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**Where does the prison
system go from here?**

Special Edition

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 Psychotherapy (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.

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,

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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

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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.

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.'

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

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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.

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.

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