

PART 5 **SECRET**

CONFIDENTIAL PRUNG.

Policy towards the Prison Service  
Prison Manpower  
Scouting or Prison Service

HOME AFFAIRS

PTI: May 1979

PTS: February 1989

Attached folder 'Prison Sanitation - proposals for ending sloppiness'

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
	7.2.89						
	<del>27.2.89</del>						
	<del>5.4.89</del>						
	<del>12.4.89</del>						
	<del>25/4/89</del>						
	<del>15.5.89</del>						
	<del>24.7.89</del>						
	<del>18.9.89</del>						
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	<del>19.12.89</del>						
	<del>29.1.90</del>						
	20.3.90						

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PART 5 ends:-

AT to Ho. 20.3.90

PART 6. begins:-

STATMGNT BT HOUG SGL. 2.4.90

## 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.

Report by HM Chief Inspector of Prisons  
Prison Sanitation: proposals for the ending of slopping out  
Published by Home Office, February 1989 [0 86252 403 2]

Signed Wayland Date 18 October 2016

**PREM Records Team**

MEETING RECORD

SUBJECT U MATTER

Filed HOME AFFAIRS

Prison Service Pt 5

mtg record

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ATS

cc: Carolyn Sinclair  
(Policy Unit)

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

20 March 1990

Dear Colin,

PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

The Home Secretary discussed this with the Prime Minister today, summarising the arguments set out in his minute of 13 March. The Prime Minister very much welcomed the proposal to go ahead with contracting out the escorting of prisoners to and from Court but she was disappointed that the Home Secretary did not wish to pursue private sector involvement in the Remand System. She was reluctant to pass over the opportunity for bringing new ideas and working practices into the present system. While she recognised that the decline in the prison population meant that there would only be one new remand centre in the near future, she was reluctant to presume that the private sector would not be interested in bidding for the contract to run it; she hoped therefore that contractors would be given an opportunity to bid. They had spent a great deal of time and money developing ideas in this area and it would be wrong to close off the prospect precipitately.

The Home Secretary said that, given the decision in principle to confine private sector involvement to remand prisons, effectively the only decision left was whether the operation of the new remand centre should be contracted out. He agreed to sound out potential contractors to see if they wished to take up the option even though, for the foreseeable future, no further opportunities were likely to arise. If they did not, it would be necessary to consider whether it would be justified to add a significant number of clauses to the next Criminal Justice Bill simply to provide powers against the contingency that the prison population might grow again.

Your sincerely

Andrew Turnbull

ANDREW TURNBULL

Colin Walters, Esq.  
Home Office

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286

PRIME MINISTER

16 March 1990

PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

David Waddington has minuted <sup>flap</sup> proposing:

- (a) to go ahead with contracting out the escorting of prisoners to and from court; but
- (b) not to go ahead with privately run remand prisons.

He proposes to put a paper to this effect to H Committee on 27 March. But he has asked if he can discuss the issues with you first because of the political considerations.

General

The proposal to go ahead with contracting out escort duties is welcome. It will remove a burden from the police, and should make it easier for prison governors to plan the deployment of their staff in a rational way. This is important if there are to be coherent schemes of work and training for prisoners.

The proposal to drop the idea of privately run prisons amounts to capitulation in the face of the views of the senior managers of the Prison Service. Their openly expressed hostility to the idea is probably based on a fear that - since it will be unpopular with the POA - it will make it more difficult for them to secure POA co-operation in changes of practice in government-run prisons. It is interesting that the official who has been working full-time on the project is more positive about the idea of privately run prisons than his seniors.

David Waddington advances four arguments for not going ahead with privately run prisons. Each of them can be refuted:-

Limited effect on government-run prisons

David Waddington argues that although privately run prisons could have a useful impact in the longer term, in the short term they would not directly affect existing staffing practices (in contrast to the proposal on escort duties).

Comment

This is a very short-term view. Change to date in prisons has been pretty slow. The Government has been paying the higher salaries introduced by Fresh Start for several years. But flexibility in working arrangements - the quid pro quo - has yet to come through. It is not uncommon to find prisons where one or more workshops remain closed because of local disputes as to whether one or two guards are needed per workshop. The result is that 20 or more prisoners remain cooped up in idleness all day.

If Fresh Start was working properly, the case for privately run prisons would be less strong. But it is not really working properly. The FRG, with roughly the same staff:prisoner ratio (1:2), manages to have virtually all prisoners in work or training. We do not.

We cannot afford to take a purely short term view, and there is little ground for confidence that the Prison Service will improve significantly without the spur of competition. US experience suggests that the main benefit of having some privately run state prisons is the (good) effect they have had on standards in Federal prisons.

Limited opportunity for design, build and run contracts

David Waddington says that because of the drop in the number of remand prisoners, the Home Office have scaled down their plans for building. They now only have money for one remand prison (at Everthorpe), and the contract to build this has already been let. The private sector could only be offered a contract to run it. He is not sure if the private sector would be interested in such a limited offer, though he suggests, half-heartedly, that they might be asked.

Comment

Contacts with the companies involved suggest that their main concern is not to see the door closed on the idea of privately run prisons. Although they are disappointed at the scaled down plans for remand prisons, some of them probably would be prepared to go ahead and tender to run Everthorpe.

But their willingness to do this would depend on the chances of there being building contracts in the pipeline at a later stage (see below).

Most of the companies involved would be equally interested in escorting

David Waddington argues that dropping the idea of privately run prisons will not necessarily leave the companies out of pocket and out of sorts. This is because most of them are also interested in providing escort services.

Comment

This may be true, but is only part of the story. The consortia are mainly led by building contractors - eg Rosehaugh, Tarmac

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and Mowlem. Clearly the building partners are interested in building. They might go for a service contract - to run Everthorpe - as a way of establishing themselves, but only if they thought that build and run contracts were still a possibility.

Private sector running costs higher than those of the Prison Service

David Waddington says that it would be difficult to pursue difficult legislation when the private sector costs are slightly higher than those submitted by the Prison Service.

Comment

The Home Office themselves admit that the costs are not conclusive. There is considerable doubt that the Prison Service could deliver what they offer; and the private companies have probably over-estimated their staffing needs because they are all advised by ex-Governors (exaggerated ideas about staffing levels exist at all levels in the Prison Service, not just among the POA's members).

It is not clear why legislation to allow privately run prisons should be contentious with the Government's own supporters. David Waddington should be asked about this.

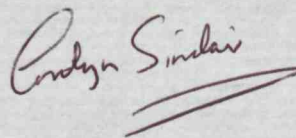
Conclusion and Recommendation

- (i) Agree to go ahead with privately supplied escorts.
- (ii) Keep the concept of privately run prisons alive by:
  - asking the companies if they would be interested in running Everthorpe;



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- urgently examining the scope for extending the experiment to some non-remand prisons for which plans and money already exist;
- looking at the scope for private sector provision of other types of building eg bail hostels;
- including the necessary legislation (which can be short) in the Criminal Justice Bill planned for next Session. The demand for prison places may again grow. The time to legislate is now, when we are already legislating for contracting out of escort duties. The fact of the legislation will be a signal to the POA



CAROLYN SINCLAIR

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~~CCP~~ B



PRIME MINISTER

PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

As you know, Douglas Hurd announced last spring that he was setting in hand further studies to evaluate the likely cost effectiveness of contracting out to the private sector the escorting of prisoners to court and the running of remand centres. The outcome of these studies has now been reported to me, and I thought you might wish to know how things stand before I put recommendations to H Committee.

2. The work commissioned by my predecessor fell into two distinct parts: the system for escorting prisoners to court and for guarding them at court; and the question of whether the private sector might take on the design, construction and running of one or more remand centres. Of these, the future of the court escort duties is the more important issue for the prison system in the short to medium term. It is also an important matter for the police as a large number of police officers are involved in escort duties.

3. Escort and court duties are a call upon staff time at most of our prisons - the number of prison officers involved throughout England and Wales is of the order of 1,000, and at some establishments with a large remand population, such as Brixton, a high proportion of officers is involved in court work. The skills and training of these officers would be better employed working with prisoners inside prisons. But court escort duties have been a traditional part of the work of prison officers, and we can expect a substantial reaction from the Prison Officers' Association (POA) to its being contracted out. Nonetheless I am sure that we should proceed.

4. In addition to the benefits for the prison service, there would also be important and similar benefits for the police service, since around 1,400 police officers are estimated to be involved in court escort duties throughout England and Wales.

5. The studies which we have carried out demonstrate a clear case on cost effectiveness grounds for proceeding in this way. Although the estimates vary between London and the provinces, with the savings available in London particularly worthwhile, it appears that we could expect the cost of a contracted out service (when fully implemented) to be about £12.4 million a year (or 15.5%) less for England and Wales as a whole than the current total cost of just over £80 million per year. Implementation of contracting out would need to be phased in over a period of five years or so. By the end of this period, savings on the scale I have mentioned should be realisable by restraining recruitment to the prison service, and by offsetting against planned growth in police numbers the number of police officers released from court escort duties.

6. The responses to the Green paper "Private Sector Involvement in the Remand System" indicated a good deal of support for the contracting out of court escort services, for example from prison boards of visitors who appreciated the potential benefits for prison regimes. On the other hand, we must recognise that there will not be universal enthusiasm for the contracting out of these services outside the prison service, let alone within. The use of police and prison officers for court and escort duties has long been an established feature of the criminal justice system, and both the judiciary and the magistrates' courts will have worries about the replacement of this, no doubt reassuring, presence with contractor's staff. There will also be a need for legislation (which I am hoping can be included in the Criminal Justice Bill for which I have bid for the 1990/91 session) and this will certainly be controversial. If I have your support, however, I believe that these difficulties can and should be overcome. The proposal which I would like to put before H colleagues is, therefore, that we should go ahead with all possible speed.

7. Although the proposal for private sector involvement in the running of one or more remand centres has attracted more media attention, and could have a useful impact in the longer term, it would not directly affect the existing staffing practices of the prison service in the same way as the contracting out of court escort services, since private sector involvement in the operation of remand centres would be limited to, at most, a handful of establishments for the foreseeable future. This is because the

outlook on demand for prison places has changed significantly since my predecessor commissioned the evaluation studies in 1988. Then, the remand population, and the prison population as a whole, was growing at an alarming rate. As you know, however, this trend has been reversed. Among remand prisoners the population has fallen from 11,000 at the end of 1987 to 10,400 at the end of 1988, and to 9,500 at the end of last year. The proposals which we set out in the White Paper "Crime, Justice and Protecting the Public" are expected to make further inroads into the prison population. Meanwhile, the prison building programme has been very successful in delivering extra places; on current projections the supply of prison places will meet demand and overcrowding will be eliminated from 1992/3 onwards. This is, of course, an enormously welcome development which will help greatly in the management of the prison system and give us opportunities not seen for a generation to improve conditions and make real headway with the ending of "slopping out".

8. The easing of the population pressures does however mean that for the foreseeable future there is no prospect of our being able to offer to the private sector any opportunities to design, build and manage new remand centres; and this change of circumstances makes it extremely difficult for us to argue now for the legislation which would be required. We could, of course, make it possible for the private sector to be involved in the running of the planned new remand centre at Everthorpe on Humberside: but this would mean contracting out the operation of the establishment separately from the design and construction (which is already under way). This, however, may be considerably less attractive to the private sector than a design, build and operate package: the more so if no assurance could be given of the availability of further opportunities to tender in the foreseeable future. One option would be to discuss further with the companies who have expressed an interest in the operation of remand centres how attractive they would find a decision to proceed on this basis. It is difficult to say how they would react, but most of the companies in the field have also expressed an interest in the court escort work, so they would in any case have very worthwhile contracts for which to bid even if the decision were to proceed only with the court escort work and not with remand centres.

9. Apart from these considerations, I have also to report that our case for pursuing the difficult legislation which would be required just to allow the private sector to run, let alone build, remand centres would not be assisted by the costings which have come out of the exercise commissioned by my predecessor. We took great care to ensure that the private and public sector estimates related to the same standard of service, and that all the relevant costs were taken into account in both cases. The lowest private sector estimate for the operation of a remand centre was nearly 7% more than that of the prison service, and the average figure over 12% more. I have passed details to your office, who will, I am sure, want to study them with some care.

10. These figures are, of course, not conclusive, and were it not for the easing of the population pressures, it might be argued that we should go ahead with preparations for at least one privately run remand centre (on the lines mentioned above) to act as a stimulus to and provide competition with the rest of the system. The prison service cannot rest on its oars in its pursuit of greater efficiency, and we also need to make it clear to the POA that we are determined to pursue that objective. In my view, the contracting out of the court escort system, which as I have said will have an impact in virtually every establishment, will convey that message loud and clear. I therefore believe that the priority should be to capitalise on the benefits of contracting out the court escort system rather than to pursue what would now, in today's changed circumstances, be only the very limited additional benefits of contracting out the running but not the building of a remand centre.

11. As you can see, the work which Douglas Hurd commissioned on private sector involvement, and particularly the costing studies, has produced in relation to court escort services a prospect of great benefits for the management of the prison and police services. But there are also important political considerations (even if we proceed only with the court escorts side), and it would help me greatly to talk the issues over with you before I formulate final proposals for H Committee.



13 March 1990

cc Mrs Lindau

Prime Minister  
Given the facts highlighted on page two  
of the attached note, it would be uphill  
work to get Home Sec to give greater  
priority to this issue. Is this  
something you want pursued?

CONFIDENTIAL

23 February 1990

AT  
23/2

MR TURNBULL

PRIVATE SECTOR INVOLVEMENT IN REMAND PRISONS

This idea is about to run into the ground. The timetable is partly being dictated by the legislative programme for the next Session.

David Mellor has been sitting on the papers for weeks. He is totally engrossed in the Broadcasting Bill, and has not really focussed on the issues.

He has been pressed to a decision by the need to say whether or not the matter will be included in the Criminal Justice Bill. Not surprisingly, he has gone along with the senior officials who are opposed to the private sector experiment. He has concluded that it is "unnecessary".

David Waddington is holding a meeting on Monday. He does not seem to have strong views, and is likely to go along with David Mellor's advice unless he feels that the Prime Minister takes a different view.

We do not need to allow the legislative programme to dictate the issue. QL could proceed on the basis that no decision had been taken on private sector involvement in prisons. If Ministers subsequently took a positive decision, it would be possible to give effect to this by amending the clauses in the Bill which will allow the private sector to take on escort duties.

CONCLUSION

The attached note sets out the arguments for an experiment with privately run prisons. It seems a great pity for the

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matter to be decided in this way. Can we do anything to get it looked at properly by Home Office ministers? I imagine that if the Prime Minister were willing to intervene, she would want to do so before David Waddington reports back to H Committee some time next month.



CAROLYN SINCLAIR

We must have some (more than one) priority run projects starting with remand homes. Of course the POB do not want it - such a place would challenge their own restrictive practices. But we cannot let the idea die this way especially when the private contractors have put a lot of effort into meeting the H.O. requirements

PRIVATE SECTOR INVOLVEMENT IN PRISONS

In 1988 the Government published a Green Paper canvassing the possibility of private sector run remand prisons. This exercise is not going well.

The Green Paper was drafted against a background of rocketing projections for the prison population. Douglas Hurd concluded that even with a substantial programme for building new prisons, it would not be possible to keep ahead of the surging projections. Allowing the private sector to build and run remand prisons was seen as a way of helping to get new prisons into operation more quickly.

The Green Paper talked in terms of remand prisons

- because this was thought to be less controversial than allowing the private sector to run prisons for convicts;
- because the present overcrowding was thought to be particularly intolerable in the case of unconvicted people.

There are some privately run state prisons in the southern part of the USA. These are not limited to remand prisoners. They developed in response to a clamp down on capital spending imposed by state legislatures.

The idea of privately run prisons is opposed by most of the "prison establishment", including the Home Office Director of the Prison Service. But Douglas Hurd believed that it could be useful not only as a way of dealing with overcrowding but as offering an alternative to the traditional, prison officer



dominated way of doing things. The dead hand of the Prison Officers' Association has played a big part in the present deplorable state of many prisons in the UK.

What has happened is this. Three groups are currently interested in building and running prisons:

- UK Detention Services (Mowlem)
- Contract Prisons (Rosehaugh)
- Remand Services (Tarmac)

But the potential contract has shrunk as a result of revised downward projections for the prison population. Whereas in 1988 the Home Office were thinking in terms of at least three new remand prisons, they now have firm plans to build only one, at Everthorpe.

It will not be commercially worthwhile for a company to build and run one prison if it does not have the prospect of further contracts in future. The potential contractors are therefore languishing. They feel aggrieved given the time and money they have already invested in trying to meet the Home Office's demanding specification. There is a feeling of drift. The Home Office establishment would be quite happy if this idea ran into the ground. David Waddington and David Mellor have not taken a position on the subject so far.

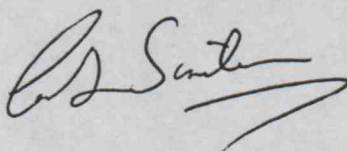
It would be a pity if the idea died because:

- we desperately need to be able to show the Prison Officers' Association that it is possible to run a model prison, with plenty of work and training, cost-effectively;
- some concrete examples run by the private sector would be an effective way of doing this;

- we still need new prisons to relieve overcrowding. Limiting private sector involvement to the running of remand prisons was a self-imposed restriction. We could extend the contract to cover prisons holding those sentenced to less than 4 years (or whatever cut-off excludes the most serious, violent cases).

Conclusion and recommendation

This exercise risks missing an opportunity, and reflecting rather badly on the Government. An expression of support for the idea of private sector involvement in the running of prisons - not just remand prisons - could sway David Waddington at this juncture.



CAROLYN SINCLAIR

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FILE PM



cc Carolyn Sinclair

10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

29 January 1990

*Dear Colin,*

PRIVATE SECTOR INVOLVEMENT IN PRISONS

Thank you for your letter of 29 January about the subjects that the Home Secretary would like to cover at his next bilateral with the Prime Minister. Over the weekend the Prime Minister expressed an interest also in raising the question of private sector involvement in prisons. She is aware of some of the work which has been going ahead to implement the 1988 Green Paper proposals to create private sector run remand prisons. She would like to discuss with the Home Secretary the progress which has been made in carrying these proposals forward.

*Yours sincerely  
Caroline*

CAROLINE SLOCOCK

Colin Walters, Esq.,  
Home Office.

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*D*

file 607

C: (Home)  
prisons

bc: CS

CAROLYN SINCLAIR

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PRIVATE SECTOR INVOLVEMENT IN PRISONS

The Prime Minister was grateful for your minute of 26 January and has commented that she does wish to express support, as you suggest, for the idea of private sector involvement in the running of prisons - not just remand prisons. She plans to raise this with the Home Secretary at her next bilateral and then to follow it up with a note.

CS

CAROLINE SLOCOCK

29 January 1990

DTJ

Bf H me  
2/2

Prime Minister  
Do you want to express your support  
as at (X) below to Mr Waddupka?

Yes not

PRIME MINISTER

If so, do you want to raise 26 January 1990  
it at your next bilateral?  
Or send a note? CAS 2611

Yes - followed by  
a note - not

PRIVATE SECTOR INVOLVEMENT IN PRISONS

flat + Ref A4.

In 1988 the Government published a Green Paper canvassing the possibility of private sector run remand prisons. This exercise is not going well.

The Green Paper was drafted against a background of rocketing projections for the prison population. Douglas Hurd concluded that even with a substantial programme for building new prisons, it would not be possible to keep ahead of the surging projections. Allowing the private sector to build and run remand prisons was seen as a way of helping to get new prisons into operation more quickly.

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dominated way of doing things. The dead hand of the Prison Officers' Association has played a big part in the present deplorable state of many prisons in the UK.

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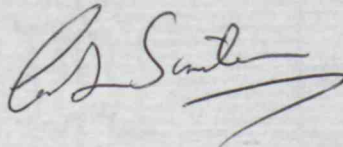
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#### Conclusion and recommendation

(8) | This exercise risks missing an opportunity, and reflecting rather badly on the Government. An expression of support for the idea of private sector involvement in the running of prisons - not just remand prisons - could sway David Waddington at this juncture.



CAROLYN SINCLAIR

HOME AFF: Pread Linn PFS





File 111

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

19 December 1989

Dear Colin,

REVIEW OF THE PRISON SERVICE

The Prime Minister was grateful for the Home Secretary's minute of 15 December setting out his conclusions, following the recent Review of the Prison Service in England and Wales.

The Prime Minister endorses the changes the Home Secretary proposes to make and hopes that they can be introduced as quickly as possible. However she wishes to stress the importance of making sure that the changes at senior management level will help to bring about badly needed improvements in regimes and conditions in prisons. She notes that the report proposes that there should be greater devolution of work from headquarters and regional offices to establishment level; and that more imaginative personnel policies should be adopted to ensure that senior managers in the Service have a mix of policy and operational experience. She considers that these proposals will be of particular importance in bringing about positive improvements in the management of the Service. She also sees attraction in turning the Prison Service into a Next Steps Agency and looks forward to the conclusions of the further study into this which is proposed by the Home Secretary. She notes that he plans to make an announcement in the second week of January accepting the main conclusions of the report, including the re-location of the headquarters to the Midlands.

I am copying this letter to Diana Goldsworthy (Lord President's Office), Duncan Sparkes (HM Treasury), Stephen Williams (Welsh office), Clive Norris (Department of Employment), Rosalind Cole (Department of Trade and Industry), Uriel Jamieson (Scottish Office), Stephen Pope (Northern Ireland Office), Sonia Phippard (Cabinet Office) and to Peter Kemp (Cabinet Office).

Yours sincerely,  
Caroline

CAROLINE SLOCOCK

Colin Walters, Esq.,  
Home Office

Kro

PRIME MINISTER

REVIEW OF THE PRISON SERVICE

I attach at Flag A a minute from the Home Secretary seeking your agreement to announce in January changes in the organisation of the Prison Service. Carolyn Sinclair gives advice on these proposals at Flag B. The proposals are as follows:

(i) abolishing the present regional tier of management and making changes to the Prisons Board to give it a stronger role;

(ii) increasing the devolution of decision-making to establishment level;

(iii) introducing more imaginative personnel policies to ensure senior management have a mix of policy and operational experience;

(iv) relocating the HQ from London to the Midlands;

(v) carrying out further work to consider whether to make it a Next Steps Agency.

There is agreement within the Prison Service that change is necessary, although there is scepticism on various grounds about whether these changes will be effective in addressing the problems. Carolyn Sinclair notes concern by certain senior Home Office officials that:

- the changes may distract managers from bringing about improvements to regimes and conditions in prisons;

- that they will not help the gap between policy-making (carried out by "policy" Home Office officials) and management of prisons (carried out by governors recruited from the ranks).

I have spoken to Peter Kemp about the proposals. He is very supportive of them and hopes that they can be introduced with urgency. He and his Team have been involved in the review, which considered whether the Prison Service should become an Agency. Peter Kemp sees the Prison Service as a strong candidate to become one, although he recognises the political sensitivities which are leading the Home Secretary to take this one slowly.

Carolyn's reservations are understandable. But presumably recommendations (ii) and (iii) above are designed to make sure that the changes support - rather than detract from - improvements in local management and in the dialogue between policy and executive work.

Mr Waddington comments that the case for these changes "seems to me compelling" and he also sees attractions in moving toward a Next Steps Agency, following further work. He hopes the reorganisation and relocation can be achieved quickly.

Content to endorse the changes, stressing:

✓ - the importance of making sure that the changes at senior management level will help to bring about badly-needed improvements in regimes and conditions in prisons;

✓ - the importance therefore of greater delegation to establishment level and of introducing personnel policies which ensure senior managers have experience of both policy and executive work;

✓ - the hope that the changes can be introduced as quickly as possible;

✓ - the attractions of making the Prison Service a Next Steps Agency and looking forward to the conclusions of the further study proposed by the Home Secretary.

CAS

Caroline Slocock  
18 December 1989

Agreed  
ms

B

CONFIDENTIAL

PRIME MINISTER

15 December 1989

REVIEW OF THE PRISON SERVICE

with CAS

1. David Waddington has minuted to you about his proposed reform of the top structure of prison management.

2. There are three strands to his minute:

- abolition of the present regional tier of prison management;
- moving the headquarters of the Prison Department from London to somewhere in the Midlands;
- (possibly) turning the Prison Department into a Next Steps Agency.

BACKGROUND

3. The problem which the proposed reorganisation aims to tackle is mentioned in paragraph 4:

"The differences of background and outlook between governors and administrators."

This certainly is a problem, and the regional tier of administration, created ten years ago to give Governors something to aspire to, has not worked. It is regularly by-passed by the administrators in the Prison Department in London who are rightly seen as the fount of authority. It must also be said that, up till now, such fresh thinking as there has been about running prisons has mostly come from those administrators.

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4. Many senior Home Office officials outside those currently at the top of the Prison Department agree that the present structure is unsatisfactory. But they view the proposed changes with misgiving because:

- (a) they could well distract top managers from pressing on with management changes lower down. Such changes are essential to get more prisoners into work or education, and to speed up the introduction of integral sanitation;
- (b) relocation of Prison Department headquarters outside London will limit the number of top flight civil servants who serve there in future. The running of prisons needs more talent, not less.

COMMENT

There is some basis for the fears set out above, especially as the Prison Service has recently moved to a system of recruiting Governors from within its own ranks (very much like the police). Previously, prison officers and prison governors were recruited separately on the same lines as the armed forces.

But David Waddington and David Mellor have been convinced that these changes are worth trying.

- A key argument is that relocation is in line with Government policy and should save some money. A tentative cost-benefit analysis suggests that it might save £77 million over 30 years.
- A subsidiary argument is that any loss of talent from Home Office headquarters could be balanced over time by direct recruitment to key posts from the sector. This is more likely outside London where the salaries on offer would look quite good.

David Waddington says that agency status is still for consideration. In terms of the day to day running of prisons, this is probably the least contentious proposal.

### CONCLUSION

In an ideal world, there would be a constant and regular interchange between the people who run prisons and the people who make policy on running prisons. The proposed reorganisation will not achieve this in the foreseeable future because:

- policy-making will continue to be dominated by carefully selected graduates who are good at that kind of thing;
- prisons will be run by governors drawn from the ranks with pretty minimal educational qualifications.

Will the change nevertheless bring about an improvement in the management - which also means the state - of prisons? This must be a matter of hope rather than confident assertion. It is hard to judge from outside, but the doubts expressed from within the Home Office (by people who have nothing to lose personally by the changes) give one pause.

### RECOMMENDATION

- Thank David Waddington for bringing this review to colleagues' attention.
- Say that you hope that these changes at senior management level will help to bring about the improvements to regimes and conditions in prisons which are badly needed.

*Howell Harris Hughes*  
R.P. CAROLYN SINCLAIR



A cefk.

070

Prime Minister

REVIEW OF THE PRISON SERVICE

I thought that you and colleagues would wish to be aware of the conclusions which I have reached following a management review of the Prison Service in England and Wales.

The review was carried out in the first part of this year by a joint team from the Prison Service and PA management consultants. Its terms of reference were to study the organisation of the Service at above the level of individual penal establishments and the locations at which work should be done. The review arose out of concern that the regional and headquarters structures of the Service, which had been left untouched by the reforms introduced within establishments by Fresh Start, were not operating as effectively and efficiently as required.

The review team's report was published in August and since then has been the subject of consultation. It covered three main areas: the top structures of the Prison Service, relocation from London and agency status. The review team made radical proposals, other than on the agency issue where they confined themselves to analysing the options without making a recommendation.

The team were sharply critical of what they saw as a failure to create an integration between the processes of formulating policies and priorities within the Service and of delivering the day to day operational business. The differences of background and outlook between governors and

/administrators were,

administrators were, they argued, compounded by a structure which, even at Prisons Board level, maintained a sharp distinction between policy jobs and operational jobs. The team also argued strongly that the Service suffered from the absence of effective line management for governors in charge of establishments. Not only were regional directors expected to operate with excessive spans of control but there was no real management culture at regional level.

The report proposed to tackle these problems through reducing the size of the Prisons Board from 12 to 9 (including 2 non-executive members), giving 3 directors in addition to the Director General responsibility for policy formulation and operational delivery and replacing the regional tier by area managers. As much work as possible should be devolved from headquarters and regional offices to establishment level. The introduction of the new structures would need to be accompanied by the adoption of more imaginative personnel policies to ensure the development of more people at senior levels in the Service with a mix of policy and operational experience.

That solution drove the team to conclude that there were organisational reasons, quite apart from strong financial grounds, for relocating the headquarters of the Service out of London. The new area managers would spend a good deal of time visiting their establishments but their office support would be at headquarters and they would be an integral part of the headquarters structure of the Service rather than a distinctive tier in the organisation. The need to secure ready access to and from establishments throughout the country argued for a headquarters located somewhere in the centre of the country.

/My starting



My starting point in considering the report was to question whether there was a demonstrable need for embarking on organisational change. The consultation exercise has shown, however, that there is a widespread acceptance of much of the analysis of the review team and a consensus that some changes to the present regional and headquarters structures are essential to carry the Prison Service into the 1990s and beyond. The present organisation is not consistent with sound management principles and will come under increasing strain as the number of prisons increases over the next few years.

Despite agreement on the need for change, some of the report's recommendations have proved controversial within the Service. Many prison governors are concerned at the removal of the regional tier and remain to be convinced that area managers will be able to operate effectively. Many headquarters administrators and other staff are opposed to the relocation of their posts away from London. The reactions of the Prison Governors' Association on the one hand and the Association of First Division of Civil Servants on the other have pointed up very clearly the divisions within the Service which the report highlighted. Even though most of the 15 or so area managers will be former governors the Prison Governors' Association see the disappearance of the regional directors posts, which have invariably been filled by former governors, as a potential shift in the balance of power within the Service from governors to generalist civil servants. The FDA fear precisely the opposite effect. They argue that relocating the headquarters of the Service, including all its senior posts, will reduce the present flow of staff between the various parts of the Home Office currently in London and lead to a more freestanding Prison Service in which governors will carry the greatest weight.

/The view of

The view of the top management of the Service, which David Mellor and I have discussed fully with them and accept, is that these concerns, to the extent they are valid, can be met. The case made out by the report for restructuring the Board, introducing effective management arrangements for governors on an area basis and relocating headquarters from London to the centre of the country seems to me compelling. I also see some attractions in turning the Prison Service into a 'Next Steps' agency though a good deal more detailed work will be needed before we shall be able to reach a conclusion on that. In some respects the Prison Service already has the characteristics of an agency and moving to agency status, which would have the strong support of prison governors (though opposition from the POA), could help to enhance its corporate identity and distinct sense of purpose. But, as the report correctly identified, there are important issues of political accountability which need to be worked through further before we could be confident about turning into an agency an organisation which is the subject of constant Parliamentary and media interest and which, by the nature of its business (and industrial relations), is prone to occasional and generally unpredictable crises.

I propose to announce in the second week of January that I have accepted the main conclusions of the report for reorganising the top structures of the Service and for relocating headquarters in the Midlands. On agency status I shall indicate that no decision has been taken but that in view of the potential benefits which it could bring to the Service we are commissioning further work to explore whether a satisfactory framework document can be drawn up.

/Much work remains

Much work remains to be done before the organisational changes and the relocation can proceed. We shall, in particular, need to have reached conclusions on Sir Philip Woodfield's review of the senior open structure posts in the Home Office, which is just being completed, before we can finalise the details of the new Prison Service organisation. But there are powerful arguments for driving the organisational changes through as quickly as possible in order to minimise the period of uncertainty. Our objective is to put the new structures into place in the autumn. Planning the relocation of over 1,100 posts from the London area to the Midlands will take longer. My officials have been in touch with colleagues in other departments about possible locations but the need to identify a site and to sort out the necessary finance in the next PES round mean that 1992 is the earliest target for the move. During the interim period we shall be redeploying our present regional office accommodation in Birmingham to house some staff who already work out of London and will eventually be part of the colocated headquarters.

There has been only modest press interest in the proposed reorganisation and I do not expect that the announcement will attract widespread publicity. I shall be stressing that the changes are designed to give us a better managed and more vigorous Prison Service which will be able to carry forward more effectively the reforms which we have already launched with Fresh Start, the prison building programme, the improvements to the prison estate (including the provision of integral sanitation) and the enhancement of regimes for inmates.

A copy of this minute goes to the Lord President, the Chancellor of the Exchequer (with whose officials mine have

/been in touch)

been in touch), the Secretaries of State for Wales, Employment, Trade and Industry, Scotland, the Environment and Northern Ireland and Sir Robin Butler.

*Sara Dent.*

Approved by the Home Secretary  
and signed in his absence.

15 December 1989



Prime Minister 2

14(a-b)

DH  
3/10

## MINISTRY OF DEFENCE WHITEHALL LONDON SW1A 2HB

MO 18/7/4L

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

24th September 1989

PETERHEAD PRISON SIEGE

Thank you for your letter of 11th September concerning the claim for damages made by one of the ringleaders of the Peterhead prison siege in 1987.

I quite appreciate your strong reluctance to admit liability, and agree that it would be highly undesirable to allow a hostage-taker to succeed in bringing such an action against the Government. I note that the lawyers advise that the Government has a strong case and that there is every reason to believe that our defence would be successful.

As you rightly acknowledge, my concern in defending the case is that neither sensitive operational detail nor the identities of the soldiers concerned should be revealed. On the first aspect, I am advised that it is highly unlikely that a court would consider as material evidence any operational detail other than that directly related to the events of 3rd October. As for the soldiers, I note that your advice is that a court could be persuaded to allow their evidence to be held in camera. As part of the measures to protect the identity of the soldiers I would also want to be certain that their names would not be revealed at any stage, and particularly that such information should not appear in the court transcripts.

Rt Hon Malcolm Rifkind QC



6

However, I would be reluctant, at this stage at least when there is no pressure on us to do so, to foreclose on our options and specify that military personnel were involved. Since the statement of claim refers to "Crown servants" I see no reason to be more forthcoming. I would have thought that the precise nature of these "Crown servants" is irrelevant to the defence. As you will know, we have never acknowledged that military personnel were deployed in the Peterhead siege, and to do so might well arouse speculation as to the unit, and make it more difficult to sustain the line that we do not discuss Special Forces matters.

I would hope therefore that the substantive defence could be prepared on the basis of repeating the "Crown servants" formula used in the statement of claim. Clearly, were future developments to indicate advantage in going further in our public line, I would be happy to reconsider.

In sum therefore, on the basis that sensitive operational detail and identities can indeed be protected, I am content that the defence should specify that CS gas and stun grenades were used, and that the soldiers should in due course give evidence to support the defence. If, however, at any future stage there was to be any question of proceeding without a guarantee of proper protection of sensitive operational matters and the soldiers' identities, I would wish to have the opportunity of discussing the whole position with you.

I am copying this letter to the Prime Minister and the Lord Advocate.

TK  
 →  
 TK

Tom King

CONFIDENTIAL

File KK



10 DOWNING STREET  
LONDON SW1A 2AA

18 September 1989

*From the Private Secretary*

*Dear David,*

**PETERHEAD PRISON**

The Prime Minister has seen your Secretary of State's letter of 11 September to the Secretary of State for Defence, which she has noted without comment.

I am copying this letter to Brian Hawtin (Ministry of Defence) and to Alan Maxwell (Lord Advocate's office).

*Yours,  
Paul*

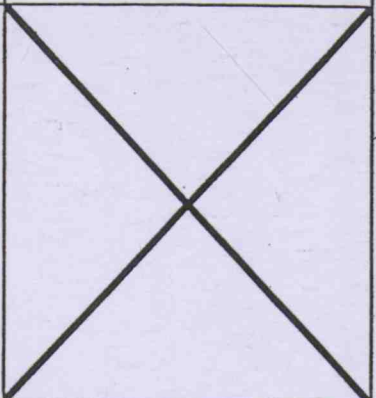
(PAUL GRAY)

David Crawley, Esq.,  
Scottish Office.

CONFIDENTIAL

MEM

# **A** The National Archives

DEPARTMENT/SERIES ..... <i>PREM 19</i> ..... PIECE/ITEM ..... <i>3025</i> ..... (one piece/item number)	Date and sign
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Q



Prime Minister <sup>2</sup>

HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

The Home Sec. is accepting most of  
the inquiry's recommendations; though he is not  
proposing to close Risley - instead, he will end  
its use for male remand prisoners (85% of <sup>Risley's</sup> male prison population)  
by summer 1990.

24 July 1989

Dear Caroline

Jim [initials]

RISLEY

The Home Secretary thought that the Prime Minister might  
... wish to see the attached Arranged Written Answer which he  
intends to give tomorrow in order to publicise a summary of  
... the report of the Inquiry into the disturbance at Risley on  
30 April to 3 May (copy attached) and to announce the  
Government's response.

I am copying this to Alex Allan in the Chancellor's Office  
and Stephen Catling in the Lord President's Office for  
information.

Yours

Caroline

MISS C J BANNISTER

Ms Caroline Slocock  
Private Secretary  
10 Downing Street  
LONDON SW1

ARRANGED PQ

QUESTION

To ask the Secretary of State for the Home Department, whether he has received the report of the Inquiry into the disturbance at Risley Remand Centre from 30 April to 3 May; and if he will make a statement.

ANSWER

I have now received the report of the Inquiry conducted by Mr Dunbar, the Director of the South West Region of the Prison Department. A summary of the report, including the list of recommendations resulting from the Inquiry, has been placed in the Library. I informed the House on 4 May [Official Report Vol. Cols. 374-375] of the nature and effects of the disturbances on male Wings at Risley.

The disturbance was one of the most serious and complex suffered by the Prison Service in recent years. Throughout there were violent attacks by prisoners upon the fabric of the centre and on the staff endeavouring to contain them. I pay tribute to the Governor and staff for their bravery and determination in resisting the extreme violence they faced and for bringing the disturbance to a conclusion as quickly as they did without serious injury to staff or prisoners. In doing so they prevented the rioters from totally destroying the establishment which was their clear intention.

Mr Dunbar's Inquiry led him to conclude that Risley should be closed at the earliest possible moment. I accept that recommendation so far as male remand prisoners are concerned.

They amounted to 468 inmates out of a total of 541 males at the time of the disturbance, and the disturbance was confined to them. After careful thought, and despite the practical difficulties of making a change, I do not believe it would be sensible to hold male remand prisoners at Risley for longer than we must. I have accordingly decided to work towards the end of Risley's remand function for males by the summer of next year, when refurbished accommodation will be available. Risley will then take only sentenced prisoners on the male side. In addition, the women's wing, which has not been the subject of criticism - indeed it was commented upon favourably by Her Majesty's Chief Inspector of Prisons - and which has a valuable contribution to make in the female prison estate, will remain.

Work had already begun before the disturbance on the phased demolition and replacement of the prison. This will take some years and in the interim, B and C Wings are being completely refurbished and strengthened to make them secure against this sort of attack. The male population of Risley will be limited to about 320 until new living blocks become available.

All the other recommendations have wider application in the Prison Service and I welcome them. Some - for example the strengthening of cell doors - are statements of policy on which work is already in hand. Mr Dunbar's recommendations on contingency planning will be taken fully into account in a major review which has been under way for some time and which is nearing completion. Other recommendations on physical resources, on protective clothing and equipment, and on intervention plans are also accepted and will be taken into account in current work. I also accept in principle the recommendations Mr Dunbar makes on personnel and regime matters.

The findings of the report concerning medical matters are most disturbing. The Director designate of Prison Medical Services and her staff have been to Risley and immediate steps have been taken to clean thoroughly the areas concerned and to remove the health hazards to which Mr Dunbar has drawn attention. I accept all the particular recommendations in his report and have asked the Director of Prison Medical Services to explore further how these serious shortcomings came about and to take steps to ensure that they do not happen again, either at Risley or elsewhere in the prison system.

Mr Dunbar makes a number of recommendations concerning the treatment of, and facilities for, remand prisoners. I accept most of them as desirable but they will have to compete for resources with other equally desirable aims in the Prison Service. I am not convinced that it is necessary for separate Rules to be drawn up for remand prisoners, since distinctions between the unconvicted and the convicted can be satisfactorily reflected within a unified set of rules but I am willing to look at this again. I do not rule out reduction of censorship and the provision of telephones for remand prisoners but the security implications in respect of certain prisoners require, and will receive, careful consideration. Research on categorising all remand prisoners is already underway.

Of the remaining recommendations, those which are matters for the police will be drawn to their attention and I accept the others.

I have indicated the action being taken on all the recommendations which are of more general application. In addition, an Action Plan has been drawn up specifically for the purpose of rectifying the failings at Risley identified in Mr Dunbar's report and making the necessary preparations for Risley's change of function. This will be the direct responsibility of the Deputy Director General of the Prison

Service, who will be assisted by a small working group and will report regularly to me on progress.

The disturbance at Risley arose out of a long history of difficulties caused principally by the inadequacy of the buildings and the nature of the prisoners housed in them. It interrupted the considerable progress towards improving the regime for prisoners which the Governor and staff had made following the report of Her Majesty's Chief Inspector of Prisons. I am sure that with all the changes I have outlined and, in particular, with confidence established in the renovated buildings, the Governor and his staff will be able to resume their positive work to remedy the grave deficiencies identified in this report.

REPORT TO THE SECRETARY OF STATE OF THE INQUIRIES INTO A MAJOR  
DISTURBANCE AT HM REMAND CENTRE RISLEY 30 APRIL TO 3 MAY 1989 AND  
THE CIRCUMSTANCES SURROUNDING THE DISTURBANCE - SUMMARY

INTRODUCTION

1. The Director of the Prison Service South West Region, Mr Dunbar, was instructed "to inquire into the circumstances surrounding the disturbance at HM Remand Centre Risley from 30 April to 3 May 1989 and the subsequent conduct of the incident. To report to the Home Secretary with any recommendations as soon as possible."

2. Enquiries began on 5 May and the report was compiled over the following seven weeks. The Team took evidence from Prison Service staff, prisoners, officials of the local emergency services and members of the local community able to shed light on the incident. The Risley POA Branch refused to co-operate with the enquiry and most of the Risley staff refused to give evidence. 64 staff and 29 prisoners were interviewed.

The Establishment

3. Risley is a Remand Centre, for male and female adults, serving a large catchment area to the North West of England and North Wales. At the time of the disturbance the Centre held 541 males in 3 wings the fourth male wing was unoccupied and undergoing major refurbishment. Females are held in a separate part of the establishment and took no active part in the disturbance.

The Disturbance

4. The disturbance consisted of 3 separate but inter-related incidents which, for a time, were in progress simultaneously. The Enquiry Team was not able to compile an entirely comprehensive account of events because some staff refused to co-operate.

5. At about 1530 hours on Sunday 30 April a group of prisoners from B3 landing refused to leave the servery area in protest at the quality of the tea meal. This was resolved and did not appear to be a significant incident as there has been a history of similar food complaints. Later on B3 landing an officer was confronted by a hooded prisoner who attempted to take his keys. This attempt failed but the officers on the landing were being threatened by unlocked prisoners and left locking the security gate behind them. Prisoners then erected a barricade and began causing damage. A hole was smashed in the wall of the medical treatment room, giving access to drugs, and other prisoners were released from their cells.

6. Violence against the buildings continued spasmodically through the night and into the next day, attempts by staff to establish a dialogue were rebuffed. At about 1435 hours on 1 May prisoners breached the external wall of B Wing and made an unsuccessful effort to reach the roof. Shortly afterwards a number of prisoners surrendered leaving by the hole in the external wall. Prisoners by then had entered into negotiations with staff and a complete and orderly surrender was accomplished by 1603 hours.

7. At about 0900 hours on 1 May, 12 prisoners from B2 landing were relocated on A Wing. They refused to move to their cells and were quickly joined in abusive but non violent protest by 10 others. The situation was contained by A wing staff and ended at 1735 hours when the final two prisoners were removed for transfer using prescribed C&R techniques.

8. During the A and B wing incidents D wing prisoners had been noisy and at 1100 hours on 1 May a group returning from exercise to D5 landing refused a order to go to their cells. They began to smash fittings and threw a steel table towards officers who were forced to withdraw. Prisoners then erected a barricade and the two officers on D6 landing above were isolated.

9. The two officers locked themselves in a cell corridor when D6 prisoners also began to damage their cells after D5 prisoners gained access to the landing. Prisoners then besieged the corridor in which the officers sought refuge and they were forced to lock themselves in a cell for further protection. They were rescued from this cell, by staff who broke through the outer wall, just as the door began to give way to the prisoners' assault. This was achieved by staff precariously perched on the top of a ladder wielding a sledge-hammer.

10. During the rest of the day prisoners caused extensive damage to D Wing, attacked adjoining parts of the prison, threw missiles at staff and ransacked the canteen. During the night of 1/2 May prisoners on D Wing roof mounted a series of ferocious assaults on the adjoining D2 and D3 landings, staff offices, and the clothing store. Continual use of cell doors as battering rams and ferocity of the attacks resulted in the need for staff to employ a fire hose as a defensive measure to prevent assaults on the rest of the prison and perimeter wall.

11. The prisoners spent much of 2 May attempting to communicate with members of the press, stock piling bricks etc as ammunition and throwing missiles at staff who were containing the area. There was some dialogue with staff and at 1745 hours the Governor spoke to them.

12. The following morning, 3 May, was relatively quiet and at 1215 hours the Regional Director talked to a prisoner spokesman. At 1520 hours prisoners again spoke to the Regional Director and at 1930 hours began to surrender. By 2000 hours all of the prisoners were in the custody of prison staff.



### Extent of the Damage

13. Prisoners caused considerable damage to property, fittings and furniture in both B and D wings. In all 156 cells were put out of use.

### The Handling of the Incidents

14. The disturbance was one of the most serious and complex suffered by the English prison system in recent years. Throughout there were violent attacks upon the fabric of the Centre and on the staff endeavouring to contain them. It is to the credit of staff involved and their bravery in reacting to these attacks that the Centre was saved from being totally destroyed.

15. A command post was established in the Governor's Office at the start of the B wing incident. Contingency plans were activated and North Regional Office deployed two staff to serve as Liaison Officers. A total of 355 staff from the North Region were deployed to assist at Risley and appropriate briefing and debriefing arrangements were made.

16. The Enquiry Team found there had been several omissions made when the contingency plans were activated. There was, for much of the disturbance, no designated focal point for the unaffected areas of the prison and some staff had difficulty perceiving the Governor as incident commander rather than Governor of the prison. Some staff were also confused about the rôle of the North Region senior Liaison Officer and were unclear whether he was giving advice or instructions. The deployment of staff in the incident areas was on occasion haphazard and not fully coordinated. Staff were, therefore, unable to anticipate each fresh attack. Radio discipline was inadequate.

17. Police were in attendance throughout the disturbance and took video films for possible use in later criminal proceedings. Fire Service personnel stood by at the gate but could not be deployed because of the extreme danger to their safety, small fires were contained by prison staff.

18. On 1 May a private contractor delivered items of siege containment and assault equipment including items not authorised for use by prison staff. The unauthorised equipment was not used.

19. The Enquiry Team found evidence of acts of courage by individual prison officers. Risley Works Department staff displayed considerable initiative in the use of available resources to secure vulnerable areas and to rescue the two officers trapped in D wing, in the face of grave danger.

## Architecture

20. The overall design of Risley has been criticised for some time especially the poor lines of sight for staff and the long, narrow, dark cell corridors. The standards of construction are close to those of domestic buildings of the 1960's and the fittings are similar. The ease with which prisoners undertake 'mouseholing', the practice of making holes into adjacent cells in order to pass illicit items between, is evidence of this. The Enquiry Team concluded that the weakness of the fabric undermined staff's confidence in the security provided by the buildings and inhibited them in carrying out their duties effectively.

21. Particular criticisms was directed at the reception building. It was thought to be of poor design, its generally worn out condition was aggravated by the smell of stale urine and lack of cleanliness. A disturbing feature was the so called holding "cage" - a large room with fixed benches, open urinal and wash basin. Sometimes up to 100 prisoners were kept in this room for long periods and were obliged to eat there. The Enquiry Team heard evidence of bullying from prisoners who had been held in the "cage".

## Visits

22. Significant shortcomings were identified in the arrangement for both domestic and official visits. The long distance from home and poor public transport facilities together with the general visiting rules for remand prisoners created many difficulties for family and friends. Official visitors complained of insufficient space, not enough time with clients and the poor local management of visiting arrangements. The attitude of staff to visitors was variously described as "curt", "rude" and "unhelpful".

23. The general condition of the visiting room was described as "at the best, shabby and at the worst, diabolical, especially as regards decoration and furnishings". One lawyer who regularly visited Risley said the table in the visits room was so dirty it felt gritty: he did not like wearing a suit because of the dirt.

## Profile of Prisoner Population

24. In general the population at Risley was similar to the national remand population in that they are mainly young, unmarried and charged with acquisitive offenses. One difference was the average time on remand at Risley is 75 days compared with 52 days elsewhere.

25. The Inquiry Team was not able to identify features which distinguished prisoners involved in the B3 incident from those in the rest of B wing. The D wing demonstrators were younger and originate from large conurbations. They had more disciplinary reports and were more likely to be charged with offenses involving drugs and violence.

### The Manchester/Liverpool Axis

26. Originally the population of Risley was drawn mainly from Liverpool and Manchester. Five years ago Manchester became a full local prison leaving Merseysiders as the single predominant group at Risley. They have a generally hostile view of Risley, account for a greater number of control problems and frighten other prisoners by operating in gangs with apparent impunity. Evidence was found of antipathy between Merseysiders and other prisoners and between Merseysiders and staff.

### Fear

27. Both staff and prisoners expressed fear for their physical well being, even at normal times, to the Enquiry Team. Some of this was a fear of Risley itself engendered by negative media coverage and folk law but the team also heard allegations of gangs bullying individual prisoners.

### Medical Services

28. The hospital was found to be in a particularly bad state. Some regularly occupied areas were not fit for human habitation. The place was inadequately cleaned and recesses were unhygienic. Proper medical records were not maintained.

29. The management of the hospital lacked purpose, direction and leadership resulting in staff complacency. The overall standard of patient care was poor and some disturbed or suicidal patients were left in strip cells for long periods of time. Generally prisoners regarded the hospital as a place of punishment rather than one of care.

30. It was estimated that 40% of the population had a drug problem but the policy of locating drug abusers in the hospital and prisoners' hostility towards it meant very few of them admitted to their problem. In turn this resulted in drug misusers going onto normal location and experiencing the symptoms of "cold turkey" sometimes whilst locked in a cell with another prisoner. The tremors, mood swings, diarrhoea and vomiting could be frightening for the cell mate witnessing them and cause the victim of them to crave for drugs. Such was the volume of demand for medical treatments that hospital officers felt vulnerable and frightened and issued drugs through an iron grille door on one wing.

### Suicides

31. Following criticisms by HM Chief Inspector of Prisons, the provisions of instructions relating to the prevention of suicides have been implemented. But action remained mechanistic, and the standard of care for suicidal or depressed prisoners should be improved.

### Prisoners Complaints Procedures

32. Prisoners experienced frustration at being unable to ventilate grievances effectively and told the Enquiry Team this was one reason for this disturbance and some previous ones. The team found a system of sifting applications and complaints which appeared to end at Governor V level.

### Food

33. The Enquiry Team received a large number of complaints from prisoners about the poor quality of food. This was reiterated by some staff and official visitors. At weekends an unacceptable gap of 17 hours existed between the tea meal and breakfast the next day.

### Staff and Management Issues

34. Much comment was made during the disturbance of alleged staff shortages arising from the implementation of Fresh Start. Close examination by the Inquiry Team revealed this was not so. In fact there had been an increase of 2.75 staff hours per inmate per week since Fresh Start. Evidence was found, of inefficiencies in the use of staff and avoidance of working at unsocial periods.

35. Weaknesses in the effectiveness of the management team were also found. Despite the large number of managers in post there was insufficient coverage at weekends when prisoner indiscipline had most commonly occurred.

36. At all levels there appeared to be was a lack of commitment and sense of ownership.

### Staff/Prisoner Relationship

37. The Enquiry Team found evidence of staff apathy and reluctance to accept individual responsibility. There was an absence of the kind of working relationships which enable prisoners to talk through problems with staff. Exceptions to this were found in the Education, Probation, and Works Departments; the Laundry and the Library.

### Control of Prisoners

38. Evidence considered by the Inquiry Team suggests the loss of control of prisoners is endemic at Risley. A significant cause of this situation is the loss of confidence by staff in the use of the prison cell as a basic security measure because of the ease with which prisoners can breach cell walls.

### Incidents

39. Despite the reduction in the population of Risley since 1987 the number of incidents reported to Prison Service Headquarters has increased significantly.

### Security Intelligence Reports

40. An examination of the Security Intelligence Report records by the Enquiry Team indicated a lack of adherence to the prescribed procedure.

### Category 'A' Prisoners

41. The Enquiry Team formed the opinion that there was significant deviation from standard practice in the treatment of Category 'A' prisoners at Risley.

### Adjudications/Segregation Unit

42. Segregation Units and adjudications underpin prisoner control and the Enquiry Team compared adjudication awards with those in similar establishments. They were not more lenient but some weaknesses in the management of the Segregation Unit were discovered.

## RECOMMENDATIONS

1. That Risley be closed at the earliest possible moment.

### Physical Resources

2. The construction of cell doors, door frames and hinges should be stronger to prevent removal by prisoners.
3. Wing gates should open outwards to reduce the effectiveness of barricades.
4. Porcelain sanitary fittings should be replaced with stainless steel in areas of excessive vandalism.

### Contingency Plans

5. All contingency plans should be reviewed to ensure local and regional plans match. Those for major incidents should follow a consistent model.
6. Plans should include arrangements for stand down areas out of sight of prisoners for staff not immediately required.
7. Plans should allow for a nominated officer to receive and brief detached duty staff and members of the emergency services. Briefing packages, block plans and a video should be available for this purpose.
8. Plans should provide for the debriefing of staff and a standard form devised.

### Protective Clothing and Equipment

9. A review should be carried out to ensure sufficient stocks of C & R equipment are held within each region and that it can be provided to establishments quickly.
10. The suitability, design, strength and durability of the C & R shields should be reviewed.

11. Governors should be reminded that staff in protective clothing are to be kept out of sight until deployed to action.
12. Protective helmets should be numbered to facilitate identification of the wearer.
13. Identification badges should be worn by all staff attending an incident.
14. The work in hand to effect the transition from MUFTI to C & R III should be achieved as quickly and smoothly as possible. (MUFTI was introduced as a demonstration control technique in 1978 it is being replaced by the more effective method known as Control and Restraint III).
15. Headquarters should issue a notice to Governors reminding them that pyrotechnics are not approved for use by prison staff to control inmates.

#### Intervention Plans

16. Governors should be reminded of the need for care when devising intervention plans so that other staff are not distracted from their task and given false expectations.
17. Continuity within intervention teams should be maintained throughout an incident.
18. Headquarters should investigate the feasibility of using thermic lances (or other means) to cut through barricaded security gates.

#### Personnel Matters

19. Psychological support should be available for staff involved in major incidents.
20. Sufficient management cover at weekends to manage staff properly and maximise regime activities.
21. Personnel policies should ensure a balance of staff age and experience in each establishment. In situ promotions should only take place in exceptional circumstances.

### Regime Matters

22. Governors should be reminded that prisoners should have access to food complaints books which should be monitored.
23. Attention should be paid to the variety of meals served and the spacing of meal times through the day. There should be greater flexibility for local management to order more popular food items in place of those less popular locally.

### Medical Matters

24. Further measures should be taken to make treatment rooms secure and drugs should be stored in safes.
25. DPMS should introduce programmes of treatment for drug abusers and alcohol abusers. Each should be made public and prisoners advised of its availability.
26. Staff training in the symptoms and effects of drug withdrawal should be reinforced.
27. DPMS should ensure that systems of monitoring patient care and treatment are properly maintained.
28. DPMS should issue instructions to limit the range and quantity of drugs stored in treatment rooms away from the main hospital.
29. Prescribed drugs should only be issued on the authority of a Medical Officer.
30. Governors and Medical Officers should be reminded that the instructions relating to prisoners identified as suicidal only provide for their confinement in strip rooms for short periods and to ensure that counselling is available to them.

### Remand Prisoners

31. Rules should be produced which recognise the specific differences between remand and convicted prisoners and a categorisation system for remands considered.
32. The Prison Service Organisation Review should consider recommending a separate division for remand prisoners.



33. Remand prisoners should be held as close to home as possible and flexible alternatives to the 15 minute daily visit identified.
34. The facilities for visits should maximise the time spent with families. They should be as informal and welcoming as possible.
35. The official visits facilities should be sufficient to allow for official visits on demand.
36. The need to censor letters should be reviewed and sufficient cardphones provided to allow easy contact with the outside world.
37. Bail advice units should be available in every remand centre and local prison.
38. Regimes for all remands should provide for constructive activity during mornings, afternoons and evenings.

#### Other Matters

39. A member of the Press Office should attend an establishment experiencing a major disturbance.
40. Police should be requested to establish a land and air exclusion zone around an establishment experiencing a major disturbance.
41. Video cameras should be used to record all major incidents.
42. Regional Offices should nominate an officer to make the necessary arrangements when large numbers of prisoners have to be transferred. Details of the transfers must be recorded.
43. All barricades by prisoners should be reported to the DDG's Office.

CONFIDENTIAL



TK6  
EOM (89)  
cc P  
B1

10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

21 June 1989

**INDUSTRIAL RELATIONS IN THE PRISON  
SERVICE: FELTHAM**

Thank you for your letter of 14 June about the action the Home Secretary proposes to take at the young offender establishment at Feltham.

The Prime Minister has seen this and noted that new shift working arrangements are to be introduced there on 2 July, and that a report on Feltham is to be published shortly. She also notes that contingency plans have been made should any disturbance spread to the rest of the prison system.

I am copying this letter to Anne-Marie Lawlor (Department of Employment)

**CAROLINE SLOCOCK**

Miss C. J. Bannister  
Home Office

CONFIDENTIAL

cc

*celo*



Department of Employment  
Caxton House, Tothill Street, London SW1H 9NF

Telephone 01-273 5803  
Telex 915564 Fax 01-273 5821

Secretary of State

*NBPM*

Miss C J Bannister  
Private Secretary to  
The Rt Hon Douglas Hurd MP  
Home Secretary  
Home Office  
50 Queen Anne's Gate  
LONDON  
SW1H 9AT

*20 June 1989*

*Dear Catherine*

**INDUSTRIAL RELATIONS IN THE PRISON SERVICE: FELTHAM**

*will CS?*

Thank you for sending me a copy of your letter of 14 June to Caroline Slocock. My Secretary of State is content for the Home Secretary to proceed as he proposes.

I am copying this to Caroline Slocock.

*Yours*

**BRYONY LODGE**  
Private Secretary



*cdp*  
*65*

**CONFIDENTIAL**

HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT



*Prime Minister*  
*2.*

14 June 1989

*Dear Caroline*

*mt* *14/6*

*mb*

INDUSTRIAL RELATIONS IN THE PRISON SERVICE: FELTHAM

The Home Secretary has asked me to alert you to action the Prison Service proposes to take at the young offender establishment at Feltham in early July. Discussions between the governor and local representatives of the Prison Officers' Association (POA) have been dragging on inconclusively over the last two years. Management cannot allow the situation to drift further.

Managerial control must be reasserted. The Prison Service must make best use of staff and other resources at Feltham. But over and above this, no-one can defend the very sparse regime for inmates. This has been criticised by the Board of Visitors (who are to see Mr Hogg tomorrow) and by HM Chief Inspector of Prisons. His report on Feltham will be published in the next week or two and will attract widespread publicity.

New shift working arrangements, in line with nationally agreed systems, are therefore to be introduced on Sunday, 2 July.

Prison Service management is anxious to proceed, while at the same time recognising that events outside the Prison Service may mean that action has to be deferred.

The best available intelligence is that change at Feltham, unwelcome though it may be to the POA locally, will not cause disturbance in the rest of the prison system. A walk out by prison officers is not anticipated, though contingency plans, which include police support, have been laid to meet a range of POA responses.

The Home Secretary and Mr Hogg are keeping in close touch with the Feltham issue. Prison Service senior managers are working on a damage limitation strategy in the event that wider interests call for deferment of the 2 July date.

A copy of this letter goes to the Private Secretary to the Secretary of State for Employment.

*Yours*

*Catherine Bannister*

MISS C J BANNISTER

Ms C Slocock

**CONFIDENTIAL**



Treasury Chambers, Parliament Street, SW1P 3AG  
01-270 3000

15 May 1989

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

*Dear Home Secretary,*

**WORKING GROUP ON DISRUPTION IN THE PRISON SERVICE**

Thank you for sending me a copy of your letter of 25 April enclosing a copy of the first report from Sir Clive Whitmore's working group.

I was glad to see the contingency planning that has been done and agree that it would be sensible to take it to the next stage. Work of this kind can only strengthen management's hand in dealing with disruption, and might even help to prevent it developing in the first place.

I also agree with your strategy of keeping the possibility of the statutory no-disruption scheme in reserve, to be used only as a last resort as part of picking up the pieces after some major confrontation. Whether in these circumstances it would be capable of achieving its objective is something which will require careful judgement at the time. I imagine that it would still be possible for prison officers to cause considerable disruption in the prison service by methods which fall short of withdrawal of labour and are not necessarily amenable to disciplinary action.

I doubt that it is sensible to take any firm decision now about the nature of any special pay arrangements which may be necessary as part of the price of introducing a no-disruption scheme. A lot could depend upon the circumstances at the time, and what has happened in the intervening period. The ideal would obviously be if we could get away with something like the present arrangements,



buttressed by a strengthened disputes procedure and arbitration agreement. But I accept that that may prove not to be realistic.

Neither of the two alternatives is very attractive. Indexation to private sector settlements would be very inflexible (though if it could be achieved it might help to point up further the anomaly of the police link to earnings). A review body, despite the other objections to it, would at least provide the possibility of taking account of recruitment and retention and other factors and it could therefore turn out to be less expensive.

We do not, however, need to take a decision about this now.

The immediate need is to improve the existing arrangements for handling prison service pay. The Wynn-Parry formula, which linked pay to settlements in the Civil Service, is in disrepair and perhaps defunct. Both the Officers and the Governors have expressed interest in the possibility of negotiating long-term pay agreements on Megaw lines such as now cover most of the rest of the non-industrial Civil Service. We have not wanted to rush into such negotiations while the Fresh Start framework agreement is running its course. But in a year or two's time, and perhaps sooner if the Framework Agreement breaks down, we shall need to table proposals for future pay determination even without a no-disruption agreement.

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

*Yours sincerely,  
Duncan Spalding*

p.p. NIGEL LAWSON

[Approved by the Chancellor  
and signed in his absence]

NBPW  
AT 1415  
12(A-8)



SCOTTISH OFFICE  
WHITEHALL, LONDON SW1A 2AU

**SECRET AND PERSONAL**

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

12 May 1989

*Dear Douglas*

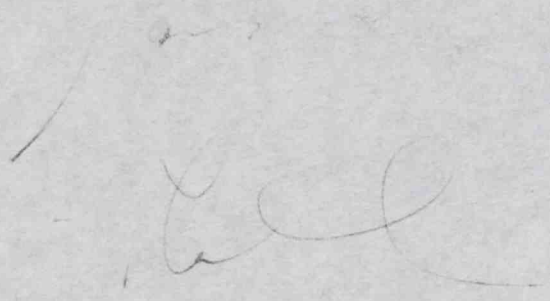
**WORKING GROUP ON DISRUPTION IN THE PRISON SERVICE IN ENGLAND AND WALES**

Thank you for sending me a copy of your letter of 25 April to George Younger.

As I said in my letter of 27 June last year, I appreciated fully the need for the Working Group study and I also recognise the need for the new contingency planning which you now propose to undertake in England and Wales. My officials are up-dating our existing contingency arrangements in Scotland in consultation with the police and the MOD.

The Secretary of the Scottish Home and Health Department and the Director of the Scottish Prison Service have received copies of your Working Group's papers. They continue to advise me that we do not have the same degree of difficulty with the Scottish Prison Officers Association as you have with the POA. The SPOA is a separate organisation. Consequently I do not intend to adopt your proposals to prepare a Bill for a no disruption scheme with some form of pay determination arrangements. I do not believe this is necessary in Scotland. Should you ever have to bring forward a Bill to give effect to your proposals we will have to consult closely on how best to present the reasons for our not proceeding similarly in Scotland. It will be important to do this in such a way as not to alienate the SPOA and to illustrate, so far as possible, the extent to which the POA are isolated. This will require careful handling. One can never be sure about these things, but we have grounds for believing that, if you were obliged to adopt the no disruption proposals, the great majority of the SPOA's members would not wish to get involved. This could be of significant benefit to us presentationally in terms of public perception of your proposals.

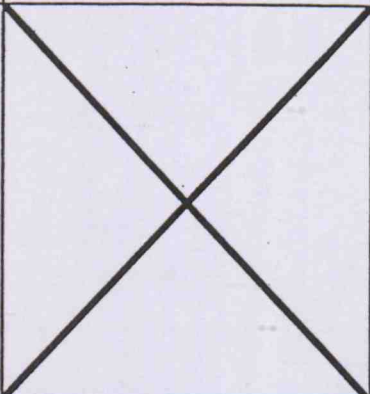
I am copying this to the Prime Minister, Nigel Lawson, Norman Fowler,  
George Younger, Tom King, Kenneth Clarke, Patrick Mayhew,  
John Wakeham and Sir Robin Butler.

A handwritten signature in dark ink, appearing to read 'Malcolm Rifkind', is written in a cursive style across the middle of the page.

MALCOLM RIFKIND



# **A** The National Archives

DEPARTMENT/SERIES ..... <i>PREM 19</i> ..... PIECE/ITEM ..... <i>3025</i> ..... (one piece/item number)	Date and sign
Extract details:  <i>Letter from Younger to Hurd          dated 9 May 1989</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.

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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.

**SECRET AND PERSONAL**

Department of Employment  
Caxton House, Tothill Street, London SW1H 9NF

Telephone 01-273 5802  
Telex 915564 Fax 01-273 5821

Secretary of State

*nbpm  
bn*

*10 a*

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

*4* May 1989

*[Handwritten signatures]*

**WORKING GROUP ON DISRUPTION IN THE PRISON SERVICE IN ENGLAND AND WALES**

Thank you for sending me a copy of your letter of 25 April to George Younger. *at flap*

I strongly endorse your strategy of improving contingency arrangements to meet resistance to change from the Prison Officers Association whilst keeping a possible statutory no disruption scheme in reserve. In major disputes of the kind that may arise here it is essential to ensure that there is a clearly understood case for any action taken by Government. Once the prison officers have demonstrated their intransigence publicly there would be a much firmer basis for introducing a statutory no disruption scheme.

I am content with the no disruption scheme as outlined in the officials report. The question of pay determination is obviously a difficult one and, like other elements of the scheme, should be handled in a way that reinforces the hand of moderate elements in the POA. Continuing existing arrangements would be hard to justify having removed the union's ultimate negotiating weapon. It would not be realistic to expect prison officers to accept indexation to anything other than earnings given the obvious link with the police, and in any case there are quite strong arguments against producing an official settlements index. Of the remaining options I agree with you that a review body is the least unpalatable.

**SECRET AND PERSONAL**

Employment Department · Training Agency  
Health and Safety Executive · ACAS



Secretary of State

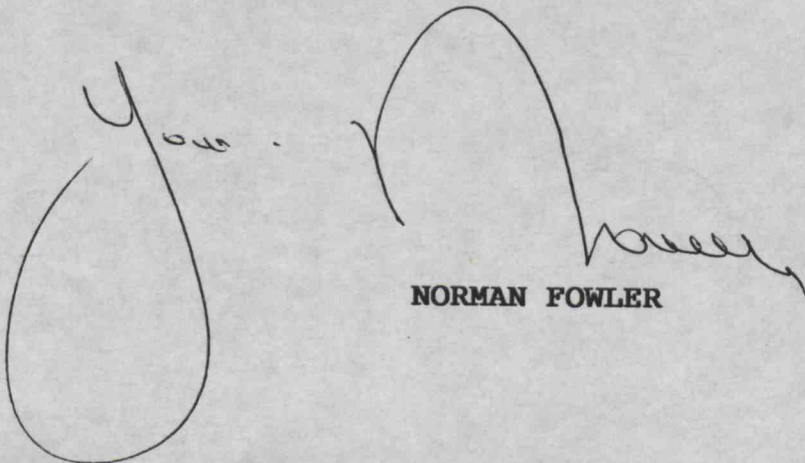
**SECRET AND PERSONAL**

b

I am not convinced that once a major strike was underway it would be necessary to recall Parliament to introduce the statutory no disruption scheme. Such a scheme would be important in preventing future problems developing but would not necessarily be appropriate or helpful in dealing with the initial action. It may be though that Parliament would be needed to consider other aspects of the contingency plan, for example on early release.

I am grateful for your recognition of the need to consider the wider industrial relations scene in considering the timing and pace of any moves which might make it necessary to activate these arrangements. I am also content for the work to proceed as you suggest.

I am copying this to the Prime Minister, Nigel Lawson, George Younger, Tom King, Ken Clarke, Patrick Mayhew, Malcolm Rifkind, John Wakeham and Sir Robin Butler.

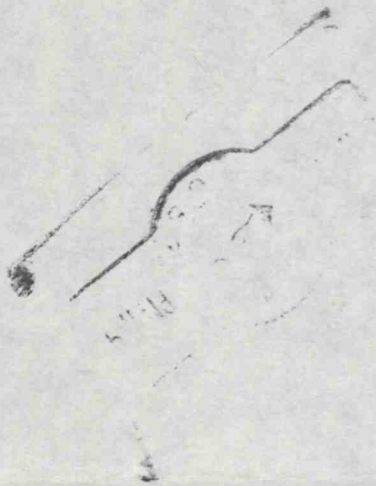


NORMAN FOWLER

**SECRET AND PERSONAL**

HOME AFFAIRS:

Prison Act



TO BE CHECKED  
AGAINST DELIVERY

THURSDAY 4 MAY 1989

RISLEY REMAND CENTRE INCIDENT  
STATEMENT BY THE HOME SECRETARY, THE RT HON DOUGLAS HURD

With permission, Mr Speaker, I will make a statement about the incident at HM Remand Centre Risley.

At 6.15 pm on 30 April as inmates in B wing were being unlocked for evening association a prison officer was confronted by an inmate brandishing a weapon who demanded the officer's keys. The keys were not surrendered and the staff on duty withdrew from the landing leaving 17 inmates unlocked. These inmates then erected barricades and smashed cells. This incident was contained.

On the morning of 1 May, two officers were trapped on a landing in D wing by inmates who erected barricades and caused systematic damage. The officers were released by staff breaking through the outer wall of the building after the trapped officers had locked themselves in a cell.

Inmates then broke through onto the roof of D wing. They had control of two landings and access to the roof space and the roof. Staff retained control of the remaining landings of the wing. Yesterday the inmates agreed to come down provided that they were photographed and their solicitors were informed. This was agreed, and they were returned to custody at about 7.45 pm.

/Rt hon

Rt hon and hon Members will wish to join with me in paying tribute to the bravery of Prison Service staff in containing this incident. There have been injuries to officers, but fortunately none of them has been very serious. I am also grateful for the immediate and highly professional assistance provided by the police.

215 inmates were moved from Risley to other prisons. I have set in train an urgent inquiry into the disturbances which will be conducted by Mr Ian Dunbar, the Regional Director for the South West region. A police investigation is underway. Criminal charges and prison disciplinary proceedings will depend on that investigation.

The shortcomings at Risley provide no justification for the destruction and violence which took place, making those shortcomings worse. As the House knows, I broadly accepted the criticisms made by Her Majesty's Chief Inspector of Prisons following his inspection of Risley. We have embarked upon a refurbishment and rebuilding programme which will transform the establishment. The refurbishment programme was due to be completed by autumn this year. That was much needed temporary improvement. But we have decided to rebuild Risley entirely and the construction of new houseblocks will begin at the end of August. Plans are for it to become a modern local prison holding both sentenced and remand prisoners, and work has already begun to this end.

/Risley

Risley is overcrowded, like many of our local prisons and remand centres. The staff inmate ratio has significantly improved, from two inmates per uniformed staff member in 1986 to 1.5 inmates per staff member now.

We are taking steps to reduce both the number of people remanded in custody and the time taken to deal with cases awaiting trial. It is too early to draw any firm conclusions on the long term effect of these measures on the remand population. But the remand element in the prison system grew more slowly in 1988 than in any of the previous 5 years. This year the number of remand prisoners has actually fallen. The average remand population is about 500 lower so far during 1989 than the 1988 average.

The damage and lost places at Risley are a setback at a time when in other respects there are signs of more settled times in the prisons. The total prison population has been roughly steady for several months, new places are becoming available to relieve overcrowding, and staff are being recruited in large numbers and used to better effect. We do not intend to let this opportunity slip.



INCIDENT AT HM REMAND CENTRE RISLEY

NOTES FOR SUPPLEMENTARIES 4 MAY 1989

Forewarning of disturbances?

There was no warning.

Full complement: agreed with POA ?

This was set following discussions with the POA.

Could more officers have stopped the trouble?

Not within accepted manning levels.

Has the damage put back the rebuilding programme?

Too early to say.

Was food the cause?

This is for Mr Dunbar's inquiry.

Has the incident delayed plans to turn Risley into a local prison?

The plan was to make the change later this year. It is too soon to say whether the plan will now change.

**Punishment of Prisoners**

The police are already investigating the incident. The question of criminal and disciplinary charges is being considered.

**Maximum Disciplinary Punishment**

120 days loss of remission

## Prisoner demands

The inmates demands related to conditions at Rislely, and in particular the state of recesses, food, and the time allowed for association.

They also sought conditions for coming off the roof. These were:

- no physical abuse of the prisoners involved
- they would be photographed individually and their photograph sent to their solicitors
- the names of their solicitors to be told that they had been in the demonstration
- their demands to be broadcast on radio
- one last meal together

In fact the Governor gave the media information on their demands in a routine press interview. It was agreed to photograph them and tell the solicitors. The meal was denied. The Governor and Regional Director were present when they came off the roof.

### **Inmate suicides**

Inmate suicide has been a serious problem at Risley, reflecting the relatively high risk of suicide posed by remand inmates generally. There were 3 inmate suicides there in 1987 and 4 in 1988, while the inquest on one young woman who is thought to have taken her own life there has still to be held. The Home Office guidelines on suicide prevention are being fully observed at Risley, and we believe that our strategy of attempting to identify inmates at risk and offering them special care and support represents the best hope of reducing the number of suicides at Risley and all other establishments.

### **Apparent suicide of Lisa Kewley at Risley on 25 March 1989**

I cannot comment on this very sad case in advance of the inquest, other than to offer my sympathy to Miss Kewley's family and to make clear that we are satisfied that proper suicide prevention procedures are being carried out at Risley.

### Refurbishment Work - What was being done?

B, C and D Wings were to be refurbished in a major programme. This involves complete redecoration, improvement of sanitation, cleaning external brickwork, renewing wiring and heating. D Wing was completed first last year. B and C Wings were started on time in October last year and were expected to be completed in September 1989. It was subsequently decided to include mesh and rendering of the external cell walls of B and C Wings and this had the effect of extending the completion date by four months to January 1990.

### Major Redevelopment - What does this involve?

The plan is to carry out a long-term development programme, which will provide modern conditions to enable Risley to function in its new rôle as a local prison. It is now an eight year programme instead of the original six because it is more cost-effective to include provision of a new hospital and administration block. Advance work is already under way to build a new security wall around a parcel of land which has been acquired as part of the plan. Phase one of the plan, the construction of two new house blocks to accommodate 384 inmates, will commence at about the end of August 1988 with a completion date of August 1991.

Has Her Majesty's Inspectorate of Prisons visited Risley since the full inspection in February 1988?

Yes. I understand an Inspector visited Risley Remand Centre on 20 April 1989. This was one of a series of unannounced visits paid by Inspectors to keep Her Majesty's Chief Inspector informed. Any conclusions which the Chief Inspector conveys to me following that visit will be considered alongside the report which I expect to receive from Mr Dunbar on the recent incident.

What is being done about conditions in the Reception Unit?

Work is due to begin in early July and be completed in October 1989. This will meet all the recommendations about the Reception Unit made by the Chief Inspector.

**RISLEY****REBUILDING (August 1989 - 1991)**

£54-58 million at 1988 prices

**REFURBISHMENT**

£3.75 million by end of this year

**STAFFING**

	Staff	Prisoners	Staff/Inmate Ratio
1986	417	850	2.09
1987	405	825	2.04
1988	398	690	1.7
1989	388	580	1.5



Are staff shortages to blame for the Risley disturbances?

There has been a sharp improvement in the staff/inmate ratio at Risley over the past two years from over 2 inmates per officer in 1987 to around 1½ per officer now. The number of inmates has come down by 245 and the number of officers by only 16.

How many staff are Risley short of their complement?

Risley has the staff which it needs for its present population. The staffing levels which will be required once Risley becomes a normal local prison have yet to be determined.

Have the Home Office provided the staff promised under Fresh Start

We have kept our part of the bargain under the Fresh Start agreement. The number of prison officers has grown nationally by over 2600 in the past 2 years and now exceeds 20,000 for the first time. There will be further substantial growth over the next few years.

Why have some prisons received no extra staff?

Our commitment was to recruit sufficient extra staff nationally to make good half of the reduction in the prison officer's hours of work. This has never meant that each and every establishment would receive new staff. Management has allocated the extra officers to those establishments with the strongest claim for them. That has involved taking account of the relative progress which they have already made in securing the efficiencies which were also part and parcel of Fresh Start.

Is Fresh Start putting unreasonable strains on staff?

Fresh Start released staff from the tyranny of high levels of overtime. Before Fresh Start officers worked an average of 56 hours a week and many worked more than 60 hours. Now no one works longer than a 45 hour week over the course of his shift cycle and this figure will reduce progressively until 1992 when all officers will be on a 39 hour week. The majority of officers earn around £16,000 - more in London.

Why the continuing obsession with efficiencies?

It was integral to Fresh Start that the new management structures and working practices would enable major efficiency improvements to be achieved. There is still scope in many establishments for staff to be deployed more flexibly and productively with consequent benefits for the regimes provided for inmates.

Why has the recruitment programme been 'cut' by 257 this year?

There has been no cut in the recruitment programme. It has been running at unprecedented levels over the past 2 years and will continue to do so until at least the end of the Fresh Start framework agreement in 1992/93. The figure of 257 is simply the number of staff who were originally not due to be recruited until this year but have in fact already been brought into the system to smoothe the process of implementing Fresh Start.

How many prison officers is the Prison Service short of complement nationally?

Although there are still problems in particular establishments there is no general shortage of staff in the Prison Service. We are having no difficulty in attracting good quality recruits and are continuing to provide all the additional staff promised under Fresh Start.

But is there still a gap between complement and staff in post  
contrary to the Home Secretary's undertaking to the POA in July  
1987?

The initial complement figures set for each establishment during the introduction of Fresh Start have already been modified in many instances and will continue to be reviewed throughout the framework agreement, which runs until 1992/3. Any national list of complements would inevitably be unreliable and misleading given that they are not yet on a common basis. The central point remains that we have recruited and will continue to recruit all the additional staff promised in 1987.

**Staffing: General**

The number of prison officers increased by almost 45% since 1979.

Over the same period inmates increased by 16%.

Between 1948 and 1988 the ratio of uniformed officers to inmates rose from 1 - 6 to 1 - 2.5.

**Prisoners in police cells**

As a result of the Risley disturbances 44 prisoners are being held in police cells in the North region.

30 prisoners are being held in police cells in the South East, for reasons unconnected with the disturbances.

### Incident at Ashwell

Two inmates are staging a rooftop demonstration having climbed onto a roof on the morning of 1 May. They have caused no damage. One of the inmates is serving a sentence of 30 months for burglary and the other a sentence of one year for possession of firearms.

The protest by one of the inmates is in regard to the inconsistency of awards by the Board of Visitors for the possession of drugs. The other says he is supporting him in his protest.

BUILDING PROGRAMME

28 new prisons

- To provide 15,750 places

8 have been built - producing 3,500 places

7 under construction - producing 4,042 places

6 more - planning permission has been  
obtained

2 more - seeking planning permission

5 - still to decide on location

BAIL/PROBATION HOSTELS

There are now 98 offering 1,850.

500 extra places by 3 April 1991.

126 places in Risley catchment area.

44 extra by April 1991.

Bail Information Scheme

Target to provide service in 20 courts by April 1990 has already been exceeded.

Various schemes service Risley.

Electronic Monitoring

Trials in Nottingham, N. Tyneside and Tower Bridge starting summer 1989 for 6 months.

Time Limits

3 phased introduction from 1 April 1987.

1 April 1988 extended to Wales + 9 English counties including Greater Manchester and Chester Circuit.

1 June 1989 should be extended to most of rest of England, including Merseyside, Cumbria, Lancashire, Staffordshire and N. Yorks.



REMANDS

Unconvicted

Unconvicted  
and  
Unsentenced1979

Daily average population 4,019

6,132

1987

Daily average population 9,611

11,162

1988

Daily average population 9,775

11,439

January - March

1989

Daily average population 9,016

10,776

INCIDENT AT RISLEY REMAND CENTRE

DRAFT STATEMENT

With permission, Mr Speaker, I will make a statement about the incident at HM Remand Centre Risley.

At 6.15 pm on <sup>Sunday</sup> 30 April as inmates in B wing were being unlocked for evening association a prison officer was confronted by an inmate brandishing a weapon who demanded the officer's keys. The keys were not surrendered and the staff on duty withdrew from the landing leaving 17 inmates unlocked. These inmates then erected barricades and smashed cells. This incident was contained.

On the morning of 1 May, two officers were trapped on a landing in D wing by inmates who erected barricades and caused systematic damage. The officers were released by staff breaking through the outer wall of the building after the trapped officers had locked themselves in a cell.

Inmates then broke through onto the roof of D wing. They had control of two landings and access to the roof space and the roof. Staff retained control of the remaining landings of the wing. Yesterday the inmates agreed to come down provided that they were photographed and their solicitors were informed. This was agreed, and they were returned to custody at about 7.45 pm.

/Rt hon

Rt hon and hon Members will wish to join with me in paying tribute to the bravery of Prison Service staff in containing this incident. There have been injuries to officers, but fortunately none of them has been very serious. I am also grateful for the immediate and highly professional assistance provided by the police.

215 inmates were moved from Risley to other prisons. I have set in train an urgent inquiry into the disturbances which will be conducted by Mr Ian Dunbar, the Regional Director for the South West region. A police investigation is underway. Criminal charges and prison disciplinary proceedings will depend on that investigation.

The shortcomings at Risley provide no justification for the destruction and violence which took place, making those shortcomings worse. As the House knows, I broadly accepted the criticisms made by Her Majesty's Chief Inspector of Prisons following his inspection of Risley. We have embarked upon a refurbishment and rebuilding programme which will transform the establishment. The refurbishment programme was due to be completed by autumn this year. That was much needed temporary improvement. But we have decided to rebuild Risley entirely and the construction of new houseblocks will begin at the end of August. Plans are for it to become a modern local prison holding both sentenced and remand prisoners, and work has already begun to this end.

/Risley

Risley is overcrowded, like many of our local prisons and remand centres. <sup>But it is not undermanned.</sup> The staff inmate ratio has significantly improved, <sup>even allowing for the effect of Resh Start</sup> from two inmates per uniformed staff member in 1986 to 1.5 inmates per staff member now.

We are taking steps to reduce both the number of people remanded in custody and the time taken to deal with cases awaiting trial. It is too early to draw any firm conclusions on the long term effect of these measures on the remand population. But the remand element in the prison system grew more slowly in 1988 than in any of the previous 5 years. This year the number of remand prisoners has actually fallen. The average remand population is about 500 lower so far during 1989 than the 1988 average.

The damage and lost places at Risley are a setback at a time when in other respects there are signs of more settled times in the prisons. The total prison population has been roughly steady for several months, new places are becoming available to relieve overcrowding, and staff are being recruited in large numbers and used to better effect. ~~We do not intend to let this opportunity slip.~~ <sup>There are opportunities here which we do not intend to let slip.</sup>

PRIME MINISTER

This is just to let you know that the disturbances at Risley Remand Centre were successfully brought to an end at 2000 hours this evening. The prisoners came down from the roofs after safeguards against any unofficial retaliation by members of the POA. The possibility of normal disciplinary proceedings, and possible criminal charges, remains open however and will be decided within the next few days.

The Home Secretary is likely to make a statement after Questions tomorrow which will be based on the points made in his press release today, a copy of which I attach.

DOMINIC MORRIS

3 May 1989

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NDPM  
AT 215NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZSECRETARY OF STATE  
FOR  
NORTHERN IRELANDThe Rt Hon Douglas Hurd CBE MP  
Secretary of State  
Home Office  
Queen Anne's Gate  
LONDON SW1H 9AT

2 May 1989

*Dear Home Secretary,*

## WORKING GROUP ON DISRUPTION IN THE PRISON SERVICE

*top of file*  
Thank you for your letter of 25 April enclosing a copy of the first report from Sir Clive Whitmore's working group.

It is good to know that you have a viable contingency plan in the event of major disruption in the Prison Service in England and Wales. We are similarly placed in Northern Ireland although, like you, we do not relish the thought of having to bring it into effect. As you will realise, the diversion of a large number of policemen and soldiers from security duties could provide the terrorists with an opportunity which they would be unlikely to ignore.

I agree that the no-disruption scheme should be kept in reserve until required. Otherwise it might in present circumstances be perceived as a provocation by the POA, possibly including the Northern Ireland membership. It may be that at some time in the

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TK/SOFS/5626

future it will be worth attempting to achieve a no-disruption package by agreement.

On the question of pay determination, I agree with you that a review body is likely to command most support with the Prison Service and that, given the high levels of pay now enjoyed by prison officers, it need not be expensive.

Following the POA (NI) rejection last year of the Northern Ireland version of Fresh Start we have, with POA co-operation, been working on a new set of proposals to achieve broadly similar ends, although retaining a limited amount of overtime. This has now reached the stage when a ballot is due to be held later this month and we are hopeful that the new package will attract the support of a majority of prison officers, leading to implementation towards the end of the year. Your officials have kept in close touch with all of this. In the meantime the national POA have accepted that they cannot rely on POA (NI) support in any dispute in England and Wales, which is an advantage for both of us.

If the new set of proposals is rejected, we will be bound to go for essential efficiency measures without agreement and this will inevitably lead to confrontation. In those circumstances one course open to us would be to impose a Northern Ireland no-disruption scheme but obviously I would not go down that road without the support of yourself and other colleagues.

C

I am content that you should ask Sir Clive Whitmore to take the work forward as proposed.

Copies go to the Prime Minister, Nigel Lawson, Norman Fowler, George Younger, Ken Clarke, Patrick Mayhew, Malcolm Rifkind, John Wakeham and Sir Robin Butler.

*Yours sincerely,  
J. Murphy*

*JP* TK

[Approved by the Secretary of State and signed in his absence]



Home Affairs Prisons PT-5





QUEEN ANNE'S GATE LONDON SW1H 9AT

25 April 1989

Dear George,

## WORKING GROUP ON DISRUPTION IN THE PRISON SERVICE

I attach a copy of the first report from the working group of officials which, with your agreement and that of colleagues, was set up last year under Sir Clive Whitmore's chairmanship to examine in detail the possibility of no disruption arrangements and contingency planning for major disruption in the Prison Service.

The first part of the report summarises the Group's main conclusions. Its annexes contain the detailed conclusions on contingency planning for what is seen as a realistic worst case scenario, and on a possible no-disruption scheme. The operational lessons learned from the recent dispute at Wandsworth Prison have been taken into account in drawing up this report.

On the basis of the work done, the Working Group concludes that a realistic worst case scenario would be a walk-out by 85% of the prison officers. I should emphasise that this is the most extreme case we can envisage, but it is nevertheless right that our contingency plans can meet it. After consulting the police at a very senior level, the Group believes that this would be manageable but that the consequences would be far-reaching. A particularly heavy burden would be placed on the police, and we should have to watch carefully their morale and their perception of the situation. The report suggests that it would be essential to ensure that the situation was not seen as having been provoked by management, and I accept that this points to keeping the no-disruption scheme in reserve to be brought out in response to provocation from the Prison Officers' Association (POA), rather than introducing it in isolation as a premeditated act. This means that we would have to be ready to recall Parliament if a major crisis broke out during a recess.

/The Working

The Rt Hon George Younger, TD, MP  
Secretary of State  
Ministry of Defence

2.

The Working Group's framework for a possible no-disruption scheme includes provision for new pay determination arrangements to balance the imposition of no-disruption measures. I am convinced that something on these lines would be needed if the scheme is to command widespread acceptance and so reduce the risk of an all-out strike, and to secure long term industrial peace. Of the options canvassed in the report, my own preference would be the setting up of a review body. I believe that moderate prison officers would regard this as a fair proposal. It would provide a continuity and consistency of approach which the other options do not so clearly offer. It need not be expensive, given that there is no history of prison officers' pay being depressed.

I recommend that we should accept the Working Group's first report and ask Sir Clive Whitmore to take forward the programme of further work proposed in paragraph 16. As for the industrial relations prospects, the successful outcome of the Wandsworth dispute and the POA membership's vote to withdraw their mandate for national industrial action are encouraging signs. We are also making progress in negotiations on a new disputes procedure. But at the same time we are pressing on with the implementation of much-needed changes at a number of establishments over the next few months. We aim to settle these issues by agreement, but with the POA there is always the possibility of confrontation. I am keeping a close eye on events, keeping in mind wider implications for other policies, and reviewing the prospects regularly.

I have already, at her request, shown the report to the Prime Minister. She is content for officials to continue work on developing and refining the contingency plans (including the preparation of draft legislation) and on a no-disruption scheme, on the lines proposed in the report. She has raised three points which will need to be taken into account in the further work; the need to consider the timing carefully in relation to development in the docks; the undesirability of having to recall Parliament; and possible loss of public support if we find ourselves having to cancel football matches and other public events.

If you, and the colleagues to whom I am copying this letter are content, I will ask Sir Clive Whitmore to take the work forward as proposed. It would also be helpful at this stage to have colleagues' views in particular on the options for pay determination arrangements.

I am copying this letter to the Prime Minister, Nigel Lawson, Norman Fowler, Tom King, Ken Clarke and Patrick Mayhew; to Malcolm Rifkind for information; and to Sir Robin Butler. I am also copying it to John Wakeham with a request for his authority for the drafting of the proposed legislation, on a contingency basis.



WORKING GROUP ON DISRUPTION IN THE PRISON SERVICE

FIRST REPORT TO MINISTERS

1. Following the Home Secretary's letter of 16 June to the Secretary of State for Defence (copy attached at Appendix A) a Working Group of officials was set up under the chairmanship of Sir Clive Whitmore. At Appendix B is a list of members. The Group has met three times (26 July, 23 September and 17 February). This note reports progress with the consideration by the Group of the prospects for a no-disruption scheme and a national contingency plan. (All references in this report to "national" plans should be read as applying to England and Wales only).

2. The detailed conclusions of the Working Group on contingency planning for an all-out prison service strike and on a possible no-disruption scheme, are set out in Annexes A and B respectively of this report. The main conclusions, and comments on the handling implications, are set out below.

Contingency Planning

3. It is extremely unlikely that all prison officers would respond to a call for strike action. The number who would remain at work would depend on the circumstances and cause of the dispute, but would be likely to be at least 30%. The 30% would probably not be evenly distributed: some establishments might continue to work normally but there might be virtually complete walk-outs in others. In the light of the experience at Wandsworth (a hard-line establishment) the Working Group has taken a prolonged strike by 85% of prison officers as a realistic worst case.

4. On the basis of discussion with the police, the Working Group has concluded that such a strike would be survivable, but that its consequences would be serious and damaging. It is therefore best avoided, but not to the point of management's being inhibited from pursuing firmly reasonable management objectives in negotiation with the POA. Further work is, however, required to refine the plans and bring them to a state in which they could be relied upon in the event of a national strike.

5. In the event of all out or widespread strike action by prison officers, the main burden would fall on the police. This would be a very heavy burden, surpassing to a considerable extent the burdens imposed even at the height of the miners' strike. The whole police service would have to go over to an emergency regime of 12 hour shifts. On this basis, sufficient police manpower could, it is believed, be provided to run the prisons and deal with associated disorder within and without prison establishments. The police presence on the streets would, however, be visibly reduced, and it would be common knowledge not least among criminals that a high proportion of police resources were being mobilized to deal with the dispute. This could be expected to lead to an increase in opportunist crime and low level public disorder on the streets. Positive policing (crime prevention, community relations, home beat officers etc) would have to be curtailed, as well as training. The effects would be damaging and some of them would persist after the prison dispute was resolved.

6. It is difficult to estimate with any precision how many police officers would need to be deployed. A great deal would depend on the circumstances at the time, and on operational decisions about shift patterns etc. Following a joint analysis by the former Deputy Director General of the prison service and senior police officers of the existing tripartite contingency plans, we can say with reasonable confidence that the number of police officers required to run prisons in a steady state (ie without serious inmate disturbances and excluding any police required to control pickets and demonstrations) would be about 12,000 on a two shift system and 22,000 for three shifts (falling to 10,000 and 19,000 respectively once servicemen were deployed). About an additional 4,000 officers would need to be in reserve to deal with disorder associated with the dispute. This represents between 10% and 26% of the effective manpower available for day-to-day policing (ie excluding senior officers and specialist departments such as CID). This may be an overestimate of the numbers that would actually be required and deployed, but recent experience at Wandsworth prison has broadly validated the assumptions which were made in order to arrive at these figures. It has also suggested that, in the early stages, substantial additional manpower may need to be deployed to assert control. The figures have the endorsement of the Association of Chief Police Officers (ACPO) who are involved in this exercise and therefore form a solid basis for further planning. But it has to be acknowledged that the scenario of a virtually all-out strike takes us into new and uncharted waters, and that the actual deployment (which would be a matter for police operational judgement at the time) might turn out to be significantly different from these estimates.

7. Although on these figures, the police could just about cope, a range of measures should be prepared to ease the burden. These should include the preparation of emergency legislation to extend the powers for early release of prisoners, and to ban events such as football matches which impose a heavy policing burden. No fundamental change in the nature of the military contribution need be envisaged, though there are some areas, such as logistical support for the police, where additional help from the armed services may be required. The police have stressed the importance to them, both practical and symbolic, of not being left alone to carry the burden but of receiving the maximum help possible from the military within the guidelines which have been set.

8. Police morale will be an important consideration. Rank and file officers would be expected to replace the striking prison officers. This is a different situation from the miners' strike, where the police job was simply to enable those miners who wished to do so, to work. There will undoubtedly be misgivings among many officers (particularly in the federated ranks) about the rightness of what would be seen as direct strike breaking. It would therefore be essential for any strike not to be seen as having been provoked by management.

9. On the military side, a national deployment of Servicemen to the prisons would involve some 10,000 men and if sustained for more than a short period would have a seriously damaging effect on the operational readiness and effectiveness of the Armed Forces. Long term damage would be done to recruitment, retention and to individual and collective training programmes. The inability to

participate in major NATO exercises would if it arose, erode our standing in NATO and would reduce for a period the overall effectiveness of NATO military forces.

No-disruption scheme

10. It is against this background that Ministers will wish to consider the merits of the introduction of a no-disruption arrangement on the lines proposed. If such an arrangement were brought in, it would need to be in circumstances in which it was, and was seen to be, a fair and reasonable response to damaging and irresponsible behaviour by the POA. The package should be designed to encourage its acceptance by as many prison officers as possible. It would also need to be perceived as fair by the public at large, and crucially by the police officers who might have to deal with any associated industrial action. It would also need to be brought in in circumstances in which there was a reasonable degree of confidence that it would be effective against any likely form of industrial action, (including for example a work to rule).

11. The main elements of the proposed scheme are as follows. It would be an offence to incite a prison officer (which would include governor grades) to breach his terms of employment or commit acts of indiscipline. In this respect, the prison service would be put in the same position as the police. However, union membership, as such, would not be banned, nor the existing unions replaced by a special body like the Police Federation. But union officials who tried to organise industrial action would be committing an offence,



and individual officers who took industrial action would be dealt with under the discipline code. In return for this loss of ability to strike, new machinery and procedures would be put in place for settling pay and resolving disputes. The main options for pay determination are a process based on negotiation, but with special provision to take account of the union's loss of bargaining power (probably involving guaranteed unilateral access to arbitration); or some form of indexation; or a review body. None of these options is particularly attractive in its own right, but would be put forward as part of a package of arrangements to secure industrial peace in the prison service. Ministers will wish to consider which of the options they prefer.

12. The no-disruption scheme would require legislation.

#### Tactics

13. Introduction of the no-disruption scheme and possible activation of the contingency plan could be brought about by a variety of sequences of events. One possibility is that relationships between management and the POA may deteriorate in the way that they did during the summer and autumn of 1988, resulting in widespread disruption which undermines the working of the system but is short of national action. This may be considered enough to trigger the introduction of the no-disruption legislation. Depending on how the POA react, (and a call from the Executive for a national stoppage must be contemplated at this stage) the contingency plan may then have to be activated. An alternative

scenario is that local contingency plans may have to be activated, as at Wandsworth, in a number of establishments, and that it is judged right to bring in the emergency legislation in the wake of that. For a successful outcome, it will be important to ensure that the legislation is not perceived as unprovoked, but as part of a reasonable package in response to intransigence on the part of the POA. As noted above, the consequences of an all-out strike would be so serious and damaging that it would be best avoided if possible.

14. A possible approach, once the scheme and the contingency plan are in a sufficient state of readiness, will be to let it be known that they exist so as to influence the POA's attitude. Having the scheme and contingency plan in reserve will strengthen management's hand to take whatever steps are judged to be required for the good running of the system.

15. Industrial relations in the prison service are such that any planned tactics may have to be revised in the face of an immediate crisis at any time. That said, there is clearly a case for the further work on the contingency plans to include an assessment of the relative benefits of the various tactical options, in the light of the continuing industrial relations picture and of the emerging cost (in all respects) of activating the plans.

#### Further work and handling

16. If Ministers agree with the conclusions set out in this report, the next stages would be:

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1. Work on the drafting of clauses for legislation on a no-disruption scheme and emergency powers to deal with an all-out strike.
  2. Elaboration, in the light of Ministers' views on the options, of pay determination and disputes procedures to go with the no-disruption scheme.
  3. Further refinement and validation of the contingency plans within the framework established by the existing tripartite process. This would include attention to the machinery for central control and direction of the handling of the run up to a major strike, the strike itself and its aftermath.
  4. Consideration of arrangements for the Department of Health special hospitals.
  5. Assessment of the financial costs (which will be great) of activating a national contingency plan, and consideration of how it should be accounted for (particularly vis a vis police authorities).
17. If Ministers are content with this programme of work, the Working Group would report again when sufficient progress had been made to enable further judgements to be made about the implications for the future handling of industrial relations in the prison service. Particular attention will need to be given to the tactics

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and timing of the introduction of a no-disruption scheme. As noted above there would be serious drawbacks to any action on the Government's part which came across as unprovoked, and Ministers will probably wish rather to view the no-disruption scheme as part of the general contingency plan against future disruption by the POA.

**WORKING GROUP ON DISRUPTION IN THE PRISON SERVICE**CONTINGENCY PLANNING

1. Quite separately from the Working Group's exercise, prison governors have been drawing up, semi-overtly contingency plans for dealing with disruption in the prison service: this has been done establishment by establishment in conjunction with representatives of the military and police. These tripartite plans now cover some 90 establishments - all the closed adult male prisons. Although the exercise is being co-ordinated by prison department headquarters, it has been conducted on the assumption that only a limited number of establishments would be affected, and without substantial reference to the cumulative resource implications of the individual plans in the event of a national dispute. The Working Group has therefore had to assess these implications as the basis of its consideration of the consequences of a virtually complete walk out by prison officers. To do this, it has been necessary to consult, on a very restricted and strictly confidential basis Mr Peter Wright, the president of ACPO, Assistant Commissioner McLean of the Metropolitan Police, and two other senior officers nominated by them. Mr Gordon Lakes, the recently retired Deputy Director General of the prison service, has also advised on the prison operational aspects of the exercise.

2. There are at present just over 18,000 uniformed prison officers (grades VI-VIII<sub>A</sub>), 97% of whom are members of the POA. For the reasons set out below the Working Group has assumed that in a worst case national strike, 85% of them would have withdrawn their labour. We have also assumed (and in the light of experience this is realistic) that governors would remain loyal. It is also likely that working prison officers would be concentrated in the higher grades, whose contribution to helping the police run establishments would be particularly valuable.

3. The burden of running the prisons in the event of such a walkout would fall primarily on the police, but a substantial contribution would also come from the military. Servicemen would not, however, (with the exception of a limited number of Provost-type specialists) be employed in any capacity which involved direct supervision of prisoners.

4. Mr Lakes and the police representatives have examined in detail the existing contingency plans to eliminate identifiable over or under provision, and have considered the options of staffing prisons on a two or three shift system. Bearing in mind the experience at Wandsworth (when 8.5% of officers in a particularly militant branch worked normally) the calculations have also assumed that a minimum of 15% of prison officers across the country would remain at work. This is regarded as a conservative and safe estimate. This gives the following approximate totals: on a two shift system, 12,000 officers before deployment of servicemen, 10,000 after; and on a three shift system, 22,000 officers before deployment of servicemen and 19,000 afterwards. The Wandsworth experience suggests that in the early stages, substantial additional manpower may need to be deployed to assert control before numbers fall off to the "steady state" reflected in the above figures, and it is estimated that about a further 4,000 officers would need to be kept in reserve to deal with disorder associated with the dispute (both inmate disturbances and picketing, etc outside establishments).

5. The police view, as expressed by Mr Wright, is that a commitment on this scale would be an extremely severe, but not impossible, burden. It would be unprecedented and take the police service into unknown territory. (Looking to recent experience, at the height of the NUM dispute, for example, some 6,000 officers were provided daily to police picket lines. This was a fairly long-running five day a week commitment but the officers were not on duty permanently. There were peaks and troughs. The greatest number of officers was required at the beginning of the working day; few were required after the pits closed at night. Involvement in prisons for seven days a week, 24 hours a day, would be an entirely new commitment for the police. Thus, dealing with an

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all-out prison strike could require more than three times the police commitment than the miners' strike).

6. Even so, Mr Wright takes the view that the police service would simply have to meet the commitment, there being no practical alternative, and do so for as long as necessary. But the implications would be wide-reaching and extremely serious.

Implications for the police

7. First, ACPO representatives have stressed that there should be no underestimation of the difficulties which officers throughout the service (particularly members of the Police Federation) would have in reconciling themselves to the police role in a prisons dispute. They already consider that their role in industrial disputes is frequently misunderstood, and hold firmly to the principle that they are there solely to maintain public order. Involvement in running prisons would involve what many police officers (perhaps urged on by the Police Federation) would regard as strike-breaking. Moreover, the tasks which the police would have to undertake in prisons would be unfamiliar, and not made easier by the likelihood that police officers would meet with considerable antagonism from prisoners.

8. The circumstances leading up to police intervention would be of great significance in determining police attitudes. There would be considerably less difficulty for officers if they saw themselves as reacting to a publicly perceived emergency and doing so with the purpose of preventing a breakdown in order and maintaining public safety. It would be different if they felt that the Government had deliberately provoked the conflict and were using the police to win it. Underlining the difficulties, the Police Federation was openly critical of the decision to put the police in at Wandsworth. Its chairman, Alan Eastwood, made much of their lack of training for this job, and the dangers of exposing them to an alien environment. (His statement did not, however, have any discernible effect on the officers actually deployed to Wandsworth).

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9. It is difficult to assess precisely the impact on other police duties which the level of commitment envisaged would have. It would take somewhere between 10% - 26% of the available strength of the service in England and Wales. This is on the basis that there are currently about 125,000 officers of whom about 25,000 will be senior officers, CID and other essential specialists not available for deployment to the prisons. The manpower for the prisons commitment would probably have to be produced by switching the whole service from the usual 8 hour to 12 hour shifts (so theoretically increasing available manpower by up to a third). In-service training would have to be suspended, though recruitment and basic training would be protected for as long as possible. The police presence on the streets would have to be drastically reduced.

10. The results would depend to some extent on the timing. Winter would be easier for the police because there would be fewer officers on leave and because there would be less chance of public order problems on the streets. It would not be easy, however, to influence the timing, given the importance of ensuring that the dispute was not seen to have been engineered by management. But whenever it happened there would be likely to be a significant increase in opportunist crime, and of spontaneous public order incidents (for example, rowdyism at public house closing times). Officers would have to be diverted from community relations, Home Beat and crime-prevention duties. There would be difficulties providing the manpower for football matches, demonstrations and other public events.

11. Prison establishments are not distributed evenly between police forces and the commitment varies significantly from force to force. Thames Valley, Kent and Hampshire would be very heavily burdened and would need outside help. But some of the large Metropolitan forces (Greater Manchester, Merseyside, the Metropolitan Police themselves) would be less heavily committed in their own force areas, and so may be able to help other forces. There would need to be a large-scale mutual aid co-ordination exercise and considerable logistical support for the



transportation, feeding and accommodation of thousands of police officers. Unlike prison officers, police officers would need to be imported to the areas (sometimes remote) where prisons are situated. In certain areas, for example the Isle of Wight, accommodation would present a severe problem.

12. Further consideration needs to be given to the arrangements for special hospitals and women's and open establishments, but in broad terms, the work done so far indicates that a total walk-out by the POA could be managed by the police, albeit at great cost and with considerable difficulty.

#### Military involvement

13. The foregoing assumes no fundamental change in the role which it is envisaged that service personnel should play in the contingency plans. Experience at Wandsworth and analysis of the local plans has suggested that some tasks which have been agreed in principle as suitable for the military are still allocated to the police in local plans. This is being followed up in the tripartite planning exercise. It has also been agreed that further examination should be given to the provision of logistical support to the police - particularly transport, catering and accommodation.

14. The military implications of deploying up to 10,000 men would of course depend on the duration of the crisis and on whether it coincides with particular operations or major exercises. Disruption is likely to be severe and some of the effects long lasting (training time once lost cannot always be made up and this has implications for operational effectiveness). Long term damage would be done to recruitment, retention and to individual and collective training programmes. The inability to participate in major NATO exercises would, if it arose, erode our standing in NATO and would reduce for a period the overall effectiveness of NATO military forces.

15. The police are, however, anxious to secure a full military contribution both to relieve the pressure on their own numbers and to demonstrate to the public and to police authorities that the burden was being shared. As the previous paragraph shows, the

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military contribution is in fact a substantial one in terms of numbers; what is now needed is to ensure that in further work on local contingency plans it is translated within the existing guidelines, into the kind of practical help which gives the most relief to the police effort.

Next Steps

16. The work which has already been done establishes that the burden of coping with an all-out strike appears to be sustainable, though formidable. Against this background the aim of further work should be:

- (a) to bring the plans to the best possible state of readiness, and maintain them at that state;
- (b) to add to the existing local plans the necessary mechanisms for central control and direction for a national emergency, and;
- (c) to develop measures which could be taken to relieve the pressure which would be imposed, particularly on the police.

17. The following proposals are based on the premise that an all-out prison strike would be a national emergency whose gravity would require and justify the application of very exceptional measures (in some respects approaching wartime conditions).

(a) Bringing plans to state of readiness

18. To some extent, bringing plans to an optimum state of readiness and maintaining them in that condition is a continuing process, but steps can be taken to achieve a sufficient state of readiness over the next few months (ie by the summer).

19. A start has already been made within the context of the tripartite planning process. A prison department Panel of

Assessment met in late February to assess all aspects of the plans submitted by governors and identify points to be referred back to governors for further study and elimination of weaknesses. The points of weakness identified by Mr Lakes in his analysis of the plans were introduced into this process, and will be included in the guidance to be issued to governors about their plans.

20. In parallel with this continuing process, it is proposed that work should continue at the centre to examine the plans to test their realism and assess their implications force by force. The aim would be to ensure that the public order dimension was catered for, and to identify for planning purposes, the establishments which would have a high risk of disorder or would, because of their location or for other reasons, pose particular difficulties for the police.

(b) Central control and direction

21. A plan would need to be drawn up for top-level co-ordinating machinery, bringing together involved Government departments, the police service and the military. This would need to involve Ministers as required to act as a source of rapid political decision on the handling of the dispute, including supervision of negotiation on the terms of a return to work, media handling, direction of the deployment of military effort, and liaison with the police mutual aid co-ordination centre. This machinery would need to be compatible with the current arrangements (CCU) for handling peacetime civil emergencies. Further consideration of the means of achieving this level of coordination will be needed in the next stage of the work.

(c) Easing the burden

22. The worst case scenario assumes that there has been an 85% walkout by prison officers, no programme of early release of prisoners, and no steps taken to relieve the police of other commitments. There are, however, measures which could be taken in each of these areas to relieve the pressure and make the situation less difficult to handle.

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23. These measures would need to address the handling of the run-up; population reduction; emergency powers to relieve the police of other commitments; and a plan for ending the dispute as quickly as could possibly be done on the Government's own terms.

24. The run-up to the disruption would need very careful handling within the prison system so that the police were intervening in as calm and manageable a situation as possible. The 1986 events demonstrated the importance of good communication with prisoners in the run-up to strike action by prison officers (particularly in view of the danger of deliberate misinformation being given if the communication initiative were left with prison officers themselves). Prisoners would need to be told at the right time that, in the event of prison officers walking out, police officers would be coming in, but that their visits, and other essential activities would not be threatened (as long as order was maintained). Recent experience at Wandsworth has demonstrated that, even with this kind of careful pre-briefing, prisoner attitudes to police intervention are likely to be a source of control problems.

25. Another important way to relieve the pressure on the system would be emergency action to reduce the prison population. There are a number of options for which provision could be sought in emergency legislation. Section 32 of the Criminal Justice Act 1982 already enables the Home Secretary to order (subject to affirmative resolution in both Houses of Parliament) the early release of some non-violent prisoners. Other options for reducing the population would include releasing all Category D prisoners who have served one third of their sentence; the release of a proportion of remand prisoners; and restricting the power of the courts to commit fine defaulters to prison. (This last would ease the administrative burden of reception and discharge, rather than significantly reduce the population as such). The advantages of reducing the population by these means would have to be weighed against the political difficulties of releasing large numbers of prisoners early (particularly at a time when police manpower was tied up in the prisons) and the administrative burden of identifying the prisoners

to be released and organising their release especially at a time of widespread disruption. It might, however, be possible in the circumstances envisaged to reduce the population by up to 9,000, with the consequent closure of a number of establishments. Further work should therefore include the drafting of legislative provisions for population reduction and the preparation of operational plans for emergency release and closure of establishments. The latter should take into account an assessment with the police of which establishments would pose disproportionate difficulty for police (eg because of their remoteness) and so be worthwhile candidates for closure.

26. As well as emergency powers to reduce the population, it would be sensible to have ready a set of provisions aimed at reducing the burden on the police of commitments outside the prison dispute. As noted above, football matches demand a high commitment (for example, a snapshot survey in two weeks in November 1988 showed a commitment of 5,346 and 4,718 officers to football matches). Other organised events demanding large police numbers are rock concerts, demonstrations and state and political events such as party conferences. Consideration should be given to the inclusion in emergency legislation of wider powers than those provided in the Public Order Act for chief officers of police, with the approval of the Secretary of State, to direct the cancellation or postponement of sporting and entertainment events whose policing would in the prevailing circumstances impose an undue burden on the police. In view of the problems of political acceptability, however, it would probably not be wise to extend such a power to other events such as demonstrations. Care would need to be exercised in the use of the power to ensure that its use did not give rise to more public order problems than it solved.

27. The worst case scenario assumes a prolonged dispute. The police view is that they would hold out for as long as it took, but even if morale held up the risk of growing lawlessness in the country and the adverse effects on training, community relations and so on would make it desirable to bring the dispute to an end as swiftly as possible.

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28. The problems would be eased if any walk-out was less than the worst case envisaged. A walkout by even as many as 85% of prison officers is assessed to be highly unlikely provided that the run-up to a dispute is carefully managed and attention paid to effective communication with prison officers so that the Government's position was seen by as many as possible of them as fair and reasonable, rather than driving loyal and moderate elements into the hands of the militants. Unless matters were very badly handled (in a way which would also erode rank and file police support for the Government's position) at least 30% of prison officers could be expected to remain at work, compared with the 15% which the plans assume as the worst case.

29. In this case, the reduction of police commitment to running the provision would be to some extent offset by the task of enabling working prison officers to cross picket lines, and some establishments might draw mass pickets.

DISRUPTION IN THE PRISON SERVICE

A POSSIBLE NO-DISRUPTION SCHEME

The main requirements for any no-disruption scheme for the prison service are that it should be effective in securing industrial peace in the service, and in putting an end to the kind of guerilla warfare that breaks out sporadically under current arrangements, and that it should be seen by Parliament and the public as striking a fair balance between the rights of prison officers as trade unionists, and the need to avoid disruption in this essential public service. A possible scheme which may meet these criteria is set out below. It includes features, such as new pay determination arrangements, which it would not be right to concede unless there were very significant compensating advantages for the government. The advisability of proceeding with the implementation of a scheme on these lines would depend on a judgement about whether the advantages outweighed the disadvantages, and on the existence of adequate contingency plans to counter any reaction it might provoke from the POA.

2. An important consideration will be to avoid forfeiting the goodwill of the many prison officers who, as the 1986 events showed, will in the last resort put their loyalty to the service before their loyalty to the union. However effective contingency plans were, a complete walkout could not fail to have the most serious consequences, and it would be essential to retain the support of as many prison officers as possible in the event of widespread disruption and not drive moderate officers into the arms of the militants. This will, among other things, have implications for the coverage of any new arrangements; and requires an approach which, while constraining the actions of prison officers and/or their unions, provides acceptable alternative means for settling their pay and resolving grievances.

3. The proposed scheme rests on the proposition that prison officers are members of a disciplined service, analogous to the armed forces and the police. By entering such a service staff accept obligations which do not apply to other employees and which place them in a different relationship with management. This affects particularly the use of the discipline code, which is a key element of the proposed scheme. In presentational terms the analogy with the police is an important one. It will appeal to the self image of many prison officers as part of a disciplined law and order service. And it makes a clear distinction between the prison service and other essential services to whose employees similar arrangements would not be extended.

Coverage

4. A no-disruption scheme must clearly apply to uniformed officers. The position of governor grades is more questionable. They have not hitherto been involved in disruption, but have on the contrary demonstrated their loyalty in providing cover and keeping the system going when uniformed officers have caused disruption. On the other hand, Fresh Start created a unified grading structure spanning the uniformed and governor grades, and it would be a backwards step to drive a wedge between the two in the way no-disruption arrangements were introduced. A scheme which applied only to the uniformed grades would be easier for its critics to represent as purely an attempt to knock the POA rather than provide a suitable working basis for everyone whose services were essential to the orderly running of the system. Moreover, if a prison service scheme is to be based on the police model, governors ought to be included in the same way that police superintendents and chief officers are caught by the corresponding provisions of the Police Act. It is not, however, suggested that prison staff outside the unified grades should be covered by a no-disruption scheme. Administrative staff, chaplains, etc would therefore not be caught. Again this follows the police model, where civilians employed by police authorities are not placed under the same restrictions as police officers.



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A possible scheme

5. The scheme falls into two parts which it may be convenient to refer to as the 'imposed' and 'negotiable' elements. They are as follows.

(a) Imposed elements

(i) It would be made a criminal offence to incite a prison officer to breach his terms of employment or commit acts of indiscipline. This would, as in the police context, prevent anyone, including union officials, from attempting to organise a strike or other disruptive action; both official and unofficial industrial action would be covered by the same restraints.

(ii) It would not be an offence as such for the individual officer to go on strike or take disruptive action. But by doing so, for example by disobeying management instructions, he would breach his terms of employment and be liable to be proceeded against under the code of discipline. Use of the discipline code in connexion with industrial disputes, although in line with practice in parts of the private sector, would be a departure from the general policy in the civil service that disciplinary action is not taken in these circumstances. A different policy for prison officers would be justified on the grounds that unlike other civil servants they are members of a disciplined service and that it is therefore right and proper for breaches of discipline, whatever their motive, to be met with appropriate sanctions under the discipline code. Since there is no right as such for any employee to go on strike, there is little point in legislating directly to remove such a supposed right. But where, as in the prison service, it is unacceptable for staff to disrupt the system through industrial action, the effective use of points (i) and (ii) together would ensure that they could not do so with impunity.

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(iii) Individual members of staff would be free to belong to the union or staff association of their choice. This is different from the police model, where police officers can belong only to the Police Federation or associations approved by the Secretary of State to represent senior officers. The benefits of points (i) and (ii) can be secured without forbidding prison officers to belong to an ordinary trade union. Requiring them to belong only to a body approved by management would create an uncomfortably close parallel with the GCHQ arrangements, which politically is best avoided. But whilst the POA, and the associations representing prison governors, would retain their independent identities and be able in many respects to function as normal trade unions whilst representing their members in the prison service, they would not (under point (i)) be able to organise or support industrial action.

(iv) It should be noted that it may be difficult to frame legislation containing these imposed elements in such a way as to be consistent with our international obligations: in particular to the International Labour Organisation and possibly under the European Social Charter. However, Ministers may not judge that this need be an insuperable obstacle to the further development of this scheme.

(b) Negotiable elements

(v) There would be a disputes procedure with an independent element. Point (i) would ensure that disruption did not take place whilst the disputes procedure was in operation. (This would have to be otherwise provided for if the negotiable elements were implemented independently of the imposed elements.) There would be various issues connected with the different levels and timing of procedures to be considered, but the most important would be:

- How far management would be prepared to concede that the status quo should be maintained in relation to disputed changes, which the management wished to implement, whilst the disputes procedure was running.

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- Content. There would need to be clear policy on what issues would be subject to the procedure and, if necessary, to arbitration.
- Final resolution. Decisions would need to be taken about the availability of arbitration, and how far it would be binding.

(vi) There would be new machinery for setting pay. Given that prison officers are already well remunerated, this may not be as contentious, at least in the short term, as the disputes procedure. The current industrial problems in the prison service revolve around staffing levels and working arrangements, not pay. There are essentially four options for pay determination:

- the status quo, with direct negotiation and no special arbitration or review arrangements. This is not likely to be accepted as fair if management held all the cards while all sanctions had been withdrawn from the unions, as it would if the imposed elements were implemented.
- a process based on negotiation, but with special provision to take account of the unions' loss of bargaining power. This would probably involve guaranteed unilateral access to arbitration (subject to a reserve power to override the arbitrator's decision in the national interest).
- some form of indexation. Whilst a system similar to that for the police would appeal to many POA members, and would be generally perceived as fair, we should need to avoid the expensive rigidities of Edmund Davies if we went down this route (eg we would need to index to settlements not earnings and would aim for less cumbersome machinery)..
- A review body, like those for the armed forces, doctors and nurses, and the TSRB. Nurses and the armed

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forces are in many respects good analogues for prison officers with respect to pay determination arrangements, and it would be difficult for the POA or others to argue that putting them on the same basis as these groups was inherently unfair. If we went down this route, as opposed to one based on negotiation, there would be no, or only a very limited role for the unions in the pay determination process.

(vii) The POA's position under TULRA would be regularised. It would have the same rights and obligations as other unions, except as restricted by point (i). Thus whilst the POA would not be able to call its members out on strike, its union status would in other respects have been put on a proper footing, and a wide range of duties and benefits would apply to it. The possibility of challenge to the validity of its listing by the certification officer as a trade union would be removed, and there would no longer be any doubt that the POA could sue, and be sued, in its own name; elect its officials in accordance with the provisions of the Employment Act 1988; make contracts in its own name; claim tax refunds on the income of its provident funds; and apply for a certificate of independence which would give it the right to recruit new members and conduct organisational activities on the employer's premises, conclude facilities agreements for time off work for trade union activities, etc.

Handling

6. The introduction of the imposed and negotiable elements could be handled in a variety of ways:

(i) Imposition of the whole scheme. This might appear unduly draconian and alienate moderate elements, and would deny the unions any say on future pay determination and disputes arrangements.

(ii) Attempt to secure a satisfactory arrangement on the basis of the negotiable elements, leaving the threat of introduction of the imposed elements in reserve as a bargaining counter in the negotiations. Under this option, the negotiations would have to be conducted in good faith, with the government ready to forego the imposed elements if negotiations on the rest achieved a satisfactory settlement. It is questionable, however, whether it would be right to concede pay determination arrangements which were favourable to the unions without the benefits, both practical and symbolic, of a change in the law to ensure that they were no longer in a position to foment disruption. If the imposed elements were not to be proceeded with it would probably be better simply to rely on the existence of adequate contingency plans (if these can be devised) to support a firm management line against disruption.

(iii) The government could introduce, or say that it intended to introduce, legislation which would include the imposed elements. Negotiation on the negotiable elements would take place against this background, with the unions given an opportunity and incentive to reach a sensible deal which would reflect their new legal situation.

7. Which of these handling options should be pursued will depend on judgements about the adequacy of contingency plans and about the likely reactions to them of Parliament, the public and the service. Much would depend on the circumstances of their introduction - for example the public and Parliamentary mood might favour firm action if irresponsible behaviour by the POA were to precipitate a major crisis.

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cc Ms. Collins Rice

Mr. Yates

Mr. Chilcot

Mr. Train

~~Mr. Pitting~~

Mr. Hammond

Mr. Lidington

QUEEN ANNE'S GATE LONDON SW1H 9AT

16 June 1988

Mr Fulker

Dear George,

PRISON OFFICERS' ASSOCIATION

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.

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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.

WORKING GROUP ON DISRUPTION IN THE PRISON SERVICE

Sir Clive Whitmore (Chairman)

- Mr Train
- Mr Hammond                    Home Office
- Mr Pilling
- Mr Chilcot
- Mr Inglese
- Mr Fulton
- Brigadier Budd                Cabinet Office
- Mr Bevan                        MOD
- Mr Steele                        NIO
- Mr Davies                        DH
- Mrs Marsh                        Law Officers' Department
- Mrs Case                         HM Treasury
- Mr Kelly
- Mr Whybrew                      DE
- Miss Sinclair                    No 10 Policy Unit
- Ms Rogerson                      Secretary





SECRET AND PERSONAL

HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

25 April 1989

*Dear Andrew*

WORKING GROUP ON DISRUPTION IN THE PRISON SERVICE

Thank you for your letter of 5 April to Philip Mawer recording the Prime Minister's reaction to the working group's first report.

As agreed, the Home Secretary has circulated the report to Ministers whose officials have been represented on the working group. I enclose a copy of his covering letter. He has taken note of the Prime Minister's points of concern and has asked Sir Clive Whitmore to ensure that full account of them is taken by the working group as it continues with this work.

The Home Secretary has also written to the Lord President seeking drafting authority for the proposed emergency legislation.

I am copying this letter to Trevor Woolley

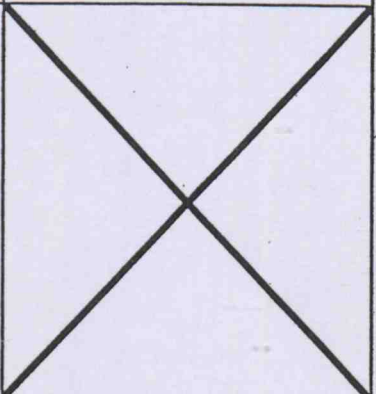
*Yours*

*Alme*

MISS C J BANNISTER

Andrew Turnbull, Esq  
Private Secretary, No 10

SECRET AND PERSONAL

DEPARTMENT/SERIES ..... <i>PREM 19</i> ..... PIECE/ITEM ..... <i>3025</i> ..... (one piece/item number)	Date and sign
Extract details:  <i>Letter from Lord Fraser to          Younger dated 12 April 1989</i>	
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Enter the department and series,  
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10 DOWNING STREET

LONDON SW1A 2AA

*From the Principal Private Secretary*

5 April 1989

*Dear Philip*

## WORKING GROUP ON DISRUPTION IN THE PRISON SERVICE

The Prime Minister was grateful for the Home Secretary's minute of 28 March and for a sight of the report from Sir Clive Whitmore's working group on a national contingency plan and a no-disruption scheme.

Subject to satisfactory arrangements to ensure security, she is content that the report should now be circulated to colleagues whose officials have been represented on the working group. She is content also for officials to continue work on developing and refining the contingency plans, including the preparation of draft legislation; and on a no-disruption scheme, including alternative mechanisms for pay determination.

She did however express concern on a number of points. First, it will be essential to have got past any problems in the docks before taking on this issue. Secondly, she felt that to recall Parliament in Recess would add unnecessarily to the sense of crisis and the negotiations and implementation of existing agreements should be so paced as to avoid this if possible. Finally, she hoped it would be possible to avoid cancellation of football matches and other public events which might adversely affect public support.

I am copying this letter to Sir Robin Butler (Cabinet Office).

*Your sincerely**Andrew Turnbull*

(ANDREW TURNBULL)

Philip Mawer, Esq.,  
Home Office.



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Sundair

10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

5 April 1989

**PRISON SANITATION**

Many thanks for your letter of 14 March. The Prime Minister recognises the difficulties and the inevitable uncertainties in setting a precise timetable for the ending of "slopping out" in all prisons (though she has noted that Judge Tumim's conclusions were based on a survey of some 25% of the total prison estate). She feels nonetheless that very high priority should be given to ending "slopping out" as soon as possible; and she hopes that the survey and assessment of the practicality of moving faster will be undertaken sooner rather than later.

(DOMINIC MORRIS)

Philip Mawer, Esq.,  
Home Office.

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PRIME MINISTER

WORKING GROUP ON DISRUPTION IN THE PRISON SERVICE

As promised at his last bilateral, Douglas Hurd has sent you a copy of Sir Clive Whitmore's report on a national contingency plan and proposals for a no disruption scheme for you to consider before it is circulated to colleagues. Attached are:

- Flag A: Policy Unit note  
Flag B: Mr. Hurd's minute  
Flag C: the summary of the report  
Flag D: the report itself and  
Flag E: a note on a no disruption scheme.

Additional points to be made are:

- (i) it is essential that the abolition of the Dock Labour Scheme should be safely through before this is launched publicly, though in practice we hope to have got over any problems in the docks before this work is complete;
- (ii) as far as possible we should avoid knock-on effects, such as cancellation of football matches and other public events, which might adversely affect public support;
- (iii) it would be better to avoid recalling Parliament during the summer recess which could unnecessarily heighten the sense of crisis. This would have implications for the timing of negotiations and implementation of changes referred to in para 5 of the Home Secretary's minute.

Agree:

- (i) that the report be circulated to Ministers whose officials have been involved in this work, subject

to adequate security classification?

- (ii) that further contingency planning, including the drafting of contingency legislation, be undertaken by officials to be completed by the summer?
- (iii) that the options for alternative pay mechanisms be explored?
- (iv) the additional points listed above be made?

MS

AS

(ANDREW TURNBULL)

4 April 1989

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PRIME MINISTER

4 April 1989

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WORKING GROUP ON DISRUPTION IN THE PRISON SERVICE

Douglas Hurd has sent you a report on the possibility of introducing a 'no disruption' scheme for prison officers. He seeks your agreement:

- i. to circulate the draft to interested colleagues (George Younger, Tom King, Kenneth Clarke, Nigel Lawson, Patrick Mayhew and Norman Fowler);
- ii. for the official group to continue its work on contingency legislation (John Wakeham would need to be brought into the picture) and on plans to use the police and armed forces to cope with widespread disruption in prisons.

General

There is no reason to object to the report being circulated, nor to further work being put in hand. But there are some points worth registering now in order to steer the further work.

The Report

The report was produced by a group of officials, in which I was included, under Clive Whitmore's chairmanship. After three meetings, the group concluded that it would be possible for the Government to continue to run the prisons, using police and armed forces' manpower, even if 85% of prison officers walked out. It is very unlikely that as many as 85% of prison officers would walk out, so the report effectively confirms that the Government could face out the worst which the Prison Officers Association could do.

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This is a considerable strengthening of the prison management's hand. Back in June, when the group was first set up, it was far from clear that the Government could effectively challenge the POA.

But the report brings out clearly what would be involved. Large numbers of police - far more than during the miners' strike - would be needed to run the prisons. The report suggests that this could amount to between 10% and 26% of the manpower available for day-to-day policing. Although a guesstimate, the assumptions behind these figures were largely borne out during the recent trouble at Wandsworth. The cost, as yet unquantified, would be very great and have wider ramifications such as the effect on crime levels.

The police would bear the brunt of running prisons, though the armed forces could help with work which did not involve direct supervision of prisoners. The report stresses the importance of:

- the police perceiving that the Government was acting fairly;
- the police not being left on their own to act as 'strike breakers' (their role during the miners' strike was different). Joint involvement with the armed forces would thus be important psychologically as well as practically.

### Background

The growing power of the POA over the past two decades is illustrated by the following figures:

Increase between  
1971 and 1987

Average prison population	18.7%
Uniformed prison staff	67.2%

During the same period the staff to inmate ratio has come down from 1:3½ to 1:2½.

The prisons are only part way through a five year programme of change in working patterns and pay known as Fresh Start. This involves

- phasing out the enormous amounts of overtime which were regularly worked by prison officers;
- acceptance of working practices which will deliver efficiency savings;
- assertion of management control over the running of prisons, particularly at middle-management level.

In return for agreeing to these changes, the POA secured very favourable pay arrangements for their members.

The disruption in various prisons during 1988, and recently at Wandsworth, was a localised reaction to these changes. The issue is who runs the prisons, not money. The POA are now claiming that they did not sign up to certain aspects of Fresh Start which are being imposed by management. The real problem is that the national leaders of the POA cannot get all their members to go along with changes in working practices at the local level.

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Comment

The proposal to introduce a 'no disruption' scheme needs to be seen in the context of the five year programme of Fresh Start. Fresh Start was supposed to provide prison officers with a reasonable level of basic pay which recognised the unpleasant nature of their work. It was supposed to secure prison officers' cooperation in the introduction of more reasonable manning levels and working patterns. We are only contemplating the introduction of a 'no disruption' scheme because Fresh Start is not working as it was supposed to do.

What is needed are more tautly staffed prisons in which a larger proportion of prisoners engage in useful work or training. This is not an impossible dream: it just requires a change of attitudes. The two army camps which became temporary remand prisons were run very successfully on these lines.

A 'no disruption' scheme within the prison service should be seen as a means to an end, not an end in itself. The report stresses the importance of the Government not appearing to act in an arbitrary fashion. It argues that this would be important in order to secure the whole-hearted cooperation of the police. But more widely, it would not be sensible for the Government to embark on a very expensive and difficult operation without being clear that it was going to achieve substantial improvements in the way prisons are managed.

This approach suggests that draft legislation and plans for a 'no disruption' scheme should be seen as a tool in management's hands. It would certainly help the later phases of Fresh Start if the POA were to be made aware that the Government was prepared to take them on if necessary. (Wandsworth has been a salutary lesson: the Home Office officials who run the Prison Department say that there has been a marked change for the better in POA attitudes since Wandsworth).

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(think reference to 'bribe' as "improved pay" mess to point. The object is not to improve prison officers pay & but to find a mechanism for settling it if collective bargaining is no longer possible. AF

Pay 'bribe'

Douglas Hurd wants to seek colleagues' views on the type of pay 'bribe' which should be offered as part of an imposed 'no disruption' scheme. Options include:

- guaranteed unilateral access to arbitration;
- some form of indexation;
- a review body.

Douglas Hurd favours the last of these.

The report does not say how such pay arrangements would fit with the new pay arrangements which are being phased in under Fresh Start. If the imposition of a 'no disruption' scheme is something which the Government would only move to under extreme provocation, arguably there should be no immediate offer of improved pay. — no need to raise level, only to change way level is determined.

Conclusions

- It would be very helpful to have plans and draft legislation ready which would allow the Government to win a head-on clash with the POA.
- But it would be much better to get change in the prisons accepted without having to use this weapon. The cost, in terms of police pay, diversion of police effort and general disruption, is not to be incurred lightly.
- It is premature to decide now what pay 'bribe' to offer. The Government would only impose a 'no disruption' agreement under extreme provocation. It would look contrived to offer more generous pay arrangements as part of the package.

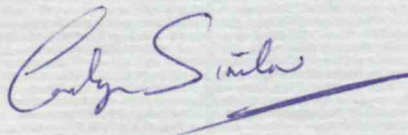
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At most the Government should say that fair pay arrangements for the prison service would need to be considered in the light of any 'no disruption' scheme.

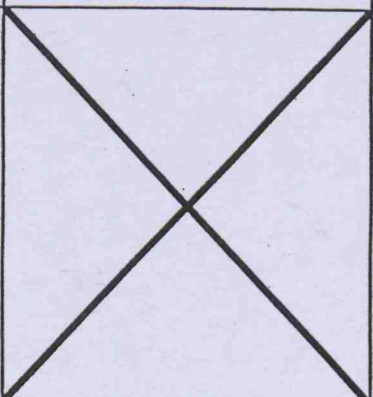
Recommendation

- Douglas Hurd should circulate the report to colleagues as he proposes.
- This should be accompanied by a note which explains how the 'no disruption' scheme fits in with the five year programme of Fresh Start.
- The official group should continue to work on contingency plans, including the preparation of legislation.
- But no further work is needed at this stage on new pay arrangements, unless it is felt that there is something fundamentally wrong with the pay arrangements agreed as part of Fresh Start.



CAROLYN SINCLAIR

# **A** The National Archives

DEPARTMENT/SERIES ..... <i>PREM 19</i> ..... PIECE/ITEM ..... <i>3025</i> ..... (one piece/item number)	Date and sign
Extract details:  <i>Minute from Budd to Wilson dated 3 April 1989</i>	
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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,

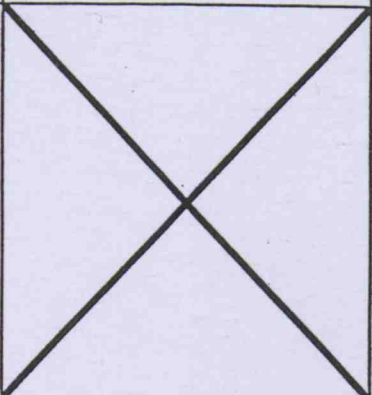
eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.

Do not enter details of why the extract is sensitive.

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# **A** The National Archives

DEPARTMENT/SERIES ..... <i>PREM 19</i> ..... PIECE/ITEM ..... <i>3025</i> ..... (one piece/item number)	Date and sign
Extract details:  <i>Minute from Home Secretary to Prime Minister, with attachments, dated 28 March 1989</i>	
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MR MORRIS

20 March 1989

PRISON SANITATION

Douglas Hurd's Private Secretary has replied to your letter of 14 March reporting the Prime Minister's view that we should seek to end the practice of 'slopping out' within five to six years. His letter explains why Douglas Hurd felt unable to endorse Judge Tumim's recommendations that the practice should be ended within seven years.

Douglas Hurd's caution led him to miss a political trick. Of course we cannot be absolutely certain that we can end 'slopping out' within seven years, anymore than we can be certain about the date by which a building will be completed. But the Home Office now accept that they can move further and faster than they thought towards ending "slopping out". It would have been better to accept Judge Tumim's recommendations and get credit for this rather than appearing to quibble.

The background is a disagreement between the Home Office officials who run the Prison Department, and Judge Tumim and his main researcher. While I cannot say where truth lies, I am impressed by the work of the latter. I suspect there is a certain degree of pique in the reaction of the Prison Department. Although Judge Tumim worked very closely with them, and with governors and works staff in the 42 prisons which were visited, his report inevitably suggests that the Home Office have not been doing all that they could to improve access to sanitation.

The fact is that it has not been the highest priority on anyone's list. Prison officers are more concerned with improving security. Prison Department managers and governors are preoccupied with the day to day problems of running prisons in the face of increasing demand for places.

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Another factor is the Home Office's extreme nervousness about saying that anything can be done in prisons by given time. This reflects the difficulty of managing prisons, and the fact that Fresh Start - which is designed to allow management to get a grip on the way prisons are run - is only part way through its five year phased implementation.

Stephen Tumim's proposals would involve uniformed prison officers in the Works Department doing what they are supposed to do. Without their supervision, the sanitation could not be installed as he recommends. But uniformed works officers are regularly used by governors for other duties which have nothing to do with works, such as escorting prisoners to and from court. They are also used for duties where they are probably not needed, but where the intransigence of the local Prison Officers Association has made it impossible for governors to deploy their staff as they would wish.

It is these fears which have led the Prison Department to say that they cannot commit themselves to Stephen Tumim's timescale because he has not looked at every single prison in England and Wales. He has looked at 42, and these include a wide cross section of the different types of prison, including large London prisons. This is around 25% of the total estate, and is a pretty good sample by most standards.

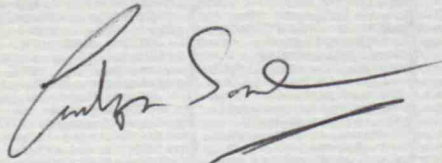
I believe that "slopping out" could be ended within seven years on the basis of Stephen Tumim's proposals. But this would require firm management within each prison involved. Such management does not exist at present. I suspect that this, rather than cost, is the real stumbling block.

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Conclusion

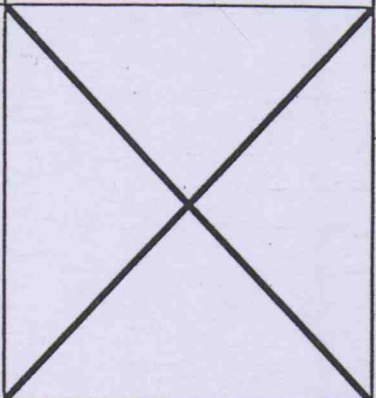
I think it would be worth replying to Philip Moore's letter saying that while we recognise the difficulties and inevitable uncertainties, will is what matters. It is important to give high priority to ending 'slopping out' as soon as possible.

A handwritten signature in black ink, appearing to read 'Carolyn Sinclair', with a long horizontal flourish extending to the right.

CAROLYN SINCLAIR

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DEPARTMENT/SERIES ..... <i>PREM 19</i> ..... PIECE/ITEM ..... <i>3025</i> ..... (one piece/item number)	Date and sign
Extract details:  <i>Letter from Younger to Fraser dated 16 March 1989</i>	
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*cepa*



HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

14 March 1989

*New Panic*

*at/lot*

Thank you for your letter of 27 February reporting the Prime Minister's views on HMCIP's report on Prison Sanitation.

... I attach a copy of the Home Secretary's response to the report in reply to an arranged question by David Davis on 21 February (OR Cols 506-507). The Home Secretary entirely shares the view that to end "slopping out" would do a great deal to improve conditions and morale in prisons and his immediate announcement of a new programme to provide 6,500 existing prison places with access to sanitation within the next 7 or 8 years was intended to underline his commitment in this respect. By the end of the next decade there will be only 8,000 cells, at maximum, without access to night sanitation.

The Home Secretary is pressing ahead as vigorously as possible on this front but it would be wrong to give the impression that there is any real likelihood of eliminating slopping out in the timescale suggested. Quite apart from the cost of converting many of our older prisons, which was not included in the £40m suggested by Judge Tumim, there are many establishments where the abolition of slopping out will not be possible unless whole wings or blocks can be vacated to enable structural changes to be made or unless sufficient officers are on duty to enable individual prisoners to be unlocked on request at any time of the day or night. The extent to which we can empty accommodation is heavily constrained by overcrowding. As the Home Secretary's response to the Chief Inspector's report indicated, a survey will nevertheless be undertaken during the next year of every establishment which does not yet have access to night sanitation or is not included in current projects for providing it so that a detailed assessment can be made of the practicality of moving faster. We are now firmly committed to move ahead as fast as is practicable.

*Hops*

*Yours sincerely  
Catherine Bamford*

*pp* P J C MAWER

Dominic Morris, Esq  
10 Downing Street

### Female Prisoners

**Mr. Sheerman:** To ask the Secretary of State for the Home Department how many female prisoners served sentences separated from their children, aged 18 months or under, in 1988.

**Mr. Douglas Hogg:** The information requested could be obtained only at disproportionate cost. A census on 11 August 1986 showed that 340 females in custody were known to be mothers of 455 children aged five years or under. Of those 455, 93 aged 18 months or under were not with their mothers in prison.

### Prison Discipline

**Mr. Sheerman:** To ask the Secretary of State for the Home Department what steps he proposes to take to deal with increasing prison indiscipline; and what assessment he has made of the reasons for this trend.

**Mr. Douglas Hogg:** There are provisions in the prison rules which enable suitable charges to be brought against prisoners alleged to have committed disciplinary offences. The statistics relating to offences punished do not suggest that there has been an overall increase in indiscipline in recent years.

### Prison Building Programme

**Mr. Sheerman:** To ask the Secretary of State for the Home Department what is the estimated cost of each of the prisons under construction or planned within the prison building programme.

**Mr. Douglas Hogg:** I refer the hon. Member to the reply given to a question from the hon. Member for Cheltenham (Mr. Irving) on 20 January 1989 at column 349. This provides the requested information in relation to all the new prisons in the current building programme on which sufficient progress has been made for preliminary estimates to be produced.

**Mr. Sheerman:** To ask the Secretary of State for the Home Department what was the original estimated cost and the actual cost of building each of the completed prisons within the Government's prison building programme since 1979.

**Mr. Douglas Hogg:** I refer the hon. Member to the reply given to a question from the hon. Member for Cheltenham (Mr. Irving) on 20 January 1989 at column 348.

### Prison Statistics

**Mr. Sheerman:** To ask the Secretary of State for the Home Department how many prisoners were being held in prison cells in England and Wales on 10 February.

**Mr. Douglas Hogg:** A total of 245.

### Refugees

**Mr. Alton:** To ask the Secretary of State for the Home Department what criteria he employs in deciding how to use his powers under section 11 of the Local Government Act 1966 in respect of special provision for refugees resettled in the United Kingdom via British colonies or Commonwealth countries.

**Mr. John Patten:** Under the terms of section 11 of the Local Government Act 1966, grant may be paid to local authorities only to assist with special provision required because of the presence of substantial numbers of immigrants from the Commonwealth. Refugees of non-Commonwealth origin who have arrived in the United Kingdom via a Commonwealth country are not considered to be within the scope of the legislation.

### Police (Foreign Hospitality)

**Mr. Watts:** To ask the Secretary of State for the Home Department what guidance his Department gives to senior police officers about accepting hospitality from foreign Governments.

**Mr. Douglas Hogg:** We have not issued particular guidance on this matter.

### Prison Sanitation

**Mr. David Davies:** To ask the Secretary of State for the Home Department when the report of Her Majesty's chief inspector of prisons on prison sanitation will be published; and if he will make a statement.

**Mr. Hurd:** The report of a review of prison sanitation, conducted by Judge Stephen Tumim and his staff, is published today. I am grateful to Her Majesty's chief inspector of prisons for this valuable contribution to our work on improving conditions for prisoners and welcome the detailed research which has gone into his recommendations. I am placing copies of the report in the Library and making further copies available for the Vote Office.

Judge Tumim's principal recommendation is that access to sanitation should be provided at all times for all inmates in prisons in England and Wales within a period of seven years. This should be done either by providing in-cell sanitation, or by using electronic means to allow individual prisoners to leave their cells, or by providing additional staff to allow for manual unlocking at the request of the prisoner. Her Majesty's chief inspector of prisons stresses that, apart from improving hygiene and increasing self-respect, the abolition of slopping out would help both inmates and staff by allowing a better use of time.

I entirely share Her Majesty's chief inspector's view that the ending of slopping out would make a substantial difference to the lives of prisoners and of staff. It should be a high priority. All prisons built or designed since this Government came to office in 1979 have either integral sanitation within the living accommodation or free access to sanitation. About half of the existing accommodation now has access to night sanitation. There is, therefore, already considerable experience of the regimes which can be provided where slopping out can be avoided. Prison service management is well aware of the advantages to be gained. They are committed to ensuring that better regimes are achieved as the programme for improving facilities progresses.

At the beginning of this decade, it was thought that the most effective way of providing integral sanitation in existing establishments was to convert one cell in three to provide separate sanitary annexes with toilets and hand-basins for each of the other two. This system involves major structural alterations and requires whole wings to be vacated simultaneously. It thus reduces the



number of prison places and can be undertaken only in conjunction with major refurbishment. This inevitably makes progress slow.

Recognising that the best may be the enemy of the good, prison service staff during the past few years have looked for alternative methods of achieving the same ends more quickly and at less cost. Among these alternative methods were electronic unlocking and the installation of toilets and wash-basins in existing cells without major building works or net loss of places. Tests carried out by the prison service directorate of works of these new methods have proved successful. As Her Majesty's chief inspector acknowledges, this work has provided the cornerstone for the recommendations in his report.

I am accordingly glad to be able to accept without reservation Her Majesty's chief inspector's recommendation that integral sanitation should be installed in many existing cells during the next seven years. A provisional programme for adding more than 6,500 cells to those already scheduled for conversion has been identified as practicable in the light of the tests already mentioned. Work has already begun or will be beginning in each of the 27 establishments listed as soon as the necessary arrangements can be made. In addition electronic unlocking is to be installed at Bullwood hall and New hall. This new programme will reduce the current 50 per cent. of places without access to sanitation to about 13 per cent. by the end of the century, that is about 8,000 places. This is a considerable improvement on the figures of 25 per cent. or 14,500 places which had been anticipated.

Each establishment not listed, and in which there is not already access to night sanitation, will be examined during the next year to determine the best way of providing such access, taking account of its individual circumstances, including the present state of its fabric and future plans for its use. In some instances it may not be practicable either to install integral sanitation or to introduce electronic unlocking. A decision whether to provide the high level of staffing required to allow for manual unlocking will have to depend on other staffing priorities. I cannot, therefore, give an absolute undertaking as to when slopping out will end totally. But the number of places without access to night sanitation will be very substantially reduced within seven years.

The other main recommendation in the report relates to the position of works staff and the need to enable them to fulfil their role effectively within establishments. The prisons board, as one of its key priorities for 1989-90, has required governors to produce and achieve a planned works maintenance programme making maximum use of the professional skills of works officers and of inmate labour. The conclusions of the review of the regional and headquarters organisation of the prison service which was announced recently on 3 February 1989 at column 420, will also be relevant to this recommendation, which will be implemented in the light of these two associated initiatives.

I endorse what is said in the report about the importance and useful part played by works staff in maintaining our establishments. Their commitment and expertise will be a significant factor in our ability to put Her Majesty's chief inspector's proposals into effect.

*Establishments where integral sanitation is being or will be installed*

Bedford  
Birmingham  
Bristol  
Brixton

Camp Hill  
Canterbury  
Cardiff  
Durham (H wing only)  
Everthorpe  
Leicester  
Lincoln  
Low Newton  
Maidstone  
Northallerton  
Norwich  
Nottingham  
Onley  
Oxford  
Pentonville  
Portland  
Pucklechurch  
Reading  
Shepton Mallet  
Shrewsbury  
Swansea  
Usk  
Wandsworth

#### **Mrs. Limbada (Karachi)**

**Mr. Tony Lloyd:** To ask the Secretary of State for the Home Department when the British authorities in Karachi first contacted his Department about Mrs. AL, wife of MY, reference IMP Y53167/3(5); when she was interviewed; what other steps were taken by his Department in processing this case; and when the case was finally referred to the Foreign and Commonwealth Office.

**Mr. Renton** [*holding answer 17 February 1989*]: The entry clearance officer in Karachi referred Mr. Mohammed Yousuf's application to the immigration department on 20 January 1987. The Department wrote to Mrs. Limbada on 19 February 1987 and in the light of her response concluded that an interview was necessary. Owing to a combination of pressure of work and Mrs. Limbada's absence from the United Kingdom it did not prove possible to arrange an interview until 10 August 1988. The interview report was sent to the entry clearance officer shortly afterwards. Due to an oversight, however, the entry clearance officer was not asked to reach a decision on the application until 25 February 1989. Following a re-interview of Mr. Yousuf on 12 February, the entry clearance officer decided to refuse the application.

#### **Justices' Clerks**

**Mr. Gerald Bermingham:** To ask the Secretary of State for the Home Department how many justices' clerks are paid in excess of the JNC for justices' clerks national salary arrangements in (a) London and (b) the rest of England and Wales; and if he will make a statement.

**Mr. John Patten** [*holding answer 17 February 1989*]: The salary scales approved within the JNC for justices' clerks do not directly apply to inner London. In the rest of England and Wales magistrates' courts committees are expected to pay justices' clerks in accordance with agreements reached in the JNC and approved by the Secretary of State for grant purposes.

No instance of payment in excess of JNC agreed salary scales has been drawn to my attention.

#### **Extradition**

**Mr. Win Griffiths:** To ask the Secretary of State for the Home Department on how many occasions since 1979 his

HOME AFFAIRS. Pucari Kuni 195



## Remand System (Private Sector Involvement)

3.31 pm

**The Secretary of State for the Home Department (Mr. Douglas Hurd):** 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 on 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 operating the remand system. To this end, I published last July the Green Paper "Private sector involvement in the remand system". I 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. 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 that was contracted out, prisoners' rights and public safety were properly protected. They also tackle the important question of accountability.

Many of the comments received on the Green Paper concern the issue of principle. It would be wrong for the Government to abdicate their responsibility for the proper treatment of prisoners. 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 that a suitable framework of safeguards, controls and accountability could be created. The studies that 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 issues should stand in the way of attaining the practical benefits that private sector involvement may bring.

Some critics have overlooked one point of principle, which is 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.

Having weighed the discussion so far, I propose to move forward on both the escorting and remand centre options, in different ways. Even among those respondents to the Green Paper who had reservations about private sector involvement in the operation of remand centres, many saw 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. The extent of private sector involvement remains to be settled, but I am clear that the existing complex and overlapping escort

systems of the police and prison services must be rationalised. The arguments for relieving the police and prison services of the escorting task, so that they can concentrate on their real jobs, are compelling.

Further detailed study will now be undertaken to determine the precise composition of the contract areas; there will be detailed consultation with interested parties about exactly how their requirements should be specified and paid for: the consequences for police and prison service staffing and finance will also need to be considered. We shall need also to be satisfied before a final decision that there is adequate provision for the selection, training and discipline of staff, and for their answerability to the courts.

On the possible private operation of remand centres, there are also positive indications. These indications will now need to be tested in further detailed investigation of potential contractors and their costings before we finally decide whether to propose that we go ahead with the establishment of privately operated remand centres. No potential contractor should enter this field believing it will be an easy option. Standards would be high and would 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.

My accountability for the treatment of prisoners and the safety of the public would need to be maintained. To achieve this, I would 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. I also agree with the view that most of the respondents to the Green Paper expressed that contracted out remand centres and escorting services should have boards of visitors and be subject to inspection by Her Majesty's inspectorate of prisons. Subject to the results of these further investigations, I would intend, when the parliamentary programme allows, to bring legislation forward to provide a legal framework which would be needed to enable contracting out to go ahead.

The introduction of the private sector into the management of the prison system in the way I have outlined would certainly represent a bold departure from previous thinking and practice. It offers 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 which if successful, will make an important contribution to the Government's programme of providing decent conditions for all prisoners at a reasonable cost.

**Mr. Roy Hattersley (Birmingham, Sparkbrook):** Neither in his statement today, nor in the Green Paper which preceded it, has the Home Secretary even attempted a rational justification of the decision which he has just announced. Even the survey by Deloitte, Haskins and Sells, on which he relied so heavily, examined only the practicality, and not the propriety, the desirability or the advantages of privatising the remand system. That company was handed an item of dogma and was asked to decide whether the Government could get away with it. Its

2

24 February 1989

PRISON SANITATION

I totally agree.  
Not knowing about this  
work - 1 spoke  
to D.H. about  
it - the other  
day. We

Judge Tumim, the Chief Inspector of Prisons, has produced a report which says that the practice of "slopping out" in prisons could be ended within seven years.

The Home Secretary has responded by announcing a new programme which will reduce the current 50 per cent of prison places without access to sanitation to about 13% by the end of the century (10 years). This is an improvement on the figure of 25% given to the Public Accounts Committee in 1987.

must get  
this  
awful state  
of affairs  
ended within  
5 or 6 years.

But why does Douglas Hurd not go all the way with Stephen Tumim? And does it matter?

Background

The UK is virtually the only European country which does not provide full time access to sanitation for prisoners. Rather more than half of all prisoners, women as well as men, share a pot in a shared cell. "Slopping out" is most commonly found in remand prisons and local prisons. Serious offenders on long sentences, or prisoners in low security prisons, usually have better facilities.

Please provide  
info.  
P.I. Hurd  
in the  
fact that helps to make  
it

The Home Office are already embarked on a programme of conversion to provide integral sanitation. But they have assumed that this requires every third cell to be turned into a lavatory shared between the cells on either side. This reduces the total number of prison places, and requires whole wings of prisons to be vacated while conversion is underway. Given the present pressure for more prison spaces, such a programme can only proceed slowly.

## Judge Tumim's proposals

Judge Tumim has done some lateral thinking. The aim is to provide access to sanitation. The means need not always be the same. Prisons vary widely in terms of the amount of time prisoners spend out of their cells in workshops, classrooms etc. He suggests two cheaper ways of providing sanitation:

- (a) a washbasin and WC could be installed within cell, served either by hot and cold, or just cold, water.
- (b) electronic or manual unlocking could provide night access to lavatories in prisons where inmates have normal access during the day (because they are in workshops etc.)

The advantage of (a) is that:

- it is much cheaper than converting a whole cell into one, or two, lavatories (£1,000-£2,000 a cell, compared with £15,000-£20,000);
- it does not reduce the number of prison places available;
- 6 to 8 cells can be converted at a time, without the need to vacate whole wings.

The report recognises that a lavatory within cell is not as good as a separate lavatory, with separate ventilation, next door. But it is much better than a shared pot and no washing facilities.

Judge Tumim recommends that the work be undertaken by Prison Works Staff helped by inmates whom they would train. This would be cheaper than using contractors (who need to be supervised by expensive prison officers while working in prisons) and would have other benefits.

## Comment

Judge Tumim and his researcher have spent a lot of time talking to plumbers and Works Staff in 42 prisons. Their proposals are grounded in practical knowledge. The Home Office have accepted the thrust of them.

It is a pity that bureaucratic caution prevented Douglas Hurd from getting political credit for ending slopping out. Only vague worries that it might not prove possible to eliminate it entirely in seven years stood in the way.

But the report has thrown up new ideas and allowed the Government to speed up the ending of a disgusting feature which shames us regularly in international comparisons. It has wider implications, which Judge Tumim intends to pursue.

## Wider implications

The regime in many prisons revolves round "slopping out" and the convenience of staff. A typical timetable is set out on page 3 of the report. It allows a total of 4½ hours a day to be spent in workshops, involves lunch at 11.15am, tea at 4.30pm and snack at 8pm. This odd routine operates in some prisons which have integral sanitation - a depressing reflection of the tramline mentality of many prison staff.

Paragraph 3.14 of the report says

"If slopping out faded into history, it would provide managers of establishments with their first opportunity this century to plan appropriate regimes for their establishments from first principles and to examine afresh work, education, training and staff development".

There will be the subject of the Judge's next report. It will be very timely.

It is the regime in many British prisons, rather than overcrowding per se, which is profoundly depressing. It would matter less to have people sleeping three to a cell if they were out of it for most of the day doing something useful. But increasingly, they are not.

Liverpool Prison, one of the largest local prisons, currently has around 1,350 prisoners. When I went round it in November, barely a third of the inmates went to the workshops on any one day. A few went to education classes. The vast majority lay on their bunks and read pornographic magazines.

There used to be 14 workshops in Liverpool Prison, and most inmates worked in them. There are now three - a laundry, a shirt-making shop and a mail-bag room. None of these are skills that a young man is likely to find useful when he leaves the prison. Women have much more dexterity for such work, and would be preferred by employers.

Prison industries in other countries look more imaginative. In the USA, some outside businesses use prisoners as their work force eg to run computerised service operations such as hotel booking. In France and Israel prisoners work for competitive rates of pay (which gets round trades union problems), competing for contracts with private sector suppliers. So much is deducted for the cost of prison accommodation; the rest is largely passed on to dependents, or saved against the day of release

Judge Tumim's proposals on sanitation will not only clear the way to a routine which allows people to work for more than 4½ hours per day. They will:

- encourage use of inmate labour, and involve training in skills such as plumbing, building and decorating which young men will find useful on release;

- improve the morale of highly trained, highly paid Prisons Works Staff who increasingly feel that their only role is to mend holes in the roof.

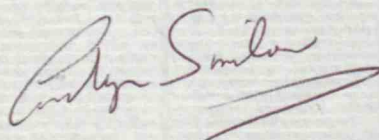
He sees this as the beginning of more relevant training and greater employment of inmates. Prisoners who secure jobs on release are less likely to end up back in prison. Training, plus a regular working regime in prison, will make people more employable than several years of enforced idleness. Pressures on the labour market in the next decade are likely to overcome employer resistance to employing ex-offenders - especially if they prove themselves capable of the discipline of work.

### Conclusion

It is very refreshing that the Chief Inspector of Prisons brings so much imagination to his task. Home Office officials running the prisons often seem ground down by the twin difficulties of getting prison officers to accept any change; and getting enough prison places to meet demand. There is not much imagination left after these grindstones have done their work.

The average inmate/staff ratio in closed prisons varies between 4:1 and 2:1. It is simply inconceivable that we cannot deploy people in such a way as produce a useful regime for all concerned, without large increases in either staff numbers or money. In the long run, it might be possible to make savings - for example, if prison industries could compete for outside contracts.

Judge Tumim aims to point the way forward. I shall be keeping in close touch with his work.



CAROLYN SINCLAIR



MR. GRAY

RA

✓ 1. Girobank: the Prime Minister agrees that George Guise should take up the points with the DTI making clear he has her authority.

✓ 2. Restrictive Trade Practices Policy: the Prime Minister has minuted: "I do not like the colossal indeed draconian powers this gives the OFT, nor the virtually boundless powers to demand information. Such powers are not suitable for a free society under a rule of law. They substitute administrative diktat for the courts of law.

✓ 3. Water Privatisation: The Prime Minister has agreed that you should minute back in the terms suggested by the Policy Unit. She has asked to have a copy of the memo of 9 February and the Policy Unit note of 23 February.

11 4. Prison Sanitation: The Prime Minister has commented on Carolyn Sinclair's note: "I totally agree. Not knowing about this report, I spoke to Douglas Hurd about it the other day. We must get this awful state of affairs ended within 5-6 years. It will be the greatest help to morale. Please persist".

Sally

pp C. D. POWELL

26.2.89



AME  
DA

cc.  
Policy Unit

10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

27 February 1989

Over the weekend the Prime Minister saw the full copy of Judge Tumim's report about ending the practice of "slopping out" in prisons. She very strongly agrees with his conclusions and has commented that we should seek to get this state of affairs ended within 5-6 years; it will do a great deal to improve conditions and morale in prisons.

I understand she has made similar points orally to the Home Secretary on the basis of the summary reports of Judge Tumim's work.

She hopes that the Home Secretary will press ahead vigorously towards eliminating those prison places without access to sanitation.

(D.C.B. MORRIS)

Philip Mawer, Esq.,  
Home Office.

ls

*copy*



HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

27 February 1989

*Prime Minister<sup>2</sup>*

*Dear Stephen*

**PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM**

*Par p14*

.... I enclose, for information, the final draft of the Home Secretary's statement, which has been revised in a few respects since I circulated it under cover of my letter of 30 January to Alison Smith. The new last sentence in the first paragraph on page 4 reflects specific concerns raised by the Lord Chief Justice.

It is now intended that the statement should be made on 1 March.

I am copying this letter and its enclosure to the Private Secretary to the Prime Minister and the Private Secretaries to the other members of H Committee, the Lord Advocate, the Attorney General and Sir Robin Butler.

*mt*

*Yours*

*Catherine Bannister*

MISS C J BANNISTER

Stephen Catling, Esq.

STATEMENT BY THE HOME SECRETARY ON  
PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

1 MARCH 1989

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 operating the remand system. To this end, I published, last July, the Green Paper "Private Sector Involvement in the Remand System". I 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

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. They also tackle the important question of accountability.

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 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 that 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 issues should stand in the way of attaining the practical benefits which private sector involvement may bring.

Some critics have overlooked one 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.

Having weighed the discussion so far, I propose to move forward on both the escorting and remand centre options, in different ways.

Even among those respondents to the Green Paper who had reservations about private sector involvement in the operation of remand centres, many saw 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. The extent of private sector involvement remains to be settled, but I am clear that the existing complex and overlapping escort systems of the police and prison services must be rationalised. The arguments for relieving the police and prison services of the escorting task, so that they can concentrate on their real jobs, are compelling.

/Further detailed

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 for police and prison service staffing and finance will also need to be considered. We shall need also to be satisfied before a final decision that there is adequate provision for the selection, training and discipline of staff, and for their answerability to the courts.

On the possible private operation of remand centres, there are also positive indications. These indications will now need to be tested in further detailed investigation of potential contractors and their costings before we finally decide whether to propose that we go ahead with the establishment of privately operated remand centres. No potential contractor should enter this field believing it will be an easy option. Standards would be high and would 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.

My accountability for the treatment of prisoners and the safety of the public would need to be maintained. To achieve this I would 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

direct control the exercise of disciplinary sanctions over prisoners and the hearing of 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. Subject to the results of these further investigations I would intend, when the Parliamentary programme allows, to bring legislation forward to provide a legal framework which would be needed to enable contracting out to go ahead.

Mr Speaker, the introduction of the private sector into the management of the prison system in the way I have outlined would represent a bold departure from previous thinking and practice. It offers 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 make an important contribution to the Government's programme of providing decent conditions for all prisoners at reasonable cost.



HONG AFFAIRS: Pwson PTS

Prime Minister ③  
H 7/2



HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

7 February 1989

Dear Andrew

PRISONS: INDUSTRIAL ACTION BY  
PRISON OFFICERS' ASSOCIATION (POA)

NITCF: WITH AT?

When I wrote on 3 February I promised to keep you up to date on the dispute at Wandsworth.

Late last evening a settlement was reached between Prison Service managers and the POA. The terms of the settlement were put to a meeting of the Wandsworth POA branch early this morning and accepted unanimously.

The settlement secures all the points to which management has attached great importance during the long and difficult negotiations. The POA have accepted that the staff complement is not negotiable. They also conceded the need for a short time-scale during which both sides would aim to reach agreement on the introduction of new shifts and working practices. The proposal put to them last week that ten days be set aside for this work was rejected then but conceded by the POA last night. Agreement has also been reached that the existing disputes procedure will be observed and that the prisoner numbers held in the prison will be 1,555. The number of prisoners has, in any event, been rising steadily over the last week and 1,538 were held in Wandsworth this morning.

Agreement was also secured for the reinstatement of the POA ballot to lift national industrial action. This ballot was suspended by the POA NEC when the Wandsworth dispute began.

POA national officers will no doubt put their own gloss on the settlement at the national delegate conference which is taking place today. Prison Service management has taken steps to publicise the terms of the settlement widely in the Service. The terms speak for themselves and against anything the POA nationally or, more likely locally, may try to salvage from this dispute.

/Plans are now

Andrew Turnbull, Esq  
Private Secretary  
No 10

Plans are now in hand to effect a return to work by prison officers first thing on Thursday morning. This allows for arrangements to be made for the orderly withdrawal of police officers and a scaling down of contingency arrangements. In the event of any backtracking by the POA on the agreement, contingency arrangements will remain in place as necessary.

The prison has remained quiet since last Friday.

If there are any further developments I shall, of course, let you know.

I am copying this letter to the Private Secretaries to other members of the Cabinet, to the Attorney General, and to Sir Robin Butler.

*Yours sincerely*

*Catherine Branniss*

celo



Prime Minister<sup>2</sup>

You have a bilateral with  
the Home Sec on Tuesday, 14  
Feb. If there is any escalation  
this can be brought forward  
so that he can report on the  
contingency work.

HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

3 February 1989

Dear Andrew

AP  
312

PRISONS: INDUSTRIAL ACTION BY  
PRISON OFFICERS' ASSOCIATION (POA)

I thought it right to bring you up to date with the situation at Wandsworth prison.

As the Home Secretary reported to Cabinet, since last Sunday the overwhelming majority of prison officers at Wandsworth have absented themselves from the prison in protest against the introduction of revised shift arrangements. There is nothing unusual in the new shifts. They conform to patterns agreed nationally with the POA. For over two months the local branch of the POA had steadfastly refused to discuss implementation with the Governor. Instead they have insisted on trying to negotiate on the non-negotiable issue of the number of staff available.

The prison was run on Sunday by the Governor, his senior colleagues, around 34 loyal prison officers and 60 governor grades drawn from across the prison service.

On Monday, contingency plans involving the police were activated. 197 police officers entered the prison to work with the Governor. The number of police officers has been increased during the week. After a most difficult first day, during which police officers were physically and verbally abused by prisoners, the situation has improved steadily. The co-operation of the police with prison service managers has been of an extremely high order and morale at the end of the week is high.

Basic routines in the prison have been maintained and gradually improved during the week. Alongside maintaining order in the prison there has been a major exercise mounted in talks with the POA National Executive Committee to reach an acceptable settlement and to secure a return to work by prison officers under the Governor's authority. Three meetings, lasting over 16 hours, ended late on Thursday evening without a settlement. Senior prison service managers have insisted throughout that the new shifts introduced last Sunday will not be withdrawn and that Wandsworth must hold its full complement of prisoners (1,555). This morning the population stood at (1,528).

Reasonable proposals to end the dispute were put to the POA. These were unacceptable to the Wandsworth branch.

Today the POA NEC sought to intervene again to persuade the Wandsworth branch to reach a settlement on the terms offered. These terms were thrown out by the branch and they parted with the NEC on very bad terms.

If it proves necessary, prison service managers will continue to run the prison with the help of police officers over the week-end and on into next week.

There are no reports as yet that the Wandsworth dispute will spread to other prisons. The POA has called a special delegate conference in London for Tuesday. It is likely that the POA national leaders will decide whether or not to escalate the dispute in light of the views expressed by delegates.

Prison governors across the service are naturally alert to the possibility of escalation and the need to keep their local contingency plans, especially as they affect the police, in a state of readiness.

As in most industrial disputes, the scene changes frequently and sometimes in unexpected ways. We shall keep you informed if the dispute is not settled in the next day or so. Prison service senior managers may, of course, be involved in further talks with the POA later today or over the week-end, though at present this is no more than a possibility.

I am copying this letter to the Private Secretaries to other members of the Cabinet, to the Attorney General and to Sir Robin Butler.

Yours  
Catherine

MISS C J BANNISTER

DOMINIC MORRIS

2 February 1989

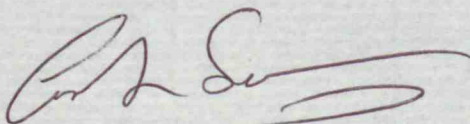
PRIVATE SECTOR INVOLVEMENT IN THE REMAND SYSTEM

1. This was discussed in H Committee today. There was general support for the Home Secretary's approach, particularly in the light of the Wandsworth problem. Malcolm Rifkind remains unhappy about the principle of private sector involvement either in running prisons or escort duties, but he received no support and accepted the majority verdict.
2. I agree that the draft statement circulated under Miss Bannister's letter of 30 January meets the points made in your letter. The only textual point raised in H concerned the first paragraph on page 2. Patrick Mayhew suggested that the sentence:

"It would be wrong for private interests to be able to determine who should go to prison and for how long"

was so self-evident that it could be dropped. This was agreed.

3. Lord Belstead was worried about the opposition of the Lord Chief Justice to a privately run escort service (he is relaxed about privately run prisons). Attempts are to be made to persuade him (not easy) that what matters is whether the proposed arrangements will work. Everyone agrees that the present arrangements are most unsatisfactory for the courts, the police and the prisons.



CAROLYN SINCLAIR

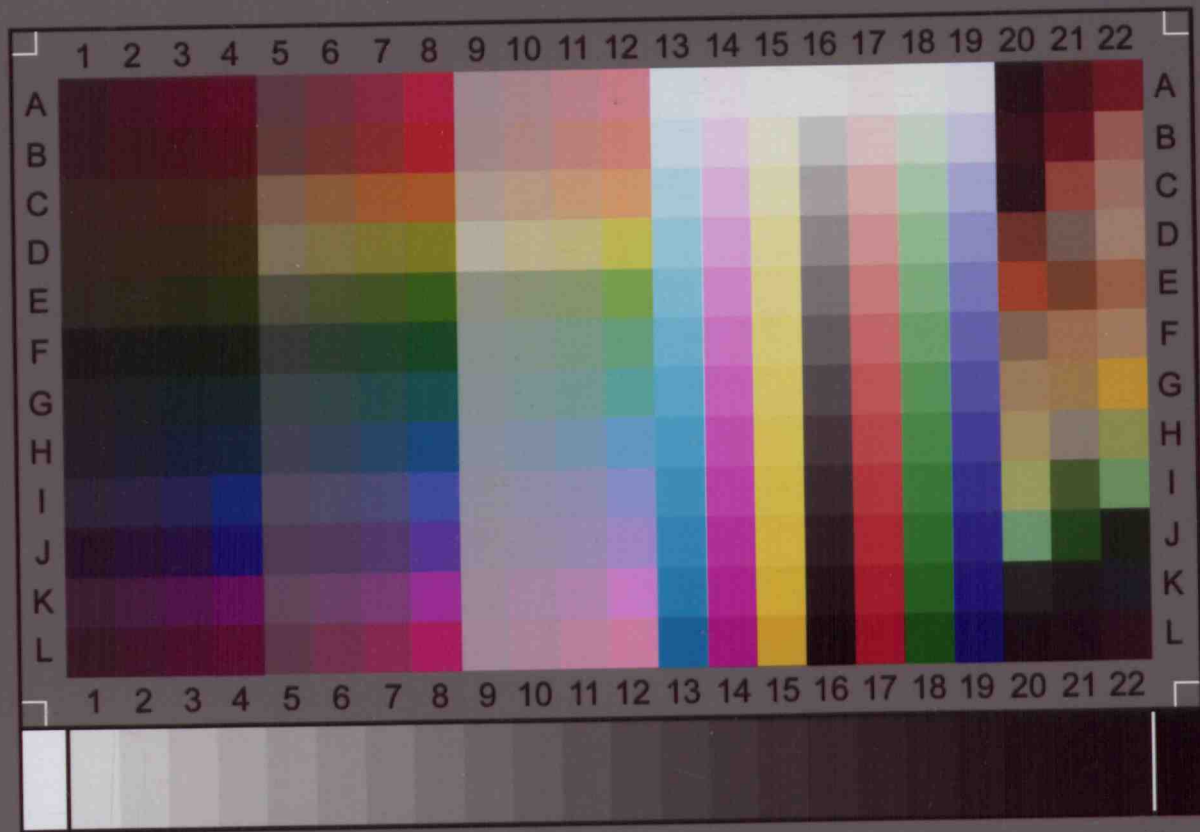
PS. The Home Secretary will get advice from officials next week about the timing of the statement in Parliament. Wandsworth makes this rather tricky. They will keep no. 10 in format. *CS*

PART 4 ends:-

HONG OFF TO PS/UPC. 30.1.89

PART 5 begins:-

C.SINGHAI TO DM. 2.2.89



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