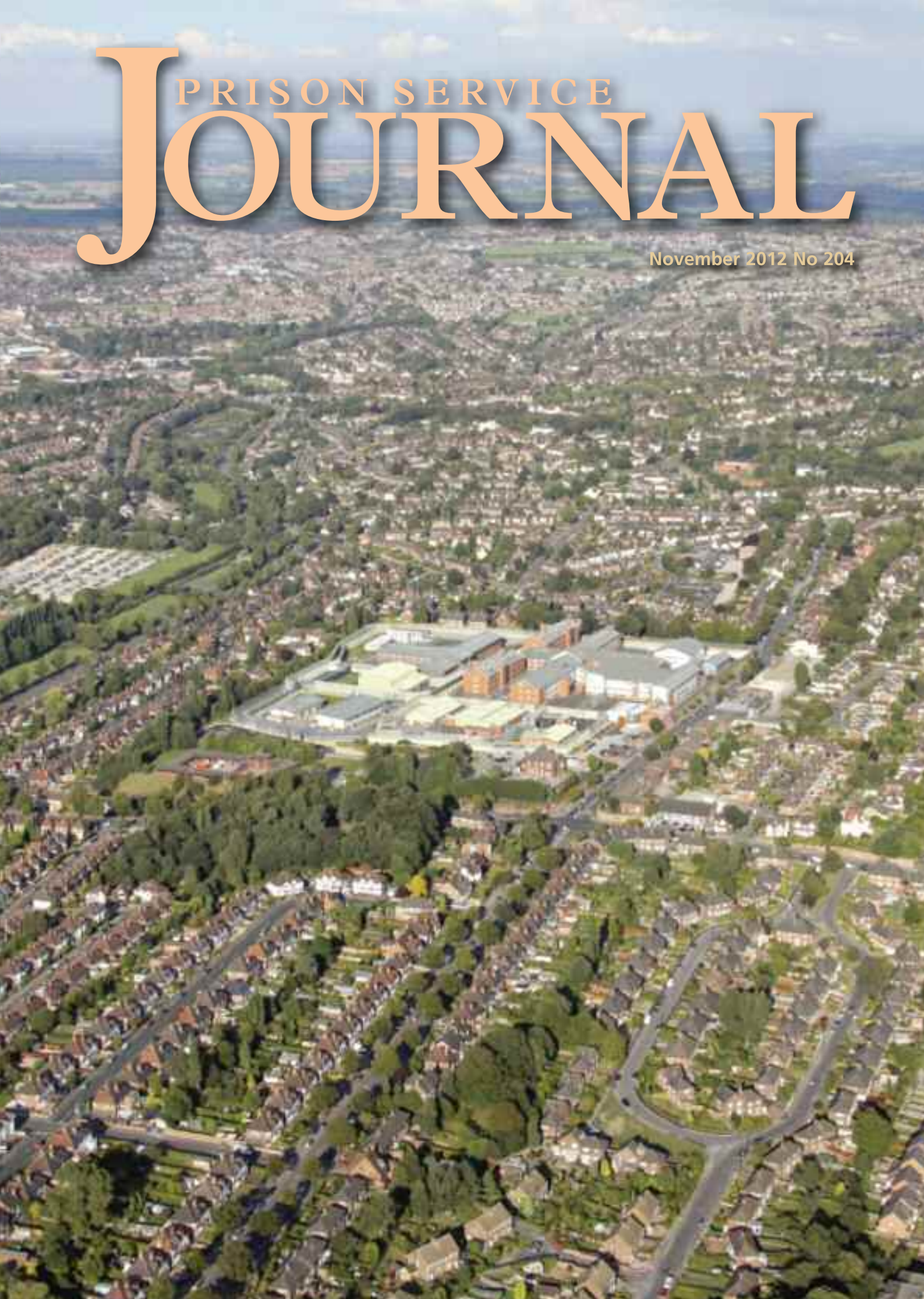

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Interview: Dame Anne Owers

Dame Anne Owers *was HM Chief Inspector of Prisons 2001-10. She is interviewed by* ***Jamie Bennett****, Governor of HMP Grendon & Springhill.*

Dame Anne Owers was Her Majesty's Chief Inspector of Prisons between 2001 and 2010. Prior to this post she was Director of JUSTICE, the UK-based human rights and law reform organisation.

In June 2008, she was appointed Chair of Christian Aid and in 2010 also took up the position of Chair of Clinks, a charity that supports the work of the voluntary and community sector working with offenders and their families. She was appointed Chair of the Independent Police Complaints Commission (IPCC) in March 2012.

She is the recipient of the Perrie Award for 2012, awarded to recognise the outstanding contribution of an individual towards promoting understanding of the work of the Prison Service and pushing forward the development of penal policy.

This interview took place in August 2012.

JB: How did you come to be appointed as Chief Inspector of Prisons?

AO: The short answer is that I was interviewed for the job and was offered it. I applied for it because it looked like a fascinating and important job. I had some exposure to the criminal justice system from the outside in my work at JUSTICE and it seemed to be a wonderful opportunity. It proved to be just that.

JB: Can you remember the first prison you visited and your first impressions on taking up post?

AO: Before I started doing inspections, I went to two prisons in two days: Whitemoor and Birmingham. The contrast between them was telling. Whitemoor had huge amounts of resources, people and technology. The day I visited, something had gone wrong with the water supply and so a note was put under every prisoner's door saying what was happening and why they wouldn't be able to get showers if they went to the gym and so on. There was respect between staff and prisoners. At that time there was also the Dangerous &and Severe Personality Disorder (DSPD) unit opening. It was a controlled environment with clear boundaries. At Birmingham at that time there was no interaction like that between staff and prisoners. Nobody looked at you as you went around, neither staff nor prisoners, and prisoners were locked up most of the time. The relatively new Governor and Deputy Governor at that time were trying to get some order and routine into what was happening. It was a huge contrast between a large local prison where nothing much was expected and nothing much happened, and a well controlled, well resourced high security prison where things that were meant to happen by and large did.

JB: What do you see as the purposes of prison inspection?

AO: It has a number of purposes. Like all inspection, it is intended to improve performance. Prison inspection has another purpose, which is the visibility and accountability of the prison system. Prisons operate behind closed doors, unless they are open prisons, and people don't get to see what goes on inside them, good and bad. Inspection is about making that visible, shinning a light into what is happening in prison and doing that independently of the management of those institutions. It is part of democratic accountability.

JB: How does it relate to human rights?

AO: It is a necessary part. All human rights instruments stress the need for independent inspection of places of detention. During my time as Chief Inspector, the UK was one of the first signatories of the UN optional protocol to the convention against torture, which requires states to have in place a national preventative mechanism. This is a body that has authority to enter places of detention at any time and report what happens. That is one of the key aspects of inspection, that it is preventative. There are other mechanisms such as the Ombudsman and Courts which are reactive, they come into play when something may have gone wrong or has gone wrong. If inspection is finding abuse then that is a failure of the system. What it should be doing is operating a long way upstream from abuse to look at what may be happening. That means looking at culture rather than process and outcome rather than input. This should highlight potential problems before it needs to go to court or trouble an Ombudsman.

JB: During your tenure, the prison population expanded from 66,000 to 85,000[1]. This is a high level of imprisonment compared to our immediate Western European neighbours[2] and has happened throughout a period of decreasing crime[3]. What

1. House of Commons Library (2012) *Prison population statistics* www.parliament.uk/briefing-papers/SN04334.pdf
2. http://www.prisonstudies.org/info/worldbrief/wpb_stats.php
3. http://www.ons.gov.uk/ons/dcp171778_273169.pdf

are your views on this expansion in the use of imprisonment?

AO: It is a common perception that prison is overused. I saw during inspections at Whitemoor and other places many people who definitely ought to be in prison and ought to be in prison for a very long time in some cases. However, what you also see are prisons being used as the 'too difficult' tray for people that the rest of society is not dealing with properly. The classic example of that is mental health where having closed the large hospitals we promised care in the community but didn't provide sufficient of it so those people drifted into prison. There are also issues around drugs and alcohol misuse. Prisons soak up things that are going wrong in the rest of society. For too many people, in order to get access to what they need, such as mental health support or drug and alcohol treatment, they have to walk through the door marked 'criminal justice' and end up in prison. So prisons are being used for purposes for which they are not appropriate and are not intended. Unless or until we can provide proper services outside prison, then prisons will continue to carry out this function. Of course the more we lock up these people, the less the prison system is able to do the job we need it to do with the people they are holding.

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JB: There has been some important questioning of the role of imprisonment for women, in particular through the Corston Report[4]. However, the use of imprisonment for women has also expanded, albeit at a slower rate than for men. The population grew during your tenure from 3740 to 4236[5]. What are your observations on the changes in the use and practice of imprisonment of women?

AO: It is significant that in the later years of my time as Chief Inspector, the women's prison population more or less flat-lined which was not the case for the men's population. So, I think that the Corston Report did have an important effect in that it made people question the need for increasing imprisonment for women. The sad thing is that it didn't stimulate a sea-change in the way that we look at women's imprisonment and lead to opportunities to develop alternative ways of dealing with women who have multiple needs and risks, and also are often parents and whose imprisonment therefore has a generational effect. I feel that the opportunity was lost to be brave and really invest in alternatives to prison for women both instead of and after custody. Although there has been some investment in initiatives such as women's centres, by the end of my time as Chief Inspector, they were struggling with fragile financing and were often unsure about how long they would be able to operate. They also faced constant demands for evaluation and reporting, there was huge pressure on them. We are still not in the position of having sufficient investment in those alternatives.

JB: The diversity of the prison population changed during your time in office. For example the number of foreign national prisoners rose from 7000 to 11,000[6], Muslim prisoners doubled to 10,000, and Black and minority ethnic prisoners made up double the proportion of the prison population as compared to the general population. What did you see as the main effects of these changes and how did you judge the response?

AO: One part of our work during my tenure was that we focussed on thematic reports on different aspects of diversity within the prison system. We did reports on race, Muslim prisoners, prisoners with disabilities, older prisoners as well as on women in prison. Those reports then fed into the criteria for inspections, so when we were inspecting prisons we were looking at the experiences of those different groups. That helped to focus on those aspects of diversity, which are different for the different groups.. However, what you always face is that a lot of energy goes in initially, for example, there was a focus on race in prisons following the murder of Zahid Mubarek and the subsequent inquiry, but then there is a tendency to think 'job done'. That is particularly the case in a system facing cutbacks, so equality officers are

4. Corston, J. (2007) *Corston report: Women with particular vulnerabilities in the criminal justice system* London: Home Office.
5. House of Commons Library (2012) see n.1.
6. Ibid.

withdrawn for example, and there is a risk that the important focus is reduced.

JB: The Inspectorate carried out pioneering work on the needs of older prisoners[7]. What do you see as the impact of the Inspectorate having highlighted this issue?

AO: As with all of the thematics we would write the report and then take that into our own criteria for inspection, so that we were more alert to the needs of older prisoners. That helped to heighten awareness in prisons as well. We also made alliances with organisations outside of prisons such as Age Concern, and that helped to make improvements. I remember going around the older prisoners unit at Norwich prison which was, frankly, pretty awful. At Kingston also, which had an older prisoners unit, we helped to improve practice there. Some reports commented on prison officers refusing to push wheelchairs because of 'health &and safety' and therefore we found one prisoner who hadn't had a shower for 18 months. It is a truism that prisons are created around the needs of young, white, able-bodied men because that is the majority. We raised awareness of that and there appeared to be improvements as we went around and people were aware that it was an issue we would address during inspections.

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JB: A number of reports by the Inspectorate highlighted some of the problems of what might be termed managerialism. For example you described how some Governors created a 'virtual prison' which existed on paper but differed from the lived experience[8], you also highlighted chronic problems of inaccurate reporting of time out of cell[9] and even uncovered an attempt to "'subvert"' the inspection process at Pentonville and Wandsworth[10]. What do you see as the potential and risks of managerialism?

AO: It is not a word I have used and that is not least because I do not want to create the impression that you do not need to manage what happens in prisons and ensure that resources are used in the best possible way. I am not against management. Inspection would have been useless unless there were management processes that tried to make happen what we wanted to happen and implement recommendations. The risk, of course, is especially with a 'target culture', that there is huge pressure only to report good news upwards. Few people are going to question when things appear to be going well. A classic example is of time out of cell, where in some inspections the amount being reported was not physically possible. In one prison, a small local prison, they reported having every prisoner out of their cell for 12 or 14 hours a day, which was impossible. However, no one had ever challenged or questioned this because it was good news. You have to be careful in any system that you are questioning what is unfeasibly good just as much as that which appears to be bad. You should also avoid putting so much pressure on managers that they are being blamed for things that they can't do. One of the things that good managers appreciated about inspections was where we highlighted what was not happening because it couldn't happen because managers did not have the resources to make it happen. Unless that message goes all the way up to Ministers, it does no service to those living or working in prisons.

JB: Another aspect of managerialism is the move to ever larger organisations and the creation of economies of scale. You openly challenged proposals for the development of large 'Titan prisons'[11]. Why did you feel it was important to take a public stand on this issue?

AO: We are an evidence-led inspectorate and the evidence from our inspections showed that small prisons worked better than large ones. That is because running a good prison depends upon human interaction, not just resources and economies of scale and so on. If there was any evidence that extremely large prisons worked well, we would have gone with it, indeed we had a look at a prison in France that was

7. HMCIP (2004) *No problems — Old and quiet: Older prisoners in England and Wales* London: HMCIP.
8. Owers, A. (2007) *Imprisonment in the twenty-first century: a view from the inspectorate* in Jewkes, Y (ed) *Handbook on Prisons* Cullompton: Willan p.1-21.
9. HMCIP (2008) *Time out of cell: A short thematic review* London: HMCIP.
10. HMCIP (2009) *Report of an announced inspection of HMP Pentonville 11-15 May 2009* London: HMCIP, HMCIP (2009) *Report of an announced inspection of HMP Wandsworth 1-5 June 2009* London: HMCIP.
11. HMCIP (2009) *The prison characteristics that predict prisons being assessed as performing 'well': A thematic review* London: HMCIP.

being run on exactly the same model as was being proposed and it was dreadful. It was acknowledged by both prisoners and those who worked there as not working well. There are ways in which prisons can be clustered or there can be economies on back office work, but in the end, prisons depend upon those personal relationships between prisoners and staff. That is what keeps them safe and makes them purposeful, facilitating positive challenge, which makes a difference to prisoners and the rest of society.

JB: Another development that you were involved in challenging was the proposal to create a merged Inspectorate for Justice, Community Safety and Custody. What was it about this proposal that you were concerned about?

AO: I was concerned that it didn't recognise the specificity, the difference in inspecting places of detention. Inspection covers a multitude of different activities. It is perfectly possible in some areas and for some purposes to inspect on paper, looking at process, such as examining the progress of cases in the CPS Inspectorate. If you are going to inspect places where people have to live, you have to be there. There was a phrase of the head of the Commission for Social Care Inspection, which inspected social care before it was merged with healthcare into of the Care Quality Commission. She was concerned about the approaching merger, because she said in their work 'you have to be in there and smell the urine'. It is the same in prisons, you have to be there. The merger proposal was part of a movement towards 'light touch inspection' with 'inspection holidays' and 'self inspection' or 'self-regulation'. My view is that that can work well in some places, but not in prisons. I was worried that this would get lost in a kind of inspection that would level things down. Some of the concerns that are now being expressed about the Care Quality Commission and OFSTED taking over the inspection of children's services and care homes to some extent prove my point that there is a value to inspectorates that are specific and focussed.

JB: At the later end of your tenure there was an expansion in competition for the provision of prison services. What do you see as the risks and benefits or involving the market?

AO: I have never taken the view, in relation to public and private prisons, that you can say that one is always good and that one is always bad. I have seen some very good private sector prisons and I have also seen some very bad private sector prisons. The private sector has been is a relatively small part of the provision and it is run in the same way, with the same inspection and standards. What I would say is that the private sector is more variable than the public sector. It can be innovative in a way that is much more difficult for a large organisation like the Prison Service, but it can also be worse because it does not have the same safeguards or depth of understanding of how prisons work. It carries possibilities and risks. The controls, balances and safeguards are particularly important. I remember an early inspection of Ashfield, which was one of the least safe prisons I have ever been in and the public sector had to come in and sort it out before handing it back. I have also seen some extremely good work, so Forest Bank when it first opened was excellent. It is a more varied picture —— and as the balance between public and private starts to shift, it is something that needs constantly to be revisited tp ensure that standards are not being compromised.

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JB: What was your final prison visit as Chief Inspector what were your reflections on how prisons had changed during your tenure?

AO: The last prison I visited was Forest Bank, during a month long handover with my successor Nick Hardwick. It was not as good as it had been and staff and managers did not fully recognise that. It reinforced my concern about young adults. When I first came into the inspectorate there was a promise that the quite dramatic improvements that were made in the under 18 group, would be rolled upwards. At that time the only question was whether it should be 18-21 year olds or 18-25 year olds. That got lost and the 18-25 group represents a lost generation. They do not get the services the under 18s get. There is an assumption that at 18 they become fully fledged adults. However, they are a group where if investment is made, the outcomes can be very positive. It is an opportunity. I did some work after I left the inspectorate with an organisation called Transition to Adulthood who work with young adults, recognising that with the right support you can

help them move away from crime and if you don't intervene they will carry on with a criminal lifestyle. The prison system serves young adults badly and that was evident at Forest Bank.

More generally the changes in prisons that I noticed included the huge improvements in healthcare once it transferred to the National Health Service, but at the same time, the need was much greater than the resources. The improvement in education was also recognised by OFSTED inspectors who worked with us, but again the quantity was not enough for the increasing numbers in prisons. In resettlement there was a greater focus on what people needed such as housing, employment, family life and so on. This was a positive move but there wasn't enough to cope with the volume of work and to address the problems people had. The quality therefore improved, but that was undermined to a degree by the sheer volume of the numbers going through the prison system.

JB: How have you viewed subsequent changes since your departure? In particular, the extension of competition, the development of payment by results, the support for real work and the idea of a 'rehabilitation revolution'?

AO: I have observed from a distance and I always feel that I would rather speak about what I know rather than taking a punt at things I don't have detailed knowledge of any longer.

In so far as the 'rehabilitation revolution' means only using prisons when needed and ensuring that when people are there they do good, focussed work, then that is in line with what I have said. Payment by results I have had some exposure to as I am Chair of CLINKS, the umbrella body for voluntary sector organisations working with offenders. There are concerns about the risks of cherry picking because payment is for success and therefore people don't want to work with the most challenging cases. It is also very difficult for small voluntary organisations, even those with successful track records, as they don't have the capital resource to invest up front and wait for payment. The voluntary sector have found that they have been used as 'bid candy' for large private organisations bidding for contracts and end up as sub-contractors, without the security or control they need.. Some really good organisations have folded or are at risk and we will lose some good and specialised provision if we are not careful.