



# PRISON SERVICE JOURNAL

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The Editorial Board wishes to make clear that the views expressed by contributors are their own and do not necessarily reflect the official views or policies of the Prison Service.

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# Editorial Comment

This general edition of the Prison Service Journal brings together a range of articles, interviews, and book reviews which will be of interest to our diverse readership. We hope that they promote discussion, debate, and reflection.

In the first article, we hear from **James Gacek** and **Amin Asfari** on a subject which has received little attention within the criminal justice field, the challenges Muslim women experience when in prison and upon their release. The article reflects on the disadvantages Muslim women experience when in prison, in terms of gender, race, and faith discrimination, along with the negative impact of shame and stigma upon their release. The article shines a spotlight on the need to ensure that Muslim women's unique experiences of the criminal justice system are considered.

We then hear from **Dr Ian Marder**, **Angelena Murphy**, **Paraic Rooney**, **Dr Fionnuala Brennan**, and **Clare Hogan** about their work training prison officers in restorative practices within the Irish Prison Service. Their experiences illustrate the potential that collaborations between universities and prison training providers can offer, along with the value of integrating restorative approaches into training for new staff to better support sustainability of the approach.

Next, **Dr Steven Foster** outlines the legal rules around prisoner safety and explores the potential legal implications when prisoners are subjected to physical, emotional, or mental-ill treatment by fellow prisoners. Through the use of illustrative case law examples, the article highlights the legal ramifications of not complying with the rule of law and protecting prisoners' fundamental rights and decency.

In our final article in this edition, **Ailie Rennie** describes the experiences of people serving life sentences by exploring their first 5 months of release from prison. The article describes how people's expectations of release are often different from the reality, and how people serve to navigate their relational experiences in different ways.

We are pleased to present three interviews within this edition. In the first, **Andrea Albutt** is interviewed by **Rachel Bell**. Andrea joined the Prison Service in 1990 and was the President of the Prison Governor's Association (PGA) from 2015 until her retirement from HMPPS in March 2024. Andrea reflects on her career as a woman in the Prison Service, the challenges that the service has, and continues to, experience, along with her role as the PGA president. Our second interview is with **Robin Seaton**, who was interviewed by **Munazzah Choudhary**. Robin is a Deputy Director within the Prison Supply Directorate in HMPPS, and reflects on the Prison Estate Transformation Programme and how learning and evidence are being used to shape the delivery of new prison places. In our last interview, **Ed Cornnell** talks to **Dr Rachel Gibson** about his role as Deputy Director of the Youth Custody Service (YCS). Ed reflects on some of the challenges facing YCS, some of his reasons for wanting to take on the role, and work being undertaken to develop and strengthen services for children and young people in prison.

This edition concludes with two book reviews which will be of interest to readers. The first is a review of **The Good Prison Officer: Inside Perspectives** edited by Andi Brierly and reviewed by **Dr Matt Maycock**. The book is edited, and written, by those with lived experience and provides insight into the authors' experiences of the 'good, bad and sometimes ugly aspects of the work that prison officers do'. The second book, **The English Prison Health System After a Decade of Austerity 2010-2020. The Failed Political Experiment** by Nasrul Ismail is reviewed by **Dr Lynn Saunders**. It is described as a 'wide-ranging exploration of the political and practical impact of reduced funding for prisons'. However, the absence of the voice and experiences of prisoners accessing health care services is of note, and further research and investigations to examine health outcomes during this period is needed.

# The Challenges for Muslim Women in Prison and Post-Release

*James Gacek is Associate Professor in the Department of Justice Studies at the University of Regina, Canada.*

*Amin Asfari is Associate Professor and chair of the Department of Criminology at Regis University, USA.*

**Research in the fields of criminology, sociology, and psychology on prison and gender that focuses particularly on women has certainly grown, yet very limited attention has specifically focused upon Muslim women,<sup>1</sup> and very few have mentioned their experiences.<sup>2</sup> This research lacunae provides us a unique opportunity to examine existing literature to understand the relationship between Muslim women and the prison experience more broadly. Indeed, given the intersections of marginalisation, greater attention must be paid towards this specific population and their gendered experiences.**

To this end, we continue to see intersections of gendered marginalisation in criminal justice, especially along racial and faith lines. As we will discuss, Muslim women sent to prison face a triple disadvantage of gender, race, and faith discrimination, and a double sentence of prison followed by a lifetime of community stigma upon release.

Drawing upon scholarly literature and policy reports, our article explores the challenges Muslim women experience in terms of prison needs and service delivery, coupled with the stigma and shame they experience from their communities once they exit the prison. As a result, our article suggests a discussion focusing upon emerging areas of scholarly work that shed light on aspects of the carceral experience for Muslim women. We raise concerns about how religion

in prison spaces functions differently for Muslim men and women, and that the taken-for-granted assumption of religion as static in its effect is indeed in need of problematising. Recommendations for policy, practice, and future research will conclude our discussion.

## Challenges for Muslim Women in Prison

While the latitudes of the carceral experience are vast, we argue there is still much more to examine. Indeed, religion increasingly plays a significant role in the rehabilitation of people in prison across developed nations, including but not limited to the United States, Canada, and the United Kingdom.<sup>3</sup> For example, people in the U.S. and Canada are increasingly reconsidering their religious and spiritual identities.<sup>4</sup> Incarcerated individuals are no exception. Still, corrections populations in these countries have become more diverse in terms of religion and ethnicity. While there is no shortage of literature on the effects of religion within penal institutions, scholarship dealing with Islam in carceral spaces is incrementally increasing.<sup>5</sup>

While religiosity and services have been explored through a carceral geographical lens,<sup>6</sup> relatively scant attention has been paid to incarcerated women identifying as Muslim specifically. One example, however, is Dix-Richardson's research on the differences

1. We recognize that Muslims are not a homogenous group and that different sects may participate in differing practices. For a greater discussion of the religion of Islam as it relates to the prison experience see, for example, Bowers (2009), and Asfari, Gacek, & Shuraydi (2024), among others.
2. Marranci, G. (2009). *Faith, Ideology, and Fear: Muslim Identities Within and Beyond Prisons*. Continuum International Publishing Group.
3. Of course, as Gupta and Arditti remind us, there are vastly distinctive cultural realities between high-income, industrialised nations, often referred to the 'Global North' and developing nations referred to as the 'Global South', and while our article focuses upon and pulls information from Western nations in the Global North, we remain mindful of the challenges Muslim women face in the Global South. For examples see: Gupta, S., & Arditti, J. A. (2023). Women at the margins: Experiences with spousal incarceration in India. *Journal of Family Theory & Review*, 15, 313-331.
4. Thiessen, J., & Wilkins-Laflamme, S. (2020). *None of the Above: Nonreligious Identity in the U.S. and Canada*. University of Regina Press.
5. When we speak of 'carceral space' we take our cues from Moran, Turner, & Schliehe's (2018) interpretation of the 'carceral', meaning we recognise the detriment, intent, and spatiality which, taken together, composes and comprises spaces of incarceration, imprisonment, detention, and punishment themselves; see Moran, D., Turner, J., & Schliehe, A. K. (2018). Conceptualizing the Carceral in Carceral Geography. *Progress in Human Geography*, 42, 666-686.
6. Asfari, A., Gacek, J., & Shuraydi, A. (2024). Islam, Islamophobia, and the Carceral Experience. In Danielle Rudes, Gaylene Armstrong, Kimberly Kras, & Talisa Carter (Eds.), *Routledge Handbook on Prisons and Jails, 8th edition* (pp.364-379). Routledge; Asfari, A., & Gacek, J. (under review). Muslim Mental Health in Prison: The Costs and Consequences of Inadequate Services.

between African American women and men in terms of conversion to Islam in prison.<sup>7</sup> Dix-Richardson asserts that African American women convert to Islam far less often than their male counterparts, as institutional factors, such as the place of Muslim chaplaincy in prisons, played an undeniable role in the uptake or not of religion. Moreover, there remains relatively little attention towards islamophobia in prison, especially how it functions within prison environments or experienced by Muslim women.<sup>8</sup> This also includes, but is not limited to, islamophobia and its impacts upon correctional staff perceptions of incarcerated Muslims, and prison Imam and chaplain experiences. Notwithstanding, we recognise changes in spaces of incarceration, confinement, and detention in overall Western society since 9/11; changing (and sustained) biases against Muslims and those appearing to be Muslim;<sup>9</sup> and demographic changes of Muslims and their thoughts on carceral spaces, especially as in the U.S., American-Muslims become a multigenerational, rather than a primarily refugee and immigrant population.<sup>10</sup> Therefore, it is important for us to recognise what care this particular population requires, and advocate for care to be provided in a way that is non-judgmental and welcoming; such challenges are compounded when one considers the milieu of hate which surrounded Muslims post-9/11.<sup>11</sup>

As Gohir makes clear, failure to understand the experiences and issues at play for female Muslim prisoners leads to their invisibility at multiple levels, including but not limited to policy, research, family, and community.<sup>12</sup> In Gohir's study, 60 Muslim women across

seven women's prisons in the UK were interviewed and/or participated in focus groups over a 15-month period. In terms of study findings, 79 per cent of the sample reported experiencing domestic violence and abuse, and in some cases, violent, abusive, and controlling behaviour were linked to their offence. Moreover, cultural expectations of women are often unrealistic and were a source of tension for many in the sample; cultural norms, such as shame and dishonour, can have a silencing and normalising effect for many Muslim women-as-prisoners. Similarly, cultural and religious expectations of Muslim women often led to a type of religious fatigue, especially for convert women while incarcerated. In one study, a Black Caribbean

Muslim woman prisoner discussed her inclination to self-harm while incarcerated. She recounts that self-harm was a way for her to feel pain to feel alive.<sup>13</sup> Continuing, Marranci tells us that the woman believed 'being a good Muslim in prison was very difficult if you had to spend so much time behind bars (in this case 8 years)' (p. 77).<sup>14</sup> She was not alone, as many of the female respondents interviewed by Marranci reported that maintaining dignity constantly was difficult. They stated, '...here there are male officers, and they check on you during night, and well well you are not covered all the time because it is hot...so they can see you, and in certain situations...like, the shower is even worse' (pp. 14-15).<sup>15</sup>

Incarceration and religiosity for Muslim women seem to work and act in entirely different ways than Muslim men. In one study examining the effects of gender on the prison experience of Muslim inmates in the England and Switzerland, it was found that while

## Failure to understand the experiences and issues at play for female Muslim prisoners leads to their invisibility at multiple levels, including but not limited to policy, research, family, and community.

7. Dix-Richardson, F. (2002). Resistance to Conversion to Islam Among African American Women Inmates. *Journal of Offender Rehabilitation*, 35, 107–24.
8. See footnote 6: Asfari et al. (2024).
9. Awan, I., & Zempi, I. (2015). 'I will blow your face OFF'—Virtual and physical world anti-Muslim hate crime. *British Journal of Criminology*, 57(2), 362–380; Awan, I., & Zempi, I. (2018). 'You all look the same': Non-Muslim men who suffer Islamophobic hate crime in the post Brexit era. *European Journal of Criminology*, 17(5), 1–18.
10. See footnote 6: Asfari et al. (2024).
11. Zine, J. (2022). The Canadian Islamophobia Industry: Mapping Islamophobia's Ecosystem in the Great White North. Islamophobia Research and Documentation Project, Center for Race & Gender, University of California, Berkeley. <https://crg.berkeley.edu/publications/canadian-islamophobia-industry-mapping-islamophobia%E2%80%99s-ecosystem-great-white-north>.
12. Gohir, S. (2018). (In)Visible: *Female. Muslim. Imprisoned*. Muslim Hands and the Barrow Cadbury Trust.
13. See footnote 12: Gohir (2018).
14. See footnote 2: Marranci (2009).
15. See footnote 2: Marranci (2009).
16. Schneuwly Purdie, M., Irfam, L., Quraishi, M., & Wilkinson, M. (2021). Living Islam in Prison: How Gender Affects the Religious Experiences of Female and Male Offenders. *Religions*, 12, 1–17.

prison tended to intensify the experience of religion for Muslim men, it had a mitigating effect on the religiosity of Muslim women.<sup>16</sup> Possible reasons for this include the lack of adequate support services, as well the relative absence of other incarcerated Muslim women with whom they could associate.

Gender disparities exist in Muslim chaplaincy throughout many prisons. In their findings, Schneuwly Purdie and colleagues, suggest that differences in the ways men and women experienced Islam in prison were multifold, but two are worth noting particularly: (1) (in)adequacy of chaplaincy activities, and (2) the need for gender-responsive chaplaincy. As women prisoners in this study were more likely to find themselves with a history of prolonged trauma, abuse, and neglect, it became increasingly apparent that traditional chaplaincy would not suffice. Some women reported turning to dancing and singing as ways to cope with their past traumas. Indeed, the authors found that there was a need to reimagine religious programming to avoid a 'one size fits all' model. While the Schneuwly Purdie et al. findings represent individual and institutional responses to living Islam in prison, they failed to account for how national and local contexts may impact their findings. Among possible factors that impact the lived experiences of incarcerated individuals are structural ones, such as the nature of chaplaincy services (e.g., paid or volunteer chaplains etc.) which may result from regional differences and policy concerns.

Marranci explores the experience of Muslim experiences in British prisons.<sup>17</sup> In contrast to the male Muslim prisoners Marranci met, the female respondents indicated an impossibility of being a 'good Muslim' while in prison, and in addition, 'few mentioned the desire to perform the Hajj once released' (p. 77).<sup>18</sup> Of course, in Islam, 'women do not need to fast during menstruation and also prayers, including Friday prayers, are, from some theological perspectives, less obligatory than for men' (p. 77).<sup>19</sup> Notwithstanding, in Marranci's study Islam was used to form in-group communities of support and alliance that help protect against the harms of the prison environment and also

minimise the gossip from the outside group. In Marranci's view, Islam becomes a way to share emotions within a smaller group within the prison itself. Unfortunately, it is the idea that Muslim women are not mandated to perform certain religious rituals which often renders them underserved by not only prison staff, but Muslims communities, including chaplains.<sup>20</sup> This is not to suggest that Muslim communities are ignoring incarcerated Muslim women, but is likely tied to structures of prison demographics, such as a smaller number of incarcerated women, as well as a significantly smaller subset of Muslim women in confinement.

### Challenges for Muslim Women Post-Release

There is scant research on the challenges Muslim women face upon release from prison. Muslim Hands, a charity organisation based in the United Kingdom, commissioned a pilot study into the experiences of former prisoners who identified as Muslim and female.<sup>21</sup> Themes identified in the pilot study included shame and dishonour and the impact of both on the experience and lives of Muslim women-as-prisoners; a lack of family and community support, and in some cases a community backlash resulting in a 'second sentence' or complete

disownment when a Muslim woman is released from prison.<sup>22</sup> Indeed, in Gohir's study, shame brings implications for resettlement, particularly for Muslim women, as many in the sample of respondents similarly experienced the 'second sentence' in order to be forgiven by their respective families. Muslim women 'disproportionately experience adverse socio-economic conditions and within their families and communities often experience further gender inequalities from the gender roles expected of them, and behaviours rooted in concepts of honour culture' (p. 7).<sup>23</sup>

With respect to post-release experiences of Muslim women, there are several factors that need to be considered. First, not all incarcerated Muslim women are born into the faith, indeed, many women convert into the faith whilst in custody.<sup>24</sup> This distinction is

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and communities.

17 See footnote 2: Marranci (2009).

18 See footnote 2: Marranci (2009).

19 See footnote 2: Marranci (2009).

20 Gacek, J., & Asfari, A. (under review). Islamophobia and the Benefits of and Challenges for Prison Imams.

21 Buncy, S., & Ahmed, I. (2015). *Muslim Women in Prison*. Nottingham: Muslim Hands and HPCA.

22 See footnote 21 Buncy & Ahmed (2015).

23 Gohir, S. (2019). *Muslim Women's Experiences of the Criminal Justice System*. Muslim Women's Network UK.

24 See footnote 2: Marranci (2009).



important because their experiences post-release are different from those returning to Muslim families and communities. Lacking strong connections to Muslim communities outside of prison may be both beneficial and harmful. On the one hand, lacking such connections may result in less stigma and exclusion from these communities. On the other hand, there are demonstrated reintegrative benefits in having community resources upon release that would otherwise benefit these women if accessible.<sup>25</sup> While we do not suggest that Muslim communities consistently shame recently released Muslim women, we do acknowledge that its occurrence can further complicate reintegration efforts.

Upon release from prison, Muslim women do not only contend with the stigma of being incarcerated, but they may also face backlash from their Muslim communities in part for the reasons they were incarcerated. The social stigma around women who have committed crime is not unique to Muslims. A study of formerly incarcerated Ukrainian women found that they faced difficult reintegration post-release due to the lack of employment opportunities, adequate housing, as well as the existence of social stigma from their communities, what the authors refer to as 'interlocking barriers confronting women post-release' (p. 373).<sup>26</sup> Indeed, faith-based programmes have shown efficacious results,<sup>27</sup> suggesting that similar outcomes may be achieved if such programmes are replicated within Muslim communities, and they properly address the unique needs of Muslim women upon release.

As we discussed earlier, incarcerated Muslim women share many of the antecedent conditions as their non-Muslim peers, such as having been victimised and physically and emotionally abused, or having a history of substance abuse, among other factors. In this way, Muslim and non-Muslim women who are incarcerated share the same needs, and the success or

failure of their integration back into society falls largely on their respective communities. The Welcome Home Ministries (WHM) in San Diego, run by Reverend Carmen Warner-Robbins developed a re-entry programme aimed at assisting formerly incarcerated women through the use of faith-based peer-mentors. They identified eleven transitioning factors: (1) belief in God, (2) freedom from drug addiction and the importance of rehabilitation, (3) role of support groups and their 'sisters' (p. 300) in WHM, (4) nurse chaplain visits and support, (5) role of supportive friends (not former drug using friends), (6) role of supportive family, (7) significance of role models, (8) personal strength and determination, (9) significance of employment, (10) role of helping others, and (11) role of learning to deal with feelings and issues from the past.<sup>28</sup> Findings from similar research studies have identified five categories for successful integration which include: (1) finding shelter, (2) obtaining employment/legal income, (3) reconstructing connections with others, (4) developing community membership, and (5) identifying consciousness and confidence in self.<sup>29</sup> Given the similarities in findings, we suggest that services of this kind are likely to enhance the probability of successful re-entry for formerly incarcerated Muslim women.

Aside from the basic material needs alluded to prior, such as employment and housing, it is the relationships with peers and community, coupled with a lack of judgementalism within these faith-based programmes that seems to render them successful. Given that Islamic centres have historically functioned as preservation centres for immigrant Muslims and their children,<sup>30</sup> it is unsurprising that they would maintain strong exclusionary practices for formerly incarcerated women, who may be viewed as deviant and corrupting influences within the broader Muslim community.

Upon release from prison, Muslim women do not only contend with the stigma of being incarcerated, but they may also face backlash from their Muslim communities in part for the reasons they were incarcerated.

25. Nowotny, J., Panuccio, E., Shlosberg, A., & Reyes, T. S. (2022). Survival, self-sufficiency, and repair: reentry strategies and resources for wrongfully convicted people. *Psychology, Crime and Law*, pp. 841-864.
26. Korzh, A. (2022). 'You have been punished in prison. And then when you are released, you are punished for life': Post-incarceration barriers for women in Ukraine. *International Sociology*, 37(3), 373-390.
27. Danise, C. M. (2009). Faith-based organization welcomes women back home into the community: Changing lives, restoring families, and building community. *Family and Community Health*, 32(4), 298-308.
28. See footnote 27: Danise (2009).
29. See footnote 27: Danise (2009).
30. Asfari, A., & Askar, A. (2020). Understanding Muslim assimilation in America: An exploratory assessment of first and second-generation Muslims using segmented assimilation theory. *Journal of Muslim Minority Affairs*, 40(2), 217-234.



Taken together, we witness multiple levels of marginalisation and discrimination manifesting in the lives of Muslim women inside and outside of prisons. Recommendations for policy, practice, and future research is where we turn next.

### Recommendations and Ways Forward

Muslim women consistently face intersectional inequality throughout their lives, and it is imperative that prisons, faith institutions, and our communities begin to address this. The voices of Muslim women are often unheard, and they remain somewhat invisible in policy, families, and communities. Such marginalisation is compounded when one also considers 'the additional hyper visibility in media and public attitudes (including inside prisons) and this especially impacts those who are 'visibly Muslim' (i.e., identifiers such as hijab wearing or certain surnames).'<sup>31</sup> Hannah-Moffat calls upon researchers and policymakers to identify and resist systems that discriminate against incarcerated minorities and women.<sup>32</sup> Protecting the rights of incarcerated Muslim women remains important because, like their counterparts in the community, they have the right to practice their religion free from discrimination, whether they are incarcerated or freely walking the streets.<sup>33</sup> In order to promote change, we must first challenge our attitudes, norms, cultures, and systems to understand the causes and normalisations of these inequalities.

Indeed, research in the intersecting identities of Muslim women who are incarcerated is lacking but sorely needed. We suspect that a typology of incarcerated Muslim women, disaggregated by racial, religious (sect), socioeconomic, and immigration status would serve to better understand the diverse needs of this understudied group. Considering the varied ways in which Muslims outside of prisons are integrating into

American and western cultures,<sup>34</sup> it is important to examine the ways in which similar integration and assimilation patterns may yield interesting results among first- and second-generation incarcerated Muslim women.

There is a need for more and better data, especially data disaggregated by religion, to be able to identify those at risk of discrimination based on gender, religion, and ethnicity.<sup>35</sup> Future research should incorporate an intersectional lens, and maximise efforts to raise awareness of the unique experiences of female prison populations and minority groups. Indeed, how gender and faith influence experiences within prison and post-release shines a light on the unique

combination of marginalisation Muslim women face. In doing so, what should be considered are the needs of incarcerated women when developing programming, to ensure proper fit for maximising rehabilitative outcomes. Islamophobia for incarcerated Muslim women was often a byproduct of their small number compared to their co-religionists, therefore, they do not have similar shared group cohesion as their male Muslim counterparts do and are less able to resist the privations of prison. As we have discussed elsewhere,<sup>36</sup> how religion in prison spaces functions differently across racialised, gendered, and faith groups, and that the taken-for-granted

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assumption of religion as static in its effect is indeed in need of problematising. Current chaplains and correctional staff would greatly benefit from a general framework that provides appropriate religious programming for Muslim women. In terms of correctional programming, Bowers contends that establishing a teaching model and a set of ground rules that promote accurate Islamic thought and practice will give chaplains, religious contractors, and interfaith volunteers the freedom to educate and discuss topics of their choice without any confusion as to the

31. See footnote 12: Gohir (2018).

32. Hannah-Moffat, K. (2004). Gendering risk at what cost: negotiations of gender and risk in Canadian women's prisons. *Feminism & Psychology*, 14(2), 243-249.

33. Ammoura, A. (2013). Banning the Hijab in Prisons: Violations of Incarcerated Muslim Women's Right to Free Exercise of Religion. *Chicago-Kent Law Review*, 88(2), 657-684; Beydoun Khaled, A. (2018). Islam Incarcerated: Religious Accommodation of Muslim Prisoners before *Holt v. Hobbs*. *University of Cincinnati Law Review*, 84(1): 99-151; Saei, Y. (2019). *Fulfilling the Promise of Free Exercise for All: Muslim Prisoner Accommodation in State Prisons*. Muslim Advocates.

34. See footnote 30: Asfari & Askar (2020).

35. See footnote 23: Gohir (2019).

36. See footnote 6: Asfari et al. (2024).

appropriate teachings of Islamic doctrines for people in prison.<sup>37</sup> How, and the ways in which, Muslim women factor these pedagogical considerations and practices remains a topic of warranted interest in future research.

The challenges Muslim women experience in terms of prison needs and service delivery, coupled with the stigma and shame they can experience from their communities once they exit the prison, merit exploration. Consideration should be given to the cultural competency of housing alternatives to prison, as well as temporary accommodations and hostels post-release.<sup>38</sup> In turn, resettlement providers must consider how culturally competent their services are for this group and address cultural barriers, such as shame, that block Muslim women from accessing these services. There is an opportunity for communities (Muslim and otherwise) to stop stereotyping and stigmatising Muslim women-as-former-prisoners, and to increase access to and representation of Imams in community chaplaincy so that Muslim women leaving prison have more supports in place upon release. Mosques are well positioned to raise awareness, promote open minds, and change perceptions of offending amongst their communities; such changes could be achieved through activities, faith groups, drop-in sessions, and regular sermons. Of course, there is a real need for Islamic faith-based groups specifically for

women after release from prison, so that they are able to continue to learn, practise, and strengthen their faith upon release.<sup>39</sup> By raise awareness and creating supportive environments, we begin to crystallise a more capacious understanding of women experiencing things like domestic violence, being a former prisoner, mental health challenges, 2SLGBTQ+ identities,<sup>40</sup> and more.<sup>41</sup>

This also raises questions regarding 2SLGBTQ+ prisoners who identify as Muslim too, and how gender identity and expression intersects for racialised prisoners, and their experiences of access to meaningful religious and/or spiritual services. For example, in December of 2020, Statistics Canada recognized that 2SLGBTQ+ communities had been disproportionately disadvantaged throughout the COVID-19 pandemic including through higher risks of financial insecurity, and higher risks of a lack of access to safe and secure housing.<sup>42</sup> Compounding these concerns with racialisation and marginalisation, incarcerated Muslims and their post-release counterparts who identify with the 2SLGBTQ+ community face an ongoing barrage of hurdles to overcome.

The importance of Muslim women should not be forgotten, and greater empirical exploration of their experiences in prison and post-release remain timely and warranted in equal measure.

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37. Bowers, A. (2009). The Search for Justice: Islamic Pedagogy and Inmate Rehabilitation. In Yvonne Y. Hadid, Farid Senzai, & Jane I. Smith (Eds.), *Educating the Muslims of America* (pp. 179-208). Oxford University Press.

38. See footnote 12: Gohir (2018).

39. See footnotes 12 and 23: Gohir (2018); Gohir (2019).

40. Referring to Two-Spirited, Lesbian, Gay, Bisexual, Transgender, Queer, and others in the 2SLBTQ+ community.

41. See footnote 12: Gohir (2018).

42. Prokopenko, E., & Evans, C. (2020). *Vulnerabilities related to COVID-19 among LGBTQ2+ Canadians*. Statistics Canada, <https://www150.statcan.gc.ca/n1/pub/45-28-0001/2020001/article/00075-eng.htm>.

# Training new prison officers in restorative practices: The Irish experience

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**Restorative practices are a set of values and skills that professionals can use during their day-to-day interactions with the people for whom they deliver services.<sup>2</sup> They can be applied across the 'human services',<sup>3</sup> including in criminal justice agencies such as policing and prisons, social work, schools and universities, among other settings. Professionals working in these services have significant discretion to decide how to allocate benefits and sanctions on behalf of the State, and how they interact with the people over whom they have authority, and for whose welfare they are responsible.<sup>4</sup> Advocates argue that restorative values and skills can help professionals orient their practices towards building and maintaining positive relationships, ensuring people feel treated fairly and involved in decisions, and addressing and repairing harm and resolving conflict constructively.**

This article is concerned with the prisons context, specifically with recent work in the Republic of Ireland to incorporate restorative practices into Recruit Prison Officers' (RPOs) training. RPO training in Ireland is undertaken in collaboration between the Irish Prison Service College (IPSC) and South East Technological University (SETU). Over two years, RPOs study a programme called the Higher Certificate in Custodial Care (HCCC): a Level 6 certificate on the National Framework of Qualifications,<sup>5</sup> delivered to those who successfully apply to the Irish Prison Service (IPS) as an RPO.<sup>6</sup> The HCCC is composed of four semesters.

Semester 1 is delivered residually at the IPSC, lasting 12 weeks and largely delivered by IPSC Tutors, who are prison officers seconded to the College as trainers. Semesters 2-4 are delivered through online (80 per cent) and in-person (20 per cent) learning by lecturers at SETU, during which time RPOs work in Dublin prisons on normal shifts. Previous experience of higher education is not required to study on the HCCC; SETU lecturers also deliver a 'Learning to Learn' module in semester 1.

The first author is a criminologist who studies restorative practices and supported the IPSC and SETU to develop restorative practices training and to implement restorative practices more widely. The remaining authors all teach, or have taught, restorative practices content on the HCCC, with the second and third authors doing so in semester 1 at the IPSC, and the fourth and fifth authors doing so in later semesters at SETU. This paper aims to explore and reflect on these elements of RPO training — including the content of the restorative practices training, and the manner in which it is delivered.

The paper outlines the meaning of restorative practices in prisons, the support in the European legal framework, and the research on practices studied or reported upon to date in the UK and Ireland. It then outlines how restorative practices were integrated into different semesters of the HCCC — both as content and as a pedagogical approach — before considering the implications for prison cultures and services, and for prison officer training providers in Ireland and beyond.

1. Corresponding author: [ian.marder@mu.ie](mailto:ian.marder@mu.ie).
2. O'Dwyer, K. (2021). *Aspiring to high quality restorative practices: The RPI quality assurance framework*. Restorative Practices Ireland. <https://www.restorativepracticesireland.ie/wp-content/uploads/2021/11/CDI-RPI-QA-Framework-web-2-1.pdf>.
3. Burford, G., Braithwaite, J., & Braithwaite, V. (Eds.). (2019). *Restorative and Responsive Human Services*. Routledge.
4. Lipsky, M. (2010). *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. Russell Sage Foundation; Vaandering, D. (2013). A window on relationships: Reflecting critically on a current restorative justice theory. *Restorative Justice*, 1(3), 311-333.
5. The Leaving Certificate, equivalent to English A-Levels, is Level 5 on this framework. Higher education begins at Level 6. A three- or four-year, Honours-level Bachelor's Degree is Level 8; non-Honours is Level 7.
6. South East Technological University. (2023). *Higher Certificate in Custodial Care*. South East Technological University. <https://www.wit.ie/courses/higher-certificate-in-custodial-care>.



## Restorative practices in prison settings

To understand restorative practices, we can consider the syllabus of a typical training course.<sup>7</sup> If one were to obtain full restorative practices training from a specialist provider, it might last four days. In the first two days, trainees explore restorative values and how to apply them with individuals in their day-to-day work. For example, if a prison officer wanted to give either positive or critical feedback in a way that meant they were experienced as fair and respectful and that they clearly communicated their expectations and needs, they might do so using 'restorative language'. The broader goal would be for the interaction also to build, maintain, or strengthen their relationship. This is pertinent to the prisons setting and the prison officer profession, research on which consistently identifies the relationship that frontline officers have with people in custody as paramount to the legitimacy, safety, and social climate within prisons.<sup>8</sup> At the same time, relationships between prison officers and people in custody require careful management due to their potentially intimate and emotionally charged nature,<sup>9</sup> and given the 'conflict-generating' features of prison environments more broadly.<sup>10</sup> Restorative practice training also incorporates theoretical input on restorative values, opportunities for trainees to reflect on how they feel when they are treated restoratively or not, and discussions about research on the implementation of restorative practices in different settings.

This culminates in practicing the 'restorative questions', namely: What happened? What were you thinking at the time? What have you thought about since? Who has been affected and how? What needs to happen to put things right? Their application in one-

Trainees also learn about 'circle processes', facilitated with groups to build positive relationships, ensure all voices are heard in a discussion, and collectively make fair decisions and solve problems.

to-one work seeks to facilitate someone to identify and express their needs after experiencing a problem, or to reflect on their behaviour during a 'restorative conversation'. Trainees will return to these questions on the third and fourth days as they underpin restorative responses to harm and conflict. Skills taught are to facilitate 'restorative meetings' (where two or more persons are facilitated to come together, or indirectly to have a relatively informal discussion underpinned by these questions) and (for more serious situations, requiring more formality and preparation) 'restorative conferences'. Trainees also learn about 'circle processes', facilitated with groups to build positive relationships, ensure all voices are heard in a discussion, and collectively make fair decisions and solve problems. Models include sequential circles, which ensure all voices are heard in a conversation, and problem-solving circles, a multi-stage process through which groups can explore problems and seek to identify potential solutions collaboratively and creatively.

The European legal framework supports the training and use of these approaches in criminal justice, and in prison services specifically. In 2018, the Council of Europe adopted its Recommendation concerning restorative justice in criminal matters.<sup>11</sup> This is a non-binding legal framework, which has the same status in Council of Europe Member States (including the Republic of Ireland and the United Kingdom) as the European Prison Rules and the European Probation Rules. One of its core goals is to broaden the scope of restorative justice to recognise that restorative values can support culture change in criminal justice systems, professions, and agencies if they are implemented proactively as restorative practices. The Recommendation outlines the restorative values,<sup>12</sup> and

7. The training programme which most informed that now delivered on the HCCC was developed by Childhood Development Initiative. It has been delivered in basic, advanced and 'train the trainer' forms to professionals in various sectors and across criminal justice settings, including to many trainers on the HCCC. For an outline and evaluation of this training, see: O'Dwyer, K. (2021). *Training into practice: An evaluation of the Childhood Development Initiative's training in restorative practices – usage and impact*. Childhood Development Initiative. <https://www.lenus.ie/bitstream/handle/10147/635860/Evaluation-of-Restorative-Practices-Training-2021-Usage-and-Impact.pdf?sequence=1&isAllowed=y>.
8. See, for example: Liebling, A., Price, D., & Shefer, G. (2011). *The Prison Officer*. Routledge.
9. Crawley, E. (2004). *Doing Prison Work: The Public and Private Lives of Prison Officers*. Willan.
10. Edgar, K. (2018). *Ensuring a safe environment: a conflict centred strategy*. Prison Reform Trust. <https://prisonreformtrust.org.uk/publication/ensuring-a-safe-environment-a-conflict-centred-strategy/>.
11. Council of Europe. (2018). *Recommendation CM/Rec(2018)8 Concerning Restorative Justice in Criminal Matters*. Council of Europe. [https://www.coe.int/en/web/prison/home/-/asset\\_publisher/ky2olXXXogcx/content/recommendation-cm-rec-2018-8](https://www.coe.int/en/web/prison/home/-/asset_publisher/ky2olXXXogcx/content/recommendation-cm-rec-2018-8).
12. The Recommendation emphasises stakeholder participation and repairing harm (Rule 13). Further provisions reflect on the values of voluntariness, dialogue, equal concern and procedural fairness (Rule 14), among others.

provides that all criminal justice managers and practitioners may be trained in these and in the corresponding skills. As we argue above, the Recommendation provides that restorative values and skills can be applied in their day-to-day roles to help professionals resolve conflict and address harm beyond the criminal procedure (in response to conflicts and rule breaking in prisons, for example) and build positive relationships on prison landings. That is, the Recommendation explicitly supports both 'proactive' (relationship building) and 'reactive' (conflict resolution) applications of restorative practices within prisons.

### Implementing restorative practices in UK and Irish prisons

Some countries already utilised restorative practices in prisons before 2018. Several European jurisdictions have undertaken some work on this subject. Responses to a question submitted through the EUROPRIS Knowledge Management System indicate that several small-scale projects exist around Europe, albeit with limited information available in English.<sup>13</sup> Focusing on research and other forms of public documentation from places that are likely of most interest to PSJ readers, this section considers projects in England, Northern Ireland, and the Republic of Ireland that preceded the Recommendation.

In England and Wales, a 2016 Ministry of Justice White Paper provided that the Ministry would address prison violence by 'encouraging governors to take a restorative approach to low-level violence where appropriate'.<sup>14</sup> This cited two pilots in HMP Featherstone and HMP Buckley Hall that were due to finish in 2017. The Restorative Justice Council published a report supporting this, noting significant reductions (a 91 per cent decrease) in staff use of restraint following the introduction of restorative practices in Atkinson Secure Children's Home.<sup>15</sup>

A process evaluation at Featherstone and Buckley Hall identified a focus on addressing conflict (that is, on restorative practices that are reactive in nature, as opposed to those applied proactively to build

relationships). A third prison, HMP Peterborough, joined the pilot later upon its discontinuation at Featherstone, which suffered from staff shortages. Across the three prisons, 122 staff and 48 people in custody received at least some level of training, from 'foundation' to 'facilitator' level. The evaluators reviewed trainees' feedback forms completed following the training, concluding that the training had been 'extremely well-received' by staff and by people in custody. They also conducted interviews and group discussions with managers, staff and people in custody who experienced, delivered, or managed restorative practices. These respondents felt there was significant potential for restorative practices to be used to respond effectively to conflict in prison settings.<sup>16</sup>

The training of people in custody and the flexibility of the skills learned meant that at least 21 formal and 44 informal meetings occurred in Buckley Hall and Peterborough — likely an underestimate, according to the evaluators. The evaluators expressed optimism about the pilot, especially considering the difficult conditions in which it was implemented, including staff shortages and a limited awareness among wider staff. The pilot, they conclude, 'proved that, with commitment, leadership and clear lines of accountability, it is possible to use ['restorative approaches'] to deal, both formally and informally, with a wide variety of conflicts' in prison settings.<sup>17</sup> Around that time, HMP Dartmoor used restorative practices to underpin a project it called the 'Dialogue Road Map', which sought to resolve and prevent conflict by combining new dispute resolution processes and training in communication skills. A study using interviews and ethnographic observations found some optimism among people in custody about the potential of the project to achieve these goals, but that the challenges included a lack of trust and power imbalances within the prison.<sup>18</sup>

More recently, Calkin's research explored the meaning and impact of implementing restorative practices in three prisons in England, interviewing 29 people in custody or who worked in the prisons.<sup>19</sup> Calkin also undertook observations in each prison. Her

13. EUROPRIS. (2021). *Restorative programs in prison systems*. EUROPRIS. <https://www.europris.org/epis/kms/?detail=404>.

14. Ministry of Justice. (2016). *Prison Safety and Reform* (p. 50). Ministry of Justice. [https://assets.publishing.service.gov.uk/media/5a80aa1040f0b62302694ceb/cm-9350-prison-safety-and-reform-\\_web\\_.pdf](https://assets.publishing.service.gov.uk/media/5a80aa1040f0b62302694ceb/cm-9350-prison-safety-and-reform-_web_.pdf).

15. Restorative Justice Council. (2017). *Restorative justice and prison – a report for governors*. Restorative Justice Council. [http://www.antonioacasella.eu/restorative/Olliver\\_feb17.pdf](http://www.antonioacasella.eu/restorative/Olliver_feb17.pdf).

16. Fair, H., & Jacobson, J. (2018). *Process evaluation of the Restorative Prisons project*, p. vi. Institute for Criminal Policy and Research. <https://www.restorativesolutions.org.uk/assets/Restorative-Prisons—Process-Evaluation,-ICPR.pdf>. p.34; see also, Butler, M., & Maruna, S. (2016). Rethinking prison disciplinary processes: A potential future for restorative justice. *Victims & Offenders*, 11(1), 126-148.

17. Fair, H., & Jacobson, J. (2018). *Process evaluation of the Restorative Prisons project*, p. vi. Institute for Criminal Policy and Research. <https://www.restorativesolutions.org.uk/assets/Restorative-Prisons—Process-Evaluation,-ICPR.pdf>. p.35.

18. Gray, P., Santos, G., Idrissi, A., & Kennedy, C. (2020). *Dartmoor Dialogues: An exploration of HMP Dartmoor's journey towards becoming an integrated prison underpinned by restorative practices*. University of Plymouth. <https://eprints.staffs.ac.uk/6613/1/DartmoorDialoguesResearchReport.pdf>.

19. Calkin, C. (2021). An exploratory study of understandings and experiences of implementing restorative practices in three UK prisons. *British Journal of Community Justice*, 17(1), 92-111.

findings suggest that restorative practices were used widely, and to an extent not captured by previous literature. The benefits emerging included that restorative practices increased the perceived fairness of the prison adjudication process and improved relationships between staff and people in custody, and between people in custody and their families, when used in these contexts. Calkin also identified confusion over terminology (such as the difference between restorative practices and restorative justice)<sup>20</sup> and further barriers relating to the disconnect with other elements of the institutional culture and with existing concepts and programmes.

In Northern Ireland, a recent article by the (now retired) Deputy Director of the Northern Irish Prison Service outlined his experience of implementing restorative practices in prisons.<sup>21</sup> He notes that, as Deputy Governor of Magilligan Prison, he oversaw work involving: offering restorative meetings and conferences to resolve prison conflict; the establishment of a new 'restorative landing' on which it was intended that a 'restorative ethos' would prosper; using restorative circles on landings to build a sense of community, structure staff-prisoner discussions and resolve issues collectively; and resolving longer-standing conflicts between people who were being kept apart. A primary outcome was that the use of restorative practices reduced the number of people on the prison's 'keep apart' list by 27 per cent. Restorative approaches to disciplinary processes were also felt to have been successful. However, the status of this work following the author's retirement is unclear, and a full evaluation has not been published.

In the Republic of Ireland, before 2018 a substantial project in two prisons had come and gone. In 2022, prison managers who previously led the development of restorative practices published case studies on projects undertaken several years earlier in Wheatfield Prison,<sup>22</sup> a large men's prison in West

Dublin, and the Dóchas Centre,<sup>23</sup> a much smaller women's prison in the heart of Dublin City.

Following the IPS 2012-2015 Strategic Plan featuring an action to pilot restorative approaches, a large-scale training programme took place in both institutions, focused on restorative approaches to conflict, discipline, and community reparation. At least 49 people were trained in conferencing across the two institutions, and 12 trained as trainers in Wheatfield. This led to various practices over the two years to resolve conflict, including when one person in custody put his mother under pressure to bring in drugs, an assault involving two women in custody, and a conflict between a person in custody and a member of staff. These case studies indicate that the experiences of those who led these projects were positive, revealing a variety of situations in which the authors felt restorative

practices had been used to positive effect. Wheatfield sought to collect some data on its use in disciplinary processes by tracking whether the 42 persons who were referred to a restorative disciplinary process 'reoffended'. The case study states that this identified 'a 68 per cent non-reoffending rate from all restoratively resolved disciplinary cases, rising to 83 per cent when juvenile cases were excluded',<sup>24</sup> as well as claiming 100 per cent satisfaction among

participants — albeit we do not know how many of the 42 referrals were resolved successfully using a restorative process, how reoffending was measured, or how many people completed the survey which assessed satisfaction. We do know, however, that both projects were discontinued by the time of the next strategic plan in 2016 — the reasons for which do not appear to have been published.

Studies and documentation of prison-based restorative practices usually suggest it has positive effects and conclude with optimism about the potential of restorative practices to prevent and resolve conflict in prison settings. This research is limited, mostly providing a snapshot of specific programmes shortly following

A primary outcome was that the use of restorative practices reduced the number of people on the prison's 'keep apart' list by 27 per cent.

20. Restorative justice refers to efforts to use restorative values and skills to enable people involved in or affected by a crime to participate actively in repairing harm. In prison settings, this can involve dialogue between people in custody and the victim, or others harmed by, their offences (e.g. 'restorative conferencing'). It can be defined more broadly to incorporate forms of victim awareness work or community reparation. In contrast, restorative practices involve applying restorative values and skills in the context of the day-to-day prison environment.
21. Eagleson, D. (2022). Old keys do not open new doors: Twenty years of restorative justice in Northern Ireland prisons: An insight into making it happen. *Howard Journal of Crime and Justice*, 62(2), 220-241.
22. Stack, A. (2022). *Restorative practices in prisons – Wheatfield Prison*. Restorative Justice: Strategies for Change. <https://restorativejustice.ie/restorative-practices-in-prisons-wheatfield-prison/>.
23. Kelleher, T. (2022). *Restorative practices in prisons – the Dóchas Centre*. Restorative Justice: Strategies for Change. <https://restorativejustice.ie/restorative-practices-in-prisons-the-dochas-centre/>.
24. At this time, Wheatfield held people as young as 17 years of age.



implementation. Often, either clarity is lacking as to these programme's sustainability and scalability or, worse still, the documentation illustrates the discontinuation of seemingly promising projects. Notably, each project mentioned focuses on individual prisons. We are yet to see researched or documented efforts at restorative practices implementation that take a whole-of-service approach.

### Recent training developments in Ireland

Due to its non-binding nature, the 2018 Recommendation requires partnership working with stakeholders across and beyond the criminal justice sector for it to be implemented. This prompted the first author, upon moving to Ireland in 2018 to lecture in criminology, to contact IPSC management to discuss potential partnership working.

Consequently, the 2019-2022 IPS Strategy committed to 'exploring and examining mechanisms for incorporating restorative justice principles throughout the Irish Prison Service', as well as to 'include restorative justice principles in the training of staff including all new recruits'.<sup>25</sup> In the first action after this statement, the first and second authors collaborated to organise an IPSC workshop in January 2020 with Tutors, IPSC managers, and restorative practitioners (including several persons who were involved in the Dóchas and Wheatfield pilots) to explore including restorative practices in RPO training.<sup>26</sup>

There, it was agreed that IPSC Tutors would develop a half-day restorative training programme, aligning approximately with the first day of the four-day restorative practice training, to deliver to RPOs in the first semester of the HCCC. They would also build restorative skills into other modules delivered in

Semester 1. At a second workshop in August 2020,<sup>27</sup> slightly delayed by COVID-19, the second author delivered the training package to Tutors and discussed its implementation. The training included videos recorded to illustrate the differences between restorative and punitive responses to conflict in prisons. The group also considered how the College might adopt restorative practices internally to build a sense of community, enable RPOs and Tutors to have a voice in the College's work, and respond to conflict.

Since then, the College has taken a range of actions.<sup>28</sup> The half-day training package has been delivered to all RPOs learning at the College since August 2020, during their second training week. RPOs

are introduced to restorative values and skills, including the language and questions. Sessions focus on the values to encourage RPOs to prioritise building relationships with colleagues and people in custody, and to address conflict in a healthy manner. Tutors use discussions, group exercises and role-plays to help RPOs understand and practice restorative skills, considering examples from their personal lives and new working environments. Videos are used to illustrate restorative and punitive responses to the same situations in prisons to help RPOs evaluate the merits of each approach and the implications for relationships. One of the videos shows an interaction between a prison

officer and a person in custody; another focuses on an interaction between two officers. They both show how the restorative questions move the conversation from the past to the future, separate people from their behaviour, encourage empathy, and achieve accountability without blame. Tutors have integrated restorative practice skills into additional first-semester modules on communication and de-escalation. Several IPSC Tutors have since undertaken restorative practices

Often, either clarity  
is lacking as to  
these programme's  
sustainability and  
scalability or, worse  
still, the  
documentation  
illustrates the  
discontinuation of  
seemingly promising  
projects.

25. Irish Prison Service. (2019). *Irish Prison Service Strategic Plan 2019-2022*, p. 18. Irish Prison Service. [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/Document-5\\_IPS-Strategy-2019\\_2022.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Document-5_IPS-Strategy-2019_2022.pdf).
26. Marder, I. (2020). *Restorative Justice: Strategies for Change co-organises workshop with the Irish Prison Service College on restorative practices*. Restorative Justice: Strategies for Change. <https://restorativejustice.ie/2020/01/24/restorative-justice-strategies-for-change-co-organises-workshop-with-the-irish-prison-service-college-on-restorative-practices/>.
27. Marder, I. (2020). *Socially-distanced restorative practices day held at IPS College*. Restorative Justice: Strategies for Change. <https://restorativejustice.ie/2020/08/31/socially-distanced-restorative-practices-day-held-at-ips-college/>.
28. Sections of this explanation draw on these case studies. See: Murphy, A. (2022). *Irish Prison Service College – training and internal use of RP*. Restorative Justice: Strategies for Change. <https://restorativejustice.ie/irish-prison-service-college-training-and-internal-use/>; Brennan, F., Hogan, C., & Rooney, P. (2023). *South East Technological University and Irish Prison Service College – restorative practices training and pedagogical use with Recruit Prison Officers (Higher Certificate in Custodial Care, Semester 2-4)*. Restorative Justice: Strategies for Change. <https://restorativejustice.ie/south-east-technological-university-and-irish-prison-service-college-training-and-pedagogical-use-higher-certificate-in-custodial-care-semester-2-4/>.

training, either the half-day course delivered in the IPSC, or the longer programme described earlier, delivered by Childhood Development Initiative. This training took into account the mixed context of their work, insofar as Tutors work in both an educational institution and a prison service. The third author also trained as a trainer with Childhood Development Initiative after the second author, previously trained by as a trainer by the same provider, transferred out of the IPSC to an operational position.

The IPSC, as an educational institution, has also sought to use restorative practices internally. First, Tutors use circles to facilitate discussions in class. For example, after RPOs spend three days in an assigned prison during their 12-week induction, Tutors facilitate reflective circles so that each RPO can share their reflections with the group, uninterrupted. They are asked how they were feeling before the day started and after it finished, and to share their positive, negative, or surprising observations, among other questions designed to help them reflect as a group on the experience.

Second, a new IPSC 'Learning Climate for Newly Recruited Staff' includes restorative practices in several places, and elsewhere indicates an underpinning by restorative values. It says that the IPSC is:

*committed to cultivating and nurturing a learning climate in which inductees are actively encouraged to: share their experiences and reflections; listen to, discuss and challenge different perspectives; ask questions; make and learn from mistakes; acknowledge a lack of understanding or weakness; participate in exercises; provide peer feedback; etc. without fear of ridicule, shame or insult and with the confidence that they will be provided with a positive, genuine, and supportive response.*

The Learning Climate also states that Tutors:

*take a restorative approach through the demonstration of an understanding of how people feel, by building, maintaining and repairing relationships and in helping RPOs understand the impact of their actions on others.*

RPOs receive regular feedback during the semester, and formally at weeks 2, 4, 8 and 12. The Learning Climate guides Tutors in providing feedback, stating that they should:

*provide an opportunity for self-assessment in the first instance for example what were you*

*thinking while you were undertaking that exercise? How did it make you feel? What could you have done differently? What have you learned?*

It also provides that low-level misconduct 'should be dealt with sensitively, privately, in a restorative manner'. This suggests an integration of restorative values and skills into the College, beyond delivering restorative practices training. Tutors reported that RPOs' reflective pieces, written in week 10, indicate a good level of understanding of restorative practices, and that RPOs recognise when Tutors and prison officers use restorative practices around them.

RPOs continue developing their restorative practices understanding and skills with SETU in the later semesters of the HCCC, including as part of workplace reflective practice. SETU seeks to underpin the HCCC by two philosophies which go hand in hand: reflective practice and restorative practice. One objective is to engender an ability to reach out for support and admit making mistakes. It is hoped that valuing an openness to learning and vulnerability in classrooms will develop a culture that recruits can bring into prisons. Most lecturers were trained in restorative practices in recent years and use opening circles to build relationships during classes. Students are invited to share their mood and energy levels on a scale of one to ten, and to respond to a prompt question designed to share personal stories (e.g., 'tell us a holiday memory'). Closing circles to end each class enable students to share their thoughts on the day's activities and reflect on learning. Students often express that they feel reassured hearing that they are not the only ones feeling daunted by assignments, promoting peer support.

In relation to the additional training in restorative practices, in semester 2 in a module entitled 'Workplace Reflective Practice Project I', students engage with resources outlining restorative practices in custodial settings and reflect together using online group chats. Next, they participate in restorative role-plays. Students and lecturers co-create the scenarios using real examples of challenging situations they encountered. Online (and synchronously), students role-play restorative conversations in pairs, taking turns in different roles and scenarios. They submit a video and written reflection for assessment. To-date, their reflections suggest that the exercise helps build self-awareness and empathy.

In semester 4 in the module 'Workplace Reflective Practice Project II', students are given group work to explore restorative practices further. In teams, they summarise, evaluate, and review an article, and present their findings to their class. They are asked to use restorative practices to facilitate their groupwork. Each

student writes an individual reflective piece about this. The project encourages them to use a restorative mindset in planning, preparation, and engaging with each other in the team. In our (Brennan and Hogan's) experience, using restorative practices helps students to work together, listen to each other, understand different perspectives, and make groupwork decisions together.

### **Importance and implications for prison cultures, services, and training providers**

The situation in Ireland should be of interest to those in other jurisdictions for several reasons. Firstly, it is indicative of what can happen through open collaboration between universities and prison officer training providers. The authors developed positive, trusting relationships over time, and worked closely together on training development and other activities, including writing this paper and the case studies on which the paper is partly based. The quality and openness of the collaboration between the IPSC and higher education institutions in this regard is notable — especially given the relative nascency of research collaborations in the criminal justice sector in Ireland.<sup>29</sup>

Secondly, it does not seem that any other jurisdictions embed restorative practices training to such a degree when training new recruits, nor that other training providers have embraced restorative approaches to pedagogy to the extent that the IPSC and SETU have in Ireland. Between using circles in classes to build relationships and enable reflection, to using restorative practices to provide feedback and respond to problems (including with plagiarism at SETU), the HCCC itself has moved towards being restoratively delivered. The training and training approaches were recently shared with partners from nine countries through the European Penitentiaries Training Academies Network.<sup>30</sup> This is also

worthy of empirical exploration given the growing literature on restorative pedagogies in tertiary education,<sup>31</sup> the limited research on prison officer training, and the potential impact that this could have on prison officer occupational cultures. The research outlined earlier seems to indicate that restorative practices projects that focus on specific prisons are difficult to sustain and scale up. Integrating restorative values and skills into recruits' training (and training pedagogies) could help normalise and embed them across the workforce over time. Notwithstanding the reality that this can change, the current approach means that restorative practices are not tied to a specific in-prison pilot that can easily be discontinued.

Significant barriers remain to assessing the impact

of this work on prison practices and culture. For example, baseline data were not collected in such a way that would permit any impact in attitudes or practices to be captured over time. Equally, restorative practices are only one small element of the two-year programme, and it may be difficult for any dataset to capture its impact, especially given that participation was not randomised. Prison officer attitudes, practices, and occupational cultures emerge from a wide range of factors beyond training,<sup>32</sup> including the fundamentally coercive nature of prisons, with which restorative

practices are often in direct tension. Any shift can be tough to detect and would likely be caused by a confluence of factors. That said, it is significant that RPOs receive this training and experience restorative practices for themselves via restorative pedagogy. It would also be possible to conduct new research to explore whether restorative practices are being used across the prison estate, which is not something that is recorded as a matter of course.

The introduction of this training has also coincided with other developments. Importantly, the years since 2019 have seen a glut of recruitment, corresponding with a cluster of officer retirements.

## **The limited research on prison officer training, and the potential impact that this could have on prison officer occupational cultures.**

29. Hamilton, C. (2022). Crime, justice and criminology in the Republic of Ireland. *European Journal of Criminology*, 20(5), 1597-1620.

30. EUROPRIS. (2023). EPTA: Cross border training in Ireland on restorative practices. EUROPRIS. <https://www.europris.org/news/epta-cross-border-training-in-ireland-on-restorative-practices-2023/>.

31. See, for example: Marder, I., Vaughn, T., Kenny, C., Dempsey, S., Savage, E., Weiner, R., Duffy, K., & Hughes, G. (2022). Enabling student participation in course review and redesign: Piloting restorative practices and design thinking in an undergraduate criminology programme. *Journal of Criminal Justice Education*, 33(4), 526-547; Karp, D. (2023). Becoming a restorative university: The role of restorative justice in higher education. *International Journal of Restorative Justice*, 6(1), 1-28.

32. For research from Ireland see: Garrihy, J. (2020). 'There are fourteen grey areas': 'Jailing', professionalism and legitimacy in prison officers' occupational cultures. *Irish Probation Journal*, 17, 128-150; Garrihy, J. (2022). 'That doesn't leave you': Psychological dirt and taint in prison officers' occupational cultures and identities. *British Journal of Criminology*, 62(4), 982-999.



Therefore, a significant and growing proportion of prison officers in Ireland have received this training, in the manner outlined. Additionally, although it is beyond the scope of this paper, this work is part of a wider project to implement restorative practices in the IPS. The first and second authors undertook a series of focus groups, meetings, and presentations from 2020-2022 to raise awareness of restorative practices and develop a draft strategy for the Service. The strategy proposed that the first action should be for senior leaders to receive training. This commenced in January 2023,<sup>33</sup> when 35 prison governors, senior leaders at IPS Headquarters, and other senior managers received two days' restorative practices training, 27 of whom also attended a half-day workshop on its implementation. At the time of writing, this is being evaluated: the trainings and workshop were observed, and 22 trainees were interviewed between three and five

months after the training to explore its impact on their understandings, views, and practices. Early indications are that the training influenced how at least some trainees approached certain harms by people in custody and problems between colleagues, with many describing applying the restorative skills more or less formally in their day-to-day work. A further two-day training was held in Spring 2023 for persons who could not attend in January and for additional managers. This approach aligns with research on restorative practice implementation: managers, too, must understand and act in accordance with restorative practices if they are to be implemented sustainably.<sup>34</sup>

The hope is that restorative practices will improve the safety and experiences of all those living or working in Ireland's prisons, and that the Irish example will be illustrative for prison services globally.

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33. Irish Prison Service (2023). Annual Report 2022. Irish Prison Service. [https://www.irishprisons.ie/wp-content/uploads/documents\\_pdf/IPS-Annual-Report-22\\_Print.pdf](https://www.irishprisons.ie/wp-content/uploads/documents_pdf/IPS-Annual-Report-22_Print.pdf).

34. Norris, H. (2022). Is a whole-school approach necessary? The potential for alternative models of restorative justice in education. *International Journal of Restorative Justice*, 5(1), 55-75.

# Prisoners' safety and human rights: Protecting prisoners from physical attacks and victimisation.

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**The European Convention on Human Rights 1950, together with the Human Rights Act 1998, and domestic common law, allow prisoners to bring legal actions in respect of inhuman and degrading prison conditions and their negligent treatment whilst in prison.<sup>1</sup> In particular, these actions can result from mistreatment of prisoners by fellow prisoners,<sup>2</sup> for which the State can be liable under its positive obligations in human rights law.<sup>3</sup> Both domestic and European courts accept that prisons are inherently dangerous places, and have adjusted the duty of care accordingly, imposing liability only in clear cases of negligence.<sup>4</sup> Despite this, there are a number of successful cases where prisoners have gained private law and human rights remedies against prison authorities for attacks by fellow prisoners.<sup>5</sup> These attacks largely cause physical harm to the prisoner, although a recent decision of the European Court of Human Rights highlights that prison authorities can be liable for emotional abuse suffered by prisoners at the hands of other prisoners in addition to any physical harm suffered by attacks or other treatment they have suffered.<sup>6</sup>**

This article firstly outlines the relevant legal and administrative rules surrounding prisoner safety before examining leading case law in this area, from both the Strasbourg Court and the domestic courts. It will then study this recent decision and attempt to assess its potential impact on the law and prison authorities when prisoners are subjected not only to physical harm, but also to emotional or mental ill-treatment by fellow prisoners.

## **Prisoners' safety: Administrative guidance**

Before examining the issue of prisoner safety before the courts, it is useful to outline how the prison authorities attempt to safeguard prisoners from attacks by fellow prisoners.

First, prisoners can be protected under Rule 45 of Prison Rules 1999. This provides that where it appears desirable for the maintenance of good order or discipline *or in his own interests* that a prisoner should not associate with other prisoners, the governor may arrange for the prisoner's removal from association for up to 72 hours.<sup>7</sup> This rule can be used to protect vulnerable prisoners such as those convicted of sexual offences, although liability for attacks on such prisoners is not automatic.<sup>8</sup> Further, under Rule 46, the Secretary of State may direct a prisoner's removal from association and order his placement in a close supervision centre of a prison where it appears desirable for the maintenance of good order or discipline or to ensure the safety of officers, prisoners, or any other person, that a prisoner should not associate with other prisoners.<sup>9</sup> Then, in terms of general safety, Prison Service Instruction 64/201 sets out the HM Prisons and Probation Service (HMPPS) framework for delivering safer custody procedures and practices to ensure that prisons are safe places for all those who live and work there. This framework aims, inter alia, to identify, manage, and support prisoners and detainees who are at risk of harm to self, others, and from others; manage and reduce violence; and to ensure appropriate responses and investigations to incidents, so as to prevent future occurrences and improve local delivery of safer custody services.

1. Owen, T., & MacDonald, A. (2018). *Prison Law*. Oxford University Press.
2. Foster, S. (2005). The negligence of prison authorities and the protection of prisoners' rights. *Liverpool Law Review*, 26(1), 75-99.
3. *Osman v United Kingdom* (2000). 29 EHRR 245.
4. *Edwards v United Kingdom* (2002). 35 EHRR 19.
5. See footnote 2: Foster, S. (2005), pages 78-83 and 84-85.
6. *SP and other v Russia*, Application No. 36462/11 and 10 others, decision of the European Court of Human Rights, 2 May 2023.
7. This decision can then be renewed under Rule 45(2). The details of segregation are included in Prison Service Order (PSO) 1700.
8. See *Egerton v Home Office* (1978). *Criminal Law Review* 494; *Steel v Northern Ireland Office* (1998). 12 NIJB 1.
9. The procedure for operating the CSC system is set out in the 'Close Supervision Centres Operating Manual' 2014 ('The Manual'). The operation of this system was under scrutiny in the case of *Newell v Ministry of Justice* [2021] EWHC 810 (QB), considered below,

More specifically, Prison Service Instruction 20/2015 provides updated and clearer guidance and instructions on the Cell Sharing Risk Assessment (CSRA) process.<sup>10</sup> The instruction established two risk categories, high risk and standard risk.<sup>11</sup> A high risk prisoner is one for whom there is (from evidence) a clear indication of a high level of risk that they may be severely violent to a cell mate, or that a cell mate may be severely violent to them. A standard risk prisoner is then one for whom (based on available evidence) there is no immediate risk of severe cell-based violence. The instruction also establishes mandatory high-risk prisoners, who have committed particular offences that are so significant in cell sharing risk terms, that they should always initially be categorised as high risk.<sup>12</sup>

These measures accommodate the prison authorities' general duty to maintain good order and discipline as well as the safety of prisoners, and complement any legal obligations, considered below.

Common law and human rights duties of the State to protect prisoner safety

Prison authorities owe a common law duty of care towards prisoners to ensure their safety, including safeguarding prisoners from threats from fellow prisoners. Further, under both Article 2 (the right to life) and Article 3 (freedom from inhuman and degrading treatment and punishment) of the ECHR, States have a duty to ensure that individuals are not exposed to a real and immediate risk to their life or other ill-treatment, where they knew or ought to have known of that risk.<sup>13</sup>

The State's primary duty under Article 13 of the Convention is to ensure that domestic law provides the necessary protection and remedies to such prisoners.<sup>14</sup> In cases of actionable neglect, a prisoner may bring a

direct action for breach of Convention rights under the Human Rights Act 1998, or can use Convention claims when bringing a private action in negligence. However, this duty is far from absolute and the courts provide the authorities with a reasonably wide margin of discretion in assessing whether there was a breach of duty on the facts. That the courts might be reluctant to find liability in the absence of a clear breach of duty can be seen in *Palmer v Home Office*.<sup>15</sup> Here, it was held that the Home Office was not liable where a prisoner had been attacked with a pair of scissors allocated for tailoring work in the workshop to another prisoner with a very violent criminal and prison record. Although it was foreseeable that the prisoner might attack a fellow prisoner, the prison authorities had a twofold duty: to

ensure the safety of fellow prisoners, and to provide all prisoners with a constructive working regime. Thus, as the authorities had to balance the protection of prisoners with their duty to provide other prisoners with suitable employment they were reluctant to interfere with the prison's judgment in this instance.

As evidenced from *Palmer*, a major obstacle in negligence actions is the judicial recognition of the fact that prisons are inherently dangerous places and that the standard of care expected from the defendant authorities has to be judged accordingly.<sup>16</sup> This includes

recognising that the authorities must balance their duty of care to ensure prisoner safety with other duties such as the rehabilitation and training of potentially dangerous fellow prisoners.<sup>17</sup> This principle also applies even where the prisoner is already specifically at risk. For example, in *R (Bloggs) v Secretary of State for the Home Department*,<sup>18</sup> the Court of Appeal found that the Prison Service's decision to remove the prisoner

## Prison authorities owe a common law duty of care towards prisoners to ensure their safety, including safeguarding prisoners from threats from fellow prisoners.

10. This process was introduced in response to the decision of the European Court of Human Rights decision in *Edwards v United Kingdom* (2002) 35 EHRR 19.

11. HM Prisons and Probation Service PSI 20/2015, Cell Sharing Risk Assessment, at 3.8

12. HM Prisons and Probation Service PSI 20/2015, Cell Sharing Risk Assessment, at 3.9. These prisoners will have long term, static risk, and the offences are: murder or manslaughter of another prisoner; assisting in the suicide of another prisoner; committing a life threatening assault on another prisoner; raping or committing a serious sexual assault on an adult victim of the same sex.

13. *Osman v United Kingdom* (1998). 29 EHRR 245.

14. In *SP v Russia*, see footnote 6, the authorities must have known of the abuse in the penal system and the resultant risks, but failed to provide any effective system to control that situation, or provide any effective system of internal or judicial redress.

15. *The Guardian*, 31 March 1988.

16. There is, of course, a strong argument for imposing a *greater* and *stricter* liability on the prison authorities for that reason.

17. Thus, in *Thomas v Home Office* [2001] EWCA Civ 331, a youth offender institute had not been negligent in adopting a policy of supplying razors to prisoners when the claimant had been the subject of an unprovoked attack and had suffered severe injuries. See also *Stenning v Home Office* [2002] EWCA Civ 793

18. *The Times* July 4 2003.



from a protected witness unit and return him to mainstream prison system was not in violation of Article 2 ECHR. In the Court's view, there had been a substantial reduction of risk to the prisoner's life once the authorities had decided not to prosecute the person who posed the threat to them.<sup>19</sup>

However, the courts have always been more prepared to question the authorities' judgment where they are in breach of their own procedures.<sup>20</sup> This approach was applied in the case of *Newell v Ministry of Justice*.<sup>21</sup> Newell was convicted of murder and had been serving a whole life term. On 27 November 2014, Vinter, another whole-life term prisoner who had a history of violent and disruptive behaviour, attacked Newell whilst they were in the exercise yard, Newell suffering significant injuries, including brain damage and the loss of sight in his right eye. The prison operated a system of unlock levels for prisoners deemed more dangerous: a single unlock imposed where a prisoner's risk to others was considered too high to enable him to participate in mixed association or mixed activities, and unlock level three where three prison officers would be required safely to unlock a prisoner from his cell. Vinter was subjected to a Dynamic Risk Assessment (DRAM) on 26 November, it being recorded that he was unsettled because of a delay in his transfer to another prison, and that there was an opportunity for him to assault another prisoner in his association group in the exercise yard. The court found that the decision of the DRAM to allow Vinter to associate with Newell was in breach of the Ministry's duty of care. This was because the risk at that time was high, and the effect of maintaining the three officer unlock meant that Vinter's opportunity to use the violence that he was well known for would have arisen in the exercise yard when he was with other prisoners in his association group; the prison officers being locked outside the yard. Thus, had that risk been discussed, the conclusion that should have been reached was to take steps to remove Vinter's association with other prisoners.<sup>22</sup>

As with actions brought in UK domestic law, claims brought before the European Court are more likely to succeed if there is evidence of systemic failures, or if

the authorities have shown gross neglect and misjudgement. For example, in *Edwards v United Kingdom*,<sup>23</sup> a violation of Article 2 was found where the applicant's son had been killed by his cell mate, who had a history of violent outbursts and assaults, and who had been diagnosed as schizophrenic. In this case, the emergency buzzer in the cell was malfunctioning and by the time officers heard a disturbance and went to investigate, the applicant's son had been stamped and kicked to death. The European Court found that the cell mate posed a real and serious risk to the applicant's son and that the prison authorities had not been properly informed of the cell mate's medical history and perceived dangerousness. The cell mate should not have been placed in the cell in the first place and the inadequate screening process disclosed a breach of the State's obligation to protect the life of the applicants' son.<sup>24</sup>

### Extending the duty of care: The decision in *SP v Russia*

The above cases all relate to prisoners suffering *physical* loss from attacks by fellow prisoners for which the authorities were responsible in civil or human rights law. However, Article 3 ECHR also has potential to compensate for mental and psychological harm, including emotional distress and anxiety resulting from a physical attack.<sup>25</sup> Significantly, a recent decision of the European Court of Human Rights declared a violation of Article 3 when prisoners had been subjected to humiliating treatment by other prisoners, and had thus suffered inhuman and degrading treatment on account of their status as 'outcast' prisoners in the informal prisoner hierarchy.<sup>26</sup> The case raises the question whether prison authorities are responsible under Article 3, or possibly under civil law, for loss other than physical harm, and whether there is a general duty to safeguard prisoners against inmate's behaviour or the impact of the prison environment that might humiliate or debase the prisoner.

In *SP v Russia*, convicted prisoners complained that they were subjected to inhuman and degrading treatment on account of their subordinate status in an

19. This is far removed from systemic neglect and breach of duty witnessed in *SP*, shows that if the authorities attempt to gather and assess the relative evidence and risks before making a decision, then they will be allowed discretion.

20. Thus in *Burt v Home Office*, unreported, decision of Norwich County Court 27 June 1995, the prison authorities were negligent when a vulnerable prisoner was attacked by other prisoners while being escorted from a segregation unit through the general prison. The officers had walked in front of the prisoner, instead, of behind him.

21. [2021] EWHC 810 (QB).

22. *Newell v Ministry of Justice*, at 82-83. The court felt that the appropriate award was £85,000 for general damages, with interest (at 108, 110). Compare with *SP*, below, where most of the claims were based on the humiliation and psychological harm suffered by the prisoners, rather than for physical loss.

23. (2002) 35 EHRR 19.

24. *Edwards v United Kingdom*, [64]. See the administrative measures relating to cell sharing contained above. These regulations were brought into effect after the decision in *Edwards*, above.

25. See *Ananyev and Others*, Applications nos. 42732/12 and 8 others, decision of the European Court of Human Rights 10 December 2020, and *Begheluri v. Georgia*, Application No. 28490/02, decision of the European Court of Human Rights, 7 October 2014.

26. *SP and other v Russia*, Application No. 36462/11 and 10 others, decision of the European Court of Human Rights, 2 May 2023.

unofficial prisoner hierarchy in Russian correctional facilities, supported by an informal code of conduct of the criminal underworld commonly referred to as 'the rules'.<sup>27</sup> The code divides prisoners into four major categories or 'castes'. The group at the top are the 'criminal elite' or 'made men' whose function includes maintenance and interpretation of the informal inmate code, particularly when dealing with inter-prisoner conflicts. These are usually 'hardened' criminals, who enforce the informal hierarchy by threats and violence. Next are 'collaborators' who work with prison officers to enforce order or carry out administrative tasks such as managing or distributing supplies. The vast majority of prisoners then fall into the broad category of 'blokes' or 'lads' who accept the informal code of conduct while refraining from active cooperation with the prison authorities. Finally, the applicants belonged to the category at the bottom of the informal prisoner hierarchy, 'outcasts', also known as 'cocks' 'untouchables' or 'downgraded'. 'Outcasts' are allocated jobs that are considered unsuitable for other prisoners due to their 'unclean' nature, it being alleged that prison staff ensured that a specific number of 'outcasts' were available in each brigade to carry out the 'dirty work' that was considered degrading and was shunned by other prisoners. Some of the applicants were assigned to this category after they had been convicted of sexual offences, and

in the case of one of the applicants, the authorities disclosed information about his offences by placing his photograph on a notice board in a common area with the caption 'inclined to paedophilia'. Another of the applicants had been forced to provide sexual services to other prisoners and contracted HIV.

'Outcasts' were assigned separate and distinct living quarters and had to have their own cutlery and kitchen utensils, and were forbidden from touching other prisoners' furniture, cutlery, or personal items.

The vast majority of prisoners then fall into the broad category of 'blokes' or 'lads' who accept the informal code of conduct while refraining from active cooperation with the prison authorities.

They were also forbidden from touching or shaking hands with others. They were subjected to verbal abuse and threats of violence, with one being a victim of physical violence. Another reported being regularly beaten during his time at the facility, and being stabbed in the chest with a sharp object.<sup>28</sup>

According to the applicants, the prison authorities were not just aware of the existing informal hierarchy system, but also complicit in it, rendering any complaints to the administration ineffective and dangerous. Further, complaints to regional departments of the Federal Service for the Execution of Sentences (via the Ombudsman), and a complaint to the Federal Security Service,<sup>29</sup> were either refuted by the authorities, or the applicants received no response to their complaints.<sup>30</sup> The applicants complained that they had suffered inhuman and degrading treatment because of their status as 'outcasts' in the informal prisoner hierarchy (Article 3), and that they had had no effective domestic remedy for their grievances (Article 13).

The European Court reiterated that Article 3 imposed an obligation on Contracting States to take the necessary preventive measures to ensure the physical and psychological integrity and well-being of persons deprived of their liberty.<sup>31</sup> In particular, it must ensure that prison conditions do not subject a prisoner to distress or hardship exceeding the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, his health and well-being are adequately secured.<sup>32</sup> The Court noted that another important factor is whether the prisoner was part of a particularly vulnerable group,<sup>33</sup> for instance because he belongs to a category at a heightened risk of abuse, for example, people who are gay,<sup>34</sup> people who collaborate with the police,<sup>35</sup> or prisoners convicted of sexual offences.<sup>36</sup> The Court then noted that the applicants had provided evidence to

27. The Regulations on Prisoner Units in Correctional Institutions, approved by Ministry of Justice Order no. 259 of 20 December 2005.

28. Article 12: 2 of the Code on the Execution of Sentences (Law no. 1-FZ of 8 January 1997) provides that prisoners have the right to be treated courteously by prison officers and must not be subjected to cruel or degrading treatment or punishment.

29. Under Article 12 (4) of the code, prisoners have the right to send suggestions, applications and complaints to the administration of the penal facility, the higher prison authorities, the courts, prosecutor's offices, and other bodies for the protection of human rights.

30. See footnote 26, [25].

31. Footnote 26, [79], citing *Premniny v. Russia*, Application No. 44973/04, decision of the European Court, 10 February 2011, [83].

32. Footnote 26, [79], citing *Muršić v. Croatia* [GC], Application No. 7334/13, decision of the European Court 20 October 2016 [99].

33. Footnote 26, [80].

34. *Stasi v. France*, Application No. 25001/07, decision of the European Court 20 October 2011, [91].

35. *JL v. Latvia*, Application No. 23893/06, decision of the European Court 17 April 2012, [68].

36. *MC v. Poland*, Application No. 23692/09, decision of the European Court 3 March 2015, [90].

support their claims, including specific details and, in one case documented medical records, and it was clear that both other prisoners and prison staff were aware of their 'outcast' status. Further, the informal hierarchy appeared to be an entrenched feature of Russian correctional facilities, and that there were sufficiently strong indications that the domestic authorities have been aware of the informal hierarchy.<sup>37</sup>

Turning to Article 3, the Court noted that although ill-treatment usually involves actual bodily injury or intense physical or mental suffering, it also covers the infliction of psychological suffering. Thus, Article 3 covers treatment that humiliates or debases an individual, showing a lack of respect for or diminishing his or her human dignity, or arouses feelings of fear, anguish or inferiority capable of breaking an individual's moral and physical resistance.<sup>38</sup> It then noted that in this case two applicants had suffered physical attacks, while one was forced to provide sexual services to a member of 'criminal elite'. Those acts, in the Court's view, constituted forms of ill-treatment falling within the scope of Article 3. Acts of abuse other than physical violence can constitute ill-treatment because of the psychological harm they cause to human dignity, in particular because of the fear of violence it instils in the victim and the mental suffering it entails.<sup>39</sup> Living in a state of mental anguish and fear of ill-treatment was an integral part of the applicants' experience as 'outcast' prisoners, which undermined the human dignity of the applicants by debasing them and instilling in them a sense of inferiority *vis-à-vis* other prisoners.<sup>40</sup>

The Court also considered other less severe treatment, finding that further indication of degrading treatment manifested itself in the arbitrary restrictions and deprivations the prisoners endured in their daily life, such as being forbidden from coming into proximity, let alone touching, other prisoners under threat that that person would become 'contaminated'. In the Court's view, denial of human contact is a

dehumanising practice that reinforces the idea that certain people are inferior and not worthy of equal treatment and respect, and the resulting social isolation and marginalisation of the 'outcast' applicants must have caused serious psychological consequences. In addition, the status-based allocation of work served to perpetuate the separation of the 'outcast' applicants: they were assigned to do 'dirty work' because of their status, and anyone who, be it by accident, touched an item deemed 'unclean' was liable to 'downgrading'. It also noted that the sense of inferiority and powerlessness among 'outcast' applicants would have been intensified due to the permanence of the stigma attached to their low status.<sup>41</sup>

With respect to the state's obligation to protect the applicants from ill-treatment, the Russian Government had declined to take any responsibility for the alleged ill-treatment, denying any failure or omission on the part of the prison staff. In *Premniny v Russia*,<sup>42</sup> the Court established that national authorities have an obligation to ensure that individuals within their jurisdiction are not subjected to inhuman or degrading treatment or punishment, including such ill-treatment administered by private individuals.<sup>43</sup> In the present case, the Court noted that the treatment of "outcasts" had been a widespread and well-known problem in Russian penal

facilities, and that prison the authorities ought to have been aware both of the existence of the prisoner hierarchy and of the applicants' status within it.<sup>44</sup>

The Court then stressed that responding to abuse and ill-treatment in a prison context requires prompt action by prison staff, ensuring that the victim is protected from recurrent abuse and can access the necessary medical and mental health services.<sup>45</sup> However, in the present case, notwithstanding the existence of a serious and continued risk to the applicants' well-being, prison staff did not deploy any specific and prompt security or surveillance measures to prevent the informal code of conduct from being

## Acts of abuse other than physical violence can constitute ill-treatment because of the psychological harm they cause to human dignity.

37. Footnote 26, [84-88].

38. Footnote 26, [90], citing *Ananyev and Others*, Applications Nos. 42732/12 and 8 others, and *Begheluri v. Georgia*, Application No. 28490/02, decision of the European Court of Human Rights 7 October 2014, [100].

39. Footnote 26, [92], citing *Gäffen v. Germany* [GC], Application No. 22978/05, decision of the European Court 1 June 2010, [108].

40. Footnote 26, [91-92].

41. Footnote 26, [93-95].

42. Application No. 44973/04, decision of the European Court 10 February 2011, [88-89].

43. Footnote 26, [98], also citing *Stasi v France*, Application No. 25001/07, decision of the European Court 20 October 2011, [79].

44. Footnote 26, [99], citing *DF v Latvia*, Application No. 11160/07, decision of the European Court 29 October 2013, [87].

45. Footnote 26, [100], citing *Premniny v Russia*, [88].

enforced on the applicants, or consider how the applicants could be protected from abuse and harassment.<sup>46</sup> Further, there was no indication that prison staff had a standardised policy of punishments for prisoners who perpetrated violence in enforcing the informal code of conduct on others.<sup>47</sup> Accordingly, there had been a violation of Article 3, and a violation of Article 13 in respect of the applicants who raised that complaint.<sup>48</sup>

### **SP and the extent of liability for the acts of fellow prisoners**

As seen in SP, the State and prison authorities have a duty to take measures to protect prisoners from acts of intimidation and violence from other prisoners, including a duty to respond adequately to any arguable claim of such ill-treatment by conducting an effective investigation and, if appropriate, initiating criminal proceedings.<sup>49</sup> With respect to the protection of prisoners from violence by other prisoners, to succeed under Article 3 the applicant needs to demonstrate that the authorities had not taken all steps that could have been reasonably expected of them, to prevent real and immediate risks to their physical integrity, of which the authorities had or ought to have had knowledge. That does not require it to be shown that 'but for' the failing or omission of the public authority the ill-treatment would not have occurred, and whether the authorities fulfilled

As seen in SP, the State and prison authorities have a duty to take measures to protect prisoners from acts of intimidation and violence from other prisoners.

their positive obligation under Article 3 will depend on all the circumstances of the case under examination.<sup>50</sup> Thus, in *Preminyin v Russia*,<sup>51</sup> the Court had to establish the facts to see whether the authorities knew or ought to have known that a prisoner was suffering or at risk of being subjected to ill-treatment at the hands of his or her cell mates. If so, it is then a question of whether the authorities, within the limits of their official powers, took reasonable steps to eliminate those risks and to protect the prisoner from that abuse.<sup>52</sup> The European Court can also consider evidence from outside bodies, including third party interveners, as seen in the SP case. Thus, in *Gjini v. Serbia*,<sup>53</sup> it accepted that the applicant had suffered ill-treatment at the hands of his cell mates,

using evidence from the Committee for the Prevention of Torture, despite the fact that he had never lodged an official complaint.<sup>54</sup>

The duty under Article 3 is intensified where a prisoner is especially vulnerable because of their history, personal characteristics, or the nature of their offence. For example, in *DF v Latvia*,<sup>55</sup> the Court found a violation of Article 3 where the prisoner, a former paid police informant and convicted of sex offences, complained of his fear of imminent risk of ill-treatment for over a year. The Court found that the authorities had failed to effectively coordinate their activities, despite them being aware that such a risk existed.<sup>56</sup>

However, as with actions in civil law, the Court will conduct a full investigation into the facts and liability is not automatic simply because the prisoner is in a

46. Ibid. The staff did not have a proper classification policy that would have included screening for the risk of victimisation and abusiveness to ensure that potential predators and potential victims are not housed together.

47. Footnote 26, [100]. There was no action plan to address the problem at structural level and were unable to indicate any effective domestic remedies capable of offering redress (at 101-102).

48. Footnote 26, [108.]. In awarding just satisfaction, the Court awarded the applicants 20,000 euros each or such smaller amount as was actually claimed, in respect of non-pecuniary damage (109-115).

49. See *Edwards v United Kingdom* (2002) 35 EHRR 19. See also *Amin v Secretary of State for the Home Department* [2004] 1 AC 653 with respect to the Home Secretary's duty to conduct a formal investigation into deaths in prison.

50. *Pantea v. Romania*, Application Nos 33343/96, judgment of the European Court of Human Rights 3 June 2003 [191-196]; and *Preminyin v. Russia*, [84].

51. Application No. 44973/04, decision of the European Court 10 February 2011,

52. *Preminyin v. Russia*, [28], uncontroverted evidence that the applicant had suffered systematic abuse for at least a week at the hands of fellow prisoners, resulting in serious bodily injuries and deterioration in his mental health, that the authorities could reasonably have foreseen would affect this particularly vulnerable detainee. [85-91].

53. Application No. 1128/16), decision of the European Court of Human Rights 15 January 2019.

54. The Committee for the Prevention of Torture (CPT) had reported inter-prisoner violence in the prison in question and had repeatedly pointed that out as a serious problem, both before and after the events in the applicant's case. The CPT had noted a high number of cases concerning inter-prisoner violence and had observed that no action whatsoever had been taken by the prison or State authorities to correct such behaviour or reduce it.

55. Application No. 11160/07), decision of the European Court of Human Rights, 29 October 2013.

56. *DF v Latvia* [81-95]. See also *Rodic and others v Bosnia and Herzegovina* [68-73] with respect to the risk of ethnically motivated violence.



vulnerable category. Thus, in *Stasi v. France*,<sup>57</sup> although the prisoner claimed a failure of the authorities to protect him from the violence of other prisoners due to his homosexuality, the Court considered that the authorities had taken all the measures that could reasonably be expected of them to protect the applicant from physical harm, and thus found no violation.<sup>58</sup>

Given the case law in this area, the decision in *SP* was inevitable. Not only was the Russian authority's approach to this problem at the very least ambivalent, but they had obstructed every effort to provide the prisoners with any redress, internal and judicial. What is more interesting, however, is the Court's use of previous jurisprudence to extend the protection of prisoners from physical and sexual abuse to treatment by fellow prisoners that is intended to humiliate and demean the vulnerable prisoner. This is an interesting development of the threshold question, as even those prisoners who had not been subject to physical or sexual abuse succeeded in their claim. However, this, in turn, provided some difficulties in respect of the quantum of compensation (just satisfaction) for non-pecuniary loss, the Court awarding relatively modest sums to the successful applicants.

The Court's acceptance that Article 3 protects the basic dignity of prisoners from violation of other prisoners, even in the absence of physical or sexual abuse, opens up a number of possible actions from prisoners who may be subject to constant taunting from, or ostracising by, fellow prisoners. Both domestic courts and the Strasbourg Court would then face the dilemma of deciding both the accountability and threshold questions raised in those cases, and in circumstances very less clear-cut than witnessed in *SP*.

Such a possibility might also require domestic prison authorities to revisit their policies on prisoner safety, which currently focus on the identification of prisoners who are likely to pose a threat of *physical* violence to other prisoners. The expansion of the duty of care under Article 3 to *mental or psychological* harm caused by the actions of fellow prisoners would, therefore, require prison authorities to construct new

policies to provide more specific protection for the prisoners' mental and emotional health.

The decision in *SP* also raises the issue of the role played in prisons of cliques or gangs in the context of protecting prisoners from physical attacks and other ill-treatment. Prison Service Instruction 64/2011 covers this area, recognising that such groups can range from serious organised criminal networks through to unorganised, informal peer groups, and that they can exist for different reasons, operate in different ways, and pose different risks. The level of their organisation, and their acceptance by the Russian authorities, as seen in *SP*, obviously made the European Court's judgment on Article 3 easier, but the presence of such groups and the operation of a hierarchy of prisoners in any country obviously heightens the risk of physical attacks and other form of ill-treatment.

## Conclusions

Prisoners are especially vulnerable to the dangers of attack and abuse from fellow prisoners, and it is clear that in prescribed circumstances the State will be liable for such attacks. However, despite the fact that being in prison increases the risk of physical and other violence, both the domestic courts and the Strasbourg Court have been careful not to impose an impossible burden on State agents to protect the lives and physical and mental integrity of those in detention. In cases involving attacks by fellow prisoners, both courts accept that prisons are inherently dangerous places, although in *SP*, the vulnerability of the prisoners and the State's ambivalence to the existence of, and collusion in, the corruption of the prison system and its inherent risks to prisoners, led the Court to find a clear violation of Article 3.

In that sense, the decision might be of little guidance to those States with ordered and monitored penal systems, but for those without such systems it serves as a stark warning to comply with the rule of law and basic standards of decency, and protection of prisoners' fundamental rights. More significantly, the decision might lead to a wider examination of prisoners' mental and emotional health.

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57. Application No. 25001/07, decision of the European Court of Human Rights, 20 October 2011, [90-101].

58. The prisoner had never complained of them to the prison authorities and to the building supervisors who had received him. Thus, the prison authorities could not have been aware of the acts of violence committed against him.

# 'I'm social without socialising': Relational re/integration after release from a life sentence

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**Research on long-term and/or life sentences has often fallen into two separate fields: how individuals experience, survive, and cope with the sentence, and how they adapt to life after release, including whether they are 'successful' or 'fail' upon release (by being recalled). Using a short-longitudinal approach, this empirical study acted to bring together existing fields of research to provide a more holistic understanding of release for life-sentenced individuals (henceforth, 'lifers'). Using the findings from this study, this article explores how lifers experienced the first five months of their release and re/integration.<sup>1</sup> Focusing on relational, rather than material, dimensions of re/integration, it reports the various ways lifers' expectations were (in)consistent with their experienced reality. As a result of their experiences post-release, some participants altered their approach to re/integration, seeking to re/integrate through forms of non-socialisation, leading to a more isolated existence in the community. Alternatively, others pursued forms of human and social capital that would facilitate their re/integration and reaffirm their position in the outside world.**

Studies of re/settlement and government policy in this area have tended to focus on *practical* and *material* support for ex-prisoners upon their release from prison and how this is associated with recidivism.<sup>2</sup> In particular, there has been a plethora of studies examining the role of support in relation to housing and accommodation, employment, healthcare, addiction, and finances.<sup>3</sup> These have consistently showed that limited employment, training or educational prospects, unstable or non-existing accommodation arrangements, and a lack of access to substance misuse support, coupled with a reduced skills base, gaps in their employment, and a criminal record represent significant barriers to re/integrating into society and may increase the risk of reoffending.

Running parallel to these studies of *material* support is a body of research examining the role of social support during the re-entry process. Studies examining the presence of objective features of social relationships (such as the closeness of the relationship, the frequency of interactions, the availability of different sources of support, and the specific resources provided) have highlighted a positive correlation with re-entry outcomes.<sup>4</sup> That is, the more connections a person has and/or develops, the stronger those

1. In keeping with Graham and McNeill (2017), and more recently Rubio Arnal and McNeill (2023), I use the prefix 're' followed by a slash throughout this article to acknowledge the problematic assumption that individuals return to a 'desirable prior condition' upon their release.
2. HM Inspectorate of Prisons and Probation (2001). *Through the Prison Gate: A Joint Thematic Review*. London; House of Commons (2004). *Rehabilitation of Prisoners. First Report from the Home Affairs Committee Session 2004-05*, House of Commons 193. London; Social Exclusion Unit. (2002). *Reducing re-offending by ex-prisoners*. London.
3. HM Inspectorate of Prisons and Probation (2014). *Resettlement provision for adult offenders: Accommodation and education, training and employment*. London; Ministry of Justice (2010). *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*. Ministry of Justice; Social Exclusion Unit (2002); Visher, C. A., Winterfield, L., & Coggeshall, M. B. (2006). Systematic Review of Non-Custodial Employment Programs: Impact on Recidivism Rates of Ex-Offenders. *Campbell Systematic Reviews*, 2, 1-28; Maguire, M., & Nolan, J. (2007). Accommodation and related services for ex-prisoners. In A. Hucklesby, & L. Hagley-Dickinson (Eds.), *Prisoner Resettlement: Policy and Practice*. Willan; Stewart, D. (2008). *The Problems and Needs of Newly Sentenced Prisoners: Results from a National Survey*. Ministry of Justice; Gelsthorpe, L., & Sharpe, G. (2012). Women and resettlement. In A. Hucklesby & L. Hagley-Dickinson (Eds.), *Prisoner resettlement: Policy and practice*. Willan; Jacobson, J., Bhardwa, B., Gyateng, T., Hunter, T., & Hough, M. (2010). *Punishing Disadvantage: A profile of children in custody*. Prison Reform Trust.
4. Semmer, N. K., Elfering, A., Jacobshagen, N., Perrot, T., Beehr, T. A., & Boos, N. (2008). The emotional meaning of instrumental social support. *International Journal of Stress Management*, 15(3), 235-251; Johnson Listwan, S., Colvin, M., Hanley, D., & Flannery, D. (2010). Victimization, social support, and psychological well-being: A study of recently released prisoners. *Criminal Justice and Behavior*, 37(10), 1140-1159; Thoits, P. A. (1986). Social support as coping assistance. *Journal of Consulting and Clinical Psychology*, 54, 416-423.

connections are, and the ability of those connections to provide necessary resources can facilitate the re-entry process, helping an individual leaving prison to better cope with the challenges of the outside world and avoid returning to prison.<sup>5</sup>

However, the research that has been conducted has almost exclusively examined intimate and social relationships *within* the desistance process and with individuals who have served shorter sentences or are considered 'repeat offenders'. The experience of being released from a mandatory life sentence, however, is distinctly different.<sup>6</sup> Not only have mandatory lifers served significantly longer inside prison, but these individuals have often committed the most serious offence: murder. Being convicted of and having served a sentence for murder, these individuals face strict licencing conditions in the community that can act to limit their opportunities to access desistance-related factors upon release. The nature of their offence also often subjects individuals to community censure and stigmatisation, which can have social, legal, and moral ramifications for their re/integration into the community.

This article looks to move away from the previously 'individualistic focus' on specific people or groups that provide social support — which relegates or ignores the unique function of social relations and wider structures. Instead, it focuses on the *powers* and *properties* of social relations and the *impact* they have on re/integration both prior to and post-release.

### Methodology

The findings which follow are based on an empirical study of the release of 20 men serving mandatory life sentences in England and Wales. The study adopted a short-longitudinal approach by employing a set of two semi-structured interviews, conducted before and after their release from prison. Following a successful Parole Board hearing which issued their release, lifers in this study were first interviewed (T1) in prison in the days and weeks before

returning to the outside world. The second interviews (T2) were conducted in the community five months after participants' release from prison. T2 interviews were largely conducted at probation offices, with three being conducted virtually.

Of the 20 participants, 16 were reinterviewed in the community (one participant could not be located, one declined to participate, one had been recalled to prison, and one had died since the first interview). With participants' consent, all interviews were recorded, and later transcribed and coded in full, using NVivo software. The T1 interviews were analysed and coded first, whilst the T2 interviews were still being conducted, which helped to inform the process by identifying emerging themes and making amendments to the interview schedule. The T2 interviews were then analysed and coded before the complete set of interviews (T1 and T2) were then returned to as a whole for a third stage of analysis. The names presented below are pseudonyms selected by the researcher.

### Responses to Re/integration

As they prepared for their eventual release, these men were actively engaged in thinking about the next stage of their lives. For all the men in this study, such re/integration involved thinking relationally, and about symbolic aspects of social and moral inclusion. This included,

but was not limited to, thinking about being with and around everyday people separate from the criminal justice system, considering how they might be viewed and judged, and the ways in which they would be governed or managed. When these men were re-interviewed five months later, they described their experience of release again in a manner that was predominantly relational. For some participants, expectations of their ability to re/integrate with others were consistent with their experience upon release. For others, however, their experiences of release had been consistently harder than what they had imagined.

The men in this sample reported three distinct approaches to release: first, *re/socialisation*; second, *expected non-socialisation*; and third, *enforced non-*

The nature of their offence also often subjects individuals to community censure and stigmatisation, which can have social, legal, and moral ramifications for their re/integration into the community.

5. Tsai, J., Harpaz-Rotem, I., Pietrzak, R. H., Southwick, S. M. (2012). The role of coping, resilience, and social support in mediating the relation between PTSD and social functioning in veterans returning from Iraq and Afghanistan. *Psychiatry: Interpersonal & Biological Processes*, 75(2), 135–149.
6. Liem, M. (2016) *After life imprisonment: Reentry in the era of mass incarceration*. New York University Press.

*socialisation*. The first response, demonstrated by those with consistently positive expectations and experiences, was to re/immerse themselves in their community, playing an active role in their own *re/socialisation*. These men used both existing social supports and the development of new ones to become re/integrated members of their community. The second response, *expected non-socialisation*, was exhibited by those whose had consistently negative expectations and experiences. Anxieties about engaging with others pre-release led these men to retreat from re/integration, and to favour a life of solitude and isolation. The final response to re/integration, *enforced non-socialisation*, was demonstrated by participants whose expectations were inconsistent with their experiences. Unlike the previous response, where individuals had anticipated social withdrawal and isolation pre-release, these men had expected to be able to re/integrate socially at least to some degree yet received considerably more rejections and knockbacks than they had anticipated. Consequently, these men felt forced to withdraw from social interactions, doing so as a means of self-preservation to protect themselves from further stigmatisation and potential harms.

### 1) Re/socialisation

Just under half of the participants directly spoke about their willingness to re/socialise with others upon release and to become an embedded member of the community. The process of re/socialising for these men involved surrounding themselves with other people in the community, actively mixing with people or groups, participating in social activities, and seeking opportunities to engage socially with others. By (re)immersing themselves within multiple different aspects of their community, the men's moral selves were brought into being through 'a relational and dialogic practice'.<sup>7</sup> That is, the sense of selfhood that lifers had developed during their imprisonment was realised and reinforced through their interactions with others and the feedback they received from them. The responses from family, friends, professionals, and everyday citizens in the community acted to reaffirm, and on occasion extend, who they saw themselves to be, confirming an identity that was fit for the community and daily interactions. Beyond this, social

supports acted as a protective factor during re/integration, mediating and minimising the impact of rejections by seeking to validate and reinforce individuals' sense of self and belonging within the outside world.<sup>8</sup>

Distinct from those below who withdrew out of fear of rejection, these men expressed a willingness to persevere and to continually put themselves in social situations despite any knockbacks.<sup>9</sup> These men had a realistic understanding that they would likely experience several rejections before anyone took a chance on them, and that instead it was how they responded to those rejections which was more productive:

*Are you going to be lazy and go, 'oh I can't do that'? Well you can't do it if you're not going to try. Life is all about these knockbacks. It's about, you know, getting back up. (Andrew, T2)*

Here, the men discussed their 'motivation, dedication... and perseverance' (Andrew) in overcoming challenges to re/integration. They described their ability to persist, despite adversity, as being related to the existence of social supports. This included multiple different networks that existed pre-imprisonment (e.g. family, friends) but also the development of new ones following their release (e.g. becoming members of a local church, taking dance classes, joining a knitting society at the library).

Having established networks prior to release acted to minimise and mediate anxieties regarding disclosure and treatment by others. As such, they were less concerned with how the general public might receive them, because they did not believe they would have to make many, if any, personal disclosures. Relatedly, having these social supports reminded them that they had people who knew their offence and still accepted them:

*I don't have to seek approval for validation for myself as a person anymore. The validation I get is from people I know, I trust and I get on with sort of thing. (Jeremiah, T2)*

Consistent with social bond theory,<sup>10</sup> these men outlined how pre-existing social networks helped to facilitate their re/integration to the community. In

7. Donati, P. (2008). *Oltre il multiculturalismo*. Laterza; Donati, P. (2011), Modernization and relational reflexivity, *International Review of Sociology*, 21(1), 21-39.
8. Petersilia, J. (2003). *When prisoners come home: Parole and prisoner reentry*. Oxford University Press; Hochstetler, A., DeLisi, M., & Pratt, T. C. (2010). Social support and feelings of hostility among released inmates. *Crime & Delinquency*, 56, 588-607; Markson, L., Lösel, F., Souza, K., & Lanskey, C. (2015). Male prisoners' family relationships and resilience in resettlement. *Criminology & Criminal Justice*, 15(4), 423-441.
9. Receiving a 'knockback' was a common phrase the men used to describe rejections, refusals, or setbacks that they experienced in the community.
10. Laub, J. H., Nagin, D. S., & Sampson, R. J. (1998). Trajectories of Change in Criminal Offending: Good Marriages and the Desistance Process. *American Sociological Review*, 63(2), 225-238; Sampson, R. J., & Laub, J. H. (1990). Crime and deviance over the life course: The salience of adult social bonds. *American Sociological Review*, 55(5), 609-627.



particular, they commented that people who knew them intimately acted to keep them right, reminding and assisting them to lead a prosocial life. Such affective relationships provided the men with forms of relational goods like intimacy, social respect, trust, and a sense of belonging. The re/generation of social networks characterised by reciprocity and trust contributed to their sense of social re/habilitation, providing an increasing sense of self-efficacy for these men and, in particular, confidence in their ability to succeed in their re-entry.

Such connections also generated a sense of stability in their position in the outside world, minimising their sense of isolation and reinforcing their belief that people can look beyond their offence to see the person they are now:

*I am amongst people who I am comfortable with, that kind of know me, and that have accepted me for who I am sort of thing. (Connor, T2)*

For Connor, feeling 'accepted' was most directly related to attending alcoholics anonymous (AA) meetings. When talking about attending AA for the first time, Connor said 'I knew things had changed... I'd finally found somewhere where I belonged'. Being part of a community which shared his values and goals directly impacted on how he saw himself:<sup>11</sup>

*Secure, valued, appreciated, loved... it's that sense of kind of 'these people have got your back'... That's what it does. It gives — I heard somebody say it when they first came in — for the first time in a long time, I felt hope. It's a powerful thing that is. (T2)*

Here, the men discussed the need to 'be willing to accept help and also have the gumption to ask for help' (Connor) when they needed it. Recognising the need to call upon others to aid their own re/integration symbolised that — for these men — release was not an individual pursuit but rather a collective and relational one.

Where they were accepted amongst law-abiding, 'normal' groups of people, the men recognised that they too could become embedded members of their communities by maintaining a positive and prosocial sense of self that contributed to those around them. Here, the men reflected on and reassessed what was important for their re/settlement, re-evaluating their priorities through relational networks by seeking to maintain the way others saw them, acting and engaging in morally accepted forms of selfhood.

## 2) Non-socialisation

For the majority of participants, however, there was little or no desire to embed themselves within the communities they returned to. In contrast to those with existing social support networks pre-release, these men often had no one waiting for them outside and as such, would be required to interact with new people and groups upon their release, which generated great anxiety and trepidation. These men openly feared having to contend with punitive politics and sensationalised media coverage — both generally regarding murder and specifically related to their case — that made a negative reaction more likely. Participants were conscious of how the public could see them as 'monsters', undeserving of being released.

The unpredictability of responses that they could receive evoked a constant uneasiness about interacting with others in the community, reinforcing a sense of precarity about their ability to build connections upon their release. Rather than seeking to reconfigure and promote a positive prosocial identity, therefore, these participants isolated themselves from potential gains in social capital 'as a strategy for self-preservation and personal security'.<sup>12</sup> Here, participants did not prioritise being actively social but rather focussed on stabilising their identity in the free world as the most important aspect of re/integration. The predictability of withdrawing from community interactions generated a perception that life would be 'easier' or psychologically safer if isolated from others. In doing so, the lifers

The predictability of withdrawing from community interactions generated a perception that life would be 'easier' or psychologically safer if isolated from others.

11. See 'belonging together' in: Pfaff-Czarnecka, J. (2013). *Multiple belonging and the challenges to biographic navigation*. Max Planck Institute.

12. Kemshall, H., Dominey, J., & Hilder, S. (2012). Public disclosure: Sex offenders' perceptions of the pilot scheme in England. *Journal of Sexual Aggression*, 18, 311–324. (pp.321-322)

demonstrated disengagement with social and interpersonal interactions, rejecting the need to integrate. For some, this type of re/integration was expected, whilst for others, it was *enforced*.

### a) Expected Non-socialisation

Amongst the non-socialisers were a small group of men who had anticipated that they would not be accepted into their communities, and made the conscious decision to withdraw from social interactions *prior* to release. These men had a clear sense of who they were — as people likely to be stigmatised — and of their ‘master status’ as a ‘murderer’, and feared that the judgement and vilification they would receive from others in the community would compound and entrench this identity even further. Here, they anticipated the psychological challenges of experiencing rejection and the associated risks of stigmatisation and disintegrative shaming.<sup>13</sup>

Instead of seeking to (re)socialise upon release, these men sought lives of solitude and isolation. Having anticipated judgement and vilification from others that would challenge their sense of self, these men attempted to refrain from social interactions almost exclusively. In doing so, however, the lifers invariably acted as relationally reflexive beings, altering their social and personal identities to co-exist alongside, but not with, others in the community.<sup>14</sup> Here, anxieties regarding relational interactions — that had not yet happened — became mobilised and fed into the narratives of the men’s sense of self, altering their approach to release.

Where they were not *required* to disclose (e.g. during day-to-day interactions), these participants anticipated being able to retain a sense of personal control over how, when, and to what extent they revealed information about their time in prison or their offence:

*I don’t have to tell everybody when I’m out that I’ve been in prison for a long time, that I’m a life sentenced prisoner, that I killed somebody. (Simon, T1)*

Concealing the offence, or at least certain details about it, in personal settings was seen as a reactive and defensive strategy to avoid or reduce the impact of stigmatisation, constructing a narrative which had a greater sense of moral redeemability than a ‘murderer’. By making the stigma less visible, the men believed it would be less likely for them to be ‘discredited’ enabling them to re/integrate more successfully.<sup>15</sup>

Here, the men described being ‘a lot more jaded’ and unwilling to ‘give full attention of [their] emotions’ (Steven) to a stranger out of fear of that initial judgement. They were very much aware of how a mistimed or badly received disclosure could ‘blow [their] entire social life and [their] entire social peace completely’ (Wayne). As an example of this, both Simon and Steven described how they often went to the pub to watch the football, but sat by themselves, and engaged with others only when spoken to first:

*I’m not making friends when I go to the pub, I’m making acquaintances. So I don’t go in and want to spend the next three hours sitting drinking and talking to you. I sit on my own, I have a quiet pint on my own and I say hello to people, and that’s it pretty much... I don’t get too close, too involved. (Simon)*

These interactions rarely progressed beyond superficial chats with strangers, which provided some security to the men when engaging in them. Being ‘social without socialising’ (Wayne) provided a sense of normalcy to their re/integration, reminding them that they could co-exist with others, without the requirement to develop the relationship, to the point where it warranted a disclosure. Keeping themselves separate from other people, but within touching distance, allowed these men to enjoy the small pleasures of outside life: ‘it is nice just to watch life go by. Real life, real interactions... it is nice to feel a part of it and you can be as part of it as you want’ (Wayne). As such, they embraced *being in* the community, without the requirement to be a part of the community. Voluntarily retreating from social forms of interaction was therefore not considered isolating or secluding *per se*, but rather signified that they could

By making the stigma less visible, the men believed it would be less likely for them to be ‘discredited’ enabling them to re/integrate more successfully.

13. Braithwaite, J. (1989). *Crime, shame and reintegration*. Cambridge University Press.

14. See footnote 7: Donati, P. (2011).

15. Goffman, E. (1963). *Stigma*. Simon & Schuster, Inc.

still find ways of community living, albeit at a distance from others.

Often released to new geographic areas, these lifers were hopeful of a fresh start, yet remained acutely aware that building connections and a social network of people, required disclosure and possible rejections. Anticipating rejection, therefore, led these men to make particular decisions about how to live their lives outside more generally. For these participants, managing their status was achieved through selective re/integration with other people and social spaces, choosing when to interact, and when to withdraw from social situations as a means of self-protection.

## b) Enforced Non-socialisation

For others, self-isolation was less an expression of 'choice' or of their capacity to enact self-agency, but was primarily related to their experience of social situations post-release and the negative repercussions which had occurred as a result. Unlike those who anticipated social withdrawal and isolation pre-release, these men had expected to be able to — at least to some degree — re/integrate socially. However, the realities that they experienced were inconsistent with their expectations, in large part because these men had experienced the greatest number of knockbacks and rejections within the sample. Reflecting on the interactions they had already had (e.g. during releases on temporary licence), and reflecting *with others*, helped these men to decide how to behave when moving forward. Here, the actions of others fed into an internal cycle which led the men to reassess both their self-concept (i.e. who they saw themselves as being) and their social identity (i.e. who others saw them as).

They men had often received 'rejection after rejection' (Gerald), in particular, from landlords and employers. Rejection in these formal spaces was seen to be highly impactful on their ability to re/settle and gain stability. Yet, it was the emotional impact of such knockbacks that the men clearly articulated as being

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more harmful. These encounters were seen as degrading and humiliating, acting as stark reminders of their criminalised status and, by extension, their moral inferiority to those without a criminal record:<sup>16</sup> 'they [employers] are forming an opinion of me... [and] that will always be emotional' (James). These men voiced their discontent and, on occasion, their anger about not being given a chance to demonstrate their worth and how they had changed as people, instead being refused the job or accommodation at the first disclosure. Receiving repeated rejections on, what they believed to be, the sole basis of their offence made the men feel like 'a lesser person' (Terry), regenerating a sense of 'shameful[ness]' (Gerald) that they had

experienced in prison about who they were and what they had done. Being denied key forms of social capital as a result of their offence, rather than affording them a fresh start, made these men hyperaware of their master status as 'murderers'.<sup>17</sup> The 'symbolic interaction stigma' imbued within these rejections subsequently led to lower self-esteem, withdrawal and isolation from social interactions.<sup>18</sup>

Whilst Gerald said he was prepared for some judgement, he 'wasn't prepared for just how much' he actually experienced, being knocked back at every turn. Such attitudes were common among those who had not experienced a disclosure prior to their release, and who had anticipated that the opinions of

people — and, relatedly, any treatment they might receive — would be mixed:

*I feel there's some people that genuinely wouldn't have a great issue with [the conviction]. They'd say 'forgive and forget'... and then other people might have a smile on their face but underneath that, they would be uncomfortable with me. (Terry, T1)*

Terry described how, initially, he wanted to 'just voluntarily disclose' as a means of being straightforward with people, but that after receiving a

16. Pogrebin, M. R., Stretesky, P. B., Walker, A., & Opsal, T. (2015). Rejection, humiliation, and parole: A study of parolees' perspectives. *Symbolic Interaction*, 38(3), 413-430.

17. Hughes, E. C. (1945). Dilemmas and contradictions of status. *American Journal of Sociology*, 50(5), 353-359.

18. This is consistent with Link et al.'s (2015) work on mental illness stigma: Link, B. G., Wells, J., Phelan, J. C., & Yang, L. (2015). Understanding the importance of "symbolic interaction stigma": How expectations about the reactions of others adds to the burden of mental illness stigma. *Psychiatric Rehabilitation Journal*, 38(2), 117-124.

few knockbacks, he was more selective in divulging any information about his offence. Being rejected had forced Terry to realign disclosure in theory (i.e. prior to release) with disclosure in practice (i.e. post-release) whereby it was considerably more difficult for this new, reformed self to be accepted by others.

Being excluded from social groups and rejected by various individuals on a personal level compounded the men's negative experience of disclosure and release more generally. Feeling both reduced and hurt by the persistent and pervasive stigmatisation they were subject to, these lifers reported how it got harder each time to pick themselves back up and try again, asking themselves 'how many more knockbacks can one person take?' (Gerald). Whilst the men were hopeful pre-release that disclosures and knockbacks would get easier over time, each additional rejection was instead felt more acutely as it represented a personal denunciation of selfhood. The men characterised such rejections as a 'double whammy' (Terry), being denied a job or accommodation but more implicitly being refused membership into the community.

Not only were negative reactions harder to shake off than they had anticipated but they also had longer lasting implications, compounding feelings of instability and disillusionment about life in the outside world, and negatively impacting on their pursuit of re/integration. Expressing deep anxieties about further stigmatisation subsequently became detrimental to their well-being:

*[T]he stress and anxiety brought the depression back from the bipolar and then I started getting intrusive, suicidal thoughts... I*

*think the stress of it all just got too much and it was like a trigger. (Gerald, T2)*

Instead of 'embracing' freedom, these men started to imagine the possibility of returning to prison, where interactions were considered 'less judgmental' and ontologically safer than in the community.

## Conclusion

For the men in this study, anticipating and experiencing release from a mandatory life sentence was a relational experience. They engaged reflexively in an internal conversation both before and after their release about how they would be seen by others and how they could coexist alongside them in the community. The (in)consistency of their expectations and experiences subsequently impacted upon their response to re/integration, choosing — or in some cases *being forced* to choose — whether to re/socialise or withdraw from others. The orientations presented here challenge the notion of 'reintegration' by highlighting the relational barriers that exist in seeking it, and importantly, questioning whether it is even desired by individuals upon their release from prison (i.e. would they prefer to withdraw). Understanding what can be considered 'effective' re/integration, therefore, is subjective to the individuals experiencing it, in conjunction with the groups they interact with. These findings hope to provoke conversations about how re/entry and re/integration may be understood or thought about differently, in particular for those who have been removed from the outside world for the longest periods of time.



# Interview with Andrea Albutt

**Andrea Albutt** was the President of the Prison Governor's Association from 2015 until her retirement from HMPPS in March 2024. She is interviewed by **Rachel Bell**, Senior Policy Lead, in HM Prison and Probation Service.

**Andrea joined the Prison Service in 1990 following a 6-year career in the Army as a nurse. She has been operational throughout this period, first as a prison officer, working within the hospital wing of HMP Brixton where there was no integral sanitation and three men shared a cell built for one, then working through the grades to become a Governing Governor. She has seen and lived the history of the Service over these years including many challenging and defining moments. She has governed four prisons including two women's prisons and two male local/reception prisons. She believes wholeheartedly that we use prison too much and inappropriately, particularly for women offenders.**

Andrea was elected to the National Executive Committee (NEC) of the Prison Governors' Association (PGA) in 2005 and became Vice President in 2009. In 2015, she was elected as the first woman president of the PGA, a post she has now held for 8 years. She is passionate about championing women in the workplace and more generally challenging any discrimination of minority groups or those with protected characteristics.

This interview took place in mid-2023.

**Tell me a little about your career as a woman in HMPPS. Why did you leave nursing and the army to join the prison service?**

I wish I could say there was some kind of calling that made me do it. But it was time to leave the army. I had done six years and I was ready to go because the army very much dictates your life. I was married, I was living in London, I had gained some rank as an army nurse and the NHS did not pay enough. If I am honest, it was purely a financial decision because I had a large mortgage — this was the end of the 80s and I needed to earn good money. So, it was purely financial initially.

I joined as a hospital officer. It was different then. Healthcare was not commissioned like it is now. It was run by prisons. I was employed as a prison officer and given an extra allowance because I was a qualified nurse working in the healthcare environment, as a hospital officer.

It was a very bumpy first year. I thought I had made the worst decision of my life. But then I got my teeth into it, and I've had a successful career.

**Why was the first year bumpy?**

Because I was a woman. It was difficult in Brixton prison as a woman. I had come from a male dominated environment — I had come from the army! But going into Brixton in 1990 and being one of very few women working in a male prison. I do not really want to go into all the detail of some of the comments that were levied at you. But it was totally, wholly inappropriate.

And I was a qualified nurse working with hospital officers who were not qualified nurses. They had done a short prison service course. But, for the first six months, my entire job was just going backwards and forwards bringing prisoners to see the doctor. That was my job. I didn't use any skills. I didn't so much as give out of paracetamol because that was the job I was given.

**Was it because you were new or because you were a woman?**

Probably a combination of both. But then I went to the hospital governor and said, 'I am not doing anything with my nursing skills', and that it was incredibly boring.

**So that was when it changed for you?**

Yes. I got moved to another part of the hospital complex. And then I was looking after people with physical illness and physical disabilities. We had eight beds, and I did enjoy that. I felt like I was going back to being useful.

**And then you set your sights on going up the ranks?**

Well, I wish I could say yes to that question, but I left Brixton and went, still as a hospital officer to Woodhill which was just opening. I really enjoyed Woodhill. It was very demanding and, because it was new, it had to develop its culture and its purpose — alongside lots of new staff. I enjoyed it because it was

quite frenetic and a bit mad. But the healthcare side of it was much more focused on care. And I was a prison officer enjoying doing that for seven years.

I moved from there to Grendon. Every prison officer should do a stint at Grendon. Apart from the fact that it is off-the-scale weird, and you cannot really describe it as a prison, you learn so much about the people that are in your care and their life stories. That probably most of them didn't stand a chance from day one, because of the mental health and the damage that they have suffered throughout life. It was when I was there that I thought it was time to start looking at moving onwards and upwards.

I got my SO at Grendon, my PO at Wakefield in charge of the healthcare centre, and just after that did my assessments to be functional head, and deputy governor and governor.

**In your role with the PGA you represent the governor grades. How has the role of those governor grades change since you became a functional head in 1997?**

There were more governors then. The span of control was smaller. I found being a head of function quite easy. If I am honest that was probably because of a lot of support below. We had many more first line managers. You did not have all the HR work because you had a head of personnel. There was a head of finance. You had departments supporting you. The workload, and the breadth of work was much less. Now PGA members are absolutely swamped with HR and lots of transactional work. The new HR model doesn't respond to their needs. And the casework support is very hit and miss. Life was a lot easier back then! And we didn't have computers. We had internal transit envelopes to send messages around the prison but no emails.

**I have spent time fantasising about working like that, with no e-mails and just paper!**

You just worked in a completely different way. It is very difficult to compare. We didn't have all the assurance and the scrutiny you've got now. The Standards Audit Unit was in its infancy. Before that, there was more money, there was less scrutiny, less

assurance, less pressure, and you were able to get on and do the job.

The workload has gone up. But I am not sure that the outputs from that workload are better than in the early 2000s. Back then you thought you were doing a good job. But because there was less scrutiny it's hard to be sure.

**What about the improvements since then?**

I think we have got some incredibly competent people. But we've been through a big period of austerity, and we had a very difficult time from 2012 until about 2017/18. I don't think we've recovered from that.

I think some of our policy and procedures are a barrier to creativity. Scrutiny and assurance could be reduced, and people given more freedom. But that is a scary concept because we are a command-and-control organisation. I don't know if you remember the blue, red, and purple leadership model? We were all supposed to be purple, but we are a blue organisation without a doubt, blue through and through, we just pretend we are not.<sup>1</sup>

The prison service is at its finest when it is in command mode. COVID-19 proved that. But I think it is just the default position for the organisation. Our senior leaders generally come from a prison service background, and they have that blue DNA running through them.

We did have a period under Michael Gove when we had reform prisons. But the minute Michael Gove left we scuppered that and brought back the control. The autonomy was incredibly scary to our culture.

**Scary to who? Lots of ministers talk about empowerment and governor autonomy. What stops those promises being delivered?**

We are a political beast. Ministers are obviously very concerned about their political careers and to allow us to have those freedoms. We are unlike health, or even the police. We are not arm's length. We are politically buffeted by whoever is the incoming Lord Chancellor or prisons minister. We are at their whim. I think this is one of the reasons we are so often

1. The "purple leadership" model was promoted within HMPPS around 2008-2012. In a nutshell it advocated blending 'blue' procedural skills with 'red' interpersonal skills, to become a transformational 'purple' leader.

destabilised. They have their ministerial priorities, their little projects, but they just don't want it to go wrong because it could be a political disaster.

**Gove wanted a model closer to that in health or education, to give prisons a status akin to that of foundational hospitals or academy schools.**

But we could never have been that because we are a national service. We rely on each other. When I was governor of Bristol, Bristol would rely on Cardiff to support them in event of a crisis. And we move prisoners backwards and forwards. We could not have done it. Education does not work like that. Schools can be individual entities and little individual businesses. But prisons cannot. It just does not work.

**In your recent speech to the All-Party Parliament Group for prisons you said: 'short-termism, party politics, constant changing of Secretaries of State, and personal ministerial priorities leave a system feeling like a political football, with no evidence of sustained improvement and often a legacy of dire consequences for all who live and work in prisons.' Are these features inevitably baked into our political system? What can be done about this?**

I would want us to be more of an arm's length body, so we could have more autonomy, more freedom, and less interference from ministers so we can have a long-term strategy of where we are going. I am not saying there is no need for oversight and scrutiny, of course there would. But above all we need a Royal Commission to develop an all-party consensus and agreement on the strategy, so that we do not change course every time we get a new Secretary of State or another white paper.

One of my big beefs with the prison service — that I love with a passion — is that we try to be everything to everybody, and we are not. We cannot afford to. Politicians need to define what prisons are here for. Are they just for warehousing? We do an awful lot of warehousing, particularly in reception prisons and for some of our short-term sentences. Some prisons do really good work, but far too many do not. We just cannot deliver what we want to deliver. We are not funded to, and we should not pretend that we are making a difference when we are not. If it is about

warehousing and punishment, then be brave and tell the public. Tell them this is what prisons are for. We are not going to rehabilitate. You will be safe from them whilst they are in prison. But we are not going to make a difference once they are out.

I was hunting around for research to see if prison does make a difference, or if it protects the public. I cannot find anything that says prison protects the public, yet we have a government that is intent on putting as many people as possible in prison, so that the general public think that they are tough on crime. But we are not doing any rehabilitation with many of them. We do minimal stuff, but we are not protecting the public and we are not making the streets safer, we are not rehabilitating people and will probably send them out more dangerous than when they came in. That is the reality of it.

**There is evidence that short sentences are less effective than community sentences for reducing reoffending.**

So, we need to be clear on what the purpose of prison is. If the purpose of prison is to rehabilitate, then scrap your short sentences and use prison for the really dangerous people, who you cannot possibly deal with in the community. Reduce our population and then the £46,000

a year that it costs to keep an average prisoner, we can use this money appropriately, to make a difference.

As of yesterday, our prisons are running at 99.6 per cent capacity. We are full. All my prisons have been local prisons. The four prisons I have governed, two women's and two males, are full every single night and they are not safe, and struggle to rehabilitate.

**You have said that the culture was very hostile to you as a woman, when you joined. How do you think things have changed for women, especially women in operational management, over the last 20-30 years?**

I think nothing had changed until recently. We have still got a huge uphill journey. It has always been a battle. Over the years I have seen male counterparts progress because of friendships, allegiances, the masons, the golf club, whatever it may be. You see people doing better than you because they are men. You are equally capable, you know that. I am not just talking about me. I am talking about other women colleagues.

Generally, women are the primary carers of children. And if they want to reduce their hours or compress their hours or leave work early its culturally difficult. It is seen that they are getting an easy ride. I have supported a member of the PGA who compressed her hours and worked one day a week at home. Several her male colleagues believed she was having an easy time, but when we scrutinised all the work that the woman was doing pro rata, she was doing more duty governors than any of the men. But there is this belief that we are being soft on women when in fact we should be embracing a work life balance, flexible work, so we can keep women in the workplace, and keep their careers on track. We still do not embrace it.

And the whole issue of menopause. I was governor of Bristol during austerity in the thick of the menopause. To be honest it was hell. The prison was in a terrible, terrible state, as were many of the Victorian local prisons and suddenly your body and your mind behave like somebody you do not recognise. But with our gender champion being Phil Copple, I think we are beginning to understand that we need women in senior management roles, but there are times where we need to give women support to maintain their careers — during children growing up and the menopause and such like. But we are way off being there and being fully inclusive.

#### **What sort of changes do you think would make a difference?**

It is a cultural change that is the issue. We do not need more policies, the policies are there, we read them, we see them. There has to be cultural change and an absolute zero tolerance of not supporting women. The default position is, 'Well, operationally we cannot reduce your hours and we cannot allow you to work one day a week at home. That is it. Operationally, you cannot work part time.'

**I wonder if Job Evaluation Scheme is a part of the problem. We have these tightly prescribed job descriptions and Senior Management Team (SMT) structures, and it does make it incredibly difficult for a governing governor to offer, for example, a three-day week.**

I agree with you to a certain extent. But when somebody asks to go part time, 'I want to do three days

a week', the default position is no you cannot operationally — but often they have not even tried to advertise the other half of the job. There may well be a woman in a prison close by who would love to go part time. So why not at least attempt to see if we can do this for the individual, so they can job share. If I was in a prison and a member of my SMT said I want to go part time, I would immediately be thinking, how can I make this happen? How can I support this person to go part time so they can manage their childcare? I would look to see how. I do not think we have got that mentality yet. It is like the shutters come down and, 'No operationally we cannot do that'.

I think another thing that has helped us is championing women in the workplace. I am quite heavily involved with Sarah Coccia and Sarah McKnight in championing women in the workplace. We have got two women who are senior leaders and are very passionate about the work that they have been doing. But there is more work to do. I was at a seminar in 102 Petty France. Sarah, and Sarah, and I went and there was one male governor there, a governing governor. There were a few functional heads, all women. And then the rest of the people at that seminar were from headquarters. I think that said it all. And that was only the beginning of this year.

#### **Why did you choose to stand as PGA president?**

I was on the NEC from about 2002. The vice president came up around 2010. I was elected, then in 2015 I was elected president. I think it was a natural progression. But I joined the NEC very much from a women's perspective. I wanted to support other women.

Then in 2015, I had a lot of pressure from people: 'You must put yourself forward for President.' But I was Governor of Bristol at the time, and I thought there is no way I could be president and governor of Bristol Prison. I was slap bang in the middle of the menopause as well. So, I left. I said I cannot be governor of a prison, not with the prison as it is now. It would not be fair to the prison, and I just could not take it on anyway.

So, I became the operational lead for smoke free prisons, and I did that for three years from 2015 to 2018. It gave me an opportunity because, for me, headquarters was fairly mundane compared to running

There is this belief that we are being soft on women when in fact we should be embracing a work life balance, flexible work, so we can keep women in the workplace.



a prison. But it did allow me to do the President's role and get much more involved in the work of the association. And then we negotiated that I would get some facility time to do the role well.

That's when things really took off, and I was able to support members, to do all the consultation, engagement with headquarters, to do a lot of the networking. I suppose it was for the members to say this, but I feel like I have raised the profile of the PGA.

**Is there anything you would like to highlight as a success during your time as PGA president?**

If you want to say success is based on something like negotiating a good pay reward package, then I do not deal with that. For me, success is when you manage to get a point out there and somebody listens. That to me is success because people are not interested in prisons. Prisons are not like health or education or transport. I wrote an open letter back in 2015 or 16 when prisons were just horrendous, and I sent it out to the media. The PGA had never done that before. I was driving up from Wales to Bullingdon and my phone kept ringing. I had interview after interview after interview. Because the PGA had never done anything like that before it really hit hard with the media.

And I managed to get a story out about protracted concerted indiscipline at the Mount and as a result I got lots of coverage about the state of our prisons.

And the All-Party Parliamentary Group earlier this year: I got quite a big message out there and had a lot of media coverage saying that we cannot carry on like this, treating our prisons as political footballs.

**And what have the challenges been?**

I think it is difficult to get our ministers and secretaries of state interested in us as a trade union. We have had the odd very good relationship — Rory Stewart, for example, he was very interested in prisons, and we saw him regularly. But we just do not seem to have any kind of interaction at all with our political leaders. For instance, we never met Dominic Raab.

And what are the biggest wins that we could secure over the next 3-5 years to improve conditions for the people who live and work in prisons?

We need to reduce our prison population. We absolutely must do this. We cannot just keep putting more and more people in prison. The cost to the public purse is phenomenal. We do not make our communities safer by doing it.

I do feel sorry for everybody in the organisation if I am honest — that is from Amy and Phil downwards — because we are at the will of our political masters. That is why we are in the position we are in.

I would love to sit down with the Prime Minister, and just say to them, 'Come on, just be brave. Start having a conversation with the public around the use of prisons.' That to me would be the biggest win. If I could persuade a Prime Minister or a Secretary of State to just start the conversation. The narrative could change. And the government — whoever they are — could talk about 'tough on crime' in a different way. If we reduced our prison population, we would make everybody's life in prisons better. I am talking about the people we lock up and the people that work in prisons. The biggest win would be not telling the public a lie that we are being tough on crime when we are not.

# The design and build of new prisons: Challenges and opportunities.

*Robin Seaton is a Deputy Director within the Prison Supply Directorate in Her Majesty's Prison and Probation Service (HMPPS). He is interviewed by Dr Munazzah Choudhary, Ministry of Justice People Group.*

**In his current role, Robin Seaton is the Senior Responsible Owner (SRO) for the New Prisons programme and Chief Operating Officer for the Prison Capacity Sub-Portfolio, in the Ministry of Justice (MoJ). He has been in this role, and a Senior Civil Servant, for over four years, has held leadership positions in prison estate capital investment programmes for over seven years and has worked in the Criminal Justice System (CJS) since 2008.**

The interview took place on Thursday 16th November 2023.

**Starting off very broadly, what is the New Prisons programme?**

The New Prisons Programme comprises six new prisons, delivering 10,000 prison places between them. Five of them are category C resettlement prisons and one is a category B training prison. They are at various stages of delivery, ranging from HMP Five Wells, which opened in February last year, through to sites that are still in the planning system. We also have HMP Fosse Way, which opened in May 2023, and HMP Millsike, which will be opening in 2025.

This build programme kicked off in 2016 as part of the Prison Estate Transformation Programme (PETP), which aimed to build 10,000 new prison places and planned to close prisons in a poor condition: a new-for-old estate renewal programme. While our rationale has become more linked to maximising available capacity, it's still retained that transformational ethos in what we're trying to achieve: better outcomes and better quality provision.

**Thank you. Moving on to the point you just touched on regarding capacity and the remit shifting since PETP in 2016 there is a view and evidence (e.g., Prison Reform Trust, 2008) that larger prisons perform less effectively than smaller prisons and that 400-capacity, structured as 'communities', is a good size. How has this factored into the New Prisons Programme?**

It's definitely research that we were cognisant of when we were designing this programme, and when we started one of our principles was that we wanted to think a bit differently about prison design. The fact is, when you're delivering a big project like this in government, you're always operating within a set of constraints — a finite amount of money, a deadline, and a set of outcomes you need to deliver — that you're trying to triangulate. For me, it's a question of the right way to balance these factors, so we've always had a focus on trying to drive better outcomes through design.

When we were working on the design of the new prisons in, we were thinking about a number of different things that would maybe shift the dial on enabling Governors, officers, and others working in prisons to achieve better outcomes. So, if you compare the prisons under the New Prison Programme to those built previously, like Oakwood or Berwyn, you will find in the new programme that the houseblocks and the communities are significantly smaller. While Berwyn's houseblocks are roughly 700 places, in our new prison design we've got 250-place houseblocks, each of those broken up into four floors of roughly 60 people per floor, with solid floors between each landing, creating smaller, individual communities. Essentially what we're trying to do there is to create the benefits of a smaller community size within the context of the larger institution in an effort to achieve our desired outcomes — more safety and stability, reduced violence, and so on — within a fixed financial envelope.

**Did you have to be cognisant of staffing when you're talking about smaller communities? It gives the impression of needing more staff.**

Right. There's definitely a debate to be had about efficiency and outcomes from a staffing point of view as well. But by getting the balance right in terms of scaling those communities, I think we've developed a physical design that can be run quite efficiently and enables good outcomes. Again, it's finding a way through enabling interpersonal interaction between

officers and prisoners and doing so at an acceptable cost. I think design has been a key way in which we've navigated that tension.

**You have talked about focussing on better outcomes and the comparison to recent newer prisons that were completed prior to this New Prisons Programme starting, and how there has been improvements made. How is this Programme different and what are some of those key learnings?**

You learn a bit more with each generation of what you do, don't you? I think we started this time from a place of trying to think really clearly about purpose. We knew that we were building category C resettlement prisons and we'd never purpose-designed and built a category C resettlement prison before. So that's clearly a significant opportunity, particularly because of the mismatch of supply and demand in the estate at the time. A very large proportion of sentenced prisoners, with up to a year or two left to serve, have been held in older Victorian local/reception prisons. Despite the hard work of colleagues in those prisons, these environments constrain the regimes that can be provided effectively at a time when a key priority should be focusing on a person's ability to succeed on release into the community. So, we focussed on helping those on the journey towards resettlement.

Given that opportunity, we thought carefully about what we wanted to achieve in terms of safety, security, decency, health and well-being, and longer-term outcomes, such as reoffending, and we tried to embody that in the design. We were influenced by a broad scope of academic research: not just prison literature, but education and healthcare literature as well. We also conducted wide-ranging stakeholder engagement, including conversations with people who work in prison at all levels and roles, as well as discussion with prisoners. We considered literature such as the Farmer Review, as well as international work. All of this influenced us, and it's exemplified in a few elements of the design.

Take the houseblock. We've talked about smaller communities, and about solid floors, so you don't have the galleried landings. That's really important from a noise management point of view, especially with noise being a big stressor. We've worked hard to maximise

natural light — not something you necessarily get an awful lot of on traditional prison landings — with big windows at the ends of the corridors as well as part-way down. We have also fitted acoustic panels in the houseblocks, which dramatically reduce noise.

We've used barless windows for the first time in an adult male prison in England and Wales. There is some good psychological research that suggests that breaking up the horizon with the vertical bars is not good for mental health. When we look out of a window, having a varied view with interest in both the foreground, and being able to see beyond for greater distances, is associated with better mental health. And from a security perspective you can't smash the glass like you can with traditional barred windows. People often think that health and wellbeing outcomes and security can be in tension, but actually, I think they can often be complementary.

There's also good evidence around lines of sight from both a staff and prisoner point of view. We have tried to create this through the cross-shape houseblocks with shorter spurs compared to the common K shape. So, cell windows aren't directly facing other cell windows and give a more varied view in the new design. The corridors are wider than you might normally expect to see, but they're also shorter. It's trying to keep things on a human scale so you can, for example, read body language at

the far end of a corridor, so you've got quality lines of sight throughout. At the centre of each floor of each wing you've got the staff desk, which is very much in the heart of the wing and reinforces that the staff are the heart of the operation.

The central services hub is designed, named, and located in the heart of the prison — traditionally it may have been called the amenities building. It is designed on some of the principles you might recognise from modern community design of civic spaces where seemingly unrelated services are co-located. The hub combines education, faith, health services, offender management, and a myriad of other services and providers 'under one roof'. This has benefits of co-locating staff to overcome silo working, improves ease of access for prisoners, and encourages them to engage with multiple and varied activities...a 'come for your GP appointment, stay for the library' approach! The design has evolved between the first three new prisons to bring efficiencies in construction, to introduce a purpose designed gym and to add internal courtyards that introduce green spaces, which evidence

We were influenced  
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as well.

shows is associated with positive health and learning outcomes.

We went for 90 per cent single cells (as opposed to double occupancy cells), which feels about the right ratio. That is in contrast to HMP Berwyn, for example, which is 40 per cent double cells. Some people do benefit from sharing, but for the majority of people, individual cells promote safety, decency, wellbeing and so on.

**Everything you've talked about sounds very progressive in terms of what we've done previously and takes into account lots of learning. Has that been implemented from the beginning — does HMP Five Wells have the design specifications that you've discussed?**

Yes — Five Wells was the first prison to use this design. I think when you do anything for the first time you never get it 100 per cent right. When you operationalise something you identify improvements that you can make through tweaks to the design, either because the world changes around you or because actually things feel different in reality than they did in the plan. So, one of the great advantages in running the programme this way is that we're able to learn and improve with each new prison that we do. For example, one of the things that's different between Fosse Way and Five Wells is that halfway down the wings there is an area that we've turned into an interview room, a one-to-one space, which was previously an open stretch of corridor. One of the things that my team say, particularly the ex-probation officers, is that there's never enough space in prison to have a one-to-one conversation in private. And then take Millsike. Here the change is less in terms of houseblock design but in terms of sustainability: it's the first all-electric prison. We've got rid of burning fossil fuels on site, and reduced energy usage by nearly 90 per cent compared to Fosse Way.

**That leads quite nicely into the next question because you have talked about design elements such as solid floors, noise management, barless windows etc. How much have advances in technology had an impact on design?**

I think technology is really important — and funny that you mention it as only yesterday we created a video about the tech at Fosse Way with 'Mrwhosetheboss', who is the biggest technology YouTuber in the UK. The video takes you on a journey through the prison, taking in the biometrics, cameras, Traka cabinets,<sup>1</sup> use of AI, etc. And the National Tactical Response Group show how they use drones and so on. It's a great watch!

Technology is of course both an opportunity and threat. Tech development is one of the areas that the Service as a whole has to deal with, to keep pace with evolving threats, whether that's new generations of mobile phone technology or drone technology, which has become a big deal over the last five years or so.

That's equally true for us in developing new prisons. The technology to make sufficiently robust barless windows isn't something that we had 20 to 30 years ago, but is now something that we're able to take advantage of.

Construction methodology has also evolved hugely over the last few decades. MoJ and the Prison Service have for a long time been at the forefront of modernising the construction industry; one of our advantages is that we build lots of very, very similar rooms which lends itself to offsite manufacture and economies of scale. So roughly

70 per cent of prison construction is done offsite and then assembled on site. That means better quality, improved health and safety on the construction site, and more reliable delivery. And the process is more resilient to external shocks, like those that have affected the construction industry as a whole — for example the war in Ukraine, inflation, Covid-19, and resetting the relationship between Britain and the EU. It's all had an impact.

I've been really proud of the extent to which the team managed to keep delivering despite Covid-19. Fosse Way was the first big government construction contract to be signed after the pandemic began. Nonetheless, we delivered it, and Five Wells, on time and budget — and our use of modern construction tech was fundamental to that achievement.

**The pace at which these new prisons are being built is unprecedented in comparison to the**

1. Traka cabinets are fingerprint operated cabinets where prison keys, carried by staff members to open secure gates and doors within the prison, are held when not in use.



**timeline on previous build programmes. What do you attribute this to? Is it the down to lessons learnt and economies of scale? It has been really interesting to read about the speed at which you're now able to kind of get a programme of this size up and running and completed.**

Yes, the difference is huge. Compared to HMP Oakwood the main construction period has taken 20 per cent less time — about a 7-month saving — which, in a 10-year period, is a phenomenal improvement. In terms of the end-to-end process from the decision to build a new prison through to the first prisoner arriving, construction is no longer the bulk of that time. It's more other processes, like planning permission and design. We actually got the planning permission decision yesterday for the new prison at Gartree (the only category B trainer in the New Prison Programme), which I'm looking forward to delivering. We weren't expecting it, the Department of Levelling Up Housing and Communities (DLUHC) just released their Secretary of State's decision. Four down, two to go.

**That's brilliant news. Just going back slightly to better outcomes and improvements in technology, have there been any changes with the new prisons and those due to come online with regards to in-cell technology and what that means for people living in prison?**

Yes, that's a really good point. For context, with the six new prisons, five are going to be run by the private sector and one will be run by the public sector. What we've done in delivering the physical infrastructure is to provide high-speed networks and tech infrastructure so that operators have flexibility around tech solutions that they're providing. We're increasingly using Wi-Fi, so we have installed the infrastructure to facilitate this more easily.

Both at Five Wells and Fosse Way, there is individual tech in each cell that enables prisoners to do an enormous range of things within all of the usual constraints around security. Which links back to the idea of that journey towards resettlement. Some of the men may not have been outside of prison for quite a long time, so getting them used to modern tech is an important part of preparation for release. And self-direction, getting people used to taking responsibility for planning their time and booking appointments, for

example at the doctors, is fundamental to that resettlement journey as well. As well as all the usual things that can be done with tech around education and so on.

**What are the longer-term plans around build capability in terms of ensuring that the prisons once open are fully mobilised and performing? Does this sit under your remit as well?**

Yes, it does to an extent. As soon as the prison is open the responsibility transitions from me as SRO to Neil Richards as the Senior Business Owner (SBO) for private sector prisons (where the new prisons are run by a private provider).

Roughly 70 per cent of prison construction is done offsite and then assembled on site. That means better quality, improved health and safety on the construction site, and more reliable delivery.

Opening a new prison is a hugely challenging thing to do, whether it's done in the public sector or the private sector. Fundamentally you are creating a new organisation, a new culture, on a really large scale, with around 700 staff and then 1,500-1,700 prisoners. You will inevitably be hiring people who haven't worked in a prison before, so you've got to devise a compelling package of support for those people to enable them to develop and have the kind of capability that you need. You need great leaders at all levels to deliver that. I think people don't always appreciate the scale of what we're doing here. Each prison is similar in scale to

mobilising a new aircraft carrier.

**As SRO how much input do you get into that? The hiring process, support package, mixture of new/experienced staff from other prisons. How much of that is taken into consideration?**

We assess and score bidders' plans on that as part of the competition process. With Fosse Way and with Five Wells we've had the winning bidders come on board about 15 months before the arrival of the first prisoners. Throughout that time, we've been holding them to account for the quality of their plans and how they are delivering against them, and absolutely the workforce piece is at the core of that, knowing how many people they need get through the door, the attrition rate, the quality, the support package, etc. An effective workforce is fundamental.

**Is there anything in terms of the Programme that ensures that evaluation is undertaken, that**

**looks at its impact and learning, has it met the plans it set out to achieve?**

Yes. So any major project in government has to be evaluated. And evaluation is the right thing to do; I'd be doing it whether or not we had to be doing it. We're looking at a blended approach for a full evaluation, using external resource to complement the internal team. I think that kind of learning is fundamental. And we should be transparent around it.

**And like you said, with each prison that you open now, you're taking the lessons learned into the next one. If you don't do the evaluation, how do you make improvements for the next one?**

Exactly, and that sense of basically doing the same project and improving it each time is really important. To move from prisons into major projects theory for a bit, if you look at any of the literature about why major projects go wrong, it's generally because people try to do something bespoke and one-off every time. If you can do something that is repeatable, you can tweak, improve, and learn every time. Then it should get better and more reliable. Each time you stand a better chance of doing what you set out to do.

**Thinking about the communities in which prisons are built, there is usually some push back and contention around opening a new prison. What has been the public opinion on new prisons in local communities and how is that being addressed?**

It's a first principle that any prison needs to integrate well into its local community. There are benefits for both the prison and the community. For example, we closed HMP Wellingborough in 2012. There was a lot of discussion at that time locally about whether or not people wanted it back, and a campaign that suggested that people did. I think both Five Wells and Fosse Way have been good examples of local community engagement. Part of the offer is steady, reliable employment that's there for the long term, on top of hundreds of jobs and millions in local investment during the build itself. But beyond that, there's a host of really interesting stuff that both of those prisons have been doing. One of the obvious benefits is working with local companies to provide training and

employment opportunities in prison, that translate into a pathway outside of prison into permanent employment.

For example, the Midlands is a transport and logistics hub. A forklift truck company was working with Five Wells to train people up as engineers to fix forklift trucks because they had an ongoing shortfall in their workforce. Similarly at Fosse Way, there's a 360-degree excavator simulator helping to train prisoners ready for the workplace when they're released.

Five Wells and Fosse Way have done some other great things, like allowing the community to make use of the visits hall when the prison wasn't using it, and hosting elderly neighbours for Christmas lunch. There is

real value in bringing the community to the prison and vice versa. The fundamental thing is dialogue: having an open and creative conversation between prison and community about what each needs, and what they can offer, rather than making assumptions — or worse, not talking at all.

**That's quite a different way of thinking, isn't it? Prisons are often very much seen as closed and a bit of a mystery.**

Yes, and I think both prisons have done a great job on opening up. Another aspect of this that we've designed in is setting them up to enable and promote release on temporary licence (ROTL).

**We have discussed community and resistance being one of the challenges. What are the biggest challenges of the Programme?**

The frank answer is that securing planning permission is the hardest part. I can't talk in too much detail as we have two planning appeals ongoing, but I'd acknowledge that we've not had a pipeline of new prison sites that we could build on as we once did. So, when this programme started, we didn't have any sites ready to go and we were reliant on securing planning on all our sites. PSJ readers will have seen that the Lord Chancellor recently announced £30 million for purchasing and preparing new prison sites for the programme beyond this one, which I think recognises one of the fundamental challenges in developing and delivering prison infrastructure — securing permission for sites to build on in the first place.

**Just going back a little bit, you talked about Covid-19 as one of the challenges. What impact did Covid-19 have and what learning has been specific to it?**

There are two angles. One is construction, and one is design. The companies who are building prisons for us (Kier at Five Wells, and LendLease at Fosse Way) did a really good job in ensuring that they had safe workplaces that could continue to function during Covid-19. We had some advantages: when you're doing big construction and you're moving concrete panels around on an open site, you're not in a very closed space. Obviously once you are into the fit-out period inside things get a bit more challenging, but both companies did a great job in ensuring that their workforces were safe, which is fundamental. And of course, we had the opportunity to learn what works from one site to the next.

The prison design was pinned down prior to Covid-19 but one of the things that we made sure we did was to inform the design with what we knew about health and well-being. There are a number of features that help manage viral transmission risks — 90 per cent single cell accommodation for starters. The prisons are also designed with better airflow. That gives more ability to protect and shield and socially distance. The in-cell tech will help maintain family ties and contact with people if we need people to isolate in future. The spaces for prison activity have better ventilation and also more flexibility in the way that they can be used. But design can only take you so far. It's also about the way that you operate and keeping everyone, staff, and prisoners, safe.

**We've talked about research and evidence. Is there anything in particular you want to focus on in terms of learning from the international arena?**

We had a lot of discussions with a number of different countries and there were many good examples. It wasn't necessarily one example we took away but a blend of the good ideas that we found.

**Has there been any of the reverse due to the New Prisons Programme, have you received international interest?**

Yes, we've presented on it at conferences like EuroPris. And we've had conversations with a range of

jurisdictions around the world — plenty of prison services around the world are building new capacity. You find a lot of the time the thinking is quite similar around using design to drive better outcomes.

**That leads on to quite nicely to my next question. We've talked a lot about design, and it obviously sounds very thought through in terms of not only from prisoner perspective but also from a staff perspective. How much of it has been linked to the research on ethical prison architecture?**

It's not really a concept I was familiar with, but the article on it that you sent through in advance was really interesting and published quite recently [3 July 2023] but certainly it felt like a concept that spoke to the work that we had done and that we're doing. When I read the article, I found all the themes quite resonant.

**That brings me quite naturally to the end of my questions, is there anything you haven't had an opportunity to cover that you'd like to?**

We haven't talked about prisoners' families. One of the other aspects of design that we put a lot of thought into was the visits hall, especially reflecting on the outcomes of the Farmer Review [in 2017] and the good evidence that there is about strength of connection between prisoners and their families, and the impact this can have in the long term on reducing reoffending. We reflected on what would be a good quality visitor experience, both for those visiting and for prisoners. So that is reflected in the scale/size of the visits hall, and the noise management measures that provide a calm atmosphere, plus providing the opportunity to put in a decent quality cafe. There is also outside space connected to the visits hall for children, which can be used for prisoners on an enhanced regime as part of the incentive package.

I'd also like to mention the importance of joint working with the NHS. We have worked closely with NHS colleagues on the design of the prisons to ensure they're fit for purpose for modern healthcare provision, and so that the NHS's providers are ready to operate the prison healthcare when it opens. And at every stage they've been excellent to work with — it's a very strong partnership.

**Thank you very much for your time.**

# Interview with Ed Cornmell, Executive Director of HMPPS' Youth Custody Service

*Ed Cornmell was appointed Executive Director of the Youth Custody Service in October 2022. He has held previous Deputy Director roles with responsibility for prison operations, in the Transforming Delivery in Prisons Programme, and for COVID-19 Prison Gold Command. He has also been Governor at HMP Full Sutton, HMP Humber, and HMP Everthorpe. He was interviewed by **Rachel Gibson**, who is co-editor of the Prison Service Journal and based in HMPPS Evidence-Based Practice team.*

The interview was conducted in January, 2024.

**Some of our readers might be less familiar with how the Youth Custody Service (YCS) operates, can you give a brief overview?**

I agree that the YCS is perhaps not understood by everybody across HMPPS. There isn't understanding of the different sectors of youth custody and the population of children and young people themselves. I'll probably often use the words 'complex' and 'complexity' throughout this interview, and this complexity features across the estate. So, we can currently hold in custody children who are remanded or convicted and sentenced from the age of criminal responsibility of age 10, all the way up to adulthood. Since November 2022, we've also held a higher number of 18 year olds, which was a response to the capacity pressures in the adult prison estate. So, we currently have just under 600 people in youth custody and fewer than 500 children in custody, which is such a small number in comparison to the 88,000 figure that we have across the entire prison system.

But the complexity comes again in terms of the needs, the risks, and the profile of those children. We also have the added complexity of different rules and sectors of operation. So, the YCS is responsible for direct delivery in England of four Young Offender Institutions (YOIs) for people under the age of 18. In partnership with HMPPS Wales, we have oversight of the Young People's Unit operated under YOI rules at HMP Parc in Wales, operated by G4S. That is effectively sector 1 (the YOIs). Sector 2, we have the Secure Training Centre (STC), which is now just one site, Oakhill in Milton Keynes. STCs are governed by different rules and, as happens within adult custody, there is some added work for the YCS in terms of the

operation of the contract for the site and working with G4S colleagues. On top of that we have a third sector, we commission beds in eight secure children's homes across the country. I think is perhaps this is the most unseen part of the YCS, particular among colleagues working in adult custody; that our children live in accommodation shared with other children who have had their liberty deprived for welfare reasons, and these are local authority delivered secure children's homes that are more homely environments, and close to the communities that they largely serve. And, of course, a very different environment from the prison-like environments that YOIs are, and that's very much part of the story of the YCS. Very soon there will be a fourth sector which is the new Secure School due to open in Medway, Kent under different rules again, and is a new innovative form of delivery.

And finally, we are a front-line operational directorate, but because of the focus on children, we have very unique and distinct policies and wider responsibilities held at headquarters level, not just in terms of managing different provisions, like the contracted sites, working with local authorities to commission beds, which is complicated and different, but also our own distinct provision for children. So, for example, instead of the population management unit in the adult estate, we have a dedicated placements team who place and manage every child who is in custody. We have distinct policies that are just relevant to children, and we have a large safeguarding responsibility for the children too. These create different central responsibilities across the system at headquarter. So, very different to adult custody.

**You've really reflected on the complexity of YCS, despite the small numbers of children, in**



**relation to the similarities with the wider organisation, but also the distinct differences that exist and the work needed to navigate these. You've been the Executive Director of YCS for just over a year; what was it that attracted you to taking on the role?**

This is the first time I have worked with children in custody, and I work with a great number of colleagues who have specialised their career around working with children. So, it took some time to properly know what I was doing and to understand the YCS and to learn some of the things that I didn't know before. This March (2024) is my 24th year within HMPPS. I've had a largely operational career working in adult male custody and I think there were two reasons why I was fascinated by what I saw. The first reason was around that complexity again; it's (YCS) almost like a jewel really, that it's small, precious, pretty bespoke, intricate, and quite expensive. But the weight of the jewel means that it needs work to support it and to deliver the right outcomes. I am somebody who is very service oriented, that's why I do the job that I do, and our job is very much to serve the public and then serve the needs of those people who work in the organisation to deliver the very best service and outcomes, be that for adults or children within the system. And I can't think of a greater responsibility, in our world of custody in particular, of holding securely children in custody, acting sometimes in a parental role. It is such a responsibility caring for the children of other people, but actually we're looking also at those children, and what their needs are, and trying to meet those needs and support them to turn their lives around at an early age. It's a huge responsibility. And as a father, I put myself in the position of the parents of the children we look after. I think about if my child was in custody, what would I want for them, how would I want them to be supported and cared for? And if, in the worst circumstances, we need to use force against a child for example, the significance of that weighs very heavily. But I suppose is very much a reason why the calling was there to say, 'actually this is an area that I

can serve, there is something I can do here differently'.

The second reason that was in my thinking was that too many times in my career in long-term adult prisons I spoke to older men who said, 'if only just', and they've looked back at their younger selves, quite often in youth custody and at the first serious offence and realised that actually they had an opportunity to perhaps take a different course. And for whatever reason, they didn't take it. They couldn't find it. They didn't get the support. We have an opportunity in the YCS at an early stage to make a huge difference for

We have an opportunity in the YCS at an early stage to make a huge difference for the public we serve, by reducing the impact on victims through a life spent carrying out acts of serious offending.

the public we serve, by reducing the impact on victims through a life spent carrying out acts of serious offending, which we can often see, and is perhaps really prevalent within our population given the nature of those offences that our children commit to come into custody. But really, that chance to make a change and prevent that regret in the future by giving them an opportunity now. I've learnt so much since being in the role, it's even more complex, has even more challenges than I previously comprehended. But I'm still resolute, we can make a difference, people make a difference, I see that difference every day, and we need to make more of a difference.

**It sounds like you had some very personal reasons for wanting to take on the role, reflecting on some of your other experiences working across the estate with people serving significant sentences. I wonder if planting those seeds, even if the circumstances for change are not right at that moment, is also part of the role of YCS. It might not lead to the outcomes immediately, but if someone has a positive experience of engaging, is able to develop a positive relationship with a member of staff, this might mean that when circumstances are different, they do engage, as they remember that positive experience of when someone cared.**

I think your description is spot on. It's the little things. We perhaps are not going to, realistically, in all cases make whole scale change, especially in a

short timescale that we often have children in custody for. But there are small changes we can make. There are two guiding parts for me, which I am challenged by but is where we should be, I go back to my responsibility of looking after children that we should do no harm. There is a great deal of risk there, we can do harm, so we've got to work to reduce and remove that. Second, we've got to focus on progress, and progress can be small, it can be really small, but as you describe it, it can plant the seed for growth in the future or it can be something that really is a breakthrough. We've got to find what that small progressive step is for each child and young person. It varies so much, but if we find that, then we can make that difference for them for the future.

**And with smaller populations, there are more opportunities to think about people at an individual level, than in some other parts of the prison estate. So, what have been some of your highlights to date?**

From a macro level, in terms of the challenges of the estate, within the last year we have seen a huge reduction in violence. I call that out because it's a huge thing and when I talk about 'doing no harm', it absolutely crucial that we work further on safety and particularly violence within the children and young people's secure estate because it is such a key issue, particularly within YOI settings.

I think the other large-scale change that is a highlight, which is still a work in progress, is the secure school that opens this year. It's been a long project, again with lots of complexity, but I am really pleased with the progress made and see this as a real opportunity to do something different.

The micro level is always the individual; it's always that job well done and there are so many stories across the estate of staff working in different teams, and in different disciplines, who just made that difference for the individual child and young person. Who've gone the extra mile, to work through that adverse period where it's been challenging, through either self-harm or violence, where they've managed the complexity of that behaviour through

consistency, to build a trusting relationship. They're the things that give me energy and I can see that we're doing good here, we can make a difference.

**You mentioned briefly about challenges. What would your reflections be on the current challenges facing YCS?**

I think this is in the space of the complexity of the estate. So, a real success in our system, and the wider criminal justice system, is that we've successfully reduced the number of children in custody. And to say that 15 years ago we had about 3000 children in custody, and we've got fewer than 500 children now, that's a massive achievement. It's such a positive, in terms of the work being done in the community to divert, find alternatives to custody, to provide that support in a community setting, and to prevent any harm coming from the removal of someone from their community and family. But it comes at a cost and that is the biggest challenge, that we have such a challenging population of children with acute needs who are coming into custody later in their childhood.

The average age of children in the YCS is 17 years, and we see those children having, unfortunately, committed the most serious offences. Two thirds of the current population within youth custody have carried out acts of violence against the person, and that's in comparison to one third in the adult estate. And we are the place where we look after those children, and we make a difference. But that's such a dominant part of our estate, and that concentration of numbers, additionally with the closure of sites — we shrank our provision. And so, we've got a concentration of high risk, high need children, quite often some distance from home. And if I look back at my career, I spent a lot of time working in high security prisons. I was the Governor of a dispersal prison at HMP Full Sutton. The work that was done in the late 1960s and early 1970s with Sir Leon Radzinowicz around the review of what we do with our highest risk prisoners in the system for adults; we made a really clear policy decision to disperse — we put our highest risk prisoners into a larger population where the risk wasn't quite as

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acute. By default, in youth custody, we've got concentration, we've gone in that direction by default rather than through intent. It is a strength and a success, but it means now that for the YCS the biggest challenge is responding to that and it's highly likely that the challenge will increase.

And the challenges are compounded by an increasing level of neurodiversity and mental health issues among children who come into custody. A large number of our children have been both victims as well as perpetrators of adverse experiences. So, it really is a challenging population of children to care for, and it's the challenge for us to meet those needs and do things differently. I describe the jewel that is YCS, and it does need to be polished and it needs to be shinier. Holding a child in custody is an expensive thing, and it should be because we need and we deserve for the children a higher level of staffing supervision to meet those complex needs and to manage some of the risks. But, when we look at the evidence in terms of what works, it is often about conditions that are smaller, more homely, and closer to the community where the children have come from. And that is very different from a larger prison environment that dominates our YOI sector. I describe a twin-track approach: I've got to drive improvement for performance, better outcomes, and safe and more purposeful sites across the estate. But in the long-term, we need to transform the estate. We need to provide a different youth custody system that looks at the evidence. Where the evidence tells us that we've not got child-centred environments, which is largely our YOI estate that are adult prison builds by design, we need to shift that. That's not to say there's no role for the work done within YOIs; there's fantastic work done. But the size, structure, and orientation of YOIs is a challenge based on the nature of our population.

**That description of that dual focus really makes sense; improving outcomes and performance within the constraints of the current context and environment, but also exploring the future design of YCS. So, moving on a little, YCS have committed to professionalising the role of staff working with children in custody, with the introduction of the**

**Youth Justice Qualification, for example. How is this work progressing? What impact is this having on staff and children in our prisons?**

This is very much part of our improvement and will hopefully support the transformation over the long-term. So, there's very clear evidence that a child-first focus is the right approach to provide the right intervention, support, and care for children in custody. And the YCS is absolutely signed up and very clearly focused on being a child-centred service. To do that, we need the skills, and we are nothing without our staff and people; people make the difference. And with the complexity of the population, we've got to therefore provide very child-centred training and development for our staff. Working in a custodial environment as a proud prison officer, prison Governor, and somebody who's been a custodian for 24 years, there's a basic level of what would be described as 'jail craft' in an adult setting, that is universal and is shared. But there is something very different about working with children, and we've got to support staff to do that well. We made a step a couple of years ago to professionalise the workforce. That was an offer of foundation degrees and higher qualifications for staff working within youth custody as youth justice workers (our equivalent of prison officers). Those staff go through the same foundation training as a prison officer, but then we offer child-centred training as part of foundation degree which focuses on children and safeguarding. It then moves into the higher level, which currently is a level four apprenticeship which is required of all youth justice workers working within the youth estate. It's something that I've reviewed since I've been in post, and our focus on professionalising the workforce is the right approach, but we've learnt over that timescale that we perhaps could do it differently. There's something about the sequencing of training and development, so that we're supporting new staff coming into the role to gain confidence and competence. There's also a reflection that we've got some fantastic staff, who irrespective of their desire to engage in formal education, are child-centred and have brilliant skills, so there is a

There's very clear evidence that a child-first focus is the right approach to provide the right intervention, support, and care for children in custody.

balance in how we professionalise the workforce and how we recognise the skills of the staff that we've got. So, we are undertaking a review of our current position, to see how we could do something different.

The nature of multidisciplinary working within the YCS means that it's important that we are not just focusing on youth justice workers. There's a wider workforce from different disciplines and professions, and staff who work in STCs, and for the local authority in Secure Children's Homes. There's a lot to learn across those boundaries, and we've made a step forward to try and break down barriers, to share more across different sectors, and to connect staff more, because we look after the same children, albeit sometimes different ages and in different locations, but there's a lot to learn from each other. But then there's a lot to do together with colleagues in psychology, within education, within healthcare, and for us in terms of the community and youth offending teams (YOTs) and other community partners coming in. That's an area I've focused on, I want to be open to the best skills, knowledge, and expertise in the sector. We've tried to communicate better, be good partners, and to share what we're doing over this last year, and we've continued to do some things that we've done for a while now; we have a head of safeguarding who has experience of working in the community, who brings that in day in, day out, to their role. We are also open to other partners working with us, so we are developing an advisory board that was formed to bring in some of that sectoral expertise and to invite colleagues to work with us to make the difference, to do both that improvement work, as well as transform the system.

So, there's a lot to learn from other colleagues across the youth justice sector, and we continue to want to be part of that wider sector and look at how we develop the workforce, be that in the community, be that in other different settings of custody, or across different disciplines.

**You played a key role in helping the organisation to navigate the impact of the Covid-19 pandemic and we know the impact of this is still being felt in prisons. What work is being done within YCS to learn from our experiences of Covid-19 and ensure that opportunities for children within our prisons return to pre-pandemic levels?**

It's different being on the other side; as one of the lead gold commanders through Covid it was quite often me issuing the instructions about restricted regimes and made controlled changes that

we had to make to get us through the pandemic. So, the boot is on the other foot in terms of the impact of the pandemic within the YCS. With credit to colleagues, and my predecessor (Helga Swindenbank), the

commissioning of the CoRE (Covid-19 Research and Evaluation) research was an opportunity to learn from Covid, engage with children and staff, and it's influenced our recovery.<sup>1</sup> Within the research there were 55 key questions for leaders, and four strategic recommendations; these have prompted us to look into how we can create smaller groups for children to mix within, which was informed by children describing feeling safer in smaller groups. There is a danger that we could move into children identifying with a group and gang-forming

behaviours, but it's similar to the experience within secure children's homes, which have smaller environments where we get better outcomes. Our children with a predominance of violence in their history are hypersensitive and hypervigilant in our YOIs regimes, and we see some of their community behaviours manifesting in custody. Whereas, in that smaller setting, as they experienced in Covid, they were able to interact and engage more. So that's a challenge for the future, as small groups are also inefficient in terms of enabling time out of room and access to education, but there's clear learning that must inform the transformation strategy of the size

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1. Evaluating the impact of COVID-19 on the Youth Custody Service - GOV.UK ([www.gov.uk](http://www.gov.uk))



of our institutions and how we bring children together.

The heart of the recommendations were about relationships mattering. If we've got really well recruited and developed staff (back to professionalisation), you form the very best relationships with our children, we get the very best outcomes. The YCS continued to focus on children through the pandemic, to keep them safe, provide care, and develop relationships. I am very clear that for the future it's about how we provide that support that enriches the life of children, that looks at the child fully, not just through an education lens, but through all of the other aspects that they need. The core part of the challenge, across the adult estate and the YCS, is that we've not returned to facilitating the same amount of the time out of room, the levels of education, or enrichment activities that we had prior to the pandemic. We continue to struggle, but we are increasing that time out of room within the YOI settings. It hasn't been the same issue in the STCs and Secure Children's Homes; we deliver a lot more time out of room and access to education there than in the prison-like environments. But we've seen the context change post-Covid; we've seen a heavy churn and turnover of staff, we've got vacancies at some sites, we've faced some challenges around retention. And therefore, we've got a staff group that needs support and development to manage what's an increasingly complex group of children. So, it isn't just Covid, but we need to increase the young people's time out of room and access to education, and that's absolutely the improvements that we're focused on now. The best way to do that, in my view, is through SECURE STAIRS, which is our framework for integrated care in partnership with NHS England.<sup>2</sup> That is the bedrock of developing and supporting our staff to have the best relationships, to understand the needs of our children, to put a clear plan together that responds to those needs, risks, challenges. Covid disrupted the roll-out of SECURE STAIRS in the YOIs, but I'm committed to making sure that we bring in SECURE STAIRS effectively. And I think that's the recovery that will really make a difference following the pandemic.

The YCS continued to focus on children through the pandemic, to keep them safe, provide care, and develop relationships.

**We've touched on this briefly already, but relationships with community partners and stakeholders is different for the YCS than for the adult estate, given that community youth justice services sit within the local authorities. How does YCS navigate this to ensure that good communication and partnership working takes place, and to support successful transition planning?**

This is an area of increased focus, and I think if I am right with my numbers, we've currently got over 150 youth offending teams who sit in different local authorities across England and Wales. Those colleagues do a fantastic job and have got responsibility for children in custody for their transition back into the community, and their supervision and care whilst in the community. That in itself is a challenge, particularly when we've got a shrunken secure estate and where some of our sites are quite a considerable distance from the home area, the youth offending team where that child is cared for, and where their family and community is. So, geography doesn't help us and it's partly why transformation of the estate would be a strength for us.

We are trying to increase our openness. In our YOIs, Governors are frequently now holding open days and sessions to bring in YOTs and Directors of Children's Services. The different statutory responsibility around safeguarding goes above and beyond what we see in the adult prison estate, so it's important that we have effective relationships across partners. Each site sits in the local authority, with the local authority designated officer, safeguarding board, and Director of Children's Services, and other key stakeholders with responsibilities for children. That relationship matters so much in terms of keeping children safe. But we have a real push to do more, to engage more, because we want to see youth offending colleagues coming into our sites. We want to increase access to children, and the fact that we have Launchpad laptops and in-room telephones available for each child in YOIs means that the ability to have contact has increased and is a strength that we are looking to

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<sup>2</sup> Anna Freud. Independent evaluation of the Framework for Integrated Care (SECURE STAIRS). (2022). [annafrued.org](https://annafrued.org).

build on. And we are looking at what we can do to bring youth offending team colleagues into our sites, allowing them to carry keys, who can work alongside directly employed staff.

So, there is a lot we are doing, but we need to do more. The biggest challenge when our children go back to the community, particularly looked after children who need to go back into formal care, is being able to provide suitable accommodation. That is a real challenge for community colleagues, and we need to do more to secure that. And perhaps, again, there's learning from other parts of the estate for the YCS; we don't have approved premises in a way that would be typical within probation, so there are some areas to explore for the future.

**You've already mentioned a bit about secure schools, and work appears to be progressing, with the opening scheduled for early 2024. Can you tell us more about the goals and aspirations for this new way of working? How will the impact of this new approach be explored/evaluated?**

This is a fantastic transformation and change, and it's taken many years to get here. It's a unique provision that brings together the rules and regulations around secure children's homes but integrates those with the policies for academy trusts within the community, so the secure school will be a secure academy trust. It will be delivered by Oasis Restore, which is a dedicated charity and a not-for-profit provider. In terms of the vision, it's a school with security. It's not a prison-like environment where education is added in; it's an environment that's really focused on education and wellbeing. So, health and wellbeing is up there with education, to deliver the very best outcomes for children, to be individualised and focused on meeting the needs of the children.

It's a conversion of a secure training centre at Medway. It provides small units of accommodation with just a small number of children living together, two large education buildings, and no more than 49 children on site accessing those services. That will create a different culture and ethos, providing access to services differently from in our YOI settings. It really should deliver that step change that we want to see.

But as you described, there's a need to learn. We're already learning from what we've done over recent years, and we've got to make sure some of this learning is short-term and short-timed, and that we continue to develop. There is a full evaluation that we're currently formalising and it will take at least a

three-year period to make sure that we've captured all of the learning we need to inform potential future secure schools. And, if we've introduced secure schools as a fourth sector of delivery, working out its value and looking at how it fits with the other sectors we deliver. So, we are really looking forward to the opening of the school and the change that will bring to the system.

**It will be really interesting to see how it progresses, and to maximise any opportunities to share any learning during that initial three-year period.**

We've got to do that. There's so much to learn from each other, and we've got to do more of that.

**Is there anything that you think the wider organisation could learn from the YCS?**

I think there's lots, and I think it's two-way. If I reflect on my own experiences, I didn't previously know about the unseen parts of the YCS, such as secure children's homes and the individualised care that's provided to our very complex children. I think there's lots to learn that is applicable within an adult setting. There's more that we can share and should share. I think in terms of skills, there are a lot of staff working within the community and in prisons who would do very well to use their skills within the YCS, and in return there are lots of really talented people working within the YCS who could bring their skills and experiences to the wider agency. We're very much part of the wider HMPPS, but we're very much part of the wider youth justice sector as well.

I think the staff that work within our youth custody settings really do go above and beyond, and they're delivering at a high level, working with some of the most complex children in society. But there's a lot we can learn in return; there's such good practice across prisons and probation and across the wider youth sector that we need to bring in to our operations. We know that we have areas, like behaviour management, where we're focused on driving improvement and there's a great deal to learn from education other settings.

I think there is sense in making sure that we lift the veil, that we're communicating clearly what we're about, what we do, and that we're open to new ideas, new thinking, and new partnerships. And we see that movement of staff both within the YCS to different sectors, as well as into and out of the YCS across those different parts, and from that we will deliver the very best outcomes for children.

# Book reviews

## **The Good Prison Officer: Inside Perspectives**

Edited by Andi Brierly

Publisher: Routledge (2023)

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Price: £34.99 (Paperback) £120

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Thankfully, it is no longer possible to say that lived experience perspectives are entirely peripheral to conversations and debates around prisons and penal reform, although the influence of such perspectives continues to be relatively marginalised. Additionally, there is a consistent growth in literature that analyses the prison officer role, with a recent upturn in research that analyses the complexities of the work that prison officers undertake as well as prison officer cultures more widely. Until now, these two literatures have remained unconnected and lived experience perspectives and insights into the prison officer role have remained surprisingly under-analysed and overlooked within academic literature. However, in a significant contribution to these two fields, the recently published edited collection *The Good Prison Officer: Inside Perspectives*<sup>1</sup>, edited by Andi Brierley, makes a significant contribution. This edited collection, composed of nine chapters, contributes to the growing momentum around lived experience voices and perspectives that are becoming increasingly

prominent within criminology, along with providing original and meaningful insights into the work that prison officers do.

It is important to recognise that criminology is lagging behind other academic disciplines, such as mental health research and disability studies. Within these areas of research, it is possible to observe service user and lived experience voices having a far greater influence than is evident within both criminology as an academic discipline and in relation to the criminal justice system policy making more widely. Within this context, this book poses a series of questions and challenges both to those working within the criminal justice system, along with researchers who have made careers out of doing research in and around prisons, but who don't have lived experience of the systems they research. This collection privileges 'insider' perspectives into the prison officer role, these are perspectives that are essential in order to more fully understand the work that prison officers do.

Fundamentally the book asks, whose voice matters most within discussions of penal reform and penal policymaking, and more fundamentally whose voices are the ones that are listened and responded to? This book is transformative in this sense, it is a book that should have been written some time ago. *The Good Prison Officer: Inside Perspectives* is composed of seven substantive and personal reflections of the role of the prison officer. Each of the

authors contribute chapters that have a lasting resonance and impact on the reader, building from personal experience and insights into experiences prior to prison. Then subsequently moving onto explore in rich, unflinching detail the good, bad and sometimes ugly aspects of the work that prison officers do. The book achieves something profound through the personal accounts of the authors, with the power and clarity of the writing staying with the reader long after the book has been put down. It was rewarding to read this book from cover to cover, something all too rare these days with academic books and edited collections in particular, illustrating strong editing across the chapters.

It is difficult to be critical of such an important book. Despite this, there is a tension relating to a number of the authors writing and speaking powerfully of their experiences of the Scottish prison system, although Scotland being relatively overlooked in the conclusion. The voices of victims are largely absent, as are reflections on the impacts that professionals other than prison officers can have on those in prison are not developed (although of course, this falls out of the remit of the book focusing on prison officers). The book doesn't lack ambition in attempting to support 'the prison system to be more effective in reducing those stubbornly high reoffending statistics'<sup>2</sup>, something few if any academic books have achieved. The conclusion is largely focused on the Prisons Strategy White Paper

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1 Brierley, A. (2023) *The Good Prison Officer: Inside Perspectives*. London: Taylor & Francis.

2 Brierley (2023, 2).

(2021), which is very specific to England and Wales, at a particular time. It might have been good to not focus so closely on critiquing and responding to one policy, which is likely to be superseded with a change of minister and/or government. Additionally, the substantive challenge that the book represents to literature relating to prison settings<sup>3</sup> and for criminology as an academic discipline more widely is relatively underdeveloped in the conclusion. Ultimately, the challenge for the editor and authors is not one of finding a voice or writing eloquently, but of the extent to which prison administrators and prison researchers respond to and engage with this important book.

This book will be essential reading for many years to come for

people with an interest in prison settings, the complexities and ambiguities of the prison officer role as well as lived experience perspectives of prison settings. New prison officer recruits might be given a copy, to get an insight into the career they are about to embark on, the potential their job has in supporting both profound positive change in the lives of the people they will work with, along with the potential to restrict and constrain such change. In conclusion, this book makes an important contribution to the body of literature relating to the prison officer role and lived experience perspectives of the criminal justice system. It should be widely read and have impact across the criminal justice system

and within criminology departments. International analysis in other jurisdictions outside of the UK, would make a very welcome future direction in this work, this would make a significant contribution to what we know about the prison officer role internationally. Additionally, lived experiences reflections relating to other parts of the criminal justice system, and insights into the various roles that people do within various criminal justice institutions, would further enhance and enrich criminology as a discipline. This book provides an outstanding example for others to follow, and if any book can move lived experience perspectives to a more central place of influence, this is it.

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3. Earle, R. (2016). *Convict criminology : inside and out*. Policy Press. Ross, J. I., & Richards, S. C. (2003). *Convict criminology*. Thomson/Wadsworth.



## **The English Prison Health System After a Decade of Austerity 2010-2020. The Failed Political Experiment**

By Nasrul Ismail

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Price: £120 (Hardback) £35.09 (eBook)

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The author is a lecturer in Criminology at the University of Bristol. He previously worked as commissioner for NHS England. The book emerged from his PhD research, which focused on a qualitative study of a wide range of professionals, academics and policy makers exploring how austerity and the subsequent spending cuts to prisons has impacted healthcare services provided in prisons. He interviewed 87 research participants including representatives from the United Nations, World Health Organisation, the Council of Europe, His Majesty's Prison and Probation Service, Public Health England, NHS England, prison establishments and representatives from the voluntary sector.

He acknowledges that there are some limitations to his research findings as he did not obtain the views of any prisoners or base his findings on any quantitative data focussing on outcomes for prisoners. There are also some notable omissions in view of the nature of subject matter, in particular the views and/or the reports of the Care Quality Commission and His Majesty's Inspectorate of Prisons, who have responsibility for the scrutiny of prison healthcare. In addition, there is no reference to Coroner's findings and reports following deaths in prisons.

However, the book covers a wide range of perspectives covering the political, policy and practical implications of the austerity programme implemented by the Conservative lead government from 2010.

The introductory chapter establishes the background to the idea and rationale for the programme of austerity and summarises the findings of the study. Possible solutions to the issues highlighted are also outlined.

The second chapter explores the background social sciences literature concerning the concept and context of austerity. The author argues that 'politicians have created this crisis' (p.5) and that reductions in public spending are as a result of political decision making rather than any economic need. He argues that 'neoliberal minimal state mentality' (p.13) has led governments to 'increase privatisation and labour market flexibility and reduce taxes and regulation' (p.13). He also comments on the resultant cuts in spending on prisons citing the Institute for Government (2019) figures of a 19 per cent cut in spending on prisons between 2009 and 2015 (p.23). However, no specific reference is made to prison health spending and whether this was impacted to the same extent.<sup>1</sup>

Chapter 3 introduces the background to prison health governance and delivery and comments on the 'system continually subjected to a myriad of political interference and increasing privatisation' (p.6). It also comments on the role of prison governors and prison officers, and how their role has changed over time. The author directly links successful prisoner rehabilitation with prison healthcare funding, 'the stability of prison rehabilitation is

challenged when the increasing number of prisoners is not met by adequate funding of the prison healthcare services' (p.41), however there are a number of aspects to a successful rehabilitative prison climate which do not directly relate to healthcare provision or funding (constructive and supportive staff/prisoner relationships, appropriate offending behaviour programmes, preparation for release initiatives and educative programmes for example).

Chapter 4 describes 'the current state of health in English Prisons' (p.62) 'how prisons fail to account for the needs of prisoners' (p.6) and that 'inattention to their health needs perpetuates their marginalisation' (p.6). The author also quotes historic scholars such as Buxton (1818), Bentham (1864) (p.63) about the impact of imprisonment on the health of a prisoner, and more recent studies on the number of prisoners with mental and physical ailments and the high number of people in prison with learning disabilities and difficulties (p.63).

Comment is also made about the impact of overcrowding in prisons on the health of prisoners and how 'degrading living conditions' (p.68) 'is inhumane and degrading' (p.68) and the author concludes that 'ongoing instability in English prisons, hampers the rehabilitation agenda, and increases the likelihood of breaching the principle of the European Court of Human Rights' (p.73). The author also acknowledges that there were differing views about whether austerity had impacted healthcare delivery in prisons because prisons had 'varying resources, assets and resilience' (p.102).

The subsequent chapters present the findings of the study. Chapter five considers research

1. The Ministry of Justice is responsible for broader prison spending and NHS England has been responsible for prison health spending since 2013 and has ring fenced health spending in prisons. There is an expectation of equivalence of service in prisons to that provided in the community.

participants' responses to the impact of the reductions in prison spending and the impact of the prison Benchmarking programme. The author notes 'the government's unplanned approach in reducing the prison workforce without reducing the prison population comprises the system' (p.89).

Chapter 6 explores participants' accounts of deterioration in the governance and delivery of prison healthcare. Some of the examples mentioned include, longer waits for healthcare appointments, insufficient consultation time, and frequent cancellation or postponement of appointments. The author also makes reference to the 'progressively harmful living conditions where prisoners spent more than 14 hours per day in unhygienic and overcrowded cells' (p.6). He goes on to conclude that 'imprisonment goes beyond the deprivation of individual liberty and became a form of double punishment and double deprivation' (p.6). This observation seems to be somewhat of a deviation from the specific focus of the study, since overcrowding has been a challenge in prison settings for many decades prior to the austerity era and not directly related to a policy of reduced funding for prisons during the period from 2010.

The seventh chapter comments on the impact of the

frequent turnover of Justice ministers, their reactive policies, and how the study participants express concern over the turnover impacts on the prison governor's ability to deliver consistent and stable policies and processes.

The governance of and delivery of health care in prisons over the period is examined in Chapter 8. It suggests that research participants had expressed their views that prisons had become 'first responders' to deficits in community services for disadvantaged communities. The chapter also examines the participants' reactions to government policy responses to the instability of prisons over the period of the study (impact of Brexit and the Covid pandemic).

Chapter 9 expresses concern about the effectiveness of both internal and external monitoring to mediate austerity's impact on prison healthcare and the prison system. Although the author comments on the role of HMIP and the IMB in this process, he fails to consider the role of the CQC and Coroners' reports from deaths in custody. An analysis of these reports would have been an interesting addition to the analysis of the issue.

Chapter 10 considers measures to end austerity's impact on prison health suggesting changes in sentencing, increasing corporation tax and tax on 'wealthy individuals' (p.7). The author also suggests that

prisoners should be encouraged to take legal action against the government because this would 'accelerate the reversal of austerity's impacts on prisoners and the prison health system' (p.8). This conclusion appears somewhat naïve in view of the impact of austerity measures across a range of public services in the wider community, as services in prisons are unlikely to be prioritised for investment in public spending over, for example, Health and Education services outside.

Chapter 11 reiterates the central argument of the book that 'the implementation of austerity on prison health is a failed political experiment' (p.8) and chapter 12 outlines the methodological approach utilised in the study, detailing how the author recruited participants and how interviews took place over a 13 month period ending in 2019.

This is a wide-ranging exploration of the political and practical impact of reduced funding for prisons and increased demand on prison healthcare services over a ten-year period. Although there are some interesting observations from the study, there is also some scope for further research in this area, in particular, a qualitative review of health outcomes for prisons over the period and a study exploring the views and experiences of prisoners in receipt of healthcare services, and of front line healthcare staff working in prisons.

# PRISON SERVICE JOURNAL

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The *Prison Service Journal* is a peer reviewed journal published by HM Prison Service of England and Wales. Its purpose is to promote discussion on issues related to the work of the Prison Service, the wider criminal justice system and associated fields. It aims to present reliable information and a range of views about these issues.

The editors are responsible for the style and content of each edition, and for managing production and the Journal's budget. The editors are supported by an editorial board — a body of volunteers, many of whom have worked for the Prison Service in various capacities, or who are academics in the field of criminal justice. The editorial board considers all articles submitted and decides the outline and composition of each edition, although the editors retains an over-riding discretion in deciding which articles are published and their precise length and language.

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