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Where does the prison system go from here?

Special Edition

Contents

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Editorial Comment

This special edition of *Prison Service Journal* has been commissioned in order to explore the question: where does the prison system go from here? This question has been posed as the prison system is at the start of a period of potential change.

There are at least three elements to this change. The first is that the global economic crisis that started in 2007 has led to the necessity to look afresh at how public services are delivered. The Spending Review was announced in October 2010 in order to provide a national plan for tackling the deficit in public finances. This is to be achieved predominantly by reducing public spending rather than by raising additional revenue. For the Ministry of Justice this will mean a 23 per cent reduction in funding over a four year period. Meeting this challenge will mean asking questions about the use of imprisonment. Can it continue to be used at the same rate and expanded at the same pace as over the last 15 years? Can it continue to be delivered in the same way? Will prison services have to be scaled back? Will they have to be delivered by different providers? These are all questions that have confronted governments around the world over the last three and a half years and will continue to challenge them. For many, this has led to a shift in their thinking about how many people should be in prison as well as what services they receive whilst they are incarcerated.

The second element of the potential change is that a new government was elected in the UK in May 2010. Elements of their policies are starting to emerge and will be fully announced in a sentencing Green Paper. One of the key aspects of the policy changes include challenging the use of imprisonment and arguing that imprisonment should not continue to expand and indeed should start to contract. This has been argued not only on grounds of efficiency, that this is not affordable, but also on effectiveness grounds, that community sentences often work better, and on moral grounds, that the continued expansion of prison is not justified. Many commentators have noted that this marks a shift in political policy. The second distinct area of policy emerging is about the approach to the purpose of imprisonment. There is an increased focus on rehabilitation and in making sure that prisons are effective at providing services that reduce the likelihood of prisoners reoffending on release. The third aspect is in re-examining the role of the state. This can be seen in discussion about the role of commercial and charitable organisations in delivering services. This is not simply about competition but is also about what has been described as the 'Big Society', a broad idea about how citizens can contribute to the wider community and the achievement of political objectives.

The third dynamic element of the current landscape is the nature of the government. This is the first full coalition since the Second World War. It has been claimed by many, particularly those within the government, that this marked the beginning of the 'new politics', which would be less partisan and more collaborative. This is important as many commentators noted that the rise in the use of imprisonment was fuelled by political and media competitiveness about being tough on crime. If the ambition of a 'new politics' were to be realised that may mean a debate about crime and punishment that is more temperate and rational.

These issues are explored in this edition by nine prominent and knowledgeable players in the world of prisons. These include those with senior roles including the prisons minister, Crispin Blunt, the Chief Executive of NOMS, Michael Spurr, and the Chief Inspector of Prisons, Nick Hardwick. It also includes those who can speak from the perspective of those at the front line of prisons including Eoin McLennan-Murray, the President of the Prison Governors' Association, and John Bowers, an ex-prisoner and editor of the prisoner newspaper *Inside Time*. Prominent commentators are also interviewed including Richard Garside from the Centre for Crime and Justice Studies, and Juliet Lyons of the Prison Reform Trust. The edition also includes two experts who look at the issues from the perspective of specific groups. Rod Morgan brings his world-class expertise in young people in the criminal justice system, and Rachel Halford talks about the issues from the perspective of women in prison.

The issues were discussed with each of these interviewees through a standard list questions. These questions examined the key points including the size of the prison population and the conditions of imprisonment now and in the future. They also addressed prominent government policies including the 'big society', the 'broken society', the 'rehabilitation revolution' and the role of the commercial and charitable sectors. They were also asked about how these changes might have an impact on particular groups including prisoners, prison managers and prison staff.

Each of the contributors adds a distinctive and personal view but there are some common themes that emerge from the interviews. The most clear are that there is an emerging consensus that the use of imprisonment needs to be reduced and its purpose refocused on rehabilitation. There is also an orthodox view that is pragmatic about the operation of prisons and services, being comfortable with a mixed economy of public, commercial and charitable providers. Many of the interviewees also welcome the pilot of 'payment by results' at HMP Peterborough. In this innovative project, a consortium is investing up front in a scheme to mentor released prisoners with the prospect of making a return on their investment by being paid for reducing the instances of reoffending amongst those involved in the scheme. If successful, this may provide a model for a new approach to funding services for prisoners.

It is recognised by the interviewees that achieving their aims will be challenging. In particular the financial pressures will make it difficult to maintain services and there is a risk that there will be pressure to erode the quality of provision for prisoners. Some of the interviewees are also realistic that there may be media, political, professional and popular resistance to reducing the prison population, particularly as this is turning a tide that has been progressing for over a decade and a half. How will this direction be maintained when inevitably a high profile case hits the headlines? What will the reaction be to political criticism and claims of being 'soft' on crime? How will the resistance of unions or professional groups such as judges be overcome? Finally, the interviewees recognise that an aim such as reducing reoffending is laudable but turning this into reality is difficult. What approaches work? Can complex social problems be effectively addressed in prison? Will payment by results be attractive to sufficient numbers of investors? Although there appears to be an emerging consensus, turning this into reality will have to follow a rocky road with many pitfalls and potholes along the way.

This edition of *Prison Service Journal* is published at an important time and is an attempt to provide an informed and stimulating exploration of the key issues. This will provide practitioners and a wider audience with insights from respected professionals and commentators. This is an important resource that sets out the current direction of travel and the challenges to be faced. The success of this project will be apparent in the years ahead.

Interview: Crispin Blunt

Crispin Blunt MP *is Parliamentary Under-Secretary of State for Prisons and Youth Justice.*
He is interviewed by ***Jamie Bennett*** *who is the Governor of HMP Morton Hall.*

Crispin Blunt became the Member of Parliament for Reigate in 1997 and since May 2010 he has been the Parliamentary Under-Secretary of State for Prisons, Probation and Youth Justice within the Ministry of Justice.

He served as an army officer until 1990 before he entered politics. Between 1993 and 1997 he acted as special adviser to Malcolm Rifkind in his roles as Secretary of State for Defense and Foreign Secretary. Whilst in Opposition, he held shadow ministerial briefs covering Northern Ireland, Trade and Industry, and Home Affairs and Counter-Terrorism and has worked in his party Whips office. He has also been a member of the House of Commons Environment, Transport and Regional Affairs Select Committee.

In his current post at the Ministry of Justice, he is responsible for prisons and probation, youth justice, criminal law and sentencing policy and criminal justice.

JB: How do you regard our relatively high national imprisonment rate?

CB: It is evidence of failure. First the level of crime is too high and we have failed to address that as a society. Second, we have a high number of people circulating around our system as short-term prisoners where their rate of reoffending is twice as high as those serving community sentences. This is evidence of our failure to effect rehabilitation.

JB: How likely do you think it is that this rate will be reduced? How desirable do you think this is?

CB: The job of the Ministry of Justice is to incarcerate those who are sentenced to imprisonment by the courts and we cannot completely predict that. What we have done is make assumptions about the future direction of policy, in particular reforms that will be presented to Parliament in the Sentencing and Rehabilitation Green Paper later in the year. That has informed our Spending Review bid and we have therefore made an estimate that the prison population will be 3,000 fewer by the end of the Parliament. However, these things are inevitably estimates.

JB: Is Britain a broken society and to what degree do you think prisons can contribute towards addressing social problems such as poverty, unemployment, family breakdown and anti-social behaviour?

CB: We have a major social justice agenda to address and rehabilitation of offenders is a key part of that. That is why I sit on Iain Duncan Smith's Cabinet Committee on Social Justice. If one looks at the life cycle of an offender, for all too many people it is predictable from the circumstances that they grow up in that they are going to get into trouble with the justice authorities as they get into their teens and progressively as they become men. That path people take is far too predictable. As it is predictable, we should be able to divert people from it with more intelligent policies, particularly around early intervention. That is where there is going to be a significant focus on the social justice side. Our work on early intervention should not be seen as separate, in that sense, from the work we are doing with payment by results as part of the rehabilitation revolution.

JB: To what degree do you think it will be possible to achieve a 'rehabilitation revolution', significantly reducing reoffending, given the current squeeze on resources?

CB: We have to because the position we are in now is not acceptable. We have to find a way of doing it despite the squeeze on resources. There are two principal ways in which that will happen. The first is what the state does. We need to get much cleverer about how we deliver our services as a government. That is principally through locally delivered services and locally delivered interventions to offenders. It is about getting all services, whether that be local authorities or health services, delivered more effectively. They need to be more co-ordinated and delivered together. We as the state need to do what we do better. There are some good examples to build upon such as what has taken place in Manchester where local authorities have got out of their silos in order to look at the overall objective. The second element is that there is a large capacity in this country of groups and individuals who think it is the right thing to do to help rehabilitate offenders. We need to make sure that all of those people, in the voluntary and private sector, are engaged to help us. If we do that we can then grow our capacity for rehabilitation. We have to do that because if we don't grow our capacity for rehabilitation, then it won't work.

JB: How do you think the actual prisoner experience has shifted in recent years? How is it likely to change in the next few years?

CB: I sincerely hope that they will see an improving service in prisons as far as their futures are concerned. If we have prisons where they are more focussed on being a working environment and where their time is being put to constructive use rather than simply occupied, then we will be better preparing prisoners for their life after prison and giving them a better chance of being effective members of society. At the same time we will be enabling interventions to be delivered to prisoners not only on release but also being prepared for release along the lines that we are seeing in the pilot scheme at Peterborough.

JB: What do you regard as the biggest problems in the prison system?

CB: Delivering effective rehabilitation and breaking the cycle of reoffending.

JB: What are the major obstacles to prison reform?

CB: Silos. It goes back to the issue of growing capacity. We have to incentivise people to work together in the wider interests of successful rehabilitation. For example you have to make the Housing Officer of a local authority, who is under no statutory obligation since a prisoner makes himself homeless by getting himself imprisoned, to play his part in the wider agenda of rehabilitating that individual. That is an example but it applies to every other service delivered to an offender. We work too much in silos and we don't bring together our services to effect a rehabilitation.

If we have prisons where they are more focussed on being a working environment and where their time is being put to constructive use rather than simply occupied, then we will be better preparing prisoners for their life after prison and giving them a better chance of being effective members of society.

JB: How do you see the idea of 'The Big Society' impacting on prisons?

CB: The rehabilitation revolution will be an early demonstration of how effective the big society can be. There are so many people that want to get engaged with the Ministry of Justice, the Prison Service and the Probation Service to help us in the rehabilitation of offenders. If we can make a success of that, by making it easy for people to help us and over time grow that capacity, then that will be an active demonstration of the big society. If we don't change our systems and incentives in order to make it easy for the rest of society to help us with the task of rehabilitation then we won't succeed. In that sense the big society is essential to what we are trying to achieve.

JB: Are there ways in which the charitable sector and citizens can make a new and different contribution to prisons and rehabilitation?

CB: What will be definitively new is that we want to achieve that through social investment and payment by results. That will be new. I am told that the Peterborough model is the first of its kind in the world. We will be looking to have a whole number of pilots and pathfinders that draw on that model when we publish the Green Paper. We then want to learn the lessons from those pilots and pathfinders. That is all new. If we are able to actively engage the voluntary and charitable sector to be part of the suite of interventions that every individual needs in order to turn their lives around, then we will much more effectively deliver our rehabilitation objective.

JB: In relation to payment by results, one of the questions raised by the Young Foundation, who developed the concept of social impact bonds, was whether there is actually a market for these? Whilst there are people interested in investing in a pilot, is there enough of a market to cover 140 prisons?

CB: I hope we are going to find out what the size of the market is. One of the particular challenges to us is to get the economic modelling right, looking at what we are going to pay against. If we can get this right then everybody wins.

JB: Prisons have an extensive system of managerial monitoring and regulation, including key performance targets, audits, inspection and surveys of staff and prisoners. Is this affordable or necessary? Should prisons be the subject of deregulation?

CB: The general direction of travel of the new administration is to trust professionals, localise and reduce the burden of inspection and audit. Having said that, prisons will always be a particular area where you would want a level of inspection and oversight because

you do have people deprived of their liberty in closed institutions.

JB: What role should the commercial sector have in imprisonment? Should they run prisons? Should they provide rehabilitation services? Should they provide support services?

CB: We now have a mixed economy and there is no suggestion that is going to change.

JB: Do you see an expanding role for the commercial sector?

CB: We are not in a position except to extract the best value for money for the taxpayer so in the end the key judgements will be around how we can deliver the services we have to in the most efficient way.

JB: To what extent do you think private sector competition has altered the terrain of imprisonment?

CB: The evidence seems to be that it appears to have raised the game of the public sector, in particular in terms of the public sector's own economic efficiency.

JB: There are plans to freeze public sector pay and make fundamental changes to pensions and employee benefits. What impact is this likely to have on existing prison staff and for the future workforce?

CB: No one in the public sector is immune from this and everyone is going to be treated in the same way. There is nothing here that distinguishes the Prison Service from other parts of the public sector.

JB: How do you think industrial relations in prisons are likely to develop over the next four years?

CB: I hope they will develop constructively. Being faced with a particular challenge, I was pleased to see the POA recognise that in a response they made to the Spending Review and I hope we can go on and maintain a constructive engagement in order to ensure that we all achieve what we would like.

JB: Do you think that is how it is likely to develop over the next four years, more constructive engagement?

CB: I certainly hope so.

JB: How should prison professionals make their voices heard in the current debates about prisons and imprisonment? Is anyone listening?

CB: I am certainly listening. I engage on a regular basis with the trade unions but there are a number of different professional representative bodies to which people belong. I am also conscious that carrying all of the people that work in the Prison Service with us is very important.

Interview: Juliet Lyon

Juliet Lyon *is Director of the Prison Reform Trust. She is interviewed by* ***Martin Kettle*** *who works in HM Inspectorate of Prisons.*

Juliet Lyon CBE is director of the Prison Reform Trust, secretary general of Penal Reform International and a Women's National Commissioner. Recently she acted as an independent member of Baroness Corston's review of vulnerable women and Lord Bradley's review of people with mental health problems and learning disabilities in the criminal justice system. Juliet represents the Prison Reform Trust as independent member of the Ministerial Board on Deaths in Custody. She is a vice president of the British Association of Counselling and Pschotherapy (BACP). Juliet writes an online column for The Guardian's 'comment is free' and regularly broadcasts and contributes articles on criminal and social justice.

The Prison Reform Trust is a leading independent charity working to create a just, humane and effective penal system. Douglas Hurd is its president. The Prison Reform Trust produces information, conducts applied research, effects policy leverage and promotes community solutions to crime. Supported by the Barrow Cadbury Trust, it provides the secretariat to the All Party Parliamentary Penal Affairs Group with a wide membership of 96 MPs and 93 Peers. The Prison Reform Trust's advice and information service, supported by the Hadley Trust, responds to 6,500 inquiries from prisoners and their families each year.

Although still a small organisation, the Prison Reform Trust has considerable reach and meets its charitable objective of providing clear, accurate information on prisons and the justice system. Independent media monitors show widespread, sustained print, electronic and broadcast coverage. The Prison Reform Trust website hosts over 1,800 separate individual visits a day. Last year the site experienced considerable traffic with almost four million page views recorded, The Bromley briefing prison factfile, a digest of up to date facts and figures, was downloaded over 16,000 times between January and November 2010.

Programmes of work, many with a focus on vulnerable groups, include 'No One Knows', in partnership with Mencap and Keyring, to identify, and prompt a response to, the needs of people with learning difficulties and disabilities in the criminal justice system; 'Out of Trouble', supported by The Diana, Princess of Wales Memorial Fund, to reduce child and youth imprisonment and 'Time is Money' a strategy with UNLOCK to reduce the financial exclusion of prisoners and former prisoners, backed by Friends Provident Foundation. Considerable new work on resettlement, 'Out for Good', is underway supported by the Pilgrim Trust.

Previously Juliet was associate director of Trust for the Study of Adolescence. On commission to the Prison Service and the Youth Justice Board, she directed the team that produced the first specialist training for staff working with young people and with women in custody. She worked for fifteen years in mental health, managing Richmond Fellowship therapeutic communities, and in education as head of a psychiatric unit school. She acted as independent advisor to, amongst others, ChildLine, the Social Exclusion Unit and the Halliday review of the sentencing framework.

For reports, publications and further information visit www.prisonreformtrust.org.uk

MK: How do you regard our relatively high national imprisonment rate?

JL: I think it's a matter of national shame. You look to the prisons, the size of the population and the state of the prisons, as a barometer of how civilised a society we are, and I don't think we look good, especially compared to our western European neighbours. It's far too high.

MK: How likely do you think it is that this rate will be reduced? How desirable do you think this is?

JL: It is more likely to happen now than it was only a matter of a few months ago, because you've got the political leadership, and an apparent political will, to make it happen. Without that, there is no prospect, because it is easy enough to talk the numbers up, but to drive them down, in a way that is acceptable to the judiciary and respects their independence, is a much harder task.

MK: Is Britain a broken society and to what degree do you think prisons can contribute towards addressing social problems such as poverty, unemployment, family breakdown and anti-social behaviour?

JL: They can make a positive contribution, balanced with negative factors which to some extent have been caused by prison reforms. On the positive side, prisons can contain seriously violent offenders, and people can be confident that they will be held outside the immediate community for a period of time. In terms of the societal issues — poverty, unemployment and so on — the best establishments

are constantly working against the institutional tide. But prison itself is bound to damage people's prospective employment, sever links with family, make the prospect of safe housing less likely, and in general contribute to an ever-growing army of former prisoners, homeless, jobless and likely to offend again. So some piecemeal improvements can have counterproductive effects, like the NHS takeover of prison health — the net result in some parts of the country is that you are much more likely to get a detox or drug treatment in prison than you are in the community. This tends to encourage courts, especially magistrates' courts, to treat prisons as a sort of capacious social service, as treatment centres, and that is desperate for the service and desperate for society. If prison is genuinely a punishment of last resort, then everything else flows from that — you can focus on improving the important things, healthcare and other services, but you don't get caught up in having a range of social solutions inserted into the prison system.

MK: So do you think that there is an equation here, that the better prisons become, the more sentencers will want to send people there?

JL: Well, that is the danger. And that is why you have to have that last resort principle established firmly. Once it is, I am very supportive of an environment that would be constructive and decent. But it isn't ever going to be, nor should it be, a substitute for social services or any of the other services on that spectrum.

MK: To what degree do you think it will be possible to achieve a 'rehabilitation revolution', significantly reducing reoffending, given the current squeeze on resources?

JL: It is possible, but only if the first thing that Ken Clarke has identified is successful, in that he said that last time he was Home Secretary there were about 44,000 people in prison, and today there are over 85,000; that he finds that quite astonishing, he challenges it and wants to cut costs by reducing prison numbers. If the Justice Secretary can succeed in that primary aim, then the rehabilitation revolution is possible. The worst of all worlds would be a continuously rising prison population and some failed attempts to improve regimes when there are absolutely no resources in sight, in fact the cuts are biting hard. The other thing about the rehabilitation revolution is that it has to be tied in to the concept of justice reinvestment which the Justice Select Committee in the House of Commons has set out for us — the solutions won't all lie in what can be achieved in prisons, there will be other departments called into play, and prisons could become less isolated and more effective as a result.

The worst of all worlds would be a continuously rising prison population and some failed attempts to improve regimes when there are absolutely no resources in sight, in fact the cuts are biting hard.

MK: A bonus question — what do you think would be the best way of reducing the number of people in prison?

JL: The first thing is political leadership, which has been absent in the past, and the explicit statement that we need to do this, and this is why we need to do it — an explanation to the public by the politicians.

MK: The last time that was tried, the judges got angry about it.

JL: Yes, but we are talking now about a fantastic opportunity. Labour had it — they came in with a tremendous mandate, and I think they failed in that they didn't join up their social justice with their criminal justice policies. But now there is another opportunity, with the coalition government, and with an unusual degree of agreement between all three political parties in fact, that we need to take a more moderate approach to the use of imprisonment, to put it no more strongly than that. So that is how you start, and then we look at sentencing. We are going to have to look at the number of mandatory sentences, we are going to have to recalibrate sentencing, we are going to have to work out how to trim back the ever-growing number of indefinite sentences, as well as dealing with short sentences, and also remands and recalls. Then you have to look at the vulnerable groups — women, and children, and people who are mentally ill — and work out ways of dealing with them outside.

MK: Would you abolish short sentences, or IPPS?

JL: Both, or at least constrain their use significantly.

MK: How do you think the actual prisoner experience has shifted in recent years? How is it likely to change in the next few years?

JL: The decency agenda, the whole business of treating people like responsible citizens, has been effective. I don't believe all prisons have reached those heights, but if you look at the inspectorate reports, you find that a number of individual establishments are improving, but you still notice that there isn't enough training. That emphasis on the tests of a healthy prison,

all those things like no use of strip cells for people who are suicidal, (almost) no slopping out, a different way of dealing with people, the Human Rights Act which got rid of the governor having to act as judge and jury — all of those things are very significant and positive differences. No strip searching for women is also an important next step. Where we are lagging behind is in terms of family contact, and the prisoner thinking of him or herself as a person who will step outside the prison — there is a lot more to be done on resettlement, in terms of financial inclusion as well as jobs and housing — helping people to get out of debt rather than rack up more debt in prison is a major issue. And the last thing, and I think this is a really negative thing which has happened, is the introduction of much more uncertainty into the prison environment, because of the introduction of indeterminate sentences, and the high use of remand — this destabilises the situation, and makes it very hard for prisoners to serve their time, or survive their time.

MK: How likely is it that the improvements will be maintained in the future, looking to the spending review and beyond?

JL: Given the leadership and the experience of staff, people will be very reluctant to let it slip back. There is always a problem that prisons have a default to providing the bare minimum; but I think a lot of it isn't about resources, it is about attitudes and behaviour, and management.

MK: What do you regard as the biggest problems in the prison system?

JL: We have just talked about one of the biggest problems, which is the explosion in indeterminate sentencing. And I didn't even put it first on my list, but overcrowding is still a big problem — and it has become almost institutionalised. We now take operational capacity — the figure with overcrowding built in — as a measure of whether a prison is full, whereas the certified normal accommodation is what we should be talking about. The Prison Service has accepted that a high degree of overcrowding is normal, and seems to see it as a luxury to reduce the numbers to a level which would make the establishment more workable. The other thing is the over-representation of black and minority ethnic groups — which is hard for the prisoners themselves, for their families, and indeed for staff. And I suppose the last problem is that prisons, out of all the public services, are still the least visible and certainly the least connected. Despite the NOMS agenda; some establishments are still pretty isolated, and the modern Prison Service has got to see more connection with other public services.

The Prison Service has accepted that a high degree of overcrowding is normal, and seems to see it as a luxury to reduce the numbers to a level which would make the establishment more workable.

MK: What are the major obstacles to prison reform?

JL: The first one is what we have talked about — political will. It is not just about a straightforward statement, but that needs to be backed by the political will and drive that makes everything change. That needs to be followed by a preparedness to reinvest money. And none of that is easy. Because the solutions to prison reform lie in a range of departments — whether it is Treasury, whether it is Health, whether it is the DWP — we all know that working across departments is very difficult, and always resisted. So that is another obstacle to reform at a national and local level, to work across boundaries. There is an issue of public and judicial confidence, but that stems from that political drive that explains to the people why it would make us a safer society if we had a good last-resort prison system in place.

MK: How do you see the idea of 'The Big Society' impacting on prisons?

JL: It is a phrase that needs quite a bit of unpacking — people still put it in inverted commas; but it does have relevance, and has had for some time, to prisons in a couple of ways. Firstly a number of prisoners work as 'citizens behind bars' — the Samaritan Listeners are prime examples where prisoners really go the distance to help other people in distress. They obviously gain from that themselves as well. There are also opportunities for volunteering, for prisoner councils, which have expanded a bit in recent times. The other aspect of the big society which we have seen is the engagement of the voluntary sector, both on a very small scale, with local churches for example, and at the level of national players, in relation to resettlement. There are a lot of people who either are paid or volunteer to work to resettle people and to work on the preventative side as well.

MK: Are there ways in which the charitable sector and citizens can make a new and different contribution to prisons and rehabilitation?

JL: I am hugely impressed by the WI 'Care not Custody' campaign because there are a lot of services we can point to with possibilities for change, but this is

the largest women's organisation in the country, and this campaign was inspired by the tragic death of the son of one of their members who killed himself in Manchester prison, a young man who was seriously mentally ill. The WI is a remarkably democratic organisation; so from one member, one woman in a small Norfolk village, through the region, to the national level, eventually the motion is voted in by over 6000 members, who decide that they will have a campaign called 'Care not Custody', and they decide to do their absolute best to change that unacceptable face of prisons, and they are doing it in a very grassroots way. Their latest plan is to have people go into school to ask headteachers 'Do you have enough support for vulnerable pupils?'. They are going into police stations to ask whether they have facilities for diversion mental health assessments. They are going to go into courts and ask the same sort of questions. They are going to inform their local councillors, their local MP. They are a formidable group and they are going to be backed by such organisations such as ourselves, other penal affairs groups, all the mental health charities. That's an example of how other civic society groups can engage with this agenda and help to achieve social change. I think that's markedly different. There has been a terrific history of groups supporting people in prison, faith groups praying for people in prison, but less evidence of civil society groups wanting to change things and saying 'This simply isn't acceptable, we're going to make a difference.'

There has been a terrific history of groups supporting people in prison, faith groups praying for people in prison, but less evidence of civil society groups wanting to change things and saying 'This simply isn't acceptable, we're going to make a difference.'

MK: Prisons have an extensive system of managerial monitoring and regulation, including key performance targets, audits, inspection and surveys of staff and prisoners. Is this affordable or necessary? Should prisons be the subject of deregulation?

JL: Given the nature of prisons, it is absurd to talk about deregulation, especially when we have just signed up to the UN Optional Protocol. In fact we are tied in to regulation, and seen as leaders in that field, so that the Foreign Office and the British Council are constantly bringing delegations over to learn about the concentric circles that very carefully surround our prisons, whether it is the Inspectorate, the Ombudsman, IMB's, or independent groups such as the Prison Reform Trust; because prisons have that capacity to default back to something that would not be at all acceptable.

MK: So you think the 'bonfire of the quangos' shouldn't touch prisons?

JL: Everyone has to take some degree of hit, but I would be very anxious if we thought we could just say 'Get on with it, folks' because I don't think that would work at all, not because the will wasn't there, but because the nature of the population, and the nature of some of those who gravitate towards working in prisons, it will always need to have that external regulation.

MK: What role should the commercial sector have in imprisonment?

JL: The latest comments from the Secretary of State about private sector involvement in providing jobs and apprenticeships for prisoners are really to be commended, and it is something the CBI have been signed up to for some time. Employers can provide that second chance and engage on that level, On the other side, where private sector companies are engaged in running prisons, we have to be wary, we have to ask questions about vested interest. It is a good business ethic to grow the market, and from the Prison Reform Trust's perspective we would like to see the market for imprisonment shrink. Quite reasonably we look to international examples to see what happens, to see where there might be benefits, but also some of the disadvantages.

MK: You mean America?

JL: Well, we hold proportionately more people in private hands here than in the States, but yes, we can learn something from there, and also from some developing countries.

MK: To what extent do you think private sector competition has altered the terrain of imprisonment?

JL: It would be foolish to deny that it has and it has to some extent done what that experiment was designed to do, which was show that things could be done differently, to introduce an element of competition. I'd be sorry if it was the only way to bring pressure to bear on the public service to manage

prisons excellently. That is a blunt instrument — to tell people 'if you don't do this you will be privatised'. There must be better ways of improving management and staff than by just threatening them. It has shown that not being hidebound by what were at one time quite restrictive practices has helped but it has also shown us that you can cut corners, and that that has not had particularly good results. If you look at some of the tests of performance, you see that some private prisons which started well have fallen back now. When we talk to prisoners, and we run an advice service which responds to about 6,500 enquiries a year, some will say that they like being treated with more respect, or having more freedom; but others will say that the staff are less experienced and that the prison is not a safe place. I don't want to be doctrinaire, it is important to acknowledge good practice, but it is equally important that we raise questions about whether this is the right approach, what are the downsides, whether this is the right direction to travel.

MK: There are plans to freeze public sector pay and make fundamental changes to pensions and employee benefits. What impact is this likely to have on existing prison staff and for the future workforce?

JL: It is going to be very difficult for everyone in the public sector. We are talking just before the Comprehensive Spending Review, but there will be a chill wind blowing, and we could lose some seriously experienced and wise people who will exit either to ensure they get a decent settlement or just because they cannot exist in this new climate. In future you want the very best people both governing prisons and working in them: it is one of the hardest public service jobs you could imagine, with the least visibility. People aren't always proud to say where they work. If you look at the MORI polls on people's view of their own work, the Prison Service comes very low, compared to police or firefighters. There is a potential for loss here, because if you are trying to attract the best people, it is not all about money, but money and conditions count.

MK: How do you think industrial relations in prisons are likely to develop over the next four years?

JL: I should think they are going to be pretty bumpy. In the past the POA has worked closely with the TUC, and that is a very sensible approach, because the Prison Service needs a modern negotiating union; and the emphasis that the TUC has on that style of negotiation is important. It would be a great pity if the POA were backed into a corner where they felt that the only way they could operate was by threatening. And if management in the Prison Service was backed into the respective other corner, so that they felt the only way they could react was by threatening. Whether by privatisation or by clamping down on people in terms of strikes or no strikes, then the net result would be that prisoners themselves would suffer and so would their families, because there would be even less time out of cell, even less contact with families, and all of that really matters.

In future you want the very best people both governing prisons and working in them: it is one of the hardest public service jobs you could imagine, with the least visibility. People aren't always proud to say where they work.

MK: How should prison professionals make their voices heard in the current debates about prisons and imprisonment? Is anyone listening?

JL: When I arrived at PRT, Douglas Hurd was our chair, now our President. At one point he said to me that he felt a barometer of the health of the prison system, and indeed of a well-balanced debate, was hearing directly from prison governors and prison staff, or in the case of police from police chiefs and so on; that actually you do need to hear from the people who are there doing the work. I think that is true. The public really do take account of what people who work in the system say. That is why it is a good thing that apparently there is a slight lessening of pressure not to speak out. There are restrictions on the civil service anyway, but it is noticeable under the new management (and this was true from when Jack Straw came in, but certainly under the coalition government) that there is less pressure on people to avoid media interviews, and more encouragement for them to engage. That is very good, because unless you get the debate informed by people who are actually working in and running prisons, and indeed prisoners themselves and their families, then you get a very lop-sided debate. So yes, people are listening, and the more that prison people join in, the better.

Interview: Nick Hardwick

Nick Hardwick *is HM Chief Inspector of Prisons. He is interviewed by* ***Jamie Bennett*** *who is Governor of HMP Morton Hall.*

Nick Hardwick began work as Her Majesty's Chief Inspector of Prisons in July 2010. He was previously the first Chair of the Independent Police Complaints Commission from 2003 to 2010. His earlier career was in the voluntary sector, where he began working with young offenders for NACRO. From 1986 to 1995 he worked as Chief Executive of Centrepoint, a charity and housing association for young homeless people. In 1992 he was seconded to the Department of Environment to work as a special adviser to the then Housing Minister, Sir George Young Bt. MP. He was the Chief Executive of the Refugee Council from 1995 to 2003.

Her Majesty's Inspectorate of Prisons for England and Wales is an independent inspectorate which reports on conditions for and treatment of those in prison, young offender institutions and immigration detention facilities. HM Chief Inspector of Prisons is appointed from outside the Prison Service, for a term of five years. The Chief Inspector reports to Ministers on the treatment of prisoners and conditions in prisons in England and Wales.

The Prisons Inspectorate also has statutory responsibility to inspect all immigration removal centres and holding facilities. In addition, HM Chief Inspector of Prisons is invited to inspect the Military Corrective Training Centre in Colchester, prisons in Northern Ireland, the Channel Islands and Isle of Man.

JB: How do you regard our relatively high national imprisonment rate?

NH: I have the same reaction to it as Ministers have had coming into their role. I began my working life back in the 1980s working with young offenders for NACRO. I remember at that time people were worried that the imprisonment rate was getting close to 40,000. Then you go away and you do other things and although you keep a reasonable lay interest, you come back and discover to your surprise that the imprisonment rate has more than doubled. The same as Ken Clarke said: how can this be the case? It can't be that suddenly everyone has got much worse and it doesn't seem to me that by locking up more people that we feel any safer. It is a problem and it has got out of control. Apart from those arguments, we can't afford it.

JB: How likely do you think it is that this rate will be reduced? How desirable do you think this is?

NH: It is certainly desirable to reduce it. It has been striking how consistent Ministers have been in their stated desire to reduce it. The targets are not particularly ambitious; they are talking about getting the numbers down to 82,000. However, getting things going in the right direction is welcome. Clearly there is a difficulty as the increase comes largely from people getting longer sentences for serious offences, rather than an increase in people serving short sentences. Therefore it is politically difficult to reduce it quickly without releasing people before they have served the sentence imposed by the courts.

The other issue also arose in my previous job in charge of the Independent Police Complaints Commission. Contrary to popular belief, most people complained about the police because they had been the victims of crime and they didn't feel that the police or the criminal justice system more widely had dealt effectively with the crime against them. That didn't necessarily mean that they were vengeful but they did want an effective recognition of the wrong that had been done to them. Part of the challenge of getting the number of people in prison down is making sure that there are credible alternatives that victims can see as a proper acknowledgement of what has happened to them.

JB: What about quantum or scale? What do you believe would be an appropriate prison population?

NH: It is difficult to put a number on it but what I would like to see is a steady decline rather than a steady build up. There is not a right number here but we ought to be looking for a consistent reduction over time.

JB: Is Britain a broken society and to what degree do you think prisons can contribute towards addressing social problems such as poverty, unemployment, family breakdown and anti-social behaviour?

NH: No, I do not think Britain is a broken society. We are a fortunate society as a whole and shouldn't grumble. However, some people have limited life opportunities and huge difficulties to overcome. The reality is that in most cases prison does not help people to overcome those difficulties. If anything for the prisoner and the people left behind, in most cases it makes things worse. Some people lose their jobs or some people go into prison without a drug problem and come out with one. Having said all of that, for

some people prison can offer an opportunity for some stability to sort themselves out. In my opinion, prisons have to be more ambitious, it is not enough to punish people and keep them secure and safe in decent conditions. That is the baseline, the minimum that is required. Prisons have to be more focussed on reducing the risk of people reoffending when they leave. That does not mean that you can do that in every case or even in most cases, but you can reduce the rate at which people reoffend when they leave. That requires prisons to focus more single-mindedly on overcoming the problems that prevent that. We could do more than is being done at the moment.

JB: To what degree do you think it will be possible to achieve a 'rehabilitation revolution', significantly reducing reoffending, given the current squeeze on resources?

NH: I'm cautious about terms like 'revolution' but I understand the government's point about focussing on this issue. My impression coming into this new is that there needs to be a fundamental rethink in attitudes towards rehabilitation. It needs to be pushed further up the agenda. I believe that we can reduce the rate at which people reoffend. What is interesting about the Peterborough Project is that it is realistic, what they recognise is that for some people it is about reoffending less often and less seriously. You can reduce the rate of reoffending and in the current climate that is also an economic necessity. If we can do that it will reduce costs. It is not necessarily easy but we have to redouble our efforts in that area.

JB: How do you think the actual prisoner experience has shifted in recent years? How is it likely to change in the next few years?

NH: It is difficult to make comparisons being new in the role, but if you asked inspectors, they would say that on the whole prisons have improved and that would tend to be the evidence from our inspection process. That does not mean to say there are not areas where there are significant problems but overall there has been an improvement in safety and the physical conditions in which people are held. One of my concerns is that changes to reduce reoffending and reduce the prison population will take time to happen and the money will reduce more quickly than the numbers do, and as a consequence there is a risk that people will spend longer locked in their cells. That would be counterproductive. There is also a risk that some of the smaller initiatives that create improvements for prisoners will be the first ones to be squeezed, so the regime will become more harsh and less productive. This is a risk and countervailing pressure to the pressure to improve regimes and reduce reoffending. We do not know how that balance will be struck and that is a challenging problem.

JB: What do you regard as the biggest problems in the prison system?

NH: There are three. I do not claim any fantastic insights and I will probably say what everyone else would say. First, prisons are being used as warehouses for people with multiple problems of which criminality is a symptom rather than a cause. We are locking up too many of the mad and the sad as well as the bad. Prisons have to deal with complex social problems without having the resources or being the right places to do that.

We are locking up too many of the mad and the sad as well as the bad. Prisons have to deal with complex social problems without having the resources or being the right places to do that.

That job is made more difficult by a media culture that does not necessarily reflect wider public opinion and is not willing to engage in a meaningful discussion of the issues. One of the interesting experiences I have had is that when I speak to my friends and family about the fact that I visit and walk freely around prisons, is that one of their first reactions is 'aren't you scared?' They are reasonable people and what that means is that they believe that prisons are mainly full of violent people that need to be locked away to keep the public safe. The idea that I can walk around a prison does not fit with that image. That is revealing to me.

On a more practical level, whilst I knew intellectually that drugs were a big problem in prisons, seeing it is something different. I have been struck by the extent to which some of the prisons I have been into are dominated by drugs —– searching is about drugs, safety of prisoners is about drugs, vulnerable prisoners is about drugs, control is about drugs, rehabilitation is about drugs. It dominates the discussion that is happening in the prison. We were in a prison recently where in the surveys, 31 per cent of prisoners told us it was easy to get drugs and 17 per cent said that they developed a drug problem in prison. You think these places have got great walls around them with barbed wire on top, how can that be? I'm not saying anything silly like people let drugs get in so as to keep prisoners quiet, but there is an element that people who work in that situation get used to it. When

you come into it fresh it strikes me as extraordinary. Whilst I am sympathetic to the task prisons have, the fact that so many people develop a drug problem in there is intolerable.

JB: What are the major obstacles to prison reform?

NH: They are the other side of what I have said. Some of what needs to happen in order to reform prisons needs to take place outside of prisons. Prisons will end up warehousing these people with multiple needs if there are not resources in the community to deal with them. A lot of the pressure to put more people in prison comes from the media and with the drug issue prisons are often dealing with problems imported from outside. The squeeze that is happening in prisons as in other parts of the public services will be hard and will make things more difficult. The only way to respond is to try to free up prisons to be more innovative in their responses to issues You do see that some prisons, in particular some private sector prisons are innovative in responding to the challenges they face. It does not have to be that private sector prisons can do that but public cannot, we have to find ways of enabling public sector prisons to be more innovative in their responses to the problems they face. We have to be careful that we do not stifle that ability to innovate.

Some of what needs to happen in order to reform prisons needs to take place outside of prisons. Prisons will end up warehousing these people with multiple needs if there are not resources in the community to deal with them.

JB: How do you see the idea of 'The Big Society' impacting on prisons?

NH: There is an issue about understanding what the 'Big Society' is. If the 'Big Society' means not everything being done by the state but also by communities and members of society having a role in prisons, then that is a good thing. You can see that already in prisons. IMBs are a good resource that are not valued enough. It is a good thing that members of the community come into prisons on a regular basis and take some responsibility for what is happening there. There are ways in which business can be involved in providing employment and training for people. There are small voluntary projects that risk being squeezed out in the cuts. These help not only by creating a positive environment inside the prison but also help to educate the public outside about what is going on. Prisons should not just be left to the professionals, there is a role for a range of organisations out there to get involved and I hope that they have an opportunity to do that.

JB: Prisons have an extensive system of managerial monitoring and regulation, including key performance targets, audits, inspection and surveys of staff and prisoners. Is this affordable or necessary? Should prisons be the subject of deregulation?

NH: I have spent most of my working life being subject of those measures rather than providing them. My view would be that you have to keep that constantly under review and ensure that it is proportionate to what is happening. Anyone who is involved in the running of prisons and is thoughtful about it knows that prisons are behind walls and out of the public gaze and there needs to be scrutiny. That should be a positive for prisons. One of the issues my predecessor, Anne Owers, talked about was the 'virtual prison' – — there is the prison the governor thinks he or she is running and then there is what actually is happening and sometimes those two things do not fit. That can happen in any organisation but it prisons it is more problematic. An inspection coming in with a fresh look should be seen as a positive. In reality nobody jumps for joy when inspectors arrive but people are in general positive in their reaction to us.

JB: What role should the commercial sector have in imprisonment? Should they run prisons? Should they provide rehabilitation services? Should they provide support services?

NH: I do not have a view about them being good or bad. On the whole a mixed economy is a good thing. I would judge each individual case on its merits. I would not say that the public or private sector is better or worse, I would look at what was happening in an individual institution or a bid that they made in a competitive process, and make a judgement on the merits. The issue is not who is providing the facility, the issue is whether there is adequate control of that. Ultimately it may be a private provider but the state has to be accountable for what happens. In the end there has to be a direct and clear line of accountability, whoever is running the service.

JB: To what extent do you think private sector competition has altered the terrain of imprisonment?

NH: It is true to say that some private sector providers have been innovative and that has been a spur for change within the public sector. Overall the introduction of the private sector into prisons has been good because it has stimulated providers as a whole to look at what they do and how it can be improved and made more effective.

JB: There are plans to freeze public sector pay and make fundamental changes to pensions and employee benefits. What impact is this likely to have on existing prison staff and for the future workforce?

NH: These are going to be difficult times for everybody who works in the public sector. It doesn't seem to me that prisons are being singled out. There is a broader social and economic argument about the pace and scale of change but that is outside of my remit.

JB: How do you think industrial relations in prisons are likely to develop over the next four years?

NH: It is a concern. My impression coming in is that some of the IR feels old-fashioned and confrontational. On the one hand, in hierarchical and status conscious organisations, the way that staff are engaged and consulted and their expertise tapped into is not done effectively. On the other hand that leads to a situation where the responses are adversarial. It strikes me as old-fashioned.

JB: How should prison professionals make their voices heard in the current debates about prisons and imprisonment? Is anyone listening?

NH: They do have to make their voice heard. With any profession it is easy to fall into debating the finer points of theoretical detail with people who basically agree rather than going out and explaining to the public or people that do not agree with you. The prison world has not done a good job in explaining what really happens in prison, what it is like and what the issues are. I am not saying that is not a difficult thing to do. We need to do more and that is one of the roles of the Inspectorate, to answer some of the concerns that people outside have had and try to explain what is really happening. That is of course difficult in the media climate I have discussed, but it needs to be done. It is not about banging an ideological drum, but we should be saying that if there is to be a debate about what prison is for, rehabilitation, numbers and so on, then that debate ought to be informed by the facts of what is going on. Prison professionals have a responsibility to get those facts over.

Overall the introduction of the private sector into prisons has been good because it has stimulated providers as a whole to look at what they do and how it can be improved and made more effective.

JB: What do you see as the role of the Inspectorate over the coming five years when financial pressure will be at its most intense and reform will be at its fastest pace?

NH: Part of our job is to explain what is happening and why, so we have to be an independent and trusted voice that is reporting back to the public about what is being done in their name. We are going to make some changes in how we operate. I want to move to a system where rather than making a large number of detailed recommendations about what should be happening, we focus on the outcomes we expect to see and expecting more from prisons in saying how they will meet those. This pushes more of the responsibility for determining the improvements that are necessary will be made onto prisons rather than us mapping them in detail for them.

JB: Should the Inspectorate Expectations be altered to take account of the financial pressures facing prisons and the country more broadly?

NH: We should not alter them by saying that we expect the outcomes for prisoners to be reduced. It is not politically controversial to say that prisoners should continue to be safe, that prisons should be decent, and should give prisoners purposeful activity and help them resettle. We should not decrease our expectations for outcomes for prisoners at all. However, we should be less prescriptive about how those outcomes should be achieved.

Interview: Richard Garside

Richard Garside *is Director of the Centre for Crime and Justice Studies. He is interviewed by* ***Christopher Stacey,*** *Information and Advice Manager at UNLOCK, the National Association of Reformed Offenders.*

Richard Garside has been the Director of the Centre for Crime and Justice Studies (CCJS) since 2006, having previously been the director of the Crime and Society Foundation and head of communications at Nacro, the crime reduction charity.

The Centre for Crime and Justice Studies is an independent public interest charity that engages with the worlds of research and policy, practice and campaigning. Its mission is to inspire enduring change by promoting understanding of social harm, the centrality of social justice and the limits of criminal justice. Its vision is of a society in which everyone benefits from equality, safety, social and economic security. In 2010 they have published Criminal Justice Spending Briefs, as a series of three publications. Police Expenditure, and Prisons and Probation Expenditure, were published in mid-2010, with the Courts Expenditure publication forthcoming.

He has written on a range of crime and criminal-justice issues. He is a regular media commentator on a range of crime and related issues, as well as giving speeches and participating in conferences and debates. His current interests centre on questions of crime, harm and political economy.

CS: How do you regard our relatively high national imprisonment rate?

RG: Crispin Blunt, when he gave his speech back in July, described the current prison population as a national embarrassment, which is certainly one way of describing it. I might be stronger in saying that it is a national disgrace, but I don't think that anybody other than those who are relatively fringe in their political beliefs think that having such a high imprisonment rate is desirable aim in itself. The question is how you best address that problem. The problem with such a high rate is that it is quite costly, and if you are incarcerating people and warehousing people who really don't pose a threat to anybody including to themselves, then why do it? As Ken Clarke pointed out in his speech in late June that we hosted, it is about double what it was when he was last Home Secretary. The Conservatives seemed to get through their last administration quite comfortably on a much lower prison population, so one has to ask the question what is that significantly higher rate really delivering in terms of social benefit, and obviously impact on individuals, and then of course you have the fundamental challenges about who is in prison, the enormous rates of mental health problems, just sheer need, which I think is quite concerning. At the end of the day if you are incarcerating people who are either very mentally distressed going into custody or become very mentally distressed as a result of being in custody, one has to questions about how you square that with notions of a civilised society.

CS: Where do you think the Labour Government went wrong?

RG: Well, it depends at what level of abstraction you are exploring. You have the surface level stuff that was going on, so all the tough talk, all the populism, a set of legislative changes that increased the number of offences, and a general inflation of sentencing, including a displacement of fines to community sentences, community sentences onto prison, and so on and so forth. Then there is the underlying set of policies that they were pursuing at a broader social, economic and political level, that fed in to and was related to those surface-level changes, and you need to look at both of those to really get a full picture as to where they went wrong.

CS: How likely do you think it is that this rate will be reduced? How desirable do you think this is?

RG: Well, it is certainly desirable. If you assume that prison should be used firstly as a last resort, and secondly that you should only be putting in prison those who pose a significant risk to others, then I think all the logic of that position would point to a much lower prison population than we currently have. And given that at least some of those people who pose a risk are also themselves often quite mentally distressed, and have all sorts of personal problems that partly led them to commit the very serious offences that they did, one has to ask whether incarcerating them is the right thing given the context of their lives. How likely is it? I don't think it is very likely at all. Even when you look at some the recent pronouncements of government ministers, which are in many ways very much welcome in terms of rhetoric and change of tone, no government minister is committing themselves to an active programme of reducing the prison population. Whilst I am sure they must be doing their own internal projections and analyses, I think the general trajectory will be upwards, and will be upwards for some years to come. In some ways, it is a depressing view, but it is a realistic view. I would be delighted to be proved wrong in that one.

Why it won't happen depends on what you think prison is actually there for, and how people end up in

prison. Of course, at one level, you generally have to do something that brings you to the attention of the police, so at a certain level it is not like being in an asylum or a mental health unit. At the end of the day, prisons are very socially selective. They tend to select particular people who occupy certain socio-economic positions in society. So the regulatory role that prison performs in terms of managing and controlling what might be considered to be an 'unruly' or 'undesirable' population needs to be taken seriously. I put those terms in scare-quotes because there is a certain degree of stereotyping that goes on there. If we look at it more broadly, there is some quite significant research evidence that points to the fact that the size of a prison population is related to the underlying social processes of any given society, and broadly speaking more unequal societies tend to have higher prison populations than more equal societies, and societies who invest more in their welfare and social support mechanisms generally have lower prison populations than those who invest less. Now we are going into a period where we are probably going to see growth in the rate of inequality, and also an ongoing disinvestment in social safety-nets, so it would be strange if, as a result of those quite big social processes, we saw a fall in the prison population. There is no iron law here, of course, and it would be possible for a government to preside over these policies whilst also seeing a drop in the prison population. It just doesn't strike me as being very likely.

CS: Is Britain a broken society and to what degree do you think prisons can contribute towards addressing social problems such as poverty, unemployment, family breakdown and anti-social behaviour?

RG: Well, I don't think Britain is a broken society. I think that that was an election slogan, and it doesn't strike me that the Prime Minister has been harking on those terms since the election. It is an unfortunate way of describing what are without doubt some really significant challenges. I don't actually think that prisons can make any significant contribution to addressing social problems. They do entrench social problems, but I don't think that is the fault of people in the Prison Service, who often do a very difficult job to the best of their abilities and in very difficult circumstances. But the notion that prisons, and the use of imprisonment, can be some kind of mechanism for improving the state of society and in some way addressing deeply entrenched social problems just strikes me as a bizarre proposition. It is difficult to see how taking certain individuals out of their day to day existence, putting them in a very authoritarian and highly structured institution, where there is lots of problems of bullying etc, taking them away from their family, it is very difficult to see how that's anything but a very negative way of trying to deal with particular problems.

CS: To what degree do you think it will be possible to achieve a 'rehabilitation revolution', significantly reducing reoffending, given the current squeeze on resources?

… the notion that prisons, and the use of imprisonment, can be some kind of mechanism for improving the state of society and in some way addressing deeply entrenched social problems just strikes me as a bizarre proposition.

RG: It is interesting how the mood music has changed on this over the years. When Michael Howard back in the 1994 talked about 'prison works', he meant that it keeps these horrible people away from law-abiding citizens and stops them committing more crimes. But at the time it was highly criticised as a speech, and it is interesting now that even those who would consider themselves to be strong reformists are engaged in a dialogue about making prison work. The proposition that if you could just get it right, then it would be possible to reform and rehabilitate people, then they will come out of prison as budding entrepreneurs, budding businessmen and women, and people wanting to go back to education I don't find very realistic or likely. Clearly, you can think of individual cases, and there will people who have been through the prison system who might come out the other end and may have learnt something. Maybe it is the first time that they have had the chance to learn how to read and write, or it is the first time they have come across anybody who takes an interest in their lives and wants to help them. So I am not dismissing that. Indeed, in one of our projects, the 'Works for Freedom' project, we are very interested in exploring those examples of practices and interventions that can genuinely transform people's lives for the better. But, in the round, prisons are simply not equipped to deal with those big problems that people experience. People go out in many cases with very much the same problems as when they went in. So, like 'Broken society', or 'Big Society', 'Rehabilitation Revolution' is a slogan. I

suspect there will be some examples, where maybe the reconviction rate has been slightly reduced. Everyone will get excited about it, but in broad terms the general situation where roughly half the people leaving prison are reconvicted within two years I suspect will continue. That is not necessarily because they are bad people. It is to do with the system as a whole. One of the innovations of the Labour Government was that the criminal justice system process was much more tooled up to keep hold of, supervise and manage people, once they have left prison as well. Broadly speaking if you monitor somebody and watch them close enough for long enough, they are going to do something that they shouldn't do. So, there are greater hurdles now for people leaving prison to get away from criminal justice surveillance, and that is above all of the other hurdles that they may face, whether it be finding a home, getting a job, or just rebuilding their lives.

CS: How do you think the actual prisoner experience has shifted in recent years? How is it likely to change in the next few years?

RG: Now, I am not really the best person to ask that question as I am not particularly close to what goes on in prison these days. I don't get to visit prisons very often, and CCJS do not get particularly engaged in prison reform questions. It is not because we do not think they are particularly important, it is just not where we see we can have the biggest impact. I am sure some of the problems around overcrowding can't have helped the general experience. It is difficult to see how the experience can be in any way improved, particularly in the context of squeezed finances, unless there were simply fewer people in prison. For those who were then no longer in prison, their experience will have improved, as well as for those who remain. Now, there is one answer, which is to increase the level of staff, increase resources and increase the budget, and that is certainly an argument. But the more desirable outcome would be to use the current period of squeeze on budgets to actually start having an honest conversation about what the largest prison population is that we can realistically sustain within current budgets which is also in keeping with good practice in what it means to be a civilised society, and use that as a base.

CS: What do you regard as the biggest problems in the prison system?

RG: There are a number of different dimensions. Without doubt, there is a financial problem. The work that we published a few months ago looking at prison and probation expenditure made it very clear that prison budgets have been very stretched, and over a period of years it has a corrosive effect. The infrastructure decays. There is a major question about the role of the private sector in terms of fragmentation, and what that means in terms of having a coherent policy around prisons, but the sheer number of people is the problem. It is about time that we as a society had some discussions about what size prison population we would feel is desirable or justifiable. Prisons end up trying to pick the pieces up of the failings in other areas. As we have seen in a general retraction of the social state over the last 20 years, the demands placed on prison have increased. Problems are not dealt with at a earlier point, are greater, and I am sure that is one of the contributors to the current prison population. One of the problems at the moment is that the reform sector itself, in terms of its overall vision of how things could be different, has collapsed into a form of pragmatism, with a few honourable exceptions. Organisations that 10-20 years ago may have been leading the charge in challenging ministers in debates about the role of prison, in terms of what size it should be and so on, are now just scurrying around for service-delivery contracts. Whilst I can understand the pressures that they are under, it does make me think that a number of those historically loud voices are now much quieter than they used to be. But there has been a certain exhaustion of the reformist vision. It is still locked into certain propositions, such as we need more community sentences instead of prisons being a classic of that, or community sentences need to be tough and rigorous in order for prisons to be used less. The world has changed an awful lot, including the drivers for the prison population and the sheer expansion of the justice system. I don't think many engaged in these discussions have really looked at that, but have repeated some quite tired and unevidenced propositions.

It is about time that we as a society had some discussions about what size prison population we would feel is desirable or justifiable. Prisons end up trying to pick the pieces up of the failings in other areas.

CS: What are the major obstacles to prison reform?

RG: To put it bluntly, I'm not myself particularly interested in entering into dialogue about making

prison work or to reform prisons. My own position is that I am a long-term abolitionist. I don't think it is possible to do away with prisons tomorrow, but I think that the use of imprisonment as a mainstream response to certain behaviours which are regarded as crime is a relatively recent development, and something that developed as a result of the changes during the industrial revolution. I can see that it is important at a certain level, and if I were in prison I would want individuals and organisations to be lobbying hard for improvements in regimes and in changes in how I was to be dealt with, but it is not what I feel is fundamentally at issue here.

CS: How do you see the idea of 'The Big Society' impacting on prisons?

RG: Does anybody know what this Big Society really is? I have never met the chap but I am not even sure that David Cameron really knows, apart from it being an election-winning slogan. I will take what I think is part of the rhetoric, which is about the ongoing development of a mixed economy of provision. One way to look at it is the ongoing reduction of the monopoly that the Prison Service has over the delivery of custodial services, hence, the emergence of private providers. Now, of course, that is not linked to the Big Society, but alongside that is a greater role for the voluntary sector and community groups, all somehow coming together in a sense of a shared endeavour to deliver on shared objectives and shared aims. In all honesty this leaves me with a degree of depression. What it will bring out is not the wonderful activist society. It is cover for a fragmentation of what has historically been the role of the state. There are some significant question-marks about whether something like the delivery of punishment and the delivery of services incarcerating people should be outside the remit of a democratically accountable state, and that is where some problems have arisen, for example with private sector prisons in terms of the accountability for the money spent, and of officers working in those prisons, and likewise with the third sector.

CS: Are there ways in which the charitable sector and citizens can make a new and different contribution to prisons and rehabilitation?

RG: There are certainly other ways in which the government *would like* them to be involved. We have seen the emergence of partnerships between the voluntary sector and private providers in running prisons, and I think we will see that in other areas, for example in the Probation Service, and in the whole ongoing development of commissioning and contestability, basically with third-sector partners competing with Probation Service and the Prison Service for a slice of the cake. Given the pressure on funding I can understand why there may be some kind of imperative to engage in that. But it is certainly not obligatory for them to be engaged in that. As somebody who has worked in a number of organisations over the years, including those who have delivered front-line services, I have real concerns about the future of charitable independence, especially those who become so dependent on government for the delivery of their charitable objectives through commissioning and contestability. They end up becoming para-statal bodies, they are not really independent. That said, I think there are some real opportunities there as well. The time is rife for an engagement and discussion about what makes genuinely for transformative practice. So if you are talking about the kinds of individuals who often have profound social personal needs, in many cases through no fault of their own, there is an important role for active citizens in the third-sector to operate in helping and supporting those people, providing interventions and support that genuinely changes their lives. I am sceptical about the degree to which that can be achieved through the criminal justice process, and engaging with that process, because so much of the pressure is on the narrow terms of reducing re-offending. The historic charitable vision of 'looking after' people and helping them is profoundly alien in the criminal justice process. There is a very active role in charities doing what they have also done which is helping people — I just don't think that partnering the criminal justice system is the best way to do this.

There is a very active role in charities doing what they have also done which is helping people — I just don't think that partnering the criminal justice system is the best way to do this.

CS: Prisons have an extensive system of managerial monitoring and regulation, including key performance targets, audits, inspection and surveys of staff and prisoners. Is this affordable or necessary? Should prisons be the subject of deregulation?

RG: Taking affordability first, the overall budget for the prison system is around £3-4 billion. Given the overall budget deficit it is a tiny drop in the ocean. So,

at one level, the current system is entirely affordable. As one of the richest countries in the world, we could no doubt afford a much larger prison system were we so minded, and perhaps that is where we are sadly going. But the question is then what you can't spend money on, and I can certainly think of better ways of spending it than locking people up in prison. Given the current financial pressures it seems to me unlikely that the prison system is affordable in its current structure. But that is true for the criminal justice system as a whole.

As for all these targets, I am sure they must just drive prison governors and staff to distraction. They must feel like they spend all their time filling out forms rather than be actually doing the work they would like to do. There is clearly a balance to be struck. Prisons, like other areas of public service, are in receipt in public funds, and so there must be a degree of accountability there. It is not obvious to me that filling out a load of forms that have been dreamt up by bureaucrats in Whitehall is a particularly effective way of achieving that.

Given the current financial pressures it seems to me unlikely that the prison system is affordable in its current structure. But that is true for the criminal justice system as a whole.

CS: What role should the commercial sector have in imprisonment?

RG: I am not in favour of private prisons. If I were Minister of Justice, I would close all private prisons. In my view it is very clear that the only social body that should be responsible for the prison system is the state. I can see the role, within a complex state bureaucracy, where all prisons are run by the state, then at a certain level, whether cleaning, education, catering, building work, you can see all sorts of areas where it may be desirable or cost effective to involve other providers. But in my view it needs to be under the very clear oversight and accountability of the state, and that is not the case at the moment. So, in answer to the question, my answer is a much smaller role to what it currently has.

CS: To what extent do you think private sector competition has altered the terrain of imprisonment?

RG: It has altered it quite significantly. Those in favour of private prisons would say it has forced the Prison Service to up its game, that there are some very good private prisons doing some very good work. I am sure that may well be the case. Maybe that is simply saying new prison buildings are more pleasant that decrepit old Victorian buildings. Perhaps where you think about the architecture and design you can do some interesting things. I suppose where it has fundamentally altered the terrain is that it is only because of the injection of private capital into the prison system that we have been able to have the increase in prison population that we have had, because it is only through private finance that has allowed the government to keep all of this additional capital expenditure off the balance sheet. So, in that sense, the involvement of the private sector has been an entirely negative one.

CS: There are plans to freeze public sector pay and make fundamental changes to pensions and employee benefits. What impact is this likely to have on existing prison staff and for the future workforce?

RG: I am sure it will have an impact. I expect the prison officers, including the POA, are very unhappy about the situation. There is a lot of talk about a new winter of discontent. Prisons are an unusual bit of public services in some way as the POA is not officially recognised as a trade union, with trade union rights, quite wrongly in my view. Leaving that to one side I can't imagine working in prisons in a very nice place to be, and so I suspect there will quite a lot of disruption, if not in the walk out and strike version, then there will be disruption of other sorts, which will have a knock-on effect on prisoners.

CS: How do you think industrial relations in prisons are likely to develop over the next four years?

RG: I sometimes wonder whether, when you look at the very ambivalent relationship between trade unions and the Labour Party, and because many thought they were on the same side, having a very public dispute was quite difficult for many trade unions. Traditionally, Conservative governments and trade unions haven't always seen eye to eye. Indeed, the last significant trade union conflict was in the mid-80 under the Thatcher government. I am not sure that we will see something like that again. I think actually trade union rules have now changed such a degree that makes that quite difficult, but I can't see that industrial relations in prisons will improve as a result of increased numbers in prison, squeezes in budgets, and struggling conditions. Who is going to go into work in a morning with a spring in their step knowing that? So it is not going to be pretty I suspect. Whether we will see the severe disruptions we have seen in previous decades is another matter.

CS: How should prison professionals make their voices heard in the current debates about prisons and imprisonment? Is anyone listening?

RG: There are some real difficulties with prison professionals, because it depends at what level you are talking about. It won't be particularly insightful observation on my part to state the obvious that the PGA and the POA have not always seen eye to eye, but it seems to me that they have a level of shared interest in defending public services and working towards achieving objectives. But I understand that relationships in prison can often stop that activity from taking place. As for whether anybody is listening, well six months ago who would have said we would have a Conservative/Liberal Democrat coalition. Three months ago, many would have expected an election early next year, or at least the following year. The Coalition is looking quite durable, though we are beginning to see some of the first cracks developing in a number of different areas. When the Government becomes much more entrenched and embedded in, and what will be quite unpopular series of cuts, then an awful lot of tension will build up, and which might give those working in the Prison Service who might want to articulate their views something to play for. The discussion around that will need to be led by the PGA and the POA. In my view, the argument needs to be more proactive than simply defending jobs, important though that may be. There needs to be something about articulating and developing a vision for what kind of prison system we want; how large, what kind of people are in it, over that time, and what the steps are to getting to it, which is not really being discussed at the moment.

The great strength of any organised voice is that they can claim to be a voice of many. When people come together to represent a united position, they can achieve things that people acting individually can't achieve. So, some form of collective negotiation and action is both desirable and necessary. But it is not the be all and end all. The challenge for any trade union is to try and democratically reflect the interests of their members. There are other mechanisms, such as staff forums, but it is just not particularly obvious to me necessarily that the management will listen. It can be useful way of testing the water, getting a sense of what people are feeling, but whether anything fundamentally changes as a result is another matter.

As for prisoners giving their views, that is one of the great areas of discussion that is not had at all the moment. It happened in a small scale, such as the ongoing debate around prisoners' right to vote, which strikes me as almost so obvious that it still distresses and depresses me that it is not taken for granted. But it needs to be much more than that. At the end of the day, if you have been put in prison it does not or should not mean that you lose of all of your rights. The Prison Service does not own you. You may be in prison, but you are still somebody with family, friends and aspirations, with a past, a present and a future. Those things are very important. It is a disgrace that people in prison have so little voice and so little power to express their desires, and their needs and their wants. But how you achieve that I don't know, because I think it would require such a change in the way that prisons operated that they would not be recognisable as prisons anymore. Prisons are very hierarchical, which can affect everybody that is there; both prisons and staff. If you are going to have a genuine prisoner voice, it would mean a very fundamental change to the way that prisons operate.

The Prison Service does not own you. You may be in prison, but you are still somebody with family, friends and aspirations, with a past, a present and a future. Those things are very important.

CS: What current work are CCJS involved in?

RG: The Works for Freedom project is an online resource for practitioners, to stimulate debate, reflection and knowledge sharing, which will include people working in the criminal justice system but also those working with those groups vulnerable to capture by the process. We are doing a prison-based project which will be talking to individuals who have committed very serious violence acts, exploring their biographies to identify points in their lives as a way of recovering their sense of being real people.

We are also doing a piece of work looking at reformist strategies going forward, looking at the challenges that the reform sector face and how that might relate to what the research evidence points to and explore where that may lead, in what is a very difficult time for reformism.

We are also doing a new series of criminal justice policies, first of which will be coming out early next year, and we're finally just finishing the third of our series of criminal justice expenditure. We published

one back in June on the Police, one on Prisons and Probation in July, and we're just finishing the Courts briefing which will be published in the next few weeks.

We are very interested in care-leavers entering the criminal justice system, and whether their needs are being met, that is why is there such a striking cohort of people who come out of care and spend a year or two trying to making sense of their lives and then end up in prison. That is part of a larger piece of work which we are interested in which is about exploring and promoting debate on why it is that people seem to move around different institutions, from when the old asylums were closed, to children in care, to people coming out of the armed services, and how that revolving door can be addressed.

We are also a membership organisation, so if any of your readers would like to join, we can offer a very good rate. We also have a monthly email bulletin which is free and which, rather than just saying what we have done, it is about trying to take a sideways glance at recent policy developments, including reports that have come out, and some important news stories, as well as the very popular 'Quote of the Month'.

Interview: Michael Spurr

Michael Spurr *is Chief Executive of the National Offender Management Service.He is interviewed by* ***Monica Lloyd*** *who worked for many years in the prison inspectorate before rejoining NOMS in Headquarters to work with extremist offenders.*

Michael Spurr joined the Prison Service in 1983, after graduating from Durham University. He spent a year as a prison officer at HMP Leeds before starting his training as an assistant governor at HMP Stanford Hill. He then held posts at HMP Swaleside and served as Deputy Governor of HMYOI Aylesbury before becoming Governor of Aylesbury in 1993. Following this he took up an HQ post managing the prisoner population and responsibility for the Control Review Committee system for managing disruptive prisoners that resulted in the creation of the Close Supervision Centre system. In 1996 he became Governor of HMP Wayland, a category C training prison, and subsequently he became Governor of HMP and YOI Norwich, a split site local and young offender prison. In 2000 he was promoted to Area Manager first for London North and East Anglia and then, following the restructuring to align Areas with Government Regions, for the Eastern Area. He became a Prison Service Management Board member in 2003 as Director of Operations, managing the area managers and responsible for all prisons other than the high security and in December 2006, he became Deputy Director General of HM Prison Service. Following the reorganisation of the National Offender Management Service (NOMS) announced in January 2008, he took on the role of Chief Operating Officer, responsible for operational delivery across Prisons and Probation. In June 2010 he took on his current role as Chief Executive of NOMS.

This interview took place in the week in which the government cuts were announced and not long after the new Minister for Justice had announced his plans for a 'rehabilitation revolution'.

ML: The population pressures now are not as severe as they were, but we still have a high national imprisonment rate. How big an issue is this for you?

MS: Ensuring we have got enough places to accommodate all the prisoners the courts send to us has been a key pressure on the prison service over a number of years. It is still important. It is true that at the moment we have got more space than we have been used to but to put that in context, we are still only talking about an additional headroom of about 2,000 spaces with 85,000 prisoners. Our job is to make sure we accommodate prisoners sent to us from the courts in decent conditions and that we work with them in prison in order to support rehabilitation. We have to make sure that we manage population pressures to enable us to work positively with prisoners.

ML: Do you see this rate coming down under the coalition government?

MS: The Secretary of State has made it clear that we should look at the whole sentencing framework. He has pointed out his surprise at coming back, having been Home Secretary in the early 90s, to find that the prison population has doubled, and there has been lots of commentary on that. From an operational perspective it has been a significant achievement to have managed that huge growth in the population and improve the way that we manage prisons, the way we treat prisoners and the rehabilitation opportunities that we have given them. I have already said we could do much more if the population was more manageable and lower than it is now.

ML: Do you think it is possible to deliver the rehabilitation revolution given the constraints that are also upon us at this time?

MS: It is refreshing that the coalition government has made a clear point about wanting to focus on rehabilitation. That is something that all of us who work with offenders should be really pleased about. It is right that we are challenged about whether we can do more about rehabilitation. Re-offending rates have reduced in recent years and that has been a real achievement but, when 61 per cent of people coming into custody serving sentences of less than twelve months re-offend quickly when they go out, that can't be a system that any of us can be pleased with. Therefore it is the right challenge to say can we do more. Of course, doing more when we have resource constraints is going to be incredibly difficult and that is why the government has asked how can we do this differently? How can we energise different sectors of the community to work with us to reduce re-offending? Can we get better engagement from the private sector, from the third sector? Can we use mechanisms like payment by results? If we can get these things working could they lead us to do the sorts of the things the Justice Select Committee has spoken about previously: re-investing away from custody into early intervention? That has got to be the right approach. There is a difficulty in how we deliver that in what is going to be a really challenging financial time, but the ambition is a proper ambition, a good ambition and I'm pleased to have that as a focus to work on.

ML: So you think there are ways that the charitable sector and citizens of this Big Society can make a contribution?

MS: There has been a significant contribution already made by the third sector and voluntary sector partners over the last ten years or more. Prisons have changed enormously over that period, with a much greater engagement from a much wider range of people from the community. We forget that ten, fifteen years ago it wasn't normal to have Job Centre Plus or third sector providers supporting offenders on drugs, or to have health services coming into the prison from outside. Can we expand it further? Yes, we can and it's really important that prisons are seen as part of the community and not separate from them. That approach has helped us to embed the decency agenda; where we are not isolating prisons from the rest of the community but breaking down those institutional barriers and recognising that the majority of prisoners only stay with us for a relatively short period. Most are going back to the community and the community needs to be engaged in working with us and them when they are in prison.

ML: How do you think the prisoner experience has changed over the last few years and how might it change in the future?

MS: The first thing to say is that, despite all the rhetoric that you sometimes see in the media, I believe that imprisonment, deprivation of liberty, remains a genuine punishment which hurts. For all that people say that prisons are too cushy I have rarely met prisoners who actually want to be there. That is important to say because the fact that the custodial experience is, by its nature, painful, should not be forgotten. What has changed is that we are delivering more decent prisons than we did before. The decency agenda has been clearly defined and communicated. It is now well understood and accepted within establishments and we must maintain this approach. It means that prisoners are treated better than they were; that there is a much greater recognition and appreciation of prisoners as individuals. The idea that we should treat prisoners as we would expect our own relatives to be treated if they were in prison is entirely proper. The prisoner experience overall is better as result of this. That doesn't mean that prisons are perfect or that there aren't individual things that go wrong in prisons, but overall the prisoner experience is better, and that provides a much stronger basis for rehabilitation.

We have tried to increasingly focus on individual need. Offender management is about what the individual prisoner actually requires to support them to change and reduce their re-offending. So the biggest change for me over the last ten or fifteen years has been about that individualisation. I accept that, particularly for short sentenced prisoners, this has been difficult as they are in and out so quickly, and it is more difficult to get to know and deal with the person. But for longer term prisoners much more work is undertaken with them, on their individual sentence planning about how they will address their offending. This has been a big change over recent years.

ML: Do you think any of that is in jeopardy now with budget cuts?

MS: Budget constraint is going to make everything more difficult. It would be wrong not to recognise that. With the constraints we are all under in the public sector it is going to be more difficult to do some of the thing we have been doing, but I'm determined that we won't lose the focus on the decency agenda. We can't move to running prisons that are not safe, ordered or secure, and it is not right or sensible for us to withdraw from dealing with prisoners as individuals. That is why the rehabilitation revolution is important because it does put a focus on helping individuals to change. That does not mean that all of this is going to be easy to achieve. I'm absolutely certain that with fewer resources we will have to stop doing some things. We will have to be careful about how to manage the reduction in resource to maintain the safe, decent, ordered prisons that we have achieved over the last ten to fifteen years, whilst also maintaining and increasing the focus on rehabilitation.

Offender management is about what the individual prisoner actually requires to support them to change and reduce their re-offending.

ML: I understand that safety and decency are important as basics, but perhaps what is more in jeopardy at this time is purposeful activity and resettlement which may not be considered essential to good custodial management?

MS: Yes, I understand those concerns. In terms of purposeful activity, the aim will be to make better use of the activity and the space that we have got. I accept that there is not sufficient purposeful activity across prisons. We are trying to ensure that what activity space there is, is fully utilised and I am always frustrated if I go to prisons and there are activity places not being used, whether they be in workshops or in education or on programmes. There is some scope to do more here and be more innovative about how we do things. For example, one of the areas over the last few years where prisons have

begun to innovate is recycling, and there is still significant scope to do more. I went to Manchester last week and saw that they had invested to develop and expand recycling in the prison and to potentially extend it to do work for the community. That's a small example but demonstrates how in difficult times we need to think differently about how to deliver activities, and link with others to be able to maximise opportunities. I acknowledge that it will be difficult with a shrinking resource to maintain and improve what we are delivering. But we shouldn't be daunted. It is our job to ensure we are using the resource that we get as effectively as possible and I don't believe we are doing that as well as we can now, so there is scope to improve.

We need to avoid the potentially detrimental and dangerous approach to budget cutting which is to just stop doing the good things we were doing previously without considering the consequences. We have to be more ruthless about how we are using the limited resource we have. But even this approach I accept will not in itself be enough to enable us to live within what will be a significantly reduced budget and that is why the government is also looking at policy reform. There is a recognition that there has to be policy reform to deliver the changes that will be required. That's why Ken Clarke has said that he wants to take a fundamental look how we deliver rehabilitation including the Sentencing Framework and is producing a Green Paper for publication in December.

We need to avoid the potentially detrimental and dangerous approach to budget cutting which is to just stop doing the good things we were doing previously without considering the consequences.

ML: Prisons have an extensive system of managing performance and regulation. Is this affordable now in the current climate and should prisons be the subject of de-regulation?

MS: Prisons need to have a framework around them that ensures that we and the community know what is going on. It is different for prisons than for many other parts of society because they are closed institutions and therefore the idea of de-regulation does necessarily have constraints. It is important that there is a clear framework specifying what prisons must do and external independent inspection to ensure transparency. But, I do think there is scope to look at the regulation in place and ask, in the light of government priorities, whether we can reduce the burden on individual establishments. We have already begun to look at that by changing what we do with audit, but for most KPIs, even if we didn't have them as targets good governors would want to make sure we were still delivering on them. It would be daft to say that we don't now care about escapes, or to stop measuring the levels of drug use or violence in prisons. Or to abandon requirements for staff to be trained in C/R or to ensure prisoners are supported to get a job and accommodation on release. These are measures which governors have at the moment and if we didn't have them as targets, any governor worth their salt would still make sure they were concentrating on those areas. If they weren't doing that I wouldn't want them as a governor.

Measuring the Quality of Prison Life (MQPL), looking at prisoners' perspectives, is a huge resource to a governor. It enables a governor to really understand what is going on in their establishment and I wouldn't want to give that up. It is internationally regarded as one of the best ways of understanding a prison. External inspection is also critically important because you do need an independent view about how we are treating people whose liberty we have taken away. There's always a risk that those of us within institutions can become immune and can ourselves become institutionalised. External inspection provides a necessary safeguard to ensure that we continue to treat prisoners properly. So there will always need to be a framework. Can we reduce the burden of that framework? Yes, we can and we should do that, but it can't be complete de-regulation. It would be inappropriate to do that and we should not lose sight of the fact that over the last ten or fifteen years we have massively improved the operation of prisons and the experience of prisoners and reduced re-offending. This has not been achieved despite the regulatory framework we have in place but, in part, because of it.

ML: Can I ask about the role of the commercial sector? We have spoken about the third sector and citizens, but should the commercial sector be running prisons, providing rehabilitation services or support services?

MS: Well they are running prisons and they are running a range of service for NOMS, including prison escorts, electronic monitoring and we have just let a framework contract for the private sector to provide unpaid work/community payback in the community. The reality is that the private sector does have a role. Can they

deliver good prisons? Yes, they can, as evidenced by the inspection reports on places such as Altcourse or Lowdham Grange. They can deliver good services, and why is that? Because we make sure that the private sector is properly regulated and that they are operated as part of the system as a whole. My job is to make sure that all prisons, whether they are run by the private or public sector are decent, safe, ordered places that are purposeful, positive and supporting rehabilitation. The government is clear that who delivers services is not important, what matters is the quality of those services. In the future, in line with Government policy, I would expect there to be not only a continuation of private sector involvement but a potential growth, along with third sector engagement in the whole area of offender management services.

The role of the Agency is to ensure that services are delivered as efficiently as possible but equally to a quality. That is why we are going through the whole process of developing detailed specifications to articulate minimum standards for whoever is providing services for prisoners or offenders in the community. That means that we can regulate those services to ensure that they are meeting the needs of individuals and the expectations of the public. The reality is that in the future there will be an increasingly mixed provision of public, private and third sector delivering services to offenders in both custody and community.

My job is to make sure that all prisons, whether they are run by the private or public sector are decent, safe, ordered places that are purposeful, positive and supporting rehabilitation.

ML: Can you comment on what you think the impact of private sector competition has been?

MS: I have said publicly that I have no doubt that competition has played a key part in enabling us to deliver improvements in outcomes in prisons. I have worked all my career in the public sector and there is a part of me that would very much like to say that we didn't need competition to improve public sector outcomes. But in reality it is true that in part the public sector has been stimulated to improve because there has been competition. It would be false to deny that. That doesn't mean to say that I believe the private sector can do everything better than the public sector. This is not the case and as HMCIP confirm there are some excellent public sector prisons. But public sector performance has improved enormously over recent years and competition has been one of the drivers behind that improvement.

ML: In terms of staff. There are plans to freeze public service pay and make fundamental changes to pensions and employee benefits. What impact do you think this is likely to have?

MS: There is a lot of uncertainty at the moment and some feeling of unfairness from staff about how they perceive that public sector workers are being treated. But with that there is also an understanding that the country is in difficulties financially. Therefore, as I go around I find that the pay freeze has been reasonably accepted by staff who generally recognise that everybody is having to take some pain at the moment. There is obviously concern about pensions. We don't know the final outcome of the Hutton review, and whilst there is recognition that this is a difficult problem for the Government there is understandable concern about what this might mean for individuals. Of course I understand such anxieties, which are not limited to prison staff. These are issues for the wider public sector and will impact across many different groups. We will simply have to work hard to ensure that staff do recognise that the public sector is genuinely valued, that the work that staff do remains important and whilst there may have to be change it is in response to the financial challenge we face not about de-valuing the work that staff are doing. But of course this is going to be a real challenge.

Internally we have already made some changes to terms and conditions for new members of staff, we have removed the Principal Officer grade, and we have introduced new terms and conditions for prison officers on recruitment. New officers are recruited and trained to the same level as previously and are paid at the same rates — but we will set a ceiling on earnings below the current maximum creating in effect two paybands for prison officers in future. This has created some concern with the accusation that we are undermining the value of what prison officers do? But this is not the case, absolutely not. That is why we are training new staff to exactly the same level as the existing staff and we are not changing the assessment process. We are still recruiting people to the same quality and having no difficulty doing that. The change has been made because we have to be realistic about pay in the future and all the evidence indicates that we must differentiate Prison Officer pay to reflect the wide range of work that prison officers do. I know this creates concern for staff but we have to work through that. We are going to have to work harder and communicate much better than we have in the past and engage with staff in a more effective way than we have

so that they understand what we are doing and why we are doing it.

ML: Do you think there is a threat to industrial relations?

MS: Industrial relations are going to be difficult over the next few years. That is true across the whole of the public sector. As we speak today there is a rally in London ahead of the spending review where trade unions are bringing people together to demonstrate their concerns about where we are. That is understandable. At the minute we have good engagement with all trade unions. They are realistic about the difficulties that the whole of the public sector are facing. Again we have to communicate and work with them to go through what will be a difficult period. But I do think that staff are realistic and do understand that the whole country is going through a difficult four years or so. The key thing will be to make sure that we are maintaining safe, decent, well ordered prisons where staff feel that they are valued for what they do despite all the difficulties that we may face. This will be a challenge but it is my responsibility and one to which I am absolutely committed.

The key thing will be to make sure that we are maintaining safe, decent, well ordered prisons where staff feel that they are valued for what they do despite all the difficulties that we may face.

ML: How do you think prison professionals may make their voices heard and is anyone listening?

MS: The coalition government does want to hear from practitioners about what makes a difference. One of their themes is that practitioners have been too constrained in being able to do the things that make sense and make the biggest impact. That is something the government have said about teachers and doctors, and about probation staff and prison staff and this is a good opportunity. I want to make sure that Governors and staff have appropriate professional discretion within a clear and sensible operating framework. On the probation side we have been working on a pilot in Surrey and Sussex to give greater professional discretion back to probation officers. Governors already have a fair amount of discretion about how they operate within their establishments, despite the constraints and frameworks we have talked about. I have already said we are looking to further loosen some of the constraints whilst maintaining appropriate oversight. So there will be the opportunity increasingly for governors to feel they have a voice in how they can deliver more innovative practice to help offenders to change and to drive the rehabilitation revolution. There is a fear that the way that the Rehabilitation Revolution is being portrayed would mean that other people, the voluntary, third sector and commercial companies would take over all rehabilitative services for offenders and that would cut out prison governors. That would be dangerous and cannot be the right approach. What we have got to do is to design opportunities to develop new delivery models such as Payment by Results recognising the criticality of the Governors role. If programmes are going to operate within prisons, then unless the governor and staff are fully part of what is going on the benefits won't be achieved. Prison governors need to be at the heart of the rehabilitation revolution and fully involved in developments such as the payment by results.

ML: Do you see a danger that they may be marginalised because of the pressure to achieve change?

MS: I see that as a risk. But I think it is essential that we do not end up with governors and prison staff becoming marginalised and effectively dealing only with security and residential care. Governors and the majority of prison staff did not join the Prison Service just to be involved in locking people up. Part of the fascination and challenge of the role is to do what we can to help offenders to change as well as to ensure safety and security. There is a recognition from ministers that governors must play a key role if rehabilitation is to be effective. As we work through mechanisms that will deliver the rehabilitation services in the future we have to do this with Governors not separate from them. Governors also have the opportunity to influence the future through their professional organisation, the PGA, through engaging directly with the initiatives that come out of government and through their own ability to innovate and respond to the agenda as it develops.

ML: Anne Owers in her valedictory lecture on her retirement drew attention to the increasing levels of violence and the gang culture in high security prisons. Do you a view on that?

MS: I though that Anne Owers lecture was very insightful, as you would expect from a Chief Inspector of Prisons, and a very helpful analysis of where we have come from and where we are today. The reality is, of course, that we have now got a much longer sentenced population than we had before including 13,000 indeterminate sentences. Whilst a large number of people pass through the system quickly, the long stay

population passes through slowly and has grown significantly. In high security prisons the population is younger than previously and serving sentences that are longer, with some real risks around how individuals can potentially become alienated. The risks to order and safety are significant in such circumstances. We are alive to that issue and I thought Anne Ower's lecture was timely and will help us to focus on how we can manage that long term population more effectively providing potential for progression and hope within the long term system. That is really important, and some of the work that Alison Liebling is currently doing at Whitemoor will help us to get an even better feel for what is going on in high security prisons and how we need to respond to the changing dynamic.

There are similar issues in young offender institutions where we have gangs and longer sentences and we have got to work though how best to manage the changing dynamic. It is one of the biggest operational challenges we have at the moment. How we can best manage a longer sentenced population and many more younger prisoners who don't buy in to the system, and where, consequently, there is a heightened risk of individual alienation and concerted disorder.

Gangs are not new in prisons. What is important for us is to recognise how gangs are developing and to understand the changing dynamic that reflects what is happening in communities and with crime in communities. It is one of the reasons why I have been refamiliarising myself with High Security Prisons. It has been interesting for me to really get a feel for what is going on there and the challenges they face. Maintaining order, safety and security for very long term prisoners and providing realistic opportunities for personal development is the challenge. For long term prisoners, education for example, cannot only be about supporting people into employment, as that is not what you need in a high security prison. You need regime activities to engage individuals and help them cope with long sentences. Education plays a critical part in this. We must provide means for people to do their time and to stay sane and engaged and feel part of a system that is supportive and not just coercive. If we do not do this the risk to order is significant.

ML: Anne Owers also said quite boldly that there is no such thing as humane containment; that containment's for objects, not people. Are we more at risk of settling for humane containment now?

MS: There is a risk but such an approach would be contrary to my vision for the Agency and the Prison Service. I believe strongly that prisoners are individuals and that if we ever lose sight of that then a prison system becomes entirely coercive and potentially indecent. The minute we stop seeing prisoners as people, then the system and the Service is in danger. That doesn't mean to say that we don't need secure regimes for the long sentenced, some of whom will never be released, but it must always be more than mere containment. It must be about how we deal decently with prisoners as individuals and provide opportunities for personal development, and for individuals to make a positive contribution to society — even if they must remain in prison for a long time. The decency agenda embodies this approach and I have already said very clearly that I won't give that up. It has been absolutely crucial to the development of the Prison Service and it will remain a key principle for us over the coming years. Governors are committed to it, and this has now become embedded. No-one wants to see the Prison Service simply warehousing prisoners and settling for 'humane containment' whilst operational pressures, and prisoner throughput can make it difficult, particularly in local prisons we must never lose sight of the fact that we are dealing with people not objects. That's why the government's clear commitment to rehabilitation is so welcome so important.

... it must always be more than mere containment. It must be about how we deal decently with prisoners as individuals and provide opportunities for personal development, and for individuals to make a positive contribution to society ...

Interview: Eoin McLennan-Murray

Eoin McLennan-Murray *is President of the Prison Governors Association. He is interviewed by* ***Steve Hall****, former Governor of HMP Styal now working for SERCO.*

Eoin McLennan-Murray joined the Prison Service in 1978. He has served in ten prison establishments, as well as spending four years in Prison Service Headquarters where he was Staff Officer to the Director General and then the manager responsible for development and national roll out of the accredited cognitive skills and sex offender programmes. He posts have included governing governor of HMP Blantyre House and HMP Lewes.

He was elected as President of the Prison Governor's Association in 2010. The PGA was formed in 1987 to represent the interests of senior Prison Service grades, in particular governor grades. The Association currently represents almost 1500 members.

SH: How do you regard our relatively high national imprisonment rate?

EMM: I think that we have a love affair with the use of custody. The PGA has argued that certain sections of the prison population should not be in custody in the numbers they are. Such groups include children, women, the mentally ill and certain categories of short-term prisoners. We believe that we are out of step with Europe and have an incarceration rate nearly twice that of Germany. Our rate is closer to Eastern European Countries. So although crime rates are falling this is not reflected in imprisonment rates which continue to rise.

SH: How likely do you think it is that this rate will be reduced? How desirable do you think this is?

EMM: We have seen both Conservative and Labour governments talk up crime in response to press comments. That in turn has led to longer sentences, and legislation like that related to Indeterminate Sentences, which has driven up imprisonment rates. So although imprisonment should be falling the impact of this political pressure, itself a product of public perceptions of safety, has driven up rates. Politicians are no longer doing what is right, and what the prevailing research tells us is appropriate, but simply responding to populist pressure as portrayed by the media. So for those particularly vulnerable groups like women and the mentally ill there is a need to reduce their numbers within the prison system. For this latter group there is real evidence that suggests that appropriate treatment in secure psychiatric units can reduce the risks that this group presents and of course deal with the underlying issues rather than treat them as criminals within the prison system. For women, the disproportionate impact of incarceration on them and the children for which they are often primary carers often outweighs the relatively minor benefit to society from imprisonment.

SH: Is Britain a broken society and to what degree do you think prisons can contribute towards addressing social problems such as poverty, unemployment, family breakdown and anti-social behaviour?

EMM: I do not think Britain is a broken society but there are a number of social issues that need to be addressed. Clearly, we are in the middle of a financial crisis but for the majority of the population life is pretty much as it has always has been, although our behaviour and perceptions can be affected by what we see in the media. The impact of prison varies depending on the length of sentence served. For short-termers, particularly those who are serving less than six months we are generally making the problem worse. Compared with the alternative community punishment short-term imprisonment is both expensive and ineffective. For many being in prison is a product of the failure of the social and welfare systems in wider society — investing in prisons does not seem to be an appropriate response to this situation. In most cases it is too little too late. It was Tony Blair who spoke about being tough on crime and tough on the causes of crime. We have seen the manifestation of being tough by massive rises in the prison population with average sentence lengths increasing. Regrettably, this has not been matched by being tough on the causes of crime. What we do in prison is right but its comparatively small scale and it does not address the root cause. Prison is not the place to tackle social engineering on the scale required to have a meaningful impact on wider society. That is a task for other central government departments.

SH: To what degree do you think it will be possible to achieve a 'rehabilitation revolution', significantly reducing reoffending, given the current squeeze on resources?

EMM: I interpret this as simply maximising the chances of someone not re-offending post-release. There are some basic things the government could do to remove barriers that many prisoners encounter on release. The Rehabilitation of Offenders Act could be updated to take account of sentence inflation since 1974. Car and household insurance could be made more accessible and affordable to ex-prisoners. The difficulty with opening bank accounts is beginning to be addressed and the system of discharge payments is wholly in need of fundamental reform. These things are not difficult to deal with but they require the will to do it.

However, I think the government's idea of the 'rehabilitation revolution' is to pay organisations to reduce re-offending. They will be paid by results and I suppose

this means that they take the risk. If they fail to deliver the required outcome then they are not paid. I am concerned that organisations will simply cherry pick offenders who are more likely to succeed and leave those that are not. In principle I support any approach that significantly and genuinely reduces crime, even if this is not the public sector, although I would want to be certain that there was a level playing field between these organisations. One of the concerns I have is that the public sector is constrained through over centralisation and control in a way that private sector organisations don't appear to be. This makes us less competitive. So, payment by result is a theoretical methodology for funding successful outcomes when government money is tight. This approach greatly increases the involvement of the third and private sectors.

SH: How do you think the actual prisoner experience has shifted in recent years? How is it likely to change in the next few years?

EMM: I think that prisoners' experiences have certainly changed for the better. The defining moment was the Woolf report, which marked the beginning of the decency agenda. There has also been a massive injection of funding in programmes, health and education and a response to the 'what works' agenda which has produced a dramatic improvement in the quality of prison life. This is a product of additional investment and improvement to regimes. Coupled with this has been the ratcheting up of standards through HMCIP expectations and responding to MQPL feedback. The combined effect has undoubtedly led to an improvement in the prisoner experience.

There has also been a massive injection of funding in programmes, health and education and a response to the 'what works' agenda which has produced a dramatic improvement in the quality of prison life.

Conversely, as prison budgets come under increasing pressure as a result of the economic downturn we can only assume that these improvements will now go into decline.

SH: What do you regard as the biggest problems in the prison system?

EMM: Over control from the centre and managerialism, although I think the reduction in budgets will overshadow these factors. The rise in managerialism has led to an organisation that is risk averse and hamstrung. This is holding back prison governors who have a reform agenda or who want to make a difference. Combined with the overuse of custody and shrinking budgets the system is under real pressure and ultimately this may result in the progress we have made in recent years being lost.

SH: What are the major obstacles to prison reform?

EMM: For there to be reform there must be the political will to deliver it and deliver it in the face of a reactionary media and right wing antagonism from within their own party. These are obstacles to reform and the recent rhetoric from ministers is encouraging but has yet to be matched with action.

We sometimes go too far with the process of audits and risk assessments and impact assessments, often losing our sense of reality. Removing or reducing these processes would allow us to get back to a reforming agenda.

SH: How do you see the idea of 'The Big Society' impacting on prisons?

EMM: I am not really clear about what is meant by 'The Big Society.' I sense it is about getting lots of different groups to engage with the task of resettling prisoners and some of this engagement would be voluntary and some would be paid by results.

I can remember a time when the majority of prisons were engaged on community activity of one form or another. In particular, the involvement of vulnerable groups, such as the disabled who were able to come in to prisons to use facilities while being helped by prisoners. This stopped when we became risk averse. I realise that this type of activity is on the fringes of what the *Big Society* means but a return to this kind of approach can only be a good thing.

SH: Are there ways in which the charitable sector and citizens can make a new and different contribution to prisons and rehabilitation?

EMM: I would be surprised if there was something new that could be done. Charities and individuals have been working with prisoners for a long time now and we know that there are many things which work. It is more an issue of sustainability. Many successful projects have a limited funding life. When the money stops the project stops even if it was seen as successful. Payment by results may be a potential solution to this age old problem.

SH: Prisons have an extensive system of managerial monitoring and regulation, including key performance targets, audits, inspection and surveys of staff and prisoners. Is this affordable or necessary? Should prisons be the subject of deregulation?

EMM: We have gone too far and created an overly bureaucratic and expensive service. In the past governors

were largely left to their own devices, they were adaptable and flexible in their approach — they got the job done. It is true that in this new culture we have been successful at reducing escapes and improving outputs in a number of areas but this is not to say that the results could not have been achieved by allowing governors to maintain a degree of autonomy.

What this approach has produced is a new breed of governors who are driven by a new form of performance structure, whereas what we need is a greater balance and greater autonomy. Prisons are now managed by a particular formula rather than being led — people don't easily fit into processes which can de-skill staff and lead to narrowly defined approaches.

SH: What role should the commercial sector have in imprisonment?

EMM: The PGA has a position on this — we don't accept that prisons should be run by private sector organisations. However we have to accept that the battle over whether or not there will be private sector involvement has been lost. I cannot say what will happen in the future and maybe we will need to take a more pragmatic position in the future

... we have to accept that the battle over whether or not there will be private sector involvement has been lost.

***S*H: To what extent do you think private sector competition has altered the terrain of *i*mprisonment?**

EMM: We have to acknowledge that without the involvement of the private sector, and sometimes this is the threat of privatisation, we would not have made the improvements in the system that have been made. I realise that this has been a bitter pill to swallow. For the public sector this has also contributed to the necessary pressure on the POA to reform and adopt new approaches. This has certainly made us more competitive and puts us in a stronger position in future tendering exercises. Now that there is a market in private prisons the government are unlikely to turn away from it and are more likely to use it in other arms of the criminal justice system. The landscape has changed forever and the best we can hope for is a mixed economy where the public sector continues to be the main provider.

SH: There are plans to freeze public sector pay and make fundamental changes to pensions and employee benefits. What impact is this likely to have on existing prison staff and for the future workforce?

EMM: We are used to having annual increases and no one welcomes the loss of this. The reality is that we are looking at the potential for redundancy and wholesale transfer of jobs from public to private operation. Many will think that in these times just having a job is a fortunate position. This reality is permeating down and the PGA has accepted the fact that there will not be a pay rise for two years — this is a pragmatic response. Similarly, all our members have volunteered to give up first class travel for the time being. The PGA membership, as a managerial union, is far more understanding of the bigger picture and why these things are happening, and are part in making this happen.

SH: How do you think industrial relations in prisons are likely to develop over the next four years?

EMM: Like pay, it will be difficult because of the potential for loss of jobs. We have to be equally pragmatic about this and do the best for members in this climate rather than resist the inevitable. It will be the POA and their approach to this that will be the dominant factor, not least when this results in strike action. It is always the PGA and its members pick up the pieces from this. Now the POA and PCS will not take part in mutual discussions with us, which is disappointing. In the event of one of the public sector prisons being lost in the current round of commercial competition, the POA have said that they will take industrial action. Our position will not change and even though our members are also affected, we will have to work through this and cooperate with the private sector to achieve this.

SH: How should prison professionals make their voices heard in the current debates about prisons and imprisonment? Is anyone listening?

EMM: One of my roles is to improve relationships with other organisations in the criminal justice system including unions and pressure groups that have a voice within the system. We are therefore looking to work in partnership with these organisations in both our interests. Recently we have worked closely with both the Howard League and Prison Reform Trust on short sentences and indeterminate sentences for public protection respectively. We get our voice heard in the media, although I think we can do more. We are listened to when there is an inquiry and I like to think that NOMS is listening a little more, although this largely results from a number of legal challenges by the PGA. There is sometimes a sense that some of the NOMS Board have lost touch with the reality of work in prisons. We will continue to advocate joint working with the Board as we have a common aim of making the Prison Service better.

Interview: John Bowers

John Bowers *is an ex-prisoner and former commissioning editor for* Inside Time.
He is interviewed by ***Maggie Bolger*** *who works in HM Prison Service Training Services.*

John Bowers spent a total of 15 years in prison for burglary related offences. He was released from prison for the last time in 1991. In the build up towards and following his release, he worked with New Bridge, a charitable organisation working with prisoners. He started working on their project to produce a national newspaper for prisoners. This started publication in 1991 and was called *Inside Time*. He worked successfully in establishing and developing the publication and between 1996 and 2010 held the post of Commissioning Editor. During that time the newspaper has become established as the leading national publication for prisoners and has expanded from 24 to 56 pages, attracting many prominent contributors He recently left the paper in order to take up a role undertaking lectures in schools and colleges on the realities of prison and how to avoid becoming involved in crime.

MB: How do you regard our relatively high national imprisonment rate?

JB: I am reminded of a quote from Winston Churchill who said that you can measure the civilisation of a society by how it treats its prisoners. A telling comment at the time and we would do well to revisit that quote. I think the imprisonment rate is a reflection on the British 'retribution' mentality. We love our pound of flesh; some people would bring back the stocks and the gallows. This mentality is constantly fuelled by certain sections of the media with their regurgitated headlines. Let's try and leave slamming individual political parties because I don't think any of the main parties have got anything to be proud of when it comes to our criminal justice system. When New Labour came into power there were 43,000 in prison. Now it's double that number and according to projected figures we are heading for about 95,000 by 2020. So whoever is doing the projecting presumably is of the view that it will get worse before it gets better.

MB: How likely do you think it is that this rate will be reduced? How desirable do you think this is?

JB: Until there is a noticeable shift in the mentality of the general public, and politicians stop being so fearful of the tabloids, it is highly unlikely that we will see a reduction. It is highly desirable that the prison rate be reduced and Ken Clarke seems to have some good ideas. It is easy to be cynical and insist that nothing is ever going to change. Let's just hope that finally we have a party that means business. I am reminded of Anne Widdecombe's comments a few years ago that what this country needs is a system whereby prisoners get up, they are treated humanely, and they do a worthwhile job and earn money. Unfortunately, in the current climate that is almost cloud cuckoo land. To me it is so blatantly obvious that what we need within this criminal justice system are men and women doing a good days work and earning a good days pay; getting used to the work culture. Unfortunately, it took me a lot of years to get used to that culture because I had been so entrenched in committing crime. When I talk in schools, I explain that crime is like a drug, it's an addiction. We have thousands of people who are basically 'crime addicts', to add to all the other addictions they may have. They simply cannot stop crime without suitable interventions. It is as powerful as smoking, drugs, drink or gambling. I couldn't stop, I needed help; I needed to want to stop and so it is with thousands of men and women. From letters that I used to get on *Inside Time* there are an awful lot of men and women who want to stop, yet they just don't know how. They get discharged with £48.00 and in 2 or 3 weeks they are back in prison again or they are back in their old ways. It is almost an inevitability that they are going to go back, so how do we stop this trend, and is that the Prison Service's fault? Well I don't think it is actually. The Prison Service does what it can. They take people from the courts and look after them with humanity and care and then basically they pray. They pray that these people will leave the gates and not reoffend, yet statistically they know that 6 out of 10 will come back. With young offenders it is 8 out of 10. I find it appalling that the public don't throw out *The Sun* and the *Daily Mail* and actually start thinking for themselves instead of allowing their thought process to be dictated to by the media.

MB: Do you think that Britain is a broken society and to what degree do you think prisons can contribute toward addressing social problems?

JB: I don't think it is a broken society, but it is becoming ever more fragmented. How can prisons effectively contribute towards addressing social problems when the damage has already been done? All that prisons can do is just 'contain' for a period and then trust to luck. I think prisons pick up the pieces and do

their best to glue people together again with whatever resources they have got at their disposal. We all know they just do not have enough resources. I think the Prison Service does its best with the tools that it is given.

MB: Ken Clarke wants a rehabilitation revolution really, how possible do you think this is?

JB: I think it is wonderful sounding rhetoric. It sounds great doesn't it? Yet they are cutting back on resources and spending. So how can you have a rehabilitation revolution with even less money than you've had in previous years? Do we want a revolution or do we just want an application of common sense from politicians — who should stop looking nervously over their shoulders at the media and wondering about the vote. I do like the way that this new coalition is going about their business and it all looks good, but then it all looked good when New Labour came to power and they said they were going to do away with private prisons. Thirteen years later, what has happened within the criminal justice system? Has Labour got anything to be proud of? Doubling the prison population is their legacy. This 'rehabilitation revolution' could sound really stupid in a few years time. They will be saying 'what revolution?' Lots of initiatives appear good and politicians are wonderful with sound-bites and meaningless rhetoric and I have had a life-time of listening to them. Ask the prison officer and ask the guy in cell C4 in Wandsworth what has happened over the last few years and they will probably say they have cleaned the recess and the classes aren't too bad, but plenty might change because of the cutbacks. So how can we possibly move forward to this 'revolution' with less money to spend?

I think the general consensus is that things have changed for the better, but there is still a long way to go, especially as far as this wonderful 'through-care' and 'after-care' is concerned.

MB: How do you think the prisoner experience has shifted in the last few years?

JB: Very difficult to tell without actually being on the landings. All I can do is quote from my experience with *Inside Time* and the hundreds of letters that it gets every month. I think the general consensus is that things have changed for the better, but there is still a long way to go, especially as far as this wonderful 'through-care' and 'after-care' is concerned. Probation's main function now is protecting the public, as opposed to looking after the prisoners' welfare. Once upon a time I went to my probation officer for constructive help; now I'll go and he will warn me to keep to the conditions of my parole licence otherwise I will be recalled to prison. Personally, I just don't see the prisoner experience changing that much. If you take whatever the percentage of the Prison Service budget is, then things are going to suffer and that includes levels of activity, time unlocked etc.

MB: What do you regard as being the biggest problems in the prison system?

JB: *Inside Time* gets a lot of letters about prison officers treating inmates with a lack of respect. I am not blaming prison officers entirely, because I think a lot of prisoners have a terrible attitude towards prison staff. Time and time again I witnessed certain prisoners whingeing about staff treating them in a certain way and I used to say to these people, 'hang on a minute, how do you treat staff?' I quite often saw new prison officers come in, they smiled at prisoners and they were very respectful towards them but then six months later they were in with the dinosaurs in the tea-hut screaming about prisoners, because slowly but surely the prisoners had eroded the respectfulness out of them. They join the 60 year-old prison officer culture which is to bang them up ... 'out of sight out of mind'. It needs an attitude shift both ways. Similarly, how can prison officers or prisoners work together in a place that's seriously overcrowded? I often describe prison wings as zoos, and that isn't any reference to animals, it is a reference to the hustle and bustle of everybody going at a hundred miles an hour but actually getting nowhere.

MB: What do you see as the major obstacles towards prison reform?

JB: Public perception, the media and the politicians' stereotypical stance on what should be done with those who are sent to prison. The publics' perception is to lock them up and throw away the key. What are prisoners doing with pool tables and plasma TV screens? I regularly see this stereotypical view of prisons and prisoners regurgitated. If only the public would stop and ask themselves why these people end up in prison in the first place? Let's get them when they are young and stop them from going to prison, and if they do end up in prison, what can the system do of a constructive nature to bring down this rate of 60-70 per cent re-offending? A lot of the public just shrug their shoulders and say it is not my problem, and to a degree I can understand that. If you have got your

mortgage to pay, kids, job and your personal problems to think about, why should you have to worry about criminals and prisoners? In my view, you should think ... 'well, I should worry because this is one of the biggest social problems that we face'. Most things are solvable with pounds, shillings and pence. The prison system is suffering through lack of resources. Yet if you doubled the resources would this actually make a lot of difference? At the end of the day you are talking about shifting attitudes and perceptions, you are dealing with human beings. You are not running a business, but it has become a business. In fact a couple of years ago I recall a guy writing to *Inside Time* asking how many people were employed looking after prisoners. There are judges, magistrates, prison officers, administration staff, I stopped at a quarter of a million. This is a valid point, because prisoners keep a quarter of a million people in gainful employment. Society doesn't like criminals and we don't like people in prison and yet they almost have a vested interest in keeping prisons. I fell for it for 15 years and gave a lot of people gainful employment and have they appreciated it?

MB: How do you see the idea of this 'Big Society' impacting on prisons?

JB: What exactly is meant by 'The Big Society'? Can you enlighten me? This lovely phrase 'The Big Society' is yet another Cameron sound-bite from his manifesto. However, if this 'Big Society' idea creates an attitude shift it could well impact quite considerably on prisons. When Labour came into power the prison population was 40,000 — now it is over 80,000. Why does it need to be 80,000? Surely this 'Big Society' should be aiming for a reduction to 70,000 and then 60,000 and ultimately only keeping people in prison who really need to be there, not the mentally ill and the inadequate.

Inside Time receives many letters from prisoners who say they are fearful of release. They are being released in a couple of weeks and should be ecstatic, but are not. They are thinking: 'I have been fed and clothed, I have my friends, I have my tobacco and I have my little routines — why am I going out there to face what can be quite a hostile and scary world?'

MB: Scary?

JB: Yes, it can be very scary to a person being released from prison. When I came out in 1991 I was totally determined to go straight. I had lost much of my powerful physique, yet fortunately that power seemed to have shifted to my brain. What I have had since 1991 is a very powerful mind that was determined never to go back inside. Apart from one or two friends and the New Bridge organisation, I have done everything myself. I am determined that I am never going back to prison. Yet I don't think that a lot of people in prison are that mentally strong and so, to return to Cameron's 'Big Society', they need the 'Big Society' to help them. Instead of spitting in their face, prisoners need the public to say: 'I will shake your hand. Tell me why you did it and why you think I should trust you? Then I will give you a chance'. We need to get through to society that although a lot of prisoners have done some bad things, they are not necessarily bad people and when does society say: 'OK, you were a bad person, you are not bad now'?

At the end of the day you are talking about shifting attitudes and perceptions, you are dealing with human beings. You are not running a business, but it has become a business.

Bearing in mind that I have not stolen a thing for 25 years, I am still branded by a lot of people as 'that ex-criminal', and they don't want to talk to me, they don't want to know me. That's not self-pity — that is an inescapable fact of life that I still find hard to live with. But a lot of people still look at my record and still compartmentalise me as a totally bad person who will never change. I can't do anything in my defence; a criminal has no defence. You can't try and justify crime; you can't condone what you did. Instead of kicking a person while they are down, society could metaphorically help them up. Let's hope that this 'Big Society' idea works, or is it yet another sound-bite like 'rehabilitation revolution?' I am available to the Government for sound-bites if they want, because I have got some crackers lined up!

MB: Are there ways in which you think the charitable sector and citizens can make a new and different contribution to prisons and rehabilitation?

JB: They have been making a good contribution for years, but the problem is that a lot of prison service personnel tend to view them with scepticism and cynicism. They are treated as 'do-gooders', which unfortunately some of them are. They can't make a new and different contribution; all they can hope to do is chip away and change attitudes. I often resented going into prisons as part of the New Bridge organisation where there was a look of patronising contempt on the faces of certain gate lodge staff, as if to say ... 'here comes another bunch of do-gooders. These people will never change, don't you

understand?' At the time, staff didn't know I was a former prisoner. Unfortunately, some of them are members of the do-gooder brigade; I do have to say that. They are people whose lives are perhaps lacking a lot of things and they want to be appreciated in life — and so they gravitate towards perhaps one of the most vulnerable sections of society, which are prisoners, and who naturally lap up the attention. The charitable sector and ordinary citizens can make a lot of difference, although they do have to be viewed in a different light. They have to be viewed as people who can make a real change and real impact, not just do-gooders coming in once a week and the 'butt' of prison officers' jokes in the gate lodge.

MB: Prisons have an extensive system of managerial monitoring and regulation, including key performance targets, audits, inspection and surveys of staff and prisoners. Is this affordable or necessary? Should prisons be the subject of deregulation?

JB: Over the years I have watched this extensive system of managerial monitoring and regulation and I think it has become a bit too much. We are not dealing with a multi- national business, we are dealing with people; human beings. But of course the Prison Service is now a business; it is run on business lines. I think you do need targets, but we have now gone way over to the other side. It's all about ticking boxes. Prisoners are pretty shrewd, they know which boxes they need to tick in order for them to be able to progress through the system. So, it is almost a reciprocal arrangement whereby the Prison Service is saying: 'we need you to help us tick a few of these boxes ready for the audits and inspections. Behave yourself and we will tick the appropriate box or boxes that will move you on'. When you say delivering more for less, it's forcing people into a corner where they are almost panicking now to deliver a certain amount and then being told 'thank you very much, but next year you have got to deliver a little bit more with less resource'. Paperwork takes up a lot of the prison officers' time. Is it necessary to have them scribbling half the day when they should be out on the landings? You need paperwork, of course you do, you need audits, but it has just gone crazy.

When you say delivering more for less, it's forcing people into a corner where they are almost panicking now to deliver a certain amount and then being told 'thank you very much, but next year you have got to deliver a little bit more with less resource'.

MB: What role should the commercial sector have in imprisonment?

JB: I have heard people say for years it is not acceptable that shareholders or indeed anyone should profit from human misery. My view is that it doesn't matter whether you are in a public or private sector prison — you are still going to be miserable. You have human misery in both and if Doncaster, as opposed to Wandsworth or Wormwood Scrubs, can actually say to prisoners, 'we can give you housing and a job', is there anything wrong with that? If I was a shareholder in Doncaster or Dovegate, or any other private prison, I will get my dividend and make a profit. Am I making a profit from prisoners' misery or am I making a profit from a business that is being run better than it was previously? If any public sector prison is being run on Doncaster's level, then the whole service would be far better for it. The public sector just does not have the money that Serco has, so the thought of the public sector ever getting Doncaster back is unthinkable. Has the private sector got an unfair advantage? Should we be doing what Labour did and do a u-turn? Before they were elected, they said they would do away with all the private sector prisons, and then they doubled them in a couple of years. Should the idea be to run 142 prisons on private sector lines and invest more in them? But, what are the return rates for HMP Doncaster? Are they better than the public sector? I don't know. Then there is the experience of staff because those in private sector prisons are paid less. A lot of them do not have the necessary experience; so is it a case of the prisoners running these prisons? I suppose if it's working at Doncaster, and the prisoners are having more say than they do in the public sector, what is wrong with that? Has the public sector got a lot to learn? Let's take Doncaster as our example. Has the public sector dinosaur been asleep for so long that it needed a good kick from the private sector to wake it up and say 'this is the way forward ... we do have the experience ... we know how to handle prisoners', but do they? They get the kid from Tesco and 5 minutes later he is wearing a prison officer's uniform. It is funny in one respect, but if the kid from Tesco can come along the landing and talk to the guy in the cell, become friends, then that officer

is going to benefit more than the officer that is bashing the door in the prisoner's face. All roads lead to respect and attitude. If the attitude is better in private sector prisons, then I'm all for it.

MB: There are plans to freeze public sector pay and make fundamental changes to pensions and employee benefits. What impact is this likely to have on existing prison staff and for the future workforce?

JB: It is the same for Prison Service employees or any other organisation. If you are going to freeze pay, you would hope that professionalism would override anger. However, it is almost natural that your work would suffer. You are not going to give a hundred percent. There is going to be a lot of resentment. I don't think Prison Service staff will leave in droves, but I would be quite angry if I was in their shoes. How it will affect the future I really don't know; I am not overly qualified to talk about the conditions; that would be more a question for the affected prison officer to answer.

MB: How do you think industrial relations in prisons are likely to develop over the next four years?

JB: For a lot of years it has been like a game of football between the two opposing sides. I think the POA must still live in the dark ages and they use any opportunity to advance the cause of their members. In my role on *Inside Time,* I have personally asked them over the years to clarify statements or to comment on issues and have not even been given the courtesy of a response. It's almost as if they have got a sort of arrogance about them that says we are not going to answer that question because it is beneath us to talk to a prisoners' newspaper. It would be nice to think that industrial relations would develop with these two teams; the POA and management actually working in tandem instead of against each other. They should both be going for the same ends. I can't see why the POA need to be as obstructive as they have been in the past. I say come out of the dark ages, sit down and work together. If there are going to be problems with the government's spending review then you are both going to suffer but you are going to suffer more if this friction continues.

Despite the current recession, perhaps more ex-prisoners could be employed travelling round schools to enlighten on the reality of prison life or to deter impressionable youngsters from embarking on lives of crime.

MB: During your time as Commissioning Editor on *Inside Time*, what were some of the issues and concerns raised by prisoners?

JB: The paper frequently highlights constructive comment from serving prisoners in relation to how the problems within the criminal justice system can best be resolved. These are the people that know the problems, they live every day of their lives with them and I think politicians and the Prison Service would do well to read *Inside Time* on a regular basis. Prisoners want to be treated with more respect by prison staff — you treat us with respect and we will treat you with respect. Indeterminate Public Protection is another massive bone of contention. It sounds great to the public but the services aren't there to meet their needs. They should have thought about it properly. If the courts are going to sentence this amount of people to IPP then we need to have a structure in place to properly accommodate them. Other big issues concern release, employment and accommodation. If you've lived a certain life, then you need support to develop responsibility. We talk of a 'Big Society', but it doesn't yet know it's brief. The issues concerning lack of employment and accommodation are as pertinent now as they were in the 70's and 80's.

MB: You've recently left *Inside Time* in order to do more diversionary work with young people in schools and colleges. What contribution can offenders or ex-offenders make to this?

JB: I am aware of deterrent initiatives within certain prisons that allow young people to come inside and see for themselves what prison is really like and talk to serving prisoners. There is nothing like first-hand experience. Despite the current recession, perhaps more ex-prisoners could be employed travelling round schools to enlighten on the reality of prison life or to deter impressionable youngsters from embarking on lives of crime. It costs in excess of £40,000 a year to keep a person in prison — so why not try to deter youngsters from crime in the first place?

Interview: Rod Morgan

Rod Morgan *is part-time Professor of Criminal Justice at the University of Bristol and Visiting Professor at both the London School of Economics and the Police Science Institute, Cardiff University. He is interviewed by* ***Paul Crossey****, Head of Security and Operations at HMYOI Portland.*

Until February 2007 Professor Rod Morgan was Chair of the Youth Justice Board (YJB) for England and Wales, a post from which he resigned following disagreements with ministers over aspects of Government policy regarding youth justice issues. Prior to that he was HM Chief Inspector of Probation for England and Wales, before which he was an academic researcher and teacher for 30 years. Professor Morgan has authored many books and articles on aspects of criminal justice policy ranging from policing to sentencing including co-editing the *Oxford Handbook of Criminology* and a similar volume on probation. He has also held many posts at all levels within the criminal justice system including magistrate, police authority member, chairman of a community safety partnership, Parole Board member, commission member, inspector, government advisor, expert advisor to the UN, Council of Europe and Amnesty International on custodial conditions and the prevention of torture. He is also a community activist and campaigner, currently concerned with reducing the criminalisation of children. He is a director or trustee of half a dozen centres and voluntary groups working on criminal justice issues or with young people in trouble.

PC: How do you regard our relatively high national imprisonment rate?

RM: I deprecate it. I find it interesting that Ken Clarke is returning to Government as Justice Secretary and made those speeches, one in July at which I was present, pointing out that when he was Home Secretary in 1991 the prison population was about 42,000 and now is over 85,000. I take the same view as Ken Clarke: that such a high population is unproductive and unsustainable. I think it is difficult to say what the population should be but I see no reason why it shouldn't be much closer to 42,000. The thing we know about this issue is that the proportionate use of imprisonment has risen for most categories of offenders, with the recent exception of young offenders. If you compare like for like cases we are using imprisonment more and for longer than 10-20 years ago at a time when the crime rate and volume of crime has significantly reduced. This is a grotesque waste of money. I want to see the policy centre of gravity shift towards community interventions. My reasoning is that research shows that use of custody is generally criminogenic. That is, you're actually increasing the risk of reoffending.

PC: How likely do you think it is that this rate will be reduced?

RM: Well the Government has to look for big savings and you cannot save much money if you just reduce the population by small numbers. All that happens is that you save marginal amounts. Until we start closing establishments we will not make the significant savings that Ken Clarke needs to make. I find it difficult to see how he is going to do it. He can push existing trends further with young offenders because, quite remarkably, the number of children and young people in penal custody has reduced by about a third in the last 18 months. It has come down from over 3000 to around 2150. A number of factors have contributed to this trend, but we don't really know which of the factors have been the most significant. Further, it's difficult to see how Ken Clarke will achieve the same with the adult population, unless he undertakes some fairly drastic courses of action like executive early release, which will not be easy to sell politically. His immediate purpose seems to be to 'talk down' the prison population. So far he has managed to stabilise the numbers. If he keeps up this rhetoric it will help because the use of imprisonment is affected by the 'mood music' coming from the centre. However, until we start addressing the legislation for things like IPPs (Indeterminate Sentence for Public Protection) it is very difficult to see how significant population reductions, and thus expenditure savings, can be achieved. If the Government aim is to front load the savings, I don't really see how it can be done in the short term. The forthcoming Green Papers on Sentencing and the Rehabilitation Revolution should give us more guidance. I believe that the prison population will drop but it will be slow rather than dramatic.

PC: Is Britain a broken society and to what degree do you think prisons can contribute towards addressing social problems such as poverty, unemployment, family breakdown and anti-social behaviour?

RM: I think imprisonment has to be available for persistent, serious offenders who do not respond to treatment and programmes. However, I don't think Britain is broken. We do though have a significant problem with our dramatic wealth and income divide. With youth unemployment rates rising over the next few years this

divide will likely get worse. I heard the Chief Inspector of Constabulary talking about crime and anti-social behaviour problems in Manchester on the radio this morning and I agree the problems are fairly desperate in some communities. However, I don't think that taking people out of circulation if they won't respond to positive programmes or opportunities has to take the form it currently does, particularly when dealing with young offenders. We can be more creative with what custody looks like. There is need to engage the judiciary, to ensure their continuous involvement, with the ongoing implications of sentences. In the case of young offenders we have a provision on the statute book, section 34, which has not yet been used. Section 34 provides that a custodial sentence could, if the Secretary of State sanctions it, be served in places other than prisons. Places such as special schools or intensive fostering placements in the community combined with limits on movement or liberty. I find it bizarre that we have no open establishments for young offenders under 18. There is no 'half-way house'. We need to be more creative with things like contracts with offenders, that is if you do X you get privileges Y, to enable a more graduated process. My hope is that these creative measures come into place to replace the black and white options we currently have.

PC: To what degree do you think it will be possible to achieve a 'rehabilitation revolution', significantly reducing reoffending, given the current squeeze on resources?

RM: It will not be achieved unless we significantly shift the centre of gravity for spending. When I left the YJB we had a budget of roughly £460 million and about 64 per cent of that amount went on the cost of custody. The amount that we could allocate to the Youth Offending Teams (YOTs) for community work was peanuts. We must significantly shift this centre of gravity by getting the custodial numbers down. At a seminar I attended recently representatives of the voluntary sector agencies expressed concern that the money they receive from local authorities will significantly be cut over the next two or three years. Their fears are well grounded because local authority spending is going to be under extreme pressure. There are lots of excellent mentoring schemes around. I am President of one, Mentoring Plus in Bath. It doesn't cost a huge amount but most of the scheme's resources comes from the local authority who have signalled a cut of up to 50 per cent because will likely have little choice but to cut everything that is non-statutory. They are almost bound to do so even though everyone agrees that these organisations are really positive and in the long term lead to significant savings. They help prevent young people get into deeper trouble. The trick, therefore, will be to devise means of transferring savings in custodial provision to community-based preventive services.

PC: How do you think the actual prisoner experience has shifted in recent years? How is it likely to change in the next few years?

RM: In some respects it is a lot better. When I began work as a research officer in 1968 in prisons, we were comparing prison regimes in five establishments from high security to remand conditions in local prisons. Our local was HMP Winchester. Conditions there were a complete eye-opener to me. The remand conditions were appalling. Prisoners were locked up for 23 hours a day in traditional Victorian cells, with no sanitation, three or four to a cell. It was disgraceful. The people who got the best conditions then were, ironically, the long term sentenced prisoners in the high security establishments. They weren't subject to overcrowding whereas remand prisoners, supposedly subject to the presumption of innocence, were. They got virtually nothing because it was argued they had statutory rights; they could bring in their own clothing, they could have food sent in, in theory they could even have wine sent in although no one ever encountered it. In law they could even employ people to clean their cells. I was part of the Woolf enquiry into the 1990 disturbances. Things then were still quite bad in places like Strangeways (HMP Manchester) with injustices about which prisoners were seriously and rightly upset. Many of these conditions and issues have significantly improved. We are now much more decent and respectful in our treatment of prisoners. Basic standards have hugely improved.

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On the other hand, however, we have become so risk adverse that security concerns have been raised to disproportionate levels. We are not taking any risks with prisoners. These are mostly people who will shortly be released. If they are not given some responsibility then they will fail. High levels of security are also enormously expensive. In some other countries things are very different. On a recent study visit to Spanish young offender institutions I was struck by the almost complete absence of perimeter security. The arrangements in Spain would probably be regarded by many prison managers in

this country as a joke. But the evidence suggests that the Spanish authorities achieve a better response from their young prisoners than we do.

Overall, our prison staff are today better trained but they work in this serious risk adverse climate which will only change if our politicians show the kind of leadership which has been so conspicuously lacking in recent times. The problems with IPPs for example, were the responsibility of one Home Secretary and subsequent Home Secretaries failed to make necessary changes. I thought at the time that Ken Clarke made some serious errors in the early 1990s when he swept away, rather than fine-tuned, some important provisions in the 1991 Criminal Justice Act. But, paradoxically, he could be the politician brave enough to make the fundamental; changes now required. I find it significant that the person being most quoted in recent months is Barrack Obama's chief of staff, Rahm Emanuel, who said, 'We can't let a good crisis go to a waste'. I agree. We currently have a really good opportunity to stop doing things we should never have been doing in the first place. I'm more optimistic than I am pessimistic. The financial crisis will force politicians to say that we have to stop doing certain things that they weren't prepared to stop doing during the penal arms race of the last 10-15 years.

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PC: What do you regard as the biggest problems in the prison system?

RM: Without doubt the size of the population. This was the issue that the Woolf enquiry wrestled with. Woolf elegantly described it as the 'geological fault line' running through our penal system. This fault line is that the courts make the decisions about the use of custody but have no responsibility for the consequences. And the people responsible for the consequences have no control over the uptake. That statement is not entirely true because the probation service has the opportunity to exercise limited influence. But broadly it is true. Woolf recommended that there should be a cap on the population, and if prisons reached that cap then the Secretary of State should have to lay an order before parliament saying that they have reached the limit and could not take more prisoners. This is similar to the United States where there court orders limiting the overcrowding of certain institutions. This was practically the only recommendation in the Woolf Report not accepted by Government. Our main hope to address the prison population is now with the sentencing commission. This won't be easy. The big difference between here and other countries is not the proportionate use of imprisonment. It is the fact that we send people to prison for so long. It will be difficult to reverse that without the Government experiencing the wrath of the *Daily Mail* maintaining that they have gone soft on crime. But the task of public education must be undertaken. People are not made safer in their beds at night by expanding our use of imprisonment.

The next issue is that we need politicians to defend the penal services when there are breaches of security and things go wrong. Because if you're doing constructive things you have to take reasonable risks. The public needs to be told that any system that doesn't have the occasional mishap isn't doing its job properly. I was an advisor to the Council of Europe Committee for the Prevention of Torture (the CPT) which visits and inspects custodial establishments. We were in Sweden in 1992 and went to Sweden's maximum security prison. Within it they had a 'supermax' unit in which some Palestinian terrorists were being held. Two or three of them escaped with a gun the day before we arrived. You can imagine the hoo-hah. The prisoners were not recaptured for several weeks. What impressed me was that the Director General of the Swedish Prison Service wrote an article the following day in Sweden's leading national newspaper admitting that something had gone seriously wrong which would be investigated. But he also said that no prison should be escape proof. It could be. But it was his belief that a prison that was escape proof would not be humane. It would not be civilised. It would not be the sort of prison he would be prepared to run. I could not envisage that being said in Britain. But the Swedish Director General was backed by his political masters We need a bit of that.

PC: What are the major obstacles to prison reform?

RM: During six years in Whitehall I have had regular meetings with ministers and most of them read the *Daily Mail* and *The Sun* every morning. If they are getting excoriated in the popular press they get very twitchy. I want to see a bit of conspicuous political leadership and honesty. Prison works, but only in a very limited sense. While prisoners are inside, not when they come out. And most of them come out very soon.

PC: How do you see the idea of 'The Big Society' impacting on prisons? How do you see it impacting on young people on the cusp of entering custody?

RM: One of the great strengths of this country is its voluntary sector with which I have always been heavily involved. I'm a trustee of several organisations that work with kids in trouble. There is an enormous amount the voluntary sector can contribute in partnership with the state. I would like to see that better encouraged. It's not a magic bullet and it won't be easy because politicians tend to see the voluntary sector and volunteers as either a free good or providing services on the cheap. That's an error. You need to train, support, debrief and nurture volunteers for otherwise you don't retain them. High turnover of personnel is disastrous. This is true of things like mentoring schemes. I think its really important that offenders who are likely to have multiple problems, friendlessness, lacking in achievement, homelessness, joblessness, drug and alcohol problems — they need positive commitment and continuing relationships with people they can trust. The voluntary sector and volunteers have a huge amount to contribute. But it has got to involve a change in attitude by the statutory services.

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Iain Duncan-Smith's Centre for Social Justice, from which a lot of this has come, invited me to join a working party on imprisonment. We produced a report entitled *Locked Up Potential*. Now I am on their working party on youth justice. What is most complained about by the voluntary sector is that the Prison and Probation Services are like Fort Knox. There are so many obstacles. Like the over elaborate CRB checks. The Probation Service in England and Wales is different to that in Scandinavia or Japan. There you have professional case managers who do not supervise most offenders but instead supervise volunteers who supervise most offenders. There is a small pool of professionals who allocate cases and support, train and oversee what the volunteers do. The volunteer is only paid expenses and is seeing just one or two offenders. I always thought it a paradox that we have what likes to describe itself as the most 'professional' Probation Service in Europe, yet we have the highest imprisonment rate. The point I'm making is that our probation service became so 'professional' that it almost disparaged volunteers arguing that only 'we', the professionals, can do the business. I don't agree. There is no shortage of volunteers if they are encouraged, supported and trained and I would prefer to see a service model more akin to the Scandinavian approach. That would represent what I think might be meant by the Big Society. Probation officers and youth offending team workers don't generally go to offenders' homes any longer and work out of offices that look increasingly like prisons. It's not a sensible approach.

PC: Are there other ways in which the charitable sector and citizens can make a new and different contribution to prisons and rehabilitation?

RM: In 1979, together with Roy King, I provided evidence to the May committee suggesting key principles for prisons. One of those principles was 'normalisation'. Meaning that the Prison Service should, when providing services to prisoners, wherever possible use the same agencies as provide the same services in the community for example literacy programmes. This is tied up with the Woolf recommendation of community prisons, which has never been implemented. The normalisation principle has to some extent been adopted. Medical services in prisons are now integrated with those in the community. We could have more and better integration generally if we could get the population down so that prisons were genuinely local with prisoners being held within, say, 30-50 miles of their community roots. I'd like to see that happen so that the walls of the prison could be more 'permeable'. There are lots of inspirational people out there in the community who could do valuable transformative work with prisoners. I am a trustee of a group called Dance United. We do contemporary dance programmes with young people. Not because we are trying to produce contemporary dancers but because the dance routine is a metaphor for broader learning issues. How do you get kids who can't read and write aged 15 and who can't concentrate or keep still to dance? Dance serves as a metaphor for discipline, concentration, focus and teamwork, all of which are essential to all work discipline and learning. All the results from the independent evaluation suggest that kids who do the programme go back to education and progress to a

different level. These are huge untapped resources of this sort that could all be part of the big society. But not on the cheap.

PC: On resigning from the YJB in 2007 you said 'We've got to invest more in early prevention work, with children who're starting to get into trouble, rather than locking up more and more young people after the horse has bolted.' How do you think that preventative aim can be achieved?

RM: Paradoxically it is being achieved. I resigned because I fell out with ministers for two reasons. One was that the population in custody was rising when ministers had endorsed a YJB aim to get the population down. I pleaded with Ministers to make speeches backing that objective. But they failed to do so. The second thing was that we were criminalising more and more children. All other things being equal the numbers being criminalised increased by about 30 per cent during my tenure. The principal reason was that the Home Office fixed targets for the police about offences brought to justice. The police tended to focus on the easiest group to arrest and criminalise; kids acting in groups on the street. I pleaded for that to change and got nowhere. You could say I was a failure because since I resigned significant progress has been made on both fronts — less criminalisation and fewer young people in custody. Or you could say that my message has now been learnt. That there was a lag effect. That sense eventually prevailed. The police targets have gone. I'm pleased at the progress, although it's not that dramatic. We've got back to where we were in 2001. So we have a long way to go to get to the same level as in the early to mid 1990s. I think my argument is being heeded and with this spending round I think both of those trends will be taken further, which I will welcome.

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PC: Prisons have an extensive system of managerial monitoring and regulation, including key performance targets, audits, inspection and surveys of staff and prisoners. Is this affordable or necessary? Should prisons be the subject of deregulation?

RM: If you set a target people will invariably achieve it. But they will also stop doing things not measured. For example, time out of cell. Is something worthwhile being done while out of cell? The quality of that is difficult to capture. Then there is the shaping of the data for inspectors, which is why the Chief Inspector of Prisons has set her own expectations. I remember during the Woolf enquiry that the data we had at the time suggested that the regime in the affected prisons had actually improved in the preceding two years. You cannot be an inspector without realising there is a shaping of the books. This is not limited to the criminal justice system. Overall, I am not opposed to targets. But they should be modest in number and we should be spending as much time looking at the quality rather than the quantity. The police targets were not entirely stupid. But the police got as many 'brownie points' for arresting and targeting kids engaged in anti-social behaviour as they did for spending vast resources over lengthy periods detecting and prosecuting organised gangs of adult criminals. Not sensible. Another example is Devon and Cornwall. There the police trained all their beat officers in restorative justice so that if kids were out of control they could go and see the parents to make sure some sort of restorative process took place. However, their officers got no national 'brownie points' for doing it. They were trained in RJ, but little of it was done because it wasn't organisationally rewarded. Targets are fine if they're aligned with decent qualitative evaluation.

PC: What role should the commercial sector have in imprisonment?

RM: I'm a pragmatist. When the idea of the private sector running prisons was first mooted by the House of Commons Penal Affairs Committee in the early 1990s I was appalled and opposed it. In retrospect I think the introduction of private management has brought benefits to the system as a whole, The Prison Officers Association (POA) was the most conservative and, recalcitrant union imaginable, opposed to all change, in the 1970s and 1980s. Prison governors then were frank that the problem of running prisons was not controlling prisoners but controlling the staff. That was why the May Committee was appointed. Those problems greatly reduced when the system was opened up. Competition meant that the state sector had to start matching the innovative practices of the private sector. Further, the private sector tended to recruit senior managers from the Prison Service and those managers didn't want POA members. I'm not persuaded that we need to push privatisation further, however. I favour the model in most other countries of contracting out particular services. That often represents 'normalisation'. However, some of the best relationships in what I'll call the old Prison Service were between prisoners and trade officers. They knew their prisoners. They practiced and taught practical skills. That was a really positive aspect of the way things used to be.

PC: There are plans to freeze public sector pay and make fundamental changes to pensions and employee benefits. What impact is this likely to have on existing prison staff and for the future workforce?

RM: I'm not really conversant with current rates of pay. But I don't think people in the Prison Service are overpaid. In some public sector spheres such as the health service, things have got out of hand and I think we are going to have to scale back some of the private sector practices that have been brought into the public sector. Bonus systems, for example, are generally invidious. We will all have to scale back and there will be understandable resistance. But I don't think the pay of the Director General is grotesque and governor pay rates seem reasonable. I understand that the new Chief Inspector of Prisons is being paid less than the outgoing one. That's probably the direction things will necessarily have to go and I think it's reasonable.

PC: How do you think industrial relations in prisons are likely to develop over the next four years?

RM: They will probably be a bit turbulent. But it can't be worse than it used to be. I think calm will prevail. I doubt big national strikes will happen. I don't think we are Greece. We are closer to the Irish Republic and everyone in the public sector there has had huge cuts in salaries. We won't go that far and I don't think we will have a spate of strikes. All the evidence is that the public is supportive of the fairly stringent measures to get down public debt; the argument is about how fast it comes down.

PC: How should prison professionals make their voices heard in the current debates about prisons and imprisonment? Is anyone listening?

RM: If you are immersed in the prisons world you pay attention to everything everyone is saying. But prisons and prisons policy is pretty peripheral to the concerns of the general public. I have always been a staunch advocate of strong professional associations. When I became Chair of the YJB, I went out of my way to encourage the formation and strengthening of an association of Youth Offending Team managers. This reversed the policy of my predecessor, Lord Warner, who I think saw professional associations as trouble. My line is that staff in the major public services need strong professional associations to enhance their self respect and develop their corporate identity. They know about issues relating to practical delivery and what works on the ground. They should be pressing for sensible policy development. So I deprecated the fact that the national association of chief probation officers (ACOP) for example was pretty well lost when the Probation Service became a national service. We've seen some idiocies promulgated by central management in some of our key services which might have been better resisted by senior staff in a sensible, professional, well thought out way. So my view is that local managers need a professional collective voice. If it causes a bit of agro for the centre then good because sometimes the centre introduces measures that are daft, and the people who know how daft they are the people who have to implement them on the ground. When it comes to prison design, for example, the people who actually work and manage on the front line know better what is needed than most prison architects. Likewise with shift patterns, and so on. I think a professional association is good to filter that knowledge. There should be operational staff representation on the key policy making groups. There is of course a danger you will get the restrictive practice viewpoint. But if there is good quality central management they will listen and ensure that practical experience is represented at the top table in a coherent fashion. When I became Chair of the YJB I discovered, for example, that we required every YOT in England and Wales to return mountains of data every quarter which were never analysed. Gathering and returning data is costly. Unanalysed data represents organisational waste. It would have been better had those practices been challenged more effectively by YOT managers who were very aware and annoyed about sending in data from which there was no practical product.

There should be operational staff representation on the key policy making groups.

Interview: Rachel Halford

Rachel Halford *has been the Director of Women in Prison since July 2010. She is interviewed by* ***Karen Harrison*** *who is a Lecturer in Law, University of Hull.*

Rachel Halford is the Director of Women in Prison and has held this post since July 2010. Rachel worked as the Resettlements Service Manager for four years before becoming the Director. Women in Prison was founded in 1983 by a former prisoner, Chris Tchaikovsky, and works to reduce the number of women in prison and limit the damage which prison can cause to women's lives. It does this by supporting individual women and by campaigning for gender equality in criminal justice policy and practice. It is a national organisation which works with over 2,000 women each year. Services include providing advice and guidance for women whilst they are in prison, and extend to through the gate support. This includes practical support such as finding housing, reuniting women with their children and helping to source education and employment. They also work to empower women who have experience of the criminal justice system to get involved and campaign for change. More information about the organisation can be found at www.womeninprison.org.uk

KH: How do you regard our relatively high national imprisonment rate?

RH: For women it doesn't need to be that high. There are approximately 4,200 women in prison at the moment, and of those only about 1,200 need to be there. We estimate there are about 80 women prisoners who will probably never leave prison and there are about 1,000 women there for public safety and rehabilitation; but the rest don't need to be there and their sentences could be addressed differently within a community setting. A huge number of women are in prison for minor offences and pose no risk to the public.

KH: How likely do you think it is that this rate will be reduced? How desirable do you think this is?

RH: There has been a big push to reduce the number of women in prison. The Ministry of Justice funding, £15.6 million, which came off the back of the Corston Report, has been put into women's centres with a focus on supporting alternatives to custody. In theory we should see a reduction in the number of women who receive custodial sentences and are remanded, and perhaps more women who are bailed, but that is all in theory. The likelihood will depend on what happens with the spending review. There is a massive cut for the Ministry of Justice. There has been a suggestion that there will be less prison spaces and a possible closure of some prisons, but on the basis that there are no empty prisons it is hard to see which ones they will close. The cuts will effect probation staff and prison resources and this will have an impact on the running of prisons. The Corston money was all about reducing the number of women in prisons; it would be our hope in the long term that we would see a large reduction in the numbers of women in prison, but whether we will actually see this, who knows.

KH: Is Britain a broken society and to what degree do you think prisons can contribute towards addressing social problems such as poverty, unemployment, family breakdown and anti-social behaviour?

RH: To an extent yes, I believe that it is. There is a real imbalance between poverty and the money structure within our society and with the new cuts it will be even bigger. There is no middle ground anymore. With regards to the criminal justice system, people have no chance to change their lives and consequently they end up on the revolving door of the criminal justice system. There is an intergenerational impact with families, for example women from a low income family may resort to petty crime such as shoplifting in order to make ends meet — she might then receive a custodial sentence and subsequently her children could be placed in care and she could lose her home. For these children there is often no chance for them to get out of care. Without resources put into addressing the root causes of poverty this kind of family will never be given the chance to change. If they didn't send women to prison then many of these social problems wouldn't exist for their families and the government would save a lot of money. Women on longer sentences may find support with education and employment — but this help could be provided in the community, where we would then be in a position to address some of the root causes of offending. It costs £53,000 per year to send a woman to prison if she hasn't got children. If she has got children then this can rise to £70-80,000 per year. Alternatives in the community cost about an eighth of this, the money saved could

be used to address some of the root causes of offending. Public perception of offenders also affects this — the government wants to stay in power and so I have huge concerns as to whether anything will drastically change.

KH: To what degree do you think it will be possible to achieve a 'rehabilitation revolution', significantly reducing reoffending, given the current squeeze on resources?

RH: We have the sentencing review to come, and in order for anything to change it will need to come from the top down. If that doesn't happen there will be no rehabilitation revolution. Our biggest concern is whether within it, there will be gender specific elements. You can't have a revolution which is generic because men and women have different needs. It sounds good at the moment, but I have to say I don't have a lot of faith. There is someone coming in who has something new to say and perhaps this will lead to fewer women being remanded and more alternatives in the community. The Liberals said in their manifesto that there would be no sentences under six months but where did that go? The other issue is, bearing in mind the cuts, whether there are the necessary resources for this revolution to go forward? And how do they convince the public? My hope is that Kenneth Clarke will come in with something quite radical. We need gender specific services. We need risk assessment tools and programmes which have been designed for women specifically. The only current example of this is the CARE programme which has recently been accredited for women. This works using narrative therapy but importantly Women in Prison are involved as mentor/advocates and work with the women for up to two years. A concentration on through the gate services which has helped to make this programme effective. At the moment of the 28 women involved in the programme, two have been recalled for breach of their license conditions, but none have re-offended. This is a massive achievement.

There is more emphasis on women specific services, prison and probation staff now have training on how to work with women offenders and there is recognition of differences, but there are no dramatic changes.

KH: How do you think that the actual prisoner experience has shifted in recent years? How is it likely to change in the next few years?

RH: I don't know that it has. Since I started working for Women in Prison, there are perhaps more services available with more voluntary agencies being allowed to work with the women in prison, so accessibility to services has got better, but feedback from the women would suggest that fundamentally not a lot has changed. There is more emphasis on women specific services, prison and probation staff now have training on how to work with women offenders and there is recognition of differences, but there are no dramatic changes. Some lifers say it is more difficult for them, regarding different restrictions. There is more emphasis on education and employment when women leave prison, but this does depend on what type of sentence we are talking about as women receiving shorter sentences are unable to access this support. We have seen some positive changes in the responses to the voluntary sector working in prisons, but how it will change in the future I am unsure. There has been a real enthusiasm for looking at women in the criminal justice system, and as an organisation, in lobbying capacity it has been great that this has been on the agenda because of the Corston report. The funding made available because of the Corston report, which we received some of, fed into community projects and that has been fantastic, but when that funding comes to an end we do not yet know whether we will be able to sustain this work.

KH: What do you regard as the biggest problems in the women's prison system?

RH: The fact that women are still there when they don't need to be there — that is the biggest problem. If we accept that these women are there, on a day to day basis it is the lack of resources and the fact that there are still male prison officers working in women's prisons. If you look at recent prison reports, for example the Holloway report, there are still numerous women reporting that they have been sexual advanced or assaulted. There needs to be recognition that women's needs are different. This needs to be fed through, so all women's prisons are staffed by women. This might sound radical or dramatic but if we are to make a difference and if we want to ensure that women are not intimidated, as many women come from backgrounds of domestic

violence and sexual violence, it is necessary. The key things are resources and women staff. One good thing is the links that prisons are now making with voluntary agencies, it is moving in a really good way.

KH: What are the major obstacles to prison reform?

RH: The initial cost and public perception are the biggest obstacles. The public needs to be educated. They need to look at the issues, look at what these women go through, look at the root causes and realise they are not what the public perceive them to be. They only see the horror cases like Baby P, the stories which sell newspapers stories. They don't see the stories of the other 3,750 women in prison. So it is about education. The biggest difficulty is definitely public perception.

KH: How do you see the idea of 'The Big Society' impacting on prison?

RH: We are waiting for it to play out. At the moment we are ideally all going to work together, but there is a lack of funding in the statutory sector. I haven't quite got my head around where all of this money is going to come from in the 'big society'. Who is going to control the money? Is there more money available for the voluntary sector or will it be the statutory sector that will control it? It is strange that statutory organisations now need us, this makes us popular and that is good but we are concerned about the conditions that might be attached to this. Personally, I think the vision is a bit of a cop out — let's get lots of volunteers to do the work. There is a lack of commitment. Cameron says it's a big society and we should work together, but if we consider the cuts which will affect young people, and those on low income, does he really think that we will all be happy volunteering together? In light of the cuts and without further information it feels as if the big society is about patronising us. It feels really controlling.

I find it very bizarre that a commercial company would want to make money on imprisoning people. It doesn't sit comfortably with me at all.

KH: Are there ways in which the charitable sector and citizens can make a new and different contribution to prisons and rehabilitation?

RH: We make a really valuable contribution at present. If we can continue with this, it's about partnership — working with statutory services and bringing it back to the women who we work with and who we work for, to be able to provide the best possible service which we can and a platform for their voices. It's about finances to enable us to maintain and increase what we are doing.

KH: Prisons have an extensive system of managerial monitoring and regulation including key performance targets, audits, inspection and surveys of staff and prisoners. Is this affordable or necessary? Should prisons be the subject of deregulation?

RH: There is an impact on us. Because prison and probation resources are so limited and they have this mass of targets it becomes more difficult for them to work with us because it is more work for them. Despite this, they do work with us and in some prisons we have great relations, but to establish this has often taken time because they are worried about what more work they will need to do. They are put under immense pressure to achieve outcomes with small amounts of resources. It can also affect our outcomes.

KH: What role should the commercial sector have in imprisonment?

RH: I find it very bizarre that a commercial company would want to make money on imprisoning people. It doesn't sit comfortably with me at all. What happens if it becomes payment by results? We are looking at what is going to happen with local health authorities and payment by results, for example with mental health care. We work with women in HMP Peterborough and HMP Bronzefield we have great relations with the prison and great access and we are able to provide women with some really great services. But I don't agree with the possibility of the commercial sector becoming so dominant.

KH: To what extent do you think private sector competition has altered the terrain of imprisonment?

RH: I don't know that it has in the women's estate because it has taken them a long time to come up with anything that matches what was being offered by HM Prison Service. The staff they employed were not always trained as well as those from HM Prison Service. It may be different now, but when they were set up it was appalling, especially for the men who had no experience of working with women — for example a man who was previously a security guard who was working with women, it is all about control and he has no idea about the needs of

women. It is frightening. He has no idea about what they have been through.

KH: How do you think prison work in prisons is likely to develop?

RH: If the rehabilitation revolution comes into play and everyone has to go to work then industry are going to be very pleased with the cheap labour. Women can and do work for the whole day if they chose to and there is provision for them to work. Kenneth Clarke recently said that their wage would only increase from £7 to £20 per week, as part of the rehabilitation revolution, and that every prisoner would work. Perhaps this was said to change public perception — look at what the offenders are giving back. He could be politically paving the way for something else. The public may see that offenders are feeding something back into the economy and that they are being paid a little bit of money; but this isn't good for the women involved. It is like a labour camp. We need more work projects where women get paid properly and pay tax. The money they currently receive is an insult and is degrading; it is like child pocket money. Also for many women in prison it just reinforces their belief that they are worthless. I can see where they are coming from and why they are doing it but it will have an appalling effect on women.

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KH: How can Women in Prison get their voice heard in the current debates about prison and imprisonment? Is anyone listening?

RH: We feed into anything and everything we possibly can. We write to politicians and newspapers and we feed into any review or consultation — although I have this horrible feeling that nobody ever reads it and the decisions have already been made but we have to engage with this. As mentioned previously we have, over the last few years, had an inside track because women were on the justice agenda and as a consequence have had to do less lobbying, however this has changed and we are now actively lobbying for change. We have a service user group and it's about policymakers hearing their voices and this is really important. It's hard to know whether people listen. It's horrendous that it took a large number of deaths in custody for them to listen the first time around when the Corston report was written, but women are still dying in prison. We know that it takes something drastic and sad to happen before women are listened too. With the current cuts this will make everything even harder.

KH: What progress do you think has been made since the Corston Report?

RH: There has been the money, which has been fantastic. This is money which has gone into alternatives to custody. We were lucky to secure two grants. It has given us the chance to evidence that there are alternatives to custody for women. In London we work with women who are on remand, on short sentences or on license, they are the hardest group to engage. We have worked with more than 2,000 women this year, some of who are difficult to access and require an enormous amount of one-to-one work but it has been successful and it's been great that we have been given the opportunity to prove that it can be successful. There has also been more emphasis on alternatives in the community such as community payback, but Women in Prison is not about punishment and we won't be, but it is better than prison. There are a few women's centres but there are no small custodial units which Baroness Corston recommended. This appears to have been forgotten unless we need to prove that it works first. Some women's prisons are mansion houses on lots of land, these could be sold and money could be used to set up small units.

KH: What other areas still need to be improved in women's prisons?

RH: The obvious answer is that most women should not be there, but apart from that it is about being able to access the services which they need. It is about gender specific staff, accessibility to resources, but it's about them not being there. If any intervention needs to take place it can take place in the community. It's about women not being separated from their children. There are some mother and baby units but there are limited spaces and the process is very hard — there are lots of women who have their children taken away from them when they are born. The problem is what imprisonment perpetuates.

KH: Do you think that women may be particularly affected by the spending cuts?

RH: Most women will be affected, but particularly those on low income, where often the women who will end up in prison come from. In society, generally, women would be affected more because that is what historically happens. So the obvious answer is yes.

KH: How do you think the changes in public spending will affect the particular role of organisations such as your own?

RH: I hope that what it will do is link us up more with statutory services. At the moment we are funded by London councils for a few of our projects. Some of our projects may be stopped earlier than originally agreed, this is a direct impact of the spending cuts. It is difficult to know how it will work but I think it will be based on more joined-up working. Going back to big society I think the statutory sector will need to work in a more joined up way with us. For example we have a pilot criminal justice project in Manchester which works with women in the courts and police custody suites, and works with the women to help them secure bail, we also support them and provide them with a tailored support plan. We also, where possible feed into the pre-sentence reports which this can lead to a woman not being remanded. We've had fantastic results in Manchester and we are now going live in London.

Reviews

Book Review

Controversial Issues in Prisons

By David Scott and Helen Codd
Publisher: Open University Press (2010)
ISBN: 978-0-335-22303-9 (paperback)
978-0-335-22304-6 (hardback)
Price: £21.99 (paperback)
£60.00 (hardback)

As the criminal justice system expands, so does the whole industry around it including the provision of higher education and training. Criminology as an undergraduate subject has grown dramatically as the future personnel of the police, probation, prisons and other service providers grows. Along with this has come a growth in the number of textbooks published in order to support and direct those students. With so many on the market, each publication needs to be distinct in order to successful. The first question that arises when reading this text book, written by David Scott and Helen Codd of the University of Central Lancashire, is what makes this different from any other textbook available at the moment? The answer to that question is clear. What makes this book different is that rather than offering a sober and comprehensive text, it advocates and justifies the abolition of imprisonment.

Scott and Codd take on their task by using the medium of 'controversial issues in prisons'. They define a controversial issue as having three aspects. First, they are topical and emotive, that is they address concerns about prisons today and they arouse strong feelings. Second, they reveal competing interpretations — ideological, political and philosophical beliefs about crime, justice and wider society. Third, they question penal legitimacy and call into question the use of prisons. The controversial issues discussed in the chapters of this book include mental health; women in prison; children in prison; racism; self-inflicted deaths; sex offenders; drug taking; and prisoners' families.

Each chapter presents a case study examining the problems of imprisonment. There is no attempt to provide a comprehensive resource for the students reading this book instead it has a clear and clearly acknowledged ideological intent. Whether or not the reader agrees with this perspective will vary, however, it is indisputable that this perspective deserves to be heard not only in mainstream academia but also in mainstream society. There is no reason that any policy should be taken for granted and accepted without question including the use of imprisonment. Scott and Codd deserve to be applauded for presenting their case with such clarity and providing a book that is ideologically coherent and accessible to students some of whom will become future criminal justice workers. It is through planting such seeds that they no doubt hope that future harvests will be reaped.

Some people working inside prisons might ask why they should read a book that advocates abolition. The answer to that question lies in a fuller understanding of what penal abolitionism is all about. It is not, as some many assume, an anarchic argument that prisons should be closed and those who are violent simply roam free to prey on the weak and those who break the laws go unpunished. It is instead an argument that is based on a deeper understanding of how crime and punishment are social constructions. In other words abolitionism questions both what actions are defined as 'crimes' and what the purpose of policing and punishment should be. Abolitionists argue the prison population includes a disproportionate number of people at the margins of society not because they are inherently more criminal but because their problematic behaviour and the harms they cause are more likely to be the defined as crimes. They go on to maintain that the harmful behaviour of powerful groups such as fraud, tax evasion, pollution, health and safety breaches and state crimes largely go unpunished. Abolitionists conclude that 'crime and punishment' are constructs which reflect and reinforce power and inequality in society. Accordingly, the abolition of prisons is part of a broader political and social position advocating a more equal and fair society. The value of this book for those who work in prisons is to provide a resource that confronts them with a radical critique and challenges many assumptions about the benefits of prisons. Those who work in the criminal justice system and exercise state power should question themselves about what they are doing and the harms they may be causing as well as celebrating the good that they do. Only by asking those difficult questions can we seek the truth about what we do.

In its final chapter this book discusses abolitionist alternatives which for this reviewer raises a question about whether the strategy adopted by abolitionists is effective. At the moment they are a minority group: largely academic (although with some grassroots and pressure group support) whose ideas are largely discounted in political and professional circles. This is due in part to those in positions of power who are

naturally resistant to any challenge, ignoring and marginalising radical discourse. It is also due to the strategies adopted by abolitionists themselves.

It is particularly significant that outside of a fairly limited circle the arguments can be difficult for people to understand. Whilst it is clear what abolitionists are against, it is not always clear what they are arguing for. Advancing a negative argument can illicit some nods of approval but rarely moves people to action. Also, abolitionists are at times exclusive. In this book, and in others by leading abolitionists, distance is always put between abolitionists and what they describe as 'liberal reformers' who want to reduce the use of imprisonment and make prisons more humane but do not necessarily try to take on the whole social super-structure at the same time. These are groups that by collaborating would gain strength from each other. Instead, a divisive discourse exists which seems to place a doctrinal purity above practical change. If abolitionists are to more than a valuable grit in the shoe of society then focussing on a positive alternative and making a few more friends might not be a bad place to start.

This book is an excellent introduction to abolitionist thinking that will stimulate students and provide them with an important perspective. It also provides a challenge to prisons that is recommended to current practitioners. This will be uncomfortable, will evoke strong emotional reactions and will lead the thoughtful reader to ask some difficult questions of the system and of their own role. That is a step that many are unwilling to take, but carrying out the ultimate state sanction should never be comfortable or easy.

Jamie Bennett *is Governor of HMP Morton Hall.*

Book Review

Turning the corner: Beyond incarceration and re-offending

By Anton Shalupanov and Rushanara Ali
Publisher: The Young Foundation (2010)
ISBN: 978-1-905551-15-6 (paperback)
Price: £10.00 (paperback)

Trial and error in criminal justice reform: Learning from failure

By Greg Berman and Aubrey Fox
Publisher: The Urban Institute Press (2010)
ISBN: 978-0-87766-767-4 (paperback)
Price: $26.50 (paperback) available from USA only

These two books focus on innovation in criminal justice. Whilst *Turning the corner* looks to the future with ideas about improving the effectiveness of rehabilitation, *Trial and error in criminal justice reform* looks to the past and the lessons that can be learned and applied. Together they set out the opportunities and pitfalls and provide important ideas for policy makers and practitioners.

Turning the corner was produced by Anton Shalupanov, Programme Leader for justice innovation at the Young Foundation, and Rushanara Ali, Associate Director of the Young Foundation and now a Labour MP. Their work focuses on developing new ideas aimed at reducing reoffending. They propose three key innovations that they argue will have a beneficial impact. The first is that innovation should be more widely encouraged and developed. They suggest that this could be done by establishing an independent UK Centre for Justice Innovation. This Centre would work with a small number of projects and design, pilot and evaluate them. In this way they would be a source of new ideas and practices. The second area is the development of social impact bonds, where investors support projects aimed at reducing reoffending and receive a return on their investment based upon the results. Although it is not clear what appetite there will be in the market for this practice, it is at least an attempt to attract new finance into approaches aimed at reducing reoffending rather than simply expanding control. This innovation has already been taken up and is being piloted at HMP Peterborough as part of the government's 'rehabilitation revolution'. The third area that the authors focus on is barriers to released prisoners gaining employment. They propose some significant changes to current policy, including a more limited approach to criminal records checks and the requirement to declare convictions. They also propose improved transitional support from mentors and potential employers, helping released prisoners to successfully move from prison into employment.

This book poses some challenging questions and proposes some imaginative new ideas. These are largely ideas that could go with the grain of current political thinking. The idea of social impact bonds is already being piloted and the encouragement for innovative approaches is also being embraced. As a result, the Young Foundation and the UK Centre for Justice Innovation are organisations that could gain traction and become increasingly important in shaping policy and practice.

The second book, *Trial and error in criminal justice reform*, has been written by Greg Berman and Aubrey Fox, both of whom work at the Centre of Court Innovation in New York, an organisation that promotes, develops and evaluates criminal justice projects and is the model for the proposed UK Centre for Justice Innovation. They take five case studies in order to draw

lessons about the ways in which projects can fail and use this in order to understand how to avoid this in the future. The projects are varied and include initiatives aimed at reducing gun crime and tackling drugs. In all of the cases there was some success although this was often followed by subsequent failure. The authors draw eight key lessons from these experiences, including the importance of working with local cultures, politics and organisations, being realistic about expectations and success criteria, being reflective and paying attention to detail.

The case studies in this book are fascinating and most experienced professionals will recognise the potential pitfalls described and will have seen promising projects undermined by similar mistakes. The most important contributions that this book makes, though, are in thinking about creating structures that foster and support innovation. The first issue that comes out clearly is that in an innovative environment, projects are allowed to fail. Innovation is a process of trial and error, ideas need to be tested out and experiments conducted before working solutions are found. This is an important issue for developments such as social impact bonds where failure risks significant financial loss and there is therefore the possibility that an initiative aimed at fostering innovation actually results in providers playing it safe. The second issue is that innovation is often small scale and localised. This highlights that professionals need both the discretion and the resources in order to develop and try new ideas. It also highlights that initiatives are often successful because of individuals, the local context and the community response and this cannot always be replicated consistently on a large scale. Innovation is therefore something that is best developed on a small scale and that a proliferation of diverse approaches is more likely to be successful than searching for large scale national projects to provide a magic bullet.

These two books are a rich and valuable source of new ideas and are recommended to policy makers and practitioners. Their approach is timely and in many ways they are in tune with the direction of travel in government policy. However, they also demonstrate that in realising those aims there are significant challenges and that professionals would do well to learn those lessons of the past before seeking to implement emerging new ideas.

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Book Review

Crisis and change in the British and Dutch Prison Services: Understanding crisis-reform processes

By Sandra L. Resodihardjo
Publisher: Ashgate (2009)
ISBN: 978-0-7546-7549-5 (hardback)
Price: £55.00 (hardback)

The global credit crunch and the subsequent recession have led to the role of the state in providing services and what citizens can reasonable expect to be profoundly questioned. In the UK the coalition government has continually reiterated that the changes in public spending that are required to reduce the deficit are going to fundamentally alter the nature of the public sector. In other countries too there have been dramatic reverse of policy direction in order to respond to financial imperatives. In relation to prisons, both California and New York, previously at the forefront of mass imprisonment, have sought to reduce their prison populations and seek alternatives both by using non-custodial penalties and investing in high crime neighbourhoods. Such a policy would have been unthinkable only a few years ago.

In this book Sandra L. Resodihardjo of Leiden University, analyses how institutional crises can drive fundamental change, drawing upon the experiences of the Dutch and British prison systems in the 1990s. During that time, the British prison system experienced first the widespread riots of 1990 and the Woolf report that called for a more humane prison system balanced between security, control and justice. This was followed by the high profile escapes of category A prisoners from Whitemoor and Parkhurst in 1994 and 1995, which led to the priority of "'security, security, security"'. During the years 1992-3, the Dutch system also experienced a spate of escapes and increasing pressure on prison places. This led to the abandonment of their one-prisoner-one-cell policy and the introduction of more secure regimes.

Resodihardjo describes these reforms in terms of a drastic deviation from existing structure and changed the paradigm of imprisonment. They also came about as a result of crises where institutional failures led to increased political, media and public scrutiny. These failures are analysed in this book and Resodihardjo illustrates how the normal constraints to change fell away as the crises intensified. These barriers include individual interests and resistance, organisational routines, culture and values, and political concerns including policy inheritance and resources. She also illustrates how changes are pushed forward by entrepreneurial action as individuals seek to capitalise upon

the opportunity for change and shifts in the policy makers' approach as they seek to respond to intensified calls for action.

This book provides excellent descriptions of the crises that engulfed the Dutch and British systems during the 1990s. Although the events in the UK will be familiar to readers, those in the Dutch system will be less so, but are no less riveting. The book also manages to provide a scholarly analysis of the process of change which is interesting both from a historical perspective and in understanding contemporary events. Where the book gets most interesting is where it touches upon why some reforms could be described as socially and politically progressive, such as the Woolf reforms, whilst others, such as the Dutch reforms, could be described as regressive. Here, Resodihardjo highlights both the importance of individual actors, who impose a clear sense of direction, and the structural factors such as the prevailing political culture and preceding public discourse. Whilst there is more that could be discussed about these issues in future research, this book opens the way for that exploration.

This book that will be of interest to those who lived and worked through the tumultuous period of the 1990s, but equally it has value to those who are seeking to understand where the prison system is now and how it may develop in the immediate future.

Jamie Bennett *is Governor of HMP Morton Hall.*

PRISON SERVICE
JOURNAL

Purpose and editorial arrangements

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

From May 2005 selected articles from each edition are available in the Resource Centre of the HM Prison Service website. This is available at www.hmprisonservice.gov.uk

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Six editions of the Journal, printed at HMP Leyhill, are published each year with a circulation of approximately 6,500 per edition. The editor welcomes articles which should be up to c.4,000 words and submitted by email to **psjournal@hotmail.com** or as hard copy and on disk to *Prison Service Journal*, c/o Print Shop Manager, HMP Leyhill, Wotton-under-Edge, Gloucestershire, GL12 8HL. All other correspondence may also be sent to the Editor at this address or to **psjournal@hotmail.com**.

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