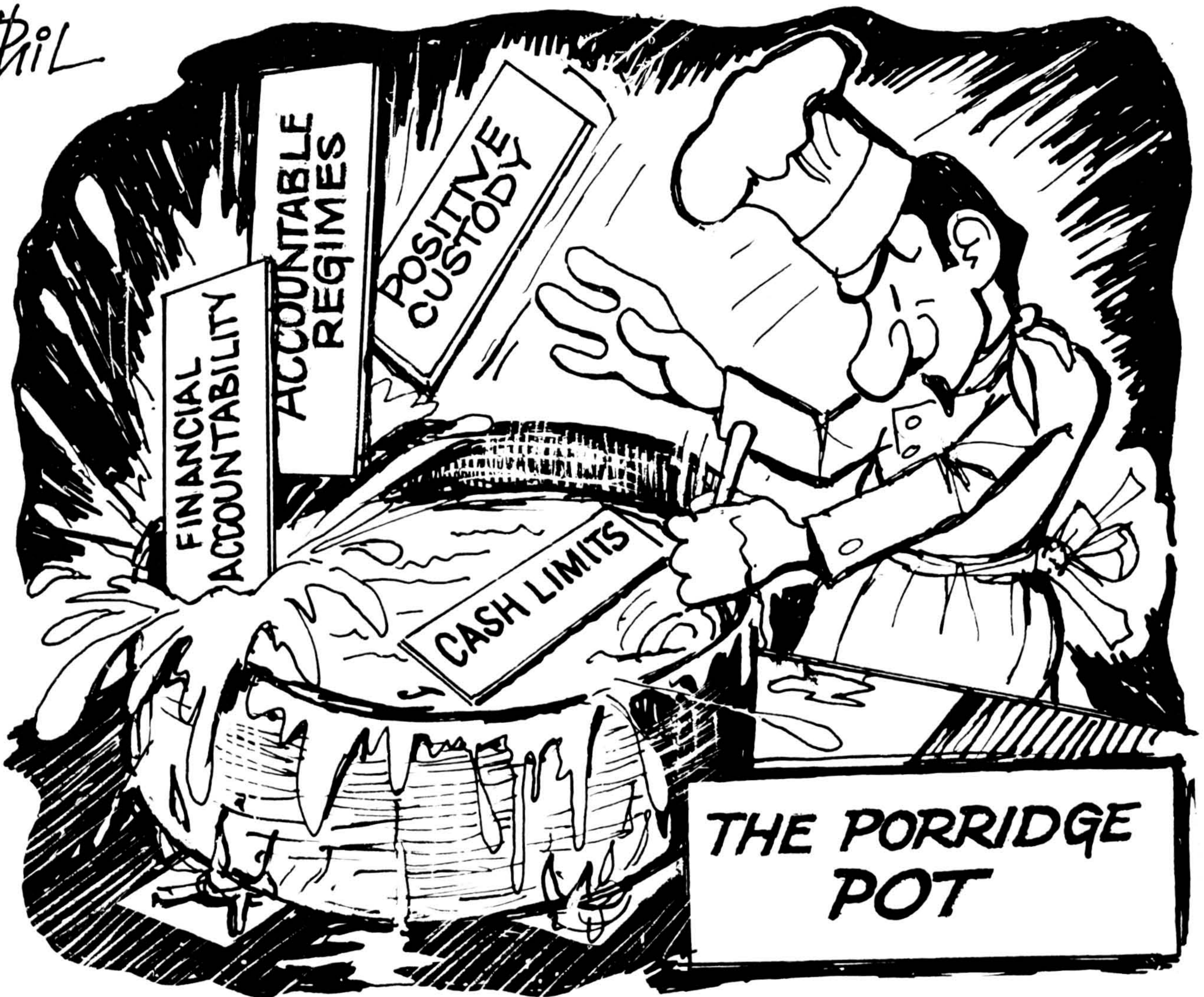


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Comment

Our cover depicts some of the uncertainty we find within the service. The decade of the seventies saw an ever-increasing weight of evidence that cast doubt on the principles of treatment and training that lay behind Rule 1. This came to be expressed in the phrase 'humane containment' which suggested that since we knew not how to influence the hearts and minds of those in custody we should set our sights differently and see that they were contained in a way compatible with a humane society. The end of the seventies saw the May Inquiry and subsequent report taking on board the very real doubts and fears of the service about Rule 1 and suggesting a new concept of 'positive custody'. Now the time for semantics has come and we struggle to find words to helpfully express the idea.

At the same time the idea of 'humane containment' is being pursued by suggestions that the service should turn its attention to clear definitions of minimum standards which could then be legally enforceable. Back in fact to our last issue on 'Rights', Jonathan Uzzell returns to this theme in the opening article and opens also the debate about an ethos for the service when he charts the emphasis in decision-making moving from what it is right to do to what is administratively convenient. Our other contributors take up the question of an ethos expressing some unanimity for the view that the ethos of the service cannot be prescribed rather that it must come from the way in which we perceive and perform our task.

Whilst we cast around to find the soul of the service management initiatives are proposed under the heading of 'accountable regimes'. Roger Dauncey suggests this is MbO by another name and asks what happened to the reports on the original experiment at Feltham. The dilemma is whether such initiatives help or hinder the process of identifying task. The initial response from establishments, as Brian Chaplin reports, is encouraging and it may be the vehicle for the much needed debate of what we are about. There remains at the back of it all a firmly-held belief among many that if the service does not adopt positive ideals within the framework of an ethos of care and concern for those in custody then ultimately the staff in the service will become progressively demoralised. We should take the opportunities that present themselves to involve staff at all levels in the service in expressing their views about the future of it and in working in the more positive aspects of it as exemplified by the article from Nottingham.

Rights, Responsibility and Regimes

Jonathan Uzzell

"Unless we have the courage to fight for a revival of wholesome reserve between man and man, we shall perish in an anarchy of human values"—Dietrich Bonhoeffer.

I FIND IT SIGNIFICANT that Bonhoeffer wrote these words whilst imprisoned by the Nazis. He is probably reflecting on the state of human relationships inside Nazi Germany but his assertion has a general application, not least to relationships within the society of a prison. The regime within any prison, if it is to have an ethical content, must have a concern for rights and responsibilities. Indeed it may be argued that a denial of rights, the lack of acceptance of responsibility together with the absence of a *demand* that prisoners, as well as staff, accept personal responsibility for their behaviour is at the root of a great deal of the conflict that abounds. Rights and responsibilities are two sides of the same coin. Currently we seem unable to guarantee prisoners even their basic rights because of overcrowding. Prisons are designed to reflect certain rights which prisoners are assumed to have; overcrowding must result in those rights being lost or diminished. Rights also are generally matters enshrined in law. In 1819 in France, Decazes wrote "The Law must follow the convicted man into prison where it has sent him". The legal aspects of imprisonment have been largely ignored in the UK. The 1952 Prison Act has little to say on the day to day nature of a prison regime. The Prison Rules of 1964 delineate only a framework.

They lay down certain minimum standards, confer few rights, impose duties, and allocate responsibilities. The most noticeable feature is the notional discretion given to the Home Secretary as to all matters except a prisoner's right to shelter, clothing, food and medical attention. These Rules are supported by a large volume of standing orders which only recently have become available to prisoners. It is quite understandable that prisoners have been greatly frustrated when they had no clear idea of the rules which governed their lives. The British Institute of Human Rights which contained such eminent people as Lord Scarman, and Lord Gardiner held an inaugural conference in 1973 and was concerned with a number of aspects of imprisonment. Among their many recommendations they stressed a reduction of

secrecy in the Home Office; more staff and prisoner consultation and a massive decrease in overcrowding: none of which has occurred. There is a strong case for an explicit and public "Bill of Rights" for prisoners. Such an instrument would help to remove uncertainty in their minds and would thereby reduce tension, anxiety and conflict.

The Abdication of Personal Responsibility

The lack of any formal, written description of prisoners' rights is the result of the policies of Du Cane, Waller, Paterson and Fox. When Du Cane created the modern penal system in 1870 he set high standards of behaviour and conditions and recruited staff that could and would meet those standards. He relied on the men and women that he chose to apply their own ethical standards to the decisions that they made. This was made the more explicit under Paterson. He wrote² "It is the.....policy of our Service.....



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that we should first get hold of the best men possible.....and then give them as wide a scope as possible. It will therefore be found that our Regulations decrease in number, whilst the margin of discretion grows, more and more being left as the system develops, to the judgement of the individual officer. A service where every contingency is governed by an exact rule tends to attract second-rate men, and years of unquestioning obedience reduce them to the level of the third-rate”.

With such a policy one can understand why no thought was given to explicit rights. It was demanded and expected that staff would interpret the policy of encouraging the development of self-respect, etc. in the manner which they thought best, and would be committed to achieving high standards. Regrettably the policy was undermined by the developments of the 2 decades 1950-70. The amalgamation of the Prison Service with the Home Office in 1963, and the creation of governor grade staff officers by Mountbatten altered the value system. Within the Home Office structure prison staff were (and still are) expected to act in a manner which will not embarrass the Home Secretary. The emphasis in decision-making therefore shifts from what it is *right* to do to what is administratively expedient and these may not always coincide. Furthermore, the advent of an increasing number of specialists drawn into the system with values which were overtly non-judgemental accelerated the demise of high moral standards—the standards which previously had provided prisoners with some measure of protection. It is this vacuum which has largely given rise to a demand for explicit prisoners' rights.

Although there are channels by which individual prisoners can air their grievances there is no way whereby prisoners as a group can express their frustrations. Collective action is forbidden. Yet penal societies are full of conflicts: conflicts with staff and with other prisoners. Conflicts are at the centre of much criminal behaviour; by definition their behaviour conflicts with the current laws of society and there is an implicit hope or expectation that when released from prison that the conflicts shall not reoccur. The resolution of conflict is therefore a necessary activity within a prison both as maintaining good order and discipline and as a way of preparing prisoners to exercise greater responsibility when released. Christie³ has

written—“.....it will easily be seen that conflicts represent a potential for activity, for participation. Modern criminal control systems represent one of the many cases of lost opportunities for involving citizens in tasks that are of immediate importance to them”.

One of the matters that is of immediate importance to prisoners is the regime in which they live.

Regimes

The 'separate' system devised by Du Cane, although harsh by today's standards was designed to protect prisoners from prisoners; protect staff from prisoners and protect prisoners from staff; and it did it superbly. During the inter-war period regimes were developed to include more work, educational, recreational and spiritual activities both for their own sake and to mitigate against the deleterious effects of long-term incarceration. All these activities were regarded as privileges which had to be earned by prisoners and therefore involved inmates in numbers which staff could control. The post-war period witnessed policies which transformed these privileges into rights, or at least common expectations. The numbers involved are such that staff can only control them with the utmost difficulty and frequently require aids such as radio, dog patrols and CCTV. Currently staff cannot protect prisoners from prisoners, nor are they themselves risk-protected from prisoners. The strong can exploit the weak and conflict abounds. The situation is exacerbated by gross overcrowding.

Prisons are by nature coercive institutions, they can in the last analysis be no other, but the system is charged to keep the coercion to a necessary minimum. A section of the preface to Prison Rules states:

“Order and discipline shall be maintained with firmness, but *with no more restriction* than is required for safe custody.....” (Emphasis mine.)

Control can either be imposed externally, or internally by encouraging those involved to behave responsibly. In the last analysis coercion may have to be used, particularly if violence erupts. Violence is an overt state of lawlessness and allows the strong to exploit the weak. It has to be met with force—the force of law and order. But such action cannot cure the causes of violence only the symptoms: indeed the use of force to stop violence may add to underlying causes. This price has

to be paid to restore law and order. But these are final measures. All societies, including penal ones, have to create methods of coping with and managing conflict if the conflict is not to destroy or damage the existing social system. There are 2 basic strategies that can be adopted, one of conflict *resolution* and a second of *reconciliation*. It is tempting to start seeking the resolution of a conflict hoping to achieve reconciliation during or after the conflict has been resolved, but the 2 aims demand different strategies.

In the resolution of conflict a third party may impose a solution on the parties in conflict if it has the power so to do: for instance prison staff separate prisoners who are in conflict even to the point of 'ghosting' them to different prisons. In industrial relations conflict a senior administrator and a member of the National Executive Committee may impose a 'correct' or expedient solution on the parties involved in a local dispute. At a national level the Wynne-Parry and May Reports were imposed solutions to conflict between prison staff and national management. Such solutions may deal with the presenting issues but are unlikely to create the reconciliation which in the long-term must be the desired aim.

Reconciliation demands a different strategy. Reconciliation implies that the parties in conflict seek and find a solution satisfactory to both. This does not exclude the help of a third party whose primary task is to help them find a solution, not to impose one upon them. This strategy has further implications. If the disputing parties in dialogue are to find a mutually satisfactory solution they have to treat each other as equals. This raises problems in the penal setting. There is a formal hierarchy of rank and role for staff and a prisoner's role is defined by his captivity. The equality that needs recognising is that of status, that is that the disputing parties are commonly human and require respect for so being. (There clearly can be no equality of role.) The preface to Prison Rules states inter alia:

“At all times treatment of prisoners shall be such *as to encourage their self-respect and a sense of personal responsibility*”. (Emphasis mine.)

It is in the area of conflict resolution and self-control that this charge is of paramount importance. It implies that prisoners need to take some responsibility for the regime in which

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Accountable Regimes

What next?

Brian Chaplin *Head of the Directorate of Regimes and Services Central Unit*

The title selected for this article serves two purposes. It is an indication that the article is an attempt to respond to the question "In what ways and at what pace will the development of Accountable Regimes proceed?" But it is also a recognition of the ambivalence of attitude sometimes displayed to the concept of Accountable Regimes, an ambivalence reflecting cynicism about what are perceived as unrealistic attempts by Headquarters to promote improvements in management systems through regular "initiatives", many of which coincide in time and, indeed, appear to overlap with each other. "Accountable Regimes! What next?" It may be helpful therefore first to attempt to place Accountable Regimes in its historical context. In attempting to do so I am, by a fortunate career coincidence, able to draw upon experience as an MbO consultant involved some 10 years ago in the introduction of Management by Objectives into what was then the Farms and Gardens Group of the Directorate of Industries and Supply and in the attempt to introduce MbO into the Management of Feltham Borstal. A subsequent secondment to the Civil Service Department involved me in a survey of departmental experience of MbO in 20 different Civil Service projects in the period 1968 to 1973, the report of which was published in October 1973 and led eventually to a conceptual transition of Management by Objectives into Improving Management Systems (I.M.S.).

Principles

Any discussion of the concepts of Accountable Regimes is likely at an early stage to focus on the question

"How does the Accountable Regime's approach differ from other attempts to improve management systems, e.g. management by objectives?" The

answer, of course, is that fundamentally it does not introduce any new principles of management and the Notice to Staff 12/1982 issued in February 1982 made this clear when, in response to question 4 in Appendix 1 ("What new principles of management does the approach embody?"), the answer was given "None; but it provides an opportunity for applying accepted principles systematically to the problems of regime management". It is a truism that in the field of management and organisational development the conceptual foundations have been well and truly laid and the many different approaches which have been attempted, distinguished by their labelling initials, have not brought with them radical innovations but have rather reflected preferred emphases on aspects of management styles and systems to meet the perceived needs of particular organisations or operational areas. Accountable Regimes may therefore be regarded as being an extension of this continuum of management and organisational development. It is a logical and pragmatic attempt to tackle some of the problems of the Prison Service today positively and constructively, building on the management skills and systems already deployed; emphasising the value of participation; recognising constraints and facing their effects realistically; and within this context attempting to deploy present resources in the best possible way.

When the Directorate of Regimes and Services Central Unit (DRSCU) rose phoenix-like from the ashes of P2 Division in December 1981, an important part of its brief was to implement what was described first as

Brian Chaplin joined the Home Office as an Executive Officer in December 1949. After an interruption for National Service, which he served mainly with the Royal West African Frontier Force, he returned to the Immigration Department and served subsequently in the Police, Probation and Fire Service Departments before joining the Prison Department (Establishment Division 3) in 1966. He transferred to Management Services in 1970 as a Management by Objectives consultant working on the Farms and Gardens and Feltham MbO projects. Three years secondment to the Civil Service Department followed and, on returning to the Home Office as a Principal, he worked in the Voluntary Services Unit for 5 years. He rejoined the Prison Department (P2 Division) in May 1981 and is now head of the Directorate of Regimes and Services Central Unit, established in December 1981 in succession to P2. An Open University graduate in 1977, he completes his qualifications for 1st Class Honours (OU) this year with a new course on "Crime and Society."



the "educative phase", and subsequently the "information phase", of the development of Accountable Regimes. It is well known that "Accountable Regimes" is a child of Ken Neale. This should surprise no-one, bearing in mind the continuum of management and organisational development described earlier. Ken Neale was Director of Industries and Supply when MbO was introduced some 10 years ago. His continuing interest in, and reflections upon, the processes of management in due course led him to conceive and articulate concepts which he felt could be helpful to the Prison Service in dealing with the problems of regime management and balance which were becoming gradually more apparent. The title conceived by Ken Neale for this approach, 'Accountable Regimes', demonstrated the area in which the thrust of the initiative was intended to go. Accountable Regimes was conceived as a comprehensive approach to the management of prison establishments and the regimes operated in them. By the end of 1981 the concepts had been articulated and some preliminary work had been carried out at the two designated model project establishments, Shepton Mallet and Featherstone. The task of the DRSCU was therefore to carry forward the processes of explanation and further development.

Development Strategy

The declared purpose of the information phase was "to make everyone aware of the concept of Accountable Regimes so that preliminary thought may be given to how it might be developed in each establishment". For reasons outside the control of the DRSCU it was decided that information about Accountable Regimes should be circulated throughout the Service very early in 1982. For this reason the information phase was carried out first through papers preceding wider discussion, although valuable early meetings were held with all the Regional Directors and their management teams before papers were circulated. An encouraging aspect of the early stages of the information phase was the willingness on the part of top management throughout Headquarters and the Regions to participate positively in the programmes comprising the information phase. Remembering the first lesson reported by Civil Service Departments which experimented with MbO in the late 60's and early 70's, (reported in the CSD report "Manage-

ment by Objectives in the Government Service 1968-73"), i.e. that it is essential that top managers should believe in the idea and be seen to be enthusiastic in its application, this early demonstration of commitment throughout the management structure to the idea of Accountable Regimes augurs well for the further development of Accountable Regimes. Regional Directors have accepted that the development of Accountable Regimes, including the information phase, can and should only happen through them and their management teams and the existing regional line management structure. What has happened so far, and is continuing to happen, particularly at the model project establishments, Shepton Mallet and Featherstone, has been under the firm operational direction of the respective Regional Directors. The DRSCU team's task has been to attempt to build a bridge from the earlier conceptual and project work of 1981 to discussion on a wider scale throughout the Service and to further practical work in the model project establishments from which it is hoped lessons will be learned and insights gained of value to the Service as a whole.

As explained earlier in this article, the first stage of the information phase was necessarily a rapid early circulation of papers. This was interpreted by some as an indication of intention to develop and introduce Accountable Regimes at break-neck speed. Nothing could be more inaccurate. With the reported lessons of MbO experience in mind ("The pace and depth of changes (should be) designed to secure long-term improvements") the Notice to Staff mentioned earlier answered the question (11) "How long would the development of Accountable Regimes throughout the prison service take?" with the response "The full development of Accountable Regimes throughout the Prison Service would take at least five years. The pace of development can only be very gradual and the scope of individual projects may initially be limited. At present we are all learning which is why everyone's contribution is invaluable".

Information Stage

The papers issued were the Notice to Staff, which had two appendices, one in question and answer format and the other somewhat more discursive. These papers, which were issued over Ken Neale's signature, were made available to all members of staff who were

thereby given the option of reading all or some (or none!) of the papers, depending on their inclination. At the same time as the Notice to Staff was issued a letter was issued by the Deputy Director General to all Regional Directors which enclosed a paper entitled 'Accountable Regimes—Notes for Governors and Wardens'. The purpose of this latter paper was to provide Governors and Wardens with information to supplement that provided to all staff through the Notice to Staff and its appendices. All the papers emphasised the essentially practical nature of the Accountable Regimes approach and, without attempting to pre-empt the work of the model projects or to be too prescriptive, the notes to Governors and Wardens included a paragraph (5) which suggested the steps likely to be involved in the development of an Accountable Regime. Recognising that many of the readers of this article will have by now already read the notes to Governors and Wardens, I nevertheless reproduce in full below the 9 points set out in paragraph 5 of that paper:

- "(1) full consultation with regional office which, in accordance with established line-management responsibilities, will be responsible for the overall direction of any initiative to develop an Accountable Regime;
- (2) a process of consultation by the governor with his staff;
- (3) a re-definition of the aims and objectives of the establishment, taking into account such minimum requirements as are demanded by Prison Rules and Standard Minimum Rules, to fulfil the defined roles and functions of particular establishments;
- (4) the possible establishment of a local forum to monitor and promote the initiative (the experience of the model projects will be relevant in this respect);
- (5) a re-assessment of the resources available and the way in which they are deployed, particularly in relation to regimes;
- (6) a re-appraisal of the regime plan in the light of the re-assessment of resources;
- (7) a re-balancing of the regime plan, if necessary with some

- redployment of existing resources;
- (8) the approval of the Regional Director to the re-defined plan;
 - (9) the acceptance of the full accountability of the governors to the Regional Director and from him to Headquarters for meeting the objectives of the plan".

These 9 points cover comprehensively all the principles underlying the Accountable Regime's approach and the practical steps which are likely to be involved in developing such an approach. They are, in effect, a practical, structural, aide-memoire for anyone attempting to develop an Accountable Regime.

The early circulation of papers was followed by a series of regional meetings with governing governors, heads of headquarters' branches and divisions, and with professional groups, e.g. regional chief officers (PE). These meetings were opportunities for further explanation and discussion and were highly stimulating. A range of reactions and views were represented at them including, not surprisingly, examples of the scepticism about management initiatives of the kind described earlier in this article. However, represented also was a considerable body of opinion which appeared to accept that, in a Prison Service beset and over-burdened by the many problems facing it today, in which they, as professional dedicated managers, were struggling to fulfil

their responsibilities, a positive comprehensive attempt to tackle management problems might have something to offer, particularly if, as represented to them, there was a commitment throughout the Prison Department to accept the full implications of this approach, i.e. Headquarters and higher management would play their full parts in the process. In particular governors and wardens of young offender establishments recognised an immediate practical relevance of the Accountable Regime's approach (and, in particular, the nine points described earlier in this article) to the work in which they would shortly be engaged developing regimes appropriate to the impending new Young Offender legislation. This relationship was not lost on P4 Division and the DRSCU was invited to become involved in the P4 programme of work in preparation for the new legislation. This co-operation is, I believe, an important demonstration of the possibilities of the Accountable Regime's approach and another hopeful augury for its further fruitful development.

Throughout the summer and autumn of 1982 the two model projects will continue their work separately and individually under the direction of their respective regional offices and the DRSCU will continue to observe and discuss these developments with the regions and governors concerned. As an operational function regions will be monitoring the progress of the model projects and a task of the DRSCU will be to draw comparative conclusions

from the two experiences. The overall direction of the development of Accountable Regimes remains with the Accountable Regimes Working Group on which both Headquarters' divisions and regions are represented. Monitoring of the effectiveness of the information phase of Accountable Regimes is being carried out under the aegis of the Director of Psychological Services and the results of this two-stage survey will be made available at the end of the year.

Future Development

So much for 1982. What will happen in 1983 and beyond? The precise course of the development of Accountable Regimes beyond 1982 is impossible to predict; indeed to attempt to do so would be to deny the concept of the continuum of management development described earlier in this article. What can be said now is that there are signs that regional offices, governors and staff are carefully studying the information given, asking questions and examining the ways in which changes can best be introduced and controlled through the principles advocated. There is a general acceptance of the importance of finding ways to control the use of resources and to plan in ways which will ensure the stability which penal establishments require. The further pragmatic and gradual development of Accountable Regimes will contribute to more effective management of resources which in turn will result in greater continuity and stability of regimes. ■

RIGHTS, RESPONSIBILITY AND REGIMES *continued from page 2*

they live and resolve conflicts by dialogue with staff on basis of common equality. (This of course requires that units must be on a scale to allow this to occur—units of about 40 inmates.) Such activities can lead to the promotion of self-respect.

There is no way whereby staff might agree to be involved in such an activity unless they themselves enjoyed a similar facility in their relationships with management. This implies that both local and national levels of prison staff are party to decisions about penal regimes and staff conditions. It can be taken as a mark of gross disrespect to staff if penal regimes (such as the dispersal system and the common

working system or indeed the recommendations of the May Report) are imposed upon them.

I argue therefore that issues of Rights, Responsibilities and Regimes are closely inter-related. One cannot deal with issues that concern prisoners and the promotion of self-respect and personal responsibility separately from issues that concern staff. A regime should be a creation of both staff and inmates within the physical resources that exist. Such a strategy demands massive decentralisation of the system and decentralisation within establishments. The prime resource that staff and prisoners require if they are to foster personal responsibility and self-respect is that of the power to make or influence the decisions that affect their lives.

Conflict is a condition of 'un-peace', reflecting a lack of balance, inequalities and a felt lack of social justice. It is surely important that an organisation within the judicial system should itself be concerned for true justice. ■

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This paper is a brief synopsis of the author's dissertation entitled *A Programme for Peaceful Prisons* a copy of which is held in the Prison Service College Library.

Accountable Regimes

R.M. Dauncey

In the annual report for 1981, the Director General wrote on the public debate about the problems facing the prison service:

"I hope that in 1982 that debate will extend to the purpose of prison: what the public expects of its Prison Service".¹ Two paragraphs later, he continued: "Efficient management, involving the efficient and economical use of resources, is essential, particularly in a seriously under-resourced service... Unless prison staff operate in a moral framework which makes sense to them in terms of the realities of their environment, the care of prisoners becomes 'just another job'. The traditional objectives of imprisonment provide no answers to prison staff confronted by problems of overcrowding, of overloaded services, of increasing numbers. We need to redefine our objectives in a way which is not only defensible in moral terms but which also provides answers which staff perceive as realistic and achievable".²

In *The Times* for May 17th 1982, Peter Evans wrote:

"The government is considering a big change in policy over so-called training prisons, which are intended to keep alive the belief that imprisonment can reform people... Until now the Prison Department has shied away from such a step because of the implications for Rule 1, the basis of the whole prison philosophy. The rule requires that the purpose of prison treatment and training is to encourage and assist prisoners to lead a good and useful life. The change under consideration will mark the formal abandonment of that. Research has shown that no matter what is done in the way of treatment and training it makes little difference to the reconviction rate... The rule's defenders, however, say that to motivate staff prisons must have a moral purpose. The alternative would be too much akin to a zoo, with officers reduced to the role of keepers. The counter argument is that in the prisons which are most overcrowded there is little else prison officers can be... Mr. William Whitelaw, Home Secretary, now admits that nothing can be done in the short term to cure the appalling overcrowding and the decay of prison buildings... we shall have to look again at the way in which accommodation is used and, in particular, at the extent to which the worst conditions should continue to be concentrated in the local prisons".³

At the outset of this article and near the end of my Prison Service career, I need to state that I believe, with a very few exceptions, all men and women as well as youngsters and children are capable both of learning from experience and changing their behaviour. Also that this capability is possessed by staff of penal establishments, and by their Headquarters' personnel, as well as by the inmates the establishments are required to hold. That they frequently choose to do neither is not a reason for saying that the learning and change is not possible; nor is it a reason for any of us in the Prison Service, from the Director General downward, to stop trying to

encourage learning from experience or to promote appropriate changes in attitude and behaviour. But change takes time and to expect and plan for changes in human attitudes and behaviour over too small a time scale will result in the changes being merely cosmetic and of short duration.

If changes in attitudes and behaviour are to be sustained those involved must, themselves, become committed to the change and must not feel it to be imposed; this means it must be accepted by them and be seen by them to be worthwhile. This applies as much to styles and methods of management as it does to attitudes and behaviour of individuals.



Roger Dauncey took up duties in the North Region of the Prison Service in 1975 where he is now Deputy Director. Before that he had been Governor of Feltham Borstal for four-and-a-half years, and Usk Borstal and Detention Centre for five years. As Deputy Governor he served at Hollesley Bay Colony and Pollington Borstal and as a borstal housemaster at Pollington, Feltham and North Sea Camp, where he joined the Service in 1951.

Innovation

During any process of change, either in individuals or in style of management, support and encouragement are needed from those responsible for the implementation or promotion of such change. So, with any new approach, not only must the Service adopt objectives which are convincing but the impetus must be sustained by support and encouragement from above. The pace of the change must not be forced.

In the first Annual Report of HM Chief Inspector of Prisons, the Deputy Chief Inspector said:

"In our examination of prison regimes we have frequently encountered stimulating and imaginative innovation". He cited three establishments "where deliberate attempts were being made to encourage inmates to retain as much personal responsibility and capacity for decision-making as possible".

Later, when referring to staff, he said:

"In those establishments in which shared-working with the Probation Service has been introduced... and where group-officer schemes had

started, we found morale significantly higher and evidence of greater job satisfaction".⁴

Are these positive contributions now at risk or already doomed? Not according to the 1981 Annual Report of the Prison Department. In its chapter on Regimes and Services, we read:

"A particular problem for governors in the past has been the absence of clear priorities for regime management in their establishments. The concept of Accountable Regimes which the Department is currently developing seeks to meet that need, by marrying the aims of each establishment with the resources available to it, by establishing regime priorities and by co-ordinating a balanced and integrated programme of staff duties and inmate activities. The development of the concept is still at an early stage, but model projects at Featherstone and Shepton Mallet prisons are being used to discover its practical implications".⁵

I think it probable that all those who have experienced Management by Objectives (MbO) implemented in the Prison Service, either in the Farm and Gardens group or at Feltham and Finsbury Wood Borstals, and who have read about, heard about or discussed the proposals promulgated concerning Accountable Regimes will, like me, have been struck by the similarities between the current proposals and the approach encouraged by the use of a system of MbO.

Management by Objectives

In 1971, MbO was introduced into the Prison Service Farm and Gardens Group. The initial stages of this introduction were documented by Brian Chaplin (1972)⁶ and, after some 3 years, Cyril Marshall wrote about its development in a bulletin issued by the Farm and Gardens Group,⁷ but I am unaware of any other published reports concerning its implementation or effectiveness.

Yet, 11 years later, MbO continues to be the method of management used by the Farm and Gardens Group. Managers' guides are completed (and presumably agreed by governors) throughout the Service and the regime plans and programmes involved will therefore be realistically assessed and be balanced with resources available.

It was agreed by the Prisons Board in 1971, as part of the Third Stage of the Management Review of the Prison Department, to test the system of MbO at one establishment which would not

otherwise be included in the visits of the Review Team.

The main purpose of including this approach was to examine its validity within a penal environment and also to find out whether it produced substantially different, or more effective, results and conclusions from those derived from the conventional 'Organisation and Management' approach used in the main review.

Feltham, with Finsbury Wood, was selected as the establishment and the assignment proper started in December 1971. But although a report on this assignment was written, it was not included in the published report of the Management Review.⁸

The use of MbO continued at Feltham until about 1979 and, as far as I know, this was without any support or encouragement from Headquarters' Divisions for its continued use.

However, the management at Feltham pressed for reviews of the system as applied there and Helen Fergus of Brunel University made an evaluation⁹ and Mike Davey and Rowan Bayne of the Civil Service Department carried out an examination in 1974/5.¹⁰ Neither of these papers has been made available outside Feltham and Headquarters' Divisions. Following a recommendation by the Inspectorate, after its visit to Feltham in 1975, Felicity Clarkson—then Senior Psychologist at the borstal—carried out a further evaluation; but, as far as I know, the paper containing her findings, which was written in 1980, is not yet accessible outside Feltham.

The only two commentaries readily available are articles published in this *Journal* in January 1976¹¹ and January 1978.¹² In the second of these, Ted Williams, the then Governor, wrote:

"Organising to cope has been helped by the Management-by-Objectives exercise we were asked to conduct... I think its main effect has not been to introduce methods or organisations that are radically new, but to cause most managers to look carefully at their tasks and to re-define them both for their own departments and in terms of the links with others. It has also given an impetus to systematic reviews of what staff are doing; those parts of the system that remain constant do not therefore do so through inertia but rather because, on periodic checking, they are found still to be the most effective way of doing things".¹³

Accountable Regimes

So, as an organisation, we are now embarking on an approach which is being publicised as something new but, seemingly, doing so without any regard to our past experience. It is frighteningly akin to the comment, "I prefer to form my own opinion", made by some staff as a defence and rationalisation against examining and learning about an inmate's past behaviour by reading his records. The reason for such unprofessional behaviour is obvious.

Will Accountable Regimes be a victim of the same treatment as MbO? Assuming the survival of this *Journal* will someone be writing in its columns in similar vein about Accountable Regimes in 10 years' time?

I can draw on sufficient similarities to support such a prognosis. To identify one: what recording is being made concerning implementation of Accountable Regimes at Featherstone and Shepton Mallet prisons? What resources are available firstly to ensure that staff of those two establishments are supported and encouraged in development of the systems and secondly that detailed assessments are made and the systems monitored as they develop?

Such information as appears to be available not only suggests a lack of resources at the two establishments, but gives rise to the supposition that, as things are, to impose on an establishment the task of developing a concept of Accountable Regimes will be to ensure that it will not be possible to marry the aims of that establishment with its available resources.

Make Haste Slowly

Is it too late to make available to the staff of Featherstone and Shepton Mallet, and the Service as a whole, the lessons which could be learned from the implementation of MbO in the Service? I think not.

But, in any case, we should not, as we appear to be doing, rush headlong into a system of Accountable Regimes when it would be prudent to make haste slowly and embark upon the development of these ideas over a much longer period than is proposed.

We must make a start to change the Service's current approach to the management of change. We must practise what we preach.

Finally, whether or not we have the public debate on the purpose of prison, whatever our systems of management may be and by whatever method we marry our aims with our

available resources we must not ignore what happened in the prison system of Adolf Hitler's Germany and how its overcrowding problem was solved.

Read, or re-read, "A Most Peculiar Absence of Monsters" in the July 1977 issue of this *Journal*.¹⁴ That article examined the penal system of the Third Reich and its relentless pursuit of the final solution, run not by psychopathic monsters but by loyal and unquestioning civil servants. One way of preventing anything like it happening here, and I know most readers will not even entertain its possibility (therein lies the danger), is by ensuring that the aims and regimes of our penal system are specifically

designed so as to prevent any step in the wrong direction.

Coupled with that, the accountability for the implementation, achievement and maintenance of those aims and regimes must be specific and unambiguous. ■

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The future ethos of the Prison Service

M. Jenkins

What's wrong with the past ethos?

The following paragraph has haunted me for almost as long as Rule 1:

We will be aware of the varying philosophies underlying the enforced separation of the offender from society, namely expiation, restitution, retribution, deterrence, prevention and reformation. It is the conflict that inevitably arises once these philosophies are put into action, so to speak, that largely accounts for what one can only describe as the abysmal failure of the British penal system. If we examine the implications of these philosophies, clearly they cannot be merged into one unified category. (Brown, 1969.)

Nigel Walker (1980) has more recently re-examined such expectations under 3 main headings, viz punishing, reducing and denouncing. Punishing is about deserving retribution for what *you have done* and this 'justice model' attracts many; but its focus must be the offence rather than the offender and is unjust insofar as it cannot distinguish between offenders; punishment may also be unjust if it is followed not by forgiveness but by stigma. Reducing is an umbrella-word and includes a variety of utilitarian concepts about reducing *future* crime whether by deterrence, treatment, training or whatever. Denouncing has a ritual value because by it the common will is reinforced, the threat identified and the need for revenge is satisfied. Denouncing is akin to punishing because to

be credible a deserving case has to be found and the court must make an award.

Politicians have been recently saying much the same thing. In the Parliamentary debate last December Mr. Whitelaw and Mr. Hattersley are recorded as saying:

In imposing the sentences they do, the courts have a number of objectives: to deter the offender and others; to register society's disapproval of serious offending; and to give protection from the offenders' activities. The courts are bound to have these considerations in mind in deciding the length of sentence. The more serious the offence, the more severe the sentence. (Mr. Whitelaw.)

Prisons exist for 3 purposes. One is to punish, one to deter and one to protect society from those who must be permanently excluded from the continuing damage and injury that they might do. (Mr. Hattersley.)

A number of conclusions follow



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from these statements. First, there is a need for 2 definitions so that an ethos of the penal system is not confused with an ethos for prisons. Second, we need to question whether we leave these various pots of honey on the shelf for judges to choose according to the needs of the particular case. Both Walker and Thomas (1979) have considered the values of an eclectic approach but it seems to me that there must be another principle at work to justify the eclecticism. Third, research is beginning to tell us more precisely which expectations are real and which initiatives offer hope to both community and offender—in relation to both court disposals and prison treatment.

A different tack

I would therefore want to start again, with the penal system first and prisons second; William Temple provides my start though his context was wider than both:

The most fundamental requirement of any political and economic system is not that it shall express love, though that is desirable, nor that it shall express justice, though that is the first ethical demand to be made upon it, but that it shall supply some reasonable measure of security against murder, robbery and starvation. (Temple 1976.)

The "Queen's peace" is a well-established concept of English Common Law but the same cannot be said of the concept of "social control". I am uncertain whether to be more surprised by the common elements of both or at the disparity of emotional reaction which each arouses. I need to acknowledge my debt to a diocesan chancellor who took as his working definition of crime "us lot saying to you lot, we're not 'avin' you doin' that there 'ere". It seems to me that there is some agreement that the state has a role to play in preserving peace and exercising a degree of control; we can all then argue about the amount and means of control and this argument is one of the tests of a democracy and of its ability to mediate the exercise of power. Punishing, reducing and denouncing are clusters of ideas but they are not part of a continuum; control is a continuum with degrees of more at one end and less at the other. The clusters must bear upon the exercise of control and to that extent are adverbial in their ability to qualify. For example, there is at present a somewhat hysterical concern about mugging (see New Society, 25 March 1982) and

it could perhaps be reduced if *all* youngsters were locked up:

I would there were no age between 10 and 3 and 20, or that youth would sleep out the rest; for there is nothing in the between but getting wenches with child, wronging the ancientry, stealing, fighting. (Shakespeare, A Winter's Tale, Act III, Scene 3.)

But *justice* requires that we take penal action only against those who have offended; and we should limit our reaction to a fair proportion to ensure justice between offenders.

The evidence on *deterrence* is somewhat equivocal (Brody, 1976) but the exercise of social control should be constructive. We cannot hold out unreal hopes to either the community or the offender but we should not agree too quickly that the rehabilitative ideal is dead; some rare studies have indicated better outcomes, especially Shaw (1974) in England, and we should apply what research can tell us. It was Martinson (1974) who wrote:

With few and isolated exceptions, the rehabilitative efforts that have been reported so far have no appreciable effect on recidivism.

and:

These programmes seem to work best when they are new, when their subjects are amenable to treatment in the first place, and when the counsellors are not only trained people but "good" people as well. Such findings, which would not be much of a surprise to a student of organization or personality, are hardly encouraging for a policy planner, who must adopt measures that are generally applicable, that are capable of being successfully institutionalized, and that must rely for personnel on something other than the exceptional individual.*

Martinson is not denying value to any rehabilitative effort but sets out that only rarely can one intervention be demonstrated as more effective than others. (See also Truax and Wargo, 1966.) Such research is not limited to prisoners and Walker's recent paper (1981) compares outcomes after different court disposals; the point applies to all penal action. Choice of response in court and in prison must take account of what offers more hope for the future.

* See Adams (1970).

Last, our social control or penal action must also emphasise that delinquency is alien—the point of *denouncing*. My principle would be that "no more social control was used than was necessary". Penal action should only be taken deservedly, proportionately, humanely, constructively, intelligently and in a way that declares that offending is alien.

And so to prisons

It can then be seen that prisons are at one end of the continuum of social control and that their operation must conform to the principle of penal action generally. This is one way out of the dilemma posed by Brown and it legitimises the eclecticism described by Walker. It should free the Prison Department of some of the despair thrust upon it by critical philosophers, by those who would execute the coup de grace upon the rehabilitative ideal and by pragmatists who would cram the prisons without proper regard for minimum standards.

Prisons exist for the Queen's peace, to ensure the safe trial of those not granted bail and to hold those who are convicted but who are not amenable to non-custodial measures. Control in prison should at least comply with minimum standards, be humane and encourage early and better integration into the community. With 2 such baselines (if that is possible!) one for the penal system and one for prisons, Governors might begin more honestly to work out with their staff an accountable regime for their establishments, although I would prefer to see first a re-working of some major issues.

Political implications

Tom Mangold (1982) in a Panorama programme concluded that conditions in prison could only be alleviated by statutory action but at the time of writing the Criminal Justice Bill seems unlikely to contain any provision to change the pattern of sentence lengths. The Prison Act is now 30 years old and one could argue strongly for a new one to take account of changes of practice and belief but we shall probably have to settle for a new version of Prison Rules, beginning of course with Rule 1!

One result would be the avoidance of larger issues, especially that of "dangerousness". It seems that thieves recidivate more than violent offenders and that we need forms of staged release for each to reduce as far as we reasonably can the first group pushing up the crime rate and the second causing

the public undue anxiety. Such a system may be needed either as the price of shorter sentences (with perhaps the abolition of remission) or as a complement to a revision of the parole system within present sentences. Such major change must await another opportunity.

Innovation

However, we might yet re-work some other apparently fixed points in the system. For example, can we justify the distinction between local prisons and training prisons? As we face the rebuilding of existing prisons and some provision of new ones, our ethos and our understanding of research should be applied to siting, styles and the wise use of everyone's resources. We can see the tension, upheaval and expense involved in so many regular transfers from 'local' to 'trainer' and how this affects families, prisoners and staff in their turn. We should also take account of the research which suggests that prisoners who stay local remain subject to pressure from families and feel more guilt while those who go away find themselves "all in the same boat", blame staff and the system for what has happened to them and intensify the sub-culture as a substitute, and a more delinquent one, for the social connections they have lost (Fiedler and

Bass, 1959). Such prisons will need gradations of security because only a small proportion of prisoners require Category B conditions and closer supervision; some existing Category C prisons might fulfil such a role with the addition of a securer section. By such adaptation or modification and by careful choice of sites, in time we might retrieve the situation where a prisoner remains in his city or his county. That on its own is not enough (Fowles, 1978, and Holborn, 1975) but seems a pre-requisite to making positive use of what is known to be of value, especially a concentration on the process of release (Shaw, 1974). We might then introduce, at low cost, opportunities for very short home-leave as part of such a process. At the present our system finds innovation difficult and so condemns itself, its staff and its charges to unnecessary and indefensible stultification.

Does the prison body need a new heart, or the dry bones need new flesh and spirit? "Ethos" for me must not be a rule but a dynamic. ■

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SOME THOUGHTS ON THE ETHOS AND PHILOSOPHY OF THE PRISON SERVICE

For my money, the most coherent statement about the ethics of penal action was made many years ago by William Temple. Talking about the criminal, in his now famous Clarke Hall lecture before the last war, Temple had this to say: "But he never is only criminal and nothing else. And while the community is bound for his sake as well as its own to treat him as a criminal if he is proved to be one, it is also under an equal obligation to treat him as a human being whose lapse into crime is no more than an incident, even though, at the moment, it be the chief incident in question. Unless a man is wholly identified with evil, which only God could know him to be, it must be immoral and unjust to treat him as if he were. The first moral necessity is for retribution in the sense explained; that is to say, repudiation of the criminal act and its principle expressed through action directed against the criminal person. The second need, which is only moral in the second place, is for deterrence designed to secure the immunity of society from criminal conduct. But though these must come first, they are like many primary necessities in requiring less thought and care than processes which are less indispensable but more positively valuable. Indeed, if once these have been recognised as the first necessities, we can give all our thought to the remaining aspect of penal action—the reformative—only premising that this shall never take such forms as to destroy the retributive and deterrent elements".

A. H. Papps

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When first thinking of joining the Prison Service in the early 1960's, I came across this lecture, then out of print, in a University Library, and found it most helpful in clarifying my thinking about the ethics of the job. The lecture concluded in these terms: "We are not what we appear, but what we are becoming; and if that is what we truly are, no penal system is fully just which treats us as anything else. For this reason also it is true that though retribution is the most fundamental element in penal action, and deterrence for practical reasons the most indispensable, yet the reformatory element is not only the most valuable in the sympathy which it exhibits and in the effects which it produces, but is also that which alone confers upon the other two the full quality of justice".

The Prison Service to which I was attracted in the early 1960's seemed to be imbued with the spirit or ethos so clearly expressed in Temple's lecture. I think it would be true to say that in the early 1960's the reformatory element was in the ascendant, and overconfident claims were made about the efficacy of penal institutions in changing behaviour to the extent that short sentences were denounced because they did not allow sufficient time for the institution's reformatory influence to take place. Since then, an ever-increasing weight of research evidence has pointed out the ineffectiveness of penal institutions in relation to modifying behaviour, and the pendulum has swung to the other extreme. There now seems to be an almost universal demand by the cognoscenti for shorter prison sentences and the views associated with what has come to be known as the "justice model" are clearly in the ascendant. It is now a brave man who makes claim to anything positive happening in penal institutions, and certainly if he does so, it will be hedged around with many qualifications and uttered in timorous and hesitant tones.

My own view, for what it is worth, backed up by no research evidence whatsoever, but based entirely on experience and observation of the penal scene over the last twenty years, is that the pendulum, as is the tendency of pendulums, has swung too far, and the truth, as John Stuart Mill pointed out, most probably lies between the two extremes. However, it would be nice to have some research evidence to back this up!

Whether or not I am right in this, there is no doubt that the Prison Service

has lost confidence in the reformatory ethic, to use Temple's phrase. It has also acquired a more realistic assessment of the limitations of penal establishments in terms of modifying behaviour, particularly in the parts of the system which suffer from the barbaric effects of overcrowding. Hence the danger of a "moral vacuum" developing within which "Prison staff cannot be asked to operate" as the May Committee pointed out. Hence also, the Director General's comment in the last Annual Report, that "we need to redefine our objectives in a way which is not only defensible in moral terms but which also provides answers which staff perceive as realistic and achievable".

The first thing I would say about the review of Rule One which is now taking place, is that any redefinition of our ethos and philosophy should not be incorporated into Prison Rules. What we need is a statement of our ethos and philosophy as an introduction to specific rules. For by its very nature an ethos or philosophy is a spirit which breathes life into rules, it is an aspiration towards which we strive, rather than an immediately achievable goal, compliance with which can be enforced by application of appropriate rules. There is nothing more disillusioning than having rules which are not immediately enforceable. Certainly, the application of civilised rules, is a great help in achieving such an ethos, but an ethos or philosophy is more than rules, it is an attitude of mind and spirit which should guide staff in the application of specific rules which in turn should reflect the ethos. Of course one can argue in just the same way about barbaric rules which are aided in their application by the infusion of the concentration camp ethos and the philosophy of the "final solution".

This distinction between ethos and rules may be regarded by some as purely semantic quibbling, but in my view it is fundamental to any understanding of how a positive climate or tone is created within one penal establishment, and not another, although both are subject to the same rules. Incidentally, it may also prove to be the factor which distinguishes one future "accountable regime" from another ostensibly similar one. For instance, one can envisage a day, let us hope sooner rather than later, when the 1973 "Council of Europe Standard Minimum Rules for the Treatment of Prisoners", are legally binding upon our Prison system. Each man will have

his own cell, integral sanitation, correct amount of space, etc., etc., and yet he will still be "deprived of everything that a free man calls life", to use Churchill's vivid phrase in an oft-quoted speech from 1910. The lack of sensitivity of staff towards this less tangible deprivation, even within a more civilised physical environment, could still discourage him from leading a good and useful life on release. In my view, it is this distinguishing factor which makes the phrase "positive custody" infinitely preferable to "humane containment". "Positive custody" has connotations of a purposeful climate which encourages individual prisoners to question their previous behaviour and use the opportunities available to modify such behaviour on release. On the other hand, the inference of the phrase "humane containment" is that all hope of encouraging any modification of behaviour has been abandoned in the face of the intrinsic difficulties and we have settled instead for a "standard minimum rule" atmosphere within a humane warehouse.

At the end of the day, a Prison is not a warehouse containing inanimate objects to be run solely on the criteria of hygienic storekeeping. If we are looking for more appropriate, but equally impersonal analogies, a Prison is far more like a greenhouse attempting to nurture living organisms still in the process "of becoming", to use Temple's phrase. However, Prisons are neither warehouses nor greenhouses, but abnormal communities of people. They are all about "the management of emotions and attitudes", as David Hewlings pointed out in a public lecture in 1973. Where human beings are involved together in a captive community, individual relationships and the pattern of collective relationships can never remain static. They are always moving in one direction or another, either towards more negative, purely custodial aims, or towards more positive aims designed to transform the essential negative nature of custody into something more worthwhile.

Any re-definition of our ethos and philosophy which does not take account of this and encourage the more positive element in this constantly moving situation will not have my support. ■

THE SEARCH FOR A SOUL

Some thoughts on 'Ethos'

Brian A. Johnson *North Regional Office*

"Every community, whatever its nature, requires a suitable ethic". *May Report, 4.46.*

Ever since the May Report was published the Prison Department has been agonising about what to put in place of the "treatment and training ethic". For a civil servant (and for many others apparently) this means spinning a universally acclaimed form of words which will constitute a new Rule 1 to be implemented by staff and so change the face of the Service.

An experienced politician asked by a developing country to help devise a written constitution replied wisely: "You might as well ask me to build a tree". An ethos is not something to be conjured by verbal leger-de-main: it is something which has to grow. *When* it has grown is the time to think about forms of words.

"A robust regime" may be a fair description of a programme which is seen to be energetic, exhilarating and revitalising, but if "a robust regime" is used as a *prescription* to establish a similar programme elsewhere the result might just as easily be something harsh, destructive and demoralising.

'Ethos' is the spirit in which people pursue their work not the rules by which they do it. It emerges not from instruction but from inspiration, and inspiration is dispensed not by line managers but by charismatic leaders—and how far this is from bureaucratic thinking!

There is anxious concern about a "moral vacuum". Any living community must already have an ethos, even though it may never be articulated. As long as the community is functioning, doing a job, there must be *some* spirit in which that job is being done. If it is a new community that spirit will be tenuous and uncertain, but as time goes by it will take shape, becoming more coherent, more confident and more pervasive.

Note that May speaks of a "suitable" ethic. There is no doubt that of themselves communities will develop *different* ethics: 'austere and demanding', 'competitive and divisive', 'languid and permissive', perhaps even 'caring and constructive'—it is difficult to frame descriptions which are not

judgemental, but on what basis might one judge "suitability"? Whatever spirit emerges it will grow naturally out of the interplay between many different elements and forces, and if you want to ensure a "more suitable" ethos it is to *these other elements* you must attend.

We are not a new, emergent community. For a hundred years staff have been looking after prisoners, responding intuitively to the many dimensions of the human situation. There is no "moral vacuum" here. The ethos may have been inarticulate; it may have ebbed under one governor and flowed strongly under another; it may have lacked finesse and shown insufficient regard for intellectual respectability; it may have faltered or even retreated in the face of adverse circumstances—but it was alive.

It no doubt varied from borstal to local prison and from local to dispersal or long-term prison, but the common thread ran strongly enough for an officer transferred between one and another to find himself still in a familiar world. It is questionable whether this pervading spirit ever bore much relation to the old Rule 1 just as it is doubtful whether in the future it will be much affected by a new Rule 1.

What we must do is not "by taking thought" to *invent* an ethos but rather to go out and see what the ethos actually *is*. We cannot examine the Service as a whole because it is too diffuse: we must proceed by scrutinising a number of individual establishments. We observe and talk to staff, meeting, planning, debating: we watch and listen as they supervise inmates, feed inmates, control, advise, reprove, assist, restrain, encourage, console and arbitrate between inmates and so gradually get the *feel* of the communal spirit.

But is that it? The staff go off duty and the institution lives on, with another, independent spirit. What is the ethos of the *prisoner* community? The quality of a regime is not defined by the intentions of management but by the experience of the inmates—and that is much more immediately a function of the ethos of the sub-culture, the community-within-a-community, than it is of the staff ethos.

What do we know of the relationship and interaction between staff ethos and prisoner ethos? Which exerts more influence over the other? How does each contribute to the spirit in which they both co-exist? When we have resolved the direction in which we want the Service ethos to develop—and have discovered how to influence it in that direction—do we expect that staff in their turn will attempt to mould the developing ethos of the prisoner community, or would that be intrusive and an infringement?

I think we need to ask ourselves many more questions before we presume to articulate the ethos of the Prison Service. ■



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Public, Politics and Prison

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In this dull football season, more fun is being had by kicking 'law and order' around than can be watched from the terraces or between the legs of police horses. As a two, three or four party game, with some of the political players in disguise, it is hard to know who has possession and harder still to guess what the strategies are. The continual invasions of the pitch by senior policemen trying to knock over the referee who might be Kilroy Silk or Michael Meacher do not help. Short of throwing whatever is at hand, we spectators can only live in hope that whichever turns out to be our team survives the encounter.

Hope, for prison staff, destined to take command of the worst of the transgressors after the match, is a key issue, though it often masquerades as morale. Without hope, or morale, the prison system can offer nothing to society, to staff, to prisoners. We are now at the threshold of a variety of hopes—some of them very conflicting.

Less Imprisonment

An orthodox strand of hope is that the expansion of numbers in the prisons can be contained by a more discriminating use of imprisonment. With this hope, though, comes the certainty that fewer will inevitably mean worse and a prison population more threatening, manipulative and intractable and even less redeemable. Along with this reactionary brand of optimism goes a pattern of new prison starts, a programme of refurbishment and an appeasement of a vociferous prison staff. Yet this vision is set in the context of a shrinking industrial base for Britain's economy and a swelling army of unemployed among whom there lurks a growing predatory band of criminals pursuing an alternative economy. It is a poor lookout, with

the language of law and order becoming the language of war¹.

An alternative but less likely scenario is one in which prison places are rationed by strict criteria, regularly reviewed and adjusted to a system with a limited capacity. Maximum sentences would shorten steadily, by central direction. The accumulating legacy of life sentence prisoners would, where possible, be transferred to the special hospitals, though a daunting population would remain. The language of law and order would become the language of 'affordable protection'. With economic recovery long delayed, it is a poor look-out, if the lawless choose to lay siege to the lawful.

Justice and Equality

At the other end of the spectrum, another possibility is just conceivable, with the mould of what was British politics broken and the Labour Party deciding whether to ride capitalism or to dismantle it. In this vision, the servants of criminal justice find common cause with their fellow citizens in the promotion of justice and equality, becoming no less and no more idealistic than Yorkshire miners. The patrician

and passing concern for the maintenance of good order and discipline within the walls which dogged the 'seventies gives way to an interest shared by prisoners and staff in what exactly 'good order and discipline' is outside the walls.

Prisons, we are discovering, are political places just as police are political people—even though, in certain of their shapes and sizes, they protest their a-politicality in political ways. It is now transparently clear that the May Committee's Report was born of political grapplings and is word-by-word a political document of the 'eighties which, like the dawn, has put the stars of political innocence to flight.

Prisons, of course, are both the first and last places on earth in which to envisage the birth of a shared concern for justice and equality. For the idealised prisoner, prison is the epitome of the end of justice and the officer is its personification. The officer, for his part, lives by his wits and at risk alongside the wayward, the heinous, the brutal, in an ill-lit backwater. Staff and prisoners are locked in a sort of attrition which explains why prisons are the last place for a shared concern

with justice and equality. Yet the average prisoner is not the idealised prisoner, the sort of prisoner we would be. He is a compliant being, too readily reconciled to his loss of freedom and to a subjection inside which compounds his subjection outside. Fortunately, the average prisoner is becoming rarer and the balance is shifting toward a more insistent population, more aware, more manipulative and more troublesome, winning belated entitlements from a bewildered, resistant management, slow to respond to changing circumstances.

How is this fortunate, when it makes prisons more dangerous, more unmanageable, more litigious, potentially more vicious? The answer is in part a painful one but also, in part, a promising one. When prisons are transformed into settings of acknowledged conflict, their impact is necessarily to raise the consciousness of those who live and work in them and not simply to the conflict in the prison but to the broader conflict in response to which the prison stands. It is in this interpretation that Foucault² and others would see the prison as the first place for a shared concern with justice and equality.

The promise of the acknowledgement of conflict in the prison is that the demands on staff in terms of skill, sensitivity and anticipation will transform the officer's role. For the prisoner, the experience of imprisonment is not sheer suspension for the duration of the sentence but initiation into a mutuality. In itself, this is not new. The experience of imprisonment has always been an initiation into a sort of mutuality, but one which, formerly, was operated to the institutional advantage of the few at the expense of the timid, the weak, the naive—just like life outside! The alternative—in which prisons offer not a retreat *from* but an initiation *into* an experience in civic life resembling that of the surrounding streets, the trade unions, political responsibility and collective interest—will bring prisons out of their nineteenth century conception into the twentieth, just in time for its passing. Wittingly or unwittingly, this is the prospect which the POA lobbed into the play when they instituted the actions which led to the setting up of the May Committee. It is perhaps not too fanciful to suggest that the POA was itself applying some of the lessons taught by the prisoners' actions of 1972!

There are sceptics who will scorn this analysis, but they should pause in recognition that the practicalities of

policing are the invariable prelude to imprisonment and that those simple practicalities have become the subtle Scarman tablets dumped heavily on police and public toes. The *de facto* discrimination in Bristol and Brixton has long been evident but relatively unsung in Britain's prisons.

The transformation of Britain's prisons may not be dramatic. Staff will continue to be targets, weapons will still be concealed, the daunted will still be exploited, set up for arson and assault as diversions for more sophisticated schemes. Prisons will remain microcosms of the bitterest divisions in the wider society, but the balance will shift toward understanding them as such, rather than as the instances of totality which Goffman³ portrayed, sundered from their host society.

Everyone in the service knows that by rights, the Victorian penal dustbins should be impossible to run. Paradoxically, it will be a sort of triumph of the human will when they are shown to be demonstrably impossible to run, though that demonstration raises the frightful choice to which the USA has largely succumbed.

Staff Control

The story of American prisons is well told by Jessica Mitford⁴, but even that account does not bring home the abdication by prison staff from any semblance of participation in the control of the institution. Nor do the horrifying lessons of the politicality of the prison exemplified in Attica seem to have been learned by their administrators. Yet it is possible for independent radio stations to broadcast on prison rights issues directly to prisoners. Simultaneously and surrealistically, despite the fact that the death-knell to rehabilitative expectations of the prison have been more heavily tolled in the USA than anywhere else in the world, rehabilitation remains a current password in the American penal establishment. Meanwhile, the judiciary have subverted the abandonment of the indeterminate sentence, in deference to the so-called 'justice model' with its expectation of shorter sentences, by imposing even lengthier penalties, thereby aggravating the situation for prisoners, staff and, ultimately, society—with no commensurate gain in the protection of a public which is becoming more scared of crime day by day⁵. That outlook is not just poor, it is paralysing.

A New Ethos

So what of the rehabilitation into the 'eighties in Britain? In the wake of May,

Rule 1 is dead. Long live a new Rule 1? Positive custody, the voluntaristic principle, accountable regimes? A just measure of pain?⁶ Is this really the language of the landing? The trouble with the landing is precisely that it is designed so as not to engage with the troubles of those who live on it. Those troubles, in so far as they have any prospect of amelioration at all, can be met only in the turmoil⁷ where they arise or in the closest replica. For some prisoners and staff, scornful of or inadequate for this challenge, prison will be simply sanctuary.⁸ Meanwhile, the turmoil of the streets must be invited into the prisons. Those which cannot accommodate it should be recognised as the stately homes they truly are, monuments to social conditions they have long outlasted. ■

NOTES

1. See the reports of Jardine's address e.g. *Guardian* March 18th, 1982 and the earlier headline 'Thatcher wants to go to war on crime', *Guardian* March 16th, 1982.

2. See M. Foucault *Discipline and Punish*, London: Allen Lane, 1977. Foucault is so Gallic a scholar that it is doubtful whether English readers could ever expect to *understand* his work, but it would be a mistake to dismiss it without trying. Living with it for a few years, visiting France regularly and hearing a lot of French argument is an essential condition. Much the same goes for T. Mathiesen's *The Politics of Abolition*, Scandinavian Studies in Criminology, 4. London: Martin Robertson, 1974. A very good reflective response to this is provided by David Downes in A. E. Bottoms and R. H. Preston's *The Coming Penal Crisis*, Edinburgh: Scottish Academic Press, 1980.

3. E. Goffman *Asylums*, London: Penguin, 1961. Goffman's credentials for commenting on the nature of the prison were always suspect, though he is an inspired analyst of social relations.

4. J. Mitford *The American Prison Business*, London: Allen & Unwin, 1974. Until recently, there were very good grounds for being ultra-cautious about paying too close attention to American penal experience, but the more recent coincidence of American and British financial and social policies has closed the gap.

5. See S. Brody and R. Tarling *Taking Offenders Out of Circulation*, Home Office Research Study No. 64, London: H.M.S.O. 1980. The American writer G. Kelling is reported as suggesting, in 1978, that 'fear of crime is now a more serious social problem than crime itself'.

6. See M. Ignatieff *A Just Measure of Pain*, London: MacMillan, 1978. This is an extraordinary and original work which deserves the widest possible readership within the service. It provides a social-historical perspective which is the precise corrective to attendance to standing orders that staff require.

7. See J. Irwin *Prisons in Turmoil*, Boston: Little Brown, 1980. Irwin's *The Felon* Englewood Cliffs, N.J.: Prentice-Hall, 1970, provided the most authentic analysis of the experience of imprisonment that is ever likely to appear. *Prisons in Turmoil* presents an account of developments in the American prison and of the difficulties in promoting a concern for the rights of prisoners in the USA.

8. See R. King and K. W. Elliott *Albany* London: Routledge & Kegan Paul. The authors had the audacity to develop a typology of *staff* adaptations to the regime developed in Albany which proved to be less different from the typology of prisoner adaptations than should occur in a professional service!

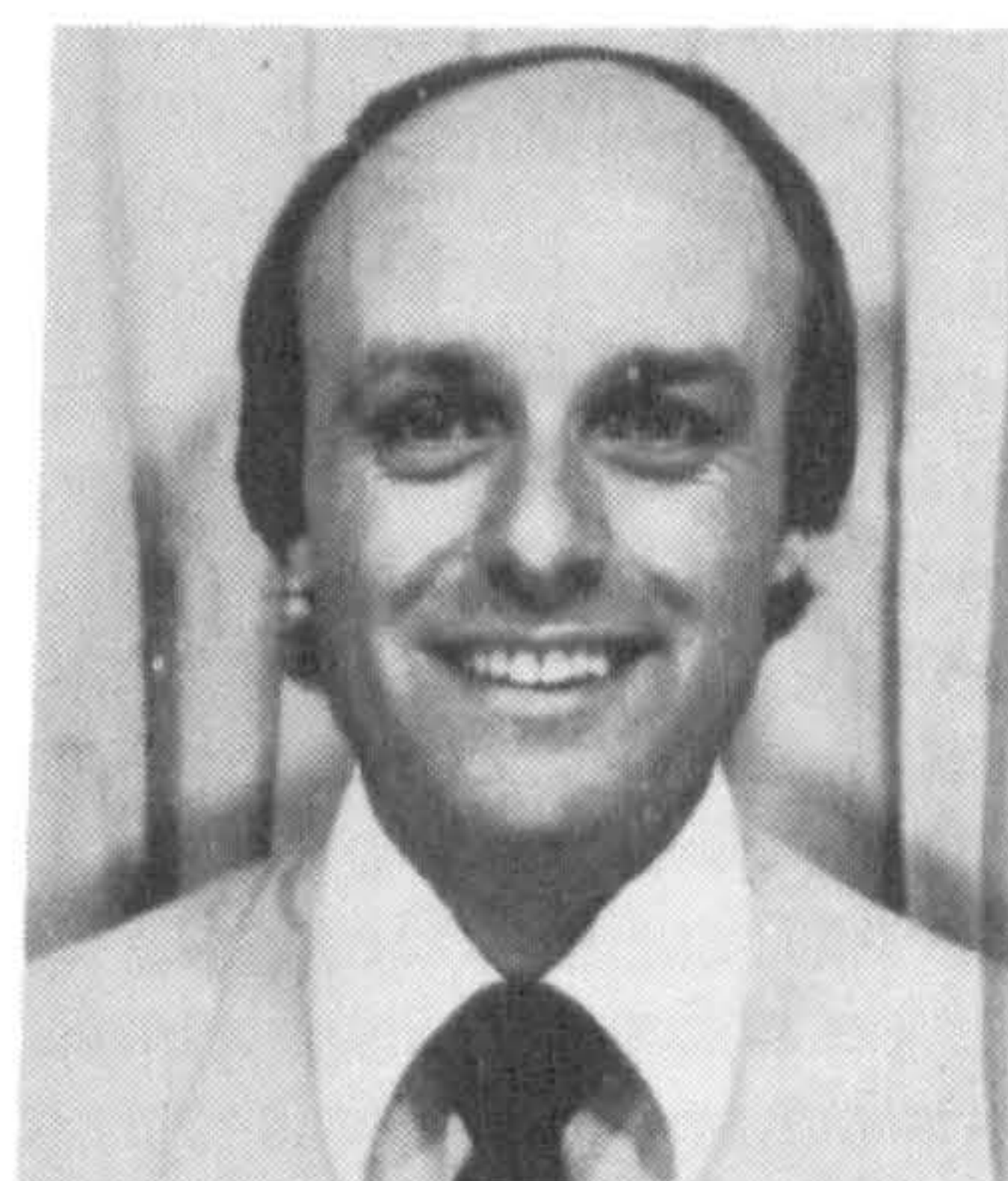


A FUTURE FOR SHARED WORKING

B. Crook *Probation Officer, HMP Nottingham*

Some recent articles in *Prison Service Journal*⁽¹⁾ have alluded to the concept of shared working between probation and prison officers. However, this issue appears to have lost much of its momentum since the initial pilot projects were established in 1976. The Prison Department is largely without a policy, except insofar as it allows individual establishments to set up informal schemes, provided that no resources are demanded to do so. Although this is understandable at a time when economic cutbacks and overcrowding are more crucial matters, nonetheless the effect is to undervalue the progress that can be made by shared work and perhaps to discourage members of staff who might, with more favourable support, wish to become involved with their counterparts in either the Prison or Probation Services.

This article is written with the intention of again bringing the philosophy of shared working into the forefront of everyone's mind. For the past two years we have been working on such a scheme at Nottingham and our experience suggests that it is a rewarding way of organising the welfare task. In describing our method of working, I am not seeking to hold the scheme up as a definitive model, but rather to offer ideas that others may build on and to explore the difficulties that inevitably arise when embarking upon a venture of this kind. Although I write personally as a prison probation officer, many of the points presented are a distillation of the day-to-day discussions of my colleagues, to whom they should be credited also.



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Time

Working hours seem to be a constant topic of conversation within the Prison Service. Quite rightly it is argued that time is needed if a task is to be performed properly—and welfare duties

are certainly no exception to this principle. If a prisoner wishes to discuss a problem, he can hardly be expected to confide at any meaningful level unless he feels that an officer has time to listen

to him. Unfortunately time is a scarce resource, which the Prison Department is reluctant to expand.

This means that time has to be borrowed from elsewhere. At

Nottingham we have been fortunate in that 80 hours have been made available for prison officers to work on welfare duties. Forty were produced by abolishing an almost defunct outside working party, whilst the other forty have come by detaching a man from landing duties. The latter does have the disadvantage that someone may be called back to the landing, if needed there, and if this occurs regularly, it will inevitably cause frustration. The challenge is therefore to find time whereby officers can engage in the welfare task and to protect it for them against other demands. This requires a commitment from both management and prison officer colleagues engaged in more traditional duties.

Space

Some work can be done when talking to a prisoner on the wing, in the workshop or in his cell. But again, the prisoner cannot be expected to talk personally about himself if he considers that there is a danger of his being overheard. The use of an office away from the commotion of the wing is therefore important to create a relaxed atmosphere where sufficient information will be imparted for a problem to be understood and tackled. It is also valuable in reassuring him that these details will be treated in a confidential manner. A telephone is similarly vital, since much of the welfare officer's work in prison involves acting as a channel of communication to the outside world—to the prisoner's family or probation officer for example.

A Clear Role

When the scheme commenced, eight prison officers undertook some training to prepare themselves for work in the Welfare Department. Designated "welfare liaison officers", they operate on a rota basis, two officers being involved in welfare during the morning and the afternoon. These duties integrate into their normal shifts, releasing them to discipline tasks at other times during their day. Their role initially has been to deal with day-to-day problems which prisoners make known through applications. The prison probation officers can then concentrate on matters relating more to a man's discharge, e.g. parole, home leave, accommodation arrangements. The latter are available to be consulted if an application appears complex, or where their training and experience are particularly needed. However, over

time welfare liaison officers have become more confident and the need to seek consultation has lessened. They have been able to help competently in cases where a marriage relationship has been deteriorating, or where a prisoner has had a sensitive relationship with a social services department which has responsibility for his children in care. Working in tandem with the probation officer in the man's home area, officers have on the whole built up good relationships where barriers are so often evident.

Although the division in role has blurred over the two years, clarity of task is a prerequisite at the beginning of a scheme. In taking over the applications, liaison officers have been able to develop skills at their own pace. It is also helpful in that the prisoner understands from the outset who deals with what issue. A reception interview conducted jointly by prison and probation officer explains the working of the Welfare Department, stressing also that the probation officer does not act in an appeal capacity if a prisoner is dissatisfied with the work of the welfare liaison officer. A higher authority, rarely used, is that of the Assistant Governor.

Records and Reviews

A commitment to clear and immediate recording is important from both the welfare liaison and prison probation officer. The normal system of recording used in probation offices has been adopted, with the 'Record of Contact' sheet the key tool in the process. A lack of continuity caused by the shift system means that one officer may begin to sort out a problem on Monday, but may need to leave it to a colleague to complete on the Tuesday. It is vital therefore for transactions between a prisoner and an officer to be written up as soon as possible. Similarly, as it is necessary for a liaison officer to know if a probation officer is dealing with a prisoner on perhaps another issue simultaneously, no private records are kept by the latter.

Welfare applications, however, are normally made only by prisoners prepared to push themselves forward for help. They are not necessarily made by those most in need of assistance, a fact which was illustrated in the recent study by Corden et al.⁽²⁾ This showed that many men with searching needs, e.g. the rootless and homeless individual, and at great risk of committing further offences quickly because of their style of life, were

reluctant to seek help before discharge. In order to make help available to these men, as well as those able to articulate their needs, a system of reviewing each prisoner's circumstances has been instituted. The welfare liaison officer discusses with the man:

- (a) his progress and behaviour within the prison;
- (b) his relationship with family and other persons important to him outside the prison;
- and (c) his dealings with the Probation Service in the field.

At a minimal level this can make a prisoner pause and reflect. At its best it can detect areas of difficulty that might otherwise have escaped notice, and lead to action by either the officer or the prisoner to remedy the problem.

Time has prevented these reviews taking place six-monthly, as was originally planned, but they have recently been linked to the parole review process, with the intention of welfare liaison officers contributing reports in their own right to the Local Review Committee. With a copy of their review summary being sent to the outside Probation Service, the latter is provided with more information on which to base a parole assessment.

Confidentiality

Probation officers are guarded when asked to share their own information, so joint records are by no means an easy commitment for them. However, for any shared working scheme to flourish, this reservation must disappear. For in releasing what he knows about a prisoner (which can often be less than e.g. the censor knows), the probation officer indicates that he is treating the prison officer as a colleague. He expects the latter to be responsible and discreet in the way he handles personal information, and in my experience at Nottingham this expectation has been upheld. This is confirmed by the manner in which prisoners continue to make substantial numbers of applications and to divulge to welfare liaison officers often intimate details concerning their personal problems. What may appear an obvious issue is nonetheless a sensitive one, upon which the credibility of a shared working scheme rests. And to counter any suggestion of it being a probation 'hang-up', it is interesting that when experienced liaison officers have joined in training new colleagues, confidentiality seems to be the expectation upon

which they themselves place most emphasis.

Consultation and Accountability

At the outset of the scheme, liaison officers were encouraged to bring for consultation matters with which they were unfamiliar or sufficiently complex to require a second opinion. Inevitably there were many situations where the probation officer's experience needed to be drawn upon. Consultation, however, has been the correct term, not supervision. A key element in consultation is that the person seeking advice retains the right to follow or reject any suggestions made. It would have been possible for the probation officers to exercise some form of supervisory control over the work of the liaison officers, but this has been deliberately avoided. It seems inappropriate that the Probation Service should exercise oversight over prison officers and far better that advice should be proffered and judged on a basis of trust and respect for experience. The absence of a clear structure of accountability could have led to disagreements, but it has not. What has been gained by the liaison officers is a feeling of responsibility for their own work and their own cases. They are *not* seen as offering ancillary support to a probation officer who does the 'real' work.

It is no criticism of those who thought out the initial blueprint of the scheme that the consequences of this arrangement were not foreseen. The involvement of a senior or principal officer would not only have resolved questions of accountability, but would also have lent greater weight to the scheme. At times the liaison officers have felt themselves to be out on a limb, unsupported by their colleagues. This has been particularly so when they have been taken off welfare work in order to cover other duties. A colleague with some authority to champion their cause can in these circumstances prevent much of the frustration that occurs when a new venture is seeking to establish itself.

Training and Development

When beginning their involvement in welfare duties, the liaison officers spend a week with the prison probation officers, familiarising themselves with the work of the department and undertaking some initial training in e.g. interviewing skills and recording. It is a great advantage for "experienced" liaison officers to share in orientating

their newer colleagues, who will anyway rely partly on their support when they begin to deal with applications. When they have garnered some experience, they go to spend a week in a probation office, with the reciprocal offer of a week in the prison at a later date for the member of the Probation Service who has taken responsibility for their placement.

The purpose of training is twofold, to benefit both the prisoner and the officer. Attendance by liaison officers at other more specific courses—e.g. the use of social skills methods and working with alcoholics—provides a broader spectrum of knowledge to be applied to prisoners' problems. It also can give impetus to the officer by allowing him to develop particular areas of expertise. There seems often to be a point where a scheme stands still and those working in it question whether it will progress further. Individual development through training may help officers through periods such as these when motivation is low.

The Probation Service in Prison

The impact of a shared working scheme upon the prison probation team is considerable. It is an enjoyable experience to pass on our experience and to observe different personalities relating positively to prisoners in ways which might be foreign to our nature. But the loss of work and some direct contact with prisoners can also be uncomfortable. We have tried therefore to develop a more distinctive policy that differs from the traditional model of prison welfare. Among other things, this involves a decision to encourage direct communication between the outside Probation Service and the prison, where possible throwing off the role of intermediary. It allows us to concentrate on working with prisoners who may not receive a consistent quality of care from the Probation Service, e.g. lifers and the homeless. The opportunity to research the needs of groups of prisoners such as the homeless is now available, whereas before the advent of welfare liaison officers, there was simply no time to do so.

Should probation officers be in prisons anyway? This is a much-debated topic within the Service. At its last Annual General Meeting, the National Association of Probation Officers committed itself to working towards the withdrawal of its members from Prison Department institutions. Whether or not this is a realistic policy

would merit another article longer than this. However, if it is a policy to be implemented, it places an onus upon both the Probation and Prison Services to radically alter their present methods of working.

It has been interesting to hear welfare liaison officers complaining about the standard of 'throughcare' offered to some prisoners. A proportion of prisoners do not receive a very good service from probation officers. However, this is not consistent and many prisoners may not be visited at all during a sentence, even though they ask to see the person who is in touch with their family. Withdrawal may well be an appropriate policy for NPO to pursue, but it must first ensure that its membership raises the standard of throughcare it offers. With increasing financial restrictions being placed upon officers who wish to travel to institutions, such a commitment appears far off.

However, over the issue of prison officers performing welfare tasks, it feels as though the Probation Service is making all the running, while the Prison Department drags its feet. As was seen recently at Featherstone, there is no commitment to endorse the role played by prison officers, even in one of its own pilot projects. Informal schemes can only survive in the long term if they are recognised as being part of a policy which the department wishes to be pursued throughout its institutions. Projects constructed by one governor can equally easily be dismantled by a successor whose sympathy does not lie with an enhancement of the prison officer's role in this way. The reluctance to make available resources at a time of economic stringency is understandable. It is important however that informal schemes are given Prison Department endorsement, lest when money does become available, it will be spent elsewhere and the commitment of those already involved in shared working will dwindle. A positive statement of intent is needed if schemes such as that at Nottingham are not to deteriorate and lose momentum. ■

References

- (1) "Shared Working at Brixton", *Prison Service Journal*, July 1981.
- (2) "The Roles of Prison and Probation Officers in the Welfare of Clients in Prison", *Prison Service Journal*, April 1979.
- (3) "After Prison", J. Corden, J. Kuipers and K. Wilson, University of York Papers on Community Studies No. 21.

This is the text of an address to the S.W. Region Board of Visitors Conference in July 1982 by Mr David Faulkner, who was then Director of Operational Policy. It provides a valuable perspective in the context of considering what the future may hold.

We all know that the prison service is facing a set of unremitting practical problems to which no solution is immediately in sight; it quite rightly comes under closer and more critical scrutiny; and we increasingly recognise the need for a more realistic and less ambiguous set of objectives than we have at present.

The prison service and its friends and critics may, in the past, have concentrated too much on trying to achieve the impossible—to cure or rehabilitate the offender—and not enough on objectives actually within reach.

On the practical problems, there will not be much choice or much change for the next few years in the three major factors which have dominated our thinking in the recent past—population, buildings and staff. The greater use of shorter sentences, of which there is some welcome but so far inconclusive evidence, may prevent the rise in the number of cases coming before the courts from producing a corresponding increase in the population: but if there is a substantial increase it may be necessary to exercise the power of executive release which the Government is seeking in the Criminal Justice Bill, at least on a scale sufficient to prevent the breakdown of the system. It would, however, be unrealistic to expect a reduction in the population to the level at which the system can properly cope—that is a population of around 37,000 compared with the present figure of 44,000.

The building programme will proceed, both for new prisons and for the extension and renovation of existing establishments. It is a very considerable programme, but in the long run it will only make up for the dilapidation of our existing establishments: it will not produce a net addition to the number of places.

There is of course, the problem of staff shortage, and although some increase may be possible to meet new commitments, there can be no doubt that staff numbers and staff costs will be a major constraint for the foreseeable future.

The prison service is coming under increasing scrutiny from several directions. Like the rest of the civil service, we are subject to the disciplines of annual estimates, cash

limits, manpower ceilings, Rayner studies and the rest, and there is also increasing emphasis on accountability and due process of law. The situation has changed fundamentally in the last 15 years and changes are still taking place. Parliamentary scrutiny is being more vigorously applied, for example, through the Select Committee on Home Affairs and the Parliamentary All Party Penal Affairs Group; the service is subject to investigation by the Parliamentary Commissioner for Administration and by HM Chief Inspector of Prisons; and it is being made increasingly answerable to the courts both in this country and at Strasbourg. Adjudications are increasingly liable to be challenged in the domestic courts, and a large number of cases are before the European Commission which have as their objective the prisoner's right to have complaint on such matters as letters and visits tested in this way. All this has profound implications for the administration of the prison system.

This is the background. For the future, we have regrettably to accept that the population is likely to be well above capacity for some time. Even though this has been the case for more than a quarter of a century, we have always hoped that a solution would present itself. It never has, and several thousand prisoners, three in a cell in local prisons has been the result. We have all said that this situation is intolerable, especially as overcrowding bears hardest on unconvicted prisoners. We must ask ourselves whether we actually want, as a matter of policy, to keep prisoners three in a cell in local prisons, or whether we can distribute the population in a way which at least limits the cell sharing to two in a cell, and perhaps eventually gets rid of enforced cell sharing altogether. This is, I may say, a revolutionary and alarming prospect for the prison service and especially for training establishments which have been largely protected from overcrowding in the past. Genuine fears have been expressed about declining standards and the possible threat to control, but we have to be clear whether they are based on objective fact and a systematic assessment of the implications and dangers, or

simply on the natural and understandable conservatism of the prison service. A review to examine the scope for a change in the distribution of the prison population and to test its consequences—we hope objectively—is now in hand.

We have to look more carefully and more ruthlessly at activities which provide value for money and those which do not. A management accounting system which will provide the machinery for judgements of this kind will be in place shortly. Of course the notion of value for money in this context begs a lot of questions and I shall return to these in a moment. But illustrations of the issues we face are whether it is really worthwhile to try to provide industrial work in local prisons and how far we can afford to make economies on manning levels or security procedures, when caution may involve other risks of financial losses through the closure of workshops or unrest among prisoners through restrictions on their activities. Risk-taking does not come naturally to the prison service, but we cannot escape risks of some kind.

These questions take us very quickly into a set of issues which a whole generation of the prison service has largely neglected. Having failed to meet the unrealisable objectives of cure or rehabilitation, and having recognised, quite rightly, a number of weaknesses in its own methods of management, the prison service had tended to turn in on itself and to concentrate on managerial questions to its wider purpose. What should we actually be doing with the prisoners in our custody? Questions of this kind are not easy but they have to be tackled vigorously and honestly. Interestingly, the important and very necessary developments which are taking place in management techniques, especially operational assessments and the management accounting system, have shown the need for a more coherent sense of purpose and for a complementary system of objectives, priorities and values which governors can apply in their establishments and which can give a sense of direction to the service as a whole. I should like to mention two initiatives in particular which will carry this debate forward. They are the

new youth custody and detention centres rules which will replace the existing borstal and detention centre rules and which will be followed by corresponding rules for remand centres and for prisons; and the code of standards which the Home Secretary has asked us to prepare for the system as a whole.

Plans to implement the Criminal Justice Bill include a set of 7 standards and objectives for the custodial treatment of young offenders which are an attempt to restate the job of the young offender side of the prison service in realistic, intelligible and up to date terms. They start with the obvious objective of restricting the offender's liberty for the period indicated by the sentence of the court and then go on with what I should on reflection prefer to call principles rather than objectives. They are to hold the offender in conditions which reflect the standards expected by contemporary society; to prevent so far as possible any deterioration in his physical and mental condition and to promote his self-respect; to set appropriate standards of behaviour and encourage self-discipline and a sense of responsibility; to provide opportunities to acquire or develop skills, interests and personal resources; to foster links with the outside community; and to prepare for his return to the community. We shall draw on these principles in framing new statutory rules to replace the present very idealistic Borstal Rule 1. This corresponds with the present vague and much criticised Prison Rule 1 (there is no equivalent in the Detention Centre Rules). The relevant words in the Borstal Rules are "The objects of borstal training shall be to bring to bear every influence which may establish in the inmates the will to lead a good and useful life on release and to fit them to do so by the fullest possible development of their character, capabilities and sense of personal responsibility."

The remainder of the rules will cover much the same ground as the current rules but they will do so in a more consistent and systematic way. In particular, they will concentrate on the obligations of the Prison Department in terms of the opportunities and facilities to be provided; the main restrictions and obligations on the inmates themselves; and the Department's powers, for example in relation to temporary release and disciplinary action. Much of the administrative detail contained in the present

rules should be removed to Standing Orders, where it will of course be published in accordance with the general principle of openness and the precedent we have established in the recent Standing Order on the new arrangements for letters and visits.

The next stage will be to draw up a set of remand centre rules which together with the provisions in the Criminal Justice Bill will enable us for the first time to designate and operate remand centres as such, distinct from prisons which they have so far been for statutory purposes. As a final step, we shall prepare a comprehensive revision of Prison Rules themselves constructed on the same principles.

Work on revised rules will bring into focus other important questions to which our answers are at present ambivalent if we have them at all. How far should we go in relaxing censorship, in making telephones available to inmates, in providing access to courts and solicitors, for example for the purpose of testing complaints or of instituting legal proceedings against the administration or the staff? Should the ingredients of a custodial regime be compulsory or should the inmate have a choice? Should he be obliged to work or be entitled to work if he wants to? Is full-time study an acceptable alternative? Should he be required to take exercise or is it enough to give him the opportunity? Do the same principles apply to adults and young offenders, to men and women, to the convicted or unconvicted or even to youth custody centres and detention centres? What about smoking, haircuts and compulsory attendance at religious services? We only have to ask the questions to see the need for a more coherent set of answers and a better base for them than we have at present.

The code of standards will be an attempt to set out in a published document the main features of a prisoner's living conditions. Obvious points which should be covered are the size and design of cells; arrangements for the sharing of cells; access to night sanitation; opportunities for exercise and association; food, clothing and hygiene; and access to medical treatment. Questions to be resolved include the extent to which the code should be a statement of what can be guaranteed immediately or a set of objectives to be achieved over a period of time; the danger that standards in the best establishments might be sacrificed to make up the

deficiencies in the worst; and the possibility that the code might eventually become enforceable through the courts and the implications if that were to happen. There is an obvious link with the revision of the Prison Rules and a case could clearly be made for writing the standards into the rules themselves.

It will be several years before we have a clearly defined code capable of being observed throughout the system, and still longer before we should welcome its enforcement through the courts. The exercise is however important for three main reasons. First, it will provide the prison system itself with a set of objectives and a framework for working out priorities and assessing performance which will be more intelligible and more coherent than anything we have had in the recent past. It will help the service to develop its own professional standard and identity and style of leadership. Second, it will give Ministers and Parliament a better basis on which to make judgements about the scale of resources which the prison system needs to do its job, the extent of the gap between resources and demands, and the available options for closing the gap or the consequences of not doing so. Third, and this comes back to my earlier point about accountability, the code of standards should enable the public, Parliament and institutions such as the Inspectorate and boards of visitors, to be better informed about the quality and success of the service which it is being provided.

Let us consider the position of Boards of Visitors. The increasing emphasis on accountability and due process has already brought arguments about Boards' functions, procedures and status, particularly in relation to adjudications, but also more generally. As an institution, boards of visitors have so far come out of the argument more or less unscathed and with an enhanced reputation—well deserved if I may say so—which led Lord Scarman to recommend rather similar arrangements for the visiting of police stations. Boards have become increasingly involved in the lives of their establishments as I know from their annual reports and from a comparison between those for the last couple of years and those which I remember reading 10 years ago. Their presence at disturbances, often at considerable personal inconvenience, is an invaluable reassurance for prisoners and to the public, and of course a support to

the staff. The fact that there are few demands for a complaints commissioner and not many for the reform of the system for dealing with offences against discipline is a tribute to the confidence which is placed in Boards.

But we must not be complacent. Boards have a demanding but I hope rewarding job which needs to be done to high standards. Those standards have to be maintained and periodically re-examined. I welcome the sort of self examination which A.M. B.O.V. are doing through their meetings and their newsletter. For our part we have just circulated a revised version of the Notes of Guidance and our next task is a set of notes for chairmen.

Attendance at board meetings and rota visits both seem to me to be necessary parts of the job of being a board member and neither is sufficient without the other. I know there are some who think that board members can be effective without attending any meetings. I don't subscribe to that view: of course Board members have other pressing commitments, but can a board that does not meet together work together in an effective way?

The work of any board has two main aspects—adjudications and visits. Of course I know you all follow to the letter the advice given in the booklet on adjudication but in the knowledge that your adjudications can be subject to judicial review, could you all sign an affidavit that you have read the booklet in the last six months? Conducting adjudications is a bit like driving a car. If we don't stop bad habits as soon as they are formed, our later experience only tends to reinforce them. The green booklet is your highway code.

In general, your driving has been highly commended by the Divisional Court. Some awards in the Hull riot cases were quashed, but then the Hull Board were peripatetic and working under pressure. Since

then there have been nine certiorari cases, in only three of which awards were quashed. That's 3 adjudications out of perhaps 4,000 over 18 months: not bad. The courts have commended the work done by Boards.

For our part, we have prepared a 'digest' of certiorari cases and noted the aspects of adjudications which have been criticised or commended by the courts and we will be sending copies to all Chairmen. We also continue to note points which tend to come up in adjudications, and we hope to use them at future Board of Visitors training sessions at Wakefield.

As for visits, we do of course understand and appreciate the work and the effort which Boards put into them. Rota visits are I know meticulously maintained. But what about unscheduled visits? Can we be certain that some members have visited the prison at unusual hours to see what's going on? Has the rota become so fixed that Board members do not like to visit when it's someone else's turn? I know the problems, but it would be good to see more unscheduled visits taking place.

Segregation of prisoners is a sensitive matter both within the prison and for the critical world outside and rightly so. It is an essential part of the accountability which I mentioned earlier that the Home Secretary can rely on boards to take a real interest in every decision to segregate a prisoner under Rule 43. Every chairman should know how many prisoners are segregated under this Rule in his prison and who they are, he should be satisfied that the initial decision was right, and each decision is reviewed individually every month so that he can be satisfied that continued segregation is necessary. Every prisoner should have been seen recently by a member of the board so that the board does not rely on the governor's assessment alone. The knowledge that this is done is an important reassurance

to the Home Secretary and to Parliament, and we could be called upon to prove that it is done in proceedings before the courts.

As I hope the booklet makes clear, boards are both independent and accountable. They are independent of the management of their establishment and, by extension, from the management of the Prison Department. On the other hand, Boards must obviously have a working relationship with their governor. That does not mean they are there to support him whatever happens: I am pleased if a board can tell me that they have a good relationship with their governor but it is a danger signal if they tell me that they are there to support him. Nor of course are they there to support the interests of the inmates against the administration or to act as a pressure group in support of a particular policy. They do however have the right and the duty to report to the Home Secretary both annually and on matters of special concern as they arise. I know it is sometimes felt that these reports have no effect, and all too often they are on matters where we simply do not have the staff or the funds to do what we should all like. Just as often however Boards may give us a new idea, a new emphasis or a new point of view which we are only too pleased to accept. The appointment of an instructor in the fitter's shop at Portland, the inspection and the appointment of a second probation officer at Pucklechurch, and the arrangement for circuit training at Eastwood Park are some examples of effective interventions by Boards of Visitors in the last few months. I hope that in the spirit of openness which we are promoting on all prison matters, Boards and the Prison Department will be able to work together, with a common understanding and towards shared objectives but without compromising our different positions or the independence on which Boards effectiveness depends. ■

any COMMENTS? ARTICLES? THOUGHTS?



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