



ALL-PARTY PARLIAMENTARY GROUP ON

PENAL AFFAIRS

All-Party Parliamentary Group on Penal Affairs

Co-Chairs: General Lord Ramsbotham GCB, CBE;

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MINUTES

Minutes of the All-Party Penal Affairs Parliamentary Group held on 21 October 2014
at 5.00 pm in Committee Room 6, House of Commons

Deaths in custody: can the state learn lessons?

Speakers:

Nigel Newcomen, Prisons and Probation Ombudsman

Lord Harris, Chair, Independent Advisory Panel on Deaths in Custody

Present

Lord Ramsbotham, in the chair
Lord Bradley
Lord Woolf
Lord Judd
Lord McNally
Baroness Howe of Idlicote
Lord Ponsonby of Shulbrede
Earl of Listowel
Lord Fellowes
Lord Lowe
Fiona Mactaggart MP
Lord Harris
Nigel Newcomen

Observers

Ayesha Carmouche, Inquest
Deborah Coles, Inquest
Juliet Lyon, PRT
John Samuels, Criminal Justice Alliance
Rachel Tonkin, Action for Prisoners' and
Offenders' Families
Laura Bevan, Prisoners Abroad
Pauline Crowe, Prisoners Abroad
Jorgen Lovbauke, Ministry of Justice
Geoff Dobson
Claire Basseh, Parole Board
Laura Nettleingham, NOMS
Oliver Lodge, NAO
Michaela Bartlett, Equality and Human
Rights Commission
Francesca Cooney, PRT
Charles Spiroupolous, PRT
Michelle Fraling, Justice Committee
Gemma Buckland, Justice Committee
Jo Easton, Magistrates' Association
Max Rutherford, Barrow Cadbury Trust
Louise Finer, HM Inspectorate of Prisons
Ellie Butt, Howard League for Penal
Reform

Attendees: Mark Day, Clerk to APPG on Penal Affairs, Catriona MacIvor (Minutes)

Apologies: Lord Hylton, Lord Dubs, Sir Bob Russell MP, Sarah Champion MP, Lord Bowness.

Lord Ramsbotham opened the meeting by acknowledging the work of Geoff Dobson, who recently retired from the position of Clerk to the All Party Group on Penal Affairs; a post which he held for the past 12 years. He presented Geoff with a copy of the Crimes and Courts Act 2013, which he and Lord Woolf had signed. He wished Geoff well and thanked him on behalf of the group.

Lord Ramsbotham noted that the subject of self-inflicted death forms a very important part of the annual report of the Chief Inspector of Prisons. Today's presentations come after a very powerful article in the Guardian, drawing attention to the situation in our prisons where the numbers of suicides are rising. The reasons for this are not well understood and are not being recognised by those in charge in the Ministry of Justice.

Lord Ramsbotham recalled how, as Chief Inspector of Prisons, he was asked to write a report entitled 'Suicide is Everyone's Concern'. The recent rise in self-inflicted deaths in prison suggests that not all the recommendations have been followed. He noted the problems that prisons face with cuts in resources, not least of all staff.

He went on to advise that there would be two separate presentations. He noted the attendance of Lord McNally, Chairman of Youth Justice Board, who had brought copies of the latest Youth Justice Board report on suicides of young persons. He asked Lord McNally if he would speak about his report at the end of the presentations and advised that copies of the report were available for those who were interested.

He then introduced the first presentation by Nigel Newcomen, the Prisons and Probation Ombudsman.

Nigel Newcomen thanked the group for the invitation to speak: 'For those not familiar with my role, I independently investigate complaints from those in prison and immigration custody or on probation, and more relevant to this meeting, I investigate all deaths in custody. Sadly, I and my staff have been very busy over the last year or so.

I was appointed in 2011, I have made a considerable effort to try and ensure that my organisation identifies learning from both individual investigations and, increasingly, from across investigations, to try and mitigate and minimise the number of deaths in custody.

My individual investigations contain recommendations for improvement arising from the particular case. These recommendations are invariably accepted and action plans put in place – so some specific learning, going back to the title of tonight's discussion, 'Does the state learn from deaths in custody?', some individual cases can be demonstrated, although even in individual cases I find myself making repeated recommendations. However, I have also begun producing a growing body of learning lessons publications looking across investigations. The aim is to make a broader contribution to safer and fairer custody by identifying wider lessons that can support improvement in prisons.

The fact that I put such store by identifying lessons illustrates clearly that I believe that the parts of the state that I investigate can and, indeed, should be expected to learn lessons.

However, with an appalling 64% increase in suicides in prisons last year – with some cases exhibiting familiar failings - it is a legitimate question whether lessons are being learned. Some have even suggested that the current pressures on prisons are such that learning is no longer possible and lower levels of safety are becoming the new norm.

I cannot accept this counsel of defeat. Yes prisons are under enormous strain, but in my experience the vast majority of prison staff want to improve things, not least safety – and I have seen for myself the traumatic impact of prisoner suicide, not just on bereaved families, but also on staff.

So, I do not doubt the will to improve exists, but the current wholly unacceptable levels of suicide in prison mean that the issue must be put more bluntly: whatever the challenges, given the state's duty of care, lessons - not least from my investigations - must be learned and safety in prison improved. My office will continue to do all it can to support this improvement.

I was asked by the organisers to speak specifically about one particular learning lessons bulletin which I published in August on self-inflicted deaths among young adults aged 18 to 24. This illustrates the sort of lessons that I expect prisons to learn.

The bulletin looked at a sample of 80 young adults who took their own lives between 2007 and 2013.

I have to say that deaths among this age group are not disproportionate to their representation in the prison population, but they are a complex group of prisoners who have only recently left childhood behind. They display varying levels of maturity and a wide array of risks and needs which need to be addressed if their safety is to be assured and their offending behaviour confronted.

The bulletin – which can be found on our website – explores a number of these risks and needs. I can only provide a brief and selective synopsis tonight.

Let me start with bullying. Although not age restricted, bullying is particularly prevalent in young offender institutions. It takes many forms, including violence, harassment, intimidation, ostracism and abuse. The effects can be devastating, even if a direct causal relationship with self-inflicted deaths can often be hard to establish.

In our sample, 20% of young adults were recorded as having experienced bullying from other prisoners in the month before their death, compared to 13% among other prisoners. So it is not entirely age specific but particularly amongst this population that the problem exists.

Mr B's case is typical. Aged 19, with no previous convictions or experience of custody, he arrived scared, but said he had no thoughts of self-harm. After a week, and to be closer to home, he was transferred to a new prison, but a newspaper

article was passed round his new unit which gave details of his offence. This led to him being verbally and physically abused by other prisoners.

The next day, he was moved to another unit and a transfer arranged to a different prison. However, he was found hanged in his cell before the transfer could take place. He left a note saying he could no longer bear the abuse. Although disciplinary action was taken against his immediate assailant, my investigation was concerned that inadequate action had been taken against the bullying and inadequate recognition within the context of safer custody and suicide prevention had been taken given the bullying he had been suffering.

So the lesson we drew was that the impact of bullying should be fully considered in suicide prevention and the bullying properly addressed, with protection for victims and action against bullies.

Bullying is but one manifestation of the difficult and challenging behaviour that can characterise young adult prisoners. Among our sample, challenging behaviour was common, with prison records detailing warnings for poor behaviour, formal adjudications and punishments for breaches of prison rules. Many had spent time in segregation or on the basic level of the incentives and earned privileges scheme (IEP).

Yet misbehaviour can also mask underlying distress. A previous learning lessons bulletin identified that self-inflicted deaths occur disproportionately among prisoners on the lowest ("basic") level of privileges, which reduces protective factors against suicide and self-harm such as association, activities and access to television. This was even more marked among young adults, with 16% of those committing suicide doing so when on basic, compared 6% among other prisoners.

In a review of self-inflicted deaths among children in 2013, I highlighted similar concerns. The children's behaviour was sometimes challenging, but this was too often considered only as a discipline issue, with little consideration of any underlying issues. I recommended that the discipline and care aspects of custody needed to be more closely aligned. The same learning applies to some young adults.

One particular lesson which can help achieve this balance, particularly in the most complex cases, is the greater use of what are called enhanced case reviews. These are designed to help manage individuals with multiple and challenging issues through a co-ordinated, multidisciplinary and holistic approach overseen by senior staff. This would seem to be an appropriate response to the mixture of poor behaviour, aggression and vulnerability evident in a number of suicides of young adults.

The bulletin goes on to make clear that suicide and mental ill health often go hand in hand. Overall, 67% of the young adults in our sample had mental health needs and 27% had previously been admitted for psychiatric care. While these are similar proportions to other prisoners, this is a high level of need and my investigations reveal just how acutely unwell some young adults were before they died.

Referrals for mental health assessment or transfer to a secure mental health bed need to be made and actioned promptly. In several cases, mental health teams could not provide prompt care for individuals in crisis.

For example, one newly transferred young man was referred to the prison's mental health team, but not seen. The mental health team at his previous prison were sufficiently concerned to get in touch with their counterparts and an appointment was made, but later cancelled. In addition, the records of his medication were not reviewed, so his treatment stopped abruptly after the move. Ceasing medication can have a significant impact on mood, thereby increasing risk, so should be only undertaken carefully and with support. It wasn't and he hung himself shortly after.

The lesson we drew was that mental health referrals need to be made and actioned promptly, and continuity of care ensured between prisons and between hospitals and prisons.

The bulletin goes on to echo concerns from other publications from my office about weaknesses in how prisons assess and then manage risk of suicide and self-harm. To begin with, there is often a need to improve information sharing between and within criminal justice agencies – and a particular frailty can be a failure to pick up on concerns expressed by families.

Unfortunately, when information about risk *is* available, some risk assessments place too much weight on how the prisoner 'presents', rather than on known risks, such as recent acts of self-harm. If you appear to a prison officer to have decent body language and decent eye contact and not immediately display issues of concern that can override the static known risk factors that may be in existence. Yet we know that these static risk factors are the best predictor of future action.'

Lord Ramsbotham, interrupted the presentation to allow members to attend a division. After a short break, he reconvened the meeting.

Nigel Newcomen: 'I will just quickly finish off what I was going through in this paper, which basically was trying to paint a picture of the sorts of learning that my learning lessons bulletins identify in particular, within the context of the tragic self-inflicted deaths of 18 to 24 year olds. I am really trying to make the point that there are areas of learning that have been distilled and I think that we should expect that action is taken on them, and not just my learning but also other sources of learning like the Inspectorate.

The bulletin goes on to echo concerns from other publications from my office about weaknesses in how prisons assess and then manage the risk of suicide and self-harm. To begin with there is often the need to improve information sharing between and within criminal justice agencies and a particular frailty can be a failure to pick up on concerns expressed by families.

Unfortunately, when information about risk is available, some risk assessments place too much weight on how the prisoner presents rather than known risks such as recent acts of self-harm. Yet as we know these static risk factors are the best predictors of future issues, and even when risk was properly identified and suicide

and self-harm procedures put in place, investigations found these procedures deficient in a troubling 50% of cases. For example, because poor or inappropriate objectives were set; or staff did not carry out agreed actions; or reviews being inconsistent; or key staff not being involved.

Inevitably, the lessons we drew were that risk needs to be better identified, including involving families where possible, and then it needs to be effectively managed. Staff training is clearly key to achieving this.

This has been a rapid review of only some of the material in my learning lessons bulletin on suicides among young adult prisoners. Clearly, my expectation is that the Prison Service can and should learn the lessons it contains, whatever other challenges it may be facing. And I will continue to focus my investigations on helping to support improvement in safety and continue to expect the state to learn lessons.

In this regard, I am also pleased to have been able to share the bulletin with Lord Harris as he reviews self-inflicted deaths among this age group in the coming year. I am sure his work will add a further important stimulus for the state to learn and improve.'

Lord Ramsbotham thanked Nigel Newcomen and introduced Lord Harris, who chairs the Independent Advisory Panel on Deaths in Custody and is leading the Independent Review into the deaths of 18-24 year olds in NOMS custody.

Lord Harris: 'It is worth just putting in context that there has been an Independent Advisory Panel on Deaths in Custody for about five years. Its responsibility is to report to the Ministerial Board on Deaths in Custody. It has a broad remit so it looks at not only prison deaths, but deaths in police custody, deaths in secure mental hospitals, deaths in immigration detention centres and so on. Earlier this year however, we were asked by the Minister for Prisons to conduct an additional independent review into the self-inflicted deaths of 18-24 year olds, since the roll-out of the assessment, care in custody and teamwork process. We started work in April, we are due to report by the end of March next year, so I calculate that by the end of next week we should be seven twelfths of the way through the process, which I have to say is filling me with some trepidation in terms of the amount of work which is still to be done.

The Ministry of Justice, or the Minister, decided that the remit should be limited to 18 to 24 year olds and that we should look at the period from 1 April 2007. Having said that, the panel is also intending to look at the four deaths of children that took place during this period. This is to extract any lessons that are of relevance from the youth estate for young adults in the main prison estate. Where we think there are recommendations which are of general relevance to the prison system, we will also make them. We are going to focus on a range of issues, many of which Nigel has touched on in his presentation today, and in his helpful submission. But we will be looking at vulnerability, effective communication and information sharing, safety, staff prison relationships, family contact, staff education and training. So we are looking at all of those as well as the cases of the young people who have died during that seven year period.

We have heard evidence from quite a number of senior stakeholders, from government, from the public service, but also from a number of the organisations represented in this room. We've made a public call for submissions. We've received more than 50 written submissions. And there are one or two submissions that are still straggling in even long after the closing date. We have visited a number of institutions with our members where not only have we heard from the governor and from prison staff, but also particularly from young adults in custody themselves, and that has been extremely important.

We have also had a meeting with a group of young adult ex-offenders, who have spent time in custody recently, again, a very useful session. We have held an open stakeholders consultation meeting and community group engagement day, which took place earlier this month. Last week we held the first of two engagement meetings with families who have lost a child or young adult through self-inflicted deaths in custody. We also have some independent research that has been commissioned; one a literature review and one a qualitative piece of work looking at the perspectives of staff working in prisons and YOIs.

So the timetable as such means that we are due to complete our work, the written report, and present it to ministers by 31 March. Those of you with a political turn of mind will note that this is just before the next general election. It means that in practice, the report will not be published this side of the general election because it will be presented during the purdah period. So essentially, we are providing a report which the ministers in office after the general election will consider and decide what they want to do with.

I would like to highlight two points from the terms of reference. The first is while it is recognised in the terms of reference that the review will focus on the 18 to 24 age group, you should take into account the learning that has been undertaken with respect to the youth estate. That is why we are intending to take into account under 18 year olds as well as over 18 year olds. We were also asked to identify wider learning that would be of benefit to any age group. So that is the basis on which we will make recommendations, which might have wider ramifications for the prison system. We were specifically asked to look at vulnerability, information sharing, safety - including violence reduction and bullying which Nigel referred to -, the built environment - which includes safer cells -, and emergency response. We were asked to look at staff prisoner relationships, family contact and staff training.

Now it would not be appropriate for me to pre-judge the findings of the review, not the least because we have not discussed them at this stage as a panel. One of my panel members is sitting in the room and so will no doubt be keeping careful watch that I don't stray beyond the likely areas of agreement. But I think that it is inevitable that we will look at a number of factors in our recommendations. The first must be about the leadership of individual institutions. There is no question that this makes a difference and I note from visiting some of the prisons, that it is very interesting what the governor thinks are the most important things to tell you at the start of your visit. Then I think there are going to be issues about owning or taking responsibility for the individual prisoner. Now, I am sure that in theory, it is the governor who takes responsibility for every individual prisoner. But I am talking about who takes responsibility for the individual needs of a prisoner, the individual safety that

prisoner, their security, their education, their rehabilitation. And it is not clear to me, again we haven't finished our work, whom that person is at the moment, if such a person really exists. There has been a system of personal officers, but that in most cases is not working as originally intended, if it works at all.

But then there is a fundamental question as to why there are so many 18 to 24 year olds in prison in the first place. What is it that could have been done earlier in their lives to provide them with appropriate mental health services, for example. What could have been done earlier in their lives to divert them from the criminal justice system, by investing in their education and training or rehabilitation from drugs and other dependencies. Those are questions. And also, what alternatives should have been available to prison, when they enter the criminal justice system, at the point of which they now go into prison. There are clearly a whole group of issues about mental health services and their availability in prison and in the community. There are issues about the way in which the prison regime operates, in particular what can and is being done to reduce the impact of bullying. What is the relationship with staff? There are clearly issues about staff training. There are issues about the physical safety of the environment and the availability of safer cells. There is a whole set of issues around how you identify and manage vulnerability. It has even been put to us by one witness that it is almost worth not attempting to identify and manage vulnerability, in that if you identify and manage it in respect of some individuals, there will be other individuals who will then be at risk. And then there is the whole question of information sharing.

So perhaps Lord Chairman I should stop there, before I get tempted to be more specific about the areas in which we might make recommendations on. But I hope this gives you some idea about the process that we are following and the issues that we will need to consider and reach conclusions on by the end of March.'

Lord Ramsbotham thanked Lord Harris and commented that it is hugely encouraging to hear that the review is covering such a spectrum. He then invited Lord McNally to make some comments on his report.

Lord McNally: 'Very briefly, just again, a number of copies have gone out but if we have run out of copies you can email me and I will make sure you get sent one. I am very pleased that Toby is doing this report. We have given evidence to his committee and made that report available. There have been 16 deaths since 2000 in the youth estate, four, as Toby said, during the period under his review, none since January 2012. But that is certainly not any reason for complacency.

Just three points, as both presentations I very much agreed with. One that I have been looking at, and so has the Board, is the question of placement and the information that we have about the individual when making decisions about placement. I do worry about how information about young people is passed through the system and whether relevant information is moved from one responsible body to another and how sometimes quite important information doesn't get through. The other is this question of mental health. There is no doubt that we do need [mental health treatment], and the interesting thing is that all three major parties now are talking about getting identification of mental health and treatment for mental health issues into the criminal justice system.

And then thirdly, the point that was made about staff. I am in awe of the responsibility that the staff take but I do think again, particularly in the youth section, there is need for special training. The problem is that we are told by NOMS that because the youth estate is so small, giving someone a speciality in it doesn't give them career opportunities; but I think that is a bad decision. You have got to have people who know how to handle young people. I think that the opportunity of Toby's report and the Ombudsman's report is very important and I do think that we have got a cross-party analysis of where the problems are.'

Lord Ramsbotham, thanked Lord McNally and invited the group to ask questions.

Baroness Howe, drew the group's attention to a report that was launched the same day entitled 'The Costs of Perinatal Mental Health Problems'. The report is introduced by Graeme Allen and produced by The London School of Economics and the Centre for Mental Health. She commented on the money and health benefits that result from having the right treatment for people at an early stage.

Lord Fellowes highlighted reductions in staff numbers, which in terms of protection from bullying he believed must be significant. He then asked Nigel Newcomen to comment on this.

Nigel Newcomen, 'I think that you are absolutely right, intuitively, it has to be the case that when you reduce staff numbers you reduce the capacity for staff to intervene as necessary, particularly in the volatile context of young offender institutions. I would like to follow that up with a slight caution, that for example, I criticised significant bullying issues in the deaths of children, as Lord McNally's response paper indicated. I have mentioned bullying in many of the cases I have talked about today in the 18 to 24 year olds and the cases of poor management. Bullying precedes the "crisis" that is currently the area of so much concern. That's probably my biggest worry of the moment, that I was describing to you largely a set of frailties that existed already, before we had the surge of self-inflicted deaths. So the situation is slightly worse than what I have described because we don't really understand why there was a surge in an already frail situation. Bullying for example, was rife, and still is rife, in young offender institutions and now there are fewer staff there to deal with it. So it is a bad problem, on occasions poorly managed, and in one of the cases I think the child's death resulted in disciplinary action against staff for not intervening. And yet we now have a situation where there are fewer staff and one can only assume that the situation will get worse still.'

Lord Harris: 'Can I just add to that, that I think that it may be very difficult to prove statistically that staff numbers have led to the changes because simply, when you try and analyse it, it is still quite a short period and it may not be possible to demonstrate that. However, when you analyse each of the individual elements of what produces the risk of somebody killing themselves, it is quite clear that better staffing ought to improve that.'

Fiona Mactaggart MP: 'This is the issue that most distressed me when I was in Home Office responsible for prisoners, and I think that part of the problem, and I hope that you address this, is that the prison service has a kind of default prisoner in

its head, and that's a young adult male, and if it's younger than the default prisoner, or of a different gender, then the system doesn't flex to reflect that. I think that's one of the issues that I hope your investigation does look at because I think it is very relevant to these particularly young prisoners.

I think there are some other issues. First of all, I think Ministers leading from the top makes a great deal of difference. The prison system is like the police system, it is like the army. It's got quite a disciplined structure, and if they know that ministers really care about an issue, they will respond to it, and I'm not sure that ministers always know how significant their attention to these issues individually is. It's not just an individual prison officer taking responsibility; it is also in my view an individual minister taking responsibility. I like your idea about perhaps an individual taking responsibility, but the issue happens right at the beginning of someone's sentence, because right at the beginning, the first hours of their sentence, is the time when they are most at risk. We know that a terrifyingly high proportion of these deaths in custody happen in the first night someone is in jail. I'm not convinced that the personal officer system is going to land on the first night, particularly in our current stretched staffing situation. I think you have to really highlight that in your report.

And finally, one of the things that happened when we were looking at this in 2006, was better coordination between police or police in custody, youth justice systems and prisons. I think that there is much to learn from the best practice of each bit, and one of the things that I really hope comes out of this, is not just something that looks at what happens with young people and self-inflicted deaths, but actually looks at the experience of self-inflicted deaths in the police cells, and so on, because I do think that there is learning which isn't being learnt across the different custodial sectors. Unless you learn how determined some people are to kill themselves, then you can never properly protect.'

Lord Harris: 'On that last point about cross-sector learning, that is one of the reasons that the panel that I chaired before this review was set up. It was supposed to see the amount of cross-sector learning across the sector. I think there is cross-sector learning but I am not sure that it is the key problem. There are certainly issues about how you share within a sector. There are occasions where there is cross over and I think that there ought to be something on cross-sector learning about the use of restraint for example, as the structures and the way in which the interactions take place differ and there is a huge distinction between policing on the street and everything else, and what may happen in a prison or a secure mental health facility. Having said that, this is one of the things that we are supposed to do as a panel.

Can I pick up the other points you made very briefly - firstly, there is a whole group of issues around age, one of which is the assumption that people fit neatly into boxes. There isn't a sharp transition when somebody stops being a child at the age of 18 and suddenly becomes an adult, it's a fuzzy line. Equally, there is no hard and fast distinction between age 20 and age 24. The other thing that I think we should recognise is the changing balance of the prison population. There are now far more older prisoners, not part of the remit of our review, and indeed there are a significant number of suicides amongst 55 to 59 year olds at the moment. You are quite right about the entry into the system. The first 24 hours, first 48 hours being absolutely critical, and that's something that we have to look at. What we are trying to create is

a way that when these services have to interact with the individual, they are interacting, and at the moment, it's patchy.'

Lord McNally: replied to Lord Harris' comment by stating that the problem is the law. He stated that we do try and keep young offenders who have reached 18 and have a very short time on their sentence within the youth system, but it is against the law to hold adults and children in the same institution, and that means that you do get that rather brutal change at 18.

Nigel Newcomen: 'That is actually one of the other aspects of learning that I didn't have time to touch on in that bulletin, exactly this transition. There are two things going on with the location issues. One is that because of pressures in the system people are being held further from home and further from families contact with whom is a protective factor, and the other is that particular vulnerability when you do move from being a child to being an adult prisoner at 18. The Youth Justice Board has little control over what subsequently happens, and that area is a vulnerability which we have exposed in some recent cases. I do think that it is a frailty that we need to pick up on, and that the system needs to recognise. There are some very immature 24 year olds and some quite mature 17 year olds, and they don't fit into nice, easy categories.'

Lord Ramsbotham commented that in his 1999 report, 'Suicide is everyone's concern', he didn't just refer to ministers but specified the Home Secretary and the importance of sending the message down through everyone. He then advised that he would take the next three questions so that they all get posed, and that first Lord Judd would speak, and then Lord Lowe and finally Lord Listowel.

Lord Judd: 'When a few years ago I was on the Joint Committee for Human Rights, we were doing some work in this area and I think all of us got extremely concerned about it. This whole issue was one of Britain's best kept secrets, but it was actually a national disgrace and it had to be addressed. I find it very encouraging that so much positive work is being done and there are certainly people who are trying to make sure that we are doing as well as we should. May I just make one observation, and that is inevitably, we must concentrate on management and structures and systems as that is important, but if I can speak from my experience in life, management, systems and structures in themselves never make anything happen. It is the people within those systems that matter. Therefore the culture and the ethos that is operating is absolutely basic. That is why I was so pleased to hear Toby saying that he was looking at leadership in this context and that he is also looking at the issue of who is really responsible. I do just make the point, and I get embarrassed because some people see this as a soft point to make, that many of these kids are emotionally deprived. They have never been properly loved in their lives. They are desperate for relationships. They need support. I was President of the YMCA England for about 9 years, and I always felt what was needed was someone who walked through the process with the individual. A personal counsellor. I was greatly strengthened in this view and I finish on this, as the Chief Commissioner once said to me that basically what we have to face is that at that moment that someone is found guilty and is sent down, that is an incredibly emotional moment in their lives. Some carry it off with more bravado than others, some break down there and then. But it is a very lonely moment. If we were really getting it right then, that is the very moment

that someone should step forward and gently take the person concerned by the elbow and say now this a hell of a mess, how are we going to come through it together and work towards overcoming this. And it seems to me that we cannot put enough time and energy into this point about personal relationships.'

Lord Lowe: commenced by saying that he was taken by what was said regarding the fundamental issues about why 18-24 year olds are in prison and thought it would be good to have a proper study about the differences between some other societies and our own, particularly the factors in other societies that manage to send fewer people to prisons. It may be that even if we identify some factors we could not transplant them to this society, but he suggested that it was still worth looking at.

Lord Listowel: thanked the speakers for the careful attention that they were giving to some of our most vulnerable young people. He noted what was said about personal officers, and relationships being the most important thing and that a relationship with a key officer was vital in terms of managing behaviour and securing improvement. There are too many young people and too few officers. The situation of gang violence has been transformed in the years that he has been visiting Isle of Wight. He advised that he would like to make two suggestions, one is to look at the model of therapeutic communities which are growing in the secure estate and might provide useful insights on how best to use a scarce resource. The other point was about peer mentoring. It was suggested that where one doesn't have enough prison officers, you could empower some of the young people in custody to support the newcomers. This might benefit both the 'old timers', as well as providing support for the newcomers.

Nigel Newcomen: 'Can I respond on that, I think that is a fundamentally important point that we discussed before the meeting restarted. It is inevitably the case that there are going to be cutbacks in any public sector function and prison is not going to escape and hasn't escaped – whether it's too much or too little is for others to judge. What you are left with is the staff you have, and that other part of the community in the prison: prisoners. There are some very impressive approaches to involving prisoners, for example Listener Schemes trained by the Samaritans, with some other variations in different establishments. But there is much more scope to develop and lean more on the community that vulnerable prisoners are living in and that means leading prisoners, training them and supporting them, managing them to be able to look out for and assess vulnerabilities and to provide the sort of support that occasionally staff simply can't provide because prison culture means prisoners can't talk to a member of staff. I think this use of prisoners is of fundamental importance.

Lord Woolf said that it is encouraging and important to realise that it works both ways, first of all for the person doing the supporting and also the person who is supporting. It really is worthwhile.

Nigel Newcomen : 'There are listener schemes in every prison in the country. It can be difficult to find the right prisoners but then it can be more difficult not to have that level of support, particularly when they are more and more stretched with staff.'

Lord Harris: 'I think all of these are important. It brings me back to the leadership of the prison. Now I hesitate to generalise from the relatively small number of prisons

that I have visited, compared with the number of visits that some of the people in this room have made or the Inspectorate, but I have been quite struck at the variation in terms of the extent to which Listener Schemes and internal mentoring seem to work well in some establishments and not seem to function at all in others. I suspect that it is about the ethos that has been created in the institution. The issue of gangs is a serious one, and again there are different ways of dealing with it, but simply trying to keep gangs separate may be a short-term palliative but some of the efforts being made that restrict the opportunities for prisoners bring up other issues.

I'm very conscious that there is often a flipside, that someone may be extremely vulnerable but then behave extremely violently, and how the system responds to that is very different. When the court of public opinion looks at those individuals, they will see them as extremely violent, nasty young men, and I'm very conscious that we have to demonstrate that we are recognising that, while at the same time identifying the issues around vulnerability, managing it, and managing it appropriately.

The international analysis is interesting. I do not believe that our young people or our general population are inherently much more violent, much more criminal, than any other country in Europe. I just don't believe that can be the case. So it is about the way in which society responds to these issues, and it is also about the extent to which society puts in place circumstances for people who are on a route to that position and prevents them from carrying on down that route and finds alternatives for them. And that's one of the areas where we are clearly failing. Whether we can encompass all those issues in our report remains to be seen.'

Lord Ramsbotham: closed the meeting by thanking the two presenters and also Lord McNally for his comments. He said that thankfully it is an issue that is receiving attention and that he is sure that those present look forward to taking part in the future processing of the report. He thanked both speakers again and gave notice that the next meeting of the group will be on 26 November 2014 in Room 3A where Nils Oberg, Director of Swedish Prison Service, will be speaking.