PRISON SERVICE JOURNAL

July 2012 No 202

Reviews

Book Review

Out of sight, out of mind: why Britain's prisons are failing

John Podmore
Publisher: Biteback Publishing (2012)
ISBN: 978-1-84954-138-1 (paperback)
Price: £14.99 (paperback)

Breakfast. Half an ear cocked to Radio Four. A familiar voice talking eminent good sense about prisons. One brimming with frustration about what could have been and enthusiasm as to what could still be. Podmore is a former prison governor, inspector and head of the Anti-corruption Unit and here he has produced a polemical account of today's prisons, their place in criminal justice and much more.

Much of the ground covered will be familiar to those in the criminal justice system. All, in prisons, at one time or another will have dealt with security for its own sake; the balance between politicians' demands and those of the tabloids (and amendments to the former to appease the latter); the forced abandoning of projects to which staff are committed; and box ticking as measures of achievement.

Podmore writes of the prisons and prisoners he has known well, some the public might regard as notorious. A snapshot of prison history melds into consideration of the security implications of holding high risk prisoners, in some cases alongside petty criminals. He does not flinch from the hugely contentious issues sometimes confronting governors, for example, in keeping a highly vulnerable prisoner in custody beyond the expiry of his warrant since there was no place for him in a psychiatric hospital. With a legal background, I ask 'How could that ever be justified?' The author's explanation leaves me thinking 'How could it not?'

I attended a conference in the early 1970s where Shirley Williams MP, who then spoke for the opposition on prisons, told of her satisfaction in holding that brief. It required no political posturing. The major parties' aspirations for penal policy were so close that all that lay between them was dispassionate debate. How different from recent times. Podmore reminds us of the appointment of Michael Howard as Home Secretary and a departure from previous policies informed by academic research. Red meat punishment became order of the day. A new Director General, Derek Lewis, was imported from business to run prisons like any other business. He omits the symbolism of this. Lewis displaced the thoughtful and humane Joe Pilling who would probably have lent a leavening influence over developing populist policies. Sensitive approaches were no longer wanted. Political imperatives led to scapegoating governors. Lewis was sacrificed and Howard's own Minister for Prisons eventually turned against her former boss.

Things were little different under a different administration. The potentially humane Charles Clarke spoke of population reduction and diversion of the mentally ill, only to leave office over the failure to deport foreign ex-prisoners. Along came John Reid, who had hardly stayed in his many previous ministerial seats long enough to get them warm. The rhetoric of 'more prison places' was resurrected. And all the time, governors were to ride the bewildering roundabouts and swings of the varying and conflicting political initiatives of the day. Add Podmore's account of established systems being 'replaced slowly but inexorably by a privatised prison service' and he argues, cogently, that political doctrine is rapidly taking the place of true reform.

A lengthy chapter is devoted to something, Podmore suggests, is one about which the Prison Service has consistently been in denial: corruption. Graphic accounts are given. His Anti-Corruption Unit imparted a systematic approach to the subject but it is a shame that he needs to denigrate the Professional Standards Unit as 'hardly having an impact on anything other than the precise definition of officer's (sic) uniform.' I recall, for example, that my pretty comprehensive 2004 report, arising from brutality at Wormwood Scrubs, was under its aegis. Despite this, the author's comparison of the way the Metropolitan Police handle alleged corruption, and the Prison Service's half-hearted way, is well made.

Taking prisoners' perspectives on corruption is largely achieved through vox pop. This includes dodges like how to groom staff, acquire mobile phones, drugs, launder cash, escape positive drug test results and trade sexual favours for privileges. Podmore gives accounts of very serious offences orchestrated from jails, often using clandestine mobile phones. It is clear that prisoners' sophistication has moved on some since my Askham Grange prisoner, found with heroin in her knickers, innocently asked the searching officers 'How did that get there?' But there is danger in accepting vox pop at face value. I reflected on my Long Lartin days when reading of the ex-prisoner whose dealing 'earned' him £28,000 over a sentence since 'I had a daughter to get through university; I had to buy her a car.' The same man had mates (plural) who made over £100,000 while inside. Published author but then Category A prisoner, Norman Parker, would talk of Long

Lartin as 'the dream factory' from which every tin-pot gangster would be released to his job with Martin Scorsese or to his château in the Dordogne. Sometimes prisoners tell porkies.

In a climate of fiscal austerity the public sector must share the pain but, asks Podmore, how compatible is this with an exploding population? He develops this subject well. Familiar arguments about bail are rehearsed and there is little doubt that, with increasing delays before prosecution many, not needing imprisonment, continue to be remanded at disproportionate cost. Podmore follows this with an equally convincing consideration of the need for more nuanced approaches to the use of the (cheaper) open estate. The 2010 Ford riot does not evidence failure of open prisons. Better management practices are required, rather like the failing Kirkham of 1998 — 2004 which, by 2009, received accolades from the Chief Inspector and public support from the local community.

John Podmore briefly addresses home detention curfew and parole. Of the former he concludes that 'people remain in prison not because the law says they should as part of their punishment but because there is nowhere for them to go. Hardly the best use of expensive incarceration.' There follows a concise explanation of the life sentence and the indeterminate sentence for public protection. He expresses familiar frustration that informed criticism of mandatory life sentences is routinely rejected for fear of politicians appearing soft. The mushrooming of IPPs is noted, also its effect on prisoners and their families, many of whom may have a variety of cognitive limitations, when they cannot be told release dates — or in Podmore's words: 'Computer says ninety-nine years.'

The author laments the lost opportunity to save public money through a professional development of work in establishments. Despite political aspirations to align working conditions with those outside, the average working week for prisoners was only 11.6 hours in 2010. Pay, generally, remains dismally low. Yet there is meaningful work if governors would but seek it out as Podmore did at Swaleside. He had difficult union negotiations but when the result was a contented prisoner workforce with decent pay, a satisfied outside provider and, eventually, a co-operative staff the effort was worth while. Things looked good when Justice Minister, Ken Clarke, put faith in such developments at the 2011 Conservative Party Conference, only to be potentially stymied by the law of unintended consequences under the Prisoners' Earnings Act.

Despite political aspirations to align working conditions with those outside, the average working week for prisoners was only 11.6 hours in 2010. Pay, generally, remains dismally low.

One might anticipate Podmore as being wholly committed to rehabilitative programmes for prisoners and so he is. But not the muddleheaded plethora of questionably validated and unevaluated programmes that have been metaphorically dumped on governors by NOMS. Selection may be 'scatter gun' and, in one prisoners' perceptive view, may be directed at those needing them least — the compliant and not those with behavioural problems. There is even a muddle, it seems, over drug treatment programmes delivered by the third sector. Where the writer is a little off beam is in his criticism of post-detoxification alcohol abuse support. He writes that 'the sorts of support services provided in the community by a range of charitable organisations does not take place in prison.' Alcoholics Anonymous has done sterling work in most prisons over many decades.

It is clear, throughout, that the writer places great faith in the work of trusts and charitable foundations, including arts based ones, and he is an influential participant in the work of several. It is in his account of their interaction with prisons that his frustration is most manifest. The third sector has developed a remarkable range of specialist expertise underpinned by professional practice yet he finds officials' perceptions of them to be of amateur do-gooding. This is where the 'big society' should come into its own yet, repeatedly, their work is damaged or curtailed through knee-jerk NOMS decisions. In one example, a charitable trust with long established footholds in a number of young offender institutions found each of them being re-roled, making their work inappropriate for the new population. They had not been consulted and NOMS' view appeared to be that their disappointed response merely demonstrated their inability to meet Service needs.

Cack-handedness is manifest in charity contributions to staff support too. Take the imaginative scheme under which the Governor of Leeds, the Home Office, Monument Trust and Leeds Metropolitan University combined to provide foundation degree courses for prison officers, some of whom later followed degree and post-graduate studies. Governors and officials moved on and, with them, enthusiasm for the course. Two hundred thousand

pounds down the line, the scheme folded. Something that should have been trumpeted as a model for the Service was abandoned. When a senior executive of Monument met a NOMS director it became clear that there was scant headquarters knowledge of the scheme in the first place. Let us hope nobody in NOMS notices the Cambridge University Master of Studies course.

John Podmore gives many examples of how the bureaucratic leviathan is unequal to maximising the potential of exciting and innovative third sector contributions. Now a new element is introduced. Those who have provided such initiatives over many years will be bidding against other providers, including commercial bodies, for delivery of the same services. So, for example, the selfless former prisoner Branstaff Jacobs, whose tiny charity supports and finds accommodation for the most vulnerable of discharged prisoners, may fall prey to the shareholders of one or another multi-national.

Reading Podmore's account of 'the invisible prison governor', with the diminution of authority and influence of the role, caused me particular disappointment. This, together with 'enforced silence', he argues, has led to their isolation from policy development. The pre-Fresh Start bifurcated hierarchies of governors class 1 to 5 on one hand and chief officer 1 to basic grade officer on the other led to a crude distribution of authority and accountability. Post-Fresh Start, these lines were clarified but a clumsy absorbing of chief officer (caterer) and the like into the then 'governor grades' led to further confusion. Every Tom, Dick and Mary could describe themselves as prison governors. Podmore makes no reference to the aborted Fresh Start Phase Two whereby the Prison Service administration grades were to be absorbed into a coherently structured management whole. Podmore has a fairly jaundiced view of some cross grade postings whereby governor grades moved into headquarters jobs and vice versa. Then he is also somewhat jaundiced, and in my view unfair, in dismissing most headquarters staff as incompetent 'bean counters'. The later ascription of managerialist nomenclature to the governor grades, providing a formula the wider civil service could understand, had drawbacks too. In an extreme example, the person in charge of one of the three prisons in the Sheppey Cluster became sixth in the hierarchy of accountability. Bureaucracy became embedded in the system and 'managerialism had slipped in when no one was watching.'

Managerialism has led to a reduction in, though not eradication of, escapes, riots, controversial deaths in custody, allegations of mistreatment and the like.

Sensing that John Podmore grieves for the freedom of governors to manage their fiefdoms with idiosyncratic zeal (perhaps his own natural style) his analysis of management between 1970 and 1990 is thin. Managerialism has led to a reduction in, though not eradication of, escapes, riots, controversial deaths in custody, allegations of mistreatment and the like. However to dismiss that era in half a page could lead the reader to suspect that such telescoping captures all that characterised prisons in those days. The Treasury may once have offered us an open wallet. But the mid-70s saw the introduction of budgetary control and matters were no longer as simple as suggested.

Clearly there were serious shortcomings and, as Shane Bryans notes in number 200 of this Journal, Professor Alison Liebling challenges 'romantic reflections on the past'. But as Bryans indicates, assistant governors of old were recruited to do a different job from that of their modern counterparts. The rehabilitative ideal was the driver for junior governors in borstals and in training prisons. So, for example, at Long Lartin, governor Jack Williams, who had inherited the ethos instilled by Bill Perrie and Ian Dunbar, refused to jeopardize that. It is too simplistic to espouse the mantra 'pre-1990 bad; post-1990 good'.

Podmore rightly credits Alison Liebling and Ben Crewe for their continuous analysis of managerialism (and now post-managerialism) in the Prison Service. Of concern to me, in Liebling's rough classification of present gubernatorial styles, are those who are 'uncritically focused on performance targets' or 'alienated or complacent.' There are, of course, 'highly skilled operational governors' too. I guess some will be those who have not been leaned against for allowing prisoners to have a party or for hosting a Comedy School course. A former governor of Pentonville told me that he could mount any sort of arts event he liked with his prisoners, provided he gave it a punitive enough sounding name. Research should not underestimate the question of luck in determining whether one is seen as an exemplary governor or a bit of a cowboy.

John Podmore regards the advent of managerialism as a device that keeps governors in their place. There are no longer conferences for middle managers (as there once were for junior governors), for governing governors or even a need to attend the, now abolished, annual Prison Service Conference.

They seldom speak at external venues and their contribution to the media are policed by Press Office. Thus their views seldom inform the wider criminal justice debate. Podmore notes that his own 'elastic interpretation of the rules made me few friends in the Press Office.' Significantly, it never deterred him from developing his own public profile just as others before him (and I think of governors like Bill Driscoll and Ian Dunbar). It was once said that a Wakefield prisoner applied to see 'the number one' (Dunbar) and was told: 'Try Newsnight on Thursday.' If governors generally have become frightened of making intelligent public comment they have themselves to blame. There were always ways of 'interpreting' the rules in my day as I am sure there are now. Perhaps governors are too busy ticking boxes.

A multiplicity of supposed institutional needs militate against effectiveness regarding family ties, securing post-released employment and education. These, John Podmore reminds us, can have a profound effect on life after prison. Yet with family contacts, there are obstacles like different requirements for different booking systems, remote locations, short notice overcrowding drafts, limited access to telephones unless it is the clandestine mobile, 'basic' visiting rights for those who may need visits most; and this is just the start. It all conspires to make what should be a positive experience the very opposite. In this commercial era, the charity Prisoner Advice and Care Trust, having given enduring support for family visits, found the rug pulled from under it by a competing, cheaper, charitable provider. At the stroke of a pen, PACT lost thirty per cent of its funding. Nonetheless, Podmore finds that there are 'flowers in the desert.' The first is emailaprisoner.com, pioneered by Derek Jones, initially with Guys Marsh. Without headquarters support individual governors are slowly joining the scheme. Secondly there is the video scheme Story Book Dads (sic) allowing mothers and fathers in prison to be a constant presence in their children's lives.

About eighty per cent of prisoners will be jobless on release. Podmore is sceptical of any real effort on the part of the Prison Service or other statutory agencies to provide the opportunities they need to rejoin the work force. The Rehabilitation of Offenders Act, as presently enacted, has long periods before ex-prisoners need not admit their convictions. While presently subject to parliamentary consideration, previous proposals to reduce the relevant periods have failed for fear of voter and tabloid hostility.

Podmore notes that his own 'elastic interpretation of the rules made me few friends in the Press Office.'

Podmore briefly addresses education for prisoners, now contracted out to commercial providers often covering many prisons. Education, understandably, tends to be concentrated on basic literacy and numeracy yet recent reports of Ofsted and the Chief Inspector reveal its shortcomings. Podmore forgets that further education is itself experiencing austerity and organisational change. Press accounts of the travails of Manchester College, one of the largest providers, evidences this. The collision of one bureaucracy with another, at a time of simultaneous processes of change, suggests that this is not the best time to be a prisoner intent on learning.

It is not surprising that many of John Podmore's conclusions about today's criminal justice system are somewhat bleak. He notes that the United Kingdom remains a nation of 'incarcerholics'. Northern European decarceraters are 'woolly minded liberals' and we look to the United States to validate locking up ever more. He overlooks the penalogically red necked Texas, now embarking on decarceration for that most ethical of reasons: prison is too expensive.

Podmore's is not an anti-privatisation manifesto. He recognises that privatisation is here and we must accept it. But warnings about its grip across the Atlantic should be heeded. The privateers seek easy pickings and so did not bid for the disgraceful Brixton. But Brixton could be, and was, turned around. It became a 'most improved' prison under Podmore's governorship. This convinces him that 'innovation and rehabilitation must be at the heart of new tenders where there is already competition, as well as in the rest of the prison estate where (for now) there is not.' This is hardly radical thinking but he believes it has escaped politicians and Whitehall mandarins for generations. They mouth the words but seldom deliver.

Unmentioned so far are Podmore's frequent references to prisoners' exclusion from the digital age. Innovation should include them in what, for most, is an essential of daily life. I remember when prisoners were not allowed The Morning Star, or sunglasses, or trainers, or FM radios. And when staff would not wear name badges because of a potentially offensive weapon in the wrong hands: the safety pin. All in the name of security. How quaint it seems now. He invites the Prison Service to introduce prisoners to that alarmingly dangerous future of doing something absolutely normal. Of course, Podmore accepts, there will be security implications but these should be managed and not used as a smokescreen behind which to hide progress.

For all the supposed benefits of the managerialism, Podmore warns against the emergence of a demotivated workforce leading to poor staff-prisoner relations. Various Chief Inspectors' reports support him. Elsewhere, the book gives credit to Ian Dunbar and his elaboration of dynamic security. This should be revisited as it is through positive staff-prisoner interaction that safe environments and sound security can be enhanced. He makes only passing reference to prison officers. Much has been revealed, through appreciative enquiry, showing that they are far from the disengaged dim-wit of old. But that was only ever a lazy stereotype. Most were honest workers doing a good job. Teddy Thomas, in 'The English Prison Officer since 1850' (1972) described eloquently how, whenever elements of officers' jobs became interesting (teaching, welfare etc.), they were handed over to specialist grades. The officer reverted to turnkey. Should the Prison Service hive off more and more services to cheaper outside providers, there is the danger of leaving the officer behind yet again. This, as much as anything, may lead to the demotivated workforce of which Podmore warns.

So, is there anything to be salvaged from Podmore's penal mess? Whereas he is mercilessly critical of parts of the system, he recognises its good bits and his book is written from a perspective of one who cares deeply for that of which he was part for so long. He is convinced that the Prison Service has the potential to be better. It needs releasing from suffocating Whitehall traditions whereby successive bands of civil servants try to satisfy successive Ministers that they can rapidly implement today's new fad in place of yesterday's. Podmore opines that we are good at managing the transition from community to prison and hopeless at managing the chaos of prison to community. The Royal Society of Arts, of which he is a Fellow, proposes RSA Transitions whereby the new model prison would 'provide a physical space where people can properly prepare themselves for life outside prison.' It will be professionally costed and 'informed by hard-nosed financial thinking.' Essentially it will be part college, part social enterprise and part rehabilitative facility offering paid jobs and preparation for work on release. It will embrace the community where it is based and it will be much more too. This, he sees as the promising future.

John Podmore has made a significant contribution to modern debate but his work has a few shortcomings.

Perhaps an argument for another day but relating to John Podmore's, and others', assessment of gubernatorial requirements, it appears to me that if one recruits a cadre of middle managers he describes as 'operationally and emotionally remote' from prisoners, one risks a middle management with a one dimensional appreciation of their organisation. As Podmore notes, prison officers tend to have only rudimentary training. How many of them, like the assistant governors of old, would have an deep knowledge of Prison Rules and Standing Orders (now Prison Service Orders) ensuring prisoners of their entitlements? How many prisoners presently suffer from what a chief officer once told me: 'Standing Orders don't quite have the effect at Durham as they might in other prisons.' Wing assistant governors made sure they did. How many of the new middle managers would even come to know a wing culture whereby there was 'the Prison Service way and the Hollow way'? If they are trained to tick boxes, that is what they will do well.

The Managerialist approach and the discipline of market testing may well have ameliorated the system. I shall not have complete faith in it until I stop reading about trivial matters reaching the Prisons and Probation Ombudsman that should have been sorted at local level. Or when I no longer have concern for the management of women prisoners that I had when working with them beginning some 28 years ago. Or when I stop hearing of slopping out.

Written in an engagingly colloquial, though occasionally hubristic, style this is no dusty penological tract though almost every argument is backed by figures or costings. John Podmore has made a significant contribution to modern debate but his work has a few shortcomings. His arguments are generally persuasive but are punctuated by occasional errors and infelicities.

There were no deaths during the Strangeways riots. Articles submitted to the Prison Service Journal are subject to peer review, not censorship. Martin Narey was no longer Director General in 2005 as asserted, and so on. I am uncomfortable with the side-swipe at the charity Spurgeons. Podmore writes: 'No one had heard of it before and it had no track record of work in prisons.' Spurgeons has 140 years' experience supporting fragile families; it commenced work in Wellingborough in 1999; it now runs nine visitors' centres and works with prisoners at Winchester and Kingston. I feel that the triumphalism of 'The POA has finally been defeated' (a sentiment repeated in Shane Bryans' article noted above) is misplaced. Privatisation may have eroded its former power but since

management has, for years, sought less confrontational relationships with the union, it is unseemly to gloat now it has got it. There is the clichéd gripe about 'fat cat' lawyers, yet no mention of lawyers' contributions to the prisoners' rights agenda that has helped shape modern prison practice.

Further, Podmore has been seriously let down by his editor. One learns more about prison security from the chapter headed 'Spies and Robbers' than the one headed 'Security'. By page 74 we have the third description of the Belmarsh Special Security Unit. On one page, extracts from three separate reports identify Nick Hardwick as Chief Inspector of Prisons. On the very next page, Podmore explains, twice, that Nick Hardwick is the Chief Inspector of Prisons. And when will publishers learn that a computer spell check is not a substitute for proof reading? 'Effect' and 'affect' are not interchangeable. 'Fulfill' and 'instill' are not English. The corrupt acting governor Thorne is later ennobled to 'Throne' and what on earth is an 'apple art'?

These criticisms should not detract from the thrust of Podmore's important book. He writes with gusto and in an accessible form nor does he pulls his punches. Will his words be heeded? I recall a quotation from an unlikely source. In John le Carre's 'Call for the Dead' (1961) he writes:

> *Experience, perception, common sense … were not the organs of fact. Paper was fact; Ministers were fact; Home Secretaries were hard fact. The Department did not concern itself with the impressions of … a single officer when they conflicted with policy.*

John Podmore is a visionary and his thoughts are based on his experience, perception and common sense. My fear is that NOMS, which offered him redundancy, may marginalise his views. If so, it, and the Prison Service will be the losers.

Peter Quinn *is a retired Governor.*