

From experiment to expansion

Keith Bottomley and Adrian James review the history of prison privatisation and raise some issues of principle.

In July 1987 the Home Secretary of the day, Douglas Hurd, told the House of Commons that he did not believe there was a case for handing over the safekeeping of prisoners to anyone other than Government servants. Yet, within less than 5 years, Wolds Remand Prison opened as the first privately managed prison in the UK (in modern times), receiving its first unconvicted prisoners on 6 April 1992.

The Wolds 'experiment'

Wolds was intended initially as an 'experiment' to test the feasibility of private sector involvement in prison management - as recommended by the Home Affairs Committee (House of Commons, 1987) and subsequently endorsed by Government appointed consultants (Deloitte, Haskins and Sells, 1989). It was also intended to see if improvements could be made to conditions in which remand prisoners were held, and to implement the Woolf agenda for custody, care and justice for Britain's prisoners. However, without waiting to evaluate the results of this momentous experiment, within the space of just two years the Conservative

Government put out to tender contracts for the private management of three more prisons (Blakenhurst, Doncaster and Buckley Hall). These were followed swiftly by 25 year contracts for the design, construction, financing and management of prisons to be built at Fazakerley (HMP Altcourse), Bridgend (HMP Parc) and Lowdham Grange. It was thus well on track for meeting the target of at least 10 per cent of the prison estate in England and Wales being privately managed. This was before the new prison building programme (for up to 12 new prisons) which was deemed necessary to cope with the extra demands arising from the implementation of the Crime (Sentences) Act 1997, and will bring the private sector to about 15 per cent of the total prison estate (see House of Commons, 1997: para 154).

A Labour U-turn

Furthermore, the new Labour Government, faced with the harsh reality of a prison population increasing by 500-600 a month, has performed its own policy U-turn by renewing (for a further three years) the existing contract with UKDS for managing Blakenhurst and giving approval for new private prisons at Agecroft (near Salford) and Pucklechurch. Thus, within the space of a single decade, successive Conservative and Labour governments have at first denied and then embraced the urgent need for the private sector to fill gaps in custodial provision that the public sector was apparently deemed unable to fill as economically or efficiently.

An indication of qualified all-party support for further prison privatization was clearly signalled in the review of developments in the privately managed prison sector in England and Wales carried out by the Home Affairs Committee, and published in March 1997 shortly before the general election (House of Commons, 1997). The Committee acknowledged that the

debate raised important matters of principle as well as questions relating to the cost and quality of custodial provision. On the matter of principle, the Report concluded that 'the fears hitherto expressed over the principle of contracting out - that it would mean the abdication of state responsibility for public safety and the deprivation of freedom - have not proved justified, and that the idea of privately managed prisons is undoubtedly now more generally accepted' (House of Commons, 1997: para 162).

The costing argument

The Committee then reviewed the evidence on the extent of financial savings arising from contracting-out, the quality of provision in privately managed prisons and what effect there had been on the performance of the publicly managed prisons. Whilst fully acknowledging the difficulties of ensuring that comparisons between the costs of the private and public sectors are made on a fair basis, with appropriate private-public comparator prisons, it felt able to conclude that 'at least in their early years, privately managed prisons have delivered savings to the prison service ... of a little over 10% per prisoner' (para 179). In the Committee's view, the level of savings arising from the contracting-out of prison management will gradually reduce as public-sector efficiency increases, but it was thought unlikely (at least in the foreseeable future) that the gap would reduce

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A new public sector prison

to such an extent that there would be no cost advantages to the Prison Service.

Quality of provision

The question of whether the quality of provision for prisoners in privately managed prisons has suffered in the commercial interests of economy is arguably more difficult to answer than the purely financial questions. A variety of performance indicators (e.g. assaults on prisoners/staff, time out-of-cell, purposeful activities etc.) serve to highlight both the problems and the achievements of the private sector (House of Commons, 1997: paras 166-169). Recently published research, carried out over a period of more than two years by our research team at Hull University's Centre for Criminology and Criminal Justice and the Cambridge Institute of Criminology, compared the overall quality of provision, including staff-prisoner relationships, at Wolds, Woodhill and other new local prisons. We found some significant achievements at privately managed Wolds, which was rated more highly by prisoners than the other prisons in our survey. In particular, as many as 84 per cent of prisoners at Wolds thought the staff there were better than at other prisons they had experienced, commenting on their helpfulness and the way they treated prisoners with respect, thereby contributing to staff-prisoner relationships that were rated as mostly or very good by over 90 per cent of the prisoners we interviewed. (For further details of the research findings see Bottomley et al, 1997; and James et al, 1997)

However, whilst fully acknowledging and documenting these real achievements of Group

4 at Wolds, we concluded on the basis of our review of all six prisons, that:

'...similar, and some might argue better achievements are to be found in some new public-sector prisons, showing that the private sector has no exclusive claim on innovation or imaginative management able to deliver high quality regimes to prisoners.' (Bottomley et al, 1997: 52)

Drawing on a range of evidence, including professional opinion (e.g. Home Office Controllers, HM Chief Inspector of Prisons), our research findings and their own observations, the Home Affairs Committee drew conclusions that were rather less equivocal and more favourable towards the private sector:

'We consider that, after some early teething troubles, privately managed prisons are now operating well in terms of the quality of performance and the regimes they run; and that their overall performance has been at least as good as that of publicly run prisons and in some areas better.' (House of Commons, 1997: para 174)

A spur to efficiency?

Finally, the Committee examined the extent to which there had been a flow of ideas from the private sector to the public and whether the growth of the private sector had acted as a spur to improvements in the public sector more generally. With regard to the first question, they recommended that the Prison Service should seek to improve the flow of ideas and the exchange of 'good practice' between the two sectors. However, on the basis of evidence submitted to them, including the personal views of Richard Tilt and his predecessor, Derek Lewis, the Committee felt

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able to conclude that 'the presence of private sector competition has provided a valuable and effective spur to the public sector to increase their efficiency' (House of Commons, 1997: para 196).

Thus, in their conclusions on the private management of prisons, the Home Affairs Committee recommended 'a cautious and measured approach to future change'. They felt that any expansion of the private sector should be on the grounds of its achievements and beneficial effect upon the larger prison system, and 'must take the people's confidence with it' (para 213).

Issues of principle

Much has happened, politically and penologically, since the early days of the Wolds 'experiment'. The private sector is now clearly established in the business not only of managing but also of designing and building new prisons in England and Wales well into the next century. However, key questions have tended to be submerged under the waves of the harsh practicalities of penal policy and prison management. Issues of principle should not be lost sight of.

There needs to be continuing vigilance in monitoring the comparative costs and quality of provision across the private and public sectors, particularly if the cost differentials continue to reduce. Careful attention needs to be given to the balance between short-term savings and long-term costs; and there should be continuing discussion about whether there is an optimum size for the private sector within an integrated prison service in which good practice is shared, effective 'cross-fertilization' takes place (see Harding, 1997) and the rights and interests of all prisoners and staff are fully safe-guarded.

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