

Prison reform trust response to the consultation on changes to NOMS publications

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform. The Prison Reform Trust provides the secretariat to the All Party Parliamentary Penal Affairs Group.

The Prison Reform Trust's main objectives are:

- reducing unnecessary imprisonment and promoting community solutions to crime; and
- improving treatment and conditions for prisoners and their families.

www.prisonreformtrust.org.uk

Introduction

We generally welcome the proposals within the consultation. Consolidating information into a smaller number of publications, separated into prison and probation, would appear to be sensible, aiding users to access relevant information in a timely manner, and removing confusion through duplication.

Statistical publications from the Ministry of Justice play an important part in allowing the Prison Reform Trust to work effectively. Data is routinely used for the development of our research programmes, our briefings and publications, media appearances, and is vital in our advocacy work with government departments, parliamentarians and local agencies. In particular our flagship publication, the Bromley Briefings Prison Factfile, relies on up to date, and relevant statistics from, amongst other sources, the Ministry of Justice.

We understand that with any large scale data recording, there may be issues in accuracy owing to timeliness of inputting data and input errors. Our work with individual prisons has on occasion thrown up significant concerns about the accuracy and reliability of published information, including the extent to which local data collection procedures have kept pace with centrally mandated changes. It might be helpful for these new publications to include an explanation of how the reliability of data is audited and what the outcome of those processes has shown.

Response to questions

1. Do you agree with the proposal to combine the current MI Addendum and Prison Performance Digest to produce an Annual Prison Digest?

Yes.

2. Do you agree with the proposal to create a separate report containing probation measures in an Annual Probation Digest?

Yes.

3. Do you agree with the proposal to discontinue the current Accredited Programmes bulletin and place the content in the two new reports – Annual Prison Digest and Annual Probation Digest?

Yes.

4. What are your views on placing information on Accredited Programmes showing breakdowns by gender, ethnicity and age-group in the NOMS Annual Offender Equalities Report?

We agree with this proposal. However, as we have stated in previous responses to Ministry of Justice statistical consultations, data needs to be able to be interrogated by multiple protected characteristics. In many cases it is only possible to examine by one characteristic, for example ethnicity, but then further interrogation isn't possible, for example gender. Across all Ministry of Justice statistical publications we would like to see a recognition that users may wish to interrogate data across a range of characteristics i.e. by gender **and** ethnicity or gender **and** age or all three of these characteristics. In relation to age, it is particularly relevant and helpful to be able to identify the 18-24 age group.

5. What are your views on publishing details of the number of prisoners released in error in the Annual Prison Digest? What level of detail do you require and why?

This would appear to be an appropriate place to publish this data, however a further breakdown beyond establishment level is of limited interest.

6. Do you agree with the proposal to publish details of applications, women and babies within Mother and Baby Units within the Annual Prison Digest? What level of information do you require and why?

Yes. Given the recent comments by the Prime Minister, and wider public concerns about the imprisonment of pregnant women and mothers it is important to be able to track the demand for and use of mother and baby units. We are glad that the Ministry of Justice has resumed collection and publication of this information.

The latest published data shows a decline in the proportion of applications approved. In addition to this, it would be helpful to know the reason(s) for refusal of an application given how serious the consequences of such a refusal may be, and

that mother and baby units are under-used, with 58% occupancy in 2015, in order to enable any systemic problems to be identified and addressed. Recent research by O’Keefe & Dixon express a number of concerns about the high rates of application refusal and inconsistency in practices for admission applications.¹

7. Do you agree with the proposal to publish details of those with Electronic Monitoring in the Annual Probation Digest?

Yes. We also support the proposal to publish demographic breakdowns in the NOMS Annual Offender Equalities Report, subject to the caveats raised in our response to question 4.

Following commitments by the Prime Minister to extend the use of electronic monitoring to mothers in trouble with the law, it would also be helpful for the Ministry of Justice to publish relevant data in order to accurately monitor progress towards achieving this commitment.

8. Do you agree with the proposal to publish the number of prisoner complaints in a future Annual Prison Digest?

Yes. Data on the complaints system should certainly be a focus for performance measurement, and the number of complaints received would be a useful start. However, we are concerned that alone this would only provide a partial picture.

It is unclear how prisoner complaint numbers would be used in order to demonstrate the performance of an individual prison. Are a low number of complaints the mark of a well performing prison? A low number of complaints could be a sign that things are not working well—that complaint forms are not being made available, as they should be, or they are getting lost in the system. Prisoners using our advice and information service often report such barriers, and we have recently written to one prison as three separate callers said there were no complaints forms available.

An unreliable complaints system damages trust and leaves prisoners helpless, particularly as it makes it more difficult to escalate to the Ombudsman.

In order to better understand performance, it is important to know how responsive a prisons complaint system is; whether prisoners receive a response in the agreed time, and how many complaints by prisoners are upheld.

An additional indicator could be the percentage of complaints which are subsequently followed up by prisoners with a COMP1A form to appeal the original response from the prison—this would shed some light on whether complaints are being given sufficient attention to resolve them in the first instance. The number of applications to the Prisons and Probation Ombudsman, and the outcome of those applications, by prison, and capable of being interrogated by protected characteristics, would also be a useful indicator of the health of the internal complaints procedures.

¹ O’Keefe, C. and Dixon, L. (2015) Enhancing care for childbearing women and their babies in prison, Sheffield: Sheffield Hallam University

9. Do you agree with the proposal to publish litigation data in a future Annual Prison Digest?

Yes in the interest of public information. It would be helpful to categorise the main grounds for litigation.

10. Do you agree with the proposal to include information on grievances, investigation and conduct and discipline in the Annual Prison Digest and Annual Probation Digest?

Yes.

11. Are there any areas that you would like to see included in the new publications?

Given public interest in the use of release on temporary licence, and commitments by Michael Gove to expand its use, we would be interested in further detail for RoTL failures. Given the exceptionally high success rate of RoTL (99.95%) it would be helpful if a breakdown of the reasons for failures was available. For example, was there suspected further offending, or was it a late arrival?

We would also like to see data being published which allows users to interrogate by particular age groups. For example, the move to routinely mix young adults (18–24) with older adult prisoners, rather than holding them on a separate site has created a challenge in measuring the performance of these prisons.

We understand that performance measures generally are under review as part of the prison reform programme, and this consultation may not be the appropriate forum for that discussion. However, we would like to see a reliable indicator for time out of cell revived, along with new indicators which relate to the sustainability of progress achieved during imprisonment. For example, we would want prisons to be measured against their success in achieving sustainable accommodation and employment outcomes, drawing on information held by CRCs and NPS on released prisoners several months after release, rather than on the day of discharge.

We would also want to see a general principle established that any information that is relevant and appropriate for publication concerning one prison should be available for all prisons, regardless of their governance arrangements. In other words, the same information should be made public about public, private and “reform” prisons, and about whatever new type of prison emerges from the forthcoming Prisons Bill.

Prison Reform Trust
June 2016