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Public Bill Committee

COUNTER-TERRORISM AND SENTENCING BILL

Third Sitting

Tuesday 30 June 2020

(Morning)

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Examination of witnesses.
Adjourned till this day at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

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Saturday 4 July 2020

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The Committee consisted of the following Members:

Chairs: STEVE McCABE, † MR LAURENCE ROBERTSON

† Bacon, Gareth (<i>Orpington</i>) (Con)	Mak, Alan (<i>Havant</i>) (Con)
† Butler, Rob (<i>Aylesbury</i>) (Con)	† Marson, Julie (<i>Hertford and Stortford</i>) (Con)
† Cadbury, Ruth (<i>Brentford and Isleworth</i>) (Lab)	† Owatemi, Taiwo (<i>Coventry North West</i>) (Lab)
† Charalambous, Bambos (<i>Enfield, Southgate</i>) (Lab)	† Philp, Chris (<i>Parliamentary Under-Secretary of State for Justice</i>)
Cherry, Joanna (<i>Edinburgh South West</i>) (SNP)	† Pursglove, Tom (<i>Corby</i>) (Con)
† Courts, Robert (<i>Witney</i>) (Con)	Trott, Laura (<i>Sevenoaks</i>) (Con)
† Cunningham, Alex (<i>Stockton North</i>) (Lab)	
† Dines, Miss Sarah (<i>Derbyshire Dales</i>) (Con)	Kevin Maddison, John-Paul Flaherty, <i>Committee Clerks</i>
† Everitt, Ben (<i>Milton Keynes North</i>) (Con)	
† MacAskill, Kenny (<i>East Lothian</i>) (SNP)	† attended the Committee
† McGinn, Conor (<i>St Helens North</i>) (Lab)	

Witnesses

Mark Fairhurst, National Chair, The Professional Trades Union for Prison, Correctional and Secure Psychiatric Workers

Professor Ian Acheson, Senior Advisor, Counter Extremism Project, The Tony Blair Institute for Global Change

Professor Andrew Silke, Professor of Terrorism, Risk and Resilience, Cranfield Forensic Institute, Cranfield University

Public Bill Committee

Tuesday 30 June 2020

(Morning)

[MR LAURENCE ROBERTSON *in the Chair*]

Counter-Terrorism and Sentencing Bill

9.25 am

The Committee deliberated in private.

Examination of Witness

Mark Fairhurst gave evidence.

9.26 am

The Chair: Our first witness is Mark Fairhurst, national chairman of the Professional Trades Union for Prison, Correctional and Secure Psychiatric Workers. Mr Fairhurst is participating via Zoom this morning, and I think it is just on audio, so it might be slightly tricky. Please bear with us. Do we have Mr Fairhurst?

Mark Fairhurst: Good morning.

The Chair: Good morning. Would you briefly just introduce yourself and your organisation, please?

Mark Fairhurst: I am national chair of the Prison Officers Association. We represent prison officers in every prison in the United Kingdom and secure psychiatric services as well.

The Chair: Thank you very much. We will start with questions. We have until 9.55 am, when we have to end the session bang on the dot. First, I will ask the Minister if he would like to ask some questions.

Q142 The Parliamentary Under-Secretary of State for Justice (Chris Philp): Mr Fairhurst, good morning. Let me start by thanking you for joining us and giving evidence this morning. I also thank you and all your members on behalf of the Home Secretary and the Lord Chancellor, and I am sure the whole House of Commons, for the extraordinary dedication that your members show in discharging their duties in prisons up and down the country.

Mark Fairhurst: Thank you. That is most welcome, and it will be appreciated.

Q143 Chris Philp: Good. May I start by asking about the monitoring and risk assessment that goes on in prisons? The reason I am asking is that, as you probably know, the Bill provides for serious terrorist offenders to stay in prison for the whole of their prison term, without the prospect of early release, so it is very important that we monitor and assess the risks during that sentence. Can you talk a bit about the work that is done in prisons to monitor and assess the risk of prisoners on an ongoing basis, both during the sentence and in the run-up to their release?

Mark Fairhurst: Sure. It is very much intelligence led and risk based. Throughout a TACT offender's sentence, they will be allocated a key worker officer, who will get

to know them and help them through their sentence plan. During that sentence plan, they will be offered the opportunity to address their offending behaviour, and they will be offered two deradicalisation programmes while they are in custody.

Staff will observe their behaviour on the wings, and who they mix with, and they will submit intelligence reports on a regular basis, specifically if they have concerns around radical behaviour while an offender is in custody. That will then lead to a multi-agency approach, and when the offender is coming up to their release point with the Parole Board, we put in place MAPPAs arrangements. We will have reports from prison officers, psychologists, psychiatrists and healthcare, and we will liaise with security services, and a full picture will be presented prior to that person's release.

As we have just witnessed with the Streatham attacker, he left prison as a high-risk, category A offender. The intelligence and the risks that we highlighted to the security services led to him being monitored 24 hours a day, because he was a significant risk to the public. When you look at it in that vein, what we did was appropriate and led to an atrocity being avoided because of the swift reaction. So I think we have got the risk part of the sentence planning really sufficient while in custody.

Q144 Chris Philp: Let me congratulate your colleagues on the work that they did in identifying the Streatham risk. Interestingly in the Streatham case, the release point was automatic; there was no Parole Board involvement. Just to be absolutely clear, all of the risk assessment that you have described—the MAPPAs, the psychologists' reports and everything else that was then passed on to the police—can and does happen, even where there is no Parole Board involvement in the release, as was the case in Streatham and as would be the case under the new sentences we are talking about.

Mark Fairhurst: Yes, that is correct, even—[Inaudible]—reached the halfway point, because legislation dictated that we had no option but to do that. The intelligence we had gathered on his antisocial behaviour and radical behaviour in prison led the Security Service to believe that they were right in following and monitoring him upon his release so extensively. That would be the case in this situation as well. I believe that, with this Bill, at the two-thirds point, people must go through a parole process.

Q145 Chris Philp: Well, no. For some offenders that is the case, but the most serious offenders will serve the entirety of their prison sentence in prison. Some will get Parole Board appraisal at the two-thirds point, but under this new legislation the most serious will spend the whole sentence in prison, which leads me on to my next question. Some people have suggested that without the prospect of Parole Board early release, it might be harder to control prisoners' behaviour, because you have not got the carrot of early release that can be offered. Is that an analysis you share, or do you think that there are other ways of controlling prisoner behaviour in prison, even where there is no prospect of early Parole Board release?

Mark Fairhurst: That is a really valid point, and these concerns have been expressed from the frontline. I can give you an example. At the moment, if we are going to extend the sentences, and we are going to insist that the most serious offenders spend the entire sentence in

prison, that will increase headroom in the high-security estate. Also, it incentivises people not to behave correctly or to go on deradicalisation courses.

For example, at the moment, we have funding, and we should have open three separation centres, but we have only got one, with a small number of the most influential and serious terrorist offenders, in play. That leads to serious concerns from my members who are in that separation centre at HMP Frankland, because we are now in a situation where the prisoners who are housed there are not engaging with staff whatever. We have had a really violent assault on a prison officer, and there is nowhere to transfer those prisoners to if they show violence towards staff or if they become a security risk. That is why we need more separation centres open, especially with the implementation of this Bill. More concerningly, there is now no incentive for good behaviour.

Q146 Chris Philp: Clearly, those sentences are going to be served in full for reasons of public protection. You would probably agree that it is very hard to assess the risk of these kinds of terrorist offenders, particularly if they pretend to comply with deradicalisation programmes, but do not really mean it. Given that we are going to have these sentences served in full—it is a rather similar concept to automatic release at the halfway point, with no Parole Board involvement, and, of course, the majority of offences currently have automatic release at the halfway point with no Parole Board involvement—what measures do you think we should put in place to ensure good behaviour for those prisoners with no Parole Board early release? You mentioned additional separation centres, which is a very good idea. Can you talk the Committee through other steps that might be taken to ensure good behaviour by prisoners where the Parole Board carrot does not exist, whether that is SDS offenders currently or these new offenders in future?

Mark Fairhurst: I think the separation centres are the key. We need three open because, as you are all aware, the rise of the far right is a real concern for the security services. It would be unwise to put high-profile far-right extremist offenders in the same separation centre as Islamist extremist offenders, with staff stuck in the middle. That is the key point here.

To come to your point, what can we do to incentivise people to take part in deradicalisation courses if they know they are going to serve their full sentence? All we can do on the frontline is our best, and that is to try to engage with people, get to know them and encourage them to take part in deradicalisation. We involve imams and community groups to come in and speak to these people. We just keep chipping away, because it is down to the individual. Only the individual can change. We can encourage them to change. We can give them the ideas to change and the courses to help them change, but it is down to the individual. The biggest fear from the frontline is, “If I know, as a terrorist offender, that I am going to serve my full sentence, and I am not going to get any chance of early release, I might totally disengage, and that might reinforce my radical views, which leads me to a disruptive life inside.” That is the biggest fear.

Chris Philp: I understand, although, of course, if they step over the criminal threshold, they will be prosecuted. Equally, there is no value in people pretending

to engage with deradicalisation programmes just to secure early release, so we need to be mindful of that risk as well. Thank you, Mr Fairhurst.

The Chair: Thank you. We move on to the shadow Minister, Alex Cunningham.

Q147 Alex Cunningham (Stockton North) (Lab): Good morning, Mark. I want to reiterate the Minister’s thanks to the people out there who are working so hard—your colleagues in the prisons. I have a prison in my constituency, and I get an insight into the pressures that are facing not just prisoners and their families but prison officers and their families as well.

You recently made a film called “The forgotten service”. In that film, you talk about the lack of support for prison officers, particularly around mental health, and there are other issues as well. Somebody responded to that film by saying—I hope the Chair will forgive the swear word in the middle—

“I left 3 months ago from the high security estate, after 18 years I had seen enough. Too much political bullshit, ridiculous workload, rubbish managers causing dramas, and good managers having to pick up all the pieces”.

Few would disagree that the main measures in the Bill are right, but what needs to happen in prisons to ensure that they can cope with the ramifications of it?

Mark Fairhurst: Mental health is a massive issue at the moment. We are getting more and more members suffering from PTSD. When you take the sentiments in that statement from that member of staff who left the service, I can echo every one of those.

What you have got to understand is that staff on the frontline are doing an absolutely fantastic job. They will monitor individuals’ behaviours and make a referral. The current system goes through a three-stage referral process, with the ultimate decision being made to remove someone from the main population to a separation centre at stage three. Very few of those referrals from staff get approved, because of the red tape and the legal challenges. It seems to staff on the frontline that the legal challenges are the major stopping point and buffer to removing people, who are a real danger in the normal population, to a separation centre.

You will eventually have complete apathy from staff, who keep referring people they think should be separated from the main population and keep getting knocked back. That has a knock-on effect, because, day after day, they have to deal with people who are threatening them, who are underhand, who are trying to radicalise people. Day after day, they know that if they make a referral, there is a good chance that that person will not be moved from the main population.

Q148 Alex Cunningham: Yes, but what actually needs to happen in prisons to overcome some of these challenges that officers are facing?

Mark Fairhurst: You need mental health support. You need some sort of counselling service on site five days a week during the working week. You need training to help staff cope, to spot the signs of radicalisation and danger. There is good training on offer if you work in a separation centre, but not for the main body of staff who work on the wings. You need to recognise that staff are under stress, so you need to rotate their jobs so that

they are not in a high-stress situation year after year. We need more staff on site to assist us as well, to help prevent trouble breaking out.

Q149 Alex Cunningham: That is helpful, Mark. I am sorry to keep cutting across you, but we have not got very much time. I want to talk about capacity. In answer to the Minister, you mentioned that a terrorist offender could be offered one of two radicalisation programmes. What is capacity like in the system for providing that sort of programme?

Mark Fairhurst: Spaces in the high-security estate, where most TACT offenders are housed, are at a premium. We have very few spaces at all in a high-security estate. We do have spaces on courses for deradicalisation programmes, but they are not mandatory; the offender has the choice of whether they wish to attend one. That is another issue: do we want to make these courses mandatory, and where is the incentive to go on a course if you know you will not be released early?

If we are going to increase sentences, I suspect that we will need extra headroom. We will certainly need the other two separation centres open, because of the rise of the far right, and we will certainly have to think about a high-security prison—perhaps specifically to house terrorist offenders. Although there are only approximately 230 in play at the moment, it may be an idea to separate them totally.

Q150 Alex Cunningham: Okay. The Minister talked about the fact that the Parole Board would not have any role to play in the future for these determinate sentences. Would you like to comment on that? Will there be a full set of expertise available to prepare society and those who will deal with prisoners outside, if the Parole Board, with its expertise, does not have a role?

Mark Fairhurst: I would like the Parole Board involved more, because it is an independent scrutiny body, but the measures we have in place at the moment are adequate. They work really well with the intelligence gathering from the shop floor, with the assessments and with multi-agency experts, including the security services. I do not think there is much more we can do, but I have no objections to the Parole Board being involved more as an independent scrutiny panel.

Q151 Alex Cunningham: That is helpful. I have one more question. Young people will be subject to the same legislation as older, more mature people. Do you have any thoughts on that with regards to rehabilitation and their future?

Mark Fairhurst: This is another issue. If you look at people under the age of 18 and at female offenders, do we have the capability to house them in a secure environment, or are we going to throw them into the adult estate? Throwing a young person into the adult estate due to the nature of their offence could have an adverse effect, so we need to come up with programmes for young offenders who commit terrorist crimes. I do not think we have that capability at the moment, but rehabilitation of a young person has more chance of success than rehabilitation of someone who is seasoned and radicalised. I feel that we have a big opportunity to make a difference in that field.

Alex Cunningham: That is very helpful. Thank you.

Q152 Kenny MacAskill (East Lothian) (SNP): Can I come back to the issue of incentivisation or early release? Do you believe that that is actually important, and in what way does it impact on your officers' employment?

Mark Fairhurst: I do think it is important to have an incentive for people to engage with rehabilitation and improve their behaviour. You must also consider that when terrorist offenders are released, they rarely reoffend. Only about 5% to 10% reoffend, compared with 50% to 60% of the general population. I understand that those who do reoffend are high profile and commit atrocities, but we are looking at a cohort that, on the whole, has a 90% success rate, because only 10%—max—reoffend. We need to take that into account when we are thinking about the future of the offender—not only when they are in prison and what we offer them there, but when they are released. I do not think anyone has mentioned that yet.

Q153 Kenny MacAskill: In Scotland, we have a particular order called the order for lifelong restriction. That will be trumped by a mandatory sentence under the Bill. The order for lifelong restriction allows for release at any stage, but for recall on cause shown. Do you think that the order for lifelong restriction has merit?

Mark Fairhurst: I like the sound of that, Kenny, I really do, because it gives people an incentive and gives them hope that they will be released before serving their full term, but they are also under no illusion that they will be monitored in the community, and if they commit an offence, they will end up back in prison. I like the idea of that. As you know, Scotland has a lot of good practices that we could adopt in England and Wales, and I ask people to seriously consider that element.

Q154 Kenny MacAskill: Given the importance that appears to be getting put on polygraph tests, which are basically unknown within the Scottish jurisdiction at present, what training, if any, is given to prison staff?

Mark Fairhurst: None whatsoever, Kenny. That would be down to some independent body responsible for performing polygraph tests. That is another skill that I would not mind staff getting trained in—it would be another string to our bow. How often is it going to get used? Is it going to be a regular occurrence? All these issues need to be ironed out, but I am not against the polygraph test and I am not against prison staff being trained in polygraph testing. However, I would guess that scrutiny panels would say that prison officers are not independent because they work with the offenders, so they would want a totally independent body to facilitate that.

Q155 Kenny MacAskill: Finally, given the importance being put upon separation centres, which do not, so far as I know, exist in the Scottish Prison Service, have you any idea how your colleagues north of the border are expected to cope if a great deal of weight is being put upon them?

Mark Fairhurst: This is the major concern from my colleagues at the only separation centre that is open, in Frankland. We have had one serious assault, and that member of staff had to be moved away from the separation centre, because there is nowhere to transfer the prisoner. Once that prisoner goes to court, if he is

convicted of that assault on the member of staff, where do we transfer him to? We do not. We keep him at Frankland.

We have got a Muslim member of staff at Frankland who is being moved from the separation centre because the terrorist offenders in that separation centre have threatened him. That is not right—staff are being penalised for doing their job because we do not have the capability to transfer violent and disruptive prisoners to another separation centre. We have funding for three, but we only have one open because of the red tape and the legalities of moving people into a separation centre, because apparently, if you have three or fewer prisoners in a separation centre, it is classed as segregation. Well, you know what? Staff on the frontline are not interested in how you term things; they are not interested in the legalities. They are interested in you keeping them safe and giving them the tools to do their job, so let us get these other two centres open and let us respect staff safety.

Q156 Rob Butler (Aylesbury) (Con): Mr Fairhurst, let me echo the praise and the credit for your members that has already been mentioned. As a former non-executive director of Her Majesty's Prison and Probation Service, I met many of your members, who do a tremendous job. What is your view of the current rehabilitation and deradicalisation programmes for terrorist offenders?

Mark Fairhurst: I think we need a full review of those two courses, simply because of the last two atrocities, where both offenders had attended one of those courses. One was, in effect, a poster boy for one of the courses. I would like to see a full review, because what do we actually class as a success? Do we class success as offenders attending and passing those courses, or do we class as success the offender who attended those courses being released and not committing further atrocities? We need to look internationally at what is on offer for terrorist offenders, certainly around Europe, if not the world. We really need to review what we class as success, because I am not sure that those two courses offer what they should.

Q157 Rob Butler: On that basis, and given that it is accepted that the courses are certainly not perfect, is that not a strong argument for having longer sentences, with the offender required to spend the entire period in custody?

Mark Fairhurst: That depends on what you are going to offer in the community. Are you going to offer them support services with charitable groups, or groups that specifically deal with terrorist offenders, which meet them at the gate, take them to accommodation, maybe get them out of the area where there is peer pressure, engage with Muslim communities—there is a lot of shame involved with terrorist offenders, who want to reform when they go back into their communities—and get imams involved? Are we going to invest in that side of things and incentivise people while they are in prison to attend these deradicalisation programmes, in the knowledge that there will be massive support systems in place for them when they are released, or do we keep going along the same path, where offenders are released with not much support in place, and if they are a risk, they are monitored? There is still a lot of work and research to do. We have some really intelligent people getting interviewed this morning, with some really positive, radical ideas that need to be taken on board.

The Chair: We have five minutes left. I call Ruth Cadbury, and then Sarah Dines.

Q158 Ruth Cadbury (Brentford and Isleworth) (Lab): It is a pleasure to serve under your chairmanship for the first time, Mr Robertson.

Thank you very much for your contribution, Mr Fairhurst. In response to the last question, you covered Muslim terrorist offenders. You have talked about deradicalisation, incentives to go straight and the success rate—the small percentage of terrorist offenders who reoffend. Do those figures and your general thoughts apply also to the growing number of far-right terrorists we are now seeing coming into the criminal justice system?

Mark Fairhurst: This is a completely new dynamic, but let me tell you this: if we have prolific far-right extremist offenders in the general population, they will be able to influence and recruit far more prisoners than Islamist extremists ever could. They will get more support. They will be a similar threat to what IRA prisoners were. They will have a lot of contacts in communities. They will be able to get staff details and addresses, and be more of a threat. That is why it is absolutely essential that we open the other two separation centres. What we do not want is, first, a situation where you have far-right extremists in the same centre as Islamist extremists or, secondly, a situation where a prolific right-wing extremist offender is recruiting in the general population and causing chaos. We really need to rethink this.

Q159 Ruth Cadbury: Is the potential for deradicalisation among those prisoners there in the same way as it is for those prisoners you talked about earlier?

Mark Fairhurst: Yes, without a doubt. At the moment, we only have these two programmes: healthy identity and desist and disengage. We need to look at alternatives, because the far right is a completely different dynamic. It has not really raised its head above the parapet in our prisons at this moment in time, but I can assure you that it is on its way, because it is on the rise.

Q160 Miss Sarah Dines (Derbyshire Dales) (Con): Mr Fairhurst, you touched on polygraph testing, which is a new tool that would be used on licence under clause 32. Do you think it would be a useful tool, delivered not by prison officers but by specialist providers, to avoid the situation that you highlighted, where people are released, having undergone a rehabilitation programme—a deradicalisation programme—that has clearly failed? Is the polygraph therefore going to be a useful, essential tool?

Mark Fairhurst: Yes, I agree with that. It will be an essential tool, but it would also be essential if we had an incentive to release people early, and prior to their release they were given a polygraph and asked about their future intentions. That is something else to consider. I agree: it is very useful. I have no opposition to it.

Miss Dines: So you agree with clause 32? That provision would be useful?

Mark Fairhurst: Most definitely, yes. I would not like to see it removed.

The Chair: That is the end of that session. Mr Fairhurst, thank you very much for joining us.

Mark Fairhurst: You are very welcome. Thank you for your thoughts about frontline staff. We appreciate your support. Thank you very much.

Examination of Witness

Ian Acheson gave evidence

9.54 am

The Chair: We have until 10.25 am for this session. Professor Acheson, thank you very much for joining us. Would you like to introduce yourself and your organisation briefly, please?

Professor Acheson: My name is Ian Acheson. I used to be a frontline prison officer, so I would like to be associated with the comments that were made this morning. They are the unsung heroes of our criminal justice system, often overlooked and certainly undervalued. They do an amazing job.

I worked in the Prison Service as an officer and then as a governor. I left it and joined the Home Office via the Youth Justice Board, where I was the senior civil servant responsible for the Contest strategy, our counter-terrorism strategy, among other things in south-west England. After that, I joined the Equality and Human Rights Commission as the chief operating officer and I left public service then. I now work for a variety of organisations, including the Counter Extremism Project, which is an international non-profit organisation that looks at ways of countering violent extremism. I am also a visiting professor at Staffordshire University School of Law, Forensics and Policing.

Q161 Chris Philp: Good morning, Professor Acheson. Thank you for taking the time to join us this morning. It is useful for us to hear from experts such as you. You have clearly done lots of work in the area of deradicalisation and counter-terrorism counselling and work. Could you describe to the Committee the techniques that you think are most effective in a prison setting to achieve the objective of deradicalisation?

Professor Acheson: The Prison Service, as we are all aware, is under a great deal of pressure, certainly in England and Wales. The backdrop is what I would describe as a significant decline in all sorts of metrics of good order, discipline and control across most, but not all, prisons. That provides a backdrop of instability, which is germane to your question. We need to have stable, well-run prisons with suitable and sufficient numbers of staff present to set the tone, to be able to control the environment and certainly to be able to spot and intervene early when they see signs of extremist-related behaviour, whether from prisoners imprisoned under terrorism legislation or others who look like they are being drawn into violent extremism.

One of the problems that I have with the system is that we do not seem to have an assertive and challenging approach to managing terrorist prisoners, or ideologically motivated prisoners, from the start of their sentence to their last day in community supervision. The system is fraught with problems of handovers between the Prison Service, the Parole Board and the probation service.

I do not believe that that system of managing a particular set of prisoners with some unique characteristics is the right way of proceeding.

I would like to see a dedicated unit, if you will—I recommended that in my 2016 report; unfortunately it was not one of the recommendations that was taken forward—that manages offenders end to end, from literally the first night in custody to the last night of community sentence, and that has a detailed biographical understanding of a prisoner. That involves specialists, psychiatrists, theologians and various people intervening but managing that prisoner all the way through into the community.

Mark Fairhurst mentioned the importance of reintegration after custody for terrorist offenders. In some respects, integration is the key challenge as well. At the moment, the state has a monopoly on the management of terrorist offenders after custody in terms of MAPPA, where the probation service, the police and the Security Service manage the security aspects. There are no other organisations, apart from some voluntary organisations that are involved in the desistance and disengagement programme. We do not have any community involvement in the resettlement of terrorist offenders and their reintegration in the community. That is a big issue that needs to be addressed.

Q162 Chris Philp: You said that the engagement needs to be more assertive and used that word at the beginning of your answer. When you say “assertive”, what do you mean?

Professor Acheson: In relation to terrorist offenders, for example, the situation feels to me as though, as long as they are not creating any problems, they are largely left alone. When they start to create problems, there are alternatives, which could include segregation, administrative penalties or incentives and earned privileges penalties. In extremis, if they are subversive—this was one of my recommendations that was taken forward, as you might be aware—separation centres exist for them.

We need to make sure that we look at it from the sentencing point. To illustrate it like this: what is really important is that we have got some sort of baseline measurement for a judge, after a conviction, to inform sentencing. We do not have that at the moment. We do have pre-sentence reports, I understand that, but we do not have a sufficient level of granularity or expertise put into that plan, which is the baseline measurement of dangerousness, for any terrorist offenders.

As you are aware, they are a very heterogeneous group. They resist being compartmentalised. We have people who murder people who are losers and we have people who murder people who are university graduates. There is an enormous variety and it resists generic sheep dip-style approaches. I am afraid I would categorise healthy identity intervention as one of those processes that I do not think works. We need to go back to having this baseline measurement at the start, managed by one unit all the way through that is frequently looking at whether dangerousness has increased or decreased, and devising and managing interventions to meet that individual pathology, that individual terrorist profile.

I am aware that Lord King has said in Parliament that you are recruiting some prison imams to take part in ideological interventions. That is very good news—so,

theological, psychological, family-related and substance misuse. It is important to look at these people as individuals if you want to reduce their dangerousness. It is important to look at that dangerousness as early as possible, with the right people managing it all the way through.

As I have said before—I do not want to repeat myself—I think the system is far too fractured at the moment. We are only talking about 220-odd offenders at the moment, with the Government making what I think is the fairly optimistic estimate of an extra 50 as a result of the new legislation. It will increase because of the police and security services' ability to spot people further and further upstream from actual terrorist incidents. That number will increase, but it is still a manageable number and it is still worth while investing significantly.

I am not a great fan of the statistic that is bandied about that says that only 5% to 10% of terrorist offenders reoffend after custody. That is a proven reconviction for a terrorist offence. That is a very lazy proxy for damage. If you apply that to our number of offenders, that means there are another 11 Sudesh Ammans in the system. That is completely intolerable and unacceptable. I do not think we should be comforted by the fact that some research is showing us that recidivism is fairly low. There is research in Europe that says that the period immediately following release of a terrorist offender is the period of most risk. That does not fit the profile of the Westminster bridge attacker, who waited for 11 or 12 months before something mobilised him into murdering two young people. We have to apply a very individualised, very assertive and challenging approach.

You talked about incentives and so on earlier with Mark Fairhurst. I think that might be looking at it in slightly the wrong way. I have a bit of a problem with the philosophical and organisational fitness of the Prison Service, the probation service and the Parole Board to manage these particular offenders. They are ideologically inspired offenders. We must insist they adopt civilised values, not look at it as a thing that needs to be rewarded. That is very difficult. I am not suggesting it is simple.

Just to avoid any misunderstanding, in my specification for separation centres, I specifically designed a regime—and suggested this to the Prison Service—that was not punitive and which was, as I have described it, a humanised approach. We cannot talk to dead terrorists; we can talk to live ones. We can find out an enormous amount. We can influence them an enormous amount with the right skills and the right staffing to be able to have a good sense of how dangerous they are and influence them towards disengagement, or desistance if disengagement is not possible.

The Chair: I suspect that your evidence is extremely useful to the Committee, but I have to ask for slightly shorter answers, please.

Q163 Alex Cunningham: Mark Fairhurst suggested that the radicalisation programmes are far from fit for purpose. You have suggested that yourself. You have also talked about the various different issues that a prisoner may be facing. Can you develop a little bit more what needs to happen? You talked about investing significantly, so there must be insufficient resources in the system. What actually needs to happen?

Professor Acheson: The amount of skill and training required to staff separation units—we know that only one out of three is running at the minute—is significant. If you are putting our frontline prisoner-facing staff, who will have the most influence and impact on individual terrorist offenders, in that sort of environment, it will take a huge amount of training, not only in the skill to deal with those prisoners, but in psychological resilience and so on. We know what seems to work in relation to violent extremism across Europe: it is the development of long-term, high-quality relationships, which are pro-social and expand far beyond the prison gates. That is very expensive, and it takes a lot of support to put that in place and to maintain it.

Q164 Alex Cunningham: We have talked about the fact that the Parole Board will not have a role for prisoners who have a determinate sentence. Would you like to comment on that, because of the level of expertise that they bring to that package you were describing earlier?

Professor Acheson: This is not a very auspicious time to talk about the Parole Board, but it is very good at managing ordinary offenders, and statistics would bear that out. I have said this earlier, and I do not want to repeat myself, but I do not believe the Parole Board is philosophically or organisationally the best suited to managing that risk. It is very good at managing ordinary offenders, but we have a new cohort coming through of profoundly different, ideologically motivated offenders, either through Islamism or through extreme right-wing philosophies, and we probably need a different, multi-agency approach to managing that risk all the way through the system.

Q165 Alex Cunningham: During these evidence sessions, I have been concentrating on the fact that young people will be treated the self-same way as older prisoners in relation to determinate sentences. Do you have a view on that, particularly as the immaturity of a younger person may lead them to act in a particular way, but their opportunity for rehabilitation is probably greater?

Professor Acheson: I agree that the potential is greater, but I think sometimes we confuse vulnerability with dangerousness, and we use that in relation to young people and women. We have some very dangerous extremist offenders in either camp—very few of them, but we do have a small number—and we must not conflate the two.

In general terms, and I speak as somebody who worked for the Youth Justice Board, we need, where we can, to ensure that the disposals that are at the judge's discretion, including detention and training orders and some non-custodial interventions, are still considered heavily before penalising people who, as you have said, may be just immature.

Q166 Alex Cunningham: I watched a film with you in it, where you were talking about the circle of trust and accountability. Would you like to develop that in a quick answer?

Professor Acheson: The circle of trust and accountability is a system devised by Mennonites, I think, in Canada, where one of their community had been convicted of a high-profile sex offence and was returning to the community.

That group of people said, “How can we welcome this person back into our community”—because that was the Christian ethos—“but also keep our kids safe?” They devised a system where there was community involvement in a circle around the individual, which managed to help him to reintegrate properly but protected the community as well.

I am very keen on that idea being replicated for terrorist offenders after release in the community, as a parallel to the state’s responsibility to keep people safe. In other words, there could be a community response like that one, where we are getting members of the community involved in protecting national security. We miss a trick in this country—research backs this up—in that we do not, particularly in relation to Muslim communities, enlist ordinary members of the community who have some standing and some credibility in supporting the reintegration of terrorist offenders.

Those offenders will suffer many of the same challenges that sex offenders do: shame, difficulty in finding somewhere to live and difficulty in finding something to do. All those things would point towards further offending and delay disengagement, so I am very keen on the concept being looked at in relation to released terrorist offenders here.

Q167 Alex Cunningham: We are a long way from anything like that happening in the UK.

Professor Acheson: I think we probably are. We are outriders in that respect in relation to the rest of Europe, which does heavily involve non-governmental organisations and community groups, for example, in reintegration. We have seen that in the Molenbeek suburb in Belgium, which is responsible for producing quite a number of jihadis, where the community has been involved and works in partnership with, although separate from, the statutory bodies whose first priority is safety and security. That is a necessary but insufficient way of dealing with the problem.

Q168 Kenny MacAskill: Mr Acheson, you are well sighted on the Scottish system with the Risk Management Authority and the order for lifelong restriction. You talked about good regime designs not being punitive, but the imposition of a significant sentence without the opportunity for early release must appear to be so. Do you think that the order for lifelong restriction is perhaps the better option for many who are convicted by a court, rather than a mandatory sentence?

Professor Acheson: I am not sure which would work better. I am certainly on record as saying that I support the Government in much longer sentences for terrorist offenders, primarily because it is a unique opportunity to incapacitate an ideologically motivated offender and bring services around that individual. Those services need to be extended through the gate and into the community.

We need to focus on this as a national security issue that we need to deal with in a different way, so lifelong restriction may have its merits. The key thing is that we make sure that support and control exist around offenders who are being released and who may go back into extremist offending, so that in whatever way we apply restrictions on their liberty—including TPIMS, for example—we do it in a proportionate way. There is absolutely an argument that punitive measures increase

alienation. I think that might be a trade-off, in some respects, for people with whom we may never be satisfied that they are safe to release. We have to embrace the idea that there will be a few offenders who must be kept in prison indefinitely, because they either cannot or will not recant a hateful ideology, and they have the means to mobilise that into violence in the community.

Q169 Kenny MacAskill: I have one final question. Scotland does not have a regime operating polygraph tests. In your experience, how do you think Scotland could establish one, regulate it and be able to check against delivery?

Professor Acheson: I must say I am not a great fan of the polygraph solution. Polygraphs are a very good way to demonstrate a physiological response to nervousness. Most people who take polygraphs are going to be nervous, so it is a very inexact science. I think it is probably slightly better than tossing a coin.

I am much more interested in using technology—wearable technology, in particular—with released terrorist offenders that will give us biodata and geographical data to allow us to spot when somebody is starting to re-engage in terrorist offending in all sorts of ways. It would create a geo-fence that restricts their movements and give real-time information on how that person is. I am not at all suggesting that technology is not useful here. I think we need to have much more investment in that.

The particular issue that I have seen—it has been talked about before—is the issue of disguised compliance, or lying, in layman’s terms. I am very happy to tell the Committee that Staffordshire University hopes to start a piece of research on disguised compliance led by me and Professor James Treadwell. It is mostly in the realm of social work in relation to domestic violence, but we want to see if there are ways to avoid a situation in which somebody like Usman Khan goes through an apparently successful deradicalization programme without apparently recanting any of his extremist principles, which are then put into murderous effect. I think this is a very under-explored area. It touches on polygraphs, but it is much broader than that. It is about how we skill up the people who are making the decisions on questions such as, “Can I trust you? Is your change authentic and credible, or are you trying to pull the wool over our eyes?”

We cannot have a perfect system. A perfect system would destroy our civil liberties, because we would keep terrorist prisoners in jail indefinitely and achieve the very effect that terrorists hope for in creating massive disruption in a liberal democracy. However, I think that we can do a lot more in relation to skilling up people to make decisions about whether and when somebody is safe to release, and under what conditions, and for how long they can be supervised.

Q170 Rob Butler: Professor, do you agree that until we have better deradicalization and rehabilitation programmes, we need to ensure that terrorists remain behind bars for longer to keep the people of this country safer?

Professor Acheson: Yes, for the reasons that I have just mentioned. I think that our position in January, where people who were so dangerous that they had to be man-marked by armed police officers had to be

released from custody, was absolutely intolerable. We need to be focused on public protection. In relation to terrorist offenders, the Prison Service needs a bit of a change of mindset. There is too much of a reclamation and rehabilitation focus. I am not saying that that is not important, but I am saying that in relation to these prisoners, there has to be a primary public protection focus and a primary national security focus. That is not to say that the regimes in which terrorist prisoners are kept should not be as full and as varied as possible, so that people do not become alienated and further full of grievance.

Q171 Rob Butler: We have heard a lot about what needs to happen in prison, but this is fundamentally a sentencing Bill. Can you expand on what additional information you think needs to be presented to the sentencing judge in cases such as these, to ensure that the right period in custody is established from the outset?

Professor Acheson: This speaks to my earlier point about making sure that experts—forensic psychologists and psychiatrists—are specially chosen and trained to produce a baseline threat assessment, after conviction but before sentencing, to allow a judge to make a more informed decision on sentencing length, duration and so on, and to establish the basis against which that person’s progress can be managed and measured through custody.

Again, I think it is exceptionally important—the Government did not accept this, but I will reiterate it, and recent events have thrown it into the light—that we should have one dedicated multi-agency specialist unit that manages terrorist offenders from their conviction until they are deemed no to longer be suitable for supervision in the community. It is the most sensible way to manage this. We have far too many hand-offs in the system at the moment.

We have this morning’s report into Joseph McCann, a manipulative psychopath who managed to disguise his dangerousness because of failures in the probation system—because of under-trained staff who were overstressed and insufficiently curious. All those things will apply to terrorist offenders as well. Having a dedicated unit that understands in great detail the individual’s biography, their background and the antecedents, and that could help to establish a programme of treatment or intervention that is individualised to that person, seems to me to make sense in managing the risk.

Q172 Conor McGinn (St Helens North) (Lab): Professor Acheson, I really enjoyed your *Spectator* article, and I agreed with a lot of it. I think it is worth the Committee hearing that its opening gambit was that opponents of the Bill were

“the usual well-heeled, left-wheeled liberal rights activists”.

Neither the Chairman nor I could ever be accused of being one of those, and I do not oppose the Bill and the measures in it per se. However, as you have identified, it is important that the Bill receives scrutiny.

I was struck by something that you said about the Government’s approach to the Bill, which was that it was “populist”. Do you think that is at the expense of longer-term strategic thinking that could be contained in the Bill, particularly around things such as the Prevent

strategy? The Bill removes the statutory deadline for reviewing that strategy. I suppose what am I asking is this: are the measures in the Bill serious and strategic and will they make a difference, or are they in keeping with a populist approach to these issues, as you have alluded to?

Professor Acheson: I was being quite flippant in that article, as you have to be if you write for *The Spectator*. The serious point is that there is no risk-free way to deal with this very dangerous, challenging topic; every way has risk. My small expert team and I sat and looked at separation units, and we argued for weeks about which was better: separation or dispersal of highly subversive, proselytising Islamist extremists. The focus was Islamism. In the end, we came to the view that separation centres would work as the least worst way of managing this phenomenon. The reason I mention this is that we are in a period of continuous evolution, and the law will need to be able to react to that.

They are not distinct, but we have an al-Qaeda generation of terrorists, from 2005 onwards, who are serving time—sometimes extremely long sentences—for organised plots, and we have an IS generation of much more oppositional terrorists, including lots of lone actors who have come along behind. Even looking at Islamist extremism as a group is very difficult. The answer to your question is that we have a good baseline for extending the amount of time that terrorists will serve in prison. We had an intolerable situation before, when it was quite clear that the system of supervision and the sentencing framework were broken; they let people such as Sudesh Amman out of custody. But we have to look at the quality as well as the quantity of what happens. The only way to do that is relentlessly to research what works.

Sometimes I am told by people, “There’s no evidence for what you’re saying.” I sometimes react to that by thinking, “That’s a kind of code for inertia, organisationally, or for timidity.” Sometimes we have to make the evidence. The point is that we have to take some risks. I am not sure whether separation centres will work or will continue to work. Mark Fairhurst eloquently made the point that there is a great deal of reluctance in the Prison Service to use them. There is some organisational resistance to the concept, and it is not simply about not being able to find the right people. A bureaucratic structure was built around selection for separation centres, which has made it all but impossible, frankly, for anybody to get in them.

Regarding separation centres and how the legislation needs to evolve, we need to make sure, as Mark has said, that there is sufficient capability for the extreme right-wing offenders who represent the biggest threat to be removed and completely incapacitated, breaking the psychological link between the “preacher” and his adherent. We will need to be continually alert and continually changing and challenging legislation in order to arrive at the best way of managing the evolving risk.

Q173 Conor McGinn: I think you have said that although you support stronger sentences, their imposition alone will not resolve this issue. It is about—you have used this phrase—breaking the whole. I have some sympathy with what you said about the appropriateness of the Parole Board dealing with these types of offenders. Do you think that removing any assessment and taking the Parole Board out of the equation leaves a vacuum?

[Conor McGinn]

You talked about the dedicated unit. It undoubtedly costs a lot of money, but is there a worry that removing a mechanism that is already there, regardless of how appropriate it is, and not replacing it with anything just leaves a gap?

Professor Acheson: I think there is a danger that we keep doing a Heath Robinson-type response. My critics will say, “Hold on, Ian, the Parole Board has specialist judges who sit on panels that consider terrorist offenders.” My response is: so what? Are they any better than the frontline prison officer who has been with an individual for four years, the psychiatrist who has been attached to that person’s journey, a forensic psychologist, the Security Service or the police? That is why I keep arguing that we need a completely separate way, philosophically and organisationally, of managing the risk. I am disappointed that that is not in the Bill, and that we are talking instead about skilling people up and giving them more training. I worry a little that that will continue to be exploited, given the number of hand-offs in the system.

The Chair: Very briefly, Sarah Dines.

Q174 Miss Dines: Professor, I was interested in what you said about disguised compliance. Before entering Parliament I worked at the Bar and dealt with a lot of sex offenders and domestic abusers, and some of them were experts in disguised compliance. I notice that you fairly flippantly—if I may boldly say so—dismissed the polygraph as being only slightly better than tossing a coin. With your extensive and useful experience as a prison officer, civil servant and consultant, do you accept that you can assist us in this field, but that you would defer to qualified psychiatrists and psychologists in terms of its usefulness, as it is one tool in the box for dealing with dangerous offenders who exhibit disguised compliance?

Professor Acheson: You are quite right to call me out. I do not discount polygraphs entirely. I think they are perhaps a useful part of a more holistic approach to managing risk, but they are certainly no silver bullet. Again, we need highly skilled people who have been on a journey with these offenders, who understand them intimately, and who have been able to design interventions that speak to their plethora of needs, which I described earlier and are dealt with in a very individualised way. That is the way to crack this nut.

The Chair: I am really sorry. This is a very interesting session, but I have no choice but to cut it off at 10.25. Thank you very much for your evidence. Apologies to Members, but I have to do this.

Examination of Witness

Andrew Silke gave evidence.

10.25 am

The Chair: Good morning, Professor Silke. Will you introduce yourself and your organisation, please?

Professor Silke: I am Professor Andrew Silke, professor of terrorism, risk and resilience at Cranfield University.

The Chair: We have until 10.55 for this session. The Minister will start.

Q175 Chris Philp: Professor Silke, thank you for taking the time to give evidence to the Committee this morning. Based on your experience from around the world, could you tell the Committee your views on the most effective ways of managing and ideally deradicalising prisoners within a prison environment?

Professor Silke: That is a crucial question. Probably one of the starting points—this has been touched on by some of the others who gave evidence—is how the UK sits in terms of the international approach to dealing with terrorism among violent extremist offenders. Overall, you would probably argue that the UK’s approach is seen as one of the better available approaches and enjoys what is seen internationally as a good success rate. I know that that is difficult to consider in the context of the attacks that took place in Streatham and London Bridge, but overall the UK’s system for dealing with terrorist prisoners is seen as one of the more effective ones available internationally.

Q176 Chris Philp: Which elements are particularly effective, and do you see any opportunities to improve them further?

Professor Silke: The approach has transformed a lot in the past 10 years. There has been a variety of ways in which it has changed. I am particularly looking at the approach in England and Wales here. First is the development of specialised risk assessment tools and frameworks for dealing with terrorist prisoners. There was recognition in the 2000s that the existing risk assessment tools did not work well with terrorist prisoners and that they needed something that was more specialised to more reliably assess risk with them. This led to the development of the extremism risk guidance 22+—the ERG—which is a bespoke risk assessment tool now used in England and Wales. In my view it has genuinely enhanced and transformed risk assessment for these prisoners, making it much more viable compared with what it had been prior to the introduction of this programme.

Tied into the development of the ERG has been the development of a number of interventions. The healthy identity intervention has already been mentioned, and desistance and disengagement has been flagged as well. The healthy identity intervention draws on the ERG, so the two of them are linked to some degree. HII has come in for criticism, but it is actually a much better intervention than perhaps it gets credit for. It tackles a lot of the issues that we are concerned about in terms of offender radicalisation. I have had the opportunity of being able to interview prisoners before and after they have gone on this programme, and certainly in many cases I have seen a transformational change in prisoners.

The other factor—this has also been raised in other testimony before the Committee—relates to post-release behaviour by prisoners. We have an extremely low reoffending rate for terrorist prisoners in the UK, which we should not dismiss out of hand. If we could get similarly low levels of reoffending for other types of offenders, we would be extremely happy.

Failures with interventions—such as a prisoner taking an intervention, being released and then reoffending—does not mean that the intervention itself is useless or ineffective in the majority of cases for people who use it. We should reflect that all the interventions used in the prison system, for a whole range of offences, have their

failures. This does not mean that we should stop using them or abandon them or view them as unhelpful in the majority of cases.

Q177 Chris Philp: Thank you. Would you agree that the historical involvement of the Parole Board in offering the possibility of early release does not really have any meaningful impact on prisoner rehabilitation or behaviour? Or to the extent that it does, that it may simply stimulate false compliance—pretending to comply with deradicalisation programmes in the hope of securing early release?

Professor Silke: It is a complicated question. In general, I agree with Mark Fairhurst's point that the potential for early release is an important incentive for behaviour in custody. If we lose the potential for early release, we are losing a tool from the toolbox, and we need to question whether that is sensible, or whether there are advantages in keeping it in some shape or form.

Does false compliance happen? Yes, it certainly does, but if we look at reoffending stats, compliance seems to be genuine in most cases. Nobody has a 100% effective intervention for dealing with these types of prisoner or any other type of prisoner, so we should never expect an intervention to be 100% accurate. However, the stats suggest that what is happening in prison with most terrorist prisoners is currently effective, and so if we are making changes to the regime and to the interventions, we need to have a careful think about what the knock-on consequences might be.

Personally, I prefer still to have the potential for early release at some stage as a tool in the toolbox for these serious offenders. I think it can make a difference in some cases. From my perspective, the Parole Board usually brings a serious and considered assessment of the available evidence in a particular case, which is often very welcome. Again, by removing that from the equation, are we losing something that has value?

Q178 Alex Cunningham: Good morning, Professor Silke. Are the current deradicalisation programmes in prisons fit for purpose? If not, what needs to happen?

Professor Silke: The problems are relatively new. My view is that they work far better than most members of the general public want to think. Again, the proof is in the very low reconviction rates that we see after people have been released. If it is working in the vast majority of cases, that is an encouraging sign. If there are failures, we need to look into that. One thing that the Bill does not do in its current format is try to identify what is different about the failures compared with the rest of the prisoners who are being released—what went wrong in their cases compared to the others? I am not sure that we are getting at that at the moment.

The evidence base around both risk assessment and interventions for terrorist prisoners is in development. It is massively better today than 10 years ago, and I think it will continue to improve. I know that the Ministry of Justice is involved in a range of programmes to improve the evidence base around ERG and healthy identity intervention, which I strongly welcome. Many Governments are involved in similar efforts overseas.

Q179 Alex Cunningham: You talked about the potential for early release and how important that can be. I do not think any of us here are advocating that the more

senior offenders should not serve the full 14 years, but do you think that the Bill has the right approach to terrorist offenders under 21?

Professor Silke: That is a very good point. There are differences between very young offenders and the older, more established offenders, and I am not sure that that necessarily comes across strongly in the Bill. That is probably an area where our understanding is more limited than it should be. It needs more attention and research.

Q180 Alex Cunningham: The Bill does not recognise that they are any different, in the way it is formatted at the moment. How could we improve it?

Professor Silke: One of the things we will need to do is refine it, in terms both of risk assessment and intervention, to tailor it more for younger offenders. At the moment, there is a question mark over whether what is currently available has young offenders firmly enough in its sights.

Alex Cunningham: Thank you.

Q181 Kenny MacAskill: Professor Silke, I do not know whether you are aware, but in Scotland there is a sentence called the order for lifelong restriction, which is indeterminate but allows for release or indeed for detention to continue. Given your views on the benefit of some sort of early release being available for those who show remorse or rehabilitation—indeed, the avoidance of people being released at the end of their determinate sentence because they have served it—do you think that an order for lifelong restriction may be a more appropriate sentence for some terrorists in Scotland?

Professor Silke: Honestly, I do not know enough about how it works to make an informed assessment of it. I am always cagey about anything indeterminate, which might imply indefinite detention. The advantage of having a fixed term, rather than something quite open-ended, is that at least you know exactly what you have to work with.

Q182 Kenny MacAskill: Scotland does not have a polygraph regime, if we can call it that. Can you give me some information about how uniform it is across Europe, for example?

Professor Silke: Polygraph testing is controversial—I think you have already had evidence on that—because it is not 100% accurate; there are errors in it. However, as I have already flagged, just because something is not 100% accurate, that does not mean that we should not use it.

Polygraph testing has a potential role to play in these cases. As an extra link in risk assessment and risk management, it could play a useful role. There has already been a commitment not to recall prisoners purely on the basis of a poor polygraph result. There would need to be additional information in order to justify that, and I think that is entirely sensible. There are potential benefits to using polygraphs within an enhanced framework, recognising that they do have their limits. I support the calls that are being made, if polygraphs are being introduced, for running a pilot programme first before implementing them across the estate.

Q183 Miss Dines: Professor Silke, in relation to polygraphs, I see that you have extensive work experience in the USA with the Department of Homeland Security and the FBI. The Americans value the polygraph as a tool, not to determine exactly what has happened, but to assist in knowing whether somebody is disguising their compliance. That is right, isn't it? The Americans think it is useful, and you, too, think it has its purposes, don't you?

Professor Silke: Yes, it is certainly more used in America than elsewhere. I am not intrinsically opposed to the use of the polygraph in these cases. I think there is a potential role that it can play. Obviously, it will need resourcing and appropriately trained and qualified people to run it. As I said, it can add an extra element to the risk assessment and risk management process, which can be useful.

Miss Dines: Thank you.

Q184 Rob Butler: Professor, you made the point, as have others this morning, that only about 10% of terrorist prisoners reoffend, versus a rate of perhaps 50% across the piece more generally. Do you accept that that 10% who reoffend can cause horrendous atrocities with mass murder? Surely we need to be protected from them as much as possible. The Bill will help achieve that with longer periods in custody.

Professor Silke: It stands even lower than 10%. For England and Wales, it is down to 3%. Really, when we talk about very low levels of reoffending for released terrorist prisoners, it is incredibly low. The vast majority of released terrorist prisoners will not re-engage in terrorism and will not be convicted for any future terrorist offences.

Q185 Rob Butler: But we have seen two very recent examples. Do we not need to minimise the potential of any examples?

Professor Silke: The point there is that if we are going to be concerned about the potential risk of reoffending for any prisoner, we would then end up in a scenario where we release no prisoners. Risk for any prisoner being released for any type of offence is never zero.

Q186 Rob Butler: But here we are talking specifically about terrorist offenders who, by dint of one single act, can cause mass murder and atrocity. Do they not merit a special type of sentence, as is proposed in the Bill?

Professor Silke: Sentences for terrorism can be long and, again, I am not opposed to that at all. One of the challenges we have is that we are imposing blanket long sentences across the board, when we know that the high-risk prisoners are a tiny minority of that group. One of the concerns I have with the Bill is that it does not distinguish; it is across the board. It would be nice if

we could be more targeted and focused in terms of how we are identifying and managing the high-risk terrorist prisoners, as opposed to the entire group.

Q187 Bambos Charalambous (Enfield, Southgate) (Lab): Professor Silke, I have just one question. It is about reviewing the Bill through the prism of Isis and radicalisation from Muslim extremists, and also the far right. Where do you see the threat of terrorism in the future coming from?

Professor Silke: Far-right and Islamist-inspired terrorism remain the two dominant threats in England and Wales, but many will be aware that the most active group in the UK continues to be dissident republican terrorists in Northern Ireland. Looking ahead, what are we likely to see? That will tie into a whole range of different factors. One of the concerns many people have is what are the implications of dealing with the pandemic for terrorism trends going forward. There are concerns about increased radicalisation in certain quarters, but also pressures on criminal justice and other agencies in terms of budgets going forward and what potential impact that might have over the next four to five years.

Bambos Charalambous: Thank you.

The Chair: We have time for maybe one or two more questions, if anybody would like to ask one.

Q188 Ruth Cadbury: Professor Silke, we have covered the issue of prisoners, but what impact do you think the changes to the TPIM regime will have on public safety?

Professor Silke: I am not a fan of TPIM. The main saving grace of the approach has been that they have been used sparingly, and that has been consistently the case from control orders onwards. That probably is their main saving grace: they are only used in a handful of cases. The problem is that it is punishment without conviction, which is always problematic in a system of justice such as the one we have. The changes proposed are similar to some that have existed in the past. I would encourage the Government in general to look at alternatives to TPIM. If we are in a case where we are talking about five or six individuals who are under those measures, are there not alternative arrangements that could be used to monitor or otherwise manage the risk associated with those individuals, apart from a TPIM approach?

Ruth Cadbury: Thank you.

The Chair: If there are no more questions, Professor Silke, thank you very much for your evidence. It has been very useful.

Ordered, That further consideration be now adjourned.
(Tom Pursglove.)

10.45 am

Adjourned till this day at Two o'clock.