

# Should prisoners work 9 to 5?

Joe Black, Mark Day, Steve Gillan and Gemma Lousley offer their views on plans to implement a 40-hour working week with minimum wages for prisoners.

## Joe Black: A naive, ill thought out, divisive and ultimately unobtainable fantasy.

Proper meaningful jobs as opposed to menial, low-skilled and repetitive contract and administrative services work; jobs for everyone instead of a measly third of the prison population; being paid the minimum wage, nearly the same rate per hour as the average prisoner's weekly wage; and a decent savings pot for post-release use to supplement a pathetic discharge grant that hasn't changed since 1995. What's not to like? It certainly went down well at the Conservative Party Conference, or at least Ken Clarke's claim that he would 'make prisons tougher places of hard work ... [and] instill in our jails, a regime of hard work'. But here's the rub: whilst it may have gained Clarke a temporary respite and appears to hold the potential to save his cash-strapped department some much needed money, closer scrutiny clearly reveals the plan for what it is: a naive, ill thought out, divisive and ultimately unobtainable fantasy.

Leaving aside the myriad of potentially insurmountable practical problems that should be obvious to anyone with a passing knowledge of the prison estate (such as the clash between current prison officers' shift patterns and a 40-hour working week, the massive increase in their numbers that would be needed to facilitate such a scheme, the lack of suitable workshop spaces across the estate, etc.), there is a whole raft of powerful arguments against the introduction of a scheme that gives the impression of having been sketched out on the back of a fag packet (Pall Mall, of course).

For example, this scheme is only ever likely to involve lifers, the sort of stable long-term population that any prospective company would ideally want to use (c.f. the use of US maximum security prisons as sites for call centres). This would further exacerbate the existing jobs disparity between local prisons (where they are few and far between) and the rest of the estate, as well as introducing divisions within individual prisons between those who are able to secure a

minimum wage job and those stuck without one, doing either contract and administrative services work or having none at all, as the Prison Service will certainly not be paying prisoners doing its cleaning, laundry and kitchen work the minimum wage. Sick, disabled and aged prisoners would also inevitably be discriminated against too.

Moreover, what will happen to the role of education within prisons? Given the choice between £5.93 an hour for work and attending an hour's education for 30p, we all know which will prove the most popular. Also, given the widely quoted statistics on the poor literacy and numeracy of prisoners, how is the Prison Service going to encourage the sort of improvements needed in both before prospective companies will be willing to take on HMPS' captive workforce? Or does Clarke expect these firms to pay for the necessary education of prisoners as well as the building of the workshops (on-the-cheap privatisation?) that will be needed, as the Ministry of Justice almost certainly did not include any funding for this in the recently halved prisons building and maintenance programme fund?

Then there is the 'no taxation without representation' argument: following recent European Court of Human Rights ruling on the implementation of the *Hirst vs. UK* (No. 2) decision, as long-term prisoners are also the very group that Ministers want to prevent from ever having the vote. Add to this the notion of post-sentencing fines, deductions of wages to go to 'victims' groups, even where a prisoner has committed a 'victimless crime', when there already exists provisions for judges to impose compensation orders at trial; not to mention the idea of a post-release bond against further good behaviour – pre-crime fines anyone? No, this vision of a neo-Victorian rehabilitation regime established through compulsory hard work and a victim's compensation tax amounts to a modern form of debt bondage and is a total non-starter in the opinion of the Campaign Against Prison Slavery. ■

Joe Black is secretary at Campaign Against Prison Slavery

## Mark Day: There is real scope for taking responsibility even behind bars

The coalition government's plan for getting more prisoners to work is, in principle, absolutely right. We know that prisoners who do gain skills for work in prison and are released with a job to go to are far less likely to reoffend than people who go out homeless and jobless. According to a survey by the Ministry of Justice, prisoners who have problems with both employment and accommodation on release from prison had a reoffending rate of 74 per cent during the year after custody, compared to 43 per cent for those with no problems.

Providing work opportunities for prisoners and equipping them with skills for life on release should be central to the rehabilitative work of prisons; but is too often a neglected area. As the Justice Secretary Ken Clarke has highlighted, many people in prison are compelled to live a life of 'enforced, bored idleness'. Currently, under a third of the prison population is engaged in work activities at any one time, mostly in low grade and menial tasks. Between 2007/2008 and 2009/2010 the average hours per prisoner per week spent in work decreased from 12.6 to 11.8 hours.

Placing work at the heart of the prison regime, as the justice green paper proposes, could play an important part in the coalition's plans for a 'rehabilitation revolution'. It will be essential that employment options are meaningful and linked to opportunities for work on release. Clarke has stated that: 'We would need to ensure that, wherever possible, the hours spent in productive employment by prisoners reintroduced to the work habit were similar to those to which they would have to adapt if they obtained a job when they left prison.'

Companies such as Cisco, Travis Perkins and Network Rail already provide work places in prisons. The government will need to engage with employers and encourage them to follow their lead. It will also need to support companies in the recruitment and retention of ex-offenders. Reforming the outdated

Rehabilitation of Offenders Act will be essential to dismantling some of the barriers that prevent former offenders from gaining employment.

Proposals for prisoners to contribute part of the money they earn into a victims' fund make sense. Earnings will need to be sufficient to enable prisoners to pay into the fund, as well to contribute to their upkeep in prison, support families on the outside and save for resettlement. Employers should provide work at the national minimum wage so as to prevent exploitation and not to undercut local labour costs.

Provision will need to be made for older and disabled prisoners to enable them to work. Where this is not possible, arrangements for alternative meaningful activities will need to be in place. Opportunities for volunteering, for instance through Samaritan Listeners schemes, peer mentoring and prisoners' councils, should be extended alongside increasing the availability of work places. There is real scope for taking responsibility even behind bars.

The government can learn from one scheme that is already doing pioneering work in employing prisoners and former offenders. National Grid leads a partnership of over 80 companies engaged in the Young Offenders Programme, which offers training to young people in prison with the prospect of a job on release.

Over 1,500 offenders have now gone through the Young Offender Programme. The re-offending rate is only 7 per cent, compared with the national average of over 70 per cent. According to the National Grid website: 'As well as providing motivated, skilled gas network operatives, the programme is delivering shareholder value and increasing the positive perceptions of many stakeholders.'

Making prisons places of meaningful, purposeful activity would mean prisoners serving time rather than wasting time. ■

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**Mark Day** is Head of Policy and Communications at the Prison Reform Trust.

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## Steve Gillan: There is the moral aspect of private firms laying off a workforce and then taking on prisoners for minimum wage

Kenneth Clarke announced at the Conservative Party Conference that he wanted prisoners working a 40-hour week in prisons in England and Wales. It has been intimated that they should be paid minimum wages and some of that wage should be given to victims.

In an ideal world I can understand why Mr Clarke would want this and why it might appeal to the British public rather than seeing prisoners playing pool, darts or cards.

However, it is not that simple; a Yes/No debate is extremely difficult. For a start the prospect of prisoners working a 40-hour week cannot be matched by prison staff presently working an average of 39 hours.

It would also be riddled with problems such as being

compliant with health and safety regulations, taxation and the Inland Revenue. There is the moral aspect of private firms laying off a workforce and then taking on prisoners for minimum wage. Space would also be a problem. Very few prisons have the space to have factories or warehouses.

Many jobs for prisoners exist in prisons, for example, cleaners, orderlies and kitchen workers: would they also be entitled to minimum wage? If so, where does that extra finance come from at a time when the coalition government is dramatically reducing spending in the Ministry of Justice?

This is nothing new; announcements like this have been made in the past by Michael Howard. They did not

work in the early 1990s and they will not work now. However, I am not going to rubbish the view of Kenneth Clarke in respect of this. The Prison Officers Association will produce more on this during the consultation of the green paper titled *Effective Punishment, Rehabilitation and Sentencing of Offenders*. This consultation ends on the 4 March 2011 and contained within the consultation is the issue appertaining to prisoners working.

My initial thoughts are it is ambitious; there are problems as I have identified. Rather than focussing on work, perhaps the focus should be more on training and education to ensure that offenders are given the skills so that they are employable when they leave prison. Consequently, perhaps they will be able to hold a full time job on release rather than assisting private companies to make profits from paying minimum wage whilst these prisoners are in prison.

**Steve Gillan** is general secretary of the Prison Officers Association.

There is not enough detail for me to support the views of Kenneth Clarke at this time in respect of this initiative so I would have to err on the side of caution and state I am not in favour of prisoners working a 40-hour week.

However I am in favour of rehabilitation of offenders and protecting the general public from crime and the effects of criminality. The POA have been clear that we will support any government to reduce crime but until the real issues such as alcohol abuse, drug abuse, mental illness, social exclusion and education are tackled then politicians of all parties are not effectively dealing with the problems. Dealing effectively with these issues will see our prison population fall and perhaps there will be no need to debate whether prisoners should be working whilst incarcerated. ■

## Gemma Lousley: If prisons remain overcrowded, how will there be enough staff to supervise prisoners working a 40-hour week?

There is, overall, a lot to recommend prisoners doing proper work for proper wages. Prisoners would get the opportunity to use their time constructively, developing skills and acquiring experience of real value in the outside world. They would also be able to save money for their release and give some of their earnings to their families. Deductions from prisoners' earnings would be paid into a victims' fund, so that those affected by crime could receive financial reparation. Communities, too, could feel positive effects; if prisoners work during their sentences, post-release employment may become a more achievable goal – and we know that employment plays a significant role in reducing reoffending.

The devil, however, is in the detail, and the government will need to address a number of issues if the plan is to bring the benefits it promises. For instance, a recent report by UNLOCK and the Prison Reform Trust has drawn attention to the obstacles prisoners face opening bank accounts: without access to these, how are they to be paid, and to save money for when they're released? On an even more fundamental level, at a time of spending cuts and job losses, where will the work come from?

There has also been little indication of what sort of work prisoners could be doing. If the opportunities available are limited to the repetitive, monotonous labour that often characterises work in prison – it was revealed in *The Guardian* last year that prisoners were cleaning and repackaging in-flight headsets for airlines and assembling empty patient case note folders for the NHS – prisoners are unlikely to develop skills that will enhance their job prospects for the future. Some excellent work schemes, have, however, been set up, which demonstrate real aspirations for those on them. These should be used as models if the government wants prison work to effect positive change.

**Gemma Lousley** is policy and campaigns officer, Criminal Justice Alliance.

Allowing prisoners to work not only in prisons but also in the community, and encouraging employers to offer job opportunities post-release, should be at the heart of the plan – both are vital to successful resettlement. The government also needs to look beyond the minimum wage: prisoners should be paid the going rate for the type of work they are doing. This would increase the amount of money available to victims and prisoners' families, ensure that local workers and industries are not undercut, and mean that prisoners are not exploited.

An emphasis on work in prisons should also not come at the expense of services such as education and drug and alcohol treatment. There are high levels of illiteracy and innumeracy among the prison population, and addressing basic skills needs is a crucial part of rehabilitation. A high proportion of prisoners also have drug and alcohol dependencies: for these, appropriate treatment programmes must be the priority. Prisoners are individuals, and each has a different set of needs. The use of prisoners' time, and the allocation of money within the prison estate, need to reflect this.

Finally, if the scheme is to be implemented, the problem of the prison population needs to be addressed. If prisons remain overcrowded, how will there be enough staff to supervise prisoners working a 40-hour week and provide support to employers, particularly when the Prison Service is facing a substantial reduction in frontline staff? How will prisons find the space for large numbers of prisoners to work full time? And what about the effect of prison 'churn' – how can prisoners develop skills and experience through meaningful work if they are frequently moved from one prison to another? If the government truly wants work in prisons to be a success, it must first reduce the prison population. ■