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**Contraction in an age
of expansion**

Contraction in an Age of Expansion: an Operational Perspective

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Does 'Contraction in an Age of Expansion' refer to the contraction of the public sector share of the prison system and the concomitant expansion of the role of providers of what is inelegantly referred to as 'outsourced' services? Or does it refer to the contraction of resources as part of the Government's deficit reduction strategy while ambitions for what prisons are required to do are expanding? The title begs a question about how those who run prisons manage competing demands but in a way which remains ethically sound?

This is standard fare for prison governors — running prisons is never only about dealing with one set of issues. The art of governing prisons has always involved reconciling issues which pull you in different directions at the same time. The reflex response to prioritise is too simplistic: for while sometimes the importance of one matter over another is obvious, prioritisation can too easily result in the sole concentration with the 'here and now'. The passive acceptance that if things are important they will become important is a counsel of despair. Actually, there is little which goes on in prison which isn't rightly very important to someone. Priorities too often depend on one's standpoint. And while good governors will endeavour to see things from different points of view, it's hard always to be rigorously objective.

So, how do those who run prisons manage competing demands but in a way which remains ethically sound? In answering that question I shall provide an update on the delivery of benchmarking in the first 52 prisons (the local and category C prisons) which constitute Phase 1 of the benchmarking project; and address two issues which connect with the theme of 'contraction and expansion'. First, that benchmark is not a 'one size fits all' prescription but a means of reconciling the need for greater consistency across a diverse estate at a time of financial retrenchment. The benchmark is less a 'blueprint' in the original meaning of that word than an approach; and that that approach is pragmatic and principled not Procrustean. Second, is recognition of the central role of the prison officer and all staff who have contact with prisoners, which is built into the design of the benchmark. It is upon the skill with which this role is performed that the management of some of the most acute issues in the day-to-day life in prison depend — the reconciliation of competing demands of contraction and expansion are managed at the micro level. This role is central to an

effective 'whole prison approach' in benchmarking which is encapsulated in the concept of 'every contact matters'.

Benchmarking Phase 1

Benchmarking is the public sector's opportunity to design and deliver itself out of competition. Late last summer we were speculating about how many of the six public sector-run prisons being competed we would retain and whether we would win the Wolds. No one predicted that, albeit with the bitter blow of losing Northumberland and South Yorkshire, we would be given the opportunity to avoid competition in the future. However, we retained Durham, Onley and Coldingley not because of the strength of our bids for those prisons but because of the strength of what we could deliver if we applied the benchmark of our bids in all the other public sector prisons. The prize is to reengineer the way we run prisons so that it wouldn't make sense to compete them in the future. Competition hasn't gone away: if we don't seize the opportunity we have been given, competition will return — and we may not be given the chance to take part.

The application of the benchmark to the 52 local and category C prisons is complete and plans for the implementation of the changes over the next 18 months. The challenge is to deliver additional efficiencies of £84m in 2013—14 and £75m in 2014—15. We are on track to deliver these efficiencies which actually represent some increase in the resources of two prisons and savings ranging between a few per cent to over 20 per cent in others. The range of the savings is healthy: it reflects the more sophisticated approach benchmark provides compared to the crude approach we have traditionally used of 'top-slicing' budgets which was indiscriminate and often unfair.

But benchmarking is not only about efficiencies. In the Phase 1 prisons we will increase by over 9,000 the number of work places for prisoners enabling a 29 per cent increase in purposeful activity. This isn't any old work. Work and training is being shaped in each prison to match the employment market opportunities in the areas where the prisoners are to resettle on release. In the Local prisons prisoners will be unlocked for 9¼ hours Monday to Friday and 8 hours at weekends. At Wandsworth, this will enable through the use of a 'split regime' (with some prisoners working a morning shift and some the afternoon shift) the

provision of an additional 403 work places — a total of 673 with 418 of them full-time — and an increase in purposeful activity of 25 per cent from 10,891 hours per week to 13,648. In the category C prisons, prisoners will be unlocked for 10¼ hours Monday — Friday and for eight hours at weekends, which at Onley will enable a 32 per cent increase in the number of work places from 511 to 742 and an increase in purposeful activity of 50 per cent from 16,481 hours per week to 24,736.

I recognise that delivery, full implementation will be the acid test. The careful planning for this — using a three-stage ‘mobilisation, transition and transformation’ process which ensures that the preparation for ‘going live’ is well grounded — is well in hand; and at five prisons — Only, Durham, Coldingley, Dartmoor and Rochester, our ‘early adopters’ — there are healthy signs that we are on track to deliver successfully.

A Pragmatic not a Procrustean benchmark

There is a concern that benchmarking is a ‘one size fits all’ prescription, a centrist approach which will squeeze out any scope for local innovation or discretion. The Prison Service is a large and quite a diverse organization and wrestles with the thorny issue of how to ensure consistency — for good rights-based reasons as well as for reasons of efficiency and effectiveness — without also imposing a slavish conformity to a prescriptive set of requirements which don’t meet the needs of each prisoner or reflect the differing infrastructures and conditions in which prisoners are held. Put simply it is a question of the extent to which the ‘centre’ or headquarters of an organisation dictates what happens ‘on the ground’; or what is sometimes referred to as an organisation’s ‘loose/tight’ properties in which a balance between central control and local discretion has to be struck.

In organisations like supermarkets it is easier to justify greater central prescription. There, questions such as how many shelves of beans of a particularly brand should be displayed with such-and-such a discount for how long, can be determined remotely but such questions have no parallel in prisons. That is not to say there is no scope for consistency. Benchmarking seeks to provide an approach which ensures consistency of standards while giving scope to make such differences as different prisoner populations and different prisons necessarily require.

Following the Whitemoor and Parkhurst escapes in the mid 1990s, the mass of inconsistent and often unclear advice and direction contained in various communications

from Standing Orders to Circular Instructions and other less formal pieces of instruction and advice, were replaced by much more consistently set out and much more prescriptive instructions which clarified what a governor ‘must’ and what a governor ‘might’ do. In time the over-prescriptive nature of this approach (which reinforced the managerialist approach to public service provision), which often tended to drive up costs, was gradually replaced with a sharper focus on ‘outcomes’. The advent of ‘commissioning’ has sharpened the emphasis on the ‘what’ which has naturally prompted debate about how the ‘what’ is measured — binary measures of reconviction are not the most meaningful proxy of success. But prisons cannot be defined by ‘outcomes’ alone: the fundamental importance of the principle of decency alone requires careful consideration of the ‘how’. Benchmarking recognises this.

In essence benchmarking involves a simpler and more efficient method of resourcing prisons within a framework defined by a prison’s daily routine — the ‘core day’. The outcomes show we can make efficiencies without retrenching regimes. We can actually do better. We achieve this because benchmarking is a pragmatic and principled not a Procrustan approach. Procrustes, you will recall, was the tyrant in Ancient Greece who ensured his guests fitted the bed he offered them either by stretching them if they were too small or chopping off parts of their limbs if they were

too large. Unlike Procrustes benchmarking adjusts the bed. And we make that adjustment in two ways.

First, for example, in the category C prison benchmark we have distinguished and differentiated provision for foreign national prisoners, for prisons with personality disorder units, for the restorative justice pilots; and at HMPs Bure and Whatton we have adjusted provision to accommodate the larger number of older, retired prisoners. We have also adjusted provision to ensure that the offender management function is resourced to reflect the greater weight of work involved in prisons with a higher proportion of public protection cases. The fact that we will have different benchmarks for prisons which hold women, young adults, the most dangerous and the youngest of all also serves to illustrate that benchmarking is far from being the centrally prescriptive ‘one size fits all’ solution to delivering an additional cost efficiencies in both this and the next financial year.

Secondly, benchmarking provides not a flat-pack IKEA kit which governors have simply to put together but

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a resource provision and the capacity for a regime which can be shaped to suit the facilities of each prison and to meet the particular needs of prisoners. Benchmarking contributes to the 'new ways of managing, working and delivering' which Michael Spurr, Chief Executive of NOMS, has promoted. Key to this contribution is the involvement of governors and staff locally in both informing the initial application of the benchmark principles and then in driving the planning of the implementation. Implementation is resourced according to the scale of the challenge each establishment faces and the capability and capacity of the prison's management team. Benchmarking promotes and enables problem solving.

'Every contact matters'

It is one thing to have a change process which allows local managerial discretion and ownership, another that this means it will deliver what is most important in prisons: not just decency, safety and security but an engagement with prisoners which potentiates change of the sort which the body of research on desistance underpins. This sort of change increases the positive life-chances of prisoners and best protects the public by reducing the risk of harm prisoners present to themselves and others in custody and after their release. Central to the achievement of this ambition are the relationships between staff and prisoners. We have always

known this but now we have a much better understanding it. When about 25 years ago Ian Dunbar articulated the notion of 'dynamic of security'¹ — a concept of security based upon more than procedures and hardware, critically dependent on engaging prisoners not only as fellow human beings and by providing them with a purpose and with something to do in prison — we all instinctively knew what was meant but the means to achieving this weren't that clear. Hence in part we coined the term 'prison craft', to denote the collection of interpersonal skills and landing know-how which make all the difference.

The difference now is that due in no small part to the illuminating research Alison Liebling, Ben Crewe and

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Susan Hulley² at Cambridge have conducted over several years, we have a better grasp of how to make provision of a sort which can enable the best sort of staff-prisoner relationships to flourish. This is not to suggest we have it cracked but that the social sciences have provided us with analyses which show what makes prisons good prisons. This is a big subject and I shall focus on one aspect of the research into the quality of prison life, the values and practices in public private sector prisons and into the distinctiveness of the work of prison officers.

In working up our bids in the prisons competition we needed to identify what was the irreducible core of our work, the essence without which we would not longer be a public sector Prison Service. In crude terms this boiled down to 'make or buy' decisions. This involved identifying which services in a prison we should 'make' — that is,

directly employ staff to deliver; and which do we 'buy' — that is, let a contract for another organisation to deliver. We are in the middle of a continuum at one end of which (where we were many years ago) where we directly employ staff to deliver almost all the services involved in running a prison. At the other end of the continuum, at least hypothetically, we could outsource the delivery of all services and leave the governor as a super contract manager. We recognised the irreducible core as being defined by the role of prison officers perform, not as operational supernumeraries but as central to establishing and sustaining a high quality of prison life. But we recognised too — and

devised in the new methodology we used in determining the number of prison officers we require to ensure safety, decency and security — that we had to break free from the constraints a very traditional, task-oriented approach to 'profiling' work and staffing it imposed.

We also recognised — another blinding flash of the obvious you might well think — that in addition to having to have a more flexible approach to deploying and managing prison officers, we needed to integrate their work with those of every other person — member of staff or contractor — who works with prisoners. The unhelpful, at times even tribal demarcation of uniformed and non-uniformed staff needed to go. We have too often paid lip-service to 'multi-disciplinary' team working,

1. Dunbar, I. (1985) *A Sense of Direction*, London: Home Office.

2. Liebling, A., Hulley, S. and Crewe, B. (2011), 'Conceptualising and Measuring the Quality of Prison Life', in Gadd, D., Karstedt, S. and Messner, S. (eds.) *The Sage Handbook of Criminological Research Methods*. London: Sage; and Crewe, B., Liebling, A. and Hulley, S. (2011) 'Staff culture, the use of authority, and prisoner outcomes in public and private prisons' *Australia and New Zealand Journal of Criminology* 44(1) 94–115.

and we have also tended to understand — being as we are part of the Prison Service monolith — that partnership was essentially a ‘master/slave’ relationship. The partnerships we established with MITIE, Working Links and Shaw Trust in the course of the prison competition disabused us of this and to be fair the best arrangements governors around the country have established for working well with education and health providers has also shown the way forward. This forced us to think again about how the work of prison officers could form the foundation of new operating model. The outcome was more than the slogan ‘every contact matters’ but a commitment to integrate the work of officers with all those who deliver services in a prison. This was the basis of our ‘whole prison approach’ and key to it was what we learned from how the best prisons operate which is what the body of the Cambridge research reveals.

We used the term ‘Every Contact Matters’ because it neatly encapsulated the idea that however small or fleeting, experience and the desistance research shows that even the most common day-to-day interactions between everyone who works in a prison and prisoners can and do make a difference. Importantly, altogether if each of these contacts is positive, their cumulative impact can be profound. They make a difference to the tone and culture of institutional life which becomes self-perpetuating: when positive this helps not only promote safe, decent and secure conditions but potentiates the benefits which

‘what works’ literature shows that the delivery of services which meet prisoners’ criminogenic needs can realise. We use the term ‘Every Contact Matters’ to denote the touchstone of the effective working practices within teams of staff, between teams of staff, and with and between individual members of staff and prisoners. And it models behaviour which in turn influences how prisoners behave for the better. The idea provides the focus for everyone who works in a prison: it is the currency of our interaction amongst everyone who lives and works in the prison; and it is the currency of our interaction with visitors and the wider community. So it really is more than a slogan, and it is underpinned by the leadership role governors and their management teams perform in meeting the challenges of ‘contraction in an age of expansion’; and, the findings of the research Cambridge University has conducted into the characteristics of the best prisons and the key role that

prison officers can play in potentiating change in prisoners.

The role of the governor as leader and the supporting role of his or her management team — not just the senior managers but every manager — is crucial to enabling prison officers and all staff to perform their roles best. At a time of great change particularly this aspect of the governor’s role is important to stress.

The leadership role depends upon personal visibility — not just of the governor which is crucial — but all managers. This visibility enables leaders to model behaviours and to communicate their expectations so that high standards become ‘givens’. Visibility isn’t one-way communication, it’s about listening as well as telling, and it’s about asking probing questions — this is a sure way of avoiding what Anne Owers tellingly termed the ‘virtual prison’ which exists in the mind of the governor.³ This visibility is about setting the tone and gauging and influencing the culture of a prison. Every contact in the

performance of this aspect of the leadership role really does matter. Personal visibility builds staff confidence, it helps reinforce the best behaviours and challenges the worst. If the governor does this, it legitimises all managers doing this, and if all managers do this the effect becomes powerful.

Secondly, leadership requires attention to ‘housekeeping’ matters — not just cleanliness but orderliness in terms of accountability for the roll in the workshop, in visits, on the landing and on the exercise yard — and

lack of clutter and timeliness. This is also orderliness which attends to the small details of prisoners’ lives. This attention to ‘housekeeping’ will have also impact positively on prisoner behaviour and staff morale. While too much attention to detail can lead you to get lost in the weeds, too little leaves a leader exposed.

Thirdly, the leadership role which enables and sustains the crucial role of officers and staff who work directly with prisoners, requires the governor to communicate key messages clearly and consistently. While the accessibility and immediacy of modern communication can facilitate, it can also too easily confuse not least by providing such a plethora of information that key messages get lost. If leaders do not provide clear messages about collective purpose and what is important, misinformation will too easily fill the void. In the context of ‘contraction and expansion’ and in managing competing demands, the need for clear

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3. 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.

communication is even more important. The communication aspect of the leadership role is perhaps most important in such times in providing a rationale for what's happening. So in addition to providing direction and clarity about the four or five things which are most important and which are linked to values, the leaders must communicate an explanation. While the 'what' is clearly important and the 'how', leaders need to convince on the 'why' too.

It may sound a little glib to suggest that the leadership role is simply about being visible, attention to detail when it matters and being a good communicator — and I recognise that the managerial challenge governors face is more complex — but these features are key to enabling the work of prison officers which Cambridge research has shown can be crucial in enabling prisoners to change their lives.

In developing the thinking for the bids, which underpins the benchmarking approach, we discussed in detail with Alison Liebling and Ben Crewe at Cambridge the implications of their findings. Probably the most important one of which was that staff professionalism, and the professionalism of officers in particular, is an under-appreciated strength of public sector prisons. As Liebling herself put it:

What is distinctive about prison officer work is that it is based on, or requires, a sophisticated, dynamic and often subtle use of power, through enduring and challenging relationships which has effects on recipients. This is highly skilled work. Competence in this area — in the use of authority — contributes most to prisoner perceptions of the quality of life in, or moral performance of, a prison.⁴

The comparative study of two public sector and two private sector prisons confirmed earlier research findings that the way prison staff use their authority makes a huge difference to the quality of a prison.⁵ The study identified the 'professionalism' of officers as comprising 'staff professionalism', 'bureaucratic legitimacy', 'fairness' and 'organisation and consistency'. These dimensions represent the key aspects of the 'craft' of prison work. They shape the way it is carried out and they involve indeed require a general expertise — communication and other skills — and experience; and they also involved internalised as well as organisational values — hence the importance of the role of leaders setting this out and

modeling them. These dimensions are very important in the statistically derived models of prison quality — they are the main contributors to the 'weight' (the 'psychological burden of imprisonment'), the overall quality of prison life and the 'personal development' of prisoners.

So you can see why if you have to place officers at the core of your operating model; and this is why we have included in the role for prison officers a responsibility as 'offender supervisors' in the broader 'offender management' model and in the delivery of some programmes. Both these elements of the prison officer role anticipate the changes which the reforms of probation will bring about, not the least significant of which for prisons will be the 'out-sourcing' of what are referred to as 'through the gate' services. The probation reforms are a fundamental change to the criminal justice system. In the diversification of provision we are making prison officers central not marginal to the reforms. This is particularly given the opportunity our competitors in running prisons will have to provide outsourced probation services too.

While the Cambridge research identified that public or private operation of prisons is not the most important variable in determining prison quality, it does suggest that the public sector potentially possesses greater strength. The public sector has an advantage over most private sector prisons in the key area of 'professionalism', mainly because our officers tend to be more experienced and more confident in performing their role. Hitherto we have underestimated this. What benchmarking seeks to do is to make proper provision and to enable 'a model of prison officer work that is confident, authoritative and proactive'.⁶ It boils down to this:

- ❑ benchmarking is founded fundamentally on the need to ensure safety, decency and security;
- ❑ but even at a time of major resource contraction and at a time when there is an expansion of the role of our competitors we are able to do more than deliver the baseline requirements of safety, decency and security;
- ❑ we can expand the scope of our achievement by making public sector prisons the best on any measure but particularly in potentiating change in prisoners,
- ❑ which will make public sector prisons principled, purposeful and all who work in them rightly proud.

4. Liebling, A (2011) 'Distinctions and distinctiveness in the work of prison officers: Legitimacy and authority revisited', *European Journal of Criminology* 8(6): 484-499.

5. Liebling, Crewe and Hulley (2011) see n.2.

6. Ibid.