PRISON GOVERNANCE:
An Exploration of the Changing Role and Duties of the Prison Governor in HM Prison Service

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ABSTRACT

Interviews with 42 Prison Governors, an analysis of job descriptions from 98 Governors, and original material reveal that their role and duties have changed in recent years.

The introduction of New Public Management (NPM) into the Prison Service has made Governors far more accountable for the operation of their prisons. They are now expected to achieve performance targets, deliver efficiency savings, and to compete with other prisons. Line management of Governors has become robust. More is now delegated to Governors, but at the same time scope for local discretion has diminished. The administrative burden on Governors has increased significantly. Changes in the environment in which Governors operate have also had an impact on their work. In particular, recent years have seen a more punitive approach by the media, politicians, public and judiciary, and an increase in the ability and willingness of prisoners (and pressure groups) to challenge a Governor's decision.

Governors today are at the same time: general managers (managing budgets and people, undertaking strategic planning, auditing and monitoring); leaders (acting as a figurehead, representing their establishment, providing vision and direction); operational commanders (dealing with incidents); and prison specialists (maintaining security, achieving order through effective control, and providing positive regimes).

A key aspect of Governors' work has however remained unchanged over the years. This *sui generis* element involves balancing and regulating their prisons by exercising power, authority, influence and discretion in a way that protects individuals and mitigates the negative aspects of a closed institution. Governors must craft prison culture, blend the various approaches to maintaining order, and demonstrate clear moral and ethical standards. Governors still require 'grounded professionalism'. They manage their institutions based on their accumulated knowledge, practical experience and personal judgment. In doing so, they seek to ensure that prisoners are treated in a decent and humane way, their institutions are safe and clean, and opportunities exist for rehabilitation.

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CHAPTER 1:

BACKGROUND TO THE RESEARCH

1.1   Why study Governors?

The prison is an instrument of punishment, which constitutes the 'darkest region in the apparatus of justice' (Foucault 1979, p256). Despite calls for decarceration, tougher community penalties and greater social inclusion, the prison continues to occupy a central position in our criminal justice system. Despite their questionable success, prisons have become a normalised part of our criminal justice system, as these commentators point out:

> 'the prison as an instrument of punishment has escalated further in importance, and solidified its position' (Mathieson 2000, p173).

> 'So successful has the prison been that, after a century and a half of 'failures', the prison still exists, producing the same results, and there is the greatest reluctance to dispense with it' (Foucault 1979, p277).

While prisons are likely to be a key, and probably the dominant, feature of our penal landscape for the foreseeable future, surprisingly little is known about the people who run our custodial institutions and what they do on our behalf. Prisons, prison officers and prisoners have all been studied, yet prison Governors have been the subject of very little scrutiny.

Prison Governors are a key occupational group within the criminal justice system. On behalf of society, Governors enforce the State's most severe penalty. It is Governors who run the 137 penal establishments in England and Wales. Governors hold in custody 75,000 citizens, deprive them of their freedom and enforce the rules and regulations that dictate prisoners' daily lives. Governors exercise considerable personal power within their institutions. Prisoners can be: physically restrained; segregated; transferred; confined to their cells; strip searched; refused physical contact with their families; and released temporarily; all on the instructions of the Governor. Governors manage a 24 hour, 365 day a year organisation which

provides: various types of accommodation (for staff, prisoners and visitors); a shop; a catering service; a health service; a maintenance department; a sports centre; a college of further education; a library; industrial workshops; and possibly a small farm or laundry (West 1997).

It is a complex task in itself, even before considering the individuals who are incarcerated. Governors have to control, care for, and contain a variety of offenders. Prisoners range from the hardened career criminal, and the violent and dangerous psychopath, to the inadequate and the mentally disordered. The majority are ordinary people who have committed offences of all kinds, and who want to get through their sentence as quietly as they can. Some, however, will be desperately trying to escape; some will be permanently anti-authority; many will want to carry on the delinquent behaviour that they bring in from the streets; a number will be desperately immature and unable to control their actions (particularly in Young Offender Institutions); and some will want to harm themselves.

The nature of the work, and the environment in which it is undertaken, has led to the role of the Governor being described as unique or *sui generis* (HM Prison Service 1997a, para. 9.14). The critical contribution the Governor makes to the life of a prison has remained remarkably constant over time:

> '... the governor is the keystone of the arch. Within his own prison, he is ... supreme ...' (Fox 1952, p87).

> 'It hardly needs saying that the most important person in any prison is the governor' (Advisory Council on the Penal System 1968, para. 190).

> 'Perhaps in no organisation is the position of general manager, and the person who fills it, of such concern to all the organisational participants as it is in the prison' (King and Elliott 1977, p149).

> 'The key managerial role in the Prison Service is that of Governor ... a well run prison runs more than anything else on the skill and approach of the Governor' (HM Prison Service 1997a, paras 4 and 9.14).

> 'It is difficult to think of a more challenging and important job than governing a prison. Prisons stand or fall by the people who manage ... them' (Lyon 2003, p3).

Surprisingly, academic consideration of Governors, and prison governance, is more limited than the importance of their role suggests that it should be. In order to contribute to filling this gap in the literature on prisons this study looks to provide an insight into the people who govern our prisons and the way in which they govern.

Studying Governors and their approach will add an additional dimension to the existing work on penality because 'adequate description and understanding of contemporary penality depends on the perspective of those who shape and administer its mission' (Lucken 1998, p108). It has also been argued that the aims, activities and values of penal actors must inform the dialogue on punishment, and that any sociology of punishment which ignores this direction is likely to misunderstand the nature of the institution (Duff and Garland 1994).

The widely held view that the Governors' role is undergoing something of a transformation provides a further reason to study their work. The job of Governor, it is argued, is becoming more managerial and less distinct as a *sui generis* profession. The Prison Service Review concluded that the role of Governor had become much more demanding. It found that Governors were increasingly seen as general managers and concluded that 'the responsibilities of governors and the demands made on them have increased enormously over the years' and that 'the role of governor is in need of redefinition and review' (HM Prison Service 1997a, paras 9.34 and 9.77). The view from outside the Prison Service is similar: 'the recent period has been an eventful one in the prisons of England and Wales ... it seems apparent ... that what governing prisons means and involves will also have changed significantly' (Sparks *et al.* 1996, p134-135).

1.2   Researching in criminology and public management

In researching the work of Governors this study falls within the broad scope of social sciences research. It is, at the same time, both criminological and management research. Management research is concerned with:

> 'managers and their problems, and the processes of management in developing, operating and controlling organisations (private, public

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and voluntary) in their economic, social and political context' (Commission on Management Research 1994, p5).

Governors are senior managers who run multi-million pound organisations. As this study focuses on Governors, it is about managers and falls within the management studies umbrella.

Governors, however, manage within a specific environment. Firstly, Governors are public servants employed by the state. As such their work can be described as forming part of the public administration, or public management, research sphere. Secondly, Governors operate within a penal environment. This research therefore comes within what has been described as the 'criminological enterprise' (Jupp 1989, p23). Criminological research can be broadly defined as research relating to all aspects of crime and criminal justice (Pond 1999, p9) and includes 'the institutions of criminal justice and their workings' (Jupp 2000, p16). Within criminological research there has emerged a sub-set of research related to prisons, known as penology. It has been suggested that penology is:

> 'a practically-orientated form of social science which ... covers the entire range of penal practice and administration, down to the most minute detail ...' (Duff and Garland 1994, p21).

The allocation of this study to any one of these disciplines would be nominal because, like many research studies, it straddles a number of schools and traditions. This thesis therefore looks to all three research domains (management, public administration, and penology) for insight into understanding the Governors' role and work.

1.3   Governors and their role

This study has at its focus the people who occupy the Office of Governor and explores what they do when occupying that Office. A 'governor' can be defined as: a steersman, pilot, captain of a vessel; one who exercises authoritative control; the officer in command; one who bears rule in an establishment or institution; and a tutor (Oxford English Dictionary 1985, p713). The dictionary also defines the detail of

what governors do, namely, govern. That is, they: rule with authority; direct, control and regulate the actions and affairs of people; command; hold sway over; influence; guide; master; lead; determine the course; prevail; have decisive influence; administer; manage; order affairs and undertakings; attend to; care for; look after; manipulate; hold in check; curb; and restrain (Oxford English Dictionary 1985, p709). As later sections of this thesis will show Governors occupy many of these roles and perform most of these tasks in their daily work.

While Governors operate within the rules and regulations set out by Prison Service Headquarters they can have a direct personal impact on the ethos and function of their establishment, as a number of commentators have recognised:

> 'A penal institution is the lengthened shadow of the man in charge' (Conrad 1960, p245).

> 'Prevailing intellectual discourses and political ideologies will have a substantial impact on a penal system, yet it is equally possible to suppose that the initiative and energy of individual actors can do much to shape prisons within those constraints' (Forsythe 1990, p156).

> 'Prisons are remarkably stubborn social institutions and without extraordinary leadership are inclined to rapidly regress into apathy and violence' (Rutherford 2000, p64).

The important role that the head of a custodial institution occupies has also been highlighted in American research, which has suggested that: the warden's managerial style is the most salient determinant of whether prisons are safe, orderly, clean and capable of providing inmates' amenities (DiIulio 1987, 1991); 'Wardens are important actors in the correctional arena' (Cullen *et al.* 1993a, p70); and 'the key to the conditions and general climate of any prison is the warden' (Peak 1995, p269).

1.4   General prison research

Prison research has covered considerable ground over the years. The world of prisons has been especially fertile ground for theoretical frameworks but, as one commentator put it, 'it has proven to be highly susceptible to theories resembling the

Aristotelean spheres – structurally neat, marginally functioning but wrong' (Duguid 2001, p51).

By far the largest body of prison literature looks at imprisonment generally, including the current and future state of our prisons (King and McDermott 1995, Matthews and Francis 1996, West 1997, Mathiesen 2000, Morgan 2002). The sociology of imprisonment has also been the subject of academic attention (Sykes 1958, Mathiesen 1965, Matthews 1999), as have recent criminal and penal policy developments (Rutherford 1996, Dunbar and Langdon 1998, Faulkner 2001, Ryan 2003). Researchers have charted the development of imprisonment and the history of prison administration from its earliest days (Pugh 1968, McConville 1981 and 1985, Harding *et al.* 1985, Morris and Rothman 1995) and some have located that history within wider social and political movements (Ignatieff 1978, Foucault 1979).

Studies have examined the workings of the prison system as a whole (Fitzgerald and Sim 1982, Rutherford 1984, Stern 1987, Coyle 1991, Cavadino and Dignan 1997, Bryans and Jones 2001). There have been a number of studies looking specifically at the development of one institution (Morris and Morris 1963, Emery 1970, Genders and Player 1995, Rock 1996, King and Elliott 1997). A similar case study approach, focusing on one institution, can be seen in other jurisdictions (Clemmer 1940 and Jacobs 1977). These studies included descriptions of the nature of the prison and its general operation. Other studies have adopted a comparative approach and have looked at prisons of one type (Sparks 1971), open and closed prisons (Jones and Cornes 1977), prisons from different security categories (King and Mc Dermott 1995) and differences between prisons of the same security category (Sparks *et al.* 1996). Another study has looked specifically at women in prison (Bosworth 1999).

Various actors in the penal system have also given an account of their world. Prisoners' autobiographies are produced on a regular basis. (The most insightful works include: Caird 1974, Boyle 1974 and 1985, Peckham 1985, Hercules 1989, Smith 1989, Bettsworth 1989, Leech 1993, Turney 1997, Hoskison 1998, Cook and Wilkinson 1999, Devlin and Turney 1999, Jennings 2001, Wyner 2003.) The contribution of prisoner autobiography to the penal archive, and its importance as a *genre* in the system of discourses relating to prison and penal affairs, has been well

documented (Morgan 1999). Prison officers are also important actors in the penal environment. Their role and work has come under the spotlight of inquiry a number of times (Cronin 1967, Thomas 1972, Liebling and Price 2001, Crawley 2003). A former Director General of the Prison Service (Lewis 1997), Chief Inspector of Prisons (Ramsbotham 2003) and senior Home Office and Prison Service officials (Dunbar and Langdon 1998, Faulkner 2001) have added to the literature by reflecting on prisons and how they should be run.

1.5 Existing studies of Governors

Like Chief Constables, their criminal justice colleagues, Governors have received what Reiner refers to as the 'ultimate accolade of heroic status: a prime time TV series about their activities' (Reiner 1991, p3). *The Governor*, which unlike other prison based TV programmes such as *Porridge, Cell Block 11, Jailbirds* and *Bad Girls,* had as its main character a prison Governor, was first shown in 1997. Popular television aside, Governors have not been the subject of extensive academic interest. The literature that does exist on Governors is mainly in the form of autobiographies by retired prison Governors (Blake 1927, Rich 1932, Grew 1958, Clayton 1958, Kelly 1967, Miller 1976).

Outside the prison environment, other criminal justice senior practitioners in this country have been the subject of considerably more academic interest than their Governor colleagues. There have been influential studies of: Chief Constables (Reiner 1991, Wall 1998); work pressures and job satisfaction of senior police officers (Brown *et al.* 1999); the values and beliefs of criminal justice practitioners (Rutherford 1994); probation managers (Statham and Whitehead 1992) and the judiciary (Henry 1970, Shetreet 1976, Pannick 1987, Blair 2000).

It is worthwhile reflecting on why Governors have been the subject of such limited research compared to these other criminal justice elites. In contrast with judges, magistrates and chief constables, Governors are far less visible to the wider community, as their work is done out of the public view. This low profile has tended not to generate much discussion of their work and, as a result, researchers have

focused on more high profile occupational groups. Access to prisons and Governors has traditionally been very limited. Approval had to be given by the Home Office and this has not always been forthcoming. Funding research on the work of Governors has never been a priority and:

> 'In prison research, of course, there has also been the special problem of tense and uneasy relations between researchers and the sponsors or gatekeepers who control access and funding' (Sparks *et al.* 1996, p339).

Governors have also to take responsibility for the lack of research into their profession. In the past, they have resisted attempts at a systematic study of their work, preferring to perpetuate the idea that their work is *sui generis* and too difficult to describe. At a more practical level, because of the Official Secrets Act, and employment contracts, Governors are not able to write publicly about their work without official permission (HM Prison Service 1997b, paras 19.78-19.80). In short, Governors have not wanted to be studied, and researchers have thought other areas of prisons and prison life more worthy of study (Bryans 2000a, p15).

1.6   Prison management theories

Research in this country on aspects of the management of prisons has tended to focus on specific organisational issues such as: prison culture (Finkelstein 1993); 'prisonisation' and prisoner subcultures (Irwin and Cressey 1962, Irwin 1970, Cohen and Taylor 1972); mental health of prisoners (Gunn *et al.* 1978 and 1991); administrative decision-making in prison systems (Bottomley 1973, Adler and Longhurst 1994); maintenance of order in prisons (Useem and Kimball 1989, Sparks *et al.* 1996, Wortley 2002); absconding from open prison (Banks *et al.* 1975); race relations in prisons (Genders and Player 1989); suicide and self harm by prisoners (Liebling 1992 and 1995); and the use of incentives and earned privileges in prisons (Liebling *et al.* 1997). Some studies have considered aspects of prison regimes, such as work for prisoners (Simon 1999) or prisoner education (Wilson and Reuss 2000). Others have focused on the needs of particular groups of prisoners, such as lifers (Cullen and Newell 1999), were written as guides to practical aspects of how a prison

operates (Gravett 1999), or looked at the context in which Governors operate (Carlen 2001).

More holistic descriptions of the management of prisons can be found in practitioner accounts of their work (Bryans and Wilson 1998, Willmott 1999, Bryans 2000a, Abbot and Bryans 2001) and in official Reports and Reviews of what Governors should be doing (most recently, HM Prison Service 1997a and Laming 2000).

The paucity of academic interest in governing and prison management in this country is in marked contrast to Warden Studies in the USA, which has now established itself as a legitimate academic discipline. American books on the work of Wardens include: comparative correctional management (DiIulio 1987); prison leadership (Wright, K. 1994); correctional organisation and management (Duffee 1980, Peak 1995, Houston 1995, Phillips and Connell 1996, Freeman 1999); analytical and critical overviews of the literature on corrections management (McShane and Williams 1993); and the examination of contemporary penality from the perspective of Wardens working in the penal system (Lucken 1998). The literature on Wardens also includes various articles on their work and approach, including correctional orientation (Cullen *et al.* 1993a) and job satisfaction (Flanagan *et al.* 1996).

Various attempts have also been made in the USA to produce models of prison management. Barak-Glantz (1981) offered a classification consisting of four approaches to the management of prisons: authoritarian (where the Governor has near complete power); bureaucratic-lawful (where general principles and rules are applied by the central administration to the Governor, and by Governors to their prisons); shared powers (where some power is given to prisoners); and inmate control (where prisoners effectively control the prison).

From his comparative study of prison systems in three states in the USA, DiIulio (1987) offered an alternative classification and identified three managerial approaches to governing prisons: the control model (paramilitary, hierarchical and bureaucratic style of organization emphasizing prisoner obedience to all rules); the responsibility model (in which prisoners are given some responsibility for organizing their daily lives, subject to security needs); and the consensual model (with staff who

deal informally with prisoners, exercising discretion over rule adherence). DiIulio concluded that prisons which adhere to highly formalised managerial practices – the control model – were more effective, particularly when it came to reducing disorder. That conclusion was challenged by more recent empirical research, which found that, all other things being equal, the consensual model and the responsibility model were associated with comparatively lower levels of prison disorder (Reisig 1998, p239).

1.7   Purpose and structure of the thesis

The purpose of this study is not to elucidate a systematic sociology of imprisonment but rather to develop further an understanding of how prisons are managed. It hopes to contribute to the theory, policy and practice of running prisons. The study will identify who governs our prisons, discuss the work that they do, and consider whether that work is different from the work of their predecessors. It will consider whether the Governor is still the key player in a prison and whether the success, or failure, of a prison depends more on the Governor than on anything else.

This study also intends to contribute to the literature on public sector administration and management by considering the impact of a new ideology (New Public Management) on a particular group of public sector administrators (Governors) and whether it has been successful in transforming them into public sector managers.

The research aims and questions are outlined in detail in chapter 4.

The contents of this thesis have been divided into seven parts. Part One provides an introduction to, and the context of, the study. Chapter 2 considers the penal landscape in which Governors operate, and highlights the competing and conflicting penal goals set for our prison system. Chapter 3 provides the organisational context by describing the structure and organisation of the Prison Service. It also describes the legal aspects associated with the 'Office' of Governor.

Part Two looks to the research process itself and explains how the research was planned and accomplished. Chapter 4 discusses the research approach, design, and

methodology. It goes on to provide a more detailed discussion of how the research methods were used. Chapter 5 describes how the data was analysed and comments on its validity and reliability. It also looks at ethical issues in conducting the research and reflects on being a 'practitioner researcher'.

Part Three traces the development of the role and work of Governors since the time of the first gaolers. It outlines the organisational and penal changes for each historical period and sets within that context how the role, work and status of Governors has changed over the years.

The social characteristics of contemporary Governors are analysed in Part Four. Chapter 8 looks at who the Governors are in terms of their origins, background, recruitment and training. Chapter 9 considers the Governors' philosophy, operating credo and motivation.

Part Five provides a discussion of the changing context in which Governors find themselves operating. Chapter 10 describes changes in the external environment and highlights the increase in prisoners' rights and expectations, the impact of the rising prison population and current political debate surrounding prisons. It also discusses the impact of private sector involvement, risk management and New Public Management (NPM). Chapter 11 takes forward the discussion of NPM and looks at the way managerialism has had a direct impact on what Governors do and the way they govern.

An exploration of prison governorship, and what it means to govern a prison, forms Part Six. Chapter 12 probes the generic roles and tasks Governors undertake, whilst chapter 13 considers Governors' prison-specific roles and duties. Chapter 14 looks at the reality of governing from the individual Governor's perspective.

Part Seven, the final part of the thesis, pulls together the earlier discussion and analyses the Governors' current role. Chapter 15 highlights how Governors' work has become increasingly managerial in nature, but emphasises the continuing significance of the Governor in achieving a balanced and healthy prison. It also identifies a typology of Governors based on the research and considers whether the work of today's Governors remains *sui generis*. Chapter 16, the final chapter,

discusses the implications of the research and its contribution to theory and organisational practice, before making recommendations for future research. The thesis concludes with some thoughts about prison governance in the future.

CHAPTER 2:

PRISONS AND THEIR PLACE IN THE PENAL LANDSCAPE

This thesis has as its subject prison Governors and their work. In order to put Governors and their working environment – prisons – into context, this chapter looks beyond prison walls to the penal landscape in which Governors and their prisons operate. It considers the role of prisons and what they are expected to contribute to society. It is not until this macro picture of the system is painted that the microcosm that is the world of the Governor can be fully understood.

2.1   Crime and imprisonment

Crime has moved from the rare, the abnormal, the offence of the marginal and the stranger, to a commonplace part of the texture of life (Young 1999, p30). Today's 'crime complex' (Garland 2001) sees crime as being out of control, prisons overcrowded, police ineffective, courts out of touch and life perceived to be unsafe. Crime, or at least the manifestation of crime-prevention paraphernalia, can be found in all areas of our daily existence. Media coverage of actual and fictitious crime events, and political rhetoric, all contribute to creating a fear that the criminal may be around the next corner waiting for us. This perception of crime levels is at odds with the reality of the number of crimes committed. Between 1995 and 1999 there was a 23 per cent fall in the crime rate, according to the British Crime Survey (Kershaw *et al.* 2000).

The fall in crime has not however been matched by a fall in the prison population. Imprisonment remains the 'most severe type of sentence that is open to the criminal court' (Walker 1985, p125) and is at 'the highest point on the scale of coercive penalties' in this country (Faugeron 1996, p122). Prisons continue to be the subject of debate and receive more attention from legislators, penologists and the news media than any other penal form – as one commentator put it: '...prisons are seldom out of the news' (Morgan 2002, p1118).

2.2　Purpose of imprisonment

The purpose of imprisonment will have a significant influence over the way prisons are run and what Governors are called upon to do in managing their institutions. There is, however, a lack of clarity and agreement as to the purpose of our prisons. The problem has been described in this way:

> 'The penalty of imprisonment, by its very nature, spreads across the categories of justification in a way that other forms of punishment do not... This pooling and blurring of the aims of imprisonment – involving ideas both of punishment and crime control – makes the subject extremely hard to explain...' (Dunbar and Langdon 1998, p9).

It is perhaps the inherent conflict between the various purposes of imprisonment that causes Governors the greatest challenges in their work, as later chapters will show. (For a more detailed discussion of the purposes of imprisonment see: Walker 1985 and Morgan 2002.) The various goals of imprisonment are briefly described here in order to set the scene for later discussion of why Governors operate in the way that they do. It also demonstrates that some of the conflicts in the internal prison environment are the result of the complexity of debate in the external environment on the purposes of imprisonment.

Before discussing the purposes of sending people to prison, it is important to make clear what prisons are *not* intended for. It is widely accepted that people are sent to prison 'as punishment not for punishment', to quote Paterson (Ruck 1951, p23). This widely used dictum makes the point that whilst in prison, prisoners should not be subjected to any form of physical or mental punishment. Being confined in a prison is punishment enough. As a former Chief Inspector of Prisons put it: 'Punishment for prisoners is the deprivation of liberty imposed by the courts. Punishment is not the business of the prison service' (Tumim 1996, p11). This view endorses the official position that: 'Imprisonment itself ... is the punishment inflicted by law and no further available hardship should be imposed on a prisoner except by way of formal disciplinary action' (Home Office 1984b, para. 108).

Imprisonment today is seen therefore in terms of a specific deprivation (of liberty) rather than in terms of the deliberate imposition of other hardships (Sparks 1996). That said, the conditions in some of our prisons are still far from acceptable, as HM Chief Inspector of Prisons continues to point out. These harsh living conditions (ill-treatment by a small minority of staff, limited regimes, overcrowding and the continuing level of violence in prisons), it can be argued, amount to additional punishment, as they are degrading and inhumane (see recent European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment reports on UK prisons: CPT 1996, 2000 and 2002).

Even if there is no deliberate intent to punish, the literature suggests that imprisonment may have unintended consequences and have a debilitating effect on many prisoners:

> 'The harm caused by imprisonment is multifaceted. Most evident are the material deprivations of prison life, isolation from families and reduced prospects for future employment. In addition to these, the prisoner runs the risk of becoming a victim of crimes such as theft, robbery or assault; and more rarely, rape or murder' (Edgar *et al.* 2003, p2).

It has been argued that there is a 'wealth of evidence to indicate that prison sentences are both personally and socially damaging' (Deakin and Spencer 2003, p133).

Others take the view that the long-term deleterious effects of imprisonment on the physical and mental health of prisoners are far from proved (Bonta and Gendreau 1990). Few would argue however that some prisoners will suffer from anxiety, boredom, stress, physical deterioration and mental health problems as a result of their incarceration. Many will leave prison more marginalised and more committed to offending than when they arrived.

Imprisonment has two main espoused purposes: retribution and crime reduction. One academic has pointed to at least nine purposes (Walker 1985, p125.)

There are numerous versions of retributivism in the literature, but they all share a concern that offenders are punished commensurately with their criminal activity.

Retribution theory argues that offenders should have punitive losses or deprivations imposed on them that are commensurate with the harms they caused (or threaten to cause) their victims, taking into account the degree of culpability offenders had for causing those harms (von Hirsch and Jareborg 1991). Imprisonment then is the appropriate retributive punishment for offenders because it imposes a significant level of deprivation – the loss of liberty (and indeed other deprivations such as the loss of choice and privacy). The end of the twentieth century saw 'the rise of punishment as the system's primary objective' (Dickey 1991, p108).

Crime reduction as an argument for imprisonment typically takes three forms: incapacitation of current offenders; deterrence of would-be and current offenders; and rehabilitation of current offenders. The aim of imprisonment then becomes the reduction of the frequency and severity of actions that violate or otherwise undermine the rights and interests of members of society.

Incapacitation has become the predominant utilitarian model of punishment (Greenwood 1982, Moore *et al.* 1984). If imprisonment can do nothing else, incapacitation theory holds, it can detain offenders for a time and thus delay their resumption of criminal activity (von Hirsch 1986, Feeley and Simon 1992, Tarling 1993, Zimring and Hawkins 1995). As a former Home Secretary put it: 'Thousands of dangerous criminals are prevented from attacking the community while they are inside' (Howard 1993).

Using incapacitation as a measure, prisons have become more effective in recent years. There have been no escapes of high security (category A) prisoners since 1995 and the total number of escapes from prison has fallen from 310 in 1991-92 (HM Prison Service 1992, p9) to five in 2002-03 (HM Prison Service 2003b, p20).

Deterrence of would-be or current offenders as the purpose of imprisonment rests on the assumption that being imprisoned is more detrimental to the individual than not being in prison. It depends on making prisons 'less eligible' than life outside (Bentham 1789/1970). Prisons will not effectively deter if they offer prisoners an overall better living situation than they enjoy in civil society. Deterrence is, of course, more complicated than simply being a function of what conditions are like in

prison. It also has to do with other issues such as the likelihood of being caught and convicted, and cultural views of the stigma attached to being imprisoned (Beyleveld 1980, Lloyd *et al.* 1994, McGuire 1995). Some academics argue that there is a direct and obvious relationship between the high risk of imprisonment and a lower level of crime. For them sending more people to prison, for longer, in increasingly harsh regimes, will deter prospective offenders and take those who have been convicted off the street: 'study after study has shown that prison has played a crucial role' in reducing crime in America (Murray 1997, p18). In this country some leading politicians have linked lower crime rates to higher levels of incarceration (Howard 1996a and 1996b) and have cited academic research in support of their assertions (for example, Howard cited Marvell and Moody 1994 and Burnett 1994).

Rehabilitation, based on the idea that individualised treatment of offenders would reduce criminality, dominated penal thinking for much of the period up to late 1960s. However, by the early 1970s the hegemony of the rehabilitative ideal was shattered (Cullen and Gilbert 1982). Treatment programmes came to be seen as ineffective and the mantra that 'nothing works' widely accepted (Martinson 1974 and Lipton *et al.* 1975). There remain questions about whether the attitudes and behaviour of serious offenders can be altered in ways that will make them less likely to reoffend (Crow 2001, Falshaw *et al.* 2003, Mair 2004). Some question the universal value of specific types of programmes, such as cognitive behavioural approaches (Cameron and Telfer 2004), or remain sceptical about the prospects of rehabilitative programmes, whatever their form.

Others argue that there is clear evidence that certain forms of interventions can reduce recidivism, even among hard-core offenders (Gendreau and Ross 1987, McGuire 1995; Cullen *et al.* 1996, Gendreau 1996). As one commentator put it: 'the relationship between participating in prison programmes and reducing recidivism has been repeatedly documented' (Petersilia 2003, p6). The idea that prisons, if they are properly organised and focused on constructive and rehabilitative work, can make a positive contribution to society is again being put forward. A new commitment to rehabilitative aspects of prison regimes has developed, based on 'what works' treatment programmes designed to reduce the commitment to offending and enhance individual competencies (Cullen *et al.* 1996). Innovative and imaginative

interventions with 'intractable' offenders (sex, drug and violent offenders) have had positive results (Sampson 1994).

Rehabilitation activity is today more carefully targeted, rationed and subject to evaluative scrutiny. It is often offence-centred rather than offender-centred and it targets criminogenic needs rather than social needs (McNeill 2004). A former Director General of the Prison Service has also reasserted the positive impact that this new approach to rehabilitation can have on offenders:

> 'For the first time in the Service's history we are now beginning to produce real evidence that, contrary to public and media opinion, we can make time served in prison genuinely constructive and we can send prisoners home much less likely to re-offend than when they were sent to us' (Narey 2000, p7).

Some have gone so far as to suggest that rehabilitation should be re-established as a primary goal of imprisonment (Tumim 1996). However, as Garland (1990) argues, rehabilitation today is no longer an overriding purpose, but rather a subordinate means. It is generally accepted that for *any* penal goals to be achieved, prisoners must be kept in custody - that is, they must be kept securely and prevented from escaping. Retribution and crime reduction are not achieved if prisoners are unlawfully at large. Security (keeping in custody those sent to prison by the courts) then becomes the *de facto* primary focus (if not purpose) of prison administrations.

If crime control is the sole purpose of prisons, then they are failing, as most prisoners are not reformed and new generations of criminals go undeterred. Unadjusted reconviction rates show that 59 per cent of all discharged prisoners were convicted on a further occasion within a two year time period (Home Office 2003a, p150). For young males (under 21) the reconviction rate is 74 per cent. Social scientists have long maintained that penal systems are poor guarantors of crime prevention and reduction (Downes 2001). A number of criminologists have pointed out that imprisonment rates have little, if anything, to do with real crime levels:

> 'There has been a decline in crime in countries that have increased, decreased *or* left unchanged their prison population' (Young 2003, p35).

'Despite the vast sums of money spent on prison construction and administration, imprisonment has a limited effect on the level of crimes or the fear of crime' (Platek 1996, p69).

'There is no direct correlation between levels of crime and imprisonment, let alone a one-to-one line of causality' (Cohen 1985, p91).

2.3   The use of prisons today

Some see the use of imprisonment as a 'totalitarian solution without a totalitarian state' (Bauman 1995). These commentators see the great penal gulags being constructed in the USA and England as taking liberal democracy to its limits and as representing the crisis of late modernity (Cayley 1998 and Christie 2000). One commentator suggests that:

> 'The expansion of the prison systems throughout the Western world (and elsewhere as well) has brought our societies to a new level of repressive social control. Neither offender nor victim gains anything from it. It threatens the democratic traditions of our societies (Mathiesen 2000, p193)'

At the other end of the continuum, commentators advocate the utility of the greater use of imprisonment (Wilson 1975, van den Haag 1975, DiIulio 1994b, Wright, R. 1994). This view led to a focus solely on imprisonment as the method to control crime (Murray 1996 and 1997). Others too have highlighted the potential benefits of imprisonment:

> 'Far from being a cruel and unusual sanction, imprisonment, properly instituted, may be a just and merciful one which serves both the convicted criminal and the free community' (DiIulio 1987, p8).

In this country, the Conservative Party, under Michael Howard's leadership, has revived the 'prison works' message of the 1990s:

> 'A principal reason for this fall [in crime] was that more criminals were locked up... Prison is necessary. It satisfies natural justice by responding to the horror of crime with a proportionate punishment. It

constrains, by physically preventing criminals from committing crimes while they are locked up. And it deters, by sending a strong warning to potential criminals about the consequences of crime. Prison is also an opportunity to get criminals back on the straight and narrow...'(Conservative Party 2005, p9).

The 50 per cent increase in the prison population in England and Wales between 1993 and 2000 suggests that the pro-prison lobby are in the ascendancy. The figures speak for themselves - in 1946 there were about 40 prisons, with approximately 15,000 prisoners and around 2000 staff (Home Office 1947, quoted in Morgan 2002, p1117); in March 2003 there were 137 prisons, 73,000 prisoners and 45,500 staff (HM Prison Service 2003b). Unlike with some other social institutions, prisons in England and Wales are demand-led and, as a result, have to accommodate all prisoners sent to them by the courts.

It is worth reflecting on the various explanations that have been presented to account for the rise in the prison population. Tonry (1999) classifies the theories into five types: empirical (crime led); psephological (public-opinion led); journalistic; political; and historical. He concludes that:

> 'Prison populations and trends towards greater punitiveness are broad outcomes of changing social and political processes' (Tonry 2001, p527).

Among the reasons put forward for the rise in the prison population are: a focus on the control of aggregate populations through the use of different forms of risk assessment has widened the focus of penal intervention and stimulated the expansion of the penal system (Feeley and Simon 1992 and 1994); the development of a 'prison-industrial complex' has increased the scale of imprisonment as investors and local communities have come to view prisons as sources of income and profit, and have a vested interest in maintaining prisons as a site of investment and economic activity (Lapido 2001 and Parenti 1999); and more elaborate and integrated penal policy and systems have led to a self-sustaining network of sanctions, through which a growing number of offenders will be recycled over a period of time and which inevitably leads to greater use of imprisonment (Matthews 2003).

Perhaps the most significant factor in the increased use of imprisonment was the rise in public fear of crime in the 1990s, political reaction to that fear, and the impact it had on the courts (Hale 1996). Whether the media amplified crime rather than represented real levels, thereby creating public perceptions of 'crime waves' (Hall *et al.* 1978), or merely set the agenda around which public opinion was formed (Smith 1987), there was general public disillusionment with politicians and the way in which they were responding to the crime problem. The response of politicians in the 1990s was to:

> 'seek to recover public support through identification with overtly populist concerns and attitudes surrounding law and order and criminal justice' (James and Raine 1998, p74).

The Home Secretary's mantra that 'prison works' (first articulated at the 1993 Conservative party conference) was the most visible indication of a 'perceptible shift in emphasis ... in favour of a tougher, more populist policy' (Garland 2001, p113). Only a few years earlier the same Conservative government took the view that prison was 'an expensive way of making bad people worse' (Home Office 1990, p6). The consensus that had existed among politicians that the correct response to public opinion was to 'manage' it rather than surrender to it, was brought to an abrupt end (Hough 1996, p11) and the unspoken political consensus on avoiding an 'imprisonment auction' was deliberately destroyed (Dunbar and Langdon 1998, p29). The 'law and order counter-reformation' was underway (Cavadino and Dignan 1997).

The growth in 'populist punitiveness' (Bottoms 1995) amongst politicians, the media and the general public had a significant impact on the courts, as these commentators have highlighted:

> '...English Judiciary, like their counterparts in other jurisdictions ... are under considerable populist and media pressure to make sentences harsher' (Roberts 2003, p230).

> '...though sentencing in particular cases is the responsibility of the courts, the legislative framework and the climate of opinion within

which sentencers make their case-by-case decisions are determined principally by politicians' (Morgan 2002, p1115).

The 'prison works' rhetoric encouraged sentencers to apply a criterion based on whether or not 'right-thinking' members of the public would feel that justice had not been done if offenders retained their liberty (Ashworth 2002). As a result the courts have increasingly relied on the use of incarceration as a response to the problem of crime. Home Office statistics (Home Office 2003b) show that while the courts are finding roughly the same number of serious offenders guilty (337,000 each year), as they were 10 years before, they are dealing with them much more harshly. The data indicate an increased punitive appetite of the courts. 111,600 people were sentenced to immediate custody in 2002, which represents the highest figure for at least 75 years, a rise of more than 5,000 over the previous year and nearly twice the number sent to prison 10 years before (Home Office 2003b). The average length of sentence for all serious crimes has also grown in the last 10 years and the average sentence length for burglars has risen from 16 months in 1992 to 25 months in 2002 (Home Office 2003b). The prison population has also seen an increase in the proportion of minority ethnic prisoners and the number of female prisoners. Just as troubling has been the rise in the remand population (Matthews 1999, p89).

Some argue that there has been a systematic attempt to make the problem of crime as bad as the data will permit (Chambliss 1999) in order to allow politicians the opportunity to be seen to be 'tough on crime and tough on the causes of crime' – what has been referred to as 'governing-through-crime' (Caplow and Simon 1999 and Tonry 2001). Whether this is true or not, the entire system is vulnerable to non-legislative pressure for ever higher retributive sentencing, once politicians choose to unleash that pressure. It has been pointed out that:

> 'The rate of imprisonment is not beyond governmental control. It is ultimately a matter of political choice' (Morgan 2002, p1117).

> 'Once political parties adopt rival policies of tough punishment, they will find themselves caught in the toils of a machine from which they cannot disengage' (Dunbar and Langdon 1998, p158-159).

Not surprisingly, the 'prison works' mantra and reactions from the courts and media caused the prison population to rise. Prison building did not keep pace with the increase in the population and the Prison Service found itself trying to manage a perpetual numbers crisis. The impact on Governors of the rise in prison numbers, and associated overcrowding, are discussed in chapter 10.

2.4   The penal paradigm

The last decade has seen the nature of imprisonment undergo a number of 'relatively radical transformations in terms of its functions, organization, and the size and make-up of the prison population' (Matthews and Francis 1996, p1). Despite these changes and ongoing debates about penal theory, Governors have to be grounded in reality and take as their focus the daily operation of their institutions. The practical issue facing Governors is this: what does society want prisons to do with the ever-greater number of people that it is incarcerating?

Governors must balance the four functions of penal confinement (Faugeron 1996) - the custodial function (preventing escapes), the restorative function (providing opportunities for rehabilitation and reform), the controlling function (ensuring order, safety and justice) and the maintenance function (providing decent and humane conditions).

Assuming that prisoners are held securely, Governors then have to consider difficult and often controversial questions concerning 'the provision of humane treatment in prisons and the kind of life prisoners should lead while they are in custody' (Tumim 1996, p12). The challenge facing any prison administrator is how to balance and meet all the various goals of imprisonment discussed earlier.

For some it is simply impossible to satisfy all penal goals, as it would require unlimited resources (DiIulio 1990). A number of commentators have expressed caution in this area:

> '... the country should not have unrealistic expectation of the system and what it can achieve' (Faulkner 2001, p203).

'For a nation to expect its criminal justice system (and its penal section in particular) to somehow fight the massive wrongs in the social relationships of a community is ridiculous and wrong. It simply cannot be done and is a cop-out for local and central government policy-makers' (Consedine 1993, p63).

All prisoners (with the exception of a very small number serving 'whole life' sentences) will at some point return to society equipped with their prison experience. Doing nothing for offenders who are incarcerated will in many cases mean that they will leave prison more marginalized and more committed to offending than they were when they entered the prison system (Matthews and Francis 1996, p3). Governors therefore face the challenge of running their establishments in such ways that they are able to: keep prisoners in custody; ameliorate the potential negative impacts of incarceration; and achieve the rehabilitation of their inmates. How Governors try to do this, and the personal conflicts that it sometimes causes, are explored in later chapters in this thesis.

CHAPTER 3:

THE OPERATING CONTEXT

To understand the work of the Governor it is necessary to have an appreciation of the organisational context in which they have to operate. This chapter provides that background by describing the prison system and the structure and organisation of the Prison Service. It also sets the scene for discussions later in this thesis by detailing the people who live and work in our prisons. The chapter then goes on to outline the external mechanisms that monitor a Governor's work. The last section of the chapter looks at the Office of Governor, the legal status of Governors and how people become Governors.

3.1   The prison system

3.1.1   The legal framework for prisons

The work of the Prison Service is shaped by the Prison Act 1952. That Act sets out the general duties of the prison authorities and defines what a prison is. The Act itself is a consolidation measure and reflects the values of its day.   Despite the many changes in the last half century there has been no significant change in the legislation relating to the operation of prisons, even though there have been a number of calls for a major revision of the legislation (Home Office 1995 and Abbot and Payne 1998).

Section 47 of the Act enables the Home Secretary to make rules for the regulation and management of establishments and for the treatment of prisoners – currently the Prison Rules 1999 (as amended by the Prison (Amendment) Rules 2000) and Young Offender Institution Rules 2000 (as amended). Section 52 of the Act requires this to be done by Statutory Instrument (currently SI 1999/728).

The Rules have been the subject of a number of commentaries (see for example, Loucks and Plotnikoff 1993) and have been criticised for being: unspecific about

conditions for prisoners and their access to facilities; ungenerous in their provisions; and for granting prison managers extensive discretion (Richardson 1985 and Morgan 2002). Breaches of the Rules do not provide the basis for a claim for breach of statutory duty and do not vest prisoners with any special rights (*Hague v Deputy Governor of Parkhurst Prison* [1991] 3 All ER 733). The degree to which the courts have intervened in prison life is discussed in chapter 10.

The Prison Rules (and Young Offender Institution Rules) leave considerable discretion to the Home Secretary to issue directions, impose restrictions and prohibitions, and issue authorisations and guidelines as to the running of penal institutions. Senior officials exercise this power on behalf of Ministers (acting under the *Carltona* principle – see Livingstone and Owen 1999 and chapter 10) and promulgate regulations and instructions in the form of Prison Service Orders (PSO), Prison Service Instructions (PSI) – formerly known as Standing Orders (SO), Instructions to Governors (IG), and Circular Instructions (CI).

3.1.2 Home Office and Prison Service

The Prison Department was transformed into a "next steps" executive agency in 1993 (HM Prison Service 1993e). In many ways it was not a typical agency as there was no residual department within the Home Office dealing with policy. It was argued that prison policy and operations are so inextricably linked that responsibility for both must lie within the same organisation (HM Prison Service 1997a, p31).

[After the field research was competed, the structural situation changed with the decision to create a National Offender Management Service (NOMS), which brings together the Prison and Probation Services into a single entity. At the time of announcing the creation of NOMS, Ministers signalled that the Prison Service's agency status would be ended (Home Office 2004, p15). The Prison Service is now, once again, firmly under the control of a Home Office mandarin (the Chief Executive of NOMS).]

The Home Secretary is accountable to Parliament for the Prison Service and sets the strategic direction of the Service, defines its outputs and allocates its resources. A

junior minister (the Prisons and Probation Minister) deals with routine prison matters and acts as the chair of the Strategy Board for Correctional Services (SBCS) (HM Prison Service 2000a, p13). The SBCS advises the Home Secretary on the strategic direction for the Prison Service (HM Prison Service 2000a, p14). The Home Secretary also draws on advice on prison matters from the Home Office Permanent Secretary and other advisers, notably HM Chief Inspector of Prisons and the chair of the Youth Justice Board. At times the Home Secretary commissions independent reviews of the work and structure of the Prison Service (recent examples include: Lygo 1991, Learmont 1995a, Laming 2000, Carter 2004).

3.1.3 Function, purpose and targets

The Prison Service Statement of Purpose, promulgated in 1988, sought to capture the function of the Service. It reads:

> 'Her Majesty's Prison Service serves the public by keeping in custody those committed by the courts. Our duty is to look after them with humanity and to help them lead law-abiding and useful lives in custody and after release' (HM Prison Service 1988).

In addition to this Statement of Purpose, the Prison Service describes its Aim as the:

> 'Effective execution of the sentences of the courts so as to reduce re-offending and protect the public' (HM Prison Service 1988).

And its Objectives as:

> 'Protect the public by holding those committed by the courts in a safe, decent and healthy environment.
>
> 'Reduce crime by providing constructive regimes which address offending behaviour, improve educational and work skills and promote law abiding behaviour in custody and after release' (HM Prison Service 1988).

Each year the Prison Service, in consultation with the Home Secretary, produces a Business Plan setting out its aims and targets for the coming year, based around the

high level aims developed in its three-year Corporate Plan. The indicators that are used to measure performance against these targets are known as Key Performance Indicators and are set out in Appendix A. The plans also identify the core funding which has been allocated to the Service to deliver its commitments specified in the document.

3.1.4   Resources

The net annual cost of operating the public sector Prison Service is £2,105 million (HM Prison Service 2004b, p55). The Service has an operating income of £400m. The funding allocated to the Service is used to cover staff costs (£1,364m), other administrative costs (£969m) and programme costs (£172m). In 2003-04, the annual average cost per prison place was £27,320 and the cost per prisoner was £25,718. The cost of operating individual prisons varies from £3.6m to £35.2m each year, with the most expensive prison place being £49,885 per annum and the least costly £14,328 (HM Prison Service 2004b, p80-99).

3.1.5   Prison population and capacity

The prison population has grown significantly in recent years and there were around 75,000 prisoners incarcerated in prisons in England and Wales in 2004. The average daily population in custody in 2002 (the last complete statistical year on which figures have been published – Home Office 2003a) was 70,860, of whom 12,790 were remand prisoners. There were over 136,200 new receptions in 2002.

The Service has no way of knowing, in advance, who will be committed to its custody by the courts, and in what part of the country, on any given day. The total number of prisoners continues to remain just below the maximum usable accommodation in the whole prison estate, albeit with a margin of less than 200 places (HM Prison Service 2004b, p8). It is only by carefully managing the accommodation and population that the Service has been able to avoid holding prisoners in police cells.

These figures mask the fact, however, that over 21 per cent of prisoners are living in overcrowded accommodation (that is, held two to a cell designed for one - HM Prison Service 2004b, p10), and many others are being accommodated far from home. This level of overcrowding persists despite providing new places year on year (1,332 in 2003-04 - HM Prison Service 2004b).

3.1.6 Privately managed prisons

The operation and management of a number of prisons has been contracted out to the private sector. Nine prisons are run by the private sector - four were public sector built and financed but now managed by the private sector, and a further five were designed, constructed, managed and financed by the private sector (HM Prison Service 2001a, p110). The issue of private sector involvement in the Prison Service and its impact on Governors is discussed in chapter 10.

3.2 The Prison Service organisation

3.2.1 Headquarters structure

This section describes the organisational structure that was in place at the time of the field research. Some changes have been made to the structure since the fieldwork was completed.

The Home Secretary, with the agreement of the Prisons Minister, appoints the Director General (DG) of the Prison Service. The DG has designated authority for the day-to-day management of the Service and its performance against plans and targets as agreed with Ministers. The DG acts as the Home Secretary's principal advisor on matters relating to Prison Service activities, has delegated authority on matters of personnel and finance, and manages the Prison Service's budget.

A Deputy Director General (DDG) has direct managerial responsibility for the operational and performance management of prisons. In addition to the DG and the DDG, the Prison Service has a number of other directors, each responsible for a

policy directorate (regimes, personnel, resettlement and so forth). These policy directorates, based in Prison Service Headquarters, develop policies and issue them to Governors in the form of Prison Service Orders (PSO) and Prison Service Instructions (PSI). Policy directorates are staffed predominantly by career civil servants, many of whom come from the main Home Office.

Prisons are grouped for line management purposes into 12 geographical areas, each with its own area manager. The High Security Estate (which contains the 8 high security dispersal prisons), the female estate and the juvenile estate, are managed functionally. [After the fieldwork was completed, the female estate group was abolished and female prisons absorbed within the geographical structure.] The structure of these areas was changed in 2000 to ally the Service's boundaries more closely with other criminal justice agencies, and to ensure common administrative boundaries with the police and English Government Regions.

Area managers line manage Governors and report directly to the DDG. They are responsible for policy implementation, performance management, audit and monitoring. They also offer support, advice and guidance to Governors. The area managers are personally accountable for the performance of each prison in their area (Laming 2000, p28). Their role and relationship with Governors is discussed more fully in chapter 11.

3.2.2   Management structure within establishments

Each prison has a Governor. The type of prison, its security category and the number of prisoners that it holds will dictate the grade of the Governor and the number of other operational managers that work in that prison. The most senior Governors are in charge of high security and larger prisons.

The Governor directly manages a number of functional heads (security, regimes, finance and so forth). Reporting to each functional head will be a number of heads of department (education, chaplaincy, catering and so forth). This group is known as the senior management team (SMT). Some of the functional heads and heads of department will be operational managers. Operational managers have duties in

addition to their functional or departmental responsibilities, such as acting as 'duty' or on-call governor, incident management and conducting adjudications. Operational managers within prisons tend to be known as 'governor grades' even though this title ceased to be officially used in 1987 (HM Prison Service 1987). One operational manager is appointed as deputy governor. Administrative, finance and personnel posts are generally occupied by non-operational managers.

A sample establishment structure is shown in Appendix B. Not all establishments are structured in this way. The detail of the structure will depend on the size and function of the establishment but a similar hierarchical structure and key functional areas will be found in most establishments.

3.2.3   Type and capacity of establishments

The 137 establishments range in size from large urban prisons holding over 1500 prisoners to small open prisons holding only 150. They are of a varying physical condition (Morgan 2002, p1142). Some prisons hold prisoners awaiting trial or sentencing (known as 'local prisons' and 'remand prisons'). The function of these prisons is to receive prisoners from, and deliver prisoners to, the courts. They also assess and allocate those who have been sentenced. A number of prisoners serving short sentences will serve their sentence in local prisons. Other prisons (often called 'community prisons') are multi-functional and hold prisoners awaiting court appearances, as well as those convicted. Most prisoners serving a sentence will be sent to training prisons (adults) and Young Offender Institutions (for those under 21 years old).

Training prisons are classified according to the level of security they provide. The most secure prisons (dispersal prisons) hold prisoners in security Categories A and B. Category B Training prisons hold prisoners who are Category B and Category C Training prisons those who are Category C. The majority of prisoners are held in Category C prisons. Open prisons hold the lowest category of prisoners (Category D).

There are separate prisons for women – although some small units for women are housed in male prisons. Women's prisons are divided into 'open' (less secure) and 'closed' (more secure) prisons. Young adults and juveniles are held in Young Offender Institutions (YOIs), which again are classified as 'open' or 'closed'.

3.3   Prisoners

The average prison population during 2002 was 70,860, higher than in any previous year. This was an increase of 55 per cent compared to 1992. Among the population in custody in 2002 were an average 57,220 prisoners under sentence (81 per cent of the total). These included 45,600 sentenced adult males, 8,320 sentenced male young offenders (aged under 21) and 3,300 sentenced females. The population held on remand consisted on average of 12,790 prisoners (18 per cent of the total), with 11,850 males and 940 females. The population in custody also included 850 non-criminal prisoners, who were mainly persons held under the Immigration Act 1971, but also included those held for civil offences such as contempt of court. (For a detailed breakdown of the prison population see Home Office 2003a, p4.)

The 75,000 prisoners currently incarcerated remain a very much homogeneous group. They are 'overwhelmingly young, male, socially and economically disadvantaged, repetitive property offenders' (Morgan 2002, p1128). There has, however, been a number of shifts in the profile of the prison population, which has implications for the management of prisons. Of particular note are that between 1992 and 2002 (Home Office 2003a): the proportion of prisoners serving long sentences (four years or more including life) increased by six per cent; the female sentenced population increased by 184 per cent (from 1,180 to 3,340); the number of drug offenders in prison rose significantly; the number of young prisoners increased (by 54 per cent), as did the number of prisoners aged 60 and over (an increase of 203 per cent). The percentage of prisoners from minority ethnic groups increased from 15 per cent to 22 per cent, and at the same time the population of foreign nationals increased by 120 per cent (compared to a 55 per cent increase in British nationals).

The nature of the prison population also creates a number of challenges for Governors and their staff. Many prisoners have experienced a lifetime of social exclusion. As a recent report has pointed out (Social Exclusion Unit 2002), compared with the general population, prisoners are less well educated. (80 per cent have the writing skills, 65 per cent the numeracy skills and 50 per cent the reading skills at or below the level expected of an 11 year old child.) Prisoners are, however, more likely to have: been unemployed (thirteen times more than the general population); to suffer from at least two mental disorders (over 70 per cent); and have attempted suicide in the past (over 20 per cent of male and 37 per cent of female sentenced prisoners). Creating a safe and orderly environment is problematic when 22 per cent of adult males were convicted of a violent offence and a further 12 per cent for robbery (Home Office 2003a, p75). Preventing drug supply in prisons is difficult when there is a huge demand (60 to 70 per cent of prisoners were using drugs before imprisonment - Social Exclusion Unit 2002) and 18 per cent of prisoners were convicted of a drug related offence (Home Office 2003a, p75).

The specific needs of various subsets of prisoners also need to be met. Female prisoners require different: regimes; relationships between staff and prisoners; offending behaviour programmes; activities; and medical interventions compared to male prisoners (Carlen 1983 and 1990, Dobash *et al.* 1986, Zedner 1994 and 1995, HM Chief Inspector of Prisons 1997c and 2001). Similarly, young offenders require interventions and management tailored to their needs, as a significant minority of these young people are even more isolated, victimised and disturbed than their adult counterparts (HM Chief Inspector of Prisons 1997b and 2000a). The increase in the number of older prisoners places additional demands on prisons (O'Donnel *et al.* 2002 and Wahidin 2003). The increasing diversity in the prison population, in terms of ethnicity, religion and nationality, brings with it the need to provide appropriate services to those groups.

3.4   Prison Service staff

The Prison Service directly employs over 45,000 staff (HM Prison Service 2004b, p65) including uniformed staff, administrative staff and specialists such as chaplains,

instructors and psychologists. There are 32,537 uniformed prison officers (HM Prison Service 2004b, p67), which equates to a prisoner to staff ratio of 2.3:1. Prison officers, whilst carrying out routine custodial duties, are also involved in the whole range of activities that prisons provide (Liebling and Price 2001). Some prison officers choose to specialise in healthcare, dog handling or physical education. Others are also closely involved in sentence management, offending behaviour work, counselling and dealing with prisoners' personal problems. It is prison officers who provide the frontline work in keeping prisons safe and secure, through the maintenance of procedural and dynamic security (Dunbar 1985).

Medical services are now provided directly by the local Primary Care Trust. [At the time of the research, the Prison Service directly employed doctors and other healthcare staff.] The many other people who work in prisons are either volunteers or employed by contractors. Contractors provide a range of services including: education; probation; treatment programmes; catering; maintenance; library; and canteen. Non-governmental and community organisations (NGOs) contribute unpaid staff for a range of other purposes (Samaritans, visitors to prisoners, refreshments during visits and so forth).

Of the various staff groups, it is the culture of the prison officer grades that dominates in a prison. This cultural dominance is reinforced by the power of their union, the Prison Officers Association (POA). In many respects their attitude to new initiatives or progress can heavily influence change (see chapters 12 and 14).

The Prison Service workforce is predominantly male and white. In 2001, only 17 per cent of prison officers were female (Liebling and Price 2001) and minority ethnic staff accounted for only 5.5 per cent of the workforce (HM Prison Service 2004b, p49). Some female officers work in male prisons and some male officers in female prisons. These officers do the full range of duties, with the exception that they do not strip search prisoners of the opposite sex.

3.5 External monitoring of prisons

A number of independent bodies monitor conditions in prisons. There has been an inspectorate, separate from the Prison Service, though part of the Home Office, since 1981. The role of the Chief Inspector of Prisons is set out in section 5A of the Prison Act 1952 (as amended):

> 'it shall be the duty of the Chief Inspector to inspect or arrange for the inspection of prisons in England and Wales and report to the Secretary of State. The Chief Inspector shall in particular report to the Secretary of State on the treatment of prisoners and conditions in prisons'.

The inspectorate carries out its work by way of announced and unannounced inspections. Reports of the inspections are published and include lists of good practice as well as criticisms. A recent development has been the publication of thematic reviews into areas such as suicides in prisons, women, young offenders and lifers. The inspectorate has 'established a reputation for conspicuous independence' (Morgan 2002, p1146).

The Woolf Report recommended an 'independent complaints adjudicator' (Woolf and Tumim 1991, paras 14.326 – 14.362) to look into prisoner complaints that had not been resolved within the Prison Service. The first Prisons Ombudsman was appointed in October 1994 to:

> 'provide prisoners with an independent and effective avenue of complaint which is fair and even-handed, has the confidence of prisoners and the Prison Service, and contributes towards a just prison system' (Prisons Ombudsman 1996).

The Ombudsman investigates complaints that are submitted by individual prisoners who have failed to obtain satisfaction from the Prison Service requests and complaints system. It has been pointed out that 'the Ombudsman currently upholds just under a third of the complaints he receives, and only rarely are his findings and recommendations *not* accepted by the Director General' (Morgan 2002, p1147).

Each prison also has a Board of Visitors (BOV) [renamed Independent Monitoring Board (IMB) after the field research was completed] whose duties are set out in the Prison Rules 1999 (as amended). BOVs monitor prison premises, prison administration and the treatment of prisoners. They inspect prison conditions and hear grievances from prisoners. While most Boards have a formal monthly meeting with the Governor, BOV members can raise issues with the Governor, area manager, and Home Secretary at any time. BOVs have a right to enter an establishment at any time and have free access to every part of it and to see every prisoner. (For a detailed description of the role and work of the BOV, see Worrall 1994 and Lloyd 2001.) All BOVs produce an annual report to the Home Secretary, which they are at liberty to publish.

3.6   The Office of 'Governor'

3.6.1   Legal status and authority

It is the Prison Act 1952 (as amended) that vests Governors with formal authority and status. Governors are appointed by the Secretary of State under Section 7 of the Act and are, therefore, holders of a statutory Office. The exercise of the Home Secretary's power under the Act to appoint persons to the Office of Governor has to be exercised rationally. Those making the appointment therefore have to satisfy themselves that the person to be appointed is fit and proper to hold the post and has the requisite knowledge, skills and experience to perform in the position, to an adequate standard.

As holders of the Office of Governor incumbents exercise powers delegated by the Home Secretary, as well as their own statutory powers. Governors exercise power delegated by the Home Secretary in various circumstances such as transferring a prisoner or discharging a prisoner temporarily on grounds of ill health. In some cases the Governor will act for the Home Secretary, for example in relation to home detention curfew and release on temporary licence. The Act also confers on Governors some statutory powers (such as the power to conduct adjudications on prisoners) and the Prison Rules authorise Governors to take certain actions (for

example, to segregate prisoners), which contribute to their formal authority and status. Governors have the freedom to use their legitimate authority and statutory powers without being unlawfully constrained or fettered.

Under section 8 of the Act, Governors, as Officers of the prison, have the 'powers, authority, protection and privileges of a constable' (*R v Secretary of State for Home Office, ex parte Benwell* [1985] QB 554). This status is useful to Governors in carrying out their duties and gives them a certain amount of protection whilst doing so (Wasik and Taylor 1995, p127).

Governors are required to undertake the duties and tasks as set out in their job descriptions. In addition, they have to ensure that the requirements of Prison Rules, other statutory obligations and line management are met. With the permission of the Home Secretary (under Prison Rule 8) Governors may delegate any powers or duties to another officer of the prison. The legislation says very little more about the work and powers of a Governor. Indeed, the 1952 Prison Act spends more time defining the role and authority of the Chaplain than that of the Governor. The Prison Act recognises the Governor but does not recognise the Director General, the Prisons Board or the area managers who manage Governors (Abbot and Payne 1998, p31).

The warrant of the court, on whose authority the prisoner is sent to custody, is addressed to the Governor and requires the Governor either to produce the remand prisoner back to court or to keep the convicted prisoner in custody for the time determined. The prisoner is in the legal custody of the Governor, who is accountable to the court for that secure custody (s13 Prison Act 1952). However, it is the Secretary of State who has the responsibility for the administration of prisons under the Prison Act and it is the policies of the Secretary of State that determine how prisoners are dealt with. The Governor's accountability, therefore, is both to the court and to the Secretary of State. Curiously the courts do not tend to hold Governors to account when they fail to hold prisoners who escape. However, there have been a number of cases where Governors have been summoned to court to explain why a prisoner has not been produced at court on time.

3.6.2 Employment conditions

Governors are civil servants. Their annual salary is between £58,000 and £70,000 (2002). There are no specified hours that Governors have to work, as they are termed 'all hours worked grades'. Governors are on call 24 hours a day, seven days a week. They are routinely expected to work some evenings, make visits to their prisons at night (between 2300 and 0600 hours) and to work some weekends. They are entitled to 30 days' annual leave. The retirement age for Governors is currently 60.

Most Governors are represented by the Prison Governors Association (PGA), which has the status and immunities of a trade union. Governors may claim the same employment rights as other civil servants, including access to industrial tribunals (The Criminal Justice and Public Order Act 1994) and have access to statutory remedies for unfair dismissal. A Pay Review Body was established in 2001 to make recommendations on Governors' pay, allowances and associated terms and conditions of employment.

3.6.3 Appointment to the Office

Unlike their colleagues in other jurisdictions (see, for example, Vagg 1994) Governors are not required to have a legal qualification, or to be a lawyer, and are not appointed directly to the Office of Governor. Governors are appointed from within the ranks of existing Prison Service staff and there is no provision for someone to join the Prison Service and take up a Governor's post immediately. People wanting to be Governors join the Service as operational managers, and after suitable training and experience become deputy governors, before taking up a post as Governor of a prison.

There are four routes to becoming an operational manager. The main route is on promotion from principal officer, the most senior prison officer grade. The Accelerated Promotion Scheme (APS) is the second route and is aimed at graduates and exceptional existing Prison Service staff of any rank. The third route is the Direct Entry Scheme aimed at experienced managers from inside and outside the

Prison Service. The fourth route is the Cross Hierarchy Move Scheme, aimed at existing civil servants in other occupational groups.

Applicants for all schemes undertake written tests, attend a Job Simulation Assessment Centre (JSAC) and are the subject of an extended interview process. Successful candidates who have no experience as prison officers are required to undertake prison officer training and then to spend a period as a prison officer. On completion of the period in uniform they then undertake a prison management course and normally achieve accreditation as operational managers 12 to 24 months later. Promotion to deputy governor depends on developing the requisite skills and knowledge, favourable recommendations from line management and attendance at further assessment centres.

Promotion to an in-charge Governor post requires experience in a number of different types of prisons, attendance on a variety of courses, and, in most cases, experience as a deputy governor. People seeking a Governor's post must first be successful at the 'suitable to be in charge' JSAC. Vacant Governor posts are advertised, in the main, and existing Governors, or those who have passed the JSAC, invited to apply. Some vacant Governor posts are filled by the DG without advertisement.

PART TWO:

RESEARCHING WHAT GOVERNORS DO

CHAPTER 4:

RESEARCH APPROACH, DESIGN AND METHODOLOGY

Chapters four and five describe the approach taken to the research, how the research was designed from a methodological viewpoint, the methods that were employed to collect the data, the experience of data collection and how the data was analysed. They aim to be analytical and evaluative, as well as descriptive, because 'reflection on the decisions which have been taken in research and on the problems which have been encountered is an essential element of doing research' (Jupp *et al.* 2000, p169).

4.1 The history of the project

Very little research has been done on Governors and prison governance. While some attempts have been made to describe the work of Governors, no research-based studies of Governors' work have been published. *The Prison Governor: Theory and Practice* (Bryans and Wilson 1998) was informed primarily by literature from the USA and on anecdotal evidence from the authors who had worked in prisons as operational managers. Another study has explored the competencies required to govern a prison (Bryans 2000a) but the postulations made about areas of competency were based on the author's experience whilst training Governors, rather than on any objective research.

This absence of research was one reason why two major reviews (HM Prison Service 1996b and 1997a) concluded that the role of the Governor was in need of redefinition and review. As a result, the Prisons Board decided, in the spring of 1998, that a study into the changing role of the Governor should be commissioned. The Prison Governors Association (PGA) fully supported the proposed study – perhaps in part because 'research about the theory and practice of an occupation confers on it a measure of professionalism' (Brown 1996, p177).

Given my previous work on the subject, I was asked to undertake the study, as part of my duties as head of management, leadership and specialist training at the Prison

Service College. The Prison Service agreed that it could be done as a research study under the auspices of an academic institution and as part of a higher degree. Preliminary work for the study commenced in the summer of 1998.

4.2 Planning the research - research methodology

Research methodology is taken here to refer to the framework within which the research was conducted.

4.2.1 Research aim and questions

The purpose of any research is to solve problems and/or to expand knowledge (Drew 1980, p4). In order to undertake research it is necessary therefore to identify research aims and questions, which will give the research direction and coherence, provide a boundary and focus to the work, point to the data to be collected and give a framework for writing it up (Punch 1998 and Francis 2000).

With many people beginning a study, the starting point is being clear about what and where to research, and deciding why they are doing the research. I was in a different position in that many of the parameters of my proposed research had already been set. The subject of the study (Governors), the purpose of the research (describe the role of the Governor, identify the broad tasks that Governors carry out, describe how it has changed) and the required outcomes (a description of the role and work of a modern Governor) were dictated by the key stakeholder who was sponsoring the research (the Prison Service). This research study was similar therefore to many others in that research 'agendas emerged as the by-product of a set of preferences by sponsors for research of a particular character' (Hughes 2000, p237).

The exact definition of the study, detail of the methodology, and research methods, however, were left to me. At no point during the course of the research did the Prison Service attempt to influence who was interviewed, what they were asked or the themes that emerged. Indeed, in 2002 the Prison Service withdrew funding for the

research, owing to a reduction in the training budget (Narey 2002a), and had no further involvement with the study.

In short, the research aim was to investigate the changing role of the prison Governor in HM Prison Service. Underpinning the central research aim, there were a number of research questions:

a. Who governs our prisons and why do they do the job?

Identification of the origins, background and career paths of Governors. Consideration of what motivates them, their ideology and level of job satisfaction.

b. What do Governors do?

Identification of the tasks and duties that Governors undertake and analysis of their role. Consideration of the generic managerial elements of a Governor's job and those that are prison specific. Analysis of how they shape their prisons and balance the interest of the various stakeholders.

c. How has the environment in which Governors operate changed?

Consideration of changes in the internal and external environment in which Governors operate and the impact those changes have had.

d. Has the level of discretion that Governors can exercise changed and what is the reality of governing?

Consideration of the actual use of discretion and the extent to which Governors use their discretion to further their self-defined goals rather than general policy. Consideration of whether Governors are disobedient or – more subtly – act in a way that does not implement policy according to the letter and spirit of central instructions.

e. Are Governors more or less disposed to use their discretion in support of centrally prescribed policy and guidelines, and to what extent are Governors able to deviate from policy?

Analysis of the disposition of Governors with regard to their own position within the prison system, how they perceive the importance of their own expertise, whether they are inclined to adapt general policies to their personal philosophies or to subordinate their views and opinions.

f. Have the role and duties of a Governor fundamentally changed?

Assessment of whether the job has changed, and if so, in what ways. Consideration of whether Governors govern in the same way as previous generations of Governors ran their institutions.

4.2.2 Research framework and design

This thesis falls within both the management and criminology research fields. There has been a proliferation of textbooks describing research methodology from the criminological perspective (for example, Maxfield and Babbie 1998, Jupp 1989, Jupp *et al.* 2000, King and Wincup 2000, McKenzie and Bull 2002) and from the management studies discipline (for example, Gill and Johnson 1991, Hussey and Hussey 1997, Remenyi *et al.* 1998), in addition to generic research methodology texts. The intention here is not to contribute to the extensive literature on the relative merits of the different approaches but to briefly identify some of those approaches and set out where the present research sits within them.

The traditional divides between research approaches (empirical and theoretical, hypothetico-deductive and inductive grounded, positivism and phenomenology) are becoming eroded with the increase in 'real world research' (Robson 1993, p20). Indeed, Bryman makes a strong case that many of the differences between the traditions are in the minds of philosophers and theorists, rather than in the practices of research (Bryman 1988, p172).

Considering the current research study in the light of the various methodological orientations, its methodology can be viewed as a broadly exploratory, descriptive, inductive, qualitative and theory-generating (as opposed to hypothesis-testing). This approach was considered best suited to a complex, under-explored setting, where multiple realities were likely to be found. The study was empirical rather than purely theory-based, and fell more within a phenomenological discipline. The focus was firmly on elucidating meaning and seeking to positively articulate the nature of the Governor's work. In the main, understanding and categories emerged from the process of the study, rather than being identified in advance (Creswell 1994, p7).

However, this is not to suggest that I made no use of concepts from general social theories in formulating the research and in understanding the data. This 'selective', rather than 'wholesale', adoption of general social theories enabled me to use them in a 'sparing and critical fashion' in order to illuminate the social phenomena being studied (Giddens 1991, p213). This explanatory approach 'where both theory and

data are used conjointly in a search for true explanations of social phenomena' (Bottoms 2000, p48) best describes the overall approach I adopted.

Research methodology is always a compromise between options. Reiner makes the point: 'with almost all methodological choices there is a tension between getting rich and valid material on the one hand, and the scale and representativeness of the data on the other' (Reiner 2000, p221). A number of data collection options are discussed below, together with the reasons underlying their use, or otherwise, in this study.

4.2.3 Literature review and secondary data

Few research projects exclude the use of secondary data. A review of existing documents and statistical data within the research field is an important part of any research. The appropriate point at which to review literature varies according to different styles of research and the function it is intended to perform. Francis suggests that a literature review has a number of functions including: topic identification; obtaining an indication of the extent to which a topic has already been researched; helping to avoid research planning errors which occurred in previous studies; allowing ideas to be developed regarding good research design; and influencing the development of a theoretical or analytical framework (Francis 2000, p29). A literature review was undertaken for the current research study.

4.2.4 Ethnographic approach (observation)

Ethnographic methods of research are based on what Gill and Johnson refer to as 'naturalist modes of inquiry, such as participant observation, within a predominantly inductivist framework' (Gill and Johnson 1991, p92). The literature reveals a number of divergent trends in the practice of ethnography but the central feature of most studies is extended participant observation in order to focus on the manner in which people interact and collaborate in observable and regular ways in their natural and everyday settings. Other methods include non-participant observation and gathering reports from informants. Covert observation, in particular, raises a number of ethical issues in relation to the informed consent of participants.

Covert observation is possible within the prison setting (for example, a study of prison guards in the USA was undertaken by a covert participant observer - Conover 2001). However, covert observation was not feasible for the present study, given that many Governors knew me. Overt observation, as a non-participant, was possible but would have meant working in a range of prisons, to observe a number of different Governors over a period. The overt observation technique has, however, been criticised as a means of data collection because people often behave differently when under scrutiny, unless observed over a long period (Bell 1996, p10). This approach would take a skilled observer and a considerable amount of time to implement effectively. As time was limited this approach was not adopted.

4.2.5 Survey methodology - questionnaires

Robson defines survey as commonly referring to the 'collection of standardised information from a specific population, or some sample from one, usually but not necessarily by means of questionnaire or interview' (Robson 1993, p49). Survey research occupies a variable, intermediate position somewhere between ethnography and experimental research (Gill and Johnson 1991). Surveys can be highly structured and analytically based, or use more open-ended questions to collect data in an inductive form.

In order to capture factual information on the tasks and duties that Governors were being asked to undertake, a letter requesting a copy of their job description was sent to the Governor of each prison in England and Wales.

As a general rule 'the nature of the evidence which may be collected by means of a questionnaire is regarded as relatively superficial, especially in comparison to the evidence that it is possible to collect from other techniques such as ... personal interviews' (Remenyi et al. 1998, p57). My earlier questionnaire-based study of Governors' training needs supported such a view, as it produced few free text entries (Bryans 2000a). In the light of this experience, I took the view that questionnaires were unlikely to generate the rich data I needed to answer the research questions.

4.2.6 Survey methodology - interviews

In-depth surveys 'generally attempt to obtain detailed in-depth evidence from a relatively small number of informants through a series of interviews' (Remenyi *et al.* 1998, p55). These interviews range from informal, unstructured discussions through to very structured formats with answers offered from a prescribed list. Davies suggests that an interview continuum exists with at one extreme interviews 'conducted as conversations and at the other extreme they involve little interaction between the researcher and the researched' (Davies 2000, p82). Whichever approach is adopted, interviews can 'yield rich insights into people's experiences, opinions, aspirations, attitudes and feelings' (May 1993, p109).

Bell points out that the major advantage of the interview is its adaptability, as the interviewer can follow up ideas, probe responses and investigate motives and feelings (Bell 1996, p91). Interviews tend to be expansive as they gather data, whereas methods such as questionnaires tend to be more restrictive and limited in scope. However, it has been claimed that the qualitative research interview can lack objectivity due to the human interaction inherent in the interview situation (Kvale 1996, p64). The interviewer is 'either limited or helped by his or her own sex, apparent age and background, skin colour, accent etc' (Oppenheim 1992, p65). It is particularly important therefore that the interviewer should be conscious of the interpersonal dynamics in the interview situation and take them into account in the analysis.

For the present study the advantages of using interviews far outweigh the potential drawbacks. Indeed, it has been suggested that:

> 'Elites need to be interviewed. The best way of finding out about people is by talking to them. It cannot guarantee the truth, especially people well practised in the arts of discretion. But it is superior to any alternative way of discovering what they believe and do' (Crewe 1974, p42-43, quoted in Reiner 1991, p39).

4.3 Doing the research – research methods in action

This section outlines the research processes itself and how the methods, tools and tactics were used. It highlights the practicalities of the research, identifies problems that arose and how they were overcome.

4.3.1 Literature review

In order to inform the research questions, and to formulate the questions to be used during the interviews, the current literature on Governors and Wardens, prison governance, prison administration, correctional management and prison management was reviewed. The existing literature was identified using the Prison Service library, Prison Service Headquarters library and the Home Office library. Searches were also made using various internet-based search engines. In addition, the British Library Public Catalogue, the US National Criminal Justice Reference Service, Justicelink (a guide to criminal justice resources, provided by the Centre for Crime and Justice Studies, London) and the references sections from relevant books and articles were used to identify relevant research.

A study of documents dating from the late nineteenth century was also undertaken in order to inform part three of this thesis. This review considered secondary data, in the form of academic accounts of the early history of penal administration and imprisonment, and primary data including: the writings of Governors and prisoners; official reports; reviews; and internal Home Office and Prison Service documentation.

Information (theories, models, research findings) gleaned from the literature review is referred to in relevant sections throughout this thesis.

4.3.2 Deciding who to interview - sampling

The choice of any sampling method involves compromise in balancing considerations of precision, feasibility and costs (Schofield 1996). This is

particularly so in the case of the lone researcher (as in this case) where finite resources can dictate research methods (Bryman and Cramer 1994). Given the time and resources available to interview Governors, and to analyse the data, it would not have been possible to interview all 126 people governing a prison at the time of the field research. It is not unusual in studies of this sort for sampling to be used because the extent of data collection is influenced by the amount of time available (Bell 1996, p63). Creswell recommends that a researcher typically conducts 20 to 30 interviews based on several visits to the 'field' to collect interview data (Creswell 1998, p113). It was decided therefore to select a sample of Governors to interview. A sample size of 42 interviews, which equated to one third of Governors, was manageable given the time available.

I drew upon a 'deliberate or purposive' approach (Francis 2000, p45) to select which Governors to interview. A stratified random sampling methodology was adopted in order to 'produce more representative and thus more accurate samples' than a simple random sample (De Vaus 1991, p63). A stratified sample was selected around the different types of prison, which is the main variable. The type of prison dictates the category, gender and age of prisoner and size of the establishment. By including the different types of establishment in the sample I ensured that interviews would take place with Governors of male/female, adult/young offender, high/low security and large/small prisons.

In order to produce a sampling frame the 1997/98 Prison Service Annual Report and Accounts (HM Prison Service 1998) was used. This document contained a list of the 126 publicly managed prisons that were functioning at the time, together with the prison's category. The number of interviews for each category was calculated based on the number of prisons in that category in relation to the total number of prisons. For example, 11 of 126 prisons were category B, which equated to 9% of prisons, so 9% of the interviews (4 of 42 interviews) were with Governors of category B prisons. The results of the sampling methodology are shown in Table 1.

A random approach was adopted to selecting prisons within each category. The names of each prison in a category were written on a piece of paper, which was then placed in a box. The pieces of paper were then drawn one by one and the named

prisons listed in the order in which they were drawn. This process was repeated for each category.

Table 1: Interview sample methodology

Type of Establishment	Number of Establishments of each type*	Percentage of the total number of prisons	Number of interviews in the sample
Local/Adult remand	34	27%	11
Dispersal	5	4%	2
Category B	11	9%	4
Category C	34	27%	11
Open	9	7%	3
YOI/RC	22	17%	7
Female	11	9%	4
Total	**126 (100%)**	**100%**	**42 (33%)**

Source – 1997/98 Prison Service Report and Accounts (HM Prison Service 1998)

The result of the exercise was a list of 42 prisons and a letter was sent to the Governor of each of those prisons. The letter made clear the purpose of the study and the way it was proposed to conduct the interview. The letter also indicated that any comments made in the course of the interview would be non attributable. While the Prison Service encouraged Governors to co-operate with the study it did not instruct them to do so. The support of the Director of Personnel and the PGA for the study was emphasised in the letters.

Only one Governor declined to be interviewed. The Governor of the next prison on the list for that category of prison was invited to be interviewed instead.

I was not myself one of the interviewees.

4.3.3 Formulating the questions

The approach taken in the present study can best be described as a 'guided or focused interview' for which the researcher establishes a framework by selecting topics around which the interview is guided (Bell 1996, p94). This form of interviewing combines structured and open-ended (or focused) techniques. It is designed to 'allow

people to answer more on their own terms than the standardised interview permits, but still provide greater structure for comparability over the focused interview' (May 1993, p93). This seemed a particularly suitable approach for what I was hoping to achieve, both explanatory depth in what individuals told me, and accounts that were comparable with each other. The purpose of these 'exploratory' interviews was primarily heuristic: to develop ideas and explore opinions about the research questions rather than to gather facts and statistics.

As a means to give some structure to the interviews, and to ensure that relevant points were covered, an interview schedule was produced. The schedule highlighted the key topics that were to be investigated, together with broad open questions for each of those topics. A number of force-choice questions were also used to gather factual data about Governors. A copy of the interview schedule can be found at Appendix C.

The subject areas covered in the questions were based on the research questions and the themes that emerged during the literature review. Questions were as open as possible in order to get interviewees to express their own ideas spontaneously in their own words and to raise additional issues. It was important to make sure that interviewees did not think that there was one appropriate answer to each question but rather that they had the opportunity to explore the range of what a Governor did and why.

It is vital that any interview schedule is pre-tested in some way to ensure reliability (Remenyi *et al.* 1998, p111). In order to test my interview schedule it was used with three Governors who were not going to be part of the stratified random sample. These Governors were selected based on their availability and personal contact. As a result of these pilot interviews a number of refinements were made to the final interview schedule. In particular, some ambiguities were removed, a number of more complex questions rephrased, the overall number of question areas reduced and the sequencing changed.

4.3.4   Conducting the interviews

This section describes the 'contextual factors surrounding the whole experience of doing qualitative interviews' (Davies 2000, p83). The interviews were conducted between the winter of 1998 and the end of 2000. The interviewing was done over a long period as time to undertake the interviews had to be incorporated into my diary, as an addition to routine work commitments. The letters inviting Governors to participate were sent out in batches of six, in order to stagger the interviews. The interviews themselves lasted between one hour and 10 minutes and three hours and 15 minutes, with an average time of two hours.

Interviews took place, wherever possible, in the interviewee's office to ensure a private, quiet and non-intimidating environment. Interviewees were asked to minimise the level of interruptions. As most interviewees had a secretary this worked well, as the secretary prevented interruptions by taking telephone calls and preventing people coming into the office. On a number of occasions, however, operational incidents required that the interview be interrupted and on one occasion due to the seriousness of the emergency the interview was terminated and postponed until the following week.

At the beginning of each interview, in addition to explaining the broad aims of the study, the interviewee was assured of confidentiality and asked if the interview could be taped. It was decided to seek permission to tape all interviews in order to allow more detailed analysis afterwards and to prevent the interviewer missing important contributions. Written notes were also made during the interviews of key points made.

All interviewees agreed to the interviews being taped, some only after reassurance that the interviews were going to be confidential and that any quotes used would be anonymous. On five occasions interviewees asked for the tape to be turned off for a short period in order to recount an anecdote or describe the actions of another named Governor.

The interviewees varied in the way that they answered questions. Some were highly eloquent and expansive in their replies; others provided more hesitant and disjointed responses. As a result some interviews were easier to conduct than others. In the main interviewees remained extremely focused on the issues presented. A number of the Governors were less forthcoming and more guarded, but the overwhelming majority were highly loquacious and opinionated. The interviews produced, as a result, rich data, which was informed and insightful.

4.3.5 Interviews with stakeholders

In addition to the 42 interviews with Governors described above, a number of interviews were conducted with stakeholders (area managers, Headquarters staff, private prison directors) in order to obtain background information on the work of Governors. It also enabled me to identify whether stakeholders identified different 'themes' in the role of the Governor compared to the views expressed by the Governors themselves. A total of 10 stakeholder interviews were conducted: three with members of the Prisons Board; four with area managers; one with HM Chief Inspector of Prisons and two with directors of contracted-out prisons. The stakeholders were selected based on their availability for interview, as they were not intended to be a representative sample.

Interview questions were based on the interview schedule used for Governors and focused on the historical and current role of Governors. These semi-structured interviews were taped and interviewees encouraged to answer questions in an expansive manner. Interviewees were assured of confidentiality and that any quotes would not be attributed to them.

4.3.6 Job descriptions

One important part of the research study was identifying the key tasks and duties that the Governor was expected to undertake. It was decided that the best way to identify officially dictated aspects of the job was to obtain a copy of each Governor's job description. Letters requesting job descriptions were sent to the Governors of the 126 publicly managed prisons.

As postal requests for information tend to have a low response rate, a number of mechanisms were adopted to maximise the response rate (Oppenheim 1992, p103). Governors were informed that a request for their job description would be made at the Annual Prison Service Conference, to provide advance warning. The letter seeking their job description emphasised the importance of the research and the endorsement it had from Prison Service Headquarters and the PGA. A return envelope was included with each letter requesting a job description. As there was no need for the origin of the job descriptions to be anonymous Governors were asked to identify their prison on the top of the job description. Follow up telephone calls were therefore possible to those Governors who had not responded. A total of 98 job descriptions were returned which represents a sample of 78 per cent. A further five Governors indicated that they did not have a job description.

CHAPTER 5:
UNDERSTANDING THE DATA AND RESEARCH PROCESS

5.1   Analysing the data

The term data analysis is often used to refer to the ordering and structuring of data to produce knowledge (Glaser and Strauss 1967 and Rubin and Rubin 1995). It has also been described as 'the final stage of listening to the meaning of what is said' (Howard and Sharp 1983, p100). Some commentators suggest that the analysis is the 'most demanding aspect of non-positivistic research' (Remenyi *et al.* 1998, p112). This section explains how the collected data was analysed to inform the remaining sections of this thesis.

I made use of the interview data in a phenomenological rather than a positivistic mode. A positivistic researcher would have subjected the transcripts to techniques such as content analysis, counted the number of occasions on which an issue was mentioned and used these counts to demonstrate the importance of an issue. Whereas my phenomenological approach led me to undertake a more interpretative analysis and to conceptualise on the basis of evidence available and the patterns emerging from it, what has been referred to as hermeneutics (Remenyi *et al.* 1998, p68). The analysis of data, according to Mintzberg, follows a number of steps. The first step is the 'detective work' of looking for order and patterns; the second is the 'creative leap' which entails generalising beyond one's data; and the final stage is to look for synthesis of elements into patterns rather than categories coming from 'mechanical data reduction techniques' (Mintzberg 1989, p588).

I did not adopt a purist attitude to 'closeness' to evidence (Weitzman and Miles 1995) and made use of computer software to help analyse the data. The advantage of using computer software to aid analysis is that the most tedious aspects of analysis can be automated, leaving the researcher free to pursue theory-generation. However, there is always a danger that analysis with a computer will produce a different interpretation from that generated by analysis without one.

The tapes of the interviews were transcribed for me and computer text files created for each interview. In order to overcome one of the drawbacks associated with computer analysis, I listened to each tape at least once to achieve familiarity with the material. The transcripts were also manually examined for concepts and themes that seemed significant to the interviewees and to me. All transcripts were incorporated as anonymised text files into a computer software package for qualitative analysis. The transcripts were analysed using *NUD*IST* (Non Numerical Unstructured Data Indexing, Searching and Theory-Building), a software package specifically designed to support qualitative analysis of non-numerical unstructured data, using indexing, searching and theorising tools. The coding exercise placed in one category/node all the material from interviews that addressed a particular theme or concept (such as 'maintaining order', 'justice and fairness'). A total of 16 level one (main themes), 112 level two (sub themes) and 233 level three (minor themes) nodes were created. All the material within each category/node was then compared, to look for variation and nuances in meaning (Rubin and Rubin 1995).

5.2   Validity, reliability and triangulation

In any research, questions of validity, generalisability and reliability arise. It has been suggested that the criteria used to evaluate positivistic research (internal validity, external validity, reliability and objectivity) are inappropriate and should not be directly transposed on to non-positivistic research (Marshall and Rossman 1995). Alternative constructs have been proposed for non-positivistic approaches, which tend to be 'softer' than the 'hard' measures such as statistical validity used in positivistic research.

5.2.1   Validity

Validity is always relative as it is dependent on the decisions that have had to be taken in the planning and conduct of the research (Jupp *et al.* 2000, p176). In non-positivistic research, validity is particularly concerned with whether the design of the research provides credible conclusions (Sapsford and Jupp 1996, p1) and whether the

researcher has gained full access to knowledge and meaning of respondents (Remenyi *et al.* 1998, p115).

One approach to assessing validity is to adopt the four tests of validity proposed for non-positivistic research (Remenyi *et al.* 1998, p115), which are shown in Table 2, together with an assessment of how closely the present research met the tests. The comparison suggests a high level of validity for the current research.

Given that this was the first study of its kind with Governors, I was particularly keen to test out emerging themes with Governors. Some commentators support this iterative process and point out that:

> 'all of us, as researchers, have our preconceptions and preoccupations that can produce conceptual hegemonies, and corresponding blind spots. That is why early exposure to others of one's preliminary research findings and tentative theorizing, in a non-threatening atmosphere, can often be so very beneficial to the constructive development of research' (Bottoms 2000, p25).

Table 2: Assessment of research validity (after Collins and Young 1988, quoted in Remenyi *et al.* 1998, p115)

Concerns of the researcher	Present research
Quality of researcher as a sensing instrument	Semi-structured interviews conducted in appropriate and sensitive manner.
Transparency of research process	Thesis contains detailed description of how the evidence was collected and interpretations made.
Quality of relationship with respondent	Good level of empathy developed with interviewees and positive relationship established.
Quality of argument in the interpretation	Plausible and reasonable analysis produced. Useful contribution to the literature. Emerging results discussed with Governors. Good fit with the situation. Results can be used as the basis for action.

5.2.2 Reliability

Reliability traditionally focuses on whether similar observations will be made by researchers in a replicable study (Easterby-Smith *et al.* 1994). In non-positivistic studies this is difficult to establish, as they tend to focus on a particular issue, in a particular setting, at a specific period in time. Two related issues present themselves in the current study.

The rate of turnover of Governors is high. (Only 17 of the 42 Governors interviewed were still governing a prison at the end of 2003.) The new Governors *may* have a different approach and views. A different researcher interviewing current Governors *may* also have come up with different conclusions, as it can be argued that 'different interpreters find different meanings in the same interview' (Kvale 1996, p210).

A major problem with sampling is ensuring that the sample population of Governors is truly representative and non-biased enough to allow generalisations of the findings to the entire current population of Governors. The sample size, at one third of the total population of Governors, was not sufficiently large to enable extrapolation of the data to the entire population. The intention of the interviews was not one of generalising the gathered data to the general population of Governors but of information gathering and clarification in order to inform the analysis.

I was also particularly conscious during the data analysis phase not to 'cherry pick' quotes simply to illustrate a perceived theme. This was an attempt on my part to avoid one of the drawbacks of qualitative research identified by Bryman:

> 'there is a tendency towards an anecdotal approach to the use of data in relation to conclusions or explanations in qualitative research. Brief conversations, snippets from unstructured interviews, or examples of particular activities are used to provide evidence for a particular contention' (Bryman 1988, p77).

Marshall and Rossman argue good practice guidelines, such as establishing an audit trail, should be followed (Marshall and Rossman 1995). In line with this suggestion, I made a point of keeping the evidence collected (interview tapes, transcripts and job

descriptions) in an easily retrievable form. In addition, rough notes on research design decisions and the outcome of meetings with supervisors were kept and remain available for scrutiny.

5.2.3 Triangulation

Triangulation has become a salient feature of research methodology (Denzin 1970). The underlying rationale for triangulation is to try to increase confidence in the validity of the research findings. It is possible to distinguish between different types of triangulation (Gill and Johnson 1991, p166). Data triangulation refers to the collection of different data (both qualitative and quantitative data) on the same phenomenon. Investigator triangulation involves the collection of data by more than one researcher. Method triangulation involves the combination of methodologies in the study of the same phenomenon.

I used two main methodological tools, interviewing and documentary analysis (job descriptions), which created an element of data and method triangulation, and was an attempt not to 'put all one's eggs in one basket' (King 2000, p306). In order to achieve a desirable 'methodological mix', research methods were adopted which elicited both quantitative and qualitative data (Lipetz 1980, p59). The interviews produced primarily qualitative data, but also included quantitative information about the characteristics of the Governors in the sample as a group. The request for job descriptions generated quantitative data on the core work, tasks and duties that Governors were supposed to undertake. The review of primary and secondary information sources on the historical development of the role of Governor also provided data that could be used as a comparator. In addition, I incorporated an element of triangulation by having a diversity of interviewees (from different types of prisons) which allowed cross-validation of perceptions, itself an aid in achieving validity of research results.

5.3 Ethical issues

Underpinning all research is the need to ensure that strict ethical standards are maintained at all times. Ethical issues arise from 'the nature of the relationship between researcher and host organisation and between researcher and the subjects he or she studies' (Remenyi *et al.* 1998, p119). Robson defines ethics as 'rules of conduct; typically of conformity to a code or set of principles' (Robson 1993, p29). Bell highlights the point that 'care has to be taken to consult, to establish guidelines and to make no promises that cannot be fulfilled' (Bell 1996, p58).

It is generally accepted that research participants have 'certain inalienable rights that cannot be violated for knowledge' (Kimmel 1988, p46). In particular, that an individual should be informed of the nature of research in which he or she is a subject, and its likely dissemination, is an undeniable right to which any human being is entitled (Hughes 2000, p243). Adherence to the principle of informed consent, according to Norris, implies that two major conditions are met: first, that the research subjects are made aware of and understand the nature and purpose of the research; second, that, from a position of knowledge, they can freely give their consent to participating in the research (Norris 1993, p128). All participants in the present study were volunteers. They were informed of the purpose of the study in advance and again at the commencement of the interviews.

Access for the present study was negotiated through the Director of Personnel for the Prison Service. As the research subject was directly work-related and seen as beneficial to the organisation, access and support was forthcoming. Given that 'access to elites in the criminal justice system is rare for researchers' (Hughes 2000, p241), I was fortunate to gain access so readily. The ease of access was no doubt because I was an 'insider' (see below) and the organisation was sponsoring the research. Relevant people and committees were informed about the research in order to ensure that protocol was maintained.

An assurance of confidentiality was given to all participants. The transcripts were numbered and all references to interviews were by number, not name, for example

Governor 1 or stakeholder 2, thereby maintaining anonymity. I also avoided the use of pseudo-surnames, numbering or lettering for the quotes used in this thesis, as this may have allowed the more dedicated (and mischievous) reader to cross-reference the quotes and identify the Governor concerned. However, there will no doubt be attempts to piece together quotes and to speculate as to the identity of the participants in this study.

Agreement was reached with interested parties at an early stage over the dissemination of results. It was agreed that publication could take place so long as it was not possible to identify individuals from the material and that no material that related to security would be published.

5.4 Reflections on 'practitioner research' and the research process

Part of the context of any research study is the nature of the researcher. All researchers are subject to prejudices, cultural beliefs and values that they bring into the research process with them. Reiner suggests that:

> 'There is no neutral Archimedean point from which objective data can be collected: the researcher always influences the social interactions that constitute the data. All one can do is seek to be reflexively aware of this and interpret material in the light of probable biases' (Reiner 2000, p221).

As researchers will have an impact on the questions posed and approaches taken it is important to reflect on the type and orientation of the researcher. This section therefore explores the research from the perspective of the researcher.

The type of researcher can be distinguished by a number of broad dimensions (based on Brown 1996). Researchers studying an organisation are either 'insiders' (employed by that organisation) or 'outsiders' (not employed by that organisation). Insiders can be sub-divided into either 'indigenous' (worked in that organisation in a non-research role) or 'imported' (employed to conduct a piece of research). Outsiders can be sub-divided into 'endogenous' (worked in that organisation in the

past) or 'exogenous' (have never worked in that organisation). Various benefits and drawbacks face each group.

My position as a researcher is unambiguous, in that I am clearly an 'indigenous insider'. Indigenous insiders, or practitioner-researchers as they are sometimes known, tend to be people who hold down a job in some particular area and at the same time carry out systematic enquiry that is of relevance to the job (Robson 1993, p446). As such I am part of an emerging research community within criminal justice organisations. An increasing number of criminal justice professionals are being encouraged to undertake part-time academic study and research, in addition to their professional occupation. To some extent practioner-researchers can be viewed as 'a comparatively rare breed of poacher-turned-gamekeeper' whose work 'owes much to their prior experiences of those roles' (King 2000, p302). To be a practitioner-researcher is to challenge one of the most popular dualisms, the juxtaposition of 'theory' and 'practice'. The idea there are 'people who do things – practitioners – and people who think about the doing of things – theorisers' (Duguid 2001, p49) is well established, and it is only comparatively recently that practitioners have taken up the research challenge. Theorisers, on the other hand, have a long tradition of undertaking ethnographic research and working within organisations that they are studying (in the prison context, see Fleisher 1989 and Conover 2001).

Practitioner-researchers tend to face a number of disadvantages when conducting research, including: time pressure; lack of research expertise; preconceptions about issues and solutions; and a reduction in individual freedom. Some of these difficulties manifested themselves during the present research. Time shortage limited the number of interviews that were undertaken and delayed the writing up of the research. As I had completed previous research projects, lack of research experience was less of an issue, as it can be for other practitioner-researchers.

Three specific issues to do with being an insider did concern me. Firstly, as a Governor I have a number of preconceptions about the issues being studied. I had to make conscious efforts throughout to ensure that they did not become manifest in the research. On the other hand, there was a clear danger of 'over-rapport' (Hammersley and Atkinson 1983, p98-104) with the interviewees and that the interviews would be

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'contaminated with sympathy'. Practitioner-researchers are often seen as being too close to the subject matter to be objective. 'Outsiders' are considered better placed to:

> '...step back from the institutional context and take a dispassionate view. They can see the organisational structure of the institution better, at least potentially, because they have no vested interests' (Sheptycki 1994, p127).

An awareness of these dangers helped me to maintain a level of objectivity.

Practitioner-researchers are often accused of becoming too concerned with policy issues rather than academic inquiry. In the present study, there was no explicit 'right answer' and I was not put under any pressure to reach a specified conclusion or come up with any policy recommendations. While the Prison Service originally defined the subject of the research, I experienced no other organisational limitation on the way the research was conducted.

On the positive side, practitioner-researchers have the advantage of: pre-existing knowledge and experience about the organisation; ease of access; the ability to implement the research findings; and work-related additional insights when it comes to designing, implementing and analysing the data.

Governors are able to decide what research takes place in their establishments and react to research in ways that are inevitably '... coloured by their social position and their perceptions of the research act' (Hammersley and Atkinson 1983, p197). One of the reasons put forward for the lack of research into the work of the Governor has been a reticence by Governors to expose what they do to outsiders and a general suspicion of researchers. There is no doubt that my access to documentation, and to Governors, was made much easier by my being a practitioner-researcher. Governors knew me, from my having already written about the work of Governors and run the command course at the Prison Service College. This visibility enabled me to access a range of people and primary data.

My experience of working in prisons over a 10 year period also made it easier to understand the language, processes and culture of the organisation, and this 'insider

knowledge' assisted in formulating the key themes of the research. In short, I was able to avoid some of the drawbacks of being an outside researcher, which have been described in this way: 'the researcher coming from outside is effectively an ignoramus, a potential object of sympathy or scorn' (Sparks *et al.* 1996, p340).

Interviewees tended not to be threatened by me, as a practioner-researcher, because I was considered to be 'one of them'. This element of trust helped to prevent the relationship between researcher and the researched from becoming 'hedged about with mistrust, concealment and dissimulation' (Lee 1993, p2). I did nothing to dispel this view in advance of the interview as:

> 'Impressions of the researcher that pose an obstacle to access must be avoided or countered as far as possible, whilst those that facilitate it must be encouraged, within the limits set by ethical considerations' (Hammersley and Atkinson 1983, p78).

While the external researcher's 'blissful advantages of naïve ignorance, waiting to be informed' (Reiner 1991, p46) is not a ploy available to the insider, there were some advantages of being known to be an insider. Interviewees clearly perceived at least a moderate degree of empathy coming from me due to my status as a Governor. This may have made them more willing to be honest and frank about their experiences, as these quotes from Governors reveal:

> "I know you will use this information carefully."

> "It is interesting but I wouldn't have done this sort of interview with anyone I didn't know and trust."

During the course of the interviews Governors made comments which indicated that they appreciated my status as an insider. A number of Governors believed that I would 'understand' what they meant:

> "As you know..."

> "Again as you'll know..."

> "I think, you know..."

> "I think you and I know"

Others made reference to my status as a practitioner:

"You will be familiar with this argument."

"You will have heard staff say, as I have…"

"I think you've probably done it yourself."

"Come on, you know as well as I do…"

"I bet as a Governor you'd answer that question in the same way."

On the other hand, it is possible that some interviewees were less frank and honest about the job and its pressures because I was a colleague rather than an outsider who they would not meet again. Reiner rightly points out that 'all interviews are inevitably a form of reciprocal impression management' (Reiner 1991, p47). Some Governors may have told me what they thought I wanted to hear; a few may have been deliberately controversial in their responses; and others made comments aimed at the audience who would read the research.

There is a danger that a researcher may become captivated by the particular group being studied and come to take on their point of view to the exclusion of others. Examples abound, particularly in the research literature on prisons, of the dangers of 'going native'. (See for example, Fleisher's (1989) reflections on ethnographic research as a correctional worker.) In the case of the current research, my position as a Governor researching Governors brings with it particular concerns. Anyone looking at the research can reasonably ask whether the subject of study, the formulation of the research and interview questions, the interpretation of the Governors' answers and the conclusions reached were influenced unduly by my status as a 'practitioner'. During the research I remained conscious of the ambiguity of my dual role and tried to address the research questions based on the evidence provided by Governors rather than on my own perspectives. This meant constantly reflecting on concepts used in the study (management, leadership, justice, order and so forth) and involved a level of self-criticism in response to the knowledge gained.

There can be no perspective-free, absolutely objective account by a 'practitioner-researcher', but what I tried to do is to be reflexive throughout, and particularly cautious when it came to interpreting the results of this research. Nonetheless, there

is a need for readers to be alert to the precise position from which this thesis is written.

5.5 Final thoughts on the approach taken

It can be seen from the above description that I opted for what Gill and Johnson (1991, p127) termed a methodologically pluralist approach. There is clear merit in acquiring different kinds of complementary data about a subject using different research techniques in the same empirical study. It is also suggested that a methodologically pluralist approach creates the methodological triangulation required to overcome the bias inherent in a single-method approach. Denzin suggests that using multiple methods will allow the different methodological strengths and weaknesses to cancel each other out to produce more convincing findings (Denzin 1970, p297). A summary of the areas of study, together with the research method and data generated is shown in Table 3.

It has been pointed out that 'improvements in corrections policy and practice are more likely to emerge if researchers and practitioners work more closely together' (Petersilia 1996, p223). The present study is an example of a piece of research conducted by a practitioner-researcher, which brings together the knowledge and experience of a practitioner in the field being studied, with the analysis and rigour of a supervised academic research study. As such it hoped that it has advanced the study of penology by providing a distinct contribution to the knowledge of the world of the Governor.

Table 3: Summary of research approach

ASPECT OF RESEARCH	RESEARCH METHOD	DATA GENERATED
Research framework	Discussion of research methodology and methods	Research strategy, approach and methods
Identify key concepts in the existing literature and generate research questions	Literature review	Key concepts and research questions
Trace historical development of the Office, role and duties of the Governor	Review and analysis of primary and secondary data sources	Chapters tracing historical development and identifying key issues
Identify the theoretical role, tasks and duties of the Governor	Analysis of job descriptions obtained from Governors	Data on the role, tasks and duties of the Governor
Explore Governors' perceptions of role and duties	Interviews with 42 Governors Interviews with 10 key stakeholders	Governors' perceptions of their role and duties Stakeholders' perceptions of Governor's role and duties
Analyse data	Analysis of job descriptions and review of transcripts to identify key themes and quotes Identification of themes and quotes in literature Computer analysis of data using NUD*IST	Identification of who is governing, their philosophy, operating credo and motivation. Understanding of role and tasks of the Governor
Formulate implications and conclusions from research to further understanding of prison governance	Review of analysis and key literature sources	Changes to Governor's role Continuing significance of Governors and unique elements of their work today Contribution to penal and management theory Recommendations for improvements to practice.

PART THREE:
DEVELOPMENT OF THE ROLE OF GOVERNOR

CHAPTER 6:

EARLY GOVERNORS (BEFORE 1962)

6.1 Introduction

Part three charts the development of the Office, role, duties, recruitment, selection and accountability of Governors over the last 500 years. A knowledge and understanding of this history is critical to understanding the work of today's Governors. The manner in which the role and Office evolved has had a direct impact on what prison staff, and prisoners, expect of current Governors. Many of the duties undertaken by Governors today have their origins in what their predecessors were required to do.

For the purposes of charting the changes, history has been broken down into various periods. The boundaries drawn for the historical periods in this thesis were based on an Act or Report that caused a discontinuity in the work, role or management of Governors. Another researcher may well legitimately adopt different points to divide the history.

This chapter is not intended to be a detailed history of imprisonment, which has been well documented elsewhere (Pugh 1968, Harding *et al.* 1985, Morris and Rothman 1995). While the early history of penal administration has also been well researched (see for example, McConville 1981 and 1995, Forsythe 1990), it has been pointed out that the 'full history of prison management in Britain in recent times remains as yet unwritten' (Sparks *et al.* 1996, p135).

6.2 Gaolers and keepers (before 1779)

Historical studies of imprisonment indicate that imprisonment has existed in some form in this country since the eighth century and by 890 the word 'prison' (carcerr) first makes its appearance in a code of laws (Pugh 1968, p2). The Sheriff, or owner, of the franchise prison, built and repaired these gaols, equipped them and accepted

responsibility for securing the prisoners. The day-to-day work of running the prisons, however, was deputed to others. In some cases the Sheriff or franchise holder sold the 'custody' of the gaol temporarily to someone willing to purchase it. In others they granted the gaolership to a 'keeper'. From the later thirteenth century the Crown strove to appoint its own servants to run gaols and the practice of using gaolerships as a means of providing for minor civil servants, to the detriment of local patronage, soon became the norm (Harding *et al.* 1985, p27).

The titles of the people appointed to run the gaols were as varied as the types of gaols themselves: Gaoler; Bailiff; Warder; Counter; Porter; Keeper and Undermarshal. The title of the office holder would depend on the name adopted by the person holding the office, or the person making the appointment, rather than on any statutory provision (Pugh 1968, p148).

Prisons at this time were largely self-financing operations and, where no salary was paid, gaolers had to derive their income from the fees paid by prisoners (in return for food, accommodation and so forth). Additional income came from the profits of commercial opportunities that they organised, as the gaoler took a percentage of the proceeds made by the prisoners from the sale of their products (Pugh 1968, p332).

Gaolers were expected to provide their own subordinate staff out of their prison income. As a result they often employed as few personnel as possible. Keepers tended to allow prisoners to police themselves and 'tolerated a wide measure of self-government on the part of those confined' (McGowen 1995, p74) and often shared power, or least reached an accommodation, with the prisoners.

The primary purpose of the early prisons was to detain prisoners and to 'deliver' prisoners for trial. Gaolers were not expected to reform or rehabilitate their prisoners but simply to prevent escapes and hold their charges until they paid their debts or until their sentence expired. Contact with prisoners was often prohibited and where it did occur the gaoler:

> 'must not, at any time ... hold unnecessary conversations with the
> prisoners, but must give his commands and receive their wants in as

few words as possible' (Regulations for Chester Castle, quoted in Webb and Webb 1922, p103).

By 1225 the post of gaoler formed a well-recognized occupation. Most were simple men, known by their occupational names, which have left their traces in the surnames of Galer, Gayler, Gaylor, Jailler, Gayle and Gale (Reaney 1958).

The fourteenth century saw steps being taken in some of the larger municipal areas to find men of more responsible character to become keepers. Ordinances were laid down which required that only men of good character should be appointed 'keepers' and that they should be confirmed in office annually to ensure that they had carried out their duties faithfully (Pugh 1968, p185). Keepers were expected to directly manage the prison, and, in order to do so, were often required to live in quarters located within the prison (Pugh 1968, p357), a requirement that was to remain in force until well into the twentieth century. In addition, they were required to visit all parts of the prison on a daily basis; a practice later enshrined in legislation and continuing today.

An important development for the emerging profession came in 1356 when the City of London drew up regulations for the good governance of its four prisons (Pugh 1968, p186). While this move helped to ensure good conduct on the part of its keepers, it was also a first move towards clarifying the duties and level of performance required of them. The City ensured that the regulations were observed by sending in 'visitors' to inspect and report on the state of the prisons and the way they were being managed. These 'visitors' were given the power to fine, and in the last resort, to expel unsatisfactory keepers.

The term 'Governor' was first introduced for independent regulators who oversaw prisons. The London Bridewell, set up in 1556, had a reformatory function and, in order to avoid the dangers of a profit-orientated keeper was put into the hands of an independent unpaid body of regulators (O'Donoghue 1923). These 'Governors' played a part in the affairs of the prison that went beyond policy-making and inspections to include getting involved in daily operational decisions (McConville 1981, p36).

Given the limited role that the gaolers were expected to undertake the occupation was not highly regarded. The *Gentleman's Magazine* in July 1767 went so far as to describe keepers as 'low bred, mercenary and oppressive, barbarous followers who shrink at nothing but enriching themselves by the most cruel extortion' (quoted in Webb and Webb 1922, p18). Keepers often found themselves in very serious trouble because of their ill treatment of prisoners, and prison history is punctuated by investigations into ugly scandals.

6.3 Gentlemen Governors (1779-1876)

It was not until the end of the eighteenth century that real attempts were made by central government to exert greater control over what happened in prisons. The Penitentiary Act of 1779 (19 Geo. III c.74), and subsequent Prison Acts, set out the role of imprisonment and instructions for the management of penal institutions. Increasingly the attention of parliament turned to standardizing the operation of prisons and improving conditions for those incarcerated. The impact of these changes was felt directly by keepers whose freedom was curtailed by the various pieces of legislation which over time: abolished fees; prohibited private trading; required them to keep detailed journals of their activity; and subjected them to quarterly reports by the justices.

The duties of a Governor were, for the first time, set out in Section 10 of Peel's Gaol Act of 1823 (4 Geo. IV, c.64). The Act required the Governor to visit each cell at least once every twenty-four hours and to keep a journal. The Governor's primary task was to maintain the safe custody of prisons (McConville 1981, p263) and to ensure that adequate control was exercised within the prison. Governors were also required to: supervise floggings and hangings; escort prisoners to London who were due for transportation; take prisoners to court whenever they were required to make a court appearance (which involved Governors being absent from the prison for a large proportion of their time); and keep a variety of books and journals (McConville 1981, p273-279). The Act of 1823 required that the Governor reside in the prison and any absence had to be approved in advance and an entry made in the journal.

Formal monitoring of a Governor's activity came with the passing of the Prisons Act 1835 (3 & 6 Will. IV, c.38), which introduced the appointment of government inspectors to visit prisons and make reports to the Secretary of State.

Governors made steady and substantial progress away from the disreputability of earlier periods with the social upgrading of the people recruited to govern. The new breed of Governors came from the Services, which reflected the view that the primary objective of a Governor was control (Harding *et al.* 1985, p168). The movement of gentlemen officers into positions formerly occupied by men of 'lower social standing' indicated the increasing importance of prisons as institutions. Those who specialized in prison administration came to be seen as vital and respectable public servants (Ignatieff 1978, p190).

A gentleman could take up a prison governorship without loss of self-respect. Advertisements were placed in the local and national press, seeking applicants for governorships, who could demonstrate the necessary characteristics of: firmness; humanity; cool deliberation; some education; and considerable knowledge of human nature. Varied prison experience had also become a recognized qualification and highly desirable in a candidate for governorships (McConville 1981, p314). Governors increasingly required greater skills, good levels of literacy and numeracy, and a higher degree of probity than their predecessors of earlier in the century. The improved social standing of Governors, and their experience of several different disciplinary systems operating in prisons, resulted in Governors having greater influence on penal policy, both at a local and at a national level.

The term Governor was also increasingly used to refer to these salaried officers (as distinct from entrepreneurial keepers). The title of 'Governor' received official endorsement in 1839 when an enactment provided that:

> 'If the Persons authorized by Law to appoint the Gaoler or Keeper of any Prison shall appoint such keeper by the Style of Governor such Governor shall have all the Powers and Duties of the Gaoler or Keeper at that Prison; and all Enactments made with regard to the Gaoler or Keeper shall apply to the Governor so appointed' (An Act for the better ordering of Prisons 1839, s.24, 2 & 3 Vict., c.56).

An important development came in 1850 with the creation of a national Convict Service, which was centrally administered. The actions required of Governors in the new Convict Service were set out in detailed regulations and the Directors appointed to run the Convict Service closely monitored adherence to them. The 'Rules and Regulations for the Government of Convict Prisons' contained one section that dealt specifically with the Governors and their duties (Home Office 1858, p6-18). They required the Governor to: have 'a general superintendence over the prison and prisoners'; exercise 'his authority with firmness, temper, and humanity; abstain from all irritating language, and not strike a prisoner'; attend Divine Service in the prison whenever it is performed; visit and inspect daily the wards, cells, yards and divisions of the prison, the kitchen and the workshops; see every prisoner 'once at least in every twenty-four hours'; visit the infirmary frequently; enforce a high degree of cleanliness in every part of the prison; and take every precaution necessary for preventing escape (Home Office 1858, paras 2-11). The Governor was also required to keep 10 books and journals covering everything from prisoners' property to a misconduct book and accounts book (Home Office 1858, p13-15). Each year the Governor was required to submit to the Directors a written account of life in the previous year. It was not until the 1865 Prison Act (28 & 29 Vict., c.126) that the discretion of the Governors of local prisons was limited in a similar way.

6.4 Administrator Governors (1877 to 1945)

The next significant change came with the 1877 Prisons Act, which vested overall responsibility for all prisons and prisoners (the 10,000 prisoners held in convict prisons and 21,030 held in local prisons) in the Home Office. The Act was seen as necessary to improve penal administration, ensure a greater measure of uniformity across the penal estate, and to placate the ratepayers by reducing costs (McConville 1995, p192). Actual administration of the prisons was delegated to a Prison Commission, which was accountable to the Home Secretary. An Inspectorate assisted the work of the Commission.

The new Prison Commission took the view that a national prison system required fewer prisons, the restructuring of prison staff and the removal of the less

professional kind of administration still found in some of the local prisons (Harding *et al.* 1985, p200). The structural changes resulted in a reduction in the number of prisons from 113 to 69 (McConville 1995, p194). The closures led to the dismissal of 41 Governors and 17 deputy governors (Thomas 1972, p72).

The main aim of the Commission was to centralise control and enforce uniformity across the penal estate. The Commission asserted control and imposed a new regime of regulation and standardisation on prisons. The discretion of the individual Governor was quickly eroded and uniformity was applied to all areas of the prison's activities, from discipline and labour to health, diet and discharge arrangements. The Prison Commissioners believed that it was possible:

> 'by a uniform efficiency of administration upon 'enlightened' principles, in which governors ... were given precisely detailed rules with which they are required to conform, to prevent the evil consequences that had admittedly happened in the diversely administered prisons of 1822-77' (Webb and Webb 1922, p208).

Governors' discretion became so limited, and prisons so regulated by the Commission, that:

> 'A Prison Commissioner could pull out his watch and boast that he could say at that moment what every prisoner was doing in every prison in England' (Ruck 1951, p9).

The duties of Convict Service Governors were laid down in the Standing Order for the Government of Convict Prisons (Home Office 1894). Similar regulations for local prison Governors were set out in the 1878 Rules for Local Prisons (Anderson 1878). The Governor's duties, as set out in Rules 79 to 100, constituted a blueprint for the management of the entire institution, from the broad requirement to 'see that discipline is maintained among the convicts at all times' to the detailed instruction that: 'He will not allow any dog, poultry, pigeon, pig, or rabbit to be kept in the prison, or in any quarter of a subordinate officer'. Some of the Regulations were as prescriptive of the Governor's private life: 'He shall reside in the prison, and he shall not be absent from it for a night without permission in writing from a visiting

justice'. Governors kept to these rules and there were few demands to exercise initiative or assume individual responsibility (McConville 1995, p523).

Governors also lost the power to decide on many personnel matters. Thomas suggests that 'governors became less and less able to deal with staff problems. More and more officers had to rely on visiting Inspectors and Commissioners to help them with personal problems about pay, postings, quarters and so forth' (Thomas 1972, p102).

The 1877 Act also changed the function and role of the Justices. It confined their role to inspecting and reporting to the Home Secretary, and to adjudicating upon and punishing serious prison offences. Their policy making, administrative and executive powers were removed, so that direction for the work of the Governor came solely from the Prison Commission and not from any local functionary (McConville 1995, p436).

By the mid 1890s the Commission 'had completely succeeded ... in promoting uniformity, economy and a generally improved administration' (Ruggles-Brise 1921, p137). However, there was a strong reaction from both the public and informed opinion against the over rigid and disciplinary approach adopted by the Commission. As a result, the Gladstone Committee (Home Office 1895) was set up to consider what changes were required. The Act which followed (Prisons Act 1898) placed the control of local and convict prisons under one Board; gave the power to the Secretary of State to make Rules for the government of convict and local prisons, thereby allowing the Rules to be changed without the necessity for fresh legislation and established a Board of Independent Visitors for every convict prison.

The daily operation of the prison continued to be controlled by Prison Rules and Standing Orders. In the case of local prisons, by 1911 there were 1441 Standing Orders and 313 published Rules that regulated almost every detail of prison life. The Standing Orders prescribed the precise daily and weekly timetable, the exact objects (from personal clothing to books and cell furniture) allotted to each prisoner and the principles to be followed by the Governor in censoring letters, searching prisoners and the treatment of mentally ill and suicidal prisoners (Hobhouse and Brockway

1922, p64). A distinctive feature of the management of prisons at this time therefore was the continuing level of central prescription.

The day-to-day work of Governors in the early part of the twentieth century seems to have been very similar to the work of their predecessors:

> 'His first duty in the morning is to attend chapel and, from a seat which overlooks the whole building, observe that discipline is duly maintained. He then sits in the orderly room, hears the "applications", adjudicates upon the "reports", and conveys the contents of official and other permissible communications to the prisoners concerned. An inspection of the prison follows... In most instances the practice is for the governor to pass round the landings of one hall a day, glancing into the cells as he passes, and to walk through the workshop and yards in a similarly remote manner... A visit to the prisoners on punishment and in the hospital is never omitted, but even here it is in most cases little more than a matter of form. The morning's duties are concluded by an examination (generally cursory) of the food in the kitchen. The governor will sometimes pay a surprise visit of inspection during the afternoon, and the rules require him, at least once a week, to go through every part of the prison at an uncertain hour of the night' (Hobhouse and Brockway 1922 p365).

Many Governors though did not find their duties too demanding. William Blake, a Governor from 1901 to 1925, took the view that:

> 'The work of a prison Governor is just as hard as he cares to make it... there is not very much to do. He will be able to make his inspection in something under the hour; there is very little office work, and if he is fortunate enough to have a reliable chief warder ... he has plenty of time for golf and tennis or whatever his chosen recreation may be. From about 9 a.m. until noon is about all the actual time necessary for him to perform the purely routine duties of his office. A look round in the afternoon, with perhaps another in the evening ...' (Blake 1927, p24).

During this period there was a careful process of vetting suitable external applicants for the post of Governor. Social status and previous contacts continued to be important. There was an established custom of choosing a recognised 'type of man' with military or colonial experience, whose previous conduct could be clearly vouched for (Forsythe 1990, p141). Of the 54 Governors in 1922, 31 had served with

the armed forces (Hobhouse and Brockway 1922, p362). Commentators took a rather negative view of Governors and concluded that:

> 'Governors are men of limited knowledge, disciplinarians, lacking in imagination, sceptical about new proposals, but conscientious and just. Typical prisoners' view of governors is that they are 'distant gods' who deal out punishments and privileges, stride majestically past the cell door on tours ... and sit in loft aloofness in the chapel' (Hobhouse and Brockway 1922, p364).

Half of the Governors at that time had been promoted from the subordinate staff. The ability to undertake clerical tasks was taken into account when it came to appointments and promotions within the Prison Department. The need for clerical ability explains why most promoted Governors were drawn from 'clerk and schoolmaster' class of warders.

One significant development during this period was the appointment of the first female Governor in 1921 (Forsythe 1990, p144).

The period between the wars was a time of great optimism, as Paterson (a prison Commissioner) led a search for a constructive approach to the treatment of offenders. That approach was exemplified most in regard to the Borstal Service for young offenders. In a variety of ways, during the inter-war period, Britain became the centre of the prison reform movement, one consequence of which was a limited relaxation in the tight management exercised by the Commission. While Rules continued to proliferate, Governors were allowed some freedom in managing the detailed operation of their prisons (Memorandum to Governors, Male Borstal Institutions, quoted in Ruggles-Brise 1921, p244). Some commentators go so far as to suggest that:

> 'the personality of the Governor was a deciding factor in the nature of the regime, for the Prison Commissioners were often far away in London and the Inspectors' visits, although regular, were not frequent ... what actually happened depended upon the personality of officials as much as state policy' (Forsythe 1990, p141 and 213).

Paterson also led a drive to recruit potential Governors from a variety of backgrounds. He was clear about the sort of person he needed:

> 'Men of personality and character can be drawn equally well from among ex-army officers, doctors, lawyers and schoolmasters. The necessary qualifications are an aptitude for leadership, a desire for service, a private life above suspicion, and sufficient intelligence to understand the guiding principles and grasp the details of a penal system. To these should be added a requisite qualification for any special career, good health and a constitution above the average' (Ruck 1951, p21).

All candidates selected to be Governors were sent on a training course. The course consisted of the trainee Governors performing the duties of each grade: assistant warder; warder; principal; chief clerk and storekeeper. On completion of this training and more general instruction, trainee Governors were posted as deputy governors for a number of years before being offered a Governor's post (Blake 1927, p15-16).

The decision to recruit 'direct entrant' trainee governors, in addition to promotion through the ranks and appointment directly to a governorship, was to have a long-term impact on the prison system. As Thomas points out:

> 'These were people who had no previous experience of prisons, but who were considered to be of a *cadre*, which would spearhead the increasing volume of changes ... the presence of such staff has given the English governor tradition an especial, often liberal, intellectual flavour ...' (Thomas 1972, p224).

The influence of these more liberal and reforming Governors did much to relax the regime and encourage a more positive atmosphere in prisons. Many Governors saw their role as ameliorating prison conditions, with some limited attempts at reforming the individual. Governors also maintained an interest in their prisoners after their release and there are many examples of Governors: setting up homes for ex-borstal boys; employing ex-prisoners in their homes as cooks and housemaids; and visiting prisoners after release 'in order to encourage them' (Forsythe 1990, p100).

6.5   Reforming Governors (1946-1962)

By 1946 the Prison Commission had expanded and a system of six directorates (Prison Administration, Industries, Works, Medical Services, Education and Welfare) had been set up in London to oversee the work of prisons.   However, post-war Commissioners continued to view the Governor as the most important figure in any establishment:

> 'The Governor is the keystone of the arch.   Within his own prison, he
> is in much the same position as the captain of a ship – supreme in an
> isolated community, responsible for the efficiency and welfare of his
> crew as well as for the safe arrival of his passengers at their journey's
> end' (Fox 1952, p87).

Governors continued to exercise considerable power over the individual member of staff and prisoner. As one commentator put it: 'however benevolent he may be, he is in fact a dictator, being at once chief administrator and judge, capable of punishing and rewarding those in his charge' (Klare 1960, p85).

The work that the post-war Governor was expected to undertake increased in scope, as the Commission turned its attention to making prisons more effective at rehabilitating prisoners. Governors had to adjust their sights to the newly restated objective of rehabilitation and to manage more complex regimes (Conrad 1960, p245). The introduction of humanitarian and treatment goals into the prison also changed the way the prison had to be managed. New personnel in the form of psychologists, psychiatrists, caseworkers and welfare officers were given primary responsibility for implementing the humanitarian and treatment goals.   Governors found themselves having to manage the conflict between the new professionally trained staff and the established custodial staff, as rehabilitation efforts were often seen as compromising security and safety (McCleery 1961).

The simple single line organisation was changed to a more bureaucratic one in which there was a multiplicity of hierarchies with specialised but overlapping functions. The Governor had to manage and integrate a range of departments (including works,

clerical, farms and gardens, welfare, education, physical education and healthcare), which had:

> 'grown like Topsy and have in a truly Parkinsonian fashion accumulated power, and created their own often secret and very private lines of communication which completely side step the Governor' (Lee 1966, p13).

Governors found themselves in charge of the custodial, treatment and service sub-systems and were faced with the task of directing and co-ordinating their activities. To do this without violating formal or informal expectations of the various specialists demanded considerable skill (Garrity 1964, p166-167).

In contrast to earlier periods, where the Commission had created an impenetrable barrier between prisons and the community, Governors were expected to develop an external focus, as prisons became much more part of the community. A former Commissioner noted this change in emphasis:

> 'The Governor is responsible for ... 'selling' his job in private to the more important visitors to the prison and in public at a variety of local meetings and functions' (Fox 1952, p88-89).

It was not until the Wynn Parry Report (Home Office 1958) that the new role and duties of the Governor were described in an official document. The Report succinctly captured the essence of what was required of a Governor in relation to managing both the internal and external environments:

> 'The Governor is responsible to the Commissioners for everything that goes on in his establishment: the principal aspects of his work are the maintenance of security, good order and discipline; the leadership of those sections of his staff more closely concerned with the training of the inmates, and the direction of their efforts to this end; the co-ordination of the various departments within the establishment; the development of useful activity in work, education and recreation; co-operation with outside bodies such as the education authority and with voluntary agencies and workers; and responsibility, as Sub-Accounting Officer, for the proper use of public money and property' (Home Office 1958, p44).

The day-to-day work of the Governor was, however, very bureaucratic, and some expressed concern that Governors would 'soon drown in a sea of petitions, reports, instructions, minutes, requests for information, returns, amendments to standing orders, and so forth' (Klare 1960, p86) - a theme that was to recur in reports on the Prison Service over the next 40 years.

Many Governors at the time found the job to be satisfying but one which imposed 'considerable strain, demands all one's energy and resources, requires one to learn much that is painful, and calls for considerable modification of one's character' (Kelly 1967, p173). Other Governors went further in describing the pressure that the job of being a Governor brought with it:

> 'It is difficult to put on to paper just what tension a prison governor experiences ... and it is not surprising that so many of us have at one time or another almost cracked under the strain. Because, do not forget, anyone with the responsibility of a prison governor is living an unnaturally tensed life' (Fancourt-Clayton 1958, p125-126).

The development of the Governors' role and duties led to changes in the recruitment criteria. A former Commissioner reflecting on what was expected of a Governor concluded that:

> 'The time is long past when the post of prison Governor was a suitable niche for the retired officer with the reputation of 'a good disciplinarian'. The command of a large prison today calls not only for a vocation for such work but for special personal qualities and adequate educational and administrative qualifications' (Fox 1952, p87).

In the post-war period appointments were no longer made to governorships directly: all Governors were appointed from the ranks of deputy governor. It was expected that Governors would learn the elements of the work in the junior governor grades before succeeding to the command of a prison. The Commissioners followed the principle that vacancies in the ranks of assistant governors should be filled by promotion from within the Service, to the extent that suitably qualified candidates were forthcoming. However, the four Staff Courses held between 1945 and 1950 had only selected 14 men and two women from the officer ranks (Fox 1952, p89). The

majority of vacancies for assistant governors were filled by direct entry candidates, despite opposition from the POA (Home Office 1958, paras 11-13).

Chapter 7 now goes on to chart the developing role of the Governor in more recent years, to discuss the main themes in the evolution of the role, and considers how that historical development exerts an influence on today's Governors.

CHAPTER 7:

MODERN GOVERNORS (FROM 1963)

7.1 Prison Department Governors (1963-1978)

The Criminal Justice Act 1961 provided the legislative foundation for the abolition of the Prison Commission in England and Wales. The order giving effect to the dissolution of the Commission was laid in February 1963 and a Prisons Board, located within the Home Office, was appointed to formulate policy and manage the Prison Service. The creation of the Home Office Prison Department marked a shift in the approach to prisons. Governors, and their prisons, became part of the bureaucratic machinery of the Home Office and were subject to the civil service administrative approach and style.

The daily routine of a Governor after the abolition of the Commission, however, remained very similar to that of earlier Governors. A former Governor, Alistair Miller, described his typical day as consisting of: arriving at the prison by 8.45 am; holding a morning meeting with senior staff to discuss operational issues; distributing the incoming mail which required action; touring the prison accompanied by the Chief Officer; undertaking adjudications and applications prior to tasting the food in the kitchen. Some afternoons Miller spent doing office work, writing letters and making reports or wandering around the prison by himself for random inspections. Other afternoons were spent chatting with prisoners or attending formal meetings with the POA, Board of Visitors (BOV) or Prison Visitors. During the evenings Miller would visit the recreation rooms or education classes to chat to the staff and prisoners (Miller 1976, p1-7).

While the work remained similar, the monitoring of a Governor's performance underwent some important developments (Home Office 1969, para. 231). An Inspectorate was introduced in 1969, to visit prisons and report on the reality of prison life for prisoners. In the following year a four-regional structure was introduced for the management of prisons. The Regional Directors had direct

operational line management responsibility for Governors in their regions. The notion of an 'intermediate manager' between Governors and Headquarters had first been suggested in the Gladstone Report 75 years earlier (Home Office 1895, para. 155). The development of regional offices, with their specialist advisors looking at all aspects of the prisons in the region, created much tighter supervision and monitoring than Governors had ever experienced before.

The late 1960s saw Governors continuing to take on a more coordinating role. This was reflected in a submission to the Council of Europe. The paper noted that:

> 'in the past the governor was regarded more as the authoritarian head of the establishment who directed his staff in the efficient running of a machine which was not complicated ... for many years now governors have been looked upon as managers and leaders of a complex team' (Council of Europe 1969, p121).

The 1969 White Paper, *People in Prison,* emphasised this more inclusive approach that Governors had to adopt:

> 'The Governor of a prison is responsible for the maintenance of security, good order and discipline, for the effective co-ordination of the work of all the members of his staff, for the regime of the establishment and the treatment and training of offenders, and for the proper use of public money and property. This is a formidable assignment. It requires qualities of leadership and management, allied to a continuing concern for individuals' (Home Office 1969, para. 235).

Modern prison management required that the Governor become 'head of an independent staff team with five main management responsibilities: setting goals and roles; free communications; interpretation; boundary function; planning and research' (Tyndall 1969, p136-137).

A Working Party on the recruitment of Governors gave further consideration to the changing role and concluded that 'the exercise of authority in a simple hierarchical setting, if this was ever an adequate description of a prison governor's task, it is so no longer' (Home Office 1972, para. 14). The Working Party went on to describe the work of a 'modern' Governor:

'Essentially a governor is concerned with achieving defined objectives through the resources made available to him and in managing the details of his prison's executive affairs; he needs to be competent in analysing problems, making sensible decisions and ensuring the adequacy of the prison's communications. He has a major responsibility for the organisation and direction of his prison and in this is concerned with the management of change, the resolution of conflicts and the mobilisation and co-ordination of resources' (Home Office 1972, para. 14).

The working party's reformulation of the work of the Governor is significant in that it makes clear for the first time that the Governor is required to have the ability, and desire, to exercise generic management skills in order to deal with the growing volume and complexity of available resources, rather than simply exercising a command function.

The 1974 Prison Management Review (Home Office 1974) went so far as to consider whether a prison actually needed a Governor, rather than 'a lay management committee appointed by the Secretary of State to make the general management decisions on the lines now developing in many other institutional fields'. This notion appeared to suggest a return to the management system used for the Bridewell in 1556 (see section 6.2 above). It concluded, however, that there was still a need for 'a permanent official to carry out the function of general manager of a penal establishment' (Home Office 1974, para. 242). The Review contrasted the tasks of previous generations of Governors with what was required in the 1970s:

'Virtually all work was codified in detail. Governors were themselves little more than high-grade operatives and supervisors of codified work ... the range and sophistication of modern penal operations is such that the assumption is no longer tenable. The reality is that the function of the governor has evolved from a simple command role towards that of a general manager of this complex of operations' (Home Office 1974, para. 26).

The work of the 'general manager', according to the Review, was not to act as the day-to-day decision maker on normal operations but as 'a general administrator'. The job required 'hard systematic work' and the 'acquisition and judicious use of a great deal of practical data, knowledge and technique' (Home Office 1974, para. 243). The

proposals contained in the Review entailed a radical change in penal governance. In particular, it sought to severely curtail a Governor's level of autonomy, and emphasised that Governors should adhere closely to set policy:

> 'The task of management at local level is to carry out HQ policies with the most economic and effective expenditure of resources and that local management is not free to add to or to reduce its designated activities according to its own assessment of penal priorities' (Home Office 1974, para. 4).

The changing expectations of the Governor were reflected in the recruitment advertisements for assistant governors. In 1967 advertisements suggested that Governors' 'duties demand a lively interest in social problems, and a good understanding of modern methods of handling them'. This was replaced in 1969 by: 'Are you interested in social work? Could you also, with the right training, do a good managerial job?' By 1972 advertisements were describing the role as: 'Management with a social purpose ... you are primarily a manager' (Waddington 1983, p16).

Arguably, the biggest change to the Governors' work in this period was that they found themselves managing an 'anarchic' industrial relations situation (Thomas 1981, p226). Governors were increasingly concerned, not with prisoners and their rehabilitation, but with how their unpredictable and militant staff could be handled. Governors, through their professional Society, expressed their unease about the deterioration of the prison system:

> 'In the face of industrial action on a growing scale governors received little advice. The Home Office's main concern was to impress on governors that the Army and Police would not be called in; that normal disciplinary measures would not be used against staff taking any form of industrial action, and that it was up to governors to keep their establishments running as best they could' (May 1979, para. 150).

7.2   Prison managers (1979-1986)

The May Committee was set up in 1978, at a time when there was general dissatisfaction with the way the Prison Service was organised and run, with the state

of prison buildings, and with the conditions in which staff and inmates alike were required to live and work (May 1979, para. 1.1). May was particularly concerned that prisons should 'not be allowed to degenerate into uncaring institutions dulled by their own unimaginative and unenterprising routines' (para. 4.46).

The May Committee were clear in their view that 'Governing Governors must govern, which means being directly responsible for all that occurs within their establishments' (para. 5.82). In order to achieve this, the Committee had no doubt that 'the role of the Governors, and the way in which Governors themselves perceive that role, must change radically' (para. 7.23). The Report spelt out the new duties and responsibilities that it believed Governors should assume in relation to regimes and industrial relations. Changes in Headquarters' organisation, the development of the role of Regional Offices, and the introduction of an independent Inspectorate, followed the Report's publication.

The 1980s saw further changes to the management of the Prison Service as a result of external pressures and, in particular, the Government's Financial Management Initiative (FMI). FMI provided a managerial, as well as a financial, framework for the Prison Service to plan, control inputs, allocate resources, and check effectiveness (Evans 1987, p9-11). In the Prison Department, the manifestation of FMI can be seen most clearly in Circular Instruction 55/1984 (HM Prison Service 1984). The document set out a general framework in which the operation of individual establishments could be set, and created the machinery by which Governors would be held to account for the operations of their establishments. Its main principles were that: the key manager was the Governor (who was charged with the delivery of Departmental policy); and that the Governor's accountability should be defined by explicit terms of reference agreed with their line manager in a 'contract' and accounted formally in an annual report (Train 1985, p177-186).

Devolution to Governors of budgets and financial management of their establishments followed. Real budget allocations in cash terms were introduced in all establishments in 1986. This financial devolution increased Governors' flexibility and their ability to redeploy resources where they were needed most. However, it also brought a requirement to take a detailed look at how money was spent, expose

uneconomic practices, make unpopular resource decisions and cut back in areas of activity that were desirable but not affordable (HM Prison Service 1986). A new costing system provided in-year monitoring of the spending of budgets, and Governors found themselves, for the first time, having to account for variance in expenditure against planned levels.

Concern was expressed by some that budget management would add to the administrative burden facing Governors:

> 'Traditionally, we have rightly been sensitive about a Governor being thought of, or becoming, aloof, isolated, office-bound – and yet the struggle to break free of the office, meetings, and telephones, has become increasingly fierce, and the budget, with all its ramifications, adds significantly to this' (Curtis 1987, p24).

Other management developments in the 1980s included: the development of 'accountable regimes' setting out the regime for each prison (Chaplin 1982 and 1986, Evans and Marsden 1985); the introduction of 'operational assessments' to measure the performance of all aspects of a prison (Marriage and Selby 1983, p12); and the formulation of 'regime baselines' specifying targets for regime delivery (Evans 1990, p3). Taken together, these comprised the basic management model that emerged in the Prison Service in the 1980s. From a theoretical position, this is an unremarkable process of defining aims, objectives, work output, and performance criteria. In practice, however, it represented a significant development for the Prison Service and an important change for the Governor. Governors, and their prisons, had become the subject of a myriad of management tools, planning processes and detailed monitoring. Governors were increasingly being held to account for the performance of their establishments.

A Review of the grading of Governors in 1981 concluded that all Governors had a number of specific functions in common, although the amount of time which each occupied, and their complexity, varied according to the nature of the establishment and the extent to which they were able to delegate to other governor grades (Home Office 1981, para. 4.7). A total of eight functions common to all Governors was identified: command; inspection; industrial relations; inmate management; staff

management; management of other resources; policy and development; and representation.

A subsequent review (Home Office 1984a) reached the view that that the Governor was 'both operational commander and general manager' and should:

> 'achieve an effective balance between the different elements of this role, in which he can reconcile his traditional position as operational decision maker with the increasing managerial and representational demands he faces' (Home Office 1984a, para. 60).

There was a recognition that establishments had to be organised in such a way as to create room for Governors to be able to plan, and provide strategic leadership and direction, rather than simply responding to the immediate operational demands. The review team recommended that the Prison Department should: encourage the delegation of tasks by Governors to their subordinates; review tasks laid by the Department on Governors personally; be clear who to hold to account for the discharge of which responsibilities; reduce the number of staff who report directly to the governor on a day-to-day basis to between six and eight; change the working pattern of Governors so that they worked a five-day, Monday-Friday week, rather than a 10-day fortnight, and ensure that Governors have the real authority and powers they need to carry out their jobs by delegating more responsibility to them (Home Office 1984a, para. 60).

Significantly, the Report suggested that it was not necessary for the Governor to visit all parts of his establishment every day and that there was no reason:

> 'why this task – the Governor's round – should not be delegated to a "duty governor" for the day, whose responsibilities, along with certain others, might be carried out on a rota basis by any one of the senior management team of the establishment' (Home Office 1984a, para. 61).

While the tasks of the Governor came under the spotlight, the importance of the role of the Governor was never questioned. At the time of introducing the new management framework for the Prison Service the then Director General made clear that:

'The key manager in the Prison Service is the governing Governor.
The Department's policies are delivered by him and his staff in the
establishment for which he is responsible. In the final analysis,
that is what matters' (Train 1985, p179).

7.3   Chief Executives (1987-1997)

A radical re-organisation of human resource systems and management structures in
the Prison Service was launched in April 1986, under the banner 'Fresh Start' (HM
Prison Service 1987). The new scheme restructured the pay of prison officers,
limiting overtime payments, which had been regarded for some years as demand-led
and uncontrollable. Working practices were changed by re-organising staff into
groups with a degree of flexible rostering and by assimilating overlapping middle
management grades. Management systems were altered in an attempt to assign clear
roles and accountabilities, integrate specialist staff, and co-ordinate efficient prison
regimes under the Governors' unifying direction.

Before Fresh Start around 75 per cent of a Governor's week was out of their control
(Barclay 1988, p5). The Governor's work was dictated by: routines that had their
basis in history; 'statutory duties'; managers and trade unions that expected direct
access; demands from Region and Headquarters to attend management meetings; and
attendance at institutional meetings. Fresh Start went some way to free up the
Governor from these routine tasks by introducing a new management structure,
which contained fewer management levels and clearer lines of accountability. As a
result Governors had a span of management control of between four and six people,
rather than the 10 to 14 people who had previously been reporting to them.

While it was clear that the Governor was the 'overall manager of all management
operations and ultimate commander in emergencies', the changes implemented by
Fresh Start resulted in the Governor only taking personal command during 'major
emergencies', leaving other operational staff to deal with less serious incidents (HM
Prison Service 1987, p16). This was a major change from what had been expected of
earlier Governors. Fresh Start also clarified that Governors were expected to work
from Monday to Friday, with only periodic attendance out of hours and at weekends.

Traditionally the Governor's rounds had been the means of keeping in touch with the grass roots of the establishment. However, in many establishments the Governor's rounds had become a combination of routine and ritual. Indeed, one former Governor suggests that: 'this routine has been predictable to the extent that, if he visited at another time of the day, the greeting was still 'Good Morning' (Barclay 1988, p5). The management structure introduced under Fresh Start, together with the ability to delegate tasks to senior managers, freed Governors from traditional routine duties (daily 'rounds', sampling food, visiting the segregation unit and healthcare centre, prisoner applications).

One area of some controversy was allowing Governors to delegate the adjudication responsibility. Conducting adjudications is a quasi-judicial activity and traditionally accepted as a key way for a Governor to set the tone and standards in an establishment. Advocates of change argued that the Governor should focus on managing adjudications through setting standards and by scrutinising the records of adjudications that had taken place (Barclay 1988, p6). Others took the view that the Governor 'must retain direct contact [by doing adjudications] ... to set his standards of conduct for staff, as well as for inmates, and in doing so to establish the tone of the establishment in the discipline and control context' (Gadd 1988, p8). The matter continued to be the subject of debate over a decade later (HM Prison Service 1997b).

The new approach, in which the Governor worked Monday to Friday and no longer routinely visited all parts of the prison, began to change the way operational staff viewed the Governor. The Governor began increasingly to be seen as a manager who worked the hours of non-operational staff and who was seen less frequently around the prison especially in the evenings and at weekends.

Some Governors expressed their concern about the direction the role of the Governor was moving in and the potential pitfalls it brought:

> 'No doubt, if released from the everyday pressure of what is
> now seen as routine work and problem solving, a governor
> may well be able to focus more of his attention on the wider
> strategic aspects of effectively managing a modern prison

establishment. There is, however, a price to be paid for this if a correct balance is not struck between managerial remoteness and the personal involvement of the governor in relation to all his staff. That price is amorphous management, lacking in inspirational direction and personal example. If so, I gaze upon such a governor with a sense of unease... I do not see my role in the new era of Fresh Start as being limited to the leather upholstered chair of the managing director in the boardroom' (Gadd 1988, p7-9).

Despite the changes made by Fresh Start, a review in 1988 found that most Governors were still spending two to three hours each day visiting various parts of their prison to keep in touch with staff and inmates. Some Governors involved themselves daily in adjudicating and in personally handling petitions from individual prisoners (HM Treasury 1989). The review concluded that Governors:

> 'share broadly comparable characteristics. Postholders were charged with ensuring the overall efficiency and effectiveness of the establishments to which they had been appointed. At a more detailed level their responsibilities required them in particular to ensure that acceptable standards were achieved for the welfare and occupation of inmates. They were expected to ensure that high standards of order and discipline were adhered to, that the morale and career interests of prison staff were maximised, good industrial relations were maintained and that the establishment was adequately resourced to carry out its approved functions' (HM Treasury 1989, p6).

The early 1990s saw a major switch in emphasis from central management by Prison Service Headquarters to devolution to Governors. This was in part due to the findings of the Woolf Report, which concluded that:

> 'The Prison Service should aim for a situation where it is appreciated by the Service as a whole that management (and the framework of controls that have been created) only exist to *enable* Governors to govern... We recommend therefore increased delegation to Governors for the functions connected with the management of the prison' (Woolf and Tumim 1991, paras 12.73 and 12.79).

This view was supported by a subsequent report that concluded that: 'too often governors lack any real control over their personnel or their budget' and 'plans to

devolve greater personnel and financial responsibility to governors should proceed as quickly as possible' (Lygo 1991, paras 40-41). The 1991 White Paper accepted the need to empower Governors and made clear that: 'the delegation to governors of budgetary and personnel management responsibilities should be extended' (Home Office 1991, para. 3.8).

There was a recognition that 'devolution would bring with it increased demands on Governors' as they were 'asked to take on the full role of general managers' of their establishments (HM Prison Service 1994c). Governors were required to understand specialist areas, such as finance and personnel, as well as having to think and plan strategically. Devolution continued to be a priority into the mid 1990s and the Prison Service made devolution the key strategic priority for 1994-97. The corporate plan pointed out that:

> 'Governors will be the focal point in delivering the Service's objectives. They will have wide delegated authority to innovate, and to manage effectively within the national policy framework and specific local plans. They will be expected to use their initiative and will be accountable for the performance of their establishments, in particular the delivery of agreed local objectives and targets' (HM Prison Service 1994b, para. 1.18).

These developments led to concerns amongst some Governors about their changing role:

> 'All governors are certain that the style of governing will have to change. More and more, governors will be office bound. As one governor put it: "it is not my job to care for prisoners, but to care for staff who care for prisoners." Governors must learn to delegate to survive, but the result is that they will be much less in evidence and certainly less accessible' (Selby 1994, p23).

The Prison Service responded to these concerns by directing Governors to:

> 'ensure that there are mechanisms in place to enable them to spend time "managing by walking about", this might be by the provision of secretariat, staff officer, planning, project or

development roles' and to 'review their management structures' (HM Prison Service 1996a).

There is no doubt that by the mid 1990s the Governor's role had become far more complex and the need for management skills accordingly far greater. The wide range of responsibilities the Governor began to take on, including financial and personnel management, detailed strategic and business planning and target setting, would have been alien to Governors of previous decades. It was recognised that Governors could no longer do everything themselves and would in the future have to rely on senior managers and intermediate management to ensure the implementation and delivery of all policies. However, there remained some ambiguity about what tasks the Governor should delegate. The 1996 Management Development Project concluded that:

> 'There are many tasks historically associated with governors personally which may not need to be performed by them. There are, however, unique competencies and terms relating to the in-charge role ... which differentiate those roles from others and cannot be delegated' (HM Prison Service 1996b, para. 1.9).

Following significant criticisms set out in the reports which followed the prison escapes in the mid 1990s (Woodcock 1994 and Learmont 1995a), a Prison Service Review was set up to take a strategic look at the management and organisation of the Service. The review reported in October 1997 and concluded that:

> 'the responsibilities of Governors and the demands made on them have increased enormously over the years... the role of the Governor is in urgent need of redefinition and review' (HM Prison Service 1997a, paras 9.34-9.39 and 3.26).

This recommendation from the Prison Service Review provided the origin for the current study (see section 4.1).

7.4   Some themes from history

Chapters 6 and 7 have traced the evolution of the Office, role and duties of the Governor as they developed over the last 500 years. This historical framework

provides an understanding of why today's Governors are required to undertake certain tasks and duties, and gives the background to how the Governor came to be such an important actor in the prison.

Tracing the historical development of the role is important, as the profession of governing has developed through an oral tradition. There is little written material to guide Governors on how to govern. Governors learn from their predecessors, who in turn learnt from the Governors for whom they worked. Knowledge and understanding is passed orally from generation to generation. 'Jailcraft' is developed over time and lessons learned from peers and from previous generations of Governors – Governors all serve in establishments under other Governors before they get to govern.

The work of the Governor has evolved over the years. Major changes in the role have been brought about as a consequence of crises - a social crisis outside, or an internal one such as a riot or escape. Comparisons with previous periods can be made in terms of delegated authority; independence from central control; and social standing.

The era of early keepers, gaolers and wardens was very much one of caprice. By the nineteenth century Governors were required to have a disciplinary ethos and to achieve administrative efficiency and uniformity in the operation of prisons. They were the subject of centralised control and their work directed by detailed regulation. The management of prisons was redefined as a bureaucratic task, demanding knowledge, skill and expertise. Considerations of an emotional or moral kind found in earlier keepers had no place in the work of a 'modern' Governor.

By the mid twentieth century, Governors had a more reforming ethos and were given greater freedom to experiment and to try out rehabilitative regimes for prisoners. They possessed sufficient freedom to mould their establishments and regimes according to their personal philosophies. The development of custodial and treatment aspects of regimes increased the scope of the Governor's work. Governors became 'criminological technicians' (Garland 1990, p185) who adopted a scientific approach based on therapy, treatment and rehabilitation.

More recently, Governors have been required to adopt a more managerial ethos. Prisons have to be managed in a more passionless and bureaucratic manner. Efficiency and compliance have become the administratively defined goals. Governors are increasingly seen as general managers and held to account for the total operation of their prisons, through more comprehensive line management.

Some aspects of the Governor's work have remained remarkably constant over the years. Throughout history Governors have been required to: maintain a personal presence by frequently visiting all parts of the establishment; adjudicate on at least some disciplinary matters; sample the prisoners' food on a daily basis; closely monitor prisoners in segregation and hospital; undertake a number of symbolic and ceremonial duties; liaise with the local community; and deal personally with major incidents.

Other elements of a Governor's job changed, only to have the same element reintroduced many years later. For example, early Governors were expected to act as entrepreneurs, to generate work for their prisoners and make a profit from their labours. Such activity was prohibited in the twentieth century. However, today Governors are again being exhorted to make contact with local industry and to use prisoner labour on commercial contracts in order to generate revenue for their prisons.

Some facets of a Governor's role and duties have changed significantly. The amount of devolution has increased, but this has been matched with more monitoring and greater personal accountability. The scope for individuality and discretion has been reduced and replaced with a stronger degree of uniformity and regulation. While Governors in the early nineteenth century were the subjects of as much detailed regulation as today, their implementation of the rules and instructions was not the subject of such close scrutiny as one finds currently. Governing also became more complex over the years. Governors had to learn to manage more varied regimes, increasing numbers of specialist staff, multiple hierarchies and overlapping functions. More recently, Governors took on responsibility for the general management of the whole institution, including personnel and financial aspects.

In short, Governors moved from being amateur and capricious gaolers, to military men administering their institutions according to laid-down rules, to charismatic feudal barons exercising patriarchal authority over their prisons, to being general managers bound by bureaucracy and legal rules. The thesis now goes on to look in more detail at today's Governors and the work that they do.

PART FOUR:
GOVERNORS TODAY

CHAPTER 8:

ORIGINS, BACKGROUND AND CAREER PATH

There is little information in the public domain about the background and characteristics of prison staff. This is particularly the case with Governors, where media representation has added little clarity. Information on Governors' origins, career paths and ideology can provide an important perspective on why Governors operate in the way that they do, and provide an opportunity to identify common features amongst Governors, as well as highlighting significant differences. Part four of the thesis now goes on to explore these issues.

8.1   Introduction

The historical overview in part three indicated that at certain points in history Governors formed a socially distinct group. For example, in the early twentieth century Governors were predominantly ex-military officers, who shared a similar middle class background and approach to governing. This chapter considers whether Governors in the sample form a distinct section of the general population or whether they are representative of it. It also contrasts the Governors' background with that of the prison officer group whom they manage. The reasons Governors gave for joining the Prison Service are also discussed, as they may offer clues to the perspectives and practices the Governors now adopt. The chapter then looks at the path the sample followed in their careers, in order to identify any common features. This chapter also examines whether there is any substance to the assertion that many prison officers have progressed to the rank of Governor.

8.2   Demographic and family background

The Governors in the research sample were predominantly male (86 per cent), which is similar to the figure reported in other studies (Cawley 2001 and Liebling and Price 2001). The gender representation to be found in prison officer grades is similar, with 85 per cent being male (Bryans and Jones 2001, p155). While the percentage of

female Governors has increased to 14 per cent, from the two per cent recorded in a 1997 study (Bryans 2000a, p16), females remain under-represented within the ranks of Governors. A similar gender imbalance is replicated in other jurisdictions (for example, in the USA 86 per cent of Wardens are male - Flanagan *et al.* 1996, p388). This under-representation also is found at senior levels in all criminal justice agencies and services. For example, females account for only seven per cent of senior police officers (at superintendent and above) and nine per cent of circuit judges (Home Office 2001, p43-47).

No Governors in the sample were from a minority ethnic group. At the time of the research, there was only one Governor from a minority ethnic group. Only 0.9 per cent of assistant and deputy governors are from a minority ethnic group (Liebling and Price 2001, p18). This again reflects the situation in other criminal justice agencies and services where minority ethnic representation is low amongst senior staff (for example, 0.8 per cent of police superintendents and above, one per cent of circuit judges, 4.5 per cent of senior probation staff – Home Office 2000, p62-64).

Governors in the sample were born in the range 1939 to 1963, but nearly half were born between 1944 and 1948, as Table 4 shows. Only 14 per cent of Governors are under 40, compared to 55 per cent of prison officers who are under 40 (Liebling and Price 2001, p19). The majority of Governors (67 per cent) in the sample were over 50 years old.

Table 4: Age Profile

Year born	Percentage (%)
1959 - 1963	14
1954 - 1958	9.5
1949 – 1953	9.5
1944 - 1948	48
1939 – 1943	19
Total	100
N = 42	

Governors were asked to identify their fathers' employment status at the time that the Governors joined the Prison Service. As Table 5 shows, just over a third (37 per cent) of Governors had a father who was in manual work and just over a third (38 per cent) came from intermediate and junior non-manual backgrounds. These origins are similar to the current socio-economic group distribution of the population as a whole, where 44 per cent are in the manual group, and 35 per cent in the intermediate and junior non-manual group. A slightly higher percentage of Governors (25 per cent), compared to the general population (22 per cent), come from a professional and managerial background (National Statistics 2001).

Table 5: Socio-economic origin

Socio-economic group	Percentage (%) at time of joining Prison Service
Professional	7
Employers and managers	18
Intermediate and junior non-manual	38
Skilled manual	22
Semi-skilled manual	10
Unskilled manual	5
Total	100
N = 42	

Many Governors (61 per cent) regard themselves as having been socially upwardly mobile, compared to their family origin. This is particularly true of Governors who joined as prison officers, where 86 per cent considered that they had moved significantly from their family's socio-economic group. This upward mobility amongst Governors reflects a similar pattern to that found amongst chief constables (Reiner 1991, p57).

Few Governors come from Prison Service backgrounds. Unlike chief constables, (where between 10 and 20 per cent have a father who was a police officer - Wall 1998, p289), only one Governor had a family connection to the Prison Service:

"My father was then in the Colonial Prison Service. My sister in the Women's Prison Service. And so, there was a family background to it."

However, this may be changing as five per cent of Governors in the sample indicated that they had a child working in the operational Prison Service.

8.3   Education

The type of education received, and the level of qualifications obtained, are important indicators of the social worlds from which someone has emerged (Stanworth 1984, p251). As Table 6 shows, 72 per cent of Governors went to grammar or private (non-state) schools. This is a much higher percentage than is to be found in the general population of similar ages to the Governors (Halsey *et al.* 1980). Governors have therefore tended to be drawn from the educationally more successful strata of the intermediate and junior non-manual and skilled manual socio-economic groups. The number of Governors who attended private education has declined in recent years, to the current position where all the Governors in the sample who attended private schools are over 50 years old.

Table 6: Schooling

Type of school attended by Governors	Percentage %
Grammar	48
Private	24
Comprehensive	16
Other	12
Total	100
N = 42	

Not only have Governors achieved more educationally than the norm for their socio-economic background, in terms of the type of school they attended, but they also performed well at those schools. Over 90 per cent of Governors have some educational qualifications, as shown in Table 7. A large number of Governors (41 per cent) in the study have degrees, which compares to 25 per cent of chief constables

(Reiner 1991, p59), and one per cent of prison officer grades (Marsh *et al.* 1985, p109). A similar situation exists in the USA where just over 50 per cent of Wardens have a degree or similar qualification (Flanagan *et al.* 1996, p388).

Table 7: Highest Educational Attainment

Highest qualification obtained	Percentage %
None	7
O level/GCSE	26
A level	26
Degree	41
Total	100
N = 42	

Attainment of a degree should not be mistaken with attendance at university. A quarter of those Governors in the sample who had a degree obtained that degree whilst working in the Prison Service and studying part time.

Of particular interest is the relatively large number of Governors in the sample who have a degree that is occupationally linked. The most frequently occurring subjects for the degrees are: psychology (24 per cent); law (18 per cent); sociology (18 per cent) and criminology (12 per cent). All of the Governors who completed their degree whilst employed by the Prison Service studied a work-related subject such as criminology, management or law.

8.4 Previous occupation

The majority of Governors (81 per cent) had some experience of outside employment between leaving school and joining the Prison Service, which compares to 100 per cent of prison officers who had another job before joining the Prison Service (Marsh *et al.* 1985, p110). Those recruited directly from university account for only 19 per cent of Governors. Governors in the sample had a diverse range of pre-Prison Service experience, as Table 8 shows.

A number of Governors (19 per cent) had been in the armed forces and of these three quarters had held a commission. This compares to 51 per cent of prison officers (Marsh *et al.* 1985, p110) who had been in the armed forces at some point prior to joining the Prison Service (only 23 per cent of whom had been in the armed forces on National Service). The small number of Governors with an armed forces background contrasts sharply with earlier periods where ex-armed forces Governors were the norm (see chapter 6) and with chief constables where half had completed military service of some sort (Wall 1998, p273).

Table 8: Occupation Prior to Joining the Prison Service

Occupation prior to joining Prison Service	Percentage (%)
University student	19
Armed forces	19
Police	12
Teaching	12
Management	10
Social work	7
Other	21
Total	100
N = 42	

The occupations of Governors prior to joining is very different from the profile for prison officers, 56 per cent of whom had been in manual occupations and 13 per cent in lower non-manual occupations immediately prior to joining the Service (Marsh *et al.* 1985, p110).

8.5   Motivation for joining the Prison Service

Sociologists have developed the concept of an 'orientation to work', referring to the wants and expectations which people bring to their employment, and the interpretation which they thus give to their work. A person's orientation to work is seen therefore as a key factor, which shapes an individual's attitudinal and behavioural patterns at work. It is reasonable to assume that Governors' initial

expectations were a contributing factor in the explanation of their subsequent perspectives and practices at work. Their original mindset and motivation for doing the work was what Reiner refers to as 'the primary grid for constituting subsequent experience' (Reiner 1991, p62).

This section explores what attracted Governors to join the Prison Service at the outset of their careers. From a methodological point of view, establishing retrospectively Governors' original reasons for joining the Prison Service is somewhat problematic. Subsequent events, maturation and experience may well have led Governors to reinterpret their reasons for joining. It has also been suggested that 'memories are reconstructed in the light of present concerns and that people will be vague about the events of years ago' (Sapsford and Jupp 1996, p5).

The reasons given by Governors in the sample for joining the Service can be grouped into 'instrumental' ones (extrinsic, material aspects of the job such as pay, status, security and career prospects) and 'non-instrumental' ones (intrinsic to the work itself such as the interest or social utility of the role). Some Governors expressed mixed reasons for joining, which were both instrumental and non-instrumental.

The vast majority of Governors in the sample (76 per cent) expressed a non-instrumental reason for joining the Prison Service. A smaller percentage of Governors who joined as prison officers (26 per cent), compared to those who joined as assistant governors (50 per cent), expressed a non-instrumental reason for joining. This perhaps reflects the original job expectations of prison officers and assistant governors. People joining as assistant governors were anticipating doing more rehabilitative and managerial work, whereas people joining to be prison officers expected to be doing more routine custodial work.

The reasons for joining also varied with the period in which the Governor was recruited. Recruitment advertising in the 1960s was focused on the ability to change offenders. By the mid 1970s the emphasis was more on 'management with a social purpose' and in the early 1980s the job of assistant governor was being described as that of 'manager'. Over 80 per cent of Governors joining as assistant governors in the

1960s did so for vocational reasons (social utility, reforming prisoners, 'doing good'), compared to only 27 per cent who joined after 1976.

The primary non-instrumental reason given was a vocational one (33 per cent), and in particular the desire to work with offenders.

> "Quite simply, I'd always wanted to work with offenders. And that was the beginning and the end of it."

> "It was sense of a vocation no doubt about it... the attraction was being involved with offenders and trying to effect some change."

For 17 per cent of Governors the mixture of social work and management was the challenge of the role:

> "I wanted to do something of value to society generally. I wanted to do a job in management, I wanted to do something in the public sector ... It was the combination of managing in a social work environment that made me do the Prison Service."

> "It was two things together. Advertisements at the time billed it as management with a social work purpose. I was a social scientist, I was actually going to be a teacher but was also interested in doing a management job."

The variety and excitement of the work, rather than the nature of the work itself, encouraged a number of Governors (14 per cent) to apply:

> "I think it was the notion of doing something different, doing something that was potentially quite challenging, doing something that was slightly out of the norm."

> "Essentially, I just wanted a job, a job which would interest me. It did interest me, not because of any need or desire to reform people or to be a manager or what else. I just wanted an interesting job."

There were a small number (seven per cent) of Governors who were interested in the job because of its managerial nature:

> "The advert was very managerial and that is what attracted me. I wanted to be a manager rather than a borstal housemaster and change people. I am a bit dubious about people who join with this great desire to reform people, because usually they fail miserably at doing it... But that's about it really, I mean there was no great desire to do good."

For a few others (five per cent) it was the disciplinary and regimented environment that was the attraction:

> "I thought well this is quite interesting and the administrative tasks appealed to me - I like order. I had been in a Service, military background, and to me the Prison Service seemed a reasonable chance of maintaining service to the Crown, working in a disciplined environment and doing something useful for the community."

Only 14 per cent of Governors in the sample expressed an instrumental reason for joining the Prison Service. The reasons were varied but included career structure, job security and salaries, as the following quotes indicate:

> "I wanted a second career because I was 33 at the time. I wanted a career that gave me an opportunity of getting in at a management level. The Prison Service was the first one I saw like that."

> "I joined the Prison Service for money, because I couldn't afford to pay the mortgage and my wife was pregnant. People told me I could double my pay overnight, which I did."

Other reasons for joining included:

> "There were hardly any women governors, that did it, and that is really what hooked me. I wanted to show that women could do the job"

> "Joining the Prison Service genuinely was for a bet and I was in the mess and the barman was reading a newspaper and I could see an advert that said join the Prison Service and he said 'bet you won't do that'. I said OK then I will and then when my Dad said I couldn't, I thought bugger you and did."

A number of Governors in the sample (10 per cent) offered mixed reasons for joining the Prison Service, in which intrinsic attractions were inextricably linked with more instrumental considerations of money or security.

> "It looked like quite an interesting job and I didn't have any great technical skills. My strength was mainly dealing with people, and I thought, Prison Governor, sounds like a nice thing to aspire to. Seemed a safe job, and money was good."

> "To be honest the main reason was because there was good pay and accommodation. It also met my need to work with people."

8.6   Point and mode of entry

The Governors in the sample joined the operational Prison Service between 1961 and 1993, with half the sample joining before 1975. The period in which they joined is shown in more detail in Table 9.

Table 9: Year Entered Prison Service

Year of entry	Percentage (%)
1960 – 1965	14
1966 – 1970	26
1971 – 1975	14
1976 – 1980	24
1981 – 1985	19
Post 1985	3
Total	100
N = 42	

Governors entered the Service at a variety of ages, which reflects the different modes of recruitment. The overall pattern is shown in Table 10. Over half the Governors (64 per cent) entered the Service when they were 25 or younger. This compares to only 26 per cent of prison officer grades who joined when they were younger than 25 (Marsh *et al.* 1985). A similar percentage of Governors (19 per cent) and officers (24 per cent) joined in their early thirties. However, no Governors joined after the age of 36, compared to 20 per cent of prison officers who were 35 or over when they joined.

Table 10: Age Entered Prison Service

Age joined	Percentage (%)
21 - 25	64
26 – 30	17
31 - 35	19
Total	100
N = 42	

Earlier chapters have described how modes of entry have changed over the years. A third of Governors in the study joined the Service as prison officers. Of these, 64 per cent were promoted through the various uniformed grades, and the others (36 per cent) were promoted directly from prison officer to assistant governor, on a fast-track scheme. The majority of Governors in the sample (65 per cent) joined on a direct-entry assistant governor scheme.

Table 11: Mode of Entry to Prison Service

Mode of entry	Percentage (%)
Prison officer	33
Assistant governor	65
Other	2
Total	100
N = 42	

8.7 Working in the prison officer grades

Governors who joined as direct-entry assistant governors before 1972 were not required to serve a period of time as a prison officer. Of the sample of Governors, 26 per cent fell into this category and have never served in uniform as prison officers, as Table 12 indicates.

Table 12: Period Served as a Prison Officer Grade

Period as a prison officer	Percentage (%)
None	26
Fewer than six months	29
Six months to one year	14
More than one year	31
Total	100
N = 42	

A number of Governors (29 per cent) in the sample were required to serve a period of up to six months as prison officers. The amount of time varied with the requirements of the scheme in the year in which they joined. The experience as prison officers was generally welcomed:

"I got to spend a few days doing each officer job in the prison, from courts to bathhouse. Because they knew that I was going to be an AG [assistant governor], I got all the worst jobs like supervising the collection of shit parcels from the yards and supervising Cat A exercise in two foot of snow. It was bloody hard at the time but helped me to understand how a prison works. It also helped me realise that the job of an officer is very routine and monotonous but things can blow up at any moment."

A further 14 per cent, who were under 24 years old when they joined, were required to spend a longer period (of up to 12 months) as an officer:

"I did a year as a prison officer at [a small local prison] which is very useful. Learnt a lot about the job which has helped me through the years. You got to know about the Spanish practices, how the POA worked and where staff hide in a prison. I learnt how to handle prisoners – to see the tricks they get up to…it was worth doing the time in uniform"

"Spent nearly a year as an officer. The first few months were very useful but after that it was a waste of time. Didn't learn much, just wanted to get on and be an AG [assistant governor]. But it has helped my street cred with staff as I can point out that I have done their job – I just don't tell them for how long. "

Governors who joined as prison officers (33 per cent) spent between 18 months and 24 years in the prison officer grades before joining the governor grade. The average period spent in the prison officer grades for those promoted directly to assistant governor was seven years. Those who served as a prison officer, senior officer and principal officer, took an average of 20 years to achieve promotion into the governor grades. An indication of the range of experiences that those Governors who joined as prison officers went through before becoming assistant governors can be seen in the following quote:

"I was posted to [a large local prison] initially as an officer in 1966. Promoted to senior officer in July 1972 to [a category C training prison]. Promoted to PO [principal officer] in July 1977 back to [the large local prison]. Sideways move in April 1980 to Region to work on what was then the old manpower teams. 1984 moved to [a small remand centre for young offenders] as Chief Officer. Mid 1987 came across into the governor grades with Fresh Start."

8.8   Working as assistant and deputy governors

At some point in their career, regardless of mode of entry, all Governors in the sample (with the exception of one individual who was part of a cross hierarchical move scheme) have served as assistant governors. The number of assistant governor posts that the Governors in the sample occupied varies, as can be seen in Table 13.

Table 13: Number of Assistant Governor Posts Occupied before being appointed a Governor

Number of assistant governor posts	Percentage (%)
None	3
1	5
2	14
3	38
4	26
5 or more	14
Total	100
N = 42	

The majority of Governors (83 per cent) had occupied a deputy governor post at some point in their careers and of these 40 per cent had been deputy governor at two prisons. However, as Table 14 shows 17 per cent of the Governors in the sample had not occupied a deputy governor's post.

Table 14: Number of Deputy Governor Posts Occupied before being appointed a Governor

Number of deputy governor posts	Percentage (%)
None	17
1	43
2	40
Total	100
N = 42	

In order to establish their breadth of experience before their appointment to a governorship, Governors in the sample were asked how many prisons they had worked in during their careers. The results are shown in Table 15. The majority (98 per cent) of Governors had worked in four or more prisons. In contrast, over half (55 per cent) of prison officers have only worked in one prison in their careers (Marsh *et al.* 1985, p112). This high level of mobility amongst Governors has tended to reinforce the perception held by officers that Governors are transitory and are only 'passing through' a particular prison (see section 16.2). The number of prisons that Governors had worked in was not related to their mode of entry.

Table 15: Number of Prisons Governors had worked in during their careers

Number of Prisons	Percentage (%)
1	0
2 to 3	2
4 to 6	62
7 or more	36
Total	100
N = 42	

The Governors were also asked about the types of prison in which they had served. There are five main types of prison (local/remand, dispersal, training, young offenders and female – see chapter 3). While only seven per cent of Governors had worked in all five types of prison, 74 per cent had worked in three or more different types.

Table 16: Number of Different Types of Prisons Governors had worked in during their careers

Number of types	Percentage (%)
1	2
2	24
3	43
4	24
5	7
Total	100
N = 42	

A number of assistant governor and deputy governor posts are non-operational and exist outside of prisons. These posts deal with policy matters or prisoner management issues (such as population or incident management) at Prison Service Headquarters, or are in the training organisation. Only a small number (12 per cent) of Governors in the sample had not worked in a non-operational post. This compares to 98 per cent of prison officers who had not worked in a post outside a prison (Marsh *et al.* 1985, p 112). The Governors who had joined as prison officers accounted for the majority (80 per cent) of those whose experience was limited to operational prison based postings. A large number (31 per cent) of Governors had experience of more than one type of post outside an establishment, as Table 17 indicates.

Table 17: Experience in Posts Outside a Prison

Type of post	Percentage (%)
Policy	19
Prisoner management	19
Training	19
More than one type	31
None	12
Total	100
N = 42	

The data suggest that prior to being promoted to the rank of Governor, not only were assistant governors required to work in a number of prisons, they were also required to work in different types of prison and in non-operational roles.

8.9   Promotion to Governor

Governors in the sample had spent between seven and 33 years in the Prison Service prior to their appointment to the Office of Governor. (Only one Governor had been in the Service for a shorter period.) A third had been in the Service for more than 20 years, with a further third having served between 16 and 20 years, as Table 18 shows.

**Table 18: Number of Years in the Prison Service
Before being appointed a Governor**

Number of years	Percentage (%)
Fewer than 10	5
11 to 15	26
16 to 20	36
More than 20	33
Total	100
N = 42	

The age of the Governor on first appointment to the Office also varied, as Table 19 shows. Just under a third of the sample were 40 or under at the time of their appointment, compared to half who were in their forties and 19 per cent who were over fifty.

Table 19: Age when First Appointed a Governor

Age when appointed Governor	Percentage (%)
40 or under	29
41 to 45	26
46 to 50	26
51 to 55	19
Total	100
N = 42	

Governors also varied in the amount of governing that they had done, as Tables 20 and 21 show. A third of the sample had been a Governor for 10 or more years, and over half had been a Governor of more than one prison. On the other hand, 40 per cent of the sample had been a Governor for three years or fewer and 45 per cent had only governed one prison.

Table 20: Number of Years as a Governor

Years as a Governor	Percentage (%)
Fewer than 1	7
1 to 3	33
4 to 6	22
7 to 9	7
10 or more	31
Total	100
N = 42	

Table 21: Number of Posts as a Governor

Number of posts as a Governor	Percentage (%)
1	46
2	26
3	24
4	2
5 or more	2
Total	100
N = 42	

At the time of interview around a third of the sample had been in post for fewer than two years, a third in post for two to three years and a further third for four or more years, as Table 22 demonstrates.

Table 22: Time in Current Post

Time in current Governor post	Percentage %
Fewer than six months	5
Six months to one year	24
2 to 3 years	36
4 to 5 years	19
More than 5 years	16
Total	100
N = 42	

8.10 Conclusions

This chapter has explored Governors' social origins, education, early work experience, motivation for joining the Prison Service and career histories. It found that the majority of Governors were male, white, over 50 years old and came from a skilled manual or non-manual socio-economic background. Governors are educationally more successful than their peer group and nearly half hold degrees. Most Governors had a previous occupation before joining the Prison Service and joined mainly for non-instrumental reasons. While the majority entered the Prison Service on the 'fast track direct entry' scheme, over three quarters have served a period as a prison officer. Prior to being appointed Governors, most of the sample had been assistant governors in a variety of prisons and had also undertaken at least one non-operational posting. A majority had also been deputy governors in one or more prisons. The training that the sample received prior to governing varied and depended on the date they joined and the period in which they were promoted. The Governors in the sample have considerable experience in the role of Governor. Over half of them have been Governor of two or more prisons. A similar number have also been a Governor for four or more years.

The data suggests that the Governors in the sample are distinct from the people that they manage - prison officers - in a number of ways. Governors are older, from a different socio-economic background, have attained higher levels of education and have worked in a number of different prisons.

Two distinct groups of Governors emerged from the data: those Governors who had been 'promoted through the ranks' and those Governors who were direct entrants. This split in the Governor rank is a relatively new phenomenon, as, until relatively recently, few Governors had been promoted from the uniformed prison officer grades. One effect of this change is that it is no longer the case that all Governors share the same demographic and social profile. In the early 1980s it was still being suggested that:

'... the occupation of Governor, like some professions and the military, is not only a role, it is also a status which means that incumbents of the Office are not simply required to perform certain duties, but ... be a certain type of person' (Waddington 1983).

Governors who had been promoted through the ranks tended to have a different profile compared to their direct entry colleagues. They were generally older, came from manual working backgrounds, had lower levels of school education, and joined the Service for more extrinsic reasons. While they had occupied fewer assistant governor posts than direct-entry Governors, all 'promoted through the ranks' Governors had been deputy governors at some point. This group had received less in-service training, but many had obtained a degree whilst working in the Prison Service.

The next chapter will consider the motivation and ideologies of Governors. It will also explore whether the backgrounds and career patterns identified in this chapter offer an explanation for those ideologies. In particular, it will discuss whether the two groups of Governors identified here (direct entry and 'promoted through the ranks') are motivated by different factors and have different ideologies.

CHAPTER 9:

MOTIVATION, IDEOLOGY AND JOB SATISFACTION

What motivates people to take on the governing role, and the values and beliefs that underpin the way they govern, are unexplored areas. This chapter seeks to shed some light on the subject by exploring Governors' motivation, ideology and job satisfaction. These are complex concepts about which there is extensive literature. (For a helpful summary see Dawson 1996.) A detailed exposition on the definition and measurement of motivation, job satisfaction and ideology is not the purpose of this chapter. The aim here is to explore Governors' feelings about why they do the job, what underpins the way they approach the role and whether they find governing satisfying.

9.1 Motivation

Many people joining the Prison Service as assistant governors do not go on to become Governors. Some decide that they do not want the responsibility that the role of Governor brings; others discover that their knowledge, experience or competence is judged not to be sufficient to merit promotion to Governor. This section looks at why the Governors in the study were motivated to become Governors.

For one interviewee, the reason he wanted to be a Governor was self-evident:

> "That's why I joined. I joined to be the Governor."

Other Governors suggested a range of different 'instrumental' and 'non-instrumental' reasons for wanting to be a Governor, rather than a single source of motivation. These reasons tended to focus on the 'intrinsic' nature of the work such as achievement, responsibility and self-esteem, factors that have been described as the higher-level motivators (Maslow 1954). There was less mention of lower-level motivators and 'extrinsic' factors such as job security, pay and social status.

Promotion to the Office of Governor was regarded by some as a natural step from the deputy governor role. The Prison Service is a hierarchical organisation and personal success is often measured by promotion, and particularly appointment to the role of Governor. People regard becoming a Governor as the pinnacle of their career. For these Governors the motivation was about career path, achievement and the desire to be head of a prison:

> "I suppose it's just about the next challenge, it's just about the next logical career path ... The ultimate achievement is becoming the Governor."

The ability to control what happens in, and to exert a personal influence on, the operation of a prison was the underpinning motivation for a number of Governors. This was described in a variety of ways but the central theme was around the Governor being the key person in the prison:

> "I wanted to stamp my own sort of hallmark on what was delivered. You see yourself as the number one with the opportunity of influencing the way the institution runs, beginning to put into it some of the things which you feel are important, the values that are important."

One Governor seemed to be have the job pushed upon him, without any particular desire on his part to be a Governor:

> "It was thrust upon me. I was quite happy being the Dep and my Area Manager wanted me to take over. I had had no thoughts. I mean I thought about progressing up through the ranks, yes, but I had no burning desire to be a Governor."

Another was more cavalier in his motivation:

> "[I had] a kind of vague sense that I'd got an understanding of how this needed to be done, so I wanted to have a go."

9.2   Ideology – values, beliefs and goals

While Governors work within specified formal procedures, and are constrained by numerous rules, orders and instructions, they retain a considerable amount of discretion. How Governors exercise this discretion is shaped, at least in part, by their underlying ideologies and value sets. The nature of the relationship between ideology

and practice is, however, both 'complex and unpredictable' (Rutherford 1994, p2). Governors may not make decisions with explicit reference to their ideological preferences, but those preferences underpin and influence their decision-making. This was made clear by a number of Governors during the course of the interviews:

> "From my point of view, and from my observation, I have seen lots of Governors who have had 'a bee in their bonnet' about certain things, and that might be based on their own feeling, their own political, religious and moral beliefs."

> "I think that many of the people that I have worked with have shown strong ideals, if you like, of where they wanted to go. And I think that has underpinned everything they've done, particularly if you are someone who comes in with a strong moral belief, and a strong religious belief."

Little is known about the values and beliefs that shape the work of criminal justice practitioners. The one seminal work in this area is Rutherford's study of the orientation of criminal justice practitioners (Rutherford 1994). Rutherford hypothesised that the values and beliefs that shaped the daily work and professional careers of criminal justice practitioners fell into three credos or clusters:

> 'The first of these embraces the punitive degradation of offenders. The second cluster speaks less to moral purpose than to issues of management; pragmatism, efficiency, and expediency are the themes that set the tone. Third, ... there is the cluster of liberal and humanitarian values' (Rutherford, 1994, p3).

Given the importance of Governors' underpinning ideologies to their approach to governing, the current study looked to generate a narrative that explored Governors' working credos. In order to obtain that data Governors were asked about their values, beliefs, motivations and levels of job satisfaction. Their responses were then compared with Rutherford's three credos, in order to see if the same classification could be applied to Governors some ten years after Rutherford's original research.

Few of the Governors in the sample expressed a precisely formulated working ideology when asked about their values and beliefs. Governors are not encouraged to articulate their beliefs and values in their daily work, or to discuss such issues with colleagues:

> "The Prison Service is a very macho organisation – we don't speak about what we feel and not many people go on about what they believe... It is usually only after a few pints that Governors open up and talk about what they believe in."

> "You know this is the first time that I have been asked to speak about my beliefs and values since finishing the AG's course [initial training course for assistant governors]. It is not something we talk about much."

Governors' values and beliefs tended to emerge when discussing operational matters, rather than when asked to focus on their belief systems.

Some Governors indicated that they had changed their values and beliefs during their career, reinforcing Polkinghorne's view that 'self ... is not a static thing or substance, but a configuration of personal events into an historical unity which includes not only what has been but also anticipates what we will be' (Polkinghorne, 1988, p50). The reasons for changing varied: for some it was the maturation process; or the experiences they had gone through as governor grades; others had been influenced by what had occurred in the wider environment.

While Governors indicated a variety of ideological perspectives, there was a common theme running through all the interviews. Governors had a fundamental belief that the Prison Service and its Governors should exemplify the values of humanity and compassion. This sentiment is captured in the following quote:

> "For me probably humanitarian values and compassion are some of the strongest attributes that civilised human beings can have and I think a well run Prison Service or a well run criminal justice system has those attributes in its people."

This widely held view supports Rutherford's conclusion that 'the expression of humane values within criminal justice ultimately resides with practitioners' (Rutherford 1994, p xii).

9.2.1 Reform and rehabilitation ideologies

The majority of Governors in the sample (73 per cent) expressed values and beliefs that were closely associated with Rutherford's credo three: 'empathy with suspects, offenders and the victims of crime, optimism that constructive work can be done with offenders' (Rutherford 1994, p18). Terms such as 'social imperative', 'social

conscience' and 'social purpose' populated the Governors' discourses, as these quotes indicate:

> "I have a very clear orientation towards rehabilitation of prisoners. The advertising was actually slanted that way... A large number of aspiring Governors still held that sort of value and I think still do and I think the vast majority who come in now even hold something of a social imperative in terms of the role."

> "I would find it difficult to understand someone coming to this sort of job without some sort of social conscience and a view that they are both serving society and have some sort of interest or concern about crime in the community and reducing it. There must be some elements of that motivation for the majority of people."

For many Governors the belief that prisoners have the capacity to change is key to their approach. These Governors want to provide regimes that will deliver these changes and return prisoners to their communities having been rehabilitated. 'Rehabilitation orientated' Governors believe prisons to be constructive and purposeful places, which will reduce reoffending.

> "I firmly believe that in a prison we need a culture of hope, and that's hope for the staff and the prisoners, where it's clear people are treated fairly and justly, that inmates can respond... I think if the Prison Service loses that reforming, moral sort of stance, then it will lose much of what's really good about it... I would not want just to lock people up, I mean, even if they had TV in the cell and association all the time and they were treated justly, and good food, and clean and safe and everything else. I just think the Prison Service has to have in its vision, in its purpose, in its aims, the ability to facilitate people to stop from offending."

> "Ultimately I believe in the ability of human beings to change. That's my underpinning philosophy of life. I also believe that prisoners change from being treated with respect and with understanding, and being given opportunities to actually get themselves sorted out."

Other Governors adopted a more pragmatic approach. While espousing the principle that prisoners can change, they believed that prisoners themselves must decide that they wanted to change and be motivated to take up the regime provided (what has been referred to as opportunities for 'facilitated change' - Morris 1974):

> "I take the view that people change when they are ready and that you give them the facility to make that change when and if they are ready, and in the meantime you do your utmost to make them decent towards each other and show them that there is another way, and a lot of that is personal example. So I suppose my motivation, I suppose, is more about the humanitarian bit, but it is a pretty robust humanitarian bit. I am not a bleeding heart."

9.2.2 Managerial ideologies

The remaining Governors (27 per cent) tended to define their values and beliefs in more managerial terms. These Governors fell within Rutherford's credo two, in which practitioners 'dispose of the tasks at hand as smoothly and efficiently as possible. The tenor is one of smooth management rather than moral mission' (Rutherford 1994, p13). To some extent this may reflect a more general trend in that 'positive sentiments have been increasingly marginalised in official discourses and replaced by more utilitarian objectives and expectations' (Garland 1990, p183).

A number of Governors in the study adopted a clear managerial perspective. For them the role was about running an efficient operation that focused on delivering core services to prisoners, meeting KPIs and adhering to Prison Service Orders, rather than pursuing any 'moral mission'. These Governors tended to adopt a more dispassionate bureaucratic style of management that sought procedural fairness rather than any more elevated commitment to substantive justice, reform or rehabilitation.

> "There seems to be a group of people who joined just to be managers, and it could have been managing a different sort of organization and I guess that I am probably one of them."

> "I did just want to manage, actually, it's not about changing people... I still regard myself principally as a manager."

> "The end result to me is that the prisoner on the landing gets his food, gets his bedding, gets his visits, and we pull all these bits together and now somebody has got to do that and it's my job to try and help the people that are doing it, or enable them. If I have to set a priority then it would be this hotel function – I don't really believe we can do too much more."

A small number of Governors adopted an actuarial approach (Bottoms 1995 and section 10.6) to prisoners. They valued systems and procedures over the needs of individual prisoners:

> "I see prisoners as an essential part of the job, but I don't see them as individuals as being particularly important individuals. And, as a result, I'm not particularly interested whether or not we're doing wonderful personal officer work on the wing or anything like that; all I'm interested in is do we have a system and as long as we have a system and there are ways of monitoring that system's working, that's what I'm interested in."

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"Somebody's particular individual problems as a prisoner do not interest me. I am here to look at the bigger picture. I do not get involved with individual prisoners. For me it's much more about looking at the needs of groups of prisoners."

Some Governors spoke of their belief that the role was about treating prisoners decently and fairly rather than trying to achieve the broader goal of reform and rehabilitation:

"I think it's containment and I don't think that we're doing anything - we may play at other things... I don't believe for a moment that in a local like this that a three day anger management course and a two day anti-bullying course and a one day taking and driving away course do any good - I mean, these get us brownie points from people who don't really understand what we're doing. It would be insane of me to think that these are going to have any lasting impact on anybody's life at all."

"I suppose without getting too grand an idea, I just like to see people being treated right. Now, by that I mean, if a guy needs to go in a special cell, then I'm quite happy to put him in, sign the piece of paper. If he needs to get a phone call while there, then I'll want to make sure that the process is there for him to be able to get one. So it's just about treating people right, and maybe then getting them on the road to recovery. But there's no grand plan. I'm no social reformer."

Others adopted a 'normalising' discourse (King and Morgan 1980) and were keen to prevent or obviate the negative effects of prisons so that prisoners did not become worse during sentence:

"I know a lot of Governors, and I respect that they are motivated to rehabilitate prisoners. My bit about prisoners is actually about wanting to ensure that they don't get brutalised. I don't have very big expectations about what prison does to prisoners because partly I believe prison is just such a weird environment. But I do believe that prisons can be profoundly negative and damaging places and I am quite attracted to playing my part in minimising that. It may sound quite an odd motivation but it's real."

"My agenda, which I think, if I'm honest, is most strong for me, is about contributing to changing the culture of prisons. I'm very attracted to that. I want to make sure that people do not come out worse than when they went in. I am not sure that we can change many of them."

9.2.3 Punitive ideologies

Rutherford's credo one focused on practitioners who had a:

'powerfully held dislike and moral condemnation of offenders ... who, when caught, should be dealt with in ways that are punitive and degrading' (Rutherford 1994, p11).

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No Governors expressed credo one punitive sentiments or beliefs during the interviews. There was a widely held belief amongst Governors that imprisonment should be as used as a punishment, not for punishment. Whether they adhered to a reformist orientation or to a more managerial one, Governors believed that prisoners should be treated fairly and with humanity. No Governor suggested that prisoners should be further punished for their offence. As Garland points out:

> 'Prison officials, in so far as they are being professional, tend to suspend moral judgement and treat prisoners in purely neutral terms... prisoners will be treated not as evil or wicked persons on account of their offence, but as good or bad inmates on account of their institutional conduct' (Garland 1990, p183).

The following quotes typify the line taken by the Governors:

> "I mean punishment never enters my head. I'm sure that sounds awful but it really doesn't and punishment is a matter for the law. I keep saying to people and I think it's true, my job isn't about imprisonment it's about freedom. I really am a Gladstone believer, you know, so actually, the law does the punishment. By the time we get them the punishment is dealt with."

> "I know it is a euphemism but prisoners are sent to prison as a punishment not for punishment. Their punishment is the loss of liberty and we are here to keep them inside not to inflict punishment on prisoners."

Political pressure in the 1990s for more punitive and 'austere' prisons (see section 10.3) was a concern for many Governors. While they did not indicate that this had resulted in an 'ideological crisis' as some commentators have suggested (Cullen *et al.* 1993b), Governors did indicate that the movement to cut some programmes, services and amenities from prisons resulted in an environment that was simultaneously more punitive and less in line with their own ideological beliefs:

> "The closest I came to leaving the service was when Michael Howard was Home Secretary. He really didn't understand prisons and couldn't be bothered to visit them to find out. His 'decent but austere' approach and punitive rhetoric set us back years. He thought prisons should be negative and unhealthy places. Most Governors had no time for him or his antediluvian views."

> "I found the early 1990s very difficult. Howard kept going on about conditions in prison, not to make them more humane or decent but to make them more austere. Many of us had huge problems with what he wanted to do with prisons. Governors are quite a liberal-minded group and we thought Howard was out to turn our prisons into nothing more than penal warehouses... I had a real conflict in my heart about whether I really wanted to govern somewhere like that."

9.3   Job satisfaction

Although job satisfaction receives a great deal of attention in the social science literature, there have been comparatively few studies conducted in the criminal justice setting and no studies looking specifically at the level of job satisfaction amongst Governors. This led one researcher to conclude that heads of custodial institutions are 'an occupational group virtually ignored by work satisfaction researchers' (Cullen *et al.* 1993b, p141).

The present study looked at the broad domain of a Governor's satisfaction with his or her overall job, rather than with any specific facets (Brayfield and Rothe 1951). Job satisfaction is a subjective, individual-level feeling reflecting: whether a person's needs are or are not being met by a particular job (Lambert *et al.* 2002, p117); the challenge presented by work; the level of autonomy; the sense of achievement; recognition for effort or quality of work; and also the earnings and other rewards obtained (Culley *et al.* 1999, p21)

Of the sample of Governors, 87 per cent stated that they were satisfied overall with their job. Previous research indicates that job satisfaction is positively related to occupational status (Gruenberg 1980). One would expect therefore that Governors would have higher satisfaction levels than other prison staff. The current research supports this view, as Governors' level of satisfaction exceeded the level found for prison staff, which was 64 per cent in a 2001 study (HM Prison Service 2001b, p11).

Governors might be expected to be generally unhappy with their work if commentators were correct in their claim that prisons were dehumanising to staff and prisoner alike and that Governors were in a beleaguered profession. These perspectives do not seem to be borne out by the data. The 1998 Workplace Employee Relations Survey found that job satisfaction amongst managers was 71 per cent (Culley *et al.* 1999, p22). Governors seem to derive satisfaction from their work at a similar, or indeed slightly higher, level to that found among managers as an occupational category. Many Governors indicated that they would take the job again

without hesitation, felt the job measured up to the expectations they had when they first became a Governor, and would recommend their job to a good friend.

Governors gave a variety of reasons for their high level of job satisfaction. A number of Governors pointed to their involvement with people as being the most satisfying element of their job. For many their ability to impact in a positive way on the lives of prisoners was the most rewarding aspect. There is a close link between the sentiments expressed and the credo three ideology discussed earlier. The following quotes typify the sentiments expressed by Governors:

> "I suppose at the end of the day it's dealing with people which gives job satisfaction. It's the dealing with prisoners however difficult and however complicated their problems are, and somehow ameliorating their pain and their misery."

> "It began to offer me what I particularly wanted from my working life. It was primarily dealing with people. Seeing those people out there succeed gives me a sense of achievement."

The nature of the job itself was at the heart of their job satisfaction for other Governors. In particular, Governors spoke of the variety of work that they undertook, and the fact that no two days were the same. They enjoyed the daily challenges and having to deal with complex issues:

> "I think it's a very fulfilling job. Many jobs are, but I think in terms of daily challenges, the beauty of being a Governor is the fact that it is so varied... Nowhere else do you get the complete variety and complete responsibility that you get within a prison environment."

> "I think it's the best job in the world, being a prison Governor... I think you would be hard pushed to find a job that has got so much interest, so much variety and so much fun in it. It really is enjoyable."

A number of Governors spoke of job satisfaction in relation to their ability to do the job well. For them it was a sense of personal achievement in running an effective prison that they found most worthwhile:

> "It's the satisfaction of trying to do what I now know to be an incredibly difficult job, to do it well, that I find the most rewarding."

During the interviews, Governors did however point to a number of things that reduced their level of job satisfaction. In particular, Governors spoke of the lack of resources and increased bureaucracy as being the most frustrating and least satisfying elements of their job, as the following quotes suggest:

"I still want to be in a position where I can influence for the good and that is why I've found the last four years very frustrating. I have felt unable, because of various constraints, to change anything radically for the good. [A large local prison] for the past four years has made very little progress regime-wise... We've had no success – I've had no success during my time as Governor in changing that."

"There are times when I could just throw my keys away, when the frustration gets too much. You're not asking for a lot of money but you just can't get through the red tape, or you're stuck with an intransigent group of people and feel as if you're just knocking your head against a wall."

The other main factor leading to reduced job satisfaction was a loss of autonomy (see chapter 11), as these quotes reveal:

"I don't enjoy the job as much as I did. Things are different now than they were when I first became a Governor. As Governor of [a training prison] I have less freedom than my predecessor did, less discretion and more interference by reptile towers [Headquarters]. It is starting to feel like I am not in charge of my own prison anymore."

"They don't want Governors like me anymore. They want managers who do KPIs and manage a budget. Governors are being screwed down these days – there are hundreds of bloody orders and instructions all wanting me to do something, or to stop doing something ... Some of the fun has gone out of the job."

As no previous data exists on the level of job satisfaction amongst Governors, it is not possible to assess whether job satisfaction levels have changed as a result of contemporary developments in prison administration. The Prison Service staff survey found a nine per cent reduction in the level of staff satisfaction between 2000 and 2001 (HM Prison Service 2001b, p11). One might extrapolate from these findings that the level of satisfaction amongst Governors may also have fallen, as they are being caught in the uncomfortable nexus of increasing problems (overcrowding, reducing budgets, serious incidents) and shrinking administrative discretion.

9.4   Conclusions

This chapter has explored issues surrounding why Governors do the job, what they believe in and value, and whether the work gives them job satisfaction. These are very personal issues for Governors and, as the study found, are not issues about which Governors routinely speak. While few Governors made explicit reference to their ideology, the interviews did reveal that Governors tended to ground their approaches and decision-making with reference to values and beliefs. This can be seen in many of the quotes used later in this thesis and supports Miller's assertion that ideology shapes the daily work of criminal justice practitioners:

> 'Ideology and its consequences exert a powerful influence on the policies and procedures of those who conduct the enterprise of criminal justice' (Miller 1973, p142).

Most Governors indicated that they took on the governing role in order to make a difference to prisoners' lives and to provide opportunities for reform. Others wanted to be good managers who ran efficient institutions. The interviews revealed high levels of job satisfaction amongst Governors and suggested that this was due to the varied nature of their work and the ability to achieve the goals that they set out to achieve.

The data showed no clear link between Governors' origins, ideology and the approach that they adopted. Many other factors influenced their work. (See chapter 14 on the reality of governing.) Some Governors, for example, pointed out that things that had happened to them, whilst working in the Prison Service, had changed their perspective; others that their orientation changed depending on the type of prison they worked in.

The main theme to emerge from the data was that Governors who were promoted from the uniformed grades tended to be more managerial in their expressed ideologies than Governors who were direct entrants. The trend amongst direct entrant Governors is, however, changing. The more recently recruited direct entrant Governors adopted a more managerial ideology than their predecessors. A typology

of Governors linking their background, career and management approach can be found in section 15.1.

The interviews took place between 1998 and 2000 and should be placed in that historical context. The beliefs and language used by interviewees no doubt reflected the politically correct line at that time – a focus on performance, delivery and managerialism. Earlier generations of Governors would probably not have adopted such managerial language and perspective. In addition, had the interviews taken place in the mid 1990s, the levels of job satisfaction may well have been lower, because of the negative publicity generated by prison escapes, the emphasis on security and the political desire for austere prison regimes.

The new optimism that emerged by the late 1990s, associated with the 'decency' agenda, was reflected in the interviews.

If the interviews took place today, levels of job satisfaction might well be lower. The growing managerialisation and 'bureaucratisation' of prison administration, with steadily increasing oversight, direction, and control exercised by Headquarters, may augur poorly for maintaining the job satisfaction associated with being a Governor. Highly centralised, hierarchical authority may have organisational benefits, but may also produce the unintended consequence of diminishing Governors' satisfaction with their work as their autonomy is reduced and organisational goals become more managerial and less in line with Governors' personal ideologies.

PART FIVE:
GOVERNING IN CHANGED CONTEXT

CHAPTER 10:

ENVIRONMENTAL CHANGES AND THEIR IMPACT ON GOVERNORS

10.1   Introduction

Governors, and their prisons, do not operate in a vacuum, much as some Governors may wish that they did so. Like all institutions, prisons are:

> 'affected by the forces of economics, politics, culture, and technology. For all their apparent autonomy, each one is situated within an ensemble of social forces and is structured by the values and social arrangements which form its effective environment' (Garland 1990, p 283).

Organisational theorists have long held the view that changes in this external environment precede and lead to changes in the structure and management of organisations themselves (Chandler 1962, Wilson 1989, Desveaux 1995). The demands of the external environment on the public sector have led to a radical change in its management and organization. This was particularly so in the case of prisons, as 'the external environment exerts an enormous influence over the mission, behavior, and structure of correctional organizations' (Freeman 1999, p xiii).

The environment in which Governors operate can be described as a complex interaction between: politicians; the judiciary; the media; prisoners; pressure groups; and unions. Changes in society over recent years, together with other changes in the environment in which prisons operate, have also had a significant impact on Governors and their work.

Chapters 10 and 11 look at some of the most significant of those developments and consider what effect those changes have had on Governors. Chapter 10 considers: the growing recognition of prisoners' rights; the increased influence of politicians and the public; the rise in the prison population; private sector involvement with prisons;

and the culture of risk management and actuarial approaches to the management of offenders. Chapter 11 then addresses the significant impact that managerialism has had on Governors.

10.2   Prisoners' rights and expectations

One of the most significant developments in recent years has been the acceptance of the concept of prisoners' rights and prisoners' ability to challenge the way they are treated in prisons. As a consequence of the introduction of the Human Rights Act 1988 (which came into force in October 2000), developments in case law, and the creation of the Prisons Ombudsman, Governors' decisions are increasingly being scrutinised and challenged.

Before 1979 the courts took little interest in ensuring the rights of prisoners. The courts were clear that the Prison Rules did not give prisoners any rights, and, as a consequence, if the Rules were breached that did not of itself give prisoners a cause of action against those who had breached them. Judges took the view that if the courts were to 'entertain actions by disgruntled prisoners' the Governor's life would be made 'intolerable' (Lord Denning in *Becker v. Home Office* [1972] 2 QB 407). Prisoners were effectively prevented from accessing the courts by such rulings and Governors took advantage of this limited scrutiny:

> "I'm not proud of it but in the past I've manipulated adjudications to find a prisoner guilty. You knew back then that you would not be challenged. There were no lawyers, no real appeals ..."

> "I remember when we used to turn a blind eye to things even if you sometimes thought that there may be something in it. The interests of the prison sometimes had to outweigh the individual prisoner."

Following a series of judgments (most notably *R v. Board of Visitors of Hull Prison, ex parte St Germain et al.* [1979] 1 All ER 701, and *R v. Deputy Governor of Parkhurst Prison, ex parte Leech* [1988] 1 All ER 485) the courts have increasingly shown a tendency to review how Governors exercise their discretion. By 1992 all decisions made by Governors in the discharge of their functions were reviewable by the High Court (*R v. Deputy Governor of Parkhurst Prison, ex parte Hague and Weldon* [1991] 3 WLR 340). The courts have intervened in transfers, segregation,

medical consent, drug testing, tariff setting for life sentence prisoners and categorisation (Creighton and King 2000, Cheney *et al.* 2001, Lennon 2003), all of which has added to the complexity of decision making for the Governor.

"These days none of us would dare ignore a complaint as we know that they [prisoners] will be on the phone to their brief as soon as they walk out of the office... Just look at all the adverts in *Inside Time* [a prisoners' newspaper] for solicitors who are encouraging prisoners to take action."

"Life has become more complicated. Adjudications are more complicated. Even these trainees will ask for legal representation. Ten years ago they were wheeled in, wheeled out, if they didn't plead guilty they were going to be found guilty, and the appeal system was pretty much that the Secretary of State can find no grounds for interference. You didn't write to solicitors. Life is more complex."

The increase in the level of judicial and legal interest in the operation of prisons led the Prison Service to issue an Information and Practice Guidance Note to Governors titled '*The Judge At Your Gate*' (HM Prison Service 2000d). One of the underlying reasons for issuing the document was the number of errors Governors were making. The Note concludes by stating:

'We hope that this booklet will encourage you to take legal advice before committing the Minister or the Prison Service to a particular decision if there is any doubt in your mind' (HM Prison Service 2000d, p30).

While the Human Rights Act has not had a significant widespread impact to date, as some people suggested that it would (Shaw 1998), there have been a number of 'landmark' rulings in Prison Law (see Lennon 2003). Of particular note have been: decisions in relation to lifers; prisoners' access to the media; legal privilege of documents in a prisoner's possession; and the right of children to remain with their mothers in mother and baby units. The level of judicial examination of Governors' decisions has increased significantly and is likely to increase further in both domestic and European courts.

There has also been a recent trend for penal pressure groups to use the courts to change penal policy and to assist prisoners with bringing cases against their Governors. The Howard League for Penal Reform, in particular, has adopted a policy of supporting test cases, and providing legal advice to prisoners. The Howard League

has demonstrated that they have *locus standi* and can bring action for judicial review. A recent example was the judicial review of the policy on children held in Young Offender Institutions *(R (on the application of the Howard League for Penal Reform) v. Secretary of State for Home Department (No.2)* [2002] EWHC 2497) in which the court held that the Children Act 1989 should apply to children held in YOIs. This trend is likely to continue as:

> 'Litigation is a means by which a progressive agenda of humane penal reform can be pursued' (Valier 2004, p24).

On some occasions the courts have removed powers from Governors. For example, the 2002 decision of the European Court in *Ezeh and Connors* led to the removal of the Governor's ability to award additional days for disciplinary offences (HM Prison Service 2003b).

A further development was the establishment in 1994 of the Prisons Ombudsman (Prisons Ombudsman 1996). The Ombudsman looked into 3,132 complaints made by prisoners in 2002-03 (Prisons and Probation Ombudsman 2003). These complaints were in relation to the full breadth of a Governor's work: adjudications; conditions; security; regimes; pre-release; contact with families; property; religion; segregation; transfers; and allocations. The Ombudsman has pointed out that his inquiries look at minor matters, as well as bigger issues:

> 'I am sometimes criticised for investigating apparently minor matters. But nothing is trivial in prison when you have so little autonomy, so few possessions, so little influence, and when every aspect of your life is ordered for you' (Prisons and Probation Ombudsman 2003, p10).

Prisoners are today also able to challenge a Governor's decision through a formal Request and Complaint system. This system allows prisoners to write directly to the area manager to appeal a Governor's decision (see PSO 2510).

The increased scrutiny of Governors' decisions has added to the complexity of the work. Governors today need to be able to ensure consistency in their treatment of prisoners and justify their decisions, or find their actions overturned or criticised.

This has made Governors more wary and, some have argued, more conservative in their approach.

> "I am very careful these days in dealings with prisoners. I know that if they do not like what I said they will be on the phone to their brief or the ombudsman. I make sure the evidence is there to support what I decide or else I will lose it. But it makes it more difficult to treat them as individuals. If I do something for Joey on C wing, then I know that Charlie on D wing will want the same, and if he doesn't get it there will be a CARP [a request and complaint form] or a letter to his MP."

The prisoner is now regarded, 'to a much greater extent than thirty or forty years ago, as a person with rights' (Bottoms 1995, p8). Prisoners have also, to some extent, come to be seen as consumers whose opinions need to be taken into account in the management of institutions (reflecting the 'consumerist management' element of managerialism). For example, prison surveys (such as Walmsley *et al.* 1992) have raised prisoners' expectations, and the Citizen's Charter set out the standards of service required of the Prison Service (HM Prison Service 1993f). Governors therefore have to be far more conscious of the 'judge at the gate' and the 'Ombudsman at their elbow', when making decisions and exercising their discretion. They need to ensure that prisoners' rights are not denied, that prisoners are treated consistently and that their decisions are fair and reasonable.

10.3   Politics, the media and prisons

An organisation has a high degree of legitimacy in a society when its actions are perceived as 'desirable, proper or appropriate' (Suchman 1995, p574). The Prison Service, like other public institutions, must therefore operate in a manner that ensures the confidence of politicians and the public.

Until the last decade, politicians and the public had, in the main, left direction and control of penal policy under the auspices of penal bureaucrats within Government, who took their lead from research findings (Pratt 2000b, p138). Throughout the 1990s issues of law and order increasingly captured 'public attention and, in turn, became one of the most compelling social issues for politicians' (James and Raine 1998, p4). A different set of relationships took shape whereby politicians and public sentiment seemed much more closely in tune, with penal experts shifted to a fringe

role. What seems to have taken place is some sort of convergence of interests between government and people: penal policy increasingly bore the imprint of the 'popularization of crime politics' (Bottoms 1995). Imprisonment was justified not by any reference to the criteria of experts, but on the grounds that 'this is what the public want'. Incapacitation, rather than reducing reconviction rates, came to be the test of penal effectiveness.

Governors were no longer seen as penal experts who needed to be consulted on matters of penal policy. As the PGA put it:

> '....[the] Conservative Government played the law and order card.
> Our views became less important to Michael Howard than those of
> editorial writers' (Prison Governors Association 2000).

The relationship between ministers and Governors became a troubled one in the 1990s. Clear differences on issues of policy and operational matters emerged. While Governors accepted that ministers should develop policy (even if Governors did not agree with the policy being developed), Governors maintained that day-to-day operational matters and management of individual prisoners should be left to them. Some commentators shared this view:

> 'Within the law, and the policy as approved by Parliament, the
> treatment of individual prisoners should be a matter of professional
> and managerial, and not political, judgement' (Faulkner 2001, p301).

The creation of the Prison Service Agency in 1993 was generally welcomed as providing protection from political interference in operational matters. Indeed, one of the underlying reasons for the creation of agencies was to separate out the policy-making functions from operational concerns and hand over the 'murky plain of overwhelming detail' to managers (Power 1997). The then Home Secretary conveniently re-emphasised the divide between 'policy' and 'operations' at the time of the escape from Whitemoor prison, which allowed him to argue that the escape was an operational matter and that it was the Director General of the Prison Service, and not ministers, who should bear responsibility for the failure.

This managerial and operational autonomy was rather short lived. Despite the creation of the Prison Service Agency, the Prison Service never did get effective operational independence from the main Home Office and ministers. The reality is that it is 'inevitable that Ministers will be interested in and wish to influence the executive functions of the Prison Service, ie: its operations' (HM Prison Service 1997a, p34). The Home Secretary, who argued so strongly for a divide between operations and policy, was quick to intervene in operational matters, ranging from the dismissal of the Governor of Parkhurst prison after a security lapse to demanding more austere regimes (Ryan 2003, p99). Since then the 'independence' of the Prison Service on operational matters has slowly been eroded. The government now recognises that 'the Prison Service has, in practice, been a Next Steps Agency in name only for some time' (Home Office 2004) and has brought the Service back within the Home Office in creating a National Offender Management Service. Governors now find themselves firmly back under the control and influence of the Home Office, its ministers and civil servants.

There has been an increasing trend in recent years for ministers and MPs to comment publicly on what should, and should not, be happening in our prisons. In that sense the world of the Governor is becoming increasingly politicised. It cannot be disputed that the Home Secretary has a legitimate interest in the operational performance of the Prison Service, not least as he may be called to account in Parliament for it, as the *Carltona* principle makes clear:

> 'The duties imposed upon Ministers and the powers given to Ministers are normally exercised under the authority of Ministers by responsible officials of the department ... Constitutionally, the decision of such an official is of course, the decision of the Minister; the Minister is responsible. It is he who must answer before Parliament for anything his officials have done under his authority' (*Carltona v Works Commission* [1943] 2 All ER 560).

Parliamentary Questions about the Prison Service are today answered by a Home Office Minister and not by the Director General or another senior Prison Service official, as they had been for a number of years prior to 1997. A parliamentary statement made clear that this was to enable 'ministers to answer personally to Parliament for what is done in our prisons' (*Hansard*, 31 July 1997, Written Answers

91).   Given their level of accountability it is understandable that ministers will want to take an interest in what is happening in prisons.

Governors, as a result, have had to develop a clear insight into the essentially political dimension of their work.   They have to be aware that all their actions will be judged against whether they fit with ministers' policies. Governors have to respond to changes in ministerial views about prison conditions, such as the 1993 'Prison works' speech by the then Home Secretary, which marked a change of direction towards a more austere view of prisoners' entitlements (Dunbar and Langdon 1998, p29). A number of Governors commented on the growth in political interest in their work. For many this political interest reached its peak during Michael Howard's tenure at the Home Office:

> "Undoubtedly in my experience, it is necessary in prisons to be aware of the political dimensions that apply and that was never more evident than under Michael Howard, when it was certainly like walking a tightrope, but also being able to cope with the issues in the press on political matters."

> "I think that one of the things that the Governor has to be aware of and sense is what's happening in the local community, and what's happening nationwide, because when Michael Howard was trumpeting the need for keeping people inside and not letting them go anywhere, it was being echoed in our local community and our local press."

Governors who failed to respond found themselves subject to public chastisement by ministers, as the Governor who proposed to build a pitch-and-putt course in his prison found out. The then Home Secretary did not consider that it had a place in 'decent but austere' prison regimes and had the decision overturned after much embarrassment to the Prison Service, ministers and the Governor himself.   The then Director General commented:

> 'A governor's ill-judged decision to provide his inmates with a pitch-and-putt course caused a massive political and media reaction, distracting the management for weeks on end as inquests were conducted and policy re-examined' (Lewis 1997, p63).

The need for Governors to adhere to ministerial views, and to avoid embarrassing ministers, is not without its critics. Carlen, for example, comments that:

'the injunction that "the 'minister' must never be embarrassed" is one of the least questioned of the rules of which governors are expected to be mindful, even at times when, as during the last couple of decades, the ministers themselves have fashioned constantly-changing prison policies to appease populist punitiveness rather than to further the objectives of any principled and long-term penal policy designed to address the causes of recidivism' (Carlen 2001, p5).

While many Governors would support such a view, the reality is that increased political interest, or at least the willingness of politicians to castigate Governors when things go wrong, has resulted in Governors taking fewer risks in their decision-making. For example, when the Home Secretary tightened the rules on the use of Release on Temporary Licence (ROTL), by which Governors authorise prisoners to work or spend time outside prison, Governors were told that they would be held personally responsible for any future ROTL failures. As a result Governors 'became so nervous about releasing anyone that its use virtually dried up' (Ramsbotham 2003, p161). Governors made a similar point:

"I think politicians have got in the way. We are still suffering from the influence of Michael Howard, I think, in terms of, you know, he wasn't prepared to defend the Prison Service, or justify things. We have this tabloid journalism rules okay. And the problem with that I think is that we have now internalised it into a form of self-censorship. And we don't, as Governors, take risks that we would have taken before."

Another important development has changed the relationship between Governors and MPs. In the past, correspondence from MPs concerning prisoners went through the hands of civil servants at Prison Service Headquarters where responses were well crafted and subject to the time-honoured civil service skill of saying as little as possible. Today, Members of Parliament are encouraged to write directly to the Governor concerning matters raised by individual constituents concerning individual prisoners. This has become a potentially sensitive area for Governors, as they need to be able to defend their decisions in writing on a wide range of issues. They need to produce sustainable arguments that have to hold up under scrutiny, as MPs, if they are not content with the reply, can take the matter up with ministers in writing or by way of Parliamentary Questions.

Widespread media coverage of prisons takes place in response to operational failures. A number of high profile escape attempts, riots and disturbances, rooftop

protests, deaths in custody, and instances of racism and brutality have all rightly received extensive media coverage. In addition to 'big issue' media coverage, there is also an ever increasing media desire to expose instances of what is seen as poor judgement by prison officials ('luxury foods in prison', 'cells to be painted pink to calm prisoners', 'prisoners to be given karaoke machines to improve their self confidence', 'prison orders takeaway for prisoners') and more routine failures of the workings of our prisons ('prisoners visit Tescos to buy alcohol', 'prisoners run businesses from inside', 'mobile phones in every prison', 'more drugs in prison than outside'). Given the level of media interest and willingness to 'expose' perceived shortcomings, Governors have to be more mindful that the result of one of their decisions will find its way (via staff, prisoners or an investigative journalist) into the public domain, where it will receive the full glare of publicity.

10.4 Prison population and overcrowding

One of the biggest impacts on prisons and their Governors in recent years has been in relation to the rise in the prison population and the level of overcrowding that has resulted. The peak in the prison population at over 51,000 in 1988 was followed by a decline in numbers to a low of 40,600 at the end of 1992. Since then the prison population has continued to grow to the current level of around 75,000. It soon became apparent that overcrowding was heading relentlessly out of control, as the prison population continued to exceed available accommodation. The dangers caused by prison overcrowding are something about which Governors are all too conscious, as 'it is a short step from the increased use of imprisonment to overcrowding and the decline of penal conditions' (Platek 1996, p58).

Whatever the reason for the increase in the prison population (see chapter 2 for a discussion of the issues) it is Governors who have to accommodate and manage the increase in prisoner numbers. In the short term, Prison Service officials look to find quick-fix solutions: use of police cells; quick-build accommodation blocks in existing prisons; extension of early release on electronic tags and 'doubling-up' of cells (locating two prisoners in cells designed for one). Despite these short-term measures, the pressure of numbers still means that Governors have to locate

prisoners in inappropriate or overcrowded accommodation. Nearly a quarter of prisoners were sharing cells designed for one in September 2003, some 16,552 prisoners (Goggins 2003).

From the Governors' point of view, the constancy of the crisis can lead to goal displacement – where the goals of reform and rehabilitation are replaced by the more short term goals of managing prisoner numbers:

> 'An imaginative governor and staff will always try to find ways to avoid the worst effects, but a seriously overcrowded prison eventually becomes overwhelmed by the number of transactions that have to be performed, so that little is left except security and the most basic services' (Dunbar and Langdon 1998, p39).

These organisational pressures can threaten the basic humanity of the system. Prisoners are: forced to share cells containing a toilet; moved around the country far from their families to fill vacant beds; prevented from finishing education and vocational courses; and unable to move prison to attend offending behaviour courses. Coping with the impacts of overcrowding creates a danger that Governors are forced to see prisoners not as individuals in whom investments are made to effect their normalisation, but as cogs in a well-oiled production line. Governors were quick to point out the impact that overcrowding can have on their work:

> "It is sad to say it but things feel as though they are going backwards. Overcrowding has come to dominate my thinking. It is about day-to-day survival and coping with the next busload arriving at the gate."

> "This may not be true for Governors of training prisons, mind you even those Governors are feeling the impact of the churn caused by overcrowding, but for me it is more about warehousing prisoners than doing anything else. Personally I find that very sad. It was not why I joined the Service those many years ago."

10.5 Privatisation and market testing

One of the most controversial changes in the penal environment in recent decades has been the decision to use the private sector to provide custodial services. The involvement of the private sector can be seen as part of the broader and more developed managerialist agenda in relation to organisational design. Privatisation is an especially contentious aspect of criminal justice politics because it:

'Crystallizes a conflict of world views between a managerialist outlook concerned with utilities (the best prison is the one that most efficiently and correctly performs its allocated tasks) and one which emphasizes the moral and constitutional dilemmas of imprisonment (punishment is at best a necessary evil; it involves the exercise of power in imposing a painful deprivation and is hence a unique kind of public obligation)' (Sparks *et al.* 1996, p22).

The Prison Service was one of the first public sector organisations to feel the pressure of the market through the tendering and contracting out of some prisons (James and Raine 1998, p35). The Criminal Justice Act 1991 conferred powers on the Home Secretary to contract out the management of custodial facilities. Since their coming into force, the strategy to engage the private sector in the provision of prisons has developed three distinct approaches: provision and management of new prisons under the Private Finance Initiative (PFI); market testing of state owned prisons which are currently operating under a Service Level Agreement (SLA) by the public sector or under contract with the private sector; and contracting out the management of poor-performing state-owned establishments. By June 2003 implementing the strategy has resulted in: two state-owned prisons being handed over to the private sector to manage; two operating under SLAs within the public sector; and a further nine prisons procured and managed by the private sector under the Private Finance Initiative (National Audit Office 2003, p7-9). The long, and sometimes troublesome, development of privately-managed prisons has been well-documented elsewhere (see especially James *et al.* 1997 and Harding 1997).

The Government has made clear its continuing support for a role for the private sector in the provision of Prison Services. In a statement by the then Prison Minister, at the time of publication of the Carter Report on Private Sector involvement in prisons, she made clear that the private sector had provided high-quality prison services at lower cost than the public sector (Hughes 2002). In addition to lower costs, it is argued that privatisation can provide 'the opportunity to experiment and innovate in ways which would have been impossible in the Prison Service' (James *et al.* 1997, p66). Advocates of private prisons believe that the private sector offers the opportunity to generate fresh ideas and introduce new initiatives, as well as enabling the provider to

break free from some of the entrenched operating principles and working practices of the Prison Service.

Privately managed prisons are now so entrenched as part of the penal landscape that policy makers and academics have become less preoccupied with debating the ideological considerations underpinning the case for or against privatisation and 'more concerned with consequentiality questions relating to the practical operation of public-private partnership and consideration of the forms and regulation of private sector involvement' (Genders 2003, p138).

A number of organisations and individuals do, however, continue to take a contrary view on the success of privatisation (see, for example, Prison Reform Trust 2001). What is clear is that the privatisation of prisons has entailed changes in structure and organisation of the Prison Service, policy-making, management and operation of prisons (what Stolz 1997 refers to as 'correctional subgovernment'). If nothing else, when a private-sector company is contracted to run a prison, the profit motive gets introduced into the spectrum of existing multiple goals (Shichor 1999, p230).

For the purposes of the current study, the presenting issue is whether the character and process of private-sector involvement has influenced Governors and had an impact on what they do. There is an important distinction to be drawn between the specific benefits related to an individual prison and the broader impact on all prisons in the prison system. A number of commentators have pointed to the benefits of PFI to the prisons involved:

> 'It is already beginning to be clear that these establishments tend to score well in terms of service delivery, clear management aims and the expectations of staff performance. They also tend to be innovative and to operate in a way that gives meaning to the prison service's statement of vision, goals and values' (Dunbar and Langdon 1998, p37).

> 'A key innovation by the private sector has been in promoting a more constructive staff/prisoner relationship' (National Audit Office 2003, p7-9).

When it comes to assessing the impact that PFI prisons have had on existing public-sector prisons, Governors were less convinced:

"Far too much attention has been wasted on the debates about the contracting-out of prisons. What difference has it made to [a training prison]? None, that's how much."

"One of the original reasons for going for privatisation was that the public-sector prisons would learn from the private sector. To be honest, that just hasn't happened."

"The DCMF [Design, Construct, Manage and Finance] or PFI prisons... haven't really made much difference to what we do or the way we do it."

"... don't tell me that privatisation has had a big impact on the state sector because it hasn't."

The National Audit Office report on the Operational Performance of PFI Prisons took a similar view:

'there is little available information on ... whether the use of PFI has brought wider benefits to the Prison Service ... we found only limited evidence that good practice from the private sector was being incorporated into public sector prisons' (National Audit Office 2003, p5 and 34).

Since 1992, the Prison Service has permitted the public sector to compete directly with the private sector for the management of some existing prisons. (See Bryans 1996 for the detailed early history.) This 'market testing' of prisons has, it is argued, improved the competitiveness of the public sector. The spur of competition had generated bids that represented levels of performance and value for money that had not previously been seen in the public or private sector. Having to compete with the private sector has pushed down costs and made Governors leading in-house bid teams think creatively about how to provide services. An important feature of the public-sector bids has been the active participation of the POA in the bidding process, who have agreed to significantly lower staffing levels than was the case before competition. The National Audit Office concluded:

'The success of in-house management teams in bidding against private sector teams for the operation of prisons has been seen as an example of how performance has improved to the point that the

Prison Service can now compete successfully on operating costs' (National Audit Office 2003, p5).

Governors, on the other hand, did not think that market testing had had a broader impact, other than at the individual prisons which were being market tested:

> "We all kept a beady eye on what was going on with market testing but it was something that other people were going through not us. After all, what are we talking about, wasn't it only two, or was it three, prisons that were market tested in the end? That was not going to change the rest of the system. Just because the POA at Strangeways lowered their staffing levels my lot weren't going to do the same."

Today 'market testing' has been replaced by 'performance testing' whereby poor performing prisons are publicly identified and given six months in which to improve their performance. A failure to improve means that the prison faces closure or being contracted-out to the private sector, without the opportunity to do an in-house bid. Governors suggested that this form of performance testing did have a direct impact on them. First, as a matter of professional pride Governors did not want to appear at the bottom of a performance table, and secondly, Governors did not want their prison to be identified as a poor performing prison and subjected to performance testing:

> "It's been much more about league tables, performance levels and internal competition than about private prisons. All Governors, even if they don't admit it in public, try and keep off the bottom of the tables. That's not about being privatised. Exactly how many state prisons have been privatised? Well none, that's how many and all that crap about market testing of open prisons, nothing happened – it's not the privatisation bit but professional pride. Who wants to be at the bottom of division three and heading for relegation."

> "I use the league tables to assess my performance against other comparable prisons and then use that to speak to staff about what we need to do to catch up. I find it a helpful tool because it's not [me] telling them to do better but other prisons' performance."

The impact on Governors has therefore been more to do with competition than with privatisation, which reflects findings elsewhere (Donahue 1989 and James *et al.* 1997, p175). A former Director General is clear in his view of the benefits of competition:

> 'No one can doubt what private sector competitiveness and the threat of contracting out has done for the better treatment of prisoners' (Narey 2003).

Governors find themselves today operating in a more competitive, and less collegiate, world. More than ever before, their focus is on how their prisons are performing relative to other similar prisons.

10.6 Risk management and actuarial approaches

Late-modern western society has seen a shift from 'penal welfarism' based on the rehabilitation of offenders to a 'new penology' focusing on the management of crime and risk (Garland 2001). The criminal justice system's preoccupation with risk has been well documented (Douglas 1986 and 1992, Giddens 1990, Beck 1992, Hay and Sparks 1992, Ericson and Haggert 1997, Hudson 2003, Kemshall 2003). Risk management has increasingly tended to view offenders as members of specific categories and sub-populations (Cohen 1985, Reichman 1986) or as 'aggregates of dangerous groups' (Feeley and Simon 1992, p449). The emphasis is on managerial processes dedicated to classifying offenders into risk groups, and then managing them in groups (rather than as individuals), as a means of maintaining the system at minimum cost (Feeley and Simon 1994).

This 'actuarial approach' (Bottoms 1995 and Young 1999), has been reflected within the prison walls and there has been a 'gradual infiltration of risk management principles into prison administration' (Sparks *et al.* 1996, p93). In the period from the mid- 1990s Governors became less concerned with the diagnosis, intervention and treatment of individual prisoners and more occupied with aggregate classifications to ensure secure confinement and control. Less attention was given to the elimination of future crime than to minimisation of the risks of escape, suicide and of self-harm, loss of order, and 'embarrassing the minister'. Decisions were made:

> '... based not on study of the character of the offender or the nature of the offence, still less on any consideration of rights or due process, but on profiles of risk and dangerousness and on actuarial predictions of future behaviour, and danger to the public' (Faulkner 2001, p95).

Formal systems of internal rules and procedures for risk assessment have replaced Governors' 'professional' judgment of risk. This more mechanistic approach has little need for human relationships or individual judgement, and decision-making has become more automatic and impersonal (Jones 2000). A number of Governors highlighted this issue:

> "I see much less of prisoners these days and certainly make most decisions about them based on paper. I remember when I would see a prisoner before making a decision about his category or temporary release. I would interview him and reach a judgement about his suitability. It was all very subjective mind you and partly based on the cut of his jib, if you see what I am getting at. But it was much more personal and you would use your experience and judgement."

> "Deciding on someone's category has become much more scientific. Lots of algorithms and boxes."

> "These days though the emphasis from Headquarters seems to be more and more about taking a sheep-dip approach. It is less about the individual and more about prisoners as a group. Well, that makes it easier from a management point of view – treat everyone the same and don't waste time looking at what makes an individual tick - but is that really what this work should be about? When I joined it was more about individual needs and what was needed to stop prisoners reoffending."

Professional assessments are increasingly seen as unimportant when compared to actuarial assessments based on factual information. Individual treatment needs have been replaced with group treatment needs, as individuals assume the shape of their diagnosed problem (Duguid 2001, p61). Concern has been expressed that the complexities of, and differences among, offenders can be underestimated and 'offenders will be made to fit willy nilly, even if it means stretching them a bit or lopping off bits here and there' (Leach 2000, p145). Prisoners become members of a specific group and are labelled ('addicted', 'untrained', 'violent', 'learning disabled', 'sexual offender', 'career criminal', 'sociopath') and are allocated into group programmes ('anger management', 'drug treatment', 'enhanced thinking skills', 'group counselling', 'job training') along with others who are allocated a similar label. The individual identity is subsumed. All 'sex offenders', for example, are deemed in need of a sex offender treatment programme. All substance misusers are 'encouraged' to do a drug treatment programme. And all prisoners with low educational levels are required to do basic education. Treating prisoners in groups rather than looking at individual needs has come under some criticism:

'... each prisoner is different. What works for one will not necessarily work for anyone else... the desire to offer basic literacy and numeracy skills seems to stem not so much from a wish to understand why the prisoner has offended, and what will help him or her to change, but from a more atheoretical interest in managing the prison population' (Wilson and Reuss 2000, p11,19).

10.7 Conclusions

This chapter has sought to demonstrate that the environment in which Governors work today is more complex than the environment in which their predecessors operated. Governors and their decisions now face far more scrutiny. Prisoners are able to question and challenge a Governor's action (or lack of action) in the courts, with the area manager and through the Ombudsman. Ministers and politicians are taking greater interest in prisons and are more inclined to comment on the internal operation of a prison than in the past. The media are also becoming more active in their willingness to expose what they consider to be relaxed regimes and 'soft' treatment of prisoners. Involvement of the private sector has also added to the pressure on Governors. Their prisons are now benchmarked against privately managed prisons and public prisons of a similar type. Governors are challenged as to why their prisons are performing 'less well'. The way Governors deal with prisoners is also changing. The adoption of risk management, and an actuarial approach, has put Governors under some pressure to be more concerned with rational management and regulation of aggregates rather than with individual prisoner-focused interventions and needs.

The next chapter looks at the significant impact that one other environmental change has had on Governors – the managerialisation of the Prison Service.

CHAPTER 11:

THE PRISON SERVICE AND MANAGERIALISM

Managerialism has, it can be argued, been the most significant development in the operation of our prisons in recent years. As the chapter will show, managerialism has changed the Governors' world in a number of ways: the work they undertake; the way they are managed; and the level of discretion they can exercise.

11.1 New Public Management

It is widely acknowledged that organisations are driven to incorporate the practices and procedures defined by 'the prevailing rationalized concept of organizational work' (Meyer and Rowan 1977, p340). This is certainly true of public-sector organisations in this country, which have undergone something of a fundamental reformulation over the last two decades (see Pollitt 1993, Flynn 1997, Clarke *et al.* 2000). The Conservative government in the 1980s, as part of its commitment to lowering public expenditure and redefining the role of the state, launched a major reform programme that affected the Prison Service, like other central government departments. The reform programme was based on the importation of a number of private-sector management techniques. This set of tools, ideas, beliefs and behaviours, when applied to the public sector, became known as New Public Management (NPM).

At first it seemed that the commitment of successive Conservative administrations to spending more on law and order, while cutting back elsewhere, seemed to save the criminal justice system from NPM changes sweeping through other areas of the public sector. Criminal justice professionals viewed themselves as 'bystanders in the reform process' (Clarke *et al.* 1994a, p9). However, before long the criminal justice system itself was being subjected to the full rigours of NPM and radical changes were implemented across the criminal justice system (Garland 1990, McLaughlin and Muncie 1994).

'To differing degrees, the organisational culture and ways of working of the criminal justice agencies, like all other public sector organisations, have been transformed in recent years by the wave of managerialisation in part promoted and imposed by "new right" politicians as they have sought to inject private sector principles and practices into the public sector' (Raine and Wilson 1997, p *x*).

What has taken place has been described as an 'ideological process of managerialization' which has transformed relationships of power, culture, control and accountability in public services (Clarke *et al.* 1994a, p3). Managerialisation (defined here to mean the implementation of NPM) has been an incremental process. There was no sudden departure from the ways things had been done previously and, as a result, many practitioners were unaware of the scale or degree of change that was taking place. The lack of a single clearly-defined NPM model created a certain fluidity (what Willcocks and Harrow 1992 call its 'contingent' nature) and each public-sector organisation took up the NPM mantle in different ways and to varying degrees.

11.2   Early managerialism and devolution to Governors

In the early 1990s Governors had limited devolved power over areas such as finance and personnel. Governors were unable, for example, to move resources from one area, to another, as a former Director General pointed out:

> 'Governors were apparently unable to make basic decisions about such critical matters as how many people worked in their prisons, who they were, and what money was to be spent on' (Lewis 1997, p6).

A Governor described the historic position in this way:

> "Well, first of all there were no budgets... The budgets were run by the functional groups in Headquarters who were the budget holders, so for example, the Chief Education Officer of the Prison Service held the education budget, so he could tell you how much it cost to run education in prisons. He may or may not have been able to tell you how much it cost to run education in any particular prison. But the Governor wouldn't have known. The Governor had no financial responsibility... I mean really the only financial responsibility the Governor had as an accounting officer was to do cash checks."

Managerialism emphasised 'decentralising management responsibilities' (Pollitt 1990, p55) and by the 1990s there was a clear view that: 'Governors must be given the discretion to exercise their own judgements and to make a reality of their position as managers of the prison' (Home Office 1991, para. 3.7). The work of Headquarters was redirected to help Governors govern their establishments, within policies, strategies and objectives established by ministers, and subject to the resources available. The role of Headquarters was to be transformed into one that would provide 'the advice, assistance and instructions necessary to achieve those ends' (Home Office 1991, para. 3.8).

As a result, responsibility was devolved to Governors in the key areas of finance, personnel and prison regime. With devolution came increased responsibility as Governors were held to account for a range of matters over which their predecessors had no control:

> "Certainly there is the whole area with devolution of responsibility for budgets, and for recruitment, selection, and promotion of staff, and a whole other range of purely devolved responsibilities. But I think probably the biggest issue has been the emphasis on actually managing the whole of the establishment in a much more cohesive kind of a way. I think, certainly going back to when I joined, it felt very much as though the Governor kind of managed almost the ethos of the establishment, and little else, and that other professionals managed other professional groups within the establishment, whereas I think it is much more now a question of the Governor managing the establishment, and all the groups of professionals in it."

The devolution of financial management gave Governors the freedom to respond flexibly to changing needs and demands. They were able to move money (and hence staff) from one area to another, and fund new initiatives locally.

> "Increased devolution of financial management and accountability dramatically increased the Governor's ability to manipulate the budget to meet the strategic needs of the establishment."

With increased control over budgets came greater accountability for ensuring that the budget was not exceeded and an expectation that 'efficiency savings' would be delivered. For example, in 1995 Governors were told that they had to reduce costs by an average of four to five per cent per year, or 13.5 per cent in three years from April

1996 (HM Prison Service 1998). For the first time each Governor was required to achieve financial savings at his or her own prison.

The devolution of responsibility for personnel matters also had a major impact on Governors' work. Governors found themselves dealing directly with staff recruitment, selection and discipline. Historically all these areas had been the responsibility of Headquarters or regional offices. Provided that Governors were able to find the funding from within their budgets they were able to create new posts, select and appoint staff, conduct promotion boards, and discipline or dismiss staff on performance or health grounds:

> "The issues of personnel, managing staff resources, using staff resources, much of that was forced on us by devolution of responsibilities, but it is a good thing. It is something we should have been doing. There was an era of Governors who didn't hire or fire, therefore didn't take any responsibility for performance."

> "With devolved personnel, you have much more freedom than you used to, but when I first took over as Governor... it was difficult to get rid of staff, it was difficult to manage staff, because of personnel systems, you were stuck with a staff which you didn't really have control over. Even though it takes up a lot of my time, I can now manage staffing properly. "

Devolution took place in other areas such as regime development. Governors were given the freedom to provide and manage prisoner work at their prisons. By 1993 Governors were 'free to find local sources of work' for their prisoners (Simon 1999, p63) and some Governors embraced the 'entrepreneurial spirit' (Osborne and Gaebler 1992) with great enthusiasm:

> "It was an exciting period as we could finally tell PSIF [Prison Service Industry and Farms Division] where to get off. It was suddenly up to you to decide what regime and work you wanted in your prison."

> "Once we got the freedom, we could go outside the Service and look for local work opportunities. It was a bit like being a businessman and looking for local markets. We came up with some very innovative work schemes."

Governors were clear in their view that the scope for individuality increased significantly in the early 1990s, as Governors were given more devolved responsibility:

> "In the days of Derek Lewis [Director General of the Prison Service 1992-95] much was devolved to Governors, things like budgets and staffing levels. We

could pretty much do what we wanted with the money as long as it was within the rules... It really did feel like we were running our own businesses."

11.3 Managerialism as the panacea

Governors made good use of their devolved powers, often did not fully implement directions from Headquarters, and in some cases increasingly disregarded the centre. A significant variation between prisons in what they were delivering emerged as a consequence of Governors deciding which policy to implement and where to use their financial resources. One commentator put this way:

> 'If not restricted ... the field administrations may *de facto* become more or less independent from central headquarters or even turn their prisons into fiefdoms' (Boin 1998, p68).

The mid 1990s also saw a number of organisational failures: six exceptional-risk prisoners, including five IRA terrorists, escaped from HMP Whitemoor using firearms; a pound of Semtex was discovered in the false bottom of an artist's paintbox belonging to an IRA prisoner; guns were found at HMP Manchester and in the process of being smuggled into HMP Durham; Fred West hanged himself in Winson Green prison; and three prisoners (two of whom were category A) escaped from HMP Parkhurst, a maximum-security dispersal prison (see Lewis 1997, p150-165). This degree of organisational failure undermined political and public confidence in the Service and led some to the view that devolution had gone too far and some fundamental changes were needed.

Senior Prison Service officials came to the conclusion that the use of managerialist tools would be the most effective way of achieving the much-needed change, as these quotes from senior officials indicate:

> "Something had to be done... Some Governors were simply not implementing Orders, others were, quite frankly, not up to it. We had lost public and political confidence and things had to be changed. So we tightened up line management, built in a bit of competition and got rid of some crap Governors."

> "We looked at how we could make sure that things changed ... we all knew that performance across the estate varied hugely and that some area managers were not doing their job. They were not sorting out failing prisons. Part of the problem though was a lack of data to compare prisons and when we got that we could see where things were going wrong."

"We were all adopting what had previously been private-sector management tools ... we had to improve our performance somehow, and the new management approach had started to work so we kept going with it."

"I attended a few meetings around then and there was a good consensus about what we should do. To start with we needed to be clear about what was needed, set standards, tell people what they should be doing and then police them to make sure that they did it. Simple stuff really but not something that the Service had really done before."

The Prison Service had to decide how to co-ordinate, control and direct potentially 'recalcitrant' Governors. Managerialism presented itself as a strong and authoritative approach that would solve the problem. It called for strategies for the future, rational and effective use of resources, consistent delivery and vigorous pursuit of the achievement of targets.

11.4 Changes to organisational structure

Every organisation finds itself confronted with 'the same basic constitutional problem' of deciding what level of control is necessary to ensure minimum levels of performance and adherence to organisational requirements (Selznick 1957). The Prison Service responded to the large-scale organisational failure by opting for a more cohesive and integrated service organisation, adopting managerialist tools, and shifting power from Governors to the centre. This move to a more 'rational-legal bureaucracy', in which the central administration formulates policy, develops comprehensive rules and regulations and unceasingly monitors the prison's day-to-day activities (Jacobs 1977, p73) has had a number of consequences, as a former Chief Inspector of Prisons commented:

'The numbers working in the 'faceless monolith' that was Prison Service Headquarters had grown from 168 in the days of the Prison Commission to more than 1800. From it spewed an endless stream of rules, regulations, operating standards, operating instructions, orders, targets and performance indicators...' (Ramsbotham 2003, p76).

In terms of Mintzberg's model of organisational design configurations, the Prison Service developed into a 'machine bureaucracy' within which the technostructure (analysts and central office administrators) became dominant, and exercised increasing control through standardisation of rules and procedures, and data

collection and analysis (Mintzberg 1983). This bureaucratisation has created an organization whose 'structure and operations are governed to a high degree by written rules' (Mann 1984, p28). A priority is now placed on prisons carrying out strictly-defined tasks that produce determinable, impartial, and impersonal operations for a whole range of functions within the prison. What has emerged as a result is an ever-increasing level of cohesion and uniformity in practice, with a concomitant sacrificing of local diversity and discretion.

From the point of view of Governors, there was a clear re-composition of previous modes of power within the Prison Service. Managerialism became synonymous with the demise of Governors' organizational power and a clear shift in power from Governors to the centre (defined as Headquarters and its field representatives, the area managers). Governors pointed to the way in which devolution increasingly became a fiction:

> "Actually the area manager can take any bit of their budget away at any time of the year, and give it to somebody else."

> "So much of my budget is ring-fenced by Headquarters for specific purpose it's hardly worth being in charge of the budget."

Other areas, which were initially devolved to Governors, were returned to central control:

> "... the contract for catering and contract for education are not signed by me, and that irritated me and it weakened my ability to effect the delivery locally of kitchen and education."

> "I have seen it go back to something that is very centralised. I think they are trying to pull it back to a very centralised way."

Restrictions were placed on what Governors could deliver within their prison regime. For example, the programme accreditation process (whereby the Correctional Services Accreditation Panel authorises which offending behaviour programmes can be run in prisons - Joint Prison/Probation Accreditation Panel 2002) is seen by some Governors as 'a further, and not entirely benign, limitation on the range and content of the programmes and courses which they can offer' (Carlen 2001, p6):

"I must admit to some niggling concerns about the current push to only deliver 'What Works' programmes. We have been doing some good interventions over many years and we are now being forced to dump them in favour of the 'What Works' programmes. I honestly question whether some of them will actually work. But the worst bit of all this is that I can no longer run what I know does work for my prisoners."

11.5 Performance management

The desire to control Governors, and to improve the level of each prison's performance, manifested itself most clearly in the adoption of a performance management framework. The framework consisted of: minimum standards; targets; performance indicators; and a clearly set-out personal accountability framework for Governors. The introduction of a number of these performance-regulating tools into the Prison Service has had a significant impact on Governors.

11.5.1 Minimum Standards

For many years there had been a debate over whether minimum standards should be set for various aspects of the prison regime. (For the history of the development of minimum standards see Bryans and Wilson 2000, p150-153.) The issue was formally addressed in the 1991 White Paper, which led to the introduction of a series of consistent mandatory standards. The White Paper made clear that the standards would provide an 'objective framework' in which to measure performance of establishments (Home Office 1991, para. 7.22). However, it was not until April 1994 that Minimum Operating Standards were first published. The covering letter, by the Director General, made clear that 'meeting the operational standards will be a line management responsibility' (HM Prison Service 1994e). Governors were, for the first time, made personally accountable for their establishments' achieving these defined standards.

Standards were set initially for security and later for all aspects of the prison regime. The last decade has seen the introduction of 72 standards to which each prison must comply. Today standards cover everything from accommodation and hygiene to industrial relations and regimes (Leech and Shepherd 2003, p28-32, and HM Prison Service 2000b). The development of mandatory minimum standards has increasingly

constrained and directed Governors in what they can and cannot do, as Governors pointed out:

> "I sometimes feel that my hands are tied. We are increasingly getting to a point where every minute detail of a prison will be the subject of a standard. I have very little discretion to move away from the prescribed standards."

> "It's much more like MacDonalds than it was. There are huge manuals setting out standards and how to do things. We must comply with these central directives and all be the same."

> "My professional judgement and skills are not needed as much these days. It's about following detailed instructions and doing what we are told."

11.5.2 Orders and Instructions

A constant theme that caused friction between Governors and their line managers during the 1990s was whether Instructions to Governors were mandatory. This culture of non-compliance was most famously exposed by Sir John Woodcock in his report on the escape of prisoners from HMP Whitemoor: 'It could be said that what the Prison Service needs to do most of all is to comply with its own written instructions' (Woodcock 1994, para. 9.27). A similar theme was found in the Learmont Report which pointed out that 'the rules are in place. What is now needed is the resolve to abide by them' (Learmont 1995a, para. 6.15).

In response to this criticism, a new system of Prison Service Orders (PSO) and Instructions (PSI) was introduced in 1997 that made clear which elements were mandatory. These documents created comprehensive and detailed directions on how to implement policy and exercise discretion. PSO and PSI now cover all aspects of prison life and have increasingly specified what Governors should be doing. There are now 147 PSO (Leech and Shepherd 2003, p518-524), compared to only 27 Standing Orders, which they were introduced to replace. Some Governors expressed concern that their discretion had been severely curtailed by the new system:

> "We have rather gone back to this tying it down on paper and you know, I mean look, two manuals came in today, when in God's name am I going to read those but there's whole pages of it that says 'the Governor will'. So I think that Headquarters has gone back towards centralised control."

> "Today everything we do is specified in a manual. Do this, do that, don't do that and so on and on and on. It gets to me sometimes. Things were much simpler when the

Governor just decided things. It is getting so bad that it won't be too long before there's a manual telling me what I should be wearing!"

11.5.3 Business plans and contracts

The process of holding Governors to account for delivering specified outputs began in the late 1980s with the setting of corporate objectives for each establishment (Fittall 1989). The development of corporate objectives at establishment level, together with the collection of quantifiable information on the actual delivery against those objectives (HM Prison Service 1989a and Evans 1990) gave Governors, and importantly, their line managers performance information on the delivery of selected activities for the first time. The introduction of computer programs enabled the compilation of data, and its transmission electronically to Headquarters, on a weekly basis. This 'corporate objectives' approach was the first real attempt at specifying outputs and then measuring actual performance.

The introduction of business plans for each establishment in 1993, along with a new style contract, further embedded a performance management approach. The 'development of new forms of contractual relationships' (Clarke *et al.* 1994a, p24) was a common feature of managerialism as it was adopted in the criminal justice system. At the end of each year, the completed business plan showed the performance that had been achieved and formed the annual report for the establishment. It also contained the level of achievement against local targets. Governors were no longer able to produce subjective and anecdotal reports of the activities of their establishments, which had been the norm previously.

The new output-based quantitative annual reports allowed the area manager to assess the performance of a Governor through a detailed examination of the performance of the prison. Governors described the changes in this way:

> "It came as rather a culture shock for people from the old school like me. I used to quite enjoy writing my annual report on the performance of the prison. I would wax lyrical about what had happened and what we had achieved and say what my plans were for the future."

> "The new system of business planning was clearly based on a commercial perspective... I certainly felt that it was mechanistic and took some of the trust out

of the relationship. It was as if Governors could no longer be trusted to get on with the job."

"It all became much more visible and explicit if you know what I mean. You said at the beginning of the year what you were going to deliver and the area manager said at the end whether you had or not based on the figures."

11.5.4 Key Performance Targets

Contained within the business plans were Key Performance Targets (KPTs), which were based on the national Key Performance Indicators (KPIs), and reflected the level of performance expected from each prison. Today, each prison has around 48 KPTs. The underpinning purpose of KPTs was to drive up the performance of Governors and their prisons, and to contribute to the achievement of the Service's KPIs. The then Director General pointed out to the 1997 Home Affairs Committee:

> 'It is irrefutable that our performance has improved enormously over this period. I think the biggest contributor has been the establishment of key performance indicators and targets. This has focused people's attention on improving performance' (Home Office 1997, vol 1, para. 133).

The introduction of KPTs created a number of issues for Governors. It led Governors to focus on a narrow range of areas – the areas covered by the KPTs. A number of Governors were quick to point to the dangers of focusing on areas that could easily be measured, rather than on more qualitative but important aspects of the operation of a prison. As one Governor put it:

> "It is easy enough to measure simple things such as escapes and drug tests through KPIs but what about other areas which are just as important like justice and fairness. The danger with the current KPIs is that they distort what a Governor focuses on. I am as guilty as the next man, I put all my efforts into hitting my KPIs and sometimes I am sad to say it is at the expense of other things."

A focus on narrow measures may therefore 'inhibit and deflect managers' (Newell 2002, p12) from more fundamental changes such as attitudinal change, how staff and prisoners relate to each other and legitimacy issues.

Governors, like managers elsewhere, were tempted to distort the data to present a 'rosy picture of their achievements' (Boyne et al. 2003, p33). Governors were quick

to point out that performance levels could be 'adjusted' as KPI data was collected and 'interpreted' locally:

> "I don't think KPIs have got a great deal to do with being a good prison and I say that simply on the grounds that we can massage almost any of the figures we have to meet KPIs."

> "It is easy to spin the KPI data, believe me. If you want to play games with it you can. I have heard of Governors logging staff meetings and POA meetings as staff training, backdating request/complaints, reducing the frequency of PPM [planned maintenance], removing people from offending behaviour courses early to get new starters, I could go on but you know what I mean."

The National Audit Office also highlighted the problems with the data collection systems and accuracy of the data collected:

> 'the internal monitoring of data varied considerably as did the validity of the data' (National Audit Office 2003, para. 2.6).

One of the effects of this strand of managerialism has been to direct Governors' attention to the internal functioning of their prisons and away from the social purposes of imprisonment. The Prison Service's KPIs are centred on process and outputs rather than outcomes – they are about the number of offending behaviour places and education qualifications rather than reconviction rates and crime reduction. As Feeley and Simon point out: 'the importance that recidivism once had in evaluating the performance of corrections is now being taken up by measures of system functioning' (1992, p456). This 'decoupling' of performance evaluation from external social objectives makes it more difficult to evaluate whether institutions are achieving their substantive social ends. One Governor emphatically made this point:

> 'we must be careful not to believe everything we see as performance improvement affecting desired outcomes: despite all our efforts the standard reconviction rate for prisoners remains the same' (Newell 2002, p10).

11.5.5 Monitoring and audit

The creation of standards and the promulgation of orders is only part of the picture. The new performance management framework required that people be held accountable for delivery against those standards and for implementing orders. For the

purpose of assessing performance, data had to be collected, monitoring mechanisms introduced and an audit structure created.

Technological innovation, and the desire to monitor performance in greater detail, led to the technostructure increasing in importance. This technostructure created information management systems and 'computerizing of virtually every database imaginable' (Freeman 1999, p99). The advent of facsimile machines and, more recently, electronic mail, led to greater micro management, as communications between Headquarters and establishments became instantaneous. Area managers and Headquarters were able to request information, issue instructions, and monitor performance, in 'real time'.

Governors soon found that not only were they required to provide detailed information returns but that a Standards Audit Unit had been set up to assess their level of compliance. Prisons are now faced with a barrage of internal and external audits and inspections. Many Governors expressed concern over the amount of time that has to be put into preparing audits and dealing with their aftermath:

> "I think we are over-audited. There are too many people looking at what you are doing. We waste so much time preparing for audits and inspections, then doing them and then of course we have all the action plans in the reports. By the time you have read them someone else is at the gate wanting to have another audit."

> "We have got more inspectors and auditors than you could shake a stick at, you know. I think really that they are great wedges of managerialism being injected into prisons."

Prisons are now measured against KPTs, audited against standards and inspected by an independent inspectorate. Yet it is possible to pass an audit, deliver the KPT performance and yet be severely criticised by the Chief Inspector on an inspection:

> 'High and improving scores on the indicators would still be combined with an overall performance which would be perceived as harsh, oppressive or unjust. A prison ... may well perform well on its key performance indicators, but still be the subject of public criticism or an adverse inspection report' (Faulkner 2001, p85).

Unfortunately for Governors each monitoring mechanism has different baselines and approaches. KPTs have a narrow focus and are about delivering numbers. Audits are

about systems and processes, with little or no attention to quality. If procedures are in place, documents filled in and notices displayed, then an establishment is likely to be compliant (Newell 2002). Whereas the Chief Inspector deals in a subjective appraisal of establishments based on key values and principles and focuses more on outcomes. A former Chief Inspector put it in this way:

> 'The Inspectorate and the Prison Service appeared to be working to two different agendas. Our parliamentary remit required us to concentrate on the treatment of and conditions for prisoners. Prison Service management concentrated on exact compliance with rules and regulations, and the achievement of a myriad of targets and performance indicators. These were more to do with process in prisons than outcomes for prisoners' (Ramsbotham 2003, p218).

From the Governors' point of view the difference of approach can produce mixed messages about an establishment's performance:

> 'I am sitting at my desk contemplating two reports which have arrived on my desk almost simultaneously. The Inspectorate report says I am a decent bloke trying to run a prison on tuppence ha'penny. The report of the security audit basically says that I am the handmaiden of Satan' (Prison Governors Association 2001b).

Whatever the criticism of these arrangements, Governors are today far more closely monitored against standards and plans, and have to account for what their establishment delivers. Governors believe that their work is subject to greater scrutiny, and that they are far more accountable for the detail of their work, than their predecessors.

> "Everything is measured and there is much more accountability."

> "It's clearly a much more, or it's expected to be a much more accountable role, there's much more scrutiny over everything..."

11.6   League tables and competition

Flowing from the introduction of KPTs came another managerial tool – league tables and competition between prisons. The Director General at the time described the purpose of this approach:

'A powerful tool for reinforcing a performance culture is measurement. We introduced individual targets for each prison, ... that in itself concentrated the minds of Governors, but the publication of inter prison comparisons was even more effective' (Lewis 1997, p79).

The Prison Service has made various attempts to create league tables showing comparative performance between prisons and thus identify poor performing prisons. The most recent version involves a quarterly system of ranking prisons, known as the 'weighted scorecard'. It scores an individual prison's performance against its target, its previous performance and the performance of other prisons in the same category. Individual targets are then weighed according to the prison type. For example, escapes are weighed more heavily in a maximum-security prison than in an open prison.

Governors remain concerned that league tables do not identify what a prison is really like but simply reflect what can be measured:

'There is a reality to prison life which we cannot easily measure but prisoners, members of staff and visitors know when performance is good or bad... No league table accurately reflects this. Our performance is not just about statistics, it is about everything we do' (Wagstaffe 2002, p2).

Using a range of data and subjective impressions, prisons are today rated on a performance scale (from 4 indicating exceptionally high performance, to 1 for poor performer). Prison Performance Ratings were first published outside the Prison Service in July 2003 (HM Prison Service 2003a). Poor performing prisons are subject to performance testing and, if performance does not improve, contracted-out to the private sector (see section 10.5).

Governors had mixed views about comparative tables showing relative performance levels across the prison estate:

"I feel that the climate is so competitive now, using other establishments as benchmarks or examples to compare against."

"We may all say that the tables are not important but I bet you everyone looks to see where they are and tries damn hard to get better results each year – I know I do."

"One of the sad things for me is that we are so preoccupied with KPIs and league tables that the things that are not measured are lost sight of. As Governor I try to look to the bigger picture but that's difficult when all the area manager wants to look at is how well I score in the tables ... you could certainly say that it has changed my focus and what I look at."

11.7 Line management of Governors

One of the most significant developments in recent years has been the strengthening of the line management of Governors. These changes have had a major impact on how Governors operate and on their level of accountability. Until the late 1980s the organisational structure failed to provide clear and effective line management of Governors (HM Prison Service 1989b). There was confusion as to whether Headquarters and regional offices existed to advise or to direct, as one Governor reflected:

"I used to work for a wonderful Governor. He was a delightful man and people would 'phone from Headquarters and his first question was "to whom do I speak?" and I think if they were anything below about senior principal, he would tell them to go away and find somebody who had the proper rank to address him and then they would clearly ask him to do things and you would hear him say no, no, no, and they obviously would say at the end why and he would say, because I am too old, I am too tired and I am too rich, good morning... He shouldn't really have done it but he actually got away with it and he wouldn't anymore."

The main weakness of the structure was that the management of Governors was in the hands of only four regional directors and their teams. Many regional staff regarded their role as being to provide support and advice rather than manage their Governors. The span of command for each regional director was between 25 and 39 Governors, which was regarded as 'impossibly wide'. As a result, there was 'no clear and effective management chain between the top of the Service and Governors' (HM Prison Service 1989b). A number of Governors spoke of the distant management exhibited under the regional structure:

"There was nobody to say nay or question it and, as I think you know, there was never any contact, or very minimal contact, with regional office."

"Regional directors ... didn't visit too regularly and Governors very much did as they wanted."

A decision was taken in 1991 to restructure the management of Governors, with the creation of geographical groupings of nine or 10 establishments under 15 area managers. These changes fundamentally changed the way Governors were managed. Governors were, for the first time, closely monitored and supervised. There was some sensitivity over the impact that the area managers would have on Governors, which led the Service to make clear that 'strengthening management should not be seen as a threat to the position of the governor as the person in charge of the establishments' (HM Prison Service 1989b, p20). However, the creation of this 'new managerial strata' (McLaughlin and Muncie 1994, p120) resulted in a redistribution of power and resources from Governors to area managers.

Governors pointed out that there was still some confusion in the early 1990s as to whether the area manager existed to support, advise or direct Governors.

> "One of the things that struck me forcibly about being in Headquarters and seeing a number of area managers operate, both from their own offices and in area managers' meetings, is that there is no agreed structure for the way area managers operate. Each area is managed as a function of the personality of the individual, very much so. There is no real sense of what exactly the area manager should be doing."

The inability of the area manager to fetter a Governor's statutory discretion added to the ambiguity, as a Home Office review noted:

> '... neither the area manager nor anyone else can give instructions to governors on the matter on which they have statutory discretion. In accordance with the general principles of administrative law, no one may fetter the governor's discretion in exercising such powers. The current arrangement is, therefore, somewhat of a contrivance. Moreover, it sends a signal to the service about the degree of independence which governors enjoy which is not completely compatible with effective line management, and which is undesirable in an organisation with no established culture of following instructions' (Home Office 1995).

The then Director General had no doubt about the role of area manager:

> 'Some governors claimed that the 1952 Prison Act gave them the freedom of action and immunity from instruction by their bosses, and some area managers behaved as though they believed that to be the case... Time and time again I had to drive home the message that

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operational directors, area managers and governors were all line managers with both authority and responsibility for results' (Lewis 1997, p78).

By 1996 it was clear that Governors had lost the internal power struggle and an assessment of the role of area managers concluded that they were the essential mechanism for the supervision, control and development of an operational Prison Service (HM Prison Service 1996c). The transfer of power to area managers was completed in 1997, when all policy formulation responsibility was removed from them in order to enable them to focus solely on line-managing their Governors.

As a result of these developments, there is now much closer supervision of a Governor's work than has ever been the case previously. Area managers now supervise around eight prisons each, compared to previous arrangements where one regional director managed between 25 and 39 establishments.

> "The area manager is able to see his or her governing Governor at least every month
> ... to visit each of their establishments at least monthly."

> "I don't think you, as a Governor, now feel so autonomous as previous Governors
> did. The introduction of area managers changed that. "

Each area manager now has a significant area office that includes: analysts; auditors; senior investigating officer; and specialist advisors (works, personnel, security, equal opportunities, regimes, drugs, resettlement):

> "It sometimes feels that the area manager has more admin staff than I've got to run [a
> small training prison]. She has more bag carriers and experts than the old regional
> director had to run a huge region. I guess she is only protecting her back and keeping
> an eye on what her Governors are doing but it does seem excessive."

There has been a transformation of the relationship between Governors and Headquarters. Supportive supervision has been replaced with taut and robust management. The introduction of contracts and Service Level Agreements has reinforced the contractual and performance-based nature of the relationship:

> "Governors are just managed much more than they ever used to be, so that has
> affected very much the approach to the job."

> "Governors feel that they have less freedom in terms of the line management that
> came in under area managers - we are less autonomous."

"My new area manager did pay a lot more attention to detail and did want to be involved a fair bit in what was happening with the place ... she said what I will want is to be assured that you are delivering and when I come round I will expect to see certain things."

"I think some area managers are more into audit mode, Mr Clipboard, going around ticking the boxes, asking where are the cleaning schedules, where's this, where's that, and that...What they all have in common, and it's increasingly becoming quite clear, is the drive for them all to get their Governors to achieve the targets that are set for them...They are not particularly interested in why you haven't achieved it, it's how well you have achieved it."

One of the consequences of managerialism is that it tends to 'relocate professionalism up the hierarchy' (McWilliams 1992). Changes to line management arrangements led some Governors to raise the issue of who was really governing prisons. The level of involvement, and direction of day-to-day matters, suggests that a number of area managers have interpreted their role as being that of 'super' Governor:

"I worked for one area manager, who would basically just shout at people and tell the Governors what he expected them to do in minute detail on just about everything in the prison."

"Some of these area managers see themselves as 'super Governors' and try to run your prison for you. Always phoning and faxing wanting some stupid bit of information or asking you why you did this and that, or more often why you have not done something. You might not mind as much if they were actually any good at running their own prisons. Many of them were crap at it or only governed for a short while."

The more performance-based, hands-on approach adopted by area managers has led some Governors to question the legitimacy of area managers:

"They are always bloody interfering. If it is not difficult enough governing, you have now got to keep looking over your shoulder as the bloody area manager is second-guessing you all the time. It has changed the way we do the job. You ask any of the Governors you are interviewing, they will tell you that you spend most of the time doing stuff for area office rather than running the prison."

11.8 Assessing the impact of managerialism on Governors

While some would dismiss managerialism as some 'Thatcherite, neo-liberal or neo-conservative political project' (Clarke *et al.* 1994b, p227) aimed at reducing the cost of public services, it was seen by criminal justice organisations as a means to drive up

their performance (Loveday 1999). The Prison Service enthusiastically adopted the various private-sector management tools and techniques. A Governor commented:

"I would suggest that the Prison Service has surpassed almost every other organisation in the implementation of managerialism in its service."

At first Governors generally welcomed the new approach as it resulted in increased devolution and greater freedom from the centre. However, it soon became clear that the introduction of various managerial tools would increase Governors' accountability. The late 1990s saw the development of various forms of competition (private-sector involvement, market testing, performance testing and league tables); the setting of clear standards of performance; the creation of key performance indicators and targets; development of robust line management to monitor and assess delivery; and the construction of an audit infrastructure to ensure compliance. Middle management (area managers) has been redeployed to rationalize and regulate the daily operation of the prison system – what Foucault presciently called 'supervising the process of the activity rather than the result' (Foucault 1979, p137).

Managerialism has not been without its critics. Governors have suggested that the danger with over reliance on performance data is that it 'can mislead us into thinking we are achieving something we are not' (Newell 2002, p10) and the Prison Service will become 'an organisation that is cynical, overshadowed by managerialism and which values people less than statistics' (Wagstaffe 2002, p4). A former Chief Inspector of Prisons expressed his own reservations about managerialism:

'Managerialism includes the fallacious belief that you can achieve [the Prison Service goals] by demanding and measuring exact compliance with budgets, targets, performance indicators, orchestrating the process with a plethora of rules, operating standards, operating instructions, orders, visions and mission statements, all backed up by frequent reports and returns on everything you can think of, often reporting the same thing in different ways to a variety of different people' (Ramsbotham 2001, p43).

As a result of these managerialist changes some at the centre began to see Governors as managers whose role was to manage a 'service unit' and ensure that it met targets, delivered services according to laid-down standards and kept within budget. The then

Director General of the Prison Service was robust in his defence of the introduction of a performance culture:

> 'The year [1999-2000] saw a greater emphasis on firm and effective line management based on the need to deliver on our targets. Detailed monthly meetings between the DDG and area managers closely examined the performance of all their establishments against key performance targets and were followed up with focused line management by area managers of Governors. This process has allowed poor performers to be identified and the issues addressed and dealt with at an early stage' (HM Prison Service 2000c, p28).

> '... I am also looking for further improvements in performance against target ... I want the Service to have a performance culture. I want us to measure ourselves against stretching targets and improve year on year' (Narey 2001, p7).

While it can be argued that the managerialisation of Governors was a necessary 'corollary of the dismantling of the structures of bureau-professionalism' (Clarke *et al.* 1994a, p25) some suspected a more sinister motive. By creating managers out of Governors, it was thought that they could be more easily controlled.

Part six now goes on to look at where these internal and external environmental changes leave the role and work of today's Governors. It considers the generic role and duties that Governors perform, before identifying the prison-specific work that they do. It concludes by discussing the reality of governing in a managerialist environment and seeks to discover whether today's Governors are 'managing' or 'governing'.

PART SIX:
GOVERNING PRISONS

CHAPTER 12:

GENERIC ROLE AND DUTIES

Part six of the thesis explores in detail the various aspects of the role and work of today's Governors. Chapters 12 and 13 use data generated during the interviews with Governors, and information from Governors' job descriptions, to identify the various roles and duties that Governors undertake. Chapter 14 then considers the reality of governing from the individual Governor's perspective and identifies variations between Governors in what they do.

12.1 Defining the Governor's role

Role can be defined as: an actor's part; one's function; what a person or thing is appointed or expected to do (Oxford English Dictionary 1985); the part or character which one undertakes, assumes, or has to play (Shorter Oxford English Dictionary 2002); and a socially expected behaviour pattern usually determined by an individual's status in a particular society (Webster's New Collegiate Dictionary 1973). In short, role is not only about what a Governor does, but also about the patterned expectations attached to the Office of Governor.

> "I see role as a sort of wider and more kind of rounded definition than tasks and duties. Or to put the point another way, I would see tasks and duties being an element, or two elements in a role, but I think role embraces such concepts as status, I mean status in the kind of sociological sense rather than in the lay sense. So I suppose a kind of snappy definition, sort of working definition of role would be the position of the Governor in the totality of the organisation - in this case the Prison Service."

Despite the general consensus on the importance of the Governors' role, there has been little literature that explores what Governors do and the roles that they occupy, as one of the Governors pointed out:

> "There has never been a really deep look at how the role has changed, what the current role is, and what the requirements are in terms of personality attributes, training, skills, and so on. I think, understandably, I think it has just kind of evolved historically."

One author suggested that the Governor's role was as simultaneously a manager, leader, co-ordinator, expert and administrator (Reed 1985). More recently, a review of the Prison Service described the role of Governor as that of:

> 'General manager, but with a significant professional component which relates to managing prisons and managing staff and, most critically, managing the interface between the two ... there is also a political dimension in relation to the wider Prison Service, Ministers and other stakeholders and representing those interests back to the prison' (HM Prison Service 1997a, p99).

An alternative formulation of the role was provided in the second edition of *The Prison Governor:*

> 'The governor must provide both staff and prisoners with strong professional leadership that can enable the establishment and the Service as a whole to deliver objectives set by Ministers... The governor is required to maximise resources to protect the public and reduce crime. The work is accomplished with and through people; therefore, many of the skills needed are those associated with general management. However, the role goes further: the governor must appreciate the political sensitivities and public concerns surrounding prisons and understand the sometimes volatile or fragile nature of prison culture. Occasionally the role requires calmness and courage in the face of violent disorder' (Bryans and Wilson 2000, p31-32).

The present research set out to fill the existing gap in the literature by providing a research-based description of the current role and duties of the Governor in HM Prison Service. The interviews with Governors revealed that they perform generic roles and duties, which managers and leaders in all organisations undertake. In addition, there are a number of prison-specific roles and duties that are unique to the custodial environment. The roles themselves are not easily separable, as there is invariably some overlap between roles and sub-roles within each group. The roles themselves form a *Gestalt* - an integrated whole - which defines the overall gubernatorial role. No role can be pulled out of the framework if the Governors' job is to be left intact. The key elements of each role, as identified by the Governors, are set out below.

12.2 Job descriptions and main duties

The current research set out to identify the Governors' work and determine what duties and tasks must be carried out, regardless of who holds the Office of Governor. This is often referred to as a 'practice description' (Whitemore 1995, p58). Information was gathered about the Governors' key tasks and duties in two ways. Firstly, the Governors of 126 publicly-managed prisons were asked for a copy of their job description and, secondly, the 42 Governors interviewed were asked to describe their main duties and tasks.

The identification of core work using existing job descriptions, and job description questionnaires, has been widely used in management research (a useful summary is provided in Yukl 1994). Such an approach has also been used to identify the major duty areas and tasks completed by prison administrators in the USA (Whitemore 1995). No comparable study of the job descriptions of Governors in HM Prison Service has been undertaken in the past.

A total of 98 job descriptions were received in response to the written request (and follow-up telephone call), which represents an overall response rate of 78 per cent. The quality of the job descriptions submitted varied. A number of descriptions were one-page long, while one stretched to eight pages. Some job descriptions had recently been drafted, whereas one job description had not been updated for 12 years.

The job descriptions received were scanned into a computer and analysed using *NUD*IST* to identify common themes (see section 5.1 above). The job descriptions contained a variety of output descriptions mixed with distinct duties and tasks (processes) that Governors were required to undertake. The most frequently described outputs are shown in Table 23.

Table 23: Main output statements in Governors' job descriptions

Prison management	Ensure the actions of the establishment comply with the policies of ministers and the law Hold prisoners in safe, decent and healthy environment Provide constructive regimes that promote law-abiding behaviour Protect the public Maintain order and discipline Ensure that prisoners are treated fairly and justly
General management	Deliver key performance targets Deliver establishment contract Ensure standards of behaviour conform to PSO/PSI Ensure value for money
Leadership	Provide the vision and direction for the establishment Foster effective public relations
Command	Ensure the successful resolution of incidents

12.3 General management

The notion that Governors have a general management role is not a new one. As early as 1974 the Governor was talked about as a:

> 'permanent official carrying out the function of general manager of a penal establishment who should be managing a number of parallel operational activities, each of which deals with its own operative problems within predetermined guidelines and delegated authority' (Home Office 1974, p65-66).

More recently Governors were exhorted to take on the full role of general manager of establishments and to understand specialist areas, as well as the need to think and plan strategically (HM Prison Service 1994c). Even though Governors were tasked to take on the role of general manager, no clear exposition of what was meant by the term was ever given. This is not surprising given that the literature reflects confusion about what is meant by a general manager and the concept of general management itself.

The literature reveals various descriptions of managerial roles. Scientific management (Taylor 1911) saw managers planning and designing tasks, controlling, monitoring, and supervising. Other management theories have identified management-related roles as planning, organising, co-ordinating, and controlling (Fayol 1949). The role of the general manager was further developed by Drucker (1974) who believed that managers have to be capable of managing the entire company and had, therefore, to be masters of all business disciplines, from finance and operations, to marketing and human resource management. The most widely accepted description was provided by Mintzberg (1973 and 1989), who described the manager's job in terms of various 'roles' or 'organised sets of behaviours' identified with a position. Mintzberg identified the roles as: interpersonal (figurehead, leader, liaison); informational (monitor, disseminator, spokesman); and decisional (entrepreneur, disturbance handler, resource allocator, negotiator). Many of these roles can be seen in the activity of today's Governors.

Governors saw themselves as performing a general manager role:

> "I mean my view, and it's just a personal view, is that the Governor is broadly responsible for carrying out a managerial role, for seeing that arrangements are in place and that systems are in place for these procedures to be carried out properly. I suppose the Governor is like a general manager in any company in that sense."

> "The Governor is the appointed official who runs the prison and I guess that you could call him the general manager. He is responsible and should be accountable for all that happens to the prisoners and the staff that are employed to look after the prisoners in that establishment and, at that level, it's a simple managerial task."

All the job descriptions set out specific general management tasks. These relate to finances, planning, human resources, auditing and monitoring. A number of broad tasks in the job descriptions related to the general achievement of all the establishment functions, for example:

> 'To be in charge of the overall management of the prison, ensuring that the functions of the establishment are fulfilled.'

12.3.1 Finance and resources

Governors made clear that they were responsible for seeking, utilising and maximising resources for the establishment. The challenge for the Governor was to achieve the

KPTs, and to deliver better outcomes, against a background of infinite demands and limited resources. In their 'resource-getter' role Governors lobbied area managers, Headquarters policy groups and external bodies (statutory, private sector and voluntary sector) to obtain routine and project funding.

> "The Governor is the resource getter. So the job is to explain and make sense of this thing in a way that's meaningful and significant enough to enable funding to be secure for the purposes that would make sense in this organisation."

> "I've canvassed Headquarters, I've canvassed area managers. I've bid for this and I've bid for that and I've got visitors down and rammed it down their throats so they go away and try and find us resources."

Having obtained the money Governors indicated that they were responsible for the proper management of the finances and the allocation of resources in support of their priorities.

> "He is responsible under Civil Service terms for the proper financial proprieties, audits and systems to be in place and he is also responsible for insuring when internal auditors visit that any non-compliance is met. There are certain things he has to do a monthly check. He is responsible for the financial planning in terms of conjunction; in terms of how you choose to do it in conjunction with the head of finance, with the accountant, the senior management team in devising internal allocations in terms of devolved budgets how far he wants to go with that."

The financial aspects of a Governor's work were reinforced in the job descriptions, which made particular mention of the need to act with due propriety and to deliver value for money:

> 'As sub-accounting officer to ensure the proper management of the establishment's budget, having due regard to economy, efficiency, effectiveness and propriety.'

12.3.2 Planning

Governors are responsible for drawing up and implementing business and strategic plans for their establishments. This involves looking into the future and bringing together various initiatives, as well as planning the allocation of resources. All of which have to be incorporated into the various plans. The job descriptions described the task as:

'The preparation and implementation of approved strategic and business plans.'

The majority of job descriptions (93 per cent) made reference to the planning elements in the Governors' work. Governors are expected to use a systematic and analytical approach to the development of integrated and consistent operational, organisational and resourcing plans that set the direction in which the establishment should go in the longer term. They also have to set the short and medium term performance and service delivery targets, and prepare the business plans to achieve them. Governors pointed to the planning aspects of their work:

> "The head of custody should be the sort of operational day to day head of the prison. The Governor should be able to step back and to get more involved in policy work for his or her establishment. To actually look and plan and see where it needs to go, where we want it to go and how it's managing at the moment."

> "Increasingly now I think that it is the strategic planning of the establishment... [which is] key to a Governor's work ."

12.3.3 Human resource management

While Governors do not have responsibility for setting pay levels, they are responsible for industrial relations, staffing numbers, recruitment, selection, discipline and training of staff. These aspects were mentioned in 89 per cent of job descriptions:

> 'Maintain proper discipline among staff and ensure there are procedures for occupational health and safety, staff support, grievances, disciplinary action and employee relations, including relationships with trade unions.'

> 'Ensure the efficient and effective use of staff resources and rigorous adherence to equal opportunities.'

Governors dealt personally with the more difficult aspects of personnel management including conducting disciplinary hearings and deciding on appropriate action against poor performers:

> "We have got rid of a fair few staff because they simply have not been performing and we have had to sack a couple for improper relationships. We sacked one for fiddling, two for not performing. And I will always do that myself, I mean the

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> manager will deal with it but at the stage when it gets messy I will always sit with the manager and then I will take over and actually do the really nasty bits."

For many Governors effective personnel management was important because if they looked after their staff, and treated them properly, that would influence the way staff treated prisoners:

> "I have a simple management philosophy which I tell my people when I go to any jail, that it is my job to look after them and their job to look after the prisoners, and I believe if I look after staff and by looking after I don't mean just being kind, I actually mean shoving and pushing sometimes, I use that as a euphemism for the whole range of discipline and control, but caring as well. If I give them a quality service then I can expect and demand that they give a quality service to prisoners."

A number of Governors pointed out that prison staff, and their expectations, were significantly different today, which made the Governor's job more challenging. They suggested that staff: had higher expectations; were less willing to obey orders and instructions; wanted to be consulted more; and were less cohesive as a group. Some speculated that this was because: prison officer staff social clubs had been closed; officers were no longer required to live on prison estates; the background of officers was less homogeneous; and that they were better educated and more highly trained. There is evidence to support this view in that prison staff are more diverse (increased minority ethnic staff and more female officers) and possess a different philosophy about their work and careers than their predecessors (Crawley 2003).

Governors increasingly see creating and nurturing the senior team and ensuring that they adhere to a collective way of working as key to their role:

> "You have to manage a prison through a team and part of the Governor's responsibility is to make sure that each member of that senior team knows and understands what the objectives are, what the team working is all about, understands what cabinet responsibility is all about, which may or may not be about agreeing what has been decided but taking that decision collectively with the Governor overriding it if necessary."

> "I think it's a mistake to believe that any place can actually sit on the shoulders of one person, even a very small place. But I do think that the style of the Governor can actually have an impact on the way the management team operates. One of the things I've done almost from Day 1 ... is to actively work on my relationship with other members of the senior management team and their relationships with one another."

This element of a Governor's work was reflected in 44 per cent of job descriptions.

'Manage the senior team and through them empower all staff to meet the objectives of the establishment'

'To act as team leader of the senior management team.'

Managing, or in most cases responding to, the latest industrial relations crisis with the Prison Officers Association (POA) was a dominant feature in a Governor's work in the 1990s. As a former Chief Inspector of prisons put it: 'Dealing with the POA has taken up far too much of prison governors' time ... and the quality of industrial relations has in too many instances been lamentable' (Ramsbotham 2003, p234). The industrial relations crisis came to a head in 1993 when the Prison Service succeeded in getting an injunction from the High Court to stop the POA from inducing prison officers to breach their contracts of employment. In order to clarify the situation the Government decided to make appropriate provision in the Criminal Justice and Public Order Act (1994) (Wasik and Taylor 1995) to make it unlawful to induce Governors, prison officers and/or prisoner custody officers to withhold their services or commit a breach of discipline.

The industrial relations climate in the Service improved following the implementation of the Act. A new industrial relations procedural agreement with the POA was agreed, which made clear that disagreements should be resolved wherever possible at establishment level (HM Prison Service 1993g). The Governor was given the crucial role in ensuring effective local industrial relations. Governors believed that by the late 1990s they were in a position to more effectively manage relations with the POA:

"The position is so different today on the IR front. I actually feel that I am managing what is going on. Gone are the days of being held to ransom by the local POA... If I want to change something then I can. As you will remember for a long time it was the other way around. The POA could block any change. Now I can change staffing levels, attendance systems and the regime if I think it best for the prison. Yes, there will still be a battle and I will get yet more 'votes of no confidence' but I will eventually get there."

"I still spend a lot of time on POA issues. I meet with the POA chair weekly for informal chats, then have a formal monthly meeting with the full committee. Some of the hotheads still bang the table but at the end of the day they know that I can change things, and the most they can do is delay the changes for a few months."

12.3.4 Audit and monitoring

Governors audit and monitor their establishments as part of their routine duties. To do so they seek information from a variety of sources including reading reports and memos and attending meetings and briefings. Most information gathered is analysed to discover problems and opportunities. These are then fed to the appropriate manager to deal with.

The requirement to audit and monitor was contained in 45 per cent of job descriptions:

> 'Create and implement a self-audit system to ensure the agreed processes and outputs are being delivered in accordance with the relevant legislation, standards, orders, and instructions.'

> 'To monitor and report at monthly intervals on all aspects of the running of the prison.'

Most Governors pointed to the need to do personal monitoring, as well as managing the audit process. In order to do this they emphasised the need for the Governor to conduct observational visits.

> "I think it's fair to say I tried to get out to some part of the prison every day. I even tried, at one stage in my career, to offer to carry out the checklist sheets on a daily basis where I visit and follow up notes I'd made for myself so the next time I visited, I'd mention something from last time and could say 'what did you do about that?' or 'have you done something about that?'. So the visits aren't just a social delight but are actually a piece of work and I think at times, where you might lose sight of that, it is work. You have to check, monitor, congratulate or refuse people."

> "Because of the nature of prison institutions, and the importance of human rights considerations, the importance of being always vigilant to prevent abuse, that I do think it is a very important part of the top person's role to be doing sufficient hands-on work to satisfy himself personally that the rules are being correctly adhered to. And therefore it is not enough simply to have managerial levers and to be able to tap into a computer and say 'Yes all those procedures were properly carried out' It is important that there is visible, personal, hands-on checking."

12.4 Leadership

While much has been written about the concept of leadership in recent years, reaching a consensus about the nature of leadership has proved elusive. Leadership

constantly runs the risk of being all things to all people: a nebulous catchall phrase. One estimate puts the number of leadership definitions at over 400 (Crainer 1996, p4). New leadership theories have replaced the traditional management paradigm of planning, organising and control, with a leadership paradigm of vision, values and empowerment (Pitt 1998). While some authorities see management as a sub-element within leadership (Kotter 1990), others have seen clear differences between managers and leaders in terms of their approach and role (Bennis 1992). The literature now provides lists of: the differences between management and leadership (Bennis 1989, Freeman 1999, Bryans and Walford 1998); traits that leaders exhibit (Stogdill 1948, Kouzes and Posner 1990); contingency models which associate leadership with specific situations (Tannenbaum and Schmidt 1958, Fielder 1967, Hershey and Blanchard 1974); and various styles of leadership (Burns 1978 and Seltzer and Bass 1990).

For the purposes of the current study, leadership is regarded as 'a specialized form of activity, a kind of work or function' (Selznick 1957, p22). It is now generally accepted that leadership relates to deliberate efforts aimed at building and maintaining an organisation. The leader defines what an organisation is about, clarifies the core values and promotes and inculcates those values into the organisation (Terry 1995). In the prison context, leadership has been described in this way:

> 'This leadership approach does not focus solely on such managerial activities as planning, organizing, staffing, directing, coordinating, reporting and budgeting. Institutional leadership goes beyond management. Leadership pertains to the domain of crucial decisions with regard to long-term organizational survival, effectiveness and legitimacy. These are decisions which shape the dominant goals of the organization and define the means by which to achieve them. Leadership is, ultimately, about determining the core values which drive the organisation' (Boin 1998, p212-213).

Prison researchers have started to factor leadership into their analysis (DiIulio 1987, 1989 and 1991, Useem 1990, Cullen *et al.* 1993a, Bryans and Walford 1998, Bryans and Wilson 1998). Findings from recent studies suggest that leadership has an important impact on the functioning and performance of prisons (DiIulio 1987, Wright K. 1994, Boin 1998). In the USA there has been a move to teach leadership

to Wardens. The National Institute of Corrections runs leadership training for new Wardens (National Institute of Corrections 1997, p19-22). The California Department of Corrections has created a Leadership Institute (California Department of Corrections 1997). Various other states have adopted a Correctional Leadership Practices Model (Mactavish 1997).

Nearly all the Governors interviewed as part of the current study spoke of their leadership role.

> "I believe that the key word is leadership. Leadership means to me that there is somebody in charge who is making it very clear what is to be done, which includes persuading people to do what they don't necessarily want to do, but is there - and everyone knows that they're in charge - and they know that, if they have got problems or concerns, there is somebody who will take an interest in them."

It is perhaps not surprising that Governors were keen to speak of leadership in the context of their role, given the emphasis placed by the Prison Service on the importance of leadership in recent years. Many of the reports written about the Prison Service (often in the wake of escapes, riots or industrial relations problems) have suggested that if Governors had demonstrated leadership then the problem would not have occurred in the first place. The Learmont Report, for example, made clear that 'positive and visible leadership must be shown' (Learmont 1995a, recommendation 61). More recently the Prison Service Review noted the 'requirement for a particularly high level of ... leadership skill in the Prison Service' (HM Prison Service 1997a, para. 9.4). The need for the Governor to demonstrate leadership is specified in over half the job descriptions:

> 'To provide effective leadership of staff and prisoners.'

Based on what Governors said in the interviews, their leadership role includes: the representational/figurehead elements of the Governors' work; the part Governors play in creating meaning out of the world around their establishments; and how Governors develop and maintain the vision of the prison.

12.4.1 Figurehead/representation

As a consequence of their formal authority as holder of the Office, Governors are required to undertake figurehead and representative roles. These roles involve the Governor undertaking certain duties inside the prison and in the wider community. Governors are the public face of prisons to the external world. It is Governors who represent establishments in the community, to the media and at official functions with local dignitaries. The job descriptions emphasised that Governors should 'work on the boundaries' and 37 per cent of job descriptions made reference to the need for the Governor:

'To represent the establishment at local and national levels.'

This aspect of their work came up frequently in the interviews with Governors:

"I think the Governor's job is to represent the prison to the world ... speaking on what goes on in the prison to public meetings and to groups and associations and virtually anybody that will invite you, any non-political group that will invite you and generally be the persona of the establishment, the embodiment of the establishment."

Governors are expected increasingly to represent the Prison Service on local criminal justice and other bodies (partnership meetings with National Health Service/Primary Care Trusts, public protection strategy groups, Youth Offending Teams, crime and disorder committees, judges and magistrates training, drug action teams, local criminal justice boards, joint working with probation and voluntary sector groups):

"Trends in regionalisation of government have meant that the prison Governor as a local player has become more significant - if you look towards drug action groups and criminal justice liaison committees, the whole business of bringing together the criminal justice agencies, puts this sort of ambassadorial role, as I call it, representative role much more firmly in the Governor's work."

The Governor also represents his or her establishment to the rest of the Prison Service through attendance at Headquarters and area meetings. Occasionally the Governor may also represent the Prison Service and Home Office in public situations, as in this example given by one Governor:

"There was a public meeting in which the Governor of [a local prison] appeared in the last couple of weeks, because the cameras are overlooking some of the houses in the area. The local MP who is supporting the residents is saying it should not be a prison. The Governor has to be up front to hear what the community are saying, but also, if you like, to represent the Prison Department in all sorts of areas. How many managers of Burger King get called up to presentations at the local University, or to attend the local Cathedral because the local Bishop is being inducted. And I think, I'm using that as a demonstration that the Governor still has status, as much, sometimes, as the Department would not like to accept."

Governors also have figurehead responsibilities within the prison. This involves them participating in rituals and ceremonies such as attending funerals, commemorative ceremonies and making presentations to staff and prisoners:

"I think one of the bits of learning for me ... has been the value that staff put to some of the ritual bits. Somebody said recently ... that as a Governor one of the most important things I do is go to staff funerals, so I think it may sound a slightly odd starting point but I think that the symbolic aspects of the job are not to be ignored."

"The most important thing I do is go to staff funerals. I think that has a resonance. Probably at other points along the way, I would have thought silly bugger, but I think I have probably come to the view that those kinds of things are important."

12.4.2 Interpreting and 'sense-making'

Governors believe that they are the people who have a total overview of their prisons and the place of prisons within the wider framework of the criminal justice system. This brings with it a distinct role – that of interpreting and making sense of the external environment for staff and prisoners.

The objectives and goals of public-sector services tend to be multiple and diverse, vague and intangible and often conflicting (Cressey 1959 and Rainey *et al.* 1976). This is certainly true of the Prison Service, as chapter 2 pointed out. Governors see their role as reconciling, for their staff and prisoners, the conflict between the various penal objectives, political expediency, humanity and expectations of various stakeholders (both inside and outside the establishment), as these quotes indicate:

"We've got an oddity insofar as we've got these organisations which deliver the most serious sanctions against citizens in peacetime on behalf of the state and yet we don't have an agreed clarity about what prisons are about ... I firmly believe that that means that that ambiguity finds its focus in the Governor, because the only person you can really pin the tail on in legalistic terms, in organisational

terms, in public relations terms, in proximity terms, is the Governor and actually the Governor holds that ambiguity. That's the role of the Governor."

"To be the interpreter or sense-maker, of the external change in the outside world, in a way that interprets the meaning and the significance of that establishment. What he is interpreting is the meaning of the establishment in terms of the meaning and significance of the outside world."

Governors also act as the interface between Prison Service Headquarters and their establishment, as 'staff do not see much beyond their Governor' (HM Prison Service 1997a, para. 10.10). As one commentator put it:

'An organizational chart of the interface between a prison and a prison administration looks more or less like an hourglass, with the governor occupying the central position' (Vagg 1994, p110).

Governors are often the most senior Prison Service or Home Office manager with whom many staff will come into contact. One of the Governors' tasks, as a result, is in relation to representing the wider organisation within their establishments:

"I am Headquarters in a sense. As the head of this establishment, I represent Headquarters here. I represent the policy".

This interfacing role involves Governors interpreting information flowing into the establishment and making sense of it for staff:

"The Governor is the interface between the work of prisons - the work as undertaken in outstations or in the branches of the company - and what goes on at Headquarters. So, he is understanding, filtering, gleaning, interpreting policies, procedures, instructions, intentions, aspirations from the centre of the organisation and translating them and trying to make sense of them in the branch, as it were, and vice versa, sending messages back to head office, how people are thinking and feeling and doing in the branch office."

The interpreting role sometimes involves Governors having to reformulate some of the instructions from Headquarters, in order to make them operationally feasible, as in this example given in one interview:

"Interpreting what comes down from Headquarters and trying to work sensibly through it, knowing when actually "God we better do that" and knowing when actually "I think we can reinterpret that"... I mean there is one come down today: 'no other prisoners apart from Muslims must be offered halal meat' I don't think that's what the directors meant. I think they meant that we shouldn't force it on people, but if a non Muslim prisoner wanted to eat lamb halal curry tonight on the pre-order system that was fine. I think that's what they meant to say, they just didn't say it. Because if I turned round to my caterers and say 'tonight folks, you can't give that to them and you can't give that to them and we can't give that

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> to them', they will just throw the towel in. They up there are not dealing with them out there, they issue the edict - I have actually got to interpret that to what I think is the best for [this YOI]."

Governors believe that they have a role in interpreting the work of prisons to the community outside the Prison Service.

> "The Governor's role is to defend, explain, promote, market, sell, the inside world and its sense to the outside world. In the sense that the more he is engaged in that strategic thinking, the more he is able to do both of these roles."

> "Selling [my prison], I think, is an important thing, trying actually to raise the level of awareness of what we are doing outside, certainly inside, but outside in the Service at large, and also outside in the community at large. And I think that is something we are not. We have done well locally, but we could do better."

12.4.3 Vision and direction

Crainer suggests that there is one element that unites past and present conceptions of leadership: a sense of vision (Crainer 1996). Leaders are able to call upon strategic and visionary abilities which will allow a clear view of where the organisation is going and 'communicate that vision in a compelling manner to people both within and outside the company' (Gratton 1989, p513). Kotter suggests that key to this is creating a sense of purpose and direction; generating support for that vision and inspiring people to achieve it (Kotter 1990).

Governors indicated that they contribute this 'strategic vision' aspect of leadership for their prisons and, as strategic leaders, aim to stimulate and sustain the shared acceptance and achievement of the strategic vision:

> "To me the main role is first of all to be the generator and keeper of the vision."

> "The vision, the strategic direction, the selection of that direction and the maintenance of it - that rests with the Governor and cannot be given to anyone else to do. It wouldn't be credible."

Governors need to provide a clear personal vision of what is to be achieved, how it is to be achieved, and communicate that to staff and prisoners.

> "I suppose really it's setting the strategic direction for the prison."

> "Vision sounds a bit grand but that is what it is about. If the Governor does not create the vision and sell it no one else will. I have got to keep at it all the time, over

and over again using every newsletter, staff meeting and walkabout to tell them about where we are going as an establishment and how they contribute to that."

A former Governor described this aspect of a Governor's role in this way:

> 'His job was to present a philosophy, a *modus vivendi*. The governor was not perceived as an administrator or executive, but as a leader in terms of policy, values and goals' (Gadd 1988, p8).

12.5   Incident command

Prisons are institutions that are particularly vulnerable to a range of incidents. The type of person held, and the coercive nature of the environment, will lead, on occasion, to situations that are not routine and which potentially threaten the order or security of the establishment. Once they begin, incidents in prisons can quickly 'spiral out of control' (Boin and Rattray 2004, p54). In order to deal with incidents and prevent them from escalating, Governors must be effective incident commanders (acting in a 'command role') during incidents such as fires, riots, demonstrations, escapes, hostage-taking and rooftop protests.

The notion that 'command' differs from 'management' is now widely accepted (see for example, Brunacini 1985, Keegan 1987). The difference between command in an emergency and routine management has been highlighted in the following way:

> 'Command is predominantly subjective and directive. Management is predominantly objective and consultative. An important subsidiary conclusion is that the application of conventional management techniques can ironically be quite dangerous in an emergency' (Larken 1992 p54).

In referring to their 'command role' Governors spoke of this difference between 'management' and 'command' and highlighted that they needed to be able to shift from one role to the other:

> "When the bells go, you change from running the production line at Fords, with all its problems, and it is very much like that, you move from that into the command role where you've actually got to sit in the chair in the command post."

> "There is the operational role of the Governor. We can function in broad terms in management, in managerial principles but when the phone goes and the security girl

says 'sorry to bother you Governor but there is a slight problem in the yard, 38 of them have refused to come in and seem to have blankets and food with them', you have to change. There is no point in saying at that stage 'who the hell let them in the yard with blankets and food?' So it is a serious incident when it happens, it's the planning and having the contingency plans in operation, and being ready to command the incident there and then."

Incidents are often characterised by: ambiguous and conflicting information; shifting goals; time pressure; dynamic conditions; complex operational team structures and poor communication. The complexity of the command role requires certain command skills, (Flin 1996, p42-44). While many of these individual traits and skills are required in general management, commanding an incident requires a different approach.

"It's like the command - management spectrum. In an emergency - there's not going to be very much flexibility about what they do, and there's not very much debate in certain circumstances. Whereas in normal circumstances you are really discussing something much more openly and long term, then people have very much more space to express their own ideas."

Most Governors accepted that they will have to act in a command role and that moving into a command role is not a concern for them:

"I don't worry about the next incident. I think they're just part of the job that you do. That's what we're experienced at handling. If it comes, you know how to handle it. So, in a sense, you've got confidence. The majority of us as Governors have confidence in our ability, our staff, our planning to handle incidents ... it can be messy at times."

All job descriptions placed great emphasis on the need to prepare for incidents and for the Governor to develop and test contingency plans.

- 'Develop and test comprehensive contingency plans to ensure the successful command and resolution of any serious incident.'

'Command major incidents to ensure maintenance and restoration of control.'

Commentators have also highlighted the importance of having good contingency planning for incidents:

'Effective crisis management thus requires preparation. Unprepared prison organizations allow small incidents to escalate into serious riots' (Boin and Rattray 2004, p55).

In responding to incidents Governors have to make key operational decisions, which range from launching a 'paramilitary' counter attack on riotous prisoners to evacuating a burning prison wing or engaging in protracted negotiations with hostage takers.

"Dealing with incidents is an important part of my work now but was not at my last place. We have a lot of incidents here – the youngsters tend to be more volatile and are unpredictable. I spend a lot of time in the command post. [This YOI] has had the lot recently, roof tops, hostage incidents, passive demos."

"Dispersals have more incidents than other prisons. The staff are good at handling all sorts. The duty governors do most of the incidents, so I only get involved if it is a big one – you know sort of hostages and sit-downs that last a long time. Oh, and I always do the hostage incidents."

The requirement to act in a command role is not, however, unique to the prison Governor. To some extent all managers act in, what Mintzberg calls, a 'disturbance handler' role, in that they all deal with sudden crises that cannot be ignored (Mintzberg 1973). These unforeseen events include strikes, fires and accidents. What tends to make the command role a more significant role for Governors is the frequency with which the events may occur, and the potential risk if those events do occur, as these Governors made clear:

"It's more like the police than it is the manager of Marks and Spencers. Incidents happen all the time and each one could escalate. You need to be ready to cope and how you handle it comes down to your jailcraft. A wrong decision and it could all go belly up very quickly."

"Don't get me wrong, lots of other operational managers have to deal with incidents –you know, like the police, fire brigade, ambulance. So it's not that unique, but it has a different feel inside prisons. I think it has to do with the speed things happen, the potential that they will all join in like at Strangeways and that you need to act very quickly initially to stop it escalating and it is at the beginning when you have least resources."

The next chapter now goes on to look at those aspects of a Governor's role and duties which are organisation specific – that is, are only required of those working in custodial institutions.

CHAPTER 13:

PRISON SPECIFIC ROLE AND DUTIES

The previous chapter outlined a Governor's generic managerial duties and the requirement to act, on occasion, in a command role. This chapter looks at other aspects of a Governor's work - that is, work specific to the prison environment. The current research suggests Governors undertake four main prison-specific areas of activity: maintaining a secure prison; achieving order through effective control; providing positive regimes; and regulating the prison.

13.1 Maintaining a secure prison

Prisons contain people who would rather not be incarcerated and Governors have a duty to 'keep in custody those committed by the court' (HM Prison Service 2003b). Most prisoners accept their sentence and make no attempt to leave before its expiry. Some prisoners are opportunistic and will attempt to escape if they see what they think to be an opportunity to escape. A small minority of prisoners are determined to escape and will make numerous concerted attempts until they have gained their freedom.

Prison security became the central concern of Governors and their managers after a series of high-profile escapes of high-security prisoners in the mid 1990s (see Learmont 1995a and 1995b and Woodcock 1994). Governors were given a clear message that security was paramount and that it was their responsibility to prevent prisoners from escaping (Lewis 1997). As a result, managing security to prevent escapes is a core element of a Governor's job and explicit reference is made to maintaining security in over 90 per cent of job descriptions:

> 'Ensure that high standards of security are achieved'

> 'Ensure the secure custody of prisoners'

> 'Recognise and prevent potential security breaches'

'Maintain an environment for effective dynamic security'

The specific duties and tasks that Governors must undertake in relation to security are set out in some detail in Prison Service Orders and Instructions, and in the Prison Service security manual. In particular, Governors are required to ensure that effective security intelligence systems are in place, that security is regularly reviewed and monitored through a security committee, and that physical and procedural security is maintained. Governors made clear in the interviews that delivering on these areas required a significant effort and took up a considerable amount of their time:

> "I expected a good report on the security because I actually put a lot of work in
> and set up an internal audit team and we went round cracking heads to make sure
> that it was right."

> "I've put a lot of my time and effort into getting security right and following the
> manual."

Governors pointed out that maintaining a secure prison involved: having the right physical security measures (fences, razor wire, perimeter movement detectors, bars, gates); ensuring that effective procedural security measures were in place (searching, surveillance, security intelligence systems, categorisation and assessment, accounting and control systems) and nurturing 'dynamic security'. Governors attached great importance to this concept of dynamic security, which involves 'individualism, relationship and activity ... coming together through the relationship between staff and inmates' (Dunbar 1985, p23):

> "I am a great believer in dynamic security, which I think is far more effective than
> some of the modern technology. For me security is about keeping prisoners
> occupied and staff engaging them in constructive relationships. As you know,
> nothing is secret in such a closed environment as a prison. If prisoners are
> planning to escape someone outside of the circle is bound to know about it. If the
> dynamic security is right, my staff will get to hear about it and we will be able to
> prevent the escape."

Ensuring that prisoners do not escape remains a central, if not *the* central, concern of Governors. It is not a one-off activity but something that permeates a Governor's daily work on an ongoing basis and requires 'constant vigilance, maintenance and improvement' (HM Prison Service 2004b, p20). In order to do this, Governors said

that they had to continually ask themselves various questions: Are the appropriate physical security means in place and functioning? Are there enough cameras? Are they working and do they point in the right direction? Are the locks right? Are there enough fences? Is the procedural security effective? Are staff watching the cameras? Do searches take place and are they thorough? Are gates being locked? Has dynamic security been maintained? Have staff withdrawn to their offices? Do prisoners have enough to occupy their time? Are staff and prisoners communicating?

13.2   Achieving order through effective control

Security and order are inextricably linked, as a disorderly prison creates the potential for a breach in security. A Governor's duty therefore extends to ensuring that order is maintained in the institution, both as a contribution to effective security and to provide a safe environment for staff and prisoners. Over 85 per cent of job descriptions required the Governor to:

> 'create an environment in which order and control in achieved'

> 'ensure the good order of the prison'

Order is taken here to mean the absence of violence, overt conflict or the imminent threat of the chaotic breakdown of social routines (Sparks *et al.* 1996, p119). Governors have been faced, since the introduction of modern prisons, with the fundamental problem of how to prevent disorder. Commentators have suggested that:

> 'The ability to establish and keep control is probably the single make-or-break test of a governor's reputation and may be judged, especially by outsiders, as overriding and rendering invisible his or her other strengths and weaknesses' (West 1997, p34).

> 'The concept of control is at the heart of prison management mentality' (Cullen and Newell 1999, p73).

Despite the appearance of pervasive control, most prisons offer prisoners ample opportunities to misbehave. In 2002-03 the Prison Service recorded: 28 hostage incidents; 26 acts of major concerted indiscipline (including one riot); seven roof

climbs; and 6479 assaults (HM Prison Service 2003b). Governors emphasised the need to ensure order and control in their prisons, as this Governor made clear:

> "It's always struck me as being open to the most major criticism, if the offenders are in a highly unsafe environment, where people are assaulted and scared. I think that's horrendous. That comes back again to my point about control. I don't think you can do any of the good things you want to do unless you have structure and control."

Governors indicated that they adopted a number of broad strategies to achieve well-ordered prisons. The first broad strategy Governors used focused on 'situational control' (Sparks *et al.* 1996 and Wortley 2002). Situational control methods aim to tackle *precipitating factors* that generate control issues and to reduce the *opportunity* for disorder to take place. Situational control can involve 'softening' the environment by removing precipitating factors so that prisoners do not want to cause disorder, for example by: creating pleasant physical surroundings; reducing environmental irritants; provision of good food; division of prisoners into smaller groups; liberalising the regime; and normalising the environment.

Alternatively, it can also involve 'hardening' the environment so that it is more difficult for prisoners to disrupt the order of the prison (reduce opportunity for disorder). For example by monitoring and containing prisoner activities using: observation posts; CCTV; bars; razor wire; improved surveillance; the control of movements using lockable gates; searching of prisoners and cells; and the removal of disruptive prisoners. By tightening control, improving surveillance and strictly enforcing rules and regulations, the aim is to make misbehaviour more difficult, risky or costly.

Governors gave examples of where they had successfully used situational control methods:

> "One of the big problem areas was always the canteen [prisoner shop]. Prisoners would line up and wait their turn, then buy their stuff and take it back to their cells. Well you can imagine what happened. There was a lot of bullying in the queues, prisoners were forced to buy things that they did not want and hand them over to stronger prisoners, or they were mugged on the way back to their cells. Fights were always breaking out. Today, prisoners order their stuff on a shopping list which they hand to staff and their goods are then delivered to their cells. A lot of hassle has been prevented and it is much safer."

"The bloody design of this place is crap - dog legs and blind alleys everywhere. Bullying was going on and staff no-go areas were starting to creep in. There wasn't a lot we could do about the building, so we went for the camera option. This place now looks like something from 'Big Brother', but it worked."

In reality, Governors indicated that they used both 'hard' and 'soft' means of situational control and, as one researcher suggested: 'the issue for prison control … is to find the appropriate balance between these interventions' (Wortley 2002, p219). A Governor put it in this way:

"Let me give you an example of what I mean about which levers to pull. We recently had a problem with the food here - SIRs [security information reports from staff] were telling me that there was going to be trouble, there were lots of CARPS [complaints and request forms from prisoners] about the food and wing staff were reporting that lots of food was being dumped. So we had to take action to prevent the trouble – in this case it meant doing something about the food and at the same time sending messages that we would not put up with trouble. That was about lifting [removing from normal location] the ring leaders and making sure that there were lots of staff around at meal times."

The temporary removal of prisoners (either to a different wing, to the segregation unit or to another prison) was an approach that Governors used to prevent trouble happening or to deal with an existing problem. They pointed out, however, that using this option was only a short term 'fix', that it could only ever be used for small numbers of prisoners, and that at some point the prisoner would need to be reintegrated back into the prison:

"If you walk around the seg like I did this morning you will find a mixed bag of prisoners. Most are under punishment but a few segregated under Rule 43 GOAD [Good Order and Discipline]. They're down there in most cases because of intelligence they're dealing, bullying, about to do [assault] someone or stirring up general trouble about the food or regime or something, and we don't have enough evidence to nick them. But to be honest putting someone in the seg [segregation unit] is easy. The difficult bit is getting them out again. Someone cannot stay down there for ever so we need to work out a way to get them back on normal location."

Governors gave other examples of how they dealt with potential control problems. Examples included regulating situational factors: increasing staff patrols and visibility (formal surveillance); increasing time in cell; only unlocking a few prisoners at a time; limiting the numbers of prisoners permitted to gather in one place; and transferring trouble-makers:

> "When I arrived in this place it was out of control. The prisoners were running the place. Staff were hiding in their offices, there were 'no-go' areas. The place stank of fear. Everyone felt unsafe. There was violence, intimidation, bullying, no-go areas, taxing [prisoners demanding goods from other prisoners]... I called a staff meeting and told them that we were going to sort the place out together. It was a slow process but we got there in the end. It took about six months, I suppose...To begin with we did controlled unlocking [only letting a small number of prisoners out of their cells at any one time], searched the whole place, and I was pretty tough on adjudications. As staff got more confident I relaxed things a bit and we took things from there."

The second broad strategy Governors used is based on social controls. This approach involves attempts at socialisation and strengthening social relations: having the right balance of prisoners; changing prisoner culture; attempts at consultation and participation with prisoners; strengthening relationships; ensuring that the exercise of power was seen as legitimate by most prisoners most of the time; and developing mutual trust. A number of commentators have highlighted the need to get the 'right' relationship between staff and prisoners in order to negotiate the peaceful operation of a prison (see, in particular, Liebling and Price 2001). This mirrors the official position that 'relations between staff and prisoners are at the heart of the prison system and that control and security flow from getting that relationship right' (Home Office 1984b, para. 16).

The challenge for Governors is to decide what is the 'right' relationship within their prison and how to develop and sustain those relationships. Governors emphasised the importance of getting the right staff-prisoner relations:

> "For me keeping order is about relationships and dynamic security. In my experience there is less violence, less bullying and it's a whole lot safer where there is a healthy relationship between staff and prisoners. My job is to make sure the relationships are right."

> "Well, prison officers are the primary relationship in any prison. How prison officers interact and relate to prisoners is the primary relationship. My role as Governor has to be to ensure that that relationship is as positive and appropriate as possible."

Governors also pointed to the advantages of being able to use other social control means such as rewards and punishments to manage prisoners' behaviour:

> "IEP [Incentives and Earned Privileges scheme] was one of the best things to have happened in the Prison Service in my career. There is a clear set of carrots and sticks or should I say costs and benefits in management speak. They are applied

> more or less the same across prisons and prisoners know where they are with it. You know - if you behave then you get a TV. If you don't you lose it."

Few Governors spoke of the role of prisoners in achieving order. The use of prisoners in positions of authority over their peers, or using prisoners to control other prisoners, breaches a number of international and Prison Service policies. One Governor did however give an example of the informal use of prisoners to 'police' other prisoners:

> "The days of writing the name of a noisy prisoner on the wing board and letting the rest of the prisoners sort him out the next morning are hopefully long gone. But I would be lying to you if I said officers do not use prisoners to police other prisoners. I came across it the other day on B wing – they were having a problem with stuff being thrown out of the windows and I was giving the wing PO [principal officer] grief about the mess. The next thing I heard was that the SO [senior officer] made the wing 'heavies' go outside in the rain and clear it up. Litter soon stopped being chucked out."

To some extent Governors were able to choose which elements of control to adopt. However their choice is often constrained by factors such as the architecture and function of the prison. For example, the high turnover of prisoners in old local prisons makes it more difficult for staff to use 'social' control methods by establishing positive relationships. More recent prison designs keep prisoners in smaller groups and bring officers into contact with them, thereby emphasising 'social' control methods:

> "The advantage of this place is that it's new. The units are small and self-contained which helps with control but that also means that my staff get to know the prisoners better. Staff felt a bit isolated to begin with but since we put the cameras in that's not such a big issue. But as I told you earlier, I'm not a great believer in cameras and all this modern technology. For me it's more about dynamic security and relationships than it's about cameras and geophones."

In addition to the physical environment, Governors pointed out that funding was often not available to introduce situational control measures, such as CCTV or to make structural changes.

Governors emphasised that maintaining order is not a one-off event but something that they had to continually focus on:

"It's something which we have to keep on top of all the time. It's not something you achieve and then forget about. You can lose control in the blink of an eye unless you keep at it. You need systems and routines but most of all you need good intelligence so that you can nip things in the bud... If your intelligence is good you know in advance that there is going to be a demo or protest or escape attempt and then you can prevent it."

In order to identify potential control problems before they develop into disorder, Governors used a variety of means to monitor the stability of their prisons:

"In my last place there was a sticky period when I could see that things were not right. We were starting to lose control of the place after an overcrowding draft of scousers came in. There were some of the usual signs: increase in adjudications, more request-complaints than normal, people banging themselves up rather than going on association, staff and cons staying in groups, high levels on sick parade, increase in requests for Rule 43 [administrative segregation]. All these told me that things were not right."

Governors made clear that order is undermined where prisoners have the *inclination* to misbehave (caused by poor conditions, perceived unfairness or lack of justice, lack of legitimacy, change in regime, variation to the 'normal' relationships between staff and prisoners), and where prisoners have the *ability* to misbehave (administrative breakdown in operation of the prison, lack of effective situational control, weak contingency and incident management arrangements). The Governor is able to have a significant influence both on prisoners' *inclination* and on their *ability* to contravene the 'routine expectancies' (Young 1987) of everyday life in prison. In exercising that influence, Governors make a series of moral decisions and policy choices, because 'more than one version of sustainable 'order' has been shown to be possible' (Sparks *et al.* 1996, p320).

13. 3 Providing positive regimes

One element in providing legitimacy and a well-ordered prison is through the provision of positive regimes. A Governor used this metaphor to describe the balance between security and regimes:

"I often think back to a metaphor I read about in which prison is compared to a car. You have got to keep people in when the car is moving for their safety, and the safety of the general public. But the purpose of a car is to get people to a particular destination. Destinations will vary but progressive movement is what they are about. I like that metaphor because it is a constant reminder that prisons

should be about taking people forward, but in a safe and secure manner, according to the rules."

Despite the widespread use of the term, 'regime' is a complex and rather abstract concept and in its broadest sense can refer to almost any aspect of imprisonment affecting the prisoner's life (Wortley 2002). The term regime is used here to refer to the provision of core requirements (food, accommodation etc), as well as employment, education, leisure and offending behaviour programmes.

A number of job descriptions (46 per cent) referred to the Governors' responsibility in relation to creating and maintaining regimes for prisoners:

> 'Provide constructive regimes for prisoners that reduce re-offending by improving basic literacy, numeracy and work skills, providing programmes that address offending behaviour and reducing drug misuse.'

> 'Develop and implement a constructive regime which ensures that (a) care with humanity is provided for prisoners, (b) the weakest prisoners feel safe, (c) all prisoners are treated with respect as individuals, (d) prisoners address the causes of their offending behaviour and (e) prisoners are provided with educational opportunities.'

Governors highlighted the need to get the core elements of the regime right – the accommodation, food, clothing, canteen and visits:

> "I always give the example of a hotel and what you have to do to keep the customers happy. It's the same for us – it's about hot meals, clean laundry and something to do. All right, it's a bit more complicated than that but I still maintain that if we get the food, laundry, canteen, visits and association right, 99.9 per cent of prisoners will cause no problems."

In addition to these core elements, Governors emphasised the need to provide a constructive, purposeful and balanced regime if prisons were to be more than just 'human warehouses':

> "Governors will be working actively to create a regime which, as far as it can, depending on the type of prison we're dealing with, will be varied, interesting, constructive and would be a regime which gives them something that they can use to move them towards release or to help them to recover their lives and operate effectively when they're released."

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> "You have got to provide some sort of meaningful regime. You have got to manipulate the money and get the people to provide it, both the hours out of cell and things for them to do when they are out."

Governors are often regarded by staff as the regime 'innovator', who seek to introduce new ideas:

> "I was told that I must be the man who would do midnight cricket. And when I said 'Why would I do midnight cricket?', the Principal Officer said 'We've had everything else. There's only midnight cricket left.' And the idea was that the Governor was there to invent new ways of helping young people or prisoners move along."

Governors highlighted some of the problems that they faced in providing positive regimes, including: budget constraints and limited funding; a lack of space in which to run the activities; more prisoners than regime activity places; a shortage of prison officers to escort and monitor prisoners; insufficient trained staff to run offending behaviour programmes; and cultural resistance from some prison officers to the introduction of programmes. One Governor put it in this way:

> "I really do wish that I could develop the regime here. I find it depressing to wander around and find that prisoners are locked in their cells all day. It is so wasteful and not good for the health of the establishment... I have tried to bring in new things but it is a constant uphill struggle trying to get resources from area office, battling with the POA over manning levels and also some prisoners would rather stay in their cells and do nothing."

13.4 Regulating the prison

A common theme emerging from all the interviews was that a key role for the Governor was ensuring that prisoners and staff viewed the operation of the prison as being legitimate, just and fair; and that the security, order and regime were held in balance. Governors used a number of terms to describe this aspect of their role - 'balancing', 'mediating', 'harmonising' and 'shaping' - but the most frequently used term was 'regulating'. They referred to it as the 'professional part' of their job and as being specific to the prison environment:

> "I still subscribe to the notion of the Governor who is regulating - the governor is regulator, leave aside your innovation, leave aside planning whatever - just regulating relationships, group dynamics, planning whatever. Regulating dangerous individuals, trying keeping a healthy community where people have

> "confidence, largely anyway, that they are being treated fairly, decently and even in reasonably safe conditions."

> "I think any Governor, any person who has governed a prison, will immediately know that managing the ever-present tensions takes up a lot of their working day."

> "The reality is that I see the Governor as the buffer. The Governor has to weave between all functions. He has to mediate between all functions."

One of the main ways that Governors regulate the operation of a prison is through the decisions they reach. These decisions enable Governors to send clear messages to staff and prisoners:

> "I suppose you'd call them balancing acts, and we like to talk in management terms of prioritising, of competing demands and we've got plenty of those. But I'd much rather use the image of balancing acts, of taking decisions around whose interests are served in this area, which decisions would give benefit to which clientele, who should have priority in that situation."

This chapter now goes on to look at the different ways that Governors regulate their prisons and achieve the desired balance between the competing elements.

13.4.1 Balancing security, order and regime

It has been pointed out that 'like virtually all conceptualisations of social relations, order is a matter of degree' (Wrong 1994, p9). Governors indicated that they could achieve security and order through excessive control but that to do so would make their prisons punitive, restrictive, oppressive and over-controlled. They pointed out that oppressive confinement and repressive brutality and intimidation had no place in a modern prison system. One Governor gave this example:

> "What people forget is that morality and human rights and what is acceptable today will have an impact on what the prison is like. Take two examples, drugs and keeping control. If there was no personal contact on visits and no temporary release there would be very few drugs inside but that is not acceptable. If I kept everyone locked up with no association and no work, I would have no problems keeping order, but today that is not acceptable. It used to be, but not today."

They also recognised the danger in deliberately provoking tensions through employing 'excessively repressive measures' (Useem and Kimball 1989). As one commentator put it:

'Control measures that are perceived as unnecessarily manipulative, those that incite frustration and anger and those that do not show respect for human dignity run the risk of encouraging disorder rather than controlling it' (Wortley 2002, p222).

None of the Governors advocated the maintenance of order through strict enforcement of rules alone. This is in contrast to the view of some commentators who argue for high levels of control and rule enforcement:

'... prisons that are organized along bureaucratic, even paramilitary, lines and operated strictly "by the book" will have less violence than those that are organized and run more loosely' (DiIulio 1987).

Governors have to decide for themselves where the balance should rest:

"I think your aim as Governor, always, is to have a stable, consistent, lawful prison and that means you spend a lot of time trying to balance the three elements of security, custody and care and constantly trying to make sure that one doesn't impinge on the others to such a great extent that it destabilizes."

Other Governors used an example of where security and regime came into conflict as an area in which they could influence the balance within their institution:

"The POA said that officers had to be able to walk into the [sex offender] programme rooms now and then to ensure that no potential threats to security existed. The psychologists said that any interruptions would impact on group dynamic and confidentiality. They all came to me to argue the point. I had to decide and knew whatever I decided would send a clear message on how I saw the prison going in the future."

13.4.2 Ensuring legitimacy, justice and fairness

There was a commonly held understanding amongst Governors that most prisoners have a precise sense of what they can and cannot legitimately expect from life inside and it is only when this 'legitimate expectation' is met that order and safety can result. Commentators support this view and indicate that most prisoners accept life in prison if they regard the way that they are treated as being legitimate, fair and just:

'If prisoners perceive that – in their opinions – the community they live in *is* just, in the sense that wrongdoers are apprehended, good conduct acknowledged and those in authority mete out impartial and

fair treatment, most will agree to conform to prison rules without too much complaint' (West 1997, p111).

Regulating the prison in such a way as to deliver these elements was a central theme in good governance, according to Governors. In the absence of this sense of a "just" community, not only would the rights of prisoners be gravely undermined but also the security of the prison and safety of staff and prisoners would be put at risk.

In reality prisons differ to a 'significant extent' in values such as respect, humanity, relationships, trust, fairness, order, well-being and decency' (Liebling and Arnold 2002, p5). The challenge for Governors is to regulate their institutions in such a way that they ensure that these positive values are embedded in the culture, and are adhered to by both staff and prisoners. Ensuring that the operation of the prison is seen as being legitimate is far from easy when:

> 'every instance of brutality, every casual racist joke and demeaning remark, every ignored petition, every unwarranted bureaucratic delay, every inedible meal, every arbitrary decision to segregate or transfer without giving clear and well founded reasons, every petty miscarriage of justice, every futile and inactive period of time – is delegitimating' (Sparks and Bottoms 1995, p60).

Governors have to be seen to be acting legitimately (in terms of formal rules) at all times, and in ways that demonstrate fairness and provide meaningful rationales for the exercise of their power. This was particularly the case when conducting adjudications:

> "People are looking for clues, staff and prisoners are looking for clues about how the prison is being run, what is important, what is not important, what is acceptable, not acceptable. It is a simple mechanism for gauging what is important and what is not in prison is adjudications, and that is at several levels in respect of managing the prison."

> "The importance I attach to adjudications, because that is the one central activity in a Governor's life where there is a public statement that the Governor is able to make about the standards, the values that he or she will expect of all the parties in the community. And that is actually speaking publicly to the institution. I mean that is a very interesting opportunity to do that and also a formal opportunity for the process of reparation to be seen to be taking place actually."

Prison officers possess a considerable degree of discretion in carrying out their job (Hawkins 1976, Fleisher 1989, Earley 1993, Liebling and Price 2001, Conover 2001). Lipsky, in his study of 'street-level' bureaucrats, concluded that the field of corrections was 'perhaps the most highly-refined example of street-level discretion' (Lipsky 1980, p13). In the absence of detailed and unambiguous directions, a prison officer is confronted on a daily basis with 'numerous dilemmas' (Sykes 1958, p130, and Morris and Morris 1963, p209). These dilemmas surround the interpretation of rules and regulations: whether a prisoner should be put on a disciplinary charge; what is appropriate behaviour; what is a reasonable amount of property in a cell; who to unlock from a cell first; who can have a shower when.

Governors indicated that they needed to ensure that the behaviour of their officers was appropriate. This involved Governors having to prevent: unnecessary adjudications; undue searches; inconsistent treatment; staff picking on particular prisoners; varying access to gym, canteen, showers and time out of cell. Governors need to stop prisoners being humiliated or feeling powerless, as well as ensuring that abuse does not take place and prisoners are not subjected to mind games and 'wind-ups' by staff. A Governor gave this example:

> "However good the regime and conditions, if officers are abusing prisoners there
> will be trouble. I don't mean by that physically abusing prisoners, but in the way
> officers talk to prisoners and respond to their requests, the way they deliver the
> mail, what they say when unlocking in the morning and when locking up at night."

Governors are able to limit the discretionary room of their prison officers by resolving dilemmas that officers have to cope with. They are able to do this by designing detailed rules, regulations and routines that help to clarify what is expected in specific circumstances (Etzioni 1965). In addition, Governors can seek to influence how officers use their discretion by creating an 'interpretative framework' for dealing with day-to-day issues which arise in the officers' encounters with prisoners, and by establishing clear standards and expectations, as these Governors make clear:

> "The Governor's job is to set the tone and pace of the establishment is the way in
> which I always describe it. I think the tone is about all the concepts that I would
> want to see in a well-run prison. The tone is about things like inside justice. The

tone is about dignity, the way in which we treat each other, not just the way we treat the prisoners but the way in which we treat each other as staff."

"I think that one of the most important things that a Governor does, much more important than being a good finance manager, being a good personnel manager ... is set a moral standard for the establishment. He dictates the way the prisoners are treated."

Regulating the interface between uniformed staff and prisoners is made the more complicated because of the imbalance of power between them, the nature of a closed institution and the often-conflicting values and beliefs. Governors spoke of having to balance the interests, expectations, demands and perceptions of these various groups within their prisons:

"The all important thing to me is for the Governor to make sure that he actually has the balance between the managers, the staff, and the prisoners absolutely right, so that the prisoners feel safe and are satisfied that we are giving them a fair deal, the staff feel safe and feel that they are having a good deal and the managers therefore actually also feel safe because we are a stable environment without too much problem."

"It is the bit about almost the sibling rivalry that takes place between staff and prisoners all the time in a prison. You spend your first fortnight or whatever on induction. You go round everyone. People will say to you in different ways, but I guarantee you it will come up time and time again, a question which is fundamentally this question 'Are you for the staff or are you for the prisoners?'. And that for me says it all because it assumes that in a sense you are for the one or the other. And my point always, obviously is that you are for both. It is actually a very hard message to get across in terms of what you say, but more important, what you do. And the really good Governors are the ones for whom in a sense it is self-evident to the staff and the prisoners that they are for both, and you can see it."

The differing perspectives of staff and prisoners becomes most explicit when staff safety is perceived as being at risk:

"It has happened to me a few times. A prisoner has assaulted a member of staff and the staff have moved the prisoner to the seg. At what point do I let him up. The staff want to keep him down there, the prisoner has done his time in CC [cellular confinement]. Everyone - the staff and the cons - are watching to see what you will do. You've got to balance lots of things in deciding what to do."

Governors saw the way in which prisoners' complaints were dealt with as being particularly important. Governors differentiated between complaints from one individual and a collective grievance shared by the larger prison population. They accepted that individuals would invariably complain about how they had been treated by the system but that these were manageable in the routine course of events.

Governors took a greater personal interest in collective grievances by groups of prisoners as these often had some legitimate basis:

> "There will always be individuals who have personal gripes – whether it's about parole, not wanting to work, the result of an adjudication, or some such. But most prisoners will just get on with things. Where it goes wrong is if there is a cause that lots of them share or can identify with. You know, if the food is crap day after day or association keeps getting cancelled or if they think someone has been assaulted in the block. If that happens then I do take an interest and make sure we do something."

> "I don't get concerned about the odd cell barricade or dirty protest but I do if things involve a group of prisoners. If there are lots of complaints about the food or a number of prisoners moan about the way a governor grade does adjudications that's a different matter. Collective grievances can be a big problem."

While there will always be a danger that officers perceive that a Governor is appeasing prisoners by 'giving in' to their demands, Governors indicated that they had always to bear in mind the importance of achieving and maintaining legitimacy:

> "I need to always bear in mind the bigger picture even if it does make me unpopular with staff sometimes. What they forget is that prisoners are often right about things – take for example something that happened a few weeks ago. There has been a problem with the laundry and getting clean kit to the wings on time. We should have sorted it but for whatever reason we let it slip. The prisoners on B wing decided to refuse to go away [return to their cells] until they got clean kit. I went and talked to them and agreed with the points that they were making and said that we would sort it out. For me that was about doing what was right but some of the officers thought that I had given in to their demands and showed weakness."

One of the most sensitive areas is how a Governor deals with an allegation against a member of staff. All eyes in the prison focus on the Governor and watch to see what the Governor does with the complaint:

> "If one of the prisoners makes an allegation, what do you do? Do you suspend the officer, call the police, get someone to investigate, see the prisoner? It is not easy and probably has caused me most anguish since I came here. It sends messages, whatever you do sends messages out there. All sorts of things go through your mind. If the prisoners think you are doing nothing they will kick off. If you suspend the officer the POA will storm in and there may be a vote of no confidence. As you know, I'm not joking. My last Governor had a demo in the yard because the prisoners thought someone had been hit and the Governor was doing nothing about it. You've got to balance things, try and do what you think is right and stick with it. I've suspended a few staff since I've been here – there was a culture that it was OK to clip the lads around the ear. They now know that I will not put up with that crap."

The need for reasoned explanations and just and fair procedures have long been held to be important prerequisites of a legitimate institution:

> "What do you do if someone is being moved, for instance, in enhanced status from one prison to your own prison? Do you put them into enhanced status or do you start them off as standard? Does it depend whether or not it is a so-called improvement, betterment move to your establishment? Or does it depend whether or not it was a sort of punishment move? You wrestle with that and you reach a conclusion that you think is right and just. Whatever you decide though I believe that you need to take time and explain your decision to the prisoner and also to the staff."

> "Whether you let someone go on HDC [temporary release on Home Detention Curfew] is a matter for you but you must be prepared to justify the decision. Prisoners are usually quite reasonable if you take the trouble to explain the basis of your decision. Of course there will always be a few who want to take your head off but most just want someone to explain the thinking to them."

13.4.3 Personal example and role modelling

Governors also regulated their establishments by maintaining a high profile and by acting as a role model. This approach has been noted in other prison studies:

> 'visibility was one way in which the Governor modelled relationships and influenced the bigger picture' (Liebling and Price 2001, p35).

Governors believe that they are seen as the embodiment of what the establishment stands for and that staff and prisoners mirror their behaviour and approach:

> "... people actually trust what you do, not what you say or what's written down in the policy ... and if your examples are bad, then it makes it very difficult for people to give of their best. And it encourages people who might want to behave in an inappropriate way to do exactly that. Similarly the converse is true, if the example is good, then it will encourage people who would want to follow that example to be able to do it. And it discourages people from doing the opposite."

This view is supported by the findings of a study of staff/prisoner relationships that found that:

> 'the Governor appears to have been an icon for officers, a symbol of the cultural values of the prison' (Leonard 1999, p72-73).

Governors spoke of the need to establish a physical presence in their prisons. This aspect of the work involves more than visiting areas of the prison to do auditing and

monitoring. It was about finding out what was going on and ensuring that standards were being upheld:

"I said clearly that everyday I'm in the prison I have to go on the landings. No ifs, no buts. I don't care who's visiting. I don't care what meetings are on - I have to be visible. The primary function of a Governor is about being visible... I walk round everywhere at least once, maybe twice, once in the morning and once in the afternoon, and aim to be at the hotplate. I will know then that I will see every prisoner at [this small category C prison] because I will be there and they will walk past me. I just think that's the real, first practical element at looking at being a governing Governor... It allows you to set the tone, allows people to see you, allows you to gauge the feeling about the place, allows you to set proper standards, allows staff to see that you'll go where they may think it's difficult, and that's just a basic fundamental of governing. You cannot govern an establishment from behind a desk. "

"Ideally I would spend more time than I do walking around but in truth I actually do manage to talk to people. It's listening and pulling together the pieces. It's thinking laterally in terms of information gathering, that something that an inmate says to you in A block may actually link to something that you picked up from a member of staff at the gate. It is making those connections and following through and thinking, well is that the case, and then testing that and testing out what is happening, asking awkward questions occasionally... It's about being sensitive to what you see and hear and feel and it is that sensitivity that allows you to know what is going on. You can influence things so that they change. If A block feels tense you can say to the PO [principal officer] what is going on and move someone if an individual is the problem. Or it may be that food is always cold when it gets there or an officer is stepping out of line. You pick things up and then do things about it."

Maintaining a high profile also enabled governors to talk to staff and send messages about their standards and beliefs:

"I think it's very important that you are seen round the prison, that people know what your views are ... staff should be aware of what the Governor is, or what his views are, what his standards are, and what sort of formal and informal measures, or should I say informal sanctions, are acceptable."

An earlier study highlighted the impact that Governors could have whilst walking about their establishment:

'Governors were closely watched when they came on a wing and talked to officers and prisoners. Their conversation topics, their ability to listen, the ways they interacted...would be closely observed by staff and prisoners. In this sense, Governors could 'lead the way', though they recognised the difficulties of such role-modelling' (Liebling and Price 2001, p38).

The amount that a Governor interacts with prisoners, the manner of the interaction and the language used, all send messages about how the Governor sees the community behaving:

> "The fact is people do as you do. That the role model that you portray is very important. And that is delivered personally by the individual who is in charge."

> "As a Governor you have to have energy, enthusiasm, commitment, standards, values and to clearly articulate, communicate and reinforce those throughout the whole of your day. You are what you are seen to do, not what you are heard to say."

> "Someone once described, very accurately in my view, the Governor's role as being someone who is on stage, somewhat of a performer. From the moment he walks in the gate, he is under constant focus from his staff who watch very closely his reactions to certain things and I think that's right. Governors generally ... are frequently tested to gauge their reaction to see what they will tolerate."

Walking around the prison allows Governors to communicate key messages but it also brings with it a potential danger. Governors do have to be wary of what they say and do as their actions and words can be misinterpreted, as one Governor recollected:

> "Everything you do as Governor sends messages about where the line should be drawn. They all look to you for a signal about what will be tolerated and what won't. You've got to be very careful about what you do and say and what decisions you take. An off the cuff remark can have a major impact. I remember the time I told my security PO [principal officer] that one workshop did not have good tool security because of the windows. The next thing I knew the works were boarding up the windows. It didn't matter that it had been like it for years. The Governor had said something so it needed sorting. Didn't matter about the poor sods in the workshop having to work without natural light!"

13.4.4 Managing risk

Many of these regulating functions can be described in today's vocabulary as manifestations of 'risk management'. Governors have to identify risks, assess those risks and then decide what level of risk is acceptable, on a daily basis. These risks can be either 'high consequence risks' (Giddens 1990, p131) such as the potential for escape, riots, or major disturbances, or more 'routine risks', including suicide and self-harm, HIV/AIDS transmission, arbitrary or oppressive treatment, temporary release, and work allocation. Governors gave these examples of where balancing risks became critical:

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"Let me give you a recent example of what I mean by the delicate balance. I got kosher security info that there was a knife on the wing. So what do you do? One answer is to target who we think has got it and shove him in the seg. Fine but he's unlikely to keep the blade in his cell and someone else may get their hands on it, so we would have to wait for more intelligence. Or do you bang up the entire wing till it's found and manage the reaction from the lads when they finally get unlocked? Or do nothing and wait for it to be used? There are lots of other ways to manage that situation as you know but that gives you an idea of the sort of decisions we have to take... It's about risk assessment to use the modern jargon... You use your experience, advice from others and often a gut feeling for what is the right thing to do."

"The doctor told me the other day that a red band [trusted prisoner who is given a responsible job] in the kitchen was HIV positive. You then have to think it through, the risks, and the possible consequences. Do you leave him there or do you move him?"

13.5 Understanding prisons and prisoners – 'jailcraft'.

Underpinning all aspects of a Governor's work is the need for the Governor to understand: how prisons work; how the different aspects of a prison are intertwined; how a decision about one issue will have implications in another; and how the differing stakeholder groups will perceive decisions. This is what Governors call 'jailcraft'. Many Governors in the study highlighted its importance:

"I view jailcraft as knowing the ins and outs of a prison. Of being able to walk in all lines of that prison. Of being able to move up and move down at a whim, depending on who you are talking to. Of being able to gauge the atmosphere within a prison, not just gauging the atmosphere of whether there's tension, but gauging the actual atmosphere when you are talking to an inmate. The vibes coming from that inmate. Knowing what you can say and what you can't say. Knowing how you should bring him down. Knowing that if you say the wrong thing it is going to bring him up. That is jailcraft."

"There are times and situations where you have to recognize that prisoners as a group can behave in ways and respond in ways that would not apply to other groups of people. I remember an occasion when Douglas Hurd came to [a category B training prison] and I was doing the kind of walk around and he went on to the exercise yard when exercise was happening and gradually prisoners started to realise who it was and there was a certain amount of jeering and barracking. Now Douglas Hurd was a very experienced politician, ascribed no significance to that, because he'd stood in front of groups of people, you know, on the hustings. My reaction was, I think we'd better move now because the jailcraft bit was saying, in that situation that reaction can easily become more and more volatile to the point where it tips over into disorder... that is one of the ways in which dealing with prisoners has a different dimension and it's a dimension that people who haven't served our apprenticeship would probably not really grasp until it came up and bit them on the bum."

The next chapter now goes on to look in more detail at the reality of governing from the perspective of the individual Governor and the factors that influence how they govern.

CHAPTER 14:

THE REALITY OF GOVERNING

The previous two chapters took a macroscopic approach to identifying what Governors do. They emphasised what was common to all Governors – a generic description of the work of Governors as a class. This chapter considers the reality of governing from the individual Governor's perspective. It focuses on variations between Governors in what they do and how they do it, as well as exploring what has an impact on individual Governors' ability to achieve what they set out to do in prisons. Some of those factors are to with the individual Governor, such as personal style and approach, time in post, and experience of governing. Other factors are more to do with specific institutions within which they work, the stakeholders in those prisons and line management. Governors also indicated that occupational stress, support mechanisms, ethics and values had an impact on their work.

14.1 Stakeholder power and impact

Earlier chapters pointed out that the days of the prison fiefdom are long gone and Governors are now no longer free to do things according to whim. What the Governor is able to achieve today is dependent on a complex network of power-relations between stakeholders. These stakeholders include: prison staff; Prison Officers Association (POA); prisoners; administrators at Prison Service Headquarters; area managers; politicians; pressure groups; and the public. As one study pointed out:

> '... although the governor is in overall charge of the institution and
> its various parts, he or she must satisfy a number of masters over a
> wide range of issues' (Vagg 1994, p110).

These stakeholders confront one another as actors in a dynamic play of conflict, compromise, and mutual influence, what Giddens terms the 'dialectic of control in social systems' (Giddens 1984, p16). The situation has been described in the following way:

'Power is not untrammelled, and governors are routinely in negotiation with others – uniformed staff, central administration, prisoners, Boards of Visitors, and so on' (Sparks *et al.* 1996, p136).

In reality, a Governor's ability to deliver will depend on the relative power of stakeholders and their willingness to use that power to enact or subvert the Governor's plans and activities.

The relationship between Governors and the centre (Headquarters and its 'field' representative, the area manager) is a complex, and sometimes tense one. In the past, Governors were in a position in which they were either unable, or unwilling, to comply with centrally prescribed policies. They were able to ignore, manipulate or interpret policy directives. Governors have 'implementation discretion', like all operational senior managers, which allows them to develop courses of action that contradict or violate central policy prescriptions (Ingram 1990 and Winter 1990). 'Implementation discretion' arises because of the limitations of central policy making, in that central policy makers do not have sufficient operational knowledge to define in minute terms all aspects for the implementation of a policy, nor do they have the ability to control all aspects of the actual behaviour of Governors. Operational realities, and the need to deal with the contradictions that present themselves in Governors' daily work, are not easily reconciled with central prescription.

It became clear during the interviews that some Governors also fail to comprehend the values, perceptions and approach of administrators at Prison Service Headquarters – what Hill (1979, p145) refers to as the 'appreciative gap'. This 'appreciative gap' allows Governors to say that central policy makers do not know what they are talking about because of their lack of operational experience and, as a consequence, Governors should be able to legitimately ignore or redefine instructions:

"There are too many civil servants working at Prison Service Headquarters who have no idea of what life is like at the coal face. They've never worked or even visited a prison and don't know that there's a very different culture in prisons compared to Headquarters."

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"I get really pissed off when some spotty youth at Headquarters tries to tell me what to do in some policy document. His brain may well be the size of a planet but I doubt he knows what a prisoner looks like."

The issue was highlighted by the Woolf Inquiry:

'What is heard in establishments is that headquarters, who are regarded overwhelmingly as being administrators without practical experience, [are] telling very experienced governors and staff how to do their jobs which they have been doing for most of their working lives' (Woolf and Tumim 1991, para. 12.69).

It has been suggested that central administrators and field managers work in 'different worlds' (Dunsire 1978 and Sabatier and Mazmanian 1983) and that their relationship can be described as a 'struggle for power and domination' (Adler and Longhurst 1994, p27). A former Director General put it is this way:

'... Whitmore [Home Office permanent secretary] was dismissive of prison governors, who were allegedly so incompetent that 2,000 people in Prison Service headquarters, including 'sound' civil servants, were needed to keep them in order' (Lewis 1997, p6).

The operations/policy divide has much to do with the varying cultures, experiences and claims to expertise between Governors and Prison Service administrators. The policy civil servants at Headquarters have tended to adopt a paper-based management approach, where direction has been exercised through written prescription and by control of the inputs. Governors on the other hand lay claim to the 'real world', lead from example, derive their expertise from operational decision-making and have spent a considerable amount of time working in prisons. A former Governor described the difference between Governors and civil service mandarins:

'Governors see their own professional skills as managing prisons, whereas mandarins merely manage paper. The mandarin, in turn, sees the governor as something of a thicko who may be good at the locks, bolts and bars but, even if he or she could recognise a preposition, would not know that it is something to avoid ending a sentence on (or is it with?)... Officials look up the line to service their Ministers. Governors look over their shoulders to Ministers almost as necessary nuisances, and down the line to their staff and their prisoners who clamour with equal vigour for their attention' (Quinn 1997, p826-827).

The tension, between the Governors' desire to run their prisons, as they would wish, and the Prison Service administrators' belief that all prisons should be managed in a consistent manner, continues to be a dominant issue.

Governors emphasised that at establishment level the nature, character and culture of a prison has a huge impact on what they are able to do, how they manage and how quickly they are able to deliver changes. Challenging the *status quo* and achieving fundamental change requires existing patterns of behaviour, attitudes and expectations to change. This, in turn, requires that the existing ethos and equilibrium of a prison be disturbed, a process which can encounter resistance, both passive and active, from staff and prisoners.

Incoming Governors quickly become conscious that their freedom of action is constrained. They have to be particularly aware of what Giddens (1984) refers to as the 'sense of place'. Each prison staff culture is distinct in terms of its memories, folklores, identities, and enmities (Garland 1990). It is the product of complex connections between everyday activities of individuals, the larger trajectory of their biographies, and the special features of each prison. This is especially true of older prisons that are small and bounded communities, and where many of the staff have been there for an extended period. Prison officers are therefore intimately aware of the history, traditions, and culture of the place, and significant events which, in the past, have helped to shape the culture and the 'way' things are done there. One Governor explained the importance of understanding the relationship between local culture and change in this way:

> "I've worked in many prisons over the years and I can honestly say that the culture was very different. I did things in one which I would never have got away with in another... The staff vary a lot – some of that has to do with the power of the POA, how long staff have worked there and the style of previous Governors... That effects what you can do. Changing anything at [an old training prison] was a huge bloody trauma. The POA would come in and say 'back in 1890 Governor so and so tried that and it didn't work, so let's not bother trying again'. Whereas at [a new local prison] there was no real history, so everything was new and certainly in the early days the staff were up for trying out new things."

The power and ability of the POA to resist change at a national Prison Service level, as well as at each prison, is legendary and well founded (see section 12.3.3).

Historically, the focus of the power struggle has been between Governors and uniformed staff, as the often vitriolic industrial relations situation demonstrates (see Stern 1987, p78-83). Governors made clear that where the POA is particularly strong a Governor's ability to drive forward change would be more limited:

> "I must say it's been a battle here over everything. The POA are antediluvian in their approach. They want nothing changed. They argue over the smallest things and we have so many 'failures to agree'. I've worked hard to try and get a good relationship but for the POA it's about objecting to everything. I'm sure if I said that door was blue, they'd argue it was red."

Line managers below the Governor, particularly senior and principal officers, are responsible for the daily implementation of the Governor's policies. This group is in a strong position therefore to impact on the level of implementation and the routine treatment of prisoners. As one Governor put it:

> '... officers identified what they regarded as a flaw in the management chain which sometimes altered the Governor's intentions, preventing them from being translated into action. In other words, middle managers were thought to modify the Governor's policies' (Leonard 1999, p62).

Governors also highlighted the power of prisoners, as a group, to thwart or delay change. Governors spoke of having to negotiate with prisoners or to 'bribe' them into accepting changes to the regime:

> "I remember well the change over to private firms taking over the canteen and bringing in a bagging system. That was potentially a difficult change to manage, something which prisoners were concerned about and something that would have led to much grief if we didn't handle it well. As it happens I gave them all an extra phone card and quarter of an ounce of tobacco and there was no problem."

> "Most people would think prisoners do what they are told. Well, you and I know for a fact that's not true. There is no such thing as absolute power; it's about relative power. Take for example when I tried to extend the working day in the shops... Then the prisoners started, wanting more pay for a longer day. I couldn't bloody believe it. We put a few of the ring-leaders in the block [segregation unit] but there was still a groundswell of feeling ... and we had to rethink it all."

This view reinforces findings of an earlier study which concluded that 'most prisoners find the ability to express their agency and to resist. Few prisons are run by coercion' (Bosworth 1999, p131).

Governors are reliant on others for resource allocation and to support them in trying to achieve change. In the past there seems to have been a reluctance to confront existing power bases, and Governors said that they have not always been supported by Headquarters in trying to achieve change. This has led to stasis and appeasement in some prisons:

> "When I was at [a large local prison] I got really pissed off with Headquarters and nearly left the service. They told me to change things and that's what I tried to do but as soon as the POA got bolshy and did their usual threats, I was told to back down... I felt like they had cut my legs from under me."

> "You've got to get your supporters lined up if you are going to take on the vested interests in a place. I've found that you can only take on one group at a time, you cannot do battle with staff and prisoners and Headquarters and the BOV all at the same time. You can take on the prisoners if everyone else is behind you and knows why you are screwing the place down. Or you can take on staff culture but only if the BOV, prisoners and Headquarters are on your side."

A former Chief Inspector of Prisons gave an example of a similar occurrence:

> 'Where one Governor tried to introduce a new staff shift system unforgivably his immediate superiors, his area manager and regional director, supported the POA rather than face confrontation' (Ramsbotham 2003, p105).

14.2   Multiple and conflicting roles

Merton's hypothesis is that each social status (an individual's position in the social system) involves not only a single associated role but also 'an array of associated roles' (Merton 1957, p369). This 'role-set' consists of the complement of role relationships which persons have by virtue of occupying a particular social status. Governors spoke of having a number of related and overlapping roles, instead of having a single role. To speak of the Governors' role is therefore misleading, in that there appears to be no single role but rather a 'role-set' associated with the Office of Governor. The Governor has internal (prison) roles in relation to staff and prisoners, and at the same time external (Prison Service) roles in relation to Headquarters and the broader community.

Part five of this thesis described the environmental changes that have had an impact on the role and work of the Governor. As a result of these environmental changes the

relative importance of the various roles that the Governor is expected to undertake is changing:

> "The reality of taking on the role of the Governor is that it is changing and you need to keep up with how it is procedurally prescribed, culturally prescribed, socially prescribed, and organisationally prescribed."

One of the themes to emerge from the research is that there is some disagreement amongst prison stakeholders over the Governors' current role, what they should do and the way they should govern. At times, different stakeholders ('role senders' - Yukl 1994) can make incompatible demands on the Governor, creating role conflicts (Kahn 1964). Conflicts may involve a difference of opinion over the relative priority of two roles (for example, internal manager or external figurehead), or the manner in which a role is carried out (for example, ensuring justice by doing adjudications themselves or by checking the records of adjudications completed by others). Sometimes role conflict occurs simply because of the range of expectations placed on the Governor, as this quote suggests:

> "It's a difficult one. It's difficult sometimes knowing what you should be doing as we wear so many hats. Everyone wants a piece of you as Governor and they all want you to do different things."

Role expectations can also be inconsistent with objective task requirements. This is especially the case when the nature of the task has changed, while the norms and beliefs about the proper exercise of the role have remained the same.

> "I get a little frustrated at times as you are pulled in so many different directions. Area office want you to do the papers and write reports. My staff want to see me around the place and to be able to see me about their personal problems. Prisoners want me to do their apps [applications to have an interview with the Governor]. The area manager told me to do adjudications, and wants me to represent him at meetings at Headquarters. And on top of that the local community want me to cut ribbons and speak at the WI [Women's Institute]. Well, you can't do the bloody lot, can you? You have to make choices."

The conflict between the organisational demands to operate as the general manager of the prison, and the expectations of the staff and prisoners who adhere to a more traditional view of how Governors should use their time, creates tension for Governors. In Giddens' (1990) terminology, there is a tension between 'place based' (traditional figurehead, highly visible, direct contact with prisoners) and 'non-place

based' (modern manager) structures and systems. Governors pointed to a number of specific examples where their traditional and modern roles came into conflict:

> "I am finding it harder and harder to achieve a balance between what I need to do to keep the area manager happy and what staff and prisoners expect me to be doing as Governor. This is not some semantic difference, it is a real issue for many of us - Do the paperwork or get around the prison. Spend time in the prison or go to outside meetings. Talk with staff and prisoners or write a report on something for area. I exaggerate but there are real tensions. "

> "Uniformed staff still, particularly those more experienced uniformed staff, still view their own Governor in the traditional sense. That he is the master of all you survey and he is the really important one in the prison that you have got to worry about. It's changing - some of the younger staff are seeing the Governor in a wider concept, as someone that should be giving support and guidance - should be giving them support and guidance - and a much more modern managerial role of the Governor."

A number of examples were recounted by Governors of where incoming Governors had adopted very different approaches and styles to their predecessors or were not the 'type' of Governor that the staff wanted. As a result, Governors have been known to suffer 'status degradation' (Garfinkel 1956) or have been moved from their post (Finkelstein 1996).

Faced with potentially conflicting views about their roles, Governors have either to conform to expectations from as many role senders as possible, or risk being labelled as non-conformist or bad Governors. The current research suggests that Governors each take up the roles as they see fit, in the context of the various expectations placed upon them. This always leads to some variation between Governors.

14.3 Variations in management style and approach

Governors do very similar work, as earlier chapters have shown. As one Governor put it:

> "I think there will be a pretty good slam of commonality between what they are doing as Governors and what I'm doing as a Governor. I'd hazard a guess that there's probably about 80% overlap - I don't know. The critical bit is the bit on the margin but what I do outside of very interesting interviews with Shane Bryans *et al.* is do what everybody else is doing, which is flog through the paperwork, translate the paperwork and intention and policy and instructions into managerial action."

How they do that work depends on the style and approach of each Governor. Each Governor approaches his or her work with a complex array of concepts, theoretical models, experience and knowledge:

> "We are all different and we have all got our own styles and ways of doing it ...
> different individuals will do that differently because of their styles."

The interviews indicated that Governors have different management styles and approaches with regard to: whether power was shared and with whom; how visible they were in the prison; what they spent their time doing; and how a prison should be organised and run. A Governor's approach and style is influenced by a number of factors: background, ideology, training, experience and needs of a particular post (Margerison 1991, Salaman 1992, Mumford 1997). From the current study it is possible to identify variations in the approaches adopted by Governors.

Some Governors adopted a more 'autocratic approach' and their responses indicated that they sought to dominate staff, as well as prisoners. These Governors exercised personal power and seemed to share decision making with few others. A number of interviewees spoke of their prisons in a way that conjured up images of a prison fiefdom reminiscent of a medieval barony:

> "Some people would call me autocratic I suppose but it is more about setting standards and making sure they are met. I'm the Governor and I'm in charge. My officers and prisoners know that. They know I make the decisions and I am responsible for everything that happens in my prison... Yes I do go around bollocking people but I see that as part of my job."

> "It is no different to when I was in the army. I am the commanding officer and people do what I tell them or else. I don't hold fucking debates, I make up my mind and tell people. My dep expects me to tell him what to do and that goes all the way down... Everyone in this prison knows what is expected of them and gets on with it."

Most Governors adopted a more 'shared-power approach', where the staff are empowered but the Governor remains in control. This approach seemed to place less emphasis on the use of detailed written orders and more on 'trusting' officers to exercise their discretion according to the ethos and standards set by the Governor. Governors who adopted this approach would often consult staff and prisoners before making decisions.

"I can't tell you when I last issued an order... It's very easy. I could just walk in and say do that and it would be done. It would be done without question but what I need to know is that it is being done when I'm not there. You have to encourage, you have to remind, you have to persuade people that there is a better way to do it or you want something else to happen, but you have to explain why you want it to happen and the part that plays in a bigger picture, so that they have got a framework in which to operate."

"I don't always feel comfortable with the paramilitary uniformed bit. Society has moved on and so have people's expectations. I just couldn't get away with some of the things I saw my old Governors doing to staff. These days we need to involve more, consult more and get people to see why we want things done. It's more about asking and encouraging than telling."

One of the main factors that differentiated Governors in terms of their style was the degree to which they got involved in the detailed operation of the prison. Some Governors were more 'hands on' and spoke of being involved in the smallest detail of the running of the prison. Examples given included: doing cell inspections; checking keys at the key safe and money in the cashier's office; and allocating all the incoming mail at a daily meeting. Others adopted a high-level, strategic approach focusing more on long-terms plans than day-to-day operational issues:

"I quite often go and help out with rub down searches during labour movement or go and serve the food on the hotplate... It helps me to remember what all this is really about."

"I see my role as a strategic one, it is about direction and planning not about the day-to-day operations of [a large local prison]. My senior team, especially the dep, run the routine things and to be honest I don't understand the detailed mechanics of what keeps this place going. My dep was promoted from PO [principal officer] to the governor grades so knows what makes this place tick and I leave that to him."

What was common to both groups was the belief in the need to maintain a personal presence in the prison (see chapters 12 and 13). As one former Governor put it:

'we must recognise that prisons are not perfect organisations of efficiency, fairness and justice. Because of this, the governor's awareness of his prison must rest on more than a vicarious knowledge' (Gadd 1988, p8).

While the desire to be visible was common to all Governors, in reality Governors varied in the extent to which they visited all areas of the prison, and what they saw as the purpose of the visit. Some Governors did a traditional daily 'tour' of the prison; others were more focused and conducted inspection visits according to a

rolling schedule. This individualistic approach can be compared to the US Bureau of Prisons, which is prescriptive and requires that: 'when they tour, [Wardens] must actively seek out information, not just passively walk around' (Henderson and Phillips 1989, p16).

Governors indicated that the length of time that they had been in post, the "phase of governorship", as one Governor put it, influenced the way they did the job. The longer that Governors had been in post the more willing they were to trust other people to do routine work, and the less need they felt to impose themselves on daily decision making. After a long period in post, Governors believed that staff understood their approach and could be expected to make decisions in accordance with their standards. In the early days of a governorship, Governors appeared keen to establish themselves and maintain a high visibility to ensure that staff knew what was expected and to set standards.

> "I suppose it is about the stage in the governorship. Here I am still very much about trying to set standards and picking up things that I think are not right and trying to say to people, this is not right, this is what we need to do to set it right... I like to know what's going on and why it's going on. At [my last prison] in the latter days, then I suppose I was slightly different. I would have much more of a routine day because the staff there were empowered so I had complete confidence that, in a sense, nothing would go wrong or happen, with any significance, without me hearing about it. That's not the case here. It's still very much this is the problem and the Governor will sort it out, so we are still in the very early days I think."

There is no 'the Prison Service way of doing it' embedded in the socialisation or training of Governors. A book or manual on 'how to govern a prison' does not exist and there is currently no prescription on style or 'mould' into which Governors must fit. To a great extent Governors seem to develop their own 'how to govern' template from seeing other Governors operating, their role models, and experience early in their service. Governors are able to decide not to do certain types of work, where there is someone else more suitable to take on a task:

> "You command a situation and there is a uniqueness about being able to switch to that and, indeed, I've known a couple of colleagues who've said they can't do that. And that's actually been accepted by their manager. Which creates a very difficult problem, but what's been agreed, certainly in one case, is the deputy governor would always be the person who would take on that command task."
> "I am not very good at public speaking and I am quite a shy person. I avoid doing staff meetings and all that bit with visitors. That's why I don't do much in the community. Fortunately my dep loves all that crap and I let him get on with it."

"Some Governors do not like the interpersonal bit and avoid spending too much time on the wings. Other Governors, like me, like chatting to people and can always find something to say to people in a relaxed sort of way. But I don't like the paperwork side as much. To keep me away from that side of it, I've built a good team over the years and I've created a secretariat."

14.4 Institutional influences

The individual prison (size, age, stage of development, architecture and category) can have an impact on the way Governors govern. The size of a prison, in terms of the number of staff and prisoners, can dictate how the Governor spends his or her time:

"I think you have got to look at the size of the establishment before you can actually come to a view on the role and work of the Governor... I think Governor 3 prisons are still of a size and non-complexity that an energetic Governor can run by the dint of their own personality... I think once you move up to the next level of establishment, to a Governor 2 establishment, then the Governor, as a manager has to be reverting to being a team player. You are working through systems. In small prisons, the Governor is clearly the dominant force, both physically in terms of being able to get round it and in terms of having the hand on most key decisions. You move up then to the next level ... you need the systems to run it."

The physical structure, architecture and area the prison occupies also had an impact on what a Governor is able to do. Governors have far more contact with staff and prisoners in smaller establishments, as they are able to maintain a presence in all areas of the institution on a daily basis. In larger establishments Governors have to rely on other means to ensure that key messages about standards and culture reach the staff and prisoner population:

"Here for instance you can't go right round the establishment in the morning because it is too big, unless you just walk. If you want to stop and talk to people, you can't do it. So I don't get around [this prison] daily like I did at [a small local prison]."

It is not only the size of the establishment that dictates the ability of a Governor to visit all areas; it is also the physical layout, as one Governor made clear:

"The amount that you can do yourself in any gaol differs. It wasn't difficult at [a small YOI] - if I wanted to get round the gaol and be seen in all the wings, I could do that in an hour and a half very easily. I couldn't do that [at this large local prison]. If I was at Pentonville, for all the size in terms of prison numbers at Pentonville, like almost twice the number we've got here, I could do it in 15

minutes, because Pentonville has only got a traditional Victorian four wings and a lot of prisoners on each of the wings. It's all contained literally within a very short site and you can actually physically get round the site in no time."

The challenge for Governors of prisons which are not of a traditional panopticon design is how best to maximise their presence across a geographically spread-out institution. One Governor had clearly appreciated the social meaning of more modern prison architecture:

"At [a large local prison of a panopticon design] it was easy. I would stand on the centre first thing in the morning, at lunch and teatime and everyone would know that the Governor was there. I could see all the landings on all the wings but more importantly all the staff on duty that day and all the prisoners could see me. They seemed to find it reassuring to know that 'the old man' was there. Whereas here [a campus style training prison] it's a nightmare. I could spend all morning walking about and only see a few staff and prisoners. So I thought about it and now I always head for the times and places when people will see me. You know, in the gate first thing in the morning to see the staff coming on duty; or standing on the yard when labour movement is going on. All the prisoners walk by and see you there."

Governors are able therefore to compensate for a prison's physical layout by adjusting their way of working. Overcoming the constraints of prison architecture is possible as 'ultimately the problem is not one of architecture. It is a problem of philosophy' (Casale 1989, p98).

Another factor highlighted by Governors as determining the work that they did was the stage of development of the prison:

"There are certain things which, at certain stages, depending on what you feel about where the organisation is, you spend more time on."

"If the jail is going through a difficult time, whether it be a rocky time operationally, then clearly your approach has to be different than if it's going through a difficult time financially. If it's the former you will probably be about the prison more and be visible. If it's financial difficulties you will be in an office pouring over a bloody calculator. So I think it is different depending where you are."

"If you have just taken over perhaps a big local prison whose culture needs sorting out, then I think one spends an enormous amount of time and energy trying to shift the culture and redirect that place rather than looking at other stuff."

14.5 Occupational stress

Governors shared the belief that governing a prison could be a very stressful occupation.

> "I have a lot of colleagues who suffer from ill health. I mean it is a stressful job."

The level of stress related to the nature of the work, hours spent working, operating environment, and the achievability of the expectations placed on Governors. However, little is known about stress levels amongst Governors and the impact it can have.

Governors tended to feel under pressure to complete the ever-increasing administrative tasks and at the same time provide the more traditional visible leadership expected by staff and prisoners. Most found it difficult to do both in anything less than a 50-hour week. Some Governors worked very long hours in the prison to do what they believed was required of a Governor:

> "I am spending between two and two and a half-hours a day travelling. But I tend to have a working day from between eight every morning, and I would think I would finish at some point between six and seven in the evening and have in the last four weeks left the establishment for lunch only twice... I work a weekend once a month and I have worked to lock up a couple of evenings a week and would expect to do that... So I guess I am probably working fifty-five hours a week, something like that."

> "I work anything up to 12 hours a day."

In order to create time to be visible in their prisons, many Governors routinely took paperwork home.

> "I take work home every day ... my view is that I will have to do more work at home if I am going to be as visible around the establishment as I think it is important for me to be. Because at the moment I can't achieve all the things I want to achieve in that fifty to fifty-five hour working week."

> "I take stuff home as well. I think most people do though. Just to keep up with the paperwork. And at weekends I'll take a bit of reading or rough draft things that you won't get the quality time at work to do it. I've currently got 30 days' leave left."

Very few Governors worked less than 50 hours a week, and those who did so believed that this had an impact on their establishment and the work they were able to do:

> "For the first year here I was working over a seventy hour week just to keep the place going. So much needed to be done, people wanted to see the Governor around the place. I could not maintain that pace and got ill, so now I only work about 45 hours. It's difficult, I never get to the bottom of my in-tray, never get around all the prison each week, and people have to wait over a week to see me. You just have to leave things but that generates its own stress... I am probably not a very good Governor from that point of view."

The very nature of a Governor's work had the potential to create stress. For some Governors the amount of responsibility that rested with the Governor came as a shock:

> "I don't think that I was quite prepared for the exposure of being in charge."

> "I don't think you're ever prepared for it when you come into it. I remember sitting behind the desk at [a small local prison] when I first got there and thinking - Hell! This is all mine! And then came the realisation that I was responsible for everything that happened at [a small local prison]... it is frightening and daunting. I try not to think about it too much or else I would get myself into a state."

The level of responsibility, the increase in managerial duties, and the range of competing demands put Governors under significant occupational stress, as these Governors pointed out:

> "I think I have certainly gone through some periods when it has affected me from a pressure of work kind of way. The sheer pressure and the stress of working at [a large YOI] for a period of time, and dealing with some really quite unpleasant people, and some of those were the staff, took its toll on me."

> "The emotional demands are considerable. They arise from carrying out the Governor's duties in the highly charged, even volatile atmosphere of a prison, often dealing with seriously disturbed, possibly violent prisoners and difficult issues such as drug taking and those arising in adjudications. Achieving a proper balance between the custodial and caring responsibilities inherent in the role can create role conflict which itself results in emotional demands. Governors are under constant pressure to achieve the key performance targets."

Governors reported that the most stressful aspect of the job was dealing with operational incidents. While some Governors took naturally to incident management, for others it was an infrequent occurrence and one that put them under huge pressure.

Other Governors pointed to the stress caused during periods when a number of incidents followed in quick succession:

"I'm usually fine with incidents but we have just been through a spell of constant trouble of one sort or another. We've had [a number of incidents including a death, hostage incidents and rooftop protests] in two months and I don't mind saying to you Shane that it has been hard. You get tired, staff get tired, your senior team get tired and the cons get jumpy and you have to keep them all going. It has probably been the most stressful period of my life."

"I went through a period of not sleeping and worrying about what was going to happen next. I can honestly say that I dreaded the phone going at certain times of the day and night. Mostly at lock and unlock, it was then that staff would find someone hanging or someone missing. I would get sick if the phone went in the night... It was really difficult for me and I had to get counselling. I don't think people understand what we go through sometimes."

Another area of stress was the relationship between the Governor and the POA. It has been pointed out elsewhere that manager-union relations are a major source of stress (Weinberg *et al.* 1985). This view was supported by Governors who found dealing with the POA an area of immense frustration and anger.

"I was at [a large local prison] and it wasn't an easy establishment. Nobody would ever say it was an easy establishment, and I was told to sort the place out. For four years there it was a constant battle with the POA. I went through votes of no confidence, the POA refusing to talk to me, deliberate acts to challenge my authority, POA members refusing to do certain work. I can honestly say that I wouldn't go through that again. It had a real impact on me personally. I mean it affected me as a person. My domestic life suffered. I nearly ended up getting divorced."

"I could not believe how ... the POA were when I got here. We had problems changing anything. They even lodged a 'failure to agree' when I created some new posts. I tore it up and put it in the bin, but it just shows the problems here. It has made it very hard to do anything with them objecting at every stage. Don't get me wrong. As you know it's not like that everywhere. Some POAs are great but here they have no idea. I got very stressed out about it."

Governing can also be a very solitary occupation, as one Governor pointed out:

"I didn't realize the pressures on a governing Governor as such, which are far greater than a deputy governing governor. I wasn't aware how - not lonely, that's the wrong word - but solitary. I think it can be a very solitary occupation."

American studies into stress amongst correctional staff have tended to focus on correctional officers rather than Wardens (for a review of the literature see Morgan *et al.* 2002). These studies have found that high levels of stress amongst correctional

officers are associated with: high divorce rates (Cheek and Miller 1983, p116); burnout and leaving the job (Linquist and Whitehead 1986, p21); cardiac difficulties and cardiovascular problems (Wynne 1977 and Harenstam *et al.* 1988); substance abuse (Svenson *et al.* 1995) and becoming cynical with little or no concern for prisoners (Cherniss 1980 and Maslach 1982). While the Governor's work is qualitatively different from that of front-line workers (prison officers and correctional officers), it is reasonable to assume that some of these consequences may also flow from the level of stress experienced by Governors.

Governors have created personal support mechanisms to cope with the complexity and stress of the job. Increasingly Governors are looking beyond line management for that support, as they believe that as area managers become more performance focused they are less able or willing to provide the necessary support:

> "When something goes wrong you do not get support from the area manager or Headquarters – they are too busy protecting their own backs. Governors take the risks and take the blame. When was the last time that an area manager got sacked? Never, that's when. They like the credit and always appear for the photos but you can never find them when you are in trouble. In fact, it is usually the area manager who commissions the investigations into what you have or have not done."

> "I have been through some bad times at [a large local prison]. We had a spate of suicides and the press picked up on it. The area manager and Cleland House [Prison Service Headquarters] wanted briefings and lots of details. But I didn't get a single 'phone call from them asking how I was or whether I needed any help or support… We are shit at looking after Governors."

Many Governors have created a network of colleagues from whom they can get support and with whom they can discuss prison-related matters:

> "Within the service there's at least one ex-Governor who looks after me, and picks up the phone. And I know that I could pick up the phone and have a chat with him. And there are one to two peers around that I would equally pick up the phone and chat through something with."

> "The most important thing is to have your own network of colleagues who you can simply talk to. I call them soul-mates. I have a small group of soul-mates with whom I relate to very closely and regularly, simply to exchange day-to-day experiences and chew the cud, quite often."

14.6 Ideological, ethics and values

It is generally accepted that the actions of managers are shaped by their sets of beliefs and ethical principles (Denhardt 1988 and Watson 1996). One commentator points out that:

> 'Ethical issues are all around those who work in organizations... Not only that but those working in public services are working within organizations which exist to fulfil social and ethical purposes' (Lawton 1998, p153).

The degree to which their ideologies, ethics and values inform and direct Governors' work is an issue which has received little attention (a notable exception being Rutherford 1994). Chapter 9 described the Governors' espoused ideologies – the values, beliefs and goals that underpin their daily work. Based on their ideologies Governors appear to develop what Skyes (1958, p35) refers to as a 'philosophy of custody' in order to inform the way they exercise their discretion and run their institutions. Governors seem to develop this 'philosophy of custody' as a means of coping with the ambiguity and uncertainty of centrally-imposed goals and tasks (Street *et al.* 1966, DiIulio 1987, Boin 1998) and because 'prisons are a minefield of difficult moral issues' (Lewis 1997, p62). This 'philosophy of custody' may not be explicit but rather a subconscious operating philosophy that underpinned and guided their daily work.

Governors in the study made the point that that you cannot have 'value-free' governance but that values should inform daily activities and decision-making:

> "The governance of prisons cannot be reduced to the 'value-free' promotion of economy, efficiency, effectiveness. It's got to be about more than just getting more for your money or the achievement of key performance indicators. It's about promoting human rights and keeping potential harm to a minimum. Governors must know where they stand and keep to their principles."

> "I think that Governors have a duty to think about the legitimacy and propriety of things before rushing to do them. We must ask ourselves 'Is this the right thing to do?' And we must be prepared to make a stand on some things. After all, I believe that we are the last bastion in protecting prisoners rights."

Commentators have taken a similar view and suggested that:

> 'Values are not an optional extra' (Pilling 1996, p2).

> 'The values which inform the way managers manage in prisons are vital to their success ... if this is not taken fully into account as managers plan or respond to situations in the daily life of the prison, they are in danger of exacerbating the dehumanising process, consciously or unconsciously' (Hutton 2001, p22).

> 'Prisons and other institutions retain one major difference, they operate within an intensely moral arena... Good Governors provide a strong sense of what their values are – what is acceptable and what is not... Governors must have the capacity to project a strong moral framework in their unique institutions. This is more than rule setting or passively requiring standards to be observed' (Acheson 2003, p12).

Governors face ethical dilemmas on a daily basis. They are required to make decisions that may involve: a breach of acceptable behaviour or the rules (Zinn 1993); a choice between equally unsatisfactory alternatives (Davis and Aroskar 1978); competing values and loyalties (Loewenberg and Dolgoff 1988); conflicting ethical values (Walker 1993). These examples provided by Governors indicate types of ethical issues that can arise:

> "What you stand for comes out in different ways. I had to decide the other day where to spend a bit of money we had. It came down to a choice between spending it on the visits room or the staff locker room. Not a life and death matter but made me think about things."

> "Should I break the rules if I morally think it the right thing to do? You know what I mean - do I let someone out for a funeral even though they do not fit the criteria? Well, I am old enough in the tooth to do what I think is right. Not everybody does that these days. I guess the ambitious Governors do everything by the book, which is why I am probably still a Governor and not an area manager."

> "I was doing adjudications the other day and had to decide whose evidence to believe – the prisoner or the officer. Did I believe the prisoner who has a criminal record or the officer who has a responsible job? It's something Governors have to do all the time."

A number of Governors spoke passionately about their belief that they had a duty to prevent physical and mental damage to prisoners. This duty was grounded in morality and ethics rather than in any managerial requirement to prevent abuse.

> "So I think the role of the Governor is far greater than just managing an institution. It's far greater than just being managerially responsible. It has a social dimension as well. I see my job as making sure that people are not abused. I do not mean physically abused, even though that is always a danger, but mentally abused and taken advantage of. You know, being unlocked later than everyone else or having smaller portions of food or letters not arriving. That sort of thing."

> "It is a personal belief in what is right and wrong. It doesn't tell you in any manual about feelings and emotions. Yes it tells you to investigate allegations but it doesn't tell you when to investigate, how to interpret the investigation report and how to deal with people who step over the mark. That's got to come from within you. It's about who you are ... It's more than about physical abuse. It's about how staff speak to prisoners, how they search cells and do strip searches. You decide what is acceptable based on how you think people should be treated and then you make sure people stick to that line."

There is always potential for a Governor to act in an unethical manner and pressure can sometimes come from: senior management; an overemphasis on performance and targets; pressure to be loyal and to be a team player; internal and external competition; and a lack of personal values (Badaracco and Webb 1995 and Danley *et al.* 1996). On occasion Governors are willing to expose publicly this moral and ethical conflict, as in this example where a Governor felt so strongly that he wrote to a national newspaper:

> 'From my personal point of view I did not join the Prison Service to manage overcrowded cattle pens, nor did I join to run a prison where the interests of the individuals have to be sacrificed continually to the interests of the institution, nor did I join to be a member of a service where staff that I admire are forced to run a society that debases... As it is evident that the present uncivilised conditions in prison seem likely to continue and as I find this incompatible with any moral ethic, I wish to give notice that I, as the governor of the major prison in the United Kingdom, cannot for much longer tolerate, either as a professional or as an individual, the inhumanity of the system within which I work' (McCarthy 1981).

Governors pointed to the mid to late 1990s as a period of personal and organisational tension created by the ever-increasing prison population and pressure to reduce budgets. The then Home Secretary adopted a much narrower and retributive agenda focused on an increase use of imprisonment. The resulting overcrowding, together with pressure to make efficiency savings, led to the reduction of 'educational, recreational and sporting facilities within prisons' (James and Raine 1998, p87); the number of prisoners held two to a cell designed for one increased by 50 per cent (between 1992 and 1997); and the level of purposeful activity for prisoners dropped

(Straw 1997). This operating environment created 'value conflict' for a number of Governors:

> "It's about firefighting not rehabilitation these days, at least in locals. My time is spent managing a huge transit camp and cramming in as many bodies as possible."

> "Well, to be honest it's been a bad period for me. A lot of the positive things we got going here have been stopped recently all thanks to efficiency savings. Over 80 per cent of my budget is staffing costs, so to save money I reduce staff or regimes or both. I spend most of my time, and so do my senior team, looking at where we can save money and make cutbacks."

> "I am finding it much harder to get the right balance between what is right for individual prisoners and what I am being told to do. These days with pressures on numbers and space it is all about moving people around. But it causes problems, for example, what about the prisoner who is in the middle of a course or training programme? What about the prisoner who wants to come back here for a local discharge? Do I do what is right for the prisoner or what I am being told to do by the Prison Service?"

Moral conflict can also be seen as resulting from the drive to introduce managerialism (see chapter 11) into the Prison Service. A number of Governors spoke of the potential conflict between running an efficient machine-like bureaucracy which 'processed' prisoners, reduced costs and achieved targets, and their commitment to treat prisoners as individuals with needs that should be met. The management of any penal institution carries with it the moral duty to remember that it holds individuals and that it is not about processing 'units'. One Governor put it in this way:

> "Actually it is more than bureaucracy. It's more than the administration process. It's not just about having a nicely administered prison. Because I'm sure it's perfectly possible to conceive of very nice concentration camps that would have been very clean and all the paperwork was done, and all the rest of it, but actually, probably were achieving their purpose, but not the humanitarian sort of thing. So I see, in that sense, management and administration as neutral. That they are what you have to do to achieve a particular end, but the end in fact could be making widgets. It is how the Governor exercises his discretion that influences the culture and what the place is really like and that depends on his values and beliefs."

The concentration camp example used by the Governor in this quote has been highlighted elsewhere. Bauman (1989) in his analysis of the Holocaust argued that the Holocaust and atrocities which were carried out in concentration camps were not just a consequence of the activities of a few psychopathic Nazis, but were made possible by a developed bureaucracy and its associated forms of rationalisation. The Holocaust was:

'... a paradigm of modern bureaucratic rationality. Almost everything was done to achieve maximum results with minimum costs and efforts' (Bauman 1989, p149).

A functional analysis of the Nazi death camps shows their close relationship with western modernity (Traverso 1999). They were modelled throughout on the Taylorist (Taylor 1911) principle of productive rationality, with death as the end product of a 'rational processing' of raw material – the people deported to the camps. The camps embraced the administrative rationality described by Weber: division of labour, hierarchical decision-making, separation of policy and its implementation, and bureaucratisation (Weber 1979).

Matthews puts it in this way:

> 'Behind every camp commander was a body of bureaucrats gathering information, collating files and making decisions. It was the breakdown of the overall process into a multiplicity of discrete tasks that created a form of 'moral blindness' (Matthews 1999, p61).

Governors were aware that the 'neutralisation of normal moral concerns' (Wardhaugh and Wilding 1993) is a constant danger in closed, inward-looking bureaucratic organisations, as 'prisoners' can come to be regarded as 'less than human' (Everitt and Hardiker 1996, p31-36) and a 'nuisance' to the efficient operation of the prison. The move towards 'expedient managerialism' (Rutherford 1994) was seen by some Governors as a move away from concern for prisoners. One former Governor wrote:

> 'There is a grave danger that adopting a managerialist approach to the running of prisons will ignore humanitarian, ethical and moral principles and concerns... An organisation which focuses on cost and quantitative outputs, at the expense of treating individuals with humanity and respect, would be in danger of losing its moral legitimacy... Perhaps the biggest concern with the push to managerialisation is that managerialisation itself will become the end rather than the means.' (Bryans 2000b, p8).

The managerialist culture did not fit readily with some Governors' caring and reforming ideas and was seen as an attempt to change their orientation, value base and ways of working.   The language and tools of managerialism (for example,

managing director instead of Governor, strategic and business planning, units as a term for prisoners) have been criticised as being inappropriate for use in a caring profession (Wilson 1995). One Governor was moved to write:

> 'Values and policies to which Governors have long been committed, are now derided as soft-headed and soft-hearted ... one consequence of the trend towards pragmatism is that we have become accustomed to seeing efficiency as the *only* goal ... I believe that one of the reasons for Governors' depression is that many of us do not share the values underlying current policies.   Nor do we believe that those policies are in the best interests of victims, potential victims, offenders or their families' (Godfrey 1996, p13).

This view was endorsed by a number of academics who noted that new managerialism in the Prison Service was seen by its critics as eroding the traditional moral (including reformative) commitments of institutions in favour of an exclusive concern with *process* and measurement (Sparks *et al.* 1996). The professional and vocational values that underpinned the motivation of many Governors on joining the Prison Service came into conflict with the more managerial approach found today (Painter 1992 and Clarke *et al.* 1994a), creating a degree of 'institutional dissonance' (Rutherford 1994, p160). The managerialisation of the Prison Service may therefore augur poorly for maintaining the job satisfaction associated with being a Governor (see section 9.3).

Internal dissent concerning the changes was, however, somewhat muted (for one notable exception, see Newell 2002). This lack of open dissent may have been a manifestation of 'pluralistic ignorance' (Taylor 1982). Governors did not speak out because others did not do so and they therefore believed that their view was in the minority. Some may have been reluctant to express their true feelings because of the need to 'conform to the views of those who had power and influence' (O'Gorman 1986, p337) and, as a result, attitudes that Governors held privately were ignored in favour of 'supporting the apparent new group reality' (Grekul 1999, p515). Some Governors embraced the changes (for various reasons – survival, self promotion, belief in the new way), while others waited silently for the pendulum to swing back in the other direction. A few Governors were subjected to 'robust management' as a result of their views and approach. A small number of senior Governors who were

not well disposed to the changes left their governing posts (some willingly, others less so), either on early retirement or were given non-operational posts. One Governor described his dilemma in this way:

> "I love governing and it's why I joined the Service but to be frank, the pressure is starting to get to me. The performance management stuff and the paperwork, it's not the same as it was and I'm not convinced that it is the right way forward. I'm looking to move on and spend my last few years behind a desk somewhere shuffling papers."

Whatever their correctional and managerial orientation, Governors in the study shared an espoused commitment to: protect prisoners' rights, ensuring that no brutality takes place; preserve life, minimising the number of suicides; and provide decent living conditions. Most achieve this; a few do not. The Prison Service continues to be faced with criticism of the conditions in a number of its prisons (see, for example, HM Chief Inspector of Prisons 1997a, CPT 1996, 2000 and 2002, annual reports of HM Chief Inspector of Prisons) and the lack of care of some prisoners (Wilson and Fowler 2004). In an effort to raise standards a former Director General set out a value framework based on what he termed the 'decency agenda', something that was widely welcomed by Governors:

> 'Decency is a key element of the first of the Service's over-arching objectives. Yet the lack of decent treatment and the lack of a decent environment at some of our prisons is a matter of public knowledge and concern... I am going to repeat my view that we have to reform them and make them decent – whatever the difficulties, whatever the overcrowding, whatever the resource constraints. Often, the practical things that contribute to decency – things like clean recesses, access to showers, treating prisoners with dignity – cost nothing' (Narey 2001, p6).

This chapter has given an indication of some of the elements that influence the reality of governing. What Governors do, and what they are able to achieve, is the result of the interaction of a range of personal, organisational and prison-specific factors. The simple conception that Governors are free agents able to do and achieve what they want is no longer, even if it ever was, a reality. No Governor receives, or is able to impose, a template of how that prison should be governed or what they can hope to deliver, on taking over a prison. The myriad stakeholders, the idiosyncrasy of Governors, and the architecture of prisons all combine to make each period of

governance distinct and inherently unpredictable. The next chapter now goes on to consider whether the role and duties of the Governor have changed significantly and what any changes will mean for the future of governing.

PART SEVEN:
CONCLUSIONS AND IMPLICATIONS

CHAPTER 15:

GOVERNORS AND GOVERNING TODAY

The last decade has seen significant changes in the environment in which the Governor operates (see Part five). The courts and Ombudsman have taken a greater interest in what Governors do. Prisoners are more able and willing to challenge a Governor's decision. The law and order debate has been politicised and politicians make clear their views on what prisons should be like. The prison population has soared and the composition of that population has changed. The level of accountability, degree of monitoring and standards to be complied with have all increased. Prison staff are more diverse and have higher expectations and demands. Technological advances have brought new security systems and faster communications. Privatisation and performance testing have introduced an element of competition and benchmarking across prisons. This chapter returns to the research questions to consider the degree to which Governors' role and work have changed, as a result of these environmental developments, and whether Governors' work remains *sui generis*. Before doing so, the chapter outlines a typology of today's Governors, which emerged during the study.

15.1 Variations on a theme – a typology of Governors

Previous chapters have identified the origins, backgrounds and career paths of current Governors (chapter 8), described their motivation for doing the job and the ideologies which influence the way they do their work (chapter 9), emphasised work elements common to Governors as a group (chapters 12 and 13) and the uniqueness of each Governor and environment (chapter 14). During the research it became apparent that groups of Governors shared common beliefs, ways of operating, and approaches to prison governance – what Reiner refers to as 'distinctive constellations ... which can be seen as variations around central themes' (Reiner 1991, p 303).

While prison sociology has been criticised for contenting itself with producing 'anodyne typologies' (Sparks *et al.* 1996, p81), typologies can be meaningful if

categories are constructed with careful thought (Doty and Glick 1994). Common themes found amongst Governors can be viewed as 'ideal types' in the Weberian sense (Weber 1949, p84). Ideal types are models of what are logically possible permutations but are, at the end of the day, generalisations, fictitious and unlikely to be encountered in a pure form in the real world. Governors, after all, are individuals with distinct attributes and unique histories. That said, the ideal types can provide helpful comparators and benchmarks, when considering prison governance in its many forms.

Each ideal type of Governor can be defined by pedigree (origins, ideology, career path), period (when they joined the Service), place (where they have governed), and approach (management style, way of operating). Using these themes, four ideal types of Governors suggest themselves from the research: general managers; chief officers; liberal idealists and conforming mavericks.

15.1.1 General Managers

General managers joined the Prison Service in the 1980s or 1990s. They joined on a fast track scheme, in response to job advertisements describing the role in managerial terms. General managers can best be described as coming from an upwardly mobile working-class background. They tend to have a degree that is managerial, such as business studies, rather than a vocational degree. Their motivation for joining tended to be 'instrumental' and focused on the material aspects of the job such as pay, status, security and career prospects. General managers define their values and beliefs in managerial terms. For them it is less about moral mission to reform prisoners and more about ensuring that key performance indicators are achieved. Individual prisoners, and their needs, are not particularly high on their agenda, as they adopt an 'actuarial approach', in which prisoners are dealt with according to group criteria. They tend to work more in large prisons where other managers deal with the daily operational grind. General managers see themselves as chief executives of a company, supported in their work by a number of departmental or functional managers. They feel comfortable chairing meetings, studying financial spreadsheets and dealing with papers. The main focus of general managers is running an 'efficient, economic and effective' prison that achieves its KPIs and runs as

smoothly as possible. They concentrate on performance measures, focus on tangible achievements and adopt a short-term orientation – the annual business cycle. Their emphasis is on quantifiable results not qualitative improvement. The difficulties associated with prisons can, according to the general manager, be dealt with by a sophisticated and professional management approach. The general manager is the very model of a modern prison Governor.

15.1.2 Chief Officers

Chief officers have spent most of their working career in the Prison Service and have been promoted through the ranks. Their pedigree is working class; they enjoy the epithet 'man of the people' and pride themselves that they have made it to the top – the 'working class lad made good'. Chief officers tend to have lower levels of formal education but do not see that as a disadvantage. Many have obtained educational qualifications, including degrees, whilst working in the Service. They have a wealth of prison specific operational knowledge gained in the officer grades and are always keen to recount the experiences of their days in uniform – 'I've tried it, been there and done it'. Their decision-making is heavily reliant on previous experience. Chief officers espouse no particular ideology but are keen to ensure that Manuals, Orders and Instructions are read and implemented to the letter. Their philosophy is centred on doing as instructed, and achieving a disciplined, well ordered and clean prison. There is less interest in longer-term strategic issues than on daily operations. They maintain a high level of physical presence in the prison and define their management style as 'management by walking about'. They are more comfortable on the landings than they are chairing business meetings. Because of their in-depth operational knowledge they micro-manage. Chief officers can be more autocratic and confrontational in their style and tend to be less inclusive, as they believe they 'know best'. They enjoy the authority that the role of Governor brings and the status of representing the prison at external functions.

15.1.3 Liberal Idealists

Liberal idealists joined the Prison Service in the 1970s or early 1980s. They did so with a sense of vocation and out of a desire to reform and rehabilitate prisoners. They

were mostly recruited directly from university, with a vocational degree in one of the social sciences, and tend to come from a more middle-class background than other Governors. Liberal idealists spent their early career working with prisoners, often as borstal housemasters or wing governors. These formative experiences were carried into their later career and they maintain the optimism that constructive work can be done with prisoners, provided appropriate resources are available. Underpinning their work is a desire to make prisons into constructive and purposeful places. In order to do so, they spend much of their time cultivating a vision, undertaking strategic planning and engaging stakeholders, including prisoners, in the process. In doing so they adopt a longer-term perspective and focus more on cultural change than short-term performance improvement. Operational daily management is left to others and they look to their deputy to be the operational head of the prison. They see managerialism, and its manifestations, as a distraction from the real purpose of the job and consider recent changes as undermining their professional expertise. Prison officers can view liberal idealists as social reformers who do not appreciate the 'hard-end' of the business and who often take the prisoners' side over theirs. They prefer to work in prisons that are focused more on training and reform, rather than on containment and processing of large numbers of prisoners. Liberal idealists tend to have a wider view of the criminal justice system, are interested in penal theory and get involved in criminal justice system non-governmental organisations (NGOs) (such as the Howard League, Centre for Criminal Justice Studies, Prison Reform Trust and Penal Reform International).

15.1.4 Conforming Mavericks

Conforming mavericks can come from any of the other ideal types but are a distinct group in that they challenge the status quo. They conform to the extent that they need to, in order to be able to be creative and developmental. Conforming mavericks tend to be entrepreneurial, to want to try new ways of working and are willing to 'push the boundaries'. The system tolerates their individuality because they produce high-profile and pioneering schemes and ways of operating. They conform to the extent that their prisons achieve most of their KPIs, and they adhere to most of the requirements imposed by Headquarters. Conforming mavericks are confident in their abilities, are highly focused and well motivated. Their prisons become the focal point

for official visitors because of their innovative ways of working and examples of 'best practice'. They also tend to be more charismatic than other Governors, are able to articulate publicly their values and belief systems and demonstrate what they are trying to achieve. Conforming mavericks gravitate to niche areas of the Service, often produce eye-catching initiatives and court publicity. The latter may be for their own aggrandisement or out of a genuine belief that their 'good practice' should be replicated elsewhere. They are very much energetic evangelists, who have the power to transform an institution either because of a single programme or because of their 'spirit'. However, because they push the boundaries, conforming mavericks are vulnerable to criticism and censure if things go wrong. Conforming mavericks are also the group that are most likely to leave the Prison Service because they become disillusioned, frustrated or feel that their talents are not being put to best use.

It is unlikely that any one Governor will fit the totality of an ideal type. Individual, and often contradictory, factors surrounding Governors are more likely to make each of them a hybrid of one of the ideal types.

The structuring process of identifying ideal types does however provide an opportunity to understand the range of variation of Governors and their approaches, styles and philosophies. There continues to be a variation between the types, defined by operating philosophies and approaches, as well as their mode of entry to the Service and the era in which they joined. A clear trend was identified in the shifting balance between the ideal types. General managers are increasingly replacing liberal idealists, as the work takes on an increasingly managerial flavour. Conforming mavericks are disappearing as diversity, variation and the Governor's ability to shape the prison regime is being curtailed. The number of chief officers is growing as the Service comes to value people who will ensure compliance with orders and instructions.

15.2 Changes to Governors' work.

The fundamental task of Governors remains the same. As a former Governor put it:

'There were ... still the same prisoners to be dealt with and the same problems, even if slightly altered by the advance (or otherwise) of civilisation. Prisoners still have to be provided with food and beds and put to work; their families have to be catered for by visits and communication made with the public and friends' (Miller 1976, p187).

Governors were unanimous in their view, however, that some elements of their work were substantially different to that undertaken by their predecessors:

"In terms of running the establishment I think it is vastly different."

"It has changed beyond all recognition. Quite genuinely beyond all recognition."

This section highlights the most significant thematic changes that have taken place over recent years.

15.2.1 Emphasis on management and administration

A long-term dynamic, which James and Raine refer to as 'administrative processing' (James and Raine 1998, p47), has led to more complex procedures and bureaucracy, within which Governors have to operate. This mass of regulations - international prescriptions relating to basic human rights, Prison Service Orders and Instructions, performance-measuring, KPIs and Prison Service Standards – is significantly greater than earlier Governors had to endure. The work has become far more rule-based as a result.

The complexity of the role increased as Governors took on a broader range of responsibilities including the requirement to manage finances, to be involved in personnel management, and to undertake longer-term planning:

"The job has changed in respect of the content of our work. As things like finance and personnel issues have been devolved to Governors, so the workload has increased enormously. People used to make the decision about finance for us. They used to make the decision about how many staff we would have, to make the decision of how much overtime we would work."

A time-consuming new area of work is budget management and the need to find efficiency savings. A former Chief Inspector of Prisons highlighted the impact that this budget focus had on a Governor's work:

> 'I asked the Governor what was the aim of Parkhurst, he said that it was to save £500,000 this year in the form of efficiency savings. I said that that was not what I meant. I meant 'Why should a prisoner be sent to Parkhurst, and for what treatment?' He told me that that was the direction he received from his line manager, and that all his energies were having to be devoted to identifying such savings...' (Ramsbotham 2001, p43).

Governors today not only manage multi-disciplinary teams, they also have to manage contractual relationships with a number of service providers from the private, public and voluntary sectors. Those contractors deliver a range of services that traditionally were provided in-house. A Governor may well be managing contracts for the provision of education, catering, maintenance, library, canteen, laundry, visitors' centre, probation, offending behaviour programmes, and drug treatment, each of which may be with a different organisation:

> "Life is very different today. I no longer just manage direct delivery of services. I have to manage other organisations managing those services. It gets very time-consuming drawing up the specifications, awarding contracts and then monitoring the delivery of the service. "

> "My head of activities calculated the other day that we have five different contractors working here and 26 different voluntary sector organisations coming in. That makes things bloody complicated I can tell you."

Governors now have to undertake partnership working with local bodies, such as Drug Action Teams, Primary Care Trusts, Crime Reduction Groups and victim groups:

> "I've had to devote much more time in recent years to working outside of the prison. I sit on a number of local bodies and local government groups. It is a new way of working but a way that Governors have to get used to."

As budgets were reduced Governors have had to generate new sources of funding, rather than relying simply on an allocated budget from Headquarters. The effect was to stimulate some innovation, although this remained at the level of the 'individual rather than service initiative' (James and Raine 1998, p42). Governors, like public-

sector managers in education and healthcare, undertook increasing amounts of 'entrepreneurial activity'. (See Boyett 1996 for a discussion of the 'public-sector entrepreneur'.) Some Governors set up innovative joint working with private-sector and voluntary-sector organisations and in some cases established joint ventures with private-sector firms to run workshops and vocational courses in prisons (Davies 1995, Flynn 1995, Simon 1999).

Governors have had to develop new skills (management of finance, personnel and contracts), deliver a broader range of regime provision, understand and exploit multiple funding streams (national, local, European), accommodate new accountability mechanisms (area manager, inspectorate, ombudsman, courts, HSE) and develop partnerships with a range of organisations:

> "You've got to understand all sorts of things previous Governors would have had no idea about. "

Governors were of the view that their job had moved away from 'traditional governing' and had become more managerial:

> "I think that my observations have been pretty much consistent with the view that, over 20 years, Governors have migrated somewhat from being 'Governor the other bit' 90% of the time and 'Governor procedural bit' 10% of the time. They've probably got to the point where it's 90% the procedural manager, and 10% the Governor bit."

> "We are much more concerned now with processes and about managing as opposed to governing and it just takes up so much of your time."

Commentators have taken a similar view and have highlighted the fact that the Governor's work had taken on a stronger managerial flavour:

> 'The idea of the 'governing governor', who holds a tight rein on the prison, is constantly about the establishment, and does his own troubleshooting, is now largely defunct... The 'Number One Governor', these days, is more often to be found chairing institutional meetings, attending headquarters functions, composing reports, or devising budgets' (Vagg 1994, p113)

> '[managerialism] made the governor focus more on performance indicators, measures, business planning and budgets than ever before. The main result of this has been a reduction in the direct management

of prisoners by governors. Governors have been forced to limit the amount of time they spend conducting adjudications, hearing applications and touring the prison. The days of the 'hands on' governor who knew the names of all their prisoners and staff are long gone' (Bryans and Wilson 1998, p *xx*).

One of the consequences of introducing so many managerialist processes is the proliferation in the amount of paperwork in prisons. As one commentator put it: 'Governors increasingly need good time-management skills in order to deal with the vastly increasing amounts of paperwork which threaten to become their false *raison d'être*' (West 1997, p35). The production of performance reports, audit documents and action plans, together with having to read weighty and detailed Instructions and Orders has added to the administrative burden faced by governors:

> "It's a constant battle – the paperwork. I could spend twelve hours a day, seven days a week trying to keep on top of the paper work. There is so much of it these days. Huge manuals to read, letters to do, reports to write, complaints to deal with. I could spend my whole day in the office and never see the end of it."

> "If I'm honest it's quite a task keeping on top of the paperwork. I am absolutely overwhelmed by paperwork. Every afternoon would be given over to paperwork. I take stuff home as well. I think most people do though. Just to keep up with the paperwork."

The amount of time taken in dealing with the paperwork has had an impact on the ability of the Governor to maintain a high level of visibility in the prison. Sir John Learmont, in his report on the escapes from HMP Parkhurst, found that:

> 'Governors in charge of prisons commented that the paper load they bear prevented them from taking more of a personal interest in the running of establishments... A typical prison was asked to record all correspondence received for a period of one month (20 working days). The prison logged an average of 230 letters, 65 faxes and 24 e mails per day during that period. Other governors confirmed that this was a fair reflection of their own experience' (Learmont 1995a, p102-3).

A former Chief Inspector of Prisons expressed similar concerns about the impact paperwork was having on Governors' ability to do provide visible leadership:

> 'bureaucratic overload that is swamping Governors and taking them away from their primary responsibility, which is leading their staff in

providing decent treatment of and conditions for prisoners' (Ramsbotham 2001, p43).

Governors were united in their views about the negative consequences of being 'chained' to their desks. In particular, it was increasingly making them more remote from staff and particularly prisoners, and less aware (from direct personal contact) of what was happening in their prisons:

"I do feel that I am becoming more and more remote both from prisoners and from the front-line staff as well."

"The danger is, as you know, you become increasingly deskbound ... what you don't do is get out and talk to prisoners and staff. But one thing I have always been quite clear about is you do not run a prison from sitting behind your desk in an office. You can lose touch very quickly with reality, if that's the way you operate."

"When you stop walking the prison you stop governing the prison. Now I actually believe that that is correct. And I try to 'walk' the prison as much as I can. But, sad to say, the pressures that are on me are such that if I am able to get round my establishment twice a week, that is a good week."

15.2.2 A shift in power – fettered discretion and intensive monitoring

The new governance structure has, in reality, not been so much about giving Governors the freedom to manage but rather about creating new mechanisms that do exactly the opposite. One commentator goes so far as to suggest that:

'... overblown managerialism which has eroded the power of the governors to govern according to a professionalism accountable to clearly-defined ideals and with a clearly-defined expertise serving a clearly-defined clientele' (Carlen 2001, p2).

The desire to control Governors has manifested itself in typical bureaucratic mechanisms such as: elaborate written rules and regulations; using distortion-proof instructions; setting objective measures of performance; and intensively monitoring their performance. Some thought that the introduction of private-sector practices and management techniques would free Governors from traditional bureaucratic control. The reality has been somewhat different:

'what might appear at first sight to be a de-centralising agenda, the management techniques introduced to monitor better performance of new corporate and individual operatives in the penal field, arguably

strengthened the authority of the "new" system at the centre rather than weaken it' (Ryan 2003, p75).

The more corporate approach to planning introduced in recent years, together with auditing to ensure adherence to detailed orders and instructions, has resulted in less scope for individual Governors to shape their prisons as they would wish.

The current reliance on written rules and regulations within the Prison Service is seen by many as a substitute for managerial discretion and professional judgement, and has led to 'an obsessive emphasis on merely following the rules' (Freeman 1999, p49). This approach is at odds with the view of many Governors who believed that they should keep considerable 'operational discretion' (Berman 1980, p211). As one Governor put it:

> "I get the feeling that Headquarters would like to go back to the Du Cane days when the DG [Director General] knew exactly what was going on in every prison at any one time because it was set down in detailed rules... Governors would simply be administrators making sure things happened when they should and to the set-down standard. "

Governors made clear that the job now is more about managing the delivery of a service and meeting laid-down standards:

> "I consciously set out to say I must improve this because it won't pass the standards audit. It has sort of redirected my focus and made me look at things I might not have looked at... My work now is much more about meeting laid down standards and pushing up performance to hit my KPTs. Before it was much more creative and thoughtful. Today I feel much more like a small cog in a wheel than someone who can design the machine."

The 'clawing back' of power and decision-making to the centre has reduced the discretion resting with the Governor. For example, Governors are no longer the ultimate operational commanders in emergencies and have limited freedom to shape the prison regime:

> "Any Silver [the title of the Governor in charge of a prison during an incident] will tell you that, though he may have to take a quick decision without consultation, the process is designed to ensure that he submits plans which are 'approved' by Gold [an area manager based at Headquarters]."
>
> "I think that another thing which is again a shift in the distance one has travelled managerially is the regime of a prison. The regime of the prison was determined by

the Governor, largely on kind of almost personal whim and personal belief. There were no standards. There were no business plans. And there was really very little resource management. So that the extent to which industries were or were not developed, education was or was not developed, was very much a matter of the local culture, what had happened over time, and there was really no kind of formal management of it. Things are different now – there are orders on what offending behaviour programmes I can run, what education I must provide, what I must do in my workshops."

Similarly, a Governor is no longer the ultimate dispenser of his or her budget, as it can be cut or reallocated by the area manager at any time. The award of contracts for drug programmes, education, canteen and works service takes place on national or area level and the decisions do not rest with the Governor. Other budgets are 'ring-fenced' so Governors cannot reallocate the money to other areas, or have been removed completely from the Governor's control (such as the budgets for healthcare and education).

The 'professional structure' in which Governors were assumed to know what was best for their institutions and their prisoners has changed. The new status assigned to area managers has created a tension for some Governors and has made them feel devalued, as their autonomy has increasingly been curtailed. The rigorous application of standards and instructions meant that some Governors were increasingly alienated from the Prison Service as they perceived their status as professional practitioners was being undermined (see for example Godfrey 1996 and Wilson 1995 and 2000).

In addition to the transformation of the Governor's work resulting from NPM, there has been a growing desire by prisoners (and staff) to challenge a Governor's action (or inaction) and a willingness by the courts to entertain litigation. In 2002 – 2003 a total of 728 cases to be defended were submitted by Governors to the Treasury Solicitor (Treasury Solicitor 2003). Governors now have to give prisoners reasoned explanations for their decisions (*R (Angle and Angle) v Governor of HMP Ford and Home Secretary* [2002] Prison Law Report 218) and all decisions made by Governors in the discharge of their duties can be reviewed by the High Court (Lennon 2003, p449).

Prisoners can now challenge a Governor's decision by writing to the area manager and to the Ombudsman. Governors today have to ensure consistency in their

treatment of prisoners and justify their decisions, and produce evidence to support them, or they find their action overturned or criticised. They need to ensure that prisoners' rights are not denied, that prisoners are treated consistently and that their decisions are fair and reasonable. Governors now have to check carefully and monitor the decisions made by subordinates and to pay greater attention to ensuring a written 'audit' trail is in place to back up their decisions, in case of future challenge.

In short, there has been a significant shift in power away from individual Governors. Governors are today told: what resources are appropriate for their prisons (by 'management consultancy reviews' commissioned by, and reporting to, area managers); how those resources should be used (ring-fenced budgets for various areas such as offending behaviour, education, healthcare); what the regime should consist of (PSO on regime elements such as education, physical education, offending behaviour programmes); what rewards and privileges should be made available to prisoners (the PSO on Incentives and Earned Privileges); and what level of performance is expected (Prison Service Standards). 'Robust' line management then intensively monitors Governors, ensures that they do not deviate from laid-down procedures and holds them to account for the performance of their prison. Should line management fail to identify any shortcomings, a number of external bodies are now able to scrutinise and challenge a Governor's decision (Ombudsman, courts, NGOs).

15.2.3 Style and type of governorship.

The Prison Service has not in the past sought to impose, or to socialise Governors into, a 'common mould' (Waddington 1983). The opportunities for the socialisation of Governors into a corporate mould are limited, with few training events for Governors and infrequent meetings of Governors as a group. The Prison Service has in the past tolerated differences of style and approach. As one Governor put it:

> "If you put all Governors in a room, you will still see that there is a difference
> between us. There is no company man approach. We do not dress the same. We do
> not come from the same backgrounds. We have different social characteristics.
> We do things in a different way. It is not like MacDonalds, where there is a

manual that tells you how to manage, what to wear and what to believe. To me that's a good thing."

Governors suggested that this approach might be changing:

"... in recent years we have started to get more corporate. A certain type of person is being appointed as Governor and we are all under pressure to do the same things and in the same way."

The changing nature of the work, the need to conform to a prescribed managerial image and increasing pressures on the holder of the Office of Governor, are having an effect on the style of governing. There is less room in the Prison Service today for the flamboyant, charismatic and independent Governor of the past. While Governors continue to bring to the post their own individual biographies, personal attributes and values, the scope for individualism is significantly reduced:

"I think it is fair to say that probably there was a time where you could govern through sheer strength of character. If you had a particular style and you were a very strong-willed person, and perhaps a very charismatic person, then probably you could get away with managing by character and personality, largely anyway, so long as you got things right. I don't think that people can get away with that sort of style nowadays ... the old sort of archetypal Captain on the Bridge bit, is totally redundant. I think that style of management has long gone."

"I think the Prison Service has probably said goodbye to the solely charismatic Governor, at least people who depended on charisma to govern. Governors today are very similar, and we all do the same things. It's a pity really not to have some of the colour and eccentricity that those old Governors had."

Governors are now expected to be competent and professional managers who plan and deliver a public service within a set budget and to laid-down standards. They are expected not to be insubordinate, freethinking, or openly challenge the current approach to prison management. As one commentator put it: 'Departmental officials look for strong but "obedient" field leaders in order to maintain cohesion' (Boin 1998, p210). Governors are less willing today to ignore, or fail to comply with, written instructions. This is partly because the chances of their delinquency being found out are higher (through the more intensive monitoring and audit infrastructure), but also because of the increased frequency with which action (often disciplinary) is taken against those found not to be compliant. It has been suggested that:

'disciplinary excesses to which public sector workers have been subjected since the 1980s have made corrosive and disabling inroads into the willingness of public service professionals to use their discretion to take risks in the public interest' (Carlen 2001, p14).

Governors shared this perspective:

> "You don't have the freedom you once had to be critical. It's like New Labour, no one wants to hear a dissenting voice. Prison Service conferences are set-piece events and 'troublesome' Governors are disappeared."

> "There is a feeling of paranoia around at the minute. Governors are all paranoid that they will be the next one to be investigated or moved from their post. I am old in the tooth enough to see what is going on. They want 'yes men' to govern according to the book, not Governors who will take a risk or ignore instructions which they think are not in the best interest of their prison."

The status and respect which Governors receive from their staff has also changed over the years, as these quotes from a former, and a current, Governor reveal:

> 'To the prisoners and the officers the governor is a person of considerable importance and authority. Great deference is shown to her: doors are opened and shut; there is a feeling of extra alertness when she appears. One governor confessed that he sometimes feels strange and mildly outraged to be treated as an ordinary person when jostling in a bus queue or waiting to be served at Woolworth's: 'Can they not see that I am the governor?', he finds himself thinking' (Kelly 1967, p171).

> "Things are not like they used to be. Prison officers and prisoners show less respect to me as Governor. I remember the days when officers would stand up when you went into an office or on the wing and prisoners would accept what you told them. Not today, society has changed and with it the standing and approach to the Governor."

15.3   The continuing significance of the Governor

Historically there have been immensely powerful Governors who have single-handedly determined the course of a prison for long periods of time (Jacobs 1977, DiIulio 1987, Taylor 1993, Pisciotta 1994, Kantrowitz 1996). It would be reasonable to speculate that the importance of the role of Governor would have significantly diminished with the increased control, direction, regulation and monitoring of Governors' work described above. For a variety of reasons, however, Governors

remain significant and influential players in the prison landscape. As one commentator put it:

> 'Governors are the most important individual influence on what a prison is like, even though no governor can any longer be the nearly autonomous agent he or she once was, equally able to create either charismatic and meaningful establishments or ill-functioning islands determined by whim. The prison community is their resource and the quality of life within it is their product' (West 1997, p32).

Governors continue to have a fundamental impact, either by contribution or default, on how a prison is run (Sparks *et al.* 1996, HM Prison Service 1997a, West 1997, Bryans and Wilson 1998, Boin 1998, Carlen 2001). Governors themselves recognised the continuing importance of the role:

> "I think the prison is about the Governor and that the character of the establishment, the atmosphere in the establishment and the professionalism of the establishment all still radiate from the Governor himself."

> "The sudden and complete transformation by a change of Governor, which has always been my experience, means that a Governor should never underestimate her or his influence. And I spent quite a lot of my career pretending that it wasn't true, and only latterly accepting that that is true."

> "... there are so many obvious examples of that where an establishment will go one way or another depending on who is in charge of it."

A Prison Service director took a similar view of the continuing importance of the Governors' role:

> "Aside from the Director General as an individual, the Governor of the establishment is the key role in the Service, beyond any doubt in my view. More important than area managers, he's more important than directors, he's more important than policy people at Headquarters by a factor of thousands of percent in terms of what happens on the ground in their establishment. So if you want to deliver, if you really want to do things, then you've got to get Governors on your side, and tuned up to do it."

There are a number of reasons for the continuing importance of the Governors' role: the nature of the environment; the historical vestiges in the role; the level of discretion that Governors still exercise over individuals; and the need for someone to regulate the operation of a prison on a daily basis.

15.3.1 Working in a unique environment

Prisons have a number of characteristics that continue to make them a unique social institution and public service (HM Prison Service 1997a and Matthews 1999). Perhaps the most significant feature is the dynamic created as prisoners are detained against their will. In addition, unlike mental hospitals, where psychiatrists do have the power to exclude certain classes of patients, Governors have to take all the prisoners they are sent. The potential for prisoners to be disruptive, unless prompted and encouraged to conduct themselves well, remains a distinct feature of the prison environment. One Governor commented:

> "You have a totally diverse range of people in your institution which you have to manage, and I include staff in that. You have no control over your client group at all. You get what you get... So we have got a totally diverse client group that we have to manage. And the fact that they are not volunteers I think is also the other big difference. You could take the military analogy quite a long way, but then you come down at the end to the crunch that none of ours are volunteers. So you have got a potentially 100% hostile group being managed, which has got to be unique. They do not want to be here. And that must be a unique challenge for the person in charge."

Other distinctive features of the prison environment which point to its uniqueness include: the power disparity between staff and prisoners (the dialectic of domination and subordination is very different from that which subsists in the 'open parts of society' (Cohen 1985)); the level of deprivation (liberty, movement, access to goods and services, sexual relations with partners); high levels of surveillance (in cells, toilets, showers, meetings with family); and limited freedom of choice (daily timetable, regime, food).

While the modern prison is not as completely or effectively 'cut off from the wider society' as Goffman (1968) once claimed, they remain, for the most part, closed to the public. It can be argued that although prisons are now much more open places, and many have an almost constant stream of outside visitors coming through their doors, the true heart of prison life remains just as hidden as before.

Prisons continue to encompass the whole of the lives of their inmates for 24 hours a day, 365 days a year. A number of features that define 'total institutions' (Goffman 1968) still apply to prisons today - hierarchy, routine, rituals of degradation and

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initiation, bureaucratic categorization and segregation of their populations, and a complex interaction between formally acknowledged procedures and informally controlling social processes (Sparks *et al.* 1996, p50).

Prisons exercise power and influence over the individuals held within them. This power can be used for positive purposes or it can be abused. The Governor, as head of the institution, has the ability to influence how that power is exercised and the purposes to which it is put. That has not changed over time. The external controls and monitoring have increased but on a daily basis it is still the Governor who signals what is and is not acceptable behaviour, the way prisoners should be treated and what restrictions are reasonable. Where the Governor does not exercise that power, some other individual, or group of individuals, will set the standard and decide what is acceptable behaviour.

> "Prisons are very coercive environments. Even today the Governor should visit the punishment cells, visit the hospital, I mean areas of vulnerability, is my kind of general point. Areas where there is sensitivity, where things can go wrong, where abuses can occur. So health care, segregation... A good Governor understands that ... I think it is also important for the Governor to go into what one might call the dark corners. Things like the boiler house, and the store rooms. To see all parts of the prison and make sure that things are working right. If people know the Governor is watching then they will do what is right but if they know that he is not watching or that he does not care then it is a slippery slope to abusive behaviour. "

The level of accountability and scrutiny from politicians, the courts, inspectorates, audits and the media also adds to the uniqueness of the environment:

> 'There are not many important jobs where the entire rationale of the work is, rightly, under such scrutiny, and someone going to work in the prison service for the first time will feel this quite acutely' (Dunbar and Langdon 1998, p7).

Whether prisons are indeed unique institutions, or simply 'special cases' of the problems of action, structure, power and authority (Sparks *et al.* 1996), there was a general consensus amongst Governors that the nature of the environment in which they operated was sufficiently distinctive to make their role different from any other. In particular, Governors highlighted the fact that the complexity of the environment meant that they had, frequently and at short notice, to switch between roles (for

example, from manager to incident commander). Governors also pointed to the need to balance the competing demands of the various groups in the prison in order to ensure that the prison functioned safely, securely and humanely.

15.3.2 Historical vestiges in the role

The Governors' role has developed over time, as chapters 6 and 7 describe.

As it did so, the role became vested with a certain amount of mythology, symbolism and power.

> "The role or the Office of Governor is vested with mythology and power because it has to be I suppose... We have enormous power over people's lives."

> "It comes back to the sort of symbolism of the role... It is a total institution. There is a lot of implied danger within it. It's a risk business. It's very people-orientated and complex. Those all make it such that the head is vested with more symbolism than, say, a general manager of a factory."

Much of that symbolism and mythology remains with the post today, and contributes to the significance that people attribute to the holder of the Office of Governor. One manifestation of this mythology is the way in which prisoners and staff consider the Governor to be the ultimate source of power and authority. This is surprising given that: a superstructure above the Governor makes many decisions and allocates resources; most Governors now have little to do with individual prisoners and their problems (those Governors who do adjudications and visit their segregation units have some direct contact with 'troublesome' prisoners but most prisoners see little of the Governor and have even less personal contact); and decisions about individual prisoners (such as temporary release, category change or segregation) are often decided on by other managers. However, for most prisoners and staff it is still the Governor who can make a difference in their lives and it is to the Governor that they turn to address their requests and concerns.

To some extent prison staff have been complicit in maintaining the 'mythology' that surrounds the Governor. They encourage prisoners to believe that Governors remain powerful. This mythologizing enables staff to use the Governor as a way to manage their interaction with prisoners – for example, by saying that: "the Governor won't

let us", "it's the Governor's fault", "the Governor changed the rules", "if the Governor finds out I'll be in trouble".

Prison officers also still expect Governors to attend social events, speak at funerals, visit sick staff, and sort out domestic issues (debts, marriage problems, housing matters). They expect to be able to have private meetings with Governors and that they will take an interest in their personal lives. Few senior managers in the business world would face similar expectations.

15.3.3 Principled professionalism - exercising sound judgement

The professional is described as someone who has acquired a body of knowledge and experience that enables the immediate exercise of discretion in complex and uncertain situations (Mintzberg 1983). While Governors' powers have been directed and constrained in many ways, their residual power remains extensive. Governors still exercise considerable discretion in how to exercise their power on a daily basis. Policy instructions, despite their proliferation to cover a greater number of areas, can never be so comprehensive as to cover all eventualities in what is a complex operational environment. Many rules, instructions and orders remain sufficiently 'open textured' (Twining and Miers 1982, p213) to provide considerable scope for interpretation by the Governor:

> "On the one hand, we are not short of instructions, you know; this office is full of cupboards which are full of manuals; but whether those instructions fully meet, fully advise, fully structure, fully guide Governors in order to make the decisions on a day-to-day basis, I'm very doubtful of that. I mean it's down to you as the Governor to deal with ambiguity."

> "I think by and large as long as you are within the Prison Rules and the broad guidelines that we get within the specific functions, there is still a colossal amount of both autonomy and flexibility in how you govern a prison."

It can also be argued that NPM itself has enhanced the importance of Governors by making them accountable for the total operation of their prisons (budget, staffing, prisoners and achievement of KPTs). The Governor is now both managerially and institutionally powerful, despite being more closely line-managed, monitored and accountable:

"There are still very few heads of large organisations where so much responsibility, authority and power is vested in a single role."

"So I think we still, as a Service, believe that Governors have to be powerful people, run on varying lengths of lead, but with the area manager hanging very firmly onto the other end of that lead these days."

The prison environment remains one of great ambiguity in terms of its conflicting purposes. The Prison Service as a 'Weberian bureaucracy is ill-equipped for correctly translating vague and conflicting goals into integrated action' (Boin 1998, p66). Coming up with policies that allow Governors to achieve all official penal goals in a uniform, efficient and politically acceptable manner is an 'impossible job' (DiIulio 1990 and Hargrove and Glidewell 1990). It falls to the Governor to interpret the aims, purpose, and goals of imprisonment. Governors must still balance competing priorities in the light of a proliferation of objectives and tasks, which go way beyond Governors' functional and financial capacity to deliver (Carlen 2001). A Governor in the study explained it in this way:

"I think primarily we are talking about, not totally, but a fairly unique institution... If you look at the stakeholders, the interest groups that you are trying to satisfy, I doubt if there are many organisations as complex as the Prison Service and often contradictory constituents as stakeholders. And in that sense, I think it's more complex, less clear in its aims, contradictory in some areas so that you are facing often in more directions than you've got faces. That gives it a bit of a uniqueness and I think that's to some extent too because of the lack of clarity in that and I don't think it can be clarified. I think it's intrinsically complex and contradictory and, because of that, you're doing much more as a Governor. People look to you as the Governor to put it all into context, to explain things and to put the pieces of the jigsaw together."

Social systems that may appear stable and permanent are, in reality, in a dynamic state of 'perpetual reconstruction' (Hatch 1997). Prisons are volatile institutions that can quickly degenerate into a state of disorder. In their daily work Governors must exercise their judgement to manipulate the various aspects of the regime in order to ensure security, order and justice on the one hand, and reform, rehabilitation and reintegration on the other. As one commentator put it, 'There can be no simple and invariant solution to all problems of order and legitimacy. Prisons are mercurial institutions' (Rock 1996, p349).

The implementation, on a daily basis, of all aspects of centrally-prescribed policy is not feasible and Governors have to decide the degree and speed of implementation.

"We get so many manuals and instructions these days that you can't do everything. I have a look at them and decide what is most important and what can be left for later. It is only when standards audit come that you realise you should have implemented something a long time ago."

Governors continue to have a role in assessing and managing risk. Judgements have to be made about: what level of risk is acceptable for any given purpose or in any particular situation; what factors should be taken into account; and what weight should be given to those factors. Whatever the process for risk assessment (actuarial or otherwise – see section 10.6) Governors continue to have to make the final decision on the risk posed by an individual in various circumstances such as: Home Detention Curfew; release on temporary licence; the size of an escort to court or hospital; employment location; segregation; transfer; and security category.

Governors saw risk management as a key element in the continuing importance of their role:

"There is no scientific way of doing a risk assessment when you are working with people and especially cons. You might be able to do a proper risk assessment with a gas boiler or oil rig but with prisoners it's different. You can try and be objective and use all the modern assessment techniques but at the end of the day it's a human judgement – my judgement in many cases. There will always be a risk when you are working with prisoners. That's the nature of the beast – they are unpredictable and cannot be relied upon to do what you expect. After all, that's why most of them are in here."

15.4 Governors and today's penal paradigm

In governing their prisons, Governors must accommodate the four functions of penal confinement (see section 2.4) - the custodial function (incapacitation and deterrence by preventing escapes), the restorative function (providing opportunities for rehabilitation and reform), the controlling function (ensuring order, safety and justice) and the maintenance function (providing decent and humane conditions). The balance among the four elements is not static. Public and political views of where that balance should rest have changed over time. The resources available to deliver the goals, and the number of prisoners who have to be managed, have also varied significantly over the years.

The 1990s saw imprisonment re-emerge with a new value placed upon it. It has been argued that prisons came to be seen as:

> 'a symbol of reassurance rather than shame to an anxious public,
> and, with the injection of the private sector into its administration,
> it begins to turn itself into a high quality product' (Pratt 2000b,
> p141).

The development of this populist penal agenda (see chapters 2 and 10) has manifested itself most clearly in the increase in prisoner numbers. The impact on Governors of the rise in prisoner numbers has been significant. The Prison Service points out that:

> 'The impact of this population growth ... cannot be underestimated
> ... the most troubling aspect was the Service's inability to maintain
> the reduction in self-inflicted deaths that had been achieved over the
> previous two years ... further pressure was experienced with regard
> to maintaining order in establishments ... the Command Suite was
> opened 62 times – (a 27% increase on the previous year) to deal with
> a range of serious incidents' (HM Prison Service 2003b, p9).

Managing the increased population places a huge burden on all operational managers. As Governors struggle to cope with the implications of accommodating the highest ever number of prisoners there is inevitable disruption to offending behaviour work, drug treatment programmes and education courses. It does not sit well with the Service's efforts to raise standards of decency and make prisons increasingly more constructive. A Governor put the problem in this way:

> "So long as overcrowding remains a chronic problem, Governors are unable to
> foresee any lasting improvement in prison conditions, and face an increased risk
> of violent disorder in their prisons".

The shifting politics of law and order have also had an impact on what Governors do. The phenomenon and ramifications of toughness in penal policy have been well documented (see, for example, Cavadino and Dignan 2001) and were discussed in earlier chapters. The 1990s saw the political rhetoric of the then Home Secretary making clear that 'prison works'. The 'prison works' mantra focused on its destructive and incapacitating qualities rather than on any notion that prison reforms or rehabilitates the individual. This was coupled with an abandonment of any pretext

of benevolence as there was no longer any anxiety to 'camouflage the debilitating aspects of imprisonment' (Pratt 2000b, p133). Prison conditions were to be 'decent but austere'. The more punitive approach has been reflected in both policy and practice within prisons. One Governor commented:

> 'Sadly, we have lately seen attention paid to party political concerns at the expense of fairness in dealings with individual prisoners, particularly classes of prisoners and individual members of staff' (Godfrey 1996, p12).

As part of the response to party political imperatives, recent years have seen Governors having to: make their prisons 'austere'; transform their institutions into 'boot camps'; develop 'tough regimes'; reduce the availability of temporary release leave; send life sentence prisoners back to more secure establishments; and cut their budgets.

At the time of the fieldwork for this study (the late 1990s) Governors were incarcerating an ever-increasing number of prisoners in overcrowded accommodation, budgets were being reduced and prison security remained the dominant feature of imprisonment. Managerialist concerns (performance indicators, strategic planning, audit and monitoring, robust line management) came to replace notions of reform and rehabilitation. Prison regimes were re-orientated to make them 'decent but austere', self-inflicted deaths increased, and regime hours decreased. While the majority of Governors were satisfied overall with the job of governing (see chapter 9), many expressed disillusionment and frustration with what they were able to achieve in the working environment. This is understandable given that 73 per cent of Governors espoused reformist and rehabilitative ideologies (rather than punitive and managerial ones).

The trend to appoint more managerial Governors ('general managers' and 'chief officers') rather than rehabilitative and reformist Governors ('liberal idealists') has continued since the fieldwork was completed. Increasingly Governors are more focused on keeping the 'business' running (and coping with the more short-term goals of managing prisoner numbers) than on achieving any long-term crime reduction through the rehabilitation of offenders.

There are some signs, however, that in the last year or so rehabilitating prisoners is once again establishing itself as an important function of our prison system. Some managerial targets are being reformulated to become output measures (such as reconviction rates) rather than process measures. Even though many problems remain (overcrowding, reduced purposeful activity, increased self-inflicted deaths, rise in serious assaults), a number of recent developments (an investment in literacy and numeracy in prisons; a focus on the 'decency agenda'; more programmes to address offending behaviour; and better resettlement work) will have bolstered those Governors who adhere to a rehabilitative ideal.

15.5 Prison governance today - *sui generis* revisited

There has been a long-held view that governing is a unique and distinct professional occupation. The previous Governors' union incorporated in its logo the words *sui generis*. Their current representative body, the Prison Governors Association, maintained in its submission to the 2001 Prison Service Pay Review Body that the role remained 'unique and special' (Prison Governors Association 2001a, p9).

Earlier chapters have shown that the work of Governors has changed significantly over recent years. Today Governors are more accountable and their level of responsibility is greater. Robust line management ensures that Governors deliver set-down policies and are not deviant in their activities. External scrutiny is far higher and every decision a Governor makes is open to challenge. Paradoxically, at the same time as their responsibility and accountability has increased, Governors' power to shape their prisons has decreased, as central prescription of what has to be done, and how it has to be done, has become much more widespread. One study concluded:

> 'A transformation has thus occurred in the role of the prison governor, changing from that of a feudal-baron-cum-house-parent to that of a corporate manager' (Genders and Player 1995, p205).

Governors manage resources (money, people, physical assets), command incidents, and lead people (staff and prisoners). This rather trite description does not however do

justice to what remains a key role in the Prison Service. The reality is that Governors must not only be competent in technical areas (such as financial management, incident command, conducting adjudications) but also must have an appreciation of, and be able to manipulate, the 'softer' elements of a prison (such as culture, emotions, tensions, expectations) in order to regulate its daily operation. This aspect of a Governor's role – jailcraft - has remained constant over the years. A Governor described governance in this way:

> "I think the very title Governor implies a key role which is multi-faceted ... as a Governor I need to be financially very astute, politically aware, able to manage the dissonant balance between the need and expectations for trainees and the needs and expectations of staff and the needs and expectations of society. That triangular balance is very interesting. One needs to set standards for normal behaviour within the institution, in other words so that a community of this size is actually able to function in a positive, meaningful way for everybody, not to stagnate and not to have a period of attrition in the relationship between the various key players who will vary from day to day. I also need to ... balance their justifiable expectations."

Contemporary prison governance is still about creating a safe and secure establishment, which has a positive ethos, and in which staff and prisoners are able to make a contribute to the community. This involves the Governor crafting prison culture (both prison staff and prisoner sub-cultures); and understanding how to blend the various approaches to maintaining order. It entails demonstrating clear values and beliefs in order to make clear what is, and is not, acceptable behaviour and setting appropriate boundaries. It is about guarding against abuse of power and ensuring that staff exercise their authority legitimately and fairly. It requires imparting respect for the rights of others among both staff and prisoners, as well as ensuring that the rules are applied in a fair and reasonable manner. It involves exercising power and decision-making based on a firm moral foundation. It necessitates effectively channelling the extreme emotions and feelings of prisoners and managing relational and discretionary elements of the prison environment. It is about providing a range of constructive activities and promoting participation in those activities. It involves representing the establishment outside the walls and managing the boundaries with external stakeholders. But above all, it is about creating hope and providing the opportunity for personal growth amongst staff and prisoners, in what is a potentially damaging environment.

Governors' ability to do this is linked to the quality of relationships that they form and develop with other people, and the way they exercise their authority. Governors must create and nurture shared ownership of, and commitment to, driving the establishment forward. Governors must recognise the potential in their senior team, and use it to empower and develop all staff. This requires visible leadership of both staff and prisoners, particularly where decisions need to be made in complex and difficult situations.

Like the head of any organisation, the Governor:

> 'has the task of creating a true whole that is larger than the sum of its parts, a productive entity that turns out more than the sum of the resources put into it' (Drucker 1954, p341-342).

While the nature of some of the work that Governors undertake has changed, Governors were of the view that aspects of their role were very similar to those of their predecessors:

> "The leadership issue has not changed. The responsibility issue has not changed. It's just that the tools used have become more complex, and the pitfalls are far greater, but the actual role I don't think has changed. I'm sure it's not changed."

> "The work has changed. There is no doubt that in terms of the things you have to spend time on now as a Governor, that has shifted around ... if I differentiate the role and the work, I think the role probably hasn't changed."

This view is shared in the American context:

> 'While his role has become more complicated, there are more similarities than differences in the warden's functions over time' (Murton 1979, p11).

The distinctiveness of the working environment, historical vestiges in the role and the need to exercise a balancing and regulating function, all contribute to making the Governor's role critical to the successful operation of today's prisons. The issue, though, of whether that role is *sui generis* remains a debateable one. There is no doubt that features of imprisonment make prisons distinct environments in which to manage. But many other working environments are also distinct and require specific knowledge, skills and experience in order to work within them. To justify the

assertion that the Governors' role is *sui generis* it would be necessary to demonstrate that there is no other comparable role.

Governors base their assertion that their role is unique on a number of features: the amount of power, influence and authority that still rests with the Governor; the uniqueness and complexity of the environment in which it is exercised; the breadth and range of responsibilities; the ability and requirement to switch between management and command roles; the level of involvement they must have with the detailed operation of the institution (requiring technical expertise); and the intensity and coercive nature of prisons, which require balancing the control of prisoners with their protection. They point to the need to regulate and balance the daily operation of a prison, and the requirement to demonstrate clear moral and ethical standards, as the unique element in their role:

> "The Governor's role as regulator is, perhaps, the role which has changed the least over the years. It is also the role that is specific to the total institution of the prison."

While there have been some attempts to eradicate 'qualitative, professional and discretionary judgement from operational decisions' (Carlen 2001, p11), and to make Governors operate within narrower and less flexible boundaries, Governors still need to use their power, authority and discretion in a way that protects the individual and mitigates the negative aspects of the closed institution. One Governor described it in this way:

> "I think the worst of it is that those who don't realise that they have a greater task to perform get sucked into the managerial model. They end up doing trivial things. And whilst they are doing these things they lose sight of what they are supposed to be doing. The net result is that the establishment will start to drift and they drift inevitably. You can't actually take your hands off the steering wheel and expect not to hit something eventually. It is absolutely vital that the governing Governor stays there and keeps it on track and understands that that is his or her role. And it isn't anybody else's job. You can't hand it over to the area manager. You can't hand it over to [the deputy director general] although I am sure he would like to direct everybody. You can't hand it down to your deputy. It is recognising that nobody else can do that job. I think, most importantly, recognising what that job is and what the distractions are around."

Governors saw their continuing significance as the 'soul and conscience' of the prison. Their values and principles were embodied within all that they did and were

the benchmark for measuring everything that happened in the prison. For them it was about ensuring that:

> 'The pursuit of values such as justice, tolerance, decency, humanity,
> and civility [are] part of any penal institution's self-consciousness –
> an intrinsic and constitutive aspect of its role' (Garland 1990, p292).

It is in these areas (custodian of values and ethos, regulator and creator of balance, managing in a potentially damaging and hostile environment) that the *sui generis* aspects of the Governors' role are most clearly manifest.

CHAPTER 16:

IMPLICATIONS OF THE RESEARCH

Over 40 years ago, in the classic volume *The Prison: Studies in Institutional Organization and Change*, Cressey (1961) suggested that administrators and other policy makers do not find theoretical works too helpful for their job. More recently, an academic described the relationship in this way:

> 'Theorists may offer elaborate and well-designed models but the practitioner may ask, 'What use is this to me?' The practitioner might argue that what is important is not necessarily the truth or degree of probability of a theory but its utility' (Lawton 1998, p9).

It is hoped that the current research will contribute to bridging the divide between theory and practice in three ways: first, by offering policy makers and practitioners perspectives on their work; secondly, by providing a number of practical recommendations which flow from the research; thirdly, by contributing to penal and management theory. Giddens suggests that research can reconstitute and alter the field of practice where the research is absorbed back into discourse and practice (what he call the 'double hermeneutic', Giddens 1989, p289). This last chapter therefore pulls together the different strands in the research and assesses the contribution of the research to theory and practice.

16.1   Contribution to theory

Thomas Jefferson once warned that 'the moment a person forms a theory his imagination sees in every object only the traits which favour the theory' (quoted in Matthews 1984, p1). This study did not set out specifically to develop or test an existing theory, but rather to answer a number of questions about the role and work of current Governors, and to consider to what extent that role has changed. During the course of the research a number of theoretical perspectives were explored and their accuracy and relevance tested against the emerging findings. The contribution this study makes to affirm or contradict existing theories is discussed below. Even

where the current research does not support an existing theory, it should not be forgotten that:

> 'Theoretical frameworks remain the essential lenses or filters through which people view information, select facts, study social reality, define problems, and eventually, construct solutions to those problems. Even when theories are wrong they can be useful...' (Duguid 2001, p51).

The study sought to identify the patterns and structures of prison governance primarily through Governors' discourse. Their discourse was grounded in experience rather than in some esoteric body of knowledge. It was derived from Governors' claims to know prisons and prisoners, gained from experience of dealing with prisoners and from running prisons. Very few Governors set their views within any theoretical, academic or legal framework. This reflects perhaps the fact that Governors receive minimal training on the theory of prison management, international standards and ethical issues.

This section provides a reflection on a number of theoretical concepts as 'the task of social research is in large measure to illuminate (or to "make better sense of") the social world as it is experienced on a day-to-day basis' (Sparks *et al.* 1996, p299).

16.1.1 Public-sector management

The academic literature suggests that developments in public-sector management in the past 20 years have seen a shift from traditional public administration to public management (Gray and Jenkins 1995) and more recently to New Public Management (NPM) (Pollitt 1990 and Hood 1991), what one commentator has called 'a deliberate change in the arrangements for the design and delivery of public services' (Boyne *et al.* 2003, p3).

The current research contributes to that literature by charting the rise and implementation of NPM in one particular public service (the Prison Service) and considers what NPM meant for a particular group of senior managers (Governors) in that organisation. The findings lend support to the view that a general pattern of

change is apparent across the different public-sector settings. NPM has had a significant impact on the operation of the Prison Service and the way that it is managed. Governors were of the view that NPM tools, practices and approaches are now firmly embedded in the Prison Service. This supports earlier research that found that NPM changes in the public sector were more than 'symbolic accomplishments' (Czarniawska-Joerges 1989).

The Prison Service, like the rest of the criminal justice system, adopted a more managerialist approach to its activities in the 1990s (for a description of managerialism in the probation service see: Vanstone 1995, Fionda 2000, Cavadino and Dignan 2001). The new priority became to 'manage' the resources of the Service more efficiently and to demonstrate the effective disposition and use of those resources, whether staff, buildings or equipment. The perceived attributes of the well-run private-sector company (of high efficiency, of explicit accountabilities, of clear objectives, and of measured performance) became the mantra of the Service. In short, NPM led to a number of changes in Prison Service policies, structures, power relations, cultural values, mindsets, language, work procedures and processes.

The success of NPM in establishing itself in the Prison Service is in contrast to earlier 'short-term managerial fads' (Abrahamson 1991) which soon fell out of favour. NPM's success in the Prison Service can be attributed to the coming together of external environmental changes (budget reductions, challenges to Governors' decisions, increased media and political interest) and internal dysfunction (particularly the escapes from Whitemoor and Parkhurst prisons). This supports earlier research that emphasised the need for both external and internal pressure for reform to be successful (Chandler 1962, March and Olsen 1989, Chen 1990, Pawson and Tilley 1997).

There has been a move in some public-sector organisations to adopt private-sector organisational forms, such as 'divisionalised' structures, with the associated greater accountability, delegated budgets, and clear performance indicators. Middle managers are given objectives and targets to achieve and otherwise left to run their divisions as they feel best – in other words, they are held to account for results or outcome, and not directed on process (Mintzberg 1983). This has led to:

'organizational variety increasing rather than decreasing, reflecting a move within the new public management to greater devolution, less standardization, and greater local flexibility' (Ferlie *et al.* 1996, p246).

The current research indicates that NPM did not have this effect on the Prison Service and instead led away from organizational heterogeneity to increased 'isomorphism' (DiMaggio and Powell 1983). In the last ten years, power moved firstly from the centre to the Governor, and then back to the centre (in the form of the area manager). While there were initial attempts at creating a divisionalised structure and delegating power, authority and accountability to Governors (Lewis 1997), the structure and power balance were later realigned. A widespread process of 'deprofessionalization' has taken place and there is now less autonomy at local level as a result of increased standardisation of procedures and performance management. This shift in power (from Governors to the centre) confirms the view that: 'new managerialism operates to redefine power relations' (Clarke *et al.* 1994b, p6).

What emerged was an increase in central control, more accountability, intense performance scrutiny and checks on professional and administrative discretion. Governors were measured on outputs and had the processes for achieving those outputs specified - what has been referred to as the 'double whammy' of NPM (Raine and Willson 1993, p210). The Prison Service structure today has more in common with a rigid 'machine bureaucracy' (Mintzberg 1983) with its: eleven hierarchical levels, tightly defined jobs and an abundance of rules and procedures that direct decision-making. Indeed, it can be argued that bureaucratic culture has become embedded and further hierarchical behaviour engendered. The Prison Service has moved, in terms of its organisational architecture, from a 'profession'-dominated culture (in which the Governors, as professionals, knew what was best for their prison) to a 'managerial bureaucracy' (in which Governors retain some professional discretion but their work is being increasingly directed and constrained by detailed regulation and robust line management).

Commentators have suggested that public-sector managers have changed their discourse from 'professional' to 'managerial' (Pollitt 1993). They point to examples

where managerial discourse (of performance management and efficiency savings) has replaced the professional discourse (of caring, meeting needs, and doing what is best for the individual). In changing the discourse, managerial imperatives are placed at the heart of the reconfigured public management system. The interviews with Governors would partially support such a conclusion. Most Governors peppered their discourse with current managerial language of mission statements, strategic and business plans, indicators, measurements and targets, budget management, cost reduction and 'doing more with less'. A number of Governors made very little reference to prisoners during their interviews and were more concerned with 'running a business', than with any issues to do with any moral or reformatory element of their role. Had the interviews been conducted with Governors in the 1970s and 1980s, it is reasonable to speculate that their discourse would have been far more focused on industrial relations, regimes and programmes for prisoners, as they were more dominant organisational issues at that time.

There is an ongoing debate in public management research as to whether there remains a distinct 'public service mission' (Osborne and Gaebler 1992). The argument is centred on the proposition that the public sector is constituted in a specific way and has its own particular operating environment containing a distinct set of constitutional, legal and political influences and constraints. Despite the changes brought about by NPM, Governors' discourses lend support to those who argue that a distinct public sector ethos exists (Allison 1983, Ranson and Stewart 1994, Ferlie et al. 1996, Lynn 1996). Governors identified four elements which made their work distinct, when compared to managers in the private sector: their 'value-driven' approach (which underpinned their work in protecting the public, upholding prisoners' rights, delivering quality services to prisoners and trying to rehabilitate them); the more stringent political, managerial and legal accountability and levels of probity that they faced; the fact that their core purpose was to provide a service rather than to make a profit; and that they were not free to select those to whom they deliver services.

The current research also contributes to the debate about the consequences of NPM reforms for the *performance* of public organizations. While this area of investigation has been generally neglected, there have been studies that have looked at the impact

of NPM changes in healthcare, education and housing (see Boyne *et al.* 2003). At a simplistic level, one of the NPM tools (key performance indicators) can themselves be used to demonstrate that there has been a marked improvement in Prison Service processes and outcomes in recent years (escapes are down, regime activities up, offending behaviour programmes up (HM Prison Service 2003b)). One commentator suggested that many improvements, such as the end of slopping out, fewer escapes, more purposeful activity and an end to three to a cell 'could be associated with the effects of the new public management' (Faulkner 2001, p297). It is open to debate as to whether these advances were in fact more the result of post-Woolf reforms than any changes flowing from NPM.

What is clear is that a greater reliance has been placed on NPM to manage the strains arising from the continued increase in prisoner numbers. The system has been better able to cope with a larger number of prisoners than ever before (notwithstanding that the rise in numbers has arguably led to a rise in self-inflicted deaths in custody, more drug taking, a fall in purposeful activity and greater overcrowding) with the danger that a certain level of complacency has been allowed to creep in.

If KPI results are taken as measures of improved performance resulting from NPM, then NPM has indeed had a significant positive impact. However, such an approach to assessing the impact of NPM raises two issues: firstly, the question of causality and secondly, the appropriateness of using NPM measures to assess the impact of NPM.

NPM has had an impact on the way prisons are governed and has made a number of significant changes to what Governors do, and the way that they work. Governors were generally of the view that the performance of their prisons had improved as a consequence of the adoption of NPM tools and practices by the Prison Service. Performance management (setting of explicit standards, measuring of performance, tight and robust line management, comprehensive audit and monitoring) and competition (league tables, performance testing) were highlighted as being of particular benefit in driving up overall performance. They were less convinced that the introduction of privately managed prisons had improved public-sector performance across the board.

While it is possible to come up with a 'shopping list' of criteria for assessing the impact of the changes, the fundamental problem remains that there are many dimensions of success or failure, and many different stakeholder groups who place different weights on these dimensions (Connolly *et al.* 1980). Commentators have suggested that NPM tends to decouple performance evaluation from social objectives, and to measure system functioning rather than broader imperatives (Heydebrand and Seron 1990 and Feeley and Simon 1992). Governors in the study took a similar view and believed that the approach adopted by the Prison Service is increasingly about measuring process rather than outcomes. They pointed to the lack of evidence that NPM reforms have led to a significant improvement in social outcomes and that there has been no reduction in reconviction rates in the period since NPM tools, approaches and systems have been introduced. As a Prison Commissioner put it over 80 years ago:

> 'The prison record that shows no escapes and no assaults is too often counted a record of success. It is the record of many receptions but few returns, that is the triumph of a good prison administration' (Ruck 1951, p29).

This 'goal displacement' (focusing on process indicators rather than outcomes) arising from NPM is a phenomenon that has been seen elsewhere in the public sector (Newman and Clarke 1994).

16.1.2 Managerial roles and competence

Governors spoke of themselves as having a number of related and overlapping roles, rather than as having a single role, confirming Merton's (1957, p369) hypothesis. Various stakeholder groups (line management, prisoners, staff and so forth) define the Governor's roles. These stakeholder groups can have contradictory role expectations. For example, the traditional 'maternalistic/paternalistic role' which is place-based and requires the Governor to be in the prison, comes into conflict with the 'figurehead/representative' role which demands that the Governor attends area criminal justice committees and other meetings outside of the prison.

The assessment of the nature of a Governor's work, and the competence (knowledge, skills, experience) needed to do it, inform the debate concerning the utility of the notion of management *competence*. There has been considerable management research into the roles and functions of the heads of organisations, which has described roles and generic management competencies common to all types of managerial occupations, in all organisations, and at all times (Mintzberg 1973 and 1989, Schroeder 1989, Gratton 1989, Yukl 1994, Dargie 2000). General management as a universalist and normative approach, therefore, implies a focus on the basic managerial role regardless of context (Warner and Witzel 1997). NPM thinking emphasises commonality and transferability in chief executives' roles. Chief executives are seen to be doing a similar job requiring similar skills, despite the distinct organizational contexts of the public sector (Dargie 2000, p39). Governors pointed out that they have had to develop traditional private-sector management skills of managing strategy, finance, contracts and human resources. Services within prisons are increasingly delivered through a network of organizations and involve joint working and partnerships. Such developments have led Governors to acquire other private-sector skills such as contract management and managing relationships between organizations (Lawton 1998). The current research therefore lends support to the view that management roles and skills from the private sector are readily transferable to the public sector.

A number of the additional competencies that Governors require can be found in managers in other specific environments, such as the ability to command disturbances and hostage incidents, and undertake quasi-judicial functions. The current research supports the view that a distinct set of sector-specific skills are required (Ranson and Stewart 1994), and that the nature of tasks is different between sectors (Pollitt 1990, Hood 1991). This lends support to the 'contingency' approach, which is based on a belief that competencies required by managers will vary according to the environment in which they operate and the jobs that they do (Kotter 1982 and Stewart 1986).

Governors make the case that there are competencies that are specific to the prison environment. The specific features of a prison (closed community, imbalance of power, people kept against their will, potential for abuse and so forth) combine to

create an environment in which there is a need to regulate the interface between the two main groups – the prisoners and the staff. Governors indicated that the uniqueness of the regulating role centred around: setting the tone and standards for the establishment; balancing the interests of prisoners and staff; and understanding and managing the tensions and emotions evident in the prison community.

To be effective in the role of Governor, therefore, an individual requires competences additional to generic management competences. This finding confirms Boyatzis' (1982) theory that individuals are only effective in roles where their competence match the job and environmental demands, which are specific to each 'distinct form of work organization' (Ferlie *et al.* 1996, p21). This is not to suggest that a manager from a different organisation could not govern a prison, but that to do so he or she would require additional competences – what some Governors referred to as 'jailcraft'. They would also need to be able to exercise their generic skills in the Prison Service organizational context (Hale 1986). Indeed, in other jurisdictions managers have been recruited from outside the prison service to run prisons, and were selected based on their business-management skills rather than 'detention values'. (For a description of the Dutch experience see Boin 1998, p138.)

16.1.3 Prisons and prison management

Goffman identified several basic themes or attributes as characterising and distinguishing the 'total institution': total control of the inmate population; total structuring of the inmate's environment and activities; total submergence of the inmate's pre-institutional entity; and the total separation and isolation of the institution (Goffman 1968). Governors in the study believed that prisons remain 'total institutions'. In support of this assertion Governors pointed to the fact that prisons: encompass the whole of the lives of their inmates; are based on hierarchy, routine, rituals of degradation and initiation, bureaucratic categorization and segregation of their populations; and contain a complex interaction between formally acknowledged procedures and informally controlling social processes (Sparks *et al.* 1996).

The current study does, however, support the view of commentators (see particularly Irwin and Cressey 1962, Irwin 1970 and 1980, Jacobs 1977 and 1983, Farrington 1992) that the prison boundary is far more permeable than it once was. Prisons today are shaped by their wider environment and react to, and are acted upon by, the broader community. Early researchers viewed 'the society of captives' (Sykes 1958, p79) as bounded by the prison wall and marked by its own conventions, codes of conduct and isolation. While prisons remain a 'society apart' the prison system is far more responsive to surrounding economic, political and managerial circumstances than earlier commentators like Sykes suggested. Penal policy-making is now less free from political influence (see section 10.3). The shaping of the prison by the external environment does not however always result in positive changes. (For example, in the Dutch case the broader community has had a harsh effect on prisons as the penal climate has hardened. See Pakes 2004.)

Governors were quick to make clear that prisoners were far from being a malleable and passive group, and that they frequently exercised power. They gave examples where prisoners had demonstrated their power by collectively protesting over: food; regime time changes; visits arrangements; the time that television is turned off; the quality of the laundry; temperature in cells; and suspected brutality by prison officers. These protests are usually met with some success, in that Governors indicated that they would take such collective complaints seriously. Governors gave examples of individual prisoner protests that they had to deal with: movement to another prison; parole results; what personal possessions can be held in cells; adjudication results; and change of category. These individual protests tended to meet with a less sympathetic response from Governors.

This study lends support to the view that life in a prison is a continuous process of negotiation between the various actors, and that power is not a thing which is possessed by one group of actors (prison staff) and directed at another (prisoners) but something which is in a constant state of negotiation between the two groups (see Sykes 1958, Morris and Morris 1963, Sparks *et al.* 1996, Liebling and Price 2001). Governors highlighted the fact that they needed to get prisoner agreement, or at least acquiescence, to maintain the daily routine in their prisons. They relied on prisoners: for intelligence information; to co-operate with the regime; and on prisoner labour to

undertake routine tasks. The same is not true for all prison systems. The development of Supermax prisons in the USA, for example, has to a great extent designed out the scope for prisoners to have any influence whatsoever (King 1999).

Prisons continue to direct the lives of prisoners to a level of intimate detail. The rules cannot cover every situation and eventuality, so prison officers have to exercise considerable discretion in dealing with prisoners (Liebling and Price 2001), what Mathiesen (1965) referred to as the distribution of 'benefits and burdens' by staff. Governors in the study confirmed that view and believed that staff, in exercising considerable discretion, had a real impact on individual prisoners. Governors believed that they had a central part to play in setting the boundaries for the compromise and accommodation which daily takes place between staff and prisoners. As a consequence, Governors pointed out that an important aspect of their work was to set the boundaries for the exercise of the prison officers' discretion and to establish what was and was not acceptable behaviour.

Governors frequently made the point that while prisons were substantially the same with regard to rules and regulations, they could vary dramatically in terms of their local culture and working practices. This is in contrast to earlier studies that adopted an ideal-type notion to prisons that saw them as everywhere substantially similar (Sykes 1958, Goffman 1968) but supports other studies that saw distinctions between prisons (Morris and Morris 1963, Mathiesen 1965).

Underlying the current research was a belief that in order to develop a better understanding of the prison environment, researchers need to focus not only on prisoners and prison officers and their social systems, but also on how prisons are managed. The current study is well placed to contribute to the emerging field of prison management literature as it focuses on the discourse of a powerful group in penal institutions (Abercrombie *et al.* 1980). Governors' discourse can be characterised as born of 'grounded professionalism' based on their accumulated knowledge, their practical experience and their personal judgement' (Adler and Longhurst 1994, p156) and, as such, can shine an important light on how our prisons should be managed.

Early prison sociologists maintained that prison officials held a 'grant of power without equal in society' as they:

> 'have the right not only to issue and administer the orders and regulations which are to guide the life of the prisoner, but also the right to detain, try and punish any individual accused of disobedience – a merging of legislative, executive and judicial functions which has long been recognised as the earmark of complete domination' (Sykes 1958, p41).

The current research suggests that Governors do indeed have wide powers and are able to exercise considerable personal power within their institutions. On the instructions of the Governor, prisoners can be physically restrained; segregated: transferred; confined to their cells; strip-searched; refused physical contact with their families; and released temporarily. However, in reality there are significant checks on the exercise of Governors' power and it is far from absolute. Any decision the Governor takes in relation to prisoners is now open to challenge through the area manager, Ombudsman, Independent Monitoring Boards and, increasingly, through the courts. The days of the 'authoritarian' Governor who had complete power over staff and prisoners are therefore long gone.

Prison management models tend to differ in relation to the body of rules, regulations and routines according to which a prison is managed. Such models tend to vary between the extreme ends of 'laissez faire' and 'strictly disciplinarian' (Cressey 1958) and represent a choice made among various means of inmate governance (Sykes 1958). Prison management models also suggest a difference in a second dimension: the formal structure, administrative routines and organizational culture (Cressey 1959 and DiIulio 1987). The military-type command structure with its formal system of control occupies one end of the continuum and the decentralised decision-making structure is positioned at the opposite end.

The approach adopted in prisons in England and Wales can best be described (using Barak-Glantz's (1981) classification) as a 'bureaucratic-lawful' prison management model, in which the operation of the prison is directed by detailed rules and regulations, and breaches of which can be challenged internally and externally. A few prisons (Special Security Units, Special Control Units, large local prisons) adopt

a more 'controlled' approach, in which prisoners have a restricted and controlled existence. An even smaller number of prisons (Grendon therapeutic prison and some therapeutic units within other prisons) have elements of 'shared-powers' in which aspects of running the prison are shared by management and prisoners. While an increasing number of prisons have independently recognised the value of prisoner involvement in the running of regimes (see Solomon and Edgar 2004 for a discussion of the work of prisoner councils) the level of prisoner involvement is far from that envisaged in an absolute 'shared-powers' model. No Governor spoke of 'inmate-control' as a basis for running his or her prison. Some did however point to inheriting prisons in which there were 'no-go' areas for staff and where some wings were 'run by prisoners'.

Within this 'bureaucratic-lawful' prison management model, Governors suggested that there was some level of variation depending on: the Governor's personal style, approach and values; the history of the prison and its culture; the type of prisoner held; the views and relative power of stakeholders (POA, prisoners, area manager, Independent Monitoring Board); current Prison Service policy; views of the inspectorate; and the external environment.

It falls to Governors to create 'some sort of management model' (Boin 1998, p9) that is appropriate for them and their prisons. Governors emphasised in particular that the use of different administrative features (prisoner/staff relationships; discretion afforded to prison officers; regimentation of regime; degree to which rules are implemented and rigidly enforced; response to prisoner rule-breaking and disruption; level of prisoner consultation, participation in decision-making and ability to exercise choice) should depend on the particular environment, the category and function of the prison and on what level of 'control' is needed at a particular moment in time. For example, there were times when a 'control model' approach was more appropriate (in the aftermath of a series of escapes; where there were high levels of disorder; where particularly dangerous prisoners were held; or when a new prison or regime was being established).

This suggests that there is no single best management approach to the running of prisons, which is contrary to findings in other jurisdictions (see for example DiIulio 1987). The current research suggests therefore that a 'contingent model' of prison management is the dominant feature of prison governance in England and Wales.

The work of Governors is now more managerial, with greater emphasis on financial, personnel, strategic and performance management aspects of the work. Governors, like their counterparts in other jurisdictions (see Wright, K. 1994 and Hunter 2001 on American Wardens) have moved from being 'specialists' to being 'generalists' but have retained a significant specialist element within their role. Governors were united in their view that this specialist (or *sui generis*) aspect involved regulating the operation of the prison, managing emergent tensions and the interface between staff and prisoners, and creating a working balance of the various forces and influences operating in their prisons. In order to do this Governors adopted a pragmatic approach to governing, whereby they 'muddle through' (Lindblom 1959) in an attempt to find the right balance and feasible solutions to practical issues that arise on a daily basis. Governors reinforced earlier findings (for example, Matthews 1999) in that they saw themselves as having to effectively balance and regulate the use of space, time and the quality of relationships in order to create a 'good' prison.

Despite the pressure to move from 'management by presence' to 'management by information', Governors were emphatic in their belief that prisons could not be effectively governed from sitting behind a desk. It is only by making personal contact with staff and prisoners, by visiting the less-frequented areas of a prison, by looking and listening to the interaction between staff and prisoners, and by speaking with visitors to the prison, that Governors can get a real appreciation of what is happening in their institution. In spending less time 'walking the landings' there is a danger that Governors will lose the 'feel' for their establishments and will no longer sense when things are not right. While Governors now have detailed information of the performance of various aspects of their prison's operation (from other managers, audits, internal monitoring, and prisoner request complaints forms) all of these are open to omission, manipulation and distortion. Governors who seldom leave their office run the risk of becoming isolated and removed from the reality of the prison's routine operation, and are no longer able to detect and prevent abuse and unfair

treatment. These conclusions support earlier findings on the importance of the head of the institution being visible, interacting with the stakeholders and monitoring personally what is happening in their establishment groups (National Institute of Corrections 1997, Mactavish 1997, Boin 1998, Bryans and Wilson 1998).

16.2 Recommendations for organisational policy and practice

This section draws from the field research in order to make a number of recommendations for organisational policy and practice.

Clarification of expectations. The changes in recent years to the Governors' role and work have resulted in confused expectations over what Governors should be doing. This lack of clarity is compounded, as the existing rules, regulations, orders and instructions require that Governors personally undertake a host of duties, some of which have their basis in history rather than the contemporary prison world. There is a need for the Prison Service to set out in clear terms what it expects of today's Governors and agree a standard job description to underpin those expectations.

Time in post. Governors spend a relatively short period of time in each prison they govern. It was reported that 44 prisons have had four or more Governors, or acting Governors, in charge in the last five years (Lyon 2003, p3). Only 17 of the 42 Governors interviewed for this study were still governing a prison at the end of 2003. One Governor highlighted the issue:

> "We all seem to move around so quickly these days. There cannot be so few good Governors that they are moved from crisis to crisis ... it cannot be good for the prison."

The impact on a prison of a change in Governor can be enormous. A prison will need to adjust to the Governor's personal style, understand the new priorities, and cope with the Governor's lack of local knowledge. Stakeholders will need to develop relationships and trust with the new Governor. While these issues may not be a problem in stable institutions, in more troubled prisons frequent changes in Governor can be extremely damaging. Frequent changes of Governor:

'allowed those resistant to change to fight rearguard actions, slow down the pace of change and, if we are not careful, send establishments into reverse' (Newell 2003, p26).

The ability of a Governor to make lasting changes and embed those changes in the prison culture takes time. Governors suggest that it takes at least a year to identify issues, build relationships and understand the culture, another year to develop, resource and implement change, and a third year to establish and embed a long-term strategy.

> "I think Governors should be made to stay in post for at least five years. It takes that long to sort somewhere out and to make the changes last. There are too many people who look at Governing as a stepping stone for promotion or who want bigger prisons or more money. Prison officers can see right through that sort of Governor and the place may look as though it has changed but as soon as he goes it's back to where it was."

The PGA takes a similar view, as does a former Chief Inspector of Prisons:

> 'The Prison Service should look to encouraging Governors to remain in post for longer periods of time by reviewing promotion and pay arrangements. As one former Governor put it: 'It is time to change the stories so that longevity becomes the norm rather than the rare exception''(Newell, M. 2003, p22).

> 'The Prison Service ... moves its commanding officers, or prison governors, around far too often, leaving them in post for much too short a time' (Ramsbotham 2003, p36).

The Prison Service should look to encouraging Governors to remain in post for longer periods and provide incentives for those that do so.

Contributions to policy formulation. Governors currently feel that they are unable to influence policy. The research indicates that this is one reason for Governors not implementing policy as it was intended. The Prison Service should look to reduce the 'appreciative gap' between those who formulate policy and those who have to implement it by involving Governors at the policy formulation stage. This will help to achieve 'like-mindedness' among members of the organisation and reduce the gap between policy and its implementation (Sabatier and Mazmanian 1983).

Training. Prison governance has evolved a body of practice, a way of going about things, which has been generally responsive to changes in the internal and external environment. The individual Governor is initiated into this practice and learns much of the substance of his or her work through a process of on-the-job apprenticeship, rather than through formal training courses, textbooks or college teaching. The 'rules' of how to do the job are not so much the product of design but the product of countless long-forgotten experiments that achieved practical results. Others relate to the 'art' of the job: the hints, tips and clues which Governors learn to read, understand and use to their advantage. The research has found that aspects of the Governors' work have changed significantly over recent years. Governors are now taking on a much more managerial role. The switch to more managerial training has resulted in the demise of professional training for Governors. There was unanimity amongst Governors that one of their key roles remained regulating the balance of the establishment. The learning and knowledge that underpins this 'jailcraft' has, in the past, been passed from generation to generation through the training that prepared people to govern. Governors made clear that this sort of training is critical, as there is very little written material to help them better understand their role and how to perform it. The Prison Service should review the way in which it will facilitate this passing of knowledge from generation to generation, as there is currently no written tradition of doing so.

Applying academic research. With more practitioners undertaking academic study that is relevant to operational policy and practice, there is a need to consider how the findings can be transferred into the operational domain. Readily accessible, understandable and relevant research findings will help to establish a written tradition of learning, which currently does not exist amongst Governors. The Prison Service is encouraged to look at the best means to disseminate the research material that is currently being generated.

Stress amongst Governors. Changes to the work, competing priorities, and pressures of robust performance management have all contributed to increasing the level of stress that Governors endure. Many Governors also reported conflicts over values and ideology, especially in relation to the impact of managerialism. There is a need for the Prison Service to exercise its duty of care to Governors by monitoring

their stress levels and ensuring that appropriate action is taken to support them in their work. If Governors are not functioning properly, it is unlikely that their prisons will be operating effectively.

16.3 What next? – Suggestions for further research

This study was based on a sample of Governors in post in the late 1990s. Not all Governors at the time were interviewed and the turnover of Governors has proved to be very high since the research was conducted. The views of Governors may have changed since the fieldwork was completed, as the continuing structural changes (such as the creation of NOMS, a new Director General, continued rise in the prison population) will have had an impact on Governors and their work. A new study would be able to chart further changes to the work and perspective of Governors.

The current research has, for the most part, focused on Governors' views about their work. While self-report data has a respectable place in criminology (see, for example, Hirschi *et al.* 1980 and Graham and Bowling 1995), it has been pointed out that 'groups of social actors in specific settings produce discourses that reflect and construct their social interest' (Adler and Longhurst 1994, p31). As managers often do not act in ways that they claim to act (Watson 1996), the 'espoused' theories of Governors about what they do, and their role, may differ from reality. Research based solely on managers' accounts of what they do is necessary but not sufficient. There is a need to analyse how they act, through, for example, participant observation (Lawton 1998), and future researchers should consider such a methodological approach. A study using different methodologies (such as observation or work diaries) may also shed some light on different aspects of a Governor's work, which were not revealed in their oral accounts. Such research would also indicate whether what Governors said they did was borne out in their day-to-day work.

This study has provided one snapshot of prison governance and, like many research studies, has left many questions unanswered, in particular, questions relating to: situational and environmental impacts on a Governor's work; the role of the senior

team; gender issues; and the relationship between a Governor's ability and the performance of his or her prison.

Situational and environmental issues were raised by a number of Governors in this study as having an impact on what they did and how they did it. For example, it is now widely accepted that different dispositions of power and practice exist in juvenile and women's institutions, compared to adult male institutions (see for example, Street et *al.* 1966, Carlen 1983, Manderaka-Sheppard 1986, Willmott 1999). It has also long been recognised that the social structure of female prison communities differs from male prison communities, and that this will have an impact on the way they should be managed (Ward and Kassebaum 1965, Willmott 1999, Carlen 2002, De Cou 2002). These areas require further study and suggest a number of research questions: Do different environments exist within one organisation? What impact does the type of prison, size of prison, category of prison, or stage of a prison's development have on the way it should be managed? Do different prison environments have different job demands that require different competencies of their Governors? Can the Governor of a high-performing dispersal prison successfully govern an open prison? Does the Governor of a small training prison need the same skills as the Governor of a large local prison that is ten times the size?

Many Governors spoke of the importance of the senior team and pointed out that it was only through their ability to develop and work within a strong senior team that they were able to deliver change. Management theorists support this view and suggest that organisational success has as much to do with the functioning of a high-performance team as it does with the head of an organisation (see for example, Johnson 1995, Bennis and Townsend 1996, Owen 1996 and Obeng 1997), a view shared by the Learmont Report on the Prison Service:

> 'The selection of the Management Team in particular, is of paramount importance' (Learmont 1995b, para. 2.31).

If this is true, then the selection and appointment of a senior team within a prison will have as much impact on the health of that prison as the appointment of a Governor. Further research looking at prison governance from a team perspective is therefore

needed, as 'insufficient attention has been paid to the development of management groups within prisons' (Newell 2003, p21).

The majority of Governors are male (86%), which was reflected in the interview sample for this study. Recent management researchers have argued that female senior managers do things differently from their male colleagues, and adopt distinct styles and approaches (see for example: Collinson and Collinson 1989, Sheppard 1989, Kanter 1993, Owen 1996). While the role of females in criminal justice professions has received some research attention in the USA (Wilson 1982, Moyer 1985, Pollock 1986, Zimmer 1986, Farnworth 1992, Heidensohn 1992, Martin and Jurik 1996, McMahon 1999), female Governors in this country, like their male counterparts, have been the subject of very limited study. One small study that has taken place suggested that 'governing was somehow "different" for men and women and made different demands of them ... they brought different skills to the job' (Cawley 2001, p49 and 53). Further research is needed to identify any difference between male and female Governors in what they do, the way they do it and the outcomes they achieve.

The issue of institutional failure and governance has also not been adequately explored. A number of research questions present themselves in this area: Can a good Governor govern a poorly performing prison? Can a poor Governor govern a high-performing prison? What relationship is there between organisational failures (such as high-profile escapes, deaths in custody, major disturbances) and the Governor of the prison concerned?

16.4   Some final thoughts – Governing in the future

It follows from earlier discussions that Governors today are somewhat less mythical, and more managerial, than their predecessors. Prisoners and staff are often heard mourning the loss of the highly visible, charismatic and powerful Governors of the past and compare them unfavourably to the more office-bound managers who now occupy the Governor's chair. There will invariably be further changes to the Governors' role in the future. As Ryan puts it: 'The profound changes which have

transformed the delivery of our penal services will not be the last' (Ryan 2003, p106).

Many Governors expressed concern that future changes to their role and work will be shaped by bureaucrats at Prison Service Headquarters, who have as their continuing quest the constraint and restriction of Governors' discretion, their aim being to achieve a uniform prison system, in which Governors would simply become administrators, implementing set-down policy (as is the case with Governors in French prisons – see Vagg 1994). This organisational tension centres around: the balance between uniformity and diversity (how much diversity in prison conditions or treatment can properly be sustained or tolerated in a legitimate society); and the mechanism of accountability (the balance between political, administrative and legal methods of holding prisons and their Governors to account).

The debate about uniformity manifests itself in the degree to which Governors should have the freedom to govern without being dictated to by the centre. Unchecked fragmentation has in the past led to a lack of cohesion, inflexibility, variety in thinking and differentiation of practice. A more integrated and controlled approach, it is argued, will ensure more consistency and higher performance levels. Advocates of this more integrated approach point to the Federal Bureau of Prisons (FBOP) in the USA, where a tight control of Wardens led to the implementation of policy in a consistent, effective and legitimate manner (Fleisher 1989, DiIulio 1994a, Roberts 1994, Boin 1998). The FBOP has built a comprehensive enforcement machine that prevents any idiosyncratic behaviour or deviant activity by Wardens. In 1996 Bureau policy consisted of some 9000 pages and 260 Standards (Boin 1998, p197, note 28). One commentator found that:

> 'despite the many other differences that one could easily enumerate (physical distance from FBOP central office, architecture and physical plant, nature and extent of prison industry operations, accreditation status), the operational uniformities were profound' (DiIulio 1994a, p166).

A Warden moving from one federal facility to another will find 'all systems in place' because 'bureau policy structures everything we do' (Warden quoted in Boin 1998,

p109) and 'if you see the FBOP shield on the front gate, then whether it's Talladega, Memphis, or Bastrop you know how things run inside' concluded another Warden (DiIulio 1994a, p165). Indeed, many of the changes in this country had their genesis in the BOP approach. A former Director General of the Prison Service made clear his view that the BOP was 'a model of how I wanted our prisons to be run' (Lewis 1997, p72-73).

A high level of integration can have a number of drawbacks, including over-controlled behaviour and a unity of approach that does not permit alternative ways of doing things. When individuals who are less inclined to allow dissent, experimentation, and variation dominate integrated systems the organisations may develop into unhealthy totalitarian institutions (Wolin 1960 and Perrow 1986). To opponents, this highly integrated approach creates an image of a prison system operating as though it were in a controlled and value-free environment. What would be recognised and rewarded in such a system is the efficient, economical and trouble-free management of establishments. This would best be achieved through the use of comprehensive and detailed procedures, which were applied in an impersonal and automatic manner. The removal of all discretion would lead to the reduction of the uncertainties of human contact and human judgement. Comprehensive auditing and monitoring would allow failures of compliance with the system to be instantly recognised and blame laid immediately on the Governor, with no room for argument or excuses. The Governor concerned would then be removed for poor performance and the establishment performance-tested. Faulkner paints a bleak picture of what this managerial future could look like:

> 'All that matters is what can be counted or measured; questions about how people think or feel, the character of their relationships, the extent to which there is a spirit of confidence, respect for human dignity and decency or a sense of compassion or mutual trust and understanding are reduced to tick-boxes concerning the completion of processes or procedures, compliance with requirements or indicators of failure' (Faulkner 2001, p100).

This is not to argue that many of the recent developments are without merit. Attempts to deliver minimum standards across the prison estate are to be welcomed. Prisoners are today less subject to the vagaries of individual Governors and their

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staff. There is greater consistency and a better understanding of what is needed to drive up performance. Clearer and more robust line management of Governors has contributed to improved performance and will no doubt continue to do so in the future.

While the level of system integration has increased, and the work of a Governor has changed in recent years, the current research suggests that the nature of the prison environment is such that it will always require an on-site gubernatorial figure to exercise discretion and ensure that a balance is maintained. One Governor put it in this way:

> 'Prisons are intensely human situations in which there can never be enough rules to cover every eventuality. Rules are likely to inform knowledgeable individuals engaged in discourse but, where none exists or they do not cover the presenting situation accommodations must be reached between the individuals so that the prison can run' (Leonard 1999, p30).

It is generally accepted that the complete control of the behaviour of 'street-level' managers is beyond central control, even if it is the goal (Lipsky 1980). Rather than seek to control and dictate everything that a Governor does, a more constructive approach would be to view discretion as 'inevitable, necessary and desirable' rather than problematic (Handler 1986, p11). This view has been reinforced by a number of commentators on the prison system:

> 'Headquarters must also be able to create and establish consistent policies and practices between prisons... But these policies and practices need to take account of the practical requirements of running a prison. They need to help the ultimate aim of the Service, not shackle the establishments into uniformity and inappropriate procedures' (Woolf and Tumim 1991, paras 12.69 and 12.71).

There are some early signs that the Prison Service is starting to move away from unnecessary central prescription and that it is trying to achieve a better balance between mandatory standards and operational discretion (see for example the decision to do away with central prescription on training and security - HM Prison Service 2003b, p23).

Prisons are more than just bricks and mortar and will remain 'complex and dynamic social organizations' (James *et al.* 1997, p173). Prison governance will not get any simpler, and if the recent past is any indication, is likely to become even more complex, requiring greater use of professional judgement and discretion. As one Governor put:

> "I hope that the pendulum will swing back the other way. Governors must be allowed to govern. I accept that all this performance management and targets has improved things in many places but the danger as I see it is that the creativity and experimentation has gone. I cannot do the things that I want to, the things that the young men in this prison need. I have to do what the orders and instructions tell me. My area manager tells me not to take any risks or that I cannot do this or that because it is not part of the 'What Works' stuff. Well, that's all well and good but sometimes you have got to just get on and do it."

Governors will continue to be able to shape a prison and dictate by their action, or inaction, the safety, stability, security and justice within that prison. A good Governor will still encourage a positive approach to looking after prisoners with humanity, safeguarding prisoners' rights, minimising the negative aspects of imprisonment and providing prisoners with the opportunity to obtain skills and tackle their offending behaviour. Poor Governors will still let their prisons 'very rapidly deteriorate into unruly places that can only encourage further delinquent behaviour' (Dunbar and Langdon 1998, p32).

Prisons will continue to be 'complex institutions, difficult to manage' (Simon 1999, p218) and managing them will continue to be 'an exceptionally complex task' (Faulkner 2001, p301). Exactly what a Governor should do to achieve a healthy prison will remain a little elusive, a little like 'the flower in the mirror and the moon on the water ... that which can be seen but cannot be grasped' (Lodge 1984). As a result, governing a prison will remain an exciting, demanding and complex responsibility that requires enormous dedication and commitment. What is clear is that Governors will increasingly be held accountable for all that happens in their institutions, even though they are responsible for matters that they cannot wholly control.

Governors are key actors in prisons and it is only by understanding how prisons are governed, and by whom, that we will have a better insight into how our prisons

operate. It has been suggested that: 'Just as early Roman history was measured by its consulships, so prison history can be measured by its Governors' (Rock 1996, p11). During the course of the research nothing has suggested that the same will not be true in the future.

APPENDICES

PRISON SERVICE KEY PERFORMANCE INDICATORS (2000-2001)

(Source: HM Prison Service 2000a, p21)

KPI NUMBER	
1	Category A escapes
2	Number of escapes from prisons and escorts undertaken by Prison Service staff
3	Number of escapes from contracted out escorts
4	Number of positive adjudications of assault on staff, prisoners and others
5	Number of prisoners held two to a cell designed for one
6	Rate of positive drug tests from the random drug testing policy
7	Number of voluntary drug testing compacts
8	Completions of offending behaviour and sex offender treatment programmes
9	Basic literacy and numeracy targets
10	Purposeful activity hours
11	Cost per uncrowded prisoner place
12	Cost per prisoner
13	Number of staff sickness days
14	Reply deadline for correspondence
15	Response time for call to HQ switchboard and abandoned call numbers

TYPICAL MANAGEMENT STRUCTURE IN A PRISON

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                              ┌──────────────────┐
                              │     GOVERNOR     │
                              └──────────────────┘
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Head of Security and Operations	Head of Human Resources and Admin	Head of Planning and Audit	Head of Finance	Head of Works Services	Head of Regime Delivery	DEPUTY GOVERNOR
(physical security, procedural security, escorts)	(personnel, prisoner admin, training)	(secretariat, internal audit, business and strategic plans, monitoring)	(budgets, purchasing cashiers, contracts)	(maintenance, building projects)	(work, gym, education, offending behaviour programmes, chaplaincy)	

			Head of Residential areas	Head of Prisoner Casework	Head of Healthcare
			(normal units, segregation unit, special units)	(sentence planning, reports)	(GPs, dentists, specialists, psychiatrists)

Uniformed Prison Officers	Administrators (civil servants)	Employees of contractors	Volunteers from NGOs	Specialists (civil servants)	Doctors, dentists, psychiatrists etc

QUESTION SCHEDULE FOR INTERVIEWS WITH GOVERNORS

Explain purpose and background to study

Confidentiality

Tape interviews

Any questions before we start?

SECTION A - Present job and Prison Service career

A1   Could you describe for me your current job and position?

- What type of prison, budget, staff, prisoners are your accountable for?
- What grade are you?
- How long have you been here?

A2   Could you take me through your Prison Service career to date, leading to your current post?

- What year did you first join the Prison Service?
- Did you join as an Officer or as an Assistant Governor?
- Did you spend any time in uniform?
- How long have you been a Governor grade?
- How many prisons have you worked in as (a) uniformed grade, (b) governor grade, (c) in-charge Governor?
- Have you worked outside of a prison? For how long? What job?
- What different types of prison have you worked in?
- When were you promoted to being an in-charge Governor?
- How long have you been an in-charge Governor?

SECTION B - The Role and work of the Governor

I should like to move on to explore in a little more detail what the job of a prison Governor is all about.

B1   What do you see as your main roles as a Governor?

-    Which is the most important?

B2   What are your main priorities as Governor?

B3   What do you spend most of your time doing?

B4   What tasks do you believe you must do personally and not delegate to other governor grades?

B5   How do you influence security and order in your prison?

B6   Do you shape the values and culture in your prison? How?

-    How do you ensure justice and decency?

B7   How confident are you that you know what is really going on in your prison?

-    How do you know?

B8   Who do you share powers with (who constrains you, and to what extent)?

-    Negotiated/compromise with whom?
-    How powerful are prisoners?
-    How would you describe the POA here?

B9   What level of discretion from Headquarters do you have on a day-to-day basis?

B10   How much scope do you have to shape the regime?

B11   Do you take many risks in running the prison?

-    What sort of risks?
-    How do you assess them?

B12   Do you spend much time doing things outside of the prison?

-    What sort of things do you do?

B13   What are the main management problems facing you as the Governor?

B14   Can you give me an example of when you feel you have performed at your best as a Governor? What has been the high point of your career as a Governor?

B15   What three things would you like to have changed which would make you more effective as a Governor?

SECTION C – Changes to Role and work

C1   Do you think that the job and role of Governor have changed since you joined the Prison Service?

       -    If yes, in what ways?
       -    What is different today?

C2   Do you think that the role of the Governor will change in the future?

       -    In what ways and why?

SECTION D – Management of Governors

D1   What is your understanding of the area manager's role? Is it an improvement on the old regional structure?

       -    Does the area manager influence the way you govern your prison?
       -    How do area managers assess the effectiveness of their Governors?

D2   In what way does your Operational Director/Executive Committee/Prisons Board influence the way you govern your prison?

D3   How are you held to account for the operation of your prison?

       -    Has this changed since you became a Governor?

D4   What impact do external bodies and organisations have on your prison?

       -    BOV, pressure groups, politicians etc?

SECTION E – Personal style and approach

E1   How would you describe your management style?

E2   How important is the senior team in a prison to a Governor?

E3   How do you assess your effectiveness as Governor?

E4   How many hours do you work each week?

-    Evenings/weekends

SECTION F - Operating credo, job satisfaction & motivation

F1   Can you recall what attracted you to the Prison Service as a career?

F2   Prior to taking up your first in-charge post, can you recall why you wanted to govern your own prison?

F3   What motivates you to continue being a Governor?

F4   Do you get a sense of achievement from your work?

-    Can you give me an example of what you have achieved?

F5   In what way does your religion or moral beliefs and values shape the way you do your job?

F6   Who provides support for you in your work?

-    Inside/outside of work
-    Do you have a mentor?

F7   Are Governors paid adequately for the task they are asked to undertake?

-    What other recognition/rewards do you get?

F8   Have you thought seriously about leaving the Prison Service, at any time during your career? If Yes:

-    When and why?

F9   Overall, are you satisfied with your job as Governor?

F10   How has being a prison Governor shaped you as a person?

F11   When you joined the Prison Service did you have any particular ambition?

-    What level/grade did you want to reach?

F12   What status do you think prison Governors have in society?

-    Can you draw a parallel with any other professional group, in terms of social status?
-    Do you tell friends/associates that you are a prison Governor?

SECTION G - Other Governors and prisons

G1   Which Governor(s) do you consider to be your role model(s)?

G2   Why did you pick him/her/them as role models?

- What do they do?
- What do they believe?

G3   What qualities (personal and professional) do good Governors need?

- Do they have a particular set of beliefs/motivations?

G4   Is there a 'right way' to govern prisons?

G5   Describe the best and worst run prisons that you have worked in?

- What are/were its main characteristics?
- What impact did the Governor have in achieving that?

G6   How would you characterise prison Governors, as a group, if you were describing them to an outside body?

SECTION H - Recruitment and Training/development of Governors

H1   How should Governors be recruited?

H2   What training should potential in-charge Governors receive?

- Should it be mandatory prior to taking up post?
- What training did you receive to equip you to govern?

H3   Could a general manager from Tesco, a factory or an NHS trust effectively govern a prison?

- Why could/couldn't they?
- Is being a Governor more than just being a manager?
- In what ways?

H4   How long should a Governor stay in post?

SECTION I – Prisoners

I1   Do you think that prisoners are capable of changing their criminality?

I2   Are the individual treatment/rehabilitative needs of prisoners identified or are prisoners treated as a group (sheep dip scenario)?

I3   Is the Prison Service doing sufficient to tackle the causes of criminality of individual prisoners?

- If not, why?

I4   Do prisoners have more or less contact with the Governor now compared to ten years ago?

I5   What direct contact do you have with prisoners?

- Applications?
- Adjudications?
- New receptions?

I6   Do you involve prisoners in any formal way in the running of the prison?

- Do any prisoner committees exist in your prison?
- Do you consult prisoners before/after changes?

I7   How do you think prisoners would describe the role and work of the Governor?

- What do they expect of the Governor?
- Has the expectation changed since you joined?

I8   How would you like to be perceived by prisoners?

SECTION J - Prison Staff

J1   How would prison staff describe the role of the Governor?

J2   What do the staff expect the Governor to do?

J3   How powerful are staff as a group?

- What about the POA?
- Can you give me an example of staff resistance to something you wanted to do?

- What about an example of staff acceding to something you wanted to do?

J4 What system do you use for communicating with and briefing your staff about your views and beliefs?

J5 How would you like to be perceived by staff?

SECTION K – Imprisonment and external influences

K1 What do you consider to be the main purposes of the Prison Service?

K2 Is the Prison Service effective in achieving its aim?

- What are the main obstacles to success?

K3 Has the purpose of imprisonment changed since you joined the Prison Service?

- If Yes, how has the purpose changed?
- What has it changed?
- Do you agree with the changes?

K4 What impact do you think politicians have had on the Prison Service?

K5 What about the public and media?

- What do you think is the public perception of the Prison Service?

K6 Do you believe that Governors are able to influence the development of penal policy?

- In what ways/how?
- Role of PGA as professional body?

K7 What impact has the privatisation/market testing of prisons had on the public-sector Prison Service?

SECTION L - Personal Background

Finally, I should like to ask you a little about your background.

L1 Are you Male or Female?

L2 What ethnic group would you describe yourself as belonging to?

L3 In what year were you born?

L4 Are you married/do you have a long-standing partner?

L5 Have you any children?

L6 What types of school did you attend?

L7 At what age did you leave school?

L8 What qualifications did you leave school with?

L9 Have you got any qualifications since leaving school?

L10 Did you go on to University? If so:

- What subject did you get a degree in?

L11 Have you gained any qualifications since joining the Prison Service?

- What subject?

L12 Could you briefly talk me through your previous occupations between leaving school/university and joining the Prison Service?

L13 What was your father's occupation at the time you joined the Prison Service?

L14 Would you describe yourself as being socially upwardly mobile compared to your family origins?

L15 Do you have any family members in the Prison Service?

SECTION M - Other Issues

M1 Finally, is there anything that you would like to add to what you have already said?

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