The Future of Prisons Perspective from lived experience

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MK: Brendan and Paula, thank you for agreeing to talk to the PSJ about how you see prisons in the future and how you want imprisonment to look like, in say, 10 years time. You both have lived experience of prison, and you are both still working in the criminal justice field, in roles where the voice of lived experience is front and centre. Brendan, how do you see the importance of lived experience from your own perspective?

BD: There's a huge appetite for lived experience input now, everywhere, but it needs to be an independent voice. I'm the COO for User Voice,[1] which is run by people with experience of the system. User Voice was set up to bang the drum for lived experience, and I've been with it for 11½ years. So now everyone is talking about it, but we need to be sure it is not tokenistic, it needs to be actual leadership by those with the lived experience. Not just pulling a focus group together for an hour and saying 'we've consulted'. We're looking at how to elevate lived experience leadership through new programmes.

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PH: I worked with Mark Johnson and Daniel Hutt in 2010 at the initial stages of the inception of User Voice and I worked there till about 2015. Then I went to Revolving Doors as the head of involvement for 3 years.[2] After that I was the lead for prisoner involvement at the Prison Reform Trust (PRT) for 7 years.[3] At PRT I launched and founded the Prisoner Policy Network,[4] which was a mechanism for getting prisoners to speak for themselves on policy matters. And then for the last year I've been the CEO at Unlock.[5] It's a user-founded organisation that's been going for 25 years, and it specialises in speaking about the long shadow of the criminal record - how having a record impacts on your life. So I bring deep experience of working in prisons, including working in prisons with groups of prisoners continually for the last 7 years at PRT. Lived experience brings a deep insight and sensitivity to the work and I believe it is important that we create space to listen, to elevate and act with people with lived experience.

MK: So how do we set about thinking about prisons in 10 years' time? What are your hopes for prisons in England and Wales, the opportunities, and what should a prison be looking like in 2035?

BD: A lot depends on co-production, with the people living in the prison. The voice of the people with experience has to play a greater part in it.

1 https://www.uservoice.org/
2 https://revolving-doors.org.uk/
3 https://prisonreformtrust.org.uk/
4 https://prisonreformtrust.org.uk/project/prisoner-policy-network/
5 https://unlock.org.uk/

PH: Yes, and I've worked a lot on what justice could be. I ran a project called The Imagination Observatory, and I'm also now working with the University of Chester on imagining possible futures for justice. I've just edited a book on Prisoner Leaders with Dr Marion Vannier, written collaboratively by people with lived experience and academics. We have to spend some time in our imaginations and think left-field rather than just tinker with a broken system. For instance, there is lots of prisoner leadership going on in prison. Prisoner leadership is often taken to mean organised crime. You know, that's how prisoner leadership gets in the papers, through organised crime narratives.

MK: The sense that it's all drug barons, organised crime and the like. And those are real issues…

PH: Yes, but actually there are so many acts of constructive prisoner leadership, such as people who are chair of the prison Council, and work going on around civic responsibility. Both self-leadership and leadership of others: we don't talk about it enough and we don't invest in it enough. That's the recommendation of the book.

"A lot depends on co-production... the voice of experience has to play a great part"

MK: We'll probably come back to co-production. But let's think about what future prisons might be like…

BD: I guess for some time now we've looked to other countries. We've been looking towards the Scandinavian model. The director of the charity where I was working went over to Norway and they seemed to be doing things right. I remember early conversations when I first started volunteering back in 2011 – a model that emphasises rehabilitation over punishment. A focus on humane treatment. You know, preparing people in prison, ready for integration back into society and making sure that prison is seen as part of society, because at the moment, society is here and the prisons are there, there's no connection between the two. And I think if prison becomes part of society, it helps people to better develop those family relationships. And hopefully it would help them to embed that support that they need upon release.

MK: So in prison right now, in terms of their own development as a person, you're shutting people away from society. If there were more opportunities to still be part of society, would that be better?

BD: I've been in two open prisons, completely different, and I know they've changed since then, but there was definitely more of a sense of connection to the local community. For me, it was just going out and playing cricket with local teams. I didn't get ROTL,[6] but actually being able to do things that are a little bit more normal, and having been exposed to that felt like a much, much better environment to be in. I know open prisons are a special case, but the principle still applies.

MK: So how could that apply in closed prisons, since people can only have through-the-gate experiences to a limited extent?

BD: Part of it would be through technology. The prison system still lives in the dark ages in terms of technology. I still hear the same conversations I heard over a decade ago, talking about digitising prisons. For my organisation it's a huge process just getting a dictaphone into a prison. I guess part of the problem is that it's so expensive to digitise a whole prison estate, and by the time you start and get to the end, the beginning will be out of date again already. Technology moves so fast, so how do you digitise such a big system with so many different complex elements to?

It's a challenge, but I think at some point it has to start. Some bits of work have happened, and we've got kiosks,[7] in-cell tech and so on. It's a start, but there's a long way to go. There's so much more that could be done. You know, everybody in prison is lagging behind the outside community in terms of their knowledge and skills and opportunities.

6 Release on temporary licence.

7 Prison kiosks are self-service terminals, often with touch screens, that provide people in prison with access to various services and information within the prison.

So when they come out, they're already behind in that key area. And of course technology can make prisons safer as well. You're going to have, obviously, the challenges around internet access and things like that, but there are ways that the prison could be sandboxed, with its own internal Internet where people could communicate safely.

MK: Prisons have been getting bigger. And yet from what you say, you'd prefer them to be on a smaller, human scale. You have spoken about independent living and smaller communities. Do you think that is a way forward? There are quite large prisons being built now, but they're often trying to break them up into smaller units. It used to be thought that smaller prisons were better. But the economics mean that prisons have to be big. So would you like to see them split up?

BD: Yes. And I guess some of the new designs have the capability of being split into smaller functional sizes. The evaluation is still going on, I guess, but for example, we go into HMP Five Wells, and you can tell you're in a different kind of prison, in the atmosphere, the way people engage with you. It feels different and it feels like it's a bit more a place where they listen to what people want, listen to what people need. But then the problem we have at the moment is we don't have enough beds. And the prisons that we do have are poorly equipped and understaffed. So it's a lot of problems to be solving at once. And unfortunately the people that suffer most are the ones that maybe do want to rehabilitate and don't necessarily have the option.

I'd like to see us uncouple our obsession with prison as a response to people who harm us

MK: Paula, how do you see the prison estate going in the future?

PH: I'd like us to uncouple our obsession with prison as a response to people who harm us, and I'd like us to think about how we might censure those who harm us in a different way. What is civil censure? What form should it take? How can we more deeply uncouple ourselves from the notion that punishment is only fully expressed through imprisonment? That assumption is an unhelpful beginning.

MK: So maybe prisons are not primarily places of retribution.

PH: I don't even know if I want prisons in the long term. Over 20 or 30 years, I'd like to see decreasing use of prison. I'd like to see us understanding the central therapeutic purpose. We'll always acknowledge the need for distancing people from the community because they're harming people, and putting them in places of therapeutic care and support. So people must get the help they need, but we must also deeply reflect on the systems that we live in that are creating this crisis of the expanding need for prisons. It's not just about 'let's change the form of prison', it's deeper reflection on the causes of crime and the causes of the dysfunctionality that takes people into those spaces, and on what is required in our community, in the way we set up our society, in order for us to develop our values as a nation. That will lead to diminishing the need for prison because we'll have acknowledged the causes and we're prepared to do something about those, and to design in better social arrangements. That will mean that children are not at risk of imprisonment from early years because currently, in some communities, that's a fact.

BD: It all costs money. But I feel the system, and the budgets, focus more on the punitive element than the rehabilitation. So until there's a shift in thinking, where we spend more money on rehabilitation – that should save us a bit more money on incarceration. No one can solve the problem on their own. But that's the point, isn't it! There's got to be better communication throughout the sector, and voices have got to be heard to find common solutions: co-production. You have to make that shift, and the best time to do that is when the prison system is buckling at the edges.

MK: So, would you want to move resources more towards early intervention in the community, early support like the Sure Start type of approach?[8]

8 Sure Start is a UK government programme focused on supporting families with young children, particularly in disadvantaged areas. It offers a range of services, including health, parenting, early learning, and employment support. Sure Start aims to improve children's development and well-being, and some centres also provide childcare.

PH: Yes, and we need a deep acknowledgement that if you don't do this, all we're doing is creating pipelines to imprisonment. The facts about children in care are very stark. They're shocking. Victims of parental abuse, for example, are taken into corporate care and the outcomes are shockingly poor. It's like the government continues the levels of abuse, and I don't want to blame any particular government because, you know, the government is us. Everybody is involved by having a vote. It's our participation in democracy that is required to change things.

MK: Would you have any particular message about the youth custody estate in that context?

PH: If people are in youth custody, we must understand it as therapeutic intervention. I don't want it said 'These children have gone to prison'. They have gone to 'therapeutic care'. It may be in secure locations for some, but their difficulties are ones where they need compassion, care, interventions, thoughtfulness.

MK: You're using the word 'therapeutic' quite often. You haven't used the word 'rehabilitation' or anything like that. So is the purpose of custody primarily therapeutic? Giving people care and healing?

PH: Yes. Therapeutic. Rehabilitation is a deeply contested notion, isn't it? I don't even know what it means.

BD: It's a question I've always pondered on. It's like when people talk to me about our work and how it affects people's rehabilitation. By engaging with and working alongside User Voice, people are not just participating in rehabilitation. Rehabilitation is a natural byproduct of being given opportunities to grow, develop, and connect with inspiring role models. User Voice's work is about empowerment, not just recovery. Punishment alone doesn't create change. We're not allowed to smack our kids anymore, because we recognise smacking kids is dangerous and doesn't necessarily bring about the change in behaviour that we're looking for. Prisons are a brutal system for demonstrating that 'this is wrong'. I'm not saying that people who go to prison are angels. There are some really serious offences. But, for instance, the guys who cut down the Sycamore Gap tree; I think a better punishment for those people might have been to send them on four years of community service growing and planting out saplings for the National Trust. Because community service isn't the soft option, is it? It's the deeper transformatory practice that will bring justice.

MK: So custody would basically be residential centres for public health?

PH: Well, I don't know about that. Maybe in the long term. But we definitely need to accept our responsibility for keeping the wider community safe from these random individual or concerted acts of violence and other harms. But I have no problem with the existence of prisons. I'm not an abolitionist. Some people do such wicked things. But I'm a reductionist in the use of prison. When people need to be confined, we need to make sure that they they're held in decent conditions, that the emphasis is on trying to find ways to support them in personal change.

And the justice system should be willing to accept the potential in everybody for change, notwithstanding that we may need to keep some people in there for a very long time. But I'd like to see an increasing reduction in the use of prison and increasing investment in alternative ways to deliver justice to our communities.

BD: I've come across, personally, some people for whom prison is definitely the right place. And for them there aren't many other options. But for most, there's got to be a better option than just putting somebody in a in a room and locking them up, and not really investing in them to try and helping them to maximise their own potential in life, and to be of use to themselves, to their family and to others. I can remember when I first went to prison. I had had nothing to do with the justice system before, and you go in with this stereotypical view of what prison looks like. And when you get in there, it looks no different to any other street, anywhere. It's just a mixture of people in society. Some of them have just made bad choices. Some of them have been victims themselves, of circumstance or their upbringing, or, you know, they've had a really tough deal in life. And is it fair that they then don't have the opportunity to have their potential realised? The current way we work with people means they can't.

MK: So, do you both think the development of community punishments, or community disposals, is what we should be focussing on as a nation?

PH: Yes, we should. We should be focussing on that. It's more meaningful, more personally transformative, if the aim is to get people to feel guilty about what they've done so that they amend their behaviour and never do it again. And in the process make recompense to society in a visible way for the damage that they've caused.

If we arrange those community orders in a way that personally touches them, bringing home to them the displeasure at what they've done, at the same time helping to fix the community, contributing back to the community…and I've seen some fabulous projects like that. If you're a graffiti artist, you're tasked with taking off the graffiti. Matching the community order to the action. And not being too rigid about finding placements where people can go and do that work. We need imagination about that, if you want people to stop offending. Not just the scenario where everybody turns up for the bus and we're going to go and weed this cemetery.

BD: Quite right. Recently, we spoke to people before they got on the bus, and the bus would turn up and if there wasn't a seat for them (they over-booked people on the assumption some wouldn't turn up) they'd be credited an hour and go home. How does that help? It should be real work, helping people to connect into employment or education. Recently, as an organisation, we've been doing quite a lot of work around community resolutions. We've been doing evaluations of liaison and diversion services and restorative justice projects and the like, and I think the answer is definitely 'yes', there need to be more options because we can't keep locking people up. I think that's the key thing.

MK: So rather than someone being in prison, sitting in a classroom and being told what the world is like, they could actually be in the world experiencing possibilities for themselves.

PH: At the same time, I too would be reimagining justice in a way that is restorative. Where victims are involved, where it possible and safe, and the person can apologise to the victim. As part of the process, people are supported to come to terms with their crimes. It's really sometimes very hard, there's a defence mechanism where the crime that you've committed creates a barrier to engaging in the work of making amends and accepting guilt, and knowing what to do and how to move forward with that as a person. And there's very little facilitation of those tough processes, because energy and resources are put into the deep punishment, as if people will work it out on their own.

MK: Let's follow up on the idea of co-production, in terms of people with lived experience and those who are in prison having a voice. Brendan, you are well placed through User Voice to say how prisoners can be engaged in taking responsibility for the way their prison is run. Have you seen examples of how that can really lead to change?

BD: Yes, it's been the core element of our work since day one. Take the prison Council, for example. It can bring the prisoners face-to-face on a platform with the Director or the Governor, where the Governor's bought into the concept, but going with a positive solution-focussed approach that is representative of a cross-section of people, and not just – as I have seen in some prison Councils - a group of people just bringing their own ideas in the interests of their own 'boys' club'. What's needed is a representative sample of people's voices, and then the solutions that the Council work on come from what people are really asking. So, I think it's building the relationship between the Council and the prison, the prison leadership, they have to really push and be part of it and then be seen to leading. Over a period of time that prison Council becomes invaluable. It becomes part of the fabric of the prison, and it becomes a sounding board for ideas. It becomes an opportunity to share information with prisoners, and it pays for itself. The people in prison gain a bit more respect for the prison staff, the staff have a bit more respect for the prisoners, and it helps to change the culture. The changes that get brought in are changes that people want and they're not necessarily changes that are mandated from the centre. Along with that, the Council can be part of the conduit that explains to people why that's there, how it's there, what's the reason? Then if the Council wants to tackle something bigger, the prison would support them. External independent facilitation is valuable - there's a danger sometimes of working only with the most compliant prisoners, those that might be known as the professional service users. The ones that would turn up to the opening of an envelope. And tend always to have something positive to say because they're in a position of trust and they feel that if they didn't, that trust would be gone. It has to be a diverse group.

MK: So how do you make this happen in practice? Do you think it's important to have the Governing Governor involved?

BD: Yes we currently run Councils in many prisons and the buy-in from the directors and leadership team is vital. If the staff see that it's something that's being driven by the leadership, they find that they're not only forced to engage but once they do engage, they think actually there's some real benefit here, I can feel it, I can see it. Then you start getting lots of staff involved and it becomes a prison Council then rather than a prisoner Council. It becomes something that's there for staff and to help improve the working relationships and that begins to give you a shift in culture.

MK: What other sort of changes do you think people with lived experience can help to facilitate? Would you like to see more people with lived experience working in the system?

BD: Well yes I think the key thing is, if you're running a business, you want it to succeed and grow. You want it to provide the service that you set out to offer; so you speak to the people that are buying or using or your products. There has been a big drive to bring people into His Majesty's Prison and Probation Service. That's good, although the risk is that you move from freedom to speak freely from your own experience into an organisation that's risk averse and restricts them from what they can and can't do to engage with people. The right insight into the power dynamic isn't there. So whilst doing that is the right thing to do and it's a step in the right direction, ultimately you can't mark your own homework, can you? But it's an interesting concept: the system just has quite a lot still to learn.

MK: Do you think that, ideally, recruitment in the criminal justice system should be blind to previous offending, especially when the conviction is spent?

PH: Well no, I'm not saying blind, but I'm saying dismantle the barriers of the integration of people with lived experience into the fabric of the institution of justice. It's done by integrating people without lived experience with those who have lived experience, to find the solutions together. And so yeah, that's the terminology that I would use in these spaces: more integration. And you need co-production when you're trying to bridge the gap between those communities.

MK: We haven't realty spoken much about what prisons will look like in the future!

PH: I think one word is small, as Brendan said earlier. Around Europe, 'detention houses' are springing up small and localised. But I don't want to get into design, because as a priority you've got to stem the flow of people into prison, rather than design prison to cope with the existing flow. The vision for prison is to minimise the use of prison. Prison is for dangerous people, prison is required. We need places to keep certain people separated. But where we should put energy is into diverting people from the justice system and campaigning about changes in the distribution of public resources so that children have good lives and don't end up in jail...We've done a lot in the youth estate, where they put so much emphasis into diversion that the numbers of people in custody are now so low. Why don't we start to tackle that with different cohorts of people in the wider system? because it clearly works. This is about intentionality, isn't it?. We could now start with women and say we are going to divert the majority of women out of the criminal justice system. I went to prison for 8 years for drugs. I literally think you could have sent me to do reparative work at a women's centre, stayed at home with my kids, done that for 4 years? Literally, it would have been a better solution for my family. And it potentially would have created the same change in me. I emerged out of prison steeply scarred - I wouldn't want anybody to think I'm the 'poster girl' of prison. Because prison was a deeply brutalising, scarring experience. I've got right away from anything to do with drugs. But I have to say that any changes that I've made to myself have been despite the conditions under which I was kept in custody, not because of them. In our lived-experience world, we're committed to be being part of the solution and wanting to be involved in our different organisations, in our movements, in our networks. We want to be part of these deeply, and involved in the moments of reimagining and redefining what justice is.

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