

# Is Anyone There?

Lou Lockhart-Mummery gives a personal view of membership of a prison Board of Visitors.

**B**oards of Visitors provide independent oversight of prisons in England and Wales, with a role different from that of either the Prisons Inspectorate or the Prisons Ombudsman. Boards are creations of statute. Section 6(2) of the *Prison Act 1952* provides that the Secretary of State appoints a Board of Visitors for every Prison Service establishment in England and Wales, including contracted out prisons. The function of Boards is prescribed by the Act and derivative legislation, currently the *Prison Rules 1999*. Each Board is made up of members of the public who are volunteers, and who must be, and must be seen to be, independent of the Prison Service.

Boards have very wide formal powers: specifically, that any member of a Board may enter the prison at any time, with free access to each part of it and to every prisoner, as well as access to the prison's records.

First, the challenge to be competent volunteers, and, in my opinion, this has more than one facet. Boards need to recruit the right people. To give of one's time as a volunteer is a generous act and proves motivation, but does not necessarily imply competence for the job. I believe that as Board members we need some key skills, for example:

- Ability to engage with prisoners as individuals, with fairness and humanity, irrespective of their offence.
- Ability to persist in taking forward a complaint to the Prison Service: they do not roll over on their backs, waving their legs in the air, the moment a Board member complains.
- An understanding of the independence of the role, and how the independent and objective perspective can be eroded in

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Boards have general and particular duties. The overarching general duty of each Board is to satisfy itself as to the state of the prison premises, the administration of the prison, and the treatment of the prisoners. Particular duties include:

- Hearing any complaint or request a prisoner may wish to make.
- Reviewing a prisoner's segregation, and, if the Governor wishes it to continue beyond the initial 72 hours, deciding whether or not to authorise continuance.
- Considering the effects of the conditions of imprisonment on a prisoner's mental, or physical, health.

Boards have a general duty "to direct the attention of the governor to any matter which calls for attention" and to "report to the Secretary of State any matter they consider it expedient to report", as well as to "inform" him "immediately of any abuse which comes to their knowledge." Additionally, each Board must report annually to the Secretary of State "concerning the prison and its administration" and include any advice and suggestion the Board considers appropriate.

That, briefly, is the legislative remit. It has, at its heart, the monitoring of the Prison Service (a large, professionally managed public service) by lay members of the general public. **A contradiction in terms? A challenge, certainly.**

a closed institution. After all, the Prison Service are the professionals, and we the amateurs, and perhaps they know best? It is all too easy to slip into pragmatism when as independent watchdogs we should continue to bark.

There are many high calibre Board members, but national criteria for recruitment and selection has not yet been set. I think this is a signal gap, and am happy that a group of Board members and officials are now jointly looking at this issue.

Having recruited the right people, Boards then need to help the new members equip themselves for an unfamiliar role, as well as keep longer serving members up to speed. Prisons are not normal environments. The prison where I work is in a suburban setting, with playing fields, hospitals, an underground station and housing near by, but in so many ways, and necessarily in so many respects, dislocated from that normality. After nearly eight years of Board membership, the prison can still strike me as being somewhere on the other side of the moon. The men who live there include some who are seriously mentally ill, and those driven to repeated self-mutilation. These groups are not discrete to that particular prison, and Board members are as accessible to them as to the others.

Equipping oneself to deal with the unfamiliar, and thereafter refreshing one's knowledge and skills, is another aspect of the challenge to be a competent volunteer. Training is vital, both technical (members need to keep abreast of Prison Service policies) and practical. Some training is provided centrally,

but training is otherwise left to each individual Board without any national targets, or external assessment of either quality or quantity of locally delivered training. For me, this is another signal gap. Additionally, central training is not focused on class need. For example, the issues faced by a Board at a local prison will be very different from those for a Board at an open prison.

Prisons, and prison governance, are not the same in 2002 as they were in 1952 when the *Prison Act* was enacted. The independent oversight to be provided by Boards has not changed in essence, although I suggest the task is now much more complex. The gaps I identify in terms of the approach to Board recruitment and training are, for me, illustrative of the mismatch between the statutory duties on the one hand, and the resource and support Boards actually have.

However, the cavalry may be mounting their horses. On 27 July 2000, the then Prisons Minister announced a wide-ranging review of Boards of Visitors, under the chairmanship of Sir Peter Lloyd. The Minister said:

"I value very highly the independent and impartial advice that Boards give on standards of fairness and humanity in the treating of those placed in custody. The majority of Boards work very effectively and provide a good service to Ministers and the public. However, the Prison Service has undergone many changes in the last five years since the role of Boards of visitors was last reviewed. The Working Party will help Boards to become more effective in the way they monitor prisons and report on their findings."

So far, so good! The report of the Working Group was published on 25 April 2001. A project implementation team was established to consider the implications of implementing the report's conclusions and recommendations. Today (early August 2002) there is silence as to likely implementation, funding and timetable. Perhaps the cavalry mounts are still unsaddled?

Which brings me neatly to my last point. The challenge of being ignored. It is a common frustration of Boards that whilst we have a statutory duty to draw attention to matters of concern and to report to the Secretary of State, no one appears to listen. In our perception, responses to Boards' annual reports are often dismissive, rarely timely, and our concerns not treated seriously until the Inspectorate also reports them. So, I have a question for my appointor: if you do not listen to me, what real worth can I attach to your declarations of love?

And yet the job, unglamorous and seemingly unregarded, is still very well worth doing!

**■**  
*Lou Lockhart-Mummery is a member of a Board of Visitors.*

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