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Interview: Juliet Lyon

Juliet Lyon CBE is director of the Prison Reform Trust (PRT), she is interviewed by Paul Addicott, Head of Safer Prisons, Equalities and Healthcare Provision at HMP Highdown.

Juliet Lyon CBE is director of the Prison Reform Trust (PRT). On commission to the Prison Service, she 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 halfway houses, and in education, first as teacher in charge of a psychiatric unit school and then as head of community education in a comprehensive. Up to 2010 Juliet was a Women's National Commissioner for England and Wales. She is currently secretary general of Penal Reform International and vice president of the British Association for Counselling and Psychotherapy.

PA: Lifers were the focus of the Perrie Lectures, 'making sense of life sentences', what are your views of this subject?

JL: We have seen sentences get longer and longer in an increasingly punitive climate together with a greater use of mandatory sentencing. There are many more people now serving life sentences in this country. These sentences mean different things to different people. For the general public, many still feel cheated and think that life should mean life. One version of honesty in sentencing would be, not more whole life tariffs, but a proper public explanation of what a life sentence means from time in prison through to lifelong supervision in the community.

The challenge for staff is: 'how do you make sense of this sentence?' When you have people in custody for so long, how do you help them face it and move through it to resettlement? How do you prepare them for release when resources are so limited?

Can you bring meaning to that well-worn phrase 'doing time'?

PA: Can you foresee further challenges for the whole life sentence?

JL: It is important for everyone, prisoners and staff, to have a degree of hope. We were disappointed at PRT that the whole life legal challenge did not succeed. No-one is pressing for immediate release, nor even eventual release necessarily. But in a fair and humane penal system there should be some degree of hope that after a period of time there would be an opportunity for review. The sense that, even if it is in 25 years time, there will be that look again, at progress being made or any effort to make reparation.

We would expect that there will be other challenges, as we are so out of step with other countries. For example, even in Russia they do have a review period for life sentences after 25 years; it is standard for most countries.

PA: Have you done any work on the locations of lifer prisoners and type of establishment they reside in?

JL: PRT's advice and information service responds to over 6,000 prisoners, their families and staff members each year. We find that we have contact from a disproportionate number of prisoners serving long sentences because of the situation they find themselves in and the time they have to contact us. For some people, being near home matters more than anything else, even if you are not in a well equipped lifer unit or prison, being near home and family is important. Whereas other prisoners only see benefit from something that is more carefully planned, being in a group of lifers and seeing progress within that group.

What I think is difficult at the moment is to give due regard to any one individual. The service is under such a huge amount of pressure, and it is difficult to do what you want to be able to do. For example, given increasing numbers of older prisoners and lifers growing old in prison, establishing Disability Liaison Officers (DLO) was a brilliant idea and serves a useful purpose. But now most DLO's are at the very best a shared resource amongst other tasks, which can make it difficult to respond properly to people with a range of needs. What will be interesting is the Care Act requires the new involvement of local social care services. This could make almost the same degree of difference as when the NHS took over prison health, so it could be a useful catalyst for change.

PA: You have touched on some of the challenges faced by the service owing to our benchmarking exercise with an aim to make efficiency savings across the estate to keep the service within the Public Sector. The 'New Ways of Working' (NWOW) can make it difficult to deliver the quality best practice that has been built up, with an emphasis on doing things differently, with less resource. In your experience it has worked well having that dedicated Officer, can you think of any different approaches we could explore to make the new way work.

JL: I am under no illusions that the prison service is facing really draconian cuts, and difficult decisions are having to be made. I suppose the last thing we want to see is the progress we have seen since the Woolf report — incremental progress, changing over time, things improving step by step — the last thing you want to see is that set back. Of course prisoners have to be safe and have to be secure, and even that in so many senses is in jeopardy. If you look at the rising levels of serious incidents and violence in adult male establishments, if you look at the increase in suicide rates, you cannot help but be bitterly disappointed. We have certainly seen the effort that governors and staff have made to improve standards of treatment and conditions, noted by successive Chief Inspectors. So, the last thing you want to see is a series of setbacks where people are having to ‘sand bag’, having to try and preserve or hold on to improvements and not allow them to be eroded. In this context, the idea of having to innovate and change is really challenging.

One of the important aspects of PRT is to act as a critical friend to the Prison Service, looking for solutions and sharing examples of best practice where things do work. It might be good practice in individual prisons; it might be bringing examples of practice from abroad. The Perrie Lectures focused on life sentences and lifers. These are the very people that do need to be in custody, and the challenge is how you make that period, that very long period, constructive whilst they are there and not just a very long holding operation. And I do worry that there has been a large emphasis in political terms on toughness that equates a length of sentence with a tough, more punitive, approach, whereas sentences should be focussed on effectiveness, what works to reduce a person’s risk or to increase personal responsibility. And I think holding people in a container is unlikely to be it.

PA: We have been talking about lifers and the life sentence. I am aware of the work PRT did with prisoners given indeterminate sentences for public protection (IPP), you can see the elimination of this sentence as a success, but what are your thoughts, and what more can be done for those currently serving an IPP sentence?

JL: It felt a huge stain on the justice system had been removed when the IPP sentence was abolished. We were pleased that PRT could publish solid evidence

from Professor Mike Hough and colleagues to inform that decision. Our report ‘Just Deserts’, looked at the opinions of Judges, what families were saying, what prisoners were saying, what staff were saying about this sentence. Their testimony made clear that it was a bad example of a declamatory sentence, which had been so poorly drafted that far too many people were caught in its net. When the IPP sentence was passed it was thought that it could capture up to 900 people. In the end, as you know, over 6000 people were subject to this Kafkaesque sentence.

As well as providing evidence that would underpin the reform and abolition of the sentence, PRT acted as an advocate for change, working with families and ensuring there were articles in the press, and working closely with the then Justice Secretary Ken Clarke, and Prisons Minister Crispin Blunt, who were both committed to righting a wrong. All of that felt positive, but you are right that there are now a residual number of people who are going absolutely nowhere. We were heartened by the change in the Prison Service Order, but it does not appear to have had as much effect as we hoped in terms of enabling people to show not only that they have attended courses but also that they have a plan and can make progress.

My colleague, Jenny Talbot, submitted evidence to the Joint Committee on Human Rights about the situation for people who had mental health needs or a learning disability who were serving an IPP sentence and unable to access courses. The Committee concluded that banning vulnerable people from their one legitimate means of exit from this maze was a breach of the Human Rights Act and required the Ministry of Justice to recalibrate the offending behaviour programme. We are not convinced that the courses have been adapted sufficiently. There are still a lot of hurdles. One thing PRT is known for is sticking with something until it is sorted out. We are meeting the central team regularly at NOMS to look at what is happening and see how they are working to help progress people though this sentence and what more can be done.

PA: Do you think the changes we are currently facing within the Prison Service will impact on IPP prisoners and their release?

JL: I think it’s a bit too easy to accept that this will take absolutely years to work through. There are already 3,575 people beyond their tariff and the rest of

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those still serving an IPP will reach a tariff date at some stage. I think the acceptance that they will automatically go well beyond that tariff date needs challenging regularly, and there is a very strong argument for case by case reviews of individuals, but resources are tight and these people have become seen as a group rather than as individuals. You only have to look at foreign national prisoners to see how that happens and the harm it does. Yes it is resource intensive to do independent case by case reviews, but in terms of enabling people to make progress then I can't see how else you could do it really.

When I worked in hospitals if you had someone who was held under the Mental Health Act, trying to show people that they were now well, doing this from the confines of a locked hospital ward is near impossible. Whatever you do to try and show the changes in yourself can be misrepresented in a whole variety of ways — you could be seen as being manipulative, everything you do could be misconstrued. So I do think it's one of the biggest problems within the Prison Service, being faced with this very large number of people with disproportionately high levels of mental health need or learning disabilities being held in this uncertainty. In an unjust situation they have reasonable cause to feel angry and distressed. How do you work with these people to ensure they are kept safely and helped to prepare for release? The abolition of the sentence does not deal with that and is really just the start of trying to put things right.

PA: This leads me on to ask about some of the other current challenges facing the Prison Service, such as release on temporary licence (ROTL). What are your thoughts for the reasons for this change, and impact?

JL: This is a stark example of the toxic mix between politics and the press. It shows how the media can damage something really positive that the service has developed. One of the things we did when stories of absconds started appearing in the press was to check with NOMS to get the actual facts, because the facts and figures matter so much more than opinion. The information is pretty clear. The verified figures for 2012 for example show there were 485,000 instances of ROTL, with 428 cases of failure, late returns etc and, of those, just 26 prisoners were arrested on suspicion of committing a further offence. That's a remarkably high degree of success and a testament to the risk

assessment made to ensure that people are ready for the responsibility that needs to be taken for ROTL.

So the combination of getting the facts and figures from NOMS, and the fact that we have men working at PRT every day on ROTL from HMP Brixton, and before that a woman prisoner from Send, all of whom have been punctual, worked diligently and been good colleagues, has made us pretty determined to stand up for a scheme that has been under fire in a really unhelpful way. We are preparing a briefing on ROTL: the reasons for a scheme such as this and the facts and figures on outcomes. If you don't allow a testing time for someone the options are just to open a door from a closed prison, and that does not appear as good an option. And actually when you do a broadcast interview, people understand that it is better to have a graduated approach than just to open the door of a prison at the end of a long sentence.

I hate the fact that it's been the 'dangerous dog story' for the media this summer. What you don't want is for the press to be running it week in and week out, as they are now, finding stories, as it just fans fear and creates a lot of distrust in an important scheme. And it goads politicians to make decisions about ROTL which really need to be more thought through.

PA: You have stats for 2012, is there any evidence that failures have increased

since 2012?

JL: The trend is very similar. There has no significant increase in failures though of course lessons can be learned from any breakdown of the scheme. Once highlighted, absconds have become a preoccupation for the press. Which puts undue pressure on staff who are trying to do a professional job. If you have that glare of the media, even with the best testing in the world there will be times when things go wrong. I used to respect the way that Ken Clarke when he was Justice Secretary would talk about risk and acknowledge that there was no such thing as a risk-free environment. At a Prison Governors' Association conference he said 'Governors are doing a fine and difficult job and as Secretary of State I support you. I accept that you will do your absolute best to assess risk, but there will be times when things will go wrong', and that acknowledgement that there will be times when things will go wrong is important. It's an authoritative approach to take.

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PA: We have spoken about a couple of the challenges, what do you think are the other key challenges NOMS are facing at the moment?

JL: I think there are three key things that are really difficult, and probably many more, but one is: to keep things as steady as possible as we move towards a general election when there is always a temptation from politicians from all parties to start talking 'tough on crime' which inevitably means more pressure on prison places and on the Prison Service. There is already a tendency to attract headlines, so keeping it steady is very hard. The second thing is: budget cuts, they are just immense, and the risk is eroding some of the reforms that are already in place, leading to a setback in progress made, and people feeling set back, that will affect morale. I think the third challenge is the emphasis on the private sector which is massive.

We hold more people in private hands than any other prison service in the world except for Australia. People are always surprised to know that proportionately we hold more people in private establishments than they do in the States. It would be disingenuous and naïve to say there were not good private prisons and bad private prisons, just as there are good and bad public prisons. I think what is more important is the level of vested interest, so you start getting private concerns influencing policy. I can remember when private companies were opposed to the Corporate Manslaughter Act applying to prisons, basically as it was going to prove very expensive, and underhand means were used, thankfully unsuccessfully, to avoid being included in its ambit.

Independent organisations are going to have to watch the impact that privatisation is having on the system. From prisons to Probation Services, it's a massive change. And because there is nowhere to look to see an international model that works particularly well, policy-makers and commissioners are having to kind of make it up as they go along. So short term savings may have an enduring longer term impact, it's inevitable I guess. Our chair is Lord Woolf, and a lot of what he said in the report on Strangeways still applies. Take small community prisons for example and the importance of closeness to home and establishments that work closely with local services, now if you go for economy of scale you lose the smaller prisons and you have larger prisons where it's much harder to know your prisoners. I am not sure this is any line of advance

and the fact is we will not know that for a long time yet.

PA: What made you move into the world of penal reform, with a mental health and education background?

JL: It's not a very big step from working in mental health or working in education to working with prisons and learning how they operate. I remember the first Young Offender Institution (YOI) I went to with a young patient who was due to become a young prisoner. I remember going there expecting a completely different population, and was surprised by what I saw. I had worked in hospitals where the emphasis was on treatment, the biggest shock for me was not in finding that a very similar population of vulnerable and volatile young people were held in this YOI, but it was the scarcity of staff. I could not believe the difference in staffing levels from our adolescent unit with its multi-disciplinary team, and this establishment, trying to run a wing of over 70 young men with a handful of largely untrained staff. That visit made me think and was instrumental in my becoming more and more interested in helping to reform the system.

PA: What would you consider to be your most memorable contribution during your time at PRT?

JL: At PRT we spend a lot of time informing and supporting those in a position to change policy and practice. There is a whole range of things I feel we have helped to change in different ways. In 2010 with the Consumer Council, we submitted a successful Super-complaint to the Complaints Commission, about the cost of making phone calls from prison. We were able to help right a wrong, as at that time it was at least six times more expensive to call a mobile from custody than it would normally be outside and, considering poor pay in prison, this had a damaging impact on family contact. So this is just a small example of a change which had a big practical gain.

On a different scale the thing I feel most proud that PRT has been able to contribute to is more than halving the number of under 18 year olds in custody. Supported by the Diana, Princess of Wales Memorial Fund, our team worked for over five years to reduce child imprisonment. Independent evaluators showed the impact of our work with high custody local authorities, the Home Office, the Youth Justice Board and allied organisations. The surest way to build the

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adult prison population of tomorrow is to lock up children and young people. This shift to earlier intervention will have a big long term impact.

PA: As you have mentioned, you are currently the brand of PRT, you have received a CBE, and the Perrie award, how does it feel?

JL: It's helpful for our charity. It's a recognition of what PRT does and what an experienced team with good partnerships, a longstanding director and a wise Board of Trustees can achieve. I love leading a small charity with worthwhile aims, some gains and the capacity to effect social change. We are set to reduce

women's imprisonment, secure full roll-out of diversion and liaison services and improve resettlement. That is one thing — when I was told I was to receive the Perrie Award I thought 'that's tremendous but I'm not about to step down just yet'. It is nice to get recognition for what PRT does and for the work I enjoy. I would still like to be the person to know when it is time to say enough is enough and hand over in due course to someone who will really relish the next set of challenges. I hope the Perrie award can be for staying to see some things through first.



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