Prison Governors

Managing prisons in a time of change

Shane Bryans

Prison Governors

Managing prisons in a time of change

Shane Bryans

Acknowledgements

In addition to the 42 prison Governors who were kind enough to take time out of their busy schedules to give me the opportunity to interview them, I have a number of debts to acknowledge. To the many Governors who inspired my work over the years, and who taught me so much, I shall always owe a huge debt of gratitude. My academic supervisors, Professors Robert Reiner and David Downes, provided the sound advice and wise counsel that practitioner-researchers find invaluable. The Prison Service provided funding for part of the study, until budget cuts required the money elsewhere. The staff of the Prison Service library, and particularly the head librarian Catherine Fell, treated my hundreds of requests with good humour and worked enthusiastically to track down old texts. The European Commission and Council of Europe kindly funded study visits to look at prison management in France, Spain, Ireland and The Netherlands.

My wife Elizabeth remains as understanding as ever, and continues to provide support and encouragement. My children, James, Hannah and Jemma, kept me going by asking, on a daily basis, why I hadn't finished writing yet. My academic soul mate, Roma Walker, helped me to find clarity in the bleaker moments of thinking and writing. Dhao Wotherspoon continues to question my use of English and provided many helpful comments on the manuscript. My mother, Jean Ann Bird, deserves the credit for first getting me interested in prisons. She took me to see Dartmoor prison on one windswept and foggy afternoon, when I was a young boy, and said that if I didn't behave myself that was where I would end up. She was right; some 20 years later I was appointed as assistant governor of Dartmoor prison.

The opinions expressed in this book are those of the author, and the personal views expressed by the prison governors who were interviewed. They do not necessarily reflect the views of the Home Office or government policy.

Preface

Although other professional groups within the criminal justice system have drawn research interest, and studies of penal institutions and their prisoners have an established research record, little attention has been paid to the work of prison Governors. Since joining Her Majesty's Prison Service in 1985, as an assistant governor trainee, I have been trying to work out how Governors are able to keep our prisons functioning despite what appear to be overwhelming obstacles.

This book is an attempt to answer that question. It is an empirical study that examines the changing role and work of prison Governors, charting their historical evolution from medieval gaolers to the emergence of modern Governors in the second half of the twentieth century. It describes how the role has changed over a 500-year period by categorising the office-bearers into five historical types. The development of the modern governor is traced over its 40-year history and four ideal-typical models are constructed to characterise the Governors currently in post. Key areas of transformation in the role are identified as well as aspects that have remained relatively constant.

The focus of the book is on contemporary developments, exploring the nature of the work that Governors do, the changing contexts in which they operate and the ways in which serving Governors define their role and purpose. The book provides an analysis of how the process of change has been accomplished. It examines the role of the prison Governor in relation to significant changes within prisons and the criminal justice system, as well as broader shifts in political culture and public policy.

The book also contributes to the literature on public sector administration and management, examining in particular whether the managerial role of the Governor is *sui generis*. The book provides a detailed analysis of the role played by prison Governors as managers of complex organisations. It questions, in particular, whether there is anything

unique about the managerial tasks facing prison Governors in comparison to other public sector managers.

The primary fieldwork for the book involved 42 interviews with serving Governors and 10 interviews with 'stakeholders' (comprising area managers, headquarters staff and directors of private prisons). A national survey of Governors' job descriptions was also undertaken and a literature review encompassing historical and contemporary materials on prison administration and governance. This book sets out the views of these 42 Governors on how they seek to achieve secure, safe and productive prisons.

The interviews with Governors took place in the late 1990s. The Prison Service has moved on since then and some new structures and organisational changes have taken place. While some of the Governors interviewed have retired, been promoted or moved to other governing posts, what they have to say about their work remains valid today. In the text care has been taken to prevent quotes being individually identifiable. However, I am sure that my former colleagues in the Prison Service will be eager to play 'spot the Governor'.

Shane Bryans
Ankara, Turkey
January 2007

Contents

List of tables

Chapter 1

Introduction – Governors and the prison system

Why study Governors – a neglected breed?

The prison is an instrument of punishment, which constitutes the 'darkest region in the apparatus of justice' (Foucault 1979: 256). Despite calls for decarceration, tougher community penalties and greater social inclusion, the prison continues to occupy a central position in 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: 173); '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: 277).

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 govern them and what they do on our behalf.

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 over 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; and some will want to harm themselves.

The critical contribution that 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: 87)

> A penal institution is the lengthened shadow of the man in charge. (Conrad 1960: 245)

> 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: 149)

> 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: 3)

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 the gap in the literature this book gives an insight into the people who run our prisons and the way in which they govern. It provides an additional dimension to the existing

2

work on penality because it focuses on the perspective of the key manager in the prison landscape – as one commentator put it: 'adequate description and understanding of contemporary penality depends on the perspective of those who shape and administer its mission' (Lucken 1998: 108).

The nature of the work, and the environment in which it is under-taken, has led to the role of the Governor being described, in the past, as unique or *sui generis*. It has been suggested more recently that the role has undergone something of a transformation and become more mana-gerial 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 signifi-cantly' (Sparks *et al.* 1996: 134–135). These changes to the Governor's role and work highlight the need to study Governors, and what they do, if we are to truly understand how our prisons function.

Purpose and structure of the book

The purpose of this book is not to elucidate a systematic sociology of imprisonment but rather to develop further an understanding of how prisons are managed and by whom. It hopes to contribute to the theory, policy and practice of running prisons. The book 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 book also contributes to the literature on public sector administration and management by consider-ing 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 generic public sector managers.

This book seeks to identify the patterns and structures of prison governance primarily through Governors' discourse. Very few Gov-ernors who were interviewed as part of the study set their views within any explicit theoretical, academic or legal framework. 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.

The book has been divided into eight chapters. Chapter 1 now goes on to describe the research process that underpinned the contents of this book, explaining how the research was planned and accomplished. It also looks at ethical issues in conducting the research and reflects on being a 'practitioner-researcher'. The chapter ends by looking at the 'office' of Governor and how Governors fit into the prison system.

Chapters 2 and 3 trace the development of the role and work of Governors since the time of the first gaolers. They outline the key organisational and penal changes for each historical period and set within that context how the role, work and status of Governors has changed over the years.

Chapter 4 explores how the role of this academically neglected occupational group has changed under external pressures that have affected the use and practice of imprisonment and the treatment of prisoners. It highlights some of the factors that have been influential in changing the nature of the Governors' working environment, in particular: the changing status of prisoners with the development of the concept of prisoners rights; the increased scrutiny of the press and politicians; the 'competitive' element introduced by the privatisation of penal establishments and the introduction of risk management approaches. It goes on to discuss the introduction of managerialism (which brought with it new organisational structures and demands for monitoring and ordering of performance) into the Prison Service and its impact on the role of the Governor.

The demographic and social characteristics of the 42 Governors interviewed are described in Chapter 5. The chapter looks at their social origins, education, occupational backgrounds, level of job satisfaction and espoused ideologies. Career paths are also shown and distinctions drawn between those characteristics of direct-entry governors and those who had been promoted from the ranks of prison officers.

An exploration of prison governorship, and what it means to govern a prison, forms Chapter 6. The chapter makes a contribution to the understanding of management practices within the peculiar context of the prison and of the tensions and dilemmas that are characteristic of prison societies, as perceived by those who govern them. It identifies what the role and tasks of the Governor amount to in reality, as perceived by the persons interviewed. The chapter considers the general management tasks, as well as those that are specific to the running of a prison: maintaining security and achieving order and control; attempting to provide positive regimes; and balancing these objectives through

'ensuring legitimacy, justice and fairness'. The importance that Governors attach to leadership, personal example and 'jailcraft' are highlighted.

Chapter 7 pulls together the earlier discussion and analyses the Governors' current role. It identifies a typology of Governors based on the research, before going on to outline how a Governor's work has become increasingly managerial in nature. It emphasises the continuing significance of the Governor in achieving a balanced and healthy prison and highlights the tension that exists between control from above in the form of rules, regulations and directives, which reduce the Governor's autonomy, and the need for flexibility and personal influence in managing penal institutions. The chapter concludes by considering whether the work of today's Governors remains a form of management that is *sui generis*.

The final chapter, Chapter 8, discusses the implications of the research and its implications for prison policy and organisational practice, before making suggestions for future research. The book concludes with some thoughts about prison governance in the future.

Studying a criminal justice elite

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 that a study into the changing role of the Governor should be commissioned. Given my previous work on the subject of governing prisons, I was asked to undertake the study. The Prison Governors Association (PGA) fully supported the proposed research – perhaps in part because 'research about the theory and practice of an occupation confers on it a measure of professionalism' (Brown 1996: 177).

One of the key issues for any researcher is deciding how to collect the primary data – in this case information about Governors and what they do. The advantages of using interviews far outweighed other options. 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: 42–43, quoted in Reiner 1991: 39)

Given the time and resources available to interview Governors, and to analyse the data, it would not have been possible to interview all 126

5

people governing a prison at the time of the field research. 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. A stratified random sampling methodology was adopted 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 it was ensured that interviews would take place with Governors of male/female, adult/young offender, high/low security and large/small prisons.

Table 1.1 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 interviews with Governors 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: 94). 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.

The interviews were conducted over an 18-month period (between 1998 and 2000). The interviews themselves lasted between one hour and 10 minutes and three hours and 15 minutes, with an average time of two hours. 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 inter-

viewees 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.

In addition to the 42 interviews with Governors, 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 Prison Service Management Board; four with area managers; one with HM Chief Inspector of Prisons and two with directors of contracted-out prisons.

The tapes of the interviews were transcribed and computer text files created for each interview. The transcripts were also manually examined for concepts and themes that seemed significant. 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.

One important part of the study was identifying the key tasks and duties that the Governor was expected to undertake. Letters requesting job descriptions were sent to the Governors of the 126 publicly managed prisons. 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.

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. My position as a researcher was unambiguous, in that I was clearly an 'indigenous insider' (Brown 1996). 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: 446).

Practitioner-researchers tend to face a number of disadvantages when conducting research. As a Governor I had 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 study. On the other hand, there was a clear danger of 'over-rapport' (Hammersley and Atkinson 1983: 98–104) with the interviewees and that the interviews would be '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: 127).

On the positive side, practitioner-researchers have the advantage of pre-existing knowledge and experience about the organisation; and work-related additional insights when it comes to designing, implementing and analysing the 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 this book.

While the external researcher's 'blissful advantages of naïve ignorance, waiting to be informed' (Reiner 1991: 46) 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 that 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.