid for: the consequences on police and prison service staffing and finance will also need to be considered.

/On the

On the possible private operation of remand centres, there are also positive indications. But these indications will now need to be tested in further detailed investigation of potential contractors and their costings before a final view is reached on the benefits of going ahead with the establishment of privately-operated remand centres. No potential contractor should enter this field believing it will be an easy option. Standards will be high and will be rigorously enforced. I want to ensure that potential contractors fully understand this and are capable of providing a cost-effective service in these conditions.

These proposals break new ground by placing staff who are not public servants in a position of authority over prisoners. Certain powers will need to be conferred on contractors and their staff. These would be the minimum necessary to enable them to carry out their duties properly. Clearly there would have to be proper supervision of the exercise of these powers, and my accountability for the treatment of prisoners and the safety of the public would need to be maintained. To achieve this I propose that, in line with the consultants' recommendations, each contract would be subject to permanent on-site monitoring by a Government official appointed by me. This official would also have under his direct control the exercise of disciplinary sanctions over prisoners and the hearing of

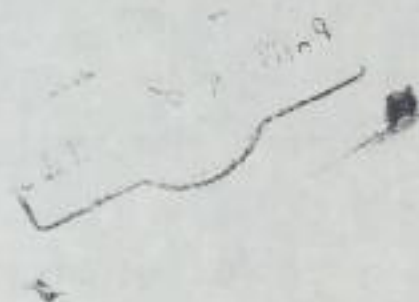
/complaints.

complaints. I also agree with the view expressed by a majority of respondents to the Green Paper that contracted out remand centres and escorting services should have Boards of Visitors and be subject to inspection by HM Inspectorate of Prisons.

When the Parliamentary programme allows, I intend to bring legislation forward to provide the necessary legal framework. This will give Parliament a further opportunity to debate the issues in detail before any contracting out went ahead.

Mr Speaker, the introduction of the private sector into the management of the prison system in the way I have outlined represents a bold departure from previous thinking and practice. It opens up the prospect of a new kind of partnership between the public and private sectors in this important, though often sadly neglected, aspect of our national life. We should not be scornful of new ideas. If successful, they will add usefully to the Government's longstanding and long term programme of providing decent conditions for all prisoners at reasonable cost.

HOME AFFAIRS PRISON
SERVICE PT 4



cc/ru



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Oddi wrth Ysgrifennydd Gwladol Cymru

From The Secretary of State for Wales

The Rt Hon Peter Walker MBE MP

27 January 1989

Handwritten initials

Dear Lord President

PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

hap

I have seen a copy of Douglas Hurd's letter to you of 12 January summarising the responses to the Green Paper consultation and seeking approval for carrying forward the initiative. I am happy with the course of action Douglas proposes.

In my letter of 18 July written prior to the issue of the Green Paper I mentioned the particular stresses of the present remand system in Wales. There has since been a protest by remand detainees held in Cardiff jail which has illustrated the concerns I expressed. I do hope that progress in the short term can be made on this front as well.

I am sending copies of this letter to the Prime Minister, other members of H Committee, Patrick Mayhew, Peter Fraser and to Sir Robin Butler.

*Yours sincerely
H Clements*

Approved by the Secretary of State and signed in his absence.

The Rt Hon John Wakeham MP
Lord President of the Council
Privy Council Office
Whitehall
LONDON
SW1A 2AT

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DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Richmond House, 79 Whitehall, London SW1A 2NS

Telephone 01-210 3000

From the Secretary of State for ~~Social Services~~ Health

CONFIDENTIAL

The Rt Hon Douglas Hurd CBE MP
 Secretary of State
 Home Office
 50 Queen Anne's Gate
 LONDON
 SW1H 9AT

26 January 1989

De Duder,

PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

file with DM?

You sent me a copy of your letter of 12 January to John Wakeham reporting on the responses to the Green Paper and the findings of the management consultants, and setting out your proposals about how matters should now be taken forward.

I certainly support your proposals generally. My direct interest is confined to the relatively small number of juveniles who are remanded in prison establishments. While your letter, or its enclosures, makes no specific reference to juveniles, I do not see any reason, in principle, that the arguments and the proposals you put forward should not apply also to that group.

As far as children remanded to the care of Local Authorities are concerned, which are another group altogether, responsibility for escorting them to and from court rests currently with the care Authority. I understand that, in the case of a particularly difficult juvenile, the Local Authority can call on the services of the police to assist with the escort. No doubt you would wish to bear such arrangements in mind in the arrangements which might be made in the future for escorting to and from the court.

I am sending copies of this letter to the Prime Minister, John Wakeham, other members of 'H' Committee, Patrick Mayhew, Peter Fraser and Sir Robin Butler.

KENNETH CLARKE

HOME AFFAIRS: Punjab Seminar
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HOUSE OF LORDS,
LONDON SW1A 0PW

25 January 1989

The Rt Hon Douglas Hurd CBE MP
Secretary of State for the Home Department
Home Office
Queen Anne's Gate
LONDON SW1H 9AT

1/2/89

Dear Douglas,

PRISONERS IN POLICE CELLS

I have read your encouraging report on the progress being made in limiting the numbers of prisoners being held in police cells. This is, of course, of great value to the smooth operation of the Criminal Justice system, as solicitors will be enabled more easily to trace defendants at an early stage in proceedings.

It is only recently that my Department received many formal representations from solicitors and members of the Bar who were having significant difficulties in this respect, but the number of such complaints is diminishing rapidly because of the initiative taken by your Department.

I wish you well in your efforts to maintain the improvement. I am copying this letter to the Prime Minister, H Committee Colleagues, George Younger and Sir Robin Butler.

Yours sincerely,
James

HOME AFFAIRS: Prisons

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*File MJ
cc PU*

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

24 January 1989

Dear Philip

PRIVATE SECTOR INVOLVEMENT IN THE
REMAND SYSTEM

The Prime Minister has seen a copy of your letter of 12 January to the Lord President. She endorses the approach which the Home Secretary proposes to take but has commented that, since the response to the consultation exercise has been more favourable to contracting out of escort duties, the Government should take a firmer and more positive line on going ahead with this in the announcement of the outcome of the consultations.

A copy of this letter goes to the Private Secretaries to the Lord President, members of H, the Attorney General, the Solicitor General and Trevor Woolley (Cabinet Office).

*Yours etc
Dominic*

DOMINIC MORRIS

Philip Mawer, Esq.
Home Office

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PM



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HOUSE OF LORDS,
LONDON SW1A 0PW

23 January 1989 ✓

The Rt Hon Douglas Hurd CBE MP
Secretary of State for Home Affairs
Home Office
50 Queen Anne's Gate
LONDON SW1H 9AT

Dear Secretary of State,

PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

Thank you for your letter of 12 January and the helpful summary of comments received and work done since the publication of the Green Paper.

As indicated the Lord Chief Justice is opposed to private sector involvement in escorting and court duties and would prefer the creation of a disciplined force within the Public Sector to assume these tasks. These views will no doubt be taken into account.

However, for the present I agree that we should proceed cautiously in the manner you propose.

I also agree that discussions should proceed between interested Departments as to the acceptance of responsibility for the supervision of escort and court duty contracts. I should make it clear at this stage that I have grave doubts as to whether I should be so concerned and I must reserve my position.

Copies of this reply go to the Prime Minister, other members of H Committee, Patrick Mayhew, Peter Fraser and Sir Robin Butler.

Yours sincerely,
Lord Mackay

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*(Approved by the Lord
Chancellor and signed
in his absence)*

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Prime Minister

PRIME MINISTER

Yes

Content for me to minute out supporting Mr Hurd's proposals but suggesting a more positive view on contracting out escort 19 January 1989 duties, on building hidden proposals?

PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

JM

attached

Douglas Hurd's letter of 12 January to John Wakeham describes reactions to the Green Paper on private sector involvement in the remand system. The Green Paper was summarised in my note of 8 July (copy attached).

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Although most commentators are opposed to private sector involvement in the remand system, Douglas Hurd proposes that the Government should continue to explore the scope:

- (a) for private sector construction and running of new remand centres;
- (b) for contracting out to the private sector the escorting of prisoners to and from court.

This conclusion is right.

Summary of reactions

There has been little reaction from the public to the Green Paper proposals. The opposition comes overwhelmingly from penal interest groups such as the Howard League, the Trade Unions and certain Boards of Prison Visitors. Objections are partly based on principle (the private sector should not be involved in confinement imposed by the State); and partly on fears of malpractice. The Prison Officers Association have not put forward their views. The Prison Governors Association oppose the introduction of the profit motive, but support a separate agency for looking after remand prisoners, run on a non-profit making basis.

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Among the minority who support private sector involvement in the running of remand centres are ACPO (with qualifications), and three prison governors.

The latter include the Governor of Winchester Prison and Youth Remand Centre which I visited recently. Winchester is well run with a firm, but imaginative, hand. Many of the ideas which were embodied in Fresh Start - the Home Office's main initiative to bring greater efficiency to the Prison Service - originated in Winchester. The fact that the Governor of Winchester believes that new remand centres run by the private sector could have a positive knock-on effect on conditions in existing prisons is important support for the Home Secretary's initiative.

There is less opposition to private sector escorting of prisoners to and from courts. The police are generally in favour, subject to satisfactory arrangements for screening private sector escorts (there have been scandals about Securicor employing ex-convicts). Most prison governors and officers favour contracting out escort duties which they find an unwelcome distraction.

The most significant source of opposition here is from the Lord Chief Justice. He favours escort duties being given to an agency separate from the police and the prison service. But he believes that it should be a public sector agency, on grounds of principle.

Douglas Hurd's proposals

Douglas Hurd proposes to announce the outcome of the consultations in mid-February, after discussion in H Committee. The aim is to publish the initial feasibility study by Deloitte, with an accompanying statement saying that the Government will be proceeding with further work on the scope for private sector involvement in both escort

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duties and the running of new remand centres. The statement will stop short of a definite commitment proceed at this stage.

Comment

Caution is wise. The main reason for bringing the private sector into the running of new remand prisons is to hold up a mirror to the prison service. The hope is that the private sector will be able to provide better conditions at less cost, because they will employ fewer prison staff more flexibly. But if the private sector cannot come up with a better and more cost-effective system, the point of bringing them in is lost.

Cost is the weakest area in Deloitte's report. Much more work is needed to discover whether the contractors are likely to be able to offer a cheaper and better service over time.

The savings which could be made by contracting out escort duties look much clearer. The Government could sound more positive about this.

Conclusion

Douglas Hurd is right to propose moving forward despite the negative comments on the Green Paper. British prisons are an expensive mess, and anything which helps to produce a cheaper and better system is worth trying. The key thing now is for the private sector to demonstrate convincingly that they can come up with the goods.

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Recommendation

Agree to the approach outlined by Douglas Hurd in his letter to John Wakeham.

A handwritten signature in cursive script, appearing to read 'Carolyn Sinclair', with a long, sweeping underline.

CAROLYN SINCLAIR

CONFIDENTIAL



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

17 January 1989

Dear Catherine,

PRIVATE SECTOR INVOLVEMENT IN THE REMAND
SYSTEM

As you know, the Lord President and the Home Secretary agreed earlier today that a meeting of H Committee should be arranged to consider the proposals in the Home Secretary's letter of 12 January. We will be in touch with you again shortly to make the necessary arrangements.

I am copying this letter to Dominic Morris (No 10), to the Private Secretaries to members of H Committee and to the Attorney General and the Lord Advocate, and to Trevor Woolley in Sir Robin Butler's office.

Yours,

Alison

ALISON SMITH
Private Secretary

Catherine Bannister
PS/Home Secretary

HONG KONG AFFAIRS: PINDONG PTU.



C.P.V.



QUEEN ANNE'S GATE LONDON SW1H 9AT

12 January 1989

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Dear John,

PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

In my letter to you of 4 July I sought the agreement of colleagues in H Committee to the publication of the Green Paper "Private Sector Involvement in the Remand System" (Cmd 434, July 1988). I am now writing to report on the responses to the Green Paper and findings of the management consultants, Deloitte, Haskins and Sells, whom we appointed to study the practical issues, and to set out my proposals about how matters should now be taken forward. This will become a substantial and controversial political issue.

The enclosed paper summarises the comments received and the work done since the publication of the Green Paper. The main points are:

comments on the Green Paper have come largely from penal interest groups, practitioners, prison Boards of Visitors, trade unions and potential contractors, with little interest shown by the public at large either in favour of or against private sector involvement in the remand system;

the penal interest groups (Howard League, NACRO, Prison Reform Trust) and trade unions have expressed opposition both in principle and on points of practice. Boards of Visitors' views have been mixed. Magistrates and Justices' Clerks have looked on the proposals favourably, but the Lord Chief Justice is opposed in principle to the use of the private sector for escort and court duties;

the opponents of private sector involvement have not, however, produced any new or unforeseen line of argument which would cause me to modify my initial view (which is reflected in the Green Paper) that there is no overriding objection of principle, provided that the practical safeguards are sound (the arguments of principle are analysed in greater detail in the paper - paragraphs 3-6 and Annex B);

there is less opposition to private sector involvement in prisoner escorting and court duties than to their involvement in running remand centres;

The Rt Hon John Wakeham, MP.

/over...

the consultants have found that private sector involvement in all aspects of the handling of remand prisoners is feasible from a practical point of view, and (working with criminal justice system experts) have proposed what appears to be a practical and workable scheme;

up to six consortia have been or look likely to be formed with an interest in competing for contracts in this area. In addition, the Prison Governors' Association have expressed an interest in submitting a bid on a non-profit basis;

the cost comparisons which the consultants have made on the basis of the information provided by potential contractors suggests that the private sector may be able to provide the services more cost-effectively than the existing providers. The costings provided by potential contractors at this stage are, however, heavily qualified and need to be treated with caution in attempting to assess the likelihood and scale of any cost savings which might result from contracting out;

broadly speaking (and with the qualification just mentioned) the figures suggest that the privately operated remand centres might be able to provide adequate conditions for prisoners at about the same cost per prisoner as the present inadequate conditions in the public sector;

for prisoner escorting and court duties, the scope for cost savings is more clearly defined than for remand centre operation. By combining the present overlapping police and prison service escorting operations, contractors would almost certainly be able to make significant network efficiencies, and they would use fewer well qualified and hence more lower paid staff;

the introduction of contractors for escorting and court duties will have implications for finance and manpower in the police and prison services (which provide these functions now) as well as for the courts, and resources will be needed for the management of the contracts. These implications will need to be considered alongside further work on the quantification of the improvements in cost-effectiveness to be expected as a result of contracting out. The consultants' recommendations about the ownership of assets in any contracted-out remand centres (paragraph 11 of the paper) will also need further consideration in the context of policy on the financing of public sector projects;

if we were to go ahead, primary legislation would be needed to provide a suitable legal framework, including the powers and protections to be conferred on contractors and their staff. These would be specifically tailored to the tasks which the contractors would perform, but would be unlikely in practice to fall far short of the constable's powers which are presently enjoyed by prison officers;

/cont...

further consideration needs to be given to the question of where the responsibility for letting and supervising the contracts should lie.

Having reflected on the foregoing points, I take the view that we should continue to go forward with this initiative. Neither the responses to the Green Paper nor the consultants' findings have revealed new factors which should cause us to draw back now. On the contrary, the practical feasibility has broadly been confirmed, and the objections of principle, though real, can I believe be satisfactorily answered in the way suggested in the paper. There remains a real prospect that we can secure a worthwhile improvement in conditions more cost-effectively than would otherwise be possible. Our supporters would be disappointed if we were to decide to go no further.

But given the important question marks over the costs; the need to consider in greater detail the financial and manpower implications for the prison, police and court services; and the need to be seen to be taking serious note of and answering the various points which have been raised in response to the Green Paper, we should go forward cautiously, step by step.

I expect to receive the final report of the consultants by 20 January. It will be drafted in a form in which it can be published, as I believe it should be. This will give a further opportunity for interested parties to offer comment, and provide a basis for further detailed discussion with those concerned (including potential contractors, the police and the court and prison services) on the practical, financial and manpower implications. I would propose to make an announcement to accompany the publication of the consultants' report, which would indicate a provisional intention to proceed with the development of proposals for private sector involvement in the remand system. This would, however, stop short of a firm commitment to implement a scheme of private sector involvement. That would depend on the outcome of the further work and consultation which would follow the announcement. Even at this stage, however, I believe we can be more positive about escorting and court duties than about remand centre operation: there have been fewer objections in principle; there is widespread support for the creation of a separate prisoner escorting service, even from those who oppose private sector involvement, and who would prefer a separate Crown service for this function; and the scope for cost savings is more tangible.

Legislation on staff powers would be required for both escorting and remand centre contracts, and I would like to include provisions for this purpose in the Criminal Justice Bill which I have proposed for the 1989/90 programme. The question of powers (paragraphs 22 and 23 of the paper) is likely to be difficult and controversial but not insoluble, and I do not believe that it should deter us. Although, as I have said, much further work and consultation will be needed before these proposals come to fruition, I believe there is now enough evidence that contracting out escorting or remand centre operation, or both, will be feasible and worthwhile to make it right to take the necessary powers at the earliest opportunity so that there need be no unavoidable delay in implementing contracted out operations.

/over...

One point which will require further discussion between the Home Office, the Lord Chancellor's Department and the Law Officers' Department is that of which Department or organisation should be responsible for supervising escorting and court duty contracts. There are arguments for and against this being done by any one of the prison service, police, courts or prosecution. But this point, though important, is not crucial to the decision whether or not to proceed on the lines I have suggested, and I propose that it should be left for further discussion between the Departments concerned. I should be grateful to know by 27 January whether you and colleagues in H Committee are content with these proposals.

I am sending copies of this letter to the Prime Minister, other members of H Committee, Patrick Mayhew, Peter Fraser and Sir Robin Butler.

Yours,
Douglas.

PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

1. The Green Paper (Cm 434) was published on 25 July. Comments were invited, in particular on the main issues of principle. The deadline for responses was 30 November. The management consultants Deloitte, Haskins and Sells were appointed in August to investigate the practical feasibility of the options. Their interim report was received at the beginning of December. The intention is that the responses and the consultants' findings should be used to gauge whether, and if so how, private sector involvement might be capable of improving the cost-effectiveness of the remand system in a way which would be secure enough to protect the public from danger and to safeguard against interference in the administration of justice; and which would ensure that prisoners were treated no less humanely than in the normal prison system and that their rights were properly safeguarded. It is necessary also to consider what further work would have to be done before contracting out could go ahead.

Responses to the Green Paper

2. Some 83 responses have been received. These have come from the main penal reform groups; most of the expected staff associations and groupings; several Boards of Visitors; individuals with knowledge of or interest in the system; and potential contractors. With three exceptions (one of which was the result of a survey by the Mothers Union of their members' views) they have not come from ordinary members of the public, who do not seem to have been stirred by the issues raised in the Green Paper. The Prison Officers Association said they would submit comments in December but nothing has been received. The response from individual prison governors has been restrained, with a variety of points of view coming forward. A list of those who have commented, with an indication of their stance, is at Annex A.

3. Just over half of the respondents (45) have said they are opposed in principle to contracting out, although several of these see less or no problem with private sector involvement in escorting and court duties. (The Lord Chief Justice has said that he is neutral on private sector involvement in the operation of remand centres but opposed to its involvement in escorting and court duties). A smaller number (23) have expressed support. Five of these are potential contractors. Others have raised specific points which they believe should be taken on board if contracting out goes ahead. The opportunity has also been taken by several to express concerns about aspects of the current system (eg Crown immunity, grievance procedures, the Prison Medical Service, and provision for mentally disordered offenders).

4. The responses reveal that opposition in principle to private sector involvement is deeply rooted and widespread among criminal justice interest groups. A number of respondents complained that they felt the Green Paper to have prejudged the issues of principle. But little by way of new arguments has been produced. This is in itself helpful in that it appears to confirm that there is no major issue of principle which was not recognised in the Green Paper. The responses have also been genuinely helpful in raising particular points which were developed in the consultancy study and which can usefully be fed into future work. Many

commentators have emphasised the demanding nature of remand population; the high risk of suicide and self injury and the importance of a positive regime in countering that risk; and the scope for beneficial educational programmes even for short periods on remand. Much of what has been raised in the responses could influence what is eventually put into contract specifications.

5. But the opposition in principle will need to be acknowledged. For the most part, the arguments against contracting out impress by the strength with which they are held more than the clarity with which they are developed. At Annex B is a summary of the main arguments of principle advanced, and of some of the counter arguments. Some of the arguments of principle shade off into practical points, and indeed points which are advanced as moral objections to contracting out are often answerable by reference to the safeguards which would be introduced in practice. The argument then boils down to whether or not those safeguards could be delivered.

6. As mentioned above (paragraph 3), there is less opposition to contracting out escorting and court duties than running remand centres: several commentators have said they see no objection in principle to allowing the private sector to escort prisoners. And there is considerable support for a separate courts service agency even amongst those who do not support contracting out. This view is shared by the Lord Chief Justice.

Interim report from Deloitte, Haskins and Sells

7. A team of management consultants from the firm Deloitte, Haskins and Sells, augmented by experts from the police and prison services and the courts, has investigated the practical implications of contracting out. Their study was carried out between August and November and involved fieldwork in London, Devon and Cornwall and the West Midlands and extensive interviews with potential private contractors, pressure groups, government departments and senior figures from within the criminal justice system. Their interim report examines the feasibility and likely cost-effectiveness of private sector involvement; recommends a contract strategy; and identifies procedures for the implementation of that strategy.

8. The consultants judge that contracting out would be feasible. They believe that there can be adequate safeguards to ensure that contracted-out services would be of an appropriate standard. The private sector appears to have sufficient interest, expertise and readiness to enter this market within a reasonable time period (paragraph 16 below gives an indication of the known level of interest). The consultants also believe that private sector involvement would be likely to be cost-effective, but the information available is insufficient to prove this. Their work confirms that great care would be needed to realise private sector involvement in practice, requiring a clear strategic approach, implemented through appropriate contract management responsibilities, well thought through specifications for each type of contract, and effective procedures for operating the new arrangements.

Cost-effectiveness

9. The consultants sought from the potential contractors estimates of the cost of provision for two model contracts: the design, construction and operation of a remand centre of given specification; and escort and court duties for a given area, with a view to comparing these costs with equivalent costs of public sector provision. The potential contractors were initially reluctant to provide cost information, because of fears that such information could be used as benchmarks for tender evaluation or made available to competitors via public documents. The information eventually provided was no more than a rough indication. More detailed and accurate cost information will be obtainable only when there is a firmer commitment to private sector involvement. The ultimate test would be reached only with an invitation to tender against a defined level of service.

10. Contractors have said they would improve the cost-effectiveness of remand centre operation by reduction of the staff-to-prisoner ratio. They say they would achieve this by the use of purpose-designed centres (incorporating, for instance, greater use of technology, integration of association and cell areas, wing and module sizes tailored to preferred shift patterns); through more flexible working practices; and through leaner management structures. They would improve the cost-effectiveness of escort and court duties by using staff with more limited skills than police and prison officers, using them flexibly and paying them less; and by efficiencies gained by rationalising the present overlapping police and prison service escorting networks. Even taking into account the additional costs of contract letting and management, the consultants judge that greater cost-effectiveness is possible, though until firmer cost projections can be obtained (particularly for remand centre operation) that judgement must be treated with caution.

A scheme for contracting out

11. The consultants' recommended contract strategy is to let two types of contract: for the design, construction and operation of remand centres for the care and custody of up to 500 prisoners; and for all escorting and court duties within a given area. New remand centres would be located as specified by the contracting authority. The land would be owned by the Crown, but the buildings and equipment would be owned by the contractor and leased to the authority on a 20-30 year contract. The contract for operating a centre would be 5-7 years.

12. They recommend that there should be between four and ten court service contracts, excluding London. The preference is for a single contract for London. These contracts would again be for 5-7 years. Both types of contract should cater for the full range of remand prisoners except those identified as potential Category A.

13. The consultants recommend that the contracting authority for both types of contract should be a new remand system agency; or the prison service with involvement as necessary from other interested parties. This issue is considered further in paragraphs 24-25 below.

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14. It is proposed that each contract should be monitored on site by a public official (the monitor) who would report to the contracting authority. The monitor's responsibilities would include the protection of inmates' rights, the investigation of grievances and adjudication on disciplinary matters. They also recommend independent oversight by Boards of Visitors, HM Inspectorate of Prisons and, as necessary, HM Inspectorate of Constabulary.

15. The consultants have looked at the procedures required to let and manage contracts. They have identified the tasks each type of contractor would need to undertake; the areas where defined standards of service must be specified; the mechanisms for enforcing standards and the bases for payment to contractors. They recommend that, as far as possible, the specifications should avoid over-prescription, which stifles innovation and is a disincentive to cost-effectiveness. Evaluation measures should be related to outputs rather than inputs to allow the contractor maximum freedom to manage; but for public confidence to be maintained, there will need to be some areas in which input measurements are applied.

Consortia who have expressed interest in this market

16. Up to six potential consortia have now emerged with an interest in the provision of remand services. These are as follows:

- (1) Detention Corporation - Sir Maurice Johnston and others, including a former prison governor. They claim financial backing of over £50 million.
- (2) Contract Prisons - A consortium chaired by Sir Edward Gardner, Rosehaugh Property Group, Racal-Chubb, and Prigor (US prison contractor). They are also advised by a former prison governor.
- (3) UK Detention Services - Sir Robert McAlpine and Sons and Mowlem and Company, with Corrections Corporation of America.
- (4) Tarmac Construction with Group 4 Securitas, Midland Bank and others.
- (5) Higgs and Hill builders with Unisys, Michael Twigg Brown (architects) and Ogden Allied (US based catering, aviation and domestic services) and others. They also claim a link with Securicor (but see below).
- (6) Securicor - indicate that they are in touch with the construction firms Wimpey and Miller, but have entered no formal commitment. They say they will offer their services to any successful bidder.

17. This represents an encouraging degree of interest by a number of major companies. With the exception of the Detention Corporation each grouping includes one or more of the largest

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construction firms in the country. Indeed the impetus for private sector involvement in the remand system has largely come from the construction industry, with the security industry (as exemplified by Securicor) taking something of a back seat.

18. In addition to the foregoing, officials of the Prison Governors' Association have proposed that the Association should enter its own bid to operate remand services outside the existing system. This is on the basis that they oppose private sector involvement, but (recognising the likely direction of government policy) see the need to offer alternative means of contracting out. They would operate on a non-profit basis. They claim that they could secure the necessary financial backing, but the officials' proposals have not yet been submitted to the membership at large for endorsement.

A legal framework for contracting out

19. There will be a need for primary legislation to define the status of privately operated remand services and the powers and duties of contractors and their staff. As a general principle, it is suggested that the legal framework for privately-operated remand services should correspond as closely as possible to that for the public system.

20. Subject to further consideration, the main features of the scheme would be:

- (i) privately-operated remand centres would be subject to the Prison Act and Prison Rules (or new Remand Centre Rules), to the extent that particular provisions were applied with or without modification.
- (ii) operations would be under the direct control of the private sector manager, into whose custody prisoners would be committed.
- (iii) contractors' staff would not be given the full range of powers and protections of a constable, but those who needed them would be given an explicit set of powers and protections which would be the minimum required to do their jobs effectively (see paragraphs 22-23 below).
- (iv) complaints by prisoners against staff would be dealt with in a way which was as similar as possible to the procedure in other establishments. The monitor (see paragraph 14 above) would hear the complaint in the same way that the governor would elsewhere. His decision would be binding on the prisoner and the contractor, subject to the right to appeal to the Secretary of State.

21. The legislative framework would need also to cover the unauthorised disclosure of information by the contractor or his staff. It will probably also be necessary to establish in the general law some basic disciplinary rules for contractor's staff particularly in relation to corruption.

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Powers and protections for contractors' staff

22. This would probably be the most difficult and controversial area. There will inevitably be resistance to the idea of conferring special powers on people who are not public officials. There will be no point in conferring more powers than the staff actually need to do the job. Prison officers in England and Wales (but not in Scotland) have the powers of a constable, but that does not mean that contractors' employees will need them. They would, however, have to be protected in law in the same way as police and prison officers against assault and obstruction, with the same level of penalty, if they were not to be seen by prisoners as easy targets on which to vent their frustrations.

23. As ordinary citizens the contractors' employees would already have the powers to carry out some of the functions of the remand system by virtue of section 3 of the Criminal Law 1967 which permits any person to use such force as is reasonable in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large. But it will need to be clear that they have powers to:

- carry out searches of persons and property. This would apply both to the prisoners themselves and to persons visiting them and probably also to the searching, in the Crown Court, of a defendant on whom a fine has been imposed.
- give instructions to prisoners for the good order and discipline of an establishment (or the process of a court) and enforce such instructions in the face of resistance.
- censor correspondence and sit in on visits.
- use restraints such as handcuffs.

It would be preferable for all the necessary powers to be defined comprehensively in a single statute rather than leaving some aspects of them to be inferred from other legislation or common law.

The designation of contracting authorities

24. For each contract there will need to be a single contracting authority, with a contract manager who holds the budget for expenditure incurred against the contract, who has a clear line of accountability, and a responsibility for ensuring that the services are delivered. The difficulty is that the agencies with the most obvious interest in remand services and the most significant influence on demand - ie the courts or the prosecution - are not the best placed in practice to manage such contracts. It has also been argued that it would not be appropriate for those with the closest interest in the disposal of remand prisoners to be responsible for managing the system, for fear of a conflict of interests (in the case of the prosecution) or of compromising neutrality (the courts).

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25. There are persuasive practical arguments for the responsibility for remand centre operation remaining with the prison service, and there is general agreement that this should be the case. The Home Secretary would continue to be accountable to Parliament. But the arguments are less clear in respect of court services, which would be new as a distinct function. The consultants considered three candidates to be the client for this function, the prison service; the courts; and the police. Another possibility might be the Crown Prosecution Service. The consultants propose the establishment of a new agency with a management board composed of representatives of the various interested parties as a way to overcome the problem. But this still leaves unresolved the question of the department and Minister to which such an agency would be attached. It is important for suitable contracting authorities to be identified if contracting out is to be successful, and, whilst the resolution of this issue is not critical to the decision whether or not to proceed to the next stage of the private sector initiative, consultations between the relevant departments will need to move ahead so that an early decision can be made.

Timetable for implementation

26. Assuming a decision to go ahead, and legislation in 1989/90, the timetable for future action and decisions could be along the following lines:

Early 1989

Announcement of outcome of responses to Green Paper and Deloitte's findings.

Spring 1989 -
Summer 1990

Drafting and passage of legislation.

Consultations with potential contractors to ascertain the potential for cost-effectiveness and the trade offs between savings and improved standards.

Negotiations with police, prisons, courts and prosecution to (i) develop the contract strategy (ie size and geography of contracts, standards of service to be specified etc); and (ii) work out financial and manpower implications (reallocation of budget and the basis on which future savings should be shared).

Summer-Autumn 1990

Invite and evaluate tenders (probably for pilot schemes initially).

End 1990 - Early 1991

Let first contracts.

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1991

contracted out operations begin for court escorts and custody; and (if so decided) for private operation of one or more establishments in current building programme.

1993

private remand centres developed as design, construct and operate packages come into operation.

AGAINST PRIVATE SECTOR INVOLVEMENT

Prison Reform Trust - opposed in principle - State responsibility; private company may influence disciplinary system; risk in establishing a powerful lobby with a vested interest in a high prison population. Not opposed in principle to escorts, but there are important practical objections.

Mr D Waplinton, Head of New Entrant Prison Officer Training, Prison Service College. Agency running remand centre should be non-profit making (eg. NACRO or Howard League).

Sir Leon Radzinowicz (letter to The Times) - US experience provides a poor example of contracting-out; co-existence of two systems will create problems within remand system. (Point of principle).

Mr A Booth, Grade VII, HMP Gloucester - current system would cope if remand time in custody did not count towards final sentence length; those found not guilty should be compensated for time spent on remand.

Board of Visitors - HMP Bedford - US experience not relevant; objection to profit motive; do not like idea of monitor; poaching of staff.

Mr Turnbull and Mr Quinn, Risley - "wrong in principle"; staff powers; need for prisoners' protection; legal liability.

Northumbria Probation Committee - if carried forward new centres should be run by a non-profit making body; stresses importance of welfare role.

Board of Visitors - HMP Hull - profit motive should not be allowed to dictate at the expense of human misfortune.

Mrs McCarey - opposed on principle; wrong for persons to be held by anybody other than the state.

Board of Visitors - HMRC Low Newton - profit motive leads to shortfall in standards and short cuts in operation.

Board of Visitors - HMP Erlestoke - great reservations but feels contracting out may be inevitable; would welcome any improvement in conditions for remand prisoners.

TUC - objection to the profit motive; would welcome alternatives as opposed to increasing the number of places.

Board of Visitors - HMP Swaleside - objection to profit motive.

Board of Visitors - HMP Holloway - State must retain responsibility and be accountable through Parliament.

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Board of Visitors - HMP and RC Winchester - opposes management of remand centres but gives support to private sector involvement in building.

NACRO - State should retain responsibility and not contract out; involvement of the private sector would build up a powerful commercial lobby with a vested interest in continuing expansion of an overlarge prison system.

West Yorkshire Probation Committee - production of more places likely to lead to increase in remand population; risk of duplicate system (could work against more extensive and appropriate use of community based schemes). Favour separation of remand function from arrangements for sentenced prisoners.

Board of Visitors - HMYOI Whatton - should be State responsibility.

Board of Visitors - HMP and YCC Grendon/HMP Spring Hill - opposes introduction of the profit motive; security, staffing, prisoners' rights.

NUCPS (LCD Group) - will not be workable; introduction of privatisation could create corrupt practices.

Institute of Psychiatry - opposed to the introduction of commerce into the matter of detaining citizens in custody; all custodians should be public servants.

Education Officer, Latchmere House - Green Paper has overlooked educational concerns.

Professor Anthony Bottoms - private sector could not provide staff or have good information procedures to be able to detect early signs of suicide risk - remand prisoners represent the highest risk group. Favours separate agency detached from Home Office or a new Prison Commission.

Home Office Trade Union Side - opposed in principle; State should retain responsibility; creation of a powerful commercial lobby with a vested interest in continuing expansion of an overlarge prison system.

Board of Visitors Co-ordinating Committee - opposed in principle - but believe contracting out is inevitable.

Dr David Wilson - HMP Grendon - opposed in principle; should be State responsibility; critical of American system; should be more effective use of alternatives.

National Association of Probation Officers - private involvement is wrong on moral grounds - State responsibility; creation of a powerful commercial lobby; racial discrimination against prisoners will not be addressed.

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Association of Chief Officers of Probation - concern over private and profit making organisations being given coercive powers; main thrust should be reduction in the prison population; creation of a commercially vested interest; can see advantages but the disadvantages will outweigh these.

Howard League - opposed in principle and practice - lack of accountability; legal position of prisoners; supports a more extensive use of alternatives; suggests a new Crown Service for escorting (perhaps within LCD). Private sector involvement in prison construction is not opposed in principle.

The Mothers' Union - State should retain responsibility; strong opposition to contracting out of escorting (high risk of escape).

Board of Visitors - HMP Nottingham - opposition based on the fact that private sector involvement unnecessary. Prison Department could operate its existing estate more efficiently if better management was provided; also opposed on moral grounds.

Prison Governors Association (provisional view) - opposes introduction of profit motive; would like to manage remand function on a non-profit making basis if proposals develop. Favours separate agency for remands detached from the HO Prison Department.

Board of Visitors - HMP Sudbury - envisages problems over contract termination.

Mr Lloyd, Member of Board of Visitors, Sudbury - opposed to introduction of a commercial interest in custody; will lead to lower standards in staffing and reduce the likelihood of public inspection; greater use of alternatives to custody.

Police Federation - opposed on principle; custody of citizens is clearly the responsibility of the State; accountability of the private sector for complaints made by prisoners.

Lord Chancellor's Department, Whitley Council, Trade Union Side - opposed on principle; concerns over dock security; USA provides poor example.

London Diocesan Board for Social Responsibility - concerns over issues of accountability and profit-making. See the options raised in the Green Paper as part of Government's overall move towards weakening its responsibility for the vulnerable in society.

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AGAINST PRIVATE REMAND CENTRES, BUT NOT AGAINST PRIVATE ESCORT AND COURT DUTIES

Board of Visitors - HMP Hindley.

Board of Visitors - HMP Reading - divisive to service; there can be no profit in crime.

Board of Visitors - HMP and YCC Exeter - emphasises need for strict vetting of staff.

Board of Visitors - HMP Cookham Wood.

Dr Keith Soothill, Member of Board of Visitors, Preston.

Bedfordshire Probation Committee.

Board of Visitors - HMYOI Hatfield

Board of Visitors - HMRC Latchmere House - concerned about security of remand prisoners and suggests that it would be better to test viability of private bail hostels for low risk prisoners. Supports continuing with current arrangements for immigration detainees.

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NO CLEAR VIEW ONE WAY OR THE OTHER

Mr E Knapman Assistant Chief Probation Officer, Northamptonshire - recommends experiments with video link between courts and prison to avoid need for escort.

Board of Visitors - HMP Haverigg Camp - suggest pilot scheme.

The Magistrates Association - unable to discuss in detail; their main concern is with the efficient production of prisoners in court.

Central Council of Magistrates Courts Committees - no objection to the principle on moral grounds. Must assure certain standards are observed pertaining to prisoner's rights etc.

Board of Visitors - HMP Birmingham - must be role for BOV.

Board of Visitors - HMP The Verne - must be role for BOV.

National Schizophrenia Fellowship - emphasise need to provide adequate psychiatric services.

Board of Visitors - HMYCC Aylesbury - not opposed in principle, however, more inclined to favour the introduction of contracting out for escorts than remand centres.

Board of Visitors - HMP Brixton - must have BOV and adequate staff training.

Board of Visitors - HMRC Risley - must have BOV role.

Berkshire Probation Service - should address other concerns ie bail information schemes.

Board of Visitors - HMYCC Feltham - role for the BOV; Governors and staff should be appointed by Home Office.

Education Officer - HMP Holloway - emphasises importance of education in new remand centres.

HM Inspectorate of Probation - concerns for probation officer role.

The Law Society - does not feel able to comment on private sector involvement because it is a "political decision". Concerned that any change should ensure efficient production of prisoners and good access to prisoners for solicitors and relatives. In favour of a system of separate, localised remand centres.

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IN FAVOUR OF PRIVATE SECTOR INVOLVEMENT

The Governor HMP Highpoint - alternative required if the Prison Service is to have the ability to operate effectively within existing or planned resources.

Mr A Samuels, Barrister - strongly in favour, Green Paper too cautious, critical of current prison officers attitudes.

Correctional Medical Systems USA - see an opportunity to offer their services.

Mr P E Ford, Grade VI, Feltham - Crown appointed Grade V to be posted to each private establishment as monitor.

Detention Corporation Limited - potential contractor.

Board of Visitors - HMYOI Dover - BOV involvement.

Justices Clerks Society - could provide improvement to existing inadequate system; problems of court security must be addressed.

International Hospitals Group Limited - offer their services.

Conservative Group of Councillors on Lewisham Council - wish to relieve police of escort duty and remove remand prisoners from police cells.

Board of Visitors - HMP Preston.

ACPO - acceptable as long as benefits accrue to the police; concerned that cost-effectiveness could be based more on commercial interests rather than operational efficiency and effectiveness.

Police Superintendent's Association - Police will have to obtain benefits; contracts must meet the needs of all involved in the criminal justice system.

Securicor Ltd - potential contractor.

Board of Visitors - HMP Lewes - welcome the opportunity for enforceable minimum standards.

Board of Visitors - HMP Leyhill - will enable the police and prison officers to carry out jobs which they have been trained to do.

Association of County Councils - benefits to the police and other agencies involved in the criminal system.

Tarmac Construction - potential contractor.

Standing Conference of Clerks to Magistrates Courts Committees - all remand defendants should be removed from prison establishments; unacceptable use of police cells; unnecessary use of fully trained police and prison officers; problems of court security must be addressed.

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Mr John Greenway MP: Selsdon Group paper - "Private Sector Involvement in the Remand System".

The Governor - HMP and RC Winchester - present system is deplorable; could produce knock-on effect by raising standards in existing establishments - introduction of minimum standards.

UK Detention Services - potential contractor.

Contract Prisons PLC - potential contractor.

Metropolitan Police - in favour at a strategic level; concerned that police service should benefit from savings; contracts should specify high quality staff and adequate training.

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THE ARGUMENTS OF PRINCIPLE

Annex B

ARGUMENTS

I It is wrong to make a profit out of prisoners

1. This argument says that people whose liberty has been taken away from them should not be made the unwilling customers of concerns whose motivation is private profit.

2. A variation of the first argument is that whilst it is acceptable for public servants to be paid a reasonable wage for their efforts, it would be wrong for a private company which exists solely to make a profit and expand its market to benefit from the custody of prisoners.

3. To make a profit, a contractor will always seek to reduce costs, and hence the level of service.

4. A lobby would be created with a vested commercial interest in more and longer periods of imprisonment.

COUNTER-ARGUMENTS

1. The logical conclusion of this argument would be that all commercial involvement with the prison system should cease (including builders, food suppliers). Or even that prison staff should not be paid for their services.

2. There is nothing wrong with the profit motive in itself as a spur to greater efficiency in providing the service which the customer wants. In any case the morality of contracting out should be judged in the light of the results achieved rather than the motives of contractors.

3. There is just as much profit in operating at the quality end of a market as at the cheap end. It will be for the Government, as customer, to decide what standard of service to specify, in the light of the price they are prepared to pay. Both the Government and the contractor will want a better standard of service than that currently achieved. The question is whether the private sector can provide that standard cost-effectively.

4. At the level of individual contracts, the terms can be framed so that there is no incentive to keep an establishment full or hold prisoners for longer periods of time. More generally, the service providers would be only one of a large number of influences on penal policy and sentencing decisions.

II Proper Accountability
would be lost

5. The state has a responsibility for the administration of justice and the enforcement of punishment which it cannot properly delegate to others.

6. Existing forms of accountability would be weakened because the Secretary of State would no longer have direct authority over the system.

7. People who are not public servants should not be in a position to exercise coercive powers (the creation of a "private bullying system") nor to influence disciplinary decisions related to the time spent in custody.

5. The contracting out of services (as opposed to privatisation as such) does not diminish the contracting authority's responsibility for the quality of service provided: it is simply using a different method to deliver the service.

6. Accountability would be strengthened because there would be, for the first time, defined and legally enforceable standards which had to be met, and the Secretary of State and his staff supervising the contracts would be independent of the service providers.

7. The exercise of coercive powers needs to be carefully controlled (within the public sector as well). In the context of any private remand centre or escorting operation this would be done by: minimizing the area of discretion conferred on contractors and their staff; placing the responsibility for significant disciplinary decisions in the hands of the monitor; ensuring that there was effective supervision by Boards of Visitors and HM Inspector of Prisons; and preserving the Secretary of State's accountability.

III The way to reduce prison
overcrowding is not by
provision of more places

8. The Government has the balance wrong: it should be looking at ways of reducing the numbers on remand rather than bringing in the private sector.

8. The question of private sector involvement is being looked at within the context of the Government's general strategy for reducing overcrowding and improving conditions. This strategy includes important steps to ensure that people are not sent to prison unnecessarily.

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9. Provision of more places merely invites them to be filled: overcrowding will not in practice be reduced.

9. This is a defeatist argument. The Government will continue to follow its coordinated strategy which seeks to secure the right balance between custodial and non-custodial measures, but will not abdicate its responsibility to ensure that there are enough prison places of a reasonable standard for those who need to be in prison.

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HONG AFFAIRS: Pwong PTL.





File

CCBS

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

23 December 1988

Dear Philip

The Prime Minister was grateful for the Home Secretary's report on the situation in prisons and progress with the objective of removing prisoners from police cells. She has read it without comment.

I am copying this letter to Private Secretaries to members of H Committee, to Brian Hawtin (MoD) and Trevor Woolley (Cabinet Office).

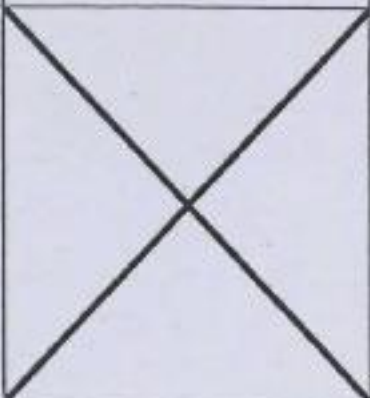
Yours ever

Dominic

DOMINIC MORRIS

Philip Mawer, Esq.,
Home Office.

A The National Archives

DEPARTMENT/SERIES <i>PRom 19</i> PIECE/ITEM <i>2721</i> (one piece/item number)	Date and sign
Extract details: <i>George Younger to Douglas Howard</i> <i>dated 21 December 1988</i>	
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Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,
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Enter the piece and item references, .
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Enter extract details if it is an extract rather than a whole piece.

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Ed
Prime Minister²
ms

PRIME MINISTER

I am writing to bring you up-to-date with the situation in the prisons and progress with the objective of removing prisoners from police cells.

In March I invited colleagues to endorse a package of measures to tackle the serious prison overcrowding which has been brought about by continuing very high rates of increase in the inmate population. The package comprised opening two temporary prisons in army camps staffed by Service personnel under prison service management, the delivery of about 3,200 additional permanent prison places by April 1989 and 1,000 more by the end of next year, and 800 extra places in temporary accommodation at existing establishments.

Delivery of the initiative is substantially on target. In partnership with the Ministry of Defence the camps were opened, and subsequently closed, on schedule. They provided us with the breathing space which we needed pending delivery of the extra prison places, and I am very grateful to George Younger for his help in this respect. Most of the first batch of places are now on stream, about 3,350. By the April target date another 250 places will have been provided, the remainder, about 1,400, coming on stream by the end of 1989. Additionally, 350 places will be provided by Easter at a new prison which we are quickly converting from disused hospital buildings at Banstead, Surrey.

Industrial action by local branches of the Prison Officers' Association during the summer and early autumn added to the overcrowding problem and pushed up the prisoner population in police cells to very high levels, at its worst

approaching 2,000. This quite unacceptable situation exposed the Government to widespread criticism from the police, who had to carry the burden to the detriment of their normal duties, from Parliamentary colleagues and from the public. Following the ultimatum which I delivered to the POA's national leaders at the end of September local action was suspended. This enabled the prison service to take advantage of new accommodation as it was provided and numbers in police cells began falling rapidly. The number now stands at 349 and the prison service is aiming to achieve a target of 100 by the New Year. This will be a substantial achievement. Already we are in a better position than at this time last year.

I should also add that following protracted discussion, the POA NEC have told us that they see a basis upon which the national action for which they have had a mandate since this time last year can be settled. They are at present consulting their membership. The best we can hope for is that they will ballot in the New Year with a recommendation to call off the action.

But that does not mean that efforts can be relaxed. It has been fortunate this year that the rate of increase in the prison population began to slow after Easter and did not hit the heights which had been expected in the summer and autumn. The seasonal decline in the inmate population will enable us to reduce numbers in police cells to a minimum by the New Year. But early in January the prison population will rise again - perhaps quite steeply - to a peak around Easter. The danger is that as the inmate population rises, so again will numbers in police cells. I am determined to do everything possible to prevent that, and we have a fighting chance of keeping numbers down to a reasonable level. Much will depend on our success in handling the POA in the South-East. I am determined that we shall maximise the use of prison service places even if that means we may have to confront a POA Branch after other ways of resolving the issue have been exhausted.


It is as yet too early to assess the extent of the pressures which the service will experience later next year. It will certainly be tight, even if the inmate population does not resume the rate of increase experienced in recent years. Each year we face the succeeding year a little better prepared. This year, with the substantial prison accommodation gains achieved and shortly to come, the prospects are better than were expected earlier in 1988. But 1989 was always predicted to be a difficult year, and the following year worse still. So there is some way to go before we can face the future with confidence.

I am copying this minute to H Committee colleagues, to George Younger and to Sir Robin Butler.

Doyle & Hunt.

21 December 1988

A The National Archives

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eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.
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If closed under the FOI Act, enter the FOI exemption numbers applying to the closure, eg. 27(1), 40(2).

Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer or Number not used.

A The National Archives

DEPARTMENT/SERIES <i>PLem 19</i> PIECE/ITEM <i>2721</i> (one piece/item number)	Date and sign
Extract details: <i>DAVID CRAWLEY TO NIGEL WICKS DATED 13 DECEMBER 1988.</i>	
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	<i>WKS 16/11/2016</i>
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NUMBER NOT USED	
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DOCUMENT PUT IN PLACE (TNA USE ONLY)	

Instructions for completion of Dummy Card

Use black or blue pen to complete form.

Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,
eg. HO 405, J 82.

Enter the piece and item references, .
eg. 28, 1079, 84/1, 107/3

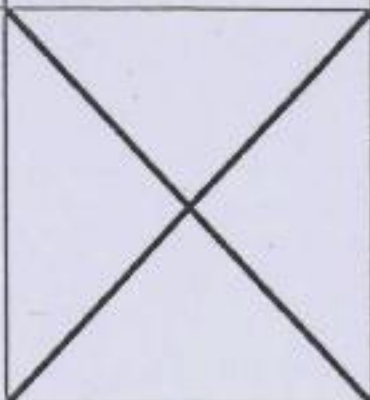
Enter extract details if it is an extract rather than a whole piece.

This should be an indication of what the extract is,
eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.
Do not enter details of why the extract is sensitive.

If closed under the FOI Act, enter the FOI exemption numbers applying to the closure, eg. 27(1), 40(2).

Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer or Number not used.

A The National Archives

DEPARTMENT/SERIES <i>Prem 19</i> PIECE/ITEM <i>2721</i> (one piece/item number)	Date and sign
Extract details: <i>Douglas flew to George Younger</i> <i>Dated 7 December 1988.</i>	
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	<i>OK</i> <i>19/11/2016</i>
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Instructions for completion of Dummy Card

Use black or blue pen to complete form.

Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,
eg. HO 405, J 82.

Enter the piece and item references, .
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.

This should be an indication of what the extract is,
eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.
Do not enter details of why the extract is sensitive.

If closed under the FOI Act, enter the FOI exemption numbers applying to the closure, eg. 27(1), 40(2).

Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer or Number not used.

ow

cc: U.



QUEEN ANNE'S GATE LONDON SW1H 9AT

Prime Minister ²

15 November 1988

mt

Dear George,

I am pleased to see that we have achieved the effective closure of the temporary prison at Rollestone Camp a full week ahead of schedule. The Prison Department decommissioning team, in close liaison with the staff of your Department, are now working to restore the camp to its previous condition so that it can be returned to the Army as soon as possible. Meanwhile we are well on course to empty Alma Detting en Barracks by the target date of 15 December.

The camps well achieved the purpose for which they were established; to bridge us through the period when we were building up prison accommodation and staff so that we would be in a better position to cope with the surging prison population. Nearly 3,000 additional prison places have now been provided and more will shortly come on stream. We are not out of the woods yet, and will not be until more of the mainstream prison building programme is delivered in the early 1990s. But we are in a better position than when the camps opened in the spring, although the effects of the recent industrial action will take a few more weeks to clear from the system.

I should like to take this opportunity to thank you most warmly for allowing us to use the camps and for making available the service personnel without whom we simply could not have managed. I should like to express my particular gratitude to the servicemen (and women) and to the MOD Police who staffed the camps. Douglas Hogg and I took an early opportunity to visit the camps and we were very impressed by the way in which the troop's shouldered their unaccustomed responsibility from the outset, and showed a determination to make a success of the operation despite conditions which were far from ideal. I have since heard nothing but praise for their performance. They really did extremely well and I am grateful to them all.

I am copying this letter to the Prime Minister, H Committee colleagues, the Attorney General and Sir Robin Butler.

Yours,
Douglas

The Rt Hon George Younger, MP.



MANAGEMENT IN CONFIDENCE

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

1 November 1988

NBPm

Dear Dominic

PRISONS: INDUSTRIAL ACTION BY PRISON OFFICERS' ASSOCIATION

I wrote to you on 27 September outlining the Home Secretary's initiative in seeking to bring an end to industrial action in the Prison Service.

The Home Secretary met POA leaders on 29 September. Since then progress has been made in resolving a number of local disputes and this has led to some reduction in the number of prisoners being held in police cells.

The Home Secretary also made clear that he wished to see a firm programme drawn up and agreed with Prison Service management to bring an end to national industrial action that has been taking place since January. And he made plain that a firm response would be forthcoming if no progress was made within the three week breathing space he gave.

There have been three meetings with POA negotiators, the last on 20 October, in an effort to agree a timetable for lifting action. POA leaders said they would consider management's most recent offer on 26 October and let Prison Service management know the outcome by 27 October. But they have not done so. The offer was not fully considered on 26 October and no firm date has been set for its further consideration.

In these circumstances the Home Secretary has concluded that the check-off facility nationally in respect of POA members should be suspended. He made plain on 29 September, confirmed in a letter to the POA National Chairman on 30 September, that this was an option he would consider if there was no sign of progress in ending national action.

The collection of POA subscriptions will not be made at the end of November. The POA National Chairman has been informed. Officials have kept colleagues in Treasury advised and the procedures laid down by Treasury will be followed.

/The latest date

Dominic Morris, Esq
Private Secretary, No 10

MANAGEMENT IN CONFIDENCE

2.

The latest date on which adjustments can be made to the computer programme for centrally paid POA members is Friday 11 November. A further meeting is arranged with the POA for Thursday of this week. If there is genuine progress towards settlement between now and 11 November, the position will of course be reviewed.

By way of background you may like to know that there are around 19,500 POA members who pay monthly subscriptions of £6.00.

We shall naturally keep you briefed on developments.

Copies of this letter go the Private Secretaries to members of H Committee, the Attorney General and Sir Robin Butler.

Yours sincerely

Catherine Bannister

MISS C J BANNISTER



Home Affairs

Prison Policy Page

cc/pu



Prime Minister ²

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

27 September 1988

Dew Dominic

MD

PRISONS: INDUSTRIAL ACTION BY PRISON OFFICERS' ASSOCIATION

I wrote to you on 20 September outlining the Home Secretary's plans for handling the resumption of industrial action at Holloway.

That action was lifted on 22 September shortly after the Temporary Relief from Duty procedures were set in motion by which staff not obeying orders are sent home. Two prison officers were suspended before the industrial action was lifted. Holloway staff are now working their normal hours. There is continuing sporadic disobedience by some prison officers. This is being dealt with under the long established disciplinary procedures that apply to prison officers.

On a wider front, the Home Secretary intends to take a new initiative to bring to an early end disruptive action at a number of prisons which, among other things, had led to an unacceptable rise in the number of prisoners held in police cells - the number this morning stood at 1,747. The Home Secretary has accordingly invited Mr John Bartell (POA National Chairman) and colleagues to meet him on Thursday afternoon. He will

- express his grave concern on the police cells question and make clear his determination to see an early reduction in the numbers;
- call on the POA leadership to bring to a rapid end the national action which has gone on in relatively low key since January and to settle other, more damaging, local disputes equally quickly;
- expect the POA to stand by agreed industrial relations procedures in future;
- make clear that continuing industrial action is unacceptable and failure to abide by agreed procedures will inevitably lead to a robust management response - by further use of TRD and/or suspension of check off nationally.

The Home Secretary's meeting with the POA will be followed immediately by a full press briefing.

The timing of this initiative is deliberate. The POA are mounting a special delegate conference next Wednesday, 5 October. The Home Secretary judges it best to make his position clear to the POA and more widely well in advance of that conference.

We shall keep you briefed on further developments.

Copies of this letter go to the Private Secretaries to members of H Committee, the Attorney General and Sir Robin Butler.

Yours sincerely
Catherine Bannister

MISS C J BANNISTER

Dominic Morris, Esq.



✓ PH



Re

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

20 September 1988

Dear Dominic

PRISONS: INDUSTRIAL ACTION BY PRISON OFFICERS' ASSOCIATION

The Home Secretary has kept the Prime Minister and colleagues in touch with industrial action in prisons.

Events at Holloway have now reached the point where the Governor is having to respond firmly to the latest bout of action. The six week strike by some 230 prison officers ended on 13 September. A return to work was achieved as a result of long and detailed negotiations between senior Prison Service managers and national officers of the POA. The Governor and POA branch representatives were also involved.

The return to normal working was not without difficulty and the Governor sought to settle awkwardnesses. But after only three days the local POA branch, alleging violation of the agreement and victimisation of its members, imposed further industrial action on Friday, 16 September.

The action takes the form of refusing to work part of the hours prison officers undertake to work. All officers work a 39 hour week (conditioned hours). They may contract to work a further eight hours (contracted hours). The great majority of officers at Holloway who went on strike are now refusing to work their contracted hours. This reduces by some 10%-15% the number of officer hours available to the Governor and disrupts normal working arrangements. We now have no option but to give a clear signal that disruptive action of this sort can no longer be tolerated.

Prison officers have been given ample opportunity to work properly under the Governor's authority. They show no sign of lifting their present action.

Having reviewed the options, the Home Secretary has agreed that temporary relief from duty (TRD) should be applied to any staff who persist in taking action. The first step in the TRD process - which covers all non-industrial civil servants including prison officers - is being taken today by the issue of a general warning. This will be followed tomorrow by individual warnings to staff who have not responded to the general warning.

Contingency plans are in place to keep Holloway running in the event of the majority of prison officers being suspended or withdrawing their labour. The police have been briefed on the action taken.

We shall naturally keep you informed as events unfold.

Copies of this letter go to the Private Secretaries to members of H Committee, the Attorney General and Sir Robin Butler.

Yours
Catherine

MISS C J BANNISTER

Dominic Morris, Esq.



do
RW Gray
to see + per.
WCU
IOAC
Prime Minister
ms

PRIME MINISTER

INDUSTRIAL ACTION IN THE PRISON SERVICE

Disruption by the Prison Officers' Association of the work of the prison service has again reached serious proportions and poses a dangerous threat to the effective working of the criminal justice system. There is no immediate issue for decision, but you and other colleagues will wish to be informed of the background. The issue has faded out of the media, but this is deceptive.

2. The number of prisoners in police cells each night is moving up and down around the 1500 mark. I regard anything beyond 1500 as dangerous as well as wasteful of police resources. All but about 300 are attributable in one way or another to a group of unrelated local disputes at Manchester, Wandsworth, Liverpool, Norwich and Holloway. Of these the most immediate is at Holloway, where over 200 officers have been on strike for over five weeks. The dispute has dragged on despite many attempts at settlement. There is, however, a chance that this dispute will be settled in the next day or so, but this is, as I write, by no means a certainty. If it was, this would then allow the POA's National Executive Committee to move on to address the other disputes, which are less dramatic in their terms but have more actual or potential impact on the number of prisoners in police cells. Holloway, in particular, but also any of the other local disputes, could prompt national action at the instigation of the NEC.

2.

3. As you know from our past correspondence, my view is that we cannot indefinitely accept the capacity of the POA, nationally or locally, to resort to damaging, disruptive action at little or no cost to themselves. The strikers at Holloway are not, of course, being paid, but prison officers who work but refuse to accept new prisoners (the usual pattern) are not under any real pressure. So at present, unless we can isolate an individual branch and then take a calculated risk that our threats of disciplinary action will not lead to escalation, we are seriously handicapped.

4. You and other colleagues will recall that Sir Clive Whitmore is leading a group of officials who are examining the feasibility of introducing a no-disruption scheme and of improving our contingency planning for dealing with widespread industrial action by the POA. Some work remains to be done, but much ground has already been covered. On the former, officials seem likely to offer a scheme modelled in part on the arrangements which apply to the police service. This would require primary legislation. It would be a criminal offence to incite a prison officer to take disruptive action and a disciplinary offence for a prison officer to take disruptive action. The POA would continue as a trade union. We would need to consider - and perhaps negotiate with the POA about - a disputes procedure and pay machinery.

5. The work on contingency planning has proceeded in parallel. Any temporary or permanent reduction in the prison population by executive fiat is unattractive. We managed it in July 1987, but it could only be done again with difficulty. In any case it is hard to see a way of releasing more than about 9,000 (17% of the total), however grave the crisis. Coping with the remaining 40,000 plus prisoners, in the face of a total withdrawal of POA labour, would require some 16,000 police officers. This is considerably more than the normal operational pool of police officers available at any

3.

one time after allowing for CID, traffic and other demands. The implications of both of these facts for police and Army will have to be faced if adequate contingency plans for a national strike by the POA are to be drawn up. Officials are still considering this difficult - and perhaps intractable - problem. I have asked them to report as soon as possible so that Ministers can consider how to proceed.

6. While this work continues and unless (as is possible) a crisis takes the timing out of our hands, we shall soldier on as we have done for some years. The aim will be, while maintaining the authority of Governors, to contain and reduce disruption through our existing disputes procedure, and through other devices at our disposal, including meetings with Ministers. In seeking to create pressure we have to judge that it is unlikely to provoke escalation, for which as yet we have no certain response.

7. As the situation changes I will keep you and other colleagues informed. Any serious deterioration might require urgent decisions.

8. I am sending a copy of this minute to Nigel Lawson, George Younger, Norman Fowler, Tom King, Kenneth Clarke, Malcolm Rifkind, John Wakeham, Patrick Mayhew and Sir Robin Butler.

Douglas - Howard

7 September 1988

E.P

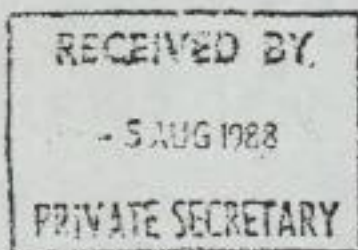
MANAGEMENT IN CONFIDENCE

*psj
8/8*

From: A J Pearson (211 8366)
P8 Division, Cleland House

5 August 1988

Mr Mawer



cc Ms Collins Rice
Mr Yates
Mr Train
Mr Lakes
Mr Pilling
Mr Honey
Mr Mower
Mr Seabrook
Mr Lidington

POA: INDUSTRIAL ACTION AT HOLLOWAY

Mr Train brought you up to date with developments by early this afternoon.

2. Talks at Holloway broke down in mid-afternoon. The meetings yesterday ended with the POA offering a formula for settlement based on:-

- A joint working party (local management, local POA and South East Region manpower personnel) to review working arrangements across the board at Holloway and to make recommendations.
- In the interim a minimum of two officers to be available at unlocking and the ratio of staff to prisoners to be 1:10.
- That a number of supervisory grades (Grades VI and VII) be redeployed from working in the residential units.

3. The first element is wholly acceptable and was in fact proposed by management. The other two are not. In effect they invite us to accept the POA claim for three officers at unlock - given the ratio. In the wider context and for the future, we cannot commit ourselves to rigid ratios. Any concession on this now will be seized on by others and we shall face constant difficulties in resisting the imposition of this inflexible method of manning. The third leg was unacceptable because it invited us to accept that the authority and discretion vested in Grades VI and VII be undermined.

4. Today we sought to work towards a formula which offered two working parties - one to examine working arrangements, the other

MANAGEMENT IN CONFIDENCE

to examine ways of reinforcing new working practices under Fresh Start and offering support at all levels in this process. This was designed to cater for examination of how discretion is used at all levels in Holloway. This was unacceptable to the POA.

5. Mr Bartell sought a meeting with Mr Hogg. You have a copy of Mr Hogg's response and the subsequent exchange of correspondence.

6. The next steps are:-

- Mr Lakes is visiting Holloway later this afternoon to review the position on the ground.
- The Governor will send a letter to all staff later today urging them to return to work. A copy is attached.
- We have arranged to meet POA NEC reps on Tuesday next to take forward discussions.

7. The situation within Holloway is reported calm. We are keeping in close touch with the police about court appearances and are also in touch with LCD.

8. The situation across London is much the same as reported at the Home Secretary's meeting on Wednesday. There has, as predicted, been some increase in the numbers in police cells.

9. Nationally there has been no further escalation of industrial action. However, Norwich staff have balloted in favour of taking industrial action but have yet to declare when and what form that action will take. Likewise at Manchester. Wandsworth have also balloted but again the timing and nature of any action there is unknown at this stage.



A J PEARSON

HC O INDUSTRIAL ACTION

~~REPORT~~ LETTER

I am writing to you - and all other members of staff who are not working at present - to urge you to return to duty.

The dispute which has led to your withdrawing from the prison is one which must be settled at Holloway by sensible, constructive discussion. We have been doing everything possible on our side to find a way through, and shall continue to do so. We believe that the formula put to your branch committee offered a way forward. Absenting yourself from work only increases the problem and does nothing to help bring about a settlement.

As professionals in the Prison Service, we all have a responsibility, which I know you share, for carrying out our obligations to the public, to the courts, to prisoners and to each other. Together with staff who have continued to work I am determined that we should honour these obligations. But you will understand that your continued absence from the prison puts at risk our ability to do so.

The sooner you return to work, the sooner we can get on with tackling the job together; the longer you are absent the harder it will become to get back to normal working.

Over the past three years or so we have all worked hard and have made a lot of progress at Holloway. The atmosphere is greatly improved; there are fewer incidents; and generally staff working conditions are better. We must not throw those advances away.

I ask you to think very carefully about your position and to return to normal duty.



ca PU
NSPM
PRIVY COUNCIL OFFICE
WHITEHALL LONDON SW1A 2AT

22 July 1988

See source

DRAFT GREEN PAPER: "PRIVATE SECTOR INVOLVEMENT IN THE
REMAND SYSTEM
at Harp

Thank you for your letter of 4 July seeking H Committee's agreement to the publication of the draft Green Paper "Private Sector Involvement in the Remand System".

The Prime Minister, through her Private Secretary, indicated that, subject to one small amendment in the text, she was content. Malcolm Rifkind and Kenny Cameron indicated that they had no objections given that the consultation process and the work of the management consultants would be confined to England and Wales, James MacKay, Peter Walker, Nicholas Ridley, Malcolm Rifkind, John Moore, John Major and Patrick Mayhew were all content with the terms of the draft Green Paper but a number of them drew attention to points which you will wish to take into account in carrying forward this initiative.

No other colleague has commented, and you may take it therefore that H Committee are content for the Green Paper to be published before the Recess.

I am copying this letter to the Prime Minister, colleagues on H, Patrick Mayhew, Kenny Cameron and Sir Robin Butler.

JOHN WAKEHAM

Rt Hon Douglas Hurd CBE MP
Home Secretary

HOME Affairs: Prison
Pt 4



R19



HOUSE OF LORDS,
LONDON SW1A 0PW

R - NBP 7

16th July 1988

Dear John,

PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

I have seen Douglas Hurd's letter of 4 July enclosing his draft Green Paper on private sector involvement in the remand system. I have no objection in principle to the Paper being issued, nor do I have any specific comments to make.

I should point out, however, that my Department, although it has no direct interest in remand prisons as such or the way in which they are run, does have a considerable interest, as a customer, in the arrangements for escorting prisoners to and from the courts and for the custody of them when they are in court. I shall therefore need to be satisfied that the courts are adequately served in that respect.

I am sending copies of this letter to the Prime Minister, Douglas Hurd, other members of H Committee, Patrick Mayhew, Kenny Cameron and Sir Robin Butler.

Yours ever,
James

The Right Honourable
John Wakeham MP
Lord President of the Council
The Privy Council Office
Whitehall
LONDON SW1A 2AT

Y SWYDDFA GYMREIG
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
Tel. 01-270 3000 (Switsfwrdd)
01-270 (Llinell Union)

Gadau wrth Ysgrifennydd Gwladol Cymru



WELSH OFFICE
GWYDYR HOUSE
WHITEHALL LONDON SW1A 2ER
Tel. 01-270 3000 (Switchboard)
01-270 (Direct Line)

cc: P
From The Secretary of State for Wales

The Rt Hon Peter Walker MBE MP

PS

18 July 1988
MSM

PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

Thank you for copying to me your letter of 4 July to John Wakeham on private sector involvement in the remand system. I am happy with the terms of the draft Green Paper and with the overall course of action you propose.

I share your view that we must make every effort, where possible, to keep people out of custodial institutions and I am heartened by the initiatives such as combined probation and bail hostels and bail only hostels referred to in the draft Green Paper, with this end in view.

As you know we have two remand centres in Wales at Cardiff and Swansea. In 1987 they dealt with approximately 2.5% of the remand population in England and Wales. There has been an increase since 1980 however of 78% (176 in 1980 to 314 in 1987) which is in line with that for the whole of England and Wales to which you draw attention in the Green Paper. Of the combined probation and bail hostels, 2 of the 85 are located in Wales. Wales does not yet have a bail only hostel neither does it participate in the pilot bail information schemes.

I am conscious that these figures understate the problem in Wales as North Wales is served by Risley and Hindley whilst Shrewsbury caters for Mid Wales. Pucklechurch I believe also has an intake of Welsh detainees.

The Rt Hon Douglas Hurd CBE MP
Secretary of State for the Home Department
Home Office
50 Queen Anne's Gate
LONDON SW1

/Given the



Given the nature of the remand custody this situation and potential distances involved can put a considerable strain on detainees and their families. I would like to see the extension of the hostel system and the introduction of bail information schemes, should they prove successful, into Wales. I am also anxious that consideration, especially in the context of North Wales, should be given to an increase in remand facilities in Wales.

I look forward to the results of consultation and recommendations of the consultants' report with interest.

I am sending copies of this letter to the Prime Minister, other Members of H Committee, Patrick Mayhew, Kenny Cameron and Sir Robin Butler.

A large, stylized handwritten signature in black ink, appearing to be 'J. G. O. L.' or similar, written in a cursive style.



ST. ANDREW'S HOUSE
EDINBURGH EH1 3DG

ccp/u

MRSPM

The Rt Hon John Wakeham MP
Lord President of the Council and
Leader of the House of Commons
Privy Council Office
Whitehall
LONDON
SW1A 2AT

18 July 1988

Dear John,

PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

Douglas Hurd copies to me his letter of 4 July and the draft Green Paper on private sector involvement in the remand system.

I am grateful to Douglas for noting my reservations about giving the private sector responsibility for the custody of prisoners. In the light of the particular difficulties he faces in England and Wales I am nevertheless content that he should go out to consultation on the basis of the draft Green Paper he circulated.

I am copying this letter to the Prime Minister and other members of H Committee, Patrick Mayhew, Kenny Cameron and Sir Robin Butler.

Yours ever,
Malcolm Rifkind

MALCOLM RIFKIND

HOME AFFAIRS

Prison Service pt 4





MSM

✓ CE PO

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon Douglas Hurd CBE MP
Home Secretary
Home Office
50 Queen Anne's Gate
London
SW1H 9AT

15 July 1988

Dear Home Secretary

File with DM

PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

Thank you for your letter of 4 July. I am content that you should publish the draft Green Paper enclosed with your letter. Your officials have been in touch with mine during its preparation.

While I am sure that you are right to come out into the open on the issues of principle which must be tackled first, I hope that we can see some quick progress as soon as public consultation is over. We should not neglect any prospect for getting a more cost effective approach to the custody and escorting of remand prisoners when the cost of present arrangements, and indeed of our use of custody in general, is growing so rapidly.

I am copying this letter to the Prime Minister, other members of H Committee, Patrick Mayhew, Kenny Cameron and Sir Robin Butler.

Yours sincerely,

John Major

pp JOHN MAJOR

*(Approved by the Chief Secretary
and signed in his absence)*



CC PV

NBPm

The Rt Hon Douglas Hurd CBE MP
 Secretary of State for the
 Home Department
 Home Office
 50 Queen Anne's Gate
 LONDON
 SW1H 9AT

15 July 1988

PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

You sent me a copy of your letter of 4 July to John Wakeham and its accompanying draft Green Paper.

My direct interest is small and confined to the fairly small number of juveniles who are remanded to prison establishments. The draft Green Paper does not specifically mention these cases and it need not. The arguments set out in your paper seem to me however to apply no differently to that group. Juveniles who are remanded to the care of Local Authorities are another group altogether and are properly not the subject of the draft Green Paper. I have no objection to publication as you suggest.

I am sending copies of this letter to the Prime Minister, John Wakeham, other members of 'H' Committee, Patrick Mayhew, Kenny Cameron and Sir Robin Butler.

JOHN MOORE

HOME AFFAIRS: Prisons
Pt 4.



MRM

ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

CCPV

01 936 6602

The Rt Hon Douglas Hurd CBE MP
Secretary of State for the Home Department
Home Office
Queen Annes Gate
London
SW1H 9AT

13 July 1988

From Douglas:

PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

at floor

Thank you for sending me a copy of your letter of 4 July to John Wakeham, with the draft Green Paper on private sector involvement in the remand system.

I understand the need for relief. Resulting opinions as to the extent to which the private sector should be concerned with disciplinary action and loss of remission, and the possibility of granting powers of arrest and detention to contractors' staff, will be varied, and I look forward to studying them.

The Crown Prosecution Service will wish to ensure that the good features of the present arrangements (for example, the provision of reports by prison medical officers) are not lost.

I am copying this letter to the Prime Minister, other members of H Committee, Kenny Cameron and Sir Robin Butler.

James ...
Y. Smith



HOME ARRIVED: Prison
Pt 4



With the Compliments
of
PRIVATE SECRETARY

14 JULY

..... 19 88

LORD ADVOCATE'S CHAMBERS
FIELDEN HOUSE
10 GREAT COLLEGE STREET
LONDON SW1P 3SL

Telephone: Director Line 01-276 6810
Switchboard 01-276 3000
Fax 01-276 6834



NSPM CCPS.
Lord Advocate's Chambers
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10 Great College Street
London SW1P 3SL

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Switchboard 01-276 3000
Fax 01-276 6834

The Rt Hon Douglas R Hurd CBE MP
Home Secretary
Home Office
50 Queen Anne's Gate
LONDON SW1H 9AT

14 July 1988

Jim Douglas

PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

Thank you for letting me have copies of your letter of 4 July to John Wakeham and the draft Green Paper.

As the Green Paper predominantly relates to England and Wales, I take it, therefore, that the consultation process and the work of the management consultants will be confined to England and Wales. On that footing, I am content that it be published, although the subsequent debate will doubtless have implications for Scotland. I am bound to say that on that score I share Malcolm Rifkind's current reservations.

I am copying this letter to the Prime Minister, members of H Committee, Patrick Mayhew and Sir Robin Butler.

Yours truly

Kenny

CAMERON OF LOCHBROOM



Home Affairs

Press Pol

PT4

DOMINIC

H Committee papers are
sometimes copied to MAFF
if you consider they have
an interest in this subject.

Do you want this copied to MAFF?

LIZ
13/7

No thanks

↓
—



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

13 July 1988

Dear Nick

The Prime Minister has seen a copy of the Home Secretary's letter of 4 July to the Lord President. She is content for the Green Paper to be published, as the Home Secretary suggests in the week beginning 18 July, subject to one small drafting change to the final sentence in paragraph 63. Some form of monitoring or inspection system would (not "might") be needed to enable the Home Secretary to discharge his accountability.

I am copying this letter to the Private Secretaries to members of H Committee, the Attorney General, the Lord Advocate and to Trevor Woolley (Cabinet Office).

*Yours etc
Dominic*

(D. C. B. MORRIS)

Nick Sanderson, Esq.,
Home Office.

cu

PRIME MINISTER

Mr Hurd has sought H's permission to publish a Green Paper on the private sector role in building and running remand prisons and on escort duties.

As the attached note by Miss Sinclair in the Policy Unit says, Mr Rifkind has some reservations of principle. But since the Green Paper applies only to England and Wales he will not want to stand in the way of its publication. The Prison Officers' Association will also no doubt oppose the idea of private sector involvement but a Green Paper seems a sensible way of testing the water (and assessing how best to circumvent such opposition).

Content that, with the one small drafting change proposed by Miss Sinclair, the Green Paper should be published?

DM

Dominic Morris

11 July 1988

Les

CONFIDENTIAL

PRIME MINISTER

8 July 1988

GREEN PAPER: PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

Mr Hurd has circulated a Green Paper proposing that the private sector

- (a) might build and run new remand prisons;
- (b) might take on the escorting of prisoners to and from court (currently this is done by prison officers or the police).

The Green Paper fulfils a commitment given to the House on 30 March.

Background

The remand population grew from 6,400 in 1980 to 11,700 in the early part of 1988. Remand prisoners are kept in local prisons (the oldest in the system), remand centres and increasingly, because of overcrowding in both of these, in police cells. People who have not been convicted are kept in the most overcrowded prison conditions in the country.

The government is engaged in a substantial programme of prison building. £1 billion is being invested to provide 22,000 new places by the mid-1990s. But greater private sector involvement could make things happen more quickly. The Home Affairs Committee, influenced by a visit to the USA, have recommended an experiment in the contracting-out of the provision of remand centres.

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The proposal to involve the private sector in escorting prisoners to and from court is linked to recent reports (by the Home Office/Lord Chancellor's Department, and ACPO/Prison Service) which highlighted the scope for greater efficiency in the present arrangements. The cost of escort and court services to and from magistrates' courts alone is estimated at nearly £42 million a year.

The Green Paper invites views on the principle of contracting-out the provision and running of remand prison and escort services. In parallel the Home Secretary will be engaging consultants to examine the practicalities. The aim is to decide, towards the end of the year, whether or not to proceed in the light of both the public response and the consultants' report. Legislation would be needed.

Comment

Private sector involvement in confinement imposed by the state is controversial. Mr Rifkind is opposed to the whole idea in principle.

Such arrangements exist in the USA. But privately run prisons are only used at the local level for low risk prisoners, and their use is confined to a limited number of states, mainly in the south. (Reports in The Economist give a misleading impression that privately run prisons are widespread in the USA).

Private sector involvement in the building and running of prisons developed in the USA in response to budgetary constraints which made it impossible for certain states to raise public money to build new prisons. It is not yet clear how much money will be saved over a period of time: clearly private sector provision is a cheaper option initially because taxpayers do not have to fund the capital cost of building new prisons.

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The Home Secretary propose moving cautiously. He thinks that greater private sector involvement in certain areas of the prison system could:

- (i) speed up the building of prisons which is desperately needed;
- (ii) provide examples of efficiency which could be held up as a model to the Prison Officers' Association (POA). If the private sector cannot operate more efficiently there is no point bringing them into the management of prisons.

But the Home Secretary does not see the current proposals as the beginning of a general retreat by government from the business of managing prisons.

Caution is justified in this case. Scandals involving escape from privately run prisons would be very damaging. So would reports of brutality.

The POA will oppose even the limited degree of private sector involvement floated in the Green Paper. This is despite the fact that there is no immediate threat to jobs: the paper deliberately confines itself to suggesting that the private sector could run new remand centres, not existing ones.

The Green Paper explores the implications of its proposals quite thoroughly. There are a large numbers of issues to be addressed if the private sector is to be brought into the running of remand prisons. These are summarised in paragraph 98. It is right that they should be set out at some length now, to avoid the proposals appearing half-baked.

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The Green Paper is well written. The only drafting change I would suggest is in the last sentence of paragraph 63. It is clear from the subsequent paragraphs that some form of monitoring or inspection of privately run remand centres would be needed to enable the Home Secretary to discharge his accountability to Parliament for the security and well-being of prisoners. These responsibilities would be unaffected by the contracting-out of the task to the private sector. The word "might" in the last sentence of paragraph 63 should therefore be replaced by "would".

Conclusion and Recommendation

Subject to the one drafting point in the preceding paragraph, I recommend that you should agree that this Green Paper should be published as it stands in the week beginning 18 July.



CAROLYN SINCLAIR

CONFIDENTIAL

SUBJECT
CC Master.



MJ2010
Rte

10 DOWNING STREET
LONDON SW1A 2AA

6 July 1988

From the Private Secretary

The Prime Minister had a short meeting with Judge Argyle this afternoon.

This was effectively a private call, and no follow up action is required, but I thought you might like a note on the main points which were discussed.

The bulk of Judge Argyle's remarks were related to his perception of women prison officers who he felt were rather under-estimated and maligned in the public eye. His view was that they were an excellent body of women. He cited in particular the Governor of Brixton who was now very much liked despite an initial wariness on the part of the men. He was, however, concerned about two more specific matters. The first was the apparent reluctance to post more junior women prison officers to men's prisons. He mentioned the example of women from Holloway who had been unable to transfer to Wandsworth. He was also concerned that prisons such as Holloway had very few living quarters available, and wondered whether more could be done to provide accommodation. The Prime Minister was sympathetic, and suggested that possibly surplus police quarters could be used for this.

Judge Argyle also referred to the particular worry that women prisoners were especially vicious, with a consequent and obvious problem for morale among women prison officers. He asked if the Prime Minister might find time to visit the staff at Holloway at some time in the future and she indicated that she would try to do this.

The conversation concluded with a few remarks about the position of the Prison Officers' Association, and the unrelated, I assumed, problems of football hooliganism.

P.A. Bearpark

Nick Sanderson, Esq
Home Office.

PRIME MINISTER

Judge Argyle is coming in to see you at 1500 tomorrow at his request to speak to you about women prison officers, especially those at Holloway, and the cross posting of men and women in the prison service. He is a member of Lincoln's Inn.

Though he has a half hour slot you will want to bring the meeting to an end at 1520 to give yourself time to get over to the House for Mr. Newton's Statement on Cleveland at 1530.

I attach a factual note by the Home Office on the subjects Judge Argyle has said he wants to raise.

Caroline Sinclair in the Policy Unit would like to sit in on the meeting as part of her education. Content?

J.M.

I think he may prefer
a very private meeting with
just you present to take
notes

DOMINIC MORRIS
5 July 1988

EL3CWV



QUEEN ANNE'S GATE LONDON SW1H 9AT

4 July 1988

Dear John,

PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

You will recall that in my statement to the House on 30 March (Col. 1083) I announced that I intended to publish a Green Paper on private sector involvement in all aspects of the remand system, and at the same time engage management consultants to help in working out the practical implications. I am now writing to seek the agreement of colleagues in H Committee to the publication of the Green Paper in the terms of the draft which I enclose.

I am sure that the potential benefits of bringing the private sector into the operation of the remand system are real enough to justify the detailed study which the Green Paper initiates. We must seek to accelerate the process of eliminating overcrowding and improving prison conditions, and ending the wasteful practice of keeping prisoners in police cells. The private sector could well play a part in this, both directly and by setting an example of greater flexibility and efficiency in working methods which the existing system might follow. There is strong pressure from several of our supporters in this direction, and personally I think they are right. On the other hand important reservations have been expressed, for example by Malcolm Rifkind, about the principle of involving the private sector in this way in an area where the State has special responsibilities. These concerns cannot be lightly dismissed and merit further discussion. Thus while the Green Paper presents the potential advantages of private sector involvement in positive terms, it does not commit the Government to going ahead with it at all or in any particular form. Rather it invites comment on all the issues, particularly those of principle, so that these can be considered before a decision is reached.

I hope to appoint the management consultants who will study the practical issues around the turn of the month so that they can begin work in August and report by about the end of November. By the end of the year, therefore, we will have the consultants' report and the responses to the Green Paper on which to base a decision as to whether, and if so how, to go forward from there. Legislation would probably be needed.

This timetable means that we should if possible publish the Green Paper before the Recess, and ideally not leave it until the last week. I would therefore like to publish in the week beginning 18 July, and should be grateful for your views and those of colleagues no later than Friday 15 July.

I am sending copies of this letter to the Prime Minister, other members of H Committee, Patrick Mayhew, Kenny Cameron and Sir Robin Butler.

Yours,

Douglas.

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PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

In his statement of 30 March in the House of Commons the Home Secretary said:

"We must be ready to think imaginatively to ensure that the Prison Service can meet its obligations. In that context, the possibility of involving the private sector more closely in aspects of the prison system should be urgently considered....I propose...to publish a Green Paper on private sector involvement in all aspects of the remand system, and at the same time to engage consultants to help in working out the practical implications."

(Hansard, 30 March 1988, cols 1084-5)

Introduction

Effective and civilised arrangements for holding people remanded in custody before trial are essential to the proper administration of justice. They must meet the requirements of ensuring that defendants appear for trial at the right time, do not interfere with witnesses or otherwise pervert the course of justice, and do not commit further offences. They must at the same time enable the defendant to prepare his case for trial. Because people on remand are charged with but not convicted of an offence, they should provide facilities which reflect that status.

2. Unfortunately, in England and Wales, remand prisoners tend to be held in those parts of the prison system - the local prisons and remand centres - which are under the heaviest pressure, and where overcrowding is at its worst. This is largely the result of the

rapid growth in the prison population - the remand population alone has almost doubled since 1980 (from 6,400 to 11,700 in the early part of this year) - coming after the years of neglect of the prison system which this government inherited. It is also in the local prisons, which are the oldest in the system, that conditions are most often made worse by the lack of modern facilities, particularly integral sanitation. The pressure of the population, especially in the South East, has over recent years caused considerable numbers of remand prisoners to be held in police cells, where the accommodation is quite unsuited for the purpose, and with the result that police officers are diverted from their proper duties.

The government's strategy

3. The government's response to the problems facing the prison service has been consistent, determined and imaginative. It has two main elements. The first is the development of alternatives to imprisonment, and other measures to ensure that people are not kept in prison unless there is no other satisfactory way of dealing with them, so taking pressure off the prison system as a whole. The second is to ensure that sufficient prison places are available, of a satisfactory standard and sufficient security, for all those whom the courts decide must be kept in custody.

4. In the first of these areas the government has taken positive steps to reduce the numbers of prisoners remanded in custody to await trial. Many defendants must be remanded in custody to ensure that they appear for trial and to protect the public. But work has been done through 8 pilot bail information schemes, initiated

by the Association of Chief Officers of Probation, on improving the information about defendants which is available to the Crown Prosecution Service. These schemes have enabled the Crown Prosecution Service to take better informed decisions on whether to oppose bail or not, and courts to make more use of bail, without any increase in the failure rate of those on bail. Resources are being provided for 9 new bail hostels to be established throughout England and Wales by 1990; and we are considering whether more bail hostels should be provided. The government is also seeking to help magistrates in making decisions on bail; and working on improved training for magistrates in the exercise of their discretion in this area.

5. For many defendants the availability of places in bail hostels can mean the difference between a remand in custody and bail. The number of bail-only hostels will rise to 25 when the expansion programme referred to above has been completed. There are also 85 approved combined probation and bail hostels which play a crucial role in diverting some defendants from custodial remands.

6. However, the government believes that in addition to this group of defendants who do not require a high degree of supervision there are others whom the courts would treat in a similar way if there were hostels which offered more secure conditions, such as a 12 hour curfew and a more structured daytime programme. We are therefore considering whether there is room for developing privately-managed bail hostels which would provide more secure conditions than the current range of hostels. The government will be discussing with the courts, the police, the Crown Prosecution

Service and the probation service whether places in more secure bail hostels would result in the diversion of defendants from custody remands in addition to those who are, or could be, accommodated in conventional bail hostels. The government will also be considering with them the sort of accommodation which would be needed, and whether it could be more efficiently administered by the private sector.

7. In order to reduce the amount of time spent in custody awaiting trial, the government took power in the Prosecution of Offences Act 1985 to introduce statutory time limits. Time limits are now in force in 13 English counties and throughout Wales and are to be phased in elsewhere with the aim of their being in force throughout England and Wales by the end of 1990.

8. Pressure on the local prisons can also be relieved by measures to tackle the size of the sentenced population. The government believes that there is scope for greater use of community penalties. 95% of all crimes are property offences and about half of the adult sentenced prison population have been convicted of theft and burglary. Many other disposals are available to the courts. The government has supported the many excellent programmes which the probation service has developed for supervising offenders who are at risk of custody. We are encouraging an expansion in the number of day centres, with particular priority for projects focussed on young adults and offering strict and structured regimes aimed at reducing re-offending. We have issued national standards for the operation of community service orders to help ensure that they are seen for what they are - a rigorous and demanding disposal.

9. For the longer term, the government has proposed in the Green Paper "Punishment, Custody and the Community", [date and number], that there should be a new order which would enable the courts to place a wide range of requirements upon an offender who would remain in the community. These requirements could be tailored to suit the offender; for example, an offender could be required to attend a day centre and perform community service, or his liberty could be restricted by a curfew. An order of this nature could be used repeatedly for some offenders who are at present given custodial sentences. But for those who commit very serious offences, particularly crimes of violence, a prison sentence - and probably a long one - will be necessary.

10. The government has also tackled vigorously the second area: that of increasing the provision of prison places to meet demand. Expenditure on prison building has increased by 117% in real terms since 1979. We are carrying through the biggest prison building programme this century, to meet demand, reduce overcrowding, and improve conditions. The programme includes 26 new prisons of which 6 are already built and in use. We also have in hand a substantial programme of renovation and expansion at existing establishments. Altogether over £1 billion is being invested to provide 22,000 new places by the mid-1990s.

11. The government is also developing more efficient and economical ways of delivering the prison building programme. Prison design is being brought up to date and standardised. Greater and better use is being made of the expertise and breadth of experience which the private sector can offer. The Prisons

Building Board - with a strong private sector element - is supervising the building programme. It has invited the private sector to make proposals for building remand or open establishments faster than has been done in the past, using innovative methods and designs. A number of proposals have been received and these are currently being evaluated.

12. This is the context in which the government is undertaking this study of the possibility of involving the private sector in the remand system. The government's strategy for tackling problems facing the prison service is - as has been shown - energetic and comprehensive. But it would be wrong to ignore the possibility that further private sector involvement could make a speedier and more cost-effective contribution than would otherwise be the case, even with the radical and innovative steps which the government has already taken.

The work of the Home Affairs Committee

13. The Third and Fourth Reports from the Home Affairs Committee Session 1986/87 have given a constructive and informative stimulus to discussion about prisons in general and the contract provision of prisons in particular.

14. In the Third Report, "The State and Use of Prisons" (HC 35, 23 April 1987), the Committee gave welcome support to the government's prison building programme. Since the Committee reported, this programme has been supplemented; and the Prisons Building Board has been established, and given the task of supervising the efficient and effective delivery of the

programme. In the context of the remand system recommendation 2 of the Third Report, which stresses the importance of remand centres being located near city centres and courts, is particularly significant.

15. However, it is the majority Fourth Report, "The Contract Provision of Prisons" (HC 291, 25 March 1987), which is especially relevant to this Green Paper, and which has given momentum to the debate about whether to involve private contractors in the management of prisons. The Report made two recommendations. The first was that "the Home Office should, as an experiment, enable private sector companies to tender for the construction and management of custodial institutions". The second was "that tenders should be invited in particular for the construction and management of new remand centres, because it is there that the worst overcrowding in the prison system is concentrated".

The experience in the United States

16. The Home Affairs Committee made these recommendations following a visit to the USA, during which they toured prisons and youth custody institutions operated by a private company - the Corrections Corporation of America. In September 1987, following the Home Affairs Committee's visit, the Earl of Caithness, then Home Office Minister of State with responsibility for prisons, also went to the United States.

17. The information collected on these visits is of course helpful; but the constitutional, legal and operational background to the United States prison system is quite different from that of

the British system. It is important to take account of these differences before trying to draw any lessons from the United States experience.

18. In the USA privately managed institutions are being introduced into a system already accustomed to diversity of control, of political accountability, regime, staff experience and ethos. Introducing private companies into our own centrally directed and more homogeneous prison system will raise rather different issues.

19. The United States system is organised in three tiers: The Federal Bureau of Prisons administers Federal prisons; each state has its own State prisons; and at a local level each county or city has one or more gaols. The Federal authorities and the separate state and county authorities can and do take different approaches to the management of their prisons; and there is considerable diversity, not only in the way in which establishments in different areas and at different levels are operated, but also in the way in which political accountability is discharged and in the background of the staff.

20. Also the legal and financial contexts are often quite different. For example, in some areas the attractiveness of contracting out was increased by the need to respond to court orders limiting the population of existing establishments in circumstances where it was difficult, or impossible, to raise public finance for new building.

21. Any judgement about the success of the initiatives taken in the United States must be made with these differences in mind; and also with the awareness that any substantial private provision has been made only at the local (and lower security) gaol level, that the experience is on a small scale, and that the private facilities are still fairly new.

22. What lessons can be learnt? Can the private sector provide a more efficient service, at lower cost? Different visitors to the United States have come to quite different conclusions about the success of their arrangements. Some have been impressed by the level of basic care, the cleanliness and quality of the buildings and the adequacy of regimes, while others have been confirmed in their view that private operations are incapable of meeting the requirements of the prison system. There was general recognition that buildings could be provided more quickly, but disagreement about whether the design and construction could be done more cost effectively. In general, however, the contracting authorities in the United States seemed satisfied with the speed of construction and extra flexibility which the private facilities gave them.

23. The experience in the United States has been more helpful in identifying the questions which need to be addressed in a British context than in providing ready-made answers. However, some of the practical matters and issues of principle which must be addressed in considering private sector involvement within the English and Welsh prison system have been overcome in the United States: contracts specifying detailed monitoring procedures, and a wide range of standards to be met, can be attractive to private

companies; and ways have been found to monitor the standards specified.

The scope of the study

24. In its Fourth Report the Home Affairs Committee recommended that there should be an experiment in the contracting out of prison operations which concentrated on the provision of remand centres.

25. The government believes that there are good reasons for accepting the Committee's opinion that the remand system is the best focus for discussion of private sector involvement in the prison system.

a) The provision of remand accommodation

26. The major practical reason for concentrating on the remand system is obvious. As the Committee emphasised the worst overcrowding is experienced by remand prisoners. The remand population is also rising the most rapidly; and the need to accommodate this large and growing population has important consequences for other parts of the system. It puts great pressure on local prisons and has led to an unacceptable level of use of police cells to hold remand prisoners.

27. Other reasons move beyond the straightforward question of the provision of places. Because of the different purpose of remand, as opposed to the sentence of imprisonment, and the character of the remand regime, the running of a remand centre by a private company would raise fewer difficult operational questions or issues of principle.

28. An important feature of the system for sentenced prisoners, which does not apply to remand prisoners, is that the length of time for which a sentenced prisoner occupies a place in the prison is, in the case of those eligible for parole, influenced by the reports and assessments of staff. The length of time in prison may also be affected by decisions in disciplinary proceedings, leading to loss of remission. There is understandable unease that such decisions should be taken with the involvement of private contractors and their staff.

29. Such questions either do not arise, or are at least less significant, in dealing with remand prisoners. Remand prisoners remain subject to the authority of the courts, and are brought before the court for remand hearings. This relationship with the courts ensures that the time spent on remand is reliant on decisions of the courts in which the prison authorities have no role. But remand prisoners can lose prospective remission and decisions would have to be taken about whether this sanction should be retained in private facilities and, if so, how it should be exercised.

30. Moreover, the regime for remand prisoners, as unsentenced inmates, is more amenable to the involvement of private contractors because of its different purpose and character. Remand prisoners are detained as a preventive measure: to prevent the defendant disappearing, witnesses being intimidated, or the commission of further offences. The time spent on remand by untried prisoners is relatively short - in 1986 the average period was 57 days for men and 44 days for women. During this time the scope to develop

educational and work opportunities is limited. In contrast, regimes for sentenced prisoners are structured to achieve more than preventive custody, and (particularly as the prisoner is likely to be in custody for some time) require a wider range of expertise and resources to deal with inmate education, work and recreation and to meet their medical, psychological and psychiatric needs.

31. For these reasons, the government considers that the remand system is the best fitted area for considering the contracting out of operations. This is not, however, to suggest that the need to protect the rights of remand prisoners, and provide a suitable regime for them, is any less important than for sentenced prisoners.

b) Escort and court duties

32. For a number of reasons, the government considers it sensible to review the options for private sector involvement in escorting and court duties as well as in the accommodation of remand prisoners.

33. The arrangements for detaining remand prisoners, for escorting them between prisons, courts and police stations and for supervising their appearances in court are inter-connected, and it therefore makes practical sense to look at the complete system. These duties also involve a considerable commitment of prison and police officer manpower, and concern has been expressed about the cost-efficiency and effectiveness of the existing procedures.

34. Collecting prisoners from prisons, delivering them to particular courts for a particular time, and then returning them

safely to custody, is a complicated task to co-ordinate. Two reviews in recent years have highlighted the scale of the court escort role for both the police and prison services, and the scope for greater efficiency.* They raise two main questions. Are the mechanics arranged as efficiently as possible to avoid duplication and waste of resources? And can these functions be carried out more economically and no less efficiently by staff who are not fully trained police and prison officers?

35. The cost annually to the police and Prison Service in England and Wales of the staff needed to provide escort and court services for the magistrates' courts alone is estimated to be approximately £10.5m for the Prison Service, and £31.2m for the police service. This is a considerable commitment of trained manpower. If, for example, the police could be relieved of this function, significant numbers of officers could be freed for street duties.

36. The practice for the Crown Court is relatively straightforward: the Prison Service delivers remand prisoners to court, guards them in court and returns them to prison. However, the main commitment of manpower, involving both police and prison officers, is to serving the magistrates' courts. Here the arrangements are more complicated and wide local variations make it difficult to generalise about procedures.

- * 1. Court escorts scrutiny conducted jointly by Home Office and Lord Chancellor's Department, 1985.
- 2. Joint Study of escorts to magistrates' courts by Association of Chief Police Officers and the Prison Service, prepared by the Police Requirements Support Unit, (PRSU), 1987.

37. The system in London is quite different from that in the provinces, because of the need in London to cope with the movement of a large number of prisoners (150-250 each day) between a large number of magistrates' courts and places of remand. The logistics of this operation are formidable. The Metropolitan police undertakes the escorting of prisoners between magistrates' courts and prisons and police stations. The operation is conducted from a special holding centre in Lambeth. Each day, prisoners who are required in court are brought to the centre, grouped according to court of appearance, and taken onwards. After their appearances most prisoners return to the centre for the co-ordination of their journeys to prison or place of remand.

38. Elsewhere, responsibility for escorting prisoners to and supervising them in magistrates' courts is divided between the Prison Service and police forces. Usually prison officers take prisoners from custody to the courts, apart from those who have been held in police cells, who have to be delivered by police officers. The prisoners are handed over to the police either at the court itself or at a nearby police station with holding cells. The police then look after the prisoner until and during his appearance before the court. If the prisoner is remanded in custody again it is up to the police to return him to prison. In some areas there are arrangements to return prisoners by the same transport which conveys prisoners back to prison from the Crown Court. But in other areas separate police transport may be used, over essentially the same route. The operation is complicated by the handling of so-called 'production' prisoners - those who will

have to return to prison regardless of the outcome of the court proceedings that day, e.g. because they are held in custody on the authority of more than one warrant. These remain the responsibility of prison officers, and are, in the absence of other arrangements locally, taken back to prison by prison officers. However, in some areas, there are local agreements under which police officers accept responsibility for production prisoners, ensuring their custody at court and returning them to prison in police transport.

39. As a result of this system a prison vehicle carrying Crown Court prisoners or production prisoners from the magistrates' court may be followed later in the day by a police vehicle transporting remand prisoners to the same prison. Again empty prison vehicles may return from court to a prison to which the police will be escorting prisoners after court proceedings end. Although the systems for magistrates' courts and the Crown court are separate, and responsibilities differ, in operational practice the arrangements are closely intertwined.

40. Escorting and court duties do not require the full range of powers, skills and training of a police or prison officer to undertake them. Some police forces are already experimenting with the use of civilians to do some of these tasks, as part of the general move to release more police officers for beat duties by civilianising functions which do not need to be performed by a police officer. The need to make the most effective possible use of prison officer resources is equally great.

41. Since the writing of, in particular, the Court Escorts Scrutiny some changes have been made to the organisation of escort duties. Under the aegis of Fresh Start, changes are being made on the Prison Service side. These include moves towards greater continuity of service by groups of prison officers on court duties, and the designation of managers in prisons and Regional Offices with specific responsibility for the provision and quality of the service. This minimises the disruption which the external commitment causes to internal prison regimes. An important objective of introducing private sector involvement in the escorting and court functions would be to make a positive contribution to the regime within prisons, by enabling prison officers to deploy their skills and training where they can have most effect.

42. The overlap between the escorting of remand prisoners and of convicted prisoners (e.g. those who have just been sentenced or sentenced prisoners who have, for some reason, to appear in court again) raises the possibility of private sector involvement in the handling of all the escorting duties between courts and other establishments, whether involving remand or sentenced prisoners.

The way forward

43. The government proposes to take forward consideration of these issues in two ways. The first is by inviting and evaluating responses to this Green Paper. These are likely to focus on, but need not necessarily be confined to, the main issues of principle which are described in paragraphs 44-56 below. Secondly, management consultants are to be engaged. Their task will be to

examine in detail the practical feasibility of the various options for involving the private sector in the management of remand centres, and of associated escorting and court duties. This will involve consideration of a wide range of practical issues, of which the main ones are set out in paragraphs 57 to 97 below. The government will use the responses to the Green Paper, and the report of the management consultants to gauge whether, and if so, how, private sector involvement may be capable of meeting the objectives and conditions set out in paragraphs 51 and 52.

Merits and objectives of private sector involvement

44. In many spheres of activity where the task is to provide services cost-effectively in response to customer demand the private sector is better equipped to do this. The disciplines of the market place ensure that, to be successful, private sector companies control their costs and provide products at a price and quality which attract customers in a competitive environment. Innovative solutions to problems are often found in response to the new challenges which healthy competition constantly sets for private sector managers.

45. Moreover, a contractor is often able to deliver services in a way which provides better value for money because he is under fewer constraints about the way in which tasks are tackled than is the public sector. Recruitment and deployment of staff may be more flexible. Different ways of doing things may be found which depart from traditional perceptions of how things ought to be done, but still achieve the same objective. A contractor may be able to make use of experience gained in other fields to apply methods which

simply would not have occurred to the existing providers of the service. The important thing, of course, is that such innovation should be in the context of clear and enforceable standards of service which the contractor must deliver.

46. Contracting out of services is already a well-established feature in many areas of government activity, and new areas are continually market tested to see if contracting out an operation to the private sector would bring efficiency improvements. The benefits have been significant. In the Home Office's residential training establishments, for example, most house-keeping, catering and security services are now provided more cost-effectively by the private sector. As a result of testing in the market whether services could be provided more cost-effectively, and then contracting out where this was so, cumulative annual savings of £31m across all government departments have been achieved since 1979.

47. Another example of contracting out, which may be particularly relevant in the present context (because it involves custodial duties), is the custody and escorting of persons detained under the Immigration Act 1971. For the last twenty years these functions have been contracted out to a private security firm. The company are responsible for the escorting of detainees to Harmondsworth Detention Centre (near Heathrow airport), and for the subsequent supervision of the detainees. A 'detention manager', who is a member of the Immigration Service, is responsible for the smooth operation of the centre. The private contractor's employees also escort and supervise within the major ports (including Heathrow and

Gatwick airports), those arriving passengers who are detained for further examination, and supervise the small detention areas at Heathrow and Gatwick. Nothing in this experience suggests that the employment of private contractors to supervise remand prisoners ought to be ruled out in principle.

48. On the other hand some have argued that it would be wrong in principle to place prisoners, even remand prisoners, in the care of private contractors. The state has special responsibilities, which are reflected in prisons and criminal justice legislation, in respect of those who are placed, against their will, in its care - responsibilities both to protect those in custody and to guard their rights, and to keep them secure in order to protect society from them. These are responsibilities which belong peculiarly to the state and it should not, it is argued, seek to devolve them onto people whose motive is private profit, and who are not accountable to Parliament and the public in the way that ministers are. Some have cited examples from past centuries, before the development of the modern prison system, to justify claims that private sector involvement would inevitably lead to corrupt practices and the abuse of prisoners' rights.

49. The government rejects the notion that any private sector involvement, however strictly controlled, would somehow and necessarily be the first step on the road back to the horrors of the eighteenth century penal system. But effective and reliable safeguards would clearly be needed, the criteria for which are set out in paragraph 52 below. They also raise a number of important practical questions which will be addressed later in this Green Paper.

50. The government takes seriously the concerns which have been expressed, and will consider carefully the arguments which are advanced on this issue in response to the Green Paper. But it is not at present inclined to accept that there is any over-riding difficulty of principle which ought to rule out private sector involvement, provided that sensible practical safeguards are built into the arrangements.

51. In considering the options for private sector involvement the government's objective is to improve the cost-effectiveness of the remand system, by:

(i) making additional remand accommodation available more quickly and flexibly than would otherwise be possible, and thus accelerating the process of eliminating overcrowding and improving conditions for remand prisoners;

(ii) reducing costs. In this context it would be important to ensure that savings produced by having certain functions carried out by the private sector were not negated by increased costs for the existing system (e.g. because it was left to deal with the more difficult cases).

(iii) releasing prison and police manpower for work which makes better use of their skills and training than some of the relatively mundane tasks they currently perform in connection with the detention and escorting of remand prisoners.

52. There are two particularly important conditions which would have to be met before private sector involvement could proceed.

These are that the arrangements would have:

(i) to be secure enough to protect the public from danger and to safeguard against interference in the administration of justice; and

(ii) to ensure that prisoners were treated no less humanely than in the normal prison system and that their rights were properly safeguarded.

The options for private sector involvement

53. The government believes that the scope for considering private sector involvement in the remand system may extend across the whole of that system, including the provision and management of remand institutions, and custody and escorting. One of the objects of the consultancy will be to determine the elements of the system which would make viable contracted out operations on the basis of a functional or geographical division of the task as a whole. Before proceeding it would also be important to be satisfied, through market testing, that private sector involvement would, in any particular instance, bring value for money improvements.

54. The range of options to be considered includes:

(i) contracts covering both provision and operation of remand centres as a whole package;

(ii) contracts for the operation alone of new remand centres, separately from the arrangements for building them. The

present study does not therefore contemplate the contracting out of the management of existing establishments in the immediate future;

(iii) the escorting of remand prisoners between courts and contracted out remand centres;

(iv) contracts covering any or all of a wider range of escorting functions: movements of remand prisoners between Prison Department establishments and courts, of sentenced prisoners to prison from court on conviction, of convicted prisoners to court for a re-appearance, and of prisoners from police stations to courts; and

(v) contracts for the custody of prisoners at magistrates' and the Crown Court.

Functions (iii) and (iv) above would include the provision of both the vehicles and staff needed to do the job, as well as back-up facilities such as depots and communication systems.

55. The pattern of contracting out would not necessarily be uniform across the country. Contracts might be organised on a regional basis, taking account of the characteristics and requirements of particular areas. In one area a contractor might be responsible both for operating a remand centre and for the related escort duties, whereas in another area these functions might be separated. Similarly, a function which is contracted out in one area might not be so in another. These would be matters of

judgement depending on where the balance of advantage lay in each set of circumstances.

56. If the benefits of contracting out are to be realised it will also be important not to define too rigidly in advance where and how private sector facilities should be provided. The framework within which proposals from the private sector were solicited would need to be flexible enough to allow novel solutions to be adopted, if workable. A contractor might offer to provide a remand centre as part of a broader development plan for a given area, or innovative design features might enable a contracted out centre to be operated in a different way from existing establishments. Performance standards, in terms of the quality of the service delivered, would have to be set and adhered to, but not in a way which stifled this kind of innovation.

Issues arising

57. We have already emphasised that private sector involvement can proceed only if practical safeguards can be devised to ensure that prisoners placed in the hands of private contractors can be held securely, under suitable regimes, and with effective protection for their rights. Some other key issues - mainly of a practical nature - are described in the paragraphs which follow.

(a) Commercial questions

58. Like any other organisation entering into a contract the Home Office will have to be certain that basic commercial needs are satisfied. The contracts will have to be commercially viable. If there were areas or functions for which commercially viable

contracts could not be set up, the cost implications for the remaining service would need to be carefully considered. A possible alternative means of achieving the objectives of improving cost-effectiveness and freeing police manpower where escorting duties were not contracted out, would be the further development of the idea, which some police authorities are exploring, of employing civilians for this purpose.

59. Decisions would need to be taken about the length of the contracts; and about what happened when contracts had run their course. Should the premises provided revert to public ownership? Any contract would have to provide for adequate protection for the public purse against the consequences of insolvency and escalating costs. Consideration would also need to be given to the question of liability for damage caused by the prisoners to the contractor's premises and equipment, and for assaults on his staff.

60. Sanctions will be needed to enforce standards. The government might need the power to terminate a contract very quickly, should the contractor fail to put right deficiencies in the operation sufficiently quickly or efficiently. In these circumstances adequate back-up arrangements would need to be available, until the difficulties were resolved. The basis of payment to contractors would also need to be considered. Payment might be made on an annual basis covering capital and running costs; or, as in a number of prisons in the United States, calculated on the basis of a daily charge (including an element of both capital and running costs) for each prisoner held. However, in whatever way payment was determined the cost would have to compare favourably with that of

making equivalent provision under existing arrangements, and provide the contractor with incentives to run his operation as economically and effectively as possible.

(b) The contracting authorities

61. As has been seen a number of services are involved in the operation of the remand system and its associated escorting and court functions - the Prison Service, police forces, the courts, and the probation service and Crown Prosecution Service. Each will have a stake in the effective and economical operation of any new arrangements, and there will need to be means by which any of the interested parties can be satisfied that contractors are meeting their requirements, and can have matters put right if they are not.

62. Supervision of the contractors will in the first instance be a matter for the organisation which has let the contract concerned, and there will be important decisions to be taken (particularly in relation to escorting and court functions) about which organisation is best placed to hold particular contracts. A key consideration here will be to ensure that the contracting authority in each case is in a position effectively to monitor and control the contract on its own behalf and that of other interested parties.

(c) Accountability and monitoring

63. The character and terms of any contract will be much influenced by the arrangements made for the monitoring of standards and for public accountability. The Home Secretary is accountable to Parliament for the prison system in England and Wales. That responsibility will remain if part or all of the remand system were

contracted out and will have to be provided for in any new arrangements. Some form of monitoring or inspection system might be needed to enable the Home Secretary to discharge his accountability for the security and well-being of prisoners placed in the hands of contractors.

64. An acceptable scheme for overseeing the private contractors would need to be specified in the terms of the contracts. Various options for such a scheme have already been suggested - and since tried in the United States.

65. In the United States monitoring systems are commonly built around a publicly appointed official - the monitor - who works in the prison and is responsible to the relevant elected or appointed authority for the maintenance of standards. In a contracted out remand system in this country a monitor (a Home Office official) might either be stationed in, or regularly visit, the remand centre, and report on its performance to the Home Secretary through the Prison Department.

66. In the United States substantial provision for detailed monitoring arrangements does not seem to deter private sector involvement in the prison system. Contracts include provision for space for the monitor, reporting requirements, full access to the establishment's records, performance criteria and co-operation with inspections. Monitoring itself would cover the analysis and reporting of an unusual event, sampling prisoners' reactions, an annual inspection by an independent inspector, and examination by the relevant public authority of reports by the monitor, the

inspector and the contractor. Contracts would also need to require the contractor to maintain and, where necessary, submit suitable records, statistics and other management information to the Secretary of State, and to co-operate in research projects. Decisions would also to be taken with respect to the confidentiality of and access to such records.

67. Consideration will need to be given to whether privately managed remand institutions should be subject to inspection by HM Inspectorate of Prisons, and whether they should have Boards of Visitors, like other establishments. Also it would have to be decided whether section 19 of the Prisons Act 1952 (which gives a justice of the peace the right to visit any prison in the county for which he is appointed or in which a person is held for an offence committed in that county) would apply to contracted out establishments.

68. Monitoring the success of contracted out escort runs and court duties may be more straightforward. These are in principle relatively uncomplicated tasks, though they require careful co-ordination with, for example, court listing practices, and an ability to cope reliably with peaks and troughs in demand, and requirements to deliver prisoners which cannot under any circumstances be postponed. Courts will quickly notice if their requirements are not being met: if prisoners are not being delivered to courts on time, and if court duties are not being fulfilled. Daily liaison between contractors and the courts, prisons and police would enable routine problems to be resolved. If problems persisted, however, the contracting authority would

need to intervene to require the contractor to fulfil his obligations under the contract.

(d) The nature of the remand regime and external duties: setting standards

69. Operating a remand centre will make heavy demands on the management responsible, and it is important that the company is left in no doubt as to the essential requirements. Contracts will have to set clear and enforceable standards. In the present prison system there is no existing composite document which lays out comprehensively and in detail the requirements for a remand centre regime. One will therefore have to be developed for this purpose. In order to give scope for innovative solutions to problems, it will be important for standards to be defined so far as possible in terms of the results to be achieved, rather than the methods to be employed.

70. To determine the character of the service the contract will set out to deliver, we need to ask what demands are made on remand centres, and what objectives escort and court duties need to meet.

71. For remand centres there is no suggestion that the existing rights and privileges of remand prisoners would be changed if their place of custody were run by a private company. The established and special position of remand prisoners within the criminal justice system has a critical bearing on the character of the regime that would be needed in remand centres, their physical layout, and their location.

72. Remand prisoners are allowed domestic and social visits more often than sentenced prisoners. They need to be accessible to lawyers, the police and probation service and readily available to appear before the courts under whose authority they are held. Ideally a remand centre will be near to the relevant courts and to a good transport network.

73. In many cases these requirements will be met by an urban location. One option that private sector involvement may open up is the development of smaller, localised remand centres, perhaps making use of inner city sites.

74. Many other demands are made on remand centres. The governor has specific obligations that will be as relevant to a private manager: he must take adequate steps to ensure that there is no opportunity for or encouragement to the commission of any disciplinary or criminal offence; he has direct duties to the court to see that prisoners are produced when required, and there are rigorous reception and discharge procedures to carry out on the prisoner's arrival and departure. The character of the remand population also makes demands upon the manager and his staff: the prisoners are quite often unknown quantities as to their medical condition, mental state and likely behaviour; there is a high turnover of inmates, with much coming and going of visitors and prisoners. Staff need to be alert to the state of prisoners on arrival and to be trained and equipped to deal with the high turnover.

75. Monitoring will involve the manager in collecting, analysing

and providing to other services in the criminal justice system, information on the inmates passing through the remand centre. Obligations will have to be placed on the contractor to make these records in an appropriate way, so that when necessary the information can be provided to other parts of the criminal justice system, to contribute to their work with prisoners, and for them to make statistical and other forms of analysis of the operation of the entire criminal justice system.

76. The rights and privileges of remand prisoners as unsentenced inmates demand of a centre certain physical specifications and regime regulations. Remand prisoners are permitted to wear their own clothing, to send and receive an unlimited number of letters, to have daily visits, to work if they want to and if suitable jobs are available (though, unlike sentenced prisoners, they cannot be required to work) and to make urgent telephone calls. Since they are preparing for their trials, inmates also need to have the facilities to prepare their defence and see lawyers, police and probation officers.

77. The regime in remand prisons is, therefore, shaped by the fact that inmates will need to be taken to interview or visit rooms relatively frequently and that they will not be in the centre for long enough, or for a predictable enough period, to undertake elaborate education schemes.

78. The fact that remand prisoners cannot be required to work in the prison may make it more difficult to estimate the proportion of tasks in the institution for which inmate labour will be

available. (In existing establishments these problems are reduced by the availability of working parties of convicted prisoners). The use of inmate labour for domestic tasks in the institution would be an important factor to be considered in the award of contracts to run remand centres.

79. Certain specialist services would be needed and it would have to be decided how and by whom these would be provided. These certainly include medical, social work, and chaplaincy services.

80. But so long as the essential requirements are met, potential contractors would need to be allowed as much scope as possible to develop new designs and approaches. Steps in this direction have already been taken by the Prisons Building Board, which has developed a flexible design brief for urban remand centres including the essential physical elements while leaving freedom to develop the design. If, as a result of the present studies, a contractor or consortium was both to build and manage a remand centre, flexibility would need to be allowed for design solutions which took account of particular methods of operation, and vice versa. It would, however, be important for the establishment to be capable of being taken over and run by others if the original contractor were subsequently replaced.

81. The criteria for escorting and court duties are fairly clear: the prisoners must be kept secure, and the escort runs have to deliver the prisoners to the right place at the right time. Contractors will have to accept that there are constraints which do not arise in otherwise comparable transport operations. Deliveries

of prisoners have to be made according to the courts' demands; and trial and hearing dates cannot be determined simply in relation to the contractor's convenience. And at the end of each day every prisoner must, without fail, be delivered to the right place for the night.

82. The fact that the Prison Service already relies heavily on the private sector for the hire of the vehicles and drivers used for prisoner transportation gives some indication of the ability of the private sector to cope with requirements such as these.

83. One side benefit of contracting out these functions will probably be to clarify responsibilities in relation to court duties. The contractor and his staff will need to be given a clear specification of the duties they will be expected to perform, with suitable criteria for measuring actual performance.

(e) Categorisation and allocation

84. A basic physical requirement of a remand centre is that it should be secure enough for the prisoners held in it. In the United States, as we have seen, privately managed institutions cater generally for low risk inmates. In the British context, it will probably be necessary for very high risk prisoners (category A or those identified as of particular danger to the public) to be handled within the existing system by the police and prison services. But there is a range of options for the remaining types of prisoner - i.e. the equivalents of security categories B, C, and D. (The definitions of these security categories are given in the annex.)

85. At present all remand prisoners, except those potentially of category A status are given "unclassified" status, and the general practice is for them to be held in prisons with security standards appropriate for category B prisoners. Although governors consider whether any remand prisoners in their establishments might safely be transferred to category C accommodation, there is no formal categorisation until the prisoner is convicted. In any case, in the present situation, places are not available in the prison estate, even if categorisation were possible, to match remand prisoners to specific security categories.

86. Private contractors might wish, and have the ability, to handle only lower risk prisoners, leaving significant numbers of prisoners still to be dealt with in the existing remand system. There are obvious dangers of duplication which would detract from the cost-effectiveness of the remand system as a whole. A key concern of the consultancy will be to recommend a basis for private sector involvement which avoids these dangers and improves cost-effectiveness all round.

87. If in a given area higher security prisoners were to be dealt with by the Prison Department, and lower security prisoners by contracted out escort services and remand establishments, a procedure would need to be devised for allocating prisoners between Prison Department establishments and contracted out facilities. This would need to operate rapidly and effectively, given the very short timescales for remand decisions. A procedure of this kind would be required in any case to identify those prisoners who were potentially Category A. Creating an allocation system for a larger

number of prisoners would not be easy and would have implications for the police, the Prison Service, the courts, the Crown Prosecution Service and the probation service, as well as the contractors.

88. There may be some broader benefit in the development of such a procedure for categorising remand prisoners since it would avoid the need to keep remand prisoners in more secure (and hence more expensive) conditions than are really necessary. Only about 50% of remand prisoners are given custodial sentences, and some 50% of those are eventually categorised C or D. This suggests that a large number of remand prisoners may be held in higher security establishments than is necessary. It is possible, therefore, that the introduction of private sector remand establishments suitable only for lower security inmates may contribute to cost-effectiveness by, amongst other things, securing a better match between the prisoner and the security of the establishment in which he is held.

(f) Staff

89. The staffing of privately managed remand facilities is a crucial area. Staff must be able not only to discharge the security function, but also to ensure that the prison runs to an orderly and peaceful routine, which rigorously upholds inmates' rights and privileges. Obviously this task requires special qualities and skills.

90. This has implications for the selection and training of contractors' staff. Both basic grade and management staff would

have to be suitable for the job, with minimum requirements set out in the contract.

91. Private contractors would no doubt to some extent compete with the Prison Service itself in the recruitment and retention of staff, and the government will need to be sure that this will not have an adverse effect on the quality of staff in the prison service. However, private contractors may be able to tap new sources of able employees at various levels, and there is no reason to believe that people with the talents necessary to staff privately managed operations could not be found.

(g) Legal powers and means of redress

92. Contractors and their staff would need to operate on a proper legal footing. This would cover both the powers which contractors and their staff would need to have over prisoners, and provide suitable means of redress for prisoners who felt that they had been wrongly treated. There would also need to be proper means for others, such as prisoners' lawyers and families, to ventilate complaints about conditions or the facilities provided for them.

93. These issues will be considered further in the light of the precise scope and nature of the role, if any, which it is decided the private sector should have in the handling of remand prisoners. If, for example, contractors' staff were to work under the direct supervision of police or prison officers, ordinary citizens' powers might be sufficient. But if this were not the case, powers of arrest and detention comparable to those of a police or prison officer might need to be conferred, with safeguards against their abuse.

(h) Relationship to the criminal justice system

94. Remand centres are in constant contact with other parts of the criminal justice system - the courts, the prisons, the police, the Crown Prosecution Service and probation service. It will be important for the private sector to be introduced in a way which promotes effective inter-action with other parts of the criminal justice system, for example in the handover of prisoners and effective exchange of information.

95. There are practical questions such as access by contractors' staff to police, prison and court premises to deliver and collect prisoners. But there are also broader points to be addressed, such as whether the management of a private remand centre should have a direct responsibility to the courts, or, perhaps, operate as a satellite of a remand prison, with the governor of that prison remaining the person into whose custody prisoners were formally remanded.

96. The effect of any contracting out arrangements on the work of the courts would have to be assessed. For instance, a court remanding a person in custody needs to issue specific instructions to those who will be responsible for him at each stage until his next appearance, and this process would be more complicated if a number of contractors had to be contacted.

(j) The competence and suitability of private sector companies

97. As has been seen, the management of remand facilities is a difficult and complex operation. Great care would need to be taken in the selection of contractors to ensure that they were fully

competent to undertake the work. Factors to be taken into account would include their experience and background, the quality of their management and the skills of their staff. The probity and reliability both of contractors and their staff would also be important considerations, given the security implications of their work, the responsibilities they would have towards inmates, and their access to personal information about them.

Conclusion

98. There is a wide range of complex issues to be resolved if the private sector is to be brought into the management of remand prisons. These are issues in which principle and practice inter-mingle and overlap. But the potential benefits to both prisons and the whole criminal justice system are real enough to justify further serious study of the possibilities, embracing both the principles and the practicalities. The investigation which the management consultants will carry out, working with criminal justice system experts, will be an important next step. This work will include: identifying blocks of work within the remand system, which could form viable and discrete contracted out operations; devising means by which proposals from private companies could be assessed against relevant criteria (including value for money); considering procedures to ensure the smooth inter-action of contractors' operations with other elements in the criminal justice system; looking at the consequences of the allocation of prisoners between contracted out and the remaining facilities; drawing up performance criteria for contracts; recommending management systems; and looking at commercial considerations, such as bases for payment and terms of contracts.

99. The government expects to appoint the consultants shortly, and to receive their findings towards the end of the year. Meanwhile the government invites comments on the issues raised in the Green Paper so that they can be taken into account alongside the results of the consultancy in deciding which, if any, of the options for private sector involvement, will be pursued. Whilst comments both on the principles and the practical questions would be welcome, the government seeks views particularly on the main issues of principle addressed in paragraphs 44 to 56. Any legislative changes which might be necessary would be sought as soon as the Parliamentary programme allowed.

100. The government is committed to achieving real improvements in conditions in the Prison Service as quickly as possible and to improving value for money in the remand system. It is important to establish whether the private sector could play a greater role in securing these improvements. The feasibility of any such involvement and the precise form it should take will depend on the resolution of the issues outlined in this Green Paper.

101. Comments on the issues raised in this Green Paper should be sent to:

The Remands Unit
Prison Department
Room 308
Home Office
Horseferry House
Dean Ryle Street
LONDON SW1P 2AW

and be submitted by Wednesday 30 November. On occasion the Home Office is asked for copies of comments submitted in response to

consultation exercises of this kind. Unless comments are expressly submitted in confidence, it should be assumed that they may be made available to third parties upon request.

ANNEX: GLOSSARY OF TERMS

Prisoner categorisation

Category A - Prisoners whose escape would be highly dangerous to the public, or to the police or to the security of the state.

Category B - Those prisoners for whom the highest conditions of security are not necessary, but for whom escape must be made very difficult.

Category C - Those who cannot be trusted in open conditions, but who do not have the ability or the resources to make a determined escape attempt.

Category D - Those who can reasonably be trusted to serve their sentence in open conditions.

Board of Vistors - Each establishment has a Board of Visitors. The Visitors are members of the public, appointed by the Home Secretary. Their principal duties are to oversee the administration of the establishments and the treatment of the prisoners on the Home Secretary's behalf.

Remand centre - provides for the detention of prisoners awaiting trial having been remanded in custody by the courts, or awaiting sentence having been convicted by the courts.

Remand in custody - having been remanded in custody by a magistrates' court a defendant is taken to a remand centre or local prison, and held in the custody of the governor of that establishment until his next appearance in court.

Home Affairs
Prison
PT 4





SECRETARY OF STATE
FOR
NORTHERN IRELAND

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

The Rt Hon Douglas Hurd CBE MP
Secretary of State for the Home Department
Home Office
Queen Anne's Gate
LONDON
SW1

NLW to SA
Don

4 July 1988

Dear Home Secretary

PRISON OFFICERS' ASSOCIATION

Thank you for copying to me your letter of 16 June to George Younger.

I welcome the proposal to establish an inter-departmental group of officials to examine the possibility of a non-disruption agreement with the Prison Officers' Association and contingency planning for major disruption in prisons. The Northern Ireland Prison Service has a keen interest in this initiative and I would wish my officials to be included in the proposed consultations.

I am copying this letter to the Prime Minister, George Younger, Nigel Lawson, Norman Fowler, Malcolm Rifkind, John Moore, Patrick Mayhew and Sir Robin Butler.

Yours sincerely

Pat Donnelly

pp TK

(Approved by Mr King and signed in his absence)

SECRET & PERSONAL

SMN3290

From: THE PRIVATE SECRETARY

R17



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

1 July 1988

Dear Andy

... I attach briefing for the Prime Minister's meeting with Judge Argyle to discuss the position of women in the prison service and opposite sex postings as you requested, including some general matters relevant to Holloway where Judge Argyle has contacts.

Yours
Catherine

MISS C J BANNISTER

P A Bearpark, Esq

PRIME MINISTER'S MEETING WITH JUDGE ARGYLE

BACKGROUND

Judge Argyle has asked for a meeting with the Prime Minister to discuss the position of women prison officers in general and the issue of opposite sex postings in particular. He has a long standing connection with HMP Holloway and specifically with its Officers' Club, where the staff recently gave a party to mark his impending retirement. This note provides briefing on women in the Prison Service, opposite sex postings, and current issues at Holloway.

WOMEN IN THE PRISON SERVICE

2. There are currently about 1100 women in the Prison Service unified grades, which were formed last year as part of the Fresh Start initiative by the amalgamation of the former officer class and the Governor grades. Women officers receive exactly the same training as men, including control and restraint techniques, and have the same conditions of service. All members of the unified grades are expected to be fully mobile although in practice, once they have taken up their first postings, this requirement is rarely invoked for junior grades.

OPPOSITE SEX POSTINGS

3. Until recently women prison officers (the former uniformed grades) were, with the exception of a few specialists such as caterers, employed almost exclusively in women's establishments. The first women officers were posted into male establishments at the end of 1987 to undertake certain tasks which were not suitable for men (searching female visitors to high security prisons and receiving women surrendering to bail) and to carry out any other appropriate tasks with due regard to privacy and decency. So far about 80 women have been posted into local and dispersal prisons: they are all volunteers and were carefully selected for their new roles. How they are deployed within establishments depends to some extent on local conditions and is a matter for local management, but many are working in residential areas as well as on security matters and court duties.

4. The scale of the scheme has been limited so far by the need to tread carefully in an inevitably sensitive and emotive area and to retain sufficient experienced staff in the women's system. The Prison Department is in the final stages of negotiating an agreement on consultation procedures with the Prison Officers' Association and intends shortly to extend the initiative to other categories of establishment, including youth custody centres. Perhaps surprisingly there has been little opposition to the initiative, which is seen by staff and inmates alike as a real step towards the normalization of life in prison. The policy will be reviewed next year to find out whether the effects are as beneficial as they appear so far and, if so, whether further guidance is needed on implementation.

5. It has been the practice since 1975 for governor grades (now grades V-I) to be posted into opposite sex establishments. As

Judge Argyle has noted, Holloway itself has a male governor whilst Brixton is run by a woman. There have been male grade VII officers (formerly Senior Officers), the most junior management grade, in Holloway since late 1986, reflecting the difficulties which have long been experienced in finding staff for Holloway at that level.

HMP HOLLOWAY

6. Holloway is a modern purpose-built closed prison erected on the site of a former Victorian prison. The building work was completed in November 1985. It is the largest establishment in the female system with accommodation in cells and dormitories with integral sanitation for 479 inmates which represents approximately 30 per cent of all women prisoners. It takes all types of prisoners including remands and lifers but category A prisoners are held in Brixton prison. The catchment area ranges from Hampshire to Kent in the South, Leicestershire and Lincolnshire in the North and the whole of East Anglia. In addition to housing sentenced inmates Holloway also allocates this group to other closed establishments or to open conditions.

STAFFING

7. Holloway currently has 281 grade VI-VIII staff (ie the former prison officer grades). Like all the London prisons it has a high proportion of probationary and relatively inexperienced staff: although some officers have homes and families in the area many are posted here on joining and seek to return to their home areas or to leave London, where the cost of living is high, as soon as they have gained some experience. Efforts to target recruitment on London and the South East are helping to reduce this problem but have not yet eliminated it.

8. In this context Judge Argyle may raise the problems faced by new entrant prison officers, often young women who have no roots in London, in finding accommodation. Unlike other London prisons Holloway can usually provide some form of accommodation for such staff, enabling them to establish themselves in a new place and a new job without the additional pressure of searching for a place to live.

INDUSTRIAL ACTION

9. Judge Argyle is unlikely to refer to the current industrial action at Holloway but the Prime Minister may wish to be aware that a dispute is in progress over the number of officers required to carry out evening unlocking. The Prison Department and the Prison Officers' Association are currently in negotiation over the issue and are due to meet on Friday 8 July.

Home Office Prison Department
30 June 1988



01-936 6201

ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

27 June 1988

The Rt Hon Douglas Hurd CBE MP
Secretary of State for the Home Department
Home Office
Queen Anne's Gate
LONDON S W 1

NBP

Dear Douglas:

PRISON OFFICERS' ASSOCIATION

Thank you for sending me a copy of your letter of 16 June to George Younger.

In view of the legal matters with which the interdepartmental group may have to deal, I would be happy to offer the assistance of my Department in whatever way you thought desirable. Perhaps this could take the form of our considering the group's papers and attending meetings where the group felt that the presence of one of my officials would be helpful.

I am copying this letter to the Prime Minister, Nigel Lawson, George Younger, Norman Fowler, Tom King, Malcolm Rifkind and John Moore, and to Sir Robin Butler.

Lawson,
R. King

7A
SECRET AND PERSONAL

000008



COPY NO. 2 OF 10 COPIES

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon Douglas Hurd CBE MP
 Home Secretary
 Home Office
 50 Queen Anne's Gate
 London
 SW1H 9AT

NBAM

27th June 1988

Dear Home Secretary

PRISON OFFICERS' ASSOCIATION

Thank you for your letter of 16 June proposing the establishment of an inter-departmental group of officials to study the possibility of a no disruption agreement with the Prison Officers' Association and contingency planning for major disruption in the prison service. *As*

I am content with the scope of the work which you suggest. As you know, I am not against no disruption or no strike arrangements in suitable cases. However, they can be costly and, in this case, may raise a number of difficulties as previous discussions between our officials have shown. I would therefore want Treasury officials to be represented on the group.

I am copying this letter to the Prime Minister, Nigel Lawson, George Younger, Norman Fowler, Tom King, Malcolm Rifkind, John Moore Patrick Mayhew and Sir Robin Butler.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'John Major'.

for JOHN MAJOR

(Approved by the Chief Secretary
 and signed in his absence)

HONG KONG AFFAIRS: PRISON PT 4



SECRET AND PERSONAL

ST. ANDREW'S HOUSE
EDINBURGH EH1 3DG



NBPM

The Rt Hon Douglas Hurd CBE MP
Home Secretary
50 Queen Anne's Gate
LONDON
SW1H 9AT

27 June 1988

Dear Douglas,

PRISON OFFICERS' ASSOCIATION

at flap

Thank you for sending me a copy of your letter of 16 June to George Younger.

I fully understand why you should conclude that this study is needed, in view of the severe industrial relations difficulties you have had with the POA in England and Wales. The Scottish POA is of course a separate organisation, and its leadership has generally been pragmatic and sensible in its dealings with management. While we have had some industrial relations difficulties they have not been nearly so acute as in England and Wales.

It would suffice for my purposes to receive the papers of Sir Clive Whitmore's group. I should be grateful if they could be copied accordingly to the Secretary, SHHD and the Director of the Scottish Prison Service.

I am copying this to George Younger and to those who received copies of your letter.

*Yours ever,
Malcolm*

MALCOLM RIFKIND

Home Affairs: Prison Service
PT 4.





Caxton House Tothill Street London SW1H 9NF

5803

Telephone Direct Line 01-273
Switchboard 01-273 3000 Telex 915564
GTN Code 273 Facsimile 01-273 5124

NBF

The Rt Hon Douglas Hurd CBE MP
Home Secretary
50 Queen Anne's Gate
LONDON
SW1H 9AT

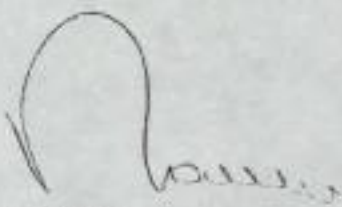
June 26

Dear Douglas,

PRISON OFFICERS' ASSOCIATION

Thank you for the copy of your letter to George Younger. I welcome the involvement of my Department in the exercise you are planning which could have significant implications for industrial relations and pay. A no-disruption agreement would of course be immensely worthwhile. The achievement of such changes is however always likely to be expensive and I think this has to be recognised from the outset.

I am copying this letter to the recipients of yours.

Yours sincerely

NORMAN FOWLER

HOME AFFAIRS: Prison Service AU





MINISTRY OF DEFENCE WHITEHALL LONDON SW1A 2HB

TELEPHONE 01-218 9000

DIRECT DIALING 01-218

MO 19/1E

23 June 1988

NBP

Dear Douglas,

PRISON OFFICERS' ASSOCIATION

Many thanks for your letter of 16th June about examining contingency plan options for the eventuality of a clash with the Prison Officers' leadership on a country-wide scale.

I am entirely happy that Michael Quinlan should join in exploration of this under Clive Whitmore's chairmanship. There is meanwhile little need for me to underline how formidable an undertaking we must expect it to be to construct an adequate fall-back system within the role concepts which have, for very good reasons, long been established in this field. But let us see where the thinking takes us.

I am sending copies of this letter to the Prime Minister, Nigel Lawson, Norman Fowler, Tom King, Malcolm Rifkind, John Moore and Patrick Mayhew, and to Sir Robin Butler.

Yours ever,
George

George Younger

The Rt Hon Douglas Hurd CBE MP



DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Richmond House, 79 Whitehall, London SW1A 2NS

Telephone 01-210 3000

From the Secretary of State for Social Services

SECRET AND PERSONAL

The Rt Hon Douglas Hurd CBE MP
Secretary of State for the
Home Department
Home Office
50 Queen Anne's Gate
LONDON
SW1H 9AT

22 June 1988

PRISON OFFICERS' ASSOCIATION

You wrote to George Younger on 16 June proposing the establishment of an inter-departmental group of officials to study the possibility of a no-disruption agreement with the Prison Officers Association (POA) and contingency planning for major disruption in the prison system.

I welcome this initiative, and I have a direct interest in relation to the Special Hospitals Service in England and Wales. Over 80% of the nursing, occupations and ancillary staff working in the Service (themselves 85% of the total) are represented by the POA. With its unique hospital security requirements the Service is very exposed to disruption by the POA, and I think it is important that you will be proposing that the inter-departmental group should have contingency planning as part of its remit.

Because of my responsibility for the Special Hospitals Service, I should wish my Department to be represented on the group.

I am copying this letter to the Prime Minister, Nigel Lawson, George Younger, Norman Fowler, Tom King, Malcolm Rifkind, Patrick Mayhew and Sir Robin Butler.

JOHN MOORE

KK FILE



10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

21 June 1988

NOTE
Briefing requested
by phone from HO
(Catherine Bawington)
for Monday 4 July

See
- 28/6

Thank you so much for your letter of 16 June. I must apologise, but may I please change the time again? Would it be possible for you to come and see the Prime Minister at 3.00 pm on Wednesday 6 July instead of 3.30 pm? I am sorry to mess you about but I hope this is the last change we will have to make!

I look forward to hearing from you and hope that this time suits.

(MRS. TESSA GAISMAN)

His Honour Judge Argyle, M.C., Q.C., M.A.

JG

FROM: His Honour Judge Argyle, M.C., Q.C., M.A.

CENTRAL CRIMINAL COURT,
CITY OF LONDON,
LONDON, EC4M 7EH.

16th June, 1988.

Mrs. T. Gaisman,
Private Secretary,
10 Downing Street,
LONDON.
SW1A 2AA

Dear *Mrs. Gaisman,*

Thank you for your letter dated 8th June, 1988.

In confirmation of our telephone conversation this morning, I would be very pleased to come to visit the Prime Minister at 15:30 hours on Wednesday July 6th. Ann and I have been invited to a Royal Garden Party for that afternoon and I was glad to hear from you that the Prime Minister would be good enough to advance the suggested time of the appointment by one hour.

With best wishes,

Yours sincerely,

Michael Argyle

JUDGE

Cl to see fpa



1 QUEEN ANNE'S GATE LONDON SW1H 9AT

Pmc Minutes

16 June 1988

to note that the

Home Secretary is now putting this
work in hand following your agreement.

Dear George,

W.C.V.

PRISON OFFICERS' ASSOCIATION

16.6

I have long been concerned at our vulnerability to industrial action by the Prison Officers Association (POA). I believe that we have reached a stage where we should now examine carefully whether we can take steps significantly to reduce their ability to disrupt the prison system. We have virtually completed the introduction of the major elements of the Fresh Start arrangements and are now moving into a period of consolidation of the new system. At the same time work is well in hand on a Green Paper on private sector involvement in all aspects of the remand system, and we intend to appoint consultants in the near future to help us in working out the practical implications. The background to these developments is, of course, our continuing problems in housing the rising prison population.

As we move into this new phase in the development of our arrangements for managing the prison system, I should like to explore within Government the possibility of reaching a no disruption agreement with the POA. This would have to embrace long term arrangements for settling pay and conditions of service, and any deal might have to include an immediate compensatory payment. But even if we were able to offer an agreement which would be attractive to individual prison officers, I judge that, in their present frame of mind, the POA's national leadership would be unlikely to support any deal which we would find acceptable. If that is likely to be their response, we then have to consider whether we should impose no disruption arrangements by legislation. That would mean in turn that we would have to be ready to switch to emergency legislation if the POA responded with serious industrial action. And the POA's likely intransigence on issues such as private sector involvement might push us in this direction anyway.

There is, however, probably no point in thinking of setting off down this road, unless we are confident that we have adequate contingency plans to deal with a very widespread withdrawal of labour by the POA. Our present plans, which involve senior and loyal prison staff, the police and the armed forces, are directed at dealing with only limited industrial action. I should like us to think through how we would cope with disruption on a far bigger scale.

The Rt Hon George Younger, TD., MP.

/over...

If we conclude that we do not have the means of dealing with trouble of these dimensions, then we shall have to carry on on present lines, accepting that as we seek to make the prison system more effective and efficient, any assertion of strong management would rest on a bluff which the POA could call. That is not a happy prospect, and before we resign ourselves to it I should like, as I say, to examine in some depth how we might achieve a fundamental shift in relations between the management and the POA which would put us in a much better position to secure improvements in the running of our prisons.

I have consulted the Prime Minister, and she agrees that such a study should be undertaken. I propose, therefore, to ask Sir Clive Whitmore to chair an inter-Departmental group of officials with the task of examining in detail both the possibility of no disruption arrangements and contingency planning for major disruption, and of reporting to me within a few months. When we have seen and digested that report we can settle the way forward on both fronts.

Subject to comments which you and other recipients of this letter may have, Sir Clive will shortly write to Sir Michael Quinlan and senior officials in other interested Departments to establish the group.

I need not emphasise the sensitivity of this exercise, knowledge of which should be confined to the smallest possible circle.

I am sending copies of this letter to the Prime Minister, Nigel Lawson, Norman Fowler, Tom King, Malcolm Rifkind, John Moore and Patrick Mayhew, and to Sir Robin Butler.

Yours,

Douglas.



10 DOWNING STREET

cf ops?
Judge Argyll telephoned
to ask if he could
move his time to 1530
as he is going to a
Garden Party this afternoon.

Notes in diary

Tg.

16/6

Judge ARGYLE



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

8 June 1988

The Prime Minister has asked me to be in touch with you concerning the request you made in your letter of 9 May for a meeting with her. She would of course be delighted to see you, and has asked me to arrange a time. I am afraid that her diary for June is dreadfully overcrowded and she is away in Canada and in Europe for a large chunk at the end. Would 4.30pm on Wednesday 6 July be possible for you? I am sorry this seems such a long way forward, but I hope you will understand the reasons. Perhaps you could let me know if this suits? The number here is 01-222-8141. I look forward to hearing from you.

Mrs T Gaisman

His Honour Judge Argyle, M.C., Q.C., M.A.

JW

E.R.

PRIVATE NOTICE QUESTION

TO BE CHECKED
AGAINST DELIVERY

cc Q
Press
PAB
DM
✓ MWR

7 June 1988

Dr Jack Cunningham (Copeland): To ask the Secretary of State for the Home Department, the following question of which he has given him private notice.

If he will make a statement on the riots and escapes at Haverigg Prison, Millom, Cumbria and whether he will institute a public inquiry.

Mr Douglas Hogg

During the night of 5/6 June 1988 a serious disturbance took place at Her Majesty's Prison at Haverigg in Cumbria which is a category 'C' establishment with places for around 500 inmates. It started at about 7.30 pm when approximately 40 prisoners began causing damage to buildings. Extra Prison Officers were deployed to duty and appeared to be containing the action. At about 11 pm there was an escalation and the officers were forced to withdraw and police were deployed to secure the perimeter. Prison Officers later gained control of the prison, but for a time a total of 34 prisoners either escaped or were unaccounted for. All except three escapees, none of which have been convicted of offences of violence, are now back in custody.

In all 28 buildings were damaged and 300 prisoner places were lost temporarily. Repairs are already in hand.

/My rt hon

My rt hon Friend the Home Secretary has asked Mr Gordon Lakes CB, MC, the Deputy Director General of the Prison Service to conduct an urgent investigation into the disturbance. This will be a comprehensive and wide ranging inquiry which will consider all the relevant factors that may have contributed to the incident.

Mr Lakes will arrive at Haverigg Prison tomorrow to start work on the inquiry.

When he has received Mr Lakes' report my rt hon Friend will report his conclusions to the House.

NBPM

ce B/G



SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

The Rt Hon John Major MP
Chief Secretary to the Treasury
Treasury Chambers
Parliament Street
LONDON
SW1P 3AG

31 May 1988

Dear John,

Ray

Thank you for copying to me your letter of 26 April to Douglas Hurd suggesting that officials of your respective Departments should take a joint look at non custodial measures which may have some impact on the prison population.

I have seen Douglas's reply which refers to the Green Paper which he has been preparing on supervision of offenders in the community. My officials have seen an early draft of the Green Paper and have been considering what relevance it might have for the position in Scotland. As you know, the pressure on prison places is not as acute at present as in England and Wales but nevertheless I wish to take all possible steps to contain the increase in the use of imprisonment and to ensure that as far as possible it is a disposal of last resort. Proposals of the kind contained in the Green Paper are therefore of considerable interest to us. We have concluded, however, that as far as the current exercise is concerned the existing differences in legislation and approach to these subjects North and South of the border are such that little useful purpose would be likely to be served by attempting to extend the scope of your discussions to include Scotland. That is not to say that we have any less interest in alternatives to custody (rather that they may have to be pursued in different ways) and I would ask that Douglas's officials should continue to keep my officials abreast of developments in this area in England and Wales as we shall, of course, do in return in relation to any Scottish initiatives.

I am sending copies of this letter to the Prime Minister, other Members of H Committee, Ian Stewart and Sir Robin Butler.

Yours as,
Malcolm Rifkind

MALCOLM RIFKIND

HOME AFFAIRS

Papers pt 4



R 2575



File missing - should
be in TM
Is it away?

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT
25 May 1988

Dear Andy

Thank you for your letter of 16 May to Nick Sanderson asking for advice about Judge Argyle's request for a meeting with the Prime Minister, apparently to discuss the position of women prison officers in general and the issue of opposite sex postings in particular.

I understand that Judge Argyle has a longstanding connection with HMP Holloway and specifically with its Officers' Club, where the staff recently gave a party to mark his impending retirement. We know of no reason why the Prime Minister should not agree to the request for a brief meeting.

On the question of opposite sex postings, about 80 female officers have been posted to male prisons since the introduction of a new policy towards the end of last year. So far the scale of the scheme has been limited by the need to tread carefully in an inevitably sensitive and emotive area and to retain sufficient experienced staff in the women's system. Opposition from the Prison Officers' Association has been confined to a few establishments. Further postings of women officers will take place later in the summer, and the policy will be reviewed next April.

Judge Argyle refers to other areas in which women prison officers are "not getting a very good deal". We have been unable to find out from Holloway what he has in mind, but if the Prime Minister does agree to see him we would of course provide briefing on current issues, including further details on opposite sex postings. We would also naturally follow up any points that he made.

Yours
Catherine

MISS C J BANNISTER

P A Bearpark, Esq



10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

24 May 1988

Dear Philip,

PRISON OFFICERS' ASSOCIATION

The Prime Minister discussed with the Home Secretary this morning his minute of 29 April about the weakness in the Government's capacity to respond to the Prison Officers' Association. Please could recipients of this letter not make copies without the permission of No. 10.

The Prime Minister recognised the difficulties in the course outlined in the Home Secretary's minute, but she believed that he was right to try to devise a route through the problem. She agreed that, in the first instance, Sir Clive Whitmore should chair an inter-departmental group of officials with the task of studying the issues referred to in the Home Secretary's minute and reporting to him within a few months. The Prime Minister would then wish to discuss the outcome of Sir Clive's report before it is discussed generally with Ministers.

The Prime Minister mentioned to the Home Secretary during the discussion an article by Mr. Jack Peel. This is attached.

I am sending a copy of this letter to Sir Robin Butler.

Nigel Wicks

N.L. WICKS

Philip Mawer, Esq.,
Home Office.

J. A. Peel,
"Timberleigh",
39, Old Newbridge Hill,
Bath,
BA1 3PU,
Avon.

Bath (0225) 23959

ARE STRIKES REALLY NECESSARY ?

One of the earliest strikes in Britain was said to be amongst King Harold's longbowmen just before the Battle of Hastings. Whether this is true or not, strikes have now become part of our democratic way of life. The "right to strike", is not only regarded as an implicit freedom, but the ultimate bargaining weapon to be used against obdurate employers. Increasingly, however, it is being exercised in ways which inflict considerable harm to the community and damage to industry and services. This has led to the growing feeling that the strike weapon is an outmoded and useless method of settling disputes. Modern battles are not fought with bows and arrows and in the same way, it can be argued that strikes are a primitive way of dealing with sophisticated industrial problems.

Strikes are not inevitable. They are man-made phenomena like fires and accidents and so avoidable, if the proper steps are taken in time. These do not involve resort to wizardry or magic, but simply common sense and mutual trust. An industry's resources and future prospects should be frankly and openly discussed well before the rituals of negotiating procedures lock both sides into adversarial positions. Good communications are an obvious priority. Quick action taken by management on trivial issues help workers to understand that the company is honestly concerned about them and helps to create the right mood when serious issues are being faced. Not all managers appear to understand that the sum total of worker dissatisfaction on small issues, is ample stimulus for anti-management activities. Abortive negotiations and strikes are the final dramatic reactions. The more common responses are absenteeism, low productivity and poor workmanship.

Trade union leaders too, must face the fact that calls for more information and the right to have a say in decision taking, are unlikely to evoke the right response unless they can demonstrate their sincerity and willingness to cooperate. In short, avoiding strikes is all about the creation of a mood, which in turn, requires bold leadership by managers and trade union officials. In some of Britain's older industries, like textiles and footwear, this lesson was learned long ago, fierce foreign competition making strikes a luxury that could rarely be afforded. Other industries have been slower to learn and although Britain's lost working days due to strikes were lower last year than for many years, this seems largely due to legal and economic pressures. The Government's legislation requiring unions to be more accountable and responsive to their members through secret ballot procedures, has liberated the common sense of ordinary people and curbed much of the militancy of some of their leaders. The effects of new technology and the related high levels of unemployment, have also induced much thought amongst trade unionists about the security of their jobs.

The passivity of most trade unions then, seems more to do with the external factors just mentioned than to a drastic change of mood on the part of their leaders. This leaves us to grapple with a big question. If the strike weapon is really outmoded, how do we persuade unions to forgo its use? Asking for greater cooperation is futile if the mood is not right. Changing the mood is the responsibility of the leaders of unions and employers' organisations. Union leaders will find it hard to persuade their members to be restrained and responsible if this is not seen to be worthwhile. A "macro" bargain is therefore indicated - the sharing of profits, power and information from the employers, in return for the fullest cooperation in bringing in new technology and the use of arbitration instead of the strike weapon, would be the ideal solution. But many might feel this formula to be too revolutionary - too much for workers and managers to swallow without a massive educational programme to help bridge the ideological gaps. On the other hand, steady progress is being made in the UK with profit-sharing ideas, encouraged by the government and strike-free deals are being made, albeit controversially, by some trade unions.

So we come to a familiar dilemma of modern times. How do we in the short term, due to unrelenting social and economic pressures, implement policies seen to be desirable, but only in a long term context. In other words, how do we achieve evolutionary change at a revolutionary pace? This would frown the brows of Solomon. If we assume, for the sake of pursuing the theme, that the factors mentioned in the "macro" package are the ways to cooperative industrial relations systems, then some other European countries are making positive progress. Seven countries (Austria, Denmark, Sweden, Germany, Norway, Holland and Luxembourg) have laws providing for workers' representatives on company boards. These laws, however, have followed decades of effort to expand worker participation throughout all levels of the enterprises involved. Moreover, in three of these seven countries (Austria, Germany and Sweden) the principle of industrial unionism is firmly established and is being pressed hard in the other four countries named, where an historical combination of craft and industrial unions exist. The significance of this point is that with fewer unions there seems to be a better chance of reaching agreement on the big industrial questions of the day.

On information disclosure, steady progress is being made in Germany, Belgium, Holland and the Scandinavian countries - indeed, in Germany and Holland the procedures appear tougher than those suggested in the ill-fated Vredeling Proposals of the European Commission. Other countries, including the UK, prefer to extend information disclosure by voluntary means, which is fine, provided employers do not regard this as an excuse for doing nothing at all. For voluntary systems to work, regular Government monitoring is needed to ensure that reasonable efforts are being made, the point being that without better communications it will be difficult to develop the mood of cooperation to the point where strikes are seen to be irrelevant and unnecessary. Of the other "macro" package factors, arbitration is much more widely used on the Continent than in the UK, especially in Germany, Holland, Belgium, Sweden, Austria and Switzerland. On strike-free agreements, as one would expect, progress is slow, though Switzerland, Germany, Holland and the UK are in the lead, in our case mainly with Japanese firms who have located in the UK and found the engineering and electricians' unions responsive to the concept.

So far the argument has been that there are valid alternatives to the use of the strike weapon in modern society. The "macro" package I have described is not just an idealistic formula pulled out of the air. It is an amalgam of what I perceive to be the progressive thoughts emerging throughout Europe on this issue,

both during and since my ten year stint in Brussels. But the devising of an acceptable alternative to the use of the strike weapon is bound to be in the longer term, because of the ideological and philosophical aspects such a step would involve. Merely to suggest it to the TUC, for instance, would induce collective hysteria. We come then to the short term and what might be done to help persuade unions of the futility of striking in today's complex and interdependent world. Here again the problems are mind-boggling. Hemmed in by falling membership and finances and increasingly stringent legislation against the use of the strike weapon, European unions have in recent years resorted to the use of "irregular" strikes, especially in Italy and France, where union membership and funds have tended to be low. These have taken the form of on-off or "hiccup" strikes and sets of coordinated stoppages or "chequerboard" strikes, which have taken many different forms.

Some unions in the teaching profession and the civil service in the UK have been using these strike variations recently, obviously to reduce the strain on their strike funds and cause the maximum disruption, with the minimum of hardship to their members. Except in the Netherlands and Luxembourg, where such actions are rare, the view prevalent on the Continent is that these strikes do not enjoy the protection of the law and may be deemed to be a breach of contract, rendering those concerned liable to civil sanctions, which may take the form of dismissal or the claiming of damages by the employer. The argument is that such forms of action alter the normal course of conflict and often cause greater hardship to a company than by a collective stoppage (company disorganisation, waste of energy and raw materials and deterioration of machinery) whilst on the other hand reducing the disadvantages to the workers, (loss of pay and the possibility that the employer might use other workers to replace the strikers).

One reaction to this has been recent German legislation whereby the payment of workers locked out in a dispute is the responsibility of the union concerned (and German employers often lock out workers who have been made idle by selective, or even full-scale strikes).. In the same way, in France not only are on-off strikes and staggered strikes prohibited in the public sector, but they are held to be unlawful in traditional case law, on the grounds of misuse of a right. In the private sector too, a French tobacco company in Sarthe, has recently been awarded heavy damages by an Appeal Court against the union calling "hiccup" strikes at its plant. An Italian Court has also recently declared these strikes unlawful after a long dispute with Zanussi, the domestic appliance makers, where workers called fifteen minute stoppages followed by fifteen minute periods of work. These continental examples of reactions to the use of irregular strikes (and there are many others) have sparked off some thoughts in my mind as to how we might begin to tackle the problem in the UK. There are three general arguments for doing so.

a. Irregular strikes create maximum disruption to the industries or services concerned and often hardship to the general public, at a minimum cost to the unions involved. The classic union argument that withdrawal of labour involves personal sacrifice to secure industrial justice, rarely applies in irregular strikes. Instead of being self-sacrificial on the grounds of principle, it becomes a vindictive tool with which the customers can be frustrated and the public harassed. Moreover, favourable ballot results are easier to secure if unions can show that the financial impact of a strike is minimal on those taking part. This offers a soft option to unions and their members and blurs their understanding of the consequences. Half-day or one-day strikes every few weeks are marginal in their impact on members, compared to a general stoppage of unknown duration, with little or no strike benefit as the accompaniment.

b. Any measures taken by employers or governments to reduce or prohibit these strikes, would not be an attack on the use of the strike weapon as such, but a restriction of strikes to the "all-out" variety. In these circumstances a more realistic evaluation of a strike proposal is likely to be made by trade unionists, who will become more aware of the costs and risks to themselves and their union, of strike action. This knowledge would be reflected in the secret ballots held and balance the outcome. Union leaders too, would hesitate before calling an all-out strike, which they knew would alienate the public, decimate their funds and disillusion their members.

c. By getting strikes back into their normal context as a full-scale, last resort weapon, to be used after proper ballot procedures have been followed, we will demonstrate their absurdity and sheer masochism as a way of dealing with modern industrial problems. We then have a chance of bargaining away the strike weapon, for a "macro-package" along the lines previously mentioned. And it must be bargained away. Exhortations and denunciations will not do the trick. The sanctity of the strike weapon is deeply ingrained and highly emotional. It must be buried with reverence. If the just solutions which strikes are designed to achieve can be secured without strikes, then society must benefit. It is a crowning irony that strikes, which have traditionally signalled the breakdown of the collective bargaining process, can be made unnecessary only by a super collective bargain, giving unions via cooperation what they have generally sought through conflict mechanisms.

The Options Available for Tackling Irregular Strikes.

1. Secret ballots could be made compulsory before each strike, however small or selective. The point here is that a blanket decision to have a rolling "on-off" strike at different times, does not give those who change their minds after the initial decision, the right to vote to end the sequence. Separate ballots before each short or selective strike would soon make them cumbersome and unworkable.

2. Employers could be encouraged to respond to half or one day strikes with a comparable lock-out period. This is what happens in Germany and Italy, for example. It's obviously controversial - some would say provocative, though it can be argued that unions have initiated the provocation. If unions resort to guerrilla warfare, why not employers ?

3. Another possible response might be to deduct the equivalent period of the strike from a striker's annual holiday entitlement. This would mean changing the collective agreement to incorporate this idea and the unions would obviously oppose it, but by raising the issue, employers would be indicating their concern and their desire to fight back.

4. If irregular strikes were made illegal, as in Germany and Italy, court actions could be taken against the unions involved. A variation of this theme would be to explicitly prohibit irregular strikes by law in the public sector (which is the current position in France). This makes sense because of the wide community impact of such strikes.

These ideas may seem quite impracticable, but the fact is that options 2 and 4 are being increasingly used on the Continent. My own preference would be for options 1 and 4, (greater accountability and tighter restrictions on the use of these strikes). Finally, let's be clear about the point of these options. Strikes will

remain necessary and indeed be inevitable, until we extend mutual trust and devise ways of solving industrial problems by more cooperative methods. By reducing and eventually eliminating irregular strikes, the primitive and wasteful nature of the big confrontations will be apparent to all but the mentally retarded, thus bringing the "macro-package" nearer. The four options then, are bridges to industrial sanity. The strike weapon has become irrelevant to our needs, not because people are perfect and no longer exploit their fellow men, but because society is changing and becoming more interdependent. Sharing power, profits and responsibility is the real industrial agenda for the next century.

Jack Peel.



QUEEN ANNE'S GATE LONDON SW1H 9AT

16 May 1988

Dear John,

PRISONS

Thank you for your letter of 26 April. I very much welcome your suggestion that our officials should take a fresh look at non-custodial measures, carrying forward the work which was done two years ago and preparing a joint paper for further discussion between us. I am also grateful for John Moore's letter of 7 May.

Your officials already have a copy of an early draft of the Green Paper which John Patten and I want to publish during the next few weeks on the supervision of offenders in the community: I will of course be circulating it more widely before it is published. That draft, and our proposed measures on bail and remand, might provide the starting point. It already takes some account of the success which DHSS have achieved with the Intermediate Treatment programme for juveniles, but the study should certainly build on that experience as John suggests.

I entirely agree that if new non-custodial measures are to be worthwhile, they must make a real impact on the prison population and not simply displace existing and possibly less expensive non-custodial options. There are some signs that public and Parliamentary opinion is becoming more ready to accept non-custodial measures as a substitute for imprisonment, especially for young people, although there is not much evidence as yet of a similar change among judges and magistrates. The danger, which we must anticipate in the Green Paper, is that the sort of non-custodial measures which they would accept would in the end turn out to be as expensive as custody itself: but we may during the next 12 months or so have an opportunity for an advance in developing non-custodial options which will not occur again in this Parliament.

All this emphasises the importance of the kind of discussion which you suggest, and my officials will be in touch with yours to carry it forward.

I am sending copies of this letter to the Prime Minister, other Members of H Committee, Ian Stewart and to Sir Robin Butler.

Yours,
Douglas

The Rt Hon John Major, MP



HOME AFFAIRS: Pua Lamma Pt 4

8/11

16 May 1988
NDM

The attached letter from Judge Argyle is self-explanatory. The Prime Minister may wish to see Judge Argyle as he requests, and I should be grateful if you could let me know if you see any difficulty with this, or indeed if you have any idea of what his position is viz a viz women prison officers.

(P. A. BEARPARK)

Nick Sanderson, Esq.,
Home Office.

PRIME MINISTER

The attached letter from Judge Argyle thanks you for the help you gave over his attendant and his housing problem. He then asks if he could meet you to speak to you on behalf of the Women Prison Officers of Holloway. This seems rather an odd subject to choose, and as you know your diary is very full.

Content for me to suggest that Judge Argyle speaks to the Home Secretary in the first instance?

PNB

P.A.B.

No - he must come
to see me - he is a

Reader of his wife's letter

ms

12 May 1988



HOUSE OF LORDS,
SW1A 0PW

ccBB

nbpm

CONFIDENTIAL

10 May 1988

The Rt. Hon. John Major, MP.
Chief Secretary to the Treasury
Treasury Chambers
Parliament Street
London SW1P 3AG.

Dear John,

PRISONS

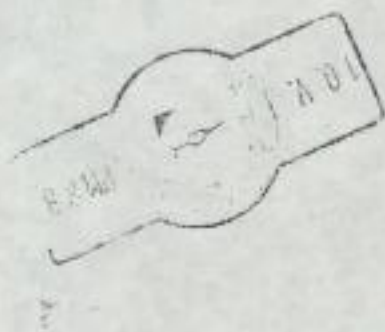
Thank you for sending me a copy of your letter of ^{11ap} 26 April to Douglas Hurd.

You suggest that a closer look should be taken at non-custodial means of dealing with offenders. Certainly I believe that we need to do more to encourage the use of non-custodial sentences. I therefore support efforts to consider them more closely, and am interested in helping with the development of our thinking in this area. I know that Douglas is working on several proposals for punishing offenders in the community, and that is important work. I would observe at this stage that our efforts at encouragement and persuasion may possibly have to be backed by legislation.

I am copying this letter to the Prime Minister, other members of H Committee and Ian Stewart and to Sir Robin Butler.

Yours ever,

Jan.



FROM: His Honour Judge Argyle, M.C., Q.C., M.A.

CENTRAL CRIMINAL COURT,
CITY OF LONDON,
LONDON, EC4M 7EH.

PP2
9th May, 1988.

The Office of the Prime Minister,
Westminster,
LONDON, WC1.

Dear *Prime Minister*

This letter is to offer my sincere thanks to you for your help in supporting my attendant, Mr. Lawrence Manito, in the purchase of his flat from the Borough Council at Hackney.

The Local Authority has at last made a positive move in the matter, and Mr. Manito has received a very long letter from his solicitor raising a number of marginal points which I hope will soon be dealt with satisfactorily. We are both truly grateful to you.

I was rather encouraged to think that you were coming to lunch here as a guest of one of the Sheriffs recently, because I would like to speak to you some time on behalf of the Women Prison Officers, especially those at Holloway. However, the 'Margaret' turned out to be Her Royal Highness Princess Margaret, against whom I not only have absolutely nothing but am a great supporter, but nevertheless she was totally inappropriate when attempting to deal with the question of Holloway! I believe that if I could meet you on some suitable occasion and speak to you for no more than two or three minutes you would be very interested to hear about this small band of women, many of whom I know personally, and who are very superior and interesting individuals from good homes, and not at all as the gutter press portray them.

As you probably know, the Governor at Holloway Prison at the moment is a man, whilst the Governor at Brixton Prison is a woman. The cross-posting of men and women in the prison service is still somewhat handicapped by male union resistance, and there are one or two other points in which I feel that the women prison officers are not getting a very good deal.

Please forgive me for troubling you, and with renewed thanks for your help to my attendant.

Yours sincerely,

Michael Argyle

JUDGE



ECB

NSBM

DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Richmond House, 79 Whitehall, London SW1A 2NS

Telephone 01-210 3000

From the Secretary of State for Social Services

The Rt Hon Douglas Hurd CBE MP
Secretary of State for the
Home Department
Home Office
50 Queen Anne's Gate
London
SW1H 9AT

7
May 1988

at hand
John Major's letter to you of 26 April, copied to members of 'H' Committee, suggests that officials should take a joint look at non-custodial measures for easing the pressure on prison accommodation. As you will know my Department has made a substantial effort to develop such measures for juvenile offenders through our Intermediate Treatment Initiative and our support of the Intermediate Treatment Fund.

You may feel there are lessons which can be drawn from our experience of developing alternatives to custody for juvenile offenders which might be applicable to the older age group, particularly the 17 to 21 year olds. I would be happy for officials here to assist the proposed discussions.

I am copying this letter to the Prime Minister, John Major, and other members of 'H' Committee, Ian Stewart and Sir Robin Butler.

JOHN MOORE

HOME AFFAIRS: PRISON

Pt. 4



COVERING SECRET AND PERSONAL

PRIME MINISTER

Prison Officers' Association

The Home Secretary's minute below goes round the houses before making its recommendation in paragraph 13 that Sir Clive Whitmore should chair an inter-departmental group of officials to consider how to crack the power of the POA.

Mr Hurd's minute raises a fearsome spectre if a substantial part of the POA is struck. But I hope that you can, nevertheless, agree that a group under Sir Clive should be established. After all the power of the NUM looked similarly unstoppable in 1981 when you commissioned Robert Wade-Gery to prepare plans in his Cabinet Office group. That planning, plus some luck, paid handsome dividends in the miners' strike. Clive Whitmore needs to carry out a similar exercise.

Agree to discuss with the Home Secretary on 16 May?

N.L.W.

N. L. WICKS

29 April 1988

PE to see + ra ja

(PN has agreed this approach.)

N.C.U



Prime Minister

To discuss with

PRIME MINISTER

Y sent the Home Secretary on 16 May?

PRISON OFFICERS' ASSOCIATION

*N.L.W.
29-4*

You will recall that I promised before Easter that I would send you a further minute about the underlying weakness in our capacity to respond to the Prison Officers' Association (POA). The issues are formidable and important, and for that reason I am not copying this minute elsewhere.

2. During the 1970s the POA moved increasingly from a compliant association influenced by a sizeable membership from a Services background to an assertive shopfloor union. Since 1979 we have worked steadily at a reassertion of management authority. We have had some successes but the process has been bumpy. In 1980-81 prisoners were locked out of most closed prisons. Emergency legislation was needed and at the height of the action 4,000 prisoners were in police cells and another 1,000 were being looked after by the armed forces. In March-April 1986 the POA banned overtime and refused to respond to an emergency call. There were disturbances in 40 prisons, £5 million worth of damage was done, 45 prisoners escaped and more than 800 prison places were lost.

3. The POA is now a confused and divided union, under weak but on the whole hostile leadership, aware of the powerful weapon in their hands, but unsure whether or how to use it.

4. A reliance on overtime and the rapidly rising prison population were two of the POA's key advantages. The Fresh Start deal has tackled overtime successfully and we are in the midst of a major building programme designed to reduce overcrowding and, thus, our vulnerability to industrial action. Even so we are finding it hard even to keep pace with the rising prison population and I have concluded that we must look to the private sector for help. On 30 March I said in the House that I proposed to publish a Green Paper on private sector involvement in all aspects of the remand system and to engage consultants to help in working out the practical implications.

5. The POA's attitude to private sector management adds to the case for examining the implications of their power as a trade union. If we could once achieve a balance between private and public provision of prison places, the POA's weapon of industrial action would lose some of its effect. The prospect of changing that balance in favour of the private sector would restrain the POA's constant use of industrial action. But before we could reach that point we could face industrial action in our prisons on a very serious scale just because we were seeking to introduce private sector management or staff.

6. Prisons policy has been constrained for some years by the POA's willingness to disrupt the system and by our recognition of the consequences of major industrial action on their part which the events of April 1986 vividly displayed. Since then, where we have taken tough management action, for example at Wandsworth last autumn and at Wormwood Scrubs in the last couple of weeks, it has been a calculated risk based on a judgment that the POA branch's case would attract little support across the system and even less support from the public. We have had to tread particularly carefully whenever the POA's national leadership have succeeded in mobilising a

sizeable percentage of the membership on a national issue. The events of the last few years make a strong case for a fundamental re-examination of the POA's hold on the prison system. That case is strengthened by the possibility of a wider role for the private sector.

7. The legal status of prison officers in relation to industrial action is not clear cut. Although it has not been tested in the courts it appears that, because of an accidental conjunction of provisions in the Prison Act 1952 and the Trade Union and Labour Relations Act 1974, they are not entitled to the immunities provided by the 1974 Act from civil actions for damages for inducing breaches of contract. The POA continues to behave as if it were a trade union with the usual protections and we have done nothing to contradict the assumption. We have come close to using this unintended loophole in the last few years when the state of the Prison Service has been especially serious, and may yet need to do so in an emergency. But this minute is concerned to examine the issue of no disruption in a deliberate way without an immediate crisis and we can set aside the issue of legal status for the time being. It must be right to examine the issues without too great a sense of urgency so that they can be set in the context of the legitimate interests of other Departments.

8. One outcome of studying the issues would be to proceed openly and steadily towards no disruption arrangements. We would have to devise an offer to the POA in return for no disruption which would seem reasonable to a wider audience. There would have to be long-term arrangements for settling pay and conditions of service and the deal could include an immediate compensatory payment. I judge that the POA's national leadership, with an eye to their internal elections, would be unlikely to support any deal which we would find acceptable. The next step after making a reasonable offer

which had been refused would be to impose no disruption arrangements by legislation. We would have to be ready to switch to emergency legislation if the POA responded with serious industrial action.

9. An alternative approach would be to complete a secret plan for the imposition of no disruption arrangements by emergency legislation and to leave this on ice against the likelihood of a further crisis when we could choose whether to adopt it.

10. Once Parliament had enacted a law which forbade prison officers to take industrial action, whatever the circumstances in which it had been introduced, it seems more likely than not that most prison officers would comply with it. But no-one can be sure of this and the effect of continued action stretching perhaps to a complete withdrawal of labour by 75% or more would be potentially very damaging. It follows that we cannot take our thinking far in this direction without coming to the issue of the adequacy of our contingency planning. You will recall that we discussed this last year in the context of industrial action by the POA in London and the South-East, when you expressed doubts about our readiness to withstand a high level of disruption.

11. Our present contingency plans, which involve senior and loyal prison staff, the police and the armed forces, are directed at variations on two scenarios:

- the gradual locking-out from prison of larger and larger numbers of prisoners who would have to be held in police cells or in temporary camps;
- withdrawal of labour in a minority of prisons to the extent that the staff who were left could not run them without reinforcement.

The current assessment is that a total walkout from 20 or so prisons (out of 120) more or less simultaneously could not be contained by the police and prison management for more than a day or so.

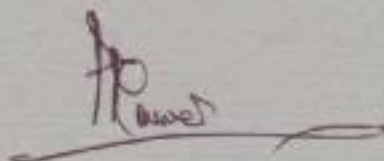
12. We need to think through the implications of disruption on a bigger scale than we have so far seen. After an immediate, holding response, we might have to release up to 10,000 prisoners by executive release. If this were to include unsentenced prisoners, legislation would be needed to provide the powers. The remaining 40,000 or so prisoners would have to be handled by the police, the armed forces and, if the dispute continued for any length of time, by private sector staff with relevant training.

13. The prospect of a dispute on this scale is full of potential difficulties. If we decide that it is too difficult, then we must coast along as best we can, recognising that we cannot, unless we are very lucky, expect to run a decent and disciplined Service giving value for money if we know that at every difficult point any assertion of strong management rests on a bluff which might be called. The parallel with the NUM will be in your mind. In day to day negotiations we would continue to make what progress we could but the need to avoid a major confrontation would limit us to modest gains at best. Even to coast along in this way is not free from risk and I judge that the time has come when we should examine in some depth both no disruption arrangements and contingency planning for major disruption. I should like to ask Sir Clive Whitmore to chair an inter-Departmental group of officials with the task of studying both issues in detail and reporting to me within a few months. When we had seen and digested that report we could settle the way forward on both fronts.

6.

14. Before I involved a wider group of colleagues I thought that you would wish to reflect on the substance and the handling. I would welcome the opportunity to discuss the issue when we meet on 16 May. If we pursue my suggestion, the interested Departments would be the Treasury, Defence, Employment, Northern Ireland Office, Scottish Office, Department of Health and Social Security and the Law Officers' Department.

15. I am sending a copy of this minute only to Sir Robin Butler.

A handwritten signature in dark ink, appearing to be 'H. Rowley', with a long horizontal flourish extending to the right.

29 April 1988

APPROVED BY THE HOME SECRETARY
AND SIGNED IN HIS ABSENCE

10 DOWNING STREET
LONDON SW1A 2AA

Prime Minister

Cabinner: Home Affairs

Re Northern Ireland Secretary
wants to raise a point
about Northern Ireland Prisons -
industrial action - under
Home Affairs in Cabinner.

CD? 20/6

CONFIDENTIAL



Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon Douglas Hurd CBE MP
 Home Secretary
 Home Office
 Queen Anne's Gate
 London
 SW1

26th April 1988

Dear Douglas,

PRISONS

We discussed just before Easter the question of emergency prison accommodation, and H Committee subsequently endorsed your proposals. Our officials are now working on the detailed practical and costing questions which remain.

We have in prisons spending a major area of uncertainty in the short term, and every prospect of a rising number of convictions into the foreseeable future. At the least it is important that we get the prison population projections under greater control, and I am very grateful for the way your officials are involving mine in this work.

What I should now like to suggest is that our officials should also take a joint look at non-custodial measures. As I said at H, I strongly support your work on non-custodial alternatives, both for economic and wider reasons. It is not in doubt between us that existing non-custodial measures could be further developed, and that they can be at least as effective as custody, although as you reminded H Colleagues, there are difficult judgements to be made as to how far and how fast you can go. Nevertheless, within overall spending totals on which there are many other pressures I am concerned that we should see the best available value for money for our spending, and I do not think that we can say we are meeting this objective in the field of criminal justice.

I propose therefore that our officials should look again at the issues here and prepare a paper as a basis for further discussion between us. I hope you would agree that they should be particularly directed to look at options which do not simply displace existing non-custodial alternatives but really bite on the prison population. It would be helpful if we could discuss the policy options and their expenditure implications before the summer break, ideally in conjunction with other colleagues who have an immediate interest.

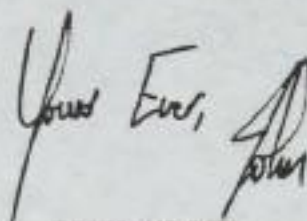
cc BG

v. L. Beardsley 26/4
 L. NBPM

RCCG
 26/4

CONFIDENTIAL

I am copying this letter to the Prime Minister, other members of H Committee, Ian Stewart and to Sir Robin Butler.

Yours Ever,


JOHN MAJOR



CE PG
nbpm

QUEEN ANNE'S GATE LONDON SW1H 9AT

15 April 1988

Dear John,

HOME AFFAIRS COMMITTEE FOURTH REPORT.
CONTRACT PROVISION OF PRISONS

The Fourth Report of the Home Affairs Committee, published last May, reviewed, on the basis of experience in the United States of America, the contribution that the private sector could make to relieving the problems faced by the Prison Service in England and Wales. The Committee recommended that, as an experiment, the Home Office should enable private sector companies to tender for the construction and management of custodial institutions, in particular of new remand centres.

Since my appointment as Home Secretary the problems of the Prison Service have constantly been of the highest priority for me. The underlying average annual increase of some 3,500 inmates over the last three years has tested the prison system to the limits and caused me to expand the size of the already formidable building programme. We, in common with a number of other countries which face similar pressures, must think imaginatively about new ways of dealing with them.

The need for faster and more efficient provision of prison places, to which the Committee's report drew attention, led me to include in the package of measures to ease prison overcrowding which I announced last July the establishment of the Prisons Building Board which includes substantial private sector representation. The Board is already doing valuable work.

In line with the Committee's recommendation the Board has just invited outline proposals for the creation of either one or more urban remand centres or open prisons or both from the private sector firms which indicated an interest in the new prison building programme within the next month. These proposals can be either for new buildings or for using existing buildings. Preference will be given to proposals offering an early completion date. Schemes will be design, develop and construct, using standard Government contracts. An advertisement to this effect is being placed in the EC Journal.

But the faster provision of places is only one element among the possible ways in which the private sector may be able to contribute to easing the problems faced by the prison system.

/Another

John Wheeler, Esq, MP

Another may be for the private sector to play a wider part in providing contracted out services, including staff or management, to the Government, especially in relation to remand prisoners. Remand provision is as the Committee pointed out, under particular pressure at present, not least because of the rapidly expanding size of the remand population. As I have said publicly on a number of occasions, this is a possibility which I want to explore fully.

The Earl of Caithness, when he was Minister in the Home Office with particular responsibility for prisons, visited the United States of America last summer and reported to me on his impressions of the involvement of the private sector there with contract management of prisons. He was able to see a rather wider range of facilities than the Committee and to draw comparisons with the public sector system. Like the Committee he was favourably impressed by some aspects of the operation, but, also like the Committee, considered that the American practice provided only an illustration. The scale of private sector involvement in America is still very limited and private sector establishments house only a very small percentage of the total number in custody. It offers no blueprint for practical application in this country nor an immediate panacea. The constitutional, legal and operational settings are very different.

I carefully considered the Committee's recommendation that the way ahead might be through an experiment. I concluded that this is not the best way to proceed at present. The mounting of an experiment or of a fully fledged scheme would both require the resolution of difficult and fundamental issues of principle, law and practice. The degree of political accountability, the interface with other agencies of the criminal justice system and the means of assuring satisfactory conditions for inmates are only some of the most obvious.

Leaving aside the question of whether I have the power under existing legislation to mount such an experiment, I consider that because the change contemplated has substantial implications the Government should proceed to it only after full consultation and after developing a workable scheme. There is also the issue of whether that scheme should be brought before Parliament for approval through the legislative process.

Therefore, in the statement I made to the House of Commons on Wednesday 30 March I announced, together with my proposals for increasing the prison estate this year by some 4,000 places, my intention to publish a Green Paper on private sector involvement in all aspects of the remand system. This will cover not only the contract provision and running of remand facilities, but also arrangements for escorting remand prisoners to and from court and for court manning. Alongside the preparation of the Green Paper, which I hope to publish by the Autumn, I shall set up a consultancy study of the practicalities of making such changes. The consultancy team will be a mix of outside management consultants and criminal justice system professionals led by the Home Office.

I have also set work in hand, as I announced before Easter, on the possibility of developing privately managed bail hostels providing more secure conditions than the present hostels. Primary legislation would not be required for this.

Until I have considered the reactions to the Green Paper and the results of the consultancy, my response to the Committee's report on the contract provision of prisons must be of an interim nature. But I hope that you will consider what I am already doing and now propose is a positive response to the Committee's innovative and stimulating report.

I am arranging for copies of this letter to be placed in the Libraries of both Houses.

Yours,
Tony's.

Home Off Prison





CF
 P03/attached
 P22
 P03
 C/S G

QUEEN ANNE'S GATE LONDON SW1H 9AT

14 April 1988

nbpm

Dear John,

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 CONTRACT PROVISION OF PRISONS

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/I have

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I am arranging for a copy of this letter to be placed in the Library of the House

Yours,
Douglas,



1
Pme Nianita

2 REA
3 AB
to see type.

col/g

The draft letter
attached looks fine.
N.L.U.

QUEEN ANNE'S GATE LONDON SW1H 9AT

N.L.U.

12 April 1988 13.4

Dear Lord President 12.4

mt

HOME AFFAIRS COMMITTEE FOURTH REPORT
CONTRACT PROVISION OF PRISONS

The Home Affairs Committee published last May a short report reviewing the involvement of one private sector company in the USA prison system and recommending an experiment on similar lines for remand prisoners in this country.

In my statement on 30 March I announced that I would be publishing a Green Paper on greater private sector involvement in all aspects of the remand system and at the same time establishing a consultancy study of the practicalities. This is a positive response to the Home Affairs Committee's recommendation. I have suggested to John Wheeler that in the place of a full Government reply I should send him a letter setting out in more detail the thinking behind my announcement, and at the same time notify the House by way of an arranged Parliamentary Question. He is content.

I thought colleagues would wish to know that this is how I intend to proceed. We went over the policy issues when we discussed my proposals for handling the present prisons crisis at H Committee on Tuesday 29 March. I do not intend going any further than that or than what I said in the House on Wednesday 30 March.

Since the reply to the Committee has been delayed, I would propose writing to Mr Wheeler and answering the question on Friday 15 April.

If colleagues have any comments could they be with me by Wednesday 13 April.

Copies of this letter go to the Prime Minister, the Lord Chancellor, Secretaries of State for Northern Ireland and Scotland, the Chief Secretary and the Secretary to the Cabinet.

Yours sincerely

Catherine Bannister

Approved by the Home Secretary
and signed in his absence.



QUEEN ANNE'S GATE LONDON SW1H 9AT

April 1988

HOME AFFAIRS COMMITTEE FOURTH REPORT
CONTRACT PROVISION OF PRISONS

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John Wheeler, Esq, MP

Another may be for the private sector to play a wider part in providing contracted out services, including staff or management, to the Government, especially in relation to remand prisoners. Remand provision is as the Committee pointed out, under particular pressure at present, not least because of the rapidly expanding size of the remand population. As I have said publicly on a number of occasions, this is a possibility which I want to explore fully.

The Earl of Caithness, when he was Minister in the Home Office with particular responsibility for prisons, visited the United States of America last summer and reported to me on his impressions of the involvement of the private sector there with contract management of prisons. He was able to see a rather wider range of facilities than the Committee and to draw comparisons with the public sector system. Like the Committee he was favourably impressed by some aspects of the operation, but, also like the Committee, considered that the American practice provided only an illustration. The scale of private sector involvement in America is still very limited and private sector establishments house only a very small percentage of the total number in custody. It offers no blueprint for practical application in this country nor an immediate panacea. The constitutional, legal and operational settings are very different.

I carefully considered the Committee's recommendation that the way ahead might be through an experiment. I concluded that this is not the best way to proceed at present. The mounting of an experiment or of a fully fledged scheme would both require the resolution of difficult and fundamental issues of principle, law and practice. The degree of political accountability, the interface with other agencies of the criminal justice system and the means of assuring satisfactory conditions for inmates are only some of the most obvious.

Leaving aside the question of whether I have the power under existing legislation to mount such an experiment, I consider that because the change contemplated has substantial implications the Government should proceed to it only after full consultation, after developing a workable scheme and after bringing that scheme before Parliament for approval through the legislative process.

Therefore, in the statement I made to the House of Commons on Wednesday 30 March I announced, together with my proposals for increasing the prison estate this year by some 4,000 places, my intention to publish a Green Paper on private sector involvement in all aspects of the remand system. This will cover not only the contract provision and running of remand facilities, but also arrangements for escorting remand prisoners to and from court and for court manning. Alongside the preparation of the Green Paper, which I hope to publish by the Autumn, I shall set up a consultancy study of the practicalities of making such changes. The consultancy team will be a mix of outside management consultants and criminal justice system professionals led by the Home Office.

/I have

I have also set work in hand, as I announced before Easter, on the possibility of developing privately managed bail hostels providing more secure conditions than the present hostels. Primary legislation would not be required for this.

Until I have considered the reactions to the Green Paper and the results of the consultancy, my response to the Committee's report on the contract provision of prisons must be of an interim nature. But I hope that you will consider what I am already doing and now propose is a positive response to the Committee's innovative and stimulating report.

I am arranging for a copy of this letter to be placed in the Library of the House.

To ask the Secretary of State for the Home Department when the Government will reply to the Fourth Report of the Select Committee on Home Affairs Contract Provision on Prisons published on 6 May 1987 (HC 291).

DRAFT REPLY:

I have today written to my hon Friend, the Member for Westminster North, as Chairman of the Home Affairs Committee, setting out the Government's response to the Report. I have mentioned in particular my intentions, which I announced to the House on 30 March (O.R. cols 1083-1085) as part of the measures I am taking to deal with the current and projected growth of the prison population, to invite the private sector to make proposals for the faster provision of urban remand facilities and open prisons; to publish a Green Paper; to set up a consultancy on the scope for involving the private sector in all aspects of the remand system; and to examine the possibility of the private sector providing and managing secure bail hostels. I am arranging for a copy of my letter to be placed in the Library of the House.

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[LORD WILLIAMS OF ELVEL.]

to go out from your Lordships' House today if the supporters of space research are to mobilise, outside the scientific and political establishments, those constituencies which will really shift public opinion.

We must stress the benefits of being able to watch our own planet from satellites: how we can monitor pollution, agricultural development, find new water resources, discover new mineral deposits, learn to manufacture in gravity-free environments and develop new drugs. It is the excitement of it all that must be conveyed to the public. Then they will want to be part of it. If they want to be part of it, Britain will be part of it. That is the message. The message is very simple and I only hope that the Government have got it.

Prisons

3.43 p.m.

The Earl of Arran: My Lords, with the leave of the House, I shall now repeat the Statement on prisons which is being made in another place by my right honourable friend the Home Secretary. The Statement is as follows:

"In July last year I announced a package of measures designed to secure a better balance between the rapidly rising prison population and the prison accommodation available. Those measures eased the position, but only temporarily. The prison population has continued to grow apace. After falling to 47,500 in early September, it rose to 50,600 at the end of last week. This is some 1,200 more than at the same time last year. Taking into account the July measures, there has been an underlying increase over the same period of some 4,200. Projecting recent trends forward, we could be faced with a population of some 52,000 by the summer of this year.

"This sharper rise has not come about because of any acceleration in crime—indeed the figures I announced last week show a much smaller increase than the average rate of increases for the last 30 years. The causes of the growth in the population are four-fold: First, the substantial increase in the number of criminals being brought before the Crown Court, where the rate of custodial sentencing is higher. Secondly, a substantial lengthening in sentences imposed by the Crown Court for offences involving violence, including robbery and rape and for offences of criminal damage and drug offences. Thirdly, as a result of a tighter policy on parole, the numbers are some 2,000 higher. Finally, there has been an unwelcome increase in the remand population, which has almost doubled since 1980; some 700 have been added since the end of November last year alone.

"The uncrowded capacity of the prison system is some 7,000 below last week's population figure. This means that there is severe overcrowding, particularly in remand prisons and, most unacceptably, 1,400 prisoners are being accommodated in police cells all over south-east England and beyond. Those cells are wholly unsuited for the long term accommodation of prisoners. Their use is expensive and can be

dangerous. It diverts police officers from their job of preventing and detecting crime and keeping the peace.

"Part—almost one half—of the police cells problem results from industrial action in some London prisons by members of the Prison Officers' Association. Such action is irresponsible and places additional burdens upon the police and the rest of the system. Prison service management are working hard to try to resolve it. I met POA leaders earlier today and appealed to them to use their influence to bring this action to a speedy end.

"It is not my role to decide who and how many convicted offenders should be sentenced to imprisonment: that is for the courts. It is my role to see that the courts have a satisfactory range of sentencing options open to them, and that when they do commit someone to custody there is suitable accommodation available for him or her. This dual responsibility is reflected in the measures I announce today.

"First, work is already in hand to make community service orders more demanding and more strictly administered through, for example, the introduction of national standards. Secondly, I have already announced a substantial expansion of the programme for providing bail hostels, involving an additional nine hostels at a cost of some £3.8 million. Thirdly, I propose to issue next month a circular designed to help the courts in taking decisions on bail. Finally, and in the slightly longer term, I am considering how to build up forms of punishment in the community which are seen by all to present a firm and fair way of dealing with those offenders who do not merit a custodial sentence.

"But the most serious crimes are rightly punished by imprisonment. Our existing prison building programme involves investment of almost £1 billion. I am announcing today a number of measures, additional to those I have already taken, to ensure that there is accommodation available to hold prisoners in conditions of proper security.

"First, army camps will be opened at Rolleston and Camberley to house a total of about 700 prisoners. Because of the existing pressures on the police and prison services these will be manned by military police and other personnel acting under the direction of prison management grades. This will be a strictly temporary measure, to bridge us through the summer until more permanent prison accommodation is available.

"Secondly, through the building programme and other measures, just short of 3,000 additional permanent prison places will be created by this time next year. Of these over 1,300 will come on stream in the South-East from now into this summer because of the particular need to relieve pressure on the remand system in and around London.

"Thirdly, I am planning to reinstate Ashford remand centre in Middlesex, which would otherwise close permanently in April in expectation of rebuilding, as a temporary remand holding centre of some 400 prisoners from the late autumn.

straightforward statement of policy. We hope that we shall have this from the Secretary of State at the end of the debate.

In order to help stimulate such a statement let me say as clearly as I can that the Opposition support the conclusions of your Lordships' Select Committee, and we urge the Government to do so. Britain cannot credibly maintain membership of the Euro space club by paying a bare minimum subscription to ESA. We cannot make any claim to change its priorities unless we are prepared to make a larger contribution. As my noble friend said, we must remain a member of ESA. There is no realistic option, as the committee pointed out. We can then argue about individual items in the ESA programme and quite possibly modify them. But we have in parallel to be prepared to co-operate in some projects that we do not like.

At the same time as an increased contribution to the ESA programme there must be a more effective national programme alongside. Without this parallel, fuller role in ESA the major benefits to the British aerospace industry, which the noble Viscount, Lord Caldecote, mentioned, will be lost. If our Government do not support British industry it is frankly absurd to expect other governments to do so. It must be the Government who take the lead. Even if a consortium of private sector British companies could be put together to make the massive investment in space that is required, the philosophy is wrong, as the noble Viscount explained very clearly.

There will be benefits to come from space research. They will be extremely long-term and hard to predict precisely when and where they will come. After all, one profitable spin-off of the space programme of the 1960s was the non-stick frying pan, but it is easy to imagine what manufacturers of kitchen equipment would have said if one had invited them to take part in the space programme of the 1960s. It is easy for Oppositions to argue that the Government should spend money on almost anything because by nature Oppositions are not in government. If the funding requirements that the committee recommend were enormous then we should have to look carefully to see that we did not fall into that trap. However, they are not enormous compared with the sums that the Secretary of State announced in his Statement yesterday. The optimum level is believed to be around £200 million per annum, with spending through ESA accounting for about £130 million and the rest going to national and bilateral programmes. This seems to us to be relatively modest when compared with some of the major programmes that are going forward in France, Germany, the United States and Canada.

Not only is the target relatively modest, but if ever there was a suitable application of the proceeds of privatisation I should have thought that that was it. If we privatise industries, then it makes sense to invest the proceeds in the future of the nation. It is clearly in the national interest that the proceeds should be so invested. The Government will receive several billion pounds over the next few years from their privatisation programme, if we believe what we are told. Therefore, is the financial problem a real constraint? That does not seem to me to be an argument that can be fully sustained.

My noble friend drew our attention to two deadlines for decision that will have to be met within the next few days: that on RADARSAT and the polar platform. Participation in both projects would have direct and clear benefits for British industry as well as sending out a clear signal that we are still seriously in business. Participation in neither would signify that we are prepared to drop out of the race. I believe that these discussions will be the litmus test of the Government's intentions and we must hope that they do not fail us.

Nothing that I have said means that we would support indiscriminate expenditure. We share the doubts about programmes designed solely to put man, or for that matter woman, into space. But each programme has to be examined against a series of criteria, not simply against the criterion of whether participation in it will overrun an apparently fixed financial platform.

What will the programme do by way of spin-off for British industry? That is the point that the noble Viscount, Lord Caldecote, made. How will it help or hinder international collaboration, whether in Europe or bilaterally, with the United States or Canada? Will it help to raise the general level of civil research and development in British industry which we all recognise to be far too low? Will it add to the efficiency of our defence effort? These are the criteria by which space programmes should be judged—and perhaps by one other to which I shall refer in a moment. We must be able to pick and choose from the menu that is set in front of us. But to be able to pick and choose from the menu one has first to sit down at the table, be prepared to order a meal and accept that the restaurant may not be able to produce exactly what is wanted in exactly the way one wants it, and there may have to be a compromise. But in all events one has to participate, and participate with enthusiasm.

We contrast this with the somewhat dry language of the DTI White Paper of last January—on spending: "No increase is proposed". The DTI is taking a fresh look at the distribution of support for individual European and domestic programmes. There is not much excitement to be found there. And this would be the last criterion that I would add—excitement. From the evidence given to your Lordships' Committee there is one project which commanded tremendous enthusiasm—the HOTOL programme. One witness described it as the touchstone to a range of new technologies for Britain in the 21st century. Another witness, no less than the chairman of Rolls-Royce, said that it would require substantial Government funding and a positive and long-term United Kingdom commitment to space vehicle development.

That is what we want and need—enthusiasm, excitement and long-term commitment—for even if there is no detectable and tangible commercial justification for Government to make long-term commitments to space research spending, there are other reasons. Simply put, we believe that it is exciting to extend the sum of human knowledge and push out the frontiers of our experience. I know that will be dismissed in some quarters as being old-fashioned romanticism, but I do not think it is the worse for that. That is the kind of message that needs

"Fourthly, I have reviewed the existing prison estate for ways of creating additional places by using system-built accommodation and by other means. I plan to add some 800 extra places in this way from the beginning of 1989. I shall be recruiting the prison staff necessary to man these places.

"Fifthly, by readjusting the existing building programme, I shall provide a further 1,000 places from the beginning of 1990. These will be created in purpose built blocks on existing prison sites.

"The combined effect of the measures I have announced and those which I had already put in hand will be to provide just over 4,000 permanent extra places, with the necessary staff, by the end of the financial year 1988-89, with a further 1,000 starting to come on stream from the very end of 1989.

"This is an energetic response to the massive growth in the prison population. I shall not hesitate to take further measures should these seem desirable. We must be ready to think imaginatively to ensure that the prison service can meet its obligations. In this context, I believe that the possibility of involving the private sector more closely in aspects of the prison system should be urgently considered. I have already moved in this direction by establishing the Prison Building Board which includes substantial private sector representation. The board is inviting the private sector to make proposals for building remand or open facilities faster than has been done in the past. I propose in addition to publish a Green Paper on private sector involvement in all aspects of the remand system, and at the same time to engage consultants to help in working out the practical implications. I also propose to explore whether there might be room for developing privately-managed bail hostels, providing more secure conditions than the current range of hostels provide.

"This Government's record of commitment to the prison service is unparalleled. The further measures which I have announced today underline that commitment and the Government's determination to ensure that public safety and security, as well as decent conditions for prison service staff and prison inmates, are attained."

My Lords, that concludes the Statement.

3.51 p.m.

Lord Elwyn-Jones: My Lords, the House will be grateful to the noble Earl, Lord Arran, for repeating the Statement made by the Home Secretary in another place. It must be one of the most sombre statements ever made to Parliament. It discloses that, in spite of certain measures introduced in July last year (and throughout the House there were indications that they were wholly inadequate):

"The prison population has continued to grow apace. After falling to 47,500 in early September it rose to 50,600 at the end of last week".

I believe that to be a record for this country and it is far higher than that of any equivalent country in Europe. The Statement continues:

"This is some 1,200 more than at the same time last year".

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I should like to know whether the 50,600 includes 1,400 prisoners held in police cells at the relevant time.

The Statement then says:

"Projecting recent trends forward, we could be faced with a population of some 52,000 by the summer of this year".

Those figures must be considered against the fact that the prison system was designed to hold only 42,800 people. The prisons were never intended to hold more than that which is about 8,000 less than they hold today. Even after the measures now proposed take effect, as we hear from the Statement made by the Home Secretary, the combined effect of the measures announced today will provide just over 4,000 extra permanent places. Noble Lords will note that it is only 4,000 with a further 1,000 starting to come on stream from the end of 1989. Therefore, after the changes have been made there will still be thousands more people in custody than the prison system was ever intended to hold. I fail to follow how that can be described as an:

"energetic response to the massive growth in the prison population".

This may be a criticism more of the detail than of the substance, but the Statement does not indicate the fact that in some prisons conditions are far worse than in others. The NACRO study on the subject pointed out that, for example, Leeds Prison has 1,357 prisoners but only 642 certified places—that was the intended maximum. Leicester Prison has 400 prisoners but only 200 certified places and Birmingham Prison has 1,115 prisoners against 592 certified places.

What is depressing about the Statement is the fact that it gives no real indication of an attack on such vast numbers. We welcome the expansion of bail hostels, as has always been urged from various parts of the House, and we also welcome the building of new prisons. However, they will take years to complete. As Vivien Stern, the director of NACRO, pointed out, catering properly for a prison population rising at the present rate would mean opening a new prison the size of Wormwood Scrubs every three weeks.

What is lacking is a real indication of doing more than tackling the symptoms; namely, providing more accommodation. I do not know whether there will be any great confidence in the use of army camps manned by military police on grounds of security or on other grounds. What consideration has been given to the need for remedies to reduce the size of the prison population? Has the option of early release for prisoners serving less than 12 months been abandoned for political reasons because of the fear of a hostile political response? That suggestion was made at one stage and surely something along those lines is required.

Are there proposals to reduce the large number of prisoners serving sentences for debt, sometimes for comparatively minor offences? Is there not time for a review of the time taken to bring cases to trial and to diminish the number of prisoners on remand? As has been said in different parts of the House, one of the most deplorable features of the present system is that there are still over 1,200 prisoners on remand. We heard in a recent debate on the Adjournment that some are kept in appalling conditions in police cells

[LORD ELWYN-JONES.]

which were never intended to house prisoners, thus imposing dreadful burdens on the police. In the Statement there is no indication of that problem being tackled. The Criminal Justice Bill proposes to increase to 28 the number of days being spent on remand and if that is agreed the number of prisoners on remand will increase.

There is not time to discuss all the issues at this stage. The Statement is seriously disappointing and falls short of what is required by a failure to tackle more fundamentally the continuing and appalling rise in our prison population. It is a disgrace to our society.

Lord Harris of Greenwich: My Lords, I should like to join the noble and learned Lord, Lord Elwyn-Jones, in thanking the noble Earl for repeating the Statement. I also join with him in saying that it must be one of the most remarkable Statements made by a Home Secretary. It is approximately nine months since the last series of emergency measures announced in the remission Statement last July. We are now faced with this series of proposals which have been introduced in order to deal with a situation in which the prison population is spiralling out of control. That is the reality of the situation which we face.

Perhaps I may say to the noble Earl that many of us will accept the need for the use of army camps in the situation that he described. If army camps are not used, the situation inevitably will deteriorate still more sharply for the many thousands of prisoners who are being kept in grossly overcrowded conditions. However, when the noble Earl said that this was a strictly temporary measure, how temporary is "strictly temporary"? Is he able to give a guarantee that within 12 months these army camps will not be used? I should be surprised if he would go as far as that in the light of what he said in the Statement.

Perhaps I may ask the noble Earl whether he is aware of the grave consequences for the police of the continuing responsibility placed on them by the Government to hold something between 1,400 and 1,600 people in cells which are intended to be used for a period of five or six hours preceding and following a court appearance and which are now being used sometimes to hold three men, sometimes mentally disturbed men, for a period of up to three weeks? Is he aware that this is a truly disgraceful situation? Can he say whether, as a result of the measures he has announced this afternoon, he will be able to give some guarantee that there will now be a substantial limitation on the use of police cells?

Can he also say whether the issues which we debated on 4th March; namely, the remand of mentally ill people in police custody, will be brought to an end as a result of the measures he has announced? Perhaps I may ask him to give a specific undertaking that, as a result of the use of these army camps, which presumably will have full-time medical officers—and no doubt he will confirm whether that is true—when a court remands a man or woman in custody for psychiatric reports, it will not find out weeks later than during the intervening period that

person has spent his time in a police station, perhaps 200 miles from London in conditions which make it impossible for the court to be given a psychiatric report? Can he say whether or not that will now be possible?

Can I also ask the noble Earl whether he is aware that we join the Home Secretary in deploring the industrial action which has been taken by some branches of the Prison Officers Association in London? That is a long-standing problem. No doubt, as always, there are faults on both sides but the fact is that there has been far too much of this year, after year, after year. Can the noble Earl give us an assurance that, as a result of the meeting which the Home Secretary has had today with members of the Prison Officers Association, there is any likelihood of these problems being resolved?

Perhaps I may ask him two different questions? First, is he aware that we welcome the fact that the Home Secretary is to issue a circular to magistrates concerning bail? One of the principal problems in the crisis that we are now facing is the massive increase in the remand population. Is he aware that when many of us visit prisons we are constantly told by senior members of prison management that a substantial number of the remand population could quite easily be accommodated in bail hostels and outside the prison system as a whole? I ask the Minister what progress is being made concerning recommendations made by the Vera Institute of Criminal Justice on the bail situation? I understand that if the report has not been submitted to the Home Secretary, its arrival is now imminent. What action is likely to be taken on its recommendations of which I am sure the Home Office is well aware?

Finally, is the Minister aware that many of us welcome the fact that there is to be a Green Paper although inevitably we shall want to look carefully at its contents? When will it be published? Can the Minister indicate that he will agree to have talks with his noble friend the Leader of the House to see whether we can have an early debate on the Green Paper proposals and also the wider issues which are involved in this extremely sombre Statement today?

The Earl of Arran: My Lords, no one would pretend that this is otherwise than a sombre and serious situation. That is precisely the reason for my right honourable friend the Home Secretary announcing this package of measures which he intends to bring about as a result of the serious overcrowding and lack of prison availability. Quite a few questions have been asked this afternoon and I shall attempt to answer as many as I can. I hope that noble Lords opposite will forgive me if I cannot answer them all but they have my assurance that I shall write to them as soon as I possibly can on this important matter.

Perhaps I may take the questions raised by the noble and learned Lord, Lord Elwyn-Jones. As we have indicated, one of the causes of the increase in the prison population which has happened over the last few years is the longer sentences being given by the courts for the most serious offences. The noble and learned Lord also asked about the number of 50,600. It includes those held in police cells.

The noble and learned Lord went on to ask what is being done to reduce the remand population. While we cannot advise magistrates on individual decisions on bail which they take under the Bail Act 1976, we have called attention to the desirability of reducing the remand population and of providing proper support to magistrates so that they are able to make the best possible decisions on bail. Work has been done to provide better information on defendants through bail information schemes. We are also providing resources for about nine new bail hostels. My noble and learned friend the Lord Chancellor is preparing improved training on bail decisions for magistrates. We have decided to bring together the threads of these developments in a circular to magistrates' courts which will be issued in the next few weeks.

As regards the time limits, on 1st April last year we introduced, on an experimental basis, limits on the length of time a person can be kept on remand. We have monitored the effect of these time limits and the initial results have been encouraging. We are extending the time limits to a total of 14 police areas as from 1st April. We hope to have time limits operating throughout the whole of England and Wales which could lead to a fall of up to 600 in the remand population.

The noble Lord, Lord Harris, asked for how long the army camps will be required. If the prison population continues to rise at its recent rate, we estimate that we shall need to retain the camps until towards Christmas, by which time the other steps we are taking will provide both accommodation and prison service staff to enable the camps to be replaced.

In reply to the question of the noble Lord, Lord Harris about whether or not the opening of camps will clear police cells, the answer is that by itself, it will not. We also need to see an end to the damaging industrial action which is losing us some 600 places in London. When that happens the opening of camps will make dramatic inroads into the numbers in police cells. The prison and police services should be able to cope with the increase expected in the numbers committed to prison during the summer, until the other steps we have announced to increase prison places takes effect.

The noble Lord, Lord Harris, was rightly concerned about prisoners remanded for medical and psychiatric reasons. The prison service management will do its utmost to use the facility of the camps to create space in local prisons, which will thereby reduce reliance on police cells. The requirements of prisoners remanded for medical and psychiatric reports will be given top priority.

Finally, the noble Lord, Lord Harris, referred to industrial action. Industrial action by the POA in two London prisons seriously aggravates the position. It accounts for 500 to 600 prisoners being denied admission to prison and enforces custody in wholly unsatisfactory police cells, with the diversion of police manpower to look after them. As I said, those questions from the Opposition Benches which I have not answered I shall gladly deal with in writing.

Lord Boyd-Carpenter: My Lords, is my noble friend aware that your Lordships' House is very grateful to him for repeating this—as it was rightly described—sombre and difficult Statement, and that many in your Lordships' House echo the hope that, in view of its very great importance, it may be the subject matter of debate in here before long.

Is my noble friend further aware that although the noble and learned Lord, Lord Elwyn-Jones, from his great experience, suggested that one of the expedients for dealing with the situation might be early release, there are many of us in this House who have the gravest doubt as to whether the undermining of the deterrent effect of sentences by the courts in this way might not have very serious counter-productive effects? Many of us hope that my noble friend's right honourable friend will be very cautious in taking that way out.

May I also ask whether my noble friend is aware that many of us in all quarters of the House are deeply concerned at the delay in bringing cases to trial, which is the cause of the build-up of the large number of prisoners on remand? Is he aware that our court system seems to work unduly slowly? Although it is not a matter for my noble friend, but perhaps for the noble and learned Lord the Lord Chancellor to deal with, it is necessary that a degree of urgency in bringing cases to trial should be injected into the somewhat leisurely procedures of many of our courts. I ask my noble friend to take that suggestion on board.

Finally, while saying how glad I am that his right honourable friend has accepted the suggestion of using army camps as a temporary expedient for dealing with the matter, is my noble friend also considering the other suggestion made, for the use of spare passenger ships? These could perhaps give a higher degree of security and accommodate, to reasonable standards of comfort, a considerable number of prisoners. There are very many unused ferries which could well be used for that purpose if the Government so wish.

4.15 p.m.

The Earl of Arran: My Lords, I am grateful to my noble friend for the points that he makes and I shall deal with them briefly. First, my noble friend asked about a debate but I think he will understand that that is for the normal channels.

Lord Boyd-Carpenter: They are here, my Lords.

The Earl of Arran: My Lords, I understand that they are here, but perhaps this is not the appropriate time to raise the matter.

Secondly, I take the point that my noble friend makes concerning his worries about early release. Thirdly, as my noble friend rightly says, there is a problem in regard to bringing cases to trial. I shall pass on that concern to my noble and learned friend the Lord Chancellor.

Fourthly, in referring to army camps my noble friend suggested the use of passenger ships. My noble friend has floored me with what is obviously a serious suggestion. I cannot comment now but I should like to take advice and will certainly write to my noble friend on that very valid point.

Lord Donaldson of Kingsbridge: My Lords, is the noble Earl aware that what most worries many of us who have read this depressing report is that it states clearly that the terrifying prison population figure of 50,600, which is shortly expected to rise to 52,000, is not the result of an increase in the annual rate of crime but of a number of factors listed in the report. First, there is the increased use of custodial sentences by the Crown courts. Secondly, longer sentences are imposed by the Crown courts. I know that the noble Lord, Lord Boyd-Carpenter, will think that to be right, but he knows that I think it is wrong. Thirdly, there is less tight parole. Finally, and a point not affected by what I am saying, there is the doubling of remand.

I should like to ask one further question. The report describes one of the solutions as,

"changes in systems built accommodation",

and by other means. I do not know what that means and I do not suppose that the noble Earl does, but I should like to have some information, perhaps by letter. I should also like an assurance that this does not mean shifting extra prisoners to such places as Grendon where the regime, which is just beginning to recover from having been treated in that way, will again be seriously affected.

My final question is to ask the noble Earl to inform me—again, in writing if necessary—when it was first suggested from this side (I think it was five years ago) that camps should be used for such emergencies, and why it has taken so long to get them ready?

The Earl of Arran: My Lords, perhaps I may first reply to the penultimate question of the noble Lord concerning Grendon. While we keep the whole prison estate under review we currently have no plans to change the role of Grendon.

As regards parole, the noble Lord probably is aware that my noble friend Lord Carlisle has a committee which is reviewing that situation at the moment. I understand that the committee is to report in the latter half of this year.

The noble Lord referred to system built accommodation. I think that in modern day terminology it is called Portakabin. It is intended for accessories in the camps such as storage and other facilities which are needed on hand.

Lord Jenkins of Hillhead: My Lords, does the noble Earl recollect that the Statement is predicated on announcing a remarkable increase of 10 per cent. in the prison population over the past year? The Statement then points out that this is in no way related to any increase in the rate of crime.

Clearly such a change in the ratio stems partly from individual decisions—and no one can suggest a great Executive interference in that—but also from Government policies and attitudes. In so far as it stems from Government policies and attitudes, can the noble Earl tell the House whether the Government regard this as an achievement or a misfortune? If the Government take the former view, that it is an achievement, what evidence is there from the dreary history of an ever-mounting prison population and failing to cope with crime, or from comparisons with other countries with far lower

prison populations, that this is the sensible direction in which to go?

The Earl of Arran: My Lords, when I first spoke in response to the Statement I said that this was a sombre and serious occasion. I repeat that. This Statement has come about because all forms of crime are on the increase. Something has to be done in order to accommodate the people who commit those crimes. It happens in the society in which we live and it is very unfortunate. Regrettably, it is a fact of life. It is the responsibility of the government of the day to see that in these circumstances something is done to alleviate the situation. That is precisely what my right honourable friend the Home Secretary is endeavouring to do.

Lord Graham of Edmonton: My Lords, does the—

4.20 p.m.

Lord Denham: My Lords, perhaps the noble Lord will forgive me for just half a minute. I know that he has been trying to speak for a long time. We have now taken 29 minutes. The recommendation of the Procedure Committee, accepted by your Lordships' House, was that we should take no longer than 20 minutes on these Statements. I suggest that perhaps the House might feel it right that after the noble Lord, Lord Graham, has asked his question we should move back to the other business.

Lord Graham of Edmonton: My Lords, the Minister concluded his repeat of the statement by saying that the Government's record of commitment to the prison service is unparalleled. Is it not also a fact that the crime record under this Government is also unparalleled? When the Minister told us in the Statement that there was an underlying increase in the prison population of more than 4,000, with the projection for this year being 52,000, does that mean that next year the prison population could be 56,000?

When the Minister seeks to put some of the blame for the intolerable conditions in prison cells on the industrial action in London, perhaps he would reflect that many Members of your Lordships' House have visited those prisons and found the conditions absolutely disgraceful. Does the projection mean that the statistics given by my noble friend from the Front Bench will be made worse and conditions that much more intolerable. How can we expect prison officers at Wormwood Scrubs, Brixton and Wandsworth to aid and abet the worsening of conditions not only for themselves but also for the prisoners at those places? Is this not another example of the Government simply looking at the symptoms and not getting down to the causes of the problem?

The Earl of Arran: My Lords, I cannot wear the accusation from the noble Lord that the crime record under this Government is worse than it would have been under any other government. It does not matter which government are in power. It is the responsibility of that government to do what they consider best. That is precisely what my right honourable friend is doing at this moment.

As regards the prison officers, I know that the noble Lord appreciates that that matter is being kept fully under review as each day goes by. My right honourable friend the Home Secretary is constantly attempting to bring this question to a final solution.

by public funds, until industry has a greater sense of space awareness.

If what I have said, together with that which has already been said in the House, appears to be critical of the Government and their policy, I hope that this will not be taken as a party political speech. In so far as the report is critical, I believe

Prisons

3.30 pm

The Secretary of State for the Home Department (Mr. Douglas Hurd): With permission, Mr. Speaker, I should like to make a statement on prisons.

In July last year, I announced a package of measures designed to secure a better balance between the rapidly rising prison population and the prison accommodation available. Those measures eased the position, but only temporarily. The prison population has continued to grow apace. After falling to 47,500 in early September, it rose to 50,600 at the end of last week. That is some 1,200 more than at the same time last year. Taking into account the July measures, there has been an underlying increase over the same period of some 4,200. Projecting those trends forward, we could be faced with a prison population of some 52,000 by the summer of this year.

That sharper rise has not come about because of any acceleration in crime — indeed, the figures that I announced last week show a much smaller increase than the average rate of increases in recorded crime for the last 30 years.

There are four main causes of that growth in the prison population. First, there is a substantial increase in the number of criminals being brought before the Crown court, where the rate of custodial sentencing is higher. Secondly, there is a substantial lengthening in the sentences imposed by the Crown court for offences involving violence, including robbery and rape, and for offences of criminal damage and drug offences. Thirdly, as a result of a tighter policy on parole, the numbers are some 2,000 higher. Finally, there has been an unwelcome increase in the remand population, which has almost doubled since 1980, with some 700 added since the end of November last year alone.

So, the uncrowded capacity of the prison system is some 7,000 below last week's population figure. Obviously, that means that there is severe overcrowding, particularly in remand prisons and, what is worse, 1,400 prisoners are being accommodated in police cells all over south-east England and beyond. Those cells are wholly unsuited for the long-term accommodation of prisoners. Their use is expensive and can be dangerous. It diverts police officers from their job of preventing and detecting crime and keeping the peace.

Part—almost half—of the police cells problem results from industrial action in some London prisons by members of the Prison Officers Association. Such action is irresponsible and places additional burdens upon the police and the rest of the system. Prison service management are working hard to try to resolve it, and I met the POA leaders earlier today and urged them to use their influence to bring the action to a speedy end.

It is not for me to decide who and how many convicted offenders should be sentenced to imprisonment: that is for the courts. It is my role to see that the courts have a satisfactory range of sentencing options open to them, and that when they send someone to prison there is suitable accommodation available for him or her. So this dual responsibility is reflected in the measures that I announce today.

First, on the demand side, work is in hand to make community service orders more demanding and more

strictly administered, for example, through the introduction of national standards. Secondly, I have already announced a substantial expansion of the programme for providing bail hostels, involving an extra nine hostels at a cost of about £3.8 million. Thirdly, next month I intend to issue a circular designed to help the courts in taking their decisions on bail. Finally, and in the only slightly longer term, I am considering how to build up forms of punishment in the community which are seen by all to present a firm and fair way of dealing with offenders who do not merit a custodial sentence. That is on the demand side.

But the most serious crimes are rightly punished by imprisonment. Our existing prison building programme involves investment of almost £1 billion. That is the supply side. I am announcing today a number of measures, additional to those that I have already taken, to ensure that accommodation is available to hold prisoners in conditions of proper security.

Mr. Dennis Skinner (Bolsover): Come on, Mr. Porridge.

Mr. Speaker: Order.

First, Army camps will be opened at Rolleston and Camberley to house a total of about 700 prisoners. Because of the existing pressures on the police and prison services these will be manned by military police and other personnel acting under the direction of prison management grades. This will be a strictly temporary measure to bridge us through the summer until more permanent prison accommodation is available.

Secondly, through the building programme and other measures, just short of 3,000 additional permanent prison places will be created by this time next year. Of those, more than 1,300 will come on stream in the south-east from now into this summer because of the special need to relieve pressure on the remand system in and around London.

Thirdly, I am planning to reinstate Ashford remand centre in Middlesex, which would otherwise close in April for rebuilding, as a temporary remand holding centre for about 400 prisoners from the late autumn.

Fourthly, I have reviewed the existing prison estate for ways of creating additional places by using system-built accommodation and by other means. In that way, I plan to add about 800 extra places from the beginning of 1989. I shall be recruiting the prison staff needed to man those places.

Fifthly, by speeding up the existing building programme, I shall provide a further 1,000 places from the beginning of 1990. These will be created in purpose-built blocks on existing prison sites.

The combined effect of the measures that I have announced and those which I have already put in hand will be to provide just over 4,000 permanent extra places, with the necessary staff, by the end of the financial year 1988-89, with a further 1,000 starting to come on stream from the very end of 1989.

I believe that this is an energetic response to the massive growth in the prison population. I will not hesitate to take further measures should they seem desirable. We must be ready to think imaginatively to ensure that the prison service can meet its obligations. In that context, the possibility of involving the private sector more closely in aspects of the prison system should be urgently considered.

Mrs. Chalker: Along with many other western Governments, we have repeatedly urged the South African Government to exercise clemency in the case of the Sharpeville Six.

Mr. Taylor: The Minister's answer does not completely clarify matters. What representations have been made since the postponement of sentence on the Sharpeville Six? Will she confirm that there has been no change in the South African Government's murderous intention towards them, and that this Government will seek, through every avenue available in the remaining time, to ensure that they are saved from the South African Government's rope?

Mrs. Chalker: My right hon. Friend the Prime Minister, my right hon. and learned Friend the Foreign Secretary and I have made our position absolutely clear. We and other western Governments have repeatedly urged the South African Government to exercise clemency. Those appeals for clemency remain. On both 16 and 17 March, when I answered private notice questions from the right hon. Member for Manchester, Gorton (Mr. Kaufman), I made it absolutely clear that as the Pretoria supreme court had agreed a stay of execution, we would not only continue to follow proceedings closely and with concern, but would do whatever must be done when news is received. No further news has been received at this point.

Mr. Forth: Has my hon. Friend made a list of all the judicial systems throughout the world of which the Foreign and Commonwealth Office approves or disapproves? Does she monitor the extent to which different countries adhere to their judicial processes? Does she agree that the South Africans have adhered strictly to their judicial processes in the trial of the Sharpeville Six? Why, therefore, is it any of our business?

Mrs. Chalker: In no way is it a responsibility of the Government to monitor all the judicial systems of the world. However, when human rights issues come to the fore, such as with the Sharpeville Six—and as I clearly explained on 16 and 17 March—I believe that the Government's stance on appealing for clemency is fully justified, and we shall maintain that.

Mr. Tony Banks: The hon. Member for Luton, North (Mr. Carlisle) asked, "Why pick on South Africa?" Is not the answer that the British Government should exercise their influence in South Africa because the British actually underpin the South African economy? When will the Government stop being a miserable apologist for apartheid South Africa and start doing something? If the Sharpeville Six are judicially murdered, there will be no

reason to prevent the Government from imposing full sanctions against South Africa. The only thing that that country understands is force. The Government have not delivered the goods on ending apartheid, and it is about time that they stopped being apologists and took effective sanctions against South Africa.

Mrs. Chalker: Not for the first time, and no doubt not for the last, the hon. Gentleman has misrepresented the Government's stance. The Government are wholly and totally opposed to apartheid. We find it repugnant and we want it ended as soon as possible. However, we shall not achieve that by measures that can only make worse an already disastrous state for many black people in South Africa. As my right hon. and learned Friend said, there is no way that we can speed the end of apartheid by repressive economic measures.

EC Internal Market

13. **Mr. John Marshall:** To ask the Secretary of State for Foreign and Commonwealth Affairs what further contribution his Department is making to increase awareness by business of the opportunities offered by the completion of the EC internal market by 1992.

Mrs. Chalker: We have launched a major campaign to bring to the attention of industry, business and the public the opportunities and challenges of the single European market. All Departments are involved in this campaign, which will include a major conference in London on 18 April, followed by regional briefings throughout the country.

Mr. Marshall: Does my hon. Friend agree that 1992 is a year of massive opportunities for British industry, and that the tragedy at the moment is that while French and German industry is well aware of the opportunities facing them, British industry is not? Does she not also agree that if we do not get a move on, there is a real risk of British industry once again being taken to the cleaners by the French?

Mrs. Chalker: That is the very reason that the Government have just launched this major awareness campaign. We need to tell businesses of all sizes, throughout the country, exactly what opportunities lie ahead for them in the single market. That is why Ministers and, I hope, all hon. Members will explain, as I am doing, from St. Ives to Manchester and to the far north of Scotland, just what the opportunities are. I am sure that my hon. Friend will join that important campaign for the future of British industry and for increased exports from this country.

I have already moved in this direction by establishing the Prison Building Board, which includes substantial private sector representation.

Mr. Skinner: They will be able to opt out.

Mr. Hurd: The board is inviting the private sector to make proposals for building remand or open facilities faster than has been done in the past. I propose, in addition, to publish a Green Paper on private sector involvement in all aspects of the remand system, and at the same time to engage consultants to help in working out the practical implications. I also propose to explore whether there might be room for developing privately-managed bail hostels, providing more secure conditions than the current range of hostels provide.

I believe that, in contrast with the past, this Government's record of commitment to the prison service is unparalleled. The further measures that I have announced today underline that commitment and our determination to ensure that public safety and security, as well as decent conditions for prison service staff and prison inmates, are attained.

Mr. Roy Hattersley (Birmingham, Sparkbrook): The Home Secretary has just told us that the Government's commitment to the prison system is unparalleled. That amounts to three things: first, record crime figures; secondly, record prison populations, despite deplorable clear-up rates; and thirdly, a prison system that is in chaos.

The Home Secretary has been less than candid with the House about the extent of that chaos. Will he now confirm that the Home Office, as late as today, has been making estimates about the extent of the crisis and has established that the prison population may well rise to more than 56,000 by next year. In the light of that, does the right hon. Gentleman understand that his response to that crisis is wholly inadequate and that it is based more on his desire to play politics with the problem than to solve it—*[Laughter.]* Hon. Members who laugh will recall that the Home Secretary categorically told us that the holding of remand prisoners in gaols was the result of the prison officers' dispute.

Mr. Hurd: Did I?

Mr. Hattersley: Well, I will read the words to him: "action in some London prisons by members of the Prison Officers Association." That is what the Home Secretary said, but it is not, however, what the Minister of State said in the Lords a fortnight ago. When asked the same question, the noble Lord said:

"The reason why prisoners are in police cells—and I must again make this clear—is that the prison system has been temporarily overwhelmed by the high levels of population growth in recent years."—*[Official Report, House of Lords, 4 March 1988; Vol. 494, c. 413.]*

If the Home Secretary now recalls what he said in his statement, will he tell us whether he sticks by it or whether the noble Lord in the other place was giving a more honest and less political analysis as to why the problem has arisen?

Will the Home Secretary begin to accept some of the Government's responsibility for the crisis that he is now facing? In July, we told the Home Secretary that what he proposed to reduce the prison population was attacking the symptoms rather than the causes. Today he has confirmed our judgment by saying that the improvements

that he then made were only temporary. He should know that those temporary improvements and the proposals that he has now described will not meet the crisis and nor will a programme of increased prison building.

The problem is the number of people who are sent to prison in this country. It is clear that custodial sentences are right and necessary for those who commit violent or serious crime, but we send too many people to prison and keep them there for far too long. In particular, the Home Secretary is doing nothing about the remand prisoners, who are a major problem within the system. He has told the House today that the prison population has increased by 700 as a result of the increase in remand prisoners. That is exactly the number of new places that he is creating at Rolleston and Camberley. Had there not been an increase in remand prisoners, he would not have had to open those two Army camps. He is making the situation worse as a result of the Criminal Justice Bill, out of Committee yesterday, by changing the remand rules from seven to 28 days. What is more, he is failing totally to apply the 110-day rule throughout the United Kingdom. If it were universal, it would reduce the prison population by a substantial number.

The right hon. Gentleman and his predecessor must also take responsibility for another increase. The right hon. Gentleman blandly tells us that the tighter parole policy has increased the prison population by 2,000. But that policy is the responsibility of this Government—as is the failure to provide an alternative to custodial sentencing.

Two Bills ago, when the right hon. Gentleman was merely the Minister of State at the Home Office—some six years ago—the Opposition told him that he ought to develop more non-custodial sentences. Today the Home Secretary has told us that that is what he is now proposing to do and what he is thinking of doing. The truth of the matter is that the Home Secretary is trapped between logic and the 1922 Committee. That is why, at the end of his statement, we heard all that irrelevant nonsense about privatising the prison system. Everyone knows that that will not make a scrap of difference, but it may see the Home Secretary through another difficult afternoon. Good luck to him.

Mr. Hurd: I know that the right hon. Gentleman's political difficulties are crowding in on him, but he should keep some hold on reality in spite of the deputy leadership contest. He adverted to figures, but neglected to look at the latest ones, which show that police clear-up rates are rising again, which means that more criminals are being caught. There is a major problem at the violent end of crime, as we readily admit. The courts are responding to that by sending more people to prison for longer, and that is part of the problem.

I repeat what I said in my statement, to which the right hon. Gentleman did not listen because the hon. Member for Bolsover (Mr. Skinner) was making so much noise. I said:

"Part—almost half—of the police cells problem results from industrial action".

That is exact. About 600 of the prisoners who go to police cells each night do so as a result of industrial action by the POA. The easiest single contribution to solving that problem is that that industrial action should come to an end.

The right hon. Gentleman said that I was not doing anything about remand; of course we are. We are building

[Mr. Hurd]

nine new bail hostels. Contrary to anything that went before, we are imposing time limits on trials. Later this week, on 1 April, I am extending that to 14 new police areas and I hope that by the time it covers the whole of England and Wales it will provide a saving of the sort the right hon. Gentleman describes—600 remand prisoners. The proposals in the Criminal Justice Bill offer a balance on the issue of bail which is right.

The right hon. Gentleman prattled about non-custodial sentences. Of course, there has been a great increase in the use of community service orders. We need to move on from the position we inherited and developed and build up the notion that there can be punishment in the community as well as in prison. That is not easy to achieve, but it is what we are working on, and the House will have an opportunity to consider our proposal.

The right hon. Gentleman's approach is deeply hypocritical. My two predecessors and I have tried, starting from nothing, to build up a major investment of £1 billion in the prison building system. The Government to which the right hon. Gentleman belonged not only did nothing, but inherited from a Conservative Government a prison building plan that they cut by 35 per cent. in 1976. I cannot remember whether that was at the same time as they cut the hospital building programme or a little before or after, but it was part of the same process, and it completely disqualifies the right hon. Member for Birmingham, Sparkbrook (Mr. Hattersley) from making these proposals.

Mr. Leon Brittan (Richmond, Yorks): Does my right hon. Friend accept that further development of alternatives to custody will be warmly welcomed and that the further use of time limits as envisaged in the Police and Criminal Evidence Act 1984 will also play a constructive part in the future? Does he also agree that, in the short run, faced with a crisis caused in substantial measure by industrial action, he is absolutely right to take urgent measures to make more places available for the prison system and to accelerate the prison building programme? That is essential, both in the short term and in the long term.

Mr. Hurd: I am grateful to my right hon. and learned Friend. He began the process of experimental time limits on the length of time a person could be kept on remand, and he knows that that is proving successful. He also knows that it is sensible to proceed step by step, which is what we are doing. I believe that this will make a substantial contribution to easing the problem.

Mr. Menzies Campbell (Fife, North-East): How long does the Home Secretary expect the strictly temporary use of Army camps to be necessary? Does he accept that the remand prison population makes a disproportionate contribution to the problem about which he has just told us? Will his circular on bail draw to the attention of the courts the presumption of innocence which all persons on remand should enjoy; and will he explain why he is unwilling to institute an immediate extension of the 110-day rule throughout the whole of England and Wales? It has been operating in Scotland for over 100 years. Is it not time that England and Wales enjoyed the same benefit?

Mr. Hurd: The answer to the hon. and learned Gentleman's first question is, the late autumn. The answer to his second question is that the Bail Act 1976 together with the amendments in the Criminal Justice Bill get the balance about right. There is purpose and point in a circular that will draw to the attention of the courts the possibilities that are now opening up about getting more precise information about the circumstances of an offender. Such information will enable the courts to decide more accurately whether bail should be granted. There is a great deal of point in building up bail hostels and possibly bail hostels in secure accommodation so that courts have the alternative of sending someone home on bail instead of locking him up in custody. I think that I have already dealt with the hon. and learned Gentleman's third point. He knows that the Scottish system and processes of bringing people to trial are quite different and that, therefore, the 110-day rule cannot automatically be applied. We are building up step by step, area by area, and gradually tightening a system of time limits suitable for England and Wales.

Mr. Ivan Lawrence (Burton): Is my right hon. Friend aware that it is not only distinguished former holders of his office who think that today's package is no more than good sense? What are the comparative costs of holding prisoners in Army camps and in police cells, and which is the most favourable? Does he accept that the sooner the go-ahead is given for private contract remand prisons to be introduced to the system the sooner will the kind of problem that he addresses today be permanently removed?

Mr. Hurd: I am grateful to my hon. and learned Friend. The costs are roughly as follows. It costs the huge sum of about £1,000 a week to keep a prisoner in a police cell. To keep a prisoner in an Army camp would cost about £400 a week and in a prison the cost is about £250. I know that my hon. and learned Friend is a strong supporter of the concept of private management of remand. There are more attractions in that than in holding convicted prisoners in privately managed conditions. The arguments of principle and practice need to be thrashed out in British terms as opposed to, or in addition to, American terms. That is why the Green Paper and the consultants' report are the right next steps.

Mr. John Morris (Aberavon): What precisely will be the increase in number and availability of prison officers? Is the Home Secretary aware that such is the crisis at the moment that there is very great concern in the courts that there are frequently no dock officers to search defendants and no dock officers present when custodial sentences are to be imposed? There is also concern when there are no policemen present in magistrates courts. Must a tragedy occur before something is done? If a tragedy does occur, will the Home Secretary take personal responsibility for it?

Mr. Hurd: The right hon. and learned Gentleman knows better than that. He knows, or should know, that for many years we have been recruiting prison officers substantially faster than the rise in the prison population. If he has studied the figures he knows that I have already announced that 1,960 prison officers will be recruited in the course of next year. That is 1,360 more than the expected wastage rate. I quite agree that the provision of extra places that I have announced will need staffing, and I made that clear in my statement.

The right hon. and learned Gentleman is perfectly correct to say that in some places there has been a problem about the absence of police and prison officers in courts where the magistrate or the judge expected them to be. I have discussed this with the Lord Chief Justice and steps are in hand to make sure that in each local situation those concerned—the chief constable, the prison governor and those responsible for the administration of the courts—get together to find a common-sense solution to that problem.

Miss Janet Fookes (Plymouth, Drake): May I remind my right hon. Friend that many of the problems that he has pinpointed today were pinpointed in the report of a Select Committee that I chaired in the mid-1970s, and that at that time the then Labour Government singularly failed to grapple with any of them? May I further impress upon my right hon. Friend the need to look at alternative means of imprisonment, particularly at the day fine system as a means of keeping fine defaulters out of prison, and at the new suggestions for electronic surveillance of people who do not need to be in prison?

Mr. Hurd: I thank my hon. Friend for that helpful contribution. She is perfectly right. We shall certainly tackle the possibilities of electronic tagging when we put forward our ideas on punishment in the community. I am keen that it should not be regarded as something separate or as a gimmick, but that it should find its place, if there is a place for it, in our general approach to punishment in the community.

My hon. Friend is also right about fine defaulters. They form a small part of the prison population, about 500 at any given time, and they are sent to prison by the courts only as a last resort. It would be more sensible if, in the beginning, the courts could assess offenders' means more accurately when they fix a fine, and we propose to help them to do that.

Mr. Peter Archer (Warley, West): On reflection, does the right hon. Gentleman agree that the terminology of the free market about suppliers and consumers, where there is no consumer choice, shows too firm a determination to prime ministerial doctrine? As he has told the House that the Government's repressive policy on parole has contributed 2,000 prisoners to the crisis, why not discontinue that policy?

Mr. Hurd: I do not think that the right hon. and learned Gentleman is right. The courts place the demand on the prison system. It is perfectly reasonable to describe it as a demand which has to be met with action on the supply of prison places. That phraseology is perfectly right.

It is perfectly true that my right hon. and learned Friend the Member for Richmond, Yorks (Mr. Brittan), my predecessor, imposed restrictions on parole, which I have continued and which I believe to be entirely justified. As the right hon. and learned Gentleman knows, the Parole Board has gone considerably further than that. Most of the increase that I have mentioned does not relate to the policy of successive Home Secretaries, but to the spontaneous action of the Parole Board going wider than that. That matter will be discussed.

Mr. Roger Sims (Chislehurst): Is my right hon. Friend aware that the initiatives that he has announced this afternoon will be welcomed outside the House as well as

within it, particularly by the police, who have been obliged to devote a disproportionate amount of their manpower to acting as temporary prison warders?

Does my right hon. Friend agree that additional prison accommodation can be made available far more quickly by the private sector than by the public sector? Is he aware that a number of companies and consortia would be able and willing to build prisons and then either lease them or sell them to the Government and that that would produce accommodation far more quickly? There are companies and consortia waiting to do that. Will he consider that possibility and implement it as soon as possible?

Mr. Hurd: Absolutely. That is one of the proposals that I have announced. We have had approaches from a good many companies proposing to build and lease or build and sell. We are now saying, "Give us the precise ideas; let us discuss them with you." My hon. Friend is right: there is more scope than we have realised or used in the past for using the private sector to accelerate the provision of prison places. The matter becomes more difficult when we get into the problems of private management. I answered a question from my hon. and learned Friend the Member for Burton (Mr. Lawrence) about remand in connection with that point.

Mr. Gerald Bermingham (St. Helens, South): Does the Home Secretary agree that part of the problem—we all agree that there is a crisis in the prisons—could well be solved by taking two simple and effective measures tonight—first, to release those who are currently in prison for non-payment of fines and, secondly, to release those who are in prison for non-payment of maintenance? That would at least create approximately 1,000 places overnight and go a long way towards solving the police station problem.

Does the Home Secretary agree that there is a little irony in his statement this afternoon because his hon. Friend the Minister of State rejected out of hand the day fine system when it was considered in Committee as recently as a few weeks ago? Is not the truth of the matter that the Home Secretary is not prepared to take the bold and imaginative steps necessary to solve what is becoming a perennial crisis?

Mr. Hurd: I certainly do not think that I would be justified in letting out of prison, by some form of Executive release, people whom the courts have sent to prison as a last resort for non-payment of fine. That would be quite wrong. Many people have considered that problem and have started by saying that it must be wrong that fine defaulters are in prison and ended by acknowledging, as did the hon. Member for Hammersmith (Mr. Soley), with his knowledge of the matter, that, in the last resort, the courts must have that right. The figure is about 500 at any one time. The answer is to make the level of fine realistic in the first place; that is what we are concentrating on.

Dame Elaine Kellett-Bowman (Lancaster): May I assume, since I have written to my right hon. Friend on the subject, that he is well aware that ever since I came to this place, I have been promised by successive Home Secretaries that when the lease of Lancaster castle ran out, the prison would be removed. The city and county councils were hoping to make a superb tourist attraction on this site, and are very disappointed that my right hon. Friend will now hang on to it. Will he promise me here and now

[*Dame Elaine Kellett-Bowman*]

that if the prison population falls more rapidly than expected, he will relinquish the prison at the earliest possible moment, and enable us to use it for tourist purposes?

Mr. Hurd: My hon. Friend and I have clambered over the roof of Lancaster castle together and I know how devoted she is to it, and how ambitious she and her constituents are for taking it out of prison use and making a tourist attraction of it. I have to disappoint her, and I hope that I warned her and the Duchy of Lancaster in good time that we need to hang on to it for prison purposes. I cannot give her a date when that will come to an end. Obviously, if her hopes were to be justified and there was a rapid fall in the prison population, we would look at the matter again, with the legitimate ambitions of the people of Lancaster for their castle very much in mind.

Mr. Martin Flannery (Sheffield, Hillsborough): Is it not a fact that, under the Government, the prison population has increased by some 20 per cent. — an abnormal increase — and that there is something seriously wrong with the Government under whom this is occurring? Will the Secretary of State study the reports from the last three Select Committees on Education, Science and Arts about prison education? Although prisons are now pregnant with violence, education is made more and more difficult. There are not enough warders to look after those who wish to be educated and to take them from place to place, and nothing is being done to help prisoners, despite our reports.

Mr. Hurd: The prison population was rising long before 1979. The difference is that we have done something to provide prison places, when the Labour Government did not. The hon. Member is on to a good point about prison education, and I know that he has followed this for many years. However, he paints too gloomy a picture. There have been major problems in the regimes, which have affected education, but that tide is beginning to turn. I was at Bristol prison on Friday and I was impressed by the educational facilities there, which have been improved.

Mr. David Wilshire (Spelthorne): Will my right hon. Friend comment further on the third of the measures that he announced — the re-use of Ashford remand centre, Middlesex, which is in my constituency, because this is an issue of major concern for those whom I represent? There are four points which they would like clarified. First, the announcement this afternoon referred to bringing Ashford remand centre back into use for 400 inmates, when 376 are being moved out this week. Can my right hon. Friend assure my constituents that overcrowding will not become a problem in this centre when it is brought back into use?

Secondly, how is the remand centre to be staffed, come the late autumn? Will it be by prison officers or by private contractors? Thirdly, will bringing this back into use result in the abandonment or delay of the proposals for redevelopment, because many people locally wish to see the proposals abandoned? Fourthly, will my right hon. Friend give the undertaking that has been given in the past to liaise closely both with me as the local Member of Parliament and with local councillors, so that the community is well aware of what is going on?

Mr. Hurd: Those are reasonable questions, and I am grateful to my hon. Friend for the tone in which he put

them. Four hundred is a round figure, and we have to work out in greater detail what is an acceptable level of occupation. The staffing will be by prison officers and not by soldiers. The redevelopment plan still exists, so it is delayed rather than abandoned. The answer to the last question is, yes, certainly, we shall keep in close touch with the local authorities, with the local people and with my hon. Friend.

Mr. Bruce Grocott (The Wrekin): Will the Home Secretary address himself to the central question which he has so far ignored, which is why it is that we send more of our citizens to prison per head of population than any other country in western Europe, yet neither our streets nor our citizens are safer as a result? Will he admit that prisons are overcrowded not as a result of people being in prison because they have committed violent crime — there would be no disagreement about that — but because they are cluttered with petty offenders, who are on short sentences in local prisons? Therefore, as a matter of urgency, will he address his attention to the evidence that is coming from the National Association of Probation Officers, so that we solve this problem not by building more prisons but by using other forms of treatment for people who are in prison but should not be?

Mr. Hurd: The trouble is that one man's petty offender is another man's dangerous housebreaker. That is decided not by the hon. Member or by me but by the courts, case by case. That is the answer to the hon. Gentleman's question. I want to build up for the courts a wider menu or set of alternatives to custody for the non-violent offenders. That is precisely what we are doing.

Mr. Simon Burns (Chelmsford): My right hon. Friend's statement will be warmly welcomed, and nowhere more than in Chelmsford, where the young offenders' prison has been greatly over-subscribed in the past few months. Is not a great deal of time wasted by prison officers who have to go between the prisons and the courts with prisoners and sit in the dock with them while their cases are being heard? Is he prepared to consider privatising that part of the service, so that prison officers can be released to get back to working in the prisons?

Mr. Hurd: My hon. Friend is quite right to say that the amount of time spent by prison officers in escort duties of different kinds weighs heavily on the service. It is the other side of the coin about which the right hon. and learned Member for Aberavon (Mr. Morris) was talking when he was complaining that there were not enough of them. The Green Paper will go into this and all other aspects of possibly involving the private sector in the remand system.

Several Hon. Members rose —

Mr. Speaker: Order. I believe that I have now called all those who are directly affected by this statement. [HON. MEMBERS: "No."] I have no exact knowledge of which hon. Member has a prison in his constituency. I ask hon. Members, in view of the business before the House today, and there is a great deal of it, to ask brief questions so that we can have brief answers and get on.

Mr. D. N. Campbell-Savours (Workington): In the light of the recent evidence given by the prison service to the Public Accounts Committee on the gross under-utilisation of prison workshops, is it not clear that the reason for their under-utilisation is the problem of warder power, and the fact that one cannot run industrial conditions in prison

conditions if those in charge regard themselves as part of a penal institution? Is there not a sensible argument for bringing the private sector into the management of those workshops, to give some new objectives and to set a different scene, in which prisoners can enjoy rehabilitation?

Mr. Hurd: That is exactly what we are doing. A good many workshops were closed because they were not properly organised and used. We are relying more and more on private sector advice in building up from that position. In most workshops there have to be discipline staff, or the instructors will feel insecure. The number of uniformed staff necessary in a workshop will differ from one prison to another, but within the limits of security, the fewer the uniformed staff one needs in that place, the better.

Mr. Andrew Rowe (Mid-Kent): My right hon. Friend is aware of the successful experiment in Kent, which has kept a large number of people out of institutions altogether. Given the enormous cost of what he is proposing, will he look again at his Department's view that when an experiment in community care, or any other such scheme, is a success, the cost of it has to fall wholly on the local authority? Should he not look at using some of his central funds to expand and increase such experiments?

Mr. Hurd: Of course we do that. As my hon. Friend knows, depending on the exact service involved, the costs are rightly shared between central and local responsibility. As we develop and publish our proposals for punishment in the community — for dealing with people outside prison — we shall tackle the question of financing.

Mr. Bob Cryer (Bradford, South): Does the Minister accept that the remand problem would be diminished if more people were treated like Ernest Saunders, who seems to be able to flit round Europe with consummate ease? Does the right hon. Gentleman accept that there is a more fundamental question behind the massive explosion in the prison population that he described in his statement and that the philosophy of every man for himself and the devil take the hindmost, encapsulated in the so-called enterprise culture, in fact breeds crime? The Government seem very lacklustre in their efforts to chase city spivs who make millions of pounds but very keen on burdening our prisons with petty criminals. Does the Minister accept that we need a change in the Government's philosophy? In particular, they should set an example by stopping robbing the taxpayer as they did over Rover.

Mr. Hurd: No Government have taken more initiatives more effectively than this Government to clamp down on fraud; the hon. Gentleman knows that perfectly well. No other Government in recent times have done more to emphasise the responsibilities of the citizen as well as the enterprise of the citizen, which, as the hon. Gentleman rightly says, we are encouraging.

Sir Anthony Grant (Cambridgeshire, South-West): Is my right hon. Friend aware that my hon. Friend the Member for Bedfordshire, North (Sir T. Skeet) and I drew the attention of his Department to the deplorable state of affairs in Bedford remand prison, where prisoners are three to a cell, where there are top security prisoners and where squalid conditions prevail? We had a helpful meeting with a junior Minister at the Department on the subject.

Will my right hon. Friend confirm that the measures that he announced today will make an early contribution to solving the extremely urgent problem in Bedford?

Mr. Hurd: My first priority is to reduce the number of prisoners going into police cells night by night because the conditions there are just as bad — perhaps in some cases worse — than those in Bedford, and there is the danger of escape and the diversion of police from their proper duties. My hon. Friend is perfectly right that another aim must be to reduce overcrowding, which is unacceptable, particularly in local prisons such as Bedford, and especially among the remand population.

Mr. Ken Eastham (Manchester, Blackley): Does not the Minister's announcement today confirm the record increase in crime? The Minister said that there were four causes: an increase in detentions, longer sentences, reduced parole and an increase in the remand population. Should he not have mentioned a fifth cause, which is that people are being placed in prison when they should really be in mental hospitals? Because of the inadequacies of the Health Service, patients are now being dumped at the doors of prisons when they should be somewhere else. It is because of those inadequacies that the prison officers are having to cope with the problem. Is it not about time that there was consultation between the Home Secretary and the Department of Health and Social Security with a view to making some changes?

Mr. Hurd: The thrust of the hon. Gentleman's argument is right, if the rhetoric is stripped away. There are still too many mentally disordered offenders in prison, although there are fewer than there used to be, and the right answer is to find the right institution, case by case and person by person. We constantly work both nationally and locally to do that.

Mr. Geoffrey Dickens (Littleborough and Saddleworth): All those concerned with law and order will welcome the Home Secretary's statement. However, why does the Home Office persist in locating prisons to the convenience of the courts and prison visitors? Why can we not locate prisons to the convenience of local residents? As my right hon. Friend knows, a prison is to be located on the outskirts of Rochdale and Oldham in my constituency. Why cannot prisons be built in remote areas or even on islands?

Mr. Hurd: Because it is both risky and extremely expensive to locate prisons, particularly remand prisons, a long way from the courts that they serve. My hon. Friend will no doubt be glad to hear that in France people clamour for prisons to be built in their constituencies because of the employment that they provide.

Mr. Gerry Steinberg (City of Durham): I am sure that the Home Secretary will be aware that I have three prisons in my constituency. The Government have completely lost the confidence of the Prison Officers Association by reneging on the "fresh start" agreement with that association. That distrust has led to the prospect of industrial action at one of the most dangerous prisons in the country, Frankland prison. Instead of opening Army camps, which are not necessary given that there are empty prison wings all over the country, why does not the Home Secretary honour the "fresh start" agreement and recruit prison officers to get on and do the job properly?

Mr. Hurd: We are recruiting prison officers as fast as we possibly can. I have given the House the figures, which show that next year we plan to recruit 1,960 against an expected wastage of 600. An enormous increase is taking place, and I entirely reject the assertion that we are renegeing on "fresh start". "Fresh start" gives those of the hon. Gentleman's constituents who are prison officers a properly organised professional service for the first time. To take industrial action against it, in Frankland—or, even more damaging, in London—is a self-destructive act on the part of prison officers.

Mr. Nigel Forman (Carshalton and Wallington): Is my right hon. Friend aware that his announcement that 13,000 extra prison places will be provided in the south-east will be particularly welcome in the context of the remand problem? Is not one of the root difficulties the delay in the process of justice? Is there not a case for his pressing upon the Lord Chancellor the recruitment of more circuit judges to speed up the process?

Mr. Hurd: That has already happened. There is also the problem of the Crown prosecution service, and my hon. Friend will know of the steps that my right hon. and learned Friend the Attorney-General is taking to put more resources into the CPS. Furthermore, there are the natural delays in the law. We have dealt with the question of time limits. We are anxious to use every pressure that we legitimately can to cut down delays.

Mr. Derek Fatchett (Leeds, Central): Does the Home Secretary recall the plans announced by his Department two years ago, which were aimed at reducing overcrowding in several prisons, including Leeds prison? At that time the population of Leeds prison was 1,200 against a certified normal accommodation of 650. The population of Leeds prison is now 1,400, and the prison continues to exist only because of the good will and hard work of the staff. What hope does the Home Secretary's statement hold out for the prison staff and what will it do to reduce the massive overcrowding in Leeds prison? Will there be a substantial reduction?

Mr. Hurd: The hon. Gentleman is right that Leeds prison has steadily become more overcrowded, and it survives—it does much more than that; it does very well—because of the high morale and the hard and constructive work of its staff. When I went there not long ago, I was very impressed to find that it was planned to make a success of "fresh start" and the new flexibility that that gave. As I said to my hon. Friend the Member for Cambridgeshire, South-West (Sir A. Grant) our first aim must be to ease the numbers of prisoners in police cells night by night. Our second aim must certainly be to relieve the pressure on overcrowded large local prisons such as Leeds. As the medium and long-term measures that I have announced come into effect, that should happen.

Mr. Greg Knight (Derby, North): Does my right hon. Friend accept that he need not take lectures from Opposition Members, given the disgraceful cut in the prison building programme under the last Labour Government? On the subject of Army camps, can my right hon. Friend tell us what sort of prisoners he envisages being sent there and whether they will be secure? I welcome my right hon. Friend's announcement about private sector involvement, but how soon does he envisage the private sector providing substantial extra places?

Mr. Hurd: My hon. Friend's first point is perfectly right. Not just the prisons but the police and the law and order service as a whole were grossly neglected by the Labour party, as they would be again if it ever had the chance of establishing priorities. The prisoners in Rolleston and Camberley will be category C convicted. I do not exclude the possibility of using the provision for suitable remand prisoners, as we did with Rolleston in the autumn. My hon. Friend asked about private sector involvement. In building, there are no handicaps or difficulties; it is full steam head. There is much to be done over bail hostels. On the management of convicted prisoners, I am hesitant. On the management of remand prisoners, there is plenty of scope for ideas and discussion and eventually for an experiment; that is what the Green Paper will illustrate.

Mr. Tony Worthington (Clydebank and Milngavie): The statement is welcome for the relief that it will bring prisoners and prison staff, but the Home Secretary knows perfectly well that we will be here again next year with a similar emergency statement unless something is done about the supply side. Why is Britain so uniquely prone to sending people to prison? Is it because of the practice of the courts or because we create more crime—in which case, what will the Home Secretary do about it rather than pursue the irrelevancies of privatisation?

Mr. Hurd: We do not create more crime. If we compare our crime figures with those of our European partners, we do not find that we are a more criminal nation. It is certainly true that our courts send more people to prison than is the case in most European countries, although the judges dispute the statistics and say that they are not comparable. Nevertheless, the hon. Gentleman's general proposition is right. Parliament fixes the maxima and it is for the courts to decide, case by case, within those maxima what sentences to apply.

I have already answered the hon. Gentleman's main point. I do not believe that we should, or could, limit the courts' ability to make their own decisions case by case. I want, however, to spread before them for the lesser offender—especially the non-violent offender—a wider range of disposals outside prison so that they no longer think that it is only by sending someone to prison that they can impose a worthwhile punishment.

Several Hon. Members rise—

Mr. Speaker: Order. I shall call the five hon. Members who have been rising, but I ask for brief questions.

Mr. Patrick McLoughlin (Derbyshire, West): I think that my right hon. Friend said that 1,400 people are currently held on remand in police stations. Is he aware that two people who were held on remand in Chesterfield police station after allegedly committing an armed robbery escaped last Friday morning? Does he agree that, as long as people are held on remand in police stations, it will represent an extra burden on the police? Incidents such as occurred last week take up quite a lot of police time, so my right hon. Friend's statement is welcome—we hope that it will relieve some of the pressure on the police service.

Mr. Hurd: I am grateful to my hon. Friend. I said that the use of police cells for prisoners was dangerous, and that is precisely what I meant. We had the escape from Battersea of seven prisoners and I have had today a first report of the escape from Chesterfield to which my hon.

Friend referred. It underlines my point—the sooner we can reduce and then do away with the use of police cells for prisoners, the safer the system will be.

Mr. Harry Greenway (Ealing, North): Will my right hon. Friend estimate the size of the recidivist prison population? Does he agree that that group turns prisons into what Lord Justice May called universities of crime? Will my right hon. Friend continue to try to find means of rehabilitating prisoners so that they do not return to prison? What is being done to increase education and the prison work programme which, tragically, has declined recently?

Mr. Hurd: I agree with my hon. Friend. It is no longer fashionable to suppose that prison is a place where everybody can get reformed, and my hon. Friend is not arguing that case. The prison service and prison governors are clear that there are cases when a great deal can be done to prevent reoffending, and workshops and education are means of achieving that. That is why one purpose of "fresh start" is to make possible an improvement in regimes.

Mr. James Couchman (Gillingham): My right hon. Friend has made it absolutely clear how unacceptable it is to hold 1,400 people on remand in police cells, quite often many hundreds of miles away from their homes and from the scene of their crimes. What he has announced today is entirely welcome. When he uses Rolleston and Camberley, what will be the status of any military personnel who are used to guard the camps? What status does he envisage for any prison officers who might be outside the POA but used in contract remand prisons in the future?

Mr. Hurd: On the second part of my hon. Friend's question, it is too early to say, but that is a matter which the Green Paper will have to study. Camberley and Rolleston will be prisons. They will be designated as such and I shall appoint prison governors. There will be administrative grades to look after them. The military personnel employed will be in the same relationship as they were in 1980 and 1981, which is the last time that military personnel were used to look after prisoners. The ones who are in contact with prisoners will be military police and provost personnel, not other soldiers. I believe that the system will work smoothly, as it did last time.

Mr. John M. Taylor (Solihull): I welcome my right hon. Friend's statement, but what accommodation does he propose for that small but significant number of offenders who fall between the various sections of the Mental Health Act 1983—they are quite unsuitable to be in prison but are either inadequate or unsafe to be at large?

Mr. Hurd: My right hon. Friend the Secretary of State for Social Services has a responsibility there and the Home Office and his Department have to keep in close touch locally and nationally on certain cases to ensure that we keep the kind of people about whom my hon. Friend spoke out of prison.

Mr. Chris Butler (Warrington, South): My right hon. Friend will be aware of the deplorable conditions that exist in remand centres such as Risley, which need urgent attention. May I urge my right hon. Friend to be less tentative than issuing a Green Paper and going through a possibly lengthy system of consultation, and get down to the immediate relief that the private sector could bring?

Mr. Hurd: I do not think that the private sector could bring immediate relief. Even an experiment, if it was to be worth while, would need a change in the law, which would certainly be contested. I have to have regard to the industrial relations side. As my right hon. Friend knows, the planning side is also difficult. We would not solve any of the planning problems of new prisons or remand centres by privatising. We need to push ahead with our thinking on this matter. I hope relief action will be the result. It is a major step and it must be carefully weighed and worked out in British terms.

Mr. Hattersley: Can the Home Secretary clear up the confusion about day fines? He seemed in answer to a question to be very sympathetic towards their introduction, but his Minister of State explicitly ruled them out in Committee a few weeks ago. Could we be told whether the Government are in favour or against? Will he confirm that 56,200 is the Home Office estimate of the prison population, but that he decided not to give the figure to the House?

Mr. Hurd: On the first point, what I said and what I repeat is that, as regards fines, we are considering ways of helping the courts to assess offenders' means more accurately when they fix a fine. *[Interruption.]* No, that has been our policy for a long time. The figure I mentioned in my statement was 52,000 this year. One cannot be precise about the figures for the future. That is why I did not give a figure for after the summer of this year. On present projections, the population will continue to rise quickly. That is why I have announced 4,200 extra places. If we can get the short term and the medium term right, that will join in with the results from our longer-term building programme and the problem will begin to be solved.

Workington Brewery (Closure)

4.27 pm

Mr. D. N. Campbell-Savours (Workington): I beg to ask leave to move the Adjournment of the House under Standing Order No. 20, for the purpose of discussing a specific and important matter that should have urgent consideration, namely,

"The proposed closure of the Workington brewery by Scottish and Newcastle Breweries in contravention of assurances given to the Monopolies and Mergers Commission in 1986 to safeguard employment in Workington."

The House will recognise that, while the matter is specific to my constituency, it is important to the country as a whole because Scottish and Newcastle has set out clearly in the leaked minutes which I have in my possession, and which were referred to in *The Independent* this morning, to deceive the people of Workington in an unparalleled manner.

Last year, Scottish and Newcastle successfully acquired the profitable Mathew Brown brewery on the back of a collapsing stock market and having given half-hearted assurances to the people of Workington and the Government that it would not threaten jobs. No sooner had it acquired control of the company than it set up a small group of senior management to plan the brewery's closure.

The plan involved opportunism, dishonesty, deception and betrayal. Directors of the company, often pillars of the community in areas where they live, were party to a squalid and underhand operation which, under the code name "Operation Trojan", planned the deception of the trade unions during negotiations on wages; an attempt to appoint a company placeman in the unionised work force without the knowledge of the unions; the manipulation of regional development grant applications to avoid raising premature suspicions among employees; the use of Scottish and Newcastle's big guns if things became difficult; the handling of misleading information in response to local speculation and local opposition; the holding of covert brewing trials under false labels in Newcastle; and the deployment of the lie in defence of the company's interests.

The irony is that Virgil tells us that the use of the Trojan horse to get access to Troy was the means by which the Greeks gained control and destroyed the city. Scottish and Newcastle's Operation Trojan was equally designed to gain control by deception and deceit, and then having secured control, to destroy the Mathew Brown citadel in Workington. Mr. Speaker, can we debate this matter.

Mr. Speaker: The hon. Member asks leave to move the Adjournment of the House for the purpose of discussing a specific and important matter that he believes should have urgent consideration, namely,

"The proposed closure of the Workington brewery by Scottish and Newcastle breweries in contravention of the assurances given to the Monopolies and Mergers Commission in 1986 to safeguard employment in Workington."

I have listened with concern to what the hon. Member has said, but I regret that the matter that he has raised is not appropriate for discussion under Standing Order No. 20 and I cannot, therefore, submit his application to the House.

Scottish Schools (Legislation)

4.31 pm

Mr. Donald Dewar (Glasgow, Garscadden): On a point of order, Mr. Speaker. You will be aware of the correspondence between the Prime Minister's Secretary and his opposite number is the Secretary of State for Scotland's Office, which has been widely reported in the press.

It reveals a dangerous abuse of power, with the Prime Minister dictating policy and tactical detail. The Prime Minister has in effect instructed the Secretary of State to enter into a scandalous conspiracy with one of his own Back Benchers to introduce powers to allow schools to opt out of the education system.

That is offensive because there is no case for that alien innovation which will fragment the school system and make it more difficult to provide real opportunity to all children across the whole range of educational and social backgrounds.

It is doubly offensive because Ministers have repeatedly denied that there was any such intention. For example, the Under-Secretary of State for Scotland, who I am glad to see is present, on 14 August 1987, at a press conference launching his discussion document on school boards, "emphasised that the proposals for Scotland would not allow school boards to opt out of the local authority sector." On 21 March 1988, the same Minister speaking in the Scottish Grand Committee, claimed that the only circumstance in which opting out would be considered was "if there was evidence of real and substantial demand".— [*Official Report, Scottish Grand Committee, 21 March 1988; c. 37.*]

There is no such evidence, and it is a disgrace that on the very day that the Minister was giving what now seems to be a worthless assurance from a discredited source, the Prime Minister, presumably finding herself at a loose end for five minutes, was wishing on Scotland a dangerous nonsense, unwanted by parents and pupils alike.

This is a matter of great importance because it promises enormous damage to Scotland's independent and proud education system, and because it gives a chilling insight into the way in which the Prime Minister dictates to her Ministers in this case forcing a change of course despite undertakings freely given. There is a question here of faith and credibility.

You will recall, Mr. Speaker, the abundant evidence that, in connection with a recent education order on school closures, the Secretary of State was not master in his own office. That charge has been totally justified by this further example of the Prime Minister's malign influence. The Secretary of State has been forced to swallow his pride, and, much more seriously, the Prime Minister's policies. It is essential that those policies should not now be forced on Scotland's schools. The matter is urgent because we know from the correspondence that meetings are imminent. We fear that there may be an all too unequal contest between the Secretary of State's duty to represent Scotland and the Prime Minister's entrenched prejudice.

There should be a statement and an assurance that there will be an end to this unwelcome invasion of our affairs by the Prime Minister. That assurance should be given now, before the House rises. I appeal through you, Mr. Speaker, to the Government to give us that assurance and to act now to put an end to this nonsense.

PRIME MINISTER

Seen and agreed by me

MS 31/3

PRISONS

H Committee yesterday agreed that the overcrowding situation could not be allowed to continue and that the Home Secretary should proceed to take all the steps set out in his memorandum.

In particular, H unanimously agreed that the pressures were so great that there was no realistic alternative to the Home Secretary's proposed use of military personnel at the present time. H also agreed that private sector involvement in the remand system was a subject that the Government must expose to debate and that the Home Secretary should signal his intention in general terms of publishing a Green Paper on the subject.

All H Committee's decisions were unanimous. They were specifically endorsed by the Chief Secretary and the Minister of State for the Armed Forces. H believe the Home Secretary should, subject to your approval, make a statement today.

Content that the Home Secretary can make a statement on prisons along these lines, this afternoon?

Mark Addison

30 March 1988

CONFIDENTIAL



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

30 March 1988

Dee Mhair

PRISONS

The Prime Minister has agreed that the Home Secretary should make a Statement on prisons in the House this afternoon, as proposed in the Lord President's minute of 29 March.

I am copying this letter to the Private Secretaries to the Home Secretary, other members of H Committee, the Minister of State for the Armed Forces, Ministry of Defence and to Sir Robin Butler.

Le
Mark Addison

(MARK ADDISON)

Ms. Alison Smith,
Lord President's Office.

CONFIDENTIAL

CLB



PRIME MINISTER

PRISONS

attached

At their meeting this morning the Home and Social Affairs Committee (H) considered a memorandum by the Home Secretary (H(88)5) about measures to deal with the unexpectedly steep rise in the prison population since the matter was last considered by H and the Cabinet in July 1987. The Home Secretary explained that the greater number of people, both convicted and unconvicted, being sent to prison by the courts is the main reason why police cells are again being routinely used for holding prisoners, though the situation is exacerbated by industrial relations problems, on which action is in hand, at two London prisons. At present about 1400 prisoners are being held in police cells every night, and this represents a considerable diversion of effort from normal policing duties. H agreed that this situation could not be allowed to continue, and that the Home Secretary should proceed to take all the steps set out in his memorandum for immediate and longer term increases in prison accommodation.

The most sensitive of the proposals for immediate action is that military personnel should be used, under prison service management, to run the camps that the Home Secretary wishes to take into temporary prison use. Hitherto, military personnel have been used in this way only during times of greater national disruption than at present; but H agreed that the pressures on the police and prison service were so great that there was no realistic alternative to the Home Secretary's proposed use of military personnel at the present time. Looking to the future, H agreed that private sector involvement in the remand system was a subject that the Government must expose to debate, and that he should signal his intention in general terms of publishing a Green Paper on the subject in any early statement he made about the prison population.

All H's decisions today were unanimous. They were specifically endorsed by the Chief Secretary, Treasury, and the Minister of State for the Armed Forces, Ministry of Defence, who had had detailed discussions with the Home Secretary before the meeting.

CONFIDENTIAL

- 2 -

As for the timing of an announcement, H believed that the Home Secretary should now move quickly and that, subject to your approval, he should make a statement on these matters in the House of Commons tomorrow. I am accordingly seeking your approval for this on the Committee's behalf.

I am sending copies of this minute to the Home Secretary, other members of H Committee, the Minister of State for the Armed Forces, Ministry of Defence and to Sir Robin Butler.

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a horizontal line that ends in a small hook.

JW

29 March 1988

CONFIDENTIAL



JKW

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

27 March 1988

Dear Philip,

The Prime Minister read over the weekend the Home Secretary's paper for H Committee on Prisons (H(88)5).

The Prime Minister has noted the Home Secretary's proposal, described in paragraph 16 of his paper, that he should announce his intention, among other matters, to set up temporary camps with military staffing under prison service management. The Prime Minister recalls that hitherto military personnel have not been in contact with prisoners, but have been used only on peripheral duties. However, she could agree to the Home Secretary's proposal in this instance if (the Home Secretary will wish to know that she has underlined this "if") it is strictly necessary.

I shall be grateful if the Lord President, to whose office I am copying this letter, could report the outcome of H Committee's discussion to the Prime Minister.

A copy of this letter goes to Anthony Langdon (Cabinet Office).

Nigel Wicks

(N. L. WICKS)

Philip Mawer, Esq.,
Home Office.

CONFIDENTIAL

Prime Minutes

Articles we have
not had military
K01907

personnel in contact
MR WICKS with prisoners - only

on peripheral duties.
PRISONS Agree to study
necessity of

Agree the use of military
personnel as guards in
temporary camps as the
Home Secretary Mr Wilson proposes
in § 16 of his H.M.P., if H.C. + the
N.L.U.
SD recommendations.

Flag A

The Prime Minister will know from the Home Secretary's minute of 23 March that he no longer intends to proceed swiftly to take powers to enable the establishment of privately-run remand centres. With that element muted, the package he wishes to announce is much less likely to precipitate a national confrontation with the Prison Officers Association. Nevertheless, I think that this is still the kind of topic on which the Prime Minister may wish Mr Wakeham to know her views before the discussion in H Committee. The meeting is scheduled for 9.00 am on Tuesday 29 March.

Flag B

2. The most difficult proposal in the Home Secretary's paper (H(88)5) is the proposition, in paragraph 16, that military personnel should be used (under the direction of prison service managers) to staff the camps that the Home Secretary wants to take over for temporary prison use. This is what happened in 1980, when there was a full-scale emergency. But when the Home Secretary sought Cabinet's approval for temporary camps on 16 July 1987, the Defence Secretary was most reluctant to make military personnel available in a situation that was short of crisis, and the Prime Minister shared the Defence Secretary's doubts. These points were not recorded in the Cabinet minutes, but Sir Robert Armstrong set them out in a letter of 16 July to the Home Secretary's Private Secretary, which was copied to you.

Flag C

3. The POA are not in dispute with the Home Office at the moment and I doubt if the situation could properly be called an "emergency" or "crisis". Nevertheless, the situation on the ground is clearly a good deal worse than it was last July and it seems clear that the Home Secretary cannot provide prison officers to run temporary camps unless he offers overtime or some other

special payment that would breach the Fresh Start manning arrangements. I understand that the Chief of the Defence Staff is somewhat more relaxed on the issue than he was in July and that Mr Ian Stewart (who will be representing the Defence Secretary) is likely to be briefed to agree to make military personnel available, provided that the Home Secretary gives assurances that every other possibility has indeed been explored. The police are, of course, the most obvious alternative, and the Home Secretary's arguments against relying on them are summarised at paragraph 19 of his paper. The Home Secretary does not believe that the use of military personnel will, of itself, provoke industrial action.

SUMMARY

4. The most sensitive part of the Home Secretary's proposals is the use of military personnel as gaolers in temporary camps. A similar proposal was turned down by Cabinet last year but the Ministry of Defence are likely to accede to it in the present situation.

A. J. L.

A J LANGDON

25 March 1988



2

PRIME MINISTER

PRISONS

At our meeting on 9 March I mentioned the renewed problems we had encountered with the apparently inexorable rise in the prison population. The enclosed paper, to be considered by H Committee on 29 March, proposes a further package of remedial measures broadly on the lines which I sketched out when we met.

2. In preparing the proposals I have had very much in mind the other part of our discussion where we considered the circumstances in which it would be sensible to tackle the power possessed by the Prison Officers' Association to thwart, through industrial action, management control in the prison service. As you know, I believe that that problem must be tackled. Reluctantly, however, I have concluded that it would not be right to bring forward as part of this package a proposal to amend the Criminal Justice Bill to allow private sector involvement in providing facilities for remand prisoners. The risk of confrontation which such a proposal would entail seems to me too great for us to pursue it at the moment. The immediate package of proposals set out in the H Committee paper includes, however, one for the publication of a Green Paper on private sector involvement in the remand system which will help to keep this option in play.

3. In the longer term I am convinced that action is essential both to break up the POA's monopoly position in the supply of labour and to tackle its ability to disrupt the

1.

2.

operation not only of our prisons but of other parts of the criminal justice system. I believe we need to set about strengthening our position so that at a time of our choosing we can bring this issue to the fore. This means pursuing the prospects for a no disruption agreement with the Prison Officers' Association (or for legislation in the absence of agreement), and further improving our contingency plans to cope with POA industrial action. Steps in both these areas will require the approval and the co-operation of colleagues, as well as great discretion as we take the necessary work forward. I will send you a SECRET minute after Easter amplifying these points and suggesting how we might proceed. Meanwhile I hope this word of explanation of my thinking in relation to the present package is helpful.

4. I am copying this minute to Sir Robin Butler.

Douglas Hurd.

23 March 1988



Home Office

NEWS RELEASE

9 March 1988

50 Queen Anne's Gate London SW1H 9AT
(Night line 01-273 4595)

Contact Number: 01 273 4630

9/88

in attached folder.

PRISONERS' COMPLAINTS

The creation of a new post of prisons' Ombudsman as part of a four-stage system of considering prisoners's complaints is recommended by HM Chief Inspector of Prisons in a report published today.*

In the report the former HM Chief Inspector, Sir James Hennessy KBE, CMG, concludes that the present procedures for dealing with prisoners' grievances are not sufficiently fair, effective or widely-known. He recommends that a clear distinction should be made between requests and complaints, with appropriate procedures laid down in each case.

Complaints should be resolved at the lowest possible level. A four-stage system in which the first channel of complaint should always be to the governor: then to the Board of Visitors, and then to the Secretary of State is suggested.

HM Chief Inspector proposes that prisoners who have exhausted all other avenues have the final right to have their cases independently examined by a separate prisons' Ombudsman. The Ombudsman would be appointed by the Crown and report directly to the Home Secretary. The Ombudsman should have the power to investigate all complaints submitted to him and to present his findings to the Secretary of State. He should be able to receive complaints directly from prisoners or from others who contact him on behalf of prisoners. He should also be empowered to undertake enquiries on his own initiative into any aspect of prison administration which is called into question in cases before him.

The report also proposes that a much wider range of information should be made available to prisoners. It suggests that confidential access to the Governor or a member of the Board of Visitors should be made easier; and recommends that prisoners should be guaranteed reasoned replies to requests or complaints within specified time limits.

*"A Review of Prisoners' Complaints" by HM Chief Inspector of Prisons: ISBN 0 86252 331 1: Price £1.50 from Home Office Library.

The abolition of various restrictions placed on the ventilation of complaints, the withdrawal of the disciplinary offences of making a false and malicious allegation against a member of the prison staff and of repeatedly making groundless complaints, is recommended.

While recommending improvements to the existing system, HM Chief Inspector makes it clear that the long-term aim should be the adoption of a statutory Code of Prisoners' rights and duties. This would provide a coherent and consistent framework for the resolution of complaints and would limit the conflicts of interest in the present discretionary system.

NOTES TO EDITORS

This is the sixth in a series of thematic reports on general aspects of the work the prison service produced by HM Chief Inspector of Prisons.

Sir James Hennessy KBE, CMG was succeeded as HM Chief Inspector of Prisons by His Honour Judge Tumim in November 1987.



CG

nbpm

MINISTRY OF DEFENCE WHITEHALL LONDON SW1A 2HB

MO 19/1L

TELEPHONE 01-218 9000
DIRECT DIALING 01-218 *242*

8th March 1988

Dear Tom,

PRISON CONTINGENCY PLANNING

top of file

Thank you for sending me a copy of your letter of 22nd February to Douglas Hurd about prison contingency planning, in which you say that contingency planning for large-scale industrial action by Prison Officers in Northern Ireland has not in the past included the Armed Forces.

I should mention that there already exists a contingency plan for military assistance in the event of such action by the Northern Ireland Prison Officers Association, known by the codename of Operation IRRIGATE. This deals with military support to the RUC should they be required to assist the NI Prison Service in the event of a prolonged strike by prison officers. The latest version of the plan was produced in April 1984. It has been regularly updated since and I understand that Headquarters Northern Ireland are currently in the process of bringing it up to date in conjunction with Prison Department officials in your Department. Any points which arise will of course be looked at most carefully.

I note what you say about the no contact principle. You will have seen my letter of 11th February to Douglas Hurd on this; my views more generally remain as I put them in my minute to you of 22nd May 1986.

The Rt Hon Tom King MP



I am sending copies of this letter to the Prime Minister,
Douglas Hurd, Malcolm Rifkind and to Sir Robin Butler.

Yours truly,

A handwritten signature in cursive script, appearing to read "George Younger".

George Younger

HOME AFFAIRS

Pisa Service pt 4





SECRETARY OF STATE
FOR
NORTHERN IRELAND

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

cc Bly

nbpm

The Rt Hon Douglas Hurd CBE MP
Secretary of State for the Home Department
Home Office
Queen Anne's Gate
LONDON

22 February 1988

Ken Hughes

PRISON CONTINGENCY PLANNING

J Hap

I have seen your letter of 28 January to George Younger about a review of your Department's contingency planning for support to prisons in the event of serious and prolonged industrial action in the Prison Service.

I understand your concern at the severe limitation which the strict application of the "no contact" principle imposes upon the help which the armed services could give in dealing with a widespread emergency in the prisons. Clearly it is essential that the range of options available in response to large scale industrial action by the Prison Officers' Association should not be restricted unnecessarily.

Contingency planning for this eventuality in Northern Ireland has not in the past included the armed forces, not least because of the special sensitivities attaching to the management of prisons in the province. However, like you I believe that the police

could not reasonably be expected to cope with a prolonged walkout by prison officers without some direct support from the armed services. Accordingly, I have now asked my officials to draw up, in consultation with officials in the Ministry of Defence and in conjunction with the Royal Ulster Constabulary and Headquarters Northern Ireland, contingency plans for support to prisons as a course of last resort. I believe that this approach is no less necessary in Northern Ireland than it is in Great Britain.

I am copying this letter to the Prime Minister, to the Secretaries of State for Defence and Scotland and to Sir Robin Butler.

TK

HOME AFFAIRS : Prison pr 4



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CONFIDENTIAL



SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

cello
nbpm

The Rt Hon George Younger TD MP
Secretary of State for Defence
Ministry of Defence
Main Building
Whitehall
LONDON
SW1A 2HB

18 February 1988

Dear George,

PRISON CONTINGENCY PLANNING

Douglas Hurd's letter of 28 January about contingency planning to deal with the effects of widespread industrial action in the prison service raises issues which apply with equal force in Scotland.

Our contingency planning with the police and the army has been proceeding down broadly parallel lines and I would reinforce for my interest the plea which Douglas has made for wider deployment of army personnel within the "no contact" principle as well as for a flexible approach to its interpretation.

I am copying this letter to the Prime Minister, Douglas Hurd, Tom King and to Sir Robin Butler.

Yours ever,
Malcolm

MALCOLM RIFKIND

CONFIDENTIAL

HMP04906

Home Affairs:

Prison service *etc*





cc B/S
rbpm

MINISTRY OF DEFENCE WHITEHALL LONDON SW1A 2HB

TELEPHONE 01-218 9000
DIRECT DIALING 01-218 2112

MO 19/1L

11th February 1988

Dear Angles,

PRISON CONTINGENCY PLANNING

Thank you for your letter of 28th January ^{11th} on the current state of joint contingency planning against the threat of an industrial dispute in the prisons. I share your concern that planning should be as thorough and effective as possible.

A considerable effort has already been put in by our military planners on Operation LEVER and I am content that detailed reconnaissance and contingency planning for those closed prisons still outstanding should proceed as rapidly as possible. We have also already incorporated additional tasks for Servicemen covering general duties, clerical support, mail processing and the escorting of civilian workmen in the contingency plan.

It is clear from your letter that we are in general agreement that it would be unacceptable for non specialist Servicemen to exercise authority over or take responsibility for prisoners which could lead to contact with them. Such supervisory contact would be quite unsuitable for Servicemen, who lack both the training and experience to cope with this work. Placing young Servicemen in supervisory posts would carry with it a high risk of a deterioration in control and security. Specialist Military Police or Provost staff are a different matter, but as you know their numbers are extremely limited.

The Rt Hon Douglas Hurd CBE MP



Nonetheless I do accept - and Operation LEVER already reflects this - that the 'no contact' principle must be applied with discrimination and some flexibility. It is unavoidable that some passing contact between military personnel and prisoners would take place, but it must always be Police or Prison Officers who exercise real control and who undertake the supervision of prisoners.

Given the very wide number of tasks that Servicemen are already earmarked to undertake, ranging from perimeter patrols and gate duties to maintenance, catering and other administrative support, I was a little surprised to learn that our present planned commitment to fill some 2,300 posts in the 50 establishments so far covered by planning still does not release sufficient police manpower to cover more than 20 or so prisons, and that in many cases police cover at individual prisons would be reduced only marginally with the deployment of Service personnel. But I agree that if Servicemen are to be deployed as a last resort to help run the prisons in an industrial dispute, it is essential we make the most effective possible use of them. Provided, therefore, that your officials are able to identify additional tasks which fall short of placing troops in supervisory contact jobs, I am prepared to look at each of them to see if there is scope for extending the range of work Servicemen might undertake. (The example you mention of serving food to prisoners would be acceptable - although it is not immediately apparent that this would in itself affect appreciably the number of policemen deployed.) It would be sensible for consideration of possible new tasks to take place as soon as possible and before the next tranche of detailed contingency planning at individual prisons.

I am sending copies of this letter to the Prime Minister, to the Secretaries of State for Scotland and Northern Ireland and to Sir Robin Butler.

Yours ever
George

George Younger

HONG KONG AFFAIRS: PRISONERS PT. 4.



CCB
NBM
ALG

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon Douglas Hurd CBE MP
 Home Secretary
 Home Office
 50 Queen Anne's Gate
 London
 SW1H 9AT

2 February 1988

Dear Home Secretary,

PRISONS: CLAIM ON THE 1988-89 RESERVE

Thank you for your letter of 22 January, which our officials have now discussed further at my request. I am writing to record what I now understand to be agreed between us.

As you know, I do not see how I could reopen our Survey settlement so soon after the event. That is the principle we are applying across the board - and in the case of the National Health Service, for instance, in the face of very strong pressure. In this particular case I am not entirely sure why much of the recalculation on which you base your present case could not have been done in time for our Survey discussions. Nor do I see how we can be sure, at this stage, that you will not be able to find other savings - for instance in the very considerable addition we agreed to your capital programme - in the course of a year which has not even yet begun. For this reason I must ask you to seek to absorb the cost of what you propose, and I am grateful to you for agreeing to do that. I must ask you also to see how far the cost of this manpower can be contained within your running costs limit. But I realise that the increase in prison officer recruitment will create upward pressures, and we may need to reconsider your running cost limit later in the year.

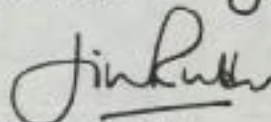
I do, however, realise the difficulties you face in getting Fresh Start properly established, and I support you in that important task. On the above basis, therefore, I am content for you to proceed with the increase of the 1262 additional prison staff for which you were seeking additional finance. I understand that you do not plan any form of public announcement of your overall manpower and resources plans for 1988-89 when these are communicated to the prison service later this week.

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I am glad that we have been able to agree on a way through this problem which should keep Fresh Start on track, and ease your negotiating problem with the POA. I am grateful for your own part in that.

I am copying this letter to the Prime Minister, Norman Fowler, Malcolm Rifkind, Tom King and to Sir Robin Butler.

Yours sincerely,



pp JOHN MAJOR

(Approved by the Chief Secretary +
signed in his absence).



Pete Hirsch²

QUEEN ANNE'S GATE LONDON SW1H 9AT

28 January 1988

Dear George,

MH

PRISON CONTINGENCY PLANNING

In response to the threat of industrial action in the prison service which began to emerge last autumn - a threat which is still present following the Prison Officers' Association's ballot for industrial action in December - we set in hand, with much useful co-operation from your Department and the military, a joint police, prison service and military contingency planning exercise to review and develop on the ground, in each prison establishment concerned, our contingency planning.

The exercise so far has been conducted by prisoner governors, together with representatives from the police service and the armed forces who might if circumstances became sufficiently serious be called upon to deploy personnel to prison establishments. The previous state of planning had been confined to requiring prison governors to agree details with the appropriate chief officer of police on the initial police response, but their detailed planning had not been taken beyond the point of initial police intervention to maintain or restore order and security.

A general contingency plan (code named LEVER) providing for support to prisons from the armed forces as a last resort had been drawn up by officials in our two Departments, but that planning process had not been applied to the circumstances of individual prisons. That necessary stage in the planning process had been held back because of a very sensitive industrial relations situation last year, but has now been taken forward.

Of our 100 closed prison establishments, the 53 considered most at risk have now taken part in the local tri-service contingency planning exercise, and have submitted reports in consultation with the police and military district representatives. The Prison Department are evaluating the reports; an interim analysis of the first batch of 23 has been made and has been considered by senior officials from both our Departments and representative chief officers of police. I should like to extend the process to the remaining closed prisons to complete the process.

We have long recognised that the capability of the police service to secure and man prisons would quite rapidly be overstretched in the event of a walkout, especially a prolonged walkout, by staff in more than a small number of prisons. The planning process has shown that the task of securing and maintaining the essentials of control in 20 to 30 prisons would represent a substantially more demanding commitment for the police service on their own than the miners' strike. They could not in practice sustain it for more

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than a short period. In this context, a key outcome of the exercise has been to show that should we reach the point of the need to seek military deployment, the armed services commitment as envisaged in plan LEVER would not provide as great a measure of relief for the police as I would have hoped. My advice, based on the useful work that has been done, is that in many cases the number of police officers required to cover at individual establishments would be reduced only marginally with the deployment of service personnel.

The reason for this is of course that plan LEVER is based on the principle that ordinary servicemen (that is non-police or provost staff) will not be deployed in any tasks which involve any contact with prisoners. Inevitably the strict application of that principle greatly restricts the range of tasks which servicemen may be called upon to perform. In practice, most personnel involved in running prisons must necessarily accept some degree of contact with prisoners in the sense of being in the same area of the prison. Your officials have been most helpful in identifying a number of additions to the plan LEVER task list which do not infringe the strict application of the "no contact" principle. The plans, which already provided for deployment of servicemen on perimeter security, gate duties, catering and some maintenance work, would additionally cover general duties, clerical support, processing and searching mail, and escorting persons such as workmen (who are neither prisoners nor prisoners' relatives) within the establishment. I should be grateful if you were able to agree to these worthwhile modifications to plan LEVER.

Nevertheless, I have to say that I am concerned at the severe limitation which the strict application of the "no contact" principle imposes upon the help which the armed services could give in dealing with a widespread emergency in the prisons. The effects of the limitation is to put on the shoulders of the police a disproportionate amount of the burden of running prisons if and when the Prison Officers' Association were to withdraw labour on a large scale - so much so that the effectiveness of the police service in policing the streets and tackling crime would quickly become heavily compromised. Within the prison service, it means in effect that the tri-service contingency plan for running establishments in an emergency would break down if it had to be implemented in more than 20 or so prisons for more than a short period. I am sure you will appreciate the seriousness of this. It weakens the ground on which we stand to negotiate with the Prison Officers' Association, and is a serious constraint on our range of options in dealing with them.

In practical terms I doubt in any event whether it would be possible to avoid contact of some sort between the military and prisoners once the military are deployed within prison establishments. Our plans are made on the basis that the exercise of authority over prisoners and any "confrontational" contact with them - when in disorder, for example - remains the exclusive preserve of the police. But a rule of "no contact" at all precludes the military from tasks such as serving prisoners' food (even with police or prison management present to supervise) and greatly restricts their usefulness in consequence.

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I believe that the aim of "no contact" is really twofold: to protect soldiers from the responsibility (for which they are not trained) of exerting authority or physical control over prisoners, and to ensure that they are not exposed to the risk of prisoners inducing breaches of military (or indeed prison) discipline. Clearly the exercise of authority over prisoners as well as the maintenance of order must be matters for prison staff, the police or trained military police or provost staff. But my impression from the analysis of the planning exercise is that the range of tasks to which servicemen might contribute could usefully be widened further if the "no contact" principle is sensibly interpreted in the light of those twin aims. If that is not done, then circumstances themselves might impose an intolerable strain on that principle if we face the alternatives of the prison system breaking down in terms of security and control, or in effect leaving the country unpoliced. I am sure we can both agree that we should do everything possible in our further planning work to avert that.

There is no immediate threat of industrial action on anything like the scale considered above. I believe that one day colleagues will need to face the need to remove in one way or another the power of a public sector union to inflict damage of this order on the community. Meanwhile I am anxious that contingency planning should be as thorough as possible. In practice I am sure that the difficulties outlined above would be largely overcome, but it would be useful if the planning could reflect this.

I am copying this letter to the Prime Minister, to the Secretaries of State for Scotland and Northern Ireland and to Sir Robin Butler.

Yours

Doug

CONFIDENTIAL



QUEEN ANNE'S GATE LONDON SW1H 9AT

12 January 1988

nbpm jd

Dear John,

Despite continuing opposition from the Prison Officers' Association (POA), we are now very close to having Fresh Start into all prison establishments in England and Wales and I intend to meet my commitment to have done so by 28 February. The POA at a national level has throughout been resisting the changes - which when in place should reduce their power. They are at present trying to exploit a mandate for industrial action on civilianisation and, more generally, manning levels.

We have had to take implementation of Fresh Start by stages, evaluating and adjusting manpower as we went through last year. I have not thought it right to approach you until the position was clearer, although my officials, I know, have kept closely in touch with yours.

As you will be aware, we have made no adjustments to the manpower and money base lines of the Prison Service since PES 1985, on the footing that any prospective adjustments resulting from Fresh Start would be likely all too quickly to be out of date because of the Fresh Start systems changes. I had hoped, as recently as the Autumn, to leave Prison Service manpower at least until 1988.

But having got Fresh Start more or less into place and carried out a first evaluation of what has been achieved and taking account of the high and growing population pressures, I cannot avoid reopening now the resourcing of the Prison Service in manpower and related money terms for 1988/89.

The Fresh Start evaluation, whose preliminary results my officials have presented to yours and of which I annex (at A) the principal findings, confirms our prudence in not moving prematurely on Prison Service manpower. The initial target was for 15% efficiency in prison officer hours in 1987-88 but after some early experience this was quickly adjusted to an average target of 10% efficiency in the first year. In the event, as well as validating the principles on which Fresh Start was based, the evaluation shows that we will achieve 12% in 1987-88, part way between the initial and the adjusted targets. This achievement is the outcome of the efforts, for example, on civilianisation, which we made in addition to the 10% target and a more accurate judgment

/now about

The Rt Hon John Major, MP

now about wastage and how the Service used the staff that were made available. However attitudes in the Service have been slow to change and much remains to be done (I annex at B the Action Plan for 1988). Furthermore the Service continues to feel under resourced. That is partly because of its failure to take on board at one go the full Fresh Start package but, as important, it derives from the very heavy population pressures since the Fresh Start deal was done.

In the light of the evaluation I think there is no case, save for one element to which I shall return later, for altering the manpower and money assumptions upon which the Fresh Start deal was done, and I do not seek to do so. We shall continue to work to deliver Fresh Start in accordance with the original undertaking. We shall be setting the Service a further 2% efficiency target in 1988/89 in addition to the 1% that is required in the Framework Agreement and making up the final 1% (to the original target of 15%) in 1989/90 along with the 2% which will be required that year by the Framework Agreement.

But I must ask you now to consider an upward adjustment of the financial allocations for manpower, having regard to the need to cope with prison population pressures both in 1987/88 and projected for next year. As well as the main building programme, we have all this year been creating places by tactical management and short term building devices in order to try to cope with the growth of the population, which, despite our emergency measures of last July, which reduced it by 3,000, is about 900 above the level at this time last year (47,240 as against 46350) and on short term projections could reach its previous maximum of nearly 51,000 by Easter and by mid 1989 exceed the estate's operational capacity. That capacity, of course, assumes very heavy overcrowding. On past experience, we are into using police cells when the population reaches some 3,500 below operational capacity and last summer's events brought us to crisis point at about 1,000 below it. Despite these efforts we have been averaging about 530 prisoners each night in police cells over 1987 and ended the year with 442 in police cells. Apart from the undesirability of housing prisoners in this way and the additional burden on the police, the practice is wasteful and badly distorts the management of the Prisons Vote. I attach at C a brief note setting out the salient statistics. The courts continue to send more and more people to prison on sentence or remand, and we have to find the staff to keep them.

PES 1985 assumed manpower growth for prison place creation out of the building programme of 500 in 1987/88 and 750 in 1988/89. In addition provision for 1988-89 assumes growth of 215 for the second year of the Fresh Start framework agreement. Since the Fresh Start settlement we have created or are proposing to create places for prisoners that require 2,097 additional staff to make them operational - this includes new build refurbishment, development and changes of use, in particular to create remand places. My judgment is that the latest tranche of changes may, from Easter onwards, see us through 1988 and into early 1989.

/I ask you

I ask you to approve the additional financing for recruitment of 847 (ie 2,097 less 1,250 already in PES) additional staff over 1987/88 and 1988/89 to cope with population related place creation. Without that, I see no way of avoiding continuing and substantial use of police cells and even they might not be enough. Full details are set out in Annex D to this letter. These also go to the financing of the Prison Service Vote this year. But as the issues on that go more widely to managing the Home Office Votes as a whole I shall be writing to you separately on that.

Given the very heavy population pressure as Fresh Start has been introduced I conclude that it will not be possible to absorb part of our obligations under the Framework Agreement within existing provision. I now think it necessary to ask for 1988/89 for the related money for an additional 200 staff to cover half of the one hour efficiency improvements to be obtained under the Fresh Start framework agreement from 1 April 1988. Equally, I think it necessary to seek cash for the full 430 officers (we have allocation only for 215) that will be needed to honour our side of the Framework Agreement from 1 April 1989. This makes a total of 415 and is our side of the deal. I regard it as essential if we are to get the Service to meet their commitment to extract the full Framework Agreement efficiency savings over the next few years.

We have examined the scope for absorbing the additional costs of these staff within PES provision for 1988/89. As you know, Prison Service manpower accounts for by far the largest proportion of the prisons Vote, and the scope for savings on other prisons programmes is very limited. As the result of PES 1987 we have a much increased provision available for prison building, but building is not a running cost programme and in any case this letter has outlined an even stronger case for that expenditure than we recognised 6 months ago. Other programmes will be under considerable strain in 1988/89, partly as a result of population pressures and partly because we are postponing expenditure wherever possible to 1988/89 to minimise the potential claim on the Reserve in the current financial year. We have identified some savings on these other programmes to set against the increased costs of prison manpower; but these savings are not large enough to offset the whole of the increased costs. I must therefore inevitably seek an increase in the total provision available on the prisons Vote in 1988/89 and in the Department's running cost ceiling.

To sum up, I seek an adjustment of £15.9m for 1988/89 to cover 1,262 additional staff (847 for place creation and 415 for the Framework Agreement).

The population pressures are causing me urgently to re-examine the building programme particularly in the light of the projected peaks in 1989. It looks as if I shall wish to write to you further about this in the next week or so but I will not then be making any proposals for additional expenditure in 1988/89 either on building or on manpower beyond what I have asked for in this

/letter.

letter. On that basis I hope that you will feel able to handle the issues raised in this letter in isolation from other implications of the population projections.

As I have indicated, the POA are looking for a cause for industrial action linked to the civilianisation programme and more generally their concern about manning levels. There is a good defensive position on civilianisation for the time being, although I shall be looking for substantial further progress over the next year or so. I am bound to use the outcome of this approach to you to take the wind out of their sails on manning levels, but without responding directly to their specific demands. As the last two years have shown, the POA can do serious damage and they are irresponsible in using their power. They believe that their ballot mandate requires them to be persuaded not to take industrial action or to begin to take it by the end of January. It obviously makes sense to seek to settle any bid for more manpower resources, (which stands quite apart from their threats,) consistently with that timescale.

I should be grateful to hear from you as soon as possible.

Copies of this letter go to the Prime Minister, the Secretary of State for Employment, the Secretaries of State for Scotland and Northern Ireland, and Sir Robin Butler.

Yours,

Daykin.

E.R.**"A FRESH START" EVALUATION STUDY NOVEMBER/DECEMBER 1987**Summary

The purpose of the study was to evaluate the initial impact of Fresh Start so that senior management can assess what remains to be done and on how best to help those operationally responsible for taking Fresh Start forward.

2. The evaluation is based on information obtained during November 1987 from visits to ten representative establishments and responses to a questionnaire sent to all establishments. The work was undertaken by members of P6 Division, PA management consultants, regional offices, and field governors.

3. The main findings were:

- (i) the principles and practices on which Fresh Start was constructed remained sound, robust and still very relevant to the needs of the Service;
- (ii) the aims of Fresh Start were accepted throughout the Service and many staff wanted to make it work;
- (iii) 2 of the 10 establishments visited had made substantial progress: the anticipated benefits are emerging with a reduced input of staff hours and no change in output;
- (iv) progress at the other 8 establishments was disappointing: there was a lack of direction and many staff were unclear about what Fresh Start meant in practice;
- (v) Fresh Start was regarded as an event: there had been no follow through, target setting or monitoring within establishments;

(vi) most managers were not managing;

(vii) governors felt they had not been given enough support;

(viii) the manhours available were not being fully used:
from 2 - 7% were being lost through deficiencies which
are rectifiable if firm action is taken quickly;

(ix) the result of more effective use of hours on manpower
requirements and regimes cannot be precisely quantified;
the evaluation has not been able to establish a prima facie
case for more staff;

(x) the incentive of improving regimes and other outputs
needs to be firmly established.

4. The conclusions drawn are that throughout the Service the lack of understanding of Fresh Start allied to absence of clear direction and purpose has been the main reason behind the Service's inability to obtain many of the benefits from the Fresh Start changes. There is no doubt that more progress would have been made had it been possible to give more time and effort to preparing the Service for Fresh Start. A major Service wide effort is now needed to get Fresh Start on the right lines and move it forward. The findings and conclusions of this report are intended to provide the framework for this to be undertaken.

FRESH START 1988: ACTION PLAN

The evaluation report shows the need for a further major effort in 1988 to build in Fresh Start principles to every aspect of the work of the Prison Service. The Board has decided on three approaches to move this forward quickly and effectively

- management action
- training
- Headquarters support

Management action

2. Further action on Fresh Start will be handled firmly through established line management channels using the machinery for establishing targets and monitoring performance created by Circular Instruction 55/84.

3. Attached to this action plan is the useful model of the main features of Fresh Start prepared as part of the evaluation. On receipt of this plan each governor is asked to

- compare the model with the circumstances of his own establishment
- establish a list of changes that would be needed in his establishment to bring it into accord with the model
- put those changes into a priority order according to the contribution they are likely to make to the effective order of the establishment

- decide how many of those changes can be made by the end of August
- write an action plan for the establishment listing the changes to be made by the end of August and how they are to be made
- send the action plan to the Regional Director by the end of February with a copy to the Deputy Director General and, so that progress nationally can be monitored, to the Head of P6.

4. The Regional Director will examine the action plans to check that they are both challenging and realistic. Once they have been agreed between the Regional Director and the governor, they will be incorporated in the contract for 1988-89 under CI 55/84. Please note that

- action should begin at once in the establishment and not wait for exchanges with the Regional Director to be completed
- although included in the contract for the year, the deadline for completing the changes identified will be the end of August.

5. By the end of August, each governor should complete a report on the implementation of his plan and send it to the Regional Director, also with a copy to the Deputy Director General and the Head of P6 Division.

6. During September and October the Deputy Director General will review with each Regional Director the progress of Fresh Start implementation in his region. It will then be decided whether further special measures are needed to maintain the momentum.

7. This procedure does not prevent the inclusion in the CI 55/84 contract of work related to the full implementation of Fresh Start which is not intended to be completed until between September 1988 and March 1989.

Training

8. A major programme of Fresh Start training is already underway. [Describe details briefly.]

9. This will be supplemented in the second quarter of 1988 by a series of week long seminars for governing governors. The Prison Service College has been asked to prepare a programme for these seminars which will involve a study of Fresh Start evaluation and how implementation might best be carried forward. There will be sufficient seminars for all governing governors to attend.

10. Training at establishment level is equally important. Headquarters and Regions will help by producing training material including videos, and by the provision of trainers for specific events in establishments.

Support

11. The Board recognises that many governors may welcome specialist help on questions of manpower deployment and management structures. Quite apart from any special expertise it is sometimes helpful to have a team of outsiders who bring a different perspective to the issues of what is needed and how to set about change.

12. The Head of P6 Division has been asked to establish support teams who will go into establishments for one or two weeks at the request of the governor or at the suggestion of the Regional

Director. The governor will establish the focus of the team's work in the establishment and the team will report to the governor both informally and in writing at the end of their visit. Copies of the written report will go for information to the Regional Director and Deputy Director General.

13. As with the Fresh Start evaluation teams, members of the support teams will be drawn from different backgrounds but with leadership provided by members of P6 Division. Teams will be gathered for each project according to the areas on which the governor wishes the team to concentrate. Some members of the team will be borrowed for specific projects from their existing jobs elsewhere in the Service.

PRISON POPULATION AND ACCOMMODATION ENGLAND AND WALES 1987 - 1989

1987 Average prison population increased by 2,000 over the 1986 average to 48,900. Accommodation (CNA in use) increased by 1,400 over the year from 31 December 1986, and now stands at 42,700.

Peak prison population was 50,500 in July plus 735 held in police cells because there was no room for them in prison (the 1986 peak was 48,000 plus 260). Total population exceeded CNA by 9,100. This led the Government to introduce a change in the remission rules for short sentence prisoners resulting in a drop of 3,000 in the prison population in August. By the end of 1987, continuing high levels of population growth had swallowed up 50% of this benefit.

1988 On 1 January the population was 46,800 plus 440 in police cells.

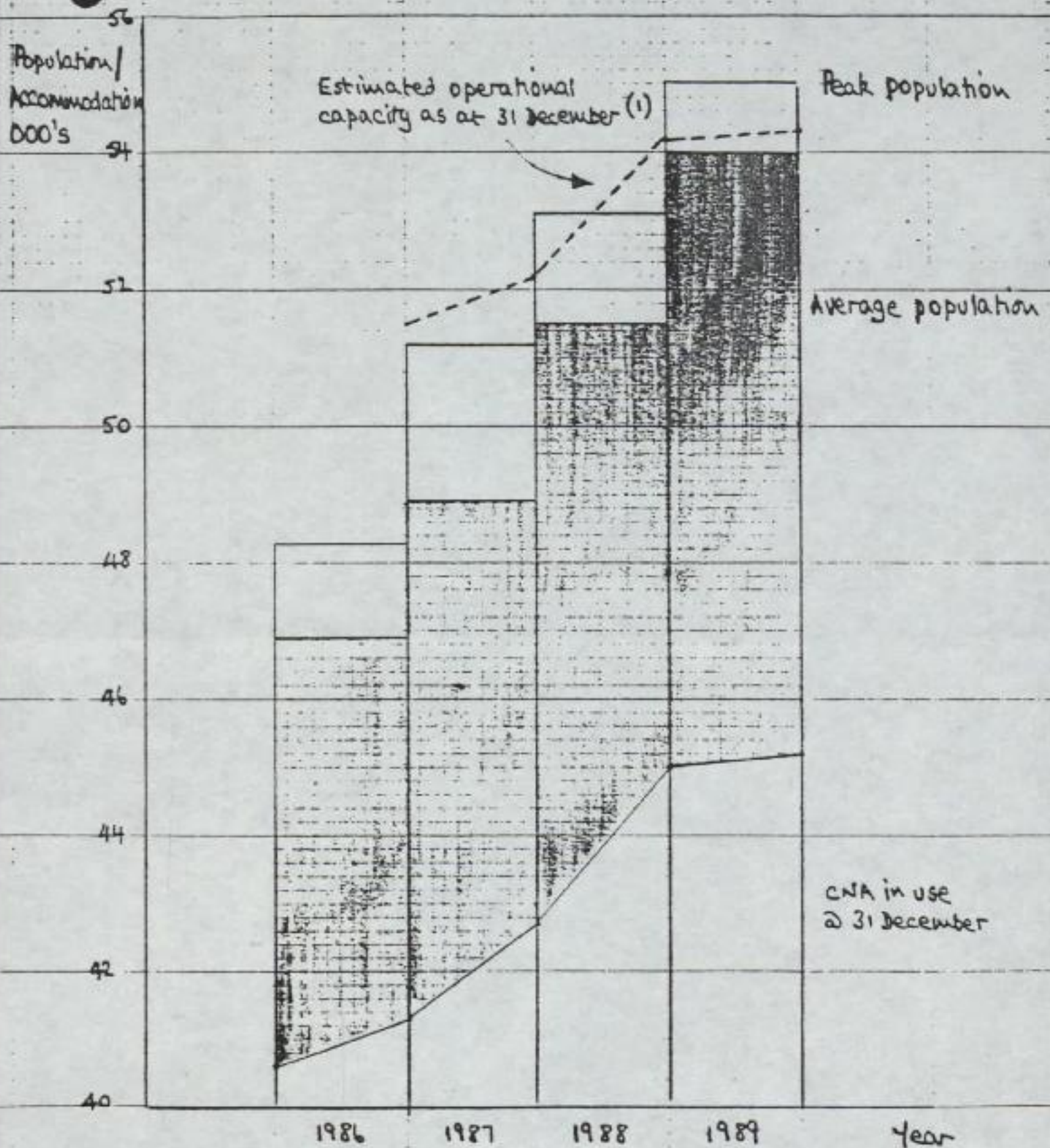
This year's short term projections (which apply trends over the previous 3 years to forecast receptions and discharges) are expected to show that the 1988 average population is likely to increase by some 2,600 to 51,500. That represents an increase of 4,300 when the effects of half remission are taken into account.

Peaks are estimated at 50,800 at end-March and 53,100 at end-November. Both peaks will represent an excess of 8,100 over CNA which is due to increase by about 2,300 over the year as a result of the building and refurbishment programme.

Police cells will almost certainly continue to be used to accommodate prisoners throughout the year.

1989 We expect high levels of population growth to continue in 1989, a year in which there will be minimal increase in CNA (about 200 places). We estimate an average population in the order of 54,000. The peak is expected to be about 55,000, nearly 10,000 above CNA. The resulting overcrowding exceeds the level at which it was found necessary to take strong remedial action in 1987.

PRISON POPULATION AND ACCOMMODATION 1987-1989
(1986 SHOWN FOR COMPARISON).



Note:

1. Operational capacity (the maximum sustainable population, with overcrowding, in each establishment) calculated on the assumption that for new accommodation, OC equals CNA.

Money and Manpower 1987/88 and 1988/89

This annex looks at the manpower requirements arising out of changes in the prison population, and the Fresh Start framework agreement.

2. Increases in the prison population are not entirely matched in year by new accommodation. There are leads and lags as Table 1 below shows. Nevertheless, it is suggested that new accommodation rather than population changes provide the best basis on which to assess manpower requirements.

Table 1: Change in places and average population over the financial year.

	popn changes	new or planned places	places - popn	net places - popn from 1986	popn from 1987
1986/7	+1800	+ 452	-1348	-1348	
1987/8	+1600	+3117	+1517	+ 169	+1517
1988/9	+2000*	+1883	- 117	+ 52	+1400

* projections of trends in 1984 - 7.

3. The manpower implications of these changes can be calculated using a staff to inmate ratio for each type of establishment for both unified grades and for prison auxiliaries and night patrols. Ratios have been derived from the prison population and staff in post on 16 November 1987 for all establishments on Fresh Start. (These ratios have been adjusted to reflect the target implementation efficiency of 15% for calculating manpower requirements in 1988/89, but used as derived for 1987/88

requirements.) The increases in the remand population also result in new courtrooms with additional requirements for dock officers. The latter can be estimated using the court escort scrutiny benchmark of 2 per court room. Provision was made in 1985 PES for an increase of 500 prison service staff for new accommodation in 1987/88 and 750 in 1988/89.

4. Fresh Start has built into its target efficiencies in terms of hours used to maintain the March 1987 workload level. These are 15% on implementation and a further 10% over the five years to April 1992. The latter is to be achieved under the "framework agreement" whereby there is a phased reduction in hours worked with a one hour reduction in April 1988 to be followed by a reduction of 2 hours per year until April 1992 when all officers are on 39 hours. In return for this reduction staff are expected to contribute increased efficiency by maintaining the workload with staffing increases equivalent to only half of the capacity of the hours lost each year. The staffing increases for April 1988 and 1989 are calculated to be 200 and 430 respectively, and within the terms of the agreement should be made available at the same time as the hours are reduced. The financial allowance made for these increases in the Fresh Start calculations (no adjustment of the baseline) was a part year cost of 215 in 1988/89 to meet the April 1989 requirement. In view of the evaluation study and the industrial relations situation we now believe that it is critical to meet the full framework manpower requirement as punctually as possible.

5. The preceding analysis leads to the manpower (unified grades) requirements summarised in Table 2 below:

Table 2: New planned accommodation places			Courtrooms		Framework	Total	PES	Short-
	no	m/power	no	m/p	m/p	m/p	prov	fall
1987/88	3117	1234	11	22	200	1456	500	956
1988/89	1883	658	35	70	430	1158	965*	193

* includes 215 for framework agreement.

There is in addition a manning requirement for new accommodation of 92 prison auxiliaries/night patrols in 1987/88 and 21 in 1988/89.

6. This year (1987/88) we should be able to recruit and train 1850 new grade VIII prison officers, of which 600 are estimated to be needed to replace wastage. Our existing training facilities have been used to full capacity (1690) and additional facilities have been bought in to train the remaining 160. The 1250 officers available is 750 above PES provision. But on the basis of the analysis above this is 206 short on the 1987/88 requirement. The shortfall will need to be made up next year, increasing the 1988/89 requirement to 1364, some 399 above the PES provision. The difference between the present financial provision and the calculated requirement based on the accommodation and framework agreement analysis above over the two years is 1149. No provision has been made for additional PAs/night patrols in either of the two years.

Finance

7. The introduction of Fresh Start conditions of service and the amalgamation of governor grades (formerly classified as non-industrial staff) and prison officer grades into the prison unified grades has made it necessary to devise a wholly new methodology for calculating the pay provision required for these grades. Prior to Fresh Start the provision for pay etc for both these classes of staff were calculated on the basis of an implied unit cost for all the grades concerned within the class and multiplied by the actual numbers involved. For the purposes of constructing the present estimates, both of the PES baseline and the provision required for 1988/89 it has been necessary to make a number of assumptions on the basis of incomplete information. Possibly, the figures themselves may be subject to a greater margin of error than one would normally expect to pay calculations.

8. Additional finance is required for up to 1149 additional prison officers and 113 prison auxiliaries/night patrols over 1987/88 and 1988/89:

E.R.

1987/88

	£m
part year cost in 1987/88 of 750 prison officers =	5.7
part year cost in 1987/88 of 92 PAs/night patrols =	0.5

1988/89

full year cost in 1988/89 of 750 prison officers =	11.7
full year cost in 1988/89 of 92 PAs/night patrols =	1.0
part year cost in 1988/89 of 399 prison officers =	3.1
part year cost in 1988/89 of 21 PAs/night patrols =	0.1

 15.9

9. The following table summarises expenditure and provision in 1988/89.

	Unified grades	PA/NP	Total
	£m	£m	£m
1988/89 PES provision	312.7	11.9	324.6
Estimated expenditure	331.7	16.3	348.0
Shortfall	19.0	4.4	23.4

Home Office

12 January 1988



CONFIDENTIAL

Home Office
 QUEEN ANNE'S GATE
 LONDON SW1H 9AT

11 December 1987

Dear Mike,

Prime Minister²PRISON OFFICERS' ASSOCIATION: INDUSTRIAL ACTION

The Home Secretary thought it timely for his colleagues to be brought up-to-date with developments on the industrial relations front in the prison service.

A Prison Officers' Association (POA) national delegate conference on 30 October gave authority to the POA NEC to hold a national ballot on industrial action. The POA NEC has now decided to hold a national ballot on 15, 16 and 17 December. The question on which POA members will be invited to vote is:

"The current Home Office Prison Department policy on civilianisation will adversely affect the recruitment of trained prison officers. This shortage of trained prison officers is presently being disguised by Home Office Prison Department's distortion of national agreements negotiated with the POA. In view of this circumstance and in an attempt to remedy this situation, are you prepared to take industrial action up to and including strike action which would involve you (as has always been the case) in a breach of your terms and conditions of employment."

Civilianisation has featured in recent discussions between Prison Department officials and members of the POA NEC. The nub of the disagreement is the POA's wish to limit further civilianisation in the prison service. That is not a tenable position for us because there are jobs presently carried out by trained prison officers which do not require their particular skills and could properly, safely and more economically be done by civilians. As Fresh Start arrangements are set in place it becomes ever more important to do two things. First, to maximise the use of prison officers in jobs with a high prisoner contact. Second, to achieve the efficiency savings which are an integral part of the five year Framework Agreement which comes into force on 1 April 1988. Prison service management and the POA are signed up to achieve these savings.

The ballot result is expected to be known on 21, 22 or 23 December. The outcome is difficult to predict with confidence. The best assessment is that it may result in a majority (perhaps quite narrow) in favour of industrial action. But it is unlikely that there will be immediate resort to action. The timing of the ballot immediately before Christmas suggests

that the POA will wish to enter into urgent discussions at the beginning of January. The size of any majority in favour of action, assuming that is the outcome, may determine the urgency of any approach by the POA.

In parallel with this industrial relations activity Prison Department is grappling with the consequences of increases in the prison population and the programme on Fresh Start implementation. All the indications are that the rise in population will continue, and Prison Department are looking again at the requirements for both accommodation and manpower. This will have to be set alongside an evaluation of Fresh Start which is now almost complete.

We shall keep you informed as events unfold. The Home Secretary may need to approach his colleagues early in the New Year, depending on the outcome of the ballot and on the work that is in hand.

This letter is copied to the Principal Private Secretary to the Prime Minister, the Private Secretaries to other members of H, and to Sir Robert Armstrong.

Yours sincerely,

P J C Mawer

P J C MAWER

M J Eland, Esq.,



file him

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

10 December 1987

The Prime Minister has seen the Home Secretary's minute of 8 December about the Assisted Prison Visits Scheme and the proposed transfer of functions from DHSS to Home Office. She is content with this proposal, and with the proposed answer to Charles Irving's question.

I am copying this letter to David Crawley (Scottish Office), Geoffrey Podger (Department of Health and Social Security) and to Trevor Woolley (Cabinet Office).

P. A. Bearpark

Nick Sanderson, Esq.,
Home Office.

from

00

CCB/6



Prime Minister.

RTA supports this.

Content?

PRIME MINISTER

Yes

2/12

**ASSISTED PRISON VISITS SCHEME:
TRANSFER OF FUNCTIONS FROM DHSS TO HOME OFFICE**

This minute seeks your agreement that the administration of the Assisted Prison Visits Scheme should be transferred from DHSS to the Home Office.

2. Under the Scheme, close relatives of prisoners may have their visits to the prison paid for by the Government every four weeks, provided that they are on Supplementary Benefit or an income not much above Supplementary Benefit level. The cost for England, Scotland and Wales is some £1.3M per year (including £0.2M administration costs): the benefits are better prospects of rehabilitation on release where a prisoner's family ties have been maintained, and improved control of inmates during their sentences when they have visits to look forward to. The Scheme is non-statutory.

3. Payments are made at present by DHSS local offices, and DHSS is reimbursed for these sums by the Home Office and Scottish Office, which have policy and value for money

responsibility for the Scheme. A 1985 Efficiency Scrutiny recommended that the Home Office and Scottish Office should take over the administration of the Scheme. Malcolm Rifkind, John Moore and I agree that this should now be done, particularly since increased pressures on DHSS local offices in the run-up to the social security reforms next spring will make it very difficult for them to maintain their involvement with the Scheme. Accordingly we propose that a new unit of the Home Office, which will also act on behalf of the Scottish Office, should be set up to administer the Scheme by post. 23 posts, the equivalent of the manpower at present involved in administering the Scheme, would be transferred from DHSS to the Home Office: efficiency saving can be looked for in the future as the benefits of centralisation are realised.

4. No Transfer of Functions Order will be necessary; the change can be made solely by administrative action. We do, however, consider the change important enough to justify announcement by way of a Parliamentary Question, to be answered on the following lines:

"New arrangements are being introduced for the administration of the Scheme for Assisted Visits to prisons by close relatives. A new Unit of the Home Office Prison Department will administer the Scheme for England and Wales. Because it would be uneconomic to have a separate Unit to administer the Scheme for

Scotland, the Home Office Unit will act as an agent of the Scottish Home and Health Department. For administrative convenience the new arrangements will begin to operate from 1 March 1988 in respect of visits to inmates in Scotland and from 11 April in respect of visits to inmates in Great Britain as a whole. Applications and payments will be handled by post rather than within DHSS local offices as hitherto. In order to take account of forthcoming changes in the Social Security system, financial eligibility will be based upon entitlement to Income Support, which replaces Supplementary Benefit, Family Credit or a Low Income Certificate, but apart from this the principal terms and conditions of the Scheme will remain the same.

Charles Irving has in fact put down a Question which could suitably be answered as I propose: I have given a holding reply.

5. I should be grateful to know whether you agree that the transfer should proceed, and if so whether you agree that I should reply to Charles Irving's Question on the lines suggested here.

6. I am copying this minute to Malcolm Rifkind, John Moore, John Major and Sir Robert Armstrong, who are content with the terms of the proposed Answer.

Douglas Hurd.

8

December 1987

CDG



QUEEN ANNE'S GATE LONDON SW1H 9AT

2 November 1987

Prime Minister (2)

MA 2/11

Dear George,

mt

ROLLESTONE CAMP

I am writing to let you know of my decision to close the temporary prison at Rollestone Camp and to hand it back to your Department later this month.

Since it opened on 3 August, Rollestone has made a useful contribution first as a measure to deal with unprecedented levels of overcrowding, later developing into one element of our response to industrial action in some establishments in the South East. My decision in no way implies that those troubles are yet over. The establishments involved have suspended their industrial action for the time being and we now await developments following the decision of the National Executive Committee of the Prison Officers' Association to ballot their membership on the question of further industrial action. In the meantime we need to maintain the momentum of the Fresh Start implementation programme and I have reached the clear operational view that the staff at Rollestone could now be more effectively employed within permanent establishments. As you know, Rollestone has been manned entirely by the Prison Service.

I enclose a copy of the arranged Parliamentary Question and Answer which was tabled for answer today.

Our officials have agreed that we can settle on 27 November as the date when the camp is formally handed back to your Department. The position will be clearer by then. I hope that this is acceptable to you.

May I take this opportunity to thank you for your help in making the camp available to us and preparing it for use as a temporary prison.

I am copying this to the Prime Minister, members of H Committee, and to Sir Robert Armstrong.

Love,
Douglas

The Rt Hon George Younger, MP.

Monday, 2nd November, 1987.

Written No. 1220
(26.10.87.)

Mr. Roger Sims (Chislehurst): To ask the Secretary of State for the Home Department, how many prisoners are being held in police cells; and if he will make a statement.

MR DOUGLAS HURD

Nine hundred and ten on 2nd November.

The lifting of industrial action in certain prisons in South East England last week was welcome. The Police and Prison Services are now working hard to clear prisoners from police cells. That involves moving a large number of prisoners around the country and will take about a fortnight to complete.

It is now operationally sensible to hand back Rolleston Camp on Salisbury Plain for military use. The use of the camp, which was among the package of measures I announced on 16th July, provided a measure of relief until the greater effects of the change in the remission rules were felt in late August. It has made a useful contribution to that end, accommodating over 400 prisoners since it opened, of which the overwhelming majority were Category C sentenced prisoners.

Later industrial action taken by the Prison Officers' Association at certain prisons in the South East created a different situation. It resulted in a rapid build up of remand
/prisoners

prisoners in police cells although space existed within the prisons concerned. Although a number of carefully selected prisoners awaiting trial have been accommodated in Rolleston Camp it is not suitable for use wholly as a remand establishment. It is a long way from the courts and the dormitory accommodation is not right from the security point of view for most prisoners who have been refused bail and are normally put in Category B. Rolleston has had to be staffed entirely by the Prison Service and the staff concerned could be better deployed elsewhere.

With the suspension of industrial action and with many establishments changing to 'Fresh Start' working, the staff at Rolleston can now play a more effective part by returning to the permanent prison system. It was always the intention that the camp should be returned to military use at about this time. The possibility will remain to re-opening it if the need arises.

This assessment of operational need is not affected by the proposed ballot of POA members.

PART 3 ends:-

R. WILSON TO DAN 27.10.07

PART 4 begins:-

SS/HOME TO SS/MOD 2.11.07



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