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

Special Edition

Interview: Eoin McLennan-Murray

Eoin McLennan-Murray is President of the Prison Governors Association. He is interviewed by Steve Hall, former Governor of HMP Styal now working for SERCO.

Eoin McLennan-Murray joined the Prison Service in 1978. He has served in ten prison establishments, as well as spending four years in Prison Service Headquarters where he was Staff Officer to the Director General and then the manager responsible for development and national roll out of the accredited cognitive skills and sex offender programmes. He posts have included governing governor of HMP Blantyre House and HMP Lewes.

He was elected as President of the Prison Governor's Association in 2010. The PGA was formed in 1987 to represent the interests of senior Prison Service grades, in particular governor grades. The Association currently represents almost 1500 members.

SH: How do you regard our relatively high national imprisonment rate?

EMM: I think that we have a love affair with the use of custody. The PGA has argued that certain sections of the prison population should not be in custody in the numbers they are. Such groups include children, women, the mentally ill and certain categories of short-term prisoners. We believe that we are out of step with Europe and have an incarceration rate nearly twice that of Germany. Our rate is closer to Eastern European Countries. So although crime rates are falling this is not reflected in imprisonment rates which continue to rise.

SH: How likely do you think it is that this rate will be reduced? How desirable do you think this is?

EMM: We have seen both Conservative and Labour governments talk up crime in response to press comments. That in turn has led to longer sentences, and legislation like that related to Indeterminate Sentences, which has driven up imprisonment rates. So although imprisonment should be falling the impact of this political pressure, itself a product of public perceptions of safety, has driven up rates. Politicians are no longer doing what is right, and what the prevailing research tells us is appropriate, but simply responding to populist pressure as portrayed by the media. So for those particularly vulnerable groups like women and the mentally ill there is a need to reduce their numbers within the prison system. For this latter group there is real evidence that suggests that appropriate treatment in secure psychiatric units can reduce the risks that this group presents and of course deal with the underlying issues rather than treat them as criminals within the prison system. For women, the disproportionate impact of incarceration on them and the children for which they are often primary carers often outweighs the relatively minor benefit to society from imprisonment.

SH: 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?

EMM: I do not think Britain is a broken society but there are a number of social issues that need to be addressed. Clearly, we are in the middle of a financial crisis but for the majority of the population life is pretty much as it has always been, although our behaviour and perceptions can be affected by what we see in the media. The impact of prison varies depending on the length of sentence served. For short-termers, particularly those who are serving less than six months we are generally making the problem worse. Compared with the alternative community punishment short-term imprisonment is both expensive and ineffective. For many being in prison is a product of the failure of the social and welfare systems in wider society — investing in prisons does not seem to be an appropriate response to this situation. In most cases it is too little too late. It was Tony Blair who spoke about being tough on crime and tough on the causes of crime. We have seen the manifestation of being tough by massive rises in the prison population with average sentence lengths increasing. Regrettably, this has not been matched by being tough on the causes of crime. What we do in prison is right but its comparatively small scale and it does not address the root cause. Prison is not the place to tackle social engineering on the scale required to have a meaningful impact on wider society. That is a task for other central government departments.

SH: To what degree do you think it will be possible to achieve a 'rehabilitation revolution', significantly reducing reoffending, given the current squeeze on resources?

EMM: I interpret this as simply maximising the chances of someone not re-offending post-release. There are some basic things the government could do to remove barriers that many prisoners encounter on release. The Rehabilitation of Offenders Act could be updated to take account of sentence inflation since 1974. Car and household insurance could be made more accessible and affordable to ex-prisoners. The difficulty with opening bank accounts is beginning to be addressed and the system of discharge payments is wholly in need of fundamental reform. These things are not difficult to deal with but they require the will to do it.

However, I think the government's idea of the 'rehabilitation revolution' is to pay organisations to reduce re-offending. They will be paid by results and I suppose

this means that they take the risk. If they fail to deliver the required outcome then they are not paid. I am concerned that organisations will simply cherry pick offenders who are more likely to succeed and leave those that are not. In principle I support any approach that significantly and genuinely reduces crime, even if this is not the public sector, although I would want to be certain that there was a level playing field between these organisations. One of the concerns I have is that the public sector is constrained through over centralisation and control in a way that private sector organisations don't appear to be. This makes us less competitive. So, payment by result is a theoretical methodology for funding successful outcomes when government money is tight. This approach greatly increases the involvement of the third and private sectors.

SH: How do you think the actual prisoner experience has shifted in recent years? How is it likely to change in the next few years?

EMM: I think that prisoners' experiences have certainly changed for the better. The defining moment was the Woolf report, which marked the beginning of the decency agenda. There has also been a massive injection of funding in programmes, health and education and a response to the 'what works' agenda which has produced a dramatic improvement in the quality of prison life. This is a product of additional investment and improvement to regimes. Coupled with this has been the ratcheting up of standards through HMCIP expectations and responding to MQPL feedback. The combined effect has undoubtedly led to an improvement in the prisoner experience.

Conversely, as prison budgets come under increasing pressure as a result of the economic downturn we can only assume that these improvements will now go into decline.

SH: What do you regard as the biggest problems in the prison system?

EMM: Over control from the centre and managerialism, although I think the reduction in budgets will overshadow these factors. The rise in managerialism has led to an organisation that is risk averse and hamstrung. This is holding back prison governors who have a reform agenda or who want to make a difference. Combined with the overuse of custody and shrinking budgets the system is under real pressure and ultimately this may result in the progress we have made in recent years being lost.

SH: What are the major obstacles to prison reform?

EMM: For there to be reform there must be the political will to deliver it and deliver it in the face of a reactionary media and right wing antagonism from within their own party. These are obstacles to reform and the recent rhetoric from ministers is encouraging but has yet to be matched with action.

We sometimes go too far with the process of audits and risk assessments and impact assessments, often losing our sense of reality. Removing or reducing these processes would allow us to get back to a reforming agenda.

SH: How do you see the idea of 'The Big Society' impacting on prisons?

EMM: I am not really clear about what is meant by 'The Big Society.' I sense it is about getting lots of different groups to engage with the task of resettling prisoners and some of this engagement would be voluntary and some would be paid by results.

I can remember a time when the majority of prisons were engaged on community activity of one form or another. In particular, the involvement of vulnerable groups, such as the disabled who were able to come in to prisons to use facilities while being helped by prisoners. This stopped when we became risk averse. I realise that this type of activity is on the fringes of what the *Big Society* means but a return to this kind of approach

can only be a good thing.

SH: Are there ways in which the charitable sector and citizens can make a new and different contribution to prisons and rehabilitation?

EMM: I would be surprised if there was something new that could be done. Charities and individuals have been working with prisoners for a long time now and we know that there are many things which work. It is more an issue of sustainability. Many successful projects have a limited funding life. When the money stops the project stops even if it was seen as successful. Payment by results may be a potential solution to this age old problem.

SH: 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?

EMM: We have gone too far and created an overly bureaucratic and expensive service. In the past governors

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were largely left to their own devices, they were adaptable and flexible in their approach — they got the job done. It is true that in this new culture we have been successful at reducing escapes and improving outputs in a number of areas but this is not to say that the results could not have been achieved by allowing governors to maintain a degree of autonomy.

What this approach has produced is a new breed of governors who are driven by a new form of performance structure, whereas what we need is a greater balance and greater autonomy. Prisons are now managed by a particular formula rather than being led — people don't easily fit into processes which can de-skill staff and lead to narrowly defined approaches.

SH: What role should the commercial sector have in imprisonment?

EMM: The PGA has a position on this — we don't accept that prisons should be run by private sector organisations. However we have to accept that the battle over whether or not there will be private sector involvement has been lost. I cannot say what will happen in the future and maybe we will need to take a more pragmatic position in the future

SH: To what extent do you think private sector competition has altered the terrain of imprisonment?

EMM: We have to acknowledge that without the involvement of the private sector, and sometimes this is the threat of privatisation, we would not have made the improvements in the system that have been made. I realise that this has been a bitter pill to swallow. For the public sector this has also contributed to the necessary pressure on the POA to reform and adopt new approaches. This has certainly made us more competitive and puts us in a stronger position in future tendering exercises. Now that there is a market in private prisons the government are unlikely to turn away from it and are more likely to use it in other arms of the criminal justice system. The landscape has changed forever and the best we can hope for is a mixed economy where the public sector continues to be the main provider.

SH: 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?

EMM: We are used to having annual increases and no one welcomes the loss of this. The reality is that we are looking at the potential for redundancy and wholesale

transfer of jobs from public to private operation. Many will think that in these times just having a job is a fortunate position. This reality is permeating down and the PGA has accepted the fact that there will not be a pay rise for two years — this is a pragmatic response. Similarly, all our members have volunteered to give up first class travel for the time being. The PGA membership, as a managerial union, is far more understanding of the bigger picture and why these things are happening, and are part in making this happen.

SH: How do you think industrial relations in prisons are likely to develop over the next four years?

EMM: Like pay, it will be difficult because of the potential for loss of jobs. We have to be equally pragmatic about this and do the best for members in this climate rather than resist the inevitable. It will be the POA and their approach to this that will be the dominant factor, not least when this results in strike action. It is always the PGA and its members pick up the pieces from this. Now the POA and PCS will not take part in mutual discussions with us, which is disappointing. In the event of one of the public sector prisons being lost in the current round of commercial competition, the POA have said that they will take industrial action. Our position will not change and even though

our members are also affected, we will have to work through this and cooperate with the private sector to achieve this.

SH: How should prison professionals make their voices heard in the current debates about prisons and imprisonment? Is anyone listening?

EMM: One of my roles is to improve relationships with other organisations in the criminal justice system including unions and pressure groups that have a voice within the system. We are therefore looking to work in partnership with these organisations in both our interests. Recently we have worked closely with both the Howard League and Prison Reform Trust on short sentences and indeterminate sentences for public protection respectively. We get our voice heard in the media, although I think we can do more. We are listened to when there is an inquiry and I like to think that NOMS is listening a little more, although this largely results from a number of legal challenges by the PGA. There is sometimes a sense that some of the NOMS Board have lost touch with the reality of work in prisons. We will continue to advocate joint working with the Board as we have a common aim of making the Prison Service better.

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