# PRISON SERVICE JOURNAL

March 2022 No 259

## Special edition:
## Recovering from the COVID-19 Pandemic

# Leading a local prison in pandemic and recovery

***James Lucas*** *is the Governor of Bristol Prison and is interviewed by* ***William Payne*** *who is an independent member of the editorial board of the PSJ.*

**HMP Bristol is a local prison which currently holds up to 505 prisoners. James Lucas was appointed to this post in 2019 shortly after the Chief Inspector of Prisons had issued an 'Urgent Notification' to the Secretary of State for Justice identifying his great concerns about the prison. In the eight years before this appointment, James governed three prisons: first, The Verne, then Portland and before his move to Bristol, Guys Marsh.**

The Urgent Notification procedure was established under a protocol agreed between the Prison Inspectorate and the Ministry of Justice in 2017. It is the means by which the Chief Inspector can, exceptionally, raise significant concerns about a particular prison. The protocol requires the Secretary of State to respond to those concerns within 28 days and to set out a plan of action to address them. The Urgent Notification the Chief Inspector issued about Bristol in June 2019 described the prison as 'suffering the effects of years of drift and decline' with 'chronic and seemingly intractable failings'[1]. Particular concerns about safety, high levels of violence, squalid living conditions and poor training and education were identified; and this was in spite of the prison having been placed in 'special measures' by the Prison Service following a very critical inspection in 2017.

Following a Scrutiny Visit of Bristol prison in September[2] 2020, the Chief Inspectorate reported that 'Strategic and partnership meetings and various initiatives had not been suspended at the start of regime restrictions as we have found in some other prisons…a dynamic and motivated management team had…taken the opportunity to innovate.' He noted that during the visit 'We witnessed many positive interactions between staff and prisoners. These observations were reflected in our survey where 72 per cent of prisoners said that staff treated them with respect,' and the Chief Inspector concluded that 'at long last there had been important changes at Bristol. Not only had the response to the pandemic been very well managed…but strong and energetic leadership had kept work going during this period to improve the prison. We found a more purposeful, safe and decent establishment than at the time of our previous inspection despite the regime restrictions.' The report also noted that all the prison's workshops had remained open during the pandemic and that no confirmed cases of Covid infection in prisoners had occurred.

**WP: You appear to have achieved a great deal in spite of the pandemic, how did you approach what must have seemed a really formidable challenge?**

**JL:** The achievement isn't mine but ours — it really has been a collective endeavour. We have done well, although safety remains a concern and there is more besides to do but we now have the momentum. The approach we adopted comprised a set of strategic priorities and a means of achieving them which was based upon leadership throughout the prison, at every level.

The priorities were, first and foremost, safety which remains our top priority today; secondly, procedural justice, which sounds high falutin' but which we understood as fairness; and thirdly, a relentless focus on the basics. Altogether this meant taking care, meeting structured and legitimate expectations and, in the context of the institutional routines, giving confidence that fundamental services would be delivered consistently and justly. These weren't separate, discrete initiatives or projects: each supported and was supported by the others.

**WP: And what was your approach to developing leadership at all levels of the prison?**

**JL:** The approach was neither novel nor complicated. Embedding leadership at all levels isn't

1. Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/808337/un-bristol-13-june-2019.pdf
2. Available at https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2020/10/Bristol-web-2020.pdf

some management gimmick but characterises many really good organisations. It's based on the recognition that people who do the work — those who know their job and understand what it entails — are often best placed to know how best to do it and how best to make adjustments and respond to pressures. The idea is to give staff a sense of ownership so that they can take the initiative, that's true empowerment.

One of the best accounts of the effectiveness of this approach is provided in a book called *Turn the Ship Around* published in 2012 which was written by L. David Marquet, a US Submarine commander[3]. In it he relates how he took over the command of one of the most operationally dysfunctional submarines in the US Pacific fleet and turned it around to become one of the best performing. And he did this not by adopting a strong 'leader-follower' approach to leadership or by trying to be a 'hero leader', which some think typical of the military, but by making leaders of all his crew, by giving them control of what was within the ambit of their roles.

**WP: Perhaps you would talk more about that in a moment, could you first say more about what Governing Bristol was like during the pandemic and with the legacy the Inspectorate had set out in its damning 2019 report?**

**JL:** As I said, the priorities we established were more than another 'action plan'. They were the building blocks of how we worked, on what we worked, and how together we gained confidence to being able to make progress.

As a Governor I have always said we mustn't mess with what's within our control that is really important to residents: social visits, canteen and time in the open air. What's more I have always approached change incrementally, not cautiously but by recognising that for change to really take place and to be lasting it's rarely revolutionary or done quickly. Covid forced me to rethink because at a stroke the lockdown that was imposed did mess with social visits, canteen and time in the open air, and it did it immediately not gradually and without warning.

**WP: In practical terms what did you do?**

JL: On the morning of the lockdown we had an extended Covid-safe full staff meeting to discuss what we would do, how we would handle the situation. Although it was sudden, I think the crisis Covid-19 caused actually helped Bristol because it forced us to identify what really matters and to get that right.

This is my language but we were agreed on the need for a resolute focus on human rights and respecting the dignity of those in our care. These were issues fundamental to addressing the problems the Inspectorate had identified in its 2019 report as well as fundamental to our operation during the pandemic.

**WP: How did this approach sit with what you were required to do — the Prison Service appeared to revert to a heavily centralised approach which, one would have thought, would have left little room for local discretion.**

**JL:** Inevitably the Service needed to ensure consistency in managing a crisis of those proportions, it was really potentially life and death. However, instructions and guidance even in this peculiar situation aren't black and white. In the complex world of running a prison there is always room for discretion, particularly when what is important is how you do what you are required to do.

Inevitably the Service needed to ensure consistency in managing a crisis of those proportions, it was really potentially life and death.

I think it is fair to say that at Bristol we took a middle way with the Covid-19 restrictions, we didn't lockdown as tightly as some other prisons did. We did all that was required but found ways of working which were right for what Bristol needed to do to change as a prison and right for the residents. The arrangements we put in place were brokered with line-managers and with Public Health England, and they turned out to be more liberal than what many other prisons, and particularly local prisons did.

**WP: What did you do?**

**JL:** We took the precautions that every prison, indeed everyone everywhere, was required to take: we had cohorting, regime bubbles, social distancing and mask-wearing, and we were diligent about cleanliness — Covid-19 is a respiratory disease, it was pretty clear what we needed to do to minimise the risks. We particularly prioritised mask compliance and testing as the main ways to mitigate the risk of running a more open regime. What we did every day, which was really important, particularly in terms of decency and restructuring and then meeting residents' expectations, was to ensure every resident had time in the open air

3. Marquet, LD (2012) Turn the Ship Around!: A True Story of Building Leaders by Breaking the Rules London: Penguin

every day, had a shower every day and had three meals — one served at the cell door and two from the wing servery. These were the daily fundamentals. That may not sound much but it enabled us to feel we were doing the best we could in a very challenging situation.

**WP: Culturally, was this difficult to achieve?**

**JL:** In certain respects, it wasn't. Although Bristol is an inner-city local prison, the city's culture is quite liberal. It has a multi-cultural demographic, which is broadly reflected in the staff profile. And the staff themselves are instinctively concerned with the potentially brutalising effects of imprisonment, they wouldn't have found a complete lock-down comfortable. So, although serving meals in the way we did sounds limited, it did provide a chance for us to see and speak to every prisoner every day. It was a welfare check of sorts.

This attitude of staff also enabled us to keep the vital workshops open — obviously with fewer numbers of residents. What was culturally difficult, given where we'd come from with high rates of self-harm and violence, was giving staff the confidence, which is why leadership at each level was important.

**WP: How difficult was the consequence of Covid infection among staff?**

**JL:** We were fortunate, unlike in London and the South-east where the infection rates among staff were high and staff absences too, we were less badly affected. Had the rates of infection among staff been high, it would have been tougher.

**WP: Returning to the leadership at all levels dynamic, tell me more about how you enabled this.**

**JL:** It starts with engaging staff properly, listening carefully and being candid. And let me be clear, as well as engaging staff we engaged residents throughout both individually in the way that we could and through an elected council. What was also important was to distinguish the leadership aspects of my role from the other parts of the governor's role: for example, there's a lot that governors have to do that's essentially administration, which isn't about leadership. So it's important to be clear what we mean by leadership — at times the culture in the Service can appear to equate leadership with compliance.

We were fortunate, unlike in London and the South-east where the infection rates among staff were high and staff absences too, we were less badly affected.

**WP: There must be risks associated with your approach too, aren't there?**

**JL:** Yes, there are risks with the approach I've adopted but so far they have proved low level. Sometimes staff have got things wrong, as have I, but the benefits of truly empowering staff outweigh the risks.

**WP: What sort of benefits are you talking about?**

**JL:** A good example is the Bristol Pride event we held in the prison this summer. The idea wasn't mine, and I admit it wasn't one that I thought would work — and initially I resisted it — but it was a great success. This was more than a one-off tokenistic display: it was an authentic celebration of diversity and LGBTQ+ culture. It was an exceptionally positive day. Each of the functional managers in the prison has responsibility for leading on one of the protected charactistics. The idea and the energy for the event came from a committee of staff at Bristol with the support of the wider community. It was their idea for a celebratory event and was implemented in an authentic and meaningful way which made it very powerful.

**WP: Are there other examples of how your approach affected the more routine aspects of the prison's operation?**

**JL:** We were the first prison to reintroduce social visits after the first period of national restrictions and one of the first after the second period of restrictions over Christmas 2020. We were also the first prison to reintroduce face-to-face education — us, a local prison! And the Chief Inspector's report of his Scrutiny Visit last year (September 2020) reflects that as a prison we had a thoughtful attitude to providing a regime and, to quote from his report, 'appropriate care was taken to balance the risks of the virus against the impact on prisoners' mental well-being of a very restricted regime.'

**WP: Broadly speaking, the Prison Service appears to have managed the Covid-19 crisis pretty well. Is there a risk that this success could create pressure not to 'open up' regimes again but only allow limited activities so as to prevent a return to the high levels of violence and drug-taking which were rightly a cause for great concern before the pandemic?**

**JL:** That will be a challenge but I can only speak for Bristol and here I am confident we will recover from the pandemic and from the difficulties which beset the prison prior to it.

**WP: What problems has Covid itself caused, notwithstanding your achievements during the pandemic?**

**JL:** Before the pandemic we had a really large self-harm problem, and it is a concern that rates of self-harm appear to be rising again. Undoubtedly the pandemic and the lockdown it enforced will have baked-in some significant mental health problems. Let's not forget that the pandemic disproportionately affected disadvantaged groups. It's very important that we return to a level of regime activities which not only reduces the likelihood of mental ill-health but enables us to help address the causes of those disadvantages and other difficulties residents face.

The high prevalence of mental ill-health among the prisoner population is well-known. It will do nothing to alleviate or diminish the difficulties mental ill-health can cause to lock residents up more than is advisable. As it is said, there is no health without mental health.

It's very important that we return to a level of regime activities which not only reduces the likelihood of mental ill-health but enables us to help address the causes of those disadvantages and other difficulties residents face.

**WP: Do you think that the developments in IT and the provision of in-cell activities could justify longer periods of lock-up and thereby mask the sort of difficulties to which you refer?**

**JL:** There is a balance to be struck. I welcome the introduction of IT and its greater use by residents — the pandemic actually forced us to introduce purple visits (video visits) more quickly than we might otherwise have done. There are real benefits to enable residents to undertake activities which IT could enable in cells but it mustn't become a pretext for locking them up for longer.

**WP: Has the pandemic seen a change to the profile of the prisoner population at Bristol?**

**JL:** Probably the largest change is the increase in the proportion of the residents on remand. About 40 per cent of residents here are on remand. The pressure of the backlog of cases in the criminal courts, caused by the pandemic, will continue to be a concern for some time.

**WP: Looking ahead, what other challenges do you foresee?**

**JL:** As I have indicated, I think the way we have responded to the challenges of the pandemic will help us through the next stages of the prison's recovery. But to answer your question more broadly, I don't apologise for asking for more resources, however old-hat that sounds. The fact is that with a modest increase in resources we could do so much more, and given that residents are some of the most disadvantaged and vulnerable, there is much that really needs to be done just to prevent those disadvantages and vulnerabilities causing greater difficulties later.

**WP: Is this a plea for more healthcare?**

**JL:** It's more than that. While greater and quicker access to healthcare would be good, there are other things which could help too. As we have seen at Bristol in the pandemic, the low-level support which pro-social relationships with prison staff can provide could do a lot to address particularly mental ill-health.

A continuing, longstanding problem is the need to staff prisons effectively. Statistically, the proportion of time my staff are operationally unavailable (technically 'non-effective') through sick absence, training and holiday is considerably higher than the 20 per cent we are resourced for. It is often the flexible tasks that are first to be dropped meaning important work like key worker and education can be inconsistent.

**WP: And where else would you direct additional resources if they were made available?**

**JL:** Staff need supervision and leadership close to where they are performing their roles: their work is often complex, and supervision and leadership are necessary supports. There is an established body of literature about the discretion prison officers have and its importance in determining the culture of the prison. In order to exercise their discretion, staff need confidence and the sort of supportive, coaching supervision and leadership to help manage the many grey areas they encounter in their work.

At present Custodial Managers, the first tier of managers with line-management responsibility for

other staff, have spans of control of 18 to 20. That's impracticable to provide the support and supervision that's required. The additional resource which the investment in key workers provided has really helped but more is needed. There is also a strong argument for professional supervision for Prison Officers, in the same way that Probation Officers and Social Workers, for example, need and get. To do the task we ask of Prison Officers, they need that support too. Team leadership with the capacity to engage, with realistic spans of control, are really important.

**WP: The Inspectorate report in September 2020 also highlighted the positive use of prisoners as peer mentors. Is there scope to develop that to help address some of the problems you identify?**

**JL:** Of course, we are far less conservative now in recognising the potential residents themselves may have to assist other residents. In addition to the number of formal mentoring roles which have been established in most prisons, there is an opportunity to realise the potential that residents have to support one another positively.

**WP: What about the physical infrastructure of the prison?**

**JL:** There is a well-known maintenance backlog in prisons — which is unsurprising given the age of parts of the prison estate. As well as addressing that I would like to see a proper discussion about crowding — or 'over-crowding' as it is sometimes misleadingly called. There was a debate in the 1990s following the Woolf report which got rid of 'slopping out': we need a similar debate today about ending the use of a cell designed for one person to accommodate two.

An even larger debate within society about the purpose of imprisonment — and particularly about stopping the use of short custodial sentences — is also needed. Some of the problems prisons like Bristol face are caused by being a sort of criminal justice back-stop, a 'when all else fails' option.

**WP: Thank you, this has been a really interesting discussion about Bristol prison and its recovery. Is there anything you would wish to emphasise about what's important to you and the prison next?**

**JL:** There's no one thing which is most important but I would say that the importance of understanding what leadership is and how to engender and embed it is going to be key. This isn't a one-off thing, its cultural and it needs to be worked at and sustained. It definitely isn't top-down, even if the governor has a key role in enabling it. The potential of our staff to think about their work and to bring energy and commitment to it needs to be tapped. When its starts working well, it's good for morale and it's good for what prisons are or should be all about: being thoroughly decent, purposeful and helping to turn the ship around.